

**Mayflower School District**

**MANUAL FOR PROVIDING  
SERVICES TO STUDENTS UNDER  
SECTION 504  
OF THE REHABILITATION ACT OF 1973**

**Edited By:  
Jennifer Lee  
March 2015**

## Educational Equity

*It is the policy of the School Board of Mayflower School District, Mayflower, Arkansas, that no employee, student, or applicant shall - on the basis of race, color, national origin, sex (gender), marital status, age, religion, disability (Section 504/ADA) or any other basis prohibited by law - be excluded from participating in, be denied the benefits of, or be subjected to discrimination and harassment under any educational programs, activities or in any employment conditions, policies, or practices conducted by the district. For any concerns regarding employees/applicants -- contact the Human Resources at 501.470.0506; regarding students - contact District 504 Coordinator at 501.470.2111.*

### *Mayflower School District - 504 Contacts for 2014-15*

<i>School Campus</i>	<i>Grades</i>	<i>Name</i>	<i>Contact</i>
<i>Elementary</i>	<i>PK-04</i>	<i>Mike Hairston</i>	<i>501.470.0387</i>
<i>Middle</i>	<i>05-08</i>	<i>Jennifer Lee</i>	<i>501.470.2111</i>
<i>High</i>	<i>09-12</i>	<i>Melody Thompson</i>	<i>501.470.0388</i>

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# INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against disabled persons by school districts receiving federal financial assistance. Included in Section 504 is the requirement that disabled students be provided with a Free Appropriate Public Education (FAPE). The regulations require identification, evaluation, provisions of appropriate services, and procedural safeguards in every public school in the United States.

Section 504 protects all students who have any physical or mental impairment and the student's impairment substantially limits one or more major life activities. The IDEA, on the other hand, defines as eligible only students who have specified types of disabilities and who, because of those conditions, need special education and related services. All individuals who are disabled under the **Individuals with Disabilities Education Act (IDEA)** are also considered to be disabled and therefore protected under Section 504. However, all individuals who have been determined to be disabled under Section 504 may not necessarily be disabled under IDEA. There are some students who are not eligible for IDEA services, but who nevertheless are eligible under Section 504, and to whom the district may therefore have responsibilities.

If school officials have reason to believe that because of a disability, as defined under Section 504, a student needs accommodations in the regular setting in order to participate in the school program, the School 504 Committee must evaluate the student. Section 504 eligibility and the need for a 504 plan are separate determinations. If the student is determined to have a disability that substantially limits a major life activity under Section 504, the School 504 Committee may develop a Section 504 plan if accommodations are needed. In cases where the 504 team determines that there is no need for an accommodation plan, the student will be protected under the discrimination prongs of the definition. In cases where an accommodation plan is needed, this plan is developed to ensure that each student who is disabled within the definition of Section 504 of the Rehabilitation Act of 1973, be provided a free appropriate public education, regardless of the nature or severity of the disability.

# GENERAL PURPOSE OF SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

## WHO IS ELIGIBLE?

All school-age children who meet the much broader definition of qualified with a disability person; i.e., (1) has a physical or mental impairment which substantially limits one or more major life activities. Major life activities are those such as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, major bodily functions, reading, concentrating, thinking, communicating and performing manual tasks. The impairment need only substantially limit one major life activity in order for the student to be eligible. To substantiate a medical condition documentation is required. A person must have an impairment that substantially limits one or more major life activities.

There are two other prongs to the definition: (2) has a record of such an impairment or (3) is regarded as having such an impairment. These two prongs come into play only if a person is being discriminated against because there is an assumption that the person has an impairment. However, a student with a record of a past disability who does not have a current disability, or a student who is falsely believed to have a current disability, does not actually have a substantially limiting mental or physical impairment. Therefore, these two prongs of the definition cannot be used for eligibility purposes.

# DUTIES OF SCHOOL-BASED SECTION 504 CONTACT (COORDINATOR)

1. Disseminate information on the “Child Find” requirement of Section 504.
  - (a) Identify the Section 504 Contact so that staff has knowledge. .
  - (b) Discuss teacher & staff responsibilities under Section 504 at a faculty meeting at the beginning of each school year.
2. Act as the Case Manager for Section 504 referrals.
3. Lead all Section 504 meetings at school site concerning Referral, Evaluation, Determination of Eligibility, and Accommodation Plan.
4. Maintain a list of all Section 504 students for the school.
5. Maintain a file with copies of all Section 504 Accommodation Plans at the school for each student.
6. Ensure that all current teachers and other personnel, as appropriate, receive a copy of the student’s Accommodation Plan and monitor compliance of the plan.
7. Ensure that data entry is accurate to reflect all Section 504 students at the beginning of each year. Keep data current throughout the year.
8. For students transitioning to middle school and high school, notify the 504 contact at the receiving school of 504 students and deliver their accommodation plans personally to the new school’s 504 contact.

# EVALUATION

A 504 evaluation should (1) document the presence of a 504 eligible disability and (2) if determined to be necessary, provide data that will assist in planning the accommodation(s) in the regular classroom setting. The determination of what services are needed must be made by a group of persons knowledgeable about the student and handicapping condition, the evaluation data, and placement options (e.g. multidisciplinary plan). The decision about 504 eligibility and services must be documented in the student's files and reviewed periodically. Once a student is identified as eligible under Section 504, periodic reevaluation is required.

# FUNDING

Section 504 does not provide additional funds. IDEA funds may not be used for services to children found eligible only under Section 504.

# NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504

Section 504 requires notice to the parent or guardian with respect to identification, evaluation, and/or placement. A copy of Section 504 Notice of Parent and Student Rights is included in this handbook. If a parent<sup>1</sup> disagrees with a decision of 504 team regarding a student's evaluation, eligibility for services, services provided or other matters directly related to the student's 504 Plan pursuant to § 504 of the Rehabilitation Act of 1973<sup>2</sup> and implementing regulations, <sup>3</sup>the parent may file a grievance. The purpose of this procedure is to secure fair solutions to complaints that may arise from time to time at the lowest possible level or implementation of the 504 plan. The grievance shall be submitted on the form provided herein. The grievance shall be filed with the principal.

Grievance filed at principal level: If the parent does not agree that the problem has been resolved informally through discussion with the 504 team, the parent may submit a grievance to the Principal within three (3) school days following the 504 team discussion. The Principal will investigate and determine how to resolve the complaint(s). The Principal will reduce his or her decision in writing within five (5) school days after receiving the grievance and will provide a copy to the parent.

# GUIDELINES & PROCEDURES SECTION

## REFERRAL

A parent, guardian, teacher or other member of the school staff may raise concern about a student. A school district is obligated to evaluate any child it suspects of having a disability that substantially limits a major life activity, such as learning.

A meeting will be scheduled with the school based 504 team and parents with a Notice of Section 504 Determination Meeting being send to all parties. The purpose of the meeting will indicate a discussion of area of concern. Indicate whether the concern was brought by parent, teacher or other school staff. Notes of the meeting should be written and held on file.

Team members should take preexisting doctor evaluations, notes and recommendations as valid source for determining eligibility. If it is decided that an evaluation for eligibility should be conducted, the team will plan on what sources of information will be needed and who will be responsible for each source identified. A permission form must be signed by the parent if it is determined by the team that formal assessments and observations will be conducted in addition to review of existing records. A date to reconvene for the Determination of Eligibility Meeting should be agreed upon.

In the event that a parent refuses to provide consent for an evaluation to be done, the parent must advise the school, in writing, of such refusal. If the parent refuses to provide consent and does not provide, in writing, notice of their refusal, the 504 Contact must send a letter confirming the parent's refusal of the evaluation to the address of record via U.S. mail. This confirmation letter will be kept in the student's confidential file.

When there is a suspicion that the student may be disabled in the area of learning, the process for evaluation for Special Education services should be done first. Once a student is found ineligible for ESE, a referral may be made to the Section 504 contact for consideration of whether the student's difficulties are caused by a disability under Section 504. Students who do not meet the IDEA's eligibility criteria may or may not meet the definition of Section 504 eligibility.

# EVALUATION

- (1) **School staff must consider whether to evaluate for Section 504 eligibility when:**
  - (a) A parent requests a Section 504 eligibility evaluation, or Section 504 accommodation plan.
  - (b) A parent provides medical or psychological documentation of a condition that may constitute a disability.
- (2) **School staff may consider whether to evaluate for Section 504 eligibility when:**
  - (a) A student is referred to the school intervention team and it is determined that an evaluation under IDEA is not appropriate.
  - (b) Drug abuse has been documented, treatment has been received and the student is not currently using drugs. Students who are currently using drugs are not Section 504 eligible.
  - (c) A disability of any kind is suspected, including temporary injuries.
  - (d) A student's discipline history is characterized by a pattern of multiple suspensions, reassignments, or expulsion is being considered for any student.
  - (e) A student shows a pattern of not benefiting from the instruction being provided.
  - (f) A student is evaluated and is found not to qualify for Exceptional Education (ESE) services under the Individuals with Disabilities Education Act (IDEA).
  - (g) A student is dismissed from ESE with continuing need for accommodations.

Evaluation must draw on information from a variety of sources in the area of concern. A medical diagnosis in and of itself does not mean a student is disabled under Section 504. The opinion of the doctor or parent need only be considered in the decision. Gather all available information. Data used for the evaluation may include, but is not limited to, medical records, school records, standardized test result, classroom observations, work sample review, anecdotal records, and interview(s) with the student, parent and school personnel.

A physician's medical diagnosis may be considered among other sources in evaluating a student with impairment or believed to have an impairment which substantially limits a major life activity. The medical diagnosis in and of itself does not constitute an evaluation for the purposes of Section 504 eligibility. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. If medical information is deemed necessary to determine whether the student is 504 eligible, then the district is responsible for providing the medical evaluation at no cost to the parent.

Examine non-school factors. Conditions resulting from environmental, cultural, and economic disadvantages are not necessarily disabilities. However, information from all aspects of a student's life should be considered.

- Identify the actual physical or mental impairment.
- Identify the major life activity. What is/are the major life activity (ies) affected? There may be no substantial limitation in learning, but access to learning may be impaired by other limitations. What are the limitations? Learning does not have to be impacted for a student to have a disability in order to be eligible for 504 accommodations that are non-instructional in nature.

Decisions are made by a group knowledgeable about the student, evaluation data, and placement options.

## DETERMINE ELIGIBILITY

Assemble the 504 team of persons knowledgeable about the student, evaluation data, and placement options. A minimum of three (3) members must be present, with at

least one of the student's teachers, one student services professional who is familiar with the student and either the principal or Section 504 Contact person. (It is highly encouraged for an administrator to be present.) Invite the parent at least seven days in advance.

The 504 team must identify the actual physical or mental impairment. The team identifies the major life activity. Learning is not the only major life activity that is an area of concern. However, access to learning may be impaired by other limitations. The team should consider what are the limitations?

Learning does not have to be impacted for a student to have a disability in order to be eligible for 504 accommodations that are non-instructional in nature. The team must determine that the identified impairment substantially limits a major life activity. Remember that comparisons to learning and accessibility are made to the average population.

The team must consider the student with or without mitigating factors. In determining whether a student has a physical or mental impairment that substantially limits a major life activity must **NOT** consider the ameliorating effects of any mitigating measures that student is using. Examples of mitigating measures are: medication, medical supplies, equipment, prosthetics, or hearing aids. **NOTE: There is one exception to the mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity.**

The team will complete a Section 504 eligibility form. Identify and document all sources of information used in the evaluation. Document eligibility or ineligibility and keep this record. If the student's Section 504 disabling condition substantially limits a major life activity, a school *Accommodation Plan* may be developed. In cases where the 504 team determines that there is no need for an accommodation plan the student will be protected under 504 under the discrimination prongs of the definition. Where no plan is needed the student is eligible and receives manifestation determination, procedural safeguards, periodic reevaluation (as needed), as well as the nondiscrimination protectors of the Section 504. If the need for a 504 plan is determined, the Section 504 team would reconvene and develop an appropriate Section 504 Accommodation Plan at that time.

The parent will be provided with a copy of the *Eligibility Determination* form, *Notice of Parent and Student Rights*, and if developed, a copy of the *Accommodation Plan*. Information will be entered into ESchool by the Building 504 Coordinator or Contact. All Section 504 information will be filed in the student's cumulative file at his or her campus and held with the Building 504 Coordinator or Contact. It is the Building 504 Coordinator or Contact's responsibility to invite the District 504 Coordinator to any evaluation or eligibility determination meeting and to provide a copy of any Accommodations Plan.

## **OUT OF DISTRICT TRANSFER STUDENTS**

If a student with a disability transfers from another school district with a Section 504 Plan, the school will implement the plan to the extent practicable. The Section 504 Committee must review the plan and supporting documentation within fifteen (15) school days of first date of attendance. The 504 Committee must include persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options to determine whether the plan is appropriate. If the plan is determined to be appropriate, the school is required to document the plan. If the 504 Committee

determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures outlined in this manual and determine what

## **ACCOMMODATION PLAN**

Once a student has been declared eligible under Section 504, the 504 team determines whether an Accommodation Plan is necessary. Attached is a sample 504 Accommodation Plan to document the accommodations. The question posed is what must school personnel do to provide equal access for this student. Services and accommodations must be based on information and data used in the evaluation and eligibility process.

All teachers and school personnel who would be responsible for the accommodations should have a copy of the Accommodation Plan, along with the District 504 Coordinator and the Parent(s) or legal guardian. The original plan is placed in the student's confidential file.

The school 504 contact must keep a list of all Section 504 students. Best practice is to keep a file folder by grade level containing copies of students' Section 504 Accommodation Plans in alphabetical order.

## **RE-EVALUATION**

Section 504 requires periodic re-evaluations. The IDEA schedule of every 3 years may be used, but is not required.

A reasonable timeline for re-evaluation is as follows:

- Between 2<sup>nd</sup> & 3<sup>rd</sup> grade
- At the beginning of 6<sup>th</sup> grade
- At the beginning of 9<sup>th</sup> grade
- The Accommodation Plan may be reviewed/revised at the school or parent's requests.

Re-evaluation is required before a significant change in placement. There is no provision for independent evaluations at district expense. The Superintendent, Principal and/or LEA should consider any such evaluations presented. It is required to invite parents to a meeting to discuss parent concerns, and to document parent information and medical assessments that parent brings is appropriate for the student.

# DISCIPLINE: SUSPENSION AND EXPULSION

**Suspension:** Whenever a student protected by Section 504 is recommended for suspension, the building administrator should consider whether the behavior exhibited by the student is linked to the disability under Section 504. Schools are strongly encouraged to pursue alternatives to out-of-school suspension for behaviors that are linked to the disability under Section 504; however, out-of-school suspension may be used if the principal determines it is appropriate, according to the student handbook.

1. When a student with a disability under Section 504 reaches a cumulative total stated in the handbook, suspension days within one school year, a formal Section 504

Accommodation Review meeting is required:

- a. The building administrator will schedule the Section 504 Accommodation Review meeting to be conducted within 10 days. The parent must be notified and invited to attend the meeting.
- b. The minimum membership for a review meeting consists of:
  - The building administrator/ 504 contact
  - A teacher with knowledge of the student

Additionally:

- Representatives from student services if applicable (psychologist, social worker or guidance counselor) who were involved in the evaluation process or have sufficient knowledge regarding the student.
  - Parent participation is a practical and effective means of obtaining required information.
- c. If the offense is determined to be a manifestation of the student's disability, the committee will review the student's Section 504 Accommodation Plan and amend, where appropriate.

When a student with a disability under Section 504 is recommended for expulsion, the School Section 504 Committee for the student will conduct a Manifestation Determination. If the finding of that meeting is that the behavior is a manifestation of the student's disability under Section 504, the student will not be recommended for expulsion but may be considered for disciplinary reassignment by the Principal. If the behavior is not a manifestation then the normal expulsion procedures apply. Students awaiting expulsion hearing may be offered educational services if the period out-of-school exceeds ten (10) days.



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School: \_\_\_\_\_ Student ID# \_\_\_\_\_

Date: \_\_\_\_\_

Student Name : \_\_\_\_\_ Date of

Birth: \_\_\_/\_\_\_/\_\_\_\_\_

Age: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Grade: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Recommended Educational Plan:

Original Plan Date:

Refer to Classroom and Facility Accommodations:

Revised Plan Date:

1) Reason for the Referral:

2) Describe the Nature of the Concern:

3) Describe the assessment procedures used:

4) What is the disability and the major life activity that is being affected?



# Section 504 Student Eligibility Form

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Evaluation Information: (check all that apply)

- Psychological Evaluation
- Physician Report
- Achievement Tests
- Teacher Reports
- Observation Data
- RTI
- Classroom Performance Data
- Discipline History
- Parent Information
- Curriculum Based Assessments
- Other \_\_\_\_\_

1. Does the student have a mental or physical impairment (as recognized in DSM\_IV or other respected source if not excluded under 504/ADA, e.g., illegal drug use)?  
 No (if no, go to eligibility determination section)  
 Yes (if yes, identify the impairment and supporting data)

Impairment:

\_\_\_\_\_

Supporting Data:

\_\_\_\_\_

2. Describe how the impairment limits a Major Life Activity (MLA) or Major Body Function (MBF)

\_\_\_\_\_

3. Is the impairment temporary?  No  Yes
4. Is the impairment episodic, intermitted or in remission?  No  Yes
5. In terms of frequency, intensity and duration, does the impairment when in an active state, SUBSTANTIALLY LIMIT a MLA or MBF when compared to how non-disabled students performs the same MLA?  
 No (Respond to the following)  Yes (go to eligibility determination)
  - A. Is the student using any measure or other modifications to reduce or control the effects of the impairment?  Yes  No
  - B. What is the mitigation measure(s)?  
 \_\_\_\_\_

Based on the analysis of the evaluation data, does the student have a disability that SUBSTANTIALLY LIMITS a MLA?

- No- the student is not eligible
- Yes- the student is Section 504 eligible but does not require a 504 plan because
  - the correct effects of mitigating measures
  - the impairment is episodic or in remission
- Yes- the student is Section 504 eligible and requires a 504 plan.

_____ Signature/Title	_____ Date	_____ Signature/Title	_____ Date
_____ Signature/Title	_____ Date	_____ Signature/Title	_____ Date
_____ Signature/Title	_____ Date	_____ Signature/Title	_____ Date

**I have participate in the Section 504 Eligibility process and have received a copy of this notice and the Parent's Notice of Section 504 Rights.**

_____ Parent/Guardian Signature	_____ Date
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# 504 MEETING AGENDA

Student Name:  
Date:

Grade:  
Time:

I Introduction and Purpose

II Review of Student academic progress

III Medical History Review

IV Review of assessments, Teacher evaluations, Reports  
*Aptitude or achievement tests and teacher support*

V Student 504 Eligibility and Identified needs  
*Does the student have a mental or physical impairment?*  
*Does the impairment substantially limit one or more major life activities?*

VI Student 504 Accommodations

VII Closing Statements

504 Definitions:

Substantially Limits: "severe enough to prevent participation in normal learning experiees despite application of typical accommodations and assistance"

Life Activities: "seeing, hearing, walking, learning, caring for oneself, preforming manual tasks, attending school"

Signatures of those Present:

Name

Title

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Copy Given to Parents on \_\_\_\_\_



# **PARENTAL RIGHTS AFFORDED BY SECTION 504 OF THE REHABILITATION ACT**

You have the right to:

- Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition(s).
- Have the school district advise you of your rights under Federal Law.
- Have a right to receive notice with respect to identification, evaluation or placement of your child.
- Have your child receive a free appropriate public education and have your child receive services and be educated in facilities which are comparable to those provided to non-disabled students.
- Have evaluation, education, and placement decisions made, based Parental Rights Afforded by Section 504 of the Rehabilitation Act on a variety of information sources and by persons who know the student and who are knowledgeable about the evaluation data and placement options.
- Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district.
- Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
- Having the right to an appropriate education designed to meet individual educational needs as adequately as the needs of nondisabled students.
- Examine all relevant records relating to decisions regarding your child's identification, evaluation and placement and to request mediation related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You may also request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational purpose or placement.
- You and your child may take part in the hearing and be represented by counsel. Hearing requests must be made in writing to the Section 504 Coordinator.

Initial as completed

\_\_\_\_\_ 2 Copies sent to parent

\_\_\_\_\_ 1 Copy signed & returned

\_\_\_\_\_ Notice of Rights Included

504 Notice and Consent for Evaluation

## Notice and Consent for Initial Section 504 Evaluation

Date sent/mailed: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Campus: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent(s): \_\_\_\_\_ Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

We have carefully reviewed your child's school records and information from teachers. Additional information is necessary to fully determine your child's educational needs and whether he/she might be eligible for assistance in the regular classroom under Section 504. We are requesting that you consent to an evaluation under \*504 for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In many cases the 504 evaluation may simply consist of staff persons reviewing and interpreting existing school records, including anecdotal evidence, observations, prior testing, grades, standardized test scores, and other data, in order to determine if your child qualifies for accommodations in the regular classroom. This is not Special Education evaluation.

Please review the enclosed document entitled "Notice of Parent Rights," which informs you of your rights under Section 504. If you consent to the evaluation, sign and return one copy of this letter. Keep the other copy and the Notice of Parent Rights for future reference.

Please Call \_\_\_\_\_ (Coordinator) at \_\_\_\_\_ if you have any questions.

\_\_\_\_\_  
School Staff person

\_\_\_\_\_  
Telephone Number

As the parent/legal guardian of the above referenced student, having received notice of my \*504 parent rights, I hereby consent to an evaluation under Section 504.

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Parent/Guardian printed name