

LWSD

SECTION 504 HANDBOOK

A GUIDE TO MEETING THE NEEDS OF DISABLED STUDENTS UNDER SECTION 504
OF THE REHABILITATION ACT OF 1973

JANUARY 2016

I. GENERAL INFORMATION ABOUT SECTION 504

A. DEFINITIONS

1. Section 504

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a federal civil rights law that is designed to eliminate disability discrimination in programs and activities that receive federal funds. Since all public school districts receive federal funds, all public school districts must comply with Section 504. Under Section 504, denying a disabled student a free appropriate public education (“FAPE”) constitutes disability discrimination.

2. Students Eligible under Section 504

Any school-aged student who has a mental or physical impairment that substantially limits one or more major life activity.

“Physical or mental impairment” means any physiological or psychological disorder or condition. The definition of physical or mental impairment under Section 504 is broad, includes students with life-threatening health conditions (conditions that will put a student in danger of death during the school day if a medication or treatment order and/or a nursing plan are not in place), and is not limited to any specific diseases or categories of medical conditions. Addiction to drugs or alcohol may be a physical or mental impairment that may result in a student being eligible for Section 504. A temporary impairment (with an actual or expected duration of 6 months or less) is a disability under Section 504 if it is severe enough that it substantially limits a major life activity.

A physical or mental impairment *substantially limits* a major life activity for a student if the impairment substantially limits the student’s ability to perform a major life activity as compared to the student’s non-disabled age/grade peers. There is no single formula or scale that measures substantial limitation. An impairment need not prevent, or significantly or severely restrict, a student in performing a major life activity to be considered substantially limiting.

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Major life activities also include other general activities such as eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. The ability to participate in and benefit from school is a major life activity for a school-aged student. The above list of major life activities is not exhaustive.

Mitigating measures used by a disabled student to manage his or her impairment or lessen the impact of his or her impairment (i.e., medication, medical devices, related aids and/or services, etc.) must be disregarded when determining whether a student’s impairment constitutes a disability under Section 504.

The procedures in this handbook do not apply to pre-school students with disabilities. Preschool students with disabilities may not be excluded from general education preschool programs on the basis of disability, and the IDEA requires that eligible preschool students with disabilities be

provided FAPE. Preschool students with disabilities or suspected disabilities should be referred to the Special Education Department.

Students with disabilities pursuant to Section 504 include students who are eligible for Special Education. The difference is that students who are eligible for Special Education are in need of specially designed instruction and/or related services as a result of a disability that is impacting their ability to access education. No student should be on both a Section 504 Plan and an Individualized Education Plan (IEP) at the same time, as accommodations are contained within the IEP.



3. Free Appropriate Public Education (“FAPE”)

FAPE under Section 504 is an education that is designed to meet a disabled student’s individual educational needs and is based upon procedures that satisfy Section 504’s identification, evaluation, placement, and due process requirements. Typically, this includes accommodations and/or related aids that a student needs in order to participate in and benefit from the District’s education program.

Under Section 504, FAPE does not include specially designed instruction. Students who are suspected of being in need of specially designed instruction should be referred for a Special Education eligibility evaluation.

4. Related Aids and Services

“Related aids and services” means any service that a disabled student needs to participate in and/or benefit from the District’s education program (e.g., if, without a specific related aid and/or service, a disabled student is unable to participate in or benefit from the District’s education program, the aid and/or service in question is a necessary related aid or service for the student). Related aids and/or services include but are not limited to:

- School health services
- Counseling services
- Environmental, instructional, and/or behavioral accommodations
- Transportation services

- Speech-language services; audiology services; physical and occupational therapy services; and orientation and mobility services.
- Provision of a modified schedule, grading system, and/or curriculum

5. Parent

"Parent" means a natural or adoptive parent, a legal guardian, a foster parent, a District-appointed surrogate parent, and/or a person acting in the place of a parent, such as a grandparent or step-parent with whom a student actually lives.

6. Adult Student

A student who is 18 years of age or older who has not been judged incapacitated by a court of law. An adult student assumes and is entitled to exercise all Section 504 rights, duties, and/or responsibilities that were previously held by his or her parents.

7. School-based Section 504 Team/Guidance Team ("GT")

The 504 team makes decisions regarding the evaluation and/or placement of students under Section 504. The membership of any particular student's Section 504 team will vary depending upon the needs of each student. It is the GT that forms the core of a student's Section 504 team for the purposes of making initial decisions, but the composition of a GT is fluid and may change within a school year or between school years as a student's needs and/or services change. A 504 team must consist of at least two people and must include persons knowledgeable about the student, the meaning of the student's current evaluation data and placement options. The 504 team determines the scope of evaluations and whether students qualify for Section 504, develops Section 504 Plans, and makes "manifestation determinations" for purposes of disciplinary exclusion from school.

8. Section 504 Building Monitor ("Building Monitor")

A certificated staff member at each school who is designated to coordinate all Section 504 activities within the school and is responsible for coordinating all aspects of the Section 504 referral and evaluation process. The building monitor is responsible for dissemination of students' 504 plan accommodations to all school staff that work with the student and to assure that 504 accommodations are being offered. In most instances, schools will designate staff members such as a school nurse, counselor, or administrator to serve as the Building Monitor.

9. Section 504 Coordinator

A staff member who oversees the District's compliance with Section 504.

B. OVERVIEW OF THE SECTION 504 PROCESSES

1. Referral

Parents, guardians, and/or school staff can refer a student for a Section 504 evaluation if they know or suspect that, due to a disability, the student needs accommodations to participate in or benefit from the District's education program. Any person can refer a student for evaluation under Section 504. Referrals should be submitted to the school counselor, staff members can and should fill out a Guidance Team Referral (*Appendix C*) for a person who wishes to make a referral but is unable to write.

A student does not have to have a formal medical diagnosis to be referred for consideration as a disabled student pursuant to Section 504.

2. Decision to Evaluate

After receiving a Section 504 referral, the GT must decide whether to evaluate the student and must notify the student's parent and/or guardian of its decision. As a general rule, students should be evaluated if staff know or suspect that the student, because of a disability, is not attending school, advancing from grade to grade, meeting the standards of personal independence or social responsibility expected of his or her age or cultural group, or otherwise needs special education or related aids or services to participate in or benefit from the District's education program. This decision must be communicated to the parents/guardian.

3. Consent

Under Section 504, the District must obtain consent from a parent and/or guardian before a student's initial evaluation and before a student is placed on a Section 504 Plan for the first time. This should be done using the Section 504-Notification Consent (*Appendix C*). If a parent and/or guardian refuses consent to either initial evaluation or initial placement, the District may, but is not required to, initiate a Section 504 due process hearing to override the refusal to consent. The District must notify a parent and/or guardian before it re-evaluates or significantly changes a student's placement, but does not need to obtain consent. Consent must be informed, meaning the parent and/or guardian must be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication.

4. Initial Evaluation

The scope of Section 504 evaluations will be specific to the student at issue. An evaluation may include a review of assessments conducted by District staff or can be a review of outside assessments. Any evaluation should be broad enough to enable the 504 team to determine whether a student has a disability that substantially limits a major life activity and the nature and extent of the student's need for services, accommodations, and/or modifications to receive FAPE. The results of an evaluation are documented in the Section 504 Eligibility Determination Form (*Appendix C*).

Mitigating measures (e.g., medication, medical devices, related aids and services, etc.) must be disregarded when determining eligibility under Section 504.

Staff should encourage families to share any information they have that is relevant to determining if the student is eligible under Section 504 and should obtain authorization to speak with health care providers using the Release for Exchange of Information and Records (*Appendix B*).

While it is very useful to have supporting information from a health care provider to consider as part of the evaluation process, families cannot be required to provide proof of a diagnosis to determine if a student is eligible under Section 504. If the 504 team feels an assessment or diagnosis by a health care provider is necessary to determine whether a student has a disability or the services necessary for FAPE, this assessment should be provided as part of the District's evaluation at District expense. Please contact the Section 504 Coordinator in the event of this circumstance.

5. Section 504 Plan

A Section 504 Plan is a written plan that describes the educational and related aids and services that the 504 team determines a disabled student needs to receive FAPE. The content of a Section 504 Plan is fluid and may change within a school year or between school years as a student's needs and services change.

A Section 504 Plan must be sufficiently detailed to allow teachers to address the individual needs of the student and should outline the specific modifications, adjustments, accommodations, and/or other related aids and services to be provided to the student to ensure the ability to access FAPE.

For a student whose only disability is a life-threatening health condition, an Individual Health Plan ("IHP") will serve as the student's Section 504 Plan and will be attached to the 504 plan generated in the district's online system. The process used to put such plans in place (RCW 28A.210.320) is based on procedures that satisfy the requirements of Section 504, including the school nurse conducting an assessment and providing procedural safeguards.

6. Section 504 Placement

Placement under Section 504 means the related aids, services, accommodations, and/or modifications that a student needs to receive FAPE. Placement decisions under Section 504 must be documented, be based upon a student's evaluated needs, and be made by persons knowledgeable about the student, the meaning of the student's evaluation data, and placement options. In addition, placement decisions must ensure that disabled students are educated in the least restrictive appropriate placement. Parental consent must be obtained before a student is placed on a Section 504 Plan for the first time.

7. Annual Review and Periodic Re-evaluation

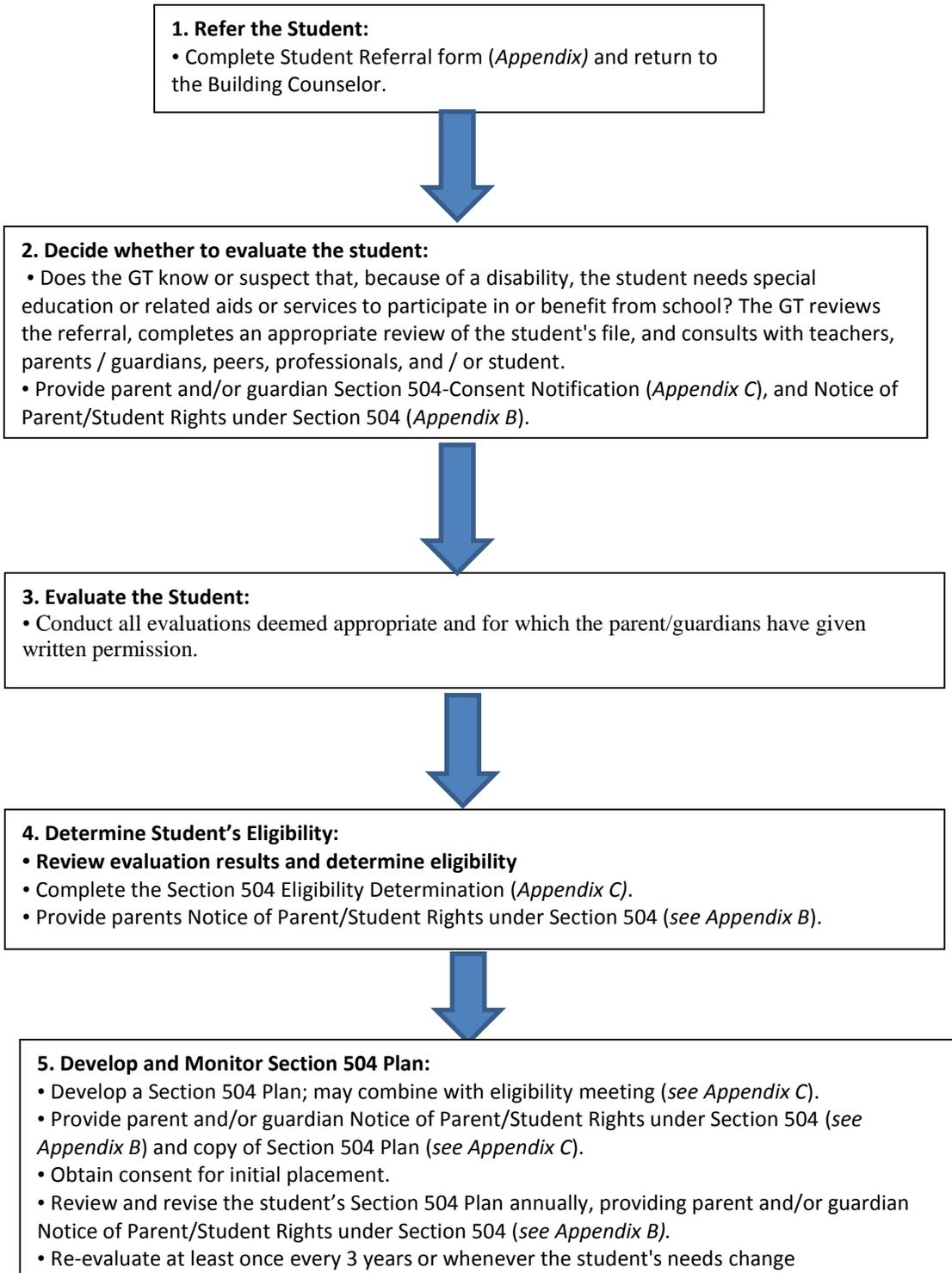
Section 504 Plans should be reviewed at least annually and revised if necessary. While there is no set requirement for how frequently a student should be re-evaluated pursuant to Section 504, as a general rule students should be re-evaluated at least once every 3 years or whenever needs change. It is also wise to consider conducting a re-evaluation before or shortly after a student transitions from elementary school to middle school or from middle school to high school.

8. Record Retention

The original of all Section 504 Plans should be forwarded to the Section 504 Coordinator. A copy of the student's Section 504 Plan shall be placed in the student's cumulative file. For secondary students, a copy of the Section 504 Plan should also be kept in the student's counseling file, unless the plan is for life threatening health conditions only. Copies of any Individual Health Plans ("IHP") for life threatening health conditions only should also be maintained in the student's nursing file at the student's school of attendance.

The Building Monitor should also ensure that notice of Section 504 status is electronically reflected in the student database for all students eligible for Section 504.

C. 504 PROCESS FLOW CHART



II. DETAILED INFORMATION REGARDING IDENTIFICATION AND PLACEMENT PROCEDURES

A. IDENTIFICATION/CHILD FIND PROCEDURES

Under the Individuals with Disabilities Education Act (“IDEA”), as amended and state regulations, all school districts have an obligation to identify students with disabilities age 3 to 21 living within the District, regardless of school attendance. This "Child Find" process also identifies students who may be students with disabilities pursuant to Section 504. Below are some of the steps that are taken as part of the Child Find process:

1. Survey of Existing Students

Each year the District will send out a survey to identify students already enrolled in the District who may need Section 504 services. This survey will typically be provided to schools over the summer to be included in first day packets.

2. Providing Information to Families and Posting Notices

The District and/or individual schools will encourage identification of potential Section 504 students by notifying all parents in the school of the availability of Section 504 services, accommodations, and/or modifications, including posting conspicuous notices in school buildings.

3. Advising Staff of the Referral Process

Individual schools will also encourage staff members to identify students they believe are potentially disabled and could be eligible under Section 504. Staff members could include teachers, counselors, nurses, paraprofessionals, family support workers, and/or other staff members who have had personal interactions with the student. Staff should be advised to identify potentially eligible Section 504 students whose disabilities are not limited to learning or other academic problems.

4. District IDEA Child Find Activities

Special Education staff will separately work to identify students with disabilities by providing materials to be distributed to health care providers and day care and preschool providers by offering developmental screenings and by providing information regarding the resources available to birth to 3 and preschool children who may have a disability.

B. STUDENT ASSIGNMENT

No student can be excluded from being able to register at their “home” or neighborhood school, designated by the District’s attendance boundaries on the basis of disability. Once a Section 504 eligible student is registered at his or her “home” or neighborhood school, he or she may change assigned schools outside the terms of the District’s attendance boundaries if the student cannot receive the needed services at the assigned school and/or requires a transfer to a school that can offer the student

FAPE. If the “home” or neighborhood school team has concerns about their ability to implement the student’s 504 plan, the home school should contact the District Section 504 Coordinator.

III. DISCIPLINE AND SECTION 504 STUDENTS

A. GENERAL OVERVIEW

Section 504 protects disabled students from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504 and IDEA apply to the disciplinary removal of disabled students in a similar manner. Before the District can implement a disciplinary action that constitutes a “significant change in placement,” it must evaluate the student to determine whether the student’s misconduct was caused by, or had a direct and substantial relationship to, the student’s disability or was the direct result of the District’s failure to implement the student’s Section 504 Plan. This type of evaluation is commonly called a “manifestation determination.”

If a disabled student’s misconduct is a manifestation of his or her disability, the District cannot implement a disciplinary action that constitutes a significant change in the student’s placement. If a disabled student’s misconduct is not a manifestation of his or her disability, the District can discipline the student in the same manner that it disciplines non-disabled students for the same misconduct. Under Section 504, unlike IDEA, the District does not have to provide a disabled student educational services during the period of time the student is properly removed from school for disciplinary reasons. However, students must be given the same access to services that are available to non-disabled students who are long-term suspended or expelled, including access to re-entry programs.

1. Significant Change in Placement

A “significant change in placement” means a significant change in the type or amount of educational or related aids or services that the District provides to a disabled student. A significant change in placement may include but is not limited to:

- terminating eligibility under Section 504;
- initiating or terminating a service;
- significantly increasing or decreasing the amount of a service;
- disciplinary actions that exclude a student from school for more than 10 consecutive school days in a school year; and/or
- disciplinary actions that create a pattern of exclusion from school (e.g., cumulative short-term suspensions that are each 10 school days or fewer in duration that create a pattern of exclusion due to the length of each suspension, the proximity in time of the suspensions, the total amount of time the student was excluded from school, and the similarities of the behaviors that led to the suspensions).

To be considered as a substitute for suspension without being a significant change of placement, an in-school suspension must provide an educational benefit equivalent to that provided to students who are in school. For Section 504 students with certain disabilities, the school must consider whether an in-school suspension that normally expects students to work semi-independently in an environment where they are subject to restricted movements, have limited restroom breaks, and must be silent for extended periods provides an educational benefit equivalent to that provided to students in regular classrooms. In some cases, particularly for periods greater than 10 days, in-school suspension may constitute a

significant change in a Section 504 student's placement because it may interrupt the educational programming called for in the student's Section 504 Plan.

2. Manifestation Determination

A manifestation determination is needed by the 504 team when a student's placement may be significantly changed by disciplinary action for his/her misconduct. A manifestation determination meeting should be held within ten (10) days of the removal from school, if the proposed discipline would result in a significant change of placement. Typically a short-term suspension of ten (10) days or less does not constitute a significant change in the student's placement. Therefore, a manifestation determination is not necessary when a student is short-term suspended when the suspension does not constitute a significant change in placement. A manifestation determination is essentially an evaluation that answers the question:

a. Is the misconduct in question related to the student's disability?

Misconduct is a manifestation of a disability if it "is caused by the disability" or "has a direct and substantial relationship to the disability."

Misconduct is not a manifestation of a disability if it bears only a weak relationship to the student's disability. A determination that a student knows the difference between right and wrong does not constitute a determination that the student's misconduct was or was not a manifestation of the disability.

If the team determines that a student's misconduct was a manifestation of the student's disability, the student must be returned to school, to the educational placement that was effective at the time of the incident.

If the team determines that the student's misconduct was not a manifestation of the student's disability, the student may be given the same sanction as would be given to a non-disabled student under the same circumstances.

The results of the manifestation determination will be documented by the making the decision using the Manifestation Determination Review (*IEPO*) within 3 school days of the determination. The notification will inform the parents of their right to initiate a due process hearing to challenge the team's decision.

3. Functional Behavioral Assessments and Behavior Intervention Plans

A school team should consider the need for a functional behavioral assessment for any Section 504 student who has been removed from school more than 10 days during the current school year, even if the original qualifying disability was not behavior related. If the student has a behavior intervention plan the 504 team should review the behavioral plan after each removal and exclusion from school to determine whether modifications to the Section 504 Plan are needed. If one or more team member believes modifications are needed, the 504 team will meet to consider modification of the Section 504 Plan and implementation procedures.

4. Appeal Rights and Placement during Appeals

If a parent disagrees with a determination that a student's behavior was not a manifestation of the student's disability or with any decision regarding placement for disciplinary purposes, the parent may request a hearing to appeal the determination using the Request for a Hearing form (*Appendix B*).

4. Protections for Students Not Yet Eligible for Section 504 or the IDEA

There are additional specific Special Education regulations that come into play if such an assertion is made. Please consult with the District 504 Coordinator and/or a Special Education Associate Director if this issue arises in your school.

IV. FIELD TRIPS, EXTRACURRICULAR ACTIVITIES, INTERPRETER SERVICES, TRANSPORTATION, AND MODIFICATIONS TO PHYSICAL STRUCTURES

A. FIELD TRIPS

As a general rule, schools cannot exclude a disabled student from participating in a field trip for which the student is otherwise eligible to attend unless the school has a legitimate, nondiscriminatory justification for excluding the student. Any decision to exclude a disabled student from participating in such a field trip is a placement decision and must be based upon procedures that satisfy the evaluation, placement, and/or due process requirements of Section 504. It is not permissible under Section 504 to exclude a disabled student from a field trip because:

- the student needs related aids or services (e.g., the administration of medication or the assistance of a school nurse) to participate in the field trip; and/or
- the student's parent and/or guardian is unable to attend the field trip, unless the participation of the parents or guardians of non-disabled students is required.

When questions arise regarding a student's ability to participate in a field trip due to disability, the 504 team should consider supplementary aids and services, program modifications, and/or support for school personnel that can be provided to enable the student to participate without changing the basic purpose and/or nature of the program. The student's Section 504 Plan shall include any services, accommodations, and/or services needed to help the student participate in field trips.

If problems arise after the student participates in field trips, please reconvene the student's Section 504 team to discuss whether there are any services, accommodations, and/or modifications that could be given so that the student can continue to participate in these activities.

If the student is not able to participate in field trips even with the use of supplementary aids and/or services, then an alternative educational program should be provided as an appropriate substitute for the field trip or activity.

B. EXTRACURRICULAR ACTIVITIES

A school must provide disabled students an equal opportunity to participate in extracurricular activities. As a general rule, a school can impose eligibility requirements to participate in extracurricular activities as long as they are neutral on their face with respect to disability, essential to the activity in question,

and applied equally to both disabled and non-disabled students alike. A school may be required to modify an eligibility requirement if the requirement discriminates against the student in question based on disability and modification of the requirement would not fundamentally alter the nature of the activity in question.

For example, a school may establish a grade/credit eligibility requirement for participation in an extracurricular activity. If a disabled student wants to participate in the activity and the school determines that the student is unable to satisfy the eligibility requirement because of his or her disability, the school must modify the requirement to enable the student to participate unless doing so would fundamentally alter the nature of the activity.

When a disabled student requests services, accommodations, and/or modifications so that he or she can participate in the extracurricular activity, such a request should be evaluated by the 504 team. If the services, accommodations, and/or modifications needed by the student in order to participate create a fundamental alteration in the nature of the program or activity, the student may not be qualified to participate.

The 504 team should consult with the Director of Student Services for advice or assistance when necessary. No two situations are alike and no general advice will suffice. Parents/students will be notified in writing of 504 team decisions and reasoning. When disputes exist between the student/parent and the 504 team over athletic participation or the services, accommodations, and/or modifications to be provided, the District's internal due process and/or grievance procedures may be utilized using the Request for a Hearing (*Appendix B*) and Grievance/Discrimination Complaint (*Appendix B*).

If the issue involves a Washington Interscholastic Activity Association rule ("WIAA"), e.g., age limits, a 504 team should also work with the Director of Student Services to seek consultation with the WIAA. If a school has information that a WIAA rule or regulation as applied to a specific student may subject the student to discrimination on the basis of disability, it must take reasonable steps to ensure that application of the rule or regulation does not discriminate against the student on the basis of disability. For example:

- Make an initial determination about whether application of the rule or regulation to the student subjects the student to discrimination on the basis of disability;
- If the initial determination is YES, the District must assist the student to appeal the ineligibility through WIAA's several levels of appeal, unless the District becomes persuaded during an appeal that applying the rule to the student does not discriminate against the student on the basis of disability; and/or
- If the initial determination is NO, the District must provide an internal Section 504 grievance procedure to promptly and equitably resolve the issue.

C. INTERPRETER SERVICES

When a student with a disability needs interpreter services for educational purposes or extracurricular activities, the school should follow the process outlined in Section II of this manual for referral, evaluation, and plan development. These procedures are for interpreters necessary to accommodate a student under Section 504 and do not apply to or include interpreters provided by the bilingual or Special Education departments for academic programming.

If a student is determined to be eligible under Section 504 and the 504 team determines that the school cannot fund the interpreter service, the team will submit a request for approval of such service to the

District 504 Coordinator. The District 504 Coordinator will promptly respond to the 504 team's request in writing. The District 504 Coordinator will provide funds for the interpreter for that particular school year. The school will then be required to provide the interpreter for the Section 504 student out of school funds for the subsequent years.

If a school requires additional interpreters and/or interpreters for deaf/hard of hearing parents related to parent/teacher conferences, IEP meetings, Section 504 meetings, discipline meetings/hearings, etc., the school will first contact the Special Services office to inquire as to whether there are any existing District interpreter substitutes available for this particular request as soon as the request is known. If no District interpreter substitutes are available (or if an interpreter is needed for parent/teacher conferences, IEP meetings, Section 504 meetings, discipline meetings/hearings outside of the school day and existing interpreter staff are uninterested or unable to participate in the meeting at hourly extra pay rates), the school will then contact the District 504 Coordinator to arrange for a contract interpreter to be provided. At least 48 hours' notice is required for contract interpreters. Once a contract interpreter has been reserved, the District 504 Coordinator will provide that information back to the school. If the school wishes to terminate the need for a contract interpreter, the school must provide at least 24 hours' notice to the District 504 Coordinator. If the 24-hour notice is not given, the school will be responsible for paying any costs associated with the cancellation. Any interpreters scheduled outside of this process will be paid for by the school.

D. TRANSPORTATION

All Section 504 students requiring transportation services will be identified to the Transportation Office by the Health Services Specialist and/or the District 504 Coordinator. Unless a specific transportation service is identified as a necessary service by the 504 team, Section 504 students are subject to the same eligibility criteria as all other students.

1. Determining Eligibility

Section 504 students eligible for special services transportation will be identified by the student's GT team. Each student's name, address, telephone number, emergency number, attending school with starting and dismissal times, and special instructions related or pertinent to the nature of his or her handicap, should be submitted to the Transportation Office by the District 504 Coordinator.

2. Assigning Transportation

The modes of transportation selected for students with disabilities will be based upon their individual needs as determined by their GT teams in cooperation with the Transportation Office. Available modes include:

- Yellow school bus - curb pick up
- Yellow school bus - community bus stop
- Special Transportation (vans or small buses)
- ORCA passes
- Taxi
- Parent reimbursement in lieu of provision of transportation

3. Schools Serviced by Transportation

When a disabled student receives transportation to and from school, schools should follow their normal procedures unless the student requires services, accommodations, and/or modifications in order to access transportation services. If a deviation from the departure schedule is required, the Transportation Office must be notified.

4. Student Transportation Records

The Transportation Office maintains a computer record for each student receiving Section 504 transportation services. These records are used to update information pertaining to the student (residence changes, school changes, etc.) and to maintain statistical data for the program.

5. Carrier Notification of Student Status Change

When students change their residence or school, or when students are added to or deleted from the special services program, the Transportation Office must be notified by the special services program specialists. Changes to routes will require 3 to 5 school days from the time of notification.

6. Special Equipment

Special equipment that may be required for busing student with disabilities, such as restraining harnesses, seatbelts, lap belts, etc., will be provided from District resources. Parents and/or guardians must provide personal individual items such as wheelchairs and banana carts. Bus drivers are not authorized to carry medication for students on buses; parents and/or guardians are responsible for bringing to the school any medication required for the student.

E. MODIFICATIONS TO PHYSICAL STRUCTURES

A student's access to educational facilities is an inherent right of all students who attend the District and barriers to that access must be removed if possible and, if not, the student must be immediately, without delay, relocated to another school site. The process for requesting modification to the physical structure is the same as any other accommodation and must follow the same procedures outlined in Section II of this manual.

1. Consideration by the 504 Team

When reviewing a request for physical modifications, the 504 Team must consider not only the student's disability but also how the disability affects the student's access to the programs inside and out of the building. The team should consider:

- Student's disability (evaluate to determine Section 504 eligibility if not already qualified);
- How student's disability affects his or her access to the building;
- What other alternatives may be available to meet the student's disability-related needs before changing the physical structure; and/or

- Any interim measures necessary to achieve immediate access, including temporary relocation, if necessary.

V. INVESTIGATION AND GRIEVANCE PROCEDURES FOR SECTION 504 DISCRIMINATION COMPLAINTS

The District prohibits discrimination and/or harassment based on *disability*. Any student, parent, and/or guardian who believes they have been discriminated against by or within the District on the basis of disability has the option of using the complaint procedures outlined below.

A. INFORMAL COMPLAINT PROCESS

Anyone may use the informal complaint procedures to report and/or resolve complaints of disability discrimination. Use of the informal complaint process is not required prior to filing a formal complaint. Informal reports may be made to any staff member and/or District 504 Coordinator. Staff and/or District 504 Coordinator shall direct staff complaints regarding staff issues to the District's Human Resources Department, and student/parent complaints to the District 504 Coordinator. The complainant should be informed of the right to file informal and/or formal complaints of disability discrimination. The complainant will be provided an opportunity to explain the allegation of disability discrimination. The District and the complainant may identify an agreeable remedy to the dispute during the informal process. Informal complaints may become formal complaints at the request of the complainant or because the District believes the complaint needs to be more thoroughly investigated.

B. FORMAL COMPLAINT PROCESS

Anyone may use the formal complaint procedures to resolve complaints of disability discrimination using the Grievance/Discrimination Complaint (*Appendix B*). Written complaints should be submitted to the District's Human Resources Department (staff) or District 504 Coordinator (students).

The following process will be followed:

- A designee of the Superintendent shall receive and investigate all formal, written complaints of disability discrimination or information in the District's possession regarding suspected disability discrimination that the designee believes requires further investigation. If the complaint should involve a member of the District's Human Resources staff and/or the District 504 Coordinator, the Superintendent will designate an impartial investigator to address the allegations.
- All formal complaints of disability discrimination shall be in writing using the Grievance/Discrimination Complaint (*Appendix B*); shall be signed by the complainant; and shall set forth the specific acts, conditions, and/or circumstances alleged to have occurred and that may constitute disability discrimination. Upon receipt of a formal complaint, the complainant will be provided with a copy of the District's discrimination complaint procedure.
- The investigation will be adequate to address the allegations raised and conducted in an impartial manner, including providing the complainant the opportunity to provide witnesses and/or other information.
- When the investigation is completed, the Superintendent's designee shall compile a written report identifying the results of the investigation and what corrective measures, if any, are deemed necessary if the complaint is substantiated.
- The Superintendent's designee will respond to the complainant within 30 calendar days of the date the complaint was received. If the investigation cannot be completed within 30 days, the

Superintendent's designee shall notify the complainant that the investigation is incomplete to date and will identify a date certain upon which the investigation will be complete. The written response to the complainant following completion of the investigation shall include a summary of the results of the investigation, whether the District has failed to comply with WAC 392-190 or the nondiscrimination guidelines adopted by OSPI, the corrective measures necessary to correct the noncompliance, and notice of the complainant's right to appeal.

- If the matters have not been resolved to the satisfaction of the complainant, within 15 days from the date of receipt of the investigative report, the complainant may file for a review by the Superintendent.
- The Superintendent shall respond in writing to the complainant within 30 days after the request for review is received.
- Corrective measures deemed necessary by the designee and/or Superintendent will be instituted as quickly as possible, but in no event more than 30 days after the issuance of the final written response from the District (either the written report of the designee or the Superintendent's response), unless the matter is one that implicates the District's due process obligations owed to its employees.

VI. PROCEDURAL SAFEGUARDS AND DISPUTE RESOLUTION PROCESS

A. HEARING RIGHTS FOR PARENTS AND STUDENTS

Section 504 gives parents and/or guardians the right to challenge District decisions regarding the identification, evaluation, and/or educational placement of their child. Under Section 504, the District must notify a student's parent and/or guardian before it takes any action regarding the identification, evaluation, and/or placement of their child and provide the parent and/or guardian an opportunity to challenge the action if they disagree. "Any action" includes a decision not to evaluate a student and/or denial of placement. The minimum necessary due process rights include: prior notice of any action; a right to inspect records; an impartial hearing with a right to representation by counsel; and/or a review procedure.

1. Initiation of a Hearing

A parent/adult student or an individual school have a right to initiate a Section 504 hearing to challenge or to show appropriateness of a proposal or refusal by the individual school to initiate or change:

- The identification of the student;
- The evaluation of the student;
- The educational placement of the student; and/or
- The provision of FAPE to the student.

A request by the parent/adult student or the school for a hearing pursuant to this section should:

- Be in writing, using Request for Hearing Form (*Appendix B*),
- specify the school,
- explain the concerns of the parent/guardian or adult student, and
- provide other information regarding the request for hearing.

The request should be mailed to Dr. Stacey McCrath-Smith, District Section 504 Coordinator, Lake Washington School District, P.O. Box 97039, Redmond, WA 98073-9739; email to smccrathsmith@lwsd.org; or via fax

to (425)936-1358. Please direct all questions to Dr. Stacey McCrath-Smith, District Section 504 Coordinator, at smccrathsmith@lwsd.org or (425)936-1337.

The District 504 Coordinator will forward a copy of the parent's request to the individual school and a copy of the school's request to the parent with attachments.

2. Selection of a Hearing Officer and Expense of Hearing

- The hearing will be conducted by an independent hearing officer at the expense of the District.
- The hearing shall be conducted by a qualified person selected and appointed by the Superintendent or his designee. The person selected shall not have a personal and/or professional interest that would conflict with his or her objectivity in the hearing and will not be a District employee. A person who otherwise qualifies to conduct a hearing pursuant to this section is not an employee of the District because she or he is paid to serve as a hearing officer.
- The hearing shall be conducted in accordance with the Administrative Procedures Act, RCW 34.05.
- The District will keep a list of persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

3. Independent Hearing Officer's Response

The hearing officer should send the parent and the individual school a Notice of Hearing and that Notice of Hearing should include the following information:

- The date, time, and place of hearing;
- The issue to be addressed at the hearing to the extent the issues have been identified at the time of the notice;
- The rights, procedures, and/or other matters to be discussed; and/or

4. Hearing Rights

Parent/guardians and adult students have the following hearing rights:

- Both parties have the right to be accompanied and/or advised by persons with special knowledge or training with respect to the problems of Section 504 students
- Both parties have the right to be advised and/or represented by an attorney.

5. Review Procedure

Review of the decision of the hearing officer by the School Board and/or designee may be requested within 10 school days of the decision. A decision on the review will be provided to the parties within 20 school days after the School Board has heard the review.

6. Final Decision – Appeal to Court of Law

A decision made pursuant to these procedures is final unless modified or overturned by a court of law. Nothing in this manual should be construed to limit a party's right to bring a civil action

pursuant to applicable law. Parents should consult with their legal representative for a full explanation of their rights under the law.

B. RIGHT TO FILE A COMPLAINT WITH THE OFFICE FOR CIVIL RIGHTS (“OCR”)

Parents and adult students also have the right to file a complaint with the U.S. Department of Education Office for Civil Rights (“OCR”), the body that enforces Section 504. OCR’s focus is on the process the District follows to identify, evaluate, and/or provide an educational placement to a disabled student and to provide procedural due process to the student’s parent and/or guardian.

Except in extraordinary circumstances, OCR does not review the result of individual placement and/or other educational decisions so long as the District complies with the procedural requirements of Section 504 relating to identification and/or location of students with disabilities, evaluation of such students, and/or due process.

Accordingly, OCR generally will not evaluate the content of a Section 504 Plan or an IEP; rather, any disagreement can be resolved through a due process hearing.

OCR will examine procedures by which the District identifies and evaluates students with disabilities and the procedural safeguards that the District provides students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment that is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and/or services.

The address of the OCR regional office that covers LWSD is:

U.S. Department of Education
Office for Civil Rights
Henry M. Jackson Federal Building
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
www.ed.gov/OCR
email address: OCR.Seattle@ed.gov

IDEA AND SECTION 504
- A COMPARISON -

<u>COMPONENT</u>	<u>IDEA</u>	<u>SECTION 504</u>
WHAT IS IT?	A federal funding law and regulation.	A federal civil rights law and regulation.
WHAT IS ITS PURPOSE?	To provide federal funds to state education agencies and districts to educate disabled students.	To eliminate disability discrimination in all programs and activities that receive federal funds.
WHO IS A “DISABLED STUDENT”?	Both regulations provide protections to “disabled students” but each regulation defines “disabled student” differently. Section 504 defines “disabled student” more broadly than does IDEA.	
	Defines disabled student as a child aged 3-21 who has one or more of 14 specific disabilities (i.e., autism, deaf-blindness, developmental delay, deafness, emotional behavioral disability, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment, including blindness) and, due to disability, needs special education.	Defines disabled student as a school-aged child who has a physical or mental impairment that substantially limits one or more major life activities. The terms “physical or mental impairment,” “substantially limits,” and “major life activities” are to be interpreted broadly.

WHAT IS A “FREE APPROPRIATE PUBLIC EDUCATION” (FAPE)?

Both regulations require a district to provide FAPE to each disabled student in its jurisdiction but each regulation defines FAPE differently. Section 504 defines FAPE more broadly than does IDEA.

Defines FAPE as special education and related services.

Students can receive related services under IDEA only if they need related services to benefit from special education.

Defines FAPE as regular or special education and related aids and services that are designed to meet a student’s individual educational needs and are based upon procedures that satisfy required evaluation, placement, and due process procedures. Students can receive related aids and services under Section 504 even if they are not provided any special education.

WHAT DOES “APPROPRIATE” MEAN?

Both regulations interpret “appropriate” to mean designed to meet the individual educational needs of a disabled student. An appropriate education provides a disabled student sufficient individualized services to enable the student to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).

HOW IS FAPE DELIVERED?

Both regulations require that FAPE be delivered through an individualized education program. Section 504 defines individual education program with less specificity than does IDEA.

Requires a written individual education program (IEP) with specific content developed by specific participants at an IEP meeting.

Requires a documented placement decision, commonly called a Section 504 Plan, developed by a group of persons knowledgeable about the student, the meaning of the student’s evaluation data, and placement options.

WHO CAN REFER A STUDENT FOR EVALUATION?

Both regulations contain a child find component, and allow any person (e.g., parents, guardians, school staff, etc.) to refer a student for evaluation.

WHAT SHOULD A DISTRICT DO WITH A REFERRAL?

Both regulations require a district to decide whether to evaluate a referred student and to notify a student's parent or guardian of its decision. As a general rule, under both regulations, a district should evaluate a referred student if it knows or suspects that the student, because of disability, needs special education or related aids or services to participate in or benefit from the district's education program.

WHAT EVALUATION PROCEDURES ARE REQUIRED?

Both regulations require that tests and other evaluation materials:

- a. be validated for the specific purpose for which they are used;
- b. be administered by trained personnel in conformance with the instructions provided by their producer;
- c. include those tailored to assess specific areas of educational need; and
- d. be selected and administered to assure that the test results accurately reflect whatever factors the tests purport to measure.

Requires that re-evaluations be conducted at least every 3 years.

Requires periodic re-evaluations. The IDEA schedule satisfies Section 504.

Provides for independent educational evaluations at district expense if a parent or guardian disagrees with a district's evaluation and either the district or a hearing officer agrees.

Does not provide for independent educational evaluations at district expense. However, a district must carefully consider any such evaluations presented.

WHAT PLACEMENT

Both regulations require that, when interpreting evaluation data and making a placement decision, a district must:

PROCEDURES ARE
REQUIRED?

- a. draw upon information from a variety of sources;
- b. assure that all information is documented and considered;
- c. ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement option; and
- d. ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (i.e. in the least restrictive appropriate environment).

Requires an IEP meeting before any change in placement.

Requires a re-evaluation before any "significant change in placement."

IS PARENT OR GUARDIAN
CONSENT EVER
REQUIRED?

Both regulations require a parent or guardian to consent prior to a student's initial evaluation and initial placement. IDEA alone requires consent prior to re-evaluations. Under IDEA parents can revoke consent for placement at anytime.

WHAT DUE PROCESS
RIGHTS DO PARENTS AND
GUARDIANS HAVE?

Both regulations require a district to notify a student's parent or guardian before the district takes any action regarding the identification, evaluation or placement of their child. IDEA procedures satisfy Section 504. "Any action" includes a decision not to evaluate a student and denial of placement.

Requires written prior notice and specific content to be included in the notice.

Allows oral prior notice, but a district is wise to provide notice in writing.

WHAT KIND OF
GRIEVANCE PROCEDURE
IS REQUIRED?

Requires each state education agency (OSPI) to have a special education grievance procedure, commonly called a citizen complaint procedure.

Requires each district to have an internal Section 504 grievance procedure for parents and guardians, students, and employees.

WHAT KIND OF HEARING
PROCEDURE IS
REQUIRED?

Both regulations require a district to provide an impartial due process hearing procedure for parents or guardians who disagree with the identification, evaluation, or placement of their child.

WHO CONDUCTS A DUE
PROCESS HEARING?

Requires each state education agency (OSPI) to conduct such hearings through a state office of hearings.

Allows either state education agencies or districts to conduct such hearings (in WA, districts conduct such hearings).

HOW IS IT ENFORCED?

Enforced by the U.S. Department of Education, Office of Special Education Programs (OSEP).

Enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

Each state education agency (OSPI) monitors compliance through complaint investigations and compliance reviews. OSEP monitors compliance through compliance reviews.

OCR monitors compliance through complaint investigations and compliance reviews. The state education agency (OSPI) has FAPE oversight responsibilities. OSPI's FAPE oversight responsibilities require it to take action to correct a situation where it has caused a district to violate Section 504 (for example, through a State policy), and where it has knowledge of repeated, class (not individual) violations of Section 504 by a district.

Appendix A

IEPO 504 Procedures

- Enter **IEP Online**, your assigned school(s) will appear, either choose your school or click on 'Find Student' and enter the student's name
- Clicks on student record when listing(s) appear.
- Clicks on '**GT** tab' on top of screen and clicks on the '**Create**' icon in upper right hand corner of screen.
- Chooses **Guidance Team** for type. Clicks on '**Create**' and enters the '**Notification**' tab.
- Clicks on 'Meeting Info' and fills in the 'Request date' only
- Clicks on 'Parental Contact', then clicks on 'Add Contact Attempt' completes how parent was contacted, the date, the parent response.
- Clicks on the following tabs and completes information required:
 - '**Reason**'
 - '**Strategies**'
 - '**Performance**'
 - '**Record Scan**' A student's educational history must be part of the discussion at the guidance team meeting as contained in the cumulative file. The '**Record Scan**' tab can be completed at this time or only a discussion held during the meeting. If the guidance team recommends a referral for special education the '**Record Scan**' tab must be completed in the referral process.
- Notifies Building Guidance Team facilitator per internal building processes of the parent contact and that the '**GT**' tabs listed above are completed.

2. Guidance Team facilitator:

- Enters **IEP Online**, finds student, chooses '**GT** tab', and completes the rest of the information required on the '**Notification**' tab
 - 'Meeting info' – the meeting date, time, location, and purpose
 - 'Parental contact' – check for completion by referring source
 - 'Meeting participants' – add all participants
- Sends the email in the '**Notification**' tab which notifies all members of the date the student will be discussed. Staff can use internal building process to notify members. If the parent does not have an email address, the requesting staff member will notify parent of the meeting date either by phone, letter or in person.

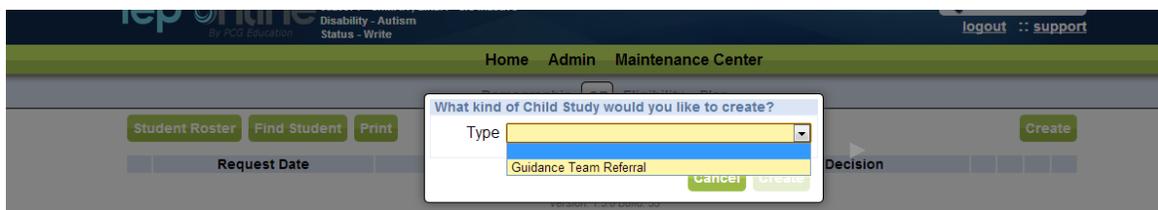
3. Guidance Team:

- Meets and reviews information presented.
- Enters **IEP Online**, chooses '**GT** tab' and adds additional information to previously completed information during or right after the Guidance Team meeting, if needed.
- Enters information in the '**Minutes**' tab if team desires to utilize this tab, but it is not required.
- Makes decision and completes the information required on the '**Decision**' tab.
 - Refer to Student Intervention Team – Completes steps G.T. process and follows Student Intervention Team Procedure
 - Refer to 504 – Completes G.T. process and follows 504 referral procedure.

- No further action needed – Completes G.T. process and documents by recording in Guidance Team log. **'Minutes' tab** can be utilized to record information.
- Refer to Evaluation Group – Completes G.T. process and follows referral to special education procedure.
- Decides to initiate evaluation-Building Psychologist/Speech Language Pathologist:
 - Prints and provides parent with the following:
 - Letter of decision (found on portal)
 - Prior Notice (**'Prior Notice' tab**)
 - Consent for Evaluation (**'Consent' tab**)
 - Health & Developmental History Questionnaire (found on portal)
 - Authorization for Release of Confidential Records (**Demographics tab**)
 - Consent for Medicaid Verification Form (IEP Online print form)
 - Procedural Safeguards (found on portal)
 - Obtains parent signature and completes the **'Consent' tab**
 - **Sends all completed documents to compliance office**
 - **Locks the 'GT' record in IEP Online**



- Click on GT tab and then 'Create'



- Choose Guidance Team Referral and then 'Create'

- When in Decision tab choose the recommendation from the guidance team

C. 504 ELIGIBILITY

NOTE: The decision to refer a student to 504 eligibility occurs while in the **‘Guidance Team’** tab in IEP Online. This decision can happen either in a guidance team referral or in a special education referral.

Psychologist:

- Enters **IEP Online**, after you log on, your assigned schools will be listed.
- Clicks on ‘Find Student’ or click on your school
- Once student name appears, click on student name
- Clicks on **‘Eligibility’** tab and clicks on **‘Create’** icon in right hand corner of the screen
- Chooses **‘504 Eligibility’** for type.
- Completes the **‘Consent’** tab with the letter date, teacher name, and the assessment components needed. Choose ‘pending’ from the drop down menu so that this form can be printed.
- Prints and sends the Parental Consent form (**‘Consent’** tab) with the Procedural Safeguards (on portal) and the 504 Parent/Student Rights (on Portal) to the parent.
- Upon receipt of the written consent from parent, completes the other fields in the ‘consent’ tab showing written consent was received.
- Completes the **‘Notification’** tab

Meeting Info – Completes fields with correct date of meeting, time, location and purpose of meeting

Parental Contact- click on ‘add parent contact’ in right hand corner and complete all form fields that indicate how you contacted the parent to arrange for the 504 eligibility meeting date, their response, date of response and parent’s name.

Meeting Participants –Edit meeting participates to accurately reflect who will be invited by deleting or adding names.

NOTE: The psychologist, the parent, and other individuals who are knowledgeable regarding the student, evaluation information and placement options are required to be invited.

The psychologist and other individuals who are knowledgeable regarding the student, evaluation information and placement options are required to attend

- Notify members of the scheduled meeting.
- Completes the 'Decision' tab

Decision – Choose from the drop down menu 'eligible', 'not eligible' or 'exited'

Meeting Participants Knowledge – Click on the boxes that reflect what each team member is knowledgeable about regarding the student, evaluation information, and placement options.

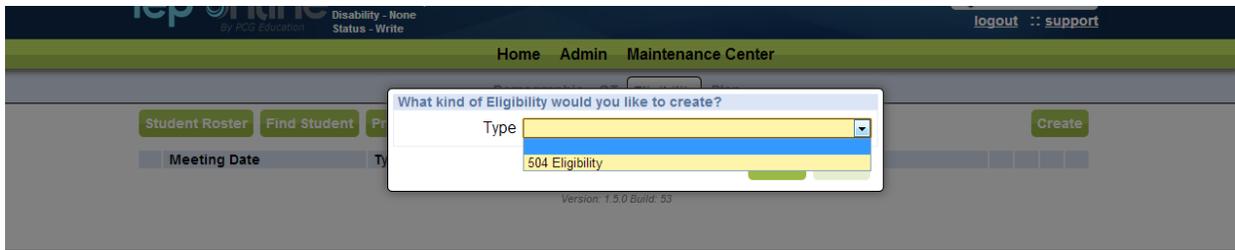
Mental or Physical Impairments – Click on the major life activity that is impaired, then choose from the drop down menu the specific degree that the impairment limits the major life activity. If the team rates the degree at 'substantially' or 'extremely' then fill in 'supporting information' box.

Evaluation Source – Check the boxes that apply

- Prints draft of 504 eligibility report
- Holds the meeting and determines eligibility

After the meeting:

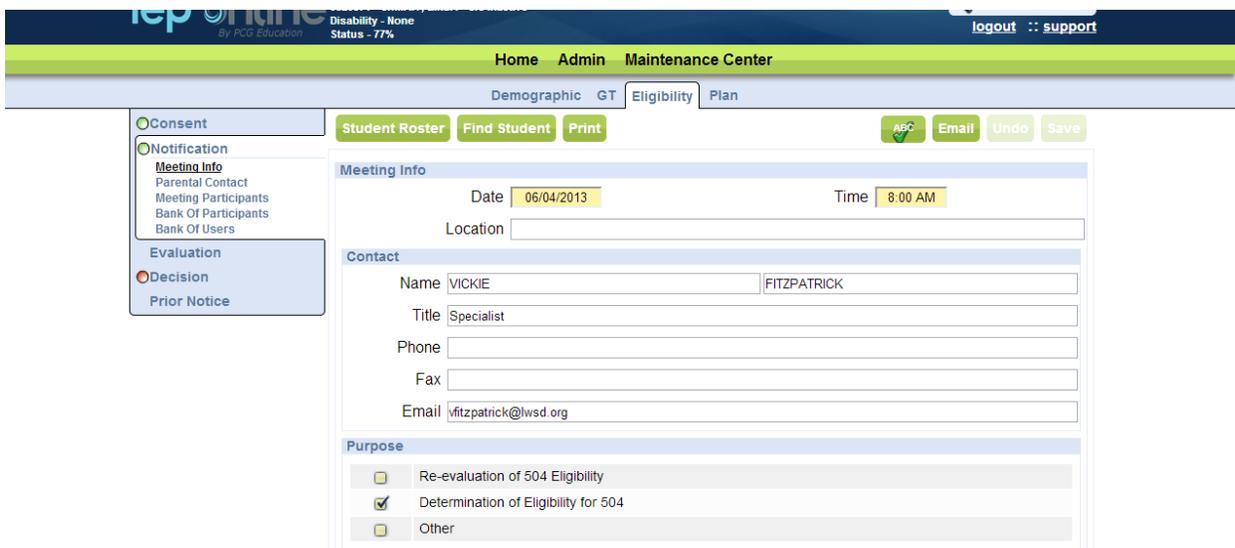
- Completes the 'Prior Notice' tab with the decision from the meeting and reflecting discussion
- Print and provide the parents the following documents:
 - Notification of Meeting
 - Eligibility Determination
 - Prior Notice
- Send to Special Education compliance office the following documents:
 - Consent Form
 - Notification of Meeting
 - Eligibility Determination
 - Prior Notice
 - Health Impairment Document or Psychologist Evaluation Report (if 504 eligible)
- Lock the Eligibility record



- For a student referred to 504 eligibility, click on the 'Eligibility' tab.
- Click on 'Create' in the right corner to add an eligibility record.
- Select 504 Eligibility from the drop-down list.



- Consent: Fill in the consent and letter dates, along with the consent for evaluation and the teacher contact.



- Notification: Complete all fields

IEP Online May 2013

- Evaluation: Check the assessment components needed.

- Decision: Select the appropriate decision and complete the other fields

D. INITIAL 504 PLAN MEETING

NOTE: The Initial 504 Eligibility meeting and the Initial 504 Plan meeting can occur simultaneously.

504 Plan Provider:

- Enters **IEP Online**, after you log on, your assigned schools will be listed.
- Clicks on 'Find Student' or click on your school
- Once student name appears, click on student name
- Clicks on '**Plan**' tab and clicks on '**Create**' icon in right hand corner of screen
- Chooses '**Section 504**' for type. If the eligibility record is not locked yet, it will state '**DRAFT Section 504**'
- Completes the '**Notification**' tab

Meeting Info – Completes fields with correct date of meeting, time, location and purpose of meeting

Parental Contact- click on 'add parent contact' in right hand corner and complete all form fields that indicate how you contacted the parent to arrange for the 504 plan meeting date, their response, date of response and parent's name.

Meeting Participants –Edit meeting participants to accurately reflect who will be invited by deleting or adding names.

- Clicks on '**Planning**' tab and complete with the start and end date of the plan.
- Clicks on '**Accommodation**' tab and clicks on '**Create**' icon in right hand corner of the screen
Type – The type of modification you choose is consistent with the four types that are allowed for the MSP/HSPE administrations (Presentation, Response, Scheduling/Timeline, Setting, Other)

Modification – Once you have chosen the type of modification, either use the drop down menu or add your own in that category.

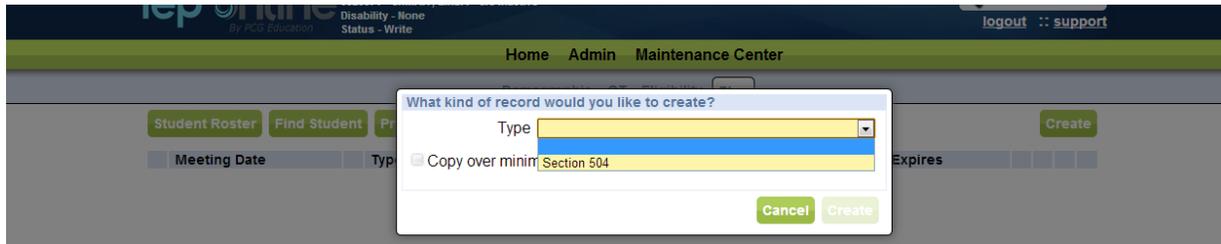
- Prints draft of the 504 Plan and takes to meeting.
- Conducts the 504 meeting by reviewing each section of the 504 Plan and makes any changes as needed during the discussion.
- Obtains needed signatures of participants.

NOTE: Parent signature is required on the initial 504 plan.

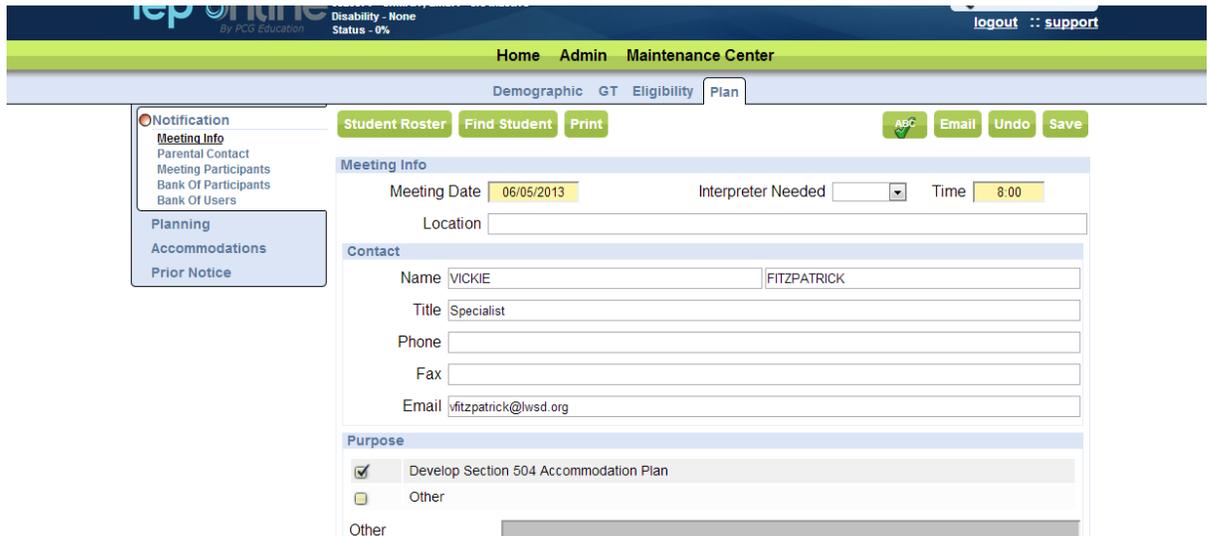
After the meeting:

- Clicks on '**prior notice**' tab and completes with the sent date, checks the actions boxes, completes the form fields to include any discussions/agreements that occurred at the meeting
- Prints and provides the parents the following documents:
 - Notice of Meeting
 - 504 Accommodation Plan
 - Prior Notice

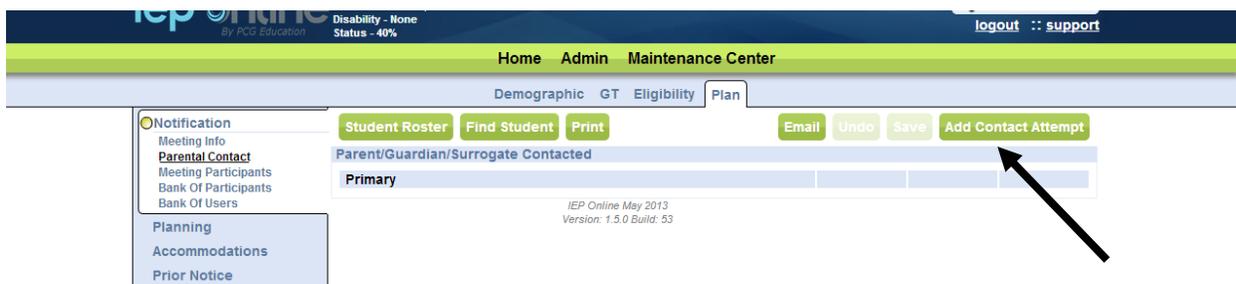
- 504 Parent/Student Rights (found on special education portal)
- Locks the 504 Plan record on IEP Online
- Sends to Special Education Compliance Office the following documents:
 - Notice of Meeting
 - 504 Accommodation Plan
 - Prior Notice



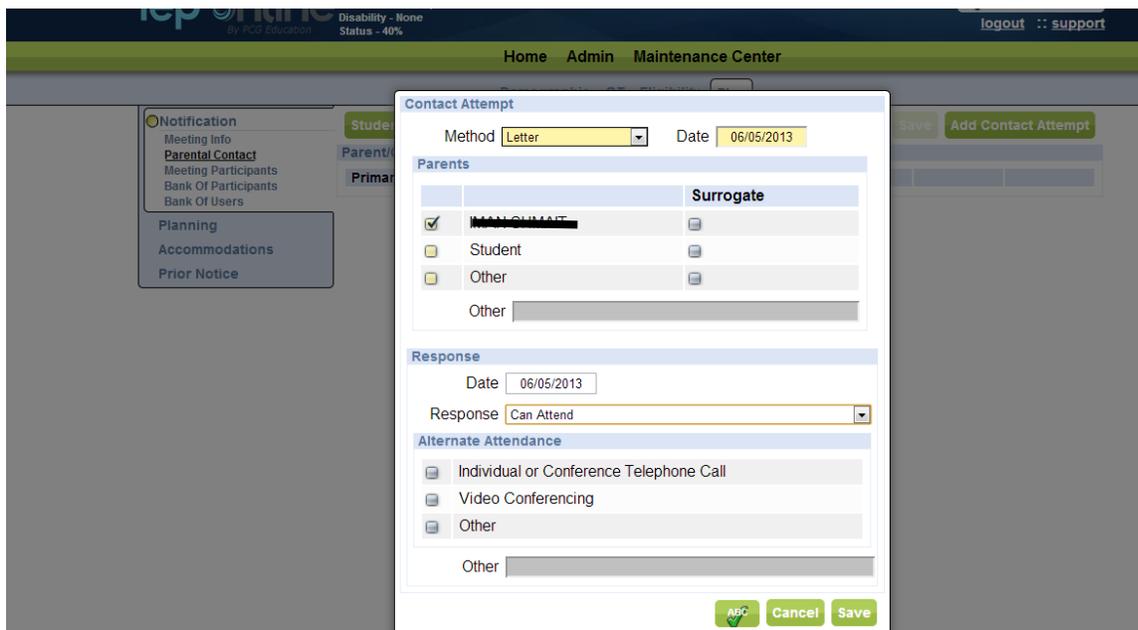
- Click on 'Plan' tab and then 'Create'



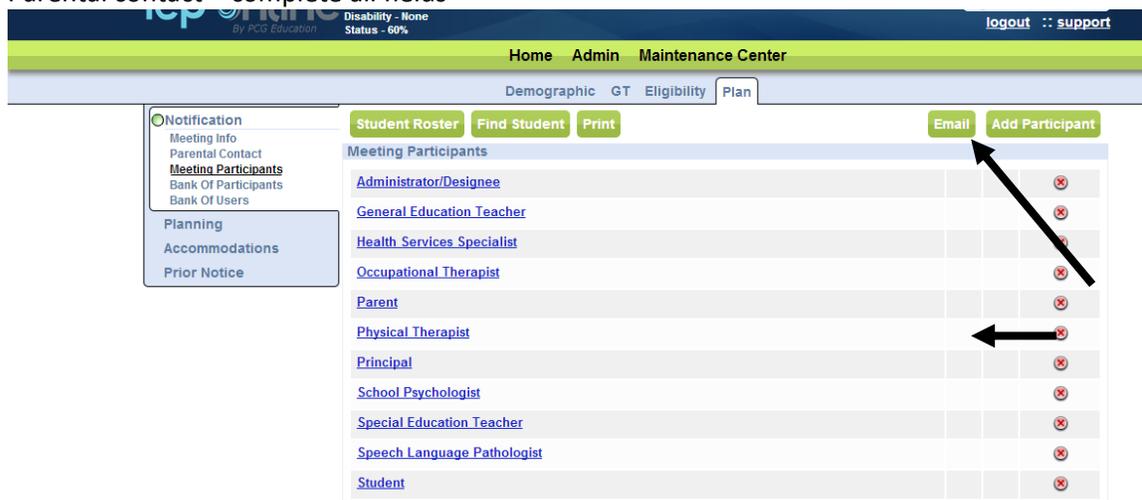
- In Notification tab complete all the information for the meeting



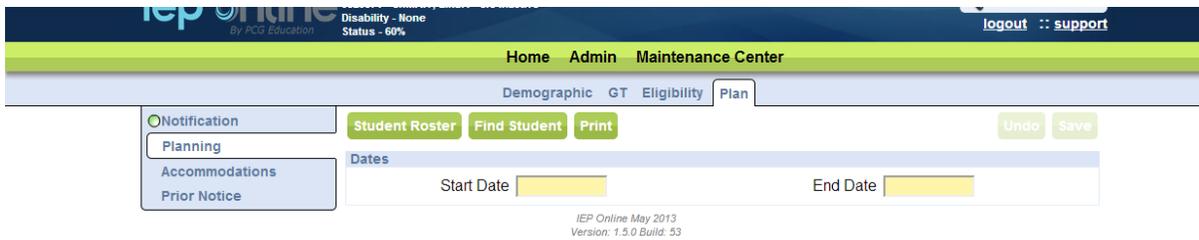
- In Notification tab, complete the Parental Contact by clicking on Add Contact Attempt



- Parental contact – complete all fields



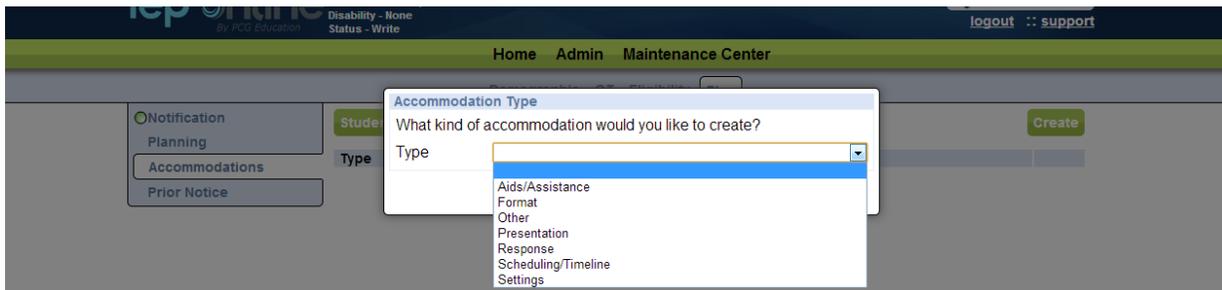
- Meeting Participants – use 'Add Participant' and the red x icon to add or delete the list so it accurately reflects who will be at the meeting



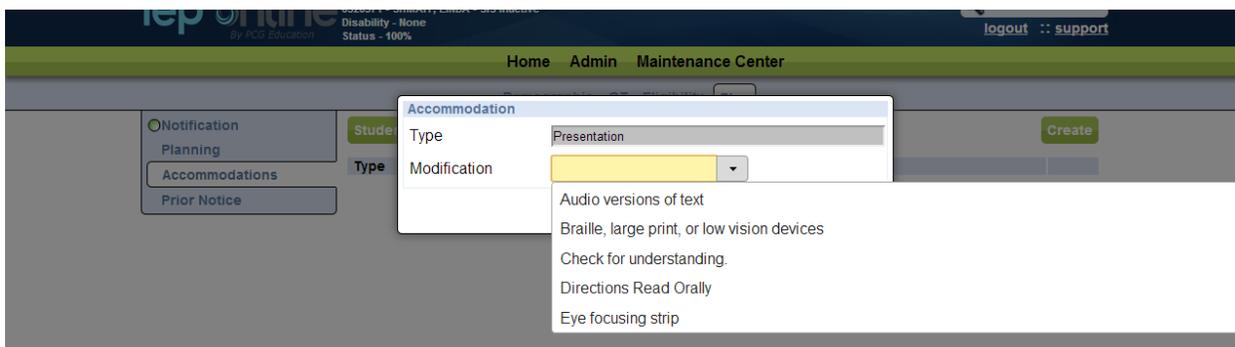
- Planning tab – complete the start date and end date (one year apart)



- Accommodations tab – click on 'Create'



- Choose the type of accommodation



- Then choose the accommodation or write it in

The screenshot shows the IEP Online software interface. At the top, there is a navigation bar with 'Home', 'Admin', and 'Maintenance Center'. Below this is a secondary navigation bar with 'Demographic', 'GT', 'Eligibility', and 'Plan' tabs. The 'Plan' tab is active. On the left, there is a sidebar menu with options: Notification, Planning, Accommodations, and Prior Notice. The 'Prior Notice' section is expanded, showing sub-options: Placement, Action, 504 Action Items, Description, Reason, Considered/Rejected Options, Rejection Reason, Description Of Procedure, and Other Relevant Factors. The main content area is titled 'Initial Placement' and contains a form with the following fields: 'Consent for Initial Services' (Yes/No dropdown), 'Reason' (text input), 'Rights explained' (Yes/No dropdown), and 'Date' (06/05/2013). There are also buttons for 'Student Roster', 'Find Student', 'Print', 'ABC', 'Undo', and 'Save'. At the bottom of the form, it says 'IEP Online May 2013 Version: 1.3.0 Build: 33'.

- Complete the Prior Written Notice after the meeting

E. 504 ANNUAL PLAN REVIEW (504 AMENDMENT)

504 Plan Provider:

- Enters **IEP Online**, after you log on, your assigned schools will be listed.
- Clicks on 'Find Student' or click on your school
- Once student name appears, click on student name
- Clicks on '**Plan**' tab

Instead of choosing the 'Create' button, and writing a new plan, the 504 Plan Amendment process can be followed which results in an almost exact replica of the previous 504 Plan.

504 Plan Amendment are created by clicking on the 'paper and pen' icon for the locked IEP record. This icon will become active only when the previous record is locked. See screen shots following.

The 504 Plan Amendment will be exactly the same as the original record's data with the following exceptions:

'Notification' tab – check that all info is relevant and create the parent contact

'Planning' tab – remove the old dates and replace with current dates

'Accommodation' tab – review and edit if necessary

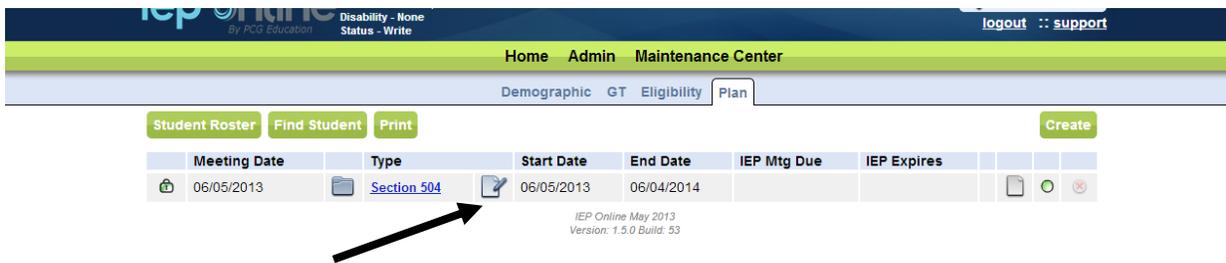
'Prior Notice' tab – remove the old date and replace with current date, edit other text fields to reflect current meeting discussion.

For more detailed instructions/screen shots for the tabs listed above refer to the Initial 504 Plan on page 9.

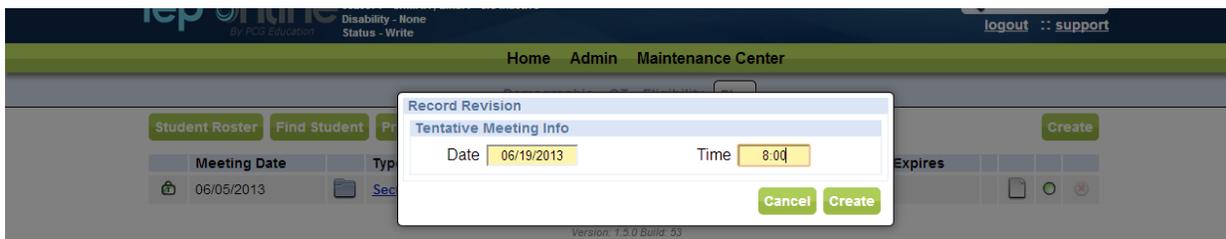
- Holds the 504 Plan meeting

NOTE: Parent signature is not required.

- Provides parents with the following documents:
 - Notice of Meeting
 - 504 Accommodation Plan
 - Prior Notice
 - 504 Parent/Student Rights (found on portal)
- Sends to Special Education Compliance Office the following documents:
 - Notice of Meeting
 - 504 Accommodation Plan
 - Prior Notice



- Click on the pen and paper icon next to the plan title



- Indicate the date and time for the amendment meeting, this can be edited later
- Click on 'create'

IEP Online
By PCG Education

Disability - None
Status - Write

logout :: support

Home Admin Maintenance Center

Demographic GT Eligibility Plan

Student Roster Find Student Print Create

Meeting Date	Type	Start Date	End Date	IEP Mtg Due	IEP Expires			
06/19/2013	 Section 504 Amendment		06/04/2014					
06/05/2013	 Section 504	06/05/2013	06/04/2014					

IEP Online May 2013
Version: 1.5.0 Build: 53

- You will see an additional line in the list of plans.
- The most recent will be at the top showing a new start date, and end date. The 504 Amendment will contain all of the information from the original, but will be unlocked. Click on this unlocked 504 to make changes within.
- Note that the original cannot be unlocked or deleted unless the 504 Amendment is also deleted.
- The plan shows a manila folder icon with a plus or minus left of the title. Clicking on that icon will reveal any previous versions of the plan. Clicking again will close the folder, hiding the previous versions.
- All amendments to the original continue unchanged.

Appendix B

FORMS:

- **Grievance/Discrimination Complaint Form**
- **Request for a Hearing Form**
- **LWSD Parent/Student Rights, Section 504**

**LAKE WASHINGTON SCHOOL DISTRICT
GRIEVANCE/DISCRIMINATION COMPLAINT**

Any student, parent, and/or guardian who believes they have been discriminated against by or within the Lake Washington School District ("District") based upon disability has the option of using the District's grievance process. All complaints must be in writing and should be submitted to Human Resources, P.O. Box 97039, Redmond, WA 98071-9739. Please submit additional pages if necessary to fully describe the discrimination based upon disability that you believe is occurring. *Note: This is not a request for a Section 504 hearing. Section 504 hearing requests related to identification, evaluation, placement, and/or program implementation under Section 504 should be directed to: Dr. Stacey McCrath-Smith, Student Section 504 Coordinator, Lake Washington School District, P.O. Box 97039, Redmond, WA 98073-9739; email to smccrathsmith@lwsd.org; or via fax to (425)936-1358, using the Request for a Hearing form.*

Complainant is (please identify full name of complainant):

Student: _____

Parent(s)/Guardian(s): _____

Other: _____

Address: _____ City: _____ Zip: _____

Home Telephone: _____ Work Telephone: _____

Parent(s)/Guardian(s) Email Address(es): _____

School or department where you believe discrimination is occurring: _____

1. Describe your complaint. Include: 1) the specific incident or activity that is viewed as discrimination; 2) the individuals involved; 3) dates, times, and/or locations involved; and 4) the disability that forms the basis of the complaint (attach additional pages, if needed).

2. Identify any attempts you have made to discuss or resolve this issue with District staff, including the names of staff members, the dates of any discussions, and/or the results of those discussions.

3. Please provide your suggestions about how this issue could be resolved.

**LAKE WASHINGTON SCHOOL DISTRICT
REQUEST FOR A HEARING**

Student Name: _____ Date: _____

Student ID#: _____ Birth Date: _____

School: _____ Grade: _____

Student Address: _____ City: _____ Zip: _____

Parent(s)/Guardian(s) Name(s): _____

Parent(s)/Guardian(s) Address(es): _____

A parent/adult student or an individual school has a right to initiate a Section 504 hearing to challenge or to show the appropriateness of a proposal or refusal by the individual school to initiate or change:

The identification of the student;

- The evaluation of the student;
- The educational placement of the student; and/or
- The implementation of a program to provide a free appropriate public education (“FAPE”) to the student.

INSTRUCTIONS:

Complete and sign this form giving specific details about why you are requesting a Section 504 hearing. Use additional pages, if necessary, and include any supporting documentation.

Return form to: Dr. Stacey McCrath-Smith, District Section 504 Coordinator, Lake Washington School District, P.O. Box 97039, Redmond, WA 98073-9739; email to smccrathsmith@lwsd.org; or via fax to (425)936-1358. Please direct all questions to Dr. Stacey McCrath-Smith, District Section 504 Coordinator, at smccrathsmith@lwsd.org or (425)936-1337.

SUMMARY OF CONCERNS:

Parent/Guardian or Adult Student signature

Relationship to Student

Date

Lake Washington School District

Notice of Parent/Student Rights

Under Section 504

The Rehabilitation Act of 1973 (“Act”), commonly referred to as “Section 504,” is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

This is a notice of your rights under Section 504. This document is not intended to address the rights afforded under the Individuals with Disabilities Education Act (“IDEA”) that applies to students eligible for special education services. The Office of the Superintendent of Public Instruction’s (“OSPI”) *Notice of Special Education Procedural Safeguards for Students and Their Families* is available through the District’s Special Services Department and sets out the rights assured by the IDEA. It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who have a physical or mental impairment that substantially limits one or more major life activity who do not qualify under the IDEA.

Federal laws and regulations provide parent(s)/guardian(s) and students with the following rights,

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling conditions.
2. Have the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child. Parents must be notified before placement.
4. Have your child receive appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or accommodations if eligible under Section 504 of the Rehabilitation Act.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
9. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
10. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, educational program and placement.

11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to records.
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records.
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, you have the right to challenge such refusal under the Family Educational Rights and Privacy Act ("FERPA")
14. File a grievance, request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the District's 504 Coordinator.
15. If you wish to challenge the actions of the District in regard to your child's identification, evaluation, and/or education placement, you should file a written request for a hearing with Dr. Stacey McCrath-Smith, Associate Director of Special Services & District Section 504 Coordinator, LWSD P.O. Box 97039, Redmond, WA 98073-9739 or via email to smccrathsmith@lwsd.org using the Request for a Hearing form. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place of the hearing.
16. File a local grievance or complaint with the U.S. Department of Education's Office for Civil Rights or file a complaint in federal court. The address of the Regional Office that covers the greater Seattle area is:

U.S. Department of Education
Office of Civil Rights
915 Second Avenue, Room 310
Seattle, WA 98174-1099
Phone (206)607-1600
Website: www.ed.gov/OCR
Email address: OCR.seattle@ed.gov

GUIDANCE TEAM RECORD

Student ID:
WA SSID:
Date of Birth:

Contact Attempt Report

Notification Area: **GT**
Meeting Date:
Time:
Location:

Method	Contact Date	Response Date	Response	Contact Name
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Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Guidance Team Record

Student's Name: _____ Student No: _____
First Middle Last

Date of Request: _____ Primary Language: _____ Age: _____ Sex: _____

Parent Notification: By Whom: _____

Contact Name: _____ Work Phone: _____

Contact Name: _____ Work Phone: _____

Home Address: _____ Home Phone: _____

Date of Birth: _____ School: _____ Grade: _____

Teacher: _____ Classroom: _____

Guidance Team Meeting Date: _____

I. Reason for request (attach copy of the interim reports and current report card)

II. Description of specific strategies and interventions used to date and the effectiveness of each on student's achievement and/or adjustment (include input from parents and those persons who have worked with the student)

III. Present instruction levels:

Reading:

Math:

Written Language:

Strengths:

Needs:

Other Considerations:

----- **This portion completed by G.T.** -----

IV. G.T. Recommendation: _____

V. Individual responsible for parent notification (if not present at meeting): _____

VI. Individual designated to inform requesting source (if not present at meeting): _____

VII. Projected date of review: _____ Case Manager: _____

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
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425.936.1200

Prior Written Notice

To: _____ Date: _____
Re: Student's Name: _____

PURPOSE:As a parent/guardian of a special education child or child suspected of needing special education services, the school district is required to provide you with prior written notice whenever it proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education to your child. This notice should be given to you after a district makes a decision and before action is taken on the decision. The notice should be given to you in a reasonable amount of time before the district takes action.

The purpose of this prior written notice is to inform you that we are:

1. proposing refusing to 2. initiate change continue a/an
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. Referral Initial Evaluation Eligibility Category
 Educational Placement IEP Reevaluation
 Disciplinary action that is a change of placement Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

The action will be initiated on: _____

Your child has procedural protections under IDEA. These protections are explained in the *Notice of Procedural Safeguards for Special Education Students and Their Families*. If this prior written notice is given to you (1) as part of your child's initial referral for evaluation, (2) as part of a request for reevaluation or (3) notice to you regarding disciplinary action that constitutes a change of placement the procedural safeguards accompanies this notice. If a copy of the *Notice of Procedural Safeguards for Special Education Students and Their Families* is not enclosed and you would like a copy or you would like help in understanding the content, please contact:

_____ at _____
Notice of Procedural Safeguards for Special Education Students and Their Families has been provided to parents.

Student ID:
WA SSID:
Date of Birth:

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Record Scan

Comments by staff. Report each grade, kindergarten to present, and any special program attended or recommended, e.g. Title 1, District Remediation, Special Education, etc. USE ADDITIONAL COPIES OF THIS FORM IF NECESSARY. The purposes of this form are to record information from the student's cumulative folder and to document the student's school history. Information that needs to be included: previous program interventions; previous referrals; academic and/or behavioral concerns from previous year; school's attendance data; and so on. For a secondary level student, the referring person will need more than one copy of this form.

Date: _____ **School:** _____ **Grade:** _____

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
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Guidance Team Minutes

SECTION 504 ELIGIBILITY DETERMINATION

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Section 504 - Notice of Meeting

Date: _____

Student's Name: _____

Student No: _____ Date of Birth: _____

Dear Parent(s)/Student,

We have scheduled a meeting to discuss the following:

- Re-evaluation of 504 Eligibility
- Determination of Eligibility for 504
- Other (specify)

The meeting has been scheduled for: Date _____ Time _____

Location _____

The following are invited to attend and participate in the eligibility meeting:

If your child is eligible for services, a Section 504 plan will be developed. Your written consent will be requested for your child to receive the services described in the plan.

You are also welcome to contact me at _____ for additional information regarding this process.

Sincerely,

Principal or Designee

Student ID:
WA SSID:
Date of Birth:

Contact Attempt Report

Notification Area: Eligibility
Meeting Date: _____
Time: _____
Location: _____

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Section 504 - Notification Consent

Dear Parent(s) / Guardian(s),

We are notifying you that your child, _____ requires a section 504 evaluation. The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel to participate as a member of the section 504 team.

I have also been provided the *Notice of Procedural Safeguards for section 504 Students and Their Families* that summarize protections for students who may require section 504.

- I give consent for my child to be evaluated.
- I refuse consent for my child to be evaluated.

Comments:

Parent/Guardian/Surrogate/Adult Student

Date

Please return this form to _____ .

Student ID:
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Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
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425.936.1200

Section 504 - Eligibility Determination

Student: _____ Meeting Date: _____
Birthdate: _____

Areas of Evaluation:

Specify the mental or physical impairment:

(as recognized in DSM-IV or other respected source if not excluded under 504/ADA). If none, the student does not qualify for 504 eligibility.

Check the major life activity: Seeing Hearing Walking Learning Other

Specify Other: _____

Major Life Activity Impacted: _____

Place an "X" on the following scale to indicate the specific degree that the impairment limits the major life activity:

- Make sure the team focuses on the major life activity as a whole (e.g., learning), not in a particular class (e.g., math) or for a particular sub-area (e.g., socialization).
- Discount from the analysis sub-par performance due to the other factors, such as normal moods, lack of motivation, and the immediate situation or environment.
- Use the average student in the general population as the frame of the reference for purpose of comparison.

For an "X" at 4 or above, fill in specific information evaluated by the team that justifies the rating:

- 5. Extremely _____
- 4. Substantially _____
- 3. Moderately _____
- 2. Mildly _____
- 1. Negligibly _____

Eligibility Determination. Check the appropriate box.

- Eligible.** The student has physical or mental disability that substantially limits (level "4" or above on the scale) one or more major life activities. Provide a copy of this page and a copy of Parent/Student Rights. If the team combines the eligibility determination with developing an Accommodation Plan provide parent with copy of the accommodation plan as well.
- Not Eligible.** The student either has a physical or mental disability that does not substantially limit one or more major life activities or has no physical or mental disability. Provide a copy of this page and of Parent/Student Rights.
- Exited.** The student is no longer eligible for 504 services because:
 - no longer meets eligibility
 - graduated on: _____
 - other, please specify: _____

Provide parents with a copy of this page, and Parent/Student Rights. Make a note in the student's folder if she/he was exited from 504.

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Section 504 - Prior Written Notice

To: _____ Date: _____
Re: Student's Name: _____

The purpose of this prior written notice is to inform you that we are:

1. proposing refusing **to** 2. initiate change continue discontinue **a/an**
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. Referral Initial Evaluation Eligibility Category
 Educational Placement IEP Reevaluation
 Disciplinary action that is a change of placement Other: 504 Plan

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

Any other factors that are relevant to the action:

Enclosed you will find copies of the following documents that explain the actions of this team:

- Section 504 Parent/Student Rights
- Section 504 Eligibility Determination
- Section 504 Accommodation Plan

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. If a copy of the Notice of Action and Section 504 Parent/Student Rights is not enclosed and you would like a copy or you would like help in understanding the content, please contact the person responsible for ensuring that the district complies with Section 504:

SECTION 504 PLAN

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Section 504 - Notice of Meeting

Date: _____

Re: _____

Student No: _____ Date of Birth: _____

Dear Parent(s)/Student:

On _____, the Eligibility Committee met to discuss school related information on _____ . After reviewing all relevant information, it was determined that your child is eligible for accommodations and programming through Section 504.

Before our school division can provide these special services for your child, we must have your written consent. We request your involvement in the writing of a 504 Plan. A meeting has been scheduled as follows:

Date: _____ Time: _____

Location: _____

Participants:

If this time is not convenient for you, please contact _____ at _____ to discuss another time.

You have the right to invite anyone you believe has knowledge or special expertise.

Enclosed with this letter is a copy of your rights as the parent of a child who requires accommodations and special programming through Section 504. We look forward to meeting with you.

Sincerely,

Principal/Designee

Student ID:
WA SSID:
Date of Birth:

Lake Washington School District
16250 NE 74th Street
PO Box 97039
Redmond, WA 98073-9739
425.936.1200

Contact Attempt Report

Notification Area: Plan
Meeting Date: _____
Time: _____
Location: _____

Student ID:
WA SSID:
Date of Birth:

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Section 504 - Accommodation Plan

Student's Name: Meeting Date:
Student ID Number: School: Grade:

(A person with a disability means any person who has a physical or mental impairment which substantially limits one or more major life activities. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.)

Explanation of Major Life Activity Impacted:

Description of Accommodations: The specific accommodations that are necessary for the child to have an opportunity commensurate with non-disabled students (at about the same age) in this district, e.g., instructional, environmental/accessibility, behavioral/Social, assessment/testing:

Accommodations (please list, as appropriate):

Accommodation(s)

Implementation Date: Review Date:

Signatures:

The list below indicates that the individual participated in the development of this 504 plan

Annual Review	Date	Signature

Student ID:
WA SSID:
Date of Birth:

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Section 504 - Prior Written Notice

To: _____ Date: _____
Re: Student's Name: _____

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1. proposing refusing **to** 2. initiate change continue discontinue **a/an**
(mark one of the above) (mark one of the above)

Mark all items below that apply:

3. Referral Initial Evaluation Eligibility Category
 Educational Placement IEP Reevaluation
 Disciplinary action that is a change of placement 504 Plan Other:

Description of the proposed or refused action:

The reason we are proposing or refusing to take action is:

Description of any other options considered and rejected:

The reasons we rejected those options were:

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Any other factors that are relevant to the action:

Enclosed you will find copies of the following documents that explain the actions of this team:

- Section 504 Parent/Guardian/Student Rights
 Section 504 Eligibility Determination
 Section 504 Accommodation Plan

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. If a copy of the Notice of Action and Section 504 Parent/Student Rights is not enclosed and you would like a copy or you would like help in understanding the content, please contact the person responsible for ensuring that the district complies with Section 504:

The district has a policy for notifying parents regarding the use of restraint or isolation. A copy of this policy is attached to this document.

Student ID:
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Date of Birth:

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Section 504 - Notice of Action / Consent

Parent Consent (Only required for initial placement.)

..... Yes, I do consent for initial placement for my child for a Section 504 plan.

..... No, I do not consent for initial placement for my child for a Section 504 plan.

Signature: _____
(parent/adult student/guardian)

Date: _____

Signature: _____
(parent/adult student/guardian)

Date: _____

Section 504 Coordinator _____

Telephone: _____

- Copies to: 1) Parents/adult student/guardian
2) School Section 504 file
3) District Section 504 coordinator