Tuscaloosa City Schools

Serving Students with Disabilities Under

Section 504

A Reference Manual

2025-2026

SERVING STUDENTS WITH DISABILITES UNDER SECTION 504"
A REFERENCE MANUAL

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Tuscaloosa City Schools does not discriminate on the basis of sex, race, age, religious belief, disability, national origin, or ethnic group in programs and activities.

PART I

OVERVIEW OF SECTION 504
OF
THE REHABILITATION ACT OF 1973

PART I: OVERVIEW OF SECTION 504 OF THE REHABILITATION ACT OF 1973

Introduction

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights statute that prohibits discrimination/harassment on the basis of a disability in any program or activity receiving federal financial assistance. In particular, Section 504 provides that:

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

29 U.S.C. § 794(a) (1973).

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. FAPE consists of education, related aids/services, and accommodations designed to meet the student's individual needs. Section 504 requires a school district to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met.

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 regulations define a physical or mental impairment as any physiological or psychological 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; 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 regulations do 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.

Major life activities, for purposes of Section 504 eligibility, include functions such as caring for one's self, performing manual tasks, reading, concentrating, thinking, communicating, 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.

The protections of Section 504 extend to individuals who satisfy the eligibility requirements of Section 504. At the elementary and secondary school level, determining whether a child is a qualified disabled student under Section 504 begins with the 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. If a school district re-evaluates a student in accordance with the Section 504 regulation at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons, who because of disability, need or are believed to need special instruction or related services.

Definitions to Assist in Understanding Section 504

The United States Department of Education under 34 Code of Federal Regulations (C.F.R.)

§104.3 provides the following definitions to assist in understanding Section 504:

A. **"Qualified disabled person"** with respect to a public preschool, elementary, secondary, or adult education services means an individual with a disability who is a resident of the school district and who is (i) of an age during which nonhandicapped persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) an individual to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act.

B. **"Individual with a disability"** means any person who:

- Has a physical or mental impairment which substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

Environmental, cultural, and economic disadvantages are not considered disabilities under Section 504. Furthermore, sexual orientation and gender identity are also not considered to be disabilities. However, if a person who has any of these characteristics also has a physical or mental disability, the person may be included within the definition of an individual with a disability.

C. **"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; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation; emotional/behavioral conditions; and mental illness.

D. **"Major life activities"** means functions such as caring for one's self, performing manual tasks, reading, concentrating, thinking, communicating, walking, seeing, hearing, speaking, breathing, learning, and working. For example, an individual with paralyzed legs is substantially limited in the major life activity of walking since the individual's impairment makes him/her unable to walk.

E. **"Has a record of such an impairment"** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

F. **"Is regarded as having an impairment"** means:

- Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a school district as constituting such a limitation;
- Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such an impairment; or
- Has none of the impairments defined in (j)(2)(i) of this section but is treated by school district as having such an impairment.

G. **"Substantial Limitation"** refers to the extent that a disability impacts the student at school. In determining whether a student has a physical or mental impairment that substantially limits a major life activity, school districts must not consider ameliorating effects of any mitigating measures that a student is using. However, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity. An impairment that is episodic or in remission under Section 504 does not preclude eligibility if the impairment would substantially limit a major life activity when active.

H. **"Educational Placement"** (in the Section 504 context) refers to the general education classroom with the use of supplementary/related aids and services.

I. **"Supplementary/Related Aids and Services"** are generally accommodations in a student's Section 504 Plan. An accommodation is a change in the educational setting, materials, and/or strategies that does not significantly alter the content of the curriculum or level of expectation for a student's performance but which allows the student to access the general education curriculum. Examples of accommodations include seating the student in front of the room, providing extended time for testing, and providing a student with a highlighted critical text.

PART II

PROCESS AND PROCEDURES

PART II: SECTION 504 PROCESS AND PROCEDURES

Child Find

Section 504 requires districts to annually "undertake to identify and locate every qualified [individual with a disability] residing in [the district's] jurisdiction who is not receiving a public education." 34 CFR 104.32 (a). The obligation extends to students attending private schools, children residing in hospitals and universities, and homeless children. Section 504 also requires districts to evaluate students "who, because of handicap, need or are believed to need special education or related services.

As part of its general Child Find obligations, the District will make reasonable efforts to identify and locate every qualified disabled student residing within the District who is not receiving a public education. The District shall annually publish the Child Find notice in local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by a parent of eligible students (such as supermarkets, pediatrician's offices, etc.). The District shall inform the parent/guardian of these potentially eligible students (who may be attending private or homeschools) of the District's duties under Section 504. As part of the Child Find effort.

Pre-Section Referral

A parent/guardian, teachers, and other certified school employees will initiate the process of intervention for any student suspected of having a disability that substantially limits the performance of a major life activity. The process often begins with a referral to the school's designated Response to Intervention ("RTI") program.

1. RTI offers effective strategies for strengthening educational opportunities and servicing students with special needs who might otherwise experience difficulties in school. RTI strategies are often encouraged before Section 504 referrals are initiated. RTI strategies are particularly important since many helpful interventions and services can be made during RTI procedures.

2. After the classroom teacher implements RTI and the student continues to experience limitations in one or more of the major life activities, and needs, or is believed to need, special education or related services, the classroom teacher submits the data collected during the RTI to designated individuals at the school, then the student should be referred for Section 504 evaluation.

3. Following its review of the RTI data collecting, the school may suggest additional interventions, refer the student to the Building Level Section 504 Coordinator, or refer the student to Special Education.

Referral or Request for a Section 504 Evaluation

An individual (parent/guardian/school staff member) may make a Section 504 referral for a student by completing a "Referral Form". (Form A). Examples of circumstances that may merit a Section 504 referral include when a student:

- is receiving discipline infractions or suspensions over an extended period of time which are excessive or repetitive;
- is being considered for retention;
- is exhibiting poor academic performance;
- is returning to school after a serious illness or injury;
- has received a written diagnosis by an outside agency as having a disability;
- is referred to an IDEA IEP Team for special education evaluation and does not qualify for an evaluation;
- is evaluated under IDEA and is found not eligible for special education services;
- is exhibiting a chronic health problem; substantially limiting a major life activity;
- is identified as having had substance abuse issues, but is not currently "using" addictive substances;
- or is not successful with pre-referral intervention strategies.

Upon the District's receipt of a Section 504 referral, the parent/guardian will be provided a notice of a Section 504 referral meeting (Form B) as well as the "Parent/Guardian Procedural Safeguards" (Form C). At the initial 504 referral meeting, a decision will be made by the Team as to whether to proceed with a full Section 504 evaluation. If the referral is not deemed appropriate, the parent/guardian will be provided a copy of the "Section 504 Team Decision Regarding Referral or Eligibility". (Form H).

In facilitating a Section 504 referral, the *local school* will:

- Provide notice of the referral meeting. (Form B)
- Provide a copy of the parent/guardian procedural safeguards. (Form C)
- Select the Section 504 referral Team members.
- Obtain consent from parent/guardian for evaluation.
- Consult with referral Team as to what testing or additional records may be needed.
- Provide the parent/guardian with Notice of Intent of Section 504 Team Decision Regarding Referral or Eligibility if the referral for evaluation is not appropriate. (Form H)

Evaluation/Placement Process

If a student is accepted for an evaluation, the evaluation must be completed in a timely manner. The District will undertake an evaluation of the student prior to determining his or her appropriate placement or program of services under Section 504, and also before any significant

change of placement. An evaluation will also be conducted prior to any discipline, change of placement for students who have or are suspected of having a disability. Absent unusual circumstances, the District will complete the evaluation process within 60 calendar days.

If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of Section 504 regarding test validity, proper method of administration, and appropriate test selection. The District will appropriately consider information from a variety of sources in making its determination, including, for example, aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, scores on tests, and mitigating measures, among others.

In facilitating a Section 504 evaluation, the *local school* will:

- Provide notice of the eligibility determination meeting. (**Form B**).
- Provide a copy of the parent/guardian procedural safeguards. (**Form C**).
- Provide teacher(s) with the Section 504 input form. (**Form E**).
- Provide the parent with the Parent Input Form for Section 504 evaluation. (**Form F**).
- Select the Section 504 Team members.
- Gather documentation necessary to complete "Section 504 Initial Evaluation/ Determination Documentation." (**Form G**).
- Provide the parent/guardian with "Notice of Intent of Section 504 Team Decision Regarding Evaluation" if the student does not qualify for Section 504 (**Form H**).

If the Team determines that the student meets the federal definition of disabled under Section 504 and needs services and/or accommodations, a Section 504 Plan shall be developed. (**Form I).** This plan may be developed at the time of the eligibility meeting or at another meeting. Absent unusual circumstances, the plan should be developed within 30 calendar days after the eligibility meeting. The local school shall ensure that a copy of the plan is provided to the student's teachers and service providers. (**Form K**). Documentation of receipt of the plan shall be obtained.

If the Team determines that the student does not meet the federal definition of disabled under Section 504, the Team shall refer the student back for identification of needed classroom intervention strategies as stated in the District's RTI plan. The parent/guardian should also be provided a copy of the "Notice of Intent Regarding Section 504 Team Decision Regarding Evaluation" (**Form N**) and the "Parent/Guardian Procedural Safeguards under Section 504 of the Rehabilitation Act of 1973." (**Form C**).

Discipline Procedures for Students Under a Section 504 Plan

A student who has a Section 504 Plan may not be subjected to a disciplinary change in placement for more than 10 school days unless the Section 504 Team first determines that the behavior giving rise to the discipline was not substantially related to the student's disabling condition or due to an inappropriate implementation of the plan. This process is carried out in an evaluation of behavior, including a manifestation determination/evaluation. (**Form M**).

Suspensions for less than 10 school days may be effectuated without holding a Section 504 Team Meeting. However, a series of short suspensions over the course of the school year that would amount to a total of more than 10 school days may require that a Section 504 manifestation determination meeting be held.

When making the manifestation determination, a Section 504 Team, must meet to address the following:

- Was the misconduct caused by, or directly and substantially related to, the student's disability?

- Was the misconduct a direct result of the District's failure to implement the Section 504 Plan?

If the Section 504 Team determines that there is no substantial relationship between the conduct and the student's disability and that the Section 504 Plan was properly implemented, the school may proceed to discipline the student in the same manner as it would a non-disabled student.

If the Section 504 Team determines that there is a substantial link between the conduct and the student's disability or that the Section 504 Plan was not properly implemented, the Section 504 Team must review and/or revise the Section 504 Plan to address the student's conduct. In such a situation, the student's placement would not be changed without consent of the parent/guardian of the student. An agreed upon change of placement may occur as a result of disciplinary infractions involving drugs, weapons, or behavior that has substantially injured or endangered the safety of the student or others. Notice of the Section 504 Team's decision regarding the manifestation determination will be provided to the parent. (**Form M**).

Note: A student who is currently using illegal drugs or alcohol, and is to be disciplined by the school for such behavior loses the procedural protections provided by Section 504, including the right to a manifestation determination review prior to a change in placement for disciplinary reasons. This would hold true even if the disabling condition could be related to the misconduct.

Transfer Students

In the case of a Section 504 eligible student transferring into the school system, a Section 504 Team will assemble within 10 school days of the student's enrollment to determine if the current Section 504 plan is appropriate and can be implemented as written. The Section 504 Team may revise the student's current Section 504 and/or request further evaluation and/or information. If further evaluation or information is requested, the student will be provided an interim Section 504 plan. Following the implementation of an interim Section 504 plan, the Section 504 Team should generally meet within sixty (60) calendar days so as to review eligibility and the current Section 504 plan.

Complaint Procedures

When a parent/guardian disagree with the Section 504 Team's decisions regarding their

child's identification, evaluation, educational program, or placement, they have the right to challenge the decisions by filing a grievance, requesting a mediation meeting, or requesting an impartial due process hearing. (**Form O**). A parent/Guardian or a student who is disabled may also file a civil rights complaint with the Office for Civil Rights (OCR) if they believe they are being retaliated against because of their efforts to obtain an appropriate education for the student. In the event the parent/guardian's complaint is found credible, the District will take steps to prevent recurrence of any discrimination and to correct discriminatory effects on the complainant and others, if appropriate.

The District also provides options for mediation. A Parent/Guardian may seek relief available under Section 504 and the ADA in a court of competent jurisdiction, generally the closest U.S. District Court.

1. **Section 504 Grievance**
   If a parent/guardian believes their Section 504 rights or their child's Section 504 rights are being violated, they may file a grievance with the Section 504 Compliance Coordinator.

   Name: Charmelia Craig
   Address: 1210 Almon Avenue, Tuscaloosa, Alabama 35401
   Phone: 205-759-3503
   Email: ccraig@tusc.k12.al.us

2. **Impartial Due Process Hearing**
   An impartial due process hearing will be utilized to resolve differences between the parent and the District when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of a Team regarding an issue under ADA/Section 504. An ADA/Section 504 due process hearing may be called at the request of the District or by the parent of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

   Definitions - In all related hearing matters the following definitions shall apply:

   a. "Days" means calendar days.
   b. "Placement plan" means the program by which the decision concerning the educational placement of the student is decided.
   c. "A parent" means a parent or legal custodian. In the event of a divorce, a parent means the custodial parent.

   A parent or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, and/or (3) whether a student is receiving an educational opportunity commensurate with the non-disabled students.

Requests by a parent for a due process hearing must be submitted in writing within thirty (30) days of the action appealed from. Hearing notifications to the parent shall be given at least ten (10) days prior to the date set for the hearing. The notice shall contain:

a. A statement of time, place, and nature of the hearing.
b. A short and plain statement of the matters asserted.
c. A statement of the right to be represented by counsel.

Hearing Procedures - The hearing officer shall provide at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

a. Present their evidence.
b. Produce outside expert testimony and be represented by legal counsel.

A parent involved in the hearing will be given the right to have the student present at the hearing.

The hearing officer shall review relevant facts and render a decision on the issue presented for review.

Decision of the Hearing Officer – A copy of the hearing officer's decision shall be delivered to the District and the parent, within thirty (30) days following completion of the hearing. The hearing shall begin no later than sixty (60) days after receipt of the request for a hearing unless extended by agreement by the parent and the District.

Record of Hearing – A recording of the ADA/Section 504 due process hearing shall be maintained at the District office for at least six (6) months after the hearing and will be available for review upon request from the Parent/Guardian.

Review of Procedure – If the Parent/Guardian is not satisfied by the decision of the Hearing Officer, a Parent/Guardian may request a review of the hearing decision within thirty (30) days of the date of the Hearing Officer's decision. The request for review should be in writing to the District's Section 504 Coordinator and it should include a brief description of the basis of the request. Following such a request for review by a Parent/Guardian, the District's Section 504 Coordinator will provide a review procedure to ensure that the Section 504 hearing was properly conducted pursuant to the requirement of the Section 504 procedural safeguards and the District's hearing procedures. Within 15 days of a request for a review of the hearing decision, the District's Section 504 Coordinator shall issue a written decision to the Parent/Guardian. The review by the District's Section 504 Coordinator shall be based on the Hearing Officer's written decision, the District's procedures, information provided by the Parent/Guardian to include the request for review, information deemed relevant by the District, as well as the Section 504 procedural safeguards and the District's hearing procedures

A Parent/Guardian may seek relief available under Section 504 and the ADA in a court of competent jurisdiction, generally the closest U.S. District Court.

3. Section 504 Mediation

Mediation is a less formal and less adversarial method of resolving disputes than a due process hearing. During mediation, a parent/guardian and school representatives voluntarily meet with an impartial mediator to resolve disagreements with the school's decisions or actions regarding identification, evaluation, educational program, or placement of the student. Any agreements reached between the school and the parent/guardian during the mediation process will be set forth in a written mediation agreement. A parent/guardian may request mediation by writing or by calling the School District's 504 Compliance Coordinator/Designee. The Office of Civil Rights (OCR) in some complaint matters may also offer a mediation process.

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Address: 1210 Almon Avenue, Tuscaloosa, Alabama 35401
Phone: 205-759-3503
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4. Office of Civil Rights Complaint

A parent may file a formal complaint with the Office of Civil Rights (OCR) if they believe that the District is not in compliance with Section 504. A Section 504 due process hearing is not required prior to filing an OCR complaint. The filing of a complaint with OCR does not affect the timelines or the provisions of the District's grievance and due process hearing processes. The address of the Office of Civil Rights is: Office for Civil Rights, 61 Forsyth Street, SW, Suite 19T10, Atlanta, Georgia

PART III
SECTION 504 FORMS

PART III: OVERVIEW OF SECTION 504 FORMS

FORM A	**Section 504 Referral**: This is a document that begins the process of Section 504 for a child. It gathers basic information on the child's academic, behavioral, and social progress at school, and serves as the basis for the determination of whether a Section 504 evaluation should be sought.
FORM B	**Notice of Proposed Section 504 Meeting**: This document is sent to the parent prior to each Section 504 meeting, describing what will occur and giving the time and place of the meeting
FORM C	**Notice of Procedural Safeguards Under Section 504**: A document to inform parents of their rights under Section 504. This document is provided to the parent after referral, regardless of whether the decision is made to evaluate under Section 504 and at least on an annual basis otherwise.
FORM D	**Notice and Consent for Section 504 Evaluation/Reevaluation**: Following the receipt of the referral and the decision that a Section 504 evaluation should be pursued; this form is provided to the parents to gain consent for the initial evaluation.
FORM E	**Section 504 Teacher Input Form**: A document designed to seek information from a student's teacher or teachers about classroom performance and behavior.
FORM F	**Section 504 Parent Questionnaire/Input Form**: A document designed to seek information from the parent about the child's functioning and activities at home. It also provides the parents an additional opportunity to be involved in the process.
FORM G	**Evaluation and Eligibility Determination Form**: This form is used by the Section 504 Team to determine eligibility in Section 504, and to fulfill the regulatory requirement for periodic reevaluation (at least every three (3) years). The form prompts the Team to ask the right questions and to review the required data and includes the Notice of Section 504 Evaluation results.
FORM H	**Section 504 Team Decision Regarding Evaluation/Eligibility**
FORM I	**Section 504 Plan**: Should the Section 504 Team determine that the student is eligible and in need of a Plan, it uses this form to create the plan. A copy of the plan is provided to the parent, school personnel, and third-party contractors who have the duty to implement the plan. A behavior management form is part of the Plan form and is completed if necessary.
FORM J	**Behavior Intervention Plan**
FORM K	**Acknowledgement of Receipt of Section 504 Plan**
FORM L	**Parental Consent, Refusal, or Revocation of Section 504 Plan**: Consistent with OCR guidance in the Frequently Asked Questions about Section 504 and the Educational of Children with Disabilities, this form documents the parent's consent for Section 504 services, refusal to consent for initial Section 504 services, as well as a parent's decision to revoke consent for continued Section 504 services
FORM M	**Manifestation Determination Review**: When disciplinary removals trigger a change of placement, this document walks the Team through the required questions.
FORM N	**Notice of Proposal or Refusal to Act**
FORM O	**Section 504 Complaint Form**

PART IV

FREQUENTLY ASKED QUESTIONS ABOUT SECTION 504

PART IV: FREQUENTLY ASKED QUESTIONS ABOUT SECTION 504

INTRODUCTION

An important responsibility of the Office for Civil Rights (OCR) is to eliminate discrimination on the basis of disability against students with disabilities. OCR receives numerous complaints and inquiries in the area of elementary and secondary education involving Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504). Most of these concerns the identification of students who are protected by Section 504 and the means to obtain an appropriate education for such students.

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his 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. . ."

OCR enforces Section 504 in programs and activities that receive Federal financial assistance from ED. Recipients of this Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies. The regulations implementing Section 504 in the context of educational institutions appear at 34 C.F.R. Part 104.

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

This resource document clarifies pertinent requirements of Section 504. For additional information, please contact the Office for Civil Rights.

INTERRELATIONSHIP OF IDEA AND SECTION 504

1. **What is the jurisdiction of the Office for Civil Rights (OCR), the Office of Special Education and Rehabilitative Services (OSERS) and state departments of education/instruction regarding educational services to students with disabilities?**

   OCR, a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. The Americans with Disabilities Act Amendments Act of 2008

(Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of disability in Section 504. The standards adopted by the ADA were designed not to restrict the rights or remedies available under Section 504. The Title II regulations applicable to free appropriate public education issues do not provide greater protection than applicable Section 504 regulations. This guidance focuses primarily on Section 504.

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the receipt of Federal IDEA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

2. How does OCR get involved in disability issues within a school district?

OCR receives complaints from a parent, students or advocates, conducts agency-initiated compliance reviews, and provides technical assistance to school districts, a parent or advocates.

3. Where can a school district, parent, or student get information on Section 504 or find out information about OCR's interpretation of Section 504 and Title II?

OCR provides technical assistance to school districts, a parent, and students upon request. Additionally, regulations and publicly issued policy guidance is available on OCR's website, at http://www.ed.gov/policy/rights/guid/ocr/disability.html.

4. What services are available for students with disabilities under Section 504?

Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

5. Does OCR examine individual placement or other educational decisions for students with disabilities?

Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions so long as the school district complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such students, and due process. Accordingly, OCR

generally will not evaluate the content of a Section 504 plan or of an individualized education program (IEP); rather, any disagreement can be resolved through a due process hearing. The hearing would be conducted under Section 504 or the IDEA, whichever is applicable.

OCR will examine procedures by which school districts identify and evaluate students with disabilities and the procedural safeguards which those school districts provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services.

6. What protections does OCR provide against retaliation?

Retaliatory acts are prohibited. A recipient is prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504.

7. **Does OCR mediate complaints**?

OCR does not engage in formal mediation. However, OCR may offer to facilitate mediation, referred to as "Early Complaint Resolution," to resolve a complaint filed under Section 504. This approach brings the parties together so that they may discuss possible resolution of the complaint immediately. If both parties are willing to utilize this approach, OCR will work with the parties to facilitate resolution by providing each an understanding of pertinent legal standards and possible remedies. An agreement reached between the parties is not monitored by OCR.

8. What are the appeal rights with OCR?

OCR is committed to a high-quality resolution of every case. OCR affords the complainant an opportunity to appeal OCR's letters of finding(s) issued pursuant to Section 303(a) of the Case Processing Manual, and to request reconsideration of administrative closures or dismissals. The appeal/reconsideration process provides an opportunity for complainants to bring information to OCR's attention that would change OCR's decision. The complainant may send an appeal to the Deputy Assistant's Secretary for Enforcement within 60 days of the date of OCR's letter of finding(s). The complainant must explain why he or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, and how this would change OCR's determination in the case.

9. What does noncompliance with Section 504 mean?

A school district is out of compliance when it is violating any provision of the Section 504 statute or regulations.

10. What sanctions can OCR impose on a school district that is out of compliance?

OCR initially attempts to bring the school district into voluntary compliance through negotiation of a corrective action agreement. If OCR is unable to achieve voluntary compliance, OCR will initiate enforcement action. OCR may: (1) initiate administrative proceedings to terminate Department of Education financial assistance to the recipient; or (2) refer the case to the Department of Justice for judicial proceedings.

11. Who has ultimate authority to enforce Section 504?

In the educational context, OCR has been given administrative authority to enforce Section 504. Section 504 is a Federal statute that may be enforced through the Departments administrative process or through the Federal court system. In addition, a person may at any time file a private lawsuit against a school district. The Section 504 regulations do not contain a requirement that a person file a complaint with OCR and exhaust his or her administrative remedies before filing a private lawsuit.

STUDENTS PROTECTED UNDER SECTION 504

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. 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; or (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 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.

12. What is a physical or mental impairment that substantially limits 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 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) 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 regulatory provision 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.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), 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. In the

Amendments Act (see FAQ 1), Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid — the Section 504 regulatory provision's list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

13. Does the meaning of the phrase "qualified student with a disability" differ on the basis of a student's educational level, i.e., elementary and secondary versus postsecondary?

Yes. At the elementary and secondary educational level, a "qualified student with a disability" is a student with a disability who is: of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

At the postsecondary educational level, a qualified student with a disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.

14. Does the nature of services to which a student is entitled under Section 504 differ by educational level?

Yes. Public elementary and secondary recipients are 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.

At the postsecondary level, the recipient is required to provide students with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in a school's program. Recipients are not required to make adjustments or provide aids or services that would result in a fundamental alteration of a recipient's program or impose an undue burden.

15. Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a recipient school district re-evaluates a student in accordance with the Section 504

regulatory provision at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

16. Are current illegal users of drugs excluded from protection under Section 504?

Generally, yes. Section 504 excludes from the definition of a student with a disability, and from Section 504 protection, any student who is currently engaging in the illegal use of drugs when a covered entity acts on the basis of such use. (There are exceptions for persons in rehabilitation programs who are no longer engaging in the illegal use of drugs).

17. Are current users of alcohol excluded from protection under Section 504?

No. Section 504's definition of a student with a disability does not exclude users of alcohol. However, Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.

EVALUATION

At the elementary and secondary school level, determining whether a child is a qualified disabled student under Section 504 begins with the 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.

18. What is an appropriate evaluation under Section 504?

Recipient school districts must establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services because of disability. The Section 504 regulatory provision at 34 C.F.R. 104.35 (b) requires school districts to individually evaluate a student before classifying the student as having a disability or providing the student with special education. 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. Section 504 also 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.

19. How much is enough information to document that a student has a disability?

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary Team gathered to evaluate the student. The Team should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The 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 Section 504 regulatory provision at 34 C.F.R. 10435(c) requires that school districts 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, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504.

20. What process should a school district use to identify students eligible for services under Section 504? Is it the same process as that employed in identifying students eligible for services under the IDEA?

School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the IDEA. If school districts choose to adopt a separate process for evaluating the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regulatory provision at 34 C.F.R. 104.35. 21.

21. May school districts consider "mitigating measures" used by a student in determining whether the student has a disability under Section 504?

No. As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. Before January 1, 2009, school districts had to consider a student's use of mitigating measures in determining whether that student had a physical or mental impairment that substantially limited that student in a major life activity. In the Amendments Act (see FAQ 1), however, Congress specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability.

Congress did not define the term "mitigating measures" but rather provided a non-exhaustive list of "mitigating measures." The mitigating measures are as follows: 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 or services; and learned behavioral or adaptive neurological modifications.

Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas "low-vision devices" (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

22. Does OCR endorse a single formula or scale that measures substantial limitation?

No. The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 regulatory provision at 34 C.F.R. 104.35 (c) requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination.

23. Are there any impairments which automatically mean that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

24. Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. As noted in FAQ 22, the Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

25. Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. 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.

26. How should a recipient school district handle an outside independent evaluation? Do all data brought to a multi-disciplinary Team need to be considered and given equal weight?

The results of an outside independent evaluation may be one of many sources to consider. Multi-disciplinary Teams must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the

subject student's learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable Team members. The weight of the information is determined by the Team given the student's individual circumstances.

27. What should a recipient school district do if a parent refuses to consent to an initial evaluation under the Individuals with Disabilities Education Act (IDEA), but demands a Section 504 plan for a student without further evaluation?

A school district must evaluate a student prior to providing services under Section 504. Section 504 requires informed parental permission for initial evaluations. If a parent refuses consent for an initial evaluation and a recipient school district suspects a student has a disability, the IDEA and Section 504 provide that school districts may use due process hearing procedures to seek to override the/a parent's denial of consent.

28. Who in the evaluation process makes the ultimate decision regarding a student's eligibility for services under Section 504?

The Section 504 regulatory provision at 34 C.F.R.104.35 (c) (3) requires that school districts ensure that the determination that a student is eligible for special education and/or related aids and services be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options. If a parent disagrees with the determination, he or she may request a due process hearing.

29. Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the same Section 504 plan in place indefinitely after a student has been identified?

Periodic re-evaluation is required. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and public agency agree otherwise).

30. Is a Section 504 re-evaluation similar to an IDEA re-evaluation? How often should it be done?

Yes. Section 504 specifies that re-evaluations in accordance with the IDEA is one means of compliance with Section 504. The Section 504 regulations require that re-evaluations be conducted periodically. Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement. OCR considers an exclusion from the educational program of more than 10 school days a significant change of placement. OCR would 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.

31. What is reasonable justification for referring a student for evaluation for services under Section 504?

School districts may always use regular education intervention strategies to assist students with difficulties in school. Section 504 requires recipient school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services.

32. A student is receiving services that the school district maintains are necessary under Section 504 in order to provide the student with an appropriate education. The student's parent no longer wants the student to receive those services. If the parent wishes to withdraw the student from a Section 504 plan, what can the school district do to ensure continuation of services?

The school district may initiate a Section 504 due process hearing to resolve the dispute if the district believes the student needs the services in order to receive an appropriate education.

33. A student has a disability referenced in the IDEA, but does not require special education services. Is such a student eligible for services under Section 504?

The student may be eligible for services under Section 504. The school district must determine whether the student has an impairment which substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services. For example, such a student may receive adjustments in the regular classroom.

34. How should a recipient school district view a temporary impairment?

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

In the Amendments Act (see FAQ 1), Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

35. Is an impairment that is episodic or in remission a disability under Section 504?

Yes, under certain circumstances. In the Amendments Act (see FAQ 1), Congress clarified that an impairment that is episodic or in remission is a disability if it would

substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

PLACEMENT

Once a student is identified as being eligible for regular or special education and related aids or services, a decision must be made regarding the type of services the student needs.

36. If a student is eligible for services under both the IDEA and Section 504, must a school district develop both an individualized education program (IEP) under the IDEA and a Section 504 plan under Section 504?

No. If a student is eligible under IDEA, he or she must have an IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP.

37. Must a school district develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled"?

No. In public elementary and secondary schools, unless a student actually has an impairment 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 appropriate public education (FAPE). This is consistent with the Amendments Act (see FAQ 1), in which Congress clarified that an individual who meets the definition of disability solely by virtue of being "regarded as" disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures. 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.

As noted in FAQ 34, in the Amendments Act (see FAQ 1), Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

38. What is the receiving school district's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?

If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student. There is no Section

504 bar to the receiving school district honoring the previous IEP during the interim period. Information about IDEA requirements when a student transfers is available from the Office of Special Education and Rehabilitative Services at http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CQaCorner%2C3%2c.

39. What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans? What are the consequences if the district fails to implement the plans?

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504.

40. What is the difference between a regular education intervention plan and a Section 504 plan?

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. School districts vary in how they address performance problems of regular education students. Some districts employ Teams at individual schools, commonly referred to as "building Teams." These Teams are designed to provide regular education classroom teachers with instructional support and strategies for helping students in need of assistance. These Teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The Team usually records its ideas in a written regular education intervention plan. The Team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The Team then follows the responsible teacher(s) to determine whether the student's performance or behavior has improved. In addition to building Teams, districts may utilize other regular education intervention methods, including before- school and after-school programs, tutoring programs, and mentoring programs.

PROCEDURAL SAFEGUARDS

Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services.

41. Must a recipient school district obtain parental consent prior to conducting an initial evaluation?

Yes. OCR has interpreted Section 504 to require districts to obtain parental permission for initial evaluations. If a district suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the IDEA and

Section 504 provide that districts may use due process hearing procedures to seek to override the/a parent's denial of consent for an initial evaluation.

42. If so, in what form is consent required?

Section 504 is silent on the form of parental consent required. OCR has accepted written consent as compliance. IDEA, as well as many state laws, also requires written consent prior to initiating an evaluation.

43. What can a recipient school district do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?

Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

44. What procedural safeguards are required under Section 504?

Recipient school districts are required to establish and implement procedural safeguards that include notice, an opportunity for a parent to review relevant records, an impartial hearing with opportunity for participation by the student's a parent or guardian, representation by counsel and a review procedure.

45. What is a recipient school district's responsibility under Section 504 to provide information to a parent and students about its evaluation and placement process?

Section 504 requires districts to provide notice to a parent explaining any evaluation and placement decisions affecting their children and explaining the/a parent' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

46. Is there a mediation requirement under Section 504?

No. However, the District provides and encourages mediation in order to resolve Section 504 disputes.

TERMINOLOGY

The following terms may be confusing and/or are frequently used incorrectly in the elementary and secondary school context.

Equal access: equal opportunity of a qualified person with a disability to participate in or benefit from educational aid, benefits, or services

Free appropriate public education (FAPE): a term used in the elementary and secondary school context; for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards.

Placement: a term used in the elementary and secondary school context; refers to regular and/or special educational program in which a student receives educational and/or related services

Reasonable accommodation: a term used in the employment context to refer to modifications or adjustments employers make to a job application process, the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment; this term is sometimes used incorrectly to refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context

Reasonable modifications: under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Related services: a term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation.

APPENDIX OF FORMS

Tuscaloosa City Schools
FORM A

SECTION 504 REFERRAL

(This Form is to be completed by the school personnel, parent, or other individual referring the student for an evaluation to determine the student's eligibility under Section 504 of the Rehabilitation Act of 1973. The individual completing this form should provide the requested information to the best of his or her ability. Additional pages may be added to this Form if needed. Any questions regarding the completion of this Form should be directed to the below designated Section 504 Coordinator.)

☐ **Parent/Guardian**

☐ **School Personnel**

☐ **Other**

Date: _____ **Person Initiating Referral:** _____

Student's Complete Legal Name: _____

Date of Birth: _____ **Sex:** _____ **Grade:** _____

Parent or Legal Guardian: _____

Address: _____ **Phone:** _____

_____ **Email:** _____

Describe the reason(s) for the Referral.

Describe the student's physical or mental impairment(s) and resulting limitations.

List the major life activity or activities of the student impacted by his or her impairment.

Identify any mitigating measures currently in use or provided for the student's benefit.

(Mitigating measures may include 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 and other hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications medication.)

Signature of Person Initiating Referral _____ **Date** _____

Received by _____ **Date Received by School** _____

Upon completion, please return this form to:

Name: _____

Address: _____

Phone: _____

Email: _____

Tuscaloosa City Schools
FORM B

NOTICE OF PROPOSED SECTION 504 MEETING

This notice is to invite you to a meeting for: _____
(Name of Student)

Meeting Date: _____ **Time:** _____

Meeting Location: _____

To: _____ **Date Notice Sent:** _____
(Name of Parent or Guardian)

The purpose of this meeting is to:

☐ Determine if the referral requires evaluation	☐ Develop or review a Section 504 Plan
☐ Discuss the need for additional data collection	☐ Conduct a Manifestation Determination Review
☐ Determine initial or continued eligibility	☐ Other:

The following people will be invited to the meeting:

☐ Local Section 504 Coordinator	☐ Parent/Guardian
☐ Administrator	☐ Student
☐ General Education Teacher(s)	☐ Other:

Please bring any and all information you want considered by the team as well as:

_____ _____
Section 504 Coordinator/Designee **Signature**

Attachment: ***Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973***

Please check on of the following boxes, sign, date, and return to the School's Section 504 Coordinator/Designee before: _____.

☐ I will be able to meet with you.

☐ I can not meet at the time/date indicated. Please contact me to reschedule the meeting.

☐ I do not want to attend this meeting. The meeting may proceed without me.

_____ _____
Parent/Guardian Signature **Date**

Tuscaloosa City Schools
FORM C

NOTICE OF PARENT/GUARDIAN PROCEDURAL SAFEGUARDS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, sometimes referred to as "Section 504," is a federal law that prohibits discrimination against students who have disabilities. Section 504 provides that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

A student is eligible under Section 504 if the student (i) has a physical or mental impairment, (ii) has a record of having a physical or mental impairment, or (iii) is regarded as having a physical or mental impairment which substantially limits a major life activity such as for example learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks. Section 504 also protects students with a record of impairment, or, who are regarded as having an impairment, from discrimination on the basis of disability.

Students can be considered disabled and receive services under Section 504, including regular or special education and related aids and services, even if they do not qualify for or receive special education services under the Individuals with Disabilities Education Act (IDEA).

The regulations of the United States Department of Education for Section 504 provide the following procedural safeguards to you:

1. Your child has the right to an education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students are met, and to free educational services except for those fees that are imposed on non-disabled students or their parents. You have the right to refuse consent for Section 504 services at any time.

2. Your child has a right to an educational program in the least restrictive appropriate environment, as well as facilities, services and activities that are comparable to those provided for non- disabled students.

3. Your child also has a right to participate in any extracurricular or afterschool activity sponsored by the school.

4. Your child has a right to a Section 504 evaluation prior to an initial Section 504 eligibility determination; if eligible under Section 504, your child has a right to periodic re-evaluations at least every three years.

5. In providing an evaluation/reevaluation, the school district's Section 504 team may consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Testing and other procedures completed as part of the Section 504 evaluation must have been validated for the specific purpose for which they are used and be administered by trained personnel in conformance with the instructions provided by their producer.

6. Placement decision regarding your child must be made by a group of persons (a Section 504 team) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children.

7. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child.

8. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under Section 504).

9. If you disagree with the actions of the school district's Section 504 team in regard to your child's educational program, you may pursue a local grievance through the District's local grievance process. The District will investigate the concerns you raise and respond appropriately to you within a reasonable time. Parents may contact the District's Section 504 Coordinator for more information about the District's grievance process.

10. You have the right to an impartial hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under Section 504. You also have the right to an impartial hearing if you believe that your child, solely by reason of her or his disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the district's educational programs or activities. You may participate in the hearing and be represented by an attorney. If you disagree with the decision from the hearing, you have a right to seek a review of the decision by making a written request to the District's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.

11. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is: Office for Civil Rights, 61 Forsyth Street SW, Ste. 19T10, Atlanta, GA 30303-8927. Telephone: (800) 368-1019.

_____ _____

PARENT/GUARDIAN SIGNATURE **DATE RECEIVED**

If you have questions or need further assistance in understanding your procedural safeguards under Section 504, please contact:

Section 504 Coordinator: Charmelia Craig
Tuscaloosa City Schools

Address: 1210 Almon Avenue, Tuscaloosa, AL 35401

Phone: 205-759-3503

Email: ccraig@tusc.k12.al.us

Tuscaloosa City Schools
FORM D

NOTICE AND CONSENT FOR SECTION 504 EVALUATION/REEVALUATION

STUDENT: _____ **DATE OF BIRTH:** _____

☐ **Initial Referral**: A Section 504 team met to discuss the referral for an evaluation of your child to determine his or her initial eligibility under Section 504. The Section 504 team, after reviewing existing information, has determined than an individual evaluation under Section 504 is needed to determine your child's initial eligibility under Section 504.

☐ **Reevaluation**: A Section 504 team met to discuss a reevaluation of your child under Section 504. The Section 504 team, after reviewing existing information, has determined than an individual reevaluation of your child under Section 504 is needed for the following purpose(s).

☐ To determine the need for Section 504 plan revisions
☐ To determine continued Section 504 eligibility
☐ Other:

The Section 504 evaluation or reevaluation may involve the Section 504 team reviewing and interpreting existing school records, observations, testing, grades, standardized test scores, and other available information. In addition to reviewing such information, the Section 504 team may provide new assessments or gather additional information in the following areas:

☐ Vision	☐ Behavior
☐ Hearing:	☐ Academic Achievement
☐ Other:	
☐ Other:	
☐ Other:	

Please check one of the following boxes, sign, and date this form.

☐ I give permission to the above proposed evaluation/reevaluation under Section 504.

☐ I do not give permission for the above proposed evaluation/reevaluation under Section 504.

_____ _____
PARENT/GUARDIAN SIGNATURE **DATE**

Upon completion, please return this form to:

Name: _____

Address: _____

Phone: _____

Email: _____

Tuscaloosa City Schools
FORM E

SECTION 504 TEACHER INPUT FORM

STUDENT: _____ **DATE OF BIRTH:** _____

TEACHER: _____ **SUBJECT(S):** _____ **GRADE:** ___

(This Teacher Input Form is being requested from you to assist the Section 504 team in determining eligibility and/or services for the above Student. Please provide the information requested by this Form based upon your personal knowledge of the Student as his or her classroom teacher. If needed, you may attach additional pages.)

STUDENT'S COMPARISON WITH NON-DISABLED PEERS

As compared with non-disabled students in your classroom, please rate this Student's performance level in the below indicated areas. Please indicate whether the Student generally performs (1) "Above"; (2) "Similar to"; or (3) "Below" the level of his or her non-disabled peers as to the following concerns.

AREAS OF CONCERN	COMPARISON TO NON-DISABLED PEERS		
Reading Skills	☐ 1	☐ 2	☐ 3
Math Skills	☐ 1	☐ 2	☐ 3
Written Expression Skills	☐ 1	☐ 2	☐ 3
Homework	☐ 1	☐ 2	☐ 3
Attendance	☐ 1	☐ 2	☐ 3
Difficulty following directions	☐ 1	☐ 2	☐ 3
Social Skills	☐ 1	☐ 2	☐ 3
Adaptive Behavior	☐ 1	☐ 2	☐ 3
Non-compliance	☐ 1	☐ 2	☐ 3
Organization	☐ 1	☐ 2	☐ 3
Attention/Staying on Task	☐ 1	☐ 2	☐ 3
Hyperactivity	☐ 1	☐ 2	☐ 3
Code of Conduct Violations	☐ 1	☐ 2	☐ 3

PRE-REFERRAL INTERVENTIONS, ACCOMMODATIONS, AND/OR SERVICES

Please describe any pre-referral interventions, accommodations, and or services provided in your classroom to the Student. Please provide information as to the duration of implementation and effectiveness of any such pre-referral interventions, accommodations, and or services provided to the Student.

Please provide any additional comments or information regarding this student that you feel may be relevant to the Section 504 team.

CLASSROOM TEACHER SIGNATURE **DATE**

Tuscaloosa City Schools
FORM F

SECTION 504 PARENT QUESTIONNAIRE/INPUT FORM

STUDENT: _____ **DATE OF BIRTH:** _____

PARENT/GUARDIAN: _____

ADDRESS: _____

PHONE: _____ **EMAIL:** _____

(The information requested by this Parent Questionnaire/Input form is to assist the Section 504 team in determining your child's eligibility and/or needed services and accommodations under Section 504. Please attach additional pages to this form if needed. If you have questions or difficulties in completing this form, please contact the below designated Section 504 Coordinator.)

1. Please discuss any physical or mental impairment for which your child receives medial or psychological/mental health services.

2. Please list all medications utilized by your child, to include prescription and over-the-counter medications.

3. Please describe any past hospitalizations of your child.

4. Has your child had a serious medical condition in the past which is currently not symptomatic? If so, please provide additional information that, in your opinion, may be relevant to the Section 504 team.

5. Please discuss the instructional or academic concerns that you have regarding your child.

6. How long have you observed such instructional or academic behavioral concerns in regard to your child? Please indicate any interventions or services that you or any other non-school individual have provided.

7. Please indicate anyone at your child's school that you have spoken to or communicated with in any manner as to your instructional or academic concerns.

8. Has your child previously been retained? If so, please provide additional information that in your opinion may be relevant to the Section 504 team.

9. Please discuss any behavioral concerns that you have regarding your child at school and at home.

10. How long have you observed such behavioral concerns in regard to your child? Please indicate any interventions or services that you or any other non-school individual have provided in response to any such behavioral concerns.

11. Please indicate anyone at your child's school that you have spoken to or communicated with in any manner as to behavioral concerns.

12. Is English the primary language spoken in your child's home? ☐Yes ☐No

13. Have there been any important changes within the family within the last three years such as births, deaths, moves, separations/divorces, etc.? If so, please explain.

14. Please provide any additional information regarding your child that you feel may be appropriate for a Section 504 team to consider in determining your child's eligibility and services under Section 504.

In returning this form with your input, please attach any of your child's medical or mental health records relevant to your responses to the above questions. Such records will provide the Section 504 team with additional information to consider in determining your child's eligibility status and/or accommodations under Section 504.

Upon completion, please return this form to:

Name: _____

Address: _____

Phone: _____

Email: _____

Tuscaloosa City Schools
FORM G

SECTION 504 EVALUATION/REEVALUATION & ELIGIBILIITY DETERMINATION

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

Indicate the reason for the Section 504 Evaluation/Reevaluation:

☐ Initial Section 504 Evaluation ☐ Re-evaluation
☐ 504 Manifestation Determination ☐ Other: _____

PART ONE – SUMMARY OF EVALUATION/REEVALUATION DATA

A. CURRENT GRADES

Subject	Grade

Compared to the student's grades from the previous school year, the student's current grades have:

☐ improved
☐ stayed the same
☐ dropped suddenly
☐ data not available

Compared to other students, the student's current grades have:

☐ are higher
☐ are about the same
☐ are lower
☐ data not available

Has this student been retained? ☐ Yes ☐ No If yes, at which grade level(s)?_____

B. <u>DISCIPLINE HISTORY</u> – Attach a copy of the student's discipline records.

Compared to the student's disciplinary infractions from the previous school year, the student's disciplinary infractions in the current school year have:

- ☐ decreased
- ☐ stayed the same
- ☐ increased suddenly
- ☐ data not available

C. <u>TEACHER INPUT</u> – See attached Section 504 Teacher Input Form

Summarize relevant aspects of the Section 504 Teacher Input Form in the box below.

D. <u>PARENTAL INPUT</u> – See attached Section 504 Parent Input Form

Summarize relevant aspects of the Section 504 Parent Input Form in the box below.

E. <u>ASSESSMENTS</u> – Summarize the student's most recent local school and state-wide curriculum-based assessments in the box below. If available, also summarize any additional standardized testing of the student.

Compared to prior scores of the student, the student's current assessment scores:

☐ have stayed about the same each year
☐ have improved
☐ have decreased
☐ have suddenly dropped
☐ data not available

Compared to other students, the student's current assessment scores are:

☐ higher
☐ about the same
☐ lower
☐ data not available

F. <u>ENGLISH LANGUAGE LEARNER/HOME LANGUAGE:</u>

Is a lack f proficiency in the English language a contributing factor to the student's reported limitations at school? ☐ Yes ☐ No

G. <u>VISION AND HEARING SCREENING *if available</u>

	Vision	**Hearing**
Screening Date:		
Screening Results:		

H. PHYSICAL OR MENTAL IMPAIRMENT(S) DOCUMENTATION

☐ **YES** Is there documentation of a physical or mental impairment(s) of the student?

☐ **NO** If YES, list the impairment(s) and the source for the documentation of the impairment(s).

I. NURSING OR HEALTHCARE PLAN

☐ **YES** Is the student currently provided a nursing plan at school?

☐ **NO** If YES, please summarize the relevant aspects of the plan.

J. RESPONSE TO INTERVENTION/INSTRUCTION PLAN

☐ **YES** Has the student been provided any type of Response to Intervention/Instruction Plan?

☐ **NO** If YES, please summarize the relevant aspects of the plan to include the student's p Progress and current implementation status.

K. MEDICATION

☐ **YES** Is the student currently on medication at home or at school? If YES, please list the
☐ **NO** medication used by the student and the date the medication was initiated.

L. ATTENDANCE

Out of _____school days for year to date, the student has been:

Absent _____days
Tardy _____times
Checked out early _____times

Compared to the last school year, the student's attendance:

☐ is better
☐ is about the same
☐ is worse
☐ data not available

Compared to other students, the student's attendance:

☐ is better
☐ is about the same
☐ is worse
☐ data not available

PART ONE – SUMMARY OF EVALUATION/REEVALUATION DATA

A. SECTION 504 – ELIGIBILITY ANALYSIS

QUESTION ONE

☐ **YES** Does the student have a physical or mental impairment? If Yes, please identify the
☐ **NO** impairment(s) in the box below.

QUESTION TWO

☐ **YES** Does the physical or mental impairment affect one or more major life activities
☐ **NO** (including major bodily functions)? If Yes, identify the major life activity/activities or major bodily function in the box below.

QUESTION THREE

☐ **YES** Does the physical or mental impairment substantially limit a major life activity?
☐ **NO**

- Compare the Student to the average student in the general population in determining the presence of a substantial limitation.
- Make an educational determination without considering the 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 and other hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications medication.
- For an impairment that is episodic or in remission, the determination of a substantial limitation must be based upon whether the impairment would substantially limit a major life activity when active.

B. SECTION 504 – ELIGIBILITY DETERMINATION

Based upon the answers provided to the above questions and the team's determination as to the Student's need for a formal Section 504 Plan, please check one of the below options. If any of the answers to the first three above answers is "NO", the Student is not eligible for Section 504 nondiscrimination protection and is not eligible for a Section 504 Plan. If all three above questions are answered "Yes" and the team determines that the Student is not in need of a formal Section 504 Plan, the Student is eligible for the nondiscrimination protections of Section 504 Plan only. If all three above questions are answered "Yes" and the team determines that the Student needs a formal Section 504 Plan, the Student is eligible for both the nondiscrimination and FAPE protections of a Section 504 Plan

☐ ***The Student is not eligible under Section 504.***

☐ ***The Student is eligible under Section 504. But the team determined that the Student is not in need of a formal Section 504 Plan.*** Accordingly, the Student is eligible for the nondiscrimination protections of Section 504, together with manifestation determination, procedural safeguards, and periodic reevaluation or more often as needed. The Student will not be provided a formal Section 504 Plan.

☐ ***The Student has been deemed eligible under the IDEA and is receiving a free and appropriate public education through special education***. The Student will continue to receive the nondiscrimination protections of Section 504 in light of the Student's current eligibility status under the IDEA. However, the Student is no longer in need of a Section 504 Plan and is exited from the District's formal Section 504 program.

☐ ***The Student is eligible under Section 504 and requires a Section 504 Plan.***

I **AGREE** with the conclusion written in this report.

Position	Signature	Date
Parent		
Parent		
General Education Teacher		
General Education Teacher		
Section 504 Coordinator/Designee		
Local School Administrator		
Student		
Other		

I **DO NOT AGREE** with the conclusions written in this report. The attached statement represents my conclusions in this area.

Position	Signature	Date

You are fully protected under the rights addressed in your copy of the Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973. If you need an additional copy of your rights, have any questions, or wish to arrange a conference, please contact:

Name: _____ **Phone Number:** _____

_____ _____

Parent/Guardian Signature _____ **Date** _____

Tuscaloosa City Schools
FORM H

SECTION 504 TEAM DECISION REGARDING EVALUATION/REEVALUATION OR ELIGIBILITY

STUDENT:	
DATE:	
TO (Parent/Guardian):	

RE: Section 504 Meeting held on _____

☐ The Section 504 team met to determine whether the Section 504 referral for your child is appropriate.

☐ The Team determined ***not to proceed*** with a Section 504 evaluation.

☐ The Team determined ***to proceed*** with a Section 504 evaluation.

☐ The Section 504 team me to evaluate/reevaluate your child to determine if he/she has a mental/physical impairment that substantially limits a major life activity. The attached "Section 504 Evaluation/Eligibility Determination Documentation" summarizes the result of the evaluation and eligibility determination. The decision of the Section 504 team as it relates to your child is that he/she is:

☐ ***Eligible*** under Section 504 ☐ ***Not eligible*** under Section 504

You are fully protected under the rights addressed in your copy of the Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973. If you need an additional copy of your rights, have any questions, or wish to arrange a conference, please contact:

Name: _____ **Phone Number:** _____

_____ _____
504 Coordinator/Designee Signature **Date Provided/Sent**

Tuscaloosa City Schools
FORM I

SECTION 504 PLAN

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

SECTION 504 PLAN DURATION DATES: FROM _____ TO _____

DOCUMENTATION OF IMPAIRMENT AND RESULTING EDUCATIONAL LIMITATIONS

Indicate here the students (1) mental/physical impairment, (2) major life activity impaired, and (3) nature of the substantial limitation resulting from the impairment. (Refer to **Form G** if needed.)

SECTION 504 INSTRUCTIONAL SERVICES, ACCOMMODATIONS, AIDES, AND RELATED SERVICES TO BE PROVIDED

Describe the services, accommodations, and related services to be provided to the student based on the impairment and resulting substantiated limitations as described above: (Provide details and any additional information, as needed, on the attached "Additional Notes and Information Page".)

ADDITIONAL SECTION 504 TEAM CONSIDERATIONS

- Does the student currently have a Health Care Plan? ☐ Yes ☐ No
  If so, please attach the Health Care Plan to this Section 504 Plan.
- Does the student have behavior that interferes with his or her learning or the learning of others?
  ☐ Yes ☐ No
  If so, please complete **Form J** – **"Functional Behavioral Assessment and Behavioral Intervention Plan"**

STATEMENT REGARDING LEAST RESTRICTIVE ENVIRONMENT

☐ The 504 Committee has determined that the services and accommodations required by the student to receive a Free Appropriate Public Education (FAPE) can be provided in the general education environment.

☐ The 504 Committee has determined that the listed services are necessary for FAPE, cannot be provided in the regular classroom, and that the location where these services are provided offers the student maximum exposure to nondisabled peers while still meeting his/her educational needs.

THE FOLLOWING PEOPLE ATTENDED AND PARTICIPATED IN THE MEETING TO DEVELOP THE SECTION 504 PLAN FOR THIS STUDENT:

Position	Signature	Date
Parent		
Parent		
General Education Teacher		
LEA Representative		
Student		
Section 504 Coordinator or Designee		
Other		
Other		

INFORMATION FROM PEOPLE NOT IN ATTENDANCE

Position	Signature	Date

Was a copy of the Section 504 Plan provided to the Parent or Guardian at the Section 504 Team meeting?
☐ Yes ☐ No

If No, date sent to Parent or Guardian: _____

SECTION 504 PLAN

Additional Notes and Information Page

This page should be used to explain or provide detail for any item or issues where an entry on the Section 504 Plan needs further clarification or explanation. Also, this space should be used to document any provided accommodation or service not already designated in the plan. Add additional pages if needed.

Tuscaloosa City Schools
FORM J

FUNCTIONAL BEHAVIORAL ADDESSMENT AND BEHAVIORAL INTERVENTION PLAN

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

THE FOLLOWING DATA AND INFORMATION WERE REVIEWEED IN CONDUCTING AND PROVIDING THIS FUNCTIONALBEHAVIORAL ASSESSMENT AND BEHAVIORAL INTERVENTION PLAN:		
☐Observations	☐Parent Interview/Input	☐Behavior Rating Scales
☐Section 504 Records/File	☐Discipline Reports	☐Student Interview/Input
☐Cumulative Records	☐Information from outside sources	☐Other:

I. FUNCTIONAL ASSESSMENT OF BEHAVIOR

Describe the specific behavior(s) of the Student that impedes learning.

Describe the intensity, duration, and locations of the specific behavior(s) of the Student impeding learning. Include information as to impact of behavior(s) on other students, staff, and the instructional environment.

Describe the events that occur immediately before (antecedents) and following the behavior(s) (consequences).

Provide a summary of any previous or ongoing behavioral interventions utilized with the Student to include information as to the effectiveness of such interventions.

Summarize the function of the Student's behavior(s) such as for the Student to gain something (attention, a tangible item, sensory stimulation, etc.) or to avoid something (a task/activity, school, a specific classroom or individual, etc.).

II. BEHAVIORAL INTERVENTION PLAN

Behavioral Interventions – State the positive interventions, strategies, environmental changes, reinforcers, etc., to be utilized to address the targeted behavior(s) of the Student.

THE FOLLOWING PEOPLE ATTENDED AND PARTICIPATED IN THE MEETING TO PROVIDE AND DEVELOP THE FUNCTIONAL BEHAVIORAL ASSESSMENT AND BEHAVIORAL INTERVENTION PLAN:

Position	Signature	Date
Parent		
Parent		
General Education Teacher		
LEA Representative		
Student		
Section 504 Coordinator or Designee		
Other		
Other		

INFORMATION FROM PEOPLE NOT IN ATTENDANCE

Position	Signature	Date

Was a copy of the Section 504 FBA/BIP provided to the Parent or Guardian at the Section 504 Team meeting? ☐ Yes ☐ No

If No, date sent to Parent or Guardian: _____

Tuscaloosa City Schools
FORM K

ACKNOWLEDGEMENT OF RECEIPT OF SECTION 504 PLAN

DATE:	
TO:	
FROM:	

School Section 504 Coordinator or Designee

Attached is a copy of the Section 504 Plan (or relevant parts thereof) regarding the following student:

STUDENT:		**DOB:**	
SCHOOL			

It is imperative that the accommodations written in the Section 504 plan be fully implemented so that the District is in compliance with Section 504, a federal law that establishes protections for students with disabilities.

Failure to comply with Section 504 may result in an investigation and adverse ruling against the Board by the United States Department of Education, Office of Civil Rights (OCR). Such a ruling could result in the loss of all federal funds to the Board as well as personal civil rights suits against District employees who fail to comply with the law.

Your signature below documents that you have been provided a copy of the Section 504 plan (or relevant parts thereof) of the above Student and that you have been informed as to your responsibilities under the Section 504 Plan.

_____ _____

NAME (Please Print) **POSITION**

_____ _____

Signature **Date**

Tuscaloosa City Schools
FORM L

PARENTAL CONSENT, REFUSAL, OR REVOCATION OF SECTION 504 PLAN

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

PARENT OR GUARDIAN: _____

I have been provided a copy of the proposed Section 504 Plan for my child along with a copy of the "Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973". My signature below documents that I understand my Section 504 procedural safeguards and the provisions of the proposed Section 504 Plan.

☐ I **CONSENT** to my child's receipt of services offered in the attached Section 504 Plan.

☐ I **REFUSE CONSENT** to my child's receipt of services offered in the attached Section 504 Plan. I understand that because I have refused consent for the Section 504 Plan offered, the attached Section 504 will not be implemented for my child.

☐ I **REVOKE CONSENT** to my child's continued receipt of services offered in the attached Section 504 Plan. I understand that because I have revoked consent for the Section 504 Plan offered, the attached Section 504 will not be implemented for my child.

_____ _____

PARENT/GUARDIAN SIGNATURE **DATE**

If you have questions or need further assistance in understanding your child's Section 504 Plan or your procedural safeguards, please contact:

Name: _____

Address: _____

Phone: _____

Email: _____

Tuscaloosa City Schools
FORM M

SECTION 504 MANIFESTATION DETERMINATION REVEW/EVALUATION

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

THE FOLLOWING DATA AND INFORMATION WERE REVIEWEED IN CONDUCTING AND PROVIDING THIS FUNCTIONALBEHAVIORAL ASSESSMENT AND BEHAVIORAL INTERVENTION PLAN:		
☐Observations	☐Parent Interview/Input	☐Behavior Rating Scales
☐Section 504 Records/File	☐Discipline Reports	☐Student Interview/Input
☐Cumulative Records	☐Information from outside sources	☐Other:

Code of Conduct Violation(s): _____

Date(s) of Code of Conduct Violations (s): _____

Describe the specific actions of the Student which served as the basis for the Student's code of conduct violation(s).

Based upon a review of the above designated information and Section 504 Team input/discussion, the Section 504 Team makes the following determinations:

Question #1: Was the conduct in question caused by or does it have a direct and substantial relationship to the Student's disability?	☐ Yes ☐ No
Question #2: Was the conduct in question a direct result of the school's failure to implement the Student's Section 504 Plan?	☐ Yes ☐ No

(If the answer to either of the above two questions is "Yes", then the determination of the Section 504 Team must be that the conduct in question is a manifestation of the Student's disability. If the answers to both questions are "No", then the conduct in question is not to be considered as a manifestation of the Student's disability.)

☐ The Section 504 Team has determined that the conduct being considered for disciplinary action ***is not a manifestation of the Student's disability*** and the Student may be disciplined in the same manner as students who are non-disabled. The Section 504 team will determine the educational services to be provided to the Student during the disciplinary change of placement so that the Student continues to receive a free appropriate public education consistent with the requirements of Section 504. The Section 504 Team will also consider the appropriateness or need to conduct a functional behavioral assessment and develop a behavioral intervention plan designed to address the conduct in question.

☐ The Section 504 Team has determined that the conduct being considered for disciplinary action ***is a manifestation of the Student's disability***. The Student will return to the placement as specified in his or her current Section 504 Plan (unless the school and Parent agree to a change of placement through the Section 504 process). The Section 504 team will also review and revise the Student's current Section 504 Plan and behavioral intervention plan to provide revisions to address the conduct in question. If the Student is not currently provided with a behavioral intervention plan, the Section 504 team will conduct a functional behavioral assessment (through the reevaluation process) and a provide a behavioral intervention plan designed to address the conduct in question.

I **AGREE** with the conclusions written in this report.

Position	**Signature**	**Date**
Parent		
Parent		
General Education Teacher		
Section 504 Coordinator/Designee		
Local School Administrator		
Student		
Other		

I **DO NOT AGREE** with the conclusions written in this report. The attached statement represents my conclusions in this area.

Position	**Signature**	**Date**

You are fully protected under the rights addressed in your copy of the Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973. If you would like an additional copy of your rights, have any questions, or wish to arrange a conference, please contact:

Name: _____ **Phone Number:** _____

_____ _____

Parent/Guardian Signature **Date**

Tuscaloosa City Schools
FORM N

NOTICE OF PROPOSAL OR REFUSAL TO TAKE ACTION

The Section 504 Team has met to consider the following regarding the educational program for:

STUDENT: _____ **DATE OF BIRTH:** _____

SCHOOL: _____

☐Identification/Eligibility	☐Evaluation	☐Placement
☐Section 504 Plan	☐Other:	☐Other:

DECISION REGARDING SPECIFIC ACTION PROPOSED OR REFUSED
If action is required by the education agency regarding this decision, it will be implemented immediately or without unnecessary delay after the date of this form.
BASIS FOR DECISION
DESCRIPTION OF OTHER OPTIONS CONSIDERED AND WHY THE OPTIONS WERE REJECTED

THE FOLLOWING EVALUATION PROCEDURES, ASSESSMENTS, RECORDS, AND OR REPORTS WERE USED IN MAKING THE DECISION			
☐Grades	☐Behavior	☐Academic Testing	☐Medical Records
☐Discipline	☐Other:	☐Other:	☐Other:

You are fully protected under the rights addressed in your copy of the *Parent/Guardian Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973*. If you would like an additional copy of your rights, have any questions, or wish to arrange a conference, please contact:

Name: _____ **Phone Number:** _____

_____ _____

Section 504 Coordinator/Designee Signature **Date Provided/Sent**

Tuscaloosa City Schools
FORM O

SECTION 504 COMPLAINT FORM

STUDENT: _____

SCHOOL: _____

COMPLAINTANT NAME: _____

ADDRESS: _____

HOME PHONE NUMBER: _____ **WORK PHONE NUMBER:** _____

EMAIL: _____

Please check below – This complaint concerns allegations of:

☐ A violation of Section 504 policy/procedure.

☐ A disagreement with the Section 504 Team's decision to identify, evaluate, and/or to make accommodations for a student. (*This form must be completed and returned within 30 days of receiving the decision notice.)*

☐ Disability-based discrimination/harassment.

1. **Please provide facts about the complaint. Provide details such as names of those involved, dates, whether witnesses were present, etc., that might be helpful to the complaint investigator.**

2. **Please attach copies of any written documents that may be relevant to or supportive of your complaint. I have attached such documents: ☐ Yes ☐ No**

3. **Please explain or summarize the resolution you are seeking.**

4. **Have you discussed with or brought your complaint to any District personnel? If so, to whom and what was the result?**

I certify to that to the best of my knowledge; the above statements and information are true and correct.

Signature **Date**

If you have any questions or need further assistance in completing Form O, please contact:

Mrs. Charmelia Craig, Section 504 Coordinator
Tuscaloosa City Schools
Address: 1210 Almon Avenue, Tuscaloosa, Al 35401
Phone: 205-759-3503
Email: ccraig@tusc.k12.al.us

TUSCALOOSA CITY SCHOOLS

Receipt of Section 504 Plan

Acknowledgement Form

Date: _____

Student: _____ Date of Birth:_____ Grade:_____

Current School: _____

Previous School: _____

This form acknowledges the receipt of the Section 504 Plan for the above-mentioned student.

Based on the information received from the previous school, the team's determination as to the student's Section 504 Plan is:

☐ The current Section 504 Plan is appropriate and will be implemented as written.

☐ The current Section 504 Plan will be revised.

☐ The Team will request further evaluation and/or information. The student will be provided an interim Section 504 plan until additional information is received.

Position	**Signature**	**Date**
Parent		
Parent		
General Education Teacher		
LEA Representative		
Student		
Section 504 Coordinator or Designee		
Other		
Other		

Tuscaloosa City Schools
SECTION 504

PLAN TERMINATION REPORT

Date: _____ **School:** _____

Student's Complete Legal Name: _____ **Student's Date of Birth:** ____/_____/____

Parent or Legal Guardian: _____

Address: _____ **Phone:** _____

_____ **Email:** _____

_____ The Section 504 tag has been removed in PowerSchool.

(Do not send this report until the tag has been removed.

This step does not apply to students transferring to other schools in or out of district.

Reason for Termination:

_____ Student was determined eligible for special education services.

_____ Student graduated.

_____ Student dropped out of school.

_____ Student is no longer eligible under Section 504

Must be accompanied by FORM G

_____ Other: _____

Must be accompanied by FORM G

Person Sending Report: _____ Title:_____ Date_____

Send to: Charmelia Craig
District 504 Coordinator
Office of Student Services
1201 Almon Avenue
Tuscaloosa, Al 35401

Tuscaloosa City Schools
SECTION 504

ANNUAL REVIEW MEETING AGENDA

Date: _____ **School:** _____

Student's Complete Legal Name: _____

School Coordinator: _____

Although an annual review is not required by federal law, Tuscaloosa City Schools believes conducting annual reviews is a best practice to ensure that student needs are met on a continuous basis and that changes to either the student's condition or need for services are recognized and addressed in a timely manner. This form may be appropriate for other reviews as warranted by changes in the student's condition or need for services. This form may also be used for periodic re-evaluations, as long as each of the screening questions below are answered in the affirmative.

Section 504 Team

By regulation, the Section 504 team is a group of knowledgeable individuals responsible for determining the services and supports the school must provide to the student. Within the group, each required type of knowledge should be present. List each member attending and check the area of knowledge each provides (attach an additional sheet if necessary).

Name	Position/Title	This member has knowledge of…	
			The child.
			The meaning of the evaluation data.
			The placement options.
			The child.
			The meaning of the evaluation data.
			The placement options.
			The child.
			The meaning of the evaluation data.
			The placement options.
			The child.
			The meaning of the evaluation data.
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			The placement options.
			The child.
			The meaning of the evaluation data.
			The placement options.
			The child.
			The meaning of the evaluation data.
			The placement options.

Procedural Checklist

Please verify by checkmark that each requirement is completed before proceeding.

Verify that the Section 504 Team is present, including a person knowledgeable in each of the required areas.								
Verify that the parent received *Notice of Procedural Safeguards Under Section 504* (Form C).								
Verify how the parent was informed of the date, time, and place for this review. (check one)								
In Writing (Form B) ***required**		By Phone		In-Person		By E-Mail		

Annual Review Agenda

_____ Meeting Invitation (From B) – *Date Received from Parent*_____

_____ State the Purpose of the Meeting

_____ Introduce All Parties Present

_____ Designate a member of the team to complete the ***Section 504 Memorandum of Conference Form***

If continuing 504 Plan,

_____ Review/Edit Current 504 PLAN

_____ Complete **ALL** sections of the ***Section 504 Plan*** **(FORM I)**

- Describe the disability and how it impacts the student's education.
- Identify accommodations needed to "level the playing field" and prevent discrimination.
- Indicate specific person(s) responsible for each accommodation.
- Indicate whether or not a health care plan is needed.
    - ***If a health care plan is needed*** – Ensure the school nurse is present.
    - ***If meal plan substitutions are needed*** – ensure knowledgeable staff member (CNP) is preset to assist in meal plan development.
    - ***If specialized transportation accommodations are needed*** – ensure transportation staff member is present to assist in bus accommodations
- Document updated parent/guardian contact information.
- Identify any training needs, if applicable.
- Identify specialized materials/equipment, if needed.

_____ Complete Testing Accommodations page(s), if applicable.

_____ Complete ***Notice of Proposal or Refusal to Take Action*** **(FORM N)**

_____ Provide ***Notice of Procedural Safeguards Under Section 504*** **(FORM C).** ****obtain signature***

_____ Disseminate 504 Plan to all appropriate staff and obtain signature of receipt (**FORM K**)

If dismissing 504 Plan,

_____ Complete Section 504 Plan Termination Report

_____ Complete the ***Section 504 Memorandum of Conference Form***

If referring for Special Education,

_____ Continue Section 504 Plan

_____ Compile and forward documentation to the Special Education department for consideration.

Tuscaloosa City Schools
SECTION 504

MEMORANDUM OF CONFERENCE

Date: _____ **School:** _____

Student's Complete Legal Name: _____ **Student's Date of Birth:** ____/_____/____

Parent or Legal Guardian: _____

Address: _____ **Phone:** _____

_____ **Email:** _____

Student has a Section 504 Plan due to: _____

Purpose of Conference:
Explain action(s) taken. If student's plan is edited in any way, dissemination and verification procedures apply. Parent notification and/or input are required. ***Attach additional sheets if necessary.***

List Attendees:

Name	Position/Title	This member has knowledge of…	
			The child.
			The meaning of the evaluation data.
			The placement options.
			The child.
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