

SECTION 504 HANDBOOK

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Superintendent
August 2017

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SECTION 504 HANDBOOK

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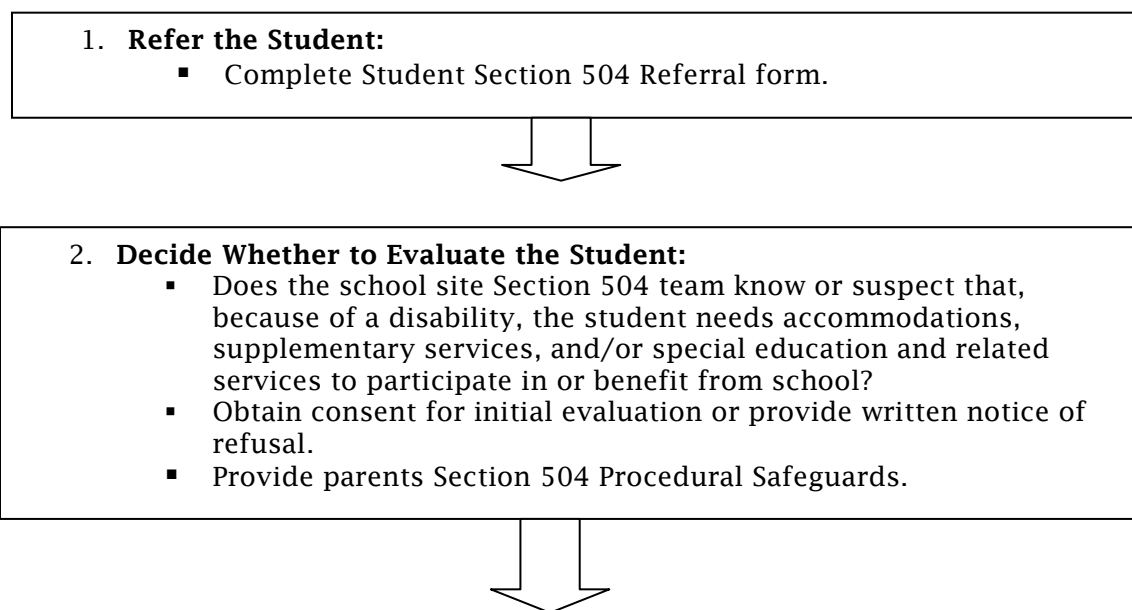
SECTION 504 Overview

The District recognizes that students with an impairment may be protected by Section 504 of the Rehabilitation Act of 1973, as amended 29 U.S.C. § 794 (Section 504). The District is committed to provide a free, appropriate public education to qualified students with disabilities. Such an education consists of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. District students who are eligible through a qualifying impairment for protection under Section 504 shall be provided with a free and appropriate public education.

PACIFICA SCHOOL DISTRICT SECTION 504 PLANS

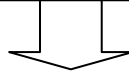
Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. The District is required to comply with Section 504 because we receive federal funding from the U.S. Department of Education. Section 504 requires school districts to provide educational services and accommodations to allow students with disabilities to participate in or benefit from school-related programs to the same extent as students without disabilities.

Below is the Section 504 Process Flow Chart, and information regarding each of the steps identified.



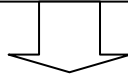
3. Evaluate the Student:

- Evaluate the specific areas of the student's educational needs.



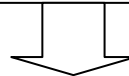
4. Determine the Student's Eligibility:

- Review evaluation results and determine eligibility.
- Provide parents Section 504 Procedural Safeguards.



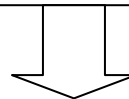
5. Develop a Section 504 Plan for Student:

- Develop a Section 504 Plan. May combine with eligibility meeting.
- Assign a case manager to monitor implementation and student progress.
- Provide parents copy of Section 504 Plan and Section 504 Procedural Safeguards.



6. Annually Review the Student's Section 504 Plan:

- Review and revise the student's Section 504 Plan.
- Provide parents Section 504 Procedural Safeguards.



7. Periodically Re-Evaluate the Student:

- At least every three years.
- Before any significant change in placement.
- Provide parents Section 504 Procedural Safeguards.

If you have any questions about the District's Section 504 policies and/or procedures, please contact the District 504 Coordinator, Ray Avila at (650) 738-6627.

SECTION 504 SEVEN STEP PROCESS

STEP 1: Refer the Student

Any student may be referred, in writing, by parents teachers, other staff, or a community agency to the school site's 504 Plan Coordinator.

STEP 2: Decide Whether to Evaluate the Student

The Section 504 team must then meet and determine whether an evaluation under Section 504 is appropriate. If the team determines an evaluation is *not* warranted, the team must inform the parents in writing, including the reasons for the refusal, and provide them with a copy of their Section 504 Procedural Safeguards. If the team determines an evaluation under Section 504 *is* appropriate, the team should forward the parents a letter requesting consent for evaluation along with a copy of their Section 504 Procedural Safeguards. As with a special education evaluation, parents must consent to the initial evaluation in writing before the evaluation takes place.

STEP 3: Evaluate the Student

The Section 504 team should consider relevant information from a variety of sources when conducting a Section 504 evaluation. These sources might include a review of existing records (e.g., report cards, attendance and discipline records), observations, performance-based testing, academic assessments, data from parents, relevant medical information, or tests conducted by appropriate District staff. Any tests administered should be validated for the purpose for which they are used, administered by trained personnel in conformance with the test maker's instructions, and accurately assess the student's aptitude and/or achievement levels. In addition, tests that assess specific areas of educational need, and not that merely produce a single general intelligence score should be chosen. (However, standardized tests are not required as part of a Section 504 evaluation, if the eligibility determination can be made through other sources.)

While Section 504 does not specify timelines for conducting evaluations, the Office for Civil Rights has found that complying with special education timelines will satisfy the requirement under Section 504 as well. Thus, a Section 504 evaluation should be completed and a Section 504 meeting convened within 60 days of parental consent to the evaluation (excluding school breaks of five days or more). Use of the Student Study Team ("SST") process does not extend this timeline.

Note: If the Section 504 team determines that a medical evaluation is necessary to determine, for example, if the student has ADHD, the District may ask the parents to obtain, or use their medical insurance to obtain, the medical evaluation. However, in the end, if the medical evaluation is necessary to determine whether the student is eligible for services under Section 504, the District must pay for the medical evaluation.

STEP 4: Determine the Student's Eligibility

The Section 504 team should include the student's parents and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

The Section 504 team should review the evaluation results and determine whether the student is eligible for services under Section 504. In order to be eligible, the student must be determined to have a physical or mental impairment that substantially limits one or more major life activity. (In addition, a student is protected by Section 504 if the District treats the student as if he or she has such an impairment, even if he or she no longer has the impairment or never actually had an impairment.)

A physical or mental impairment could be any number of things that affect the body systems such as hearing loss or allergies, or a mental or psychological disorder such as mental retardation or a specific learning disability. In order to qualify for services and protections under Section 504, the impairment must also limit one or more major life activities. Major life activities include walking, seeing, hearing, speaking, breathing and *learning*.

No impairment automatically qualifies a student for section 504 services and a medical diagnosis does not suffice as a evaluation for the purposes of determining eligibility. Any impairment or illness must also substantially limit the student's ability to learn or other major life activity, which is determined by the decision team.

If the team determines the student is ineligible under Section 504, the decision, and reasons for the decision, must be documented in writing, at which time the parents should be notified of their Section 504 procedural safeguards.

The ultimate decision regarding eligibility for Section 504 accommodations and/or services rests with the District. If a parent disagrees with the determination, he or she may request a due process hearing.

STEP 5: Develop a Section 504 Plan for the Student

Once a student has been identified as eligible for accommodations and/or services under Section 504, a decision must be made regarding the type of accommodations and/or services the student needs.

The Section 504 team must develop a written plan (i.e., Section 504 Plan) describing the disability and any accommodations, regular or special education, and related aides and services that are necessary to ensure the student receives a free appropriate public education. The plan should specify how the accommodations and services will be provided and by whom. The student's teachers, aides, and other District employees who provide services to the student must be informed of the necessary services for the student. A copy of the plan should be maintained by the 504 Plan Coordinator in the student's cumulative file.

The parents must be notified in writing of the final decision concerning the accommodations and/or services, if any, to be provided, and given a copy of their Section 504 Procedural Safeguards.

Practice Pointer: Both Section 504 and special education contain specific procedures and requirements for referrals, conducting evaluations and providing services. For example, a properly constituted IEP team may not be a properly constituted Section 504 team. As a result, it is important to keep IEP and Section 504 processes separate to ensure that all requirements of each process, including proper documentation, are met.

STEP 6: Annually review the Student's Section 504 Plan

The Section 504 team must meet annually to review the progress of eligible students and the effectiveness of the student's Section 504 Plan.

STEP 7: Periodically Re-evaluate the Student

Eligible students must be re-evaluated every three years. In addition, a re-evaluation must occur prior to any significant change in placement.

SECTION 504 PROCEDURAL SAFEGUARDS FOR PARENTS

The parent(s) or guardian of a qualified disabled student shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of their child made under this regulation.

The parent(s) or guardian of a qualified disabled student has the right to review relevant records regarding the student. Records may be reviewed at the school site or at the District Office. Copies of student records may be obtained pursuant to Education Code Section 49065 and the Family Educational Rights and Privacy Act 34 C.F.R. Part 99.

The parent(s) or guardian shall have the right to an impartial hearing (“Section 504 due process hearing”), with opportunity for participation by the parent(s) or guardian and representation by counsel, as to District decisions concerning the identification, evaluation, or educational placement of the student. In the notice of any District decision concerning identification, evaluation or placement of a student, the parent(s) or guardian will be advised of:

1. The date on or before which they must file a request for a Section 504 due process hearing, as specified below,
2. The person to whom they shall make such request, as set forth below,
3. The procedures for conduct of the hearing, and (d) the fact that reimbursement of attorney’s fees, expert witness fees and other costs is available only as authorized by law.

A request for a Section 504 due process hearing must be filed in the office of the District 504 Coordinator, 375 Reina Del Mar, Pacifica, California, 94044 - (650) 738-6627, within thirty (30) calendar days of the date of notification of the District decision.

A request for a hearing must be in writing. A parent, guardian or student making an oral request will be assisted by the District in making a written request. A request for a hearing shall contain the following:

1. The specific nature of the decision(s) made by the District with which the person disagrees.
2. The specific relief the person seeks.
3. Any other information the person believes will assist in understanding the request.

Within twenty (20) calendar days of receipt of a timely written request for hearing, the District Section 504 Coordinator will select an impartial hearing officer in each case for which a hearing has been requested, unless such time is extended for good cause or by mutual agreement of the parties.

A hearing officer selected by the District must satisfy the following requirements:

1. Be qualified to review District decisions relating to Section 504.
2. Not be an employee of, or under contract with, the District.
3. Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.

Within forty-five (45) calendar days of the selection of the hearing officer, the hearing shall be conducted and a written decision mailed to all parties, unless such time is extended for good cause or by mutual agreement of the parties.

Any party to the hearing shall be afforded the following rights:

1. The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified disabled within the meaning of Section 504.
2. The right to present evidence, written and oral.
3. The right to question and cross-examine witnesses.
4. The right to written findings of fact, conclusions of law and decision prepared by the hearing officer.
5. The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.
6. The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing, except for good cause shown.
7. Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will utilize the

services of an attorney, except for good cause shown.

The hearing officer shall tender a decision pursuant to the legal standards set forth in 35 C.F.R. Part 104.

Either party may seek review of the hearing officer's decision by a court of competent jurisdiction.

Legal Reference:

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504).

34 C.F.R. 104.3(j)(2)(i), Impairments

34 C.F.R. 104.3(j)(2)(ii), Major life activities

EDUCATION CODE

44265 Specialties; bilingual, early childhood, special education

44265.5 Impaired pupils; specific preparation and credentials

44266 Service credentials with specialization in pupil personnel services

51004 Education goals

51011 Education program

51101 Rights of parents and guardians to information; mutually supportive partnership between parents and educators; policy development

56032 Identification and assessment of needs; planning of instructional program; identification procedures

56032.5 Assessment

560303 Referral for instruction and services; consideration and utilization of resources of regular education program

56320 Educational needs, requirements

56322 Persons conducting assessment; competency determination

56324 Psychological

Section 504 Student Referral

Definition: Pursuant to federal law an individual is entitled to the provisions of Section 504 of the Rehabilitation Act of 1973 if they are a qualified handicapped person. "Individual with handicaps" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Referred By: _____

Administrator Referred to: _____ Date: _____

Student's Name: _____

Grade _____ Age _____ Date of Birth _____

Referral Date: _____ School: _____

Parent(s) Name: _____

Primary Address: _____

Phone:
(Home) _____ (Work) _____ (Cell) _____

1. Suspected Impairment

2. What are your specific concerns about the student's performance?

Academic:

Behavioral:

3. What interventions have been tried to help the student?

What were the results?

4. What other problems, concerns, or observations would you like to share?

Attachments

- None
- Additional parent correspondence
- Medical or psychological report
- Student Study Team Referral
- Other _____

Specific Reason for Referral

- Academic
- Behavioral
- Health
- Hearing
- Physical
- Social/Emotional
- Speech/Language
- Vision

- Work Habits
- Other _____

Educational History

- Resource Specialist Program
- Special Day Class
- 504
- Support Class
- Title 1
- Speech
- ELL Other _____

Student Performance Summary

Yes	No	Don't Know	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On standardized achievement test (i.e., STAR) the student scores markedly below the grade level. (Attach copy)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On the district outcome assessments, the student performs below standard
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On grade reports there is an overall pattern of poor grades (significantly below average - D's and F's) (Attach copy)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has received disciplinary action for inappropriate behavior.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has special health care needs (medication, allergy, etc.) during class activities, including lunch.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Student has a pattern of excessive absences and/or tardies. (Attach attendance profile)

TEACHER FEEDBACK

SECTION 504 EVALUATION AND REVIEW

This student is being reviewed for Section 504 eligibility. Please respond to each item, indicating your observations of this student and his/her school functioning. The information will be utilized in support planning for this student.

Student: _____ Teacher: _____

Class: _____ Current Grade: _____

From: _____ Date: _____

Please Return by: _____

Your feedback may be shared directly with students and parents.

Classroom Behavior	Low	Average	High
Follows directions			
Brings materials to class			
Behavior and comments			
Participates in class discussions			
Stays on task during class			
Peer/adult relationships			
Overall effort and attitude			

Cognitive/Processing/Memory Skills	Low	Average	High
Auditory processing/listening			
Visual processing abilities			
Abstract thinking & reasoning			
Memory			
Attention & concentration			
Speaking/expression of ideas			

Academic Skills	Low	Average	High
Reading: decoding & oral			
Reading: comprehension			
Reading: fluency & speed			
Writing: grammar & mechanics			
Writing: content & quality			
Math: operations & calculations			
Math: reasoning & word problems			

Classroom Performance/Student Skills	Low	Average	High
Note-taking skills			
Completes tests in allotted time			
Test and Quiz grades			
Long-term assignment completion			
Overall quality of work			
Homework completion			

Have you observed this student to....? (Please check those which seem significant)			
Have difficulty with relationships		Be under the influence of drugs or alcohol	
Present as exhausted, fatigued, low energy		Be sad, tearful, or have crying spells	
Seem easily angered or aggressive		Have flat affect or fluctuating mood	
Be overly negative, pessimistic, or irritable		Seem overly anxious, worried, or confused	
Engage in self-injurious behavior or scars		Have many health or somatic complaints	
Makes self-deprecating comments; self-esteem		Make suicidal comments or writings	
Seem disheveled, unkempt, or poor hygiene		To have suffered weight loss or gain	

What do you think are his/her strengths?

What do you think are his/her challenges?

What interventions or strategies have you tried, for how long, and with what success?

Ideas/Suggestions as to what might help this student succeed:

Section 504 Meeting Procedural Checklist

Student Name:_____ School:_____

Grade:_____

Student Referred By: _____ Date of Referral: _____

Procedural Check list: All must be checked before evaluation may occur.

- Verify that the parent has consented to section 504 evaluation and received Notice of Parent Rights under Section 504.
- Verify that the parent has been informed in writing of the date, time, and place of the 504 meeting.
- Verify membership of the section 504 team, which must include persons with knowledge of each of the following areas: (1) the student; (2) the meaning of the evaluation data; and (3) the placement options.

List team members:

Name: _____

Name: _____

Name: _____

Name: _____

The team reviewed and carefully considered the following data which was gathered from a variety of sources including the referral document (please check all that apply):

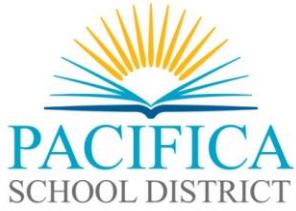
- | | |
|---|---|
| <input type="checkbox"/> Grade Reports | <input type="checkbox"/> Tests |
| <input type="checkbox"/> School health information | <input type="checkbox"/> Standardized tests |
| <input type="checkbox"/> Teachers/administrator input | <input type="checkbox"/> Aptitude tests |
| <input type="checkbox"/> Disciplinary records/referrals | <input type="checkbox"/> Achievement tests |
| <input type="checkbox"/> Medical evaluations/diagnoses from parents | |
| <input type="checkbox"/> Other tests | |

- Student work portfolio
- Social/cultural background

- Parent input
- Student Study

Team notes

- Adaptive behavior



Pacifica School District

375 Reina Del Mar Avenue ★ Pacifica, California ★ 94044

(650) 738-6600 ★ (650) 557-9672 (fax)

Preparing Students for an Evolving World

www.pacificasd.org

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 Superintendent
 Ray S. Avila, Ed.D.
 Executive Director,
 Integrated Services
 Josephine Peterson
 Chief Business Official
 Will Lucey
 Executive Director, ESS

NOTICE OF SECTION 504 TEAM MEETING

Date: _____

Dear _____,

The school's Section 504 Team requests your attendance at a meeting for:

Student: _____

Meeting Date: _____

Time: _____

Where: _____

The purpose of the Section 504 Team meeting:

- Eligibility
- 504 Service Plan
- Conduct manifestation determination
- Annual Review
- Other:

The process encourages parents and school staff, working as a team, to combine their knowledge of the student and their expertise to assist the

student in his/her education program. You are a vital part of this of this process. If you have any questions, please call me at _____. Please see summary of parent rights on reverse side.

Sincerely,

SECTION 504 MEETING

The purpose of a Section 504 meeting may include the following:

1. Determining eligibility by identifying a physical or mental impairment that substantially limits one or more major life activities, such as breathing, walking, seeing, hearing, working, learning, or behavior.
2. Developing a 504 Service Plan for qualified students.
3. Conducting an annual review of the student's progress, eligibility and 504 Service Plan.
4. Before initiating a significant change in placement, a reevaluation must be completed to determine if the student's behavior is a manifestation of his/her disability.

Date: _____

General Information

Students Name: _____ Grade: _____ Age: _____ DOB: _____

Parent(s) Name: _____

Address: _____

Phone: (home) _____ (work) _____ (cell) _____

Referral Date: _____ School: _____

Yes No

Parent/Guardian Rights for Section 504 were presented

mailed

A copy of the Parent/Guardian Rights for Section 504 were

Documents/Assessments Reviewed:

Purpose of Meeting

- Eligibility 504 Plan Annual Review
- Conduct Manifestation Determination
- Other

Review of Relevant Information

Parent observation:

Teacher observation:

Areas of Strength:

Areas of concern:

- Attendance
- Behavior

Health

Levels of achievement

Other -----

Eligibility Determination

If information from a conversation or other data in unwritten form was considered, please document the oral data relied upon by attaching written notes summarizing the conversation or data.

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

Yes **No** Does the student have a physical or mental impairment? the Section 504 regulations define a "physical or mental impairment" as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:

- | | |
|---|---|
| <input type="checkbox"/> neurological | <input type="checkbox"/> musculoskeletal |
| <input type="checkbox"/> special sense organs | <input type="checkbox"/> respiratory including |
| <input type="checkbox"/> speech | <input type="checkbox"/> organs |
| <input type="checkbox"/> cardiovascular | <input type="checkbox"/> genito-urinary |
| <input type="checkbox"/> reproductive | <input type="checkbox"/> hemic and lymphatic |
| <input type="checkbox"/> digestive | <input type="checkbox"/> skin or endocrine |
| <input type="checkbox"/> mental illness | <input type="checkbox"/> emotional |
| <input type="checkbox"/> organic brain syndrome | <input type="checkbox"/> specific learning disabilities |
| <input type="checkbox"/> other ----- | |

Yes **No** Does the physical or mental impairment affect one or more major life activities? If so, which major life activity or activities are affected? To fall within the protection of Section 504, a person's physical or mental impairment must have a substantial limitation (permanent or temporary) on one or more major life activities - functions such as but not limited to:

- | | | |
|---|--|--|
| <input type="checkbox"/> walking | <input type="checkbox"/> communicating | <input type="checkbox"/> sleeping |
| <input type="checkbox"/> eating | <input type="checkbox"/> thinking | <input type="checkbox"/> concentrating |
| <input type="checkbox"/> breathing | <input type="checkbox"/> seeing | <input type="checkbox"/> hearing |
| <input type="checkbox"/> speaking | <input type="checkbox"/> reading | <input type="checkbox"/> learning |
| <input type="checkbox"/> caring for oneself | <input type="checkbox"/> working | <input type="checkbox"/> behavior |
| <input type="checkbox"/> lifting | <input type="checkbox"/> performing manual tasks | |
| <input type="checkbox"/> standing | <input type="checkbox"/> other ----- | |

Yes **No** Does the physical or mental impairment substantially limit a major life activity? That is, as a result of the physical or mental impairment, is the student significantly restricted as to the condition, manner, or duration under which the student can perform a particular major life activity as compared to the population can perform that same major life activity?

Review the following questions to determine substantial limitation.

- On district outcome assessments, are the student's skills markedly below the standard?
- On grade reports, is there an overall pattern of poor grades (significantly below average - D's and F's)?
- On individually or group administered standardized achievement tests, does the student score two or more grade levels below placement?
- Has the student received disciplinary action for inappropriate behavior?
- Does the student have special health care needs (medication, allergy, etc.) during class activities, including lunch?
- Does the student have a pattern of excessive absences and/or tardies?
- Other: Impact on major life activity other than learning (if applicable):

Yes **No** 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? (**Note:** If the student's learning needs require special education and related service, a referral to special education should be considered).

CHECK the substantial limitations listed above that best describes the student.

If all four questions were answered "Yes", the student is eligible for a free, appropriate public education under Section 504, and the Service Plan should be developed. If any answer is "No", the student is not eligible.

Manifestation Determination

Not Applicable

A. Was the misconduct of the student caused by the student's disability?

Yes No

B. Is the student's current placement appropriate?

Yes No

Summary of Findings

The section 504 Team's analysis of the eligibility criteria applied to the evaluation data indicates:

- The student is not eligible** for services under Section 504 and will continue to receive regular education and any available regular education resources and programs.
- The student is eligible** under Section 504 and will receive a Service Plan which governs the provision of Section 504 services to the student.
- The student remains eligible** under Section 504 and will receive an updated Service Plan which governs the provision of Section 504 service to the student.
- The student is no longer eligible** for Section 504 and is exited from the program. The student will now receive regular education without Section 504 services.
- The student's conduct was not a manifestation** of his/her disability and disciplinary action and/or change in placement may proceed.
- The student's conduct was a manifestation** of his/her disability and disciplinary Action and/or change in placement may not proceed.

If you disagree with the Team's decision, contact the district 504 Coordinator, Ray Avila at (650)738-6627 to discuss your concerns, or consult your Notice of Parents Rights Under Section 504 for other options.

504 PLAN

DISTRICT/STATE ASSESSMENT ACCOMMODATIONS

NAME: _____ GRADE: _____ DATE: _____

OPTIONS:

- No accommodations necessary
- The student is to be tested with accommodations. Note: The test content may not be modified, calculators are not allowed, and the reading portion of the test may not be read, interpreted, or translated to any student for any reason.

Accommodations checked below:

- Flexible scheduling: Extra time provided for testing or tests given over several sessions.
- Flexible setting: Test may be administered individually or in small groups.
- Revised format: Tests may be given in large print, Braille, with special lighting, or amplification.

Specify: _____

- Revised test directions: Additional examples, highlighted key words, reread directions for each page, simplify language in directions.
- Test sections read to student.

NOTE: The reading portion may not be read.
Specify the portions to read.

- Specific portions of the test to be exempted.

PACIFICA SCHOOL DISTRICT SECTION 504 ACCOMMODATIONS SERVICE PLAN

STUDENT: _____

AREAS OF DIFFICULTY	ACCOMMODATIONS	DATE STARTED	RESULTS

Date Implemented:	Review Date:
Parent Signature	Other
Teacher Signature	Other
Administrator Signature	Other

SECTION 504 PARENT STATEMENTS

I agree with the Section 504 Plan indicated on page 4 and have reviewed all 5 pages of this document.

I do **NOT agree** with the:

identification

evaluation

service plan

other:

I have received a copy of Parent Rights.

Comments:

Parent Signature: _____ Date: _____

Parent Signature: _____ Date: _____

Student Signature _____ Date: _____

Signatures of persons in attendance:

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

SECTION 504
RELEASE AND EXCHANGE OF INFORMATION
A PARENT CONSENT FOR RELEASE AND EXCHANGE OF
INFORMATION

*I hereby give my permission for the agencies/individuals/schools listed below
to exchange information regarding the above named student.*

Agency/Individual/School_____	Agency/Individual/School_____
Phone:_____	Phone:_____
Address:_____	Address:_____
City, State, Zip:_____	City, State, Zip:_____

Student's Name:_____ Date: _____

Amount/Kind of Information:

- The data to be released and exchanged shall include medical, social, psychological or educational information.

- The data to be released and exchanged shall be limited to

I understand that the purpose of the release and exchange of information is to provide to assist the school in making a comprehensive educational assessment and/or in planning an educational program.

I understand that I may revoke this consent at any time except to the extent that action has been taken on it, and that in any event this consent expires one year from the date signed. Please revoke consent in writing and send to 504 Coordinator office at Linda Mar Educational Center, 830 Rosita Rd., Pacifica, CA 94044.

I understand that records used by the school may become part of the student's school record and shall be available to parent upon receipt.

Parent, Legal Guardian or
Authorized Representative Signature

Date

Contact Person:_____ School_____

Address:_____ City_____

Zip:_____ Phone:_____

DEFINITIONS

The District shall provide Section 504 services to qualified students. To be protected under Section 504, a student must be determined to: 1) have a physical or mental impairment that substantially limits one or more major life activities; 2) have a record of such an impairment, or 3) be regarded as having such an impairment. Section 504 requires that school Districts provide a free and appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities. 34 C.F.R. 104.3(j)(2)(i)

ADA's Three-Pronged Rule to Disability Determination

The student must have a documented impairment (i.e., from professionals in the medical, psychological, and/or educational field);

The student's impairment must be substantially limiting (i.e., impairment must be significantly more impacting than that of non-impaired children and the impairment must be permanent in nature);

The impairment must be impacting a major life activity (i.e., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).

PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMIT A MAJOR LIFE ACTIVITY

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulation defines a physical or mental impairment as 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. The regulation does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list. 34 C.F.R. 104.3(j)(2)(i)

Major life activities, as defined in the Section 504 regulation include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

If a child regularly earns report card grades of A's, B's and some C's, has standardized achievement tests scores in the average range and above, displays

appropriate behavior, and attends school regularly, it 's likely that the student is not substantially impaired according to this particular law. If a child has problems in only one area, such as written language or math calculation, it is possible that the team will find the student doesn't have a disability that substantially limits learning. To be able to exhaust all regular education interventions, the District may utilize regular education methods to improve student performance; including before-school and after-school programs, tutoring programs, and mentoring programs to support students before referring for assessment for purposes of a Section 504 Plan or special education identification.

The District recognizes that Section 504 does not require the school to maximize a child's learning. For Section 504 purposes, the school will compare a child's performance to that of the average child without disabilities 34 C.F.R. 104.3(j)(2)(i).

STUDENTS WITH A HISTORY OF A DISABLING CONDITION

In the District schools, unless a student actually has a disabling condition that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free and appropriate public education (FAPE). The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such (34 C.F.R.).

TRANSFER STUDENTS WITH A SECTION 504 PLAN

If a student with a disability transfers to the District from another school District with a Section 504 plan, the District should review the plan and supporting documentation. If the District, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options, determines the plan is appropriate, the District is required to implement the plan. If the District determines that the plan is inappropriate, the District shall evaluate the student consistent with Section 504 procedures and determine which educational programs, accommodations, or modifications are appropriate for the student (34 C.F.R.)

AUTOMATIC QUALIFICATION DUE TO IMPAIRMENT

An impairment in and of itself does not qualify a student for protection under Section 504. The impairment must substantially limit one or more major life activities in order to qualify a student for protection under Section 504. A medical diagnosis of an illness does not automatically qualify a student for

services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or other major life activities. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard 34 C.F.R. 104.3(j)(2)(i).

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 by the District 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 34 C.F.R. 104.3(j)(2)(i).

SECTION 504 LEVELS OF SERVICE

The District is required to provide a free, appropriate public education to qualified students with disabilities. Such an education consists of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. The District may always use regular education intervention strategies first to assist students with difficulties in school before consideration of Section 504 protections (34 C.F.R.)

REQUIREMENTS IN A SECTION 504 PLAN

If a child is eligible, a Section 504 Plan will be developed to give the student access to the general education curriculum. Unlike the Individualized Education Plan (SECTION 504 PLAN) for special education, there are no legal requirements for what should be included in the plan. A free appropriate public education (FAPE) under Section 504 often means identifying reasonable accommodations to help the student achieve the same access to education in the classroom as a non-disabled peer. An accommodation plan usually addresses the following:

Nature of the disability and major life activity it limits

Basis for determining the disability

Educational impact of the disability

Necessary accommodations

Placement in the least restrictive environment (LRE)

The District will utilize a standardized format for an accommodation plan, see appendix A.

LENGTH OF APPLICATION OF SECTION 504 SERVICES

The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If the District re-evaluates a student in accordance with the Section 504 regulation and determines that the student's mental or physical impairment no longer exists or substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

504 PLAN COORDINATOR

At each District site a 504 Plan Coordinator shall be designated. Referrals for 504 Plan consideration or services will be directed to the 504 Plan Coordinator, who shall contact parents, administrators, and teachers to participate in a meeting to evaluate the possible assessment or services for a student. The 504 Plan Coordinator shall insure completion of the evaluation process if deemed appropriate for the student. Maintenance of 504 Plan records shall remain with the 504 Plan Coordinator while the student attends District schools or programs.

REFERRAL

Usually the classroom teacher (or an administrator or counselor) indicates that the student's learning, behavioral and/or emotional needs are not being adequately met under existing circumstances in a Student Study Team (SST). If a parent or the school staff suspects a child has any disability adversely affecting his or her school performance, a referral to the District school for an evaluation for special education should be made utilizing form 504-A. Parents, private professionals, and school staff all have the right to make a referral for evaluation for eligibility for special education or Section 504.

EVALUATION

The District shall determine whether a child is a qualified disabled student under Section 504 through an evaluation process. Section 504 requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials. . The District school will provide written notification to parents of any needed evaluation. The District school must then complete the evaluation and inform the parents of their right to request a hearing to challenge the school's decision if

parents disagree. If the school agrees to do the evaluation, it must be done at no cost to the parents. If the school requires a medical evaluation, it must be provided at no cost to the parent. The District may utilize its multidisciplinary team, including a psychologist or other professional qualified to diagnose a disability, to make the determination for educational purposes. Parents have the right to obtain a private evaluation at any time, at their own expense. Parents may request a second evaluation at District expense if the District has conducted an evaluation and the parents have requested a new evaluation formally and with appropriate explanation of the reasons a new evaluation is needed if due to District failure to evaluate all areas of suspected disability, improper use of assessment instruments or if unqualified staff conducted the assessment. The District then must either agree to pay for the second evaluation with an evaluator chosen by the District or request an impartial due process hearing to prove that the District evaluation was appropriate.

The District shall individually evaluate a student before classifying the student as having a disability or providing the student with a Section 504 plan. Tests used for this purpose must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured. The District requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

MITIGATING MEASURES

As of January 1, 2009, districts may no longer consider "mitigating measures" in determining whether a student has a physical or mental impairment that substantially limits a major life activity. This is a change from prior law. Before January 1st, 2009, school districts had to consider a student's use of mitigating measures in determining whether that had a physical or mental impairment that substantially limited a major life activity. Mitigating measures include: medication, equipment, low vision devices and hearing aids which may have an ameliorating effect on a student's ability to perform major life activities. Currently districts may only consider ameliorating effects of "ordinary eyeglasses or contact lenses". Until districts receive further guidance, 504 plans should be written to address student's needs without the ameliorative effects of mitigating measures.

REFERRAL PROCEDURES

1. A parent, teacher, or the Student Study Team may refer a student for consideration for Section 504 services by completing form 504A.
2. The parent(s) need to be invited to any meeting of the Student Study Team if Section 504 services are being considered. The principal is responsible for convening a meeting of the 504 Team following receipt of a Section 504 referral (504A).
3. If a request for evaluation is denied at this point, then the Team will inform the parent(s) or guardian of this decision and will provide them with a copy of their Procedural Safeguards available to them, including the right to an impartial hearing.

EVALUATION PROCESS

1. If the Team decides to assess the student for possible Section 504 services, then the Parent Consent for Evaluation/Screening (Form 504-B) needs to be signed.
2. This evaluation will be customarily conducted by the general education staff - NOT SPECIAL ED staff, unless determined to be necessary. The evaluation may include, but not limited to, the following:
 - a) A review of documents including attendance, academic, social, medical/health appraisals, and behavior records. Suspension/discipline referrals may need to be reviewed also.
 - b) Observations.
 - c) A review of other evaluations (if available).
3. Upon completion of the evaluation, the 504 Team Coordinator will call a Section 504 Meeting. The Team will be composed of persons knowledgeable about the student's individual needs, the student's school history, the meaning of evaluation data, and placement/accommodation options. The parents/guardians must be invited.
4. At the meeting, the Team will review the evidence presented and will determine the impact of the disability upon the student's education.
5. The Team will then determine eligibility by considering all available relevant information, drawing upon a variety of sources, which may

include, but not be limited to, comprehensive assessments conducted by the District's staff or other professionals. The Meeting Summary Form (Form 504-C) will be completed at this meeting.

6. If the student is found to be a disabled individual under Section 504, then an Accommodation Plan is developed (Form 504-D).

PLAN FOR SERVICE

The Student Study Team members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The District will draw from 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 the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, academic performance, grades, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The District shall ensure that the determination that a student is eligible for Section 504 shall be made by the Student Study Team, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options.

1. For a student who has been identified as a qualified disabled student within the meaning of Section 504, the Team shall be responsible for determining what regular or special education and related aids and services are necessary to ensure that the student receives a free appropriate public education.
2. The parent(s) or guardian shall be invited to participate in the 504 Team meeting where accommodations for the student will be determined, and shall be given an opportunity to examine all relevant records.
3. The Team will develop a written plan describing the disability and any accommodations needed. A copy of the plan shall be maintained in the student's cumulative file. The student's teacher, aide, and other school employees who provide services to the student shall be informed of the services necessary for the student, to the extent that any of these individuals need to be informed in order to provide for the student in the school setting.
4. The Team may also determine that no special services are necessary for the student. If the Team determines that no such accommodations are necessary, the record of the Team meeting will reflect the identification of the student as a disabled person under Section 504 and will state the basis for the decision that no special services are presently needed.
5. The parent(s) or guardian will be asked to sign the record/plan whether or not modifications are necessary.

6. In all cases, a disabled student shall be placed in the regular educational environment of the District, with the use of accommodations, unless the District demonstrates that such a placement cannot be achieved satisfactorily. The disabled student shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.
7. The parent(s) or guardian shall be notified in writing of the final decision concerning the services to be provided, if any, and of the Section 504 Procedural Safeguards, including the right to an impartial hearing as to such decision.

PROCEDURES FOR REEVALUATION

The District shall ensure that re-evaluations are in accordance with the IDEA and comply with Section 504. The District shall ensure that re-evaluations are conducted periodically, and specifically prior to a significant change of placement if appropriate. The 504 Plan Coordinator will review student files for 504 Plan services with District staff and parents for periodic changes and updates to qualifying disability information. The District shall consider an exclusion from the educational program of more than 10 school days a significant change of placement. The District shall also consider transferring a student from one type of program to another or terminating or significantly reducing a related service a significant change in placement.

POSITIVE SCHOOL ENVIRONMENTS

The District is committed to the emphasis on the positive shaping of all students' behavior, reinforcement of progress, family participation, and extension of unconditional positive regard for each student, school wide safety programs, educational behavioral support, behavior and environmental strategies and support teams to benefit the development of positive behavior.

DEFINITION OF BEHAVIOR SUPPORT

Teaching strategies, teaching new behaviors, positive environments, and using positive reinforcement strategies. Positive behavior needs to be taught, i.e., modeled, shaped, cued in a conducive environment that is positive for the student and enables educational benefit.

CONSEQUENCES

Consideration of the consequences of student behavior should be addressed in the BSP. Focus shall remain on positive consequences that decrease escalation to avoid crisis. All District students are subject to behavioral requirements that may include suspension or expulsion; although specifics of what may be appropriate for the student shall accurately reflect the student's disability needs and past behaviors. All students, regardless of disability, shall endeavor to meet District policy for Student Discipline.

SERIOUS BEHAVIOR

Serious behavior is defined in the California Education Code as occurring in a school setting and must be at time that the student is supervised by District staff:

Assaultive - true premeditative strong physical attacks

Self Injurious - willful inflicting of injury to self in the school setting. (Cutting is not in this category, it shall be evaluated by mental health referral unless the cutting occurs at school)

Serious property damage - expensive damage to furniture, equipment, appliances, autos, etc. This does not include breaking pencils or defacing textbooks.

Other pervasive maladaptive behavior - Serious negative behaviors occurring across several environments with high frequency.

Instructional/behavioral approaches specified in the student's SECTION 504 PLAN are found to be ineffective. The Section 504 Team shall include a Behavior Intervention Case Manager (BICM) in evaluating the student's needs and analyzing the function of the student's behavior.

The District staff must create a BSP if a serious behavior incident occurs, even if it only occurs one time, unless the Section 504 Team meets and documents a justification as to why a BSP is not required. The SELPA BICM shall be invited to an SECTION 504 PLAN to address serious behavioral issues and to determine an Assessment Plan if necessary in this process. The Section 504 Team will determine who will complete the assessment and that person shall present results of the assessment to the Section 504 Team for determining behavioral goals and positive interventions.

The functional assessment shall include a hypothesis of the function of the behavior, interviews, review of records, and direct observation of the student. Data collection shall be presented in a written format that will become a part of the student's SECTION 504 PLAN.

BEHAVIOR MANAGEMENT

Interventions that respect person's dignity and personal privacy while assuring physical freedom, social interaction and individual choice. The Behavior Support

Plan (BSP) is a tool that shall be developed collaboratively with the District certificated teachers who needs assistance with the student's behavior, administrators, parents, and a District school psychologist. Development of the BSP is not the responsibility of a District single staff member, but shall be coordinated with all staff who interact with the student.

THREAT ASSESSMENT

The District is committed to a safe and positive learning environment for all students. Threat assessment is not risk assessment. To determine interventions for a threat require assessment by the Section 504 Team to evaluate if the threat is substantive and what issues must be addressed. Frequently, threats are made by students who are bullied and/or have suicidal thinking. Seventeen key areas must be addressed in evaluating threat concerns:

- ❖ What motivated the student to make the statement or take the action that caused him/her to come to attention?
- ❖ Does the situation or circumstance that led to these statements or actions still exist?
- ❖ Does the student have a major grievance or grudge against someone?
- ❖ What efforts have been made to resolve the problem that lead to the threat? Does the alleged attacker feel that any part of the problem is resolved or see any alternatives?
- ❖ Does the student have inappropriate interest in weapons, incidence of mass violence, or any plans that suggest a method of carrying out the threat?
- ❖ Have friends been alerted or "warned"?
- ❖ Does collateral contacts with friends and family support the student's explanation for the behavior?
- ❖ Does the student have the capacity for carrying out the threat; e.g. access to weapons, experiences with similar threats?
- ❖ Has the student experienced a recent failure, loss, a stressful event or loss of status?
- ❖ Has the student engaged in behavior that suggests that he or she has considered ending their life or been excessively "accident prone"?
- ❖ Does the student have a trusting relationship with at least one responsible adult?
- ❖ Is the student connected to or disconnected from other students?
- ❖ Has the student had previous intervention or support services?
- ❖ Has the student recently escalated in mood or behavior?
- ❖ Are those who know the student concerned about a specific target or plan of action?

- ❖ Does the environment (friends, peers, parents, teachers, adults) explicitly or implicitly support or endorse violence as a way of resolving problems or disputes?
- ❖ Has the student been dared to engage in an act of violence?

MISCONDUCT

The Section 504 Team may seek assessment of a student who has demonstrated misconduct that may result in a change of placement based upon District policy. If the Section 504 Team concludes that the misconduct is not caused by nor does it have a direct and substantial relationship to the child's disability, the student may be suspended/expelled in excess of 10 days, pursuant to regular student disciplinary procedures. The parents/guardian shall be informed of the Team's decision and of their right to due process.

If the Team concludes that the misconduct IS caused by or has a direct and substantial relationship to the child's disability, the student shall not be suspended/expelled in excess of 10 days in a school year. The Team shall consider appropriate modification to the student's educational program.

SUSPENSION BEYOND TEN DAYS

Any suspension beyond ten days in a school year may require evaluation in a Functional Behavior Analysis (FBA) at the discretion of the District. The Section 504 team shall designate who will complete the FBA and will designate when the Section 504 team shall meet to review the findings to determine how to best meet the needs of the student.

PROCEDURAL SAFEGUARDS/DUE PROCESS

If a parent disagrees with the determination, he or she may seek due process relief. The District supports the lowest level of dispute resolution possible. To support positive family involvement in dispute resolution, the District invites parents to meet informally to resolve concerns related to the proposed Section 504 Plan. However, parents are provided with procedural safeguards and due process information at each Section 504 meeting to insure access to all possible remedies.