

Disciplinary Procedures For 504 Disabled Students

Generally speaking, students with section 504 plans are entitled to the same protections in the disciplinary context as those provided for under the Individuals with Disabilities Education Act (IDEA).

- A suspension is automatically a “change in placement” if it is to exceed ten consecutive days. An expulsion is always a change in placement.
- For a series of suspensions, each of which is for ten days or fewer, the school 504 Team must determine whether these suspensions contribute to a “pattern of exclusion.” A case-by-case analysis must be made and take into consideration the following: (1) the length of each suspension during the current school year; (2) the proximity of the suspensions to one another other; and (3) the total amount of time that the student has been excluded from school.
- If the school 504 Team determines that a suspension constitutes a significant change in placement, then the team must decide whether the student’s conduct was (1) caused by, or did it have a direct and substantial relationship to the student’s disability; or (2) the direct result of the school’s failure to implement the students’ Section 504 plan. If the team decides that the answer to either question is yes, the student’s misconduct must be treated as a manifestation of his/her disability. The 504 team should modify the student’s Section 504 plan and accommodations as appropriate. If the team determines that the student’s conduct was not a manifestation of his/her disability, the student may be disciplined in the same manner as a student without a disability, including being suspended/expelled for more than ten (10) consecutive days.

Grievance

- It is the policy of the SMCPSS not to discriminate on the basis of disability. Any person who believes he or she has been subjected to discrimination on the basis of a disability may file a grievance under this procedure. The grievance procedure is meant to provide a prompt and equitable resolution of a complaint.
- Grievances must be in writing and at minimum contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant’s signature and the date the grievance is filed.

The written grievance must be filed with the Section 504 Coordinator in the SMCPSS Department of Student Services within thirty (30) calendar days of the occurrence.

The written grievance must be filed at the following address:

Section 504 Coordinator
St. Mary’s County Public Schools
Suite 104
23160 Moakley Street
Leonardtown, MD 20650

Non-Discrimination Statement

The St. Mary’s County Public School System does not discriminate on the basis of race, color, gender, age, national origin, marital status, sexual orientation, religion, or disability in matters affecting employment or providing access to programs. Inquiries related to this policy may be addressed to the Assistant Superintendent of Fiscal Services and Human Resources, St. Mary’s County Public Schools, 23160 Moakley Street, Suite 107, Leonardtown, Maryland 20650, 301-475-5511, ext. 32247.

St. Mary’s County Public Schools
DEPARTMENT OF STUDENT SERVICES

504

DISABLED STUDENTS
UNDER SECTION 504 OF
THE REHABILITATION ACT



Section 504 Requirements

- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against disabled persons, including students, by school districts receiving federal financial assistance.
- This law requires that every public school in the United States identify, evaluate, and provide appropriate services to those disabled as defined by Section 504. In addition, procedural safeguards must be provided to the parent(s)/legal guardian(s) of such identified students.
- The Office of Civil Rights in the U. S. Department of Education is responsible for enforcing Section 504.
- If the student is determined to be disabled, a 504 plan is developed by the school-based team, outlining the reasonable accommodations to be provided in the regular education setting.
- Inquiries concerning Section 504 procedures in the St. Mary's County Public Schools may be made to the Department of Student Services at 301-475-5511, ext. 32150.

Disability Qualifications

Students who are defined as disabled under Section 504 must meet one of the disability criteria described below:

- Has a physical or mental impairment which substantially limits one or more major life activities (including activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentration, thinking, and communicating); or

- Has a record or history of such an impairment (e.g., a student with cancer or in recovery); or
- Is regarded as having such an impairment (e.g., a student with scarring; a student who walks with a limp).

Examples of Physical and Mental Impairments That Qualify

- Any physiological disorder affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemi and lymphatic; skin; and endocrine.
- Any mental, psychological, or physical impairment such as visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; hearing disease; diabetes; attention deficit disorder; drug addiction; emotional or mental illness; or alcoholism.

504 Identification and Evaluation

- The student is referred to the 504 Team who will review the case and determine eligibility under Section 504. Parent(s)/legal guardian(s) or a staff member may refer a student to the school team.
- Written documentation must be provided of the disabling condition (e.g., medical, psychological, agency reports).
- The team will provide written notification to the parent(s)/legal guardian(s) of the meeting.
- The parent(s)/legal guardian(s) should receive a copy of the Procedural Safeguards.

Eligibility Determination

Eligibility is determined from any one of the following:

- Verification from written documentation, medical, psychological, or agency reports; and,
- Gathered information such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, doctor's orders, emergency care plans, and adaptive behavior.

504 Accessibility Plan

- The 504 plan is developed by the 504 Team.
- In the 504 plan, the team will determine the types of reasonable accommodations, modifications, adaptations, interventions, aids, and services that are needed to meet the student's needs.
- The team will review the student's response to the effectiveness of the plan at least once annually, or more frequently, as needed. (Parent(s)/legal guardian(s) may request that a plan be reviewed.)
- If, at any time, the school team suspects that the student is in need of special education and related services, the team will refer the student to the Individualized Education Program (IEP) Team.