

WEYMOUTH PUBLIC SCHOOLS

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WEYMOUTH PUBLIC SCHOOLS

SECTION 504

PROCEDURE MANUAL



Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which prohibits discrimination based upon a disability. Obligations for school districts start when federal funds are received.

Section 504 covers eligible students, employees and other individuals with disabilities for reasonable accommodations that enable them to work or learn. A person may be considered disabled under the definition of section 504 if the individual has *a mental or physical impairment which substantially limits one or more major life activities*.

The following procedures are to be used by staff members of the Weymouth Public Schools to determine student eligibility and, if needed, to create and implement an appropriate accommodation plan. If a student is found eligible, all plans must be created using the Aspen X2 Student Information System.

Procedures: *

1. A student is identified who is to be considered for section 504 eligibility.
2. A referral form is completed and submitted to the building principal or designated building-level 504 coordinator.
3. The principal/coordinator sends a notification/consent form and a notice of parent rights to the parent or guardian of the child.
4. The principal/coordinator determines which staff members, who are knowledgeable about the child, are to be included on the 504 evaluation team.
5. The team members review available student data including the cumulative record and current standardized test results.
6. After securing parental consent, an evaluation meeting is convened.
7. An eligibility form is completed at the meeting. If the child is found to be eligible, an accommodation plan is completed.
8. Copies of the plan are disseminated as follows:
 - To the parent
 - To each teacher of the student
 - To the District 504 Coordinator via the Aspen X2 Student Information System
 - To the Student Cumulative folder
9. If the child is found to be ineligible, notice is sent to the parent of the findings along with a copy of the notice of parent rights.
10. The 504 Accommodation Plan is reviewed annually and, if changes are needed, a new plan is developed. Parents must be informed of the review and receive a copy of the parent rights notice.

*Procedural steps listed above are coded with the appropriate, corresponding, procedural# in the pages that follow.

Procedure #1

The following are possible indicators of a need for section 504 accommodations:

- When a long-term suspension or expulsion is being considered for a student
- When retention is being considered for a student
- When a student shows a pattern of not benefiting from provided instruction
- When a student returns to school after a serious illness or injury
- When a student is evaluated and is found not to qualify for Special Education services
- When a student exhibits a chronic health condition
- When a student is identified as “at risk” or exhibits potential for dropping out of school
- When substance abuse is an issue
- When a handicap of any kind is suspected

Procedure #2

A student may be referred for a section 504 evaluation by:

- A classroom teacher
- A counselor or related services provider
- The Teacher Assistance Team
- The SPED Evaluation Team (if the team has found that the student does not qualify for special education services)

Note: Although schools are not necessarily required to evaluate children based only on a parental request, the Office of Civil Rights has made the following statement:

“When parents inform the school that they believe their child is handicapped and implementation of intervention strategies fails, it is reasonable to conclude that there exists a basis to believe that the student is in need of accommodations. When this decision is reached, a full evaluation is required and procedural safeguard rights attach in full under section 504.”

Weymouth Public Schools
Section 504 Referral Form

Procedure #2

Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Students eligible for 504 assistance are those who 1) have a physical or mental impairment which substantially limits one or more major life activities, 2) have a record of such impairment or 3) are regarded as having such an impairment. If you feel the student identified may qualify for civil rights protection under Section 504, please complete the following information.

Student's Name _____ Grade _____ Date _____
School _____ Birthdate _____ Gender _____
Parent/Guardian _____
Home Phone _____ Work Phone _____
Mailing Address _____
Person Submitting Referral _____ Position _____
Describe the student's need or area of concern: _____

Describe suspected (or known/documented) disability: _____

Which of the following major life activities may be substantially limited by the suspected disability?:

- | | | | |
|--|-----------------------------------|------------------------------------|--------------------------------------|
| ☐ caring for one's self | ☐ speaking | ☐ breathing | ☐ other _____ |
| ☐ performing manual tasks | ☐ seeing | ☐ learning | |
| ☐ walking | ☐ hearing | ☐ working | |

Special Education Status: (check one box only)

- ☐ The student will not be referred to special education. No evidence exists to indicate the presence of a disability as defined by IDEA.
- ☐ The student has been evaluated by the special education team and does not qualify for special education services.
- ☐ The student has received special education services in the past, but no longer requires special education. Prior services provided: _____

Submit form to: Building Principal or Building-level 504 Coordinator

Action Taken:

- ☐ Student will be evaluated for possible 504 accommodations.
- ☐ Student will not be evaluated at this time. Explain. _____

Principal/Coordinator _____ Date _____

Procedure #3

**Weymouth Public Schools
Section 504 Notice of Evaluation/Consent Form**

To the parent/guardian of _____ :

Your child has been referred for evaluation under Section 504 of the Rehabilitation Act of 1973. If eligible, your child may be entitled to accommodations to allow an equal opportunity to participate in school and school-related activities.

A meeting will be held on _____ at _____ a.m./p.m.
to determine eligibility and, if found eligible, to determine what accommodations will best serve his/her educational needs.

The following people will be included in the meeting:

_____	_____
_____	_____
_____	_____
_____	_____

Please complete this section and return to your child's school as soon as possible to let us know about your attendance at the meeting.

_____ I will attend the scheduled Section 504 meeting.

_____ I will not attend the Section 504 meeting, but I would like you to continue the process and send the paperwork to my home address.

You may also bring any additional persons to the meeting:

_____ I plan to have the following person attend with me: _____

Parent/Guardian Signature

Date

Cc: Cumulative Folder

Section 504 of the Rehabilitation Act of 1973: Notice of Parents Rights

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

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
2. Have the school district advise you of your rights under this federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child receive services comparable to those provided non-disabled students.
6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Act or Section 504 of the Rehabilitation Act.
7. Have evaluation, educational, and placement decisions made based on a variety of information sources, and by a group of persons who know the student, the evaluation data, and the placement options.
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
9. Have your child be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the district.
10. Examine all relevant records relating to decisions regarding our child's identification, evaluation, educational program, and placement.
11. Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you.
15. File a local grievance. See page 7 of Weymouth Public Schools Section 504 Procedure Manual

The person in the district who is responsible for assuring that the district complies with Section 504 is Assistant Superintendent Instructional Services and Supports for Weymouth Public Schools (781-335-1460 x20318).

Weymouth Public Schools SECTION 504 GRIEVANCE PROCEDURES

It is the policy of **Weymouth Public Schools** not to discriminate on the basis of disability. **Weymouth Public Schools** has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of **The Assistant Superintendent of Instructional Services and Support, Section 504 Coordinator, (781) 335-1460, ext. 20318**, who has been designated to coordinate the efforts of **Weymouth Public Schools** to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for **Weymouth Public Schools** to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504 Coordinator within **15 business days** of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of **Weymouth Public Schools** relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the **Superintendent of Weymouth Public Schools** within 15 days of receiving the Section 504 Coordinator's decision. The **Superintendent** shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

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

As a result of the evaluation, it must be determined that the student has a “physical or mental impairment” that “substantially limits one or more major life activities.” In addition, a student is protected if the student is treated as if an impairment exists.

Examples of Physical Impairment:

- Physiological disorder or condition
- Cosmetic disfigurement
- Anatomical loss affecting one or more of the following body systems –
 - ~ Musculo-skeletal
 - ~ Special sense organs
 - ~ Cardiovascular
 - ~ Reproductive
 - ~ Digestive
 - ~ Genitourinary
 - ~ Hemic/Lymphatic
 - ~ Skin/Endocrine

Examples of Mental Impairment:

- Mental or Psychological Disorder
- Mental Retardation
- Organic Brain Syndrome
- Emotional or Mental Illness
- Specific Learning Disabilities

Examples of Major Life Activities:

- Caring for one’s self
- Hearing
- Learning
- Walking
- Breathing
- Seeing
- Performing manual tasks
- Working
- Standing
- Eating
- Sleeping
- Lifting
- Communicating
- Bending
- Thinking
- Concentrating
- Speaking
- Reading
- The operation of a major bodily function

Weymouth Public Schools
Section 504 Eligibility Determination Form

Procedure #7

Student's Name _____ Grade _____ Date _____

School _____ Birthdate _____ Parent/Guardian _____

School Contact Person _____ Position _____

504 Team Members: (name and position)

Sources of evaluation information: (check each one used)

___ standardized tests ___ teacher observations
___ medical report(s) ___ student work samples
___ cognitive assessments ___ records of student progress (report cards, etc.)
___ other (specify) _____

1. Specify the mental or physical impairment: _____

2. Check the major life activity that is affected by the impairment:

☐ caring for one's self ☐ speaking ☐ breathing ☐ other _____
☐ performing manual tasks ☐ seeing ☐ learning
☐ walking ☐ hearing ☐ working

3. The term "substantially limits" means that the student is:

- a) unable to perform a major life activity that the average student of approximately the same age can perform
OR
b) significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age.

Circle the number that indicates the specific degree that the impairment (in #1) limits the major life activity (in #2): For any value of 4 or above, state specific information evaluated by the team that justifies the rating.

1	2	3	4	5
Negligibly	Mildly	Moderately	Substantially	Extremely

- ☐ The team's determination was less than 4; the student is not eligible for Section 504 protection. Provide notice to the parents of their procedural rights, including an impartial hearing.
- ☐ The team's determination was 4 or above. The team should complete a 504 Accommodation Plan with specific accommodations that are necessary for the student to have an opportunity commensurate with non-disabled students of approximately the same age in this district.

Sample Classroom Accommodations

Procedure #7

Communication

- Develop a daily/weekly journal
- Develop parent/student/school contacts
- Schedule periodic parent/teacher meetings
- Provide duplicate sets of textbooks for home
- Utilize a modified grading system
- Identify/schedule visits with resource staff
- Network with other staff
- Schedule building team meetings
- Identify and communicate with appropriate agency personnel working with the student
- Assist in agency referrals
- Provide appropriate carryover in the school environment

Organizational and Environmental Management

- Allow student more time to pass in hallways
- Modify class schedule
- Modify length of the instructional day
- Adjust placement of student within classroom (study carrel, proximity to teacher, etc)
- Increase/decrease opportunity for movement
- Determine appropriate classroom assignment (open vs. structured)
- Reduce external stimuli
- Allow for increased number of absences for health reasons
- Adjust transportation/parking arrangements
- Approve early dismissal for service agency appointments

Teaching Strategies

- Utilize legible materials
- Utilize materials to address student's learning style (visual, tactile, auditory, etc)
- Adjust reading level of materials

Student Precautions

- Control temperature
- Accommodate specific allergic reactions
- Plan for evacuation for wheelchair
- Schedule classes in accessible areas
- Administer medication
- Apply universal precautions
- Accommodate special diet

Weymouth Public Schools
Section 504 Student Accommodation Plan

Procedure #7

***This is a sample of the document that is created using the Aspen X2 Student Data System**

Effective Date: _____ Review/Reassessment Date: _____

Student's Name _____ DOB _____

Grade _____ School _____ Address _____

Phone _____ Parent/Guardian _____

1. Describe the nature of the disability:

2. Describe how the disability substantially limits a major life activity:

3. List of evaluations used for determination:

4. Student history and any evaluative data considered at meeting:

5. Describe the specific accommodations to be made in the student's program:

Team Members: (Name and Position)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Cc: Student's Cumulative Folder

District 504 Coordinator via Aspen X2 Student Information System

Parent

Student's Teachers

Weymouth Public Schools
MANIFESTATION DETERMINATION FOR SECTION 504 STUDENTS

A. Identifying information:

Student's Name: _____

Date of Meeting: _____ Date of Birth _____

B. Manifestation Meeting Participants:

_____	_____
_____	_____
_____	_____
_____	_____

C. Team review and determination:

1. What is the misconduct for which disciplinary action has been taken or is being considered?

2. The team has considered and reviewed the following relevant student information in terms of the misconduct subject to disciplinary action:

Evaluation, diagnostic results or other relevant information, including
the students most recent Section 504 evaluation and plan:

YES NO

Is there a behavior intervention plan as part of the student's 504 plan?

YES NO

3. In determining if the misconduct was a manifestation of his/her disability, the Section 504 team must determine the following:

(a) If the misconduct in question was caused by, or had a direct and substantial relationship to, the child's disability;

YES NO

OR

(b) If the misconduct in question was the direct result of the District's failure to implement the Section 504 Plan

YES NO

4. If the team determines the misconduct was not a manifestation of the child's disability, then the District's regular disciplinary procedures will apply.

5. If the team determines that the misconduct was a manifestation of the child's disability:

(a) The team may conduct a Functional Behavioral Assessment and implement a behavior intervention plan (BIP) if this has not already been done prior to the current misconduct;

(b) If a BIP has already been developed, review and modify it, as necessary, to address the misconduct in question;

AND

(c) The team must review the student's current 504 plan and educational placement to determine if it remains appropriate. If the team believes that a significant change in placement may be necessary, the team must initiate a reevaluation of the student.

MEETING NOTES:

Weymouth Public Schools
Section 504 of the Rehabilitation Act of 1973

Section 504 is an Act which prohibits discrimination against individuals with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

1. has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Weymouth Public Schools recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person solely due to his/her disability will knowingly be permitted in any of the programs and practices in the school system.

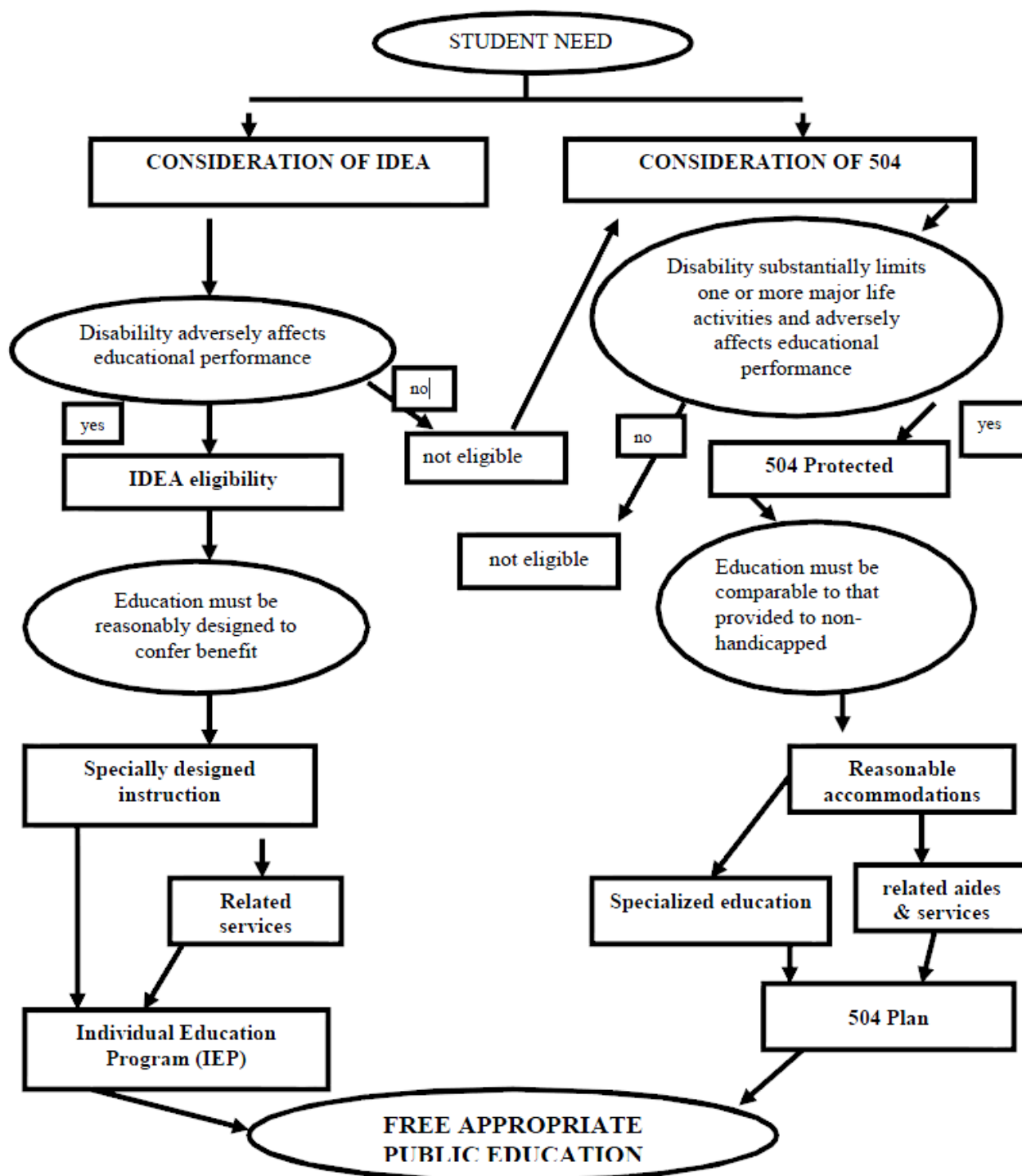
The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to: 1) Inspect and review his/her child's educational records; 2) Make copies of these records; 3) Receive a list of all individuals having access to those records; 4) Ask for an explanation of any item in the records; 5) Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights; and 6) A hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to write, Section 504 Coordinator for the Weymouth Public Schools at 111 Middle Street, Weymouth, MA 02189 or call 781-335-1460 x20318.

IDEA/504 FLOW CHART



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