



SECTION 504 HANDBOOK

This handbook is a compilation of information from a variety of sources and includes guidelines for compliance with Section 504's student-related provisions. For additional details regarding the District's Section 504 policies or procedures, please contact the District's Section 504/ADA Compliance Officer.

Adopted October 2016

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Buena Vista School District and Section 504

What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a civil rights statute that protects persons with disabilities from discrimination. It states that: “No otherwise qualified individual with a disability shall solely by reason of his or her 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.” The Americans with Disabilities Act (“ADA”) contains similar prohibitions against discrimination.

Under Section 504, school districts are required to make their programs and activities (including non-academic and extracurricular programs and activities) accessible to all individuals with disabilities and to provide students with disabilities a “free appropriate public education.” A free appropriate public education under Section 504 is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

Notably, Section 504 applies to all students with disabilities -- including disabled students who are eligible for services under the Individuals with Disabilities Education Act (“IDEA”). With respect to IDEA-eligible students, school districts fulfill the requirements of Section 504 by complying with the more stringent procedural and substantive provisions of the IDEA. Please note that this handbook does not address the process associated with identifying, evaluating, and serving “IDEA-eligible” students. Instead, it focuses on the process associated with identifying, evaluating, and serving disabled students who are not protected by the IDEA – i.e., the “Section 504-only” students.¹

¹ To clarify, “IDEA-eligible students” are those disabled students who require special education services, *in addition to* related aids and services and/or other accommodations. By comparison, “Section 504-only” students are those disabled students who require *only* related aids and services and/or other accommodations to gain equal access to the district’s programs and activities.

What Are the District's Responsibilities under Section 504?

To be in compliance with Section 504, the School District must:

- ◆ Designate a District-level ADA/Section 504 Compliance Officer.
- ◆ Provide grievance procedures to resolve complaints of discrimination. See District policy ACE and Student-Related Section 504 Complaint Procedures (included in the Appendix). These procedures are discussed *infra* at pages 12-13.
- ◆ Provide annual notice of nondiscrimination in admission or access to its programs or activities. The District includes its notice of nondiscrimination in its Student Handbook.
- ◆ Annually identify and locate all qualified children with disabilities who are not receiving a free and appropriate public education.
- ◆ Provide a free appropriate public education to all qualified children with disabilities.
- ◆ Periodically notify persons with disabilities and their parents or guardians of their rights under Section 504. See Student and Parent Rights under Section 504 (included in the Appendix).
- ◆ Notify parents/guardians of their right to challenge decisions regarding the identification, evaluation, or placement of their child. See Student and Parent Rights under Section 504 (included in the Appendix).
- ◆ Provide parents the opportunity to examine relevant records. See Student and Parent Rights under Section 504 (included in the Appendix).

What's the Definition of "Disability" under Section 504?

A person has a "disability" under Section 504 if that individual: (1) has a physical or mental impairment that substantially limits one (or more) of the individual's major life activities; (2) has a "record of" such an impairment, or (3) is "regarded as" having such an impairment.

Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact the impairment has on one or more major life activities. A substantial limitation means that the person is unable to perform a major life activity that *the average person in the general population* can perform or is substantially limited in the condition, manner, or duration under which the individual can perform the major life activity at issue. Note, however, that an impairment does not need to prevent or severely restrict a major life activity to be considered substantially-limiting.

Major life activities include, but are not limited to: seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks. The operation of major bodily functions (*e.g.*, the immune system, cell growth, digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) also count as major life activities. Please note that this list of major life activities is not exhaustive.

Additionally, in determining whether someone is “substantially limited” in a major life activity, the ameliorative effects of available “mitigating measures”, other than ordinary eyeglasses and contact lenses, cannot be considered. Mitigating measures include, but are not limited to, medications, prosthetic devices, hearing aids, mobility devices, assistive devices, and learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment. For example, a student who has an allergy and requires allergy shots to manage the allergy would meet the definition of disability if, without the shots, the allergy would substantially limit a major life activity (*e.g.*, breathing).

Finally, an impairment that is “episodic” or “in remission” is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a student with a bipolar disorder would be “disabled” if, during manic or depressive episodes, the student is substantially limited in a major life activity (*e.g.*, thinking, concentrating, neurological, or brain function).

Special Note for “Record of” or “Regarded as” Individuals:

Please note that Section 504 prohibits the District from discriminating against students who have a “record of” or are “regarded as” having a disability, but it does not require a Section 504 plan for such students. In short, Section 504 seeks to protect those who have a “record of” or are “regarded as” having a disability from the prejudicial attitudes of others. It does not, however, require that the District develop Section 504 plans for such student because they are not actually disabled. Only students who are, in fact, disabled (*i.e.*, who actually have a current impairment that substantially limits a major life activity) receive Section 504 plans.

When Does a Student Qualify for a Section 504 Plan?

To qualify for a Section 504 plan, a student must have a “disability” – that is : (1) the student must have a mental or physical impairment; (2) that mental or physical impairment must be “substantially limiting;” and (3) the impairment must substantially limit one or more major life activities. If any of the three criteria is missing, do not create a Section 504 plan for the student.

Additionally, even if a student has a disability (i.e., actually has an impairment that “substantially limits” a major life activity), he may not need a Section 504 plan. To determine whether the student needs a Section 504 plan, you must evaluate not only whether the student has a disability, but also whether he needs related aids, services, or other accommodations, to access the programs and activities of the District as adequately as his non-disabled peers. If the answer to this question is “yes,” then a Section 504 plan should be developed.

What Do Section 504 Plans Include?

Section 504 plans shall be designed so that the individual educational needs of students with disabilities are met as adequately as the needs of their non-disabled peers regardless of the nature or severity of their disabilities. Section 504 planning most commonly focuses on identifying and implementing the related aids, services, and other specific accommodations needed by the student. Section 504 teams should also consider the whether the student needs any reasonable modifications of District practices, practices, or procedures to gain equal access to its programs and activities (e.g., allowing a student with a mobility impairment to use of the faculty elevator despite the fact that school rules prohibit the use of the elevator) .

Related aids and services include, but are not limited to:

- transportation services;
- school health/nursing services;
- medical diagnostic services;
- psychological or counseling services;
- audiology services;

- physical and occupational therapy services;
- orientation and mobility services;
- environmental, instructional, and behavioral accommodations; and
- any other developmental, corrective, and supportive aids and services as are necessary to meet the needs of the disabled student.

The services/accommodations needed may be as simple as changes in daily schedule, class seating, or test administration, or as complex as using assistive technologies that address a specific disability. For example, FM amplifiers may be needed to help a student with a hearing impairment understand class lectures; magnification devices may be needed to help a student read; and any number of devices may be needed to aid student mobility. ***All determinations regarding related aids, services, and accommodations must be made on a case-by-case basis, based on the unique needs of the student at-issue.***

What Does the District's Section 504 Referral, Evaluation, and Planning Process Entail?

A Section 504 referral may be initiated by parents, school staff, community agencies, medical providers, the student, or other concerned parties. Such a referral may address an immediate physical or medical need or a more long-term learning-related need. In all cases:

1. **Referral:** The process begins with the submission of a completed Section 504 Referral form to the Building's designated Section 504 Coordinator. A 504 file should be started for the student at the time a referral is made.
2. **Determination Regarding Evaluation:** The 504 Coordinator in collaboration with appropriate school staff will determine whether or not a 504 evaluation will be conducted. If it is determined that an evaluation will not occur, the 504 Coordinator will notify the student's parents/legal guardians as to the reasons why and provide them with a copy of the completed Section 504 Referral form and a copy of the Student and Parent Rights under Section 504.

If it is determined that an evaluation will occur, the 504 Coordinator will work with persons knowledgeable about the student (*e.g.*, his/her parents, teachers, counselors, the school nurse, etc.) to determine the data to be collected as part of the evaluation. After determining the data to be collected, the 504 Coordinator will complete and send the Section 504 Notice of Evaluation and a copy of the Student and Parent Rights under Section 504 to the student's parents/legal guardians.

3. **The 504 Evaluation:** An evaluation by appropriate school personnel must be completed at no cost to the student's parents/legal guardians prior to determining a student's eligibility under Section 504 and prior to any significant change in placement. Evaluations should include information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Depending on the nature of the suspected disability, the evaluation data collected may include formal testing results, behavioral observations, disciplinary referrals, classroom performance indicators, academic achievement results, anecdotal records, health history, current health information, and outside professional opinions, including medical opinions provided by parents.

Tests and other evaluation materials used must be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instruction provided by their producer. Additionally, tests and other evaluation materials should be tailored to assess specific areas of educational need and not merely provide a single general intelligence quotient. Finally, tests administered to students with impaired sensory, manual, or speaking skills should be selected so as to ensure that they accurately reflect the student's aptitude, achievement level or other factor, rather than the student's impairment. (This would not apply where the impairment is the factor that the test purports to measure).

4. **Scheduling the 504 Eligibility Meeting:** Once all necessary evaluation data has been collected, the 504 Coordinator will schedule a Section 504 eligibility meeting and invite the student's parents/legal guardians to attend by sending them a Notice of Section 504 Meeting. The District will endeavor to schedule this meeting no later than 60 days after

receipt of the Section 504 Referral form. The 504 Coordinator shall ensure that individuals knowledgeable about the student, the evaluation data collected, and the service, accommodation and placement options available, attend the meeting. The individuals invited should be listed (by title) on the Notice of a Section 504 Meeting.

5. **The 504 Eligibility Meeting/Creation of a Section 504 Plan:** The 504 team meets, reviews the evaluation data collected, and determines whether the student is eligible for a Section 504 accommodation plan. As noted above, decisions regarding the student's eligibility and educational placement should be made based on a variety of information and by individuals who know the student, the evaluation data collected, and the related service, accommodation and placement options available. Additionally, parents/guardians must be given an opportunity to provide input, and the team's decisions should take into consideration the fact that students with disabilities have the right to be educated with non-disabled peers to the maximum extent appropriate to meet their needs.

The Section 504 Eligibility Determination Report should be used to document both the team's careful consideration of the evaluation data collected, as well as its analysis of the student's eligibility under Section 504. The team should complete the accommodation section of the form (Part C), only if the student is found eligible for a 504 plan. *Note that Part C is where the team documents the related aids, services, and other specific accommodations necessary for the student to access the District's programs, services, and activities as adequately as his non-disabled peers.*

A copy of the finalized Section 504 Eligibility Determination Report should be provided to the student's parent/legal guardian, along with a copy of the Student and Parent Rights under Section 504, if requested by the parent/legal guardian.

6. **Implementation of the 504 Plan:** If a student is found eligible, the team will assign a case manager to oversee implementation of the student's Section 504 plan. The case manager, in turn, is responsible for ensuring that a copy of the student's plan (Part C of the Section 504 Eligibility Determination Report) is provided to those administrators, teachers, and other District staff responsible for implementation.

7. **Section 504 Plan Review:** Per District policy, Section 504 plans should be reviewed annually or whenever information is received that indicates a need for review.² At the review meeting, the 504 team will review the student's progress and any relevant information provided by parents and/or school staff. The team will, in turn, complete a Section 504 Review Report and update the plan, as appropriate. If updated, the student's case manager is responsible for completing and ensuring that a copy of the student's new accommodation plan is provided to those administrators, teachers, and other District staff responsible for implementation.
8. **Reevaluation:** Students shall be reevaluated in accordance with the requirements set forth in Step 3 (above) at least every three (3) years, unless the District and parent(s) agree that a reevaluation is unnecessary. Additionally, a reevaluation must occur prior to any significant change of placement (*e.g.*, discontinuation of the plan); if the District determines that the student's needs warrant a reevaluation; or if the student's parent(s) or teacher(s) request a reevaluation. Following the reevaluation, an eligibility meeting should be convened in accordance with the requirements of Step 5.

Role of the 504 Case Manager

As noted above, each student placed on a Section 504 plan will be assigned a case manager. The case manager may be a building administrator, counselor, teacher, or nurse, as appropriate. The 504 team assigns the case manager at the same time the Section 504 plan is developed. The role of the case manager is to:

- communicate the plan to all necessary staff;
- monitor staff implementation;
- communicate with the parent/guardian relative to student progress and/or problems;
- participate in any review/reevaluation meetings; and
- ensure that the student's current 504 plan (and file) follow the student as he changes schools.

² Note that the team will set a review date in Part D of the Section 504 Eligibility Determination Report.

504 Record Keeping

As noted above, once a Section 504 Referral form is submitted, a 504 file should be started for that child. The file should contain (as applicable):

- Section 504 Referral forms;
- Correspondence with the parent including the Section 504 Notice of Evaluation and Notice of a Section 504 Meeting;
- Consent forms including confirmation of receipt of the Student and Parent Rights under Section 504;
- Section 504 Eligibility Determination Reports, documenting evaluation and/or reevaluation data considered, team decisions regarding eligibility, and 504 Plans created (see Part C); and
- Any Section 504 Review Reports documenting the results of review meetings.

Section 504 plans and related documents should be kept electronically in Alpine Achievement. Active Section 504 files should be kept in a central location within the student's current building. Inactive files (e.g., files related to 504 plans that have terminated by team decision following a reevaluation and/or due to the student's departure from the District) should be forwarded to the District's Section 504/ADA Compliance Officer for storage

Discipline and Section 504

Students with disabilities are not exempt from school discipline codes. However the student's disability must be taken into account when considering the appropriate disciplinary response for a 504 student. If a behavior is not related to a student's disability, then the disciplinary consequences are the same as for any other student. The vehicle for assessing the link between a behavior and a disability is a manifestation determination meeting.

Student suspensions must be tracked for Section 504-eligible students, just as they are for IDEA-eligible students. Short-term removals (suspensions for either 10 consecutive days or 10 days in aggregate) do not constitute a "change in placement" and as such do not require more than normal due process (a notice and hearing). However cumulative short-term removals totaling more than 10 school days which demonstrate a "pattern of exclusion," or long-term removals of more than 10 consecutive days, may be considered a "change in placement" and trigger certain procedural safeguards, including a manifestation determination and, if appropriate, the implementation of a

behavior plan or a functional behavior assessment. See Section 504 Manifestation Determination Report.

District's Section 504 Policy and Grievance/Hearing Procedures

The School District has adopted policies to prevent discrimination and harassment against students with disabilities. (See District policy ACE-R). Among other things, policy ACE-R establishes a grievance procedure, including timelines, to be followed in the event that a student, parent, employee, or member of the general public believes that a student has been discriminated against or harassed on the basis of a disability. While we encourage parents to discuss any concerns with the building principal and other appropriate building staff prior to filing a complaint, the grievance procedure related to 504 complaints is as follows:

- In the event that an individual believes that there has been a violation of Section 504 or the ADA, he/she shall mail or deliver a written statement to the Section 504 and ADA Compliance Officer ("Compliance Officer") on the district's designated complaint form. The complaint must set out the alleged violations in specific terms, describing the incident or activity involved, the individuals involved and the dates, times and locations involved. Employees and members of the general public can obtain a complaint form from the district's administrative office. Students and parents can obtain a complaint form from the principal of the student's school.
- The Section 504 Compliance Officer shall conduct an investigation to determine the facts involved and shall provide the individual filing the written statement with an opportunity to discuss the matter personally, if requested. The Compliance Officer shall report to the superintendent his or her findings and recommendations regarding resolution of the matter.
- Within 10 school days of receiving the findings and recommendation from the Compliance Officer, the superintendent or designee shall determine any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.
- The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of District policy.
- If the student or employee is not satisfied with the handling of the matter by the superintendent, he or she may appear before the Board of Education and present the matter directly to the Board. Any action taken by the Board shall be final.

In addition to utilizing the grievance process described above, if a complaint involves a student's identification, evaluation, or educational placement, the student's parents or legal guardians also have the option of requesting an impartial due process hearing. The District's due process hearing procedures are as follows:

- An impartial due process hearing may be requested by filing written notice with the District's Section 504/ADA Compliance Officer.
- Upon receiving a written request for a hearing, the District's Section 504/ADA Compliance Officer will select an impartial hearing officer to decide the matter.
- The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing.
- Within ten (10) school days after the conclusion of the hearing, the hearing officer will issue a written decision. The decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and the superintendent. The decision of the hearing officer shall constitute the final administrative decision in the matter.
- If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer, the parent/legal guardian or District may initiate legal proceedings in a court of competent jurisdiction.

Should a student's parents/legal guardians wish to file a complaint of disability discrimination or challenge the identification, evaluation, educational program, or placement of their student, they should be provided with a copy of the District's Section 504 Complaint form and Student-Related Section 504 Complaint Procedures. Copies of these documents are included in the Appendix.

Finally, the United States Department of Education's Office for Civil Rights ("OCR") is the agency responsible for enforcing Section 504 compliance. While the District encourages complainants to attempt resolution of any issues through the District procedures described above, parents and guardians always have the right to initiate a complaint with the OCR or to involve the OCR at any time during the complaint process. Contact information for the regional OCR office is as follows:

**Office for Civil Rights, Region VIII
U.S. Department of Education
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
(303) 844-5695; TDD: (303) 844-3417**

Appendix: District Section 504 Forms

Section 504 Evaluation Checklist

Purpose: Assists the 504 Coordinator in organizing and documenting the steps necessary to meet the requirements for the Section 504 evaluation and eligibility determination process.

Section 504 Referral

Purpose: Requests that a student be evaluated to determine if the student qualifies under Section 504.

Section 504 Notice of Evaluation

Purpose: Informs parents/legal guardians that a 504 team will evaluate their student to determine if he/she qualifies under Section 504.

Student and Parent Rights under Section 504

Purpose: Informs parents/legal guardians of their rights under Section 504. This form should be provided to parents at the outset of the referral process, at the time of the eligibility determination meeting (if requested), and upon request.

Notice of Section 504 Meeting

Purpose: Invites parents/legal guardians to a 504 eligibility meeting.

Section 504 Eligibility Determination Report

Purpose: Organizes and documents the steps that the 504 team must follow to determine whether a student is eligible under Section 504. This form also serves to document the Section 504 Plan created by the team *if* the team determines that the student is eligible for such a plan (see Part C). This form is also used following a reevaluation.

Section 504 Review Report

Purpose: Organizes and documents the steps that the 504 team follows in reviewing a student's Section 504 Plan.

Section 504 Manifestation Determination Report

Purpose: Organizes and documents the steps that the 504 team must follow in determining whether a student's misconduct is a manifestation of his/her disability.

Section 504 Complaint and Student-Related Complaint Procedures

Purpose: To be used to submit a complaint to the District-level Section 504/ADA Compliance Officer, alleging that a student's rights under Section 504 have been violated. Also provides the complainant with a copy of the District's complaint resolution procedures pertaining to student-related Section 504 disputes.

SECTION 504 EVALUATION CHECKLIST

Student Name: _____	Student ID: _____
School/Grade: _____	Date of Birth: _____
Parent(s) Name: _____	Home Phone: _____

1. 504 Coordinator receives <u>Section 504 Referral</u> and opens a 504 file.	Date:	
2. 504 Coordinator, in consultation with appropriate school staff, determines whether a 504 evaluation will occur. If it is determined that an evaluation will <u>not</u> occur, the 504 Coordinator records the decision, and reasons for the decision, on the bottom of the <u>Section 504 Referral</u> form and provides parents with a copy of the Referral form and a copy of the <u>Student and Parent Rights under Section 504</u> .	Date:	
3. If it is determined that an evaluation will occur, the 504 Coordinator consults with parents/staff regarding content of evaluation to be conducted, and completes and sends the <u>Section 504 Parent Notice of Evaluation</u> and a copy of the <u>Student and Parent Rights under Section 504</u> to the parents. (Have parents sign and return this form.)	Date:	
4. Once all necessary data on the student has been collected, the 504 Coordinator sends the <u>Notice of a Section 504 Meeting</u> to the parent/legal guardian.	Date:	
5. The 504 team meets to evaluate the student's impairment and eligibility for services and completes the <u>Section 504 Eligibility Determination Report</u> . (Team completes Part C only if the student is found eligible for a Section 504 plan.) A copy of the finalized report is provided to parents. An additional copy of the <u>Student and Parent Rights under Section 504</u> should be provided at parents' request.	Date:	
6. If the student is eligible for a 504 plan, the team assigns a case manager to ensure that the student's teachers and other appropriate staff members implement the services/accommodations outlined in Part C the Report.	Date:	
7. If the student is determined eligible, the District is responsible for ensuring that the student's 504 plan is reviewed annually or whenever information is received that indicates a need for review. For review meetings, the 504 team shall reconvene and complete the Section 504 Review Report. ("Date" here is the date set for the first annual review of the 504.)	Date:	

SECTION 504-REFERRAL FORM

Student Name: _____	Student ID: _____
School/Grade: _____	Date of Birth: _____
Parent(s) Name: _____	Home Phone: _____
Name/Title of Person Making Referred: _____	
Relationship to Student/Position: _____	

1. Please state the nature of your concern(s):

A. Student's physical or mental impairment:

B. Major life activity limited by the student's impairment (major life activities include, but are not limited to, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, eating, sleeping, reading, learning, communicating, thinking concentrating, working, caring for oneself, performing manual tasks, the operation of any major bodily function, etc.):

C. Academic concern(s):

D. Behavioral concern(s):

2. Please describe any supporting observations (including academic, behavioral, or other observations).

3. Please describe any classroom, home, or other interventions that have been tried.

4. Please attach copies of any pertinent evaluation data on the student, including available medical documentation regarding the student's physical or mental impairment, any available evaluation reports, grades report, standardized test scores, etc.

Name of Person Making Referral:	Signature:	Date:
_____	_____	_____

FOR DISTRICT USE ONLY

ACTION TAKEN:

_____ Notice sent on (date) _____ to parent/legal guardian to conduct a 504 evaluation.

_____ It was determined not appropriate to conduct a 504 evaluation at this time because: _____

(If no evaluation will occur, a copy of this form should be provided to parent/guardian along with a copy of the Student and Parent Rights under Section 504.)

By: _____
Building 504 Coordinator

Date: _____

SECTION 504 NOTICE OF EVALUATION

Date: _____

Dear Mr./Ms. _____:

_____ has been referred for an evaluation under Section 504 of the Rehabilitation Act of 1973. (Please see attached Section 504 Referral.) To facilitate this referral, the District is seeking your consent for an evaluation.

The evaluation procedures that will be used will include: _____

Once the information has been collected, a meeting will be scheduled. You will receive notice of the meeting and are encouraged to attend and participate in the decision-making process.

Section 504 provides you with specific rights concerning this evaluation process which are designed to keep you fully informed concerning decisions about your student. These rights are summarized on the enclosed "Student and Parent Rights under Section 504" hand-out. Please review this hand-out and then indicate your response to the request for evaluation in the box below.

If you have any questions or concerns, please do not hesitate to contact me.

Building 504 Coordinator

Telephone Number

I have received a copy of the Student and Parent Rights _____ (please initial).

I **do** **do not** (please circle one) give written consent to have my child evaluated to determine whether he/she has a disability and is eligible for services under Section 504.

Parent Signature

Date

Enclosures: *Section 504 Referral*
Student and Parent Rights under Section 504

STUDENT AND PARENT RIGHTS UNDER SECTION 504

YOU HAVE THE RIGHT TO:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.
2. Be advised as to your rights under federal law.
3. Receive written notice with respect to the identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate within the “least restrictive environment.” It also includes the right to have the District provide related aids and services and/or make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child be educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your child receive special education and related services if she/he is eligible to do so under the Individuals with Disabilities Education Act or receive related aids, services, and accommodations under Section 504 of the Rehabilitation Act.
7. Have eligibility, education, and placement decisions made based upon a variety of information sources and by individuals who know your child, the evaluation data, and placement options.
8. Have transportation be provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
9. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the District.
10. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the District to reasonable requests for explanations and interpretations of your child’s records.
13. Request amendment of your child’s educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. File a complaint with the District when you believe your child’s rights have been violated. The complaint will be reviewed, investigated, and addressed pursuant to District policy ACE-R.
15. Request an impartial due process hearing related to decisions regarding your child’s identification, evaluation, educational program, or placement. You and your child may take part in the hearing and have an attorney represent you at your own cost. The District’s hearing procedures are outlined in District policy ACE-R.
16. File a formal complaint with the regional Office for Civil Rights located at 1244 Speer Boulevard, Suite 310, Denver, Colorado, 80204; Ph: (303) 844-5695; TTD: (303) 844-3417.

NOTICE OF A SECTION 504 MEETING

Student: _____ Date: _____

School: _____

Dear Mr./Ms. _____:

As you know, the Section 504 eligibility team at (school) _____ is in the process of planning an eligibility meeting for your child. The purpose of this meeting is to determine whether (student name) _____ is (or continues to be) eligible under Section 504, and, if so, to devise an appropriate Section 504 plan.

The meeting details are as follows:

Date: _____ Time: _____

Location: _____

Other eligibility team members invited (by title): _____

Review meeting type: Initial ____ Review ____ Other ____

We encourage you to participate in this session as part of the eligibility team. If you have any questions, or if this meeting time is not convenient for you, please call me at _____. We will discuss your questions and/or work to arrange a mutually-convenient meeting time.

Sincerely,

Building 504 Coordinator

SECTION 504 ELIGIBILITY DETERMINATION REPORT

Student Name:_____	Student ID:_____
School/Grade:_____	Date of Birth:_____
Parent(s) Name:_____	Home Phone:_____
Referred by: _____	
Relationship to Student/Position: _____	

A. SUMMARY OF EVALUATION DATA – Describe the evaluation data collected including, as relevant, formal testing results, aptitude and achievement data, behavioral observations, disciplinary referrals, classroom performance indicators, teacher recommendations and anecdotal information, health history, current health information, and outside professional opinions, including any medical opinions provided by parents.

B. DETERMINATION OF WHETHER THE STUDENT HAS A DISABILITY UNDER SECTION 504

1. Does the student have a physical or mental impairment? Yes ____ No ____.
If yes, identify the impairment and provide information supporting the existence of the impairment such as the diagnosis or specific indicators of the impairment.

2. Does the physical or mental impairment substantially limit one or more major life activities? Yes ____ No ____.

If so, please identify the major life activity that is impacted by the impairment:

☐ walking, ☐ standing, ☐ lifting, ☐ bending, ☐ seeing, ☐ hearing,
☐ speaking, ☐ breathing, ☐ eating, ☐ sleeping, ☐ reading, ☐ learning,
☐ communicating, ☐ thinking, ☐ concentrating, ☐ working, ☐ caring for oneself,
☐ performing manual tasks, ☐ the functioning of _____ [*identify the major
bodily function impacted*], ☐ other (*please describe*: _____).

Briefly describe the reason for and data supporting the decision:

3. Does the student need related aids or services, or other accommodations, to access the programs and services of the school district as adequately as his/her non-disabled peers? Yes ____ No ____.

Briefly explain the reason for this decision.

If Questions 1-3 were answered "Yes," the student is eligible for a Section 504 Plan, and Part C of this form should be filled out.

C. SECTION 504 ACCOMMODATION PLAN

Student Name: _____

Effective Date: _____

Disability Identified: _____

Case Manager Assigned: _____

Please specify the student's needs related to the identified disability, and the accommodations, including related aids and services, that the student requires in order to access school programming and activities as adequately as non-disabled students.

1. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

2. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

3. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

4. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

(Attach additional pages describing needs and corresponding accommodations, as necessary.)

*****A copy of this plan should be provided to all individuals responsible for implementation.***

D. DURATION OF PLAN

Anticipated Duration of Section 504 Plan: from (date): _____ to (date): _____

Next Review/Reassessment Meeting Scheduled for (date): _____

E. MEETING PARTICIPANTS

Name

Title

Signature

Parent/Legal Guardian Statements (Please Initial):

____ I have received a copy of Student and Parent Rights under Section 504

____ I agree with the Section 504 plan as written.

Parent/Legal Guardian Signature

Date

Parent/Legal Guardian Signature

Date

For District Use:

- **File the original 504 Eligibility Determination Report in the student's 504 file.**
- **Provide/send a copy of the report to the student's parent/guardian.**
- **Provide copies of the Section 504 Plan (Part C) to administrators, teachers, and any other District staff responsible for implementation.**

SECTION 504 REVIEW REPORT

Student Name:_____	Student ID:_____
School/Grade:_____	Date of Birth:_____
Parent(s) Name:_____	Home Phone:_____

PURPOSE OF MEETING: It is necessary to review periodically the student's Section 504 plan and make recommendations to continue, modify, or terminate the plan, as appropriate. (The student's 504 plan should be reviewed at least annually).

DISCUSSION OF PROGRESS: _____

RECOMMENDATION

- ___ Continue current Section 504 plan with no changes.
- ___ Revise the student's Section 504 plan. (If so, complete page two of this report to reflect the student's new accommodation plan.)

REASONS FOR RECOMMENDATION: _____

SECTION 504 ACCOMMODATION PLAN

Student Name: _____

Effective Date: _____

Disability Identified: _____

Case Manager Assigned: _____

Please specify the student's needs related to the identified disability, and the accommodations, including related aids and services, that the student requires in order to access school programming and activities as adequately as non-disabled students.

Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

(Attach additional pages describing needs and corresponding accommodations, as necessary.)

*****A copy of this plan should be provided to all individuals responsible for implementation***

The following individuals participated in this 504 review:

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

Next Review/Reassessment Meeting Scheduled for (Date): _____

Parent/Legal Guardian Statements (Please Initial):

_____ I have received a copy of Student and Parent Rights under Section 504

_____ I agree with the recommendations made during this review.

_____ Parent/Legal Guardian Signature	_____ Date
_____ Parent/Legal Guardian Signature	_____ Date

For District Use:

- **File the original Review Report in the student's 504 file.**
- **Provide/send a copy of the report to the student's parent/guardian.**
- **If applicable, provide copies of the revised Section 504 Plan to administrators, teachers, and any other District staff responsible for implementation.**

SECTION 504 MANIFESTATION DETERMINATION REPORT

Student Name:_____	Student ID:_____
School/Grade:_____	Date of Birth:_____
Parent(s) Name:_____	Home Phone:_____

PURPOSE OF MEETING

The purpose of this meeting is to determine if the student's misconduct was a manifestation of the student's Section 504 disability. It is not an opportunity to dispute whether the misconduct actually occurred or what disciplinary action is appropriate. (These issues can be resolved in other forums.)

AGENDA

- I. Description of Misconduct: It is appropriate to have the building administration provide this information based on personal knowledge and discipline notices sent to the parents from the school. The description should be as thorough and detailed as possible.

Note: The District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against a student who has a 504 disability and who is currently engaged in the use of illegal drugs or alcohol to the same extent that such disciplinary action is taken against students without disabilities. Under such circumstances, consult with the District's 504/ADA Compliance Officer and/or legal counsel.

- II. Analysis: Review the relevant information in the student's file, including information from parents, any teacher observations and the student's 504 Plan and answer the following:

Was the misconduct for which the district seeks to discipline the student either caused by, or does it have a direct and substantial relationship to, the student's Section 504 disability? Y/N

If the answer to this question is "yes," the misconduct is a manifestation of the student's disability. If the answer is "no," then the misconduct is not a manifestation of the student's disability.

III. Conclusions of the Manifestation Determination: Please provide a precise and well-reasoned summary explaining why the team found that the misconduct (described in Section I) was or was not a manifestation of the student's disability.

IV. Next Steps (as appropriate):

- A. If the student's misconduct is a manifestation of the student's disability, the 504 team must withdraw the recommendation for a disciplinary change of placement and return the student to the placement from which he/she was removed.
- B. If the student's alleged misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as non-disabled students.

V. Participants:

Name

Title

Signature

For District Use:

- **File the original MDR Report in the student's 504 file.**
- **Provide/send a copy of the report to the student's parent/guardian.**

STUDENT-RELATED SECTION 504 COMPLAINT

The District does not permit discrimination on the basis of disability in any of its programs or activities. If you believe that discrimination has occurred because of a disability, please complete, sign, and submit this form to the District's Section 504 Compliance Officer, Sara Sumerlin, Buena Vista School District, 113 N Court, Buena Vista, CO 81211.

Date: _____

Complainant: _____

Name of Student: _____

Address: _____ Phone: _____

1. Describe the alleged violation of Section 504 in specific terms. Include: (a) the specific incident or activity that is viewed as discrimination; (b) the individuals involved; (c) the dates, times, and locations of the incident or activity; and (d) the disability that forms the basis of the complaint (attach additional pages if needed).

2. Describe any relevant communication that has already occurred to address the issue. Please specify the type of communication, dates of communication, and names of individuals involved (attach additional pages if needed).

3. Please describe how you would propose to resolve this issue (attach additional pages if needed).

Complainant's Signature

***A copy of the District's Student Related Section 504 Complaint Resolution Procedures is attached.*

STUDENT-RELATED SECTION 504 COMPLAINT RESOLUTION PROCEDURES

Grievance Procedures

- Step 1.** Section 504 Complaint form must be completed and submitted to the Section 504 and ADA Compliance Officer (“Compliance Officer”).
- Step 2.** The Compliance Officer shall conduct an investigation to determine the facts involved and shall provide the individual filing the written statement with an opportunity to discuss the matter personally, if requested. The Compliance Officer shall report to the superintendent his or her findings and recommendations regarding resolution of the matter.
- Step 3.** Within 10 school days of receiving the findings and recommendation from the Compliance Officer, the superintendent or designee shall determine any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of District policy.
- Step 4.** If the student or employee is not satisfied with the handling of the matter by the superintendent, he or she may appear before the Board of Education and present the matter directly to the Board. Any action taken by the Board shall be final.

Hearing Procedures

- Step 1.** If a complaint involves a child’s identification, evaluation, educational program, or placement, parents/legal guardians also have the option of requesting a Section 504 due process hearing. A hearing may be requested by filing written notice with the District’s Section 504/ADA Compliance Officer.
- Step 2.** Upon receiving a written request for an impartial due process hearing, the District’s Section 504/ADA Compliance Officer will select an impartial hearing officer to decide the matter.
- Step 3.** The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing.
- Step 4.** Within ten (10) school days after the conclusion of the hearing, the hearing officer will issue a written decision. The decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and the District. The decision of the hearing officer shall constitute the final administrative decision in the matter.
- Step 5.** If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer, the parent/legal guardian or District may initiate legal proceedings in the United States District Court, District of Colorado, or other court of competent jurisdiction.