

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:

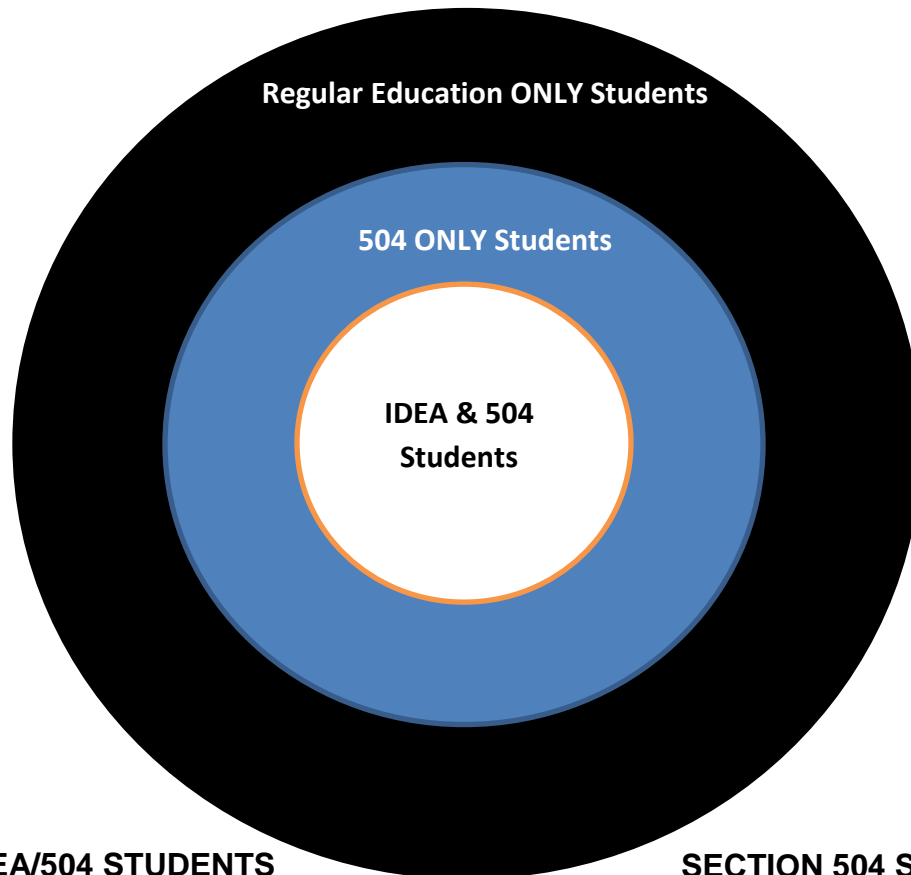
-  Has
-  Has a record of having
-  Is regarded as having

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

- Walking
- Seeing
- Hearing
- Working
- Other life activities
- Breathing
- 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 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 DISABILITY 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/disability 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:

PARENTAL RIGHTS & DUE PROCESS HEARING

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

- ❖ Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
- ❖ Receive written notice with respect to identification, assessment, or placement of your child.
- ❖ Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate.
- ❖ Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
- ❖ Have assessment, educational, and placement decisions made based upon a variety of information sources and by individuals who know your child, the assessment data, and placement options.
- ❖ If eligible, have your child receive accommodations under Section 504 of the Rehabilitation Act of 1973.
- ❖ Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school.
- ❖ Examine all relevant records relating to decisions regarding your child's identification, assessment, educational program, and placement.
- ❖ Obtain copies of educational records at a reasonable fee or no cost if the fee would effectively deny you access to the records.
- ❖ Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.
- ❖ 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 refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.
- ❖ Request mediation or an impartial due process hearing related to decisions regarding your child's identification, assessment, educational program, or placement. You and your child may take part in the hearing and have an attorney represent you.
- ❖ File a local grievance or complaint to the Office for Civil Rights.

Section 504 Master Plan Confidential

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| Student: | Grade: |
| School: | Date: |
| Mental or Physical Impairment: | Areas Substantially Limited: |
| Date of Initial Plan: | Date of Renewal: |

The 504 Committee has determined that the aforementioned student, with whom you work, is eligible for modifications to educational program and/or setting under Section 504 of the Rehabilitation Act of 1973. This statute obligates our school to provide equal access and equal opportunity to Student. For a student to be eligible for a 504 plan, the student must meet all three of the following criteria: (a) he/she must have a physical or mental impairment that (b) substantially limits one or more major life activity, and (c) he/she is unable to gain equal access and benefit from school programs and/or services.

| Mental or Physical Impairment | Major Life Activity(ies) Substantially Limited | Substantial Limitation |
|-------------------------------|--|------------------------|
| | | |

| Area Substantially Limited | Modification(s) and/or Service(s) | Staff Responsible | Duration/Frequency |
|----------------------------|-----------------------------------|-------------------|--------------------|
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