

504 Guidance



Southwest Georgia STEM
Charter School

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OVERVIEW OF SECTION 504

SECTION 504 OF THE REHABILITATION ACT OF 1973

Congress prohibited discrimination against students with disabilities in the Rehabilitation Act of 1973, in a segment most often referred to simply as "Section 504." This is a broadly worded prohibition that covers both children and adults. The principles enumerated in this section were later expanded and served as the basis for the 1990 Americans with Disabilities Act (ADA).

Additionally, the ADA Amendments Act of 2008 also amended some definitions of Section 504. Section 504 of the Rehabilitation Act is a federal civil rights law and prohibits discrimination by LEAs receiving federal financial assistance against students with disabilities. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with a free appropriate public education (FAPE). These regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the U.S.

Section 504 prohibits discrimination against individuals whose physical or mental impairment substantially limits one or more major life activities, including:

- caring for one's self
- performing manual tasks
- walking
- seeing
- hearing
- speaking
- breathing
- working
- learning

PROGRAM COMPARISON: IEP VS. SECTION 504

	IEP	Section 504
Basic Description	A blueprint or plan for a child’s special education experience at school.	A blueprint or plan for how a child will have access to learning at school.
What It Does	Provides individualized special education and related services to meet the unique needs of the child. These services are provided at no cost to parents.	Provides services and changes to the learning environment to meet the needs of the child as adequately as other students. As with IEPs, a 504 plan is provided at no cost to parents.
What Law Applies	The Individuals with Disabilities Education Act (IDEA). This is a federal special education law for children with disabilities.	Section 504 of the Rehabilitation Act of 1973. This is a federal civil rights law to prevent discrimination against people with disabilities.
Who Is Eligible	To get an IEP, there are two requirements:	To get a 504 plan, there are two requirements:
	1. A child has one or more of the 13 specific disabilities listed in IDEA. Learning and attention issues may qualify.	1. A child has any disability, which can include many learning or attention issues.
	2. The disability must affect the child’s educational performance and/or ability to learn and benefit from the general education curriculum, leading to the need for specialized instruction.	2. The disability must interfere with the child’s ability to learn in a general education classroom. Section 504 has a broader definition of a disability than IDEA. (It says a disability must substantially limit one or more basic life activities, such as learning.) That’s why a child who doesn’t qualify for an IEP might still be able to get a 504 plan.
Independent Educational Evaluation	Parents have a right to request the LEA district to pay for an independent educational evaluation (IEE) by an outside expert.	Parents do not have the right to request an independent educational evaluation (IEE).
Who Creates the Program/Plan	There are strict legal requirements about who participates. An IEP is created by an IEP team that must include: The child’s parent, at least one of the child’s general education teachers, at least one special education teacher, school psychologist or other specialist who can interpret evaluation results, and a district representative with authority over special education services.	A 504 plan is created by a team of people who are knowledgeable about the child and who understand the evaluation data and special services options. This might include: The child’s parent, general and special education teachers, school principal, other staff who can contribute to discussion about student and/or student’s needs

IEP		Section 504
What's in the Program/Plan	<i>An IEP generally includes the following:</i>	<i>A 504 plan generally includes the following:</i>
	The child's present levels of academic and functional performance—how she is currently doing in school	Specific accommodations, supports, and/or services for the child
	Annual education goals for the child and how the school will track her progress	Names of who will provide each service
	The services the child will get—this may include special education, related, supplementary and extended school year services	Name of the person responsible for ensuring the plan is implemented
	The timing of services—when they start, how often they occur and how long they last	
	Any accommodations—changes to the child's learning environment	
	Any modifications—changes to what the child is expected to learn or know	
	How the child will participate in standardized tests	
	How the child will be included in general education classes and school activities	
Parent Notice	When the school wants to change a child's services or placement, it has to tell parents in writing before the change. This is called prior written notice. Notice is also required for any IEP meetings and evaluations.	The school must notify parents about evaluation or a "significant change" in placement. Notice doesn't have to be in writing, but most schools do so anyway.
	Parents also have "stay put" rights to keep services in place while there's a dispute.	Not directly addressed in the law, but OCR has provided guidance for best practice.
Parent Consent	A parent must consent in writing for the school to evaluate a child. Parents must also consent in writing before the school can provide services in an IEP.	A parent's consent is required for the LEA to evaluate a child.

	IEP	Section 504
How Often It's Reviewed and Revised	The IEP team must review the IEP at least once a year.	The rules vary by state. In Georgia, a 504 plan is reviewed each year and a reevaluation is done every three years or when needed.
	The student must be reevaluated every three years to determine whether services are still needed.	
How to Resolve Disputes	IDEA gives parents several specific ways to resolve disputes (usually in this order):	Section 504 gives parents several options for resolving disagreements with the school:
	Mediation	Mediation
	Due process complaint	Alternative dispute resolution
	Resolution session	Impartial hearing
	Civil lawsuit	Complaint to the Office of Civil Rights (OCR)
	State complaint	Lawsuit
	Lawsuit	
Funding/Costs	Students receive these services at no charge.	Students receive these services at no charge.
	States receive additional funding for eligible students.	States do not receive extra funding for eligible students. But the federal government can take funding away from programs (including schools) that don't comply.
		IDEA funds cannot be used to serve students with 504 plans.

LOCATION AND NOTIFICATION, 34 CFR §104.32

Child Find Obligations

An LEA shall identify and locate every qualified student under Section 504 who is not receiving FAPE and take appropriate steps to notify students and their parents or guardians.

An LEA that operates a public elementary or secondary education program or activity shall annually:

- A. undertake to identify and locate every qualified student with disability residing in the LEA's jurisdiction who is not receiving a public education; and
- B. Take appropriate steps to notify students with disabilities and their parents or guardians of the LEA's duty.

The LEA should keep in mind the obligation to initiate evaluation of a child suspected disability in accordance with [34 CFR §104.35 EVALUATION AND PLACEMENT](#). Because of the LEA requirement to locate students who may qualify for Section 504 services and supports, the obligation to evaluate may not always be triggered by a parent's request to do so. The obligation to evaluate may be triggered by the student's performance, behavior, or otherwise obtaining indications that the child may have a disability.

Child find for homeless students and students who are parentally-placed in private school falls under the jurisdiction of the LEA that would be assigned based on residence.

The Federal Regulations do not prescribe specific child find activities that a LEA must take. However, the LEA must take general actions such as providing public awareness, keeping track of children enrolled in other educational programs (e.g. early childhood centers, private schools) in order to fulfill its child find responsibilities.

THE MEANING OF DISABILITY UNDER SECTION 504

Below is a discussion of what it means to be a student or individual with a disability, and of related terms that help to comprehensively define *disability* as it is used in Section 504 and its implementing regulations.

Disability. Under Section 504, an individual with a disability (also referred to as a *student with a disability* in the elementary and secondary education context) is defined as a student who:

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

Each of these definitions is described in greater detail as a prong of Section 504 protection from discrimination.

PROTECTION BASED ON PRONG 1 ELIGIBILITY

Any student who has a 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; genitourinary; hemic and lymphatic; skin; and endocrine.
- Any mental or psychological disorder. The definition does not include all specific diseases and conditions that may be physical or mental impairments because of the difficulty of ensuring the completeness of such a list.

Important Note:

The second and third prongs of Section 504 (has a record of or is regarded as having an impairment) do not guarantee accommodations to the individual. These prongs simply provide the student with protection from discrimination.

PROTECTION BASED ON PRONG 2 ELIGIBILITY

Any student who has a record of such an impairment means has a history of, or has been *misclassified* as having, a mental or physical impairment that substantially limits one or more major life activities." (emphasis added)

PROTECTION BASED ON PRONG 3 ELIGIBILITY

Any student who is regarded as having an impairment means the student (A) has a physical or mental impairment that does **not** substantially limit major life activities but that is treated by a [funding] LEA as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or (C) has none of the impairments defined in...this section but is treated by a [funding] recipient as having such an impairment.

Further, the **ADA Amendments Act of 2008** clarified that:

An impairment that ***substantially limits one major life activity need not limit other major life activities to be considered a disability***. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. In determining substantial limitations, three questions to consider in determining whether a student’s impairment substantially limits one or more major life activities are:

1. What is the nature and severity of the impairment?
2. How long will it last or is it expected to last?
3. What is its permanent or long-term impact or expected impact?

The ADA provides some assistance in interpreting the phrase “substantially limits”. In this law, the impairment or disability must be substantial and somewhat unique, rather than commonplace, when compared to the average student in the general population. Thus, it is suggested that the term “substantially limits” be interpreted to mean that the student is unable to perform a major life activity that the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age.

Highlight

“...it is suggested that the term *substantially limits* be interpreted to mean that the student is unable to perform a major life activity that the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age.”

MITIGATING MEASURES

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the beneficial effects of mitigating measures such as:

1. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. Use of assistive technology;
3. Reasonable accommodations or auxiliary aids or services; or
4. Learned behavioral or adaptive neurological modifications.
 - a. The beneficial effects of the modifying measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - b. As used in this sub bullet-
 - i. the term 'ordinary eyeglasses or contact lenses' means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - ii. the term 'low-vision devices' means devices that magnify, enhance, or otherwise augment a visual image.

Examples of impairments which may entitle an individual to 504 protections include:

- Diseases such as AIDS, tuberculosis, or hepatitis B;
- Medical conditions such as chronic asthma, diabetes, heart disease, juvenile arthritis, or seizure disorder; physical disabilities such as cerebral palsy or muscular dystrophy;
- Attention deficit disorder with or without hyperactivity;
- Alcohol/drug addicted students (does not protect individuals who are currently using drugs or alcohol);
- Students with temporary disabilities; and
- Students with pregnancy related complications.

Important Note:
Remember that the presence of one of these conditions does not qualify an individual for 504 protections. The impairment must also cause a substantial limitation of a major life activity.

SECTION 504 REQUIREMENTS

FREE APPROPRIATE PUBLIC EDUCATION 34 C.F.R. §104.33

An LEA that operates a public elementary or secondary education program or activity shall provide a free appropriate public education (FAPE) to each qualified student with disability who is in the LEA's jurisdiction, regardless of the nature or severity of the student's disability.

APPROPRIATE EDUCATION

Appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met.

An LEA may place or refer a student with disabilities for aid, benefits, or services other than those that it operates or provides, in order to meet the requirements of Section 504. If so, the LEA remains responsible for ensuring that the requirements of Section 504 are met with respect to any placement or referral.

FREE EDUCATION

Free education is the provision of educational and related services without cost to the student with disability or to his or her parents or guardian, except for those fees that are imposed on non-disabled students or their parents or guardian. It may consist either of the provision of free services, or payment for the costs of the placed or referred student with disabilities for aid, benefits, or services other than those that the LEA operates or provides, in order to meet the requirements of Section 504. Nothing in Section 504 relieves an insurer or similar third party from an otherwise valid obligation to provide or pay for services provided to a student with disability.

TRANSPORTATION

If an LEA places or refers a student with disabilities for aid, benefits, or services other than those that it operates or provides, in order to meet the requirements of Section 504, the LEA shall ensure that adequate transportation is provided to and from the aid, benefits, or services at no greater cost than would be incurred by the student or his or her parents or guardian if the student were placed in the aid, benefits, or services operated by the LEA.

RESIDENTIAL PLACEMENT

If a public or private residential placement is necessary to provide a free appropriate public education to a student with 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 student or his or her parents or guardian.

PLACEMENT OF STUDENTS WITH DISABILITIES BY PARENTS

If an LEA has made available a free appropriate public education to a student with disability and the student's parents or guardian choose to place the student in a private school, the LEA is not required to pay for the student's education in the private school. Disagreements between a parent or guardian and An LEA regarding whether the LEA has made a free appropriate public education available or otherwise regarding the question of financial responsibility are subject to the due process procedures.

FAPE COMPARISON: IDEA VS. SECTION 504

In some ways, Section 504 is similar to IDEA (Individuals with Disabilities Act), in that it involves rights, evaluation, an individualized plan, follow-up, and reevaluation. ***There are, however, two very important differences:***

1. Section 504 is a civil rights law that ensures accommodations for equal access to services that non-disabled students receive in the regular classroom, whereas IDEA involves individualized instruction by specially trained teachers; and
2. IDEA brings extra funding to IDEA-placed students, whereas Section 504 brings no extra funding. Thus, they differ both in goals and extent.

Both Section 504 and the IDEA contain requirements for FAPE for students with disabilities, but there are some differences. FAPE is a statutory term under the IDEA. LEAs are required to develop an individualized education program (IEP) for each eligible student with a disability, which outlines the student's program for special education and related services. A brief description of the differences between Section 504 FAPE and IDEA FAPE is on page 15.

All elementary and secondary school students who are qualified students with disabilities, as defined by Section 504, and who need special education and/or related aids and services are entitled to FAPE. Under Section 504, FAPE is (1) the provision of regular or special education and related aids and services that are (2) designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met, and (3) are based on adherence to procedures governing educational setting, evaluation and placement, and procedural safeguards.

Differences between Section IDEA FAPE and Section 504 FAPE

<i>IDEA</i>	<i>Section 504</i>
Enforced by Office Special Education and Rehabilitative Services (OSERS)	Enforced by the Office of Civil Rights (OCR)
Focuses on special education services for children with disabilities and the related rights afforded to eligible students and their parents.	Focus on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school.
Disability under the IDEA means a child who has been evaluated in accordance with IDEA requirements as having a specified disability and needs special education and related services because of that disability.	Disability under Section 504 requires that an individual with a disability have a physical or mental impairment that substantially limits a major life activity or bodily function.
The IDEA's implementation regulations include <u>13</u> disability categories: autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment including blindness.	Section 504 has <u>no</u> categories of disabilities and there is no requirement that an individual need special education and related services under Section 504 to be considered an individual with a disability. However, a child who has a disability who requires only a related service could be considered an individual with a disability for purposes of Section 504 and would be entitled to FAPE services under Section 504.

SECTION 504 TEAM AND PLAN

504 Team

Once a student is identified as potentially being eligible for services under Section 504, a multidisciplinary team is required to gather information about the student. The team should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement/accommodation options. The team members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability.

Highlight

The 504 team must include persons knowledgeable about:

- ✓ the student
- ✓ the meaning of the evaluation data
- ✓ the placement, accommodation options

504 Plan

A written Section 504 Plan is a way to document that the LEA engaged in a process to identify and address the needs of a student with a disability and to communicate to school personnel the information needed for successful implementation. The Office for Civil Rights (OCR) encourages schools to document a student's Section 504 services in a written plan to help avoid misunderstandings or confusion about what Section 504 services the school offered the student.

The provision of FAPE is ensured through a 504 plan. LEAs shall provide qualified students under Section 504 with appropriate services designed to meet their individual needs to the same extent as the needs of students without a mental or physical impairment. The 504 plan must also be designed to ensure access to non-academic and extracurricular services and activities in a manner that affords qualified students an equal opportunity to participate in such services and activities to the maximum extent appropriate. Such services may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEAs. All accommodations and related services in the 504 plan shall be provided by the LEAs. Section 504 service plans should be reviewed and updated at least annually to accurately reflect the needs of the student.

EDUCATIONAL SETTING

ACADEMIC SETTINGS 34 C.F.R. §104.34(A)

Georgia LEA shall educate, or shall provide for the education of, each qualified student with disability in its jurisdiction with their nondisabled peers to the maximum extent appropriate. Students with disabilities shall be placed in the general educational environment unless it is demonstrated by the LEA that the education of the student in the general environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever an LEA places a student with disabilities in a setting other than the general educational environment, it shall take into account the proximity of the alternate setting to the student's home.

NONACADEMIC SETTINGS 34 C.F.R. §104.34(B)

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 34 C.F.R. §104.37(a)(2), the LEA shall ensure that students with disabilities participate with nondisabled peers in such activities and services to the maximum extent appropriate.

COMPARABLE FACILITIES 34 C.F.R. §104.34(C)

If an LEA operates a facility that is identifiable as being for students with disabilities, the LEA shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the LEA.

EVALUATION AND PLACEMENT

PREPLACEMENT EVALUATION 34 C.F.R. §104.35(A)

An LEA that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with EVALUATION PROCEDURES 34 C.F.R. §104.35(b) of any student who, because of a disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in general or special education and any subsequent significant change in placement.

EVALUATION PROCEDURES 34 C.F.R. §104.35(B)

Under Section 504, LEAs 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. When a school is aware of a student's disability or has reason to suspect a student has a disability, and the student needs or is believed to need special education or related services, it would be a violation of Section 504 if the school delays or denies the evaluation.

In some circumstances, the IDEA evaluation process may provide the LEA with the necessary information, required by Section 504, to determine whether a student has a disability, and whether that student needs related aids and services or supplementary aids and services in the general education environment because of that disability. However, if a LEA uses a separate process for evaluating the needs of students under Section 504, it must follow the requirements for evaluation specified in the Section 504 regulations.

A LEA must evaluate a student if it has reason to believe the student has a disability and the student needs special education or related services as a result of that disability, even if the student only exhibits behavioral (and not academic) challenges.

For example, those students who have a high number of discipline referrals for inappropriate verbal outbursts in class, as compared to their peers, could be students with disabilities in need of services. Some students, due to an unaddressed disability, may engage in behaviors that do not conform to school codes of conduct because the students are not receiving needed special education or related aids and services, including needed services to address behavior. These and other indications that a student's behavior is out of the expected range of behaviors for students of similar age may trigger a LEA's obligation to evaluate under Section 504 to determine whether the student has a disability and needs special education or related services as a result of that disability.

A LEA must, at no cost to parents, evaluate students who are suspected of having a disability, or more than one disability, in all related or all specific areas of educational need. For example, a student who is easily distracted and unfocused may be manifesting attention-deficit/hyperactivity disorder (ADHD),

depression, or a specific learning disability. There is a range of physical or mental impairments that could cause a student to have a disability under Section 504 and to need special education or related services because of that disability, but this determination cannot be made without first evaluating the student.

If a LEA determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to conduct a Section 504 individual evaluation in order to determine whether a child has a disability under Section 504 and needs special education or related services because of a disability, the LEA must ensure that the student receives this assessment at no cost to the student's parents. When determining if the student has a disability and needs special education or related aids and services, LEAs are also required to have procedures to ensure that evaluation information is documented and carefully considered.

In OCR's investigative experience, LEAs sometimes rely on a student's average, or better-than-average, classroom grades or grade point average (GPA) and, as a result, make inappropriate decisions. For example, a LEA might wrongly assume that a student with an above-average GPA does not have a disability and therefore fail to conduct a Section 504 evaluation of that student, even if the school suspects that the student has ADHD or the school is aware that the student has been diagnosed with ADHD outside of school.

However, a student with a disability may achieve a high level of academic success but may nevertheless be substantially limited in a major life activity due to the student's impairment because of the additional time or effort the student must spend to read, write, or learn compared to others.

LEAs must have standards and procedures to evaluate students who may have a disability and need special education or related services. The evaluation of a student, however, must be individualized. Although Section 504 does not require a specific process, the standards and procedures must meet certain requirements. Specifically, the evaluation standards and procedures must ensure that:

- Evaluations consist of more than IQ tests;
- Evaluations measure specific areas of educational need. These could include speech processing, inability to concentrate, and behavioral concerns;
- Tests are selected and administered to the student in a manner that best ensures that the test results accurately reflect the student's aptitude or achievement or other factor being measured, rather than reflect the student's disability, except where those are the factors being measured;
- Tests and other evaluation materials are validated for the specific purpose for which they are used; and
- Tests are appropriate

If a parent believes his or her child has a disability, the parent may ask, for example, a principal, counselor, social worker, or teacher to arrange for an evaluation of the student. Through the Section 504-compliant evaluation process, a knowledgeable group of people will determine if the student has a disability and, if so, what services the student needs.

Although a parent does not have an absolute right to a Section 504 evaluation upon request, a school must evaluate a student if the school has reason to believe the student is in need of special education or related services because of a disability.

LEAs violate Section 504 when they deny or delay conducting an evaluation of a student when it would have been reasonable for a staff member to have suspected that a student has a disability and needs special education or related services because of that disability.

If the school does not agree to evaluate the student, the school must inform the parent of his or her right to challenge the school's decision. If a parent disagrees with any decisions regarding the identification, evaluation, or educational placement of his or her child, the parent may seek an impartial hearing (often called a due process hearing) that provides the parent with an opportunity to participate and permits representation by an attorney and a review procedure. See [PROCEDURAL SAFEGUARDS 34 C.F.R. §104.36](#) for detailed information regarding the procedural safeguards and due process procedures.

A parent may have a specialist or other educational professional, who is independent of the school, test his or her child. LEAs are required to consider information from a variety of sources in interpreting evaluation data and in making placement decisions, and the independent evaluation is another source that makes up the universe of information about the student.

Often LEAs must address health issues of students during school hours or during extracurricular activities conducted after school hours. For example, students with food allergies may need an injection of epinephrine in an emergency, or students with diabetes may need help with carbohydrate counting and administering insulin injections. These measures (for example, self-management techniques or medication) are often referred to as mitigating measures. The effect of the epinephrine, insulin, or other mitigating measures, cannot be considered when the LEA assesses whether a student has a disability. (For additional information, see [Mitigating Measures.](#))

In other words, when a LEA conducts an evaluation for disability, it is important to consider that mitigating measures can treat the impairment, thereby obscuring the substantial limitations of the impairment. Therefore, it is useful to have evidence showing that an impairment would be substantially limiting in the absence of the beneficial effects of mitigating measures. For example, such evidence could include information about the limitations a student experienced prior to taking medication, or evidence concerning the expected course of a particular disorder absent mitigating measures (such as a student with a peanut allergy could stop breathing after contact with peanuts.) This is why it is also beneficial to involve parents in the evaluation process, to access such information that parents may have.

Important Note: A student is not required to stop taking needed medication or using another mitigating measure in order to receive an evaluation.

Therefore, when determining whether a student with a health concern has a disability, the LEA must evaluate whether the health concern (for example, a tree nut allergy or diabetes) would be substantially limiting without considering the beneficial effects of medication or other measures. For many children with a peanut allergy, for example, the allergy, when active, is likely to substantially limit the major life activities of breathing and respiratory function, and therefore, the child would have a disability. If, because of an allergy or other health concern the student has a disability and may reasonably be believed to need special education or related aids or services, the student has a right to an evaluation under Section 504.

In determining a student's needs, sources to consider include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

Other information that the LEA must also consider is a medical diagnosis or the results of a medical assessment obtained by the LEA. If a district believes a medical assessment is necessary and the parent volunteers to pay for a private assessment, the district must make it clear that the parent has a choice and can choose to accept a school-furnished assessment at no cost to the parent.

OCR interprets Section 504 to require informed parental consent for the initial evaluation. If a parent refuses consent for an initial evaluation and the LEA suspects a student has a disability, OCR interprets Section 504 to allow LEAs to use due process hearing procedures to seek to override the parents' denial of consent. OCR also urges schools to allow for parental participation when considering any change in the student's Section 504 provision of FAPE, including location of services.

Written parental consent for evaluation shall be obtained to meet State compliance. Making a request in writing can help avoid misunderstandings between parents and LEAs, and could help to prove or disprove a related allegation in the event a parent decides to file a formal civil rights complaint against a LEA in the future.

Highlight

Sources to consider include:

- ☐ Aptitude and achievement tests
- ☐ Teacher recommendations
- ☐ Physical condition
- ☐ Social or cultural background
- ☐ Adaptive behavior
- ☐ Medical diagnosis
- ☐ Results of a medical assessment

PLACEMENT PROCEDURES 34 C.F.R. §104.35(C)

Students who are identified as having a disability and needing special education and/or related aids and services are entitled to special education and a broad range of supplemental and related aids and services, as needed, such as tutors, note-takers, or one-on-one aides; assistive technology, psychological and counseling services; or speech or occupational therapy.

To the extent that services and aids, or changes to policies and procedures (for example, allowing testing accommodations such as extended time for exams) for a student with a disability can be implemented by a student's general education teacher, the general education teacher is responsible for implementing them.

For example, a general education teacher may need to provide a student with a disability an outline of the teacher's lecture, permit the student to sit in the front of the classroom, or allow the student to turn in homework late.

However, the LEA is ultimately responsible for ensuring there are sufficient qualified personnel available to provide the supplemental and related aids and services.

Students with disabilities must be educated with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. In addition, LEAs must place students with disabilities in the general education environment unless the LEA demonstrates that educating the student with a disability in the general education environment with the use of supplementary aids and services cannot be achieved satisfactorily. In implementing the decision of a group of knowledgeable persons to place a student in a setting other than the general educational environment, the school must take into account the proximity of the alternate setting to the student's home.

To meet the requirements of FAPE, LEAs implementing the placement decision made by a group of knowledgeable persons may place a student with a disability in, or refer such student to, a program not operated by the LEA. Nevertheless, the LEA remains responsible for ensuring that the education offered is an appropriate education, as defined in the Section 504 regulation. In addition, the LEA cannot require the parent to pay the financial obligations (for example, tuition, the cost of room and board and non-medical care in a program that is away from home) associated with the placement. Transportation must also be provided at no greater cost than would be incurred if the student were placed in the home district. (Of course, if transportation is a related service for a particular student with a disability, the LEA cannot charge the student for that transportation.)

If, to provide FAPE, a LEA places a student with a disability in a private school, then the LEA is required to pay for the private school. However, if a LEA makes FAPE available and the student's parents choose to place the child in a private school, the LEA is not required to pay for the student's education in the private school. Disagreements between parents or guardians and the LEA regarding whether the LEA has made FAPE available, or regarding the question of financial responsibility for services in the private school, are subject to Section 504's due process procedures.

LEAs must make decisions regarding the needs and placement of a student with a disability on an individual basis, rather than on presumptions or stereotypes regarding students with disabilities or classes of such students, or based on concerns about the costs of providing the related aids or services.

For example, it would be a violation of Section 504 for a LEA to have a policy that every student with autism, regardless of the severity of the disability, must attend a separate school designed primarily for students with autism. However, a LEA can implement the decision of a group of knowledgeable persons to place a student with a disability in a separate class or school if the student with a disability's needs are such that he or she cannot be satisfactorily educated within the general educational environment even with supplementary aids and services.

When a student with a disability transfers to a new LEA, the receiving district has a responsibility to ensure it meets the student's disability-based needs. In determining how to meet those needs, the receiving district must draw upon information from a variety of sources, which would include past evaluations and past Section 504 plans and IEPs.

If the student has a current Section 504 plan from the former school and, after reviewing the plan, the receiving school believes the plan provides FAPE, there is nothing in Section 504 that prohibits the new school from adopting the plan for the student. In addition, if upon review of the plan from the former school, the receiving school determines additional evaluation is necessary or that the plan needs to be revised, there is nothing in Section 504 that prohibits the new school from implementing the current plan while it conducts the evaluation and develops a new plan.

Highlight

“LEAs must make decisions regarding the needs and placement of a student with a disability on an individual basis, rather than on presumptions or stereotypes...”

REEVALUATION 34 C.F.R. §104.35(D)

Section 504 requires LEAs to conduct periodic reevaluations of students with disabilities. Section 504 also requires LEAs to conduct reevaluations prior to significant changes in placement.

- OCR considers an exclusion from the educational program (for example, an out-of-school suspension) of more than 10 consecutive school days to be a significant change in placement.
- OCR also considers a series of short-term exclusions (each 10 school days or fewer) from the educational program to be a significant change in placement, if the short-term exclusions total more than 10 school days and create a pattern of removal.
- OCR also considers a school's 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 to be a significant change in placement.

In addition, when addressing discipline for students with disabilities, it is important that schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability. For additional information, see [Discipline Under Section 504](#).

Highlight

"Section 504 also requires LEAs to conduct reevaluations prior to significant changes in placement."

PROCEDURAL SAFEGUARDS

PROCEDURAL SAFEGUARDS 34 C.F.R. §104.36

An LEA that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

GADOE MODEL SECTION 504 PROCEDURAL SAFEGUARDS

Overview: Any student or parent or guardian (“grievant”) may request an impartial hearing due to the school system’s actions or inactions regarding your child’s identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system’s Section 504 Coordinator; however, a grievant’s failure to request a hearing in writing does not alleviate the school system’s obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system’s Section 504 Coordinator. The school system’s Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

Hearing Request: The Request for the Hearing must include the following:

- a. The name of the student.
- b. The address of the residence of the student.
- c. The name of the school the student is attending.
- d. The decision that is the subject of the hearing.
- e. The requested reasons for review.
- f. The proposed remedy sought by the grievant.
- g. The name and contact information of the grievant.

Within 10 business days from receiving the grievant’s Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

Mediation: The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time.

If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

Hearing Procedures:

- a. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant’s Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
- b. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.

- c. The grievant will have an opportunity to examine the child's educational records prior to the hearing.
- d. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
- e. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the LEA to defend its position/decision regarding the claims (i.e. An LEA shall place a disabled student in the general educational environment operated by the LEA unless it is demonstrated by the LEA 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). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
- f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
- g. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
- h. The hearing shall be closed to the public.
- i. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
- j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
- k. Testimony shall be recorded by court reporting or audio recording at the expense of the LEA. All documentation related to the hearing shall be retained by the LEA.
- l. Unless otherwise required by law, the impartial review official shall uphold the action of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
- m. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

Decision: The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

Review: If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

ADOPTING 504 SAFEGUARDS FAQ

Under the Section 504 Resolution Agreement, each LEA must adopt and implement policies regarding student rights and procedural safeguards under Section 504 that are consistent with GaDOE's model rights and safeguards, provide written evidence to OCR that the LEA has adopted and implemented Section 504 rights and safeguards, and notify parents and students of the rights and safeguards.

The following frequently asked questions are designed to help guide LEAs as they adopt and implement student rights and procedural safeguards under Section 504.

1. Where can I find GaDOE's model student rights and procedural safeguards under Section 504?

You may find GaDOE's model student rights and procedural safeguards under Section 504, as well as other information relevant to complying with the Section 504 Resolution Agreement on GaDOE's website at the following link: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Student-Support-Teams/Pages/default.aspx>

2. Does my LEA need to adopt the exact same student rights and procedural safeguards as GaDOE?

No. Your LEA may adopt the model rights and safeguards as written, or it may modify the model rights and safeguards in a manner that is consistent with Section 504 law and regulations. If you wish to modify the model rights and safeguards, we encourage you to seek advice of your legal counsel regarding your proposed modifications.

3. Can my LEA adopt documents, such as eligibility forms or student placement guidance, in addition to the procedural safeguards?

Yes. Procedural safeguards and student rights must be in place under Section 504 and Title II of the ADA. GaDOE encourages LEAs and schools to fulfill all obligations under Section 504 and Title II of the ADA in the manner it deems most appropriate, which may include adopting additional guidance or forms to assist decision-makers.

4. Has GaDOE adopted documents, such as eligibility forms or student placement guidance, in addition to the procedural safeguards?

GaDOE has adopted additional guidance and forms for implementing Section 504. The guidance will be posted on the GaDOE website.

5. What process does my LEA need to follow to adopt the student rights and procedural safeguards?

To adopt the student rights and procedural safeguards, the LEA should utilize the same process as it would for any internal policy or procedure.

6. How does an LEA obtain a hearing officer for Section 504?

An LEA may utilize any process for obtaining a hearing officer for Section 504 that is consistent with its internal policies and procedures for obtaining professional services. This may include soliciting requests for proposals from qualified individuals, which in the context of hearing officers, typically includes law firms or other subject-area experts. GaDOE does not provide hearing officers for LEA hearings under Section 504.

7. How does an LEA notify parents and students that it has implemented the student rights and procedural safeguards?

At a minimum, the LEA must notify parents and students that it has implemented the student rights and procedural safeguards by including the student rights and procedural safeguards in its student handbooks and LEA website. The LEA must also furnish the student rights and procedural safeguards to those who request them.

8. In what written materials do the student rights and procedural safeguards need to appear?

At a minimum, the LEA must include the student rights and procedural safeguards in its student handbooks. LEAs are also encouraged to include the student rights and procedural safeguards in other materials it deems appropriate, such as a Section 504 Handbook or Student Services Manual.

9. Do I need to print the entire student rights and procedural safeguards in our student handbooks?

Yes.

10. Do I need to post the entire student rights and procedural safeguards on our LEA's website?

Yes.

DISCIPLINE UNDER SECTION 504

When addressing discipline for students with disabilities, it is important that schools comply with applicable legal requirements governing the discipline of a child for misconduct caused by, or related to, the child's disability. This includes a Manifestation Determination when a student experiences a significant change in placement as a result of disciplinary actions.

An LEA that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of [EVALUATION PROCEDURES 34 C.F.R. §104.35\(b\)](#) of any student who, because of a disability, needs or is believed to need special education or related services **before taking any action with respect to the initial placement** of the student in general or special education and **any subsequent significant change in placement** (34 C.F.R. § 104.35(a)).

SIGNIFICANT CHANGE IN PLACEMENT

OCR considers exclusion from the educational program (for example, an out-of-school suspension) of more than 10 consecutive school days to be a significant change in placement.

OCR also considers a series of short-term exclusions (each 10 school days or fewer) from the educational program to be a significant change in placement, if the short-term exclusions total more than 10 school days and create a pattern of removal.

OCR also considers a school's 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 to be a significant change in placement.

MANIFESTATION DETERMINATION REVIEWS

Students with disabilities who are facing disciplinary action are entitled to a Manifestation Determination Review (MDR) to determine whether the student's misconduct was caused by or related to his physical or mental impairment, when the disciplinary action may lead to or constitute a significant change in placement. This applies to both students who have IDEA protections as well as students with Section 504 protections.

The MDR team that conducts the Manifestation Determination Review must be comprised of people who are:

1. knowledgeable about the student;
2. knowledgeable about the meaning of evaluation data; and/or
3. knowledgeable about placement options.

If the team determines that the student's misconduct was a manifestation of an impairment, the team must evaluate whether the student's current educational placement is appropriate. If necessary, the team shall consider a change in the student's placement to a setting that meets his or her educational and behavioral needs.

If the MDR team determines that the student's misconduct was not related to his disability, then the LEA may impose the same disciplinary penalty it would impose on a nondisabled student under the same circumstances.

STAY PUT PROVISIONS

The Section 504 regulation contains no specific "stay-put" requirement, however, the Section 504 regulation does require LEAs to provide procedural safeguards to students and their parents or guardians regarding the identification, evaluation and placement of students with disabilities who need special instruction or related services ([EVALUATIONS 34 C.F.R. § 104.36](#)). Additionally, the Section 504 regulation requires LEAs to evaluate students before initial, and subsequent significant changes in, placement.

Therefore, the LEA should not assume that it may implement a change of placement, even though the parent has a right to challenge the change. Doing so would seem to undermine both parent's and student's due process rights. Thus, OCR believes that a fair due process system would encompass the LEA waiting for the results of the evaluation/manifestation determination before changing the student's placement.

EXCLUSIONS TO SECTION 504 PROTECTIONS

Any student with a disability who is engaging in the illegal use of drugs is excluded from Section 504 protections. Students who have been identified as disabled under Section 504 and are recommended for discipline arising from the current use or possession of alcohol, illegal drugs, or a weapon may be disciplined by using the procedures applicable to general education students. The disciplinary action taken must be consistent with the disciplinary action applied to general education students for these same offenses.

NONACADEMIC SERVICES

NONACADEMIC SERVICES 34 C.F.R. §104.37

An LEA shall provide non-academic and extracurricular services and activities in such manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities.

Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEAs, referrals to agencies which provide assistance to students with disabilities, and employment of students, including both employment by the LEA and assistance in making available outside employment.

COUNSELING SERVICES

An LEA that provides personal, academic, or vocational counseling, guidance, or placement services to its students shall provide these services without discrimination on the basis of disability. The LEA shall ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

PHYSICAL EDUCATION & ATHLETICS

In providing physical education courses and athletics and similar aid, benefits, or services to any of its students, An LEA to which this subpart applies may not discriminate on the basis of disability. An LEA that offers physical education courses or that operates or sponsors interscholastic, club, or intramural athletics shall provide to qualified students with disabilities an equal opportunity for participation.

An LEA may offer to students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of [EDUCATIONAL SETTING 34 C.F.R. §104.34](#) and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

PRESCHOOL AND ADULT EDUCATION

PRESCHOOL AND ADULT EDUCATION 34 C.F.R. § 104.38

An LEA that provides preschool education or day care or adult education may not, on the basis of disability, exclude qualified students with disabilities and shall take into account the needs of such students in determining the aid, benefits, or services to be provided. Thus, the LEA must ensure preschool students with disabilities enjoy access to education by addressing obstacles that prevent school attendance and participation in the same activity as their typically developing peers.

PRIVATE EDUCATION

PRIVATE EDUCATION 34 C.F.R. §104.39

An LEA that provides private elementary or secondary education may not, on the basis of disability, exclude a qualified student with disabilities if the student can, with minor adjustments, be provided an appropriate education, as defined in §104.33(b)(1), within that LEA's program or activity.

An LEA may not charge more for the provision of an appropriate education to students with disabilities than to nondisabled students except to the extent that any additional charge is justified by a substantial increase in cost to the LEA.

An LEA that provides special education shall do so in accordance with the provisions of [EVALUATION AND PLACEMENT 34 C.F.R. §104.35](#), and [PROCEDURAL SAFEGUARDS 34 C.F.R. §104.36](#). Each LEA is subject to the provisions of [EDUCATIONAL SETTING 34 C.F.R. §104.34](#), [NONACADEMIC SERVICES §104.37](#), and [PRESCHOOL AND ADULT EDUCATION 34 C.F.R. §104.38](#).

PROCEDURES FOR WRITING SECTION 504 PLANS

A. Evaluation Conducted

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The committee, composed of persons knowledgeable about the student, should consider all available information, including educational, medical, and psychological records as appropriate. In some instances, further evaluation may be necessary.

B. Eligibility Determined

Section 504 regulations should be reviewed to document the presence of a qualifying disability, the effect on a major life activity, and the impact on the student's education. All three areas must be documented. If it is determined that no disability exists, the committee should document this and go no further.

C. Necessary Accommodations Identified

The committee determines what accommodations and/or services must be provided in order that the student may receive a free appropriate public education (FAPE).

D. Learning Environment Identified

The committee determines the learning environment in which the student may be taught with the outlined accommodations.

E. Parental Rights Given

The student's parent/guardian is given a copy of the Section 504 Rights form. The rights are reviewed with the parent. When formulating a 504 Plan, the committee should include all of the student's teachers, the parent/guardian, an administrator, and other individuals as appropriate. The 504 Plan should be kept as part of the SST file and reviewed as needed. The file should be forwarded if the student attends another school within the district. The 504 Plan may be forwarded to other districts upon request for SST records.

SECTION 504: FREQUENTLY ASKED QUESTIONS

1. **Who is protected by Section 504?** Any otherwise qualified student who currently has an impairment which substantially limits one or more major life activities is eligible for protection and services under Section 504. Any student who is regarded as having an impairment or who has a record of an impairment is eligible for protection from discrimination.
2. **What is a major life activity?** Section 504 defines major life activities as those activities involving caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
3. **What are "substantial limitations"?** This term is not defined in the act or the regulations and is left to each agency to define. However, the Americans with Disabilities Act suggested that the term "substantially limits" be interpreted to mean that the student "is unable to perform a major life activity that the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age". This interpretation can provide some guidance in defining the phrase.
4. **What is "reasonable accommodation"?** Reasonable accommodation in the school setting is a modification or adjustment of educational programs to afford students with disabilities equal opportunity to access the programs. Reasonable accommodation must be made for students with disabilities unless the schools can show that the requested accommodations would impose undue hardship.
5. **What protections are afforded to those with a "record of an impairment" or who are "regarded as having an impairment"?** Under these prongs of the act, individuals are only eligible for protection from discrimination. For example, a student who has a record of leukemia but who is currently in remission cannot be denied the opportunity to try out for the football team. Likewise, a student with an orthopedic impairment cannot automatically be regarded as disabled when in reality the student experiences only minimal limitations.
6. **Are IDEA (special education) students protected by Section 504?** Students who are served through special education under IDEA are also covered under Section 504. However, individuals covered by Section 504 are often not covered by IDEA. The determining factor will be the severity of the disability and the need for special education and related services.
7. **Do students who have an Individualized Education Program under IDEA need a 504 Plan as well?** No. The IEP should cover all aspects of a student's educational program.

8. ***When a student is dismissed from special education, is he automatically eligible for 504?*** Yes and no. The student cannot be discriminated against based on history of an impairment. If the 504 Committee determines that the student continues to have a disability that substantially limits a major life activity even though he does not meet IDEA eligibility requirements, the student would then be eligible for services and protection under Prong 1 of Section 504.
9. ***Can a temporary disability qualify a child for accommodations under Section 504?*** In some instances, students with temporary disabilities are eligible for 504 protection. The committee should consider the nature and severity of the impairment and what its permanent or long-term impact will be
10. ***What protections are afforded to alcohol and/or drug addicted students?*** Section 504 does not provide protection to students currently engaging in alcohol/drug use or to casual users. It does protect individuals who have successfully completed rehabilitation programs, students who are participating in a rehabilitation program, and students regarded erroneously as drug users.
11. ***Who is responsible for implementing Section 504?*** Section 504 is considered to be a provision of general education. It is therefore the responsibility of classroom teachers and the principal to assure that Section 504 accommodations are carried out.
12. ***Who makes up the 504 Committee?*** Basically, the same individuals who make up the SST are appropriate for the 504 Committee. Many school systems choose to use the SST as the vehicle for implementation of 504, although it is not required. However, the committee must be comprised of members who are knowledgeable about the student, interpretation of evaluation data, and/or placement/accommodation options.
13. ***Is evaluation necessary to determine 504 eligibility?*** Some type of evaluation is necessary. However, the evaluation may involve review of information such as medical information, standardized test scores, and classroom data that is already available to the committee rather than a new formal evaluation.
14. ***Is a medical report always necessary to determine 504 eligibility?*** No. Although the 504 Committee should attempt to get as much information as possible regarding the student's condition, a physician's statement is not required to determine eligibility. If the committee determines that a formal evaluation of any type is necessary to determine eligibility, it must be provided at no cost to the parents.
15. ***Must students have a written 504 Plan in order to receive protection or accommodations?*** No. Eligible students are protected by Section 504 even if a formal plan is not in place. In many cases, an effective SST plan will provide for needed accommodations.

16. ***Can a teacher refuse to implement accommodations that are written into a student's 504 Plan?*** After the 504 Committee has determined the accommodations that are necessary for a student, teachers are required to implement them. Failure to do so places the LEA in violation of Section 504.
17. ***Does every child who takes medication at school need a 504 Plan?*** No. Students may have accommodations such as administration of medication without having a formal plan. Local school system policy should be implemented.
18. ***If a student has a 504 Plan, will a teacher or paraprofessional be assigned to come and work with that student?*** In most circumstances, no additional personnel will be assigned to carry out accommodations. Section 504 accommodations are generally carried out by the classroom teacher or other designated personnel within the school. However, a student who is unable to attend school may qualify for Hospital Homebound services and receive instruction from a visiting teacher.
19. ***Are there any special rules for PE?*** The 504 Committee should determine to what extent a student will be able to participate in PE. Alternate assignments or exemptions should be addressed in the 504 Plan.
20. ***Is it possible for a 504 student to fail a class?*** Yes. 504 protection does not automatically dictate that a student will receive passing grades. The 504 Committee must determine if the accommodations were appropriate and if they were implemented for the student. Team members must keep in mind that many factors influence a student's academic performance.
21. ***How does eligibility for Section 504 affect discipline?*** Students may not be punished for behavior that is caused by a disability. If it is determined that the behavior was not related to the disability, the student could receive the same consequences as a student without a disability.
22. ***Can the 504 Committee order accommodations to the ACT/SAT?*** The 504 Committee can make recommendations based on accommodations written into the 504 Plan. However, the Educational Testing Service makes all decisions regarding accommodations on an individual basis.
23. ***Can the 504 Committee order accommodations to district-wide standardized testing and the Georgia High School Graduation Test?*** Accommodations as outlined in the testing manual can be recommended as part of a 504 Plan. However, committees should exercise caution in making these decisions. Ethically, students must need the accommodations during the rest of the school year and not just during weeks of standardized testing. 504 Plans should not be written for the sole purpose of providing accommodations on standardized testing. In fact, a student may be placed at a disadvantage if an accommodation is introduced for the first time at the administration of a standardized assessment.

24. ***Can a student be dismissed from 504?*** Yes. Students who no longer have an impairment are no longer eligible for 504 services. They will continue to be eligible for protection from discrimination based on their history of impairment.
25. ***Does 504 eligibility automatically guarantee that a student is chosen for extracurricular teams/activities?*** No. Students with disabilities must be given equal access to compete for and participate in these activities with reasonable accommodations. If the student fails to meet criteria for team membership, then he is not considered to be “otherwise qualified”. Discrimination occurs when the decision not to allow the student to participate is based solely on the fact that the student has a disability.

COMMONLY USED TERMS

ACRONYMS

A Acronyms

AAC | Alternative Augmentative Communication
ABA | Applied Behavioral Analysis
ABC | Antecedent, Behavior, Consequence
ADA | Americans with Disabilities Act
ADD/ADHD | Attention Deficit/Attention-Deficit Hyperactivity Disorder
AIM | Accessible Instructional Materials
APE | Adaptive Physical Education
ASD | Autism Spectrum Disorders
ASL | American Sign Language
AT | Assistive Technology

B Acronyms

BD | Behavioral Disorder
BIP | Behavioral Intervention Plan

C Acronyms

CAPD | Central Auditory Processing Disorder
CBA | Curriculum Based Assessment
CC | Closed Captioning
CF | Cystic Fibrosis
CFR | Code of Federal Regulations
CP | Cerebral Palsy

D Acronyms

DB | Deaf-Blind
DD | Developmental Delay
DIBELS | Dynamic Indicators of Basic Early Literacy
DS | Down Syndrome
DSM | Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association

E Acronyms

ED | Emotional Disturbance
ELL | English Language Learner
ESD | Extended School Day
ESL | English as a Second Language

ESSA | Every Student Succeeds Act
ESY or EYS | Extended School Year or Extended Year Services

F Acronyms

FAPE | Free Appropriate Public Education
FAS | Fetal Alcohol Syndrome
FBA | Functional Behavioral Assessment
FC | Facilitated Communication
FERPA | Family Educational Rights and Privacy Act

G and H Acronyms

GADOE | Georgia Department of Education
GEN ED | General Education
HI | Hearing Impaired
HH | Hard of Hearing

I Acronyms

IAES | Interim Alternative Educational Setting
ID | Intellectual Disabilities
IDEA | Individuals with Disabilities Education Act
IEP | Individualized Education Program
IFSP | Individualized Family Service Plan
IHE | Institution of Higher Education

L, M, and N Acronyms

LD | Learning Disability
LEA | Local Education Agency
LEP | Limited English Proficiency
LRE | Least Restrictive Environment
MD | Muscular Dystrophy
MDR | Manifestation Determination Review

O Acronyms

OCD | Obsessive-Compulsive Disorder
OCR | Office for Civil Rights
ODD | Oppositional Defiant Disorder
OHI | Other Health Impairment
OI | Orthopedic Impairment
O & M | Orientation and Mobility Services
OSAH | Office of State Administrative Hearings

OSEP | Office of Special Education Programs at the U.S. Department of Education
OT | Occupational Therapy

P and R Acronyms

PALS | Peer-Assisted Learning System
PBS | Positive Behavioral Supports
PD | Physical Disability
PDD | Pervasive Developmental Disorder
PEI | Spanish acronym for the Individualized Education Program (Plan Educativo Individualizado)
PII | Personally Identifiable Information
PLAAFP | Present Levels of Academic Achievement and Functional Performance
PS | Preschool
PT | Physical Therapy
RS | Related Services

S Acronyms

§ | This symbol means “Section” as in “§ 300.7 Child with a disability” in the IDEA regulations
SAS | Supplementary Aids and Services
SB | Spina Bifida
SE | Special Education
SEA | State Education Agency
Section 504 | Section 504 of the Rehabilitation Act
SI | Sensory Integration
SLD | Specific Learning Disability
SLI | Speech-Language Impairment
SLP | Speech-Language Pathologist
SPED | Special Education
SST | Student Support Team

T to Z Acronyms

TBI | Traumatic Brain Injury
TDD | Telecommunication Devices for the Deaf
TS | Tourette Syndrome
TTY | Teletypewriter (phone system for the deaf)
VI | Visual Impairment
Voc. Ed | Vocational Education
VR | Vocational Rehabilitation

GLOSSARY

A Terms

Accommodations (Reasonable accommodations) – Changes in the provision of instruction or administration of an assessment in terms of how the student takes or responds to the assessment. Broad categories of accommodations include presentation, response, setting, and scheduling.

Adapted Physical Education (APE) – A diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and needs of students with disabilities who may not successfully engage in a regular physical education program.

Administrative Law Judges (ALJs) – Judges provided by OSAH to conduct Due Process Hearings in a manner similar to civil court trials. They are neutral fact-finders, fully independent of the agencies whose attorneys appear before them.

Alternative Dispute Resolution (ADR) – Alternative opportunities for parties to resolve disputes collaboratively and avoid litigation, typically through negotiation, mediation, or arbitration.

Assessment – Any systematic method of obtaining information from tests and other sources; used to draw inferences about characteristics of people, objects, or programs. An initial evaluation (or periodic re-evaluation) to determine whether a child is a child with a disability and to determine the educational needs of this child.

Assistive Technology (AT) Device – Any piece of equipment used to increase, maintain, or improve functional capabilities of individuals with disabilities.

Assistive Technology (AT) Service – Any service that directly assists an eligible individual in selecting, acquiring, or using an assistive technology device.

C Terms

Curriculum-based Assessment – A methodology in special education in which a child's progress in the curriculum is measured at frequent intervals.

D Terms

Due Process – In general, a course of legal proceedings according to rules and principles established for enforcement and protection of private rights. Essential components of due process are “notice” and “a meaningful opportunity to be heard.”

Due Process Hearing – The formal, legal procedure guaranteed by federal law to resolve disputes relating to the education of IDEA-eligible children with disabilities to ensure that each receives a free and appropriate public education (FAPE) tailored to his/her unique needs.

E Terms

Extended School Day – A provision for a special education student to receive instruction for a period longer than the standard school day.

Extended School Year (ESY) – A provision for a special education student to receive instruction during ordinary school vacation periods.

F Terms

Family Educational Rights and Privacy Act (FERPA) – A federal law that regulates the management of student records and disclosure of information from those records, with its own administrative enforcement mechanism.

Functional Behavior Assessment (FBA) – An evaluation process to understand the purpose, motivation, and correlates of challenging behavior(s) in order to develop a positive and appropriate Behavior Intervention Plan (BIP), instructional supports and services.

Functional Curriculum (Life Skills Curriculum) – A curriculum focused on practical life skills and usually taught in community-based settings with concrete materials that are a regular part of everyday life.

I Terms

Inclusion [or] Inclusive Education – A belief that every student is entitled to an instructional program that meets his or her individual needs and learning characteristics; a commitment to build and maintain an assured sense of belonging for all students, regardless of strengths or challenges.

Independent Educational Evaluation (IEE) – An independent evaluation of a student from a qualified student. Parents have the right to ask for and obtain an IEE if they disagree with the results of an assessment conducted by the LEA. Any IEE must be considered at the IEP meeting. For Section 504 supports, parents do not have a right to an IEE under Section 504 of the Rehabilitation Act of 1973.

Individuals with Disabilities Education Act (IDEA) – Federal law that entitles students with disabilities to special education services.

Individualized Education Program (IEP) – The annually written record of an eligible individual’s special education and related services, describing the unique educational needs of the student and the manner in which those educational needs will be met.

Individualized Family Service Plan (IFSP) – A written plan for providing early intervention services to an eligible child with a disability (from birth to 3rd birthday) and to the child’s family.

L Terms

Least Restrictive Environment (LRE) – A federal mandate stipulating that, to the maximum extent possible, students with disabilities be educated with their non-disabled peers.

Local Education Agency (LEA) – Public school districts, including State Charter Schools.

M Terms

Mediation – A voluntary alternative dispute resolution (ADR) process that may be requested PRIOR to filing a Due Process Complaint. It is not a prerequisite to filing.

Mediation (Formal Due Process) – A voluntary alternative dispute resolution (ADR) process that may occur AFTER a Due Process Complaint is filed.

Modifications (Reasonable modifications) – practices that change, lower, or reduce learning expectations.

O Terms

Office for Civil Rights (OCR) – An agency of the federal government’s executive branch within the Department of Education that is charged with enforcing a number of civil rights statutes, including the Section 504 of the Rehabilitation Act of 1973.

Office of Special Education Programs (OSEP) – An office within OSERS charged with ensuring that the various states comply with IDEA.

Office of Special Education and Rehabilitative Services (OSERS) – An agency of the federal government’s executive branch within the Department of Education (DOE).

P Terms

Placement – The unique combination of facilities, personnel, location or equipment necessary to provide instructional services to meet the goals as specified in the student’s IEP or Section 504 plan.

Prior Written Notice (PWN) – A notice supplied to the other party that includes a description of any IEP actions proposed or refused by the LEA or by the parent. Does not apply to Section 504 plans.

Procedural Safeguards – Educational rights of students with disabilities, from ages 3 up to 21.

R Terms

Related Services – Services required to assist an individual with disabilities to benefit from special education, including but not limited to: transportation, occupational therapy, physical therapy, speech and language therapy, mental health services, and medical care.

Resolution Meeting – A meeting mandated in IDEA 2004 as part of the Due Process Complaint process where parties attempt to resolve a dispute prior to proceeding to a Due Process Hearing. A resolution meeting **is not** required for Section 504 complaints.

S Terms

Section 504 Plan (504 Plan) – A plan developed to meet the requirements of a federal law that prohibits discrimination against students with disabilities, named for Section 504 of the Rehabilitation Act of 1973.

Stay Put – The ruling that permits a student to remain in their current placement during any dispute concerning special education services. This ruling is not explicitly stated in Section 504 of the 1973 Rehabilitation Act, however, OCR has provided guidance for best practice.

MODEL FORMS – LEA ARE NOT REQUIRED TO USE

GUIDANCE FOR USE OF MODEL FORMS

The following pages are various model forms created by the Georgia Department of Education for LEA use, should they choose to do so. All of the forms are also included in a [504 Model Form Packet](#) that is available on the GaDOE website.

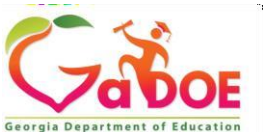
Although use of the model forms is not required, if an LEA does choose to use the forms, the LEA is only allowed to modify the document headers (see example below) to reflect the name of the LEA. All other document elements and information on every model form must remain intact to preserve the fidelity and consistency of resources shared with Georgia LEAs.



LIST OF MODEL FORMS

1. Section 504 Eligibility Determination
2. Section 504 Evaluation Timeline
3. Section 504 Meeting Log
4. Section 504 Parental Consent for Evaluation
5. Section 504 Pre-referral Form
6. Section 504 Team Member Suggestions
7. Section 504 Manifestation Determination Review
8. Section 504 Referral Packet
9. Section 504 Supports and Accommodations Plan

SECTION 504 ELIGIBILITY DETERMINATION



Southwest Georgia STEM Charter School
Section 504 Eligibility Determination

SECTION 1 – STUDENT INFORMATION

Student Name, GTID, Birthdate, School, Grade, Meeting Date

SECTION 2 – SECTION 504 ELIGIBILITY TEAM MEMBERS (SIGNATURES)

Parent, Student, Teacher, Administrator, School Nurse, School Psychologist/Guidance Counselor, Other

SECTION 3 – SUSPECTED/REPORTED IMPAIRMENT INFORMATION

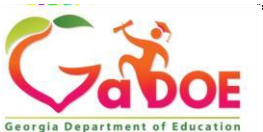
A. Under Section 504, a student with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Please list the suspected/reported physical or mental impairment(s) below:

Suspected/reported physical or mental impairment

B. The impairment(s) above limits at least one of the following major life activities:

- Caring for one's self, Performing manual tasks, Walking, Seeing, Hearing, Speaking, Breathing, Working, Learning, Other

C. The suspected/reported impairment(s) is/are: episodic, temporary, permanent



Southwest Georgia STEM Charter School Section 504 Eligibility Determination

SECTION 5 – PLACEMENT DECISION

In accordance with 34 C.F.R. §104.35(c) each member who participates in the placement decision **must** be knowledgeable about the student, the meaning of the evaluation data, and/or accommodation and placement options.

A. Enter each team member’s name, and mark the applicable knowledge base.

Team Member	Student	Meaning of Evaluation Data	Accommodation and Placement Options

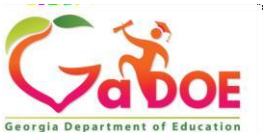
B. Eligibility Determination

(1) Based on the above information, does the student have a physical and/or mental impairment? _____

(2) If yes, does the impairment **substantially** limit at least one major life activity? _____ (Yes, No, or N/A)
See State Rule 160-4-2-.32, Determining Substantial Limitations for definition/guidance.

IF THE ANSWER TO QUESTION (1) OR (2) IS ‘NO’, THEN THE STUDENT IS NOT ELIGIBLE FOR SECTION 504 SERVICES. THE ELIGIBILITY PROCESS IS HALTED. PARENT SIGNS BELOW.

“I have received a copy of Procedural Safeguards under Section 504.” _____
Parent signature



Southwest Georgia STEM Charter School Section 504 Eligibility Determination

IF THE ANSWERS TO QUESTIONS (1) AND (2) ARE 'YES', THEN THE STUDENT IS ELIGIBLE FOR SECTION 504 SERVICES. PROCEED WITH DEVELOPMENT OF A 504 SUPPORT AND ACCOMMODATIONS PLAN FOR THE STUDENT. PARENT SIGNS BELOW.

"I have received Notice of Rights of Students and Parents under Section 504." _____
Parent signature

"I have received a copy of Procedural Safeguards under Section 504." _____
Parent signature

SECTION 6 – SECTION 504 SUPPORT AND ACCOMMODATIONS PLAN MEETING

_____ has been found eligible for support and
(Student Name)

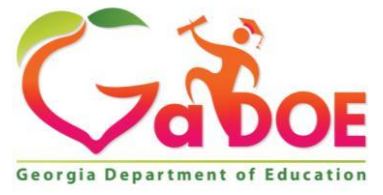
accommodations under Section 504 of the Rehabilitation Act of 1973. The team must now schedule a meeting to develop a Section 504 Support and Accommodations Plan for your child. The members who participated in determining eligibility may or may not become members of your child's 504 team.

Your point of contact is:

Name of LEA contact for this student's Section 504

LEA Contact number

LEA Contact email address



SECTION 504 EVALUATION TIMELINE



Southwest Georgia STEM Charter School Section 504 Evaluation Timeline

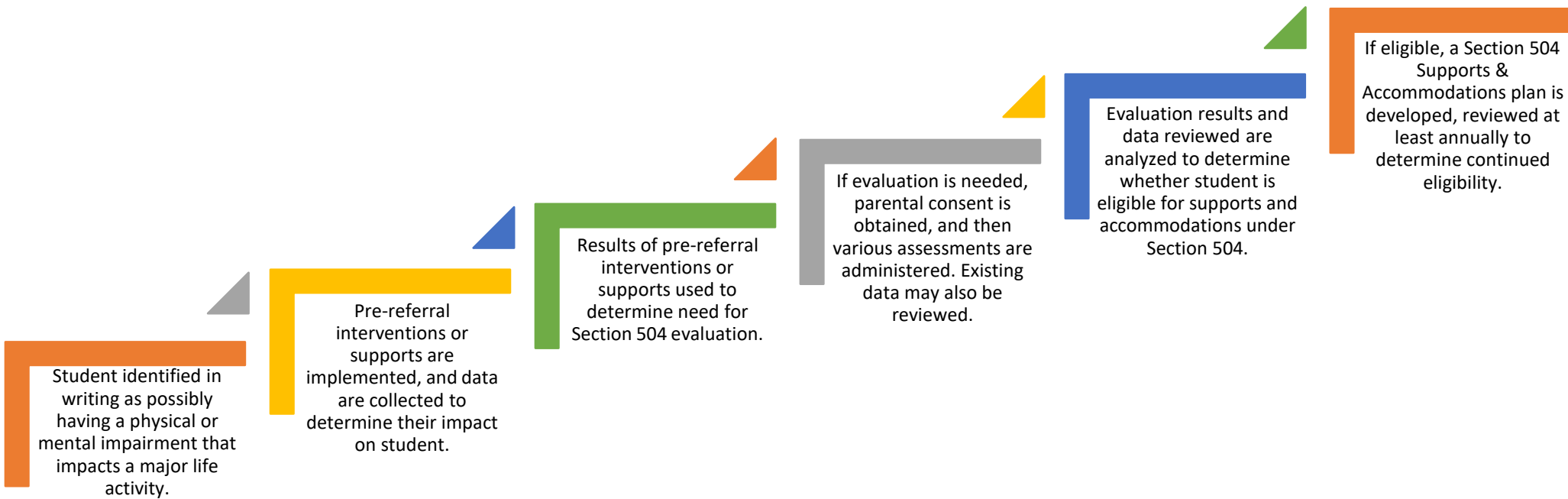
SECTION 1 – STUDENT INFORMATION

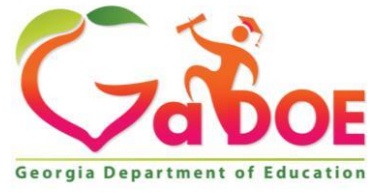
Student Name	GTID	Birthdate
School	Grade	Today's date
Parent/Guardian	Name of person recording timeline activities	

SECTION 2 – SECTION 504 EVALUATION TIMELINE

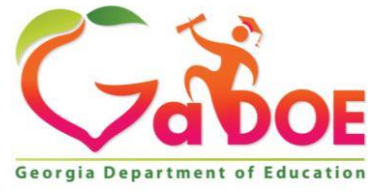
Section 504 Evaluation Steps	Date
Parent or LEA staff member identifies a student who has a suspected or reported impairment and submits written request for Section 504 pre-referral process to begin.	
Pre-referral interventions and/or supports are implemented to address reported areas of concern.	
Pre-referral interventions and/or supports implementation completed.	
Parent consent for evaluation obtained for additional assessments, if needed.	
Pre-referral data are reviewed along with other sources of information, including but not limited to medical reports, psychologist assessments, grades, parent input, teacher observations, to determine student's eligibility.	
If NOT eligible, the 504 eligibility process is halted and parents are provided Section 504 Procedural Safeguards.	
If eligible, parents are provided (1) Notice of Rights of Students and Parents Under Section 504, and (2) Section 504 Procedural Safeguards.	
Section 504 Supports & Accommodations Plan is developed.	

Southwest Georgia STEM Charter School Section 504 Evaluation Timeline

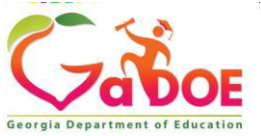




SECTION 504 MEETING LOG



SECTION 504 PARENTAL CONSENT FOR EVALUATION



Southwest Georgia STEM Charter School
Section 504 Parental Consent for Evaluation

(Date)

Dear Parent of _____
(Child's Name)

Your child was referred by _____ and was recommended for evaluation by the Student Support Team. The referral indicates that your child may be eligible for supports and/or services under **Section 504 of the 1973 Rehabilitation Act**. We would like to begin the process of determining whether your child qualifies for Section 504 protections.

The next step in determining eligibility is an evaluation that may include (but is not limited to) a review and/or administration of the following:

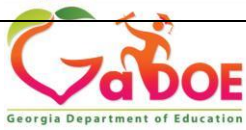
- Grades
- Parent Reports
- Teacher Reports
- Academic Records
- Discipline Records
- Medical Tests
- Achievement Tests
- Work Samples
- Behavioral Assessment
- Psychological Evaluation

Upon completion of an evaluation, you will be invited to a meeting to discuss the evaluation results and possible eligibility for Section 504 supports and accommodations. No changes will be made in your child's educational program until we hold the meeting and you provide any additional consent. Providing this consent to evaluate does not allow the system to provide Section 504 supports or accommodations.

Please indicate your decision to have your child evaluated for Section 504 services below.

Yes, I agree for my child _____ to be evaluated.

No, I do not agree for the following reasons:



Southwest Georgia STEM Charter School
Section 504 Parental Consent for Evaluation



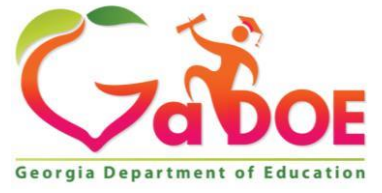
Southwest Georgia STEM Charter School
Section 504 Parental Consent for Evaluation

This form should be signed below and then returned to:

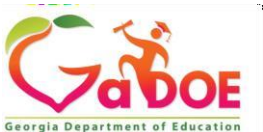
Name Title Phone Number

If we do not receive this form by _____, we will contact you about your
decision. (Date)

Signature of Parent Date



SECTION 504 PRE-PLACEMENT FORM



Southwest Georgia STEM Charter School Section 504 Pre-placement Form

SECTION 1 – STUDENT INFORMATION

Student Name

GTID

Birthdate

School

Grade

Today's date

Parent/Guardian

Name of person reporting pre-referral activities

SECTION 2 – ACADEMIC CONCERNS/INTERVENTIONS/RESULTS

A. Provide clear, concise description of existing academic barrier(s). Check this box if N/A.

B. Intervention: _____

C. Frequency and length of time: _____

D. Results: _____

(Provide concrete, measurable results, such as grades, scores, percentage of accuracy.)

SECTION 3 – BEHAVIORAL CONCERNS/INTERVENTIONS/RESULTS

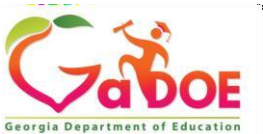
A. Provide clear, concise description of existing behavioral barrier(s). Check this box if N/A.

B. Intervention: _____

C. Frequency and length of time: _____

D. Results: _____

(Provide concrete, measurable results, such as grades, scores, percentage of accuracy.)



Southwest Georgia STEM Charter School
Section 504 Pre-placement Form

SECTION 4 – PHYSICAL OR MEDICAL CONCERNS/INTERVENTIONS/RESULTS

A. Provide clear, concise description of existing physical/medical barrier(s). [] Check this box if N/A.

Two horizontal lines for text entry.

B. Intervention: _____

C. Frequency and length of time: _____

D. Results: _____
(Provide concrete, measurable results, such as grades, scores, percentage of accuracy.)

SECTION 5 – REFERRAL DECISION

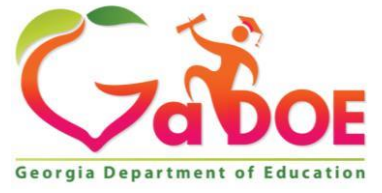
Please select the statement that best reflects the student’s need:

- [] The interventions put in place to address the student’s need(s) eliminated barriers previously experienced. Referral for a Section 504 evaluation is not needed at this time.
[] The interventions put in place to address the student’s need(s) diminished the effects of the barrier(s) to a level that does not significantly impact a major life activity. Referral for a Section 504 evaluation is not needed at this time.
[] The interventions put in place to address the student’s need(s) had a minimal effect on the barrier(s) experienced, which still significantly impact at least one major life activity. Referral for a Section 504 evaluation is needed.

Name of LEA contact for this student’s Section 504 evaluation

LEA Contact number

LEA Contact email address



SECTION 504 TEAM MEMBER SUGGESTIONS



Southwest Georgia STEM Charter School 504 Team Members to Consider

Below is a list of various LEA staff who play a vital role as members of a 504 team. Each member offers a unique perspective on either the student, the meaning of evaluation data, and/or placement and accommodation options. This resource may be used to determine who should be invited to participate on a 504 team based on the student needs that will be discussed. When identifying potential team members, keep in mind: **all members of the Section 504 team must be knowledgeable about the student, evaluation results, or placement/accommodations in accordance with 34 C.F.R. 104.35(C).**

T

- ✓ Behavior
- ✓ Grades
- ✓ Impact of student's impairment
- ✓ Environmental accommodations
- ✓ Student's ability to focus
- ✓ Testing accommodations
- ✓ Assignment modifications
- ✓ Social observations

PARENTS

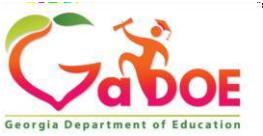
- ✓ Insight into student's behavior
- ✓ Difficulties that impact academic/behavioral performance
- ✓ Identify motivators and impediments that impact student progress
- ✓ Information about medications, side effects
- ✓ Previous experiences that impact current circumstances
- ✓ Identify allergens
- ✓ Medical history

SCHOOL COUNSELOR/SCHOOL PSYCHOLOGIST

- ✓ Interpret and explain behavioral data
- ✓ Positive behavioral support options
- ✓ Expected duration of disability

SCHOOL NURSE

- ✓ Proper storage of medication
- ✓ Proper dispensing of medication
- ✓ Medication side effects
- ✓ Signs that student needs medication
- ✓ Identify triggers and how to avoid them
- ✓ Identify symptoms and how to address them
- ✓ Identify helpful dietary modifications
- ✓ Paraprofessional training
- ✓ Emergency plans



Southwest Georgia STEM Charter School 504 Team Members to Consider

PHYSICAL EDUCATION TEACHER

- ✓ Identify PE activities that may need to be limited
- ✓ Accommodations for PE
- ✓ Available modifications for PE activities

BUILDING ADMINISTRATOR

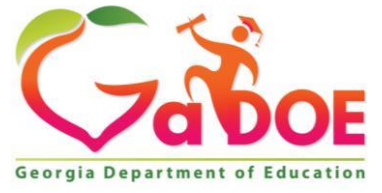
- ✓ Arrangements for accessible facilities
- ✓ Discuss need for modified attendance requirements

SCHOOL BUS DRIVER

- ✓ Accommodations needed for bus transportation
- ✓ School bus modifications

SCHOOL FOOD SERVICE MANAGER

- ✓ Dietary accommodations
- ✓ Training for cafeteria employees
- ✓ Strategies for screening food/snacks for allergens



SECTION 504 MANIFESTATION DETERMINATION REVIEW



Southwest Georgia STEM Charter School

Manifestation of Disabilities Determination Process for Students with Section 504 Plans

SECTION 1 – STUDENT INFORMATION

Student Name	GTID	Birthdate
---------------------	-------------	------------------

School	Grade	Today’s date
---------------	--------------	---------------------

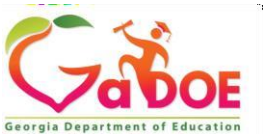
Parent/Guardian	Section 504 Medical/Mental Impairment(s)
------------------------	---

SECTION 2 – MANIFESTATION DETERMINATION REVIEW GUIDELINES

THIS MANIFESTATION DETERMINATION MUST OCCUR WITHIN 10 SCHOOL DAYS OF ANY DECISION TO CHANGE THE PLACEMENT OF A CHILD WITH A DISABILITY DUE TO A VIOLATION OF THE CODE OF CONDUCT. The manifestation determination review is conducted by child's parent and the relevant members of the child's Section 504 Team, as determined by the parent and the school system. NOTE: A manifestation determination review is required only when a child is removed from his current placement for MORE THAN 10 SCHOOL DAYS to an interim alternative educational setting (IAES), another setting or via suspension, and for additional removals of more than 10 cumulative days in that same school year for separate incidents of misconduct, and the removals constitute a pattern. Schools may make such short-term removals for violations of a code of student conduct to the extent that such alternative settings are also applied to students without disabilities. In addition, schools may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability in cases where a child carries or possesses a weapon to or at school, on school premises or at a school function; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function.

SECTION 3 – REVIEW OF RELEVANT INFORMATION

Description of the behaviors for which the suspension/expulsion is being considered, including information regarding the circumstances surrounding the incident or infraction, witnesses’ reports, student’s statement, and any outstanding related/similar events that have not yet been addressed through disciplinary action.



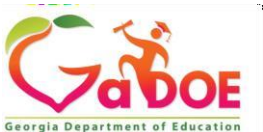
Southwest Georgia STEM Charter School

Manifestation of Disabilities Determination Process for Students with Section 504 Plans

Administrator Observations/Comments

Parent Observations/Comments

Teacher Observations/Comments



Southwest Georgia STEM Charter School

Manifestation of Disabilities Determination Process for Students with Section 504 Plans

- A. Section 504 Plan reviewed as part of the MDR? Yes No
- B. Functional Behavior Assessment conducted? Yes _____ No
(date)
- C. Behavioral Intervention Plan in developed? Yes _____ No
(date)

If yes:

- i. Enter date the BIP was most recently reviewed: _____
(date)
- ii. Is the behavior in question related to behavior addressed in the BIP? Yes No

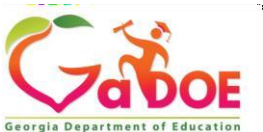
SECTION 4 – MANIFESTATION DETERMINATION TEAM DECISION

Based on the review of the relevant information about the student, what is the consensus of the members of the team regarding the following:

- A. Did the student’s disability have a direct and substantial relationship to, or cause, the behavior subject to disciplinary action? Yes No
 - B. Did the LEA’s failure to implement the student’s Section 504 plan directly result in the behavior subject to disciplinary action? Yes No
- If the answer to either question is **YES**, the conduct **IS** a manifestation of the child’s disability
 - If the answer to both questions is **NO**, then the conduct **IS NOT** a manifestation of the child’s disability.

The Team determined that both questions #1 and #2 were answered “NO”.
The behavior is considered NOT a MANIFESTATION of the student’s disability.

The Team determined that either question #1 or #2 was answered “YES”.
The behavior MUST be considered a MANIFESTATION of the student’s disability.



Southwest Georgia STEM Charter School

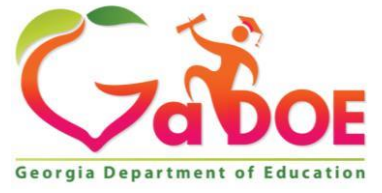
Manifestation of Disabilities Determination Process for Students with Section 504 Plans

SECTION 5 – RESULTS OF THE ABOVE DETERMINATION

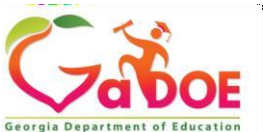
- If the behavior ***IS*** a manifestation, the student **may not** be suspended. The Section 504 Plan must be reviewed and modified, as appropriate, to address the appropriate behaviors.
- If the behavior ***IS NOT*** a manifestation, the student may be disciplined in the same manner as students who are not disabled are disciplined.
- If the parents disagree with the determination that the behavior was not a manifestation of the student’s disability, or disagree with the placement decision, parents may file a grievance with the LEA, file a complaint with the Office of Civil Rights, or seek whatever judicial relief may be available.

MDR Team Signatures:

_____	_____	_____	_____
Parent/Guardian	Date	Teacher	Date
_____	_____	_____	_____
Parent/Guardian	Date	Teacher	Date
_____	_____	_____	_____
Student	Date	Resource Officer	Date
_____	_____	_____	_____
Section 504 Coordinator	Date	Nurse	Date
_____	_____	_____	_____
Administrator	Date	School Psychologist	Date
_____	_____	_____	_____
School Counselor	Date	Other	Date



SECTION 504 REFERRAL PACKET



Southwest Georgia STEM Charter School Section 504 Referral Packet

SECTION 1 – STUDENT INFORMATION

Student Name **GTID** **Birthdate**

School **Grade** **Date**

Parent/Guardian **Name of Referring Source**

Note: Complete sections 2-5 for all students. Only complete section 7 if behavior is an area of concern.

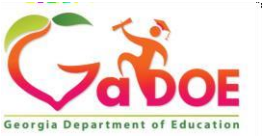
SECTION 2 – AREA(S) OF CONCERN

Only select areas of concern that significantly impact the student's classroom performance.

- physical limitations
- attention span
- attendance
- memory skills
- activity level
- ability to follow directions
- comprehension
- listening skills
- communication skills
- problem-solving skills
- organizational skills
- self-control
- easily confused
- gross motor skills/coordination
- social/interpersonal skills
- fine motor skills
- passive/nonresponsive
- other _____

Academic progress (provide general description)

Medical/Health (areas of concern) *Note: Vision and/or hearing concerns should be screened and resolved prior to continuing the Section 504 process and documented here.*



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Behavior (provide general description)

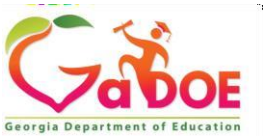
Emotional/Social (provide general description)

Other (areas of concern)

SECTION 3 – ADDITIONAL CONCERNS

Include other information that may be helpful to understand concerns.

SECTION 4 – STUDENT'S STRENGTHS



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SECTION 5 – PREVIOUS SUPPORTS PROVIDED

Differentiated Instruction: How instructional content has been presented to provide a different avenue for the student to acquire content and/or ideas.

Four horizontal lines for writing.

Student Products: Changing the assignment or project to adjust to student skill, readiness, or learning preference.

Four horizontal lines for writing.

Physical Environment: Changes to the classroom arrangement and learning environment.

Four horizontal lines for writing.

SECTION 6: ATTACHMENTS

A. If the student is having academic difficulties, please attach a student work sample, benchmark assessments, and/or progressing monitoring data reflecting specific concern (s).

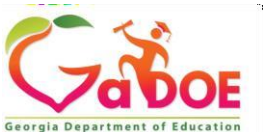
- Work sample(s) attached N/A

B. If there is a medical concern, please attach relevant information or history.

- Information attached N/A

C. If there is a behavioral concern, please attach recent disciplinary action taken or other documentation. In addition, please complete Section 7: Teacher Input for Addressing Problem Behaviors.

- documentation attached N/A



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SECTION 7 – BEHAVIOR CONCERNS (ONLY IF REFERRING STUDENT FOR BEHAVIOR CONCERNS)

A. Describe the behavior(s) of concern. Use concrete and measurable terms. (e.g. *Sam demonstrates aggressive behavior towards his peers at least three to four times daily. His aggression is characterized by such actions as pushing, inappropriate verbal language and grabbing materials from his peers*).

B. Provide a description of when the behavior(s) occur:

Day or days of the week

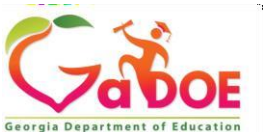
Time or times of the day

During certain types of activities or tasks

While in presence of certain people (individuals or groups)

While in specific environments

When fatigued, hungry, or sick



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C. Identify what the student gains or avoids by demonstrating the behavior(s) of concern.

- Checkboxes for: Avoid tasks, Avoid attention, Unknown/uncertain, Avoid embarrassment, Gain attention, Nothing, Gain control, Other

D. Provide a brief description of specific expectations for the student.

Four horizontal lines for text entry.

E. Provide a brief description of how the expectations have been communicated to the student.

Four horizontal lines for text entry.

F. Provide a brief description of the strategies and techniques that have been implemented to address the inappropriate behavior.

Four horizontal lines for text entry.

SECTION 8 – PRE-PLACEMENT ACTIVITIES

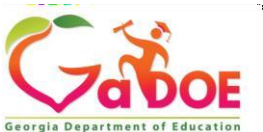
A. Pre-placement interventions completed? [] Yes Date: [] No

B. Pre-placement data reviewed and analyzed? [] Yes Date: [] No

C. Explanation for response of 'No' to either question, if applicable:

Four horizontal lines for text entry.

SECTION 504 PLAN



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Section 504 Plan

SECTION 1 – STUDENT INFORMATION

Student Name

GTID

Birthdate

School

Grade

Today's Date

Parent/Guardian

Section 504 Qualifying Disability

SECTION 2 – SERVICES TO BE PROVIDED

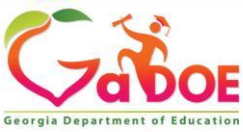
- Occupational or physical therapy
- Speech/Language therapy
- Special transportation
- Adapted Physical Education
- Behavior management support
- Assistive Technology Devices
- Social/interpersonal skills support
- ADA access (e.g. elevator key)
- Nurse support
- Other _____

Person Responsible	Frequency

SECTION 3 – INSTRUCTIONAL/CLASSROOM ACCOMMODATIONS AND SUPPORTS TO BE PROVIDED

- | | |
|--|---|
| <input type="checkbox"/> Preferential seating | <input type="checkbox"/> Adjusted class schedules or grading |
| <input type="checkbox"/> Extended time on tests and assignments | <input type="checkbox"/> Audio/verbal testing |
| <input type="checkbox"/> Reduced homework or classwork | <input type="checkbox"/> Excused lateness, absence, or missed classwork |
| <input type="checkbox"/> Verbal, visual, or technology aids | <input type="checkbox"/> Pre-approved nurse's office visits |
| <input type="checkbox"/> Modified textbooks or audio-video materials | <input type="checkbox"/> Memory aids (including graphic organizers) |

Explanation for selected services, accommodations and supports.



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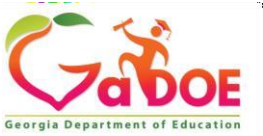
SECTION 4 – DISTRICT AND STATEWIDE ASSESSMENT ACCOMMODATIONS AND SUPPORTS TO BE PROVIDED

The student will participate in the following regular required assessments (Each state mandated test and subtest must be considered individually and documented below).

Accommodations used for assessment must be consistent with accommodations used for classroom instruction/testing and specified in the Section 504 Plan. Some accommodations used for instruction may not be allowed for statewide assessment. **Refer to the GaDOE Student Assessment Handbook for the only allowable accommodations.** Conditional accommodations are only allowable for students who meet eligibility criteria.) All subtests must be considered individually. If the CRCT-M is considered, the Participation Guidelines for the CRCT-M must be completed and attached.

Test	Subtest	Setting	Timing/Scheduling	Presentation	Response	None, Standard or Conditional

Explanation for selected assessment accommodations.



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SECTION 5 – PARENT CONCERNS & ADDITIONAL MEETING NOTES

SECTION 6 – SECTION 504 COMMITTEE MEMBERS

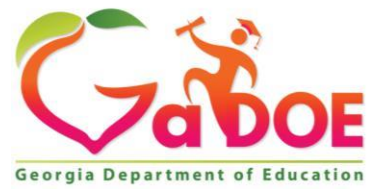
In accordance with 34 C.F.R. §104.35(c), each member that participates on a Section 504 team **must** be knowledgeable about the student, the meaning of evaluation data, and/or accommodation and placement options.

Enter each team member’s name and mark the applicable knowledge base.

Team Member	Student	Meaning of Evaluation Data	Accommodation and Placement Options

Person responsible for ensuring this Section 504 plan is implemented as documented:

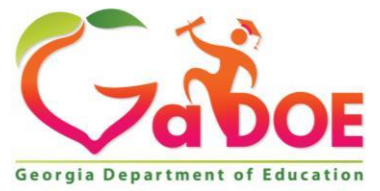
Name Title Phone



REFERENCES

Center for Parent Information and Resources (2010). *Disability and Special Education Acronyms*. Retrieved from <https://www.parentcenterhub.org/acronyms/>.

U.S. Department of Education, Office for Civil Rights (2016). *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>.



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