

Mascenic Regional School District

SECTION 504 Manual

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District Contacts

Office of Superintendent	721-0160
Assistant Superintendent	721-0160
Director of School Counseling	878-1113

Building Level Contacts

Mascenic Regional High School

Principal	878-1113
Director of School Counseling	878-1113
School Counselor	878-1113

Boynton Middle School

Principal	878-4800
School Counselor	878-4800
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Highbridge Hill Elementary School

Principal	878-4387
School Counselor	878-4387

Section 504, IDEA and ADA

Section 504 of the Rehabilitation Act of 1973 (Section 504) states that: “No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, 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...” [29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

Section 504 prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute. For public elementary and secondary schools, Section 504 also requires recipients of Federal financial assistance from the United States Department of Education to provide qualified students with disabilities appropriate educational services designed to meet the individual needs of the student to the same extent as the needs of students without disabilities are met. These regular or special education and related aids and services are usually provided as accommodations and modifications in a Section 504 plan. However, implementation of an Individualized Education Program developed under the Individuals with Disabilities Education Improvement Act (IDEA) of 1975 (and 2004) is another means of meeting this requirement. Section 504 also requires that a qualified student with a disability receive an equal opportunity to participate in athletics and extracurricular activities as non-disabled students.

The IDEA and the Americans with Disabilities Act (ADA) of 1990 (and 2008) are sometimes mentioned in conjunction with Section 504. Although similar, the laws do differ in some significant ways.

The IDEA is the nation’s federal special education law that ensures public schools serve the educational needs of students with certain specific educational disabilities. IDEA also provides very specific requirements to guarantee students with disabilities a Free Appropriate Public Education (FAPE) in the least restrictive environment (LRE).

Eligible students under IDEA are students who have certain specified types of educational disabilities, and who, because of those disabilities, need special education and related services in order to receive a free and appropriate public education.

Title II of the ADA extends the prohibition against discrimination to individuals with disabilities to a full range of state and local government services, programs and activities including those in public schools regardless of whether they receive any Federal financial assistance.

The ADA Amendments Act (ADAAA) of 2008 through a conforming amendment to Section 504 of the Rehabilitation Act applies the expanded definition of disability coverage under ADAAA to Section 504.

Section 504 Overview

Section 504 protects qualified individuals with disabilities who attend schools receiving Federal financial assistance from the United States Department of Education. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; or has a record of such impairment; or is regarded as having such impairment. Major life activities are defined in 34 CFR 104.3(j)(2)(ii) and include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The list is not exhaustive.

Under Section 504, at the elementary and secondary levels “a qualified student with a disability” is a student with a disability who is of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or a student to whom a state is required to provide FAPE under the IDEA. The question of whether a particular condition is a disability within the meaning of Section 504 is determined on a case-by-case basis. When determining if a student meets the definition of disability, the definition must be understood to provide broad coverage of students.

Students found to be eligible for support under Section 504 are entitled to receive an accommodation plan (504 Plan) and to have that plan revised annually.

Section 504 Plans

A Section 504 Plan is written to offer a qualified student with a disability an education consisting of regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met. The plan is not written to reduce student learning expectations. It must provide a free appropriate public education (FAPE), allowing the qualified child with a disability to learn “despite” the disability, and to the maximum extent appropriate to learn with “non-disabled peers.”

Referrals

The school district has an obligation to identify and refer students for consideration under special education and/or Section 504. Referrals may be made by teachers, guidance counselors, administration, parents, adult students or outside professionals. Referrals shall be forwarded to the Director of School Counseling. Referrals at the Mascenic Regional School District will proceed through its pre-referral process to document any concerns regarding a student and refer them as deemed appropriate by the district. All referrals will be documented in writing. The Director of School Counseling will assign a guidance counselor as a case manager for the 504 process.

Initial Evaluation

The school district must conduct an evaluation in a timely manner of any student who needs or is believed to need special education or related services because of a disability.

Initial evaluations for determination of need under Section 504 must have the parent's signed consent prior to evaluation. Evaluation data considered for a 504 plan *may* include, but is not limited to the following:

Aptitude and achievement tests	Standardized tests
Teacher recommendations/reports	Student grades
Social/cultural background	Health information
Language surveys	Disciplinary records
Physical conditions	Parent information

The 504 team will be made up from a group of individuals knowledgeable about the student, the meaning of evaluation data, and the placement options. A team will meet that will include at minimum the student's school counselor, parent, classroom teacher, and student, if appropriate. In addition the following members will be invited if appropriate: an administrator, school nurse, behavior consultant, speech pathologist, occupational/physical therapist, or any other relevant individual. This team will review all eligibility data and determine eligibility for placement under a 504 plan.

Placement

The "placement" is the regular and/or special education program in which a student receives educational and/or related services. Under Section 504, educational services must be provided in the regular educational environment, and students cannot be segregated in that placement from nondisabled students, unless it is demonstrated that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. § 104.34(a). A parent's signed consent is required before a student is placed on a Section 504 plan for the first time.

Review of Plans

Annual review of the Section 504 plan is required as the student's schedule, personal development and accommodations are adaptable and subject to change. Students remaining in the same building are reviewed in the spring and students coming from another building are reviewed in the fall.

District compliance requires eligibility reevaluation every three years or whenever a student's needs change or before a significant change in placement. Some examples include: RTI information, doctor's diagnosis reconfirmed, school progress reports/teacher reports, etc.

If after a review a student is determined to be no longer eligible for a 504 plan, a note of "No accommodations needed at this time" will be made and placed in the student's file.

Section 504 Roles and Responsibilities

Role of 504 Case Manager (A Guidance Counselor) – *coordinates 504 process for individual students*

- Schedules meetings with parents and other participants
- Gathers necessary information for meetings
- Writes up 504 documents
- Provides copies of documents to parents and puts in student's cumulative file
- Provides information to all teachers/staff that need to know about 504 plan contents, including when the student's schedule or classes change
- Is available to problem-solve when issues or concerns arise
- Schedules periodic review at least annually (unless a different timeline is in the plan) or sooner if needed, and before any significant change in placement

Role of District 504 Compliance Officer (Director of Guidance) – *coordinates 504 implementation in the district*

- Ensures that District 504 forms and procedures comply with 504 requirements
- Provides training to 504 coordinators and others annually as needed.
- Provides consultation and problem-solving on an as needed basis
- Provides accurate, accessible information about 504 to the school community
- Acts as contact person for District and United States Department of Education, Office for Civil Rights (OCR) Section 504 complaints

WHO IS PROTECTED UNDER SECTION 504?

Who is a qualified student with a disability under Section 504?

A person is a qualified student with a disability under Section 504 if the student:

1. Has a physical or mental impairment, which substantially limits one or more major life activities. *The term does not cover children solely disadvantaged by cultural, environmental or economic factors; or*

2. Has a record or history of such impairment. *This term includes children who have been misclassified (e.g. a non-English speaking student who was mistakenly classified as having an intellectual disability); or*
3. Is regarded as having such an impairment. *A student would be “regarded” as having a disability under Section 504 if, for example, a nondisabled student frequently receives services from the learning center and is perceived as having a learning disability.*

While all three of the above groups of students are protected by the nondiscrimination provisions of Section 504, only the first group, students with actual, current physical or mental impairments that substantially limit a major life activity, are protected by the “child find” and “free appropriate public education” (FAPE) provisions of Section 504. The child find and FAPE provisions of Section 504 do not apply to the second two groups.

Application of Section 504

	504 Protection from Discrimination	504 FAPE Requirements (504 Plan)
Student <i>has</i> a mental or physical impairment	YES	YES, if needed
Student has a <i>history</i> of such an impairment	YES	NO
Student <i>is regarded as</i> having such an impairment	YES	NO

What is a “physical or mental impairment”?

The definition of physical or mental impairment is very broad, including students with (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, geni-to-urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Section 504 does not include an exhaustive list of specific diseases or medical conditions. Examples of medical conditions include cancer, diabetes, asthma, epilepsy, hepatitis, etc. Physical conditions may include cerebral palsy, spina bifida, and hearing or vision impairments. Psychological conditions may include ADHD, depression, obsessive-compulsive disorder, and post-traumatic stress disorder. Specific learning disabilities may include dyslexia and other learning disorders.

The determination that a student has a “physical or mental impairment” must be made on an individual basis with documentation from a variety of sources and not just verbal report or suspicion of disability.

What is a “major life activity?”

The ADAAA expanded and clarified what constitute major life activities, which now include:

Motor activities such as walking, lifting, bending, standing, performing manual tasks;

Sensory functions such as seeing and hearing;

Communication functions such as speaking;

Major bodily functions such as sleeping, breathing/respiratory functioning, digestive functioning, bowel/bladder functioning, neurological functioning, endocrine functioning, etc.; and

Other functions such as learning, working, caring for oneself, thinking, concentrating and reading.

The list of major life activities is not exhaustive, which means that other activities or functions that substantially limit the ability of the student to perform could be considered a major life activity.

The student’s disability need only substantially limit *one* major life activity for the student to be eligible. A student who is substantially limited in a major life activity other than learning may still need a 504 plan if the student’s disability impacts their ability to participate in or benefit from the district’s programs.

What does “substantially limits” mean?

Section 504 does not provide a formula or scale for measuring substantial limitation and requires an individualized assessment. The ADA has long defined “substantially limits” as meaning that a person is unable to or is substantially restricted as to the condition, manner or duration under which he or she can perform the major life activity as compared an average person. The determination must be made by a group of knowledgeable persons drawing upon information from a variety of sources.

“Average person” means average for the student’s age or grade level across a large population -- like the state or the country. The comparison is **not** made to the student’s potential, to the student’s other siblings, or to other students in the class or school.

Examples:

- A student may be substantially limited in the area of “**reading**” if, due to a learning disorder and ADHD, the student’s reading is so slow (*duration*) that the student takes twice as long to read as an average student at the student’s grade level (based on

Woodcock-Johnson reading fluency norms, or timed reading samples compared to norms).

- A student may be substantially limited in the area of “**concentrating**” if, due to ADHD, the student cannot sustain concentration long enough (*duration*) to complete assignments compared to average students of the student’s grade level.
- A student may be substantially limited in the area of “**hearing**” if, due to a hearing impairment, the student cannot hear instruction without amplification (*condition*).
- A student may be substantially limited in the area of “**speaking**” if, due to selective mutism, the student cannot speak at school and must write responses or indicate a response by gesture (*manner*).
- A student may be substantially limited in the area of “**walking**” if, due to juvenile arthritis, the student is unable to walk without the assistance of a walker (*condition*).
- A student may be substantially limited in the bodily functioning of the **endocrine system** if, due to diabetes, the student must be given a highly regimented diet, frequent blood sugar checks, and close monitoring for high and low blood sugar for the endocrine system to function properly (*condition*).

In determining whether an impairment is substantially limiting, should a team consider the impact of mitigating measures such as medication or assistive devices?

No. In the ADA Amendments Act (ADAAA), Congress very specifically stated that the cumulative effects of mitigating measures should **not** be considered in determining whether an impairment substantially limits a major life activity.

Mitigating measures include medications, prosthetic devices, assistive devices such as hearing aids, medication, wheelchairs or walkers.

Examples:

- Students with ADHD or diabetes should be considered as if not taking medication.
- Students with motor impairments just as cerebral palsy or juvenile arthritis should be considered without use of a wheelchair or walker or other device.
- Students with hearing or vision impairments should be considered without the use of hearing aids or magnifiers.

The only mitigating circumstances that may be considered are eyeglasses and contact lenses.

In determining whether an impairment is substantially limiting, how should conditions that are episodic or in remission be considered?

Conditions that are episodic, such as epilepsy or irritable bowel syndrome, should be considered as if active when determining whether the impairment substantially limits a major life activity. Likewise, conditions that are in remission, such as leukemia or cancer, should be considered as if active when determining whether the impairment substantially limits a major life activity.

Are students with medical or psychological diagnoses automatically (or almost always) considered qualified individuals with disabilities under Section 504?

No. Students are only considered qualified individuals with disabilities under Section 504 if they have a mental or physical impairment that substantially limits one or more major life activities. The team considering eligibility needs to consider the medical and/or psychological evaluation information in determining whether the mental or physical impairment substantially limits one or more major life activities.

Is pregnancy or teen parenting considered a physical impairment under Section 504?

No. Neither pregnancy nor teen parenting is considered an impairment under either Section 504 or the ADA. However, if a student suffers medical complications from pregnancy that substantially limit a major life activity, then the medical condition associated with the pregnancy *may* be a temporary disability under Section 504 and the ADA. Each situation should be determined on a case-by-case basis, and an individual determination should be made.

Is “specific learning disability” considered a disability under Section 504?

Yes, if the student’s learning disability substantially limits a major life activity, such as reading or learning. However, “specific learning disability” has the same definition under Section 504 as under the IDEA. This means that a student with a specific learning disability under Section 504 will be eligible for special education under the IDEA.

A student who does not meet the IDEA definition of specific learning disability may still have a learning disorder that substantially limits a major life activity such as reading or learning. The student may be identified as having dyslexia, dysgraphia, or a type of processing disorder and may qualify for a Section 504 plan of accommodations on that basis if the condition substantially limits a major life activity. For clarity, the team should identify a student under these circumstances as having a learning disorder rather than a “specific learning disability”.

Are students who are evaluated for IDEA and found not eligible automatically (or almost always) considered qualified individuals with disabilities under Section 504?

Not necessarily. Students are only considered to be qualified individuals with disabilities under Section 504 if they have a mental or physical impairment that substantially limits one or more major life activities. However, teams need to be aware of the Section 504 disability definition and, when appropriate, consider whether students are eligible under Section 504 when they do not meet IDEA eligibility criteria.

When will a student with ADD or ADHD be eligible under IDEA rather than just under Section 504?

A student with ADD or ADHD will be eligible for services and protection under IDEA as a student with an “other health impairment” if the team concludes that the ADD/ADHD results in limited alertness, which adversely effects educational performance, and results in the need for special education services. A student with ADD/ADHD will also be eligible for services under IDEA if the student meets eligibility criteria for Emotional Disturbance or Specific Learning Disability.

May a district require a parent to provide a medical diagnosis before it will initiate an evaluation or consideration of a student under Section 504?

No. Under Section 504, a district must evaluate a student if the district knows or suspects that the student, because of a disability, needs special education or related services to participate in or benefit from its educational program, regardless of the whether the student has a medical diagnosis.

If the district believes a medical assessment is necessary and the parent volunteers to provide the medical information, the district must make it clear that the parent has a choice and can chose to accept a school-furnished assessment at no cost to the parent.

The district may also ask the parents to provide copies of medical documentation that may assist the 504 team.

Defining FAPE

1. An “Appropriate Education”: Section 504 defines an “appropriate education” as “the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of Sections 104.34, 104.35 and 104.36.” 34 CFR 104.33(b) (1).

By definition, an appropriate education under Section 504 includes “regular or special education and related aids and services.” Thus it is possible that a Section 504 accommodation plan would include related services, such as occupational therapy.

2. A “Free Education”: An appropriate education must be provided without cost to the qualified student or to his parents or guardian, except for those fees that are imposed on non-handicapped persons or their parents or guardian. 34 CFR 104.33(c) (1). A FAPE may consist either of the provision of free services or, if a recipient places a person with a disability in or refers such person to a program not operated or provided by the recipient, payment for the costs of the aid, benefits, or services. Funds available from any public or private agency may be used to meet the requirement of a free education. The free education requirement shall not be construed to relieve an insurer or a similar third party

from an otherwise valid obligation to provide or pay services provided to a person with a disability.

If the provision of an appropriate education requires aids, benefits or services not operated by the school district, then adequate transportation to and from the aid, benefits or services must be provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the aid, benefits or services operated by the recipient. Similarly if a student requires a residential placement then it must be provided without cost. However, as with the IDEA, districts who offer a FAPE are not required to pay for unilateral private placements.

When is a temporary impairment considered a disability under Section 504 for the purposes of FAPE?

A temporary impairment with an actual or expected duration of six months or less which is so severe that it substantially limits a major life activity, could be considered a disability under Section 504 and may require accommodations or related aids or services.

Examples:

- A high school student with severe leg fractures in a wheelchair may be considered a qualified individual with a disability under Section 504 requiring accommodations because the student is unable to walk for an extended period of time.
- A kindergarten student with a broken right arm may not be considered a qualified individual with a disability under Section 504 requiring accommodations even if the student is right-handed, depending upon the extent to which writing is required in the student's class/curriculum.

WHAT IS DISCRIMINATION BASED ON DISABILITY?

Discrimination under Section 504 occurs when a recipient of federal funds from the United States Department of Education:

1. Denies a qualified student with a disability the opportunity to participate in or benefit from an aid, benefit or service on the basis of disability.
2. Fails to afford the qualified student with a disability an opportunity to participate in or benefit from the aid, benefit, or service.
3. Affords a qualified student with a disability an opportunity to participate in or benefit from the aid, benefit, or service which is not equal to that provided to others.
4. Provides a qualified student with a disability aids, benefits or services that are not as effective as those provided to others.
5. Provides different or separate aids, benefits or services to qualified students with disabilities, unless such action is necessary to be as effective as the aids, benefits or

services provided to non-disabled students (e.g. segregating students in separate classes, schools or facilities, unless necessary).

6. Aids or perpetuates discrimination by providing significant assistance to an agency, organization or person that discriminates on the basis of disability.
7. Denies a qualified student with a disability the opportunity to participate as a member of a planning or advisory board.
8. Otherwise limits a qualified student with a disability the enjoyment of any right, privilege, advantage or opportunity enjoyed by others.
9. In determining the site or location of a facility, makes selections that effectively excludes persons with disabilities, denies them the benefits of, or otherwise subjects them to discrimination under any program or activity that receives federal funds from the United States Department of Education.

Section 504 applies to all “programs or activities” of an organization that receive federal funds from the United States Department of Education. The term includes all programs or activities of the United States Department of Education and all school districts receiving federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds. For example: if a district contracts with alternative education programs, the district must ensure that a student with disabilities has an equal opportunity to participate in alternative education, even though the programs themselves do not receive any federal funds.

Likewise, before and after school child care programs, school clubs, graduation trips and other activities may be considered a “program or activity” of the school district depending on the circumstances. These circumstances include whether district staff act as advisors and receive pay for their time, district insurance covers the activity, district does not charge rent or only token rent, etc.

Examples:

A school district may be found to be engaging in illegal disability discrimination if the district:

- Has a practice of refusing to allow any student on an Individualized Education Program (IEP) (or previously on an IEP) the opportunity to be on the honor roll.
- Allows non-disabled students to participate in an inter-district transfer arrangement, but not students with disabilities.
- Does not make necessary arrangements for a child with a disability to attend a field trip, outdoor school, or other similar school activity.

- Locates a magnet program in a school that is not accessible to students with mobility impairments.
- Refuses to dispense medication to a student who could not attend school otherwise, or does not have an effective system for dispensing medication.
- Automatically schedules lunch and recess for special education classes at different times than for other classes.
- Automatically provides special transportation for students with disabilities without determining, on an individual basis, that special transportation is necessary.
- Locates special education classes in more remote locations in the building, or in a portable classroom, limiting access to non-disabled peers.
- Allows students with disabilities to be located in inferior facilities, such as trailers, wings in basements and unnecessarily restrictive classrooms.
- Denies students with disabilities access to recess, assemblies, or other non-academic activities or denies access to lunch based on disability-related behavior.

What is a school district's obligation for access to nonacademic field trips and other nonacademic and extracurricular services or activities?

Although not part of a student's FAPE, in planning nonacademic and extracurricular services or activities, a school district must offer students with disabilities an equal opportunity for participation in an integrated manner to the maximum extent appropriate to the needs of each student. This means making reasonable modifications and providing those aids and services that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program. While legitimate health and safety factors may be considered, a school district must consider whether safe participation by any particular student with a disability can be assured through reasonable modifications or the provision of aids and services. Decisions about participation must be made by a student's 504 or IEP team and must be based on individual circumstances. ***May a district refuse to allow students with disabilities to participate in advanced placement, International Baccalaureate, or honors-level classes or refuse to provide accommodations to students who enroll in those classes?***

No. A district that provides accelerated options such as advanced placement, International Baccalaureate or honors-level classes must not discriminate against a student based on disability in admission to such classes and programs. The district cannot categorically deny admission based on disability or deny admission to a student with a disability solely because the student needs special education, accommodations or related aids or services. The district must provide qualified students with disabilities an equal opportunity to meet any appropriate minimum eligibility criteria for admission, consistent with the purpose of its accelerated classes and programs and Section 504.

Once a district admits a student to an accelerated class or program, it must provide the student with the related aids and services that the student needs to participate in and benefit from the program. Thus, if due to disability, the student needs large print books, extended time on assignments, or use of a computer for writing assignments, these accommodations must be provided in accelerated classes as they would in any other class offered by the district.

May a district deny a request for an inter-district transfer for a student with a disability solely because the student is disabled?

No. A district that allows inter-district transfers may not discriminate in access to that benefit. A district may establish disability-neutral criteria for approving inter-district transfer requests. For example, a district may set criteria for when a program is full and deny inter-district transfers on that basis. If so, the district must apply that criteria to every request and must have a consistent standard for determining whether a grade level or special program is at capacity in relation to inter-district transfer requests.

What are some invalid reasons for a Section 504 Plan?

There are a number of invalid reasons for putting a student on a Section 504 Plan, including the following:

- The parent and/or doctor presents the school with a disability diagnosis and a 504 plan is written without first determining if the disability substantially limits a major life activity;
- A student is placed on a 504 plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT);
- A student fails to qualify for special education support under IDEA and is automatically signed up for a 504 accommodation plan without first qualifying them based on Section 504 criteria;
- A student is automatically placed on a 504 plan when the student no longer qualifies for special education services under IDEA without first qualifying them based on Section 504 criteria; or
- A student is placed on a 504 plan as an alternative way to receive special education services under IDEA because the parent refuses to “label” a student by including them in a special education program.

504 Meeting Checklist

To Be Completed By Case Manager

Before the meeting:

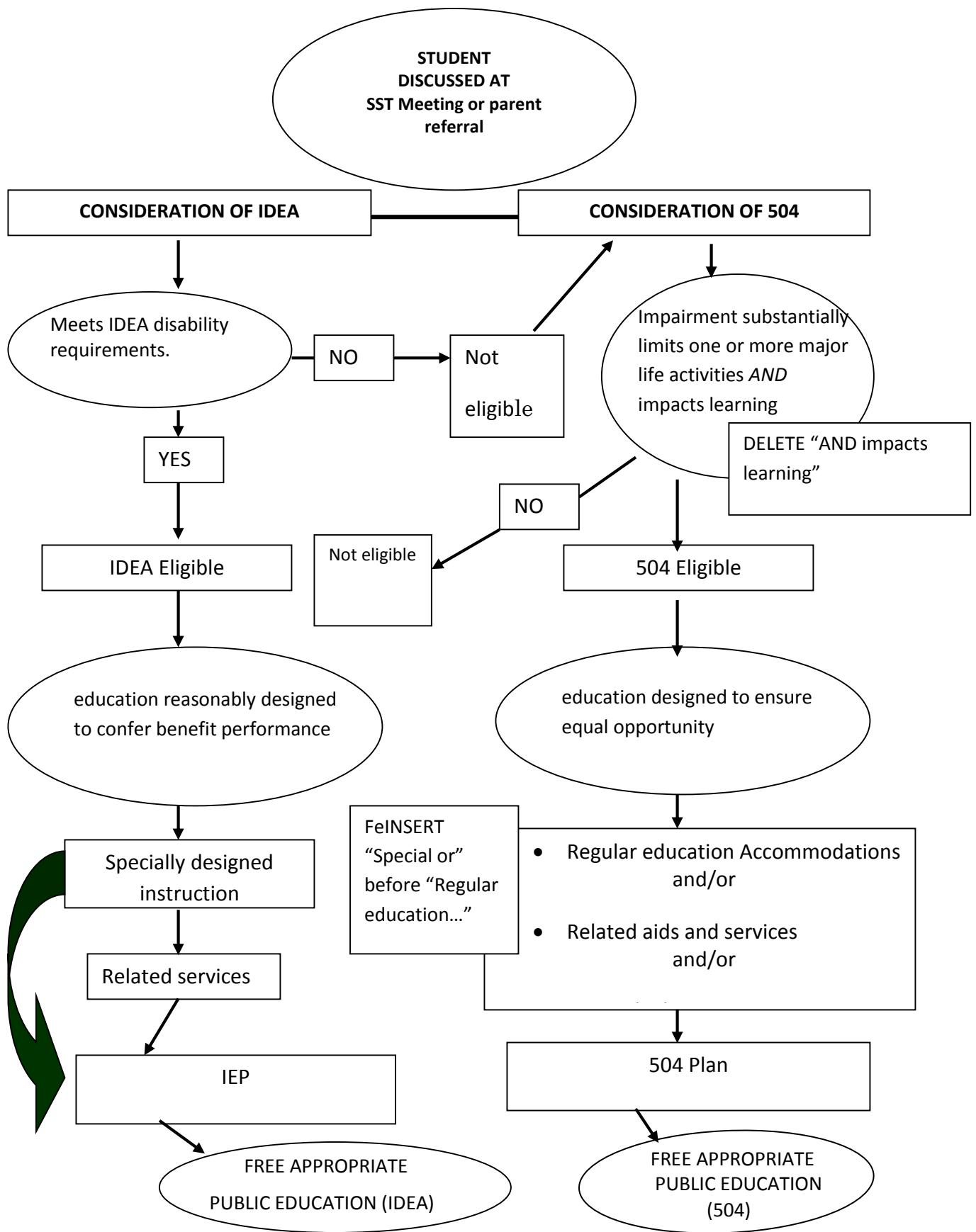
- Contact parents new to the 504 process to explain the purpose of the meeting and identify any questions and concerns.
- Schedule meeting with participants, including parents.
- Send meeting notice reminding parent of date, time and location of meeting.
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda.
- Arrange for any necessary interpreters or accommodations for meeting participants.
- Complete portions of the Section 504 Eligibility Determination Report that can be completed before the meeting.
- Bring all current forms to the meeting.

During the meeting:

- Introduce the participants and their roles.
- Clarify purpose of the meeting.
- Review agenda.
- Facilitate student's input or participation.
- Lead group through agenda – do time-checks as needed.
- Complete Section 504 Eligibility Determination Report (if new to 504).
- Complete Section 504 Plan (if needed), or revise as needed.
- Provide copies of Initial Referral Report and Plan to parents or tell them when they will get a copy.
- Provide Statement of Parent Rights to parent (keep signed copy for Cumulative File).
- Thank everyone for participation and cooperation.

After the meeting:

- If using meeting notes, review and put final copy in Cumulative File, along with a copy of the eligibility and 504 plan.
- If parents did not receive documents at meeting, provide copies.
- Send documents to central office.
- Be sure all teachers/staff know and understand their responsibilities under the 504 plan.
- Calendar annual review date, and at least one month earlier to begin "before meeting" review process.



The Fundamental Components of a Plan

Once you have determined what accommodations and/or modifications the child requires, you will need to create a 504 Plan. At a minimum, plans should contain the following:

- Student’s name, grade, date of birth;
- Names of the individuals who attended the meeting and the date of the meeting;
- Brief description of the student’s disability;
- Description of the major life activities required by the school setting, which are substantially limited by the student’s disability;
- Brief description of what the student needs to benefit from the school’s programs or activities;
- Accommodations and/or modifications that the student requires as a result of his/her needs;
- Description of the settings in which the accommodations are necessary (in the classroom, lunchroom, during extra-curricular activities, etc.);
- Description of when the accommodations are necessary (during the school day, after school, on the bus, etc.);
- Statement indicating the time period over which the accommodations will be provided (entire school year, semester, etc.);
- Date that the plan will be reviewed; and
- Names of the individuals who will receive the plan.

In addition, if the student is going to receive related services, then the plan should indicate:

- The identification (by title) of the individual who will provide the service;
- The quantity of the service that will be provided; and
- The frequency in which the service will be provided.

504 Evaluation Guidelines (Sample)

The student’s 504 team decides what assessments are needed to determine whether a student has a disability under Section 504. See table below for recommended evaluation procedures. Students who are suspected of having a disability under the IDEA should be evaluated for special education eligibility before consideration of a disability under Section 504.

Suspected Condition	Recommended Evaluation for Disability Determination
Health conditions, such as asthma, cancer, epilepsy, diabetes, hepatitis, etc.	<p>A medical statement including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND</p> <p>A school nursing assessment.</p> <p><i>Rule out Other Health Impairment if suspected.</i></p>

<p>Chronic physical conditions, such as cerebral palsy, spina bifida, hearing or vision impairments.</p>	<p>A medical statement including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND</p> <p>And evaluation conducted by the school district or Regional Program.</p> <p><i>Rule out Other Health Impairment, Orthopedic Impairment, Vision Impairment, or Hearing Impairment, if suspected</i></p>
<p>Psychological conditions, such as ADD/ADHD, depression, obsessive-compulsive disorder, post-traumatic stress disorder, etc.</p>	<p>A medical statement including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, OR a diagnosis by a licensed clinical psychologist; AND</p> <p>As needed, an evaluation by a school psychologist including a review of information submitted by the parent and new measures, as needed, such as behavior rating scales, structured observations, and interviews.</p> <p><i>Rule out Emotional Disturbance or Other Health Impairment, if suspected.</i></p>
<p>Learning disorder, such as dyslexia.</p>	<p>Individual assessments as needed.</p> <p><i>Rule out Specific Learning Disabilities, if suspected.</i></p>

When an evaluation is necessary in order to determine that the student has a disability under Section 504, the school district will ensure that the student receives the assessment at no cost to the parents.

Reevaluations

The district will reevaluate the student every three (3) years and prior to significant changes in placement. Significant changes in placement include:

- An out-of-school suspension of more than ten (10) consecutive school days;
- A series of short-term suspensions (each 10 school days or fewer), if the short-term suspensions total more than ten (10) school days creates a pattern of removal;
- Transferring a student from one type of program to another (for example, from a general education class with pull-out special education services to a self-contained special education class) or terminating or significantly reducing a related service.

Parent/Student Rights in Identification, Evaluation and Placement

Please Keep This Explanation for Future Reference

(Section 504 of the Rehabilitation Act of 1973)

This document describes the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on disability.
2. Have the school district advise you of your rights under federal law.¹
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Refuse consent for the initial evaluation and initial placement of your child.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the provision of regular education or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met.
6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons including the student's parents or guardians who know the student, the evaluation data, and placement options;
8. Have your child re-evaluated periodically to the extent necessary, including before any significant changes are made to your child's educational program or placement.
9. Have education, related aids and services, and transportation provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled students.

¹This document is your notice of rights under Section 504.

10. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
11. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
12. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
13. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
14. Request amendment of your child's educational records if you believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, you have the right to a hearing to challenge this refusal.
15. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Questions about how to request a hearing may be forwarded to the person responsible for district compliance, listed below.
16. File a written grievance following the district's grievance or complaint procedure.
17. File a complaint with the U.S. Department of Education Office for Civil Rights:

Office for Civil Rights - ***Boston Office***
U.S. Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
[Email: OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

The person in this district who is responsible for assuring that the district complies with Section 504 is:

Name: Susan Leahy, Guidance Director
Mascenic Regional High School
175 Turnpike Road, New Ipswich, NH 03071
sleahy@mascenic.org
Telephone No.: (603) 878-1113

Copy given to parents on _____ by _____

mm/dd/yyyy Signature/position

Parent Signature: _____

Cc: Student's cumulative folder; Parent

Mascenic Regional School District

SECTION 504 REFERRAL/INFORMATION FORM

A. Identifying Information:

Student's Name: _____

Birthdate: _____

Grade: _____

Parent(s)/Guardian(s): _____

School: _____

Address: _____ Tel(H) _____ (W/Cell) _____

Referral Source: _____

Role/Relation: _____

B. Has this student been evaluated previously for special education under IDEA?

NO _____ YES _____ Date __/__/__

C. Reason for Referral:

D. Supporting Information: Data such as academic grades, test scores, disciplinary reports, behavior observation, Progress Reports/Report Cards and medical reports facilitate the process.

E. Accommodations Attempted to Remediate Concerns:

What's working? _____

What's not working? _____

Parent informed by teacher of intent to refer _____ Date: ___/___/___

Signature of person making referral: _____ Date: ___/___/___

Signature of Section 504 Coordinator: _____ Date: ___/___/___

Information below to be completed by the Section 504 Building Coordinator

Record of Action

Date: ___/___/___ Referral received by Section 504 Coordinator

Date: ___/___/___ Parent contacted by Phone _____ E-mail _____ Letter _____

Date: ___/___/___ Permission to Evaluate/Disclose sent to parent

The following documents must be provided to parent(s)/guardian(s) before an eligibility meeting is held. Please list the date each of the following was provided in the space below:

Date: ___/___/___ Parent/Student Section 504 Rights sent to parent

Date: ___/___/___ Notice of Section 504 meeting sent to parent

Date: ___/___/___ Accommodation plan developed

➤ **File all forms and Section 504 Accommodation Plan in the Student's Section 504 File**

Mascenic Regional School District

RECEIPT OF SECTION 504 PARENT/STUDENT RIGHTS FORM

Student: _____

I have as of this date and/or previously received a copy of my Parental/Student Rights under Section 504.

Signature: Parent/Guardian/Adult Student

Printed Name

Relationship to Child (if not eligible student)

Date: _____

Mascenic Regional School District

NOTICE OF SECTION 504 TEAM MEETING

Dear [Parent/Guardian/Adult Student] _____ Date: _____

A Section 504 team meeting has been scheduled for

Student: _____

Location: _____ Date: _____ Time: _____

Purpose of Meeting:

- _____ To discuss referral concerns and to decide how to proceed.
- _____ To review student progress and/or evaluation results and to determine eligibility.
- _____ To write a Section 504 Accommodation Plan, if needed.
- _____ To review and revise Section 504 Accommodation Plan.

The following individuals are members of the 504 team:

<u>Name</u>	<u>Title</u>

Please return the bottom of this notice to me by: _____
If you have any questions, please feel free to call me at the number below.

Sincerely,

_____	_____	_____
Case Manager	Date	Telephone

Section 504 Meeting Notice - Parent Reply

Student: _____ School: _____

Date of Meeting: _____ Time: _____

My signature indicates that I have received a copy of the Section 504 Parent/Student Rights.

- _____ I will attend the meeting
- _____ I will not attend the meeting

_____	_____	_____
Signature: Parent/Guardian/Adult Student	Date	Telephone

Mascenic Regional School District
SECTION 504 PERMISSION TO EVALUATE FORM

Student's Name: _____ Date: _____

School: _____

Dear _____:

The Section 504 team is recommending an evaluation of your child's school performance in order to determine if she/he is a student who has a disability which would qualify her/him for educational accommodations under Section 504 of the Rehabilitation Act of 1973.

The 504 team is gathering information which may assist in the determination of eligibility. We would like to complete the following assessments:

Please complete the consent section of this form and return the whole form to me. A copy is enclosed for your records. If you have any questions, please do not hesitate to call.

Sincerely,

Case Manager

Date

Telephone

Written Parental Consent to Evaluate

_____ I do give my permission to conduct these evaluations.

_____ I do not give my permission to conduct these evaluations.

_____ I have received Section 504 Parent/Student Rights.

Signature: Parent/Guardian/Adult Student

Date

Telephone

Mascenic Regional School District
SECTION 504 CONSENT BY PARENT TO DISCLOSE FORM

Student's Name: _____ Grade: _____

School: _____ DOB: _____

Home Address: _____ Telephone: _____

Dear [Parent/Guardian/Adult Student] _____:

The Section 504 team is recommending an evaluation of your child's school performance in order to determine if she/he is a student who has a disability which would qualify her/him for educational accommodations under Section 504 of the Rehabilitation Act of 1973.

The 504 team is gathering information which may assist in the determination of eligibility. The 504 team requests your consent to:

- (A) Obtain educational, medical, psychological, or any other information from professionals who have evaluated your child, and/or
- (B) Forward educational, medical, psychological, or any other information to professional who have evaluated your child.

Please list below those professionals who may have information regarding your child:

<u>Physician/Therapist/Agency</u>	<u>Address</u>	<u>Telephone</u>
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Please complete the consent section of this form and return the whole form to me. A copy is enclosed for your records. If you have any questions, please do not hesitate to call.

Sincerely,

Written Parental Consent to Disclose:

Please indicate your response to this request for Disclosure

- _____ I do give my permission to disclose information.
- _____ I do not give my permission to disclose information.
- _____ I have received Section 504 Parent/Student Rights.

Mascenic Regional School District

SECTION 504 ELIGIBILITY DETERMINATION FORM

Student's Name: _____ Birthdate: _____ Grade: _____

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

Case manager: _____ Position: _____ Date: _____

A. Purpose of Meeting:

- checkbox Determine initial eligibility and consider eligibility for accommodations/related aids or services
checkbox Review eligibility and accommodations under Section 504

B. Eligibility Team Members/Attendance:

Table with 2 columns and 4 rows for listing team members and their positions.

C. Sources of Evaluation Information:

- checkbox School records review
checkbox Parent report
checkbox Student report
checkbox Medical information
checkbox Standardized testing
checkbox Observations of student
checkbox Teacher reports
checkbox Checklists, rating scales
checkbox Other

D. Current Functioning:

- 1. The student is regarded as having/has a mental or physical impairment (specify):
2. The impairment substantially limits one or more of the following major life activities (check):
checkbox seeing, hearing, caring for oneself, breathing, walking, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, speaking, performing manual tasks, operation of a major bodily function, Other (specify)

The term “substantially limits” means that the student is:

- a. unable to perform a major life activity that the average person in the general population can perform, or
- b. substantially restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average person in the general population (compared to national norms).

E. Eligibility Determination:

The student does have a physical or mental impairment that substantially limits a major activity.

The student requires accommodations/related aids or services in a 504 plan.

The student does not require accommodations/related services in a 504 plan at this time.

The student does not have a physical or mental impairment and/or any identified impairment that substantially limits a major life activity. Therefore, the student is **not** eligible for Section 504 protections.

Signatures of Team Members:

Signature:	Position:	Date:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please sign below if you have received the parental rights:

Name: _____

Signature: _____ Date: _____

Mascenic Regional School District
504 Accommodation Plan

Student's Name: _____ Birthdate: _____ Grade: _____
 Parent(s)/Guardian(s): _____ School: _____
 Case manager: _____ Position: _____
 Disability: _____ Date of meeting at which plan was developed: _____

A. Team Members:

Names/Positions	
1. _____	5. _____
2. _____	6. _____
7. _____	8. _____
4. _____	8. _____

B. Accommodations/Related Aids and Services

The team believes that the following accommodations or related aids and services are **necessary** for the student to access and benefit from his or her educational program:

1. The school will:
 - a. _____
 - b. _____
 - c. _____
 - d. _____

2. The parent(s) will:
 - a. _____
 - b. _____
 - c. _____
 - d. _____

3. The student will:
 - a. _____
 - b. _____
 - c. _____
 - d. _____

4. Participation in assessments: No accommodations With accommodations

Specify assessment accommodations: _____

Extended School Year: Yes _____ No _____

What data was used to determine if ESY is needed: _____

If ESY is needed, notify Special Education Coordinator at 721-0160.

Administrator acknowledgement:

Name: _____

Print	Signature	Date
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Mascenic Regional School District
MANIFESTATION DETERMINATION CHECKLIST

Student's Name: _____	Date of Meeting: _____
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1. The 504 Team meeting for Manifestation Determination must be held within 10 school days of any decision to change the placement of a child with a 504 disability because of a violation of a student code of conduct. A "change of placement" generally means:
 - A. A disciplinary removal from school for more than 10 consecutive school days; or
 - B. A series of removals totaling more than 10 school days in a school year that constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as length of each removal, the total removal time, and proximity of removals.
2. The Manifestation Determination must be made by relevant members of the student's 504 Team, including the parent and guardian, and not only by school staff. At the Team meeting, the Team must review all relevant information in the student's file, including the child's 504 Plan, any teacher observations and any relevant information provided by the parents.
3. The 504 Team will answer the following questions:
 - A. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability?
 Yes No
 - B. Was the conduct in question the direct result of the district's failure to implement the 504 Plan?
 Yes No

If the answer to either of these two questions is yes, then the behavior in question should be considered a manifestation of the student's disability.

4. If the 504 Team determines that the misconduct is a manifestation of the student's disability, then the Team should determine how to address the student misbehavior, and should consider a possible functional behavior assessment and possible development of a behavior intervention plan for the student. In addition, the Team must decide on the student's future placement, and ensure that the student continues to receive a free appropriate public education.
5. If the Team determines that the misconduct is not a manifestation of the student's disability, then the district may use the regular disciplinary procedures applicable to students without disabilities and in the same manner. The district need not provide educational services to the student if he or she is suspended or expelled for misbehavior that is not a manifestation of the child's disability.
6. **Special Rule for Drug and Alcohol Violations**

If a Section 504 student is found 1) to be currently engaging in the illegal use of drugs or alcohol, and 2) to have violated school policies, rules or a code of conduct about the use or possession of drugs or alcohol, then the district may take disciplinary action against that student to the same extent and degree as the district would undertake for students who are not disabled. The district is not required to have a prior 504 Team meeting, need not determine if the use or possession is related to the student's disability, and need not provide any alternative services during any removal that may be ordered for the use or possession violation, as long as such a consequence is consistent with the policy for non-disabled students. [29 U.S.C § 705(20)(C)(iv)]

504 Meeting Waiver

Student: _____

Parent Unable to Attend

Meeting Date: _____

Purpose of Meeting (check all that apply):

- | | |
|--------------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> 504 Annual Review | <input type="checkbox"/> 504 Eligibility Meeting |
| <input type="checkbox"/> 504 Amendment Meeting | |
| <input type="checkbox"/> Manifestation Determination Meeting | <input type="checkbox"/> Other _____ |

- Yes, the team may hold the meeting in my absence.
- Meeting held via phone on: _____

Parent in Agreement Signature: _____ Date: _____

Case Manager Signature: _____ Date: _____