

Section 504

Administrative Guidelines and Forms



October 2020

SECTION 504

Administrative Guidelines, Procedures and Forms

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Introduction

Section 504 of the Rehabilitation Act of 1973, 29 USC 794, (sometimes referred to as “504”) prohibits discrimination against individuals with disabilities solely on the basis of their disability. The purpose of this manual is to inform School employees and parents about Section 504 and the School’s procedures to comply with the requirements for Section 504 as it relates to providing services to students. Note: A separate grievance procedure is set forth in the School’s Nondiscrimination Policy for matters which do not relate to the education of students, but rather some other discriminatory action or violation of Section 504 or the ADA. This manual reflects the School’s commitment to serve ALL children. The School expects employees to be knowledgeable about School procedures governing Section 504 activities, grievance procedures for resolving Section 504 complaints, and parent and student rights. If you have Section 504 questions, please contact the School District Section 504 Compliance Officer or School 504 Compliance Officer.

The Williamston Community Schools Section 504/ADA Compliance Officer is:

Michele Cook
Director of Curriculum and Special Education
418 Highland Street
Williamston, Michigan 48895

This document and related forms may be accessed electronically by visiting the website:
www.gowcs.net

Section 504 Background Information

What is Section 504?

Section 504 of the Rehabilitation Act of 1973, 29 USC 794, as amended by the ADA Amendments Act of 2008 (hereinafter "Section 504"), is Congress' directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states: "No otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Since the School District is a recipient of Federal dollars, its administrators and staff are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute and not a special education statute.

Does Section 504 differ from the ADA?

Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This manual uses only the term "Section 504," but the School acknowledges that qualified students with disabilities have the same rights under the ADA as under Section 504.

How does Section 504 differ from IDEA?

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA), 20 USC 1400, is a qualified disabled student under Section 504. The converse, however, is not true: a qualified disabled student under Section 504 is not necessarily eligible for services under the IDEA. In other words, some disabled students may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA. If a student is determined eligible under Section 504, they are entitled to receive a free appropriate public education (F.A.P.E.), which typically is provided by a 504-accommodation plan. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 Plan.

Any questions regarding IDEA should be directed to the Special Education Department.

Identifying Students for Section 504 Eligibility

What criteria are used to determine 504 eligibility?

A student qualifies for Section 504 protection if s/he is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability (j)(2)(iii).

The definition of disability in Section 504 and the ADA should be interpreted to allow for BROAD coverage. The determination of whether an individual has a disability should not demand extensive analysis 42 U.S.C. § 12102.

An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting.

Physical or Mental impairment 34 C.F.R. §104.3(j)(2)(i):

_____ Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin; and endocrine; or

_____ Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

_____ An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active (42 U.S.C. § 12102(4)(D)). Examples include cancer, epilepsy, depression, and other conditions where the student may experience periods of remission.

The list above is not exhaustive and does not include all diseases and conditions that may be considered a physical or mental impairment.

Substantially limits 34 C.F.R. §104.3(j)(1):

Section 504 does not specifically define the term “substantially limits.” The basis for evaluating this criterion is the impact the impairment has on one or more of a student’s major life activities. It is vital to understand that for a student to qualify for Section 504, the impairment must impose, to a “considerable” or “large degree,” a limitation to one or more major life activities. The 504 Team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or impairment does not automatically qualify a student for Section 504 protection. Instead, the condition must restrict the individual in the conditions, manner or duration under which they can perform the activity as compared to most people. “Substantially limits” does not mean severe restriction or inability in performing major life activity.

The 504 Team may not consider the ameliorative effects of any mitigating measures taken to overcome the impairment, except corrective eyeglasses and contact lenses. The team cannot take into account the effects of mitigating measures used by the individual. For example, districts are to examine a student’s ability to hear without use of a hearing aid, a student’s ability to

concentrate without regard to medications taken to increase attention, a student with a mental illness without regard to medications used to manage the impairment, or a student with a respiratory impairment without regard to the use of oxygen therapy, when determining whether each student has a disability under Section 504. Assistive Technology, reasonable accommodations or auxiliary aids or services, learned behavioral or adaptive neurological modifications, prosthetics, and other types of “mitigating measures” are also not to be considered. The only exception: ordinary eyeglasses or contact lenses (Amendments Act § 4(a) (codified as amended at 42 U.S.C. § 12102)).

Major life activities

Determining whether the impairment substantially limits a student’s learning is often critical to the Section 504 eligibility decision, however major life activities include activities other than learning. Therefore, a student may be achieving academically and still have a qualifying disability if the physical or mental impairment substantially limits another major life activity. For example, a student with asthma may be achieving academically, but still qualify for 504 services due to a substantial limitation in breathing.

Major Life Activities include, but are not limited to (meaning this is not an exhaustive list), the following, as amended by the ADA Amendments Act of 2008:

Major life activities include certain acts a person does (such as hearing, speaking, lifting) and a person’s bodily functions (such as a traumatic brain injury that affects the function of the brain).

Major Life Activities

General:	Major Bodily Functions:
<input type="checkbox"/> Caring for oneself	<input type="checkbox"/> Functions of the immune system
<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Normal Cell Growth
<input type="checkbox"/> Walking	<input type="checkbox"/> Digestive
<input type="checkbox"/> Seeing	<input type="checkbox"/> Bowel Functions
<input type="checkbox"/> Hearing	<input type="checkbox"/> Bladder
<input type="checkbox"/> Lifting	<input type="checkbox"/> Brain
<input type="checkbox"/> Bending	<input type="checkbox"/> Circulatory
<input type="checkbox"/> Reading	<input type="checkbox"/> Endocrine (ex. Thyroid, pituitary, and pancreas)
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Reproductive
<input type="checkbox"/> Breathing	<input type="checkbox"/> Neurological
<input type="checkbox"/> Working	<input type="checkbox"/> Respiratory
<input type="checkbox"/> Eating	
<input type="checkbox"/> Sleeping	
<input type="checkbox"/> Standing	
<input type="checkbox"/> Communicating	
<input type="checkbox"/> Thinking	

A student may still have a physical or mental impairment that substantially limits a major life activity even if the activity is not listed above. A mental impairment that substantially limits a major life activity even if the activity

Regarded as having a disability

A student can meet the definition of an individual with a disability by being regarded as a person with disability (treated by others as having a disability). In these circumstances, the student is not entitled to receive aids and services but is protected from disability-based discrimination under Section 504's general discrimination requirements.

If the physical or mental impairment is transitory (having an actual or expected duration of 6 months or less) and minor, that person is not regarded as a person with a disability even if others treat them as if they have a disability.

Section 504 does not prohibit schools from going beyond what the law requires to assist students with a transitory and minor disability. For example, a student with a broken leg can take the bus or use faculty only elevators.

How is a Section 504 evaluation request made?

Any parent or guardian, teacher, counselor or other school staff member who believes that a student needs support(s) or accommodation(s) for a qualifying disability can request a Section 504 evaluation. Please advise the person wanting an evaluation to use the Section 504 Evaluation Referral Form and forward it to the 504 Building Compliance Officer (school principal or his/her designee).

- Districts have an affirmative duty to individually evaluate any student who, because of a disability, needs or is believed to need related services.
- The district must evaluate the student before his/her initial 504 Services begin. THE PARENT MUST CONSENT TO THE INITIAL EVALUATION.

What is the process for reviewing Section 504 eligibility?

When a 504-evaluation referral is received, the principal of the school (or Building 504 Compliance Officer) will forward the referral to the Section 504 team. The team will determine if a 504 evaluation will be conducted and document the decision on the bottom of the Section 504 Evaluation Referral Form. A decision to not conduct a 504 evaluation will occur only where the school district does not have reason to suspect that the student has a disability. In such a case, the parent must be provided notice of the decision not to evaluate, provided notice of their procedural safeguards, and has a right to challenge the determination through due process. If an evaluation will be conducted, the 504 Team will make an evaluation recommendation.

What is the purpose of the evaluation?

- To determine is the student a qualified student with a disability under Section 504/Title II? If so,
- What is the student's individual education needs?

The 504 Team must investigate the specific concern that triggered the student review request. The team must draw upon a variety of information. The information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, standardized testing such as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The 504 Team may administer and use other formal and informal measures as necessary. Parental consent is required for initial evaluations under Section 504. The team must ensure that information obtained from all sources is documented and carefully considered. A psychologist may need to assist in the evaluation.

What is the Evaluation and Placement Process?

Evaluation tests and materials must be:

- Validated for the specific purpose for which they are being used;
- Appropriately administered by trained personnel;
- Tailored to assess specific areas of educational need; and
- Are selected and administered to best ensure that the test results accurately reflect the factors the test purports to measure.

Interpretations of the evaluation data and placement decisions should rely upon information from a variety of sources, including:

- Aptitude and achievement tests;
- Teacher recommendations;
- Physical condition;
- Social or cultural background; and
- Adaptive behavior

Timeline for evaluations

Section 504 does not provide a specific amount of time for school districts to complete an evaluation but does look to the IDEA timeline (or State timeline if different) when determining reasonableness. WCS will hold the 504 meeting **within 45 school days**.

Before making a placement determination, the placement team must:

- Carefully consider evaluation information from a variety of sources (see above);
- Document all the information carefully considered;
- Not rely on assumptions regarding persons with disabilities or classes of such persons; □
Consider all major life activities, not just learning.

Rather than considering how an impairment affects a student's ability to learn, the 504 team must consider how an impairment affects any major life activity. Then determine what is needed to full participate (equal opportunity) in school.

The 504 Team must include individuals knowledgeable about the student, the meaning of the evaluation data, and the placement options. This team can include the parent/guardian of the student, teachers, counselors and other school staff members, and staff members of community agencies. The parent/guardian should be included in this process whenever possible. The parent/guardian must be provided with a meaningful opportunity to provide input. The team's task is to determine eligibility based on the Section 504 definition of disability (i.e., does the student have a mental or physical impairment that substantially limits one or more major life activities). If the team determines that the impairment substantially limits one or more major life activities, the team will create a Section 504 Plan for the student that provides the student with a free appropriate public education (FAPE), which is defined as regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met. This is generally done through a 504 accommodation plan but may include more than just "accommodations." However, not all students eligible under Section 504 will need a 504 Plan.

If the 504 Team determines the student is eligible under Section 504, the Team is responsible for notifying the parent of the determination of eligibility and placement/services and providing notice and procedural safeguards.

In the event that the 504 Team determines that the student is not eligible to receive a 504 Plan, the 504 Team is responsible for notifying the parent by providing the Section 504 Eligibility Determination Report, Prior Written Notice and Section 504 Procedural Information and Rights. A parent may contest the determination through due process.

A student may have a disability and be eligible for 504 services, including modifications, even if the student earns good grades

OCR, Questions and Answers on the ADA Amendments Act of 2008 (Jan 9, 2012)

Here are some of the common misuses of the 504-evaluation process:

- A parent and/or doctor presents the school with a diagnosis of an impairment, and a 504 Plan is written without first determining if the impairment causes substantial limitation of a major life activity.
- A student is placed on a 504 Plan solely to satisfy a highly competitive parent who wants specific accommodations to help his or her child receive higher grades or test scores on standardized tests, such as the SAT.
- A student fails to qualify for special education services under IDEA, and a 504 Plan is automatically written without first qualifying him or her based on Section 504 criteria.

Design and Implementation of a 504 Plan

Where will accommodations be provided for students and what are some examples of possible accommodations?

Section 504 requires that a student with a disability be educated and participate in nonacademic services with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Therefore, implementation of most Section 504 plans occurs within the regular classroom. Accommodations generally are those adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning experience that provide the student with equal access to learning opportunities. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Countless accommodations exist that can support a student's equal access to educational opportunities. The bottom line, however, is that the student must be provided a FAPE, which may include regular or special education or other services and supports. It is the job of the 504 Team to identify those accommodations and supports that support the needs of a 504 eligible student and provide the student with a FAPE. Once these supports have been identified, the 504 Team will identify the placement in which the student will receive these services. The 504 Team may also contact the school 504 Building or District Coordinator for assistance with the accommodation process.

Is an individual Health Plan enough for a student with a peanut allergy?

Not necessarily. Continuing with a health plan may not be sufficient if the student needs or is believed to need special education or related services because of his or her disability. The critical question is whether the school district's actions meet the evaluation, placement, and procedural safeguard requirements of the FAPE provisions described in the Section 504 regulation. The effect of the EpiPen or other mitigating measures cannot be considered when determining eligibility. The school district must determine whether the peanut allergy would be substantially limiting the major life activities of breathing and respiratory function.

How are 504 accommodations and related services documented and reviewed?

If the 504 Team determines that a student has a qualifying disability, the team's second responsibility is to identify what is necessary for the student to receive a FAPE, i.e., the regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met. Documentation of the plan's detail is in the Section 504 Student Accommodation Plan. This Plan provides a summary of accommodations that a student needs, the student's placement, as well as the aids, services or modifications necessary for the student to receive a FAPE. The original 504 Plan document will be kept in the student's cumulative file. Also, the 504 Compliance Officer is responsible for sending a copy of the student's 504 Plan to the parent (along with notice of procedural safeguards) and to the District 504 Compliance Officer. Parental consent is required for initial placement under Section 504. The initial placement and 504 Plan are then implemented following receipt from the parent of consent to the plan/placement.

The 504 Compliance Officer is responsible for updating the school student data system to reflect the student's Section 504 eligibility. The 504 Compliance Officer is responsible for providing

copies of the 504 plans to all current teachers following the creation of the plan, and to all teachers new to the student (i.e. start of a new semester, new school year).

A 504 Team should review the Section 504 Student Accommodation Plan whenever a student moves to another school or it appears that changes to the 504 Plan are needed. It is suggested that the plan be reviewed at least annually. The purpose of a review is to add, subtract and/or modify student accommodations or other services or aids as needed. In addition, a reevaluation is required before a significant change in placement. WCS will review the plan yearly.

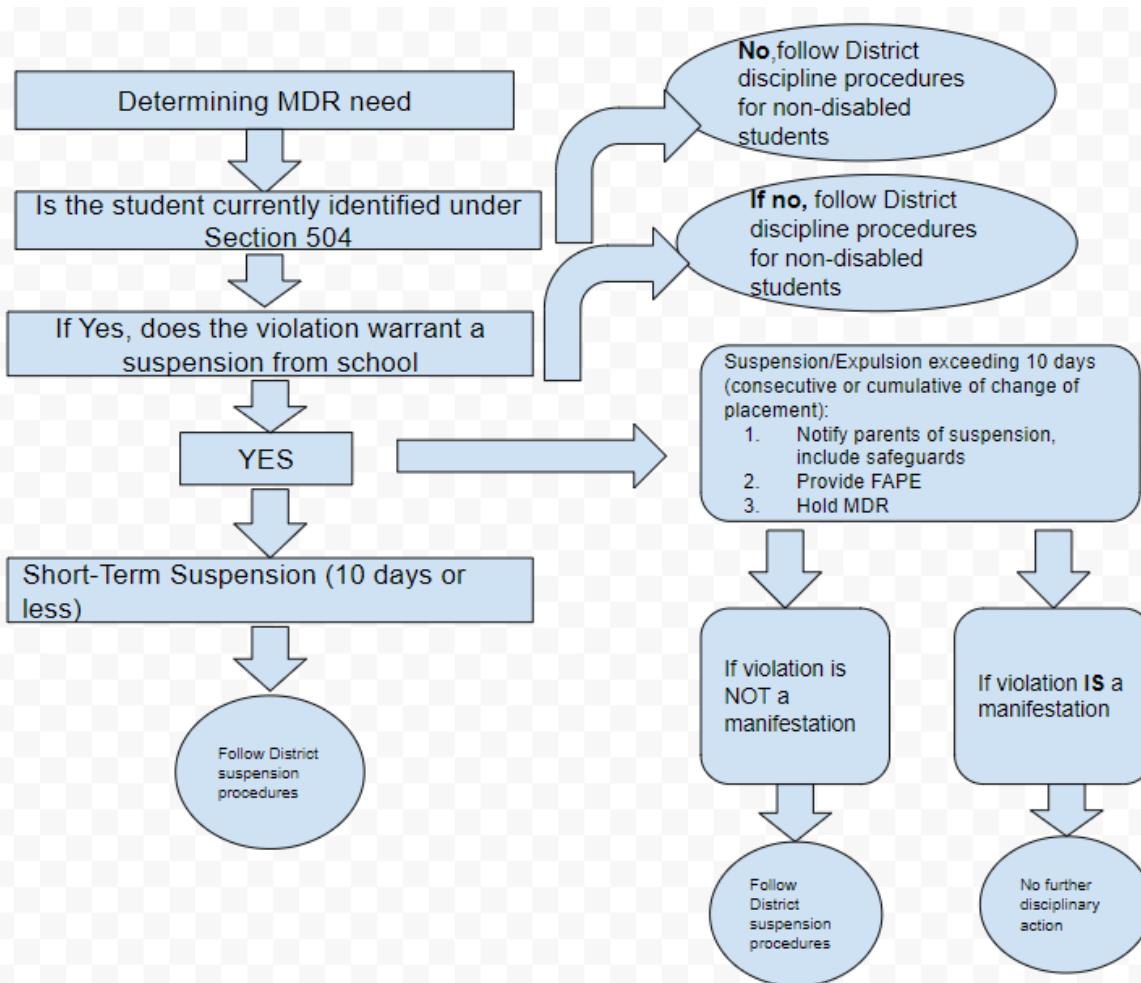
Disciplining a 504 Disabled Student

What is the discipline process for a 504 disabled student?

Long term suspension (more than 10 consecutive days, or more than 10 cumulative days in a school year which result in a pattern of exclusion) or expulsion of a student constitutes a significant change in placement. As such, a reevaluation is required before a Section 504 student is long term suspended or expelled. This reevaluation requirement is fulfilled by completing a manifestation determination. Section 504 students are subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his or her qualifying disability. A 504 Team must conduct a manifestation determination whenever a student is subject to out of school suspension for 10 consecutive school days or more, or a series of shorter suspensions that total more than 10 days that create a pattern of exclusions constituting a significant change in placement. If the 504 Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the 504 Team should review the 504 Plan to determine if changes are appropriate. If the violation is not a manifestation, the student is subject to the same disciplinary action that any non-disabled student would receive for the same violation.

Violation of the Student Code of Conduct

If the 504 Team determines that the behavior is not a manifestation of the disability, the school may impose whatever long term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. The School has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion.



Note: If the behavior is subject to discipline the 504 Team should conduct a Functional Behavior Assessment and Behavior Intervention Plan.

Must a school make a manifestation determination when considering the long-term suspension or expulsion of a student with a Section 504 Plan?

Generally, yes. While the regulations implementing Section 504 do not specifically discuss a “manifestation determination,” they do require that a school complete an evaluation prior to imposing a “significant change in placement.” Long term suspension or expulsion is considered a significant change in placement. To fulfill the evaluation requirements and to ensure that students are not disciplined because they have a disability, schools perform a “manifestation determination.” Similar to suspension or expulsion of a student having a disability under IDEA, a school must conduct a manifestation determination for a Section 504 student whenever the discipline will result in a significant change in placement. A “significant change in placement” occurs when:

- The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the behavior is the disability identified in the student’s 504 Plan.

- A series of suspensions that total more than 10 cumulative days in a school year may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a 504 Plan total more than 10 school days, it must be determined if a significant change in placement has occurred. This is done on a case by case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the school must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

Who makes the manifestation determination for a student on a 504 Plan and what information is included in this process?

The manifestation determination should be made by a 504 Team that consists of persons who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. The parent/guardian must be given a meaningful opportunity to provide input. When possible, the members of the 504 Team should be the same members who designed the student's 504 Plan. School officials responsible for school disciplinary procedures, such as the school principal or assistant superintendent, cannot make the determination alone. However, such administrators may be members of the 504 Team and may present pertinent student information to the 504 Team.

The 504 Team must have available information that competent professionals would require when making a manifestation determination. Such information might include information about the misconduct, attendance and academic records, psychological evaluation data, behavior plans, discipline records, the student's 504 Plan, information from the parents and staff observations. The information should be current enough to afford an understanding of the behavior that is the subject of the manifestation determination.

After reviewing the relevant information, the 504 Team will next consider if the behavior is the result of the student's disability. This inquiry is resolved by considering the relationship between the student's disability and his or her behavior:

- Was the conduct caused by, or have a direct and substantial relationship to the student's disability?
- Was the conduct the result of the school district's failure to implement the 504 Plan?

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student's disability and no disciplinary action can be taken past the 10 days. It is recommended, however, that the 504 Team review the student's current educational placement to determine whether the student is receiving an appropriate instructional program and related aids and services and whether behavioral intervention strategies should be implemented for the student. In addition, subject to procedural safeguards, changes in the student's placement may be made, if appropriate.

If the 504 Team determines that the behavior is not a manifestation of the disability, the school may impose whatever long term suspension or expulsion it would impose under the same

circumstances if a non-disabled student were the offender. The School has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion.

The 504 Team must conclude its work by completing a Section 504 Manifestation Determination form, and the parent/guardian must be given notice of the results of the manifestation determination and the procedural safeguards available to challenge them.

How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability when the school acts on the basis of that use. 29 USC 705(20)(C)(i). A student with a history of drug/alcohol abuse who has been successfully rehabilitated or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504. Section 504 permits disciplinary action pertaining to the use or possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students. 29 USC 705(20)(C)(iv).

504 Procedural Safeguards and Parent/Student Rights

Are schools required to provide parents with notice/invitation of a Section 504 eligibility meeting?

A parent/guardian must receive notice/invitation of a Section 504 eligibility meeting (invitation). If a parent is unable or unwilling to attend, the school may hold the eligibility or 504 plan meeting without the parent. It is, however, best practice to include the parents in such meetings. Parents must be given meaningful opportunity to provide input. The school principal or 504 Team Leader should consult with the school 504 Compliance Officer regarding unique parent concerns.

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. The school district is required to establish and implement procedural safeguards that include, among other things:

- Notice to the parent explaining any identification, evaluation or placement decisions; An opportunity for parents to review relevant records;
- An impartial hearing with opportunity for participation by the student's parent or guardian and representation by counsel;
- An appeal procedure to review the hearing decision.

A notice concerning Procedural Information and Rights under Section 504 must be included with the Parent Notice: Section 504 Evaluation form should be given to the parent/guardian prior to the 504 evaluation meeting. Likewise, the Parent's Procedural Information and Rights under Section 504 must be included with the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.

GRIEVANCE PROCEDURES

Working with Parent Concerns, Complaints and Due Process Hearings

The best solutions to grievances, complaints or parent concerns occur at the school level. Therefore, the parties may agree to resolve the complaint informally. However, this process must be voluntary. If the parties choose to engage in voluntary informal dispute resolution, the first step in resolving a complaint should involve the school principal or 504 Team working with the grievant, complainant or parent toward a mutually acceptable resolution of the concern(s). If the concern(s) cannot be resolved informally, resolution would proceed under the complaint process. You should advise the grievant, complainant or parent of the following steps in the complaint resolution process:

1. The parent should complete and submit a Section 504 Complaint Form to the school 504 Coordinator/Compliance Officer (NOTE: Parent is not required to use district form).
2. The school 504 Compliance Officer or designee will review the complaint. If the parties agree, they may mediate the dispute or resolve the dispute through other informal dispute resolution means. If the parties do not agree, the complaint proceeds through the complaint process below, or if the complaint involves the identification, evaluation, the content of a student's 504 plan, or placement of a student, the matter would be resolved

through the impartial due process hearing procedures. If requested by the parent, the school 504 Compliance Officer will meet with the parent to hear the parent's concerns.

If a parent does not agree to mediation and has requested a due process hearing, the matter must be referred for due process. Mediation may not be used to deny a parent the right to due process.

If the complaint asserts allegations of discrimination, the complaint will be investigated as provided by the school district's policies and these procedures. If the complaint challenges a 504 Team determination regarding eligibility, evaluation, or the content of the 504 Plan, the complaint will be referred for due process hearing.

A. Complaint.

The 504 Compliance Officer is designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the 504 Compliance Officer within one hundred eighty (180) calendar days of the alleged violation. If the complaint involves the 504 Compliance Officer, the school district's Superintendent, or other impartial individual appointed by the Superintendent, will complete the investigation of the complaint. The investigator will then take the following action: First, cause an investigation of the complaint to be commenced. The investigation must be completed within 60 calendar days of receipt of the complaint. Second, within 10 days, arrange for a meeting to occur with the complainant, which may include School staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint. Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. During the investigation, the complainant will be provided the opportunity to present witnesses, which will be interviewed by the investigator, and to present written or other evidence. The investigation will be completed and a written determination issued within 60 calendar days of the 504 Compliance Officer receiving the complaint. If the 504 Compliance Officer determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the written determination to the complainant and the Superintendent/Building Administrator. In the event the complaint is against the Superintendent/Building Administrator, a copy of the determination shall be delivered to the President of the Board of Education.

The complainant may appeal the 504 Compliance Officer's determination to the Superintendent/Building Administrator, or, in the case of a complaint against the Superintendent/Building Administrator, to the President of the Board, by so notifying the Superintendent/Building Administrator or Board President in writing within the ten (10) calendar days of the 504 Compliance Officer's determination. The Superintendent/Building Administrator or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint. The Board President may elect to secure the services of an outside party to

investigate the facts and circumstances surrounding any complaint against the Superintendent/Building Administrator. The Superintendent/Building Administrator, or Board President in the case of a complaint against the Superintendent/Building Administrator, shall affirm or reverse the 504 Compliance Officer's decision and, if warranted, implement the 504 Compliance Officer's proposed resolution or modification thereof. The Superintendent/Building Administrator or Board President's decision shall be final.

A complainant may file a written complaint at any time with the U.S. Department of Education, Office for Civil Rights, 600 Superior Avenue, East, Suite 750, Cleveland, OH 44114.

B. Due Process.

If the complaint challenges a 504 Team determination regarding the evaluation, eligibility or content of a student's 504 Plan, the matter is referred for a due process hearing (CFR 104.36).

The school 504 Compliance Officer will promptly refer the complaint for a due process hearing conducted by an impartial hearing officer. The hearing officer, who is selected by the school 504 Compliance Officer, must have knowledge of Section 504 and must not be an employee of the school. The school appointed hearing officer will schedule a due process hearing to occur as soon as practicable for the parent and school. The parent and/or the school may be represented by legal counsel at the hearing. The parent or attorney may present evidence and/or testimony supporting the parent's challenge to the 504 Team determination. The school may respond by presenting evidence and/or testimony to support the 504 Team determination. The hearing officer will have discretion and authority to permit or direct the taking of testimony, presentation of evidence and other matters to ensure an orderly proceeding. Nothing in this policy requires that the testimony be under oath, nor requires the witnesses to be subjected to cross examination. There is no right to confront witnesses, nor to a verbatim transcript or other "trial like" protections. Upon conclusion of the hearing, the hearing officer will render a written decision with findings of fact and conclusions of law.

Section 504 Frequently Asked Questions

The following questions are frequently asked by individuals regarding Section 504. The U.S. Department of Education Office of Civil Rights also has a Q & A document which can be accessed at <http://www2.ed.gov/print/about/offices/list/ocr/504faq.html>

Q: Are all schools required to adhere to Section 504?

A: Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

Q: Are schools required to have a Section 504 Compliance Officer?

A: Yes. All schools must designate, in writing, a person who coordinates 504 services and protections.

Q: Are students who are covered under IDEA always eligible for Section 504 protection?

A: Yes.

Q: Are students who are covered under Section 504 always eligible for IDEA services? A:

No.

Q: Are schools responsible for referring students suspected of being eligible for Section 504?

A: Yes.

Q: Do schools have to evaluate students who are referred for Section 504?

A: No. If the school does not suspect that the student is a student with a disability, an evaluation is not required. However, if the school refuses to perform an evaluation, the student's parents must be informed of their due process rights to appeal.

Q: Do schools have to formally evaluate students before determining eligibility or services?

A: Yes. Schools are required to evaluate a student before determining his/her eligibility for services and before deciding which services are appropriate.

Q: Must schools get permission from parents before getting students involved in Section 504 services?

A: Yes. Schools are required to seek informed parental consent before conducting an initial evaluation. If a parent refuses consent for the school to perform a school based evaluation, the school is permitted, but not required, to use due process procedures to override the parent's refusal.

Q: Do schools have to develop an IEP for a student who is 504 eligible only?

A: No. However, schools must develop an individual accommodation plan for the student.

Q: Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

A: No. A physician's diagnosis should be considered as one piece of documentation when evaluating the child.

However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.

Q: Do schools have to reevaluate students who are receiving Section 504 services and protections?

A: Yes. Schools are required to periodically evaluate students. Unlike IDEA, which requires a reevaluation every 3 years, Section 504 does not specify a time period.

Q: Do schools have to label a student with a clinical category before providing protections under Section 504?

A: No. Unlike IDEA, Section 504 does not require a specific label on a student before eligibility. Students never have to have a specific disability but only have to meet the functional definition of disability as defined in Section 504.

Q: Do schools have to make all of their buildings accessible to students with disabilities?

A: No. Schools are required to make all *programs* accessible for students with disabilities, not all buildings. However, all new construction and alterations after the effective dates of the Section 504 and Title II regulations must be accessible (essentially all new construction after 1977).

Q: What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?

A: Parents can file a complaint with the U.S. Department of Education's Office for Civil Rights, file a complaint with the school district's 504 Compliance Officer, request an impartial due process hearing (with respect to the school's actions regarding the identification, evaluation, or educational placement of the student), or file suit in federal court.

Q: Can students served under Section 504 receive related services, such as a physical therapy?

A: Yes. Schools must provide related services to students who are eligible for services under Section 504.

Q: Is there any extra federal funding for schools to use to provide appropriate services under Section 504?

A: No. There are no federal or state funds associated with serving Section 504 students.

Q: Is Section 504 age specific, like IDEA, which only deals with students through the age of 21 (Michigan age 25)?

A: No. Students do not "age out" for Section 504 services and protections. With respect to public elementary or secondary educational services, "qualified person with a disability" means of an age during which persons without disabilities are provided such services, of any age during which it is mandatory under state law to provide such services to persons with disabilities, or to whom a state is required to provide a FAPE under IDEA.

Q: Can schools use any tests that they want when evaluating students for Section 504 services?

A: No. While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscriminatory testing methods be used when students are evaluated using test instruments.

Q: Are eligibility guidelines for Section 504 specific?

A: No. The eligibility requirements for Section 504 are broader than the IDEA and rather vague in that they do not identify all possible impairments. Basically, a student who has a mental or physical impairment is eligible for 504 services if the mental or physical impairment results in a substantial limitation in a major life activity.

Q: Where are most students who are eligible for Section 504 services placed? A: Most students who are eligible for Section 504 are primarily served in general education classrooms. Although special education may be required if the team determines it is necessary for a FAPE.

Q: Can students who are served under Section 504 be expelled from school?

A: Yes. However, expulsion is considered a significant change of placement and Section 504 requires an evaluation before any significant change of placement. The "evaluation" requirement may be met by way of a "manifestation determination" which examines the relationship between the inappropriate behavior and the disability.

Other Support Documents

1. Assessment and Accountability – MDE
<https://www.michigan.gov/mde/0,4615,7-140-22709---,00.html>
2. Dear Colleague Letter and FAQ from OCR
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201105-pse.html>
3. Section 504 FAQ (Office of Civil Rights)
<http://www2.ed.gov/about/offices/list/ocr/qa-disability.html>
4. Dear Colleague Letter on the Rights of Children with Disabilities in Public Charter Schools (December 28, 2016)
<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-charterschool.pdf>
5. Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504 of the Rehabilitation Act of 1973 (U.S. Department of Education, Office for Civil Rights, December 28, 2016)
<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-faq-201612-504-charterschool.pdf>
6. Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools (US Department of Education Office for Civil Rights December, 2016)
<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
7. Questions and Answers about the Dept. of Justice’s Final Rule implementing the ADA Amendments Act of 2008 https://www.ada.gov/regs2016/adaaa_qa.html
8. OCR, Questions and Answers on the ADA amendments Act of 2008 for students with Disabilities Attending Public Elementary and Secondary Schools (Jan 19, 2012)
<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>

FORMS

1. Section 504 Referral
2. Section 504 Teacher Input Form
3. Section 504 Evaluation and Consent
4. Section 504 Parent Input Form
5. Section 504 Medical Verification
6. Section 504 Invitation
7. Section 504 Eligibility Determination Report
8. Section 504 Plan
9. Section 504 Procedural Information and Rights
10. Section 504 Compliance Grievance Form
11. Section 504 Prior Written Notice

Section 504 Referral Form

Student Name:
Date of Birth:

School:
Grade Level:

1. Statement of Suspected Section 504 Disability(s):
2. Nature of the Concern/Reason for Referral (attach additional sheets as necessary):
3. Has the student been referred, evaluated, or provided special education or 504 services in the past? If yes, please explain.

Check the suspected physical or mental impairment:

<input type="checkbox"/> Asthma	<input type="checkbox"/> Hygiene	<input type="checkbox"/> Muscular Dystrophy
<input type="checkbox"/> Attention Deficit Disorder/ADHD	<input type="checkbox"/> Dyslexia	<input type="checkbox"/> Orthopedic Impairment
<input type="checkbox"/> Brain Injury/Concussion	<input type="checkbox"/> Allergy	<input type="checkbox"/> Recovering Chemically Dependent
<input type="checkbox"/> Cancer	<input type="checkbox"/> Emotional Illness	<input type="checkbox"/> Seizure Disorder (Epilepsy)
<input type="checkbox"/> Cerebral Palsy	<input type="checkbox"/> Depression/Anxiety	<input type="checkbox"/> Speech Impairment
<input type="checkbox"/> Communication Disorder	<input type="checkbox"/> Hearing Impairment	<input type="checkbox"/> Visual Impairment
<input type="checkbox"/> Diabetes	<input type="checkbox"/> Auditory Processing	<input type="checkbox"/> Other
<input type="checkbox"/> Auditory Processing Disorder	<input type="checkbox"/> Multiple Sclerosis	

Identify any major life activities that are limited

<input type="checkbox"/> Bending	<input type="checkbox"/> Reading
<input type="checkbox"/> Breathing	<input type="checkbox"/> Seeing
<input type="checkbox"/> Caring for one's self	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Communicating	<input type="checkbox"/> Speaking
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Standing
<input type="checkbox"/> Eating	<input type="checkbox"/> Thinking
<input type="checkbox"/> Hearing	<input type="checkbox"/> Walking
<input type="checkbox"/> Learning	<input type="checkbox"/> Working
<input type="checkbox"/> Lifting	<input type="checkbox"/> Other
<input type="checkbox"/> Perform manual tasks	

How is the major life activity limited?

1. Please describe any interventions, supports, or other actions that have been tried at home or at school prior to the referral in an effort to address the concern(s) identified above::
2. **For School Staff:** If the major life activity which is affected by the suspected disability is academic, please attach a copy of the student's most recent grades and/or standardized test scores?
3. **For Parents/Guardian:** Please attach any medical forms, psychological evaluations or other information which you would like the 504 team to consider and which you believe supports the student having a physical or mental impairment which substantially limits one or more major life functions.

Signature of person making referral

Title

Date of Referral

Section 504 - Teacher Input

Student Name:

Date of Birth:

Teacher Name:

Grade/Subject:

1. Do you have any concerns about this student? Yes ___ No ___

If yes, please specify the type of concerns below:

Academic concerns (please describe):

Behavioral concerns (please describe):

Other concerns (please describe):

2. Please list any accommodations, interventions, or strategies you have used to address the above concern(s) and indicate how the student responded to the intervention.

3. The student's current grade in class is:

4. Would the student have earned this grade without the accommodations, interventions or strategies you used to address the concern(s)? Yes ___ No ___

Additional comments:

Teacher's Signature

Date

Section 504 Evaluation and Consent

Student Name:
School:

Birthdate:
Grade/Teacher:

[] Initial Section 504

[] Section 504 Reevaluation

To the Parent/Guardian of:

Date:

At this time there has been a concern that your child may have a disability which could make him/her eligible for services under Section 504 of the Rehabilitation Act. As such, the evaluation team has been formed to determine if your child has a qualifying disability under Section 504. Members of the evaluation team will collect and review information from a variety of sources related to your child's suspected disability. Your child's teacher(s) and other staff members may be involved in observations, assessments and other data collection activities in an effort to determine whether your child qualifies for Section 504 protection. This document is providing the district with your approval to assess your child in their area of need.

A meeting will be scheduled within approximately 45 school days. You will receive notice of the meeting and are encouraged to attend and participate in the discussion and decision making process. If you are unable to attend, you may participate by telephone or by submitting written input to the team. If you have any questions, or cannot attend the meeting, please contact me so that we may discuss this further.

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your child. These rights are summarized on the "Procedural Information and Rights under Section 504" document enclosed with this notice. If you did not find the document concerning parent's rights enclosed or need another copy, please contact me.

504 Compliance Officer (school designee)

Telephone Number

Parent Consent for Section 504 Evaluation:

Your signed consent is required to complete this screening/evaluation. The results will be communicated to you at the Section 504 Eligibility Meeting. All results are confidential in accordance with State and Federal laws pertaining to education and/or health records.

- I have received information regarding the Section 504 Evaluation Procedures and have been informed of the Procedural Information and Rights under section 504 (enclosed).
- I consent to the above evaluation for my child
- I refuse permission for the above evaluation for my child

Parent/Guardian Signature

Date

Section 504 Parent Input Form

Student Name:

School:

Date of Birth:

Grade Level:

1. Medical Diagnosis for Section 504 Disability(s): Please attach any medical documentation, psychological evaluations or other information which you would like the 504 team to consider and which you believe supports the student having a physical or mental impairment which substantially limits one or more major life functions:

2. When and how often is the condition or illness a problem for your child?

3. In what way do you feel your child's medical diagnosis is impacting them in school?

4. Has your child talked to you about difficulties or problems at school? Please explain.

5. What accommodations do you feel are necessary so that your child can benefit from school?

6. Please list all medication(s) currently taken:

7. Please describe any side effects the student experiences from these medications:

8. Have there been any important family changes during the last three years (for example, moves, births, deaths, illnesses, separations, divorces):

9. Are you working with any other agencies?

Parent Signature:

Date:

Medical Verification Other Health Impairment/504

We are evaluating the student named for eligibility as a student eligible for special education/504, which requires the involvement of a physician in the evaluation process.

We are requesting your participation to determine if this student meets criteria as a student with an Other Health Impairment or criteria for a 504 plan. This definition is defined by the State of Michigan as:

“Other Health Impairment” defined; determination. [R340.1709a]

“Other Health Impairment” means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, which results in limited alertness with respect to the educational environment and to which both of the following provisions apply: Is due to chronic or acute health problems such as any of the following: Asthma, Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, Diabetes, Epilepsy, A heart condition, Hemophilia, Lead poisoning, Leukemia, Nephritis, Rheumatic Fever, Sickle Cell Anemia. A determination of disability shall be based upon a comprehensive evaluation by a *multidisciplinary evaluation team*, which shall include 1 of the following persons: an orthopedic surgeon, an internist, a neurologist, a pediatrician, a family physician or any other approved physician as defined in 1978 PA 368, MCL 333.1101 et seq.

A medical diagnosis is a required component of multiple criteria that must be met to determine eligibility. In addition to the medical diagnosis, the multidisciplinary evaluation team will determine if the health problem has a significant impact on the student’s educational performance. Your prompt attention to this request is appreciated to enable the evaluation to be completed within state timelines. If you have questions, please contact me.

Staff: _____ Position: _____

School: _____

Student/Patient: _____

Medical Diagnosis/Other Health Impairment: _____

Restrictions, if any: _____

Physical Adaptations, if any: _____

Other Comments: _____

Physician’s Signature (MD or DO only): _____

Print Name: _____ Date: _____

Return to: _____ Date Needed: _____

Invitation

Section 504 Meeting

Student Name:

Grade:

School:

Date of Birth:

Date:

Dear:

- Initial Section 504 Evaluation
- Ineligible for Section 504 Services
- Section 504 Reevaluation
- Section 504 Accommodation Plan Revision
- Section 504 Manifestation Determination Review

You are invited to attend a Section 504 meeting to discuss your child. The purpose of this meeting is indicated above. If the purpose of the meeting is for Evaluation or Reevaluation, the team will determine if your child is identified as disabled pursuant to Section 504. If eligible, the team will determine if services, including but not limited to accommodations/modifications/interventions are needed and a Section 504 plan will be prepared. You are encouraged to attend this meeting. If you are unable to attend, you may participate by telephone or submit written input. Please note that as a parent of a student who is or may be eligible for protection pursuant to Section 504, you have specific rights that are outlined in the enclosed Section 504/ADA Procedural Information and Rights.

The meeting is scheduled as follows:

Date:

Time:

The school staff members listed below have been involved in the education of your child and may attend the meeting or be represented by someone who is knowledgeable about your child and the information that will be reviewed in the meeting.

If you have any questions, please contact me at

Signature of 504 Compliance Officer or designee

Date

Section 504 Eligibility Determination Report

Student Name: _____ Birthdate: _____ Grade Level: _____ Date: _____

School: _____ Teacher: _____

Eligibility: Based on the evaluation data gathered from a variety of sources, the Section 504 Team answered the following questions to determine Section 504 eligibility.

Sources of Data: (Please check the data obtained for the evaluation. All data obtained must be carefully considered.)

<input type="checkbox"/> Grades	<input type="checkbox"/> Individual Achievement Tests
<input type="checkbox"/> Parent Report	<input type="checkbox"/> Work Samples
<input type="checkbox"/> Classroom Teacher(s) Report	<input type="checkbox"/> Group Achievement Tests
<input type="checkbox"/> School Records	<input type="checkbox"/> Medical Report(s)
<input type="checkbox"/> Psychoeducational Evaluation Date:	<input type="checkbox"/> IEP Date:
<input type="checkbox"/> Other Information Used:	

<input type="checkbox"/> Asthma	<input type="checkbox"/> Dyslexia	<input type="checkbox"/> Muscular Dystrophy
<input type="checkbox"/> Attention Deficit Disorder/ADHD	<input type="checkbox"/> Allergy	<input type="checkbox"/> Orthopedic Impairment
<input type="checkbox"/> Brain Injury/Concussion	<input type="checkbox"/> Emotional Illness	<input type="checkbox"/> Recovering Chemically Dependent
<input type="checkbox"/> Cancer	<input type="checkbox"/> Depression/Anxiety	<input type="checkbox"/> Seizure Disorder (Epilepsy)
<input type="checkbox"/> Cerebral Palsy	<input type="checkbox"/> Hearing Impairment	<input type="checkbox"/> Speech Impairment
<input type="checkbox"/> Communication Disorder	<input type="checkbox"/> Auditory Processing	<input type="checkbox"/> Visual Impairment
<input type="checkbox"/> Diabetes	<input type="checkbox"/> Multiple Sclerosis	<input type="checkbox"/> Concentrating
<input type="checkbox"/> Auditory Processing Disorder	<input type="checkbox"/> Breathing	<input type="checkbox"/> Other
<input type="checkbox"/> Learning/Thinking	<input type="checkbox"/> Communicating	
<input type="checkbox"/> Reading	<input type="checkbox"/> Eating	
	<input type="checkbox"/> Hearing	
	<input type="checkbox"/> Seeing	

1. Determine the impact of the impairment on the major life activity:

- a. The team must focus on the major life activity as a whole (ex. learning), not on a particular class (ex. math) or sub-area (ex. socialization; study skills).
- b. The term "substantially limits" means that the student is restricted as to the conditions, manner, or duration under which a particular major life activity can be performed as compared to the average student in the general population. The restriction is material/important.
- c. Do not consider the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, or appliances, low vision devices (excluding ordinary eyeglasses or therapy equipment and supplies, assistive technology, reasonable accommodations or auxiliary aids and services, or learned behavioral or adaptive neurological modifications.
- d. Discount from the analysis any sub-par performance due to factors other than an impairment, such as lack of motivation, the immediate situation or environment, lack of

appropriate instruction.

- e. For episodic impairments or impairments that go into remission, determine substantial limitation when the impairment is in the active state.
- f. Consider the student as an individual when compared to peers without a disability. (eg. Do not consider impact by comparing student with ADHD against other students who have ADHD).

2. Committee Determination:

- Yes, the physical or mental impairment substantially limits one or more major life activities.

Reasoning: _____

- No, the physical or mental impairment substantially limits one or more major life activities.

Reasoning: _____

Committee Recommendation:

- A Section 504 Plan is recommended and attached.
- The student does not have a physical or mental impairment that substantially limits a major activity and is not eligible for a Section 504 Plan.
- The student has an impairment that substantially limits a major life activity, but does not require a Section 504 Plan.

Committee Team members:

Name

Title

Section 504 Plan
Confidential

Name: _____ Date of Birth: _____
School: _____ Age: _____
Date of Plan 10/01/2019 Grade: _____
Initial Section 504 Plan
Continuing 504 Plan

The student covered under this Plan is a student with a disability. The accommodations/modifications/interventions listed on this Plan comply with the ADA Amendments Act of 2008 and the Rehabilitation Act of 1973 (Section 504).

What Physical or Mental Impairment did the team identify (See Eligibility Determination Report)?
What Major Life Activity is substantially limited?
Academics

Pertinent education and additional medical information (summary):

Accommodation(s), Aids, Services or other Supports	Person Responsible	Location

Describe location of services, if other than the classroom setting and the reason(s) necessary, or any other relevant information:

I give consent for the Initial provision of Section 504 Services

I refuse consent for the Initial provision of Section 504 Services

My signature indicates that I have been informed and received notice of Section 504/ADA Procedural Information and Rights:

Parent Signature

Date

504 Coordinator

Date

***NOTICE OF RIGHTS FOR DISABLED STUDENTS AND THEIR PARENTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

Send your complaint to the Regional Manager at the appropriate OCR Regional Office, or the address located below.

Upon receipt, OCR will review the information provided. If we determine we do not have the authority to investigate your complaint, we will, if possible, refer it to an appropriate agency. Complaints alleging employment discrimination on the basis of disability against a single individual may be referred to the U.S. Equal Employment Opportunity Commission for processing.

Private individuals may also bring law suits against a public entity to enforce their rights under Section 504 and the ADA, and may receive injunctive relief, compensatory damages and reasonable attorney's fees.

For Further Information, Contact:

Director
U.S. Department of Health and Human Services
Office for Civil Rights
200 Independence Avenue, SW - Room 506-F
Washington, D.C. 20201

Hotlines: 1-800-368-1019 (voice)

1-800-537-7697 (TDD)

E-Mail: ocrmail@hhs.gov

Website: <http://www.hhs.gov/ocr>

Specific Requirements

Covered entities must not:

- Establish eligibility criteria for receipt of services or participation in programs or activities that screen out or tend to screen out individuals with disabilities, unless such criteria are necessary to meet the objectives of the program.
- Provide separate or different benefits, services or programs to individuals with disabilities, unless it is necessary to ensure that the benefits and services are equally effective.

Covered entities must:

- Provide services and programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Make reasonable modification in their policies, practices and procedures to avoid discrimination on the basis of disability, unless it would result in a fundamental alteration in their program or activity.
- Ensure that buildings are accessible.
- Provide auxiliary aids to individuals with disabilities, at no additional cost, where necessary to ensure effective communication with individuals with hearing, vision or speech impairments. (Auxiliary aids include such services or devices as: qualified interpreters, assistive listening devices, television captioning and decoders, telecommunications devices for the deaf [TDDs], videotext displays, readers, taped texts, brailled materials and large print materials.)

Who May File a Complaint with OCR?

Any individual who believes that he or she or a specific individual or class of individuals has been subjected to discrimination on the basis of disability, in a health or human service program or activity conducted by a covered entity, may file a complaint with OCR. Complaints must be filed within 180 days from the date of the alleged discrimination. OCR may extend the 180-day deadline if you can show "good cause."

Include the following information in your written complaint, or request a Discrimination Complaint Form from an OCR Regional or Headquarters office (complaints must be signed by the complainant or authorized representative):

- Your name, address and telephone number.
- Name and address of the entity you believe discriminated against you.
- How, why and when you believe you were discriminated against.
- Any other relevant information

The Rehabilitation Act of 1973, commonly known as "Section 504" (§504), is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In the school setting §504 applies to ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to non-disabled students. You are receiving this document because you are either an adult student or the parent of a minor student who has or is suspected of having a disability under §504.

Under §504, a student is considered "disabled" if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, caring for oneself, eating, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, communicating, and performing manual tasks. Section 504 also applies to students with a record of having a substantially limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive accommodations and/or services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted to them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR). They include the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32]. The public school that you or your child attends must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this notice, please contact the 504 Coordinator for the school that you or your student is attending. (Building 504 Coordinator).
2. A child who has a physical or mental impairment that substantially limits a major life activity ("eligible child") has the right to a free appropriate public education designed to meet his or her educational needs as

Updated: 11/27/2017

Fact Sheet
Your Rights Under Section 504 and the Americans
With Disabilities Act

The Office for Civil Rights (OCR) within the U.S. Department of Health and Human Services (DHHS) is responsible for enforcing the nondiscrimination requirements of Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990, involving health care and human service providers and institutions.

What is Prohibited Under Section 504 and the ADA?

Both Section 504 and the ADA prohibit covered entities from discriminating against persons with disabilities in the provision of benefits or services or the conduct of programs or activities on the basis of their disability. Section 504 applies to programs or activities that receive Federal financial assistance. Title II of the ADA covers all services, programs and activities conducted by public entities (state and local governments, departments, agencies, etc.), including licensing.

Who is Protected Under Section 504 and the ADA?

Section 504 and the ADA protect **qualified individuals with disabilities**. An **individual with a disability** is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. **Major life activities** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Under Section 504 and the ADA, a person is a **qualified individual with a disability** if he or she meets the essential requirements for receipt of services or benefits, or participation in the programs or activities of a covered entity. The question of whether a particular condition is a disability within the meaning of Section 504 and the ADA is determined on a case-by-case basis.

What is a "Physical or Mental Impairment?"

Physical or mental impairments include, but are not limited to: visual, speech and hearing impairments; mental retardation,

due process hearing if you wish to contest any District action with regard to your child's identification, evaluation, or placement under 504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.

13. If you wish to request an impartial due process hearing, you must submit a written Request for Hearing to the District 504 Coordinator at the address below.

Michele Cook
418 Highland
Williamston, MI 48895
517 655-4361 X5108

14. An impartial hearing officer will be appointed. You will be notified in writing of the hearing date, time, and place. Further details about the hearing process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building or the District Coordinator.

15. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction.

16. If you feel that the District has violated an express term of its §504 policies and procedures, you have the right to present a grievance to the District 504 Coordinator. Further details about the grievance process are set forth in the District's 504 procedures. The 504 procedures are available from either the Building or District 504 Coordinator.

17. If you feel the District has violated Section 504, you also have a right to file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education. The address of the OCR Regional Office that covers Michigan is:

Office for Civil Rights
Cleveland
U.S. Department of Education
600 Superior Avenue East, Suite 750
Cleveland, OH 44114

504 Coordinator
Michele Cook
418 Highland
Williamston, MI 48895
517-655-4361 X 5108

*Section 504 Policy and Procedures - Attachment A
notice of rights - form c

adequately as the needs of non-disabled students are met. [34 CFR 104.33].

3. An eligible child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students.

4. To the maximum extent appropriate, an eligible child has the right to be educated with children who are not disabled. The eligible child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].

5. The eligible child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].

6. The District must undertake an evaluation of your child prior to determining eligibility under Section 504 and develop his or her appropriate educational placement or program of services under 504, and also before any subsequent significant change in placement. [34 CFR 104.35].

7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will consider information

information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, and parent input, among others. [34 CFR 104.35].

8. Placement decisions regarding your child must be made by a group of persons (a 504 Committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, children with disabilities should be educated with non-disabled children. [34 CFR 104.35].

9. If your child is eligible for services under §504, he or she has a right to periodic reevaluations to determine if there has been a change in educational need. Generally, a reevaluation will take place at least every three years. [34 CFR 104.35].

10. You have the right to be notified prior to any action (be it a proposal or refusal) regarding the identification, evaluation, or placement of your child. [34 CFR 104.36].

11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under 504). [34 CFR 104.36].

12. You have the right to request an impartial

SECTION 504 GRIEVANCE PROCEDURE

It is the policy of *Williamston Community Schools* not to discriminate on the basis of disability. *Williamston Community Schools* has adopted a grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Any person who wishes to file a complaint alleging discrimination on the basis of disability may file a grievance under this procedure. It is against the law for *Williamston Community Schools* to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504 Coordinator within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- The complaint must state the problem or action alleged to be discriminatory.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal and impartial, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The superintendent will be an alternate investigator in circumstances where the coordinator is unable to impart an informal and impartial investigation.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing..
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights.

Williamston Community Schools will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

Section 504 Prior Written Notice

Name: _____ Date of Birth: _____
School: _____ Age: _____
Date: _____ Grade/Teacher: _____

This is to notify you of the District's action regarding your student's educational program.

1. Description of the action:

- Refusal to Consent to 504 Evaluation
- Initial 504 Evaluation
- Ineligible for 504 Plan
- Development of 504
- 504 Review
- 504 Reevaluation
- Change of 504 Services
- 504 Issues/meetings where the parent(s) disagree with District
- Other:

2. An explanation of why the School District is taking the action described below:

3. A description of any other options the School District considered and the reasons/data why those options were rejected:

4. A description of each evaluation procedure, test, record or report the School District used as a basis for the proposed or refused action:

5. Other factors that are relevant:

6. Provision of procedural safeguards:

As a parent of a child with a suspected or identified disability, you have procedural safeguard protections. Please contact me if you have any questions about the action(s) described above, your rights, as described in the Notice of Section 504/ADA Procedural Information and Rights, or other related concerns.

Enclosure: Notice of Section 504/ADA Procedural Information and Right

Section 504 Evaluation/Placement Checklist

Student Name _____

School: _____

Date of Birth _____

Grade Level: _____

1. The 504 Building Coordinator receives **Section 504 Evaluation Referral** or completes it. _____(DATE)
2. The 504 Building Coordinator provides the Evaluation and Consent form to parents. _____(DATE)
3. The 504 Building Coordinator distributes the **Teacher Input Form, Parent Input Form, and Medical Form.** _____(DATE)
4. The team will meet to go over the **Eligibility Determination Report.** This will be a review of all data by the building team members. _____(DATE)
5. The 504 Team will determine date of meeting with parent(s). The 504 Building Coordinator sends **Parent Invitation: Section 504 Meeting** to parent/guardian. The 504 Team evaluates the child's reported impairment after the parent has signed consent. _____(DATE)
5. If there is a 504 to be developed, the 504 Team and parents meet and develop the **504 plan.** _____(DATE)
6. When the **Section 504 Plan** is developed, the 504 Building Coordinator is responsible for ensuring that all members of the 504 Team and the student's teachers receive a copy of the Plan. Parent **sign consent**, and then receive a copy of the **504 Plan.** Parental consent (signature) must be obtained for all initial placements.
_____(DATE)
7. Copies go into the 504 file cabinet and the students **CA60.** _____(DATE)
8. The Building Coordinator schedules a review or reevaluation of the student if:
 - A request for review or reevaluation is received from parent or staff;
 - New information is received that indicates a need for review or reevaluation;
 - Before any significant change in placement (including building change);
 - One year from original date._____(DATE)
9. The 504 Building Coordinator ensures that the Section 504 Plan is sent to the new location if the student changes schools. _____(DATE)

