

Dartmouth Public School

Section 504 Handbook



SECTION 1 - INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal civil rights law that prohibits discrimination against individuals with disabilities on the basis of their disabling condition. The law provides that:

No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . 29 USC 794(a).

As applied to public schools (as recipients of federal funds) the Section 504 prohibits the denial of public education participation or enjoyment of the benefits offered by public school programs because of a child's disability. Section 504 provides a broad spectrum of protections against discrimination on the basis of disability. For example, all qualified elementary and secondary public-school students who meet the definition of an individual with a disability under Section 504 are entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

Section 504 also requires, among other things, that a student with a disability receive an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability.

Non-Discrimination Statement

The Dartmouth Public Schools does not discriminate on the basis of race, color, ancestry, national origin, religion, creed, sex, gender identity or expression, sexual orientation, marital status, pregnancy or pregnancy related condition, genetic information, disability, veteran's status, age or homelessness in admission to, access to, employment in, or treatment in its programs and activities.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, assessed, and provided with appropriate educational services. The District will provide reasonable accommodations to students in accordance with the student's 504 Plan developed by a team of individuals that are knowledgeable of the student, the evaluation results, and available services.

Notice of Parent and Student Rights under Section 504

Parents and students (when age appropriate) will receive Notice of Parent and Student Rights under Section 504 upon initiation of the referral and eligibility determination process. The District encourages parents/guardians to review the Notice of Parent and Student Rights thoroughly.

Section 504 Terms and Definitions

Accommodation:

An adjustment to make a program, facility, or resource accessible to a person with a disability.

Section 504 Plan:

Written document developed by a team that outlines regular or special education and related aids and services (sometimes referred to as "accommodations") necessary for a student who has a physical or mental impairment that substantially limits one or more major life activities, in order to provide the student with a free and appropriate public education (FAPE).

Americans with Disabilities Act (ADA):

This is a federal civil rights law that prohibits discrimination against individuals with disabilities. It covers schools, the workplace and public places. ADA works in tandem with Section 504.

Americans with Disabilities Act Amendments Act of 2008 (ADAAA):

This Act amended both the ADA and the Rehabilitation Act definition of disability for Section 504 to broaden the meaning of disability and the protections under these federal laws. For more information, see *“Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools”* (Jan. 12, 2012), available at <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>.

Barrier Free Environment:

A school environment that contains no obstacles to accessibility and usability by students with disabilities. Barrier may mean physical and non-physical.

Compliance Officer:

The person officially designated by the school district to coordinate the requirements of Section 504.

Eligible Student:

In order to be eligible for a 504 Accommodation Plan, a student must have a physical or mental impairment that substantially limits one or more major life activity areas.

Evaluation:

Section 504 requires the 504 Team to "draw upon information from a variety of sources," including aptitude and achievement tests, teacher recommendations and observations, medical documentation, parental input, physical conditions, and adaptive behavior. All significant factors related to the learning process must be considered.

Extracurricular Activities:

Section 504 requires school districts to provide an equal opportunity for participation in non-academic and extracurricular services and activities, including but not limited to counseling services, sports and physical education, field trips, school sponsored clubs and activities, and after school activities.

Free Appropriate Public Education (FAPE):

The provision of an appropriate education is the provision of regular or special education services that are designed to meet the needs of students with disabilities as adequately as the needs of nondisabled students are met and based upon adherence to the procedural requirements of Section 504.

Has a record of such impairment:

Has a history of or has been classified (or misclassified) as having a mental or physical

impairment that substantially limits one or more major life activities.

Is regarded as having an impairment:

Has a physical or mental impairment that does not substantially limit a major life activity but is treated by others as having such an impairment.

Major life activity:

Functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, speaking, breathing, learning, reading, thinking, communicating, and concentrating and other major bodily functions as defined by federal law. This list is not exhaustive.

Mitigating Measures:

Mitigating measures include but are not limited to medications, prosthetic devices (for example, an artificial arm), assistive devices (*e.g.*, wheelchairs, canes, crutches, and computer modifications that increase accessibility) learned behavior; and adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment.

Office for Civil Rights (OCR):

The agency that enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. OCR has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance.

Physical or mental impairment:

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 or endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

Reasonable Modifications:

School districts are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

The Rehabilitation Act of 1973: This is a federal civil rights law that prohibits

discrimination on the basis of disability in programs and activities that receive federal funding.

Section 504 Team

A group of persons who have knowledge of the child, the meaning of the evaluation data, and accommodations/placement options. Usually the Principal or 504 Coordinator at the school level who determines the composition of the 504 Team. A student's teachers and parents are members of the 504 Team. Often, the student is a member of the 504 Team.

Substantial Limitation

In considering whether a student is substantially limited in the performance of a major life activity, the student is compared to the average student of the same age in the general population. This determination requires an individualized assessment. However, the term “substantially limits” should be construed broadly in favor of expansive coverage; it is not meant to be a demanding standard. In that regard, an impairment does not have to prevent or significantly restrict the individual from performing a major life activity in order to be considered substantially limiting.

Supplementary aids and services: These are supports to help a child learn in the general education classroom. Examples of this are equipment or assistive technology, such as audiobooks or highlighted classroom notes.

SECTION 2 - 504 ELIGIBILITY AND EVALUATIONS

Eligibility Criteria

Eligibility for a Section 504 Accommodation Plan is determined using a three-pronged approach that considers if the student:

1. Has a physical or mental impairment ...
2. That substantially limits ...
3. A major life activity.

In order to be considered an individual with a disability under Section 504, all three prongs need to accurately reflect the student within the school setting.

The federal regulations define physical or mental impairment as follows:

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; genito-urinary; 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.

Note: This list does not include a comprehensive list of specific diseases or conditions. Under Section 504, major life activities include but are not limited to the following:

1. caring for one's self
2. lifting
3. performing manual tasks
4. seeing
5. hearing
6. eating
7. sleeping
8. walking
9. standing
10. speaking
11. breathing
12. learning
13. reading
14. concentrating
15. thinking
16. communicating
17. working
18. bending

It also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. 42 U.S.C. 12102(4)(a)(2)(B).

When considering eligibility under Section 504, it is important to note the following:

1. A student does not need to have a disability limiting learning to qualify for a 504 Plan.
2. An impairment that substantially limits only one major life activity may be considered a disability.

3. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

The Eligibility Determination Process

In addition to the District's Section 504 Coordinator, each school in Dartmouth Public Schools has a building-based Section 504 Coordinator. The Coordinator will be responsible to implement the eligibility process. The Coordinator will determine a Team for each student based upon the nature of the suspected disability and the presenting questions regarding the student's potential needs.

A 504 Eligibility Team consists of people who:

1. Have knowledge about the student;
2. Have knowledge about the evaluation data and information;
3. Have knowledge about accommodations that may be discussed; and
4. Have knowledge about placement options

Step 1. Referral

A written request for a referral for a 504 evaluation should be forwarded by the parents or school staff to the school 504 Coordinator when the student may have a disability and be in need of regular or special education and related aids or services. A referral for a Section 504 evaluation could result in a request for a special education evaluation if the suspected disability could also fall within a category of special education eligibility. A student may also be referred for an evaluation by a physician, therapist or other individual in a position to suspect that the student may have a disability and be in need of regular or special education and related and aids and services. A student may self-refer. A student must be re-evaluated prior to any significant change in placement, including being exited from a Section 504 Plan.

Step 2. Evaluation and Documentation

Evaluations will be proposed after school personnel review the referral information. With prior parent consent, the Dartmouth Public Schools will conduct an evaluation that will include school district assessments and review of other relevant information (*e.g.*, grades, review of records, health information, letters from medical specialists, licensed mental health practitioners, and classroom participation and performance). In interpreting evaluation data and in making placement decisions, the 504 Team must consider data from a variety of sources including but not limited to: aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive

behavior.

The evaluation process may include formal testing conducted by highly credentialed school personnel (*e.g.*, academic achievement, social emotional). Evaluations conducted by school personnel will be administered during the school day and may result in the student missing some instructional time. Evaluation tests and other materials will be reliable and valid for the purposes for which they are being used.

Should the school district determine that formal evaluations are needed, consent from parents will be required. The District may also ask, but may not require, families to provide additional medical documentation. Upon receipt of parent consent to conduct the evaluation, the school district has 45 school days to complete the evaluations and convene a 504 Eligibility Meeting.

There are times when families may present to the school district a report from an independent evaluator. Although the Team will consider the findings from independent educational evaluations, the Dartmouth Public Schools reserves the right to conduct its own evaluations. All relevant information should be available to the school and parents at least two (2) school days prior to the eligibility meeting.

Note: In many instances, the District will seek a release from parents to speak with outside providers. This is a best practice to gather as much information as possible about the student from a variety of sources. (See Request/Release of Information form).

Step 3. Team Review to Determine Eligibility

The 504 Eligibility Team will schedule a meeting to determine eligibility for a Section 504 Accommodation Plan and, if appropriate, consider necessary services and supports. The entire Team will consider all provided assessment reports and information from a variety of sources. The three-pronged eligibility criteria will guide the process to determine a student has a disability under Section 504.

Questions that the Team will consider at the meeting will include:

1. What is the nature and severity of the impairment?
2. What is the major life activity that may be substantially limited by the suspected disability?
3. What is the suspected duration of the impairment?
4. How has the student responded to any prior interventions or accommodations?
5. Does the student consistently need extended time to complete assignments?

6. Does the student consistently need significant changes made to the curriculum and/or physical school environment?
7. Has the student shown a consistent pattern of negative behaviors or discipline issues?

When an impairment *does not substantially limit* one or more of the above major life activities, a student does not qualify for classroom accommodations under Section 504. It is important for families and school personnel to have conversations about instructional strategies that are utilized routinely for all students and that meet the needs of diverse learners.

Temporary Impairment

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Mitigating Measures

When determining if a person has a disability, a school cannot consider the ameliorative effects of mitigating measures when determining how the impairment impacts the major life activities under consideration. For example, a student with low vision (unable to read typical size print with ordinary eyeglasses or contacts) who is able to read using a computer program that enlarges the font size of documents qualifies as a person with a disability, even though the computer program diminishes the impact of the student's low vision..

The 2008 Amendments to the ADA provide a non-comprehensive list of mitigating measures: medications; prosthetic devices (for example, an artificial arm); assistive devices (for example, computer modifications that increase accessibility, wheelchairs, scooters, walkers, canes, and crutches); learned behavior; and adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment.

Note that the use of ordinary eyeglasses or contacts is the one exception to the mitigating measure rule. In other words, if a person's vision is corrected with ordinary eyeglasses or contacts, the school may consider how the eyeglasses or contacts help the student see when making a determination about whether the student has a visual disability..

Step 4. Development of the Section 504 Plan

Should the 504 Eligibility Team determine a student is eligible for a Section 504 Plan, the Team will develop a Section 504 Plan collaboratively. Accommodations included in the Section 504 Plan will:

1. Be individualized and specific.
2. Be considered as necessary to provide the student a FAPE in accordance with Section 504.
3. Be determined by the Team.

The 504 Plan should identify the person(s) responsible for implementing each component of the Section 504 Plan.

The completed 504 Plan will be implemented immediately. All teachers and other school personnel with a "need to know" status will be informed of the contents of the Plan.

Should the Team find the student not eligible for a Section 504 Plan, the Team will encourage the student and family to discuss with the teachers the differentiated instructional approaches and District Curriculum Accommodation Plan options that are implemented routinely within the classroom and that may be helpful to the student.

Furthermore, if the family disagrees with the findings of the Team, they may ask to reconvene the team or exercise their due process rights in accordance with Section 504 of the Rehabilitation Act of 1973.

Step 5. Implementation the Section 504 Plan

District and school staff are legally responsible to implement the 504 Plan. The classroom teacher(s) and/or other professionals must maintain regular and consistent documentation to demonstrate that the school has implemented the plan. For example, a teacher may keep a file of student work, or write special notations in a grade book, or maintain notes. Other forms of data collection should be considered by the 504 Team to show compliance and to aid in reviewing the efficacy of accommodations. Any concerns about the plan's effectiveness should be shared with the 504 building coordinator.

1. The Section 504 Plan will be provided to all who need it: teachers (classroom and specialists); substitute teachers; bus drivers/cafeteria workers (as applicable)
2. The Section 504 Plan will be reviewed at least annually.
3. If the student chooses not to accept accommodations, the district will document this and take steps to address as necessary.

4. The student will be re-evaluated at least every three (3) years to determine whether the student continues to be eligible for a 504 Accommodation Plan.

When considering eligibility under Section 504, it is important to note the following:

1. A 504 Plan is not designed to fundamentally alter the program, standards, or what students are expected to know and be able to do. Though the definition of Section 504 is broad, the school district must still determine if impairment substantially limits a major life activity.
2. Simply having a disability does not mean a student is 504 eligible. The school district must consider all the data and identify the substantial limitation that has an impact at school.
3. When a school qualifies a student for Section 504, it means they have rights.
4. A child's physician cannot make the student automatically eligible. Physicians make diagnoses, but the school district determines 504 eligibility.
5. When a student transfers to the District with a Section 504 Plan in place, the District will either implement the 504 Plan or re-evaluate the student, without a break in services.

SECTION 3 - FAPE UNDER SECTION 504

Under Section 504, FAPE (Free Appropriate Public Education) refers to the provision of regular or special education and related aids and services a student with a disability needs and the appropriate setting in which to receive those services. In general, the following areas should be addressed in a written 504 Plan to meet the FAPE requirement as defined by Section 504:

- **The nature of the student's disability and the major life activity that it limits.**
- **The basis for determining the disability** -the evaluation procedures must be documented in the Section 504 Plan.
- **The educational impact of the disability** -the Section 504 team must describe how the disability substantially affects the student's educational performance so proper accommodations can be implemented.
- **Necessary accommodations** – Section 504's FAPE standard requires schools to provide services designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met.

- **Placement** - Section 504 has a least restrictive environment requirement similar to the IDEA and students with disabilities and students without disabilities must be placed in the same setting, to the maximum extent appropriate.

To satisfy FAPE requirements under Section 504, education services must meet individual needs and students with disabilities must be educated with nondisabled students to the maximum extent appropriate to the needs of the student with a disability. In addition, evaluation and placement decisions must be made in accordance with appropriate procedures. Finally, districts are required to have due process procedures for review of identification, evaluation and placement decisions and parents must be notified of these procedures.

For further information, refer to the OCR Guidance: FAPE for Students with Disabilities under Section 504:

<https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html?exp=1>

SECTION 4 - OTHER IMPORTANT TOPICS

Extracurricular Activities and Nonacademic Services

School districts must provide non-academic services and activities in a manner that provides students with disabilities an equal opportunity for participation. This requirement includes activities such as extracurricular athletics and special interest groups or clubs sponsored by the school district. School districts must afford qualified students with disabilities an equal opportunity for participation in extracurricular athletics in an integrated manner to the maximum extent appropriate to the needs of the student. This requirement means that a school district must make reasonable modifications to its policies, practices, or procedures whenever such modifications are necessary to ensure equal opportunity, unless the school district can demonstrate that the requested modification would constitute a fundamental alteration of the nature of the extracurricular athletic activity.

The fact that a student has a disability does not mean that the student must be allowed to participate in any selective or competitive program offered by a school district. Rather, school districts may require a level of skill or ability of a student in order for that student to participate in a selective or competitive program or activity, so long as the selection or competition criteria are not discriminatory.

See also OCR Dear Colleague Letter: Students with Disabilities in Extracurricular Athletics (Jan. 25, 2013), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>.

Behavior and Discipline

Similar to students who are protected under the IDEA, students with disabilities eligible under Section 504 have additional protections in matters of student discipline. Students with disabilities may be disciplined in the same manner as non-disabled peers for up to ten (10) school days in the same school year, as long as the removal does not constitute a change of placement. When suspension of a student with a disability (including a student on a Section 504 Plan or IEP) will constitute a change of placement (including expulsion or removal to a forty-five day interim alternative educational setting), the District will comply with the following procedures:

Relevant members of the student's 504 Team will conduct a Manifestation Determination Team meeting. The Team will determine if the misconduct was a manifestation of the student's disability. In making this determination the Team must consider all relevant information, including:

- The Section 504 Plan;
- Staff observations; and
- Any relevant information provided by the parent/student.

The results of the Manifestation Determination Review meeting should be made available to the administration. If the Team determines that the incident is a manifestation of their disability the student will not receive discipline that results in a change of placement. If the Team determines that the behavior is a manifestation of the student's disability, it must determine if the student's current placement is appropriate. Parents are entitled to notice and procedural safeguards when a manifestation determination is conducted. The Team must also determine whether the student's Section 504 Plan is being followed. If not, and the failure to implement the student's Section 504 plan led to the incident, the student may not be disciplined.

The District will develop an individualized behavior management plan for a student with a disability when the student's behavioral difficulties significantly interfere with his ability to benefit from his/her/their education.

Bullying and Harassment

Section 504 prohibits disability-based harassment that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's education programs

and activities. Bullying and harassment of a student by the student's peers, based on disability, may deny a student equal educational opportunities. When the district knows or reasonably should know of possible disability-based harassment, it will take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and as appropriate remedy its effects.

The district also has responsibilities under Section 504's FAPE requirements when a student with a disability is harassed or bullied on any basis (not just disability). This is because bullying or harassment can result in a denial of FAPE under Section 504 and if that occurs, it must be remedied. An example of a FAPE denial would be if a student experiences adverse changes in academic performance or behavior as a result of bullying or harassment.

Section 504 and ADHD

As a result of the expanded scope of the term disability under the Americans with Disabilities Act Amendments Act of 2008, an increasing number of students with ADHD are entitled to protections under Section 504. In 2016, the Office for Civil Rights issued a Resource Guide specifically addressing students with ADHD and Section 504. This resource highlights the following reminders:

- The district must consider the term disability broadly and cannot consider the positive effects of mitigating measures in evaluating a disability (*e.g.*, medication).
- In determining whether a student has a disability under Section 504, the district must consider all potential major life activities that may be impacted by the student's impairment, not just learning.
- Section 504 does not require a medical assessment as a precondition to the school district's determination that the student has a disability. If the District believes that a medical assessment is necessary to determine whether the student has ADHD and needs special education or related aids or services because of ADHD, the student's parents cannot be required to pay for it.
- The District should not act on stereotypes and generalizations about ADHD and will monitor all students carefully for ADHD without regard to race or gender.
- Not all students with ADHD require the same accommodations.

For additional information, please refer to the following link: <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

Section 504 and Individual Health Care Plans

Many students who qualify as disabled under Section 504 have medical issues that may also necessitate the development of an individual health care plan (IHCP). A student may have both a Section 504 Plan and an IHCP. It is important to recognize the differences between IHCPs and Section 504 plans.

An IHCP is a written document that outlines the provision of student healthcare services and can help ensure that a student's medical needs are met throughout the school day. A student with an IHCP who has not been determined to be a student with a disability will not be entitled to a free appropriate public education or afforded the protections provided by the general non discrimination prohibitions included in Section 504 and Title II of the ADA.

Not every student who has an IHCP will be considered a student with a disability under Section 504. Whether a student with a health problem qualifies for a Section 504 Plan depends on whether the health problem substantially limits a major life activity area and whether because of the disability, the student needs special education or related aids and services.

Standardized Tests and Accommodations- MCAS

MCAS is untimed for every student; each student receives as much time as the student needs within one school day. Decisions about other MCAS accommodations must be discussed and determined by the 504 Team and the 504 Plan must include this information. The principal is responsible for ensuring that each student is assessed using the test format and accommodations listed in the student's 504 plan.

s. See Department of Elementary and Secondary Education's *Accessibility and Accommodation Manual for the 2021-2022 MCAS Tests and Retests*, available at <https://www.doe.mass.edu/mcas/accessibility/manual.docx>.

Section 504 and Long COVID

The U.S. Center for Disease Control and Prevention has identified “long COVID” as another term for post-COVID conditions which include a wide range of new, returning, or ongoing health problems people can experience more than four weeks after first being infected with the virus that causes COVID-19.

A child or student experiencing long COVID or other conditions that have arisen as a result of COVID-19 may be entitled to protections and services. Some children and

students who were already identified as having a disability under Section 504 and who have contracted COVID-19 may experience new or worsened symptoms related to their pre-existing disability, to COVID-19, or to both. If these symptoms persist in the form of long COVID, these children or students may need new or different related aids and services, specialized instruction, or reasonable modifications. Other children or students may be found eligible for services under Section 504 for the first time because of the adverse impact of long COVID if long COVID substantially limits one or more of the student's major life activities. The evaluation of a student must be individualized and not make any conclusions based on the child's diagnosis alone.

For additional information, see OCR Office of Special Education and Rehabilitative Services Fact Sheet: "Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers and Families" (July 26, 2021), available at <https://sites.ed.gov/idea/files/ocr-factsheet-504-20210726.pdf>.

SECTION 5 - GRIEVANCE PROCEDURES

The Dartmouth Public School District (the District) will make every attempt to resolve disputes internally with respect to Section 504 compliance for students. When disputes emerge, these grievance procedures will incorporate due process standards to resolve complaints of discrimination. To comply with Section 504, the District:

- Provides written assurance of nondiscrimination.
- Designates a Section 504 Coordinator.
- Provides grievance procedures to resolve complaints.
- Provides notice of nondiscrimination in admission or access to its programs or activities. Notice is included in student/parent handbook.
- Identifies and locates all qualified children with disabilities who are not receiving a public education.
- Notifies annually persons with disabilities and their parents or guardians of the district's responsibilities under Section 504.
- Provides parents or guardians with notice of procedural safeguards.
- Conducts a self-evaluation of school district policies, programs, and practices to make sure discrimination is not occurring.

GRIEVANCE PROCEDURES

The Section 504 Coordinator, on request, will provide a copy of these grievance procedures and investigate all complaints in accordance with these procedures. The person who believes he/she has been discriminated against based on disability shall

discuss the grievance with, and give a written grievance to, the Section 504 Coordinator who shall, in turn, investigate and reply to the complainant. An individual may also file a Section 504 complaint on behalf of someone else. The District will assist individuals who need assistance putting a grievance into writing.

The District will make appropriate arrangements to ensure that individuals with disabilities are provided any necessary accommodations 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.

The Superintendent will designate an individual to investigate grievances against the Section 504 Coordinator. The Section 504 Coordinator will designate an individual to hear any appeals concerning Section 504 complaints against the Superintendent.

PROCESS/TIMELINE

Step 1:

A complaint must be submitted in writing to the Section 504 Coordinator. Complaints about the Section 504 Coordinator may be brought directly to the Superintendent. The complaint must contain the name and address of the person filing it and be signed by the complainant. The Section 504 Coordinator shall further investigate the complaint and make best efforts to communicate the outcome in writing to the complainant within twenty (20) school days. In cases in which the investigation extends beyond twenty days, the Section 504 Coordinator will inform the complainant about the status of the investigation within twenty (20) school days.

The District will address any violations of Section 504, take steps to prevent the recurrence of any discrimination, and correct any discriminatory effect on the person filing the grievance and others.

Step 2:

If the complainant wishes to appeal the decision of the Section 504 Coordinator, he/she may submit a signed statement of appeal to the Superintendent of Schools (or designee) within ten (10) school days after receipt of the Section 504 Coordinator's response. The Section 504 Coordinator and Superintendent cannot be the same individual. The

Superintendent shall meet with all parties involved, formulate a conclusion, and use reasonable efforts to respond in writing to the complainant within thirty (30) school days.

Step 3:

If the complainant remains unsatisfied, he/she may appeal to the Bureau of Special Education Appeals or other appropriate state agency or court. The availability and use of this grievance procedure do not prevent a person from filing complaint of discrimination on the basis of disability directly with U.S. Department of Education, Office for Civil Rights, or any other state or federal agency.

FEDERAL COMPLAINT PROCEDURES

The complainant may file a complaint with the Office for Civil Rights (OCR) at any time before, during, or after the local grievance procedures. The contact information for the regional office is as follows:

Office for Civil Rights
U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Office for Civil Rights Complaint Process

An individual or an organization may file a complaint with the regional Office for Civil Rights (OCR). An OCR complaint must be filed, in writing, within 180 days after the alleged discriminatory act or from the time the person becomes aware of the alleged discriminatory act. In certain cases, OCR will consider complaints where more than 180 days have elapsed. Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices:

- Name, address, and phone (a daytime telephone number is helpful)
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required)
- The name and location of the agency that committed the alleged discriminatory act(s), as well as the name of the injured person

- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, age, or disability)

A school or individual may not retaliate against or harass any person who has made a complaint, testified, assisted, or participated in any manner in a discrimination investigation.

DUE PROCESS HEARING

Due process is defined as an opportunity to resolve a dispute between parents and schools over the decisions made and/or procedures used by the school under Section 504. A Section 504 due process hearing may be made *at the request of the school or a parent, guardian, or surrogate parent of the student*. It is required that parents or guardians be notified of their right to request a hearing regarding a dispute over the identification, evaluation, or educational placement of a student with disabilities being served or considered for Section 504. *See* Notification of Section 504 Parent/Student Rights. A request for a due process hearing may be submitted directly to:

Division of Administrative Law Appeals
Bureau of Special Education Appeals
14 Summer Street, 4th Floor
Malden, MA 02148

MEDIATION

Mediation is not required under Section 504. Most of the time, parents and school staff agree upon issues regarding evaluation, eligibility, program, and placement of students with disabilities. However, there are times when disagreement occurs. If the parent and school are unable to resolve a conflict concerning a student with a disability, then mediation is an available alternative to a due process hearing which can be lengthy and expensive. A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student and in compliance with Section 504 regulations. This occurs at a non-adversarial meeting that is more structured than a parent-school conference, but less formal than a due process hearing. Parents and schools are encouraged to try mediation before relying on more formal procedures such as the grievance procedures, complaints to OCR, or due process hearings.

Mediation is completely voluntary. It should not interfere with any procedural

safeguards, including filing a grievance with the district, requesting a due process hearing with the Bureau of Special Education Appeals or filing a complaint with OCR.

SECTION 6 - FORMS

Section 504 Checklist

Section 504 Forms

- Request/Release Of Information
- Request For Consent For Section 504 Evaluation Form
- Notification To Parent/Student Rights In Identification, Evaluation And Placement
- Invitation To Section 504 Meeting (Form)
- Section 504 Teacher Input Form
- Parental Consent For Section 504 Discontinuation
- Section 504 Manifestation Determination Checklist

Section 504 Data Sheet

Section 504 Plan

Eligibility Determination Meeting Summary

Sample Accommodations

Section 504 Checklist

Referral:

- Referral is made to the building administrator or Section 504 representative.
Note: Referrals may be requested either by parents or school staff. A referral may be made by a special education team after a finding of no eligibility for special education.
- Parents/guardians will be notified of the referral (if not initiating request), and provided a copy of their parental rights. ([Notice of Parents' Rights Under Section 504](#)).
- School based team reviews referral requests and determines the need for evaluation. If an evaluation is necessary, the parent is then asked for consent to complete an evaluation. Evaluation should begin upon receipt of parental consent. If an evaluation is not needed, the 504 coordinator needs to ensure that the Section 504 Team has the necessary documentation of the disability being considered.
- If an evaluation has already been conducted under the IDEA (and a student was not found eligible for special education services), further evaluation may not be

needed. The 504 Team will convene and determine eligibility under Section 504 using the evaluation information that was completed as part of the IDEA special education eligibility process.

Evaluation: **The team must draw upon information from a variety of sources and cannot rely solely on a doctor's note or diagnosis.**

- Send **Evaluation Consent Form** to parents if conducting assessments
- Send **Authorization for Release/Exchange** of information form to parents/guardians to communicate with outside service providers, such as physicians, therapists, counselors, psychologists, tutors, etc.
- School records are reviewed to determine attendance, academic performance, work products, standardized testing scores, etc.
- Input from teachers and parents is obtained in writing or by interview. The **Educational Assessment Part A** form can be completed by teachers.
- For mental and physical health conditions, parents should bring in necessary documentation from practitioners. School social workers, school psychologists, or the school nurse can help confirm that the documentation is complete and includes recommended accommodations and required health services.
- In some circumstances, formal evaluations should be completed- psychological, academic, social-emotional etc.
- Once evaluation is complete, a meeting is scheduled. The 504 Team will be composed of people with knowledge of the student. Parents and relevant school staff are invited.

Eligibility Determination

- Data is summarized and 504 Team determines eligibility based upon findings. The Section 504 Eligibility form is completed.
- If the student is found eligible, the 504 Team writes a Section 504 Plan. The parents/guardians are provided with a copy of the plan. Upon receiving parental consent, the Section 504 Plan will be implemented. Please note that parental consent is not necessary for a Section 504 Plan, but it is recommended.
- If the student is not found eligible, the team should consider whether alternative interventions are necessary (DCAP, etc.).
- Section 504 Meeting Notes are to be completed at all eligibility meetings. Parents must be given a copy of meeting notes.

Written Plan

- The written plan should address the need for accommodations and possible services.

Accommodations and services must be individualized and specific to the student's needs and persons responsible for implementation are identified. The Plan must include the student's placement. Identify the annual review meeting and re-evaluation date (three years) at this meeting.

- A contact person is designated to coordinate all Section 504 efforts at the school level. This person oversees communication with parents and staff and plan implementation.
- The final copy of the plan is mailed or given to the parent/guardian.
- The 504 Plan is provided to relevant staff who are responsible for implementation and the district obtains a signed receipt from staff members confirming their receipt and review of the plan. The plan is implemented upon receipt of parental consent. A copy of the plan is maintained in the student's file.

Ongoing Requirements

- The building based designated point person for Section 504 periodically monitors the effectiveness of the plan and revises with the team as needed.
 - The 504 Team, including parents, convenes annually to review the plan and make changes as needed.
 - Every three years or when there is a question of continued eligibility, a reevaluation is held with the team and parent. Additional data is collected and the plan is revised and updated as needed.
 - The building Section 504 designee ensures that the plan follows the student during transitions to new classroom/teachers and new buildings.
 - If a student displays a pattern of behavior that interferes with their learning or the learning of others, a Section 504 Team should refer the student to MTSS for further consideration
 - In reviewing a student's misconduct, the Section 504 Team must determine whether the misconduct was caused by or had a direct and substantial relationship to the disability (Section 504 Manifestation Determination Review form).
 - Promptly investigate allegations of disability based harassment and/or bullying and consider whether there is a denial of FAPE. Convene Section 504 Team if necessary to update or revise 504 Plan accordingly. Refer to [Dear Colleague Letter: Responding to Bullying and Harassment \(2014\)](#) for more information.
-

Section 504 Forms

The following Section 504 forms can be found in this google folder:

- Request/Release Of Information

- Request For Consent For Section 504 Evaluation Form
 - Notification To Parent/Student Rights In Identification, Evaluation And Placement
 - Invitation To Section 504 Meeting
 - Section 504 Teacher Input Form
 - Parental Consent For Section 504 Discontinuation
 - Section 504 Manifestation Determination Checklist
 - 504 Eligibility Form ***REMEMBER EVEN THOUGH THE SECTION 504 PAPERWORK IS COMPLETED IN ASPEN, 504'S ARE NOT UNDER THE SPECIAL EDUCATION UMBRELLA. 504'S ARE GENERAL EDUCATION PLANS, AND SHOULD BE KEPT IN THE STUDENTS CUMULATIVE SCHOOL FILE. SECTION 504 PLANS ARE NOT MAINTAINED IN THE SPECIAL EDUCATION DEPT
-

Sample Accommodations

Accommodations must be made on a case by case basis and individualized based upon student need. This is not a checklist but rather intended to provide examples of accommodations that the 504 Team may want to consider. As a general rule, avoid accommodation related to attendance and/or negating the attendance policy. If attendance needs to be excused, administration may choose to do so outside of an accommodation plan.

GENERAL ACCOMMODATIONS

- Textbooks for at-home use
- Additional time for assignments
- Review of directions
- Review sessions
- Have student restate information
- Provision of notes or outlines
- Concrete examples
- Adaptive writing utensils
- Support auditory presentations with visuals

- Use of a study carrel or privacy divider
- Weekly home-school communication tools (notebook, daily log, phone calls or email messages)
- Peer or scribe note-taking
- Space for movement or breaks
- Study sheets and teacher outlines
- Extra visual and verbal cues and prompts
- Graph paper to assist in organizing or lining up math problems
- Use of computers and calculators
- Audio books
- Graphic organizers
- Quiet corner or room to calm down and relax when anxious
- Preferential seating
- Reduction of distractions
- Answers to be dictated
- Hands-on activities
- Use of manipulatives
- No penalty for spelling errors or sloppy handwriting
- Follow a routine/schedule
- Alternate quiet and active time
- Teach time management skills
- Rest breaks
- Verbal and visual cues regarding directions and staying on task
- Agenda book and checklists
- Daily check-in with teacher or other staff
- Adjusted assignment timelines
- Visual daily schedule
- Varied reinforcement procedures
- Immediate feedback
- Work-in-progress check
- Personalized examples

Environmental Strategies

- Provide a structured learning environment
- Make separate "space" for different types of tasks
- Possible adapting of non-academic times such as lunch, recess, and physical education
- Change student seating
- Utilize a study carrel or privacy divider

- Alter location or personal or classroom supplies for easier access or to minimize distraction
- Provide sensory breaks
- Provide a written or picture schedule

Organizational Strategies

- Model and reinforce organizational systems (i.e. color-coding)
- Write out homework assignments, check student's recording of assignments
- Set time expectations for assignments
- Teach study/organizational skills
- Schedule before or after school tutoring/homework assistance

Behavioral Strategies

- Use behavioral management techniques consistently within a classroom and across classes
- Implement behavioral/academic contracts
- Utilize positive verbal and/or nonverbal reinforcements
- Utilize logical consequences
- Confer with the student's parents (and student as appropriate)
- Establish a home/school communication system for behavior monitoring
- Post rules and expectations for classroom behavior
- Put student on daily/weekly progress report/contract
- Reinforce self-monitoring and self-recording of behaviors

Presentation Strategies

- Tape lessons so the student can listen to them again; allow students to tape lessons
- Use computer-aided instruction and other audiovisual equipment
- Select alternative textbooks, workbooks, or provide audiobooks
- Highlight main ideas and supporting details in the book
- Provide copied material for extra practice (i.e. outlines, study guides)
- Prioritize drill and practice activities for relevance
- Vary the method of lesson presentation using multi-sensory techniques:
 - Ask student to repeat/paraphrase context to check understanding
 - Arrange for a mentor to work with student in his or her interest area or area of greatest strength
 - Provide peer tutoring
- Simplify and repeat instructions about in-class and homework assignments
- Vary instructional pace
- Reinforce the use of compensatory strategies, i.e. pencil grip, mnemonic devices, "spell check"
- Vary kind of instructional materials used

- Reinforce study skill strategies
- Introduce definition of new terms/vocabulary and review to check for understanding
- Be aware of student's preferred learning style and provide matching instruction materials
- Pre-teach and/or re-teach important concepts
- Prepare advanced organizers/study guides for new material

Assignments

- Modify the amount of homework
- Use written directions to supplement oral directions
- Reduce paper and pencil tasks
- Allow for assignments to be word processed
- Break assignments into a series of smaller assignments
- Use highlighted texts

Evaluation Methods

- Limit amount of material presented on a single page
- Provide a sample or practice test
- Provide for oral testing
- Provide tests in segments so that student hands in one segment before receiving the next part
- Provide personal copy of test tools and allow for color-coding/highlighting
- Adjust time for completion

SECTION 7 - ADDITIONAL SECTION 504 RESOURCES (AVAILABLE ONLINE)

OCR Parent and Educator Resource Guide to Section 504 in Public Schools (Dec. 2016), available at

<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>

OCR Protecting Students with Disabilities, available at

<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

OCR – FAPE Under Section 504 (Aug. 2010), available at <https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html>

US Department of Health and Human Services – Section 504 Fact Sheet, available at <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>

MA DESE – Section 504, available at <http://www.doe.mass.edu/sped/links/sec504.html>

Dear Colleague Letter – ADHD and Section 504 (July 2016), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

Dear Colleague Letter: Students with Disabilities in Extracurricular Athletics (Jan. 2013), available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

OSERS-“Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers and Families” (July 26, 2021), available at <https://sites.ed.gov/idea/files/ocr-factsheet-504-20210726.pdf>

Dartmouth Public Schools



REQUEST/RELEASE OF INFORMATION

I give permission for the Dartmouth Public Schools to receive/give information regarding the parts of my child, _____'s student record as noted below.

_____ REQUEST INFORMATION FROM

_____ GIVE INFORMATION TO

THIRD PARTY: _____

PARTS OF RECORD TO BE RELEASED

_____ Transcript information (includes identifying information, course titles, grades or their equivalent, grade level completed, SAT scores.

_____ Special Education/evaluations (included Educational Plans, Assessments and Progress Reports

_____ Teacher/counselor evaluations/comments

_____ Verbal Communications

_____ Other

**Signature of Student/Parent/Guardian

Date

**This form may be signed by a student/former student of 14 years of age or older, or in the 9th grade of above, or a parent/guardian.

*** OOD internal approval purposes only: _____

Dartmouth Public Schools



REQUEST FOR CONSENT for SECTION 504 EVALUATION

To:

Notice Date:

Subject: **Request for consent for Section 504 Evaluation**

Section 504 of the *Rehabilitation Act of 1973* prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Students who are covered by 504 are those:

- who have a physical or mental impairment,
- where the impairment substantially limits one or more major life activities, and
- where the impairment results in a need for reasonable accommodations and/or services to access a free and appropriate public education.

We would like to conduct an evaluation to determine if your student meets the above eligibility requirements for a Section 504 Accommodations Plan to meet his/her educational needs. Once the evaluation is completed, you will be invited to a meeting to discuss the results.

Enclosed is a copy of the *Section 504 Parent/Student Rights in Identification, Evaluation and Placement*. Please review the document regarding the proposed evaluation, which will include:

The sources of evaluation information will include:

Please review the above and sign and return one copy of this form. Once your consent is received, the assessments can begin. We look forward to working with you. If you have any questions, please contact me at _

Sincerely,

I give permission to the proposed assessment(s)

I do not give permission to the proposed assessment(s) at this time. I am aware of the concerns regarding my child's progress and my parental rights under Section 504.

Parent/Guardian Signature: _____ Date: _____

Dartmouth Public Schools



SECTION 504 NOTIFICATION TO PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

Below is a description of the rights granted by the federal *Rehabilitation Act of 1973* to students with disabilities. The intent of this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to the following:

Right to have your child with disabilities take part in, and receive benefits from public education programs without discrimination because of her or his disability.

Right to receive all information in the parent's or guardian's native language or primary other mode of communication.

Right to have your child receive a free appropriate public education which includes the right of the child to be educated with students without disabilities to the maximum extent appropriate.

Right to have your child have equal opportunity to participate in school programs and extracurricular activities sponsored by the school.

Right to receive notice a reasonable time before a district identifies, evaluates or changes your child's placement.

Right to inspect and review all of your child's educational records, including the right to obtain copies of education records at reasonable cost unless the cost would deny you access to the records, and the right to amend the record if you believe information contained in the record is inaccurate or misleading, or if the school district refuses to amend the record, you have a right to request a hearing.

Right to have educational evaluation and placement decisions made based on information from a variety of sources and by persons who know the needs of the student, meaning of evaluation data and placement options.

Right to periodic reevaluation and evaluation before any significant change in placement.

Right to an impartial hearing if you disagree with the school district's proposed action. You will be an active participant. You have the right to be represented by counsel in the impartial hearing process. You have the right to appeal the impartial hearing officer's decision.

To appeal a decision of a Section 504 Committee decision within the school district, contact the District Coordinator below. You may go directly to the Division of Administrative Law Appeals at the address below to seek an impartial hearing.

Laurie Dionisio
Director of Student Services
Dartmouth Public Schools
8 Bush St.
Dartmouth, MA

Division of Administrative Law
Appeals Bureau of Special Education
Appeals (781) 397-4750
14 Summer Street, 4th Floor
Malden, MA 02147

Dartmouth Public Schools



INVITATION TO SECTION 504 MEETING

To:

Notice Date:

Subject: **Invitation to Section 504 Meeting**

Meeting Purpose: Date:

Time: Location: Room:

Section 504 of the *Rehabilitation Act of 1973* prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Students who are covered by 504 are those who have a physical or mental impairment, where the impairment substantially limits one or more major life activities, and where the impairment results in a need for reasonable accommodations and/or services to access a free and appropriate public education.

Participants:

You have the right to bring other individuals, at your discretion, to this meeting. If you are in need of an interpreter or translator, please notify me as soon as possible. We look forward to working with you. If you have any questions, please contact me at

Sincerely,

Dartmouth Public Schools



SECTION 504 TEACHER INPUT FORM

Please complete and return to your school Section 504 Coordinator's office by the due date. Your input is essential for the Section 504 review team process. Thank you.

Student:

Date:

Teacher:

Due Date:

Subject / Period

Student's Current grade:

Student's attendance is:

Student's performance in class is best described as:

Student's strengths are:

Student's weaknesses / areas of need are:

Accommodations given, if any:

Recommendations and comments

Dartmouth Public Schools



PARENTAL CONSENT FOR SECTION 504 DISCONTINUATION

Student's Name: _____ DOB: _____ Age: _____
School: _____ Grade: _____
Parent/Guardian: _____
Contact Person: _____

By signing below, I indicate my agreement with the findings of the Section 504 meeting and consent to have the above named student withdrawn from designation as a student under the Section 504 plan, discontinuing the Section 504 plan and all accommodations previously provided.

I understand that I may refer my student for a Section 504 determination meeting at any point in the future should I consider it necessary to do so.

Parent/Guardian Signature and Date

Dartmouth Public Schools



SECTION 504 MANIFESTATION DETERMINATION CHECKLIST

1. The manifestation determination Section 504 Team meeting should be held within 10 school days of any decision to change the placement of a child with a Section 504 disability because of a violation of a code of student conduct. A "change of placement" generally means:

A. a disciplinary removal from school for more than 10 consecutive school days; or

B. a series of removals totaling more than 10 school days in a school year that constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as length of each removal, the total removal time, and proximity of removals.

2. The manifestation determination must be made by relevant members of the student's Section 504 Team, including the parent/guardian, and not simply by school personnel. At the Team meeting, the Team must review all relevant information in the student's file, including the child's Section 504 Plan, any teacher observations, and any relevant information provided by the parents.

3. The 504 Team will answer the following questions:

A. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability? Yes No

B. Was the conduct in question the direct result of the local school unit's failure to implement the 504 Plan? Yes No

If the answer to either of these two questions is yes, then the behavior in question should be considered a manifestation of the student's disability.

4. If the 504 Team determines that the misconduct **is a manifestation of the student's disability**, then the Team should determine how to address the student misbehavior, and should consider a possible functional behavior assessment and possible development of a behavior intervention plan for the student. In addition, the Team must decide on the student future placement, and ensure that the student continues to receive a free, appropriate public education.

5. If the Team determines that the misconduct **is NOT a manifestation of the student's disability**, then the school may use the regular disciplinary procedures applicable to students without disabilities in the same manner as would be applied to children without disabilities. The school will provide educational

services to the child if he or she is suspended or expelled for misbehavior that is not a manifestation of the child's disability.

6. Special Rule for Drug and Alcohol Violations:

If a student with a Section 504 Plan is found 1) to be currently engaging in the illegal use of drugs or alcohol, and 2) to have violated school policies on the use or possession of drugs or alcohol, then the local school unit may take disciplinary action against that student to the same extent and degree as the school unit would undertake for students who are not disabled. The school is not required to have a prior 504 Team meeting, need not determine if the use or possession is related to the student's disability, and need not provide any alternative services during any removal that may be ordered for the use or possession violation, as long as such a consequence is consistent with school policy for general education students. [29 U.S.C § 705(20)(C)(iv)]

Dartmouth Public Schools



SECTION 504 ELIGIBILITY DETERMINATION WORKSHEET

Date: _____

Student Name: _____

DOB: _____

ID#: _____

School: _____ Grade: _____

504 Coordinator: _____

The 504 Committee has reviewed and carefully considered the following data from a variety of sources (Check all that apply)

- Psychological Evaluation
- Physician's Report
- Administrative Observation
- Attendance Records
- Counselor Observation
- Cumulative Records Review
- Discipline Record

- School Health records
- Standardized and other tests
- Teacher Observation
- Work Samples
- Grade Reports
- Parent Information
- Other _____

Based on the evaluative data gathered from a variety of sources, the 504 Committee answered the following questions to determine eligibility:

YES NO 1. Does the student have a physical or mental impairment? (34 CFR 104.3(j)) If yes, describe _____
***NOTE this is an educational determination only and not a medical diagnosis for the purpose of treatment.

YES NO 2. Does the physical or mental impairment affect one or more major life activities? If yes, indicate below.

___ Bending ___ Breathing ___ Caring for oneself ___ Communication ___ Concentrating
___ Eating ___ Hearing ___ Learning ___ Lifting ___ Operation of major bodily functions

(Including but not limited to functions of the immune systems, normal cell growth, digestive, bowel, bladder, neurological,

brain, respiratory, circulatory, endocrine, and reproductive functions)

Performing manual tasks Reading Seeing Sleeping Standing

Thinking Walking Working Other (of central importance to Daily living (specify)

YES **NO** 3. Does the physical or mental impairment substantially limit a major life activity? If yes, describe the substantial limitation _____

YES **NO** 4. Does the student need Section 504 services in order for his/her educational needs to be met as adequately as those of non-disabled peers?

If all 4 questions are answered YES, the student is eligible for a FAPE (Free Appropriate Public Education) under Section 504, and a 504 Plan should be developed. If any answer is No, the student is not eligible.

The 504 Committee analysis of the eligibility criteria indicates:

The student is not eligible for services under Section 504 and will continue to receive general education and any available general education resources and programs.

The student is eligible under Section 504 and receive a 504 Individualized Plan **Proceed to developing a 504 Plan.**

The student remains eligible under Section 504 and will receive an updated 504 Plan. **Proceed to developing a 504 Plan**

The student is no longer eligible for Section 504 and is exited from the Plan. The student will receive general education without Section 504 services or accommodations.