



Section 504 Identification & Evaluation Procedures



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Section 504 of the Rehabilitation Act

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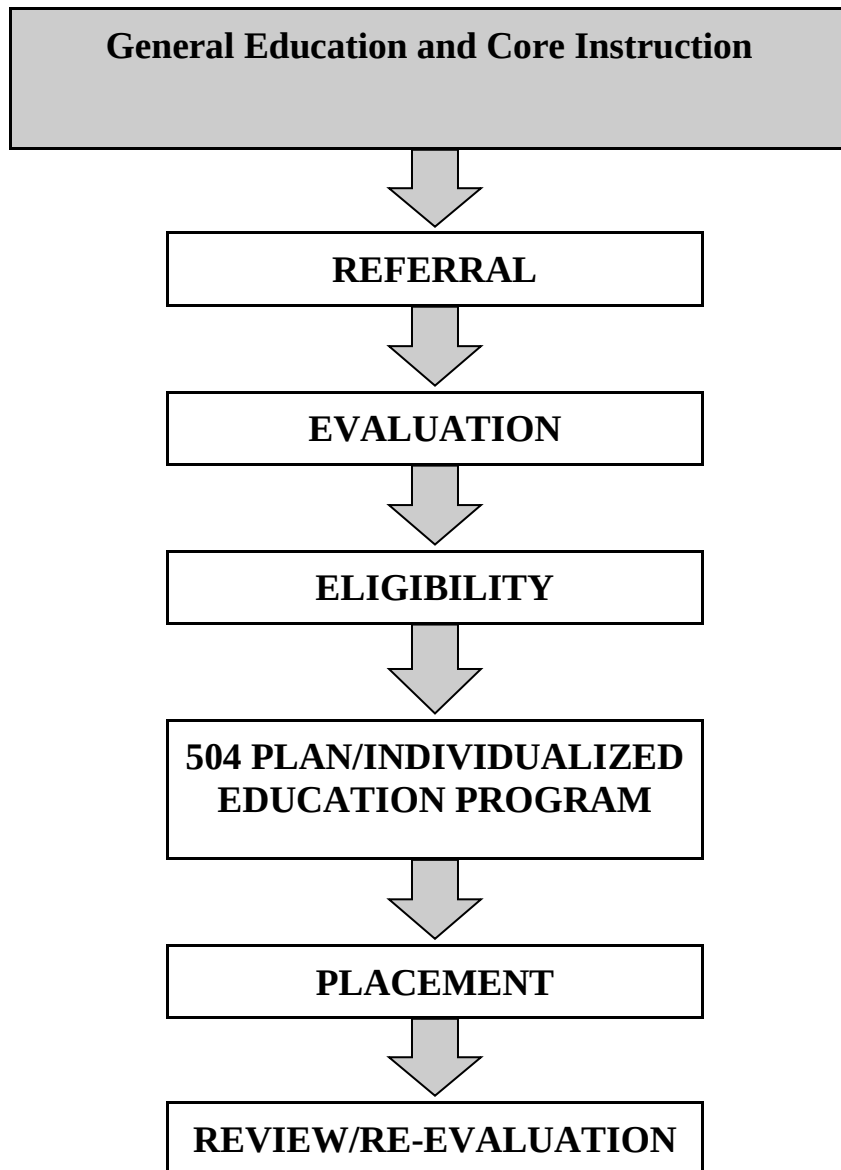
Individuals with disabilities are protected under Section 504 of the Rehabilitation Act. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. All students determined to have a disability are protected by this law. To be protected under Section 504, a student must have a physical or mental impairment that substantially limits one or more major life activities.

The Section 504 regulations also require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Section 504 defines FAPE as the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Location and Notification

Schools shall maintain an ongoing effort to find unserved children who might qualify for Section 504 services. Location and notification applies to all children who reside within a school district's jurisdiction. (34 C.F.R. 104.32).

Section 504 Process



***An evaluation SHALL NOT be delayed due to the Response to Intervention (RtI) process. If the team suspects a disability an evaluation must be conducted. Interventions can run parallel with the evaluation.

Pre-Referral

All students who experience difficulty at school may not have a disability or require special accommodations. In many cases, change to general core instruction and the implementation of interventions to accelerate growth can be implemented to help the child progress in the general education setting. Types of changes that may help students include providing researched based interventions to support the area of academic and/or behavioral needs.

If the student has or is suspected of having a disability and needs or is believed to need special education or related services because of that disability, the team should not delay in making a referral for a multidisciplinary evaluation to consider the possible need for regular education or special education and related aids and services. Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in general classrooms, education in regular classes with supplementary services, and/or special education and related services.

The Identification and Placement Process

Referral

Referrals for consideration for Section 504 eligibility may be made at any time. School district employees are obligated to submit a referral for any student which they suspect has a physical or mental impairment that substantially limits a major life activity. A referral must be made in writing and dated at the time the request is made, including the reason for the referral. Referrals may be made by individuals with knowledge of the student's needs and/or educational programming, including teachers, other staff members, parents, etc. The referral is presented to the school's Section 504 Coordinator. For preschool age children, the referral may be given to the school's Early Childhood Coordinator.

Evaluation Procedures

Section 504 requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials. The Section 504 regulatory provision at 34 C.F.R. 104.35(a) requires school districts to individually evaluate a student before taking any action with respect to the initial placement of a student in regular or special education and any subsequent significant change in placement. Tests used for this purpose must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel. The determination to conduct an evaluation is made based on the review of existing data. If the 504 Team, based on the review of existing data, determines not to conduct an evaluation, parents must be provided prior written notice and the procedural safeguards.

Eligibility

The Section 504 team meets and analyzes the evaluation data to determine if the student has a mental or physical impairment that substantially limits a major life activity. An impairment in and of itself does not qualify a student for protection under 504. In order to receive services under section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such impairment; or (3) be regarded as having such impairment. Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of

Section 504. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry.

Written Consent

Written consent from the parent should be obtained prior to conducting an initial evaluation.

Section 504 Accommodation Plan/Services

If the 504 team concludes that the student has a mental or physical impairment that substantially limits a major life activity, and that the student needs regular or special education and/or related aids and services because of that disability, reasonable accommodations and services shall be recommended in order to provide the student with a free appropriate public education.

The evaluation findings, eligibility, and the educational services/accommodations to be provided shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and sent to each of the student's teachers. Parents shall receive a copy of this Plan as notice of the student's eligibility and services.

The Plan shall include the following:

- 1) A description of the identified disability that substantially limits a major life activity;
- 2) A description of how the identified disability needs to be addressed in relation to school, the education setting, and extracurricular activities;
- 3) A list of the recommendations/accommodations designed to address the needs; and
- 4) The names of the people responsible for ensuring that the accommodations/modifications are put into effect.

Services

The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's characteristics and how the physical or mental condition substantially limits one or more major life activities. The District shall provide an appropriate program of regular and/or special education and related aids and services that are designed to meet individual educational needs of students with disabilities under Section 504. These students shall be educated with students who do not have disabilities to the maximum extent appropriate to meet the identified educational needs of the student with disabilities. The student will be placed in the regular education environment unless it is demonstrated that the education of the student with disabilities in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. A Section 504 Case Manager is designated to coordinate the student's plan.

If it is determined that the student will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of procedural safeguards, including notice of their right to appeal the determination.

Review/Re-evaluation

Periodically, or before any significant change in placement occurs, a group of persons knowledgeable about the student shall re-evaluate the Section 504 Plan for each eligible student to determine continued eligibility and services. This group need not be the same group of persons who determined initial eligibility but must include a group of individuals knowledgeable about the student, the meaning of the evaluation data and placement options. A “significant change in placement” includes an exclusion from the educational program of more than ten (10) school days (i.e. due to an expulsion or pattern of suspensions), the transferring of a student from one type of program to another, or terminating or significantly reducing a related service. A notice will be sent to the parents informing them of the intent to conduct a Section 504 Re-evaluation. Parental consent shall be obtained before any additional evaluation tests are conducted as part of the Re-evaluation.