

**Stephens County Schools
Section 504
Procedures and Practices
Manual
2024-2025**

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Stephens County School System

The Stephens County School System does not discriminate based on race, color, national origin, sex, or disability in any student program. It is the policy of the Stephens County Board of Education to comply fully with the requirements of Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and all accompanying regulations. It is the intent of the school system to ensure that students who are disabled under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services.

Under Section 504, due process rights are guaranteed in the Stephens County School System for students with disabilities.

The school counselor or selected school administrator is the building level coordinator of Section 504 and is responsible for monitoring compliance of all Section 504 requirements.

For questions related to Section 504, you may contact the department of Student Services.

Overview of Section 504

Section 504 of the Rehabilitation Act of 1973

Congress prohibited discrimination against students with disabilities in the Rehabilitation Act of 1973 in a segment most often referred to simply as “Section 504.” This is a broadly worded prohibition that covers both children and adults. The principles enumerated in this section were later expanded and served as the basis for the 1990 Americans with Disabilities Act (ADA).

Additionally, the ADA Amendments Act of 2008 amended some definitions of Section 504. Section 504 of the Rehabilitation Act is a federal civil rights law and prohibits discrimination against students with disabilities by LEAs receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the U.S.

Section 504 prohibits discrimination against individuals whose physical or mental impairment substantially limits one or more major life activities, including but not limited to:

- self-care
- performing manual tasks
- walking
- seeing
- hearing
- speaking
- breathing
- working
- learning
- immune system
- normal cell growth
- digestive functions
- bowel functions
- bladder functions
- neurological functions
- brain functions
- respiratory functions
- circulatory functions
- endocrine functions
- reproductive functions

Child Find Obligations

An LEA shall identify and locate every qualified student under Section 504 who is not receiving FAPE and take appropriate steps to notify those students and their parents or guardians.

An LEA that operates a public elementary or secondary education program or activity shall annually:

- A. Undertake to identify and locate every qualified student with a disability residing in the LEA's jurisdiction who is not receiving a public education; and
- B. Take appropriate steps to notify students with disabilities and their parents or guardians of the LEA's duty.

The LEA should keep in mind the obligation to initiate evaluation of a child with a suspected disability in accordance with 34 CFR & 104.35 Evaluation and Placement. Because of the LEA requirement to locate students who may qualify for Section 504 services and supports, the obligation to evaluate may not always be triggered by a parent's request to do so. The obligation to evaluate may be triggered by the student's performance, behavior, or other indications that the child may have a disability.

Child find for homeless students and students who are parentally-placed in private schools falls under the jurisdiction of the LEA that would be assigned based on residence.

The Federal Regulations do not prescribe specific child find activities that an LEA must take. However, the LEA must take general actions, such as providing public awareness, and keeping track of children enrolled in other educational programs (e.g. early childhood centers, private schools) in order to fulfill its child find responsibilities.

Who is eligible under Section 504?

To be protected under Section 504, a student must be determined to:

1. have a physical or mental impairment which substantially limits one or more major life activities
 - a. **What is a physical or mental impairment?** A physical or mental impairment includes any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting any of the body systems or any mental or psychological disorder. The term ‘physical or mental impairment’ is not limited to any specific diseases or categories of medical conditions.
 - b. **What is a major life activity?** A major life activity includes functions such as self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Major bodily functions that include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions are also major life activities. The list of examples are not exclusive.
 - c. **What is a substantial limitation?** The physical or mental impairment does not constitute a disability under Section 504 unless its severity substantially limits one or more major life activities. There is no definition of “substantially limits” in Section 504 regulations, so this determination must be made by the school district. It is not meant to be a demanding standard. An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity when compared to most people in the general population. *Example: a person with a substantial limitation of a major life activity may be a person with Rheumatoid Arthritis which causes severe back and joint pain and may limit a person’s ability to walk. If this person can walk only a very short distance before having to rest, and the average person can walk one mile before having to rest, then this would be a substantial limitation of walking.* The impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered ‘substantially limiting.’

Mitigating Measures - The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures. Mitigating measures used by a student to help manage an impairment or lessen the impact of an impairment include: a) medication, medical supplies, equipment, appliances, low-vision devices (devices that magnify, enhance, or augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices, hearing aid(s), cochlear implant(s), or other implantable hearing devices, and oxygen therapy equipment and supplies, b) use of assistive technology, c) reasonable accommodations or auxiliary aids or services, d) learned behavioral or adaptive neurological modifications, or e)

psychotherapy, behavioral therapy, or physical therapy. *Note: While the ameliorative effects of mitigating measures cannot be considered when making the disability determination, such effects can be considered in determining whether a student needs a 504 Plan (ex: the team could find that a student does not need a 504 plan because his/her educational needs are being met adequately as the needs of his/her nondisabled peers. However, he/she would still be considered disabled and could not be discriminated against based upon the disability).* The Section 504 Review Committee cannot take the position that a student does not have a disability under Section 504 because the student has a “correctable” condition or conditions that can be resolved through the use of mitigating measures. *Example: If a student is on ADHD medication, then the determination of a “substantial limitation” and whether the student would be considered “disabled” under Section 504 needs to be made based on evidence (if there is any) on how the student performs in regard to major life activities when not on medication.*

Temporary Impairments - A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity results in a substantial limitation of one or more major life activities for an extended period of time. This must be resolved on a case-by-case basis, taking into account the duration (or expected duration) of the impairment as well as the extent to which it limits a major life activity of the affected individual. *Example: If a right-hand dominant student breaks his left arm and the break is expected to heal normally, without complications, this would probably not constitute a disability. However, if a right-hand dominant student breaks his right arm, causing an impaired ability to perform manual tasks, such as writing, this probably would constitute a temporary disability under Section 504.*

Episodic Impairments - An impairment that is episodic or in remission is considered a disability if it substantially limits a major life activity when active.

2. have a record of such an impairment:
 - a. This protects individuals from discrimination based upon a “record of” a past impairment. It is the negative action taken based on the record that entitles an individual to protection against discrimination based on the assumption of others. In order to be entitled to a Section 504 Plan, a student must have a present impairment that requires the implementation of a Section 504 Plan.
3. be regarded as having such impairment:
 - a. A student meets this if he/she has been subjected to an action prohibited under the Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

What is Free Appropriate Public Education (FAPE) under Section 504?

FAPE is the provision of regular or special education and related aids and services that are designed to meet the individual education needs of students with disabilities as adequately as the needs of students without disabilities. The quality of educational services provided to students with disabilities must be equivalent to the services provided to non-disabled students. This is based upon adherence to procedures that satisfy the requirements pertaining to educational setting, evaluation and placement, and procedural safeguards. Related aids and services are any aid or service that a student needs to participate in and benefit from the education program.

<i>IDEA FAPE</i>	<i>Section 504 FAPE</i>
Enforced by Office of Special Education and Rehabilitative Services (OSERS)	Enforced by the Office of Civil Rights (OCR)
Focuses on special education services for children with disabilities and the related rights afforded to eligible students and their parents.	Focuses on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school.
Disability under the IDEA means a child who has been evaluated in accordance with IDEA requirements as having a specified disability and needs special education and related services because of that disability.	Disability under Section 504 requires that an individual with a disability have a physical or mental impairment that substantially limits a major life activity or bodily function.
The IDEA's implementation regulations include 13 disability categories: Autism, Deaf-blindness, Emotional Disturbance, Hearing Impairment, Intellectual Disability, Multiple Disabilities, Orthopedic Impairment, Other Health Impairment, Traumatic Brain Injury, and Visual Impairment, including blindness.	Section 504 has <u>no</u> categories of disabilities and there is no requirement that an individual need special education and related services under Section 504 to be considered an individual with a disability. However, a child who has a disability who requires only a related service could be considered an individual with a disability for purposes of Section 504 and would be entitled to FAPE.

Operational Guidelines

The Section 504 Process

Section 504 regulations outline that students with disabilities be given an equal educational opportunity. This is commonly defined as the provision of a documented plan that includes accommodations or services that level the playing field so Section 504 students can access school programs and services as adequately as non-disabled peers.



Referral

Referrals should be captured on a 504 Referral Form. A referral can be made by parent, teacher, school staff, or other knowledgeable professional. If the parent makes a verbal request for referral, the 504 Coordinator shall document the request by completing the 504 Referral form. The 504 Coordinator will respond to the request within ten school days.



Evaluation

A district must evaluate a student prior to providing services under Section 504. Evaluation procedures are necessary in order to ensure students are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

Whenever possible an evaluation shall be completed within thirty school days of the 504 Referral.

The school district is required to evaluate the student if it has reason to believe the student has a mental or physical impairment that substantially limits one or more major life activities. If an evaluation is refused, notice must be given to the parent explaining the refusal along with the 504 due process rights.

Any student who is being considered for an initial Section 504 determination must have:

- **Section 504 Referral Form**
- **Notice and Consent for Section 504 Evaluation** completed and signed by the parent.
- **Notice of Rights of Students and Parents under Section 504** must be given and explained to the parents.

The Notice of Rights of Students and Parents Under Section 504 must be offered to the parent at every Section 504 meeting. The parent may waive their right to take them and/or may waive their right to have them explained.

To determine if the child is disabled under Section 504, an evaluation must be completed which includes reviewing evaluation information after consent is received. Parents will be given the opportunity to participate and provide input.

The evaluation information may include, but is not limited to:

- Medical reports that document a physical or mental impairment

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Adapted from 2018 GA DOE Section 504 Guidance

- IQ scores
- Achievement scores
- Observations
- Review of existing school records (grades, standardized test scores, attendance, anecdotal information)
- Behavioral data
- Prior individual assessments
- Information provided by parent/guardian
- Review of intervention data
- Psychological reports
- Special Education Records
- Evaluation information from outside agencies
- Physician's Orders
- School Health information
- Hospital/Homebound Documents
- Work Samples
- Hearing/Vision Report
- Other

Medical evaluations are not required under Section 504. The district cannot require the parent to provide medical information or evaluations. If the 504 Eligibility Team determines that a medical evaluation is necessary, the district must offer to pay for it.



A medical diagnosis does not automatically determine eligibility under Section 504. The impairment must also substantially limit a major life activity. All eligibility determinations are made by the 504 Team.

The evaluation process is determined by the type of suspected disability and must be sufficient to accurately and completely assess the nature and extent of the suspected disability in order to recommend appropriate services. There is no entitlement to an independent educational evaluation in Section 504. The information obtained from all sources should be documented and carefully considered to determine if a student qualifies for Section 504.

Office of Civil Rights (OCR) guidelines require that a district obtain informed parental permission for initial evaluations. The Section 504 Parental Consent for Evaluation form must be signed by the parent in order for the 504 Team to formally review the student's assessment data. A parent has the right to refuse evaluation.

If a parent refuses consent for a 504 evaluation, the process ends. Parents will indicate refusal on the Section 504 Parental Consent for Evaluation form. Give parents a copy of form and a copy of the Notice of Parent and Student Rights.

The district must notify the parent before the 504 Team conducts a re-evaluation or recommends a significant change in placement, but parent consent is not necessary. The parent should be fully informed and given the opportunity to fully participate as a member of the 504 Team.



Eligibility Determination

The primary purpose of the 504 Team in determining 504 eligibility is to review the evaluation information to determine if the student is considered disabled under Section 504. Eligibility must be based on multiple data points from a variety of sources that support the decision. The 504 Team uses a two-part inquiry to determine if the student is considered disabled under Section 504. Both of the criteria must be met before a student is eligible for a Section 504 Plan:

- Does the student have a physical or mental impairment?
- Does the physical or mental impairment “substantially limit” a major life activity?



Eligibility Determination is a process. A medical diagnosis does not automatically equate to eligibility under Section 504. The illness must cause a substantial limitation on the student’s ability to learn or other major life activity. Section 504 eligibility is a team decision.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must always be made on an individual basis. There is no exhaustive list of specific diseases and conditions that may constitute physical or mental impairments.

Examples of physical or mental impairments include:

- Health conditions such as allergies, asthma, diabetes, epilepsy
- Communicable diseases such as AIDS, tuberculosis, hepatitis
- Psychological conditions such as ADHD, depression, obsessive-compulsive disorder

- Physical disabilities such as spina bifida, hemophilia, juvenile rheumatoid arthritis, cerebral palsy, hearing or vision impairments

Does the impairment cause substantial limitation?

OCR does not specifically define the term “Substantial limitation” in its regulations. Each LEA determines what constitutes a substantial limitation in each individual evaluation. The general guidance for determining a substantial limitation is broad and typically references access to participation when compared to non-disabled students.

The 504 Team considers the nature and severity of the disability. Simply having a condition or impairment does not automatically qualify a student for Section 504 protections. Successful performance does not rule out the presence of substantial limitations. The academic level of courses does not rule out the presence of substantial limitations. The amount of time and effort it takes a student to complete the assignments as compared to non-disabled students must be a consideration in the Section 504 evaluation.

Indicators of a substantial limitation could include the following as compared to peers:

- A consistent need for more time
- A consistent need for testing accommodations
- Frequent behaviors associated with an identified physical/mental impairment that interferes with school performance
- Significant difficulty with planning, organization, and completion of assignments
- Chronic absences or tardies related to a physical or mental impairment
- Classroom interventions do not alleviate difficulties
- Overall steady decline in academic performance

The impairment needs only to substantially limit one major life activity to be considered a disability under Section 504. The identified physical or mental impairment does not have to prevent or severely restrict the student from performing the major life activity.

Major life activities include basic activities that the average person can perform with little or no difficulty. In the school setting, consideration of major life activities includes, but is not limited to, those basic activities that are necessary to access learning. Even if there are no limitations on the ability to learn, the student may still be eligible if another major life activity is limited, and that activity is necessary for the student to access opportunities for learning or other typically accessible school activities.



Students are eligible under Section 504 if they have a physical or mental impairment that would substantially limit them in a major life activity despite taking advantage of mitigating measures.

Mitigating Measures

Beneficial effects of mitigating measures are not considered in evaluations for 504 eligibility when determining whether the student's physical or mental impairment substantially limits a major life activity. Mitigating measures are strategies or supports utilized by the person with disability. A student with a disability cannot be denied non-discriminatory protections under Section 504 because of a mitigating measure. A student may qualify for a 504 plan and not need a 504 accommodation plan due to the positive impact of the mitigating measures.



If the student takes medication for ADHD and performs well in school, the student still has a medical impairment and is entitled to Section 504 protections. While on medication, the student may not need accommodations (no 504 plan). However, if circumstances change the team should reconvene and develop plan if needed.

504 Eligibility/Reevaluation Meeting

The team will review evaluation data and determine:

1. If there is a physical or mental impairment that substantially limits one or more major life activities
2. If there is a need for a Section 504 plan

The team may make any of the following decisions:

1. Not Eligible/No Plan: If the team determines that there is not a physical or mental impairment that substantially limits one or more major life activities, then the student is not eligible for Section 504, and a Section 504 plan is not written at this time.
2. Eligible/Plan: If the team determines that there is a physical or mental impairment that substantially limits one or more major life activities and services are needed in order to meet the student's educational needs as adequately as those of nondisabled

peers, then the student is eligible for Section 504 and a Section 504 plan will be developed.

3. Eligible/No Plan: If the team determines that there is a physical or mental impairment that substantially limits one or more major life activities, but the student does not need a Section 504 plan because the student's educational needs are met as adequately as those of nondisabled peers, then the student is eligible for Section 504, but a plan is not developed. While the student is not in need of a Section 504 plan, it is understood that the student is protected under Section 504's anti-discrimination provisions and cannot be discriminated against on the basis of the disability.
4. Episodic Impairments: If the student is disabled due to an episodic impairment that, when active, substantially limits a major life activity, and services are needed so that student's educational needs are met as adequately as those of nondisabled peers, then a Section 504 Plan will be developed. This will be implemented when the impairment is active. When the impairment is not active, the Section 504 Plan will not be implemented; however, it is understood that the student is protected under Section 504's anti-discrimination provisions and cannot be discriminated against on the basis of the disability.
5. Disabilities in remission: If the student is disabled due to an impairment that is in remission, but when active, substantially limits a major life activity, and services are needed so the student's educational needs are met as adequately as those of nondisabled peers, then a Section 504 Plan will be developed. This will be implemented if/when the impairment is out of remission. When the impairment is not active, the Section 504 Plan will not be implemented; however, it is understood that the student is protected under Section 504's anti-discrimination provisions and cannot be discriminated against on the basis of the disability.

504 Eligibility Team Members:

- 504 Coordinator/Counselor
- Parent (required for initial eligibility)
- Psychologist (Optional)
- Teachers
- Principal/Assistant Principal (Optional)
- Director of Student Services (Optional)
- Others as necessary



A reevaluation should be conducted every three years. Updated medical information should be requested to review, but parents cannot be made to give it.

Reevaluation: Section 504 requires periodic reevaluations; however, there is no specified time limit. Assessments need to be updated so that eligibility and accommodations are based on current information that accurately defines the student's disability and reflects current strengths and areas of need. At least every three years, the Section 504 Team should determine whether updated evaluations are needed. Reevaluations can consist of a comprehensive evaluation or a review of the data and the plan. A reevaluation must be completed prior to any significant change in placement. Examples of significant changes in placement may include: expulsion, series of suspensions which exceed 10 days (consideration should be given to frequency of suspensions, length of each suspension, and their proximity to each other), transferring student to home instruction, and graduation from high school.

504 Team Members:

- 504 Coordinator/Counselor
- Parent (invited, but not required)
- Psychologist (Optional)
- Teachers
- Principal/Assistant Principal (Optional)
- Director of Student Services (Optional)
- Others as necessary



Section 504 Plan

The goal of the Section 504 Plan is to provide accommodations that ensure that students with a disability have the opportunity to participate and access the general education curriculum and extracurricular activities to the same extent as an average, nondisabled peer. This does not guarantee equal outcome, but provides equal opportunity, so that if appropriate effort is applied, a student will benefit the same as nondisabled peers. The Section 504 plan will be based upon the individual student's educational needs and least restrictive environment. The Section 504 plan should be developed immediately following the Eligibility Determination Meeting.

The school is required to provide services and related aids. The services and related aids will be individualized to the student, and they will have a direct relationship to data that demonstrate the disability-related need. Data must be collected to determine student needs.

- The accommodations used must be based on information and data that is used in the evaluation and eligibility determination process. The accommodation must be matched to the student's needs.
- The same types of accommodations should be provided for both classroom assignments and assessments.
- Accommodations for both classroom and standardized testing must be addressed when developing the Section 504 Plan and these testing accommodations must be specified in the plan. If standardized testing accommodations are being recommended, the Student Assessment Handbook and/or Accommodations and Accessibility Handbook (gadoe.org) should be checked to determine allowable accommodations. 504 students should only have Standard Accommodations.
- If there are dietary needs or food allergies, the Director of School Nutrition should be involved.
- If there are medical needs, the school nurse should be involved.
- If there is a need for related services, the appropriate related services staff should be consulted.



Parents must be notified and given the opportunity to participate as a member of the multidisciplinary 504 Team in developing the student's 504 Plan.

Accommodations may change how something is done but do not change the learning standard for the student. Students with accommodations are expected to meet learning standards for the class.

Any recommended accommodations should:

- Relate to the area of impairment
- Reflect the unique needs of the student
- Enable the student with a disability to receive an equal opportunity to participate in all educational programming as nondisabled students
- Provide the student equal access to the curriculum and equal opportunity to demonstrate achievement
- Be specific enough in description to indicate when and where it will be implemented



Accommodations should not change or modify the content or curriculum standards. Passing grades are not guaranteed with a 504 Plan.

The need for a specific accommodation must relate to the area of identified impairment and is based on data to support the need for the accommodation. In cases where an accommodation is requested without adequate data to support the need for the accommodation, the 504 Team may agree to collect the necessary data and convene again to determine the need for the accommodation based on a review of data.



Standardized testing accommodations must be consistent with those used during classroom instruction and assessments throughout the year.



Annual Review

Students who are found eligible for a Section 504 Plan must have a plan in place. Schools determine, as they work with parents, when to meet to adjust and revisit needs for the continuation of the plan, review of the plan, and/or revision of the plan. *Best practice is to review possible changes to the plan within a calendar year of the current 504 Plan. Parents must be invited to attend, but meetings can be held without them present. Adding and/or deleting accommodations should be based on data and explained in the minutes.

504 Team Members:

- 504 Coordinator/Counselor
- Parent (invited, but not required)
- Psychologist (Optional)
- Teachers
- Principal/Assistant Principal (Optional)
- Director of Student Services (Optional)
- Others as necessary

After the meeting, teachers should be notified to review 504 Plan and accommodations via Infinite Campus. Teachers should go to the “Review Documents” tab in IC to sign off that they have reviewed accommodations.



Manifestation Determination Review (MDR)

Discipline practices for students with disabilities should be determined on a case-by-case basis. It is important that students with disabilities are not denied services based solely on their disabilities. Students should not be discriminated against or punished for behavior that was caused by or is a manifestation of their disability.

Students defined as having a disability under Section 504 with suspensions totaling more than ten cumulative days during a school year may be considered a significant change in placement by the Office of Civil Rights (OCR). Suspending a student with a disability more than ten days (OSS and ISS) triggers procedural safeguards that may deem the district non-compliant with federal guidelines.

Before a significant change in placement occurs as a result of a disciplinary infraction (long term suspension or any suspension(s) that totals more than 10 days in a school year), a determination must be made that the behavior is or is not a manifestation of the student's disability.

Every effort should be made to include the parent in the MDR meeting. The parent should be invited, and the meeting should be rescheduled if the parent requests another time. If the parent does not attend, the MDR can proceed without the parent present. All attempts to include the parent should be documented in Infinite Campus and in the meeting minutes.

If a student with a 504 is being considered for tribunal, a MDR meeting must be held prior to the disciplinary hearing.

The 504 Team will hold a MDR meeting and determine if the behavior is or is not a manifestation of the student's disability. The student's records will be reviewed along with any other pertinent information. The Manifestation Determination will be completed at this time.

MDR 504 Team Members:

- 504 Coordinator/Counselor
- Parent (invited, but not required)
- Psychologist
- Teachers
- Principal/Assistant Principal (Optional)
- Director of Student Services (Optional)
- Others as necessary

Parents must be provided a copy of :

- Notice of Rights of Students and Parents Under Section 504
- Section 504 Procedural Safeguards
- Manifestation Determination for Section 504 once decision is made by 504 Team

If it is determined that the behavior is not a manifestation of the student's disability, then the student can be disciplined as a nondisabled student would be for the same infraction. However, the Section 504 Plan accommodations may need to be revised at this time, and a formal behavior plan may need to be written. When a student's behavior significantly interferes with his/her ability to benefit from his/her education, a behavior plan may assist in maintaining that student's placement in the least restrictive environment to meet educational needs. The student may need to be referred to the RTI team for additional behavior interventions.

If the 504 Team determines that the student's misconduct was a manifestation of an impairment, the team must evaluate whether the student's current educational placement is appropriate. If necessary, the team shall consider a change in the student's placement to a setting that meets his or her educational and behavioral needs.

Unlike IDEA, Section 504 does not require the continuation of FAPE for a student served through Section 504 who has been properly suspended or expelled, as long as a nondisabled student would not receive services as well for the same infraction. There is also no 'stay-put' requirement that parents can invoke if challenging a disciplinary action through a 504 hearing.



Miscellaneous

Bullying

Bullying may lead to a Section 504 or ADA Title II violation. If disability-based peer harassment is happening, the school must take prompt and effective steps to eliminate the hostile environment and prevent harassment.

Disability Documentation

As part of the evaluation/reevaluation process, it is beneficial to have updated medical information to assist in the development of the 504 Plan. The building level 504 Coordinator should make every effort to obtain medical information from the parent including offering a parental release of information form to the parent.

Dismissal Meetings

When a 504 Plan is discontinued, a dismissal meeting must be held. The parent may elect not to attend.

A student should be dismissed from a 504 Plan in these situations:

- Student no longer has a qualifying impairment
- Student no longer needs accommodations to access the general education curriculum or facilities
- Parent revokes consent for the 504 Plan
- Student becomes eligible for Special Education and the parent signs consent for Special Education services

Parents must be provided a copy of:

- Notice of Parent and Student Rights under Section 504
- Dismissal Form (provides written notice to parent of dismissal)

Dual-Enrollment

A 504 meeting should be scheduled if the student is struggling with college classes. The 504 team should determine if student requires college-level services to succeed. The college's disability services center may need to be contacted for assistance.

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Adapted from 2018 GA DOE Section 504 Guidance

FAPE Concerns

If there are concerns about whether FAPE is being provided, the 504 Team should reconvene.

Examples of when to reconvene:

- Student's medical condition improves, worsens, or drastically changes
- Truancy
- Student refuses accommodations
- Student's behavior changes
- Accommodations are not working or are not feasible

Parent Involvement

Parental consent is required for an initial 504 Evaluation. If a parent refuses consent and a school district believes the student has a disability, then school districts may use due process hearing procedures to seek to override the parents denial of consent.

Parents do not have to attend 504 plan meetings; however, it is always best practice to involve parents in Section 504 meetings and obtain their input and consent regarding the 504 Plan or MDR.



Forms

Notice of Rights of Students and Parents Under Section 504

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

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following:

191 Big A School Road
Toccoa, GA 30577
706-886-5112, 706-886-5644
brent.tuck@stephenscountyschools.org

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/ or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
6. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
8. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.

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9. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35

10. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.

11. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.

12. You have the right to examine your child's educational records. 34 CFR 104.36.

13. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.

14. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.

15. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure. 34 CFR 104.36.

16. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.

Section 504 Procedural Safeguards

- 1. Overview:** Any student or parent or guardian (“grievant”) may request an impartial hearing due to the school system’s actions or inactions regarding your child’s identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system’s Section 504 Coordinator; however, a grievant’s failure to request a hearing in writing does not alleviate the school system’s obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system’s Section 504 Coordinator. The school system’s Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.
- 2. Hearing Requests:** The Request for the Hearing must include the following:
 - a. The name of the student.
 - b. The address of the residence of the student.
 - c. The name of the school the student is attending.
 - d. The decision that is the subject of the hearing.
 - e. The requested reasons for review.
 - f. The proposed remedy sought by the grievant.
 - g. The name and contact information of the grievant.

Within 10 business days from receiving the grievant’s Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.
- 3. Mediation:** The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.
- 4. Hearing Procedures:**
 - a. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within forty-five (45) calendar days from the receipt of the grievant’s Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
 - b. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.

- c. The grievant will have an opportunity to examine the child's educational records prior to the hearing.
- d. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least ten (10) calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
- e. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the recipient to defend its position/decision regarding the claims (i.e. A recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R.§104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
- f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
- g. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
- h. The hearing shall be closed to the public.
- i. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
- j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion may allow further examination of witnesses or ask questions of the witnesses.
- k. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.
- l. Unless otherwise required by law, the impartial review official shall uphold the action of the school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
- m. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

5. **Decision:** The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

6. **Review:** If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

**Stephens County School System
Section 504 Referral**

Student Name:
Date of Birth:
School:
Grade:
Referring Person:
Date:

Section 504 of the Rehabilitation Act of 1973 is designed to prohibit discrimination based on disability in any program or activity receiving federal money. This statute obligates public schools to provide equal access and equal opportunity to qualified persons with disabilities. Eligibility for a Section 504 Accommodations Plan is determined on the basis of a mental or physical impairment that substantially limits one or more major life activities and impacts the student’s education.

If you believe that a student may be eligible for Section 504 support, please complete and sing the following form and submit it to your school’s 504 Coordinator. Documentation of a disability will be required prior to establishing an accommodation plan.

Reason for Referral:

Describe possible solutions/accommodations that you think this student requires in order to gain equal access and/or benefit to school programs and services.

**Section 504
Notice of Meeting**

Date: _____

Student Name: _____ Student Number: _____

Date of Birth: _____ Grade: _____ School: _____

Your Child's 504 Team will meet to:

- Determine 504 Eligibility
- Develop Initial 504 Plan
- Conduct Re-evaluation
- Conduct Annual 504 Review
- Complete Manifestation Determination Review

You are invited to participate in the meeting on _____ at _____.

The meeting will be held at _____.

Please complete the section below and return to _____.

- I plan to attend the 504 meeting.
- I cannot attend the 504 meeting, please contact me to reschedule.
- I do not plan to attend the 504 meeting, please have the meeting without me.

Signature of Parent/Guardian

Date

**Stephens County School System
Teacher Observation Report for Section 504 Evaluation**

Student Name		Date	
Teacher Name		Content Area	

Participation in class:	Always	Sometimes	Never
Willingly participates in discussions and other activities			
Completes classwork assignments within the time allotted			
Completes homework assignments			
Keeps notebook and other materials organized			
Turns in assignments on time			
Comes to class prepared with materials			
Stays focused and on-task during class			
Follows directions when completing assignments			
Sleeps in class/tired			
Easily frustrated when he/she doesn't understand			
Requires assistance to successfully complete assignments			
Performance on Quizzes and Tests:			
Earns passing grades on quizzes			
Earns passing grades on tests			
Completes quizzes/tests within the time allotted in class			
Appears to study for quizzes/tests			
Requires accommodations to demonstrate knowledge			

Interactions with Teachers and Peers	Always	Sometimes	Never
Asks questions to clarify information			
Complies with directions when given			
Works cooperatively with others			
Shows respect to the teacher			
Shows respect to peers			
Impulsive			
Aggressive toward others			

Current Grade: _____

What strengths does this student demonstrate in your class?

Strategies being implemented:

Accommodations being implemented:

Additional Comments:

**Section 504
Parent Input Report**

Student Name:	Date of Birth:
School:	Date Form Returned:
Parent/Legal Guardian:	

1. Please attach any medical documentation, psychological evaluations, or other information that you would like the 504 Team consider and which you believe supports the student having a physical or mental impairment that substantially limits one or more major life functions.
2. When and how often is the medical impairment a challenge for your child?

3. Please list all current medications that your child takes.

4. Describe how the medical impairment impacts your child's learning/academic progress in school.

5. What are your child's strengths?

6. What are your child's weaknesses?

7. What school experiences are not accessible for your child?

8. List any services your child receives (e.g. counseling, OT, PT, Speech, etc.)

9. Please share any additional information that would be helpful.

**Stephens County School System
Section 504 Eligibility/Re-Evaluation**

Meeting Date: _____ School: _____

Student Name: _____ Birthdate: _____

Student Number: _____ Grade: _____

1. Does the student have a physical or mental impairment? ___ Yes ___ No

List Impairment(s):

2. Does the student have a documented record of such an impairment? ___ Yes ___ No

If yes, describe any records, data, medical reports and/or evaluations that support the existence of the impairment.

3. Does the Impairment(s) substantially limit one or more life activities without regard to mitigating measures (other than glasses or contacts)? Mitigating measures include, but are not limited to prosthetic devices, wheelchairs, medication, and therapy. ___ Yes ___ No

If yes, check the life activity that is /are substantially limited by the impairment and affects the student's overall performance at school:

<input type="checkbox"/> Seeing <input type="checkbox"/> Breathing <input type="checkbox"/> Eating <input type="checkbox"/> Thinking <input type="checkbox"/> Standing	<input type="checkbox"/> Hearing <input type="checkbox"/> Walking <input type="checkbox"/> Learning <input type="checkbox"/> Lifting <input type="checkbox"/> Speaking	<input type="checkbox"/> Working <input type="checkbox"/> Sleeping <input type="checkbox"/> Bending <input type="checkbox"/> Concentrating <input type="checkbox"/> Communicating	<input type="checkbox"/> Self care <input type="checkbox"/> Operation of bodily function <input type="checkbox"/> Other: _____ _____ _____
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4. **Is the impairment temporary?** ____ Yes ____ No
(If yes, describe frequency, intensity, or expected duration)

5. **Is the impairment episodic, intermittent, or in remission?** ____ Yes ____ No
(If yes, describe frequency, intensity, or expected duration)

6. **Please check the evaluation measures used to determine eligibility.**

<input type="checkbox"/> Parent Information <input type="checkbox"/> Medical Report <input type="checkbox"/> Test Data <input type="checkbox"/> Review of Classwork <input type="checkbox"/> Teacher Reports <input type="checkbox"/> Curriculum Based Assessments	<input type="checkbox"/> Psychological Evaluation <input type="checkbox"/> Change in Instructional Level <input type="checkbox"/> Discipline History <input type="checkbox"/> Classroom Performance Data <input type="checkbox"/> Current Grades <input type="checkbox"/> Other Factors: _____ _____
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Eligibility Determination:

Based on the analysis of the evaluation data and input from a variety of knowledgeable sources, including the parents, it is the determination of the Section 504 Team that:

- No, the student is not Section 504 eligible because there is no physical or mental impairment that substantially limits a major life activity.

- Yes, the student is Section 504 eligible. A Section 504 Plan will be developed.

- Yes, the student is Section 504 eligible, but does **not** require an accommodation plan to access educational programs, benefits or activities. *While an accommodation plan will **not** be developed, the student is still entitled to protection from discrimination and to disciplinary protections in the event a manifestation determination review becomes necessary.*

- Yes, the student is Section 504 eligible. The student is disabled because there is an episodic physical or mental impairment that, when active, substantially limits a

major life activity, and services are needed in order that the student’s educational needs are met as adequately as those of nondisabled peers. A Section 504 plan will be developed and implemented when the impairment is active. When the impairment is inactive, the 504 Plan will not be implemented, but it is understood that the student will still be protected by Section 504’s anti-discrimination provisions and the school cannot discriminate against the student on the basis of disability.

- Yes, the student is Section 504 eligible. The student is disabled because there is a physical or mental impairment that is in remission but, when active, substantially limits a major life activity, and services are needed in order that the student’s educational needs are met as adequately as those of nondisabled peers. The need for a section 504 Plan will be addressed if/when the impairment comes out of remission. When the impairment is inactive, it is understood that the student is protected by SECTION 504’s anti-discrimination provisions and that the school cannot discriminate against the student on the basis of disability.

Re-evaluation Determination:

- Based upon re-evaluation data, the student continues to be disabled under Section 504 because there is a physical or mental impairment that substantially limits a major life activity. The Section 504 plan will be reviewed/revised.
- Based upon re-evaluation data, the student no longer is disabled under Section 504 because there is not a physical or mental impairment that substantially limits a major life activity. A Section 504 Plan is no longer needed.

Minutes:



**Stephens County School System
Section 504 Eligibility/Re-evaluation Meeting
Signature Page**

Name of student: _____ Meeting Date: _____

Signature:	Title:

Acknowledgement of Notice and Participation:
 By my signature, I certify that I am the parent or legal guardian of this student. I further certify that I have participated in the 504 Eligibility/Re-evaluation meeting and development of this document, and received a copy of my Section 504 Rights, as well as Procedural Safeguards.

Name of Parent/Guardian: _____ Date: _____

Signature of Parent/Guardian: _____

**Stephens County School District
Section 504 Manifestation Determination Review**

Student Name Birthdate

Grade Today's Date School

Student's Documented Disability

Section 504 Review

What is the student's physical or mental impairments(s) according to the 504 Eligibility? _____

When was the 504 last reviewed? _____

Manifestation Review

Date of offense _____ Total days of suspension for year _____

Description of the behavior/incident that violated the code of conduct that may result in a significant change of placement:

The 504 Team reviewed the following relevant information:

- Current 504 Plan and Eligibility
- Parent Input: strengths, changes at home, concerns
- Teacher Input: strengths, academic progress, concerns
- Attendance, grades, discipline
- Medical updates
- Functional Behavior Assessment/Behavior Intervention Plan
- Other: _____

Manifestation Determination

Did the student's disability have a direct and substantial relationship to, or cause, the behavior subject to disciplinary action?

- Yes
- No

Did the LEA's failure to implement the student's Section 504 Plan directly result in the behavior subject to disciplinary action?

- Yes
- No

- If the answer to either question is **YES**, the conduct **IS** a manifestation of the child's disability.
- If the answer to both questions is **NO**, then the conduct **IS Not** a manifestation of the child's disability.

- The conduct/behavior in question is a manifestation of the student's disability.** At least one answer is *YES*. The student may not be suspended. The Section 504 Plan must be reviewed and modified, as needed to address the inappropriate behaviors. The Team should consider a MTSS-RTI Referral.
- The conduct/behavior is not a manifestation of the student's disability.** Both answers are *NO*. The student may be suspended from school in the same manner as other general education students. The TEam should consider a MTSS-RTI Referral.

Signatures/Roles of 504 Team Members

Minutes of 504 MDR:

**Stephens County School System
Section 504 Dismissal Form**

Student: _____ Date of Birth: _____

School: _____ Grade: _____ Date: _____

The above mentioned student is no longer in need of a 504 Accommodation Plan due to the following reason(s):

- Student no longer has a disability that substantially limits one or more life activity
- Student has qualified for Special Education services and parent has signed consent
- Parent is revoking consent (parent must sign revocation statement)

I am revoking consent for my child to have a 504 Plan. I understand that if I change my mind, my child must be re-evaluated to determine eligibility for a 504 Plan.

Parent Signature

Date

504 Team Signature/Title:

**Stephens County Schools
Section 504 Process Checklist**

Student Name: _____ Date of Birth: _____

Request for 504 Evaluation

- Section 504 Referral Form completed
- Section 504 Parental Consent for Evaluation Form signed by parent/legal guardian
- Notice of Rights of Students and Parents Under Section 504 provided to parent/legal guardian
- Section 504 Parent Input Report given to parent/legal guardian (can be returned day of Eligibility meeting)

Collect Data Needed for Eligibility Meeting

- Teacher Observation Report for Section 504
- Vision/Hearing Screening
- Medical Documentation
- Attendance Records
- Work Samples
- RTI Information
- Psychological Evaluation
- Test Data
- Background Information

Conduct Eligibility Meeting

- Schedule meeting within 30 days of referral
- Section 504 Notice of Meeting sent to parent/legal guardian
- 504 Team members notified of meeting
 - School nurse must be included if there are health related concerns
 - Director of School Nutrition must be included if there are dietary needs and/or food allergies
 - Classroom teacher must participate in the disability determination meeting
- Section 504 Evaluation/Re-evaluation form completed during meeting to determine eligibility
- Copy of Section 504 Evaluation/Re-evaluation and 504 Plan given to parent/legal guardian

If Evaluation Determines a Disability Exists:

- Write Section 504 plan, if applicable
- Original documents sent to Director of Student Services
- Notify student's teachers of 504 plan and have them acknowledge receipt of accommodations by accessing "Review Documents" tab in Infinite Campus

If Evaluation Determines No Disability Exists:

- Refer to RTI Team if intervention is needed

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