

# Section 504

Of

## The Rehabilitation Act of 1973

District Guidelines and Procedures

Revised Fall 2017



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## What is Section 504?

The Rehabilitation Act of 1973 was designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance. It forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. The single paragraph included in the Act, what we now refer to as **Section 504 of the Rehabilitation Act**, provided that:

*No otherwise qualified individual with a disability in the United States, as defined in section 706(8) 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 or under any program activity conducted by any Executive agency or by the United States Postal Service..." 29 U.S.C. 794(a).*

Section 504 is a federal law that provides a broad spectrum of protections against discrimination on the basis of a disability against qualified individuals. For example, all qualified elementary and secondary public school students who meet the definition of an individual with a disability under Section 504 are entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. Section 504 also requires, among other things, that a student with a disability receive an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability (*U. S. Department of Education, Office for Civil Rights, Parent and Educator Resource Guide to Section 504 in Public Education and Secondary Schools (December 2016)*).

Section 504 defines an individual with a disability as anyone who:

1. has a physical or mental impairment that substantially limits a major life activity;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

## Section 504 Qualification

Under Section 504, one must be "qualified" [student within the age range of three and twenty-two years of age and a resident of the school district, 34 C. F. R. 104.3 (k) (2)] and "handicapped." "Handicapped persons" means any person who:

1. has a physical or mental impairment that substantially limits a major life activity;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

In determining if a student has a physical or mental impairment that substantially limits a major life activity decisions must be made on a case by case basis. In addition to determining if someone has a disability, the definition of a disability must be understood to support a broad coverage of individuals.

## Physical or Mental Impairment

Section 504 defines a physical or mental impairment as 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or,
- any mental or psychological disorder.

The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

## Major Life Activities

Major life activities are calculated to include “those basic activities that the average person in the general education population can perform with little or no difficulty.” ADA 29 C F. R.1630.2 (i). Major life activities included functions such as:

- caring for one’s self
- performing manual tasks
- walking
- seeing
- hearing
- speaking
- eating
- sleeping
- standing
- lifting
- bending
- breathing
- learning
- reading
- concentrating
- working
- thinking
- communicating

*Major bodily functions are also major life activities including, but not limited to, functions of the bowel, bladder, brain, normal cell growth; and the immune, respiratory, digestive, circulatory, endocrine, neurological and reproductive systems. 42 U.S.C. 12102 (2) (B).*

This list does not provide for every possible major life activity or bodily function. Therefore, other major life activities and bodily functions should still be considered under Section 504.

Some students may have disabilities that do not affect learning and/or performance, but require accommodations under Section 504. These students may need additional supports and services of some kind under Section 504 to access learning. For example, a child may have severe asthma (affecting the major life activity of breathing) that requires regular medication and regular use of an inhaler while at school. Without regular administration of the medication and inhaler as prescribed, the child cannot remain in school (there are other examples; this one is not inclusive).

## Substantially Limits

The definition of **substantially limits** should be consistent with the ADA Amendments Act of 2008 (ADAAA). The final regulations adopt “*rules of construction*” to use when determining if an individual is substantially limited in performing a major life activity. These rules of construction include the following:

- An impairment need not prevent or severely or significantly limit a major life activity to be considered “**substantially limiting**.” Nonetheless, not every impairment will constitute a disability. **The term “substantially limits” requires a lower degree of functional limitation than the standard previously applied by the courts.**
- **The term “substantially limits” should be construed broadly** in favor of expansive coverage to the maximum extent permitted by the terms of the ADA.
- The determination of whether an impairment substantially limits a major life activity **requires an individualized assessment**, as was true prior to the ADAAA.
- With one exception (“ordinary eyeglasses or contact lenses”), the determination of whether an impairment substantially limits a major life activity shall be made **without regard to the ameliorative effects of mitigating measures**, such as medication or hearing aids.
- In keeping with Congress’ direction that the primary focus of the ADA is on whether discrimination occurred, **the determination of disability should not require extensive analysis.**
- **An impairment that is episodic or in remission is a disability** if it would substantially limit a major life activity when active.

U.S. Equal Employment Opportunity Commission. (n.d.). Fact Sheet on the EEOC’s Final Regulations Implementing the ADAAA. Retrieved September 7, 2017, from [https://www.eeoc.gov/laws/regulations/adaaa\\_fact\\_sheet.cfm](https://www.eeoc.gov/laws/regulations/adaaa_fact_sheet.cfm)

## **Pulaski County Special School District Responsibilities Regarding Section 504**

- Appoint a Building Level Section 504 Coordinator (504 Building Designee) at each school site to coordinate the identification, evaluation, and placement for qualifying students.
- Provide professional development to Building Level Coordinators on guidelines and procedures for the referral, evaluation, and placement of students as well as educating parents in their rights and due process under the law.

## **Pulaski County Special School District Policy Statement**

The Pulaski County Special School District acknowledges its responsibility under Section 504 to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practice in the Pulaski County Special School District. Under Section 504, the Pulaski County Special School District has the responsibility to identify, evaluate, and, if the student is determined to be qualified under Section 504, to afford access to appropriate educational services.

# Pulaski County Special School District Section 504 Guidelines

## Location and Notification (Child Find)

Pulaski County Special School District:

- A. Undertakes to identify and locate any school age person residing in the District who is not receiving a public education; and
- B. Notify their parents or guardians, or the person if over 18 and not graduated from high school, of the School District's obligations under Section 504 of the Rehabilitation Act. (34 C.F.R. Part 104.32).

## Free Appropriate Public Education (FAPE)

A. The Pulaski County School District recognizes its responsibility to provide a free and appropriate public education under Section 504. FAPE is defined as the provision of regular or special education and related services that are designed to meet individual education needs of the student with a disability as adequately as the district meets the needs of students without a disability and to comply with Section 504 procedures. (34 C.F.R. 104.33)

**Related aids and services** mean any supportive service that is required to assist a student with disabilities to benefit from education. Related services may include counseling and therapy, medical services (diagnostic only), occupational therapy, physical therapy, specialized transportation, paraprofessional support, residential placement, psychological services and interpreter services. This is not an exhaustive list. There may be other supportive services required.

B. The Pulaski County Special School District provides a free appropriate public education consistent with Section 504. The School District provides services consistent with the guidelines set forth below under the headings Educational Setting, Evaluation and Placement, and Procedural Safeguards.

C. The Pulaski County Special School District provides a free appropriate public education to each school age person who qualifies as a student with a disability under Section 504 who resides within the district or to whom the district otherwise owes a responsibility for education, regardless of the severity of the person's disability. The District will continue to provide a free appropriate public education for students found eligible for services under Section 504 until:

1. The student is dismissed from services by the Section 504 committee after appropriate evaluation that determines the student no longer qualifies for services, or
2. The District receives a signed, formal request to terminate the Section 504 services from the parent/guardian or the student of majority age (18).

D. Implementation of an Individualized Education Program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) for those students also determined to be eligible under that Act meets the requirements of a Section 504 services plan for those students.

E. The Pulaski County Special School District may place a student with a disability or refer such student for aid, benefits, or services other than those that it operates or provides as its means of carrying out its obligations under Section 504. If so, the District will remain responsible for ensuring that the requirements of this subpart are met with respect to any student with a disability so placed or referred.

1. **Free Education.** For the purpose of providing a free appropriate public education, the provision of a free education is the provision of educational and related aids and services without cost to the student with a disability or to his or her parents/guardian, except for those fees that are imposed on non-disabled students or their parents/guardian. It may consist of either the provision of free services or, payment for services if the School District places a student with a disability or refers such person for aid, benefits, or services not operated or provided by the School District as its means of carrying out the District's obligations under Section 504. Funds available from any public or private agency may be used to meet the District's requirements of this subpart. Insurers or similar third parties are not excused from their valid obligations to provide or pay for services provided because the School District may also be responsible.
2. **Transportation.** If PCSSD places a student with a disability or refers such person for aid, benefits, or services not operated or provided by the school district as its means of carrying out the requirements of a free appropriate public education under Section 504, the School District will ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the student or his/her parents/guardians if placed in the aid, benefits, or services operated by the School District.
3. **Residential placement.** Under Section 504, if a public or private residential placement is necessary to provide a free appropriate public education to a student with a disability because of his or her disability, the placement, including non-medical care and room and board, shall be provided at no cost to the person or his or her parents or guardian. It will be the practice of PCSSD to refer for consideration of the need for special education and related services under IDEA any Section 504 student whose disability may result in the need for residential placement.
4. **Placement of disabled student by parents.** If PCSSD makes a free appropriate public education available to a student identified under Section 504 consistent with these procedures, and a student with a disability and/or the student's parent/guardian chooses to place the student in a private school, the School District is not obligated to pay for the student's education in the private school. Disagreements between a student with a disability, his or her

parent/guardian and PCSSD regarding whether the School District has made a free appropriate public education available or whether the School District is otherwise responsible for costs, are subject to the due process procedures.

5. **Non Discrimination.** PCSSD does not exclude any qualified student with a disability from a public elementary or secondary education.

## **Educational Setting**

A. **Academic setting.** The Pulaski County Special School District ensures that each student identified under Section 504 is:

1. educated with students who are nondisabled to the maximum extent appropriate to their needs;
2. placed in the regular educational environment, unless the Section 504 committee appropriately determines that education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily; and
3. placed in an alternative setting, other than the regular educational environment, with consideration given to the proximity of the placement to the student's home.

B. **Nonacademic settings.** In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and non-academic services, Pulaski County Special School District ensures that students identified under Section 504 participate with students without disabilities in such activities and services to the maximum extent appropriate to their needs.

Students with disabilities are provided an equal opportunity to participate in the school district's non-academic and extracurricular services and activities. Discrimination based on disability is prohibited in the provision of such services and activities. No qualified student with a disability will be denied the opportunity to compete for non-academic and extracurricular teams, membership or activities.

## **Evaluation and Placement**

A. **Pre-Placement Procedures.** The Pulaski County Special School District will conduct an initial evaluation of a student who the School District suspects may qualify as a student with a disability under Section 504 before initial identification and placement of the student under Section 504 and before any subsequent significant change in placement.

B. **Evaluation Procedures.** The Pulaski County Special School District utilizes the following procedures which ensure:

1. Tests and other evaluation materials have been validated for the specific purpose for which

- they are used and are administered by trained personnel in accordance with the instructions provided by the test creators;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient; and
  3. Test are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or 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 are the factors that the test purports to measure).

**C. Placement Procedures.** When interpreting evaluation data and making decisions, Pulaski County Special School District is required to:

1. Draw upon information from a variety of sources, including aptitude and achievement assessments, teacher recommendations, physical conditions of the student, social and/or cultural background of the student, and the student's adaptive behavior, 34 C.F.R. 104.35c 1)
2. Establish and implement procedures to ensure that information obtained from all such sources are documented and carefully considered, 34 C.F.R.104.35 c 2)
3. Ensure that the placement decision is made by a *group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options,*
4. *Ensures that the placement decision is consistent with the section entitled Educational Setting.* (34 C.F.R.104.35 c 3)

**D. Re-evaluation.** Pulaski County Special School District reevaluates students identified under Section 504 at least every three years and before a change in educational placement is made.

### **Procedural Safeguards**

Pulaski County Special School District provides procedural safeguards set forth in the Parents' Rights Under Section 504 which include the right to notice, an opportunity for the parents or guardian of the student, or the student if over 18, to examine and review their child's, or their own, records, the right to an impartial hearing in which the student and the student's parents or guardian may participate and to which the student, parent or guardian may be represented by counsel, if there is a disagreement.

### **Preschool**

Pulaski County Special School District does not exclude qualified preschool students with disability from its preschool education program and takes into account the needs of such students in determining the aid, benefits, or services to be provided.

# Pulaski County Special School District Section 504 Procedures

Prior to the beginning of each school year, the principal must designate a Section 504 Building Level Coordinator/Designee. The faculty must be informed of the school's Section 504 designee and the person's name submitted to the District's Section 504 Coordinator.

The selection and/or appointment of the Building Level Section 504 Coordinator must be determined by each school. However, one responsibility of the Building Level Section 504 Coordinator **must** be that he/she ensures that 504 referrals (including completed child find forms) are accepted and an evaluation is conducted in a timely manner.

Anyone (parents, school personnel, outside agencies, self-referral, etc.) can initiate child find and/or refer a student for Section 504 considerations. Information received from outside agencies, hospitals, etc. should be considered child find and initiate the referral process. All students located through child find and/or other referrals must be placed in writing and acted on based upon the following district procedures:

## Referral

- Step 1.** A "child find" form is submitted by parents/guardian, school personnel, self-referral, outside agencies, etc. and then forwarded to the Building Level Coordinator.
- Step 2.** The Building Level Coordinator will use the child find form and information from the student's cumulative folder and/or other resources to complete the referral (504-1).
- Step 3.** When the referral is complete, the Building Level Coordinator determines a conference date and time. The following correspondence should be sent to the parents/guardian:
  - Parent Notification of Referral (504-2)
  - Consent for Evaluation (504-3)
  - Notification of Conference (504-4)
  - Parent/Student Rights

**NOTE:** The "Child Find" form should be processed within **ten (10) school days of receiving it**. "Processed" means completing the referral and sending parents or guardians the **Parent Notification of Referral (504-2), Consent for Evaluation (504-3), Notification of Conference (504-4), and Parent/Student Rights**.

## Evaluation Conference

- Step 1.** Prior to the start of the evaluation conference, the parents/guardian **has to give consent** for the school to conduct the Section 504 evaluation.
- Step 2.** The Building Level 504 committee should conduct the evaluation to determine if a student qualifies under Section 504. The committee who meets to review the evaluation and make a

determination must consist of knowledgeable people (for example, school nurse, teacher(s), counselor, psychologist, school administrator, social worker, physical or occupational therapist, speech-language pathologist, vision/hearing specialist, etc.) that can interpret the meaning of the evaluation data and determine needed services. The committee members should include **a minimum of three knowledgeable school personnel, to include the Building Level Section 504 Coordinator.** (See *the appendices under roles and responsibilities for Section 504 committee.*)

**Step 3.** The Building Level Coordinator must have data available for the committee to analyze from a variety of sources such as **standardized aptitude and achievement testing, teacher observations and feedback, student's grades, disciplinary referrals, medical or health information (may be helpful), social or cultural background, parent information/input, attendance records, adaptive behavior, etc.** The committee must determine if the student qualifies and any subsequent placement and/or service needs under Section 504.

When determining whether a student has a disability, a school cannot consider the ameliorative effects of the mitigating measures to determine how the impairment impacts the major life activities under consideration. The ADA Amendments Act provides a non-comprehensive list of **mitigating measures**: medications, prosthetic devices (for example, an artificial leg), assistive devices (for example computer modifications that increase accessibility, wheelchairs, scooters, walkers, canes, and crutches), learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment.

Note that the use of ordinary eyeglasses or contacts is **not considered mitigating measures**. For example, a person's vision is corrected with ordinary eyeglasses or contacts, the school may consider how the eyeglasses or contacts help the student see when making a determination about whether the student has a disability based on his/her corrected sight.

**Step 4.** The committee must summarize the student's review data on the **Student Identification Determination Summary form (504-5A)**, and determine if the student qualifies for Section 504. During this meeting, it may be determined that other evaluations or additional evaluations are needed (see evaluation section) before determining if the student qualifies for Section 504. If so, upon the completion of all evaluations, an additional committee meeting must be held to discuss the outcomes of the evaluation results and determine if the student qualifies.

**If a student does not qualify:**

1. Give the parents their copy of the decision and place a copy in the student's school file.
2. Provide parents with a copy of their appeal rights as specified in Parent/Student Rights under Section 504.

**If it is determined that additional evaluation is needed:**

1. Follow the evaluation procedures for administering additional evaluations.
2. Schedule an additional committee meeting to review the outcomes of the evaluation and determine if the student qualifies under Section 504.

**If the student qualifies and needs a Section 504 Plan:**

1. Develop a Section 504 Plan for the student as determined appropriate based on the student's needs in the educational environment.
2. Implement the Section 504 plan if the parents/guardian consents in writing to the Plan's implementation.
3. Give the parents/guardian a copy of the decision and Parent/Student Rights under Section 504 with appeal information if the parent/guardian disagrees with the plan.
4. The Section 504 Plan **will not be implemented** if the parent refuses to provide written consent or revokes his/her consent in writing at any time.

**Note:** The student who qualifies under Section 504 will receive a Section 504 Plan that governs the provision of a free appropriate public education. The student will receive procedural safeguards, periodic re-evaluations (3 years or more often as needed), manifestation determination review (when applicable), as well as the nondiscrimination protections of Section 504.

**If the student qualifies, but does not need a Section 504 Plan:**

1. The Student qualifies, but will not require a Section 504 Plan because the physical or mental impairment is in remission or the student's needs are met as adequately as his/her nondisabled peers due to the positive effect of mitigating measures currently in use and there is no current need for services.
2. Should the need for a Section 504 Plan arise, the Section 504 committee shall reconvene and develop an appropriate Section 504 Plan. Results apply when the mitigating measures are neither provided by nor implemented by the School.

**Note:** The student who qualifies under Section 504 will receive procedural safeguards, periodic re-evaluations (3 years or more often as needed), manifestation determination review (when applicable), as well as the nondiscrimination protections of Section 504.

**Re-evaluation and Reviews**

At least every three years, students who qualify for Section 504 must have a re-evaluation

to determine if they still qualify. Section 504 Plans must be reviewed at least annually or more often as needed. In order to be considered in compliance, this is required for Pulaski County Special School District.

### **Follow-up and Monitoring**

It is the role of the Building Level Section 504 Coordinator to monitor the implementation of each Student's Section 504 Plan and serve as the parent contact (**see appendices under Role of Building Level Section 504 Coordinator**). The Building Level Coordinator is responsible for:

1. maintaining a list of students identified as Section 504 qualified (both with plans and without plans).
2. providing a copy of each student's Section 504 Plan to all teachers at the beginning of the school year and after a student schedule change to inform teachers of the services and/or accommodations under Section 504 that their students will be receiving.
3. monitoring the Section 504 Plans and/or process of each Section 504 student identified.
4. monitoring timelines or schedules which should be individually determined as appropriate for each student.

### **Transfer Students**

Students moving into PCSSD from another district or program with documentation indicating identification under Section 504 may be eligible for services on the basis of a previous Section 504 service history. Records should be requested immediately, and the student's Section 504 Plan and or documents should be given to the Building Level Section 504 Coordinator (see the process for identifying Section 504 students).

### **Homebound Instruction**

For students with medical conditions that prevent them from attending school, instruction may be provided in the home. A licensed medical examiner or psychiatrist must provide written verification of the student's medical condition or impairment and the need for homebound services. When this verification is received, the school-based Section 504 Committee, including the school nurse, **will conduct an Evaluation Conference (if the student is not already identified under Section 504) or a Review of Services Conference (if the student is already identified under Section 504) within two weeks of the date of the written verification** to discuss if homebound services are appropriate for the student. If the Section 504 committee decides that homebound services are appropriate for the student, the Section 504 Building Coordinator must complete a **Homebound Request Form**. This form must be submitted to the District Section 504 Coordinator **within three (3) days** of conducting the committee meeting.

**Note:** The need for homebound services is determined on an individual basis and is not automatically

granted due to the receipt of a referral. Other options may be considered, such as a modified school day or an alternative setting.

## **Discipline**

**A. Rule for Suspensions of Ten (10) Days or Less.** Special due process notice is not required for suspensions of ten (10) days or less. They are ***not considered a change in placement***. Students with disabilities may be suspended from school for ten (10) days or less. Suspensions of ten (10) days or less do not require that a manifestation determination be made regarding the relationship between the misconduct and disability or placement.

However, if Section 504 students have patterns of behavioral problems that warrant repeated suspensions, schools are advised to conduct a Section 504 discipline review conference (form 504-8) to review the student's program to make a determination as to the need for a behavior management plan or other accommodations that may address current or prevent future misconduct.

**B. Rule for Exceeding Ten (10) Days of Suspension or Expulsion.** Section 504 students whose behavior is related to their disability may not be suspended for more than ten (10) school days or excluded from school as a disciplinary action without following all due process and procedural safeguards. A suspension or exclusion from the educational program (e.g., out of school suspensions) of more than ten (10) consecutive school days is considered to be a significant change in placement (see change in placement procedure).

**NOTE:** Office for Civil Rights (OCR) also considers a series of short-term exclusions (each ten (10) school days or fewer) from the educational program an overall long-term removal and a disciplinary change in placement that requires a manifestation determination.

1. If the behavior is determined to be related to the Section 504 disability, educational services (FAPE) must be provided.
2. If the behavior is not related to the Section 504 disability, no educational services must be provided during the period of suspension.

**C. Rule for Suspension for Weapons/Drugs.** Section 504 students who bring weapons/drugs to school may be subject to regular disciplinary actions. However, prior to the disciplinary action the school has the option of removing the student from school using other in-school discipline or suspending the student for up to ten (10) school days. Within the ten (10) days, a Section 504 discipline review conference must be held in accordance with due process procedures to **conduct a manifestation determination review** to determine the causal relationship between the misconduct and the disability (see change in placement procedure).

1. If the behavior is determined to be related to the Section 504 disability, educational services (FAPE) must be provided.

2. If the behavior is determined to not be related to the disability, no educational services must be provided during the period of suspension or expulsion.

**D. Change in Placement Procedures.** A suspension of more than ten (10) days or exclusion from school is a change in placement. Before any change in placement can be implemented, the school must:

1. Notify the parents in writing, in their native tongue and language they can understand, of a Section 504 discipline review conference to conduct a **Manifestation Determination Review (MDR)**.
2. Conduct the MDR with the parents, teachers, therapists, evaluators, student (if appropriate) and anyone else closely involved with knowledge of the student's disability, placement, and/or education.
3. Use all available school and evaluation data, along with input from committee members, when conducting the Section 504 team review. Disruptive behavior due to a disability may be evidence that the student's program is inappropriate. Thus, exclusion or suspension of more than ten (10) days cannot be imposed as a disciplinary action without an investigation and documentation of the appropriateness of both the program and placement. The investigation/review has to meet all due process requirements. A behavior management plan must be included in the Section 504 Plan for students who exhibit serious or chronic misconduct.
4. Complete the Section 504 **Worksheet for Manifestation Determination** (504-9A, B, C).  
Based on the Manifestation Determination Review the committee will determine:
  - If the behavior is related to the disability. The exclusion of the student for more than ten (10) days requires the provision of FAPE (Free Appropriate Public Education). An alternative educational placement can be recommended by the committee and implemented by the district. The parent will be informed of the recommended change of placement.
  - If the behavior is not related to the disability, the student may be excluded from school and no educational services provided. The administration recommends disciplinary action through regular administrative procedures.
5. If the parents disagree with the Manifestation Determination Review regarding the relationship between the student's behavior and disability they may file a written request for a hearing, grievance or complaint. However, the disciplinary action or change in placement can be implemented during the due process proceedings for students who are qualified under Section. There is no automatic right to remain in the current placement under Section 504.
6. Inform parents of their due process rights at all conferences (Parent/Student Rights).

**Pulaski County Special School District  
Section 504 of the Rehabilitation Act of 1973  
Grievance Procedure**

**General**

If any person believes that the Pulaski County Special School District or any of the District's staff has inadequately applied the principles and/or regulations of Section 504 of the Rehabilitation Act of 1973, he/she may bring forward a complaint, which shall be referred to as a grievance. The following steps outline the grievance procedures:

**Step 1**

The person who believes he/she has a valid basis for grievance shall discuss the grievance informally and on a verbal basis with the local administration/ Building Level Section 504 Coordinator, who will in turn investigate and answer the complaint within ten (10) school days. The local administration/ Building Level Section 504 Coordinator shall maintain a signed, dated, written record of the complaint and resolution.

**Step 2**

If the complainant wishes to appeal the local school decision, he/she may request a statement of appeal to the office of the District Level Section 504 Coordinator. The Building Level Section 504 Coordinator shall give the complainant a "504 Grievance Filing Form" upon request or upon disagreement with the local school decision. The appeal to the District Level Section 504 Coordinator must be written and must clearly address the specifics of the complaint. The complaint must be filed within fifteen (15) days of the final ruling of the local school.

**Step 3**

The District Level Section 504 Coordinator, or designee, shall contact the grievant within ten (10) days of receipt of the written complaint to schedule a meeting. The District Level Section 504 Coordinator shall meet with all parties involved, formulate a conclusion, and give a written response within ten (10) working days of the meeting. The written decision will be filed and a copy sent to the parent, local administration/ Building Level Section 504 Coordinator, and the Superintendent.

**Step 4**

If the complainant remains unsatisfied, he/she has the following options available:

- A. Submit a written request for an impartial due process hearing (A short, signed, and dated statement will be sufficient).
- B. Contact or file a grievance with:  
U.S. Department of Education  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Telephone: (214) 661-9600  
Facsimile: (214) 661-9587  
[Email: OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)
- C. Take legal action through the appropriate level of federal court.

# The Role of the District Section 504 Coordinator

## Major responsibilities include but are not limited to:

- Coordinate professional development for administrators, district staff, and other service providers on Section 504 compliance.
- Provide technical assistance to Building Level Section 504 Coordinators.
- Establish and monitor District Section 504 policies and procedures as they relate to compliance.
- Assist administrators and staff in establishing record keeping procedures, developing and implementing Section 504 student accommodation plans, collecting data, and utilizing the data records.
- Collect formal data regarding District-wide compliance with Section 504.
- Liaison between the Arkansas Department of Education and Office for Civil Rights.
- Hear grievance appeals.

# The Role of the Building Level Section 504 Coordinator

## Major responsibilities include but are not limited to:

- Schedule meetings with parents and building level staff for the purpose of identification, evaluation, and/or placement of a student for services under Section 504.
- Schedule Section 504 accommodation plan meetings to develop, review, and/or revise student accommodation plans.
- Ensure compliance regarding documentation of Section 504 accommodations.
- Monitor implementation of Section 504 student accommodation plans and report discrepancies to the building level administrator.
- Act as a resource for teachers and other building staff on Section 504 compliance issues.
- Serve as a liaison between the school building and the District Section 504 Coordinator to ensure compliance of student programming and documentation.
- Conduct ongoing compliance evaluations and annual review conferences on students under Section 504.
- Ensure that the non-discrimination notice is posted.
- Provide professional development for school building personnel regarding Section 504 issues.
- Resolve grievances before referring them to the District Section 504 Coordinator.

## The Role of the Section 504 Committee

The Building Level Section 504 Committee will make all necessary decisions regarding a student's identification, evaluation, and placement. The committee must be composed of a group of persons knowledgeable about the student, the meaning of the evaluation, and the service options available under Section 504.

The group could include but is not limited to parent/guardian, classroom teacher(s), administrator, school counselor, outside service provider, and/or Section 504 Building Level Coordinator. The committee should always include at least three knowledgeable people, in addition to the parents/guardians. The Section 504 committee may not consist of the same group of people for all students (the group will vary from one student to the next).

Ensure that all committee members understand the identification and qualification criteria under Section 504.

Factors that play into qualifying under Section 504 include:

- Is there a physical or mental impairment?
- Does that physical or mental impairment affect one or more major life activities?
- Is the limitation substantial?

The existence of a physical or mental impairment does not mean that the student automatically qualifies under Section 504.

# The Role of the General Education Teacher

**Major responsibilities include but are not limited to:**

- Participate as a member of the student's Section 504 committee.
- Observe and share information about the student's classroom academic and behavioral performances.
- Cooperate in the planning and implementation of Section 504 Plans in the general education setting.
- Assist in the identification of students in need of further assessment.
- Consult and confer with the student's parent(s)/guardian(s).
- Consult with the Building Level Section 504 Coordinator concerning the student's progress in the classroom.
- Create an atmosphere in the general education setting in which the student can perform successfully.