

Prevail Charter Academy

SECTION 504 Procedures

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1. Section 504 Frequently Asked Questions

Introduction

Section 504 of the Rehabilitation Act of 1973, 29 USC 794, (sometimes referred to as “504”) prohibits discrimination against individuals with disabilities solely on the basis of their disability. The purpose of this manual is to inform School employees and parents about Section 504 and the School’s procedures to comply with the requirements for Section 504 as it relates to providing services to students. This manual reflects the School’s commitment to serve ALL children. The School expects employees to be knowledgeable about School procedures governing Section 504 activities, grievance procedures for resolving Section 504 complaints, and parent and student rights. If you have Section 504 questions, please contact the School 504 Coordinator or School 504 Specialist.

The 504 Coordinator is:

Allison Vandersteen
School Social Worker
Prevail Charter Academy
586-783-0173

Section 504 Background Information

What is Section 504?

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as “Section 504,” is a federal statute that prohibits discrimination against persons on the basis of their disability by institutions, such as Prevail Academy, that receive financial federal assistance. It states:

No otherwise qualified individual with a disability 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.

Section 504’s purpose is, among other things, to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity. If a student is qualified under Section 504, Prevail Academy must provide such accommodations, services and supports as are necessary to ensure that the student has equal access to services, programs, and activities offered by our schools.

Does Section 504 differ from the ADA?

Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This manual uses only the term “Section 504,” but the School acknowledges that qualified students with disabilities have the same rights under the ADA as under Section 504.

How does Section 504 differ from IDEA?

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA), 20 USC 1400, is a qualified disabled student under Section 504. The converse, however, is not true: a qualified disabled student under Section 504 might not qualify for receive special education services and the protections of IDEA. In other words, some disabled students may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA.

If a disabled student is receiving special education services in accordance with IDEA, then the student is adequately accommodated for the purposes of Section 504. For this reason, it is generally not necessary or appropriate to provide a disabled student with a Section 504 plan since compliance with IDEA is compliance with Section 504.

However, if a student is determined not to be eligible under IDEA, the evaluation team may want to consider whether the student would, nevertheless, qualify for accommodations under Section 504.

This manual will focus solely on Section 504. Any questions regarding IDEA should be directed to the Special Education Department.

Key Differences between IDEA and Section 504

IDEA	Section 504
The student must have a disability that falls within one or more specific categories of qualifying conditions (i.e., autism, specific learning disability, speech or language impairment, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, deafness, mental retardation, deaf blindness, multiple disabilities, orthopedic impairment, and other health impairments).	The student must have a physical or mental impairment that substantially limits a major life activity (e.g., walking, seeing, hearing, speaking, breathing, learning, working, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks). A "major life activity" also includes the operation of a major bodily function, such as the immune system, digestive, neurological, circulatory, or reproductive systems.
The student's disability must adversely affect educational performance.	The student's disability must prevent equal access to or benefit from the school's programs or services.
Evaluation	
Full comprehensive evaluation, including psychological evaluation. Decision by multidisciplinary team, including parent.	Evaluation using relevant information from a variety of sources. Decision by a group of knowledgeable persons.
Parent consent required.	Parent notice required. Parent consent required only if student will undergo individualized standardized testing.
Annual review of student's IEP. Mandatory reevaluation every three years.	"Periodic" reevaluation required, but no prescribed time period. District is responsible to establish when re-evals will occur. (suggested annually)
Independent evaluation at School expense if parents disagree with first evaluation.	No provision for independent evaluation at school's expense.
Dispute Resolution	
School complaint	School complaint
State complaint	State complaint
Federal complaint	Federal complaint
Due process hearing by state appointed hearing officer within 45 days.	Due process hearing by School appointed hearing officer in compliance with school policy.

Identifying Students for Section 504 Eligibility

What criteria are used to determine 504 eligibility?

For a student to qualify for Section 504 protection, the student must meet three criteria: **(1) a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities.** If the student has an impairment that substantially limits a major life activity, the impairment is a qualifying disability if it creates a significant barrier to the student's ability to access the same educational opportunities afforded to non-disabled students. It is important to understand that all three criteria must be met before the student is eligible for Section 504 protection. Additional detail on each of the three criteria follows.

Mental or physical impairment

This criterion includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Mental or psychological disorders are also covered. Section 504, in contrast to IDEA, does not limit eligibility to specific diseases or categories of medical conditions. Environmental, cultural and economic disadvantages are not covered unless the student who has any of these characteristics also has a physical or mental impairment.

Substantially limits

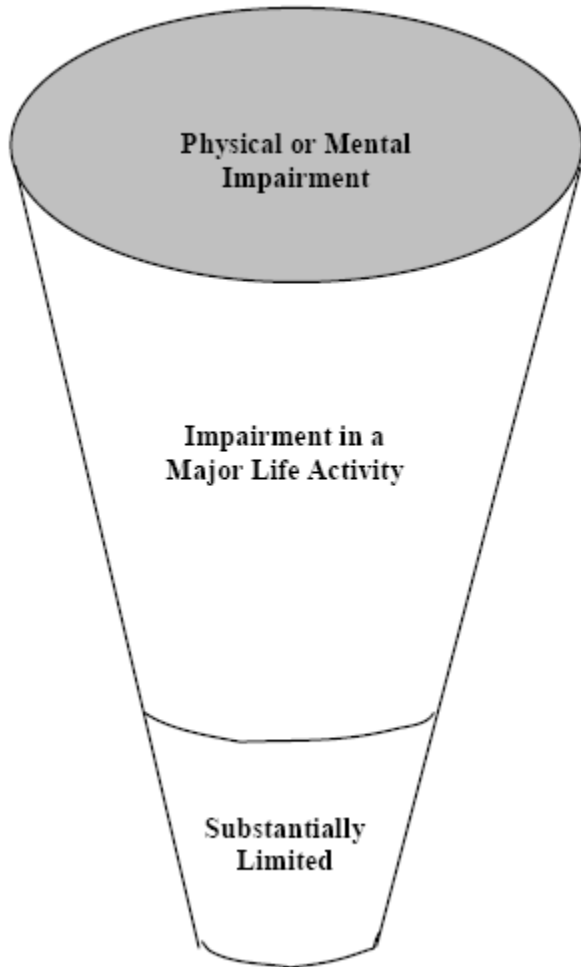
Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact the impairment has on one or more of a student's major life activities. It is vital to understand that for a student to qualify for 504, the impairment must impose, to a "considerable" or "large degree," a limitation to one or more major life activities. The 504 Team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student's ability to access the same educational opportunities as that afforded a non-disabled student, or a substantial limitation does not exist.

The 504 Team may not consider the ameliorative effects of any mitigating measures taken to overcome the impairment, except corrective eyeglasses and contact lenses.

Major life activities

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Determining whether the impairment substantially limits a student's learning is often critical to the Section 504 eligibility decision. In this regard, guidance from the Office of Civil Rights (OCR) indicates that "by definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn." However, a student may be achieving academically and still have a qualifying disability if the physical or mental impairment substantially limits another major life activity. For example, a student with asthma may be achieving academically, but still qualify for 504 services due to a substantial limitation in breathing.

The Section 504 Eligibility Determination Process



1. Physical or Mental Impairment

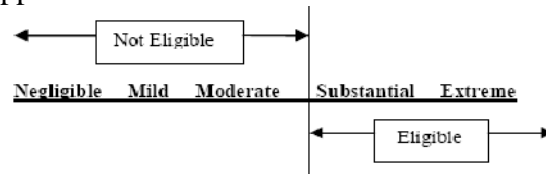
Any physical or mental impairment may result in qualification under Section 504. Unlike IDEA, there are no categories of qualifying disabilities. This step in the 504 evaluation process relies heavily upon medical/psychiatric diagnosis by qualified professionals.

2. Major Life Activity

The identified physical or mental impairment must affect a major life activity: caring for oneself, performing manual tasks, breathing, hearing, learning, seeing, speaking, walking and working. Learning is most often determined to be the major life activity affected by a student's impairment, but any limitation of a substantial major life activity could result in eligibility.

3. Substantially Limited

The impairment must substantially limit the major life activity and, thereby, create a significant barrier to the student's ability to access the same educational opportunities afforded to non-disabled students.



How is a Section 504 evaluation request made?

Any parent or guardian, teacher, counselor or other school staff member who believes that a student needs supports or accommodation for a qualifying disability can request a Section 504 evaluation. Please advise the person wanting an evaluation to use the Section 504 Evaluation Referral form and forward it to the 504 Team Leader (school principal or his/her designee).

What is the process for reviewing Section 504 eligibility?

When a 504 evaluation referral is received, the principal of the school that serves the student will determine if a 504 evaluation will be conducted and document the decision on the bottom of the Section 504 Evaluation Referral form. A decision to not conduct a 504 evaluation will be extremely rare and most likely be based on similar requests for the same disability area in one calendar year. If an evaluation will be conducted, the principal will appoint a 504 Team to make this eligibility determination. The 504 Team Leader (school principal or his/her designee) will conduct a preliminary review to determine the nature of the student's disability and what information is needed. If the 504 Team Leader (school principal or his/her designee) determines that a meeting is needed, the 504 Team will meet and conduct the eligibility determination. The 504 Team may also contact the school 504 Specialist to assist with this process.

The 504 Team must include individuals knowledgeable about the needs of the student and the evaluation data being reviewed. This team can include the parent/guardian of the student, teachers, counselors and other school staff members, and staff members of community agencies. The parent/guardian should be included in this process whenever possible. The team's role is to review the nature of the student's impairment and determine how it affects educational access. If the team determines that the impairment does substantially limit a major

life function, the team will create a Section 504 Plan for the student that outlines their appropriate student accommodations, services or other supports.

The 504 Team must investigate the specific concern that triggered the student review request. Information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations and standardized testing information. The 504 Team may administer and use other formal and informal measures as necessary. The team must obtain parent permission if it is determined that individualized standardized testing is necessary. The team must ensure that information obtained from all sources is documented and carefully considered. A psychologist may be needed to assist in the evaluation.

In the event that the 504 Team determines that the student is not eligible to receive a 504 Plan, the 504 Team Leader is responsible for notifying the parent by completing the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination form and providing it to the parent, either in person or by mail, and Notice of Procedural Safeguards. A parent may contest the determination through due process.

When is it not appropriate to offer a Section 504 accommodation plan?

Eligibility under Section 504 is always decided by evaluating and determining that all three criteria are met. The student must have a mental or physical impairment. That mental or physical impairment must be substantially limiting. The impairment must substantially limit one or more major life activities. If any of the three criteria are not met, the 504 Team should not create a formal 504 Plan for the student.

Keep in mind that while a 504 Plan might not be appropriate, an informal general education intervention plan may be appropriate. The 504 Team should consult the MPS “Good Teaching Practices” and “Effective Teaching Practices” handbooks for informal interventions. In the event that the 504 Team determines that the student is not eligible to receive a 504 Plan, the 504 Team Leader is responsible for notifying the parent by completing and mailing the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination form including Notice of Procedural Safeguards. For additional information, the 504 Team may want to also consult the “Pre-Referral Intervention Manual” (PRIM), published by Hawthorne Educational Services, Inc.

Here are some of the common misuses of the 504 evaluation process:

- A parent and/or doctor presents the school with a disability diagnosis, and a 504 Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a 504 Plan solely to satisfy a highly competitive parent who wants specific accommodations to help his or her child receive higher grades or test scores on standardized tests, such as the SAT.
- A student fails to qualify for special education services under IDEA, and a 504 Plan is automatically written without first qualifying him or her based on Section 504 criteria.

Design and Implementation of a 504 Plan

Where will accommodations be provided for students and what are some examples of possible accommodations?

Section 504 requires that a student with a disability be educated with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of most Section 504 plans occurs within the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning experience that provide the student with equal access to learning opportunities. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Countless accommodations exist that can support a student's equal access to educational opportunities. It is the job of the 504 Team to identify those accommodations that best support the access needs of a 504 eligible student. The 504 Team may also contact the school 504 Specialist for assistance with the accommodation process.

How are 504 accommodations and related services documented and reviewed?

If the 504 Team determines that a student has a qualifying disability, the team's second responsibility is to identify the student's needs and services and/or accommodations the student will receive. Documentation of the plan's detail is in the Section 504 Student Accommodation Plan. This Plan provides a summary of accommodations that a student needs in order to have equal access to the learning process, or to other programs, activities, and services. The original 504 Plan document will be kept in the student's cumulative file. Also, the 504 Team Leader is responsible for sending a copy of the student's 504 Plan to the School 504 Coordinator at the Student Services Center.

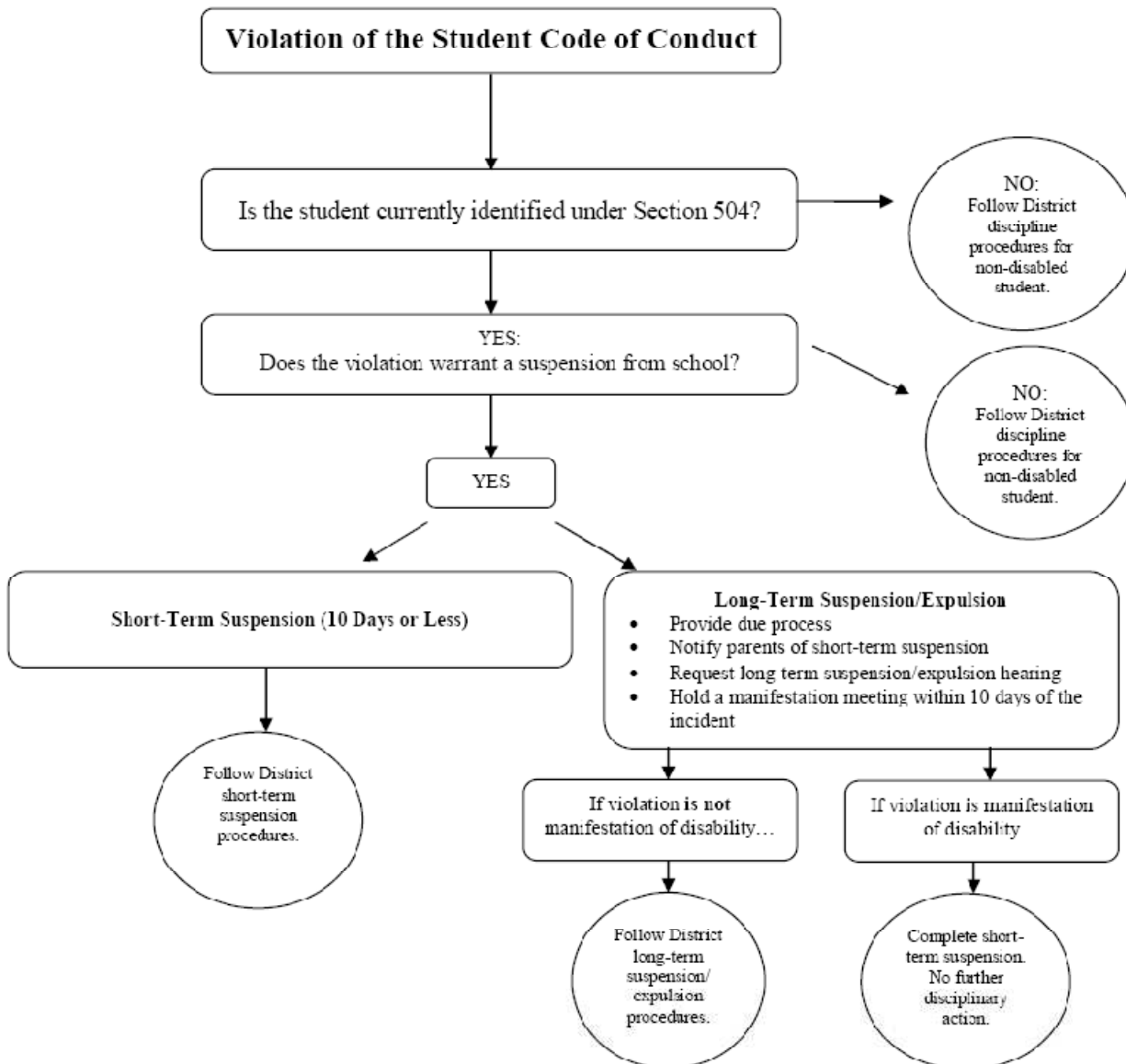
The 504 Team Leader is responsible for updating the at school screen to reflect that this student is now a 504 eligible student.

A 504 Team should review the Section 504 Student Accommodation Plan whenever a student moves to another school or it appears that changes to the 504 Plan are needed. The purpose of a review is to add, subtract and/or modify student accommodations as needed. School districts should identify when plans will be reviewed (annually, bi-annually, monthly...)

Disciplining a 504 Disabled Student

What is the discipline process for a 504 disabled student?

Section 504 students are subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his or her qualifying disability. A 504 Team must conduct a manifestation determination whenever a student is subject to out of school suspension for 10 consecutive school days or more. If the 504 Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the 504 Team should review the 504 Plan to determine if changes are appropriate. If the violation is not a manifestation, the student is subject to the same disciplinary action that any non-disabled student would receive for the same violation.



Must a school make a manifestation determination when considering the long-term suspension or expulsion of a student with a Section 504 Plan?

Generally, yes. While the regulations implementing Section 504 do not specifically discuss a “manifestation determination,” they do require that a school complete an evaluation prior to imposing a “significant change in placement.” Long term suspension or expulsion is considered a significant change in placement. To fulfill the

evaluation requirements and to ensure that students are not disciplined because they have a disability, schools perform a “manifestation determination.” Similar to suspension or expulsion of a student having a disability under IDEA, a school must conduct a manifestation determination for a Section 504 student when:

- The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the behavior is the disability identified in the student’s 504 Plan.
- A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a 504 Plan total more than 10 days, it must be determined if a significant placement change has occurred. This is done on a case by case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the school must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

Who makes the manifestation determination for a student on a 504 Plan and what information is included in this process?

The manifestation determination should be made by a 504 Team that consists of persons who have knowledge of the student and the meaning of the information that will be reviewed. When possible, the members of the 504 Team should be the same members who designed the student’s 504 Plan. School officials responsible for school disciplinary procedures, such as the school principal or assistant superintendent, cannot make the determination. However, such administrators may present pertinent student information to the 504 Team.

The 504 Team must have available information that competent professionals would require when making a manifestation determination. Such information might include information about the misconduct, attendance and academic records, psychological evaluation data, behavior plans, discipline records, the student’s 504 Plan, information from the parents and staff observations. The information should be current enough to afford an understanding of the behavior that is the subject of the manifestation determination.

After reviewing the relevant information, the 504 Team will next consider if the behavior is the result of the student’s disability. This inquiry is resolved by considering the relationship between the student’s disability and his or her behavior:

- Was the conduct caused by, or have a direct and substantial relationship to the student’s disability?
- Was the conduct the result of the Academy’s failure to implement the 504 Plan?

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student’s disability and no disciplinary action can be taken past the 10 days.

If the 504 Team determines that the behavior is not a manifestation of the disability, the School may impose whatever long term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. The School has no obligation to continue to provide educational services to a 504 student during the period of a long term suspension or expulsion.

The 504 Team must conclude its work by completing a Section 504 Manifestation Determination form.

How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability when the school acts on the basis of that use. 29 USC 705(20)(C)(i). A student with a history of drug/alcohol abuse who has been successfully rehabilitated, or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504. Section 504 permits disciplinary action pertaining to the use or possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students. 29 USC 705(20)(C)(iv).

504 Procedural Safeguards and Parent/Student Rights

Are schools required to provide parents with prior notice of a Section 504 eligibility meeting?

A parent/guardian must receive prior notice of a Section 504 eligibility meeting. Parent consent is not required to conduct an eligibility determination. However, parent consent must be obtained before administering any individualized standardized testing.

Must schools secure parental consent before conducting an initial eligibility meeting?

Schools should include parents in the evaluation process and need to seek consent before performing an evaluation. However, Section 504 does not require the parent's participation or consent to conduct a 504 eligibility meeting. It is, however, best practice to include the parents in such meeting. If a parent is unable or unwilling to attend, the school may hold the eligibility or 504 plan meeting without the parent. The school principal or 504 Team Leader should consult with the school 504 Coordinator regarding unique parent concerns.

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. Prevail Academy is required to establish and implement procedural safeguards that include, among other things:

- Notice to the parent explaining any evaluation or placement decisions;
- An opportunity for parents to review relevant records;
- An impartial hearing with opportunity for participation by the student's parent or guardian with representation by counsel;
- An appeal procedure to review the hearing decision.

These procedural safeguards have been addressed by creating Section 504 evaluation procedures and a set of forms that guide the evaluation team through the eligibility determination and placement process.

A notice concerning Parent's Rights and Safeguards under Section 504 must be included with the Parent Notice: Section 504 Evaluation form should be given to the parent/guardian prior to the 504 evaluation meeting. Likewise, the Parent's Rights and Safeguards under Section 504 must be included with the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.

Working with Parent Concerns, Complaints and Due Process Hearings

The best solutions to parent concerns occur at the school level. Therefore, the first step in resolving a complaint should involve the school principal or 504 Team Leader working with the parent to a mutually acceptable resolution of the parent's concern(s). If the concern(s) cannot be resolved informally, the parent may seek formal resolution under the complaint process. You should advise the parent of the following steps in the complaint resolution process:

1. The parent should complete and submit a Section 504 Complaint Form to the school 504 Coordinator.
2. The school 504 Coordinator or designee will review the complaint and decide whether to seek to mediate the dispute between the parent and school or refer the matter for an impartial due process hearing. If requested by the parent, the school 504 Coordinator will meet with the parent to hear the parent's concerns.

If a parent does not agree to mediation and has requested a due process hearing, the matter must be referred for due process. Mediation may not be used to deny a parent the right to due process.

If the complaint asserts allegations of discrimination, the complaint will be investigated as provided by Academy policies and these procedures. If the complaint challenges a 504 Team determination regarding eligibility, evaluation, or the content of the 504 Plan, the complaint will be referred for due process hearing.

A. Complaint.

The 504 Coordinator is designated to receive and resolve complaints from any person who believes that he/she may have been discriminated against in violation of this policy. Any person who believes he/she has been discriminated against in violation of this policy should file a written complaint with the 504 Coordinator within ten (10) calendar days of the alleged violation. The 504 Coordinator will then take the following action: First, cause an investigation of the complaint to be commenced. Second, arrange for a meeting to occur with the complainant, which may include School staff who are knowledgeable of the facts and circumstances of the particular complaint or who have particular expertise that will assist in resolving the complaint. Third, complete the investigation of the complaint and provide, in writing, a reply to the complainant. If the 504 Coordinator determines that a violation has occurred, he/she shall propose a fair resolution of the complaint and deliver the determination to the complainant and the Chief Executive Officer/Building Administrator.

In the event the complaint is against the Chief Executive Officer/Building Administrator, a copy of the determination shall be delivered to the President of the Board of Education.

The complainant may appeal the Civil Rights Coordinator's determination to the Chief Executive Officer/Building Administrator, or, in the case of a complaint against the Chief Executive Officer/Building Administrator, to the President of the Board, by so notifying the Chief Executive Officer/Building Administrator or Board President in writing within the ten (10) calendar days of the Civil Rights Coordinator's determination. The Chief Executive Officer/Building Administrator or Board President may conduct additional investigation of the facts and circumstances surrounding the complaint. The Board President may elect to secure the services of an outside party to investigate the facts and circumstances surrounding any complaint against the Chief Executive Officer/Building Administrator. The Chief Executive Officer/Building Administrator, or Board President in the case of a complaint against the Chief Executive Officer/Building Administrator, shall affirm or reverse the 504 Coordinator's decision and, if warranted, implement the Civil Rights Coordinator's proposed resolution or modification thereof. The Chief Executive Officer/Building Administrator or Board President's decision shall be final.

A complainant may always file a written complaint with the Office for Civil Rights, Department of Education, Washington, D.C. 20202.

B. Due Process.

If the complaint challenges a 504 Team determination regarding the evaluation, eligibility or content of a student's 504 Plan, the matter is referred for a due process hearing.

The school 504 Coordinator will promptly refer the complaint for a due process hearing conducted by an impartial hearing officer. The hearing officer is selected by the school 504 Coordinator, must have knowledge of Section 504 and must not be an employee of the school.

The school appointed hearing officer will schedule a due process hearing to occur as soon as practicable for the parent and school. The parent and/or the school may be represented by legal counsel at the hearing. The parent or attorney may present evidence and/or testimony supporting the parent's challenge to the 504 Team determination. The school may respond by presenting evidence and/or testimony to support the 504 Team determination. The hearing officer will have discretion and authority to permit or direct the taking of testimony, presentation of evidence and other matters to ensure an orderly proceeding. Upon conclusion of the hearing, the hearing officer will render a written decision with findings of fact and conclusions of law. The written decision of the hearing officer will advise the parent that he or she may also file a complaint with the Office of Civil Rights (OCR) of the U.S. Department of Education.

School 504 Forms

Section 504 Evaluation/Placement Checklist

Purpose: Assists the 504 Team Leader in organizing and documenting the steps necessary to meet the legal requirements for the Section 504 evaluation and eligibility determination process.

Section 504 Evaluation Referral

Purpose: Requests that a student be evaluated to determine if the student has a qualifying disability.

Parent Notice: Section 504 Evaluation

Purpose: Informs parent(s) that a 504 Team will evaluate their child for possibly qualifying for a Section 504 disability.

Parent Invitation: Section 504 Meeting

Purpose: Invites parent(s) to a Section 504 meeting.

Section 504 Eligibility Determination Report

Purpose: Organizes and documents the steps that the 504 Team must follow to determine whether a student is eligible under Section 504. **Send a hard copy of this completed form to the School 504 Coordinator at the Student Services Center regardless of qualification outcome.**

Parent Notice: Section 504 Eligibility or Non-Eligibility Determination

Purpose: Informs parent(s) of the student's Section 504 eligibility or non-eligibility.

Section 504 Student Accommodation Plan

Purpose: Organizes and documents the Section 504 Accommodation Plan created by the 504 Team if the Team determines that the student has a qualifying disability.

Section 504 Manifestation Determination

Purpose: Organizes and documents the steps that the 504 Team must follow to determine the relationship between the student's disability and behavior.

Parent's Rights and Safeguards under Section 504

Purpose: Informs the parent(s) of rights under Section 504. This form must be sent with the Parent Notice: Section 504 Evaluation **and** Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.

Prevail Academy

SECTION 504 EVALUATION/PLACEMENT CHECKLIST

Student Name: _____

Student #: _____

School: _____

Grade: _____

1. The Team Leader receives Section 504 Evaluation Referral. _____
(Date)

2. The Team Leader determines whether or not a 504 evaluation will be conducted. If it is determined that an evaluation will not occur, the Team Leader records this decision, including the rationale, on the bottom of the Section 504 Evaluation Referral. _____
(Date)

3. If it is determined that an evaluation will occur, the Team Leader is required to send Parent Notice: Section 504 Evaluation and Parent’s Rights and Safeguards Under Section 504 to parent/guardian to advise of pending evaluation. _____
(Date)

4. The Team Leader sends Parent Invitation: Section 504 Meeting to parent/guardian. _____
(Date)

5. The Team Leader identifies members of 504 Team. The 504 Team evaluates the child’s reported impairment and completes the Section 504 Eligibility Determination Report. _____
(Date)

6. The Team Leader updates At School _____
(Date)

7. The Team Leader provides Parent Notice: Section 504 Eligibility or Non-Eligibility and Parent’s Rights and Safeguards Under Section 504 to parent/guardian either in person or by mail. _____
(Date)

8. If a Section 504 Student Accommodation Plan is developed, the Team Leader is responsible for ensuring that all members of the 504 Team receive a copy and the student’s teachers are monitoring implementation of the Plan. _____
(Date)

9. The Team Leader schedules a review or reevaluation of the student if a request for review or reevaluation is received or if new information is received that indicates a need for review or reevaluation and a review period. _____
(Date)

10. The Team Leader ensures that the Section 504 Student Accommodation Plan is sent to the new location if the student changes schools. _____
(Date)

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Section 504 Referral and Consent Form

Student Name _____ School _____
Date of Birth _____ Grade Level _____

1. Please state the nature or cause of your concern(s):

A. Academic

B. Behavioral

C. Health - Major life activity that may be limited (e.g. Walking, hearing, speaking, breathing, learning, reading, thinking, concentrating, working, caring for oneself and /or performing manual tasks, etc.)

2. Please describe any interventions that have been tried at home or at school:

3. For School Staff: Please attached a copy of the student's most recent grades and/or standardized test scores.

For Parents/ Guardian: Please attached any medical documentation, psychological evaluations or other information that supports the student having a physical or mental disability.

Signature of person making the referral	Title	Date of referral:
_____	_____	_____

I have received a copy of Procedural Safeguards, and give consent to the evaluation of my child:

Signature:	Relationship:	Date of Consent:
_____	_____	_____

(Parent /Guardian signature: Parent/ guardian must provide consent before a qualified school-based team may conduct an evaluation of the child listed on this form)

.....
For School Used Only

Actions Taken:

Notice sent to parents/ guardian (date) _____

504 officer written response to parent/ guardian denying request for 504 evaluation (date)

(Attach letter to parent/guardian)

Prevail Academy

**PARENT NOTICE
SECTION 504 EVALUATION**

Student Name: _____ Student #: _____

School: _____ Grade: _____

Initial Section 504 Evaluation Section 504 Reevaluation

Date:

To The Parent/Guardian of:

(Student Name)

As part of our efforts to help improve your child's classroom performance, an evaluation team has been formed to determine if your child has a qualifying disability under Section 504 of the Rehabilitation Act. Members of the evaluation team will collect and review information on your child's learning and behavior. Your child's teacher(s), school psychologist, and other staff members may be involved in observations, assessments and other data collection activities.

Once the information has been collected, a meeting will be scheduled. You will receive notice of the meeting and are encouraged to attend and participate in the discussion and decision making process. If you have any questions, please contact me.

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your child. These rights are summarized on the "Parent's Rights and Safeguards under Section 504" document enclosed with this notice. If you did not find the document concerning a parent's rights or need another copy, please contact me.

504 Team Leader (school principal or his/her designee)

Telephone Number

Prevail Academy

PARENT INVITATION
SECTION 504 MEETING

Student Name: _____ Student #: _____ Grade: _____

School: _____ Date of Birth: _____

Date: _____ Dear: _____ Parent/Guardian
Initial Section 504 Evaluation
Section 504 Reevaluation
Section 504 Accommodation Plan initial
Section 504 Accommodation Plan Revision

You are invited to attend a meeting to discuss your child regarding Section 504. The purpose of this meeting is indicated above. You are encouraged to attend this meeting. The meeting will be held at:

Date: _____ Time: _____

Location: _____

The school staff members listed below have been involved in the education of your child. Each person will attend the meeting or be represented by someone who is knowledgeable about your child and the information that will be reviewed in the meeting.

If you have any questions, please contact me at_____.

Signature of 504 Team Leader
(school principal or his/her designee)

Date

504 Team Members:

Five horizontal lines for listing 504 Team Members.

Prevail Academy

SECTION 504 ELIGIBILITY DETERMINATION REPORT

Student Name: _____ Student #: _____ Grade Level: _____ Date: _____
 School: _____ [] Initial Section 504 Evaluation [] Section 504 Reevaluation

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

1. **Yes** **No** Does the student have a physical or mental impairment? If so, check the impairment. The Section 504 regulations define a "physical or mental impairment" as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:
 neurological, musculoskeletal, special sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin or endocrine, Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional illness, mental illness, specific learning disabilities, or other. If "other", then state: _____.
2. **Yes** **No** Does the physical or mental impairment affect one or more major life activities? If so, which major life activity or activities are affected? To fall within the protection of Section 504, a student's physical or mental impairment must have a substantial limitation (permanent or temporary) on one or more major life activities: caring for oneself, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, eating, speaking, breathing, learning, reading, concentrating, thinking, communicating, or working.
3. **Yes** **No** Does the physical or mental impairment **SUBSTANTIALLY** limit a major life activity? That is, as a result of the physical or mental impairment, is the student substantially restricted as to the condition, manner or duration under which the student can perform a particular major life activity as compared to the condition, manner or duration under which the student of the same age/grade level in the general population can perform that same major life activity?
4. Use the following questions only to support the 504 Team's determination of a substantial limitation.
 - On School outcome assessments, are student's skills markedly below average?
 - On grade reports, is there an overall pattern of poor grades (significantly below average D's and F's)?
 - On group-administered standardized achievement tests, does student score below average?
 - Has student received disciplinary action for inappropriate behavior?
 - Does student have special health care needs (medication, allergy, etc.) during class activities, including lunch?
 - Does student have a pattern of excessive absences and/or tardies?
 - Other

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

(Optional)

4. _____ Other The 504 Team has **NOT** identified this student as eligible for a 504 Accommodation Plan. However, they recognize this student may be struggling and suggest the following explanation:

SOURCES OF DATA: (Check the data obtained for the evaluation. All data obtained must be carefully considered.)

Grades _____	Parent Report _____	Classroom Teacher(s) Report _____
School Records _____	Medical Reports _____	Individual Achievement Tests _____
Work Samples _____	IEP (date) _____	Group Achievement Test _____
Other _____		Psycho-educational Evaluation (date) _____

TEAM OF

EVALUATORS:

Name	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Prevail Academy
**** CONFIDENTIAL ****

SECTION 504 STUDENT ACCOMMODATION PLAN

Student Name: _____ School: _____
 Student #: _____ Date of Birth: _____ Age: _____ Grade: _____ Year: _____
 Date 504 Plan Initiated: _____ Date 504 Plan should be reviewed: _____
 Qualifying Disability _____

Area(s) of Need	Accommodation(s)	Person Responsible

Describe location of services, if other than the classroom setting and the reason(s) necessary, or any other relevant information: _____

Participation of Eligible 504 Student in Standardized Testing:

- _____ The student should take standardized testing under routine conditions, without any accommodations.
 _____ The student should NOT take standardized testing under routine conditions and is eligible for the following Standard Accommodations

If the second line is checked, please identify which standard accommodations on the MPS Addendum to Section 504 Student Accommodation Plan the team has selected and attach.

My signature indicates that I have been informed and received notice of this Accommodation Plan and further acknowledges that I am familiar with my responsibilities pursuant to Section 504 of the Rehabilitation Act of 1973.

Participant Signature	Position/Title	Date

SECTION 504 MANIFESTATION DETERMINATION

Student Name: _____ Student #: _____
School: _____ Grade: _____

Date of Current 504 Plan: _____

Date of Manifestation Determination: _____

Describe the behavior or incident that is subject to disciplinary action:

What relevant evaluation and diagnostic information describes the student's disability?

What accommodations or services are indicated on the current 504 Plan?

Check the following statements that the 504 Team determines to be true:

Yes **No**

- The 504 Team has reviewed and considered all of the above information.
- The behavior subject to discipline was caused by, nor did it have a direct and substantial relationship to, the student's disability.
- The behavior subject to discipline was the direct result of the Academy's failure to implement the 504 Plan.

The boxes on the last two questions must be checked "No" in order for the behavior to not be a manifestation of the student's disability. If either answer is checked "Yes," the student's behavior is a manifestation.

Check the following statement that the 504 Team determines to be true:

_____ The current behavior under consideration **IS** a manifestation of the student's disability.

_____ The current behavior under consideration **IS NOT** a manifestation of the student's disability.

504 Team Participants:

_____	_____
_____	_____
_____	_____
_____	_____

PREVAIL ACADEMY PARENT'S RIGHTS AND SAFEGUARDS UNDER SECTION 504

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as "Section 504," is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.¹

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, concentrating, thinking, eating, self-care, walking, standing, lifting, bending, seeing, hearing, speaking, communicating, breathing, working, and performing manual tasks. If a student has a physical or mental impairment which substantially limits one or more major life activities, such student is entitled to receive a free appropriate public education.

Dual Eligibility: Some students will be eligible for education services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. *Procedural Safeguards* available under the IDEA (due process procedures for parents and children) prepared by the Michigan Department of Education (MDE) is available on the MDE website at www.michigan.gov/MDE, or through the Academy's Special Education Department and sets out the rights assured by the IDEA. It is the purpose of this Notice to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provide parents and/or eligible students with the following rights:

1. You have the right to be informed by the Academy of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32)
2. Your child has the right to a free appropriate public education designed to meet his/her individual needs as appropriately as the needs of non-disabled students are met. (34 C.F.R. 104.33)
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 C.F.R. 104.33)
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 104.34)
5. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 104.34)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 C.F.R. 104.35)
7. Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. The Academy shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 C.F.R. 104.35)

¹ Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

8. Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 C.F.R. 104.35)

9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36)

10. You have the right to examine relevant records. (34 C.F.R. 104.36)

11. You have a right to notice of any action by the Academy in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36)

12. You have a right to an impartial hearing with respect to the Academy's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 C.F.R. 104.36)

13. If you wish to challenge the actions of the Academy's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with the Academy's Section 504 Compliance Officer. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.

14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 C.F.R. 104.36)

15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the Academy's Compliance Officer, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.

16. You have the right to file a complaint with the Office of Civil Rights.

Section 504 Frequently Asked Questions

The following questions are frequently asked by individuals regarding Section 504. The U.S. Department of Education Office of Civil Rights also has a Q & A document which can be accessed at <http://www.ed.gov/print/about/offices/list/ocr/504faq.html>.

Q: Are all schools required to adhere to Section 504?

A: Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

Q: Are schools required to have a Section 504 Coordinator?

A: Yes. All schools must designate, in writing, a person who coordinates 504 services and protections.

Q: Are students who are covered under IDEA always eligible for Section 504 protection?

A: Yes.

Q: Are students who are covered under Section 504 always eligible for IDEA services?

A: No.

Q: Are schools responsible for referring students suspected of being eligible for Section 504?

A: Yes.

Q: Do schools have to evaluate students who are referred for Section 504?

A: No. If the school does not suspect that the student is a student with a disability, an evaluation is not required. However, if the school refuses to perform an evaluation, the student's parents must be informed of their due process rights to appeal.

Q: Do schools have to formally evaluate students before determining eligibility or services?

A: Yes. Schools are required to evaluate a student before determining his/her eligibility for services and before deciding which services are appropriate.

Q: Must schools get permission from parents before getting students involved in Section 504 services?

A: Yes. Schools are required to seek informed parental consent before conducting an initial evaluation. If a parent refuses consent for the school to perform a school based evaluation, the school is permitted, but not required, to use due process procedures to override the parent's refusal.

Q: Do schools have to develop an IEP for a student who is 504 eligible only?

A: No. However, schools must develop an individual accommodation plan for the student.

Q: Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

A: No. A physician's diagnosis should be considered as one piece of documentation when evaluating the child. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.

Q: Do schools have to reevaluate students who are receiving Section 504 services and protections?

A: Yes. Schools are required to periodically evaluate students. Unlike IDEA, which requires a reevaluation every 3 years, Section 504 does not specify a time period.

Q: Do schools have to label a student with a clinical category before providing protections under Section 504?

A: No. Unlike IDEA, Section 504 does not require a specific label on a student before eligibility. Students never have to have a specific disability but only have to meet the functional definition of disability as defined in Section 504.

Q: Do schools have to make all of their buildings accessible to students with disabilities?

A: No. Schools are required to make all *programs* accessible for students with disabilities, not all buildings.

Q: What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?

A: Parents can file a complaint with the U.S. Office for Civil Rights, file a complaint with the Academy's 504 Coordinator, request an impartial due process hearing, or file suit in federal court.

Q: Can students served under Section 504 receive related services, such as physical therapy?

A: Yes. Schools must provide related services to students who are eligible for services under Section 504. The only service that a student under Section 504, unlike under IDEA, may need is a related service.

Q: Is there any extra federal funding for schools to use to provide appropriate services under Section 504?

A: No. There are no federal or state funds associated with serving Section 504 students.

Q: Is Section 504 age specific, like IDEA, which only deals with students through the age of 21?

A: No. Students do not "age out" for Section 504 services and protections.

Q: Can schools use any tests that they want when evaluating students for Section 504 services?

A: No. While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscriminatory testing methods be used when students are evaluated using test instruments.

Q: Are eligibility guidelines for Section 504 specific?

A: No. The eligibility requirements for Section 504 are rather vague. Basically, a student who has a disability, as defined in the act, is eligible for 504 services if the disability results in a substantial limitation in a basic life activity.

Q: Where are most students who are eligible for Section 504 services placed?

A: Most students who are eligible for Section 504 are primarily served in general education classrooms.

Q: Can students who are served under Section 504 be expelled from school?

A: Yes. However, expulsion is considered a significant change of placement and Section 504 requires an evaluation before any significant change of placement. The "evaluation" requirement may be met by way of a "manifestation determination" which examines the relationship between the inappropriate behavior and the disability.