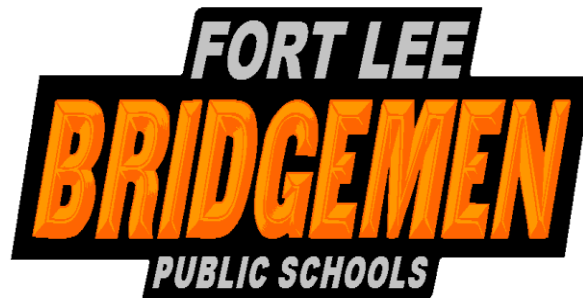


Fort Lee School District  
Department of School Counseling K-12  
Department of Special Education



504 Procedural Manual

*Procedural Manual*

# SECTION 504

## **THE REHABILITATION ACT OF 1973**




- ❖ Section 504 of the Rehabilitation Act of 1973, is a federal civil rights statute, which protects the rights of persons with disabilities. Section 504 prohibits discrimination against handicapped persons, including both students and staff members by school districts receiving federal financial assistance.
- ❖ Included in the U.S. Department Of Education regulations for Section 504 is the requirement that handicapped students be provided with Free Appropriate Public Education (FAPE). These regulations require *identification, evaluation*, the provision of appropriate services, and procedural guidelines.

# Section 504

## ELIGIBILITY

### WHO IS ELIGIBLE UNDER SECTION 504?

An eligible student under Section 504 is one who:

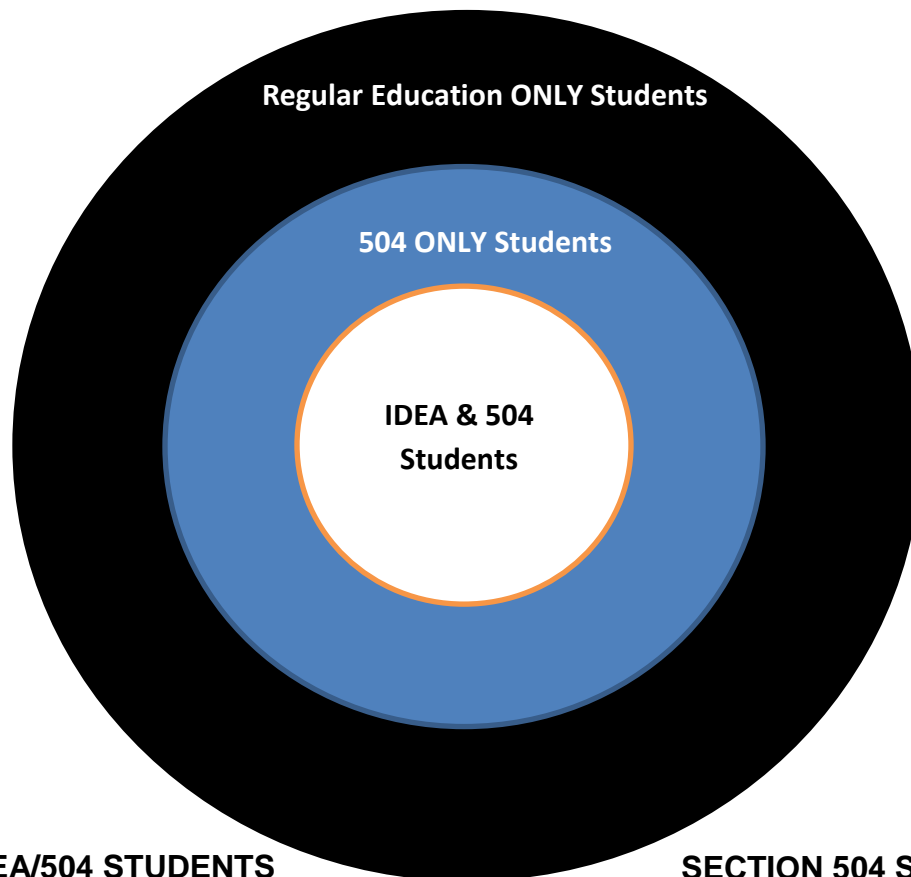
-  **Has**
-  **Has a record of having**
-  **Is regarded as having**

A physical or mental impairment that substantially limits a major life activity such as:

- **Walking**
- **Seeing**
- **Hearing**
- **Working**
- **Other life activities**
- **Breathing All**
- **Learning**
- **Speaking**
- **Caring for oneself**

Not all eligible students will receive services. That determination is made by the 504 Committee.

# Student Population



## IDEA/504 STUDENTS

Students are qualified under one or more of thirteen (13) IDEA disabling conditions. Specially designed individual education programs are planned for each student by IEP teams.

## SECTION 504 STUDENTS ONLY

Due to substantial mental or physical impairments that limit one or more of the student's major life activities, special accommodations to the student's program are required. A 504-accommodation plan is designed for each student according to individual need.

Examples of potential 504 handicapping conditions that are not typically covered under IDEA are:

- Communicable diseases – HIV, tuberculosis
- Medical conditions – asthma, allergies, diabetes, heart disease.
- Temporary medical conditions due to illness or accident.
- Attention Deficit Disorder (ADD, ADHD)
- Behavioral difficulties
- Drug/alcohol addiction
- Other conditions

# **SECTION 504:**

## **PLACEMENT PROCEDURES**

### **COMMITTEE**

The 504 Committee will be composed of persons knowledgeable about the student including the student's school history, the meaning of evaluation data and placement options. While parental participation is not mentioned in the regulations, parental notice is required. It will be a standing committee.

### **DECISION**

A student with an identified disability is considered disabled under Section 504 of the Rehabilitation Act of 1973 if the condition substantially limits a major life activity.

### **ACCOMODATIONS**

The Accommodation Plan (AP) developed by the 504 Committee, is based upon the child's educational need(s), and the least restrictive environment considerations. The report will include the date, student information review, the findings of the committee, accommodation/modification plan, and the signature and recommendations of the members present at the meeting.

# WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A HANDICAP AND POSSIBLE SECTION 504 PROTECTION

- When suspension or expulsion is being considered for any student.
- When retention is being considered for any student.
- When a student shows a pattern of not benefiting from the instruction being provided.
- When a student returns to school after a serious injury or illness.
- When a student is referred for evaluation but it is determined not to do an evaluation under the IDEA. Is there a medical diagnosis?
- When a student is evaluated and is found not to qualify for Special Education services under the IDEA. Is there a medical diagnosis?
- When a student exhibits a chronic health condition.
- When a student is identified as “at risk” or exhibits the potential for dropping out of school.
- When a substance abuse is an issue.
- When a handicap of any kind is suspected.
- When a new building or remodeling is being considered.

# SECTION 504:

## EVALUATION PROCESS

### EVALUATION PROCESS

- ❖ Before a child can be placed and receive special services under Section 504 the following must take place:
  - Evaluation data must be provided
    - Best practice is to renew documentation yearly
  - Parents/guardians must be notified and the child must be evaluated using validated test or other evaluation data.
  - The 504 Committee must decide if the condition substantially limits a major life activity.
  
- ❖ Evaluation data may include, but is not limited to formal and informal test instruments; aptitude and achievement test; physical, medical, psychological and parent information; student grades, progress reports and adaptive behavior reports.
  
- ❖ All accommodations are subject to the 504 Committee
  
- ❖ Any significant changes to the 504 plan require a reevaluation by the 504 Committee

# SECTION 504:

## MANIFESTATION PROCEDURES

### DISCIPLINE PROCEDURES

- ❖ Before an expulsion or other exclusion that constitutes a significant change in placement, the 504 Committee must conduct a “manifestation determination” to determine whether the student’s conduct was caused by his/her disabling condition. Such a determination should be based on the following.
  1. Is the education placement appropriate?
  2. Is the assessment/evaluation data current?
  3. Is the behavior related to the disability?
- ❖ If it is determined by the 504 Committee that the misconduct is not caused by the student’s disabling condition, the student may be excluded from school in the same manner as nondisabled students are excluded. However, educational services may not be terminated completely during the expulsion period.
- ❖ If it is determined by the 504 Committee that the misconduct is caused by the student’s disabling condition, the student may not be expelled. The 504 Committee must then determine whether the student’s current educational placement is appropriate.



# SECTION 504:

## DUE PROCESS HEARING

### DUE PROCESS HEARING

Rights to which both the parent and the school district are entitled include the right:

- ❖ To file a written parent's notice of appeal with the Section 504 Coordinator within twenty (20) school days of the date of the notice of the 504 Committee's decision.
- ❖ For the school district within ten (10) school days of the date of the parent's notice of appeal to schedule a hearing.
- ❖ To receive a written notice of hearing that sets out the date, time, place and motive of the hearing.
- ❖ To an impartial hearing officer who is not an employee of the school district.
- ❖ To be accompanied and advised by an attorney and by persons with special knowledge of the problems of children with disabilities.
- ❖ To obtain a copy of an audiotape of the hearing at a reasonable cost.
- ❖ To receive a written notice of the decision of the hearing.
- ❖ To provide an interpreter to parents whose primary language is other than English.

# SECTION 504 REGULAR EDUCATION INTERVENTION PLAN

Name \_\_\_\_\_ Date of Meeting \_\_\_\_\_

School \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

1. Describe the nature of the concern:

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2. Describe the basis for the determination of the disability (Attached medical documentation):

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3. Describe how the disability affects a major life activity:

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4. Describe the reasonable accommodations that are necessary:

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Review/Reassessment Date \_\_\_\_\_

Participants (Name and Title)

_____	_____
_____	_____
_____	_____

# SECTION 504 REGULAR EDUCATION INTERVENTION PLAN

## Teacher Signature Form

Name \_\_\_\_\_ Date of Meeting \_\_\_\_\_

School \_\_\_\_\_ Date of Birth \_\_\_\_\_

Grade \_\_\_\_\_

I have read the 504 Plan and understand the following:

- The student's current level of educational performance
- The student's goal and objectives which pertain to my class
- The modifications which must be implemented to ensure the student's success within my classroom
- The supplementary aid and services which are to be provided to the student

Subject Area	Teacher Name	Teacher Signature	Date