



504 MANUAL

ISD 381

218-834-8201

www.isd381.K12.mn.us

**504 Manual
Lake Superior School District #381**

**Two Harbors High School 6-12
William Kelley School K-12
Minnehaha Elementary School K-5**

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INTRODUCTION AND OVERVIEW

Section 1: Introduction to Section 504

Section 504 of the Rehabilitation Act was enacted in 1973. For many years, its main thrust has been in the area of employment for individuals with qualified disabilities and for members of minorities. However, the Office for Civil Rights (OCR) is charged with enforcement of Section 504's requirements to ensure the public education system provides the full range of special accommodations and services necessary for students with identified disabilities to participate in, and benefit from, education programs and activities.

Section 504 prohibits discrimination against disabled persons (including students, staff, and community members) by school districts receiving federal financial assistance. This includes all programs or activities of the school district receiving federal funds, regardless of whether the specific program of activity involved is a direct recipient of federal funds. Included in the US Department of Education regulations for Section 504 is the requirement that disabled students be provided with a free and appropriate public education (FAPE). These regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States.

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 are not necessarily disabled under IDEA. These children require a response from the regular education staff and curriculum.

If a district has reason to believe that, because of a disability as defined under Section 504, a student needs either special accommodations or related services in the regular setting in order to participate in the school program, the district must develop and implement a plan for the delivery of all needed services. Again, these steps must be taken even though the student is not covered by the IDEA special education provisions and procedures. The evaluation and accommodation plan must be developed by the building 504 team.

Section 2: Who Qualifies for Section 504

Who qualifies:

There are two components to the criteria for qualifying for support under section 504.

1. The person must have an identified disability.
2. The identified disability is the primary cause of significant impairment in learning or functioning in school.

Major life activities include functions such as caring for one's self, performing tasks, walking, seeing, hearing, speaking, breathing, learning and working. An impairment is only a disability under Section 504 if it substantially limits one or more major life activities. An individual must be unable to perform, or be significantly limited in the ability to perform, an activity compared to an average person in the general population in addition to other pertinent information. The regulations provide three factors to consider whether a person's impairment substantially limits a major life activity. These determinations will be made on a case by case basis.

1. It's nature and severity
2. How long it will last or is expected to last
3. Its permanent or long term impact or expected impact

These factors must be considered because generally it is not the name of an impairment or a condition that determines whether a person is protected by Section 504, but rather the effect of an impairment or condition on the life of a particular person. Some impairments such as blindness, deafness, HIV infection or AIDS are, by their nature, substantially limiting. But, many other impairments may be disabling for some individuals but not for others, depending on the impact on their activities.

Section 3: Questions to Review

There are times when all school staff ought to be asking themselves and others in the system the questions outlined below. Parent concerns and/or requests for evaluation also trigger Section 504 rights and procedures.

Some of those times or situations could be:

- When a pattern of expulsion is starting to develop
- When retention is being considered
- When a student shows a pattern of not benefitting from the instruction being provided
- When a student returns to school after a serious illness or injury
- When a student is referred for evaluation but it is determined to not do an evaluation under IDEA
- When a student is evaluated and is found not to qualify for IDEA services
- When a student exhibits a chronic health condition
- When a disability of any kind is suspected

An appropriate questioning sequence to follow when confronted with any of the situations listed above is outlined below:

1. Does the child have a disability according to Section 504? (see examples listed below)
2. Is the child experiencing significant impairment in their school based performance?
3. Does it appear the impairment is directly related to the potential disability?
4. Should the district evaluate to determine eligibility for Section 504?

Examples of disabilities (not an exhaustive list) that may be considered for Section 504 eligibility:

- | | |
|-----------------------|-------------------------------------|
| • ADD/ADHD | • Kidney or liver disease |
| • AIDS/HIV | • Limp/paralysis/missing limb |
| • Allergy/Asthma | • Low vision |
| • Cancer | • Anxiety |
| • Diabetes | • Depression |
| • Epilepsy | • Other mental or emotional illness |
| • Hemophilia | • Poor hearing |
| • Hepatitis B carrier | • Spina bifida |
| • Heart disease | • Stroke victim |
| • High Blood Pressure | • Total Blindness/deafness |

REGULATION

Section 4: Program Accessibility

Section 504 requires that a “program or activity, when viewed in its entirety, is readily accessible to handicapped persons.” The requirement allows school districts to achieve accessibility through a number of methods, including alteration of facilities, but does not require structural changes in existing facilities if accessibility can be achieved through less drastic methods. However, school districts are expected to provide services in the least restrictive setting.

In order to make programs fully accessible under Section 504, it is not necessary for a school district to make all older buildings, i.e., all those built prior to 1977, fully accessible. However, the district is required to ensure that services provided in an inaccessible building are also available to disabled persons at an accessible site in a setting that is also used by non disabled persons. In smaller school districts with a single elementary or secondary building, it would be necessary to make that building fully accessible.

1. Districts may not make only one facility or one part of a facility physically accessible to disabled individuals where the result is to segregate disabled persons in a single setting.
2. Physical accessibility requirement applies to all district programs even if they occur at a non-district site.

The accessibility requirement applies not only to students but to employees, parents, and patrons who have a right to access certain school services. The following is a checklist for the purpose of judging compliance with Section 504. Please note, that because the Americans with Disabilities Act contains requirements similar to, but more explicit than, the requirements of Section 504, some of the items on the checklist will be drawn directly from ADA regulations.

1. The school district is currently in compliance with its Section 504 self-evaluation and transition plan.
2. All aspects of elementary and secondary programming, including extracurricular, field trips, athletics, etc., are accessible to students with disabilities.
3. Each service, program or activity conducted by the school district, when viewed in its entirety, is readily accessible and usable by individuals with disabilities.
4. The school district maintains in good operating condition those features of each program which makes the program accessible to individuals with disabilities.

5. School board meetings or other public meetings conducted by the school district are held in facilities that are readily accessible to individuals with disabilities including, when necessary, the provision of sign language interpreter.

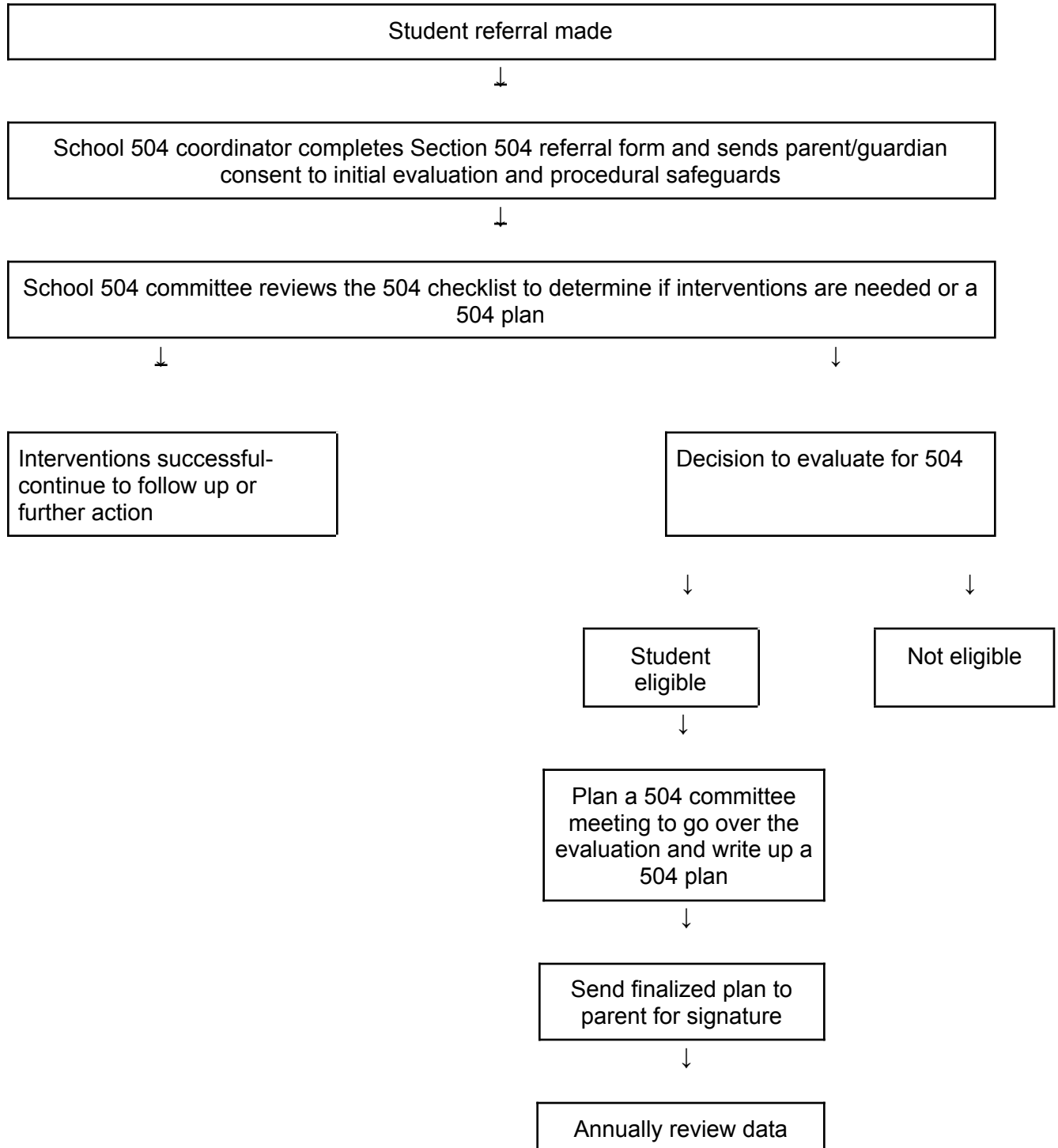
Note: The list above is not exhaustive

In action to the requirement to provide a free appropriate public education to individuals with disabilities, Section 504 requires public school districts to ensure the following:

1. Nonacademic and extracurricular activities must be made available to afford disabled students an "equal opportunity for participation."
2. Assistance to gain outside employment and employment by the recipient, itself, must be available equally to students with a disability and non-disabled students.
3. Students with a disability cannot be counseled toward more restrictive career choices than non-disabled students.

GUIDELINES FOR EDUCATORS

Section 5: Process Flow Chart



Section 6: Team Process

1. Referral for a 504 plan is made by parent/guardian, teacher, other school personnel or outside agency
2. School 504 coordinator completes the [Section 504 Referral Form](#).
3. The school 504 coordinator sends [Parental Consent To Initial Section 504 Evaluation](#), the [Notice of Procedural Safeguards](#), [Consent Form](#), [Acknowledgement of Receipt of Notice of Procedural Safeguards](#)
4. At the following team meeting the student is discussed and the [Section 504 Plan Checklist](#) is completed to determine next steps.
5. The team discusses whether or not interventions should be attempted prior to an evaluation or if a 504 evaluation is necessary.
6. If a 504 plan is recommended, request a meeting with the [Notice of Section 504 Committee Meeting](#) and the [Confirmation of Plan to Attend the Section 504 Committee Meeting](#) with the family to review the checklist and potential accommodations/interventions. Members present should be at minimum: School 504 Coordinator, parent, student, and a general education teacher.
7. Develop a 504 plan and have parents/guardians sign the final plan.
8. Annually review data to determine whether or not a student should continue on a 504 plan or be exited.

Section 7: Evaluation and Accommodation

Students who are thought to need educational modifications or accommodations for a disability will be referred to the schools designated intervention team for evaluation. A notice of evaluation will be sent to the parent.

The evaluation may include:

- Testing- formal and informal; standardized or individual, teacher evaluations
- Observation of classroom work and functioning in the classroom
- Medical history and physical condition
- Social and cultural background

After reviewing the results of the evaluation, the team decides if the student has an identifiable disability which is severely impacting educational performance.

An accommodation plan is written. Parents/guardians are invited to attend and give input.

Section 8: Examples of Evaluation Data

- Health information/records
- Observations
- Anecdotal records
- Attendance records
- Parent information
- Medical records
- Records of classroom interventions
- Discipline records
- Grades
- Achievement tests
- Cumulative records

Section 9: List of Possible Accommodations

Physical Arrangement of the Room

- Seat student near the teacher
- Seat student near a positive role model
- Stand near the student when giving directions
- Avoid distracting stimuli
- Increase distance between desks

Lesson Presentation

- Pair students to check work
- Write key points on the board
- Provide peer tutoring
- Provide visual aids
- Provide peer note taker
- Make sure directions are understood
- Include a variety of activities during each lesson
- Break presentations into shorter segments
- Provide written outline
- Teach through multi-sensory modes
- Use computer assisted instruction

Assignments/Worksheets

- Give extra time to complete tasks
- Simplify complex directions
- Reduce the reading level of assignments
- Provide a structured routine in written form
- Provide study skills training/learning strategies
- Shorten assignments; break work into smaller segments
- Allow computer written assignments
- Reduce homework assignments

Test Taking

- Allow open book exams
- Give exam orally
- Give take-home tests
- Allow extra time for testing
- Read test item to student
- Allow alternative testing environment

Organization

- Provide peer assistance with organizational skills
- Assign volunteer homework buddy

- Allow student to have an extra set of books at home
- Send daily/weekly progress reports home
- Develop a reward system for work completion
- Provide student with a planner

Special Considerations

- Suggest county involvement
- Provide social skills groups
- Regular meetings with school counselor
- Refer to therapist

Modification of Instruction

- Shortened, simplified instruction
- Repeat instructions
- Write instructions
- Visual aids
- Instructional aids
- Multi-sensory information
- Extra time for oral responses
- Exams of reduced length
- Oral exams
- Open book exams
- Written review for exams
- Preview of test questions
- Frequent feedback
- Immediate feedback
- Checks for understanding
- Encourage participation
- Extended "wait time"

Behavior Management

- Clearly defined limits
- Frequent reminder of rules
- Frequent eye contact
- Private discussion regarding behavior
- Seating near the teacher
- Opportunity to help the teacher
- Supervision during transition
- Ignore minor infractions
- Implementation of behavior contract
- Positive reinforcement

SAFEGUARDS

Section 10: Section 504 Procedural Safeguards

1. Notice is required with respect to actions regarding the identification, evaluation or educational placement of students eligible for 504. This means the district will secure parent/guardian permission prior to conducting an evaluation to determine if a student is eligible for 504. If the student is eligible, the district will obtain parent/guardian permission prior to initiating services. Parent permission will be secured for a re-evaluation when it is connected to a significant change in program.

2. Section 504 is enforced by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)
U. S. Department of Education
500 W. Madison Street Suite 1475
Chicago, Illinois 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

3. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)
 - A. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. §104.21
 - B. Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)
 - C. Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)
 - D. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)
 - E. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a)
 - F. Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)
 - G. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)

- H. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. §104.34(b)
- I. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1)
- J. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2)
- K. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)
- L. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)
- M. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. § 104.37
- N. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36
- O. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36
- P. You are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. You and your child may take part in these proceedings and have an attorney represent you. The following details the procedures:
 - i. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the superintendent or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the superintendent shall appoint the hearing officer.
 - ii. The school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the specific reason(s) for the request.
 - iii. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
- Q. You are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

- i. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The school district must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
- ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
- iv. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Section 504 Coordinator. This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.

FORMS

SECTION 504 STUDENT REFERRAL

Referral Date: _____ School: _____

Student Name: _____ Grade: _____ Date of Birth: _____

Parent(s)/Guardian(s) Name: _____

Address: _____

E-mail Address: _____

Phone Numbers: Work: _____

Home: _____

Cell: _____

Primary language spoken at home: () English () Other: _____

1. Current Educational Program

() Regular education () Language Enrichment Program

() Gifted/Talented Program () Regular School Vocational

() Title I () School Counseling/Intervention

() Early Intervention () Other: _____

2. Student performance on standard group achievement tests (attach results to form)

Test: _____ Date: _____ Results: _____

3. Specialized Testing (attach results to form)

() Vision () Developmental

() Hearing () Psychological

() Speech/Language () Other: _____

4. Student classroom summary (attach most recent grade report to form)

Yes No

() () Student receives passing grades in all subject areas

() () Student is currently not passing in the following subject areas:

() () Student has been retained. Grade retained: _____

() () Student has or is expected to receive disciplinary action pertaining to behavior.

Explain: _____

() () Student has special health care needs during school hours.

Explain: _____

() () Other: _____

Explain: _____

5. Specific reasons for referral

() Academic

() Physical

() Social/Emotional

() Developmental

() Speech/Language

() Hearing

() Behavioral

() Health: _____

() Visual

() Other: _____

() Student was evaluated for an IEP but did not qualify (attach documents to form)

Additional information: _____

6. Interventions prior to referral

Type of Intervention	Implemented By/Date	Results
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**PARENTAL CONSENT TO
INITIAL SECTION 504 EVALUATION
AND NOTICE OF PROCEDURAL SAFEGUARDS**

MEMORANDUM

TO: Parents/Guardians of _____
(Student Name)

FROM: Section 504 Coordinator: _____
(Name)

DATE: _____

RE: Parental Consent to Section 504 Evaluation and Notice of Procedural Safeguards

The purpose of this memorandum is to advise you that the school would like to evaluate your child in order to better serve his/her educational needs. In accordance with Section 504 of the Rehabilitation Act, your consent is required for an initial evaluation which may consist of observations, assessments, interviews etc.

Following completion of the evaluation process, the district will meet with you to plan accordingly for your child.

Attached please find a Parental Consent and a Receipt of Notice of Procedural Safeguards form. Please return it in the enclosed envelope. Also attached is a Notice of Procedural Safeguards which explains your rights under Section 504. Do not hesitate to contact me if you have any questions at _____ (Phone number).

Enclosures: Consent Form
Acknowledgement of Receipt of Notice of Procedural Safeguards
Notice of Procedural Safeguards

NOTICE OF PROCEDURAL SAFEGUARDS

Notice of Parent/Student Rights in Identification, Evaluation, and Placement of Individuals with Disabilities

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in the Lake Superior Public School District.

This document is provided to ensure that you are aware of the regulations regarding the identification, evaluation or placement under Section 504 that may pertain to your child. Should you have any questions, contact the Section 504 coordinator:

Name: _____

Office Address: _____

Phone Number: _____

Email Address: _____

As the parents/guardians, you may also meet with the superintendent or a designee and/or the local school board to resolve any objections to the evaluation or educational placement of your child.

- I. Section 504 is enforced by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Chicago Office (Region V)
U. S. Department of Education
500 W. Madison Street Suite 1475
Chicago, Illinois 60661
(312) 730-1560
FAX: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

- II. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)

- R. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. §104.21

- S. Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)
- T. Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)
- U. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)
- V. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a)
- W. Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)
- X. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)
- Y. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. § 104.34(b)
- Z. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1)
- AA. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2)
- BB. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)
- CC. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)
- DD. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. § 104.37
- EE. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36
- FF. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36
- GG. You are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. You and your child may take part in these proceedings and have an attorney represent you. The following details the procedures:

- iv. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the superintendent or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the superintendent shall appoint the hearing officer.
- v. The school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the specific reason(s) for the request.
- vi. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.

HH. You are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

- v. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the superintendent and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The school district must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.
- vi. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- vii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.
- viii. A parent/guardian represented by legal counsel during the proceedings of a due process hearing, appeal, or civil action may be entitled to reimbursement of legal fees if the parent ultimately prevails.

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights.

The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Section 504 Coordinator. This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.

VERIFICATION OF CONSENT

Student Name: _____

_____ I consent to the initial Section 504 evaluation of my child.

_____ I do not consent to the initial Section 504 evaluation of my child.

Parent/Guardian Signature

Date

Parent/Guardian Signature

Date

**ACKNOWLEDGEMENT OF RECEIPT OF
NOTICE OF PROCEDURAL SAFEGUARDS**

I have received the Notice of Procedural Safeguards.

Parents/Guardian Signature

Date

SECTION 504 PLAN CHECKLIST

Student Name: _____ Date of Birth: _____

Teacher: _____ Grade: _____

Referral Source: _____ Date of Referral: _____

Parents/Guardian: _____

Address: _____

E-mail Address: _____

Phone Numbers: Work: _____

Home: _____

Cell: _____

SECTION 504 PLAN CHECKLIST

I. Eligibility Analysis

A. Does the student have a physical or mental impairment? If so, what is it?

B. Does the student have a record of such impairment or is the student regarded as having such impairment?

C. Is a major life activity impacted by the student's impairment? If so, what is the major life activity? (e.g.; the student's attention deficit disorder impacts the major life activity of learning, concentrating, and thinking).

D. Is the major life activity substantially limited by the impairment?

E. Were mitigating measures considered in determining whether the student has a disability?

II. Section 504 Committee

Name

Title

III. Evaluation and Placement

A. What is the nature of the referral?

Initial _____

Ongoing _____

Reevaluation _____

B. Indicate sources used:

☐ Achievement tests i.e. STAR, MCA

☐ Physical condition

☐ Teacher recommendations

☐ Social and cultural background

☐ Medical diagnosis

☐ Independent evaluation

☐ Adaptive behavior

☐ Assessments

☐ Observations

☐ Other _____

C. Have procedures been established and followed to ensure that information obtained from all such sources is documented and carefully considered in accordance with C.F.R. Section 104.35 (c)(2)? If procedures have not been established and/or followed, do so prior to proceeding.

☒ Yes

☐ No

D. Was the IDEA process used to evaluate the student instead of Section 504? If so, are the relevant documents attached?

☒ Yes

☐ No

E. If the student was evaluated in accordance with Section 504:

1. Was an evaluation performed prior to taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement as required by 34 C.F.R. Section 104.35(a)?

☒ Yes

☐ No

2. Did the evaluation consider all significant factors related to the learning process for the student, including adaptive behavior and cultural and language background? This may include, but is not limited to, classroom and playground observation, performance-based testing, academic assessment information, social, emotional and psychological evaluations, and data offered by the student's teachers, medical providers, school nurse, and parent/guardian.

☒ Yes

☐ No

3. Were the tests and other evaluation materials validated for the specific purpose for which they are used and appropriately administered by trained personnel in conformance with the instructions by their producer as required by 34 C.F.R. Section 104.35(b)(1)?

☒ (X) Yes

☐ () No

4. Did the tests/evaluation materials include those tailored to assess the specific area of the student's educational need and not merely those designed to provide a single general intelligence quotient as is required by 34 C.F.R. Section 104.35(b)(2)?

☒ (X) Yes

☐ () No

5. Were the tests selected and administered so as to best ensure that when a test was administered to a student with impaired sensory, manual or speaking skills, the test results accurately reflected the student's aptitude/achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills (except where those skills were the factors the test purported to measure) as required by 34 C.F.R. Section 104.35(b)(3)?

☒ (X) Yes

☐ () No

6. Was the evaluation completed in a reasonable period of time? OCR uses state guidelines to determine if evaluations have been done in a timely manner which is typically 30 school days.

☐ () Yes

☐ () No

7. Was the student determined to be a qualified individual with a disability under Section 504?

☐ () Yes

☐ () No

8. Was the evaluation sufficient for the Section 504 team to completely and accurately describe:

a) the nature and extent of the Student's disabilities,

b) the student's individual needs, and

c) the regular or special education and/or related aids and services necessary to ensure that the student receives a free appropriate public education?

☐ () Yes

☐ () No

9. Are all materials used to evaluate the student attached? PDF of referral form

☐ () Yes

☐ () No

IV. Educational Setting

1. Is the intended placement of the student with nondisabled students to the maximum extent appropriate to the needs of the student with a disability, in accordance with 34 C.F.R. Section 104.34(a)?

a) Will the student be educated in regular education?

☐ Yes

☐ No

b) If not, where will the student be educated?

2. Is the placement such that the program or activity when viewed in its entirety is readily accessible to persons with disabilities so they are not denied the benefits of or excluded from participation in, or otherwise subjected to discrimination under any program or activity in accordance with 34 C.F.R. Section 104.22 and 104.21?

☒ Yes

☐ No

3. Does the plan provide the student a free appropriate education (FAPE) regardless of the nature or severity of the student's disability in accordance with 34 C.F.R. Section 104.33?

☒ Yes

☐ No

4. Are the related aids and services designed to meet the needs of the student with a disability as adequately as the needs of the nondisabled student with respect to educational setting, evaluation and placement in accordance with 34 C.F.R. Section 104.34 and 104.35?

☒ Yes

☐ No

5. If the district has placed a student in a facility or referred the student for aid, benefits or services not operated by the district, what district staff member is responsible for ensuring that FAPE is provided in accordance with 34 C.F.R. Section 104.33?

District 504 Coordinator

V. Reevaluation

Students 504 plans will be revisited annually by the 504 committee.

1. Has the student been reevaluated in accordance with the above procedures?

☐ Yes

☐ No

2. Is there going to be a significant change in placement for which the student should be reevaluated in accordance with the requirement that students must be evaluated prior to

a change in placement 34 C.F.R. Section 104.35(a)? OCR guidance and case law, provide that it considers an exclusion from the educational program of more than 10 school days, transferring a student from one type of program to another (e.g. moving a student from elementary to middle school where some aspects of a student's Section 504 Plan will not be appropriate given that there will be multiple subject-specific teachers in middle school instead of a primary teacher) or terminating or significantly reducing a related service to be significant changes in placement; the determination of whether or not a pattern of exclusions constitutes a significant change in placement requiring a reevaluation, must be made on a case-by-case basis.

() Yes

() No

If yes, explain:

3. Have any changes occurred in the student that might trigger a reevaluation? OCR decision guidance provides examples of changes that may trigger reevaluations such as information about the possibility of a suspected disability, significant behavior problems, depression, transfer to a new school or dramatic change in grades.

() Yes

() No

If yes, explain:

VI. Consent

OCR guidance provides that informed parental consent for initial evaluations is required. Affirmative parental consent is not required prior to a re-evaluation.

1. Have the parents/guardians provided written consent prior to the initial evaluation? Is the signed form attached?

() Yes (Attach signed consent form to this form.)

() No

VII. Procedural Safeguards

Have parents/guardians been sent the Notice of Procedural Safeguards? Is the signed Acknowledgement of Receipt of Notice of Procedural Safeguards form attached?

() Yes, see attached form

() No

() Not applicable

Explain: _____

VIII. 504 Plan

1. Based on the results of the evaluation, does the student require regular or special education and related aids and services in order to receive an equal opportunity to access his or her education?

(a) If yes, has a 504 plan been developed, based on the results of the evaluation?

☐ Yes, see attached form ☐ No ☐ Not applicable

Explain: _____

(b) If no, has the District considered whether other steps are necessary to protect the student from discrimination on the basis of disability? For example: modifying district policies, addressing peer harassment on the basis of disability, providing equal opportunity to nonacademic and extracurricular activities, including athletics?

☐ Yes ☐ No ☐ Not applicable

Explain: _____

2. If a 504 plan has been developed, does the 504 plan address the following five components?

- (1) The nature of the student's disability and the major life activity it limits.
- (2) The basis for determining the disability
- (3) The educational impact of the disability
- (4) The regular or special education and related aids, services and accommodations needed to meet the student's needs.
- (5) Placement in the least restrictive environment.

☐ Yes ☐ No

3. Does the 504 plan, as written, reflect an agreed upon set of implementable services and provide clear guidance as to how the required services would be implemented?

☐ Yes ☐ No

4. Does the 504 plan, as written, provide the student with a free appropriate public education, meaning the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the student with a disability as adequately as the needs of nondisabled persons are met?

☐ Yes

☐ No

5. Does the 504 plan include services or modifications to be provided in non-academic and extracurricular activities, including field trips and athletics?

☐ Yes

☐ No

☐ Not applicable

Explain: _____

See "Appendix: Tools to Use" from [The Minnesota Manual of Accommodations for Students with Disabilities in Instruction and Assessment. A Guide to Selecting, Administering, and Evaluating the Use of Accommodations](http://www.cehd.umn.edu/nceo/OnlinePubs/MNmanuals/MNmanual.pdf).

(<http://www.cehd.umn.edu/nceo/OnlinePubs/MNmanuals/MNmanual.pdf>)

Section 504 Plan For:

(Student Name)

Date: _____

Describe the nature of the disability: _____

Describe the basis for determining the disability: _____

Describe how the disability substantially limits a major life activity: _____

Describe the education impact of the Student's disability: _____

Regular or Special Education and Related Aids and Services (Accommodations/Modifications):

Placement:

Signature Page for 504 Plan for: _____
(Student Name):

Individuals who participated in the Section 504 Committee and dates of attendance at meetings:

Name	Title	Signature	Dates of Attendance
------	-------	-----------	---------------------

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

Parent(s)/Guardian(s)/Student:

I have participated in the Section 504 process and have received a copy of the Section 504 Plan:

Parents/Guardians

Date

Parents/Guardians

Date

I have received a copy of the Section 504 Plan (if appropriate):

Student

Date

Individuals who received a copy of the Section 504 Plan or relevant portions (this may include teachers as well as staff of extracurricular activities or individuals in charge of work study programs or school-related events in which the student participates or will participate).

Name	Signature	Title	Date Received
------	-----------	-------	---------------

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

NOTICE OF SECTION 504 COMMITTEE MEETING

MEMORANDUM

TO: Parents/Guardians of _____ (Student Name)
FROM: Section 504 Coordinator _____ (Name and phone number)
DATE: _____
RE: Notice of Section 504 Committee Meeting

The meeting will occur at the time and date mutually agreed upon by parents/guardians and the school as follows:

Date: _____ Time: _____

Location: _____

The purpose of the meeting is to discuss:

_____ Results of evaluation
_____ Instructional progress
_____ Review of placement/Section 504 Plan
_____ Misconduct
_____ Other (specify) _____

The following individuals are planning to attend the meeting:

_____ Parents	_____ Specialist
_____ Classroom Teacher	_____ Principal
_____ Guidance Counselor	_____ Psychologist
_____ Nurse	_____ Student
_____ Interpreter	_____ Other (specify)

Please indicate if there are additional individuals that you would like to attend the meeting:

Name: _____

Contact Information: _____

Please return the attached form in the enclosed envelope confirming your plan to attend the meeting. We look forward to continuing to work with you in the best interests of your child.

Enclosure: Confirmation of Plan to Attend Section 504 Committee Meeting Form

**CONFIRMATION OF PLAN TO ATTEND
SECTION 504 COMMITTEE MEETING**

Student Name: _____

Please return this completed form in the enclosed envelope.

Parent/Guardian 1

_____ I will attend the Section 504 Committee Meeting

_____ I will not attend the Section 504 Committee Meeting

Parent/Guardian 2

_____ I will attend the Section 504 Committee Meeting

_____ I will not attend the Section 504 Committee Meeting

_____ My child will attend the Section 504 Committee Meeting

_____ My child will not attend the Section 504 Committee Meeting