SANTA BARBARA
County Education Office
Susan C. Salcido, Superintendent

Section 504 Service Plan
Parent/Guardian Handbook

The purpose of this Section 504 Service Plan Parent/Guardian Handbook is intended to provide guidance for parents/guardians of students who may be, or are, eligible for Free and Appropriate Education (FAPE) in the form of a Section 504 Service Plan. For information regarding a student's right to be protected from discrimination, including grievance procedures, please see County Board Policy 6164.6 and Administrative Regulation 6164.6.

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The Laws Related to Individuals with Disabilities

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states, "*No otherwise qualified individual with a disability …, shall, solely by reason of their 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….*" Because the Santa Barbara County Education Office (SBCEO), serving as the Local Education Agency (LEA) for California State Preschool Programs (CSPP) and the Juvenile Courts and Community Schools (JCCS) within our County, is a recipient of federal funding, it is required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. School districts are mandated to participate in child find activities and generally comply with the Section 504 child find requirement through the Individuals with Disabilities Education Act (IDEA) child find programs. Section 504 is a civil rights statute and not a special education statute.

The Americans with Disabilities Act of 1990 (ADA), signed by President George H.W. Bush, is a "sister act" to Section 504 of the Rehabilitation Act of 1973. According to the Civil Rights Division of the United States Department of Justice, the act is "one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life..." (ADA.gov). Much of the language of the law is the same or similar to that of Section 504 and broadens the scope of civil rights protections for people with disabilities from only entities receiving federal financial assistance to all of society, including the private sector. Congress amended the ADA in 2008 in response to court decisions that narrowed the definition of impairment. In amending the ADA, Congress sought to reestablish the original intent of the law by underscoring the broad definition of impairment and clarifying its intent that impairments must be determined without reference to or consideration of mitigating measures.

At each school/program, the responsibility for ensuring Section 504 compliance rests with the designated County 504 Coordinator, the Director of each school/program, and the school/program Section 504 Site Coordinator.

Purpose of Section 504

There are two main purposes of Section 504. The first purpose of Section 504 is to protect students from discrimination under federal law. Section 504 assures access to educational services and the learning process that is equal to that given to students who do not have disabilities. All students who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are protected from discrimination under Section 504.

The second purpose of Section 504 is to provide a Free Appropriate Public Education (FAPE) to those students who have a physical or mental impairment that substantially limits one or more major life activities. The provision of FAPE is accomplished through the creation and implementation of a Section 504 Service Plan. Only those students who satisfy the federal

criteria are eligible for, and are provided, regular education and related accommodations and services under Section 504 (in the form of a Section 504 Service Plan). Section 504 accommodations are not part of special education, they are part of the general education program.

Federal Criteria for Section 504 Eligibility

Your student shall be eligible for a Section 504 Service Plan if they satisfy **all** of the following criteria:

1. **Physical or Mental Impairment**
   Your student must have a physical or mental impairment. A physical or mental impairment means: 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 an intellectual disability, organic brain syndrome, emotional, 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. The law does not limit eligibility to specific diseases or categories of medical conditions.

2. **Substantially Limits**
   Your student's physical or mental impairment must substantially limit one or more major life activities. Section 504 does not specifically define the term "substantially limits." It is subject to interpretation on a case-by-case basis. Nevertheless, an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

   A decision on whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids/services; or learned behavioral or adaptive neurological modifications. However, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

3. **Major Life Activities**
   Major life activities include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity 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.

Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

If any of the three criteria is not met, then a Section 504 Service Plan will not be developed for your student. Keep in mind that while a Section 504 Service Plan might not be appropriate, other kinds of accommodations may be appropriate and necessary to ensure that your student has access to the general education program.

Section 504 Process and Timeline

Step	Process	Actions and Resources	Timeframe
1	A parent/guardian has concerns about how their student is doing in school.	If your student needs support to access their education, contact the school/program Director and request a meeting to discuss your concerns. You may want to submit a request for evaluation for a 504 Service Plan.	N/A
2	Reviewing the Request for a Section 504 Service Plan	The 504 Site Coordinator will determine if the request for an evaluation is appropriate by reviewing your student's records and consulting with teacher(s), parent/guardian, and other professionals. If the request is appropriate, you will be provided with a consent for an evaluation and a copy of the Notice of Parent/Guardian and Student Rights and Procedural Safeguards. If the request is not appropriate, you will be provided with a document that explains the decision and outlines the appeal process.	Within ~15 days of the request
3	Evaluating Your Student for a Section 504 Service Plan	If needed for the evaluation process, a parent/guardian may need to provide consent to receive outside service provider reports. Complete the Parent/Guardian Input	Within ~60 days of the request

		Form and submit it to the 504 Site Coordinator.	
4	Determination of Eligibility for a Section 504 Service Plan	A 504 Team meeting will be scheduled to review the evaluation data. You will receive a meeting notice that includes the details of the meeting. At the meeting, there will be a review of the evaluation results and a determination of eligibility. If your student is eligible, a Section 504 Service Plan will be developed at the meeting. See step 5 for additional information. If your student is not eligible, you will be provided the reasons for denial and the information for the appeal process.	Within ~60 days of the request
5	Development of the Section 504 Service Plan and Accommodations	The 504 Team will develop a Section 504 Service Plan that includes related services and accommodations to meet your student's educational needs and ensure equal opportunity. You will be provided a copy of the 504 Service Plan and the Notice of Parent/Guardian and Student Rights and Procedural Safeguards.	Within ~60 days of the request
6	Review of Your Student's Progress	The 504 Site Coordinator will schedule a meeting with the team, which includes the parent/guardian. The team will review the 504 Service Plan and revise, it as appropriate. You will be provided with an updated 504 Service Plan along with the Notice of Parent/Guardian and Student Rights and Procedural Safeguards.	At least annually
7	Triennial Evaluation and/or Re-Evaluation	The 504 Site Coordinator will schedule a meeting with the team, which includes the parent/guardian.	Re-evaluation should be every 3 years and/or when

		The team will re-evaluate your student to ensure that the 504 Service Plan is still appropriate. This meeting may also be called before any significant change in placement (including disciplinary removals). You will be provided with an updated 504 Service Plan along with the Notice of Parent/Guardian and Student Rights and Procedural Safeguards will be provided.	considering a change of placement
8	Discipline Actions and Responses for Your Student with Section 504 Service Plans	The 504 Site Coordinator will schedule a meeting with the team, which includes the parent/guardian. The team will complete the manifestation determination section of the Section 504 Service Plan (see page 17 of this document for more information on this). You will be provided with the updated 504 Service Plan along with the Notice of Parent/Guardian and Student Rights and Procedural Safeguards.	Manifestation determination meetings are dependent on incidents.

1 The Role of Interventions, School Supports, Student Success Team, and Child Find

Prior to a request for a Section 504 Service Plan, support and interventions must be considered and implemented within the general education program. Teachers will apply techniques to accommodate your student's needs daily within the classroom. When your student continues to exhibit academic, attendance, social and/or behavioral problems, a request may be made to the Student Success Team (SST) to hold a meeting to discuss how to support your student.

What is a Student Success Team (SST)? The SST may include general education teachers, administrators, school psychologists, school counselors, therapists, and other staff that can support your student and family. This team may request that teachers provide a report on your student's progress. Additional information on your student may be drawn from a variety of sources including:

- ☐ Parent/guardian input
- ☐ Intervention strategies used
- ☐ Teacher reports
- ☐ Standardized achievement tests
- ☐ Progress reports
- ☐ Previous evaluations
- ☐ Counseling records
- ☐ Classroom observations
- ☐ Report cards
- ☐ Discipline records
- ☐ Transcripts
- ☐ Attendance records
- ☐ Language assessments
- ☐ Medical history
- ☐ Outside reports

Based on this information, the SST may provide recommendations for support and interventions that will help your student make progress. The SST will monitor your student's progress and if your student is not making adequate progress, then the SST will convene and discuss the following options:

1. Ongoing general education interventions.
2. A request to review Section 504 Service Plan eligibility.
3. A referral for a special education evaluation pursuant to the IDEA.

If it is determined that your student will be referred for a Section 504 Service Plan, then a Section 504 Service Plan Request for Evaluation Form must be submitted to the school/program's Section 504 Site Coordinator. FORM A: Request for Evaluation

A parent/guardian, teacher, counselor, related service provider, other school staff, and/or community agency may directly initiate a Section 504 Service Plan request without going through the SST process. The individual making the request must complete the Form A: A Request for Evaluation Form and forward it to the Section 504 Site Coordinator.

a.	Common Situations That May Warrant a Request for a Section 504 Service Plan

Students with Disabilities - Confirmed or Suspected

- When a disability of any kind is known or suspected.
- When a student is referred for evaluation for an Individual Education Plan (IEP), but it is determined to not conduct an evaluation under IDEA.
- When a student is evaluated for an IEP and does not qualify for special education services under IDEA.

Academic / Engagement

- When a parent/guardian frequently expresses a concern about their student's performance.
- When retention is being considered for any student.
- When a student shows a pattern of not benefiting from instruction.
- When a student is identified as "at-risk/at-promise" or exhibits the potential for dropping out of school.

- When a student is showing increased difficulty with homework and/or persistent bad grades.

Behavioral Health / Social Emotional

- When a student has been identified as having attention deficit disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD).
- When a student has suicidal ideation and/or attempts of suicide.
- When a student is exhibiting distractibility or unexplained disruptive behavior that is greatly impacting the learning of the student and other students.

Physical Health

- When a student returns to school after a serious illness or injury.
- When a student has frequent or excessive absences or misses instructional time as the result of a medical condition.
- When substance abuse is an issue. The individual must have stopped using the substance and must either be in rehabilitation or have gone through the rehabilitation process.
- When a new building or remodeling is being considered and a student is known to have extreme sensitivity to chemicals.
- When a student visits the school nurse on a frequent basis due to a health condition.
- When medical reports are provided that speak to a severe chronic or episodic health condition.
- When a student shows the inability to self-monitor their chronic health condition symptoms.
- When there is a need for several staff members to be aware of the student's health condition.
- Any student with a medical diagnosis that potentially limits life expectancy.
- Specific Health Conditions:
    - Type I Diabetes
    - Severe allergies (consider all students with history of a severe reaction or with co-existing diagnosis of asthma)
    - Asthma (consider all students with a history of past severe episode where immediate access to medication is of great importance)
    - Seizure disorder (consider all students with emergency medication order and/or history of life-threatening seizure episode)
    - Depression (consider all students known with a diagnosis and/or with past suicide attempt)
    - Bowel/bladder disorders that require additional bathroom privileges
    - Impaired mobility disorders

2 Review of a Request for a Section 504 Service Plan

Upon receiving a request for a Section 504 Plan, the 504 Site Coordinator will review the request and determine if it meets the federal requirements for eligibility (page 4) by reviewing your student's records and consulting with teacher(s), parent/guardian(s), and other professionals. If the request does meet the eligibility requirements, then a 504 Team meeting is scheduled and the process continues. If the request does not meet eligibility, then a response needs to be provided to the person that made the request that details the rationale for the denial.

Below are common situations of misuse of a Section 504 Service Plan and/or inappropriate requests for evaluation for a Section 504 Service Plan:

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Service Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Service Plan in response to challenges the student may encounter, but is not currently encountering, in the future or in the next grade span.
- A student is placed on a Section 504 Service Plan solely because the parent/guardian wants the student to have additional time on college qualifying examinations (i.e. ACT, SAT, etc.).
- A student is placed on a Section 504 Service Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under IDEA, but is *automatically* provided with a Section 504 Service Plan.
- A student is *automatically* placed on a Section 504 Service Plan when the student no longer qualifies for special education services under IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Service Plan as an alternative way to receive special education and related services because the parent/guardian refuses to "label" their student by including them in a special education program; this may also apply in cases where parent/guardian has revoked consent to special education.

a. The 504 Team - Roles and Responsibilities

The Section 504 Team is made up of a group of individuals, including persons knowledgeable about your student, the meaning of the evaluation data being reviewed, and accommodation options. The 504 Team carries a great deal of responsibility for ensuring that a school is in compliance with Section 504 guidelines and that your student's needs are met.

The 504 Team may include:

- Administrator and/or 504 Site Coordinator
- Student
- Parent(s)/guardian(s)
- Student's teachers or persons knowledgeable about the student
- Person(s) knowledgeable about the disability, nurse and/or school psychologist
- School counselor
- Specialized staff who may have knowledge of your student (i.e. ELD staff, tutors, intervention staff, therapist)
- County Coordinator and/or personnel if deemed appropriate
- Others

The 504 County Coordinator is responsible for:

- Facilitating the implementation of the Board Policy and Administrative Regulations related to Section 504 policy (BP and AR 6164.6).
- Developing and continually revising and ensuring the implementation of consistent Section 504 procedures.
- Providing ongoing training and support to staff regarding Section 504 and the implementation of the Section 504 procedures.
- Serving as a daily resource to directors/program managers, program/school level teams, and community members regarding Section 504 issues.
- Investigating Section 504 grievances and complaints.
- Serving as the liaison to the Office for Civil Rights (OCR), which includes OCR complaint resolution and corrective action plan implementation.
- Advising the County Superintendent regarding Section 504 compliance issues and needs.

The 504 Site Coordinator is responsible for:

- Maintaining records and documentation for eligible students and providing copies to the County Section 504 Coordinator upon request.
- Ensuring the consistent implementation of Section 504 procedures in the program/school.
- Coordinating requests for evaluation.
- Assessing or evaluating the eligibility of the request.
- Determining appropriate Section 504 Team composition.
- Facilitating evaluation and eligibility determination.
- Providing notices to parents/guardians and obtaining consents when necessary.
- Leading the 504 Team as they develop a Section 504 Service Plan.

- Monitoring the implementation of Section 504 Service Plans.
- Scheduling and leading annual and triennial reviews of each Section 504 student.
- Assuring that Section 504 Service Plans transition with the student to the next level or new school.
- Serving as a daily resource to the school/program staff and community members regarding Section 504 issues.
- Advising the director/program manager regarding discipline issues and procedures for Section 504 eligible students being considered for suspension or expulsion.
- Serving as a liaison between the school/program and other county staff regarding Section 504 issues.
- Attending periodic county Section 504 training meetings.

The 504 Team is responsible for:

- Reviewing of the evaluation information to determine eligibility for a Section 504 Service plan.
- Developing a Section 504 Service Plan.
- Conducting annual reviews of Section 504 Service Plans.
- Conducting triennial reviews of Section 504 Service Plans.
- Updating Section 504 Service Plan for transfer students.
- Supporting the implementation of the Section 504 Service Plan.

Teachers' responsibilities to students with Section 504 Service Plans:

- Attending 504 Team meetings and/or providing input. A teacher's participation will help ensure that the accommodations are appropriate and reasonable within the classroom.
- Implementing the Section 504 Service Plan as it is written.
- If a Section 504 Service Plan does not appear to be addressing the student's needs, the teacher must notify the 504 Site Coordinator and a revision may be necessary.
- The teacher must maintain confidentiality of student information.

3 The Section 504 Service Plan Evaluation Process

Upon receiving a valid request, the 504 Site Coordinator will begin conducting an evaluation of your student by collecting and reviewing multiple sources of data and information. This information collected will be reviewed by the 504 Team to determine eligibility. It is best practice to use a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be documented and all significant factors related to your student's learning process must be considered.

In deciding whether your student is eligible for a Section 504 Service Plan, the 504 Site Coordinator will collect the information, so that the 504 Team can carefully review and interpret the information. The 504 Team will want to draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, medical records, letters from doctors, health care plans, school records, school administration, school counselors, teachers, and paraprofessionals that work with your student, the parent/guardian, and when appropriate, your student.

The 504 Site Coordinator may receive permission from the parent/guardian prior to collecting and reviewing your student's information.








Evaluation Data Sources	Medical/Health	Social Behavioral	Academic	Individuals
Examples	Hearing & Vision, School Health Records, Individual Health Plan, Outside Medical Evaluations	Behavioral Data, Disciplinary Records, Outside Psychological Evaluations, Intervention Progress Monitoring Data, Social and Developmental History	Universal Screening Data, Intervention Progress Monitoring Data, Curriculum Based Assessments, State Assessment Results, Grades, Benchmarks, Quizzes, Unit Tests	Observations and Input From: Student, Family, Teachers, Behavior Specialists, Counselors, School Nurse, Interventionist, Campus Administrator

The following is a suggested minimum list of items that the 504 Team can use to evaluate your student.

Medical/Health

- *Health Information/Medical Reports:* The 504 Team reviews pertinent health information from the school nurse or outside medical information. This includes information regarding any health concerns, healthcare needs, medications, medical diagnosis, and medical records.
- *Outside Medical Evaluations:* If information is needed from an outside source, then the parent/guardian may need to complete a Release of Information form. Additionally, the information received must be from someone who is knowledgeable of the student's condition and the effect of the condition on a major life activity. The 504 Team will determine the appropriateness of such a request within the Section 504 eligibility criteria.

Social Behavioral

- *Attendance Records*: A review of attendance records will assist the 504 Team in discovering a student's lack of attendance and help determine the reasons for not attending school. Students in need of 504 accommodations are still required to attend school. 504 Teams can recommend home and hospital instruction or short-term independent study to ensure educational continuity.
- *Outside Psychological Evaluations:* If information is needed from an outside source, then the parent/guardian may need to complete a Release of Information form. Additionally,

the information received must be from someone who is knowledgeable of the student's condition and the effect of the condition on a major life activity. The 504 Team will determine the appropriateness of such a request within the Section 504 eligibility criteria.

- *Behavior Interventions:* The 504 Team may review the student's cumulative folder to see if there are any discipline documents and/or recorded interventions that have been tried to assist the student in the area of the suspected impairment. As the 504 Team reviews the student's cumulative folder, the following are some questions to ask about the information in the folder: If interventions have been provided, what were the results? Did the interventions enable the student to be successful? Do more interventions need to be attempted to address the suspected impairment?

Academic

- *Achievement / Academic Tests:* The 504 team may review student's assessments from the current and/or past year. These can be state assessments, individual teacher assessments, and/or outside psychological evaluations that include achievement data. A review of the data will help the 504 Team determine if the student is underperforming or underachieving in specific areas.
- *Academic Interventions:* The 504 Team may review the student's cumulative folder to see if there are any recorded interventions that have been tried to assist the student in the area of the suspected impairment. As the 504 Team reviews the student's cumulative folder, the following are some questions to ask about the information in the folder: If interventions have been provided, what were the results? Did the interventions enable the student to be successful? Do more interventions need to be attempted to address the suspected impairment?
- *Report Cards:* A review of report cards could be done to determine if the student has been academically successful or if the student has a history of receiving "D's" or "F's" in their classes.
- *Student Work Samples:* A review of available work samples. One of the questions that the 504 Team needs to answer is: "Is the student performing at the same level as their peers?"

Individual Input

- *Teacher Observations and Input:* The 504 Team may review the student's cumulative folder to see if there have been any teacher observations that have been recorded that might indicate that the student has demonstrated characteristics that might be linked to the suspected impairment. If there are no teacher observations, reach out to current teachers and ask for input using the forms below.
- *Parent/Guardian Input:* This input can be taken from the request for evaluation form as well as a separate input form. If the parent/guardian needs support in completing the form, it will be provided by a staff member.

4	**Determination of Eligibility for a Section 504 Service Plan**

The 504 Team will review all of the information and data provided to determine if your student meets the federal requirements for eligibility.

Your student shall be eligible for a Section 504 Service Plan if they satisfy **all three** of the federal criteria (physical or mental impairment, substantially limits, and major life activities) in the above section, *Federal Criteria for Section 504 Eligibility* (page 4).

If any of the three criteria is not met, then a Section 504 Service Plan will not be developed for your student. Keep in mind that while a Section 504 Service Plan might not be appropriate, other kinds of accommodation plans may be appropriate.

5 Development of the Section 504 Service Plan and Accommodations

If your student is determined to be eligible under Section 504, an accommodation plan must be developed and implemented. This accommodation plan is called a Section 504 Service Plan. The district and school must provide what your student needs to access programs and services comparable to that of students without a Section 504 Service Plan. Accommodations generally involve adjustments made by classroom teachers and other school staff to enable your student to benefit from the educational program. Accommodations are based on and designed to support individual student needs and disabilities.

The services and accommodations that are included in the plan must be documented and reviewed by staff, parents/guardians, and persons knowledgeable about the student. Once eligibility has been established and the 504 Team is in agreement with accommodations for your student, copies of the document must be:

1. Placed in your student's cum file.
2. Documented in the student data system (if applicable).
3. Distributed to all staff serving your student.
4. Given to the parent/guardian.

All staff serving your student must be notified of your student's eligibility and their role in providing accommodations. There are 7 general categories of accommodations.

Category	Ideas for Accommodations
Organization	• Daily work schedules • Reward systems for completing work • Homework buddy
Physical arrangement of the room	• Cooperative learning groups • Study carrel • Seat near a positive role model • Seating closer to the front of the room or teacher
Lesson presentation	• Oral and written directions • Student repeats the directions • Teacher chunks the directions

Assignments	• Calculators • Peer work checkers • More practice trials
Test taking	• Oral exams • Open book exams • Extra time for the exam
Health needs	• Medications • Nursing services • Health procedures • Heath monitoring
Special considerations	• Behavior support plan • Time out • Reflection time

In addition, students with **chronic illnesses** face additional challenges that need consideration when the 504 Team discusses the accommodation plan. Below are some considerations:

Dimensions of Life Affected by Chronic Illness	Considerations
Medical	• Managing complex medication regimen • Lifestyle modifications such as restrictions in eating, exercise, and sleep difficulties • Integrating medical tasks into the daily routine, such as blood sugar checks and insulin administration
Psychological	• Uncertain future • End of life concerns • Integrating medical tasks into the daily routine, such as blood sugar checks and insulin administration
Physical	• Growth suppression • Intermittent or chronic pain • Changes in physical appearance
Social	• Restricted activities • Environmental precautions • Changes in peer relationships
Academic	• Decline in performance • Development or exacerbation of learning difficulties • Lifestyle modifications such as restrictions in eating, exercise restrictions, and sleep difficulties

6	Review of Student Progress

Start of Each School Year: At the beginning of each school year, the 504 Service Plan should be distributed to appropriate staff responsible for its implementation. This will ensure compliance with Section 504 and, most importantly, that your student will be able to access and benefit from the educational program. It is also recommended that the parent/guardian reach out to appropriate staff to review and discuss the 504 Service Plan.

Annual Review: The Section 504 Service Plan must be reviewed on an annual basis by the 504 Team, at which time the parent/guardian must receive a copy of the SBCEO's Notice of Parent/Guardian Rights and Procedural Safeguards Under Section 504. The annual review must include teacher input to ensure that the accommodations and services are still appropriate.

Transfer Students: When a student who has been receiving 504 accommodations transfers to a school or program, the 504 Site Coordinator must be notified. The 504 Coordinator calls the student's previous school to request records to determine what services and accommodations the student was previously receiving. Once the 504 Site Coordinator has received reliable verbal confirmation that the student was receiving services and accommodations via a Section 504 Service Plan, the services and accommodations the student was receiving in the previous school can then be initiated. Once the student's Section 504 Service Plan has been received, a 504 Team meeting must be held to determine if changes in the student's program are needed. The Section 504 Service Plan must be used to document 504 Team discussion and decisions. The review and update of the plan must be done in a reasonable amount of time to ensure that the student continues to have access to the least restrictive environment and receives the necessary support to access a FAPE.

7	Triennial Evaluation and/or Re-Evaluation

A re-evaluation of your student must occur at least every three years, or before any significant change in placement, including exiting your student from a Section 504 Service Plan. The re-evaluation of your student's needs for ongoing accommodations may require an evaluation and/or update of the medical condition for which eligibility was met.

The triennial process aligns with the Annual Review process. However, there should be a more extensive review of all available data.

8	Discipline Actions and Responses for Students with Section 504 Service Plans

In disciplinary situations, if your student has a Section 504 Service Plan they may be suspended or placed in an alternative interim setting to the same extent these options would be used for students without disabilities.

Manifestation Determination

After a student with a Section 504 plan has been removed from their current educational placement for ten (10) school days in the same school year, during any subsequent days of removal, the student is entitled to a manifestation determination meeting within ten (10) school days of the decision to change the student's placement. The student's parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the 504 Team will determine, based upon a review of all relevant information in the student's cumulative and Section 504 Service Plan files, any teacher observations, and any relevant information provided by the parent/guardian, whether the student's alleged behavior was a manifestation of their disability by answering the two questions below as required by the IDEA.

The questions are:

1. Was the conduct in question caused by, or had, a direct and substantial relationship, to the students' disability?
2. Was the conduct in question the direct result of the school/program's failure to implement the student's current Section 504 Service Plan?

If the 504 Team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the 504 Team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the school/program may take disciplinary action against the student, such as expulsion, in the same manner as it would with a student without a Section 504 plan.

If the student's behavior is determined to be a manifestation of their disability, the 504 Team must conduct a functional behavior assessment, and implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, the 504 Team will review the plan and modify it, as necessary, to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the 504 Team and SBCEO may determine, following assessment, that a change of placement is appropriate for the student. SBCEO may proceed with this change of placement following notice to the parent(s)/guardian(s); consent is not required for a change of placement pursuant to Section 504.

A manifestation determination meeting must always be held for a student with a Section 504 Service Plan who is being considered for a recommendation for expulsion.

Students Experiencing Homelessness and Section 504

Every LEA must designate a homeless liaison to meet the educational needs of students experiencing homelessness, and are required to remove barriers to enrollment, attendance, and their academic success. For SBCEO, our Transitional Youth Services (TYS) staff support our students experiencing homelessness. Reasonable efforts must be made to notify parents/guardians about Section 504 Team meetings and service plans, however, because notification, not consent, is the only requirement, other contacts may include a surrogate parent, caseworker, shelter staff, or the LEA homeless liaison. Please note that any additional evaluation beyond a records review will require parental/guardian consent. Best practice is for

the LEA homeless liaison to follow up with the shelter staff or caseworker to determine who holds the educational rights for the students experiencing homelessness.

The transient lifestyle of students experiencing homelessness and their families makes the sharing of student records much more significant to ensure proper placement. Students experiencing homelessness are to be enrolled immediately, even if immunization and other records are not available. LEAs must cooperate promptly to exchange Section 504 information and other records. In California, Ed Code 49068(b) mandates that record transfers occur within ten (10) school days. Partial credits, under Ed Code 48645.5 and Ed Code 51225.2, shall be awarded and LEAs must be flexible in providing credit and enrolling students in appropriate programs that will allow them to complete their coursework.

If you have any questions about how to receive support because your student experiences homelessness, please contact:

Transitional Youth Services
Santa Barbara County Education Office
805-964-4710 ext 4420
https://www.sbceo.org/programs/transitional-youth-services

Foster Youth and Section 504

Every LEA must designate a Foster Youth liaison to meet the educational needs of foster youth students, and are required to remove barriers to enrollment, attendance, and their academic success. For SBCEO, our TYS staff support our foster youth students.

When going through the Section 504 process, it is important that staff is knowledgeable of who the educational rights holder may be for the foster youth. The Educational Rights Holder (ERH) of a foster youth is usually the parent or guardian. Otherwise, the person holding the right to make educational decisions for a foster youth may be appointed by the court WIC 361, 726. If the court is unable to locate a responsible adult for the student; the student has not reached the age of 18; the rights of the parent, guardian or Indian custodian to make educational or developmental services decisions have not been restored; a successor guardian or conservator has not been appointed; the student has not been placed in a planned permanent living arrangement; or the student either has been referred to a LEA for special education or has an IEP, the court must refer the student to the LEA for appointment of a “surrogate parent.” WIC 361(a)(4), 726(c)(1); GC 7579.5-7579.6; CRC 5.650(a)(2)(A)(i), (d); see also WIC 319(j)(3), (5).

Foster youth are to be enrolled immediately, even if immunization and other records are not available. LEAs must cooperate promptly to exchange Section 504 information and other records. In California, Ed Code 49068(b) mandates that record transfers occur within ten (10) school days. Partial credits, under Ed Code 48645.5 and Ed Code 51225.2 shall be awarded, and LEAs must be flexible in providing credit and enrolling students in appropriate programs that will allow them to complete their coursework.

If you have any questions about how to receive support for your foster youth student, please contact:

Transitional Youth Services
Santa Barbara County Education Office
805-964-4710 ext 4420
https://www.sbceo.org/programs/transitional-youth-services

Postsecondary Education and Section 504

College Entrance Exams

Students with Section 504 Service Plans may be eligible for accommodations for college entrance exams. Students may request accommodations from the assessment company, using the specified forms for the tests they will be taking (i.e. PSAT, SAT, ACT). The forms and requests for accommodations are initiated and generated by the student and their parents/guardians.

The 504 Site Coordinator may provide copies of the Section 504 Service Plan and may assist in completing sections requiring verification of the need for accommodations and specific accommodations on the forms for the exams. The accommodations documented must be those which have been consistently used in the high school setting. In most cases, the form is mailed to the testing board directly by the school and not to the parents/guardians.

College entrance exam boards have their own criteria and standards to determine eligibility for accommodations for their tests. It is important for parents/guardians to understand that the school and district are not responsible for determining eligibility for accommodations on the assessment and that it is ultimately the decision of the organization administering the exam.

Supports at the College Level

Students who were eligible for special education services under IDEA as well as Section 504 accommodations at the high school level may seek support at the community college and four-year college level. Students must independently request support from the disability services department at the college. Previous reports and plans may be presented by the student to the qualified staff at the college to assist in the determination of appropriate support at this level. While postsecondary institutions are not required to provide FAPE they are required to provide appropriate academic adjustments, as necessary, to ensure that it does not discriminate on the basis of disability.

Complaint Procedures

Uniform Complaint Process (BP 1312.3 and AR 1312.3)

SBCEO designates the individual(s) identified below as the employee(s) responsible for coordinating the SBCEO's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5001 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure

SBCEO's compliance with the law.

Associate Superintendent, Human Resources
805-964-4711, extension 5279
Associate Superintendent, Student and Community Services
805-964-4711, extension 5265
PO Box 6307, Santa Barbara, CA 93160

SBCEO Section 504 Complaint and Hearing Procedures (BP 6164.6 and AR 6164.6)
If a parent/guardian disagrees with an action or decision, they may appeal the action or decision by doing the following (AR 6164.6):

1. Within 14 days of receiving this decision, they may request an Administrative Review of the action or decision. The parent/guardian must submit in writing the reason for disagreement and request that the school/program director and 504 Team review the decision in an attempt to resolve the disagreement. The 504 Site Coordinator shall designate an appropriate administrator to meet with the parent/guardian to attempt to resolve the issue.
2. The Administrative Review will be held within 14 days of the request. If the parent/guardian is not satisfied with the resolution of the issue, they may request a Section 504 due process hearing.
3. Within 30 days of receiving this decision or, if an administrative review is held within 14 days of the completion of the review, the parent/guardian shall submit a written request to the 504 County Coordinator requesting a Section 504 due process hearing. The written request shall include:
    - The specific nature of the decision with which they disagree.
    - The specific relief in which they seek.
    - Any other information they believe is pertinent to resolving the disagreement.
4. Within 30 days of receiving the request, the County Superintendent or designee shall select an impartial hearing officer. These 30 days may be extended for good cause or by mutual agreement of the parties.
5. Within 45 days of the selection of the hearing officer, the Section 504 due process hearing shall be conducted and a written decision mailed to all parties. These 45 days may be extended for good cause or by mutual agreement of the parties.
6. Any party to the hearing shall be afforded the right to:
    - Be accompanied and advised by counsel and by individuals with special knowledge or training related to the problems of students with disabilities under Section 504.
    - Present written and oral evidence.

- Question and cross-examine witnesses.
- Receive written findings by the hearing officer stating the decision and explaining the reasons for the decision.

For questions related to the appeal process, contact Elise Simmons, Director, Student and Community Services, (805) 964-4711 ext 5213, esimmons@sbceo.org.

Office of Civil Rights (OCR) Complaint
Any individual who believes that they or a specific individual or class of individuals has been subjected to discrimination on the basis of disability, in a program or activity conducted by a covered entity, ("Complainant") may file a complaint with the OCR. Complaints must be filed within 180 days from the date of the alleged discrimination. The OCR may extend the 180-day deadline if a Complainant can show "good cause."

The Complainant must include the following information in their written complaint:

- Their name, address, and telephone number.
- The name and address of the entity the Complainant believes discriminated against them.
- How, why, and when the Complainant believes they were discriminated against.
- Any other relevant information.

Complainants may also request a Discrimination Complaint Form from an OCR Regional or Headquarters office. Complaints must be signed by the Complainant or an authorized representative.

Complainants are to send their complaint to the Regional Manager at the appropriate OCR Regional Office, or to the address located below.

Office for Civil Rights, San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
(415) 486-5555; Fax (415) 486-5570

Upon receipt, the OCR will review the information provided. If the OCR determines it does not have the authority to investigate the complaint, it 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.

The Difference Between IEPs and Section 504 Service Plans

Both IEPs and Section 504 Service Plans can offer formal help for PK–12 students with

disabilities. This chart compares them side-by-side to help you understand the similarities and the differences.

Topic	IEP	504 Service Plan
Basic Description	A plan for a student's special education experience at school.	A plan for how a student will have access to learning at school.
What Law Applies	The Individuals with Disabilities Education Act (IDEA). This is a federal special education law for students with disabilities.	Section 504 of the Rehabilitation Act of 1973 and American Disabilities Act (ADA) of 1990. These are federal civil rights laws to stop discrimination against people with disabilities.
Purpose of the Law	IDEA's primary purpose is "(A) to ensure that all students with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living; (B) to ensure that the rights of students with disabilities and parents/guardians of such students are protected; and (C) to assist States, localities, educational service agencies, and Federal agencies to provide for the education of all students with disabilities." (20 U.S.C. § 1400(d)(1); P.L. 108-446, § 601(d)(1)) Additional purposes include providing early intervention services for infants and toddlers with disabilities and their families and tools for educators and parents/guardians to improve educational results for students with disabilities. (20 U.S.C. § 1400(d)(2)-(4))	Section 504's purpose is to ensure "no otherwise qualified individual with a disability in the United States … shall, solely by reason of their 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service." (29 U.S.C. § 794; P.L. 93-112, § 504) ADA's purpose extends Section 504 to private entities.
Who Is Eligible	To be eligible for an IEP, there are two requirements: 1. A student has one or more of the 13 specific disabilities listed in IDEA. Learning and attention issues may qualify. 2. The disability must affect the student's educational performance	To be eligible for a 504 Service Plan, there are two components: 1. Have a disability, and; 2. The disability substantially limits a major life activity. Section 504 has a broader definition of a disability than IDEA. It says a

	and/or ability to learn and benefit from the general education curriculum, leading to the need for specialized instruction.	disability must substantially limit one or more basic life activities, such as learning. That's why a student who doesn't qualify for an IEP might still qualify for a 504 Plan, but it is not a guarantee and the process must be followed.
Independent Educational Evaluation (IEE)	Parents/guardians can ask the school district to pay for an IEE by an outside expert. The district doesn't have to agree. Parents/guardians can always pay for an outside evaluation themselves and the evaluation is one piece of data for the IEP to review.	Doesn't allow parents/guardians to ask for an IEE. Parents/guardians can always pay for an outside evaluation themselves and the evaluation is one piece of data for the 504 Team to review.
Who Creates the Plan	There are strict legal requirements about who participates on the IEP Team. The IEP Team must include: ● The student's parent/guardian ● At least one of the student's general education teachers ● At least one special education teacher ● School psychologist or other specialist who can interpret evaluation results ● A district representative with authority over special education services With a few exceptions, the entire IEP Team must be present for IEP meetings.	The rules about who's on the 504 Team are less specific than they are for an IEP Team. A 504 Plan is created by a team of people who are familiar with the student and who understand the evaluation data and accommodation options. This might include: ● The student's parent/guardian ● General education teachers ● School Director/Program Manager ● 504 Site Coordinator
What is in the Plan	The IEP sets learning goals for a student and describes the services the school will provide. It's a written document. Here are some of the most important things the IEP must include: ● The student's present levels of academic and functional performance—how they are currently doing in school. ● Annual education goals for the student and how the school will track their progress.	There is no standard 504 Service Plan. Unlike an IEP, a 504 Plan doesn't *have* to be a written document. A 504 Service Plan generally includes the following: ● Specific accommodations, supports or services for the student. ● Names of individuals who will provide each service and support. ● Name of the person responsible for ensuring the plan is implemented.

	• The services the student will get—this may include special education, related, supplementary and extended school year services. • The timing of services— when they start, how often they occur and how long they last. • Any accommodations— changes to the student's learning environment. • Any modifications— changes to what the student is expected to learn or know. • How the student will participate in standardized tests. • How the student will be included in general education classes and school activities.	
Parent/Guardian Notice	When the school wants to change a student's services or placement, it has to inform parents/guardians in writing *before* the change. This is called prior written notice. Notice is also required for any IEP meetings and evaluations. Parents/guardians also have "stay put" rights to keep services in place while there's a dispute.	The school must notify parents/guardians about an evaluation or a "significant change" in placement. However, there is no requirement on how this notice is provided to the parents/guardians.
Parent/Guardian Consent	A parent/guardian must consent in writing for the school to evaluate a student. A parents/guardian must also consent in writing before the school can provide services in an IEP.	A parent's/guardian's consent is not required for the evaluation of a student. However, it is best practice to get consent. *If a parent*/guardian *does not consent, under Section 504, like under the IDEA, a parent's*/guardian's *refusal of an evaluation may not be the final word. The Office of Civil Rights has construed Section 504 to allow an LEA, whenever it "suspects a student needs or is believed to need special instruction and parental/guardian consent is withheld, to "use due process hearing procedures to seek to override the parents'/guardians' denial of consent for an initial evaluation."*

Can the meetings be recorded?	If your student attends a California public school, parent or guardian or local education agency (LEA) has the right to record the IEP team meeting with 24 hour notification to the parent, guardian, or LEA (CA Ed Code § 56341.1(g)(1)).	As of January 2024, AB 87 allows for the audio recording of any meetings held pursuant to Section 504; *the parent or guardian or local education agency shall notify the members of the 504 Team of the parent's, guardian's, or local education agency's intent to audio record a meeting at least 24 hours before the meeting. If the local educational agency initiates the notice of intent to audio record a meeting and the parent or guardian objects or refuses to attend the meeting because it will be audio recorded, the meeting shall not be audio recorded.*
How Often It's Reviewed and Revised	The IEP Team must review the IEP at least once a year. Your student must be reevaluated every three years to determine whether services are still needed.	The rules vary by state. Generally, a 504 Plan is reviewed each year and a reevaluation is done every three years, or when needed.
How to Resolve Disputes	IDEA gives parents/guardians several specific ways to resolve disputes (usually in this order): ● Mediation ● Due process complaint ● Resolution session ● Civil lawsuit ● State complaint ● Lawsuit	Section 504 gives parents/guardians several options for resolving disagreements: ● Administrative Review ● Due process ● Complaint to the OCR ● Lawsuit
Funding/Costs	Your student receives these services at no charge. States receive additional funding for your eligible student.	Your student receives these services at no charge. States do not receive extra funding for eligible students but the Federal Government can take funding away from programs, including schools, that don't comply. IDEA funds can't be used to serve your student with 504 Plans.

Adapted from information found on Understood.org

Resources and Links to Documents

Document or Resource Title	PDF Document Link
FORM A: Request for Evaluation For Section 504	English Spanish
FORM D: Parent/Guardian/Adult Student Consent for Release of Information	English Spanish
FORM H: Parent/Guardian Input Form for Section 504 (or the info may be part of Form A)	English Spanish
Notice of Parent/Guardian and Student Rights and Procedural Safeguards Under Section 504	English Spanish