



Section 504 Procedures Manual

May 5, 2026

504 Overview

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on a disability. The intent of Section 504 is to "accommodate" for differences within the general educational environment. A qualified handicapped individual is a person who has a physical or mental impairment which substantially limits one or more major life activities or has a record or is regarded as having such an impairment in the school context. Minor and transitory (6 months or less) impairments are not protected disabilities such as a broken arm. Recent changes in the law have expanded what impairment qualifies for 504. The major changes are:

- The question of whether an individual's impairment qualifies as a disability should not demand extensive analysis.
- An impairment can be a disability even if episodic or in remission.
- New Major Life Activities were added: bending, reading, and communicating as well as a revised list of major bodily functions (functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.)
- An impairment does not have to limit or be perceived to limit major life activity in order for the child to be regarded as having an impairment.
- Disability determinations must be made without considering mitigating measures (e.g. hearing devices, medication, use of assistive technology.)

When to Consider 504

When the limitations of a major life activity cannot be accommodated by standard accommodations, a 504 Plan can be considered. It is possible for someone to struggle with a major life activity, but not require Section 504 accommodations. Section 504 plans are for those students who require accommodations that are not available in the general education environment. Assessment for a Section 504 plan is to verify that the limitation cannot be accommodated without going beyond what is allowable for all students. It is also possible that the limitations of a major life activity are so pronounced that a referral for Special Education Evaluation should be made instead of a 504 referral. If a disability is suspected, a referral for a Special Education evaluation must occur first. If the student does not meet criteria, then

Section 504 Eligibility can be considered. Assessing the need for 504 accommodations is critical for developing an appropriate 504 Plan.

504 eligibility is not automatic, but may be considered if:

- Suspension or expulsion is being considered and you don't have a basis to consider eligibility under IDEA
- Retention is being considered
- A student shows a pattern of not benefiting from the instruction being provided;
- A student is referred for evaluation but it is determined not to do an evaluation under IDEA; or when a student is evaluated and is found ineligible under IDEA;
- A parent requests evaluation for a Section 504 plan
- A student is chronically absent due to medical/ health issues;
- A student develops a medical condition that may need help, especially a chronic health condition;
- A student requires more time for homework and in-school assignments;
- The student has substantial difficulty organizing, planning, and completing assignments;

504 Referral Process

- The referral may be made in writing, electronically, or orally. Upon receiving a 504 referral, it must be forwarded to the 504 designee immediately.
- The 504 Committee must convene within ten (10) business days following the receipt of the referral and the parents must be provided notice (invitation) of the meeting.
- The 504 Committee will review information pertaining to the student's functioning in the school environment, and should include as available: the referral; educational records (aptitude and achievement tests, reports cards); oral or written observations; evaluations of adaptive behavior; social and cultural backgrounds; medical, psychological, and or other specialty reports; and parent information.
- The 504 Committee must determine if further assessments are needed. If no further assessments are needed to determine eligibility; the committee will proceed to the eligibility process/meeting. If further assessments are needed, the 504 screening committee will determine components and will reconvene at the completion of assessments. These documents must be shared with the parent 2 days prior to the meeting

- Provide parents with 504 procedural safeguards.

504 Notice and Consent

- Parental consent is required prior to an initial evaluation for Section 504
- Prior Written Notice must be completed prior to initiating a change in the identification, evaluation, or educational placement of a student, or the provision of Section 504.
- If the parent refuses the evaluation, provide the date of the next RtI meeting where the student's needs will be discussed.

Student, Parent, 504 Committee Information

- 504 Committee members:
 - building administrator,
 - general education teacher,
 - parent,
 - student,
 - relevant specialist (such as: school counselor, reading specialist) as appropriate for the nature of the referral
 - nurse (if medical condition requires)
- Team member of the committee should be knowledgeable about the student, meaning of evaluation data and the placement option.

504 Eligibility Process

After review of existing data, the team must select one of the three options:

1. Determine that an evaluation for Section 504 accommodations is not needed (may refer to or back to RtI team)
2. Determine that student has or is perceived to have a physical or mental disability which **does not** substantially limit one or more life activities (may refer to or back to RtI team).

3. Determine the student has a physical or mental disability that **does** substantially limit one or more life activities. The committee will proceed with the 504 process.

If #3 is determined, the team must name the disability and indicate the disability limits (Bending, thinking....).

If #3 is determined, the team must determine program adjustments needed based on disability for implementation of plan.

4. The eligibility process must be reviewed every three years. At that time, all paperwork must be completed including a PWN and provide parents with 504 procedural safeguards

504 Plan

- The 504 Committee will review information pertaining to the student's functioning in the school environment, and should include as available: the referral; educational records (aptitude and achievement tests, reports cards); oral or written observations; evaluations of adaptive behavior; social and cultural backgrounds; medical, psychological, and or other specialty reports; and any information or reports provided by parents to make recommendations for educational, medical and/or behavioral needs.
- Major life activities impacted must be linked directly to the identified disability; more than one life activity may be impacted.
- A student may have a 504 plan in addition to a Health Care Plan.
- The committee must propose only accommodations required for the student to access the educational setting. Please refer to the examples in the appendices.
- Prior Written Notice must be completed prior to initiating a change in the identification, evaluation, or educational placement of a student, or the provision Section 504.
- A 504 plan can include accommodations, possibly modifications or services. The last two needs to include a conversation with the 504 compliance coordinator in the school division to allow for this person to attend the meeting when the 504 plan will be completed. A PWN must also be completed at this time and provided to the parent.
- A parent DOES NOT have to give consent in order for a school division to implement a 504 plan since the eligibility consent was given. However, the parent MUST have a copy of the plan prior to implementation.
- If a student transfers to FCPS with a 504 plan, the school 504 liaison is to review the plan and determine the appropriateness of the plan. The 504 process in VAIEP then needs to be created and if eligible then a 504 plan will be created. This process must include the 504 committee, not just the liaison.

Examples of 504 Accommodations

- The purpose of an accommodations is to provide equal access
- Accommodations must be specific such as; when, where, for how long, specify

Instructional

- Extended time, chunking of materials, copy of teacher notes, provide vocabulary for unit prior to instruction

Environmental/Accessibility

- Instructional day (allow more time to pass in the hall; modify class schedule)
- Classroom organization/structure (adjust student's placement in classroom; reduce external stimuli; change classroom management style)

Behavioral/Social

- Address how to access assignment when absent due to documented health reason.
- Adjust transportation, parking arrangements.
- Approve early dismissal for service agency appointments.

Assessment/Testing

- Teaching methods (adjust testing procedures; individualize assignments; use technology)
- Teaching materials (use materials that address student's learning style; adjust reading level of assignments)

FCPS Operating Procedures for Section 504 Impartial Hearings

FCPS or the parent or guardian of a student (or an adult student) with a disability as defined by Section 504 may request an impartial hearing to resolve any disagreement regarding the identification; evaluation, accommodations, modifications, and/or services; provision of FAPE; or causality determination of the student with a disability. Request for a hearing that raise issues pursuant to both Section 504 and IDEA may, at the discretion of the hearing officer, be heard together through the IDEA hearing procedures provided by federal and state law, regulations, and FCPS policies. Assistance will be provided to persons who may need it in order to comply with the requirements to file a written request for an impartial hearing.

Request for an impartial hearing shall;

Be made in writing and sent to the Director of Special Education

Shall include; name of student, address of the student, name of school, a description of the nature of the problem with supporting facts, and a proposed resolution of the problem.

If the request does not include all of the required information, it may be returned to the parents within ten school days of receipt by the director with a request to provide the missing information within five additional school days. The remaining procedures will not proceed until the additional information is received from the parents.

A hearing must be requested within 90 days of the dispute giving rise to the hearing.

FCPS will provide a written response to the request for hearing. The response will be delivered to both the parents and the hearing officer within 15 school days of receipt of a request for a hearing. If FCPS requests an impartial hearing, parents will have the same option to respond.

APPOINTMENT OF A HEARING OFFICER

An impartial hearing officer will be appointed by the Special Education Director from the list of special education due process hearing officers maintained by the Office of Executive Secretary of the Supreme Court of Virginia. The director will contact the Office of Executive Secretary to request the name of a hearing officer within five school days of receipt of a request for a hearing that includes all of the required information for filing a request for a hearing and will follow up as necessary until a hearing office is appointed.

PRE-HEARING PROCEDURES

Prior to the hearing, the hearing officer shall;

- Convene a prehearing conference with the parties, unless the hearing office determine such a conference is unnecessary

- Identify the specific issues to be addressed during the hearing based on the request for hearing and any response provided by the other party
- Schedule a hearing date and location with input from the parties, and notify the parties in writing of such information
- Ascertain whether the parties will be represented by counsel
- Ascertain from the parents whether the hearing will be open or closed
- Ensure that the hearing will be accurately recorded by a court reporter, which is paid for his/her attendance by the school division
- Have the authority to require the student be evaluated
- Require the parties to exchange a list of witnesses and any documents to be presented during the hearing at least five business days in advance of the hearing unless otherwise permitted by the hearing officer for good cause shown, with a copy provided to the hearing officer as well

HEARING PROCEDURES

The parties have the following rights in the hearing;

- To be represented by counsel with each party being responsible for their own attorney's fees
- To present evidence and cross-examination witnesses
- To request the hearing officer prohibit the introduction of evidence or the testimony of a witness that had not been disclosed five business days in advance of the hearing
- To obtain, at this own expense, a copy of the transcript of the hearing

The hearing officer shall ensure the following in connection with the hearing:

- An atmosphere conducive to impartiality and that fairness exists
- The issues raised in the hearing are limited to those identified in the request for a hearing and any response filed, or to any subsequent amendment to the request or the response when allowing such amendment is mutually agreed to by the parties or as otherwise permitted by the hearing officer for good cause shown.
- The parties and their attorneys, advocates, or advisors comply with the special education hearing officer's rules, and with relevant laws and regulations
- Actions are taken to move the case to conclusion, including dismissing the pending proceeding if either party refuses to comply in good faith or with the special education hearing officer's orders/directives
- An accurate record of the proceedings is maintained
- The party requesting the hearing has the burden of proof
- The hearing is completed within 45 calendar days of receipt of the request for a hearing, unless an extension is granted at the request of either party for good cause or by mutual agreement of the parties

The hearing officer shall issue a decision:

A written decision shall be issued to all parties setting forth findings of fact and conclusion of law based on evidence presented in the hearing. The decision shall be issued within 15 business days of the conclusion of the hearing. The decision is final and binding unless either party files a timely appeal in an appropriate court.

Any questions regarding these procedures should be directed to the Director of Special Education.

Fauquier County Public Schools Procedural Safeguards for Section 504

In accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and the American with Disabilities Act of 1990 (ADA), Fauquier County Public Schools (FCPS) provides the parent with the following procedural safeguards in relation to the student;

1. The parent has the right receive notice of any proposed actions related to the identification, evaluation, or education placement of the student as well as a Prior Written Notice documenting such actions.
2. The parent has the right to consent to the administration of any individually administered assessments.
3. The parent has the right to inspect and review all relevant educational records of the student.
4. For act of misconduct, when a decision is made to remove a Section 504 qualified student from school for more than ten consecutive days or when the Section 504 qualified student is subjected to a series of removals during a year that constitute a pattern and accumulates more than ten days, a knowledgeable committee shall convene to determine whether the student's conduct was caused by the student's disability. Such process is called Manifestation Determination Review.
5. If parent disagrees with the identification, evaluation, or placement, the parent has the right to an impartial hearing, which includes participation by parents and representation by counsel.
6. The parent may file a grievance with the school division over the alleged violations of Section 504.
7. The parent has the right to appeal an impartial hearing officer's final decision in court if the parent disagrees with that decision.
8. The parent may file a complaint with the Office of Civil Rights at the United States Department of Education with the regional office, typically within 180 days of the alleged discriminatory act.

9. The parent may request an Independent Educational Evaluation if they disagree with the schools' testing, if testing occurred during the Section 504 eligibility process.
10. For further assistance, the Parental Education Advocacy Training Center (PEATC) provides resources and the Virginia Department of Education Office of Dispute Resolution and Administrative Services can be reached at (800)292-3820.

The Section 504/ADA Coordinator for FCPS is the Director of Special Education and may be contacted at the following telephone number; (540)422.7140. Please contact the Section 504 /ADA Coordinator regarding any questions related to Section 504 of the ADA. You may obtain a copy of the FCPS's Section 504 Policies and Procedures by visiting the division website or by contacting the Section 504/ADA Coordinator at the above number. Please note that all complaints and requests for impartial hearing and reviews must be in writing and submitted to the Section 504/ADA Coordinator at the following address; 430 East Shirley Avenue Warrenton, VA 20186. The request for hearing must include; name of student, address of the student, name of the school the student is attending, a description of the nature of the problem with supporting facts, and a proposed resolution of the problem.