

SECTION 504 PLAN CHECKLIST

Student Name: _____ Date of Birth: _____

Teacher: _____ Grade: _____

Referral Source: _____ Date of Referral: _____

Parents/Guardian: _____

Address: _____

E-mail Address: _____

Phone Numbers: Work: _____

 Home: _____

 Cell: _____

SECTION 504 PLAN CHECKLIST

I. Eligibility Analysis

A. Does the student have a physical or mental impairment? If so, what is it?

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) provides that the definition of disability must be construed in favor of “broad coverage of individuals . . . to the maximum extent permitted” by the law. Examples of physical or mental impairments that may be covered under Section 504 include: epilepsy, AIDS, allergies, vision impairment, broken limbs, cancer, diabetes, asthma, temporary condition due to accidents or illness, ADD/ADHD, learning disabilities, autism, depression, intellectual disability, traumatic brain injury, and post-traumatic stress disorder. A temporary impairment does not constitute a disability unless it results in a substantial limitation of one or more major life activities for an extended period of time. Temporary impairments must be reviewed on a case-by-case basis, taking into consideration the duration of the impairment and the extent to which it actually limits a major life activity. If the impairment is episodic or in remission and would substantially limit a major life activity when active, it would qualify as a disability.

B. Does the student have a record of such impairment or is the student regarded as having such impairment?

Even if a student does not have an impairment, students may be eligible under Section 504 if they have a record of having an impairment. In addition, a student who does not have an impairment may be regarded as disabled if the district believes that the student has a physical or mental impairment, whether or not it substantially limits a major life activity.

C. Is a major life activity impacted by the student’s impairment? If so, what is the major life activity? (e.g.; the student’s attention deficit disorder impacts the major life activity of learning, concentrating, and thinking).

School Districts must consider the effect of the disability on any life activity, not just learning. The Americans with Disabilities Act of 1990 (ADAAA), provides that the definition of a major life activity includes caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, standing, lifting, reading, concentrating, thinking and communicating. The ADAAA, however, expanded the definition of disability by adding activities such as standing, bending and sleeping as well as major bodily functions, such as immune system function, normal cell growth, digestive and bowel functions, neurological and brain functions. An impairment need only limit one major life activity. If the impairment is episodic or in remission, it would be considered a disability if it would substantially limit a major life activity when active.

D. Is the major life activity substantially limited by the impairment?

An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. In the ADAAA, Congress directed that the definition of disability shall be construed broadly and that the determination of disability should not demand extensive analysis. Therefore, the term “substantially limits” is to be construed broadly in favor of expansive coverage.

E. Were mitigating measures considered in determining whether the student has a disability?

A decision regarding whether an impairment substantially limits a major life activity must be made without consideration of measures which lessen the effect of the disability; i.e. medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, use of assistive technology, reasonable accommodations or auxiliary aids or services and learned behavioral or adaptive neurological modifications. The effects of ordinary eyeglasses or contact lenses may be considered in determining whether an impairment substantially limits a major life activity.

II. Section 504 Committee

List the committee members who are from a variety of sources and are knowledgeable about the student, meaning of evaluation data, and placement options in accordance with 34 C.F.R. Section 104.35(c)(3).

Name	Title

III. Evaluation and Placement

A student should not be placed on a Section 504 Plan without determining if the student has a qualifying disability. This is determined by conducting an appropriate evaluation, in which a group of individuals looks at information from a variety of sources.

A Section 504 evaluation should be considered when:

- A disability (physical or mental impairment) is suspected.
- A student exhibits a chronic health condition.
- A parent requests an evaluation.
- A student is referred for evaluation under IDEA but it is determined that an IDEA evaluation is not needed.
- A student is evaluated under IDEA and found not to qualify for IDEA services.
- A student shows a pattern of not benefiting from the instruction being provided.
- Suspension or expulsion is being considered for a student, or when retention is being considered.
- When a student is identified as “at risk” or exhibits the potential for dropping out of school.
- When substance abuse is an issue.

A district is obligated to conduct an evaluation of a student, including a medical assessment, if necessary, at no cost to the parents if the district suspects that the student has a disability that would result in Section 504 eligibility. A district must look at more than the student’s grades, and should not rely on the unilateral assessment of a principal that, because of passing grades, a student is not in need of a Section 504 evaluation. The fact that a student is performing at grade level, getting good grades, taking honors classes, or meeting behavioral standards does not necessarily mean that a student is not eligible for Section 504.

A. What is the nature of the referral?

Initial _____

Ongoing _____

Reevaluation _____

B. The committee must draw on a variety of sources such as those indicated below in interpreting evaluation data and in making placement decisions in accordance with 34 C.F.R. Section 104.35 (c)(1). OCR decision guidance provides that the committee, given the student’s individual circumstances, decides the weight and content of the information needed to make a determination of eligibility.

Indicate sources used:

- | | |
|--|---|
| <input type="checkbox"/> Achievement tests | <input type="checkbox"/> Physical condition |
| <input type="checkbox"/> Teacher recommendations | <input type="checkbox"/> Social and cultural background |
| <input type="checkbox"/> Medical diagnosis* | <input type="checkbox"/> Independent evaluation |
| <input type="checkbox"/> Adaptive behavior | <input type="checkbox"/> Assessments |
| <input type="checkbox"/> Observations | <input type="checkbox"/> Other _____ |

*(*Note that a district cannot require a parent to provide a medical diagnosis or obtain an outside medical evaluation as a condition of proceeding with the evaluation).*

C. Have procedures been established and followed to ensure that information obtained from all such sources is documented and carefully considered in accordance with C.F.R. Section 104.35 (c)(2)? If procedures have not been established and/or followed, do so prior to proceeding.

- Yes No

D. Was the IDEA process used to evaluate the student instead of Section 504? If so, are the relevant documents attached?

- Yes No

E. If the student was evaluated in accordance with Section 504:

1. Was an evaluation performed prior to taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement as required by 34 C.F.R. Section 104.35(a)?

- Yes No

2. Did the evaluation consider all significant factors related to the learning process for the student, including adaptive behavior and cultural and language background? This may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, social, emotional and psychological evaluations, and data offered by the student's teachers, medical providers, school nurse, and parent/guardian.

- Yes No

3. Were the tests and other evaluation materials validated for the specific purpose for which they are used and appropriately administered by trained personnel in conformance with the instructions by their producer as required by 34 C.F.R. Section 104.35(b)(1)?

- Yes No

4. Did the tests/evaluation materials include those tailored to assess the specific area of the student's educational need and not merely those designed to provide a single general intelligence quotient as is required by 34 C.F.R. Section 104.35(b)(2)?

Yes

No

5. Were the tests selected and administered so as to best ensure that when a test was administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflected the student's aptitude/achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills (except where those skills were the factors the test purported to measure) as required by 34 C.F.R. Section 104.35(b)(3)?

Yes

No

6. Was the evaluation completed in a reasonable period of time? OCR decision guidance provides that unreasonable delay is discrimination against a student with a disability because it denies the student meaningful access to educational services provided to non-disabled students. Section 504 regulations do not provide timeframes for completing evaluation of students. OCR uses state guidelines to determine if evaluations have been done in a timely manner which is typically 30 school days.

Yes

No

7. Was the student determined to be a qualified individual with a disability under Section 504?

Yes

No

8. Was the evaluation sufficient for the Section 504 team to completely and accurately describe:

a) the nature and extent of the Student's disabilities,

b) the student's individual needs, and

c) the regular or special education and/or related aids and services necessary to ensure that the student receives a free appropriate public education?

Yes

No

9. Are all materials used to evaluate the student attached?

Yes

No

IV. Educational Setting

OCR policy and decision guidance provides that while there is a presumption in favor of inclusion in regular education, it may be necessary to educate students with disabilities in the least restrictive environment by placing them in a structured, supportive environment.

Students who are blind or visually impaired might be better served directly among their own disability population in specialized institutions designed to serve this population, given their unique communication needs. Significant behavioral issues, severe behavioral disorders, severe emotional disturbances, threat to safety of self or other students, special education for low-incident disabilities which is not available in the district are factors that may make it permissible to not educate the student with a disability in regular education and must be determined on a case-by-case basis.

1. Is the intended placement of the student with nondisabled students to the maximum extent appropriate to the needs of the student with a disability, in accordance with 34 C.F.R. Section 104.34(a)?

a) Will the student be educated in regular education?

Yes

No

b) If not, where will the student be educated?

c) If not, how has it been demonstrated that educating the student in the regular educational environment with the use of supplementary aids and services cannot be achieved satisfactorily in accordance with 34 C.F.R. Section 104.34(a)?

d) If not, was the proximity of the alternate setting to the student's home taken into account in accordance with 34 C.F.R. Section 104.34(a)?

Yes

No

e) If not, has the district ensured that the student participates or will participate with nondisabled students to the maximum extent appropriate to the needs of the student with a disability in activities and services including meals, recess periods, and nonacademic services which may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district, referrals to agencies which provide assistance to disabled students, and employment of students, including both employment by the district and assistance in making available outside employment in accordance with 34 C.F.R. Section 104.34(b) and 104.37(a)(2)? OCR decision guidance provides that placement of a student with a disability that will cause him or her to miss any educational opportunities enjoyed by nondisabled peers may not be acceptable, e.g. an activity involving a food to which a student with a disability is allergic causing the student to be excluded from the activity; a placement that excludes the student with a disability student from music, PE and lunch; the

obligation to educate students with disabilities in the least restrictive environment encompasses all aspects of the child's program, including nonacademic activities.

Yes

No

Explain:

2. If the student's placement is in a facility operated by the district in accordance with 34 C.F.R. Section 104.34(a) and which is identifiable as being for persons with disabilities, can the district ensure that the facility and services are comparable to the other facilities, services and activities of the district in accordance with 34 C.F.R. Section 104.34(c)? Comparable facilities, supplementary aids, services and a continuum of special education services, e.g. classroom consultants, counseling and smaller classes, full day instruction to those for nondisabled students are some of the factors that may not make it permissible to mainstream a student. Comparable facilities include age-appropriate restrooms, gymnasiums, locker rooms, classrooms comparable in quality to those of nondisabled students with respect to location, instructional appropriateness, accessibility, size, lighting and ventilation.

Yes

No

3. Is the placement such that the program or activity when viewed in its entirety is readily accessible to persons with disabilities so they are not denied the benefits of or excluded from participation in, or otherwise subjected to discrimination under any program or activity in accordance with 34 C.F.R. Section 104.22 and 104.21? The degree of accessibility of the building is contingent upon the regulations in affect at the time of the building's construction/alteration (e.g. relocating programs may be acceptable to provide access to a student with a disability if the building is an "existing facility" – built or altered beginning June 3, 1977 or earlier). However, if the building's date of construction was after January 26, 1992, all classrooms must be accessible. Note that carrying a qualified student with a disability may be acceptable only in extraordinary or rare and exigent circumstances.

Yes

No

4. Does the plan provide the student a free appropriate education (FAPE) regardless of the nature or severity of the student's disability in accordance with 34 C.F.R. Section 104.33? OCR decision guidance provides that the denial of FAPE may include the following if not provided as adequately to students with disabilities as compared to what is provided for students without disabilities: excessive class sizes/caseloads, lack of certified personnel, inadequate special education evaluation procedures, disparity in transportation, facilities and classrooms, failure to provide an aide to a student with a disability due to inadequate funding; early release from class due to safety concerns resulting in loss of valuable class time, use of a series of unqualified substitute teachers,

an inadequate range of equipment and material; policies that have the effect of discriminating against students with disabilities by not providing equal opportunity (e.g. lack of access to particular classes, grading).

Yes

No

5. Are the related aids and services designed to meet the needs of the student with a disability as adequately as the needs of the nondisabled student with respect to educational setting, evaluation and placement in accordance with 34 C.F.R. Section 104.34 and 104.35? OCR guidance provides that if a student with a disability requires related aids and services to participate in a regular education class or program, then a school cannot deny that student the needed related aids and services in an accelerated class or program.

Yes

No

6. If the district has placed a student in a facility or referred the student for aid, benefits or services not operated by the district, what district staff member is responsible for ensuring that FAPE is provided in accordance with 34 C.F.R. Section 104.33?

—

7. If the district has placed a student in a facility or referred the student for aid, benefits or services not operated by the district, is adequate transportation to and from provided at no greater cost than would be incurred by the student or his or her parents or guardian if the student was placed in the aid, benefits or services operated by the district in accordance with 34 C.F.R. Section 104.33(c)(2) ?

Yes

No

8. If the student is placed in a residential placement, including non-medical care and room and board, is it at no cost to the student or his or her parents or guardian in accordance with 34 C.F.R. Section 104.33(c)(3) ?

Yes

No

V. Reevaluation

Section 504 requires that students must be reevaluated prior to any significant change in placement as well as periodically. OCR decision guidance provides that reevaluations are considered just as important as the pre-placement evaluation in the overall scheme of the evaluation process; student's special education needs may change frequently throughout the course of his or her educational career and the reevaluation requirement exists to assess evolving needs.

1. What are the district's procedures with regard to "periodically" reevaluating the student who has been provided special education and related services in accordance with 34 C.F.R. Section 104.35(d)? OCR guidance provides that one means of complying with

Section 504's requirement for periodic reevaluations is to do follow IDEA regulations which require reevaluations every three years. Many districts review the Section 504 Plan annually, but these reviews may not be sufficient to meet the reevaluation requirement.

2. Has the student been reevaluated in accordance with the above procedures?

Yes

No

3. Is there going to be a significant change in placement for which the student should be reevaluated in accordance with the requirement that students must be evaluated prior to a change in placement 34 C.F.R. Section 104.35(a)? OCR guidance and case law, provide that it considers an exclusion from the educational program of more than 10 school days, transferring a student from one type of program to another (e.g. moving a student from elementary to middle school where some aspects of a student's Section 504 Plan will not be appropriate given that there will be multiple subject-specific teachers in middle school instead of a primary teacher) or terminating or significantly reducing a related service to be significant changes in placement; the determination of whether or not a pattern of exclusions constitutes a significant change in placement requiring a reevaluation, must be made on a case-by-case basis.

Yes

No

If yes, explain:

4. Have any changes occurred in the student that might trigger a reevaluation? OCR decision guidance provides examples of changes that may trigger reevaluations such as information about the possibility of a suspected disability, significant behavior problems, depression, transfer to a new school or dramatic change in grades.

Yes

No

If yes, explain:

VI. Consent

OCR guidance provides that informed parental consent for initial evaluations is required. Affirmative parental consent is not required prior to a re-evaluation.

1. Have the parents/guardians provided written consent prior to the initial evaluation? Is the signed form attached?

Yes (Attach signed consent form to this form.)

No

VII. Procedural Safeguards

Have parents/guardians been sent the Notice of Procedural Safeguards? Is the signed Acknowledgement of Receipt of Notice of Procedural Safeguards form attached?

Yes, see attached form

No

Not applicable

Explain: _____

VIII. 504 Plan

An individualized 504 plan must be developed and implemented for students who require regular or special education and related aids and services in order to receive an equal opportunity to access their education. The 504 plan is based on the student's individual needs, and is not limited to "accommodations." A 504 plan includes "regular or special education and related aids and services" which can include, for example: physical modifications, provision of health-related services during the school day, instructional supports, modified curriculum, homebound instruction, tutoring, a one-to-one aide, specialized instruction, a behavior intervention plan, specialized transportation, or a modified attendance policy.

1. Based on the results of the evaluation, does the student require regular or special education and related aids and services in order to receive an equal opportunity to access his or her education?

(a) If yes, has a 504 plan been developed, based on the results of the evaluation?

Yes, see attached form

No

Not applicable

Explain: _____

(b) If no, has the District considered whether other steps are necessary to protect the student from discrimination on the basis of disability? For example: modifying district policies, addressing peer harassment on the basis of disability, providing equal opportunity to nonacademic and extracurricular activities, including athletics?

Yes

No

Not applicable

Explain: _____

2. If a 504 plan has been developed, does the 504 plan address the following five components?
- (1) The nature of the student's disability and the major life activity it limits.
 - (2) The basis for determining the disability
 - (3) The educational impact of the disability
 - (4) The regular or special education and related aids, services and accommodations needed to meet the student's needs.
 - (5) Placement in the least restrictive environment.

Yes

No

3. Does the 504 plan, as written, reflect an agreed upon set of implementable services and provide clear guidance as to how the required services would be implemented?

Yes

No

4. Does the 504 plan, as written, provide the student with a free appropriate public education, meaning the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student with a disability as adequately as the needs of nondisabled persons are met?

Yes

No

5. Does the 504 plan include services or modifications to be provided in non-academic and extracurricular activities, including field trips and athletics?

Yes

No

Not applicable

Explain: _____

See "Appendix: Tools to Use" from [The Minnesota Manual of Accommodations for Students with Disabilities in Instruction and Assessment. A Guide to Selecting, Administering, and Evaluating the Use of Accommodations.](http://www.cehd.umn.edu/nceo/OnlinePubs/MNmanuals/MNmanual.pdf)

(<http://www.cehd.umn.edu/nceo/OnlinePubs/MNmanuals/MNmanual.pdf>)

Section 504 Plan For:

(Student Name)

Date: _____

Describe the nature of the disability: _____

Describe the basis for determining the disability: _____

Describe how the disability substantially limits a major life activity: _____

Describe the education impact of the Student's disability: _____

Regular or Special Education and Related Aids and Services (Accommodations/Modifications):

Placement:

Signature Page for 504 Plan for: _____
(Student Name):

Individuals who participated in the Section 504 Committee and dates of attendance at meetings:

Name	Title	Signature	Dates of Attendance
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Parent(s)/Guardian(s)/Student:

I have participated in the Section 504 process and have received a copy of the Section 504 Plan:

Parents/Guardians _____
Date

Parents/Guardians _____
Date

I have received a copy of the Section 504 Plan (if appropriate):

Student _____
Date

Individuals who received a copy of the Section 504 Plan or relevant portions (this may include teachers as well as staff of extracurricular activities or individuals in charge of work study programs or school-related events in which the student participates or will participate).

Name	Signature	Title	Date Received
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____