

SECTION 504

OF THE REHABILITATION ACT OF 1973

PROCEDURAL MANUAL

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

JUNE 2014

Table of Contents

Introduction	1
Section 504 Background Information	2
• What is Section 504?	
• How does Section 504 differ from IDEA?	
Identifying Students for Section 504 Eligibility	4
• What criteria are used to determine 504 eligibility?	
• How is a Section 504 evaluation request made?	
• What is the process for reviewing Section 504 eligibility?	
• When is it not appropriate to offer a Section 504 Accommodation Plan?	
• Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?	
• Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?	
• How should a recipient school district handle an outside evaluation? Does all data brought to a Section 504 team need to be considered and given equal weight?	
• Who in the evaluation process makes the ultimate decision regarding a student’s eligibility for services under Section 504?	
• Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the same Section 504 Plan in place indefinitely after a student has been identified?	
• How should the school district view a temporary impairment?	
Design and Implementation of a Section 504 Plan	10
• Where will accommodations be provided for students and what are some examples of possible accommodations?	
• How are Section 504 accommodations and related services documented and reviewed?	
Disciplining a 504 Student with disabilities	11
• What is the discipline process for a 504 student with disabilities?	

- Must a school make a manifestation determination when considering the long-term suspension or expulsion of a student with a Section 504 Plan?
- Who makes the manifestation determination for a student on a Section 504 Plan and what information is included in this process?
- How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

504 Procedural Safeguards and Parent/Student Rights 14

- Must schools secure parental consent before conducting an evaluation meeting?
- Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Working to Address Concerns and Complaints 15

Odyssey Section 504 Forms 19

Section 504 Initial Evaluation/Placement Checklist	21
Section 504 Re-Evaluation/Placement Checklist	22
Section 504 Referral	24
Parent Notice for Consideration of Section 504 Protections	25
Section 504 Teacher Input Form	26
Section 504 Parent Input Form	27
Section 504 Student Input Form	29
Section 504 Review Letter	30
Section 504 Teacher Confirmation	31
Parent and Student Invitation Section 504 Meeting	32
Section 504 Initial Evaluation and Periodic Re-evaluation	33
Section 504 Eligibility Determination	35
Section 504 Student Accommodation Plan	38
Reference Tool for Allowable Testing Accommodations	40
Section 504 Summary of Performance	41
Section 504 Manifestation Determination Review	42
Section 504 Complaint Form	44
Parent’s Rights and Safeguards Under Section 504	46

Introduction

Section 504 of the Rehabilitation Act of 1973 (sometimes referred to as “504”) prohibits discrimination against students on the basis of their disability.

The purpose of this manual is to inform District employees and parents about Section 504 and the District’s procedures to comply with the requirements for Section 504. This manual reflects the District’s commitment to serve ALL children.

The District expects employees to be knowledgeable about District procedures governing Section 504 activities, grievance procedures for resolving Section 504 complaints, and parent and student rights. If you have questions pertaining to Section 504, please contact either of the individuals listed below who have been designated by The Odyssey Preparatory Academy and The Odyssey Institute for Advanced and International Studies to serve as the 504 Coordinator..

Buckeye K-5, Betsy Prosser
Goodyear K-5, Jeana Holmes
Odyssey Institute 6-12, Holly Johnson

Adapted from the previous Glendale Union High School District *Section 504 of the Rehabilitation Act of 1973* manual with revisions adapted from Richards Lindsay & Martin, L.L.P. with regards to the 504 Eligibility Forms. With respect to the Section 504 Eligibility Forms, the form may be (1) reproduced only for internal operational educational (non-commercial) purposes; (2) reproduced for internal educational websites (i.e. non-public websites) only to allow for remote downloading and printing by school employees; and (3) adapted into PDF format only for manual data input, with no local or remote data storage (for the avoidance of doubt, this material may not be integrated with any technology system or used in an automated manner to store or capture data).

Section 504 Background Information

What is Section 504?

The Rehabilitation Act of 1973, 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 The Odyssey Preparatory Academy and The Odyssey Institute for Advanced and International Studies, that receive Federal financial 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 students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. Responsibilities of school districts under Section 504 include Child Find, Evaluation, Free Appropriate Public Education, Placement, and Procedural Safeguards. 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 covered by Section 504, The Odyssey Preparatory Academy and The Odyssey Institute for Advanced and International Studies must provide free appropriate public education (FAPE), including accommodations as are necessary to ensure that the student has equal access to services, programs and activities offered by our schools.

How does Section 504 differ from IDEA?

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA) is, in all cases, a qualified student with disabilities under Section 504. The converse, however, is not true: a qualified student with disabilities under Section 504 is not qualified in all cases to receive special education services and the protections of IDEA. In other words, some students with disabilities may qualify for protections under Section 504 but do not qualify for special education services under IDEA.

If a student with disabilities is receiving special education services in accordance with IDEA, the District’s obligations to provide FAPE have been met, but the student is still entitled to the non-discrimination protection under Section 504. However, if a student is determined ineligible under IDEA, the Section 504 team may consider whether the student qualifies for the protections of Section 504.

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

Key Differences between IDEA and Section 504

Identification	
IDEA	Section 504
The student must have a disability that falls within one or more specific categories of qualifying conditions: autism, specific learning disability, speech or language impairment, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, deafness, intellectual disability, 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, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating).
The student's disability must adversely affect educational performance, and as a result of the disability, the student requires special education and related services.	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 multi-disciplinary team, including parent.	Evaluation using relevant information from a variety of sources. Decision by a group of knowledgeable persons.
Parent consent required.	Parent consent required.
Annual review of student's IEP. Mandatory re-evaluation every three years.	"Periodic" re-evaluation required, but no prescribed time period.
Independent evaluation at district expense if parents disagree with the District's evaluation.	No provision for independent evaluation at District expense.
Dispute Resolution	
District complaint	District complaint
State complaint	Not available
Federal complaint (Office for Civil Rights)	Federal complaint (Office for Civil Rights)
Due process hearing by state-appointed hearing officer within 45 days.	Due process hearing by District-appointed hearing officer.

Identifying Students for Section 504 Eligibility

ADA Amendments Act

When Congress amended the Americans with Disabilities Act in 2008, the intent was to ensure a broad scope of protections under the ADA and to shift the analysis away from whether the individual had a disability to the District's obligation to ensure equal educational opportunities.

What criteria are used to determine 504 eligibility?

For a student to qualify for Section 504 protection, the student must meet three criteria: **(1) have a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities.** Simply having a condition or disability does not automatically qualify a student for Section 504 protections. The condition must present a barrier to the student's ability to access the same educational opportunities as those afforded a student without disabilities. While there are no disabilities that are automatically eligible for Section 504 protections, Office for Civil Rights ("OCR") has issued guidance that indicates in "virtually every case," diabetes, epilepsy, bipolar disorder, or autism will result in eligibility under Section 504. *See [Dear Colleague Letter](#), 112 LRP 3621 (OCR 2012).* 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. A student's impairment is a substantial limitation if the student's "important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people." *See S. Rep. No. 101-116, at 23 (1989) and Congressional Record, (Sept. 16, 2008), p. S8842.* Further, an impairment does not need to prevent or severely or significantly restrict a major life activity to be considered substantially limiting. 29 C.F.R. 1630.2(j)(1)(ii).

The Section 504 Team will consider the nature and severity of the disability as well as how long the disability is expected to last. OCR has indicated that temporary impairments are not a disability under Section 504 unless the severity of the impairment will result in a substantial limitation for an extended period of time. *See [Frequently Asked Questions about Section 504 and the Education of Children with Disabilities](#), (OCR 2009).* However, an impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when it is in an active phase.

As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, **must not** consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. Before January 1, 2009, school districts had to consider a student's use of mitigating measures in determining whether that student had a physical or mental impairment that substantially limited that student in a major life activity. However, Congress has now specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability.

Congress did not define the term "mitigating measures" but rather provided a non-exhaustive list of "mitigating measures." The mitigating measures are as follows: medication; medical supplies, equipment or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthesis (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

Congress created one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses must be considered in determining if an impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas "low vision devices" (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

Major life activities.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning and working. Effective January 1, 2009, Congress provided additional examples of general activities that are major life activities: eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

How is a Section 504 evaluation request made?

Any parent or guardian, teacher, counselor or other school staff member who believes that a student may have a qualifying disability may request a Section 504 evaluation. The referral should be made using the Section 504 Referral form, found on page 24 of this manual. Once complete, the form should be given to the student's School Counselor.

What is the process for reviewing Section 504 eligibility?

Upon receipt of the Section 504 Referral form, the Special Education Teacher must send to the parent(s)/guardian(s) the Parent Notice for Consideration for Section 504 Protections (see page 25 of this manual), Parent Input form (see page 27 of this manual), Student Input Form (see page 29 of this manual) and Parent's Rights and Safeguards under Section 504 (see page 46 of this manual). In addition, the Special Education Teacher must send the Teacher Input form to all of the student's teachers.

The Special Education Teacher then schedules a Section 504 meeting to review the referral. The Special Education Teacher completes the Parent and Student Invitation: Section 504 Meeting form (see page 32 of this manual) and provides this meeting notice to all invited participants.

The Section 504 Team must include individuals knowledgeable about the needs of the student and the evaluation data being reviewed. This team should include the parent or guardian of the student, teachers, counselors, other school staff members, and staff members of community agencies, if applicable and with consent of the parent/guardian. The parent/guardian, as well as the student, 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. A decision not to conduct a Section 504 evaluation will be extremely rare and most likely will be based on similar requests for the same disability area in one calendar year.

During the meeting, the Special Education Teacher will facilitate a review of existing data, using the Section 504 Initial and Periodic Re-evaluation form (see page 33 of this manual) to determine the nature of the student's disability and what, if any, additional data is needed. Information that might be considered includes (but is not limited to) teacher input form, parent input form, student input form, grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. This review of data will assist the Section 504 Team in determining if further assessments need to be conducted or if a decision on eligibility may be made. The team must ensure that information obtained from all sources is documented and carefully considered.

If the Section 504 team determines that additional data is necessary before an eligibility determination can be made, the team must develop an assessment plan and obtain parental consent for further assessment. (see page 34 of this manual).

If the Section 504 team determines that there is sufficient data to make an eligibility determination, the team must complete the Section 504 Eligibility Determination (see page 35 of this manual), which asks the team a series of questions to determine if there is an impairment that

substantially limits a major life activity. Once the team determines that the student is eligible for Section 504 protections, the team must consider whether the student requires a Section 504 Plan in order for his/her educational needs to be met as adequately as his/her non-disabled peers.

The Section 504 team may make the following determinations:

- The student is not eligible for Section 504 protections;
- The student is eligible for Section 504 protections and requires a Section 504 Plan;
- The student is eligible for Section 504 protections but does not require a Section 504 Plan because the impairment is in remission;
- The student is eligible for Section 504 protections but does not require a Section 504 Plan because the student's needs are being met due to mitigating measures;
- The student is no longer eligible for Section 504 protections; or
- The student is no longer eligible for Section 504 protections because he/she is now eligible under the IDEA.

Following the eligibility determination, the Special Education Teacher will provide the parent(s)/guardian(s) with a copy of the Eligibility Determination, which documents the decision made by the Section 504 team.

If the Section 504 team determines that the student is eligible and requires a Section 504 Plan, the team will create the Plan that addresses all areas of need and the appropriate instructional and testing accommodations (see page 38 of this manual).

Following the meeting, the Special Education Teacher will provide a copy of the Section 504 Student Accommodation Plan to all of the student's teachers and other individuals responsible for implementing the Section 504 Plan and obtain signatures on the Section 504 Teacher Confirmation. This procedure should be followed when students' schedules change during the school year and at the beginning of each school year.

A Section 504 Team should review the Section 504 Student Accommodation Plan whenever a student moves to another school or it appears that changes to the Plan are needed. The purpose of a review is to add, subtract, and/or modify student accommodations as needed.

The Special Education Teacher is responsible for maintaining all of the forms, including a copy of the **signed** Section 504 Evaluation Referral, Parent and Student Invitation: Section 504 Meeting, Parent Consent for Section 504 Evaluation, Section 504 Eligibility Determination Report, Parent Notice: Section 504 Eligibility or Non-Eligibility Determination and Section 504 Student Accommodation Plan. Originals are to be kept on site and copies provided to the parent/guardian.

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 intervention plan may be appropriate. In the event that the 504 Team determines that the student is not eligible to receive a 504 Plan, the Special Education Teacher is responsible for notifying the parent by completing and mailing, emailing or delivering in person the Eligibility Determination form found on pages 35 - 37 of this manual.

Here are some common mistakes relating to the Section 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 upon Section 504 criteria.

Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation to a major life activity. For example, a student who has a physical or mental impairment would not be considered in need of services under Section 504 if the impairment does not in any way limit a major life activity, or only results in some minor limitation in that regard.

How should a school district handle an outside evaluation? Does all data brought to a Section 504 team need to be considered and given equal weight?

The results of an outside evaluation provided by a parent will be one of a variety of sources to consider. The Section 504 team must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and

considered by knowledgeable committee members. The weight to be given to the various types of information considered will be determined by the Section 504 team.

Who in the evaluation process makes the ultimate decision regarding a student's eligibility for services under Section 504?

The Section 504 regulatory provision at 34 C.F.R.104.34 (c)(3) provides that a student's eligibility for Section 504 must be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options.

Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the Section 504 Plan in place indefinitely after a student has been identified?

Section 504 requires "periodic" re-evaluation of the student. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and public agency agree otherwise).

How should the school district view a temporary impairment?

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

In the Amendment Act, Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less. However, impairments that are episodic or in remission are considered disabilities if they substantially limit a major life activity when active.

Design and Implementation of a Section 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 students without disabilities to the maximum extent appropriate for the student. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of most Section 504 plans occurs within the general education classroom.

Accommodations are generally 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 Section 504 Team to identify the accommodations that will provide the student with educational access. The District requires Section 504 Teams to review the Arizona Department of Education *Test Administration Guidelines* to ensure there is an alignment within the Section 504 Student Accommodation Plan with allowable accommodations during state testing and other testing circumstances. The Reference Tool for Allowable Testing Accommodations, found in this manual on page 40, is intended to assist Section 504 Teams in their discussions and decisions.

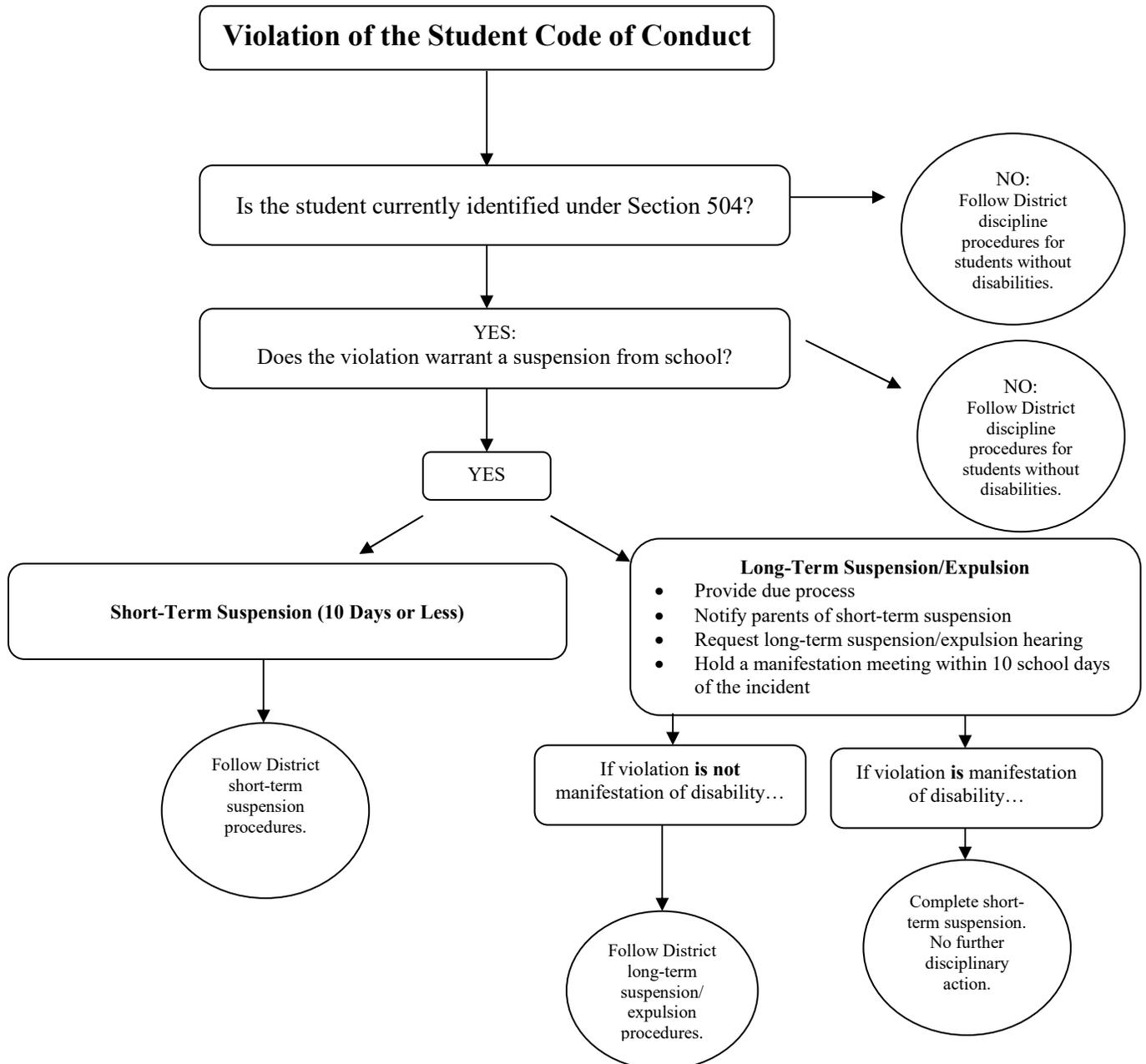
How are Section 504 accommodations and related services documented and reviewed?

If the Section 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 details should be completed on the Section 504 Student Accommodation Plan form (see page 38 of this manual.) The Plan sets forth the accommodations that a student needs in order to have equal access to the learning process, or to other programs, activities, and services. The team will also need to determine if the student should take the state tests or other standardized tests under routine conditions without accommodations or if the student should take it with accommodations. If the team determines that the student should NOT take AIMS or other standardized tests under routine conditions, then the team will need to write the testing accommodations listed on the Reference Tool for Allowable Testing Accommodations that are consistent with the instructional accommodations used in the student's educational program. The original Section 504 Student Accommodation Plan document will be kept in the District's Office of Special Education Records Department. Copies will be maintained by the School Counselor as necessary.

Disciplining a 504 Student with disabilities

What is the discipline process for a 504 student with disabilities?

Section 504 students with disabilities are subject to the same disciplinary action as students without disabilities, 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 with disabilities is subject to out-of-school suspension for 10 consecutive school days or more, or if multiple short-term suspensions would result in a significant change in placement. 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 student without disabilities 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?

Yes. Similar to suspension or expulsion of a student having a disability under IDEA, it is necessary to conduct a manifestation determination for a Section 504 student with disabilities 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. OCR 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 Section 504 Plan and what information is included in this process?

The manifestation determination should be made by a Section 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 Section 504 Team should be the same members who designed the student's Section 504 Plan. School officials responsible for school disciplinary procedures, such as the school principal, cannot make the determination. However, such administrators may present pertinent student information to the Section 504 Team and participate in the decision making process.

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

The manifestation determination should begin with the Section 504 Team deciding if the conduct in question was the direct result of the District's failure to implement the Section 504 Plan. If so, the school should not take any further disciplinary action. The Section 504 Team should review and update the Section 504 Plan, if appropriate.

If the student's Section 504 Plan had been properly implemented, the Section 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. The team

must decide whether the conduct in question was: (1) Caused by, or had a direct and substantial relationship to, the student's disability; or (2) A direct result of the District's failure to implement the student's Section 504 plan.

If the Section 504 Team answers 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 Section 504 Team determines that the behavior is not a manifestation of the disability, the District may impose whatever long-term suspension or expulsion it would impose under the same circumstances if a student without disabilities was the offender. **The District 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 Review form. (see page 42 of this manual.)

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, and is, therefore, not entitled to protections under Section 504. Section 504 allows school districts to take disciplinary action pertaining to the use of possession of illegal drugs/alcohol against a Section 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against students without disabilities.

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.

While the discipline of a student is allowed with no services provided to a student when drug/alcohol violations occur, this does not mean the student's physical or mental impairment no longer exists. Upon completion of the disciplinary action, the Section 504 Team should reconvene to revisit eligibility and the Section 504 Accommodation Plan to determine if any revisions should be made.

504 Procedural Safeguards and Parent/Student Rights

Must schools secure parental consent before conducting an evaluation meeting?

Schools must include parents in the evaluation process and provide a written meeting notice prior to the evaluation meeting using the Parent and Student Invitation: Section 504 Meeting. Although Section 504 does not require obtaining parent consent prior to conducting a Section 504 evaluation, OCR has issued several opinions indicating that districts do so. Special Education Teachers should use the Section 504 Eligibility Form which contains a section allowing for acquiring parent consent for collecting additional data and for placement, if the student is eligible, on a Section 504 Student Accommodation Plan.

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

Yes. The District is required to establish and implement procedural safeguards that include:

- 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 for Consideration for Section 504 Protections form given to the parent/guardian prior to the 504 evaluation meeting. Likewise, the Parent's Rights and Safeguards Under Section 504 must be provided to the parent(s)/guardian(s) upon the eligibility determination made by the Section 504 team.

Working to Address Concerns and Complaints

Section 504 Grievance Procedure

When a student, parent, or community member has a complaint or grievance against the District based on Section 504, the District will follow the policies and procedures set forth in Governing Board Policy JB, *Equal Educational Opportunities* and Governing Board Regulation JB-R, *Equal Educational Opportunities*.

Due Process Procedures

Parents or the District may initiate a due process hearing on a matter related to: 1) eligibility and related procedures; 2) procedural safeguards; 3) provision of a free and appropriate public education to the student; or 4) placement of the student.

The request for a due process hearing must be made within two years of the date the parent/guardian or the District knew or should have known about the alleged action that forms the basis of the complaint.

The request for a due process hearing shall be in writing and include:

- The name of the child;
- The address of the residence of the child;
- The name of the school the child is attending;
- In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
- A description of the nature of the problem of the child relating to the problem, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time.

The request for a due process hearing shall be made to:

The Odyssey Preparatory Academy, Inc.
Holly Johnson, Co-Director

The District shall provide the Parents/Guardians with written notice within ten (10) days of receiving the complaint. The notice shall contain:

- A statement of time, place, and nature of the hearing. The hearing will be held at The Odyssey Institute for Advanced and International Studies or another location in the District that is reasonably convenient to the parents/guardians. The hearing should be scheduled within thirty (30) working days after the Co-Director received the written request for a hearing, whenever possible.
- A statement regarding the exchange of information. At least five (5) working days prior

to the hearing, the parties shall exchange information regarding the witnesses to be called and the documents to be introduced as evidence at the hearing.

- A statement of the availability of relevant records for examination.
- A statement of the right to be represented by counsel. The parents/guardians and the District have the right to be represented at the hearing by counsel or another representative of their choice and at their own expense.
- A statement regarding the presentation of evidence at the hearing. Parents/guardians and the District have the right to present witnesses and cross-examine witnesses and introduce documentary evidence at the hearing. Reliable hearsay evidence may be permitted into evidence at the discretion of the hearing officer.

All written correspondence shall be provided in English and/or translated or interpreted in the primary language spoken in the home.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner. The parties shall have an opportunity to:

- Present and cross-examine witnesses.
- Present evidence.
- Produce outside expert testimony.
- Be represented by legal counsel or another representative of their choice and at their own expense.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

An interpreter shall be provided upon request by the parents or guardians.

Decision of the Hearing Officer

A copy of the hearing officer's written decision shall be delivered to the District and the parent or legal guardian within ten (10) working days following completion of the hearing. The decision shall include the hearing officer's findings of fact and conclusions and a statement that either party may appeal the decision.

Review Procedure

If either party is not satisfied with the Hearing Officer's decision, the party may submit a written request for review of the decision by a review officer. The review officer will not be a District employee.

- The request shall include:
 - The name of the child;
 - The address of the residence of the child;
 - The name of the school the child is attending;
 - In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the school the child is attending;
 - Name of the Hearing Officer and date decision was rendered; and
 - A detailed explanation of the factual or legal reasons why the party believes that the hearing officer's decision is incorrect.
- The review officer will conduct a records review of the matter. The review officer will have the discretion to hear additional argument or request additional evidence.
- The review officer will render a written decision within ten (10) working days of receipt of the request for review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at The Odyssey Institute for Advanced and International Studies and will be available for review upon request to the parents and/or any of the involved parties.

The Odyssey Preparatory Academy and The Odyssey Institute for Advanced and International Studies 504 Forms

Section 504 Initial Evaluation/Placement Checklist (page 21) and Section 504 Re-Evaluation/Placement Checklist (page 22)

Purpose: Assists the Special Education Teacher 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 (page 24)

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

Parent Notice for Consideration of Section 504 Protections (page 25)

Purpose: Informs the parent/guardian of the receipt of a Section 504 Referral and the need for a Section 504 Team to come together to conduct an evaluation.

Section 504 Teacher Input (page 26), Parent Input (pages 27-28) and Student Input (page 29)

Purpose: Provides information from Section 504 Team members on strengths and concerns noted to assist the Team in reviewing relevant data.

Section 504 Review Letter (page 30)

Purpose: Informs the parent/guardian that the student's previous Section 504 Student Accommodation Plan has been received and reviewed by the student's teachers and the Special Education Teacher so that accommodations and services will be provided while the student gets adjusted to the new school setting with the expectation that the Team will convene within a month to review and if necessary revise the Section 504 Student Accommodation Plan.

Section 504 Teacher Confirmation (page 31)

Purpose: Informs the parent/guardian that all of the student's teachers have read and received a copy of the Section 504 Student Accommodation Plan and understand their individual role and responsibilities related to plan implementation.

Parent and Student Invitation: Section 504 Meeting (page 32)

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

Section 504 Initial Evaluation and Periodic Re-evaluation (pages 33-34)

Purpose: Assists the team in reviewing all relevant data, acquiring additional data if needed, and documenting the Section 504 Team's steps in conducting an evaluation in preparation for an eligibility determination.

Section 504 Eligibility Determination Report (pages 35-37)

Purpose: Organizes and documents the steps that the Section 504 Team must follow to determine whether a student is eligible under Section 504 and informs parent(s) of the student's Section 504 eligibility or non-eligibility.

Parent Consent embedded in Eligibility Determination Report (page 34)

Purpose: Obtains parent(s) consent for a Section 504 evaluation of their child for possibly qualifying for a Section 504 disability.

Section 504 Student Accommodation Plan (pages 38-39)

Purpose: Organizes and documents the Section 504 Student Accommodation Plan created by the Section 504 Team if the Team determines that the student is entitled to the protections of Section 504 and is eligible for a Section 504 Student Accommodation Plan.

Reference Tool for Allowable Testing Accommodations (page 40)

Purpose: Provides a list of ADE-approved accommodations that the Section 504 Team may use to select appropriate testing accommodations for the student.

Section 504 Summary of Performance (page 41)

Purpose: Provides a summary of the student's current performance, needed accommodations and recommendation for accommodations in post secondary education or work to assist the student in a smooth transition after graduation from high school.

Section 504 Manifestation Determination (pages 42-43)

Purpose: Organizes and documents the steps that the Section 504 Team must follow to determine the relationship between the student's disability and misconduct if the student's educational placement may be changed for disciplinary reasons.

Section 504 Complaint Form (pages 44-45)

Purpose: Provides a form a parent/guardian can use to submit a complaint to the Special Education Teacher alleging that a student's rights under Section 504 have been violated.

Parent's Rights and Safeguards Under Section 504 (page 46)

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

The Odyssey Preparatory Academy

The Odyssey Institute for Advanced and International Studies

SECTION 504 INITIAL EVALUATION/PLACEMENT CHECKLIST

Student Name: _____ Student #: _____

School: _____ Grade: _____

1. The Special Education Teacher initiates or receives a Section 504 Evaluation Referral _____
(Date)
2. The Special Education Teacher sends home:
 - Parent Notice for Consideration for Section 504 Protections _____
 - Parent Input Form _____
 - Student Input Form _____
 - Parent's Rights and Safeguards Under Section 504 _____
3. The Special Education Teacher sends Teacher Input Form to all teachers _____
(Date)
4. The Special Education Teacher sends Parent and Student Invitation: Section 504 Meeting to parent/guardian. _____
(Date)
5. The Special Education Teacher collects and reviews sources of data to assist with the Section 504 Evaluation meeting and guides discussion using and completing Section 504 Evaluation . _____
(Date)
If further data is needed to determine eligibility, an assessment plan is developed, with a meeting date set to reconvene to review additional data. _____
(Date)
6. Members of the Section 504 Team review data and complete the Section 504 Eligibility Determination Report form, gaining parent consent for placement if student is eligible. _____
(Date)
7. The Section 504 Team develops a Section 504 Student Accommodation Plan, if determined necessary by the Section 504 Team. _____
(Date)
8. The Special Education Teacher updates the records if student is:
 - Eligible for Section 504 Student Accommodation Plan. _____
(Date)
 - Eligible but no plan required due to remission or mitigating measures. _____
(Date)
 - Eligible but parent refuses/revokes consent for services. _____
(Date)
9. The Special Education Teacher provides a copy of the Section 504 Student Accommodation Plan to all members of the Section 504 Team and obtains signatures on the Section 504 Teacher Confirmation. _____
(Date)
10. The Special Education Teacher sends paperwork with signatures to District Office, Special Education Records Clerk and provides copies to parent/guardian . _____
(Date)
11. The Special Education Teacher ensures that the Section 504 Student Accommodation Plan is sent to the new location if the student changes schools within the District. _____
(Date)

The Odyssey Preparatory Academy

The Odyssey Institute for Advanced and International Studies

SECTION 504 RE-EVALUATION/PLACEMENT CHECKLIST

Student Name: _____

Student #: _____

School: _____

Grade: _____

1. For students with a current 504 Plan upon entering the District:

- Complete Section 504 Teacher Confirmation. _____
(Date)
- Send home to parent/guardian:
 - Section 504 Review Letter; _____
 - Copy of signed Section 504 Teacher Confirmation; and _____
(Date)
 - Parent’s Rights and Safeguards Under Section 504.

For students with current Section 504 Student Accommodation Plans upon entering the District and for annual reviews or reevaluations:

- 2. The Special Education Teacher sends Parent and Student Invitation: Section 504 Meeting to parent/guardian. _____
(Date)
- 3. The 504 Team reviews the Section 504 Student Accommodation Plan and revises as needed. _____
(Date)

1. For periodic re-evaluations, the Special Education Teacher:

- Sends home Parent Input Form and Student Input Form for any updated information along with Parent and Student Invitation: Section 504 Meeting to parent/guardian; _____
(Date)
- Sends Teacher Input Form to all teachers; and _____
(Date)
- Uses Section 504 Evaluation to review existing data and either determine continued eligibility or determine if additional data is needed. _____
(Date)

If additional data is needed and obtained, an assessment plan is developed, with a meeting date set to reconvene to review additional data. _____
(Date)

2. The Special Education Teacher updates the records if the student is:

- Eligible for Section 504 Student Accommodation Plan. _____
(Date)
- Eligible but no plan required due to remission or mitigating measures. _____
(Date)
- Eligible but parent refuses/revokes consent for services. _____
(Date)

6. The Special Education Teacher provides a copy of the Section 504 Student Accommodation Plan to all members of the 504 Team and obtains signatures on the Section 504 Teacher Confirmation. _____
(Date)

7. The Special Education Teacher sends paperwork with signatures to District Office, Special Education Records Clerk and provides copies to parent/guardian. _____
(Date)
8. The Special Education Teacher ensures that the Section 504 Student Accommodation Plan is _____
sent to the new location if the student changes schools within the District. (Date)
9. The Special Education Teacher completes the Section 504 Summary of Performance when the student is in the final semester of his/her senior year and preparing to graduate. A _____
copy of the SOP is sent to District Office. (Date)

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

Section 504 Referral

Interpreter Needed for Parent or Student

Yes No

Demographic Information:

Date of Referral for 504 Considerations _____ Referred by _____
Student _____ DOB _____ Age _____ Student ID# _____
Teacher _____ School _____
Parent Name _____ Phone (H) _____ (W) _____
Address _____ Zip _____
Language of student's home _____ Language of Instruction _____
Date Vision Screening _____ Pass Fail Date Hearing Screening _____ Pass Fail

Reason for Referral:

(Please check all areas of concern)

- | | | |
|--|---|--|
| <input type="checkbox"/> Reading Comprehension | <input type="checkbox"/> Fine Motor Skills | <input type="checkbox"/> Study Skills |
| <input type="checkbox"/> Reading Decoding | <input type="checkbox"/> Gross Motor Skills | <input type="checkbox"/> Organizational skills |
| <input type="checkbox"/> Written Expression | <input type="checkbox"/> Assistive Technology | <input type="checkbox"/> Medical concerns |
| <input type="checkbox"/> Behavioral Difficulties | <input type="checkbox"/> Speech/Language | <input type="checkbox"/> Attendance |
| <input type="checkbox"/> Attention Span | <input type="checkbox"/> Vision | <input type="checkbox"/> Other (list) _____ |
| <input type="checkbox"/> Math Calculation | <input type="checkbox"/> Hearing | |
| <input type="checkbox"/> Math Application | <input type="checkbox"/> Test anxiety | |

Previous supports and services:

(Please check all that apply)

- Previous SIT process Previous 504 Plan Previous IEP Previous services for ELL
 Previous Educational Service Plan (Gifted/Talented) Previous Individual Health Care Plan

FOR DISTRICT USE ONLY:

Upon receipt of the referral, the School Counselor will obtain from the parent/guardian, teachers and other necessary members of the Section 504 Team data that includes, but is not necessarily limited to:

- Parent Input Form Teacher Input Form Medical Records Grade reports Other _____
 Attendance records Discipline records Prior testing and standardized scores Student Input Form

The above data is being collected to be used at the Section 504 Initial Evaluation for Eligibility Considerations Meeting. The School Counselor will send home the Parent Notice for Consideration of Section 504 Protections upon receipt of the Section 504 Referral and will schedule a meeting with the Section 504 Team.

Signature of Special Education Teacher _____ Date Section 504 Meeting Set _____
 In writing By phone In person

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
PARENT NOTICE FOR CONSIDERATION OF
SECTION 504 PROTECTIONS

Student Name: _____ Student #: _____

School: _____ Grade: _____

Date: _____

To The Parent/Guardian of: _____(Student Name)

I have received a Section 504 Evaluation Referral regarding your child. As part of our efforts to improve your child's access to his or her education, we would like to meet as a Team to determine if your child may qualify for the protections under Section 504 of the Rehabilitation Act. For a student to qualify for Section 504 protection, the student must meet three criteria: **(1) have a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities.** Major life activities include, but are not limited to, breathing, concentrating, walking and/or learning. If a 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 opportunities afforded to students without disabilities in the school setting.

In order to determine if your child qualifies, the District would like to conduct an evaluation regarding your child. Members of the Section 504 team will collect and review information. You, along with your child's teacher(s) and the school's Special Education Teacher, school psychologist, and other staff members may be involved in observations, assessments and other data collection activities.

Evaluations for consideration of Section 504 protections may simply consist of the Team reviewing existing records. Records could include school records, anecdotal evidence, observations, prior testing, grades, standardized test scores, medical records, discipline records and other data, in order to determine if your child qualifies for accommodations, services or supports in the classroom and/or to access the educational environment.

I have included a Section 504 Parent Input Form, as well as a Student Input Form, to help us obtain information about your child. Your input and observations of your child, as well as his/her own insights into learning styles and needs, are valuable to us. Having this information will help the Team in completing its evaluation. Please return the form to the Special Education Teacher at your earliest convenience.

Section 504 provides you with specific rights 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 letter. If you have any questions or concerns, please do not hesitate to contact me. We look forward to meeting and working with you.

Special Education Teacher

Enclosure: Parent's Rights and Safeguards Under Section 504

Section 504 Parent Input Form

Section 504 Student Input Form

Telephone Number

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
Section 504 Teacher Input Form

Student Name:	Date of Request:
School Counselor:	Date Due:
Teacher:	Class Subject:

Thank you for your dedication and commitment to supporting all students. Your input is essential to identifying the needs of the above-named student and planning for the student's success.

Instructional Rating -- Rate the above named student's performance in relation to other students of the same age. 1 = Below Average 2 = Average 3 = Above Average N = Not observed									
	1	2	3	N		1	2	3	N
Reading					Following oral directions				
Math skills					Following written directions				
Written expression					Organizational skills				
Spelling					Time management skills				
Class work					Interaction with staff				
Homework					Test Performance				

Behavioral Rating -- Rate the student's behavior in relation to other students of the same age. 1 = Hardly Ever 2 = Sometimes 3 = Frequently 4 = Almost Always									
	1	2	3	4		1	2	3	4
Takes turns, waits					Fidgets, appears restless				
Remains seated					Adapts to new situations without getting upset				
Completes time on task					Has a happy, even disposition				
Stays on task, easily redirected					Brings materials to class				
Makes and keeps friends					Accepts responsibility for actions				
Works cooperatively w/others					Other:				

What things related to your curriculum and/or instruction does the student do well in?
Where within your curriculum and/or instruction does the student struggle?
What accommodations have you tried and what were the results?

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
Section 504 Parent Input Form

Student Name:	Date of Request:
School Counselor:	

The information requested will help assist the Section 504 Team in better understanding your child. Your input is valuable as we work to support him/her. If you wish to share information outside of what is requested on this form, please feel free to attach additional information to this form when returning to me. If you have questions or concerns, contact the above named counselor at (623)_____.

1. Medical History:

- a. Past or present medical concerns? No _____ Yes _____ If yes, please describe: _____

- b. Is your child taking any medications? No _____ Yes _____ If yes, what medication is your child currently taking: _____
- c. Is your child under the care of a physician and/or psychologist? No _____ Yes _____
If yes, please describe: _____
- d. Has a Release of Information form been completed? No _____ Yes _____ If not, would you be willing to allow the District to speak with your child's physician? _____
- e. Please share any other information you feel would help the District support your child: _____

2. Family History: Past or present family issues (divorce, moves, births, deaths, etc.)

3. Social History: How does your child interact with peers? Siblings? Adults?

4. Educational History:

- a. Was your child retained? No _____ Yes _____ If so, what grade? _____
- b. Has your child been previously evaluated: No _____ Yes _____ If so, when and what areas were evaluated? _____
If so, are copies of the evaluation available? No _____ Yes _____
- c. Was your child previously eligible for special education and related services: No _____ Yes _____
If so, when _____

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
Section 504 Parent Input Form Continued...

- d. Was your child previously eligible for a Section 504 Plan: No _____ Yes _____ If so, when?

- e. Does your child have difficulty with specific academic subjects? No _____ Yes _____
If yes, which subjects are the most difficult? _____
- f. How would you describe your child's study habits? _____

- g. Is homework completed? No _____ Yes _____
- h. Has the student been tutored? No _____ Yes _____ If yes, please describe when and for what
subjects: _____
- i. Has the student attended summer school? No _____ Yes _____ If yes, please describe when and
for what subjects: _____
- j. Is the student academically motivated? No _____ Yes _____
- k. Please share any other information you feel is relevant about your child's academic performance:

5. What are the **main concerns** you have about your child, if any?

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
Section 504 Student Input Form

Student Name:	Date of Request:
Teacher:	

1. When you need extra help in class, what are you most likely to do?

- Ask questions
 Use recorded lectures
 Review class notes
 Use a word processor
 Request extra time on assignments
 Use audio textbooks
 Request altered tests/assignments
 Join a study group
 Other _____

2. When preparing for a test or exam, which of these are or would be most likely to help you?

- Asking for extra time
 Using study guides
 Asking to have tests read aloud
 Asking for writing help
 Asking to take tests in another room
 Reading my answers in a tape recorder
 Other _____

3. If you have difficulty reading, which of these are or would be most likely to help you?

- Using a study guide
 Having textbooks recorded
 Having someone read to me
 Other _____

4. If you have difficulty writing, which of these are or would be most likely to help you?

- Having a note taker
 Giving oral reports
 Recording lectures
 Using a word processor
 Dictating written work to someone
 Other _____

5. If you have difficulty with math, which of these are or would be most likely to help you?

- Using graph paper
 Using a calculator
 Using manipulatives
 Listing steps of a process in notes
 Asking for additional explanation
 Setting up time to work 1:1 with teacher
 Other _____

6. If you have trouble with organization, which of these are or would be most likely to help you?

- Asking for course syllabus
 Keep calendar of assignments
 Getting assignments ahead of time
 Breaking large assignments in to small parts
 Other _____

7. What else helps you when you are struggling in school?

8. What do you think your teachers can do to help you be more successful in school?

9. What do you think you can do to help you be more successful in school?

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
SECTION 504 REVIEW LETTER

Student Name: _____ Student #: _____

School: _____ Grade: _____

Date: _____

To The Parent/Guardian of: _____(Student Name)

I have received a copy of your child's current Section 504 Student Accommodation Plan, developed by your child's prior school. As part of our efforts to help support your child in our school, I have reviewed the Plan and discussed the instructional and testing accommodations with all of your child's teachers as outlined in the Plan received. They have received a copy of the Plan and confirmed their understanding of the Plan and their related responsibilities. A copy of the signed Section 504 Teacher Confirmation is enclosed for your records.

We would like the opportunity to see how your child performs in our school before reconvening the 504 Team, so that we have current classroom observations, performance data and input to share with you regarding any revisions to the Plan we feel are necessary. We will contact you within the next month to schedule a time to meet with you. We will work with you to arrange a mutually convenient time to meet as well as send you a written notice of the meeting as we value your participation in the discussion and decision making process. If you have any questions or if you would like your child's Section 504 Team to meet sooner than we are proposing, please contact me.

Section 504 provides you with specific rights concerning your child. These rights are summarized on the "Parent's Rights and Safeguards Under Section 504" document enclosed with this letter.

Special Education Teacher

Telephone Number

Enclosures: Section 504 Teacher Confirmation
Parent's Rights and Safeguards Under Section 504

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

SECTION 504 TEACHER CONFIRMATION

Please sign below to confirm that you have discussed with the School Counselor the eligibility of the following student, _____, to have a Section 504 Student Accommodation Plan, that you have read the Plan, that you understand the instructional and testing accommodations allowed, received a copy of the Plan for your records, and you understand your responsibility related to the Plan.

1. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

2. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

3. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

4. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

5. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

6. Teacher: _____ Class: _____
(Print name)

Signature: _____ Date: _____

7. Other: _____ Position: _____
(Print name)

Signature: _____ Date: _____

Special Education Teacher: _____ Signature: _____ Date: _____
(Print name)

NOTE: Each time a class and/or teacher changes within a semester and/or school year, the Special Education Teacher will complete a new form to document Teacher Confirmation with new personnel working with the student. The original copy will be secured in the files in the Special Education Office of the child's home school.

The Odyssey Preparatory Academy
 The Odyssey Institute for Advanced and International Studies
SECTION 504 INITIAL EVALUATION AND PERIODIC RE-EVALUATION

Student _____ DOB _____ Age _____ Student ID# _____

Special Education Teacher _____ School _____

Parent Name _____ Phone (H) _____ (W) _____

Address _____ Zip _____

Check One Initial Evaluation (if so referred by _____) Periodic Re-evaluation

Section 504 Team Membership

The 504 Team must include individuals knowledgeable about the needs of the student and the evaluation data being reviewed. This team should include the parent or guardian of the student, teachers, other school staff members, and staff members of community agencies, when applicable. The student should be included in this process whenever possible.

Name	Position/Title	Consulted and/or Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended
		<input type="checkbox"/> Consulted <input type="checkbox"/> Attended

The 504 Team reviewed and carefully considered evaluation data gathered from a variety of sources. Please check the sources reviewed by the Team.

Parent Input	Teacher Input	
Student Input	Work Samples	
Grades	Discipline	
Attendance	Behavior / adaptive measures	
Medical evaluations/diagnoses/physical condition	Aptitude and Achievement Tests	
Nurse records/school health care plans	Previous data from SIT	
Other tests	Outside evaluations (specify)	
Previous 504 or IEP	Other (specify)	
Mitigating measures		

If information from a conversation or other data in unwritten form was considered, please document the anecdotal observations by attaching a written summary.

_____ Based upon the documentation above, the Section 504 Team has determined that enough data exists to determine eligibility.

_____ Based upon the documentation above, the Section 504 Team has determined that further data is necessary in order to determine eligibility.

I participated in making this decision _____ (parent/guardian signature)

Parent(s) did not participate, and the District made three attempts to obtain Parent(s) presence as follows:

_____ _____ _____

**The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies**

SECTION 504 INITIAL EVALUATION & PERIODIC RE-EVALUATION CONT.

The District needs your written consent (permission) before it can administer tests or other evaluation materials to your child. With your consent, the following areas will be assessed and tests or other evaluation materials will be administered.

Areas to be evaluated	Description of tests and other materials	Name of evaluator, if known

PARENT CONSENT / PERMISSION TO ADMINISTER TESTS AND OTHER EVALUATION MATERIALS AS PART OF SECTION 504 INITIAL EVALUATION OR PERIODIC RE-EVALUATION

I understand that my consent is voluntary and may be revoked at any time during the administration of this evaluation. I also understand that if I do not give consent for the District to administer the evaluation, the District will not have a comprehensive analysis to make a determination of consideration of Section 504 protections for my child. I understand that the action of gaining my consent to evaluate my child is being proposed and:

- I give my consent for the District to administer these tests or other evaluation materials described above to my child as a part of the evaluation process.
- I do not give my consent for the District to administer these tests or other evaluation materials described above to my child as a part of the evaluation process.

(Signature of parent or legal guardian or adult student)

Date

(Signature of Special Education Teacher)

Date

If I have consented to the evaluation, I understand that the Team will reconvene after the above testing is completed to review the results of the additional data and make a determination of Section 504 eligibility.

The team is scheduled to reconvene on: _____ . A Section 504 Meeting Notice will be sent home prior to the meeting.

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
SECTION 504 ELIGIBILITY DETERMINATION

Section 504 Eligibility Determination			
As directed by Congress in the ADAAA, the Section 504 Team understands that a definition of disability “shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.”			
1. Does the student have a physical or mental impairment? If so, please identify the impairment(s) in the box below. This is an educational determination only, and not a medical diagnosis for purposes of treatment. Impairments that are episodic, in remission, or mitigated should be listed. OCR guidance indicates that in “virtually every case,” diabetes, epilepsy, bipolar disorder and autism will result in eligibility under Section 504. Extensive documentation or analysis should not be required for these impairments.		Eligibility Question #1	
		Yes	No
If the Team answered “Yes” to Question 1, identify the impairment(s) here.			
2. Does the physical or mental impairment affect one or more major life activities (including major bodily functions)? If so, identify the major life activity or major bodily function by checking the appropriate box or boxes. For an impairment that is episodic, in remission, or mitigated, identify the activity or function affected when the disability is present or active.		Eligibility Question #2	
		Yes	No
Major Life Activities include, but are not limited to:			
Walking		Eating	
Performing manual tasks		Sleeping	
Seeing		Working	
Hearing		Standing	
Functions of immune system		Lifting	
Normal cell growth		Bending	
Reproductive function		Speaking	
Neurological function		Endocrine function	
Bladder function		Respiratory function	
Bowel function		Circulatory function	
3. Does the physical or mental impairment <i>substantially limit</i> a major life activity? The team needs to determine if the student is substantially limited in performing major life activity as compared to the “average student” of the same grade or age or as compared to “most students” of the same grade or age. The ADAAA requires Teams to not consider the ameliorative (helpful or positive) effects of mitigating measures (except for ordinary eyeglasses or contact lenses). The fact that impairment may be episodic (the impact of the impairment is sometimes limiting, sometimes not) or in remission, does not preclude eligibility if the impairment would substantially limit a major life activity when active.		Eligibility Question #3	
		Yes	No
If Eligibility Question #3 is answered “no,” explain why the student is not substantially limited and describe what measures are used by/for the student along with the impact of such measures:			

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
SECTION 504 ELIGIBILITY DETERMINATION CONT...

<p>Section 504 Plan and Placement (completed only if each of the three preceding questions were all answered “Yes”).</p> <p>4. Does the student need Section 504 services in order for his / her educational needs to be met as adequately as those of non-disabled peers?</p> <p>The team should keep in mind the following:</p> <p>1) If the student’s needs are so extreme as to require special education and related services, a referral to special education should be made.</p> <p>2) If the student’s impairment is in remission and creates no need for services or accommodations, the student is not in need of a Section 504 Student Accommodation Plan.</p> <p>3) If the student’s needs are currently addressed by mitigating measures with no need for additional services or accommodations, and the mitigating measures are provided or implemented by the student, with no action required by the school, the student is not in need of a Section 504 Student Accommodation Plan.</p>	Plan and Placement Question	
	Yes	No

<p>Analyzing the Results of the Section 504 Team</p> <ol style="list-style-type: none"> If all four questions are answered “Yes,” the student is eligible for both the nondiscrimination and Free Appropriate Public Education (FAPE) protections of Section 504, entitling the student to have a Section 504 Student Accommodation Plan. If only the first three questions are “Yes,” the student is eligible for the nondiscrimination protections of Section 504, together with manifestation determination, procedural safeguards, and periodic re-evaluations. However, the Section 504 Team will not develop a Section 504 Student Accommodation Plan at this time because the student’s needs are currently being met as adequately as with his/her non-disabled peers. Should this change, the 504 Team may reconvene and develop a Section 504 Student Accommodation Plan accordingly. If any of the first three answers is “No,” the Student is not eligible for Section 504 nondiscrimination protection and is not eligible for a Section 504 Student Accommodation Plan.

<p>Section 504 Team Decision</p> <p>The Section 504 Team’s analysis of the eligibility criteria as applied to the evaluation data indicates at this time (check the appropriate box or boxes):</p>

Not Section 504 Eligible	
Eligible + Plan	
<p>The student is eligible under Section 504 and will receive a Section 504 Student Accommodation Plan that governs the provisions of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluations as well as the nondiscrimination protections of Section 504.</p>	
Eligible + No Plan (Remission)	

<p>The student is eligible under Section 504 and but does not currently require a Section 504 Student Accommodation Plan because the physical or mental impairment is in remission. Therefore, there is currently not a need for services. The student will receive manifestation determination, procedural safeguards, periodic re-evaluations as well as the nondiscrimination protections of Section 504. Should a need for a Section 504 Student Accommodation Plan arise, the Section 504 Team will reconvene and develop an appropriate plan accordingly.</p>	
---	--

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

**** CONFIDENTIAL ****

SECTION 504 STUDENT ACCOMMODATION PLAN

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

Area(s) of Student Identified Needs	Service(s) and/or Accommodation(s)	Person(s) Responsible

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

**** CONFIDENTIAL ****

SECTION 504 STUDENT ACCOMMODATION PLAN Continued...

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

Participation of Eligible Section 504 Student in District Assessments and AIMS HS/Stanford 10 Standardized Testing:

AIMS HS for 10th through 12th Graders and Stanford 10 for 9th Graders:

- _____ The student should take assessments under routine conditions, without any accommodations.
- _____ The student should **NOT** take assessments under routine conditions and is eligible for Standard Accommodations (as outlined by the Arizona Department of Education) that are consistent with the instructional accommodations set forth in the student's Section 504 Student Accommodation Plan.

Testing Accommodations Required:

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

Participant Signature	Position/Title	Date

This plan may be reviewed during the school year upon request of a staff member, parent(s)/guardian(s), or the student.

REFERENCE TOOL FOR ALLOWABLE TESTING ACCOMMODATIONS

The following is a list of accommodations approved by the Arizona Department of Education. Reference appropriate accommodations listed below that the Section 504 Team selected and that are consistent with daily instructional accommodations in the student's educational program on the Student Accommodation Plan.

TESTING ACCOMMODATIONS AVAILABLE TO STUDENTS WITH SECTION 504 PLANS

The following **universal** accommodations are available to **all** students, including Section 504 students, as deemed needed by the team:

- a separate location or study carrel
- preferential seating
- special lighting
- student wears noise buffers (after directions)
- special furniture or pencil
- familiar test administrator
- repeat the scripted directions included in the *Test Administration Directions*
- answer questions about the scripted directions or the directions that students read on their own
- color overlay

The following **standard** accommodations are available to Section 504 students:

- magnification device
- amplification equipment
- place marker use
- more breaks and/or several shorter sessions
- extended time for *Stanford 10* in grade 9
- test at a different time of day
- small group administration or one-on-one testing
- simplify language in the scripted directions in English
- read aloud or sign the directions that students read on their own
- read aloud in English or sign the **writing prompt, mathematics test items⁺, or science test items⁺**
- large print or Braille edition of test
- for a student who is blind, use of an abacus for mathematics test items
- for a student who is blind, use of an electronic dictionary and thesaurus with grammar check, spell check, encyclopedia, translation, and Internet access turned off
- for a student who is blind, Braille writers*
- write answers directly into test booklet*
- record or dictate **multiple choice responses** to a scribe*
- use assistive technology with spell check, grammar check, and predict ahead functions turned off
- for mathematics sections, use of personal whiteboard which can be seen by only the student and is erased after every problem

Non-standard (or alternate) testing accommodations are no longer permitted for AIMS or Stanford 10 tests. Accommodations no longer allowed include the use of a scribe for writing, read aloud for reading, the use of a calculator or other manipulatives for mathematics.

During testing, all **allowable** universal and standard testing accommodations identified in the student's IEP or 504 plan must be made available. However, students may choose not to use the accommodation(s).

+ A **test item** includes both the question and the corresponding answer choices. Any stimulus preceding the item may also be read aloud.

* For these accommodations, the student's responses must be transferred to the student's answer document as directed in the corresponding *Test Administration Directions* manual.

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies

SECTION 504 SUMMARY OF PERFORMANCE

Student Name: _____

Student #: _____

School: _____

Date of Birth: _____

Current 504 Accommodation Plan Developed: _____

Graduation date: _____

Data sources: 504 Plan Attendance Teacher Input
 Discipline Grades Nurse records

Student Input
 Other _____

Present levels of performance:

Summary of accommodations necessary:

Recommendations for accommodations in post secondary education and/or in the workplace:

Signature of Special Education Teacher

Date

Signature of Student

Date

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
SECTION 504 MANIFESTATION DETERMINATION REVIEW

Student Name: _____

Student #: _____

School: _____

Grade: _____

Date of Current Section 504 Student Accommodation Plan: _____

Date of Manifestation Determination: _____

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

B. Document the relevant evaluation and diagnostic information describes the Student's disability:

C. Confirm that the Team reviewed the Student's current Section 504 Student Accommodation Plan as part of the manifestation determination review. [] Yes.

D. Analysis. Document consideration of all relevant information the Team has reviewed, including relevant information provided by Team members, and Team's analysis supporting its conclusions.

The Odyssey Preparatory Academy
The Odyssey Institute for Advanced and International Studies
SECTION 504 MANIFESTATION DETERMINATION REVIEW CONTINUED...

Student Name: _____

Student #: _____

E. Check the following statements that the Team determines to be true:

Yes **No**

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | The conduct in question was the direct result of the District's failure to implement the Student's Section 504 Student Accommodation Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | The conduct in question was caused by or had a direct and substantial relationship to the Student's disability. |

If either box is checked "Yes," the Team must conclude that the Student's conduct was a manifestation of his/her disability. If both boxes are checked "No," the Team may conclude that Student's conduct was not a manifestation of his/her disability.

F. Conclusion: Check the following statement that the Team determines to be true:

- | | |
|-------|---|
| _____ | The conduct under consideration <u>IS</u> a manifestation of the Student's disability. |
| _____ | The conduct under consideration <u>IS NOT</u> a manifestation of the Student's disability. |

504 Team Participants:

_____	_____
_____	_____
_____	_____
_____	_____

PARENT'S RIGHTS AND SAFEGUARDS UNDER SECTION 504

As a parent, you have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Have the District advise you of your rights under federal law.
3. Provide parent consent for an evaluation of your child and receive notice with respect to identification, evaluation, or eligibility determination of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options.
7. Have transportation provided to an out of District school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
8. Provide your child with an equal opportunity to participate in nonacademic and extracurricular activities offered by the District through the provision of reasonable accommodations.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Receive a response from the District to reasonable requests for explanations and interpretations of your child's records.
12. 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 District refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.
13. Request an impartial due process hearing related to decisions regarding your child's identification, evaluation, and educational program placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
14. File a complaint with the District when you believe your child's rights have been violated. A complaint may be filed by completing the Section 504 Complaint Form and submitting it to your school Principal or to: 1495 S. Airport Rd., Buckeye, AZ 85326
15. The Office for Civil Rights of the U.S. Department of Education also enforces the requirements of Section 504. The address of the regional office that includes Arizona is: Office for Civil Rights, 1244 Speer Blvd. Suite 300, Denver, CO 80204-3582.