



St. Lucie Public Schools Section 504 Manual

REHABILITATION ACT OF 1973

St. Lucie

PUBLIC SCHOOLS



Revised, July 2021

Purpose

The purpose of this manual is to clarify the broader definition of students with disabilities under Section 504 of the Rehabilitation Act of 1973. The School District has a responsibility to provide modifications for identified students and is committed to do so in order to meet the needs of those students.

This manual is designed for principals, teachers and parents/guardians to use for information and as a guide to providing a free appropriate public education to our students.

We thank the members of this committee who devoted their time and wisdom to this important task.

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Table of Contents

Purpose	5
Introduction	6
Section 504 Requirements	8
Obligations of the School District to Comply with Section 504	10
Section 1 – Evaluation and Eligibility Process	
Problem Solving and Response to Instruction/Intervention	13
Referral Process and 504 Considerations	13
Evaluation	14
Eligibility	16
Parent/Guardian Involvement in Section 504 Meetings	18
Section 504 Initial Evaluation Procedures Flowchart	19
How to Conduct a 504 Eligibility Meeting	21
Section 2 – Data Input Process	
How to Complete a 504 Plan (I05) Data Input Form	24
504 Primary Disability Codes	27
Section 3 – 504 Plan Development	
Developing and Implementing a Section 504 Plan	29
Common Errors in Development/Implementation of a Section 504 Plan	30
Nonpublic School Placement by Parent/Guardian	30
How to Complete a 504 Accommodation Plan	31
Distribution of Plan	33
Section 4 – Legal Considerations	
Parent/Student Rights in Identification, Evaluation and Placement under Section 504 of the Rehabilitation Act of 1973	35
Section 504 Complaint Process	37
Section 5 – Transfer Students	
Transfer Procedures	40
Section 6 – Reevaluation and Dismissal Procedures	
The 504 Reevaluation Process	42
The 504 Dismissal Process	44
Section 7 – District Disciplinary Procedures for Students Qualified Under Section 504	
Change in Placement	46
Manifestation Determination for Section 504	46
Drug and Alcohol Offenses	46
Weapons and Serious Bodily Injury Offenses	46
Transportation	47
Discipline, Suspension, & Expulsion	47
Disciplinary Action Flow Chart	49

Section 8 – Related Services	
Related Services	51
Service Animals	51
Section 9 – Transition to Post-Secondary	
Post-School Planning for 504 Qualified Students	53
Section 10 – PEER Quick-Start Guide for Section 504	55
Section 11 – Forms	
504 Referral	76
Notice/Consent for Evaluation Under Section 504	77
Notice of Rights	78
504 Evaluation Checklist	80
Biller Brief Behavior Observation Form	81
Assessment Summary	82
Section 504 Evaluation/Reevaluation (Eligibility form)	83
Section 504 Committee Meeting Notice	86
I05 Section 504 Data Input Form	87
Manifestation Determination	89
Intake Information for Section 504	90
McKay Scholarship Letter	91
APPENDIX	
Form of Final Order	93
What Every School Should Have	96
Guidelines for Student Health Care Plans	97
Student Health Care Plans and Section 504	99
Internet Resources Related to Section 504	100
Possible 504 Plan Impairments	102
Sample Accommodations for Section 504	108
A Guide to Section 504 Brochure	116

Purpose

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Introduction

Section 504 of the Rehabilitation Act has been with us since 1973. The Office for Civil Rights (OCR) is charged with enforcement of Section 504 and has become proactive in the field of education of individuals with disabilities. Advocacy organizations and the legal system likewise have increasingly focused on 504's requirements to ensure the education system provides the full range of special accommodations and services necessary for students with special needs to participate in and benefit from public education programs and activities. The following information focuses upon the instruction issues of Section 504 (Subpart D), and not upon employment practices.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance from the United States Department of Education. This statute states:

“No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance.” See 34 C.F.R. § 104.4(a).

This includes all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds. 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 United States. However, many schools remain unclear in their understanding of this powerful law and are limited in their capacity to fully implement its requirements.

All individuals who are disabled under the Individuals with Disabilities Education Act (IDEA) are also considered to have disabilities and therefore are protected under Section 504. However, all individuals who have been determined to have disabilities under Section 504 may not be disabled under IDEA. These students require a response from the general education staff and curriculum. With respect to most students with disabilities, many aspects of the Section 504 regulation concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (formerly the Education of the Handicapped Act) and state law. In those areas, by fulfilling responsibilities under the IDEA and state law, a district is also meeting the standards of the Section 504 regulations. However, in some other respects the requirements of the laws are different.

There are some students who are not eligible for IDEA services but who nevertheless are deemed to have a disability under Section 504, and to whom a district may therefore have responsibilities.

The IDEA defines as eligible only students who have certain specified types of disabilities and who, because of one of those conditions, need special education. Section 504 on the other hand, protects and classifies all students as disabled who are identified as having any physical or mental impairment that substantially limits one or more major life activities (including learning). Under Section 504 the determination of whether a student's impairment substantially limits a major life activity is made without regard to the ameliorative effects of mitigating measures and if a student has an impairment that is episodic or in remission he is entitled to protections as a student with a disability if the impairment would substantially limit a major life activity when active.

An example of a student who is protected by Section 504, but who may not be covered by IDEA, is one who has juvenile arthritis, but may not be covered by IDEA if he is not eligible to receive special education. However, the student has a disability for purposes of Section 504. Students may not meet the criteria for IDEA categories such as Specific Learning Disability, Other Health Impairment, or Emotional Behavioral Disability. However, if their disorders or conditions substantially limit their ability to function at school, they have a disability within the meaning of Section 504 and must be provided with accommodations necessary to benefit from FAPE.

If a district or parent/guardian has reason to believe that, because of a disability as defined under Section 504, a student may need either accommodations or related services in the general education setting in order to participate in the school program, the district must evaluate the student. If the student is determined to have a disability under Section 504, and is in need of an accommodation plan, the district must develop and implement a plan for the delivery of all needed services. Again, these steps must be taken even though the student is not covered by the special education provisions and procedures under IDEA.

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 evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, to evaluate a student with juvenile arthritis, the Problem-Solving Team (PST) might review all relevant records, including the health records, as well as any medical information supplied by the parent/guardian. The PST would then determine if additional testing would be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student's education, whether specialized accommodations are needed and, if so, what those accommodations are. The decisions about 504 eligibility and services must be documented in the student's cumulative record file and reviewed periodically.

For the student with juvenile arthritis, Section 504 services might include the provision of a practical keyboarding course and use of a word processor to improve writing speed, the administration and monitoring of medication, or class schedule modified to address the student's stamina or mobility. For a student with ADD/ADHD, services might include modification in the regular classroom, a behavior plan, counseling and/or the monitoring of medication.

Under Section 504, the parent or guardian **must** be provided with notice of actions affecting the identification, evaluation and placement of the student. The parent or guardian is entitled to an impartial hearing upon disagreement with the district's decision(s) in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available by a local hearing officer.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the general education program are entitled to protection under Section 504 even though they may not fall under IDEA categories and may not be covered by that law.

Section 504 Requirements

Whether a particular student is protected under Section 504 requires a determination that the student is an “individual with a disability” and that the student is “qualified.” The age range within which a disabled student can qualify under Section 504 is determined by whether the student is an age during which nondisabled persons are provided educational services. See 34 C.F.R. § 104.3(k)(2). K – 12 students are protected under Section 504, as well as students in Voluntary Pre-K (VPK), if the program is provided by a recipient of federal funds. Therefore, VPK students being served in public schools are typically covered. Private providers for VPK are not subject to Section 504 if federal funds are not received by the provider.

With respect to postsecondary and vocational education services, “a qualified person” is one with a disability who meets the academic and technical standards requisite to admission or participation in the educational institutions educational program or activity. See 34 C.F.R. § 104.3(1)(3).

Section 504 Definition Disability

A student is “**disabled**” under Section 504 regulations if the student meets any one of the three “prongs” of eligibility listed in **34 CFR 104.3(j)(1)**:

Prong 1: has a physical or mental impairment that substantially limits one or more major life activities; **or**

Prong 2: has a record of such an impairment (has history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities); **or**

Prong 3: is regarded as having such an impairment.

The prong under which the student is eligible assists in determining which of the Section 504 protections are extended to the student.

Table: Prongs and Corresponding Protections

	Discrimination Protection	Disciplinary Safeguards	Section 504 Plan
Disability that substantially limits and requires services	✓	✓	✓
Disability that substantially limits	✓	✓	
Disability that does not substantially limit	✓		
Record of disability	✓		
Regarded as having a disability	✓		

Students described in Prongs Two and Three are protected from discrimination under Section 504, even though they are not individuals with a current, substantiated disability under Section 504 for which accommodations may be necessary and, therefore, would not require an accommodation plan. However, they are not eligible for disciplinary safeguards.

Prong One: Current Impairment

To be eligible under Prong One, the student must have a physical or mental impairment that substantially limits one or more major life activities.

The Section 504 regulations provide a broad definition of “**physical or mental impairment**”:

Physical or mental impairment means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. See 34 C.F.R. § 104.3(j)(2).

A **temporary impairment** does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time.

An impairment that is **episodic or in remission** is a disability if it would substantially limit a major life activity when active. An **episodic impairment** ebbs and flows in severity. Conditions such as seasonal allergies or asthma and migraine headaches are two good examples of impairments that may be substantially limiting at times and have little impact at other times. Eligibility should not be denied for students whose impairments are episodic and who are not substantially limited at the time of the evaluation. An **impairment** is noted to be **in remission** when an abatement or subsiding of the impairment occurs. Conditions such as cancer or Bipolar Disorder are two good examples of impairments that may have been substantially limiting in the past but not currently. Eligibility should not be denied for students whose impairments are in remission and not substantially limiting a major life activity at the time of the evaluation if the impairment was substantially limiting in the past.

Section 504 eligibility looks for impact from physical or mental impairment on one or more major life activities. Examples of a “**major life activity**” include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A “**major life activity**” also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. See 42 USC Ch. 102.

A **substantial limitation** in performing a major life activity or major bodily function is **defined by our school district as a significant limitation in the performance of a major life activity or bodily function as compared to most people in the general population**. The determination of whether an impairment substantially limits a major life activity or major bodily function must be made without regard to the ameliorative effects of **mitigating measures**. Mitigating measures include, but are not limited to, the following:

- 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;

- use of assistive technology;
- reasonable accommodations or auxiliary aids or services;
- learned behavioral or adaptive neurological modifications;
- Health Care Plans (*see Health Care Plan section*); or
- 42 USC Ch. 102.

Prong Two: The Record of Impairment

Individuals with a record or history of a physical or mental impairment that substantially limits one or more major life activities are also protected from discrimination under Section 504. A student that no longer meets eligibility criteria for a special program for students with disabilities (a former IDEA-eligible student) is an example of someone who has a record of having had a disability. Denying that student the opportunity to participate in field trips because of a previous history of disability is an example of discrimination under Section 504. Some of these “records of impairment” may also trigger Prong One protections, including a Section 504 accommodation plan due to the rule on impairments in remission.

Prong Three: Regarded as Impaired

Finally, individuals who are regarded as having a physical or mental impairment, when in fact such impairment may or may not actually exist, are protected from discrimination under Section 504.

A person with a history of a mental or physical impairment because of misclassification also qualifies for protection under Section 504. For example, a limited English proficient student mistakenly determined to be eligible for a special program for students who have intellectual disabilities. A student with epilepsy might be treated as having an impairment that limits physical activities such as sports when the student actually has no limitation that would affect participation in sports.

Others might treat a person with HIV as if a physical impairment existed based simply on the medical condition. Unlike individuals with a current disability, students with a record of a disability or who are regarded as having a disability are not eligible for services and/or accommodations not afforded to the general population. However, such individuals are protected against discriminatory action based on the recorded or perceived disability and should be afforded any remedial or corrective aids and services they might need that are available to the general student population.

Obligations of the School District to Comply with Section 504

School Districts have a number of obligations under Section 504, including the following:

- Conduct appropriate child find and initial evaluations;
- Provide periodic reevaluations of students with disabilities;
- Provide eligible students with FAPE (Free Appropriate Public Education) through the provision of a Section 504 plan to meet the individual educational needs of eligible students as adequately as the needs of non-disabled students are met;

- Provide education to students with disabilities in the least restrictive environment;
- Provide established standards and procedures in the identification and evaluation process;
- Provide transportation under specific individual circumstances and conditions;
- Provide equal access to parents/guardians who have a disability;
- Provide students with disabilities **equal access** to non-academic and/or extracurricular services;
- Establish and implement a system of procedural safeguards regarding the identification, evaluation, placement, or provision of FAPE to a student; and
- Ensure behavior in question is not a manifestation of a student's disability during disciplinary proceedings.

Section 1

Evaluation and Eligibility Process

Problem Solving and Response to Instruction/Intervention (PS/RTI)

The Florida Department of Education District Implementation Guide for Section 504 indicates that **Section 1008.25(4) F.S.** requires struggling students be provided with diagnostic assessments to determine the nature of the difficulty and strategies for intervention. Congress promoted prevention and early intervention to improve outcomes for students with disabilities and reduce the need to identify students as disabled in order to get help in the reauthorization of IDEA.

In Florida each district is responsible for providing a coordinated system of general education intervention procedures (i.e. multi-tiered system of supports [MTSS]) for students needing additional academic and behavioral support. **Rule 6A-6.0331(1), F.A.C.** This MTSS is guided by a PS/RtI approach that involves the collaboration of teachers, support services staff, and parents/guardians on a problem-solving team. The school-based Problem-Solving Team (PST) identifies students needing additional assistance, selects interventions that address individual student needs, and monitors the student's response to interventions.

The goal is for the PST to address the needs of all students at the school and ensure that students with disabilities, including students who are eligible for Section 504, are identified and given appropriate support.

There are some circumstances when referral to the school-based PST for the provision of interventions would not be appropriate. An obvious example would be a student with asthma who was not demonstrating academic or behavioral difficulties.

In our school district, each school's PST is the appropriate forum for discussing students' needs. Most students with known impairments have already been identified as students who are struggling academically or behaviorally and are already receiving evidence-based interventions that are being monitored by the PST.

If a student has not been previously identified as struggling by the PST, the team should review the student's educational and/or behavioral data and initiate any evidence-based interventions that are needed at the same time that consideration for 504 evaluation is initiated.

Evaluating the student's response to the evidence-based interventions that are put into place is a critical part of the student evaluation for 504 consideration to assist in determining what accommodations the student may need and if the student may be in need of specialized instruction under the Individuals with Disabilities education Act (IDEA).

Referral Process

Anyone can make a referral for Section 504, but parents/guardians and teachers typically make these referrals.

Situations that may result in consideration of Section 504 eligibility include the following:

- When a parent/guardian or teacher initiates a request;
- When a disability is suspected;

- When a student exhibits a chronic health problem (see considerations below);
- When a student exhibits persistent academic, learning, or behavioral problems and traditional behavior management approaches and evidence-based interventions have been ineffective; and
- When a student is evaluated but not eligible for a disability under IDEA.

If a student is found ineligible under IDEA the student may or may not be eligible under Section 504, the PST should consider whether the student’s impairment qualifies under Section 504.

504 Considerations

If the following medical and mental conditions *limit a major life activity* and are not covered under IDEA, a student could be found qualified under Section 504. The eligibility is to be determined by a PST.

Medical and Mental Health conditions such as, but not limited to:

Arthritis	Cancer	Chronic asthma
Cerebral Palsy	Cystic Fibrosis	Diabetes
Epilepsy	Heart defects	Hemophilia
Leukemia	Muscular Dystrophy	Scoliosis
Seizure	Severe allergies	Sickle Cell
Spina Bifida	Tourette’s syndrome	Urological condition

AIDS, HIV, Aids Related Complex (ARC), Temporary disabilities (broken bones), Other physical handicaps that may hinder mobility, Attention Deficit/Hyperactivity Disorders, Mental Health Disorders Substance Use/Abuse. See Appendix for additional information for possible 504 impairments.

Evaluation

School districts are required under Section 504 to individually evaluate a student suspected of having a disability. ***An impairment in and of itself is not a disability because the impairment MUST substantially limit one or more major life activities. A medical/mental health diagnosis is one source of data to consider, but a medical/mental health diagnosis is neither required nor sufficient for establishing eligibility under Section 504.***

If the team, on the basis of existing evaluation data from a variety of sources, can make the required determinations without a medical/mental health evaluation, no medical/mental health evaluation is required. If medical/mental health information is deemed necessary to determine whether the student is 504 eligible, then the school district is responsible for providing the medical/mental health evaluation at no cost to the parent/guardian.

An evaluation must:

1. **Identify suspected area(s) of impairment;**
2. **Identify major life activity(s) impacted; and**
3. **Establish substantial limitation as compared to most people in the general population.**

*The Florida Department of Education District Implementation Guide for Section 504 (2011) states that the determination of whether an impairment substantially limits a major life activity shall be made **without** regard to the ameliorative effects of mitigating measure.*

To comply with the mitigating measures rule, the PST must first **identify all mitigating measures currently in use** for the benefit of the student. Once identified the team must determine how the student's impairment impacts the major life activity or activities at issue in the absence of each mitigating measure. Please note that Health Care Plans are a mitigating measure (*see Health Care Plan section*).

In regard to impairments in remission the Florida Department of Education District Implementation Guide for Section 504 (2011) states that the key is **whether the impairment in remission was substantially limiting when active**. That question requires the 504 team to look back to the time when the impairment was not in remission (as opposed to looking at current data) to make the determination. Of course, if the school does not suspect that the student is disabled (and does not know of the impairment in remission) or the student does not demonstrate a need for services, the 504 duty to evaluate would not seem to apply and evaluation would only have to be considered based on a parent/guardian referral.

Evaluations may involve cumulative folder and work sample review; direct observation; interviews with the student, parents/guardians, teachers, or other school personnel; the administration of assessment measures; and/or the administration of formal standardized instruments.

Specific evaluation data needed will be determined by the PST on a case by case basis at the time parental/guardian consent for evaluation is obtained. Evaluation data needed will be identified on the 504 Evaluation Checklist.

After all data is collected, School Counselor and/or School Psychologist will complete an assessment summary.

It is reasonable for a Section 504 team to require less complex data review and assessments when making short-term services decisions for temporary impairments.

St. Lucie Public Schools has indicated that Section 504 initial evaluations will be completed within 60 calendar days of which the student is in attendance after the district receives parent/guardian consent.

Districts are required to obtain parental/guardian consent for initial evaluation. If upon receipt of a parent/guardian request for an evaluation for Section 504 the team determines that an evaluation is not appropriate, then the Section 504 designee must inform the parents/guardians of their Section 504 rights and indicate in writing the district's refusal to evaluate. If at any time the team determines that the student with a disability needs special education or related services in order to receive educational benefit, a special education referral should be initiated.

Tests that are utilized in completing a Section 504 evaluation must meet the following criteria:

- Have been validated for the specific purpose for which they are used and are administered by trained personnel;
- Be tailored to assess specific areas of educational need and not merely those

- designed to provide a single intelligence quotient; and
- Accurately reflect aptitude or achievement or whatever else the tests purport to measure rather than reflect the student’s impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors. See 34 C.F.R. § 104.35(b).

Eligibility

Who Should Attend?

- Parents/guardians are **not** required but **must** be invited.
- Parents/guardians may bring any additional person to the meeting to provide input.
- School personnel knowledgeable of student.
- School personnel knowledgeable of evaluation data.
- School personnel knowledgeable of placement options.

*Same person may hold multiple roles.

*School based team makes final eligibility determination.

Section 504 Eligibility and the need for a Section 504 Plan are Separate Determinations

The team will answer the following questions on the *Section 504 Evaluation/Reevaluation* form located in PEER.

1. Does the student have a physical or mental impairment?
This is an educational determination only, and not a medical diagnosis for purposes of treatment. All impairments, including those that are episodic, in remission, or mitigated should be identified.

2. Does the physical or mental impairment affect one or more major life activities or bodily functions?
For an impairment that is episodic, in remission, or mitigated, this includes the activity or function affected when the disability is present or active.

3. Does the physical or mental impairment *substantially limit* a major life activity or major bodily function?
*"Substantially limits" does not mean "significantly restricted." When making this determination, the committee should **not** consider the ameliorative (helpful or positive) effects of mitigating measures (except for ordinary eyeglasses or contact lenses). Additionally, the fact that the impairment is episodic (the impact of the impairment is sometimes substantially limiting, but not always) or in remission does not preclude eligibility if the impairment would substantially limit a major life activity or major bodily function when active. For example, if the student is evaluated to determine whether symptoms of his diagnosis of ADHD gives rise to eligibility and the student is medicated (and medication is his only mitigating measure), the team must determine whether the student’s impairment substantially limits a major life activity or major bodily function) after subtracting the positive impact of the medication.*

4. Does the student need Section 504 accommodations or services in order for his or her educational needs to be met as adequately as those of nondisabled peers?

(1) If the student's needs are so extreme as to require special education and related services, the student is in need of a Section 504 accommodation plan, AND a referral to special education should be considered.

(2) If the student's impairment is in remission, or the student's needs are currently addressed by mitigating measures, the student is not in need of a Section 504 accommodation plan.

Based on the team's analysis and decisions, potential outcomes include:

- Not Eligible – The student was evaluated and is not eligible under Section 504.
- Eligible + Plan – The student is eligible under Section 504. A Section 504 plan that provides a free appropriate public education to the student will be developed. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504.
- Eligible + No Plan (In Remission) – The student is eligible under Section 504, but does not require a Section 504 plan because the impairment is in remission, and there is no current need for services. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Eligible + No Plan (Mitigating Measures) – The student is eligible under Section 504, but does not require a Section 504 plan because his or her needs are met as adequately as his or her nondisabled peers due to the positive effect of mitigating measures currently in use. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Other – The student is eligible under Prongs Two and Three. They are protected from discrimination under Section 504, even though they are not individuals with a current substantiated disability under Section 504 for which accommodations may be necessary and therefore would **not** require an accommodation plan. The student will receive the nondiscrimination and procedural safeguards protections of Section 504 as a student with a record of an impairment or regarded as impaired, but the manifestation determination and periodic reevaluation requirements no longer apply.

Parent/Guardian Involvement in Section 504 Meetings

- Parents/guardians are **required to provide written consent for initial evaluation** under Section 504. Best practice dictates that parents/guardians be invited to Section 504 meetings and participate, and substantial effort should be put forth to ensure parent/guardian participation.
- **Parental/guardian consent is not necessary for Section 504 eligibility or for the provision of a Section 504 accommodation plan.** The Section 504 team's determination that a student needs certain accommodations and related services to ensure an appropriate public education establishes the district's obligation to implement the needed accommodations and related services. If the student is eligible and in need of Section 504 services, the school district must provide notice to the parent/guardian, along with a copy of the Section 504 Parent Rights.
- **The Section 504 team, not an individual member including the parent/guardian, makes eligibility decisions.** Should the parent/guardian believe the student is eligible, despite a Section 504 team evaluation decision of ineligibility, the student is not eligible, and the team should provide the parent/guardian with the Section 504 Parent Rights.

Section 504 Initial Evaluation Procedures

Refer to the PEER Quick Start Guide for detailed steps and screenshots. If PEER is offline or unavailable, use fillable hard copies of PEER or STS/504 documents.

504 Designee or School Counselor Schedules Problem Solving Team (PST) Meeting

- a. Invite Parent by mailing or sending home one of the following forms:
 - PEER: Section 504; Add; Section 504 Committee Meeting Notice; "Other"
 - Problem Solving Intervention Team Parent Invite Form STS0080
- b. Invite necessary participants per 504 Manual, via electronic calendar invitation & be sure to include
 - i. Non-medical: School Psychologist
 - ii. Medical: School/District RN



Hold PST Meeting




- a. Team discusses student concern/impairment, Teacher and Parent input, and reviews data (academic, behavioral, medical, etc.)
- b. Document notes in Skyward under "PST Summary Notes," then print.
- c. Once 504 is decided, Parent then signs Section 504 Notice and Consent for Evaluation/Reevaluation
 - PEER: Section 504 Notice and Consent for Evaluation/Reevaluation (PEER Quick Start Guide pp. 7-8)
- d. Parent signs *Document Relating to Parental Input and Meetings (Not in PEER)* and PST Meeting Notes
- e. Provide Parent the *Section 504 Procedural Safeguards/Parent Rights (PEER Quick Start Guide p. 6)*
- f. Determine what data will be necessary for the 504 Evaluation (504 Evaluation Checklist)



Conduct Section 504 Evaluation

- a. Evaluation will then be conducted by designated personnel.
- c. Once evaluation is complete, schedule Section 504 Eligibility Meeting:
 - i. Invite Parent by mailing or sending home one of the following forms:
 - PEER: Add; Committee Meeting Notice; "Initial Evaluation for Eligibility..." (PEER Quick Start Guide p. 5) or Parent Invite Form STS0080



<p>Refer to the Hold Section 504 Eligibility and Plan Meeting, if eligible (504 Plan can be developed immediately following Eligibility or at a separate meeting.)</p> <p>a. Complete Section 504 Eligibility <i>-PEER: Section 504 Evaluation/Reevaluation (PEER Quick Start Guide pp. 9-11)</i></p>	
	
<p>If any of the first 3 questions are answered “No,” student is not eligible for Section 504 Protection or Plan. Continue to “Committee Decision.”</p> <p><i>-PEER: Select “Not Eligible”</i> <i>-Print PEER Eligibility; Team Members sign</i> <i>-Complete IO5; check “DNQ”</i></p> <p>Place all documents in the white Student Services and Exceptional Education Cumulative Record Folder Envelope.</p>	<p>If first 3 questions are answered “Yes,” and #4 is answered “No,” then student is eligible for protection under Section 504, but a Plan will not be written.</p> <p><i>-PEER: “Eligible + No Plan (In Remission) or (Mitigating Measures)”</i> <i>-Print PEER Eligibility; Team Members sign</i> <i>-Provide McKay Scholarship Letter</i> <i>-Complete IO5; check “Active.” Complete all other sections, leave “Service Consent Date” blank.</i></p>
	
<p>If all 4 questions are answered “Yes,” write a 504 Plan:</p> <p>a. Print <i>PEER Eligibility</i>; Team Members sign</p> <p>b. <i>PEER: Section 504 Plan, Create New Section 504 Plan (PEER Quick Start Guide pp. 12-14)</i></p> <p>-Describe accommodations under each area:</p> <ol style="list-style-type: none"> 1. General/Classroom Accommodations and Services. (Click “Add” to add each new accommodation) 2. Assessment Accommodations <p><i>-Describe Implementation and write Conference Notes</i> <i>-Save data, print 504 Plan; Team Members Sign</i> <i>- Provide Parent the Section 504 Procedural Safeguards/Parent Rights and McKay Scholarship Letter (Temporary Plans do not get McKay Scholarship Letter)</i></p>	
	
<p>Complete IO5 Section 504 Data Input Form</p> <p><i>-Check: “Active;” complete all other sections of IO5</i> <i>-If Transportation Accommodations are needed, complete Transportation Request (Skyward) and send to District Transportation Dept.</i></p>	<p>Distribute Copies of the 504 Plan</p> <p><i>-Download the 504 Plan from PEER, save in PDF format</i> <i>-Email to faculty and staff</i> <i>-Provide an explanation of plan to faculty and staff, as needed</i></p> <p>Create a red folder to store all documents, place in student’s cumulative file.</p>

How to Conduct a 504 Eligibility Meeting

Prior to scheduling an eligibility meeting

Be sure to have all the needed information as indicated on the evaluation checklist, as well as data related to the student's response to intervention if applicable.

Invite Parent/Guardian using the **Section 504 Committee Meeting Notice (PEER)**. Manually type in the reason as follows: "To discuss/determine if student is eligible for a Section 504 Plan."

Invite all team members using your Outlook Calendar including:

- all classroom teachers who work with student.
- a Registered Nurse (RN) must participate in any meeting involving the need for medical accommodations.
- school psychologist must participate in any meeting involving academic, attention, and/or behavior deficits.

For team members without email, send a paper copy of the invitation.

At the meeting:

- Introduce participants, including the registered nurse and/or school psychologist;
- Review the Section 504 Referral and additional information if requested previously;
- Complete the **Section 504 Evaluation/Reevaluation (PEER)** with demographics and committee member information;
- Verify the requirements;
- Document evaluation data; and
- As a team, begin answering the 4 eligibility determination questions.

There are three outcome possibilities. Depending on the answers to the four questions:

- 1) A student will be found eligible and receive an accommodation plan.
- 2) A student will be found eligible and not receive an accommodation plan due to the student's impairment being in remission or the student's needs are being met due to the positive effect of mitigating measures.
- 3) A student will not be found eligible due to lack of having an impairment, or the impairment does not impact a major life activity (MLA) or major bodily function (MBF) substantially.

If found eligible:

- All committee members sign the **Section 504 Evaluation/Reevaluation (PEER)**;
- Parent/guardian receives a copy and explanation of the **Parent Rights and McKay Scholarship** letter;
- A **Section 504 Individual Accommodation Plan** is written (PEER);
- Original forms are secured in a Red 504 folder;
- A **504 Plan (105) Data Input Form (STS0072)** is completed and submitted for input; and
- Copies of the 504 Accommodation Plan will be distributed electronically to teacher(s) (e-mail will function as receipt).

If found not eligible:

- **All committee members sign the Section 504 Evaluation/Reevaluation (PEER);**
- **Parent/guardian receives a copy and explanation of the Parent Rights;**
- **A 504 Plan (I05) Data Input Form (STS0072) is completed and submitted for input; and**
- **The original eligibility form and I05 is filed in a white Student Services envelope and placed in cumulative folder.**

Section 2

Data Input Process

How to Complete a 504 Plan (I05) Data Input Form

A **504 Plan (I05) Data Input Form** (STS0072) must be completed

- After every 504-eligibility meeting, for **both** qualifying & non-qualifying students;
- After every reevaluation/dismissal; and
- After every intake.

Complete the Demographic information at the top of the page.

For Initial Plan input:

SECTION 1: SKIP

SECTION 2:

- **Status of Eval** circle ACTIVE. Input the following dates.
- **IAP Begin Date** - The date on which the most current plan was written is reported here. The date will match the initial eligibility date.
- **Initial Eligibility** - This date is the date on which student was determined eligible under Section 504.
- **Eval Meeting Date** – This is the date on which student was determined eligible. The date will match the initial eligibility date.
- **Next IAP Date / Next Eval Review Date** – The date on which the student is to be evaluated within the next three years is written here. This date would always be 3 years following the most current plan with the exception of temporary impairments. Temporary impairments expire 6 months from eligibility date.
- **Case Manager** – The AlphaKey identification for the current 504 Designee.
- **Referral Type** circle IN.
- **Transport Accommodations in Plan** – Check if included.

Check and input appropriate dates for the following:

- **Eval Consent** – Date Notice/Consent for Evaluation under Section 504 was signed.
- **IDEA Referral** – Date Notice/Consent for Formal Individual Evaluation was signed, only if student was referred for an Exceptional Student Education program.
- **Service Consent** – Date parent/guardian signed the most current Accommodation Plan.
- **Health Care Plan** – Date of most current Health Care Plan, leave blank if none.
- **Parent Rights Given** – Date parent/guardian received an explanation and copy of Parent Rights.

List the 2-letter code for all **Impairments**. The *primary* disability for which Section 504 eligibility was determined should be coded listed first. A list of 2-letter codes has been provided in manual.

List all **Life Activities** that are affected by the student's impairment(s).

SECTION 3: SKIP

For Re-evaluation Plan input:

SECTION 1:

- **IAP End Date** - the date on which a *new* plan was written.
- **Status of Eval** changed to INACTIVE

SECTION 2:

- **Status of Eval** circle ACTIVE. Input the following dates.
- **IAP Begin Date** - The date on which the most current plan was written is reported here.
- **Initial Eligibility** - The date on which student was *originally* determined eligible under Section 504. *This date should not change when completing a re-evaluation.*
- **Eval Meeting Date** – The date on which the team met to review re-evaluation information and write the new plan.
- **Next IAP Date / Next Eval Review Date** – The date on which the student is to be evaluated within the next three years is written here. This date would always be 3 years following the *most current plan*.
- **Case Manager** – The AlphaKey identification for the *current* 504 Designee
- **Referral Type** circle RE
- **Transport Accommodations in Plan** – Check if included

Check and input appropriate dates for the following:

- **Eval Consent** – Date Notice/Consent for Evaluation under Section 504 was signed for reevaluation.
- **IDEA Referral** – Date Notice/Consent for Formal Individual Evaluation was signed, only if student was referred for an Exceptional Student Education program.
- **Service Consent** – Date parent/guardian signs the *most current* Accommodation Plan.
- **Health Care Plan** – Date of *most current* Health Care Plan, leave blank if ~~none~~
- **Parent Rights Given** – Date parent/guardian received an explanation and copy of Parent Rights for reevaluation.

List the 2-letter code for all **Impairments**. The *primary* disability for which Section 504 eligibility was determined should be coded listed first. A list of 2-letter codes has been provided in manual.

List all **Life Activities** that are affected by the student's impairment(s).

SECTION 3: SKIP

NOTE: Impairments and Life Activities should be the same as documented in the initial plan unless additional information was provided.

For Dismissal input:

SECTION 1: SKIP

SECTION 2: SKIP

SECTION 3:

- ❑ Check that the student is no longer Section 504.
- **Dismissal Date** – The date on which the student no longer received Accommodations under Section 504.
- **Status of Eval** circle INACTIVE.
- **IAP End Date** – This date should be the same as the dismissal date.

For Ineligibility input:

SECTION 1: SKIP

SECTION 2: - Only complete the following fields.

- **Status of Eval** circle DNQ. Input the following dates.
- **Eval Meeting Date** – This is the date on which student was determined ineligible.
- **Case Manager** – The AlphaKey identification for the *current* 504 Designee
- **Referral Type** – circle IN
- **Eval Consent** – Date Notice/Consent for Evaluation under Section 504 was signed.
- **Parent Rights Given** – Date parent/guardian received an explanation and copy of Parent Rights.

SECTION 3: SKIP

The completed 504 Plan (I05) Data Input form must then be submitted to the school’s data specialist for input into the Student Information System.

504 Primary Disability Codes

Type Code Description

AF	Allergy – Food
AI	Allergy – Insect Bite
AO	Allergy - Other
AS	Asthma
AD	Attention Deficit
AU	Autism Spectrum
CN	Cancer
CP	Cerebral Palsy
CF	Cystic Fibrosis
DB	Diabetes
EP	Epilepsy
HD	Heart Disease
HM	Hemophilia
LE	Leukemia
MD	Muscular Dystrophy
MO	Mood Disorder
RA	Rheumatoid Arthritis
SC	Scoliosis
SE	Seizure
SK	Sickle Cell
TI	Temporary Impairment
TS	Tourette’s Syndrome
UC	Urological Condition
OR	Other

Section 3

504 Plan Development

Developing and Implementing a Section 504 Plan

Best practice suggests that an accommodation plan should address the educational impact of the identified disability or disabilities and the necessary accommodations and services necessary to facilitate access to education and other school activities in the least restrictive environment. The Florida Department of Education District Implementation Guide for Section 504 (2011) provides the following guidelines:

- To assure information is available from the family, parents/guardians should be invited and encouraged to assist in developing the plan.
- Services and accommodations must be based on information and data used in the evaluation and eligibility determination process.
- Services and accommodations must address the student's identified disability to provide equal opportunity/access to activities available to the student's nondisabled peers.
- The plan should indicate how, where, and by whom the services and accommodations will be provided.
- The plan may include self-management of health conditions in the school setting or school-sponsored activities.
- The plan may include services and accommodations for the school building, classroom, or transportation; administrative adjustments; academic and instructional accommodations; and/or behavioral intervention and testing accommodations.
- Indicate whether the plan is an initial plan, a revised plan, or a continuation of an existing plan.
- Develop a monitoring system and assign responsibilities for implementation.
- Distribute paper copies of the plan to parents/guardians and electronic copies to teachers and other appropriate responsible individuals. Make sure a copy of the plan is placed in the student's records.

In general, a student identified as having a disability under Section 504 should be provided the same types of accommodations for both classroom assignments and assessments. If a student needs additional time to complete assignments and tests, the student should also be allowed extended time for classroom tests and standardized tests.

Accommodations must be based on student need as determined by the evaluation. Choose only those accommodations that are needed. Attempt to select low-level accommodations before moving to more supportive or high-level accommodations. If high-level accommodations are necessary, choose them with the goal of slowly removing them whenever possible. The objective should always be to provide support while encouraging growth with these strategies to foster independence and self-advocacy.

Accommodations for testing situations, both classroom and standardized assessments, such as the Florida Standards Assessment Test (FSA), or end of course assessments (EOC), must be addressed when developing the accommodation plan and the testing accommodations specified in the written plan. Accommodations used with standardized tests must be consistent with what is specified in the test administration manual. Students with a Section 504 Accommodation Plan are not eligible for an FSA waiver for the purpose of meeting high school graduation requirements.

The Florida Department of Education District Implementation Guide for Section 504 indicates that Section 504 plans are NOT written for the sole purpose of providing accommodations on standardized testing.

Common Errors in Development/Implementation of a Section 504 Plan

The Florida Department of Education District Implementation Guide for Section 504 (2011) provides a list of common errors in Section 504 plan development and implementation:

- Using a predetermined checklist and checking accommodations or services that are not necessary;
- Failing to match services and accommodations with student needs;
- Failing to provide copies and an explanation of the Section 504 plan to everyone responsible for implementation;
- Failing to conduct timely evaluations;
- Writing vague plans;
- Providing minimal or no monitoring of the implementation of the plan; and
- Failing to get school administration involved with monitoring of implementation.

Non-public school placement by Parent/Guardian

If a school district makes available to a student a free appropriate education that conforms to the requirements of Section 504, but the parent/guardian chooses to place the child elsewhere, the district is not responsible for any costs the parent/guardian incurs in placing the student elsewhere. See 34 CFR § 104.33(c)(4).

A student with a recognized disability who is **eligible** for accommodations under Section 504 is eligible for the **McKay Scholarship Program**. To participate in this scholarship program, the student must meet the eligibility criteria described in Section 1002.39, F.S.

The School District is required to provide a notice to parents/guardians **within 10 days** of the development of a Section 504 plan, alerting them of the option of accessing the McKay Scholarship.

The School District is also required to provide an annual notice to parents/guardians by April 1 of each year informing them of their school choice options.

Students eligible for a temporary Section 504 plan in duration for six months or less are not eligible

for the McKay Scholarship.

A copy of the McKay Scholarship notification letter must be provided to parent/guardian when a student is initially found eligible for a Section 504 plan and every time the plan is revised or continued. This letter can be found in the Appendices of this manual.

How to Complete a 504 Accommodation Plan

Once a student has been found eligible for a Section 504 accommodation plan, a plan must be written.

*Steps from PEER Quick Start Guide:

1. The PEER Section 504 Plan comprises multiple screens. Enter a response for each prompt, click Save Data, click Next at the bottom of the screen.
2. Select Section 504 Plan. Click Next to navigate to the Meeting Participants Screen.
3. Complete the Meeting Participants, click Save Data, then click Next to navigate to the Student/Plan Information screen.
4. Enter the meeting date.
5. Indicate the purpose for the meeting. Check all that apply.
6. Identify the physical or mental impairment(s) that substantially limits one or more of the student's major life activities or bodily functions. If this is a temporary Section 504 plan (i.e., the impairment is transitory with an anticipated duration of six (6) months or less), briefly describe the circumstances.
7. Identify the major life activity or bodily function that is substantially limited by the impairment. Check all that apply. Click Save Data, then click Next to navigate to the General/Classroom Accommodations and Services screen.
8. General Accommodations and Services: Click +Add. You will be presented with a pop-up screen with three prompts.
 - a. **Identified Need/Area of Concern:** Briefly describe the identified need or area of concern to be addressed by this accommodation or service (e.g., Difficulty staying on-task).
 - b. **Accommodation/Service:** Briefly describe the accommodation or service that will be provided. Include sufficient detail to ensure that it is clear to all involved (e.g., Teacher will seat the student in a low-distraction work area near the source of instruction).
 - c. **Person(s) Responsible:** Identify the individual(s) responsible for implementing the accommodation or service (e.g., All classroom teachers).

9. Click Save to retain the entry and close the pop-up. As accommodations or services are entered, they are presented on the main screen in a table.
10. Assessment accommodations are sorted into four categories – Presentation, Response, Scheduling, and Setting. Other Assistive Technology or Device is provided to capture assistive technology or devices the student needs to participate in the assessment system that are not captured in one of the four main categories.
11. Click on the category title to display an expanded list of accommodations for that category. If the student does not need an assessment accommodation, check the box indicating this.
12. Click Save Data, then click Next to navigate to the Implementation screen.
13. Describe how teachers and other staff will be informed of their specific responsibilities related to implementing this Section 504 plan: Examples include:
 - a. A copy of the student’s Section 504 plan is provided at the start of the year to each staff member responsible for implementing it.
 - b. A designated staff member (e.g., Section 504 coordinator; school counselor) provides each teacher with a list of their students who have plans, instructions for accessing them (e.g., online through PEER; cumulative folder), and a signature or initialing process to document that they have read and understand their roles.
14. Click Save Data, then click Next to navigate to the Conference Notes screen.
15. Conference notes are optional. Save Data if conference notes were entered, then click Next to navigate to the Finalize screen.
16. When the plan is finalized, you will be directed to the Section 504 Plan Dashboard. The current status of the plan will show as “Locked.”
17. Print plan and ask all Meeting Participants to sign. Provide parent/guardian a copy of the 504 Parent Rights.

Secure all original forms, including the **504 Plan (I05) Data Input Form**, in a RED file folder and place in cumulative record.

Distribution of 504 Accommodation Plan

At the beginning of each semester (if student changes courses), when a plan is updated, or as a student is newly identified as 504 eligible, the plan must be distributed electronically to all faculty and staff who work with the student within two (2) working days of the course change. Additional staff may include cafeteria staff, health paraprofessionals, interventionists, deans, instructional coaches, administration, and/or bus drivers as appropriate.

To print 504 Plan from PEER:

1. From the PEER Student Dashboard, select Section 504.
2. Select Section 504 Plan.
3. Select View PDF.
4. When pop-up window appears, select Open with Adobe Acrobat Reader.
5. Save plan by selecting Save-as and rename (i.e. "J. Sample 504 Plan 10.31.18")
6. Email to all necessary teachers and staff by attaching the 504 Plan to a new email message. (Attach copy of Health Care Plan if applicable in 504 Plan.) Provide an explanation of implementation and/or opportunity to review in-person.
7. Print read receipts as documentation of distribution of plan and place in Red 504 folder. (If faculty or staff have not read email within 2 days, send reminder and/or provide hard copy with hand signature as receipt).

Teachers who have students with a Section 504 plan also need to print a copy of the plan and place in the designated folder for the substitute teacher on the occasions when the assigned teacher is not present.

Compliance with the plan is not an option. All staff who have an identified 504 student must adhere to implementing all accommodations noted in plan. Failure to comply could result in grievances made to and/or sanctions from the Office of Civil Rights. Be sure to communicate with administration regarding 504 Plans, according to school-based preferences (i.e.: send plan copies to administrators, provide them with 504 Data Mining Reports from Skyward, discuss any special circumstances on case-by-case basis, etc.).

Section 4

Legal Considerations

Notice of Rights for Disabled Students and their Parents Under §504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District’s §504 Office and they will assist you in understanding your rights.
2. Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
3. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will

appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, and mitigating measures, among others. [34 CFR 104.35].

8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].

9. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].

10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]

11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504). [34 CFR 104.36].

12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.

13. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at:

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).

15. You also have a right to present a grievance or complaint to the District's §504 Coordinator (or designee), who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.

16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is:

Director, Office for Civil Rights
61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-8927, Tel. 404-974-9406

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The person responsible for assuring that the School District is in compliance with Section 504 is the Director of Student Services, (772) 429-4521.

Section 504 Complaint Process

Any student or parent/guardian who believes that a District school or department has violated Section 504 or its administrative regulations, may seek correction of the alleged violation by taking one or more of the following actions:

1. File a Section 504 Complaint with the School Board:

- a. A Section 504 complaint may be initiated with respect to actions regarding the identification, evaluation, or educational placement of students with a disability by mailing or delivering to the School Board administrator designated as the Section 504 Compliance Officer (Director of Student Services) a written statement describing the alleged violation in specific terms, including the incident or activity involved, the individuals, and the dates, times, and locations of the incident or activity within one hundred eighty (180) days of the alleged incident. For complaints that do not pertain to the identification, evaluation, or educational placement of a student with a disability, the District shall follow the procedure in School Board Policy 5.71, Equity Grievance Procedures for Students. For complaints of harassment based on disability, the District shall follow the procedures in School Board Policy 3.43, Bullying and Harassment. For Section 504 complaints relating to the identification, evaluation, or educational placement of a student with a disability, the District shall proceed according to the following procedure:
 - i. Within ten (10) days of the filing of the complaint, the Section 504 Compliance Officer shall meet with the complainant to discuss the complaint.
 - ii. If the complaint has not been resolved within five (5) working days of the initial meeting between the complainant and the Section 504 Compliance Officer, the Section 504 Compliance Officer shall make such investigation as is necessary to determine the complete facts involved. The Section 504 Compliance Officer shall report to the Superintendent of Schools all findings and recommendations for resolution of the matter within forty-five (45) days of receipt of the complaint.
 - iii. The Superintendent shall make a decision based on the record and shall notify the complainant in writing of the decision and the basis for the decision within fifteen (15) days of receipt of the Section 504 Compliance Officer's report.
 - iv. If the complainant is not satisfied with the Superintendent's decision, the complainant may request mediation or an impartial due process hearing by sending a letter to the Section 504 Compliance Officer within ten (10) days of receipt of the Superintendent's decision.
- b. If requested by the complainant, mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques (the Florida Department of Education maintains a list of qualified mediators) or such other

mediator to whom the parties agree. Mediation shall be concluded within sixty (60) days of complainant's request unless otherwise agreed by the parties. If mediation terminates without settlement of the dispute, the complainant may request an impartial due process hearing by sending a letter to the Section 504 Compliance Officer within ten (10) days of termination of mediation.

- c. If requested by the complainant, an impartial hearing will be conducted. The hearing will be before an impartial Hearing Officer who is appointed by (but is not employed by or otherwise affiliated with) the School Board. The Hearing Officer will have adequate training or experience relating to the requirements of Section 504. The District shall give the complainant notice of the time, date, and place of the hearing at least 21 calendar days in advance of the hearing. At the hearing, both the complainant and the school or department have the right to be represented by legal counsel, to have witnesses appear on their behalf, to present written evidence, and to cross-examine the other party's witnesses. After receiving all testimony and evidence, the Hearing Officer will prepare a Final Order, based solely on the evidence presented at the hearing, which will include a summary of the evidence and the reasons for the decision in substantially the form contained in Section 9 of this Manual. The Hearing Officer's Final Order is a final action subject to appeal by either party to a court of competent jurisdiction.

2. **To file a Section 504 Complaint with the Office for Civil Rights:** A letter may be sent to:

**The United States Department of Education
Office for Civil Rights, Region IV
61 Forsyth Street, S.W. Suite 19T10
Atlanta, GA 30303
Office: (404)-974-9406
Facsimile: (404) 974-9471
[Email: OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)**

You may also file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

The letter should contain as much detail and information as known regarding the incident or activity that is the basis of the complaint and it must be filed within 180 calendar days of the alleged violation.

Section 5

Transfer Students

Transfer Procedures

OCR has stated that when a student with a disability transfers to a district from another school district with a Section 504 plan, a team consisting of the Section 504 designee and appropriate team members at the receiving school must review the plan and supporting documentation. If the team at the receiving school determines that the plan is appropriate, the district is required to implement the plan. If the team determines that the plan is inappropriate, the school must evaluate the student and determine an appropriate plan. There is no rule prohibiting the receiving school district from honoring the sending district's plan during the interim period.

- The school counselor will verify a 504 Plan by requesting a fax, electronic version, or paper copy of the student's current plan from their former school.
- The school counselor will speak with the student's parent/guardian and any other relevant personnel to gather information regarding implementing the plan.
- Determine if accommodations from the former school are adequate to meet the needs of the student in St. Lucie County. If so, the team will answer the questions on the *Section 504 Evaluation/Reevaluation* form (in PEER) based on the data presented and make a continuation decision. The 504 designee will select "Other" and write "504 Transfer." Once the *Section 504 Evaluation/Reevaluation* form is complete, the 504 designee will initiate the *Section 504 Student Plan* (in PEER). A copy of the Parent Rights and McKay Scholarship Letter should be given to parent/guardian. The 504 designee will complete an I05 with the date of the most recent meeting/plan and give to the data specialist. Distribute plan to appropriate staff members. Follow distribution procedures in Section 3.
- If the accommodation plan is not adequate to meet the student's needs in the current school a reevaluation meeting will be scheduled. The student will continue to receive protections until the reevaluation meeting is held, within 30 days. Follow reevaluation procedures in Section 6.
- If a plan was **NOT** received, a reevaluation must be conducted. The student will remain eligible with no accommodation plan until a reevaluation is completed. Follow reevaluation procedures in Section 6.

Secure all forms, including the 504 Plan, (I05) Data Input Form, any other forms/data received from former school, and any new data/information in a **RED** file folder and place in cumulative record.

Section 6

Reevaluation & Dismissal Procedures

The 504 Reevaluation Process

A student's needs can change frequently throughout the course of his/her education. The reevaluation requirement under Section 504 exists to assess those evolving needs.

A student is reevaluated at least **once every three years**, or if a request is made by the student's parent/guardian or teachers, or if other conditions warrant reevaluation (may be a more frequent reevaluation).

Triggers for reevaluation:

- When a student transfers to a new school and his/her environment changes.
- When a student's behavior or grades shift dramatically.
- When a Manifestation Determination Meeting is held.
- When a Section 504 team reviews a student's plan because he/she has improved so much he/she may no longer require services.

The **Due Date** of the reevaluation is by the third-year anniversary date of the most recent 504 plan. For subsequent reevaluations, the process must be completed by the third-year anniversary date of the most recent plan.

The school 504 designee must be aware of the reevaluation due dates for his/her students. Skyward provides this information:

- To view a list of current 504 students in Skyward, use the following path after ensuring you are in your entity: Student Services>Section 504 – Entry by Student
- To print a report, use the following path: Students>Data Mining; Filters: 504 Reports; Choose report you wish to run.

The reevaluation date is recorded as the Next IAP Review Date.

NOTE: The report should be viewed at least once each nine weeks.

Reevaluation is the process of gathering and reviewing information to determine:

- If a student continues to have a disability
- The present levels of performance and educational needs of the student
- Whether the student continues to need 504 accommodations
- Whether any additions or modifications to the accommodation plan are needed to participate in the general curriculum

Who Should Attend?

- Parents/guardians are **not** required but **must** be invited.
- Parents/guardians may bring any additional person to the meeting to provide input.
- School personnel knowledgeable of student.
- School personnel knowledgeable of evaluation data. (**School psychologist is not required but may be consulted**).
- School personnel knowledgeable of placement options.
- The student, if appropriate. Beginning at age 14, the student must be invited to the transition 504 meetings.

*Same person may hold multiple roles.

*School based team makes final eligibility determination.

The PST reviews the instruction and interventions that are being provided to the student, as well as all existing data on the student, including information provided by the student's parents/guardians, current classroom-based assessments, progress monitoring, and observations by teachers and related service providers.

If the team determines additional data is needed to make a continuation decision, the *Notice and Consent for Section 504 Evaluation/Reevaluation* form (in PEER) must be signed by parent/guardian. (Follow the same steps for initial evaluation procedures, see flowchart in Section 1).

A parent/guardian may not give verbal consent for a reevaluation. There must be documented attempts to obtain the parent's/guardian's consent. If the parent/guardian responds and indicates refusal to provide consent, the District may consider requesting mediation or a due process hearing. If the parent/guardian refuses permission for reevaluation the following procedures will be implemented:

1. Inform the Student Services Director of parent/guardian refusal of consent.
2. Conference with the parent/guardian to explain the benefits of the reevaluation and to address his/her concerns as to why he/she is refusing consent for reevaluation.

If the team determines no additional data is needed, the team will answer the questions on the *Section 504 Evaluation/Reevaluation* form (in PEER) based on the data presented and make a continuation decision.

Eligibility Determination: There are four outcome possibilities. Depending on the answers to the four questions:

- Eligible + Plan – The student continues to be eligible under Section 504. The current plan will be reviewed and updated as appropriate. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504.
- Eligible + No Plan (In Remission) – The student continues to be eligible under Section 504 but does not require a Section 504 plan because the impairment is in remission, and there is no current need for services. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Eligible + No Plan (Mitigating Measures) – The student continues to be eligible under Section 504 but does not require a Section 504 plan because his or her needs are met as adequately as his or her nondisabled peers due to the positive effect of mitigating measures currently in use. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Dismissal – The student is no longer eligible under Section 504 and is exited from the program. The student will now receive regular education without Section 504 services. The student will receive the nondiscrimination and procedural safeguards protections of Section 504 as a

student with a record of an impairment, but the manifestation and periodic reevaluation requirements no longer apply.

If a student continues to need services, the current plan will be reviewed and updated as appropriate in PEER. In addition, complete and submit a **Section 504 (I05) Data Input Form** (STS 0072) to your data specialist. Secure all updated original paperwork in the red file folder for placement in the cumulative folder.

The 504 Dismissal Process

Just as a student can be dismissed from special education, so too can he/she be dismissed from Section 504 services. Dismissal is the process that is a result of a reevaluation review.

Dismissal may occur as a result of district implementation of one of three processes:

1. A student may qualify for Exceptional Student Education (ESE) services; therefore, the Section 504 Plan would be dismissed at the eligibility staffing.
2. A student may have a temporary impairment (i.e. broken arm), which when healed would need to be dismissed, not to exceed 6 months.
3. After a reevaluation, the student is no longer eligible under Section 504 and is exited from the program.

Parental/guardian consent is **NOT** required for dismissal. A dismissal should not occur based **solely** on the parent/guardian request, student non-attendance, or mastery of short term curriculum objectives.

Intervention Alternatives:

When a student is reevaluated and recommended for dismissal from Section 504, it is important to offer alternatives to parents/guardians. The team may ease parents'/guardians' concerns by coming up with an intervention plan and agreeing to evaluate the student's progress in six to eight weeks. Ask parents/guardians to monitor the student's success during this period by checking grades and homework.

Section 7

District Disciplinary Procedures for Students Qualified under Section 504

Change in Placement

When the exclusion through out-of-school suspension of a student with a disability that is permanent, for an indefinite period of time, or more than 10 consecutive school days, OCR generally considers the exclusion to be a significant change in placement. The Florida Department of Education District Implementation Guide for Section 504 (2011) indicates that a series of out-of-school suspensions within a school year that exceeds 10 cumulative days may create a pattern of exclusions that OCR would consider to constitute a significant change in placement. An in-school suspension may constitute a significant change in placement if it results in the interruption in the services or educational program that the district must provide to the student with a disability under Section 504. The critical question is whether the student in in-school suspension is denied educational services during the period of suspension or denied accommodations, aids, or related services as specified in the student's Section 504 plan during the in-school suspension time.

Manifestation Determination for Section 504

A student with disabilities may not be suspended for more than ten days without a manifestation determination meeting. The determination regarding whether the misconduct was caused by the disability is made by the Section 504 team. Technically, a manifestation determination is a reevaluation, however the *Section 504 Evaluation/Reevaluation* form will not be used in this instance. The evaluation data reviewed should be documented on the *Manifestation Determination for Students Eligible for Accommodations under Section 504* form (STS0091) and should include recent evaluation data that provides an understanding of the student's current behavior.

It is recommended, if a student is approaching 10 days of suspension in a short period of time, that the Section 504 team meet to review the current accommodation plan and update it appropriately. If student fails to demonstrate significant improvement with an appropriate plan implemented with fidelity, the possibility of initiating an evaluation under IDEA should be considered.

Drug and Alcohol Offenses

- For a student with a disability who is **currently engaged** in the illegal use of drugs or alcohol, a school district may take any disciplinary measure pertaining to the use or possession of illegal drugs or use of alcohol as is taken for students without disabilities. A manifestation determination procedure is not required.
- For a student with a disability who is **not currently engaged** in the illegal use of drugs or alcohol but commits a drug/alcohol offense, such as possession, sale or distribution of alcohol or drugs, is afforded Section 504 and ADA protection, including the right to a manifestation determination hearing to determine whether the behavior is related to the disability.

Weapons and Serious Bodily Injury Offenses

School personnel are authorized to take disciplinary action if the student carries or possesses a weapon or has inflicted serious bodily injury upon another person while at school, on school premises, or at a

school function under the jurisdiction of a state or LEA. The language in the ban concerning weapons remains as it has been since 1997.

In the above two cases, students can be removed immediately for up to 45 school days without regard to the direct connection between disability and behavior, but the manifestation process must still take place. If the behavior is determined to be a manifestation of the disability, the 504 team will need to conduct a functional behavioral assessment and develop a behavior intervention plan (BIP). If it is determined that the behavior is not a direct result of the disability, the student is subject to the same consequences as would be applied to a student without a disability and removal can exceed 45 school days as long as the term is consistent with that applied to a nondisabled student committing the same infraction.

Transportation

According to OCR, bus suspensions are not counted as suspension days when they do not prohibit attendance at school and when bus transportation is not covered by the student's Section 504 Accommodation Plan. However, school districts should consider whether behavior on a school bus is similar to behavior in the classroom and needs to be addressed in the Section 504 Accommodation Plan.

Discipline

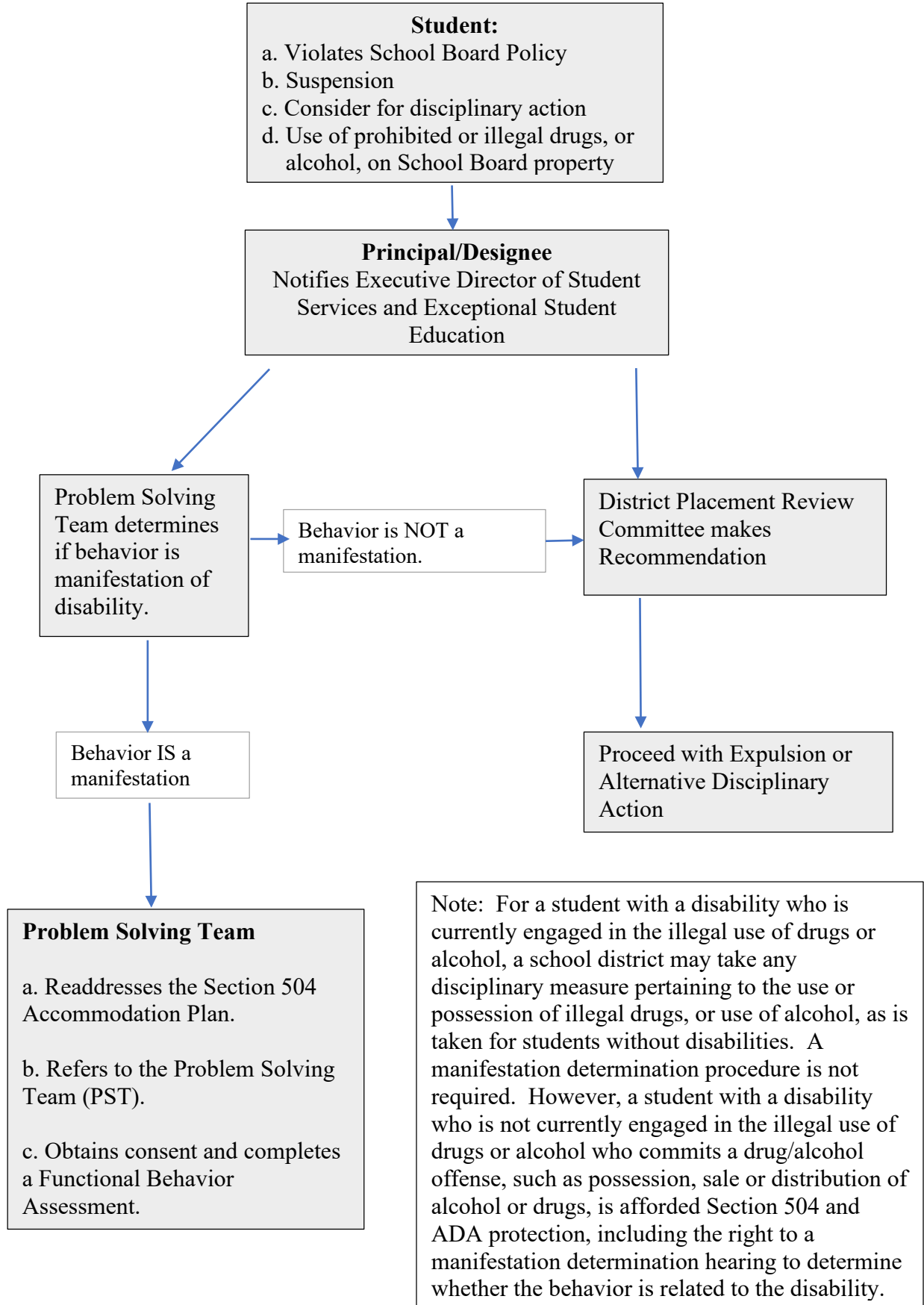
The District assures that the policies and procedures for discipline of 504-eligible students with disabilities is in compliance with Rule 6A-6.0331 (6).

- Suspension: Students with disabilities may be suspended for up to 10 days in a school year with no provision of services. Beyond 10 days, procedures must be followed to determine if additional days constitute a change of placement (see Expulsion). If it is determined that additional days do not constitute a change of placement, the principal and the 504 team may develop a plan for the provision of services to the student.
- Expulsion: Expulsion of a qualified 504 student constitutes a change in educational placement. For this reason, the following procedures shall be followed:
 1. The Principal/Designee shall contact the Assistant Superintendent of Student Services and Exceptional Student Education or designee of his/her intention to recommend expulsion of a qualified 504 student.
 2. School personnel shall prepare an information packet that includes all pertinent material relative to the student's academic performance, discipline record and a summarization of offense(s). This packet will be available to the school designee for the meeting and should consist of:
 - a) Description of offense and discipline referral;
 - b) Discipline history/anecdotal, if available;
 - c) Student's Section 504 Individual Accommodation Plan;
 - d) Functional Behavior Assessment, if available;
 - e) Behavior Intervention Plan, if available;
 - f) Evaluation/diagnostic results; and
 - g) Other relevant information as required

3. The 504 designee will coordinate a Manifestation Determination meeting with the parent/guardian and appropriate school personnel. The student may also be included, when appropriate.
4. At the meeting the committee shall review the student's accommodation plan and program and determine if the misconduct is a manifestation of the student's disability. The committee shall also determine if the current plan is adequate and appropriate and if the school's failure to provide aids and services or strategies identified in the student's plan directly resulted in the behavior. If there is a disruption to the education of others the student may be assigned to alternative education by the District Placement Review Committee.
5. If the student's behavior is ***not*** a manifestation of the student's disability as determined by the 504 Committee, then the regular procedures relating to disciplinary action will be allowed.
6. If the student's behavior ***is*** a manifestation of the student's disability, as determined by the 504 Committee, then the student will not be scheduled to appear at an Expulsion Hearing with the District Hearing Officer. In this case, other recommendations as described above in #4 shall occur.

NOTE: The Office for Civil Rights (OCR) has ruled that student with disabilities may be disciplined for the use of prohibited or illegal drugs or alcohol to the same extent as non-disabled students, as long as the District can demonstrate that the student is currently abusing such substances.

**DISCIPLINARY ACTION FOR STUDENTS QUALIFIED
UNDER SECTION 504**



Section 8

Related Services

Related Services

A student may receive related aids and services under Section 504 if such services are necessary to provide a free appropriate education. Under Section 504, FAPE includes any related aids and services designed to meet the individual student's needs to the same extent as the needs of students without disabilities are met. See 34 CFR § 104.33. The Section 504 team under the direction of the Section 504 designee, are responsible for determining the need for related services at the time that accommodations are determined subsequent to an eligibility decision being made. Needed related services must be documented on the Section 504 Accommodation Plan.

Related services are not explicitly defined in Section 504; however, technical assistance from the OCR indicates that related services refer to developmental, corrective, and other supportive services, including psychological, counseling, and medical diagnostic services and transportation.

If a student's disability is severe enough to require related services, the Section 504 team should review all available data and decide if more data are needed to determine if the student meets eligibility criteria for a disability category under IDEA

Service Animal Guidelines

Please refer to School Board Policy 3.703 Student Service Animal Guidelines, for the Board's policy on the use of student service animals, which may be found on the District's website at:

<https://go.boarddocs.com/fl/stlucie/Board.nsf/Public?open&id=policies#>

Section 9

Transition To Post-Secondary

Post-School Planning for 504 Qualified Students

Although there are no specific or regulated transition planning requirements for students who are 504 Qualified, it is essential to remember that all students benefit from organized planning for life's transitions. Students who are 504 Qualified and not IDEA eligible may need assistance in the following areas:

- Post High School Instruction or Career Planning
- Employment
- Community Access or Experience
- Post School Adult Living
- Agency Linkages

IDEA 2004 creates a new requirement for schools that helps students with an IEP to make a smoother transition to post-school employment or education.

Schools must now provide a "Summary of Performance" to students whose special education eligibility is terminating due to either graduation from secondary school with a regular diploma, or to exceeding the age for services in their state. This summary must include information on the student's academic achievement and functional performance and include recommendations on how to assist the student in meeting postsecondary goals. Congress intended for this summary to provide specific, meaningful, and understandable information to the student, the student's family, and any agency, including postsecondary schools, which may provide services to the student upon transition.

While schools are not required to conduct any new assessments or evaluations in order to provide the summary, students and their parents/guardians should expect that the information provided in the summary is adequate to satisfy the disability documentation required under other federal laws, such as the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

While a student's Summary of Performance is not part of the transition planning process, 504 teams should discuss it prior to termination of 504 services to ensure that the information provided in the summary will, in fact, sufficiently satisfy any requirements connected with the student's post-school goals.

Legal protections afforded by the 504 Plan change after the student graduates from high school. Two important pieces of federal legislation, Section 504 (of the Rehabilitation Act of 1973) and the Americans with Disabilities Act of 1990 (ADA) protect the education and employment rights of people with disabilities. Provisions of the ADA include extending the concepts of Section 504 to all activities of state and local governments, including education and employment. Under Section 504, students must meet the essential qualifications for admission to post-secondary education programs and compete for openings with non-disabled students. However, many schools have adopted special admission policies in regard to otherwise qualified students with disabilities. (Note: Although ADHD is not mentioned in the federal laws, there is some legal precedent for affording people with ADHD protection under both Section 504 and ADA (Latham, 1997).

Section 10

PEER Quick-Start Guide to Section 504

PORTAL TO EXCEPTIONAL EDUCATION RESOURCES

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

PEER Quick-Start Guide: Section 504 of the Rehabilitation Act of 1973



PEER Quick-Start Guide: Section 504 of the Rehabilitation Act of 1973

Table of Contents

Overview1

I. Accessing and Completing Documents2

II. Section 504 Meeting Notice.....5

III. Section 504 Notice and Consent for Evaluation.....7

IV. Section 504 Initial Evaluation/Reevaluation.....9

V. Section 504 Plan/Annual Review/As-Needed Reevaluation 13

PEER Quick Start Guide: Section 504

Overview

Authority

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights statute prohibiting discrimination against individuals with disabilities. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR). School districts in Florida are required to identify a Section 504 coordinator and establish district policies and procedures to implement Section 504.

Notice and Consent under Section 504

In accordance with Section 504 and the implementing regulations at 34 CFR §104.36, a school district must establish and implement a system of procedural safeguards that includes providing parents with notice when the district proposes or refuses actions related to the identification, evaluation, or educational placement of students who, because of a disability, need or are believed to need special instruction or related services. The regulations don't prescribe specific content for notice required under Section 504, but state that compliance with the requirements of the Individuals with Disabilities Education Act (IDEA) is one way of meeting this obligation.

Although the law does not directly state that parental consent must be obtained before a student can be evaluated, OCR has interpreted Section 504 to require districts to obtain parental consent for initial evaluation. While Section 504 itself is silent on the form of parental consent required, guidance from OCR supports, and most school districts require, that parental consent be in writing.

Parental consent is not necessary for Section 504 eligibility or for the provision of a Section 504 accommodation plan. The Section 504 committee's determination that a student needs certain accommodations and supports to ensure nondiscrimination and an appropriate public education establishes the district's obligation to implement them. However, if the student is eligible and in need of 504 services, the school district must provide notice to the parents along with a copy of their rights under Section 504.

Annual Reviews and Reevaluation

Unlike IDEA, Section 504 does not specifically require Section 504 plans to be reviewed annually. That said, an annual review is recommended as school staff, subject matter, and school demands change annually. Similarly, Section 504 does not explicitly state that reevaluation must occur at least once every three years. Instead, it refers to "periodic reevaluation of students and states that a process consistent with IDEA is one means of meeting the requirement.

Unlike IDEA, Section 504 also requires reevaluation "prior to a significant change of placement." OCR considers removal from the student's educational program for more than ten consecutive school days, transferring a student from one type of program to another, or a significant change in the accommodations or services provided through the Section 504 plan situations requiring reevaluation through review of data.

Following the procedures outlined in the FLDOE's *District Implementation Guide for Section 504 (2011)*¹, PEER provides for both a more formal triennial reevaluation process and implementation of less formal "as-needed" reevaluation as part of the annual review process. Refer to your district's Section 504 policies and procedures to ensure compliance with established local requirements.

Section 504 in PEER

The Section 504 procedures in PEER are based on those in FLDOE's *District Implementation Guide for Section 504*. Specifically, they include:

- Section 504 Meeting Notice
- Section 504 Initial Evaluation/Reevaluation
- Initial Section 504 Plan
- Section 504 Annual Review/As-Needed Reevaluation

¹ <http://www.fl DOE.org/core/fileparse.php/7690/urlit/0070057-sect504.pdf>

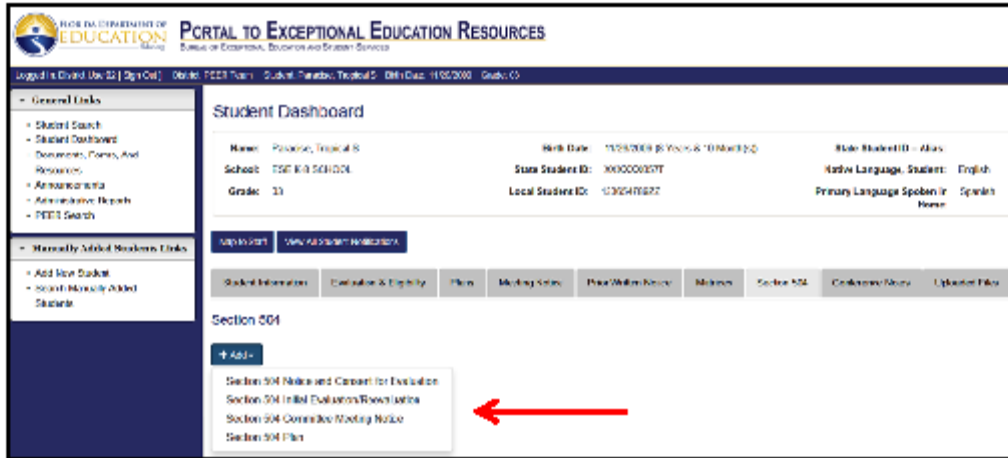
I. Accessing and Completing Documents

Section 504 Processes

All Section 504 processes and documents are accessed from the Student Dashboard.

Click the Section 504 tab. Section 504 documents that have been completed or are in process will be presented. Before beginning a new process, verify that an open document does not already exist. Open documents are identified by gold shading.

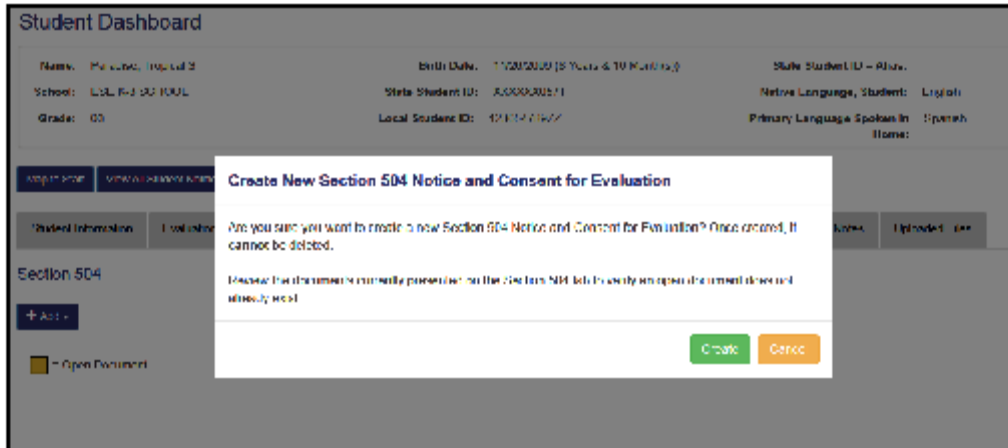
Click +Add and select from the available options in the dropdown list to create a document.



The screenshot shows the 'PORTAL TO EXCEPTIONAL EDUCATION RESOURCES' interface. The user is logged in as David, Mr. [2] [2] [2]. The page title is 'Student Dashboard'. The student's information is displayed: Name: Ricardo, Tropical B; Birth Date: 11/24/2009 (8 Years & 10 Months); State Student ID: 3000000207; Local Student ID: 1232478922; Native Language, Student: English; Primary Language Spoken in Home: Spanish. The 'Section 504' tab is selected. A dropdown menu is open under the '+ Add +' button, listing: Section 504 Notice and Consent for Evaluation, Section 504 Initial Evaluation/Reevaluation, Section 504 Committee Meeting Notice, and Section 504 Plan. A red arrow points to the first option.

Verify Intent to Create a Document


Once created in PEER, documents cannot be deleted. When you select Section 504 Notice and Consent for Evaluation, Section 504 Initial Evaluation/Reevaluation, or Section 504 Plan, you are presented with a pop-up prompt verifying your intent to create a document. Select Create to proceed or Cancel to return to the Student Dashboard.



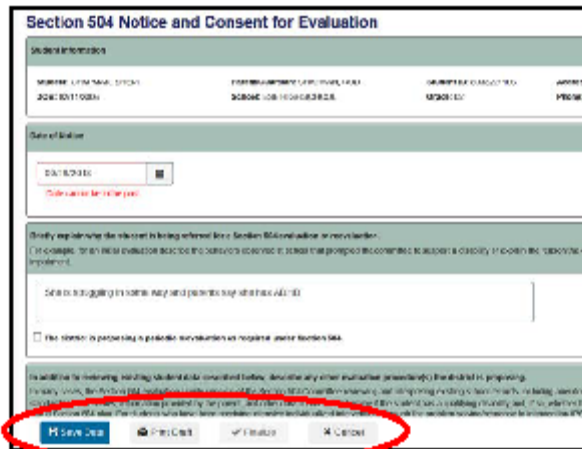
The screenshot shows the same Student Dashboard as above, but with a confirmation dialog box open. The dialog title is 'Create New Section 504 Notice and Consent for Evaluation'. The text inside asks: 'Are you sure you want to create a new Section 504 Notice and Consent for Evaluation? Once created, it cannot be deleted.' Below this, it says: 'Review the documents currently presented on the Section 504 tab to verify an open document does not already exist.' At the bottom of the dialog are two buttons: 'Create' (green) and 'Cancel' (orange).

Prompts and Responses

A response is required for each prompt. When applicable, items expand when checked to present sub-items or descriptive textboxes. Instructions on the screen indicate when a sub-item or textbox is required. Whenever Other is selected as a response, a brief description must be entered in the associated textbox.

Throughout this guide prompts are identified with the symbol 

Action Buttons



Action buttons “float” at the bottom of the screen.

Click **Save Data** to save responses that have been entered.

Click **Cancel** to return to the Student Dashboard.

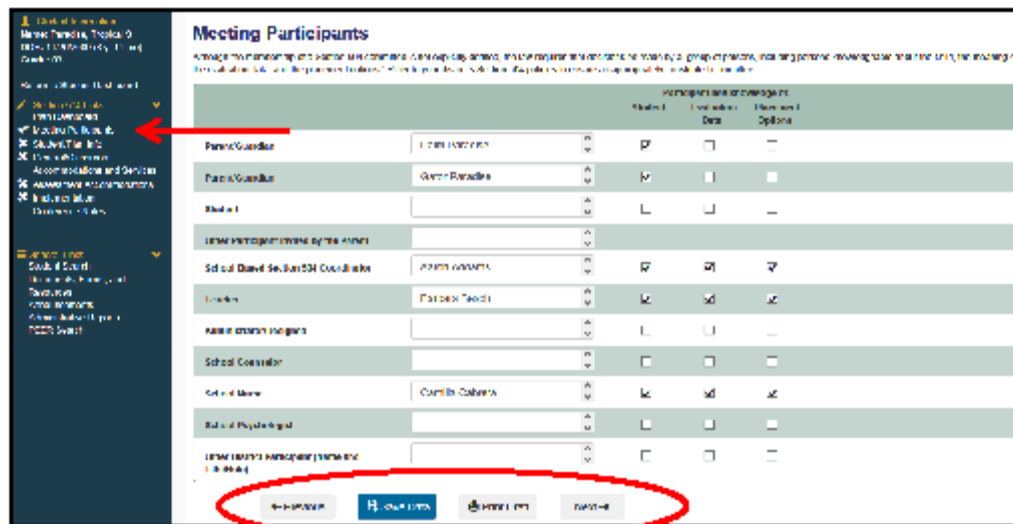
Click **Print Draft** if you wish to review the content in PDF form.

The **Finalize** button is inactive until responses are entered and save for all prompts. Remember to save data frequently to prevent loss of content.

Navigation

The Section 504 Committee Meeting Notice and Section 504 Notice and Consent for Evaluation are completed and finalized on single screens. In contrast, Section 504 Initial Evaluation, Section 504 Plan, and Section 504 Annual Review/As-Needed Reevaluation comprise multiple screens. The screens are intended to be completed in order by entering a response for each prompt, clicking **Save Data**, and then clicking **Next** at the bottom of the screen.

Screens also can be accessed from the left-side navigation bar. Incomplete screens are designated by X; once data are entered in all required fields, the designation changes to ✓.

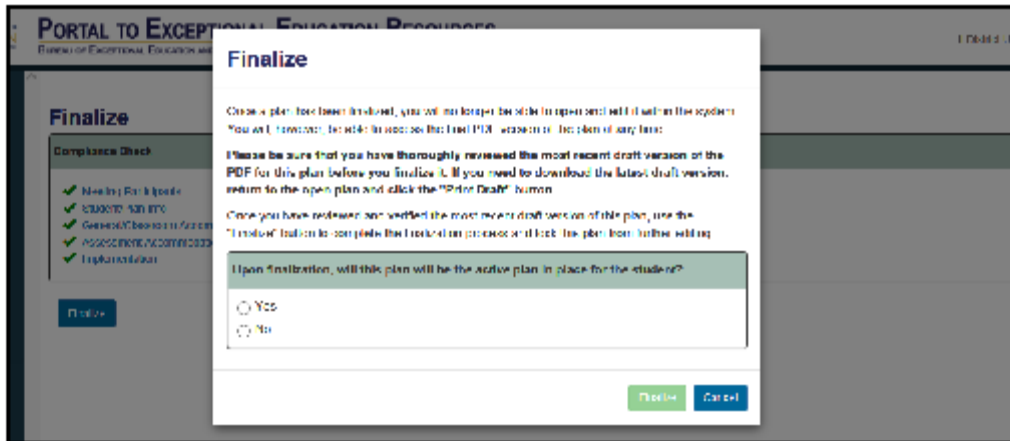


Finalize Document

Review content for accuracy and completeness before finalizing. Once finalized (i.e., "locked"), a document cannot be edited or revised.

When you click Finalize you are presented with a pop-up prompt verifying your intent to finalize the document. Select Finalize to proceed or Cancel to return to the document.

In addition, since administrative reports generated in PEER draw from plans designated as "active," when finalizing a Section 504 plan or Annual Review/As-Needed Reevaluation you will be asked to indicate if it is now the active plan in place for the student.



II. Section 504 Meeting Notice

Purpose

The Section 504 Meeting Notice is used to invite parents to meetings convened to address their child's Section 504 eligibility; accommodations and services, when needed; disciplinary protections; and any other relevant issues.

Eligibility and placement decisions under Section 504 must be made by a group of individuals knowledgeable about the student, evaluation data, and placement options. Although Section 504 itself does not require that parents be a member of the Section 504 committee, parental involvement is a critical component of collaborative problem solving. As a result, most school districts have incorporated into their procedures the requirement that parents be invited to participate.

Completing the Notice



Student Information

The information in this section is prepopulated from the student demographic file uploaded to PEER and the PEER Student Information screen. The parent/guardian name, address, and phone can be edited from the Student Information screen accessible from the Student Dashboard. All other fields can only be edited through the district's student information system.



Notice Information

Enter the date the notice will be provided to the parent, the name of the contact person, and their phone or email.



Meeting Details

Enter the date, time, and location of the meeting.



Meeting Purpose

Check all that apply. If "Other" is selected, a description must be entered in the text box.



Meeting Participants

Any group making decisions about a student's eligibility and the accommodations and services the student needs as a result of a disability under Section 504 must include "persons knowledgeable about the child, the meaning of the evaluation data, and the placement options." Refer to your district's policies to ensure the required committee members are included.

Check all that apply. Names are optional unless required by the district. Use the "Other" text field to identify meeting participants whose titles or roles are not listed. When "Other" is selected, a description must be included.

Meeting Participants
All group members must be a Section 504 case. The group is typically selected. The list includes the district's main group of people, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The list is populated from the district's policy regarding selected participants.

<input checked="" type="checkbox"/> School Counselor	Role	<input type="text"/>
<input type="checkbox"/> Administrator	Role	<input type="text"/>
<input type="checkbox"/> School Psychologist	Role	<input type="text"/>
<input checked="" type="checkbox"/> Teacher	Role	<input type="text"/>
<input checked="" type="checkbox"/> Parent/Guardian	Relationship	<input type="text"/>
<input checked="" type="checkbox"/> Special Educator	Relationship	<input type="text"/>
<input type="checkbox"/> Student	Relationship	<input type="text"/>
<input checked="" type="checkbox"/> Other		<input type="text" value="Select name"/>
<input type="checkbox"/> Other		<input type="text"/>



Procedural Safeguards

School districts are required to establish and implement procedural safeguards under Section 504 that include providing parents with notice of the safeguards. Unlike IDEA, however, the law does not mandate when that notice must be provided. Many districts require notification annually; contact your school or district Section 504 Coordinator for information regarding your district's policy.

If a copy of the safeguards is not provided with the meeting notice, describe how the parent was provided a copy as required by your district's policy.

Procedural Safeguards

Parents must be provided a copy of these procedural safeguards under Section 504. Under the law, parents are required to be given the following information from the requirements at 34 CFR 101.31: (1) upon initial notification of a child's disability; (2) at the time of a periodic review; (3) upon receipt of the parental complaint within the school year; (4) upon filing of the first due process request; (5) at least once with the following procedure: (a) Rule 67.6.1(1)(i), District Administrative Code (D.A.C.); and (6) as required by a parent. Rule 67.6.1(1)(ii) will be required if you are a public school district.

A copy of the Section 504 Procedural Safeguards is provided with this notice: Yes No
(If none, how was the parent/was provided a copy?)

A copy was provided at the start of the semester during the initial meeting.

Finalizing and Printing the Notice

When all items are complete, click **Save Data**. If any required items are left blank, an error message is presented at the top of the screen. Provide missing information, if any, click **Save Data** again, and then click **Finalize**.

You will be redirected to the **Section 504 Committee Meeting Notice Dashboard**.

Click **View PDF** to print the notice.

Additional dashboard functionality includes:

1. Creating a duplicate notice if the parent does not respond to the first one.
2. Entering comments relevant to the request, such as documenting communication with the parents or attempts to contact them.

III. Section 504 Notice and Consent for Evaluation

Purpose

The Section 504 Notice and Consent for Evaluation describes the evaluation the district is proposing and documents the request for parental consent. It is used for initial evaluations and required reevaluations. Section 504 requires the school district to establish procedures for periodic reevaluation of eligible students, but does not specify how frequently they must occur. It does, however, suggest the following the triennial reevaluation requirement under IDEA as one way to comply. Refer to your district's policies to ensure the required timeline is followed.

Completing the Notice



Student Information

The information in this section is prepopulated from the student demographic file uploaded to PEER and the PEER Student Information screen. The parent/guardian name, address, and phone can be edited from the Student Information screen accessible from the Student Dashboard. All other fields can only be edited through the district's student information system.



Date of Notice

Enter the date the notice is completed.



Briefly explain why the student is being referred for a Section 504 evaluation or reevaluation.

For example, indicate whether the parent or the district initiated the request, why they suspect a qualifying physical or mental impairment, and what impairment is suspected. A check box is provided if the reason for referral is required reevaluation.

Briefly explain why the student is being referred for a Section 504 evaluation or reevaluation.
For example, for an initial evaluation, describe the behaviors observed at school that prompted the committee to suspect a disability or explain the reason the committee suspects a qualifying physical or mental impairment.

The teacher reported that T. typical in organizing, sharing group activities, becoming frustrated in class when peers don't do what she says. Current intervention strategies are not as effective as they were in the past.

The district is proposing a periodic reevaluation as required under Section 504.



In addition to reviewing existing student data described below, describe any other evaluation procedure(s) the district is proposing.

As with ESE evaluations conducted under IDEA, evaluation procedures conducted under Section 504 must be at not cost to the parent.

In addition to reviewing existing student data described below, describe any other evaluation procedure(s) the district is proposing.
In many cases, the Section 504 evaluation simply consists of the Section 504 Committee reviewing and interpreting existing school records, including anecdotal evidence, observations, and existing standardized test scores, information provided by the parent, and other data in order to determine if the student has a disability and, if so, whether the student needs special education services in accordance with a Section 504 plan. The data to be reviewed has been occurring in a known and established intervention through the problem-solving approach to intervention (PSSA) process. The evaluation will include a review of the classroom assessment and interventions provided, the results of those interventions, and any other data generated by the process.

The parent provided an updated medical report documenting the diagnosis of ADHD and its impact on the student.

Existing information is sufficient. No additional evaluation procedures or sources of information are needed at this time.



Provide contact information for a person the parents can call if they have questions or concerns about their procedural safeguards or the evaluation process.

Enter the individual's name and/or title and phone number and/or email address.

Finalizing and Printing the Notice

When all items are complete, click **Save Data**. If any required items are left blank, an error message is presented at the top of the screen. Provide missing information, if any, click **Save Data** again, and then click **Finalize**.

You will be redirected to the **Section 504 Notice and Consent for Evaluation Dashboard**.

Click **View PDF** under the **Notice Archive** section to print the notice.

Additional dashboard functionality includes:

1. Documenting the parent's decision regarding consent.
2. Creating a duplicate notice if the parent does not respond to the first one.
3. Entering comments relevant to the request, such as documenting communication with the parents or attempts to contact them.

IV. Section 504 Initial Evaluation/Reevaluation

Purpose

The Section 504 Notice and Consent for Evaluation documents the evaluation process for initial evaluations and required reevaluations. Section 504 requires the school district to establish procedures for periodic reevaluation of eligible students, but does not specify how frequently they must occur. Refer to your district's policies to ensure the required timeline is followed.

Completing the Process

Meeting Participants Screen

At the start of the meeting, be sure to introduce all participants and explain their various roles and responsibilities. Enter the name of each meeting participant. Include individuals who are participating remotely (e.g., via conference call or videoconference).

The committee must include "persons knowledgeable about the child, the meaning of the evaluation data, and the placement options." Check the applicable box or boxes for each participant. (Note: Designating the area(s) of knowledge does not apply to other participants invited by the parent, as the obligation to ensure a properly constituted committee belongs to the district.)

You may enter as many "Other" participants as necessary. If a district-invited participant has a role or title other than the ones that are provided, enter it with their name in the text box.

Meeting Participants

Although the rules for a Section 504 evaluation are not explicitly defined, the law requires that decisions be made by a "group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options." Click to view details for Section 504 roles and roles as applicable on this screen.

	Name/Role	Participant has knowledge of:		
		Student	Evaluation Data	Placement Options
Parent/Guardian	Edem Peterson	M	<input type="checkbox"/>	<input type="checkbox"/>
Parent/Guardian	Chad Peterson	M	<input type="checkbox"/>	<input type="checkbox"/>
Teacher		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other Participant Invited by the Parent				
Member Board/Section 504 Coordinator	Jason Anderson	M	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Teacher	Barbara Burch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Administrator/Designee		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School Director		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specialist/Other	Quinn Gaffney	M	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Specialist/Other		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other District Participant (Name and Title/Role)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Click **Save Data**, then click **Next**.

You will be presented with the **Initial Evaluation/Reevaluation Process** screen.

Initial Evaluation/Reevaluation Process Screen



Meeting Date

Enter the meeting date.



Reason for Evaluation

Select the radio button indicating if this is an initial evaluation or a required periodic reevaluation.



Data Sources

Indicate the data sources that were used as the basis of the evaluation.

To the extent applicable, the committee should consider information related to the effect of mitigating measures in use by the student or provided on behalf of the student (e.g., medication; assistive technology).

Check all that apply.

Click **Save Data**, then click **Next**.

You will be presented with the **Eligibility** screen.

Eligibility Screen

This screen walks the committee in order through each eligibility component. If the response to a question is Yes, the next question is required. If the response to any question is No, no further response is required. The responses to these four questions form the basis for the committee decision on the next screen.

The Americans with Disabilities Amendments Act of 2008 (ADAAA) revised the definition of “disability” as applied to both the ADA and Section 504. For the purposes of determining eligibility under Section 504, the law says the meaning of disability “shall be construed in favor of broad coverage...” and further states that mitigating measures have no bearing in determining whether a disability qualifies under the law. This understanding should guide the committee’s evaluation of the potentially eligible student.



Does the student have a physical or mental impairment?

This is an educational determination only, and not a medical diagnosis for purposes of treatment.

All impairments, including those that are episodic, in remission, or mitigated should be entered in the text box.

An impairment with an anticipated duration of six months or less is considered a temporary impairment. If the impairment is temporary, briefly describe the circumstances. (Note: Students with Section 504 plans due to temporary impairments are not eligible for the McKay Scholarship for Students with Disabilities.)



If Yes, does the physical or mental impairment affect one or more major life activities or major bodily functions?

You will only respond to this prompt if the answer to the previous question is Yes.

If there is an effect (to any extent), check all that apply. For an impairment that is episodic, in remission, or mitigated, identify the activity or function affected when the disability is present or active.

3. If Yes, does the physical or mental impairment affect one or more major life activities or major bodily functions? (If a student has a specific condition, or impairment, that is not listed, please describe the activity or function affected when the disability is present or active.)

No, the impairment does not affect one or more major life activities or major bodily functions.

MAJOR LIFE ACTIVITIES		MAJOR BODILY FUNCTIONS
<input type="checkbox"/> Learning	<input type="checkbox"/> Walking	<input type="checkbox"/> Respiration
<input type="checkbox"/> Reading	<input type="checkbox"/> Talking	<input type="checkbox"/> Digestion
<input type="checkbox"/> Thinking	<input type="checkbox"/> Hearing	<input type="checkbox"/> Circulation
<input type="checkbox"/> Communicating	<input type="checkbox"/> Seeing	<input type="checkbox"/> Immune system
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Breathing	<input type="checkbox"/> Cellular, biological functions
<input type="checkbox"/> Learning	<input type="checkbox"/> Thinking	<input type="checkbox"/> Growth and development
<input type="checkbox"/> Reading	<input type="checkbox"/> Talking	<input type="checkbox"/> Reproductive functions
<input type="checkbox"/> Thinking	<input type="checkbox"/> Hearing	<input type="checkbox"/> Other
<input type="checkbox"/> Communicating	<input type="checkbox"/> Seeing	
<input type="checkbox"/> Concentrating	<input type="checkbox"/> Breathing	
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If Yes, does the physical or mental impairment *substantially limit* a major life activity or major bodily function? Describe the nature and extent of the impact of the impairment on the student.

You will only respond to this prompt if the answer to the previous question is Yes.

“Substantially limits” does not mean “significantly restricted.” When making this determination, the committee should not consider the ameliorative (helpful or positive) effects of mitigating measures (except for ordinary eyeglasses or contact lenses). The fact that the impairment is episodic (the impact of the impairment is sometimes substantially limiting, but not always) or in remission does not preclude eligibility if the impairment would substantially limit a major life activity or major bodily function when active.



If Yes, does the student need Section 504 accommodations or services in order for his or her educational needs to be met as adequately as those of nondisabled peers?

You will only respond to this prompt if the answer to the previous question is Yes.

If the impairment is in remission or the student’s needs are currently addressed by mitigating measures, a Section 504 plan is not needed. If the student does not need a Section 504 plan, briefly explain the basis for this decision.

If the student’s needs are so extreme as to require special education and related services, a referral for an exceptional student education (ESE) evaluation should be considered.

Click Save Data, then click Next.

You will be presented with the Committee Decision screen.

Committee Decision Screen

A student is eligible under Section 504 if the student has a physical or mental impairment that substantially limits a major life activity or bodily function.

Some eligible students require accommodations or services provided under a Section 504 plan. Others do not require additional supports, but are protected from discrimination based on their disabilities. The following decision rules apply:

- If any of the first three responses on the Eligibility Screen is No, the student is not eligible under Section 504.
- If the responses to the first three questions on the Eligibility Screen are all Yes and the response to the fourth question is No, the student is eligible for the nondiscrimination protections of Section 504, but the committee will not create a Section 504 plan at this time, as the student’s needs are currently being met as adequately as his or her nondisabled peers’ needs are met.
- If the responses to all four questions on the Eligibility Screen are Yes, the student is eligible for both the nondiscrimination and free appropriate public education (FAPE) protections of Section 504. The committee will create a Section 504 plan for the student detailing the accommodations and/or services that will be provided.

The McKay Scholarship is available to the eligible students as a part of the evaluation process and is a part of the Section 504 plan.

- Not Eligible – The student was evaluated and is not eligible under Section 504.
- Eligible (Plan) – The student was evaluated and is eligible under Section 504. A Section 504 plan that provides for personal, academic, physical, public life, educational and related supports, accommodations, and services will be developed and updated as appropriate. The student will receive the minimum standards for individual, procedural, and public accommodations, and nondiscrimination protections of Section 504.
- Eligible (No Plan (All Rights Reserved)) – The student was evaluated and is eligible under Section 504. The student does not require accommodations or services under a Section 504 plan because the needs are being adequately protected by the nondiscrimination protections of Section 504. The student will receive the minimum standards for individual, procedural, and public accommodations, and nondiscrimination protections of Section 504. Should the need for a plan arise, the committee will review and develop an appropriate Section 504 plan (Section 504 (g)(1)(B)(ii)).
- Eligible (No Plan (All Rights Reserved)) – The student was evaluated and is eligible under Section 504. The student is eligible for Section 504 plan because the needs are being adequately protected by the nondiscrimination protections of Section 504. The student will receive the minimum standards for individual, procedural, and public accommodations, and nondiscrimination protections of Section 504. Should the need for a plan arise, the committee will review and develop an appropriate Section 504 plan.
- Ineligible – The student was evaluated and is not eligible under Section 504. The student does not require accommodations or services under a Section 504 plan because the needs are being adequately protected by the nondiscrimination protections of Section 504. The student will receive the minimum standards for individual, procedural, and public accommodations, and nondiscrimination protections of Section 504. Should the need for a plan arise, the committee will review and develop an appropriate Section 504 plan.
- ESE Eligible/Section 504 Ineligible – The student has been evaluated and determined eligible for exceptional student education (ESE) services as a student with a disability. Consequently, the appropriate FAPE and nondiscrimination protections of Section 504 are not applicable. The student will receive the minimum standards for individual, procedural, and public accommodations, and nondiscrimination protections of Section 504.
- Other – Please describe:

(Note: Students who are eligible for nondiscrimination protections under Section 504 but who do not need a Section 504 plan are not eligible for the McKay Scholarship for Students with Disabilities.)

Click **Save Data**, then click **Next** to navigate to the **Conference Notes** screen.

Conference Notes Screen

Conference notes are optional. Conference notes can be used to capture discussion from the meeting. If

Be sure to click **Save Data** if conference notes were entered, then click **Next**.

V. Section 504 Plan/Annual Review/As-Needed Reevaluation

Purpose

Section 504 Plan is used to develop a plan from scratch following an initial evaluation or required periodic reevaluation. It is anticipated that the Since the evaluation document describes the data that were reviewed, this is not repeated on the Section 504 Plan.

Annual Review/As-Needed Reevaluation is used when the committee chooses to open an existing Section 504 plan, review the contents to determine the extent to which the plan accurately captures the student's needs, and revise it as needed.

Completing a Section 504 Plan

When you begin a Section 504 Plan you are presented with the plan Dashboard. Click **Next** to navigate to the next screen and begin the process.

Meeting Participants Screen

Complete the Meeting Participants screen as described on page 9.

Click **Save Data**, then click **Next** to navigate to the Student/Plan Information screen.

Student/Plan Screen



Meeting Date

Enter the meeting date.



Meeting Purpose

Indicate the purpose for the meeting. Check all that apply.



Impairment

Identify the physical or mental impairment(s) that substantially limits one or more of the student's major life activities or bodily functions. If this is a temporary Section 504 plan (i.e., the impairment is transitory with an anticipated duration of six (6) months or less), briefly describe the circumstances.



Major Life Activity/Major Bodily Function

Identify the major life activity or bodily function that is substantially limited by the impairment. Check all that apply.

Click **Save Data**, then click **Next** to navigate to the General/Classroom Accommodations and Services screen.

General/Classroom Accommodations and Services Screen

This screen is used to document general accommodations and services the student requires within the classroom and other school settings. Accommodations required for state and district standardized assessments are entered on the Assessment Accommodations screen, and should reflect accommodations the student routinely uses within the classroom.

Since students only need a Section 504 plan if they need accommodations or services, at least one accommodation or service must be entered on this screen.

Click **+Add**. You will be presented with a pop-up screen with three prompts.



Identified Need/Area of Concern

Briefly describe the identified need or area of concern to be addressed by this accommodation or service (e.g., difficulty staying on-task)



Accommodation/Service

Briefly describe the accommodation or service that will be provided. Include sufficient detail to ensure that it is clear to all involved (e.g., Seat the student in a low-distraction work area near the source of instruction).

**Person(s) Responsible**

Identify the individual(s) responsible for implementing the accommodation or service (e.g., all classroom teachers).

Click **Cancel** to close the pop-up without saving the entry.

Click **Save** to retain the entry and close the pop-up. As accommodations or services are entered, they are presented on the main screen in a table.

General/Classroom Accommodations and Services

Note: In-classroom and other general accommodations and services are entered on this screen. Accommodations required for state and district standardized assessments will be entered on the next screen.

Entries are reported to the assessment system and are used to inform accommodations based on information and data from the most current assessment and eligibility determination process. These reports may address identified needs resulting from the state and/or partner(s) and be designed to facilitate access to resources and other school services. They may be developed in many formats and are subject to change and updates. The accommodations entered will be tracked.

+ Add **-** Edit **X** Delete

Need/Area of Concern	Accommodation/Service	Person(s) Responsible
Difficulty staying on task	Availability of extra time on all district assessments to make	All classroom teachers
Inappropriate behavior and conduct in the classroom	Private response card on all progress, model and corrected...	All classroom teachers
Difficulty staying on task or slow	Priority of student when needed to attend to progress and behavior...	School counselor and classroom teacher

To revise an entry, select it by clicking on the row and then click **Edit**. The pop-up appears and can be edited.

To delete an entry, select it by clicking on the row and then click **Delete**. Confirm the deletion by clicking **Delete** or **Cancel**.

Click **Next** to navigate to the **Assessment Accommodations** screen.

Assessment Accommodations Screen

This screen is used to document assessment accommodations the student needs to participate in state and district standardized assessments. Assessment accommodations must be based on student need and be the same or similar to what the student typically uses to learn and perform tasks in the classroom setting (as described in the previous section). Refer to the most current test administration manual for guidance.

Assessment accommodations are sorted into four categories – **Presentation, Response, Scheduling, and Setting**. Other **Assistive Technology or Device** is provided to capture assistive technology or devices the student needs to participate in the assessment system that are not captured in one of the four main categories.

Click on the category title to display an expanded list of accommodations for that category. If the student does not need an assessment accommodation, check the box indicating this.

Presentation Accommodations (U)
These include sign and format, assistive technology or device, software or computer settings, or the support the student needs to access the applicable materials (e.g., computer-based, paper-based) and content. This list will be shared with the district's test administrator and is not subject to change or updates in the test administration manual.

Response Accommodations (U)
These include all methods of response (e.g., verbal, written, graphic, or other) and the support the student needs to access and produce responses to the assessment.

Scheduling Accommodations (U)
These include accommodations to the initial and testing schedule the student needs to participate in the assessment system.

Setting Accommodations (U)
These include changes to the testing environment (e.g., seating, lighting, physical setting) the student needs to participate in the assessment system.

Other Assistive Technology or Device (U)
These include any other assistive technology or device the student needs to access and produce responses to the assessment system that are not captured in one of the four main categories.

Enter assistive technology or device:

Save/Cancel

U - The Student does not need this Student's need for assessment accommodations was determined that none are needed for this item.

Click **Save Data**, then click **Next** to navigate to the **Implementation** screen.

Implementation Screen

This screen is used to document procedures to ensure the Section 504 plan will be implemented with fidelity.



Describe how teachers and other staff will be informed of their specific responsibilities related to implementing this Section 504 plan, including if the plan is continued from one school year to the next or the student moves from one school to another.

Briefly describe the process for communication within and between schools to ensure there is not lapse in implementation when students are assigned a new teacher, move to the next grade level, or transfer schools.

Click **Save Data**, then click **Next** to navigate to the **Conference Notes** screen.

Conference Notes Screen

Conference notes are optional. Conference notes can be used to capture discussion from the meeting. If you wish to explain how accommodations and services will be implemented, please include that information in the appropriate section of the plan (i.e., General/Classroom Accommodations and Services; Assessment Accommodations).

Be sure to click **Save Data** if conference notes were entered, then click **Next** to navigate to the **Finalize** screen.

Note: **Next** and the **Finalize** screen appear when all prior screens are completed.

Section 504 Plan Dashboard

When the plan is finalized, you will be directed to the Section 504 Plan Dashboard. The current status of the plan will show as "Locked," followed by an action button – **Section 504 Annual Review/As-Needed Reevaluation**.

Section 504 Plan Dashboard

Plan Details

Working Date:	10/10/2018
Created/Updated:	10/10/2018 by DISTRICT USER (MAGE) ILLEUMBI
Current Status:	Locked

[Section 504 Annual Review/As-Needed Reevaluation](#)

Plan Archives

- [View PDF](#) Section 504 Plan
- [View PDF](#) Archery Inventory

Completing an Annual Review/As-Needed Reevaluation

When you begin an Annual Review/As-Needed Reevaluation, you are presented with a series of questions verifying that it is appropriate for the situation, or if a formal periodic reevaluation should be conducted instead:

1. Is the student's initial evaluation or most recent reevaluation less than three (3) years old?
2. Generally speaking, does the student's most recent evaluation/reevaluation accurately reflect all of the student's physical or mental impairments, including those that are episodic or in remission?
3. Generally speaking, does the student's most recent evaluation/reevaluation accurately reflect the impact of the student's physical or mental impairments, including those that are episodic or in remission, on the student's ability to access and participate in the school's programs and activities?

If one or more answers is "No" or if the committee is considering dismissal (e.g., the student is now eligible under IDEA and will be dismissed from Section 504; the student no longer has an impairment), click **Cancel**, return to the **Student Dashboard**, and complete a triennial/required reevaluation by selecting **+Add** and then **Section 504 Notice and Consent for Evaluation**. If all answers are Yes, continue with the review.

Click **Create**. When presented with the Section 504 Annual Review/As-Needed Reevaluation Dashboard, click **Next**.

Meeting Participants Screen

Complete the Meeting Participants screen as described on page 9.

Click **Save Data**, then click **Next** to navigate to the Student/Plan Information screen.

Student/Plan Screen**Meeting Date**

Enter the meeting date.

**Meeting Purpose**

Indicate the purpose for the meeting. Check all that apply.

**Data Sources**

Identify the sources of information that the committee reviewed. Check all that apply..

**Review of Student Needs**

Taking into consideration the student's current educational setting, including such things as grade level curriculum and learning expectations, nonacademic and extracurricular activities, and standardized assessment requirements, briefly summarize changes, if any, in the impact of the impairment(s) or the student's impairment-related needs since the last evaluation or review.

If the impairment is in remission or mitigating measures apply, describe the circumstances.

**Section 504 Committee Action**

Based on the review described above, determine whether any section(s) of the current Section 504 plan need to be changed to accurately and clearly reflect the student's needs resulting from the disability and the accommodations and services that will be provided.

Select the appropriate radio button and click **Save Data**.

Section 504 Committee Action

A student with a disability that substantially limits one or more major life activities is protected from discrimination under Section 504. In addition, some students with disabilities require specific accommodations or services provided in accordance with a Section 504 plan to meet their individual educational needs. This individualized education plan (IEP) or 504 plan must be reviewed periodically to ensure the supports continue to be appropriate. Review the Section 504 plan currently in place and indicate the committee's decision.

**Maintain Current Section 504 Plan**

No changes to the plan are needed. The contents of the individualized Section 504 plan will remain in effect, subject to future review and reevaluation.

**Revoke Section 504 Plan**

Changes to the plan are necessary to meet the student's current needs. The committee will be updated as appropriate.

**Section 504 Plan No Longer Needed – Impairment in Remission**

The current services will be for the student's initial period of time under Section 504, but there are no longer a Section 504 plan because the student's condition has improved to the point of remission and there is no current need for accommodations or services. Procedural safeguards apply, including disability protections (e.g., manifestation determination), and periodic reevaluation will be conducted to determine continued eligibility. Should a need for accommodations or services arise, the Section 504 committee will convene and develop an appropriate plan.

**Section 504 Plan No Longer Needed – Mitigating Measures**

The current services will be for the student's initial period of time under Section 504, but there are no longer a Section 504 plan because the current's needs have been adequately addressed through the provision of mitigating measures currently in use. Procedural safeguards apply, including disability protections (e.g., manifestation determination), and periodic reevaluation will be conducted to determine continued eligibility. Should a need for accommodations or services arise, the Section 504 committee will convene and develop an appropriate plan.

When one of the following is selected, clicking next will take you to the Conference Notes screen, followed by the Finalize screen:

- **Maintain Current Section 504 Plan**
- **Section 504 Plan No Longer Needed – Impairment in Remission**
- **Section 504 Plan No Longer Needed – Mitigating Measures**

When **Revise Section 504 Plan** is selected, you will be presented with a prompt verifying that you want to make the changes.

Select **Continue** to proceed or **Cancel** to return to the Student/Plan Information screen to select a different committee action.



When you click **Continue**, you are returned to the Student/Plan Information screen with two additional prompts visible.



Impairment

The response pulls through from the existing plan. Review the text field and radio buttons and revise as needed.



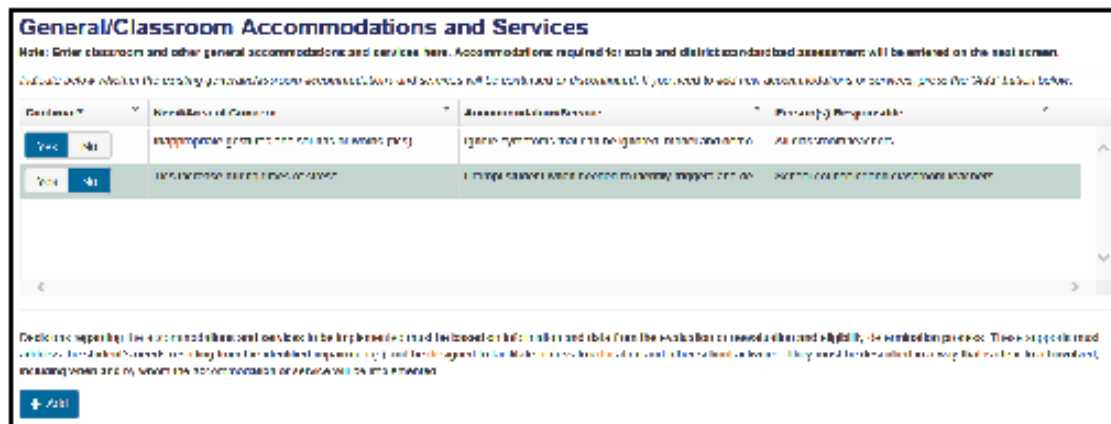
Major Life Activity/Major Bodily Function

The response pulls through from the existing plan. Review the checked items and revise as needed.

Click **Save Data**, then click **Next** to navigate to the **General/Classroom Accommodations and Services** screen.

General/Classroom Accommodations and Services Screen

The responses pull through from the existing plan.



The default response under **Continue** is **Yes**. Carefully review each entry. If an accommodation or service is no longer needed or any section of the entry is not accurate, click **No** to delete the item from the new plan.

Click **+Add** to enter new accommodations or services based on the student’s current needs (see pages 13-14).

Whether changes are made to the screen or not, click **Save Data** to indicate the information has been reviewed and is accurate.

Click **Next** to navigate to the **Assessment Accommodations** screen.

Assessment Accommodations Screen

The responses pull through from the existing plan. Review each assessment accommodation. Add or delete selections based on the student’s current needs (see page 14).

Whether changes are made to the screen or not, click **Save Data** to indicate the information has been reviewed and is accurate.

Click **Next** to navigate to the **Implementation** screen.

Implementation Screen

The response pulls through from the existing plan. Review the content for accuracy and revise as needed (see page 15).

Whether changes are made to the screen or not, click **Save Data** to indicate the information has been reviewed and is accurate.

Click **Next** to navigate to the **Conference Notes** screen.

Conference Notes Screen

Since this is a new meeting, the conference notes prompt is presented blank – notes from the existing plan do not pull through.

Conference notes are optional.

Click **Save Data** if conference notes were entered, then click **Next** to navigate to the **Finalize** screen.

Note: **Next** and the **Finalize** screen appear when all prior screens are completed.

Section 504 Plan Dashboard

When the annual review is finalized, you will be directed to the **Section 504 Annual Review/As-Needed Reevaluation Dashboard** for this document. The current status of the plan will show as “**Locked**,” followed by an action button – **Section 504 Annual Review/As-Needed Reevaluation**.

There is not a limit to the number of annual reviews that can be conducted in this way.



Note: The annual review/as-needed reevaluation functionality is only available if a current plan exists. If the committee determines that an eligible student does not require a Section 504 plan at due to the effect of mitigating measures or the impairment being in remission and then, at a later date, a plan is required, the new plan must be developed as a stand-alone document.

Section 11

Forms

St. Lucie Public Schools
Section 504 Referral

Student Name	ID #	Date of Birth	School	Grade
Referral Date:	Referred By:	Reason for Referral (attach additional pages if necessary):		
Academic Data	Over time, this student's grades: (check appropriate box) <input type="checkbox"/> Have become higher each year <input type="checkbox"/> Stayed about the same each year <input type="checkbox"/> Have become lower each year <input type="checkbox"/> Dropped suddenly in ____ grade <input type="checkbox"/> Data not available			
	Compared with most of the other students in this school, the student's grades: (check appropriate box) <input type="checkbox"/> Are better than others <input type="checkbox"/> Are about the same as others <input type="checkbox"/> Are worse than others <input type="checkbox"/> Data not available			
Attach most recent Grades & Test Scores	Over time, this student's test scores: (check the appropriate box) <input type="checkbox"/> Have become better each year <input type="checkbox"/> Stayed about the same each year <input type="checkbox"/> Have become worse each year <input type="checkbox"/> Dropped suddenly in ____ grade <input type="checkbox"/> Data not available			
	Compared to the mean of the district/school/classroom, this student's test scores: (circle comparison group and check the appropriate box) <input type="checkbox"/> Are better than others <input type="checkbox"/> Are about the same as others <input type="checkbox"/> Are worse than others <input type="checkbox"/> Data not available			
Behaviors	Identify the behaviors exhibited by the student (check all that apply)			
	<input type="checkbox"/> Poor attention and concentration <input type="checkbox"/> Difficulty working with peers <input type="checkbox"/> Confrontational/assaultive <input type="checkbox"/> Shifts from one uncompleted task to another <input type="checkbox"/> Difficulty following directions <input type="checkbox"/> Dress code violations <input type="checkbox"/> Excessively high/low activity level <input type="checkbox"/> Difficulty remaining seated <input type="checkbox"/> Leaves class without permission <input type="checkbox"/> Interrupts or intrudes on others <input type="checkbox"/> Fidgets, squirms or seems restless <input type="checkbox"/> Brings inappropriate items to school <input type="checkbox"/> Often loses things necessary for tasks <input type="checkbox"/> Other _____			
Behavior Management	In response to these behaviors, what behavior management techniques have been attempted? Results of these techniques:			
Early Intervention	What types of efforts have been attempted to meet the student's needs? (check all that apply) <input type="checkbox"/> Alternative Learning Setting <input type="checkbox"/> Title I <input type="checkbox"/> Summer School <input type="checkbox"/> Mentoring <input type="checkbox"/> ELL Program <input type="checkbox"/> Tutoring <input type="checkbox"/> FSA remediation <input type="checkbox"/> Other _____			
Mitigating Measures	Identify any mitigating measures currently in use by the student or provided for the student's benefit. (check all that apply & describe measure(s) in use) <input type="checkbox"/> Medication : _____ <input type="checkbox"/> Medical supplies, equipment, or appliances: _____ <input type="checkbox"/> Low-vision devices(does not include ordinary eyeglasses or contacts): _____ <input type="checkbox"/> Prosthetics including limbs and devices: _____ <input type="checkbox"/> Hearing aids and cochlear implants or other device: _____ <input type="checkbox"/> Mobility devices: _____ <input type="checkbox"/> Oxygen therapy equipment and supplies: _____ <input type="checkbox"/> Assistive technology: _____ <input type="checkbox"/> Auxiliary aids or services: _____ <input type="checkbox"/> Reasonable accommodations (early intervention, RTI, etc.) _____ <input type="checkbox"/> Learned behavioral or adaptive neurological modifications: _____ <input type="checkbox"/> Other: _____			

Completed by: _____
(School Counselor)

Date: _____

**ST. LUCIE County School District
Notice and Consent for Section 504 Evaluation/Reevaluation**

Student:	School:	
Student ID:	Grade:	DOB:
Parent/Guardian:	Notice Date:	
Address:		

Dear Parent or Guardian:

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal law that protects the rights of individuals with disabilities. It requires school districts to "level the playing field" by eliminating disability-related obstacles and ensuring students with disabilities have access to the same activities and programs as their nondisabled peers. For some students, this may include the provision of special accommodations or services that enable them to fully participate in school. The school district is required to seek parental consent to conduct an evaluation for any child who may have a disability under Section 504. In addition, the law requires periodic reevaluation of students who are receiving accommodations and/or services under Section 504 to make sure those supports are appropriate. Your child is being referred for an evaluation under Section 504 for the following reason(s):

In many cases, the Section 504 evaluation simply consists of the Section 504 Committee reviewing and interpreting existing school records, including anecdotal evidence, observations, prior testing, grades, standardized test scores, information provided by the parent, and other data in order to determine if the student has a qualifying disability and, if so, whether the student needs accommodations or services under a Section 504 plan. For students who have been receiving intensive individualized interventions through the problem solving/response to intervention (PS/RtI) process, the evaluation will include a review of the classroom assistance and interventions provided, the results of those efforts, and any other data generated by the process. In addition to reviewing the data described above, the district is proposing the following evaluation procedure(s) or sources of information:

Students with disabilities and their parents have rights under Section 504. If this is an initial evaluation, a notice describing those rights is provided with this form. We must have your consent before we can conduct an initial evaluation. Your consent is voluntary and may be revoked at any time. Revocation will not negate an action that occurred while the consent was in place. A reevaluation can proceed without parental consent if the district has made reasonable attempts to obtain consent and the parent has not responded. If you have any questions or want additional information about your rights or the evaluation process, please contact:

School Counselor: _____ **at** _____

Please indicate whether you consent to the evaluation and return this form to your child's school.

I have received notice of my Section 504 parent rights, and I understand that this is *not* an offer of a Special Education/Exceptional Student Education (ESE) evaluation.

Check all that apply:

- Yes, I consent to the proposed Section 504 evaluation.
- No, I do not consent to the proposed Section 504 evaluation.
- I would like to discuss the proposed evaluation before I provide consent. Please contact me at the phone number below.

Parent/Guardian Signature

Date

Phone

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Notice of Rights for Disabled Students and their Parents Under §504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

- 1.** You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District’s §504 Office and they will assist you in understanding your rights.
- 2.** Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
- 3.** Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
- 4.** To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
- 5.** Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
- 6.** The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
- 7.** If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will

appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, and mitigating measures, among others. [34 CFR 104.35].

1. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].
2. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].
3. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
4. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504). [34 CFR 104.36].
5. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
6. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at:

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

7. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
8. You also have a right to present a grievance or complaint to the District's §504 Coordinator (or designee), who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.
9. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is:

Director, Office for Civil Rights
61 Forsyth St. S.W., Suite 19T70, Atlanta, GA 30303-8927, Tel. 404-974-9406

504 Evaluation Checklist

Rev. 9/2020

Student Name: _____ ID: _____ DOB: _____ Grade: _____

School: _____

- A. Parent Letter (STS0080)
- B. Any medical information, physician's statement, etc. that has been provided
- C. Section 504 Referral (STS0146) w/ academic/discipline/intervention data attached
- D. Notice/Consent for Evaluation Under Section 504 (PEER form)
- E. Sensory Screening Report (XED 0086) Hearing: pass / fail Vision: pass / fail

The team has requested the following data:

Check if Requested:

To be completed by:

_____ Communication Skills Checklist (K-5: STS0151; 6-12: STS0152) _____

_____ Social Developmental History (Complete Student Services Request) _____

Circle one: Standard Update

Standard + Addendum Update + Addendum

_____ Tiered academic, behavioral, or language intervention data _____

_____ Academic Records (Comparative Data) _____

Ex: i-Ready, grades, Performance Matters, State Assessments

_____ Behavior Rating Scales: _____ _____

Circle All that Apply: Home/Parent School/Teacher Student

_____ Other: _____

(Recommended by School Psychologist)

At least two direct observations by two (2) different people (other than the classroom teacher) and in two (2) different settings (one (1) in an a.m. class and one (1) in a p.m. class).

Circle One: Biller Brief (on/off task) or Other: _____

_____ (1) Observer/Activity/subject _____

_____ (2) Observer/Activity/subject _____

BILLER BRIEF BEHAVIOR OBSERVATION FORM

DEMOGRAPHICS		
Target Student	Grade	Age
Teacher	Observer	
Comparison Student	Date/Time of Observation	
Nature of activity expected of the target student:		

Directions: Observe the target student for 5 seconds, use the next 10 seconds to record the appropriate code(s) * (do **not** observe while coding). Every 4th interval, observe a comparison student (same sex, identified by the teacher as *typical* for his/her classroom) and code in the shaded boxes.

RECORD WHAT YOU OBSERVE, NOT WHAT YOU THINK IS HAPPENING!

1				2				3				4				5			
6				7				8				9				10			
11				12				13				14				15			
16				17				18				19				20			

*ON-TASK CODE: ✓ = Eye contact with the teacher or with the task, **and** performing the assigned task *in accordance with classroom rules!* (On-task behavior must occur for the entire 5 second interval, otherwise an off-task code should be used).

* OFF-TASK CODES: **T = Talking out/noise:** Inappropriate verbalizations or sounds
O = Out of Seat: Fully or partially out of seat without permission
I = Inactive: Not engaged with assigned task; passively waiting, sitting
N = Noncompliance: Breaking a classroom rule/not following directions
P = Playing with object(s): Manipulating objects without permission
+ = Positive teacher interaction: One to one positive comment/gesture
- = Negative teacher interaction: One to one reprimand, consequence, or gesture

<div style="text-align: center;"># of on-task intervals</div> <hr style="border-top: 1px dashed black;"/> <div style="text-align: center;">Total # of intervals observed</div>	$\left\{ \quad \right\}$ $\text{-----} \times 100 =$ $\left\{ \mathbf{60} \right\} \text{ target student}$	<div style="text-align: right;">_____ % on task</div>
<div style="text-align: center;"># of on-task intervals</div> <hr style="border-top: 1px dashed black;"/> <div style="text-align: center;">Total # of intervals observed</div>	$\left\{ \quad \right\}$ $\text{-----} \times 100 =$ $\left\{ \mathbf{20} \right\} \text{ comparison student}$	<div style="text-align: right;">_____ % on task</div>

Developed by Julian Biller, School
 Psychologist School Board of Broward
 County, Florida

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Assessment Summary

Student Name		Other ID		DOB	Grade
Ethnicity	Gender	School		Homeroom Teacher	

Background Information					
Past or Present ELL student? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, check code: <input type="checkbox"/> LY <input type="checkbox"/> LF <input type="checkbox"/> LZ Language Spoken in the Home:					
Social Developmental History complete? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, date Completed: By:					

Kaufman Brief Intelligence Test, 2 nd Edition (KBIT-2)				Kaufman Test of Educational Achievement, 3 rd Edition Brief Form (KTEA-3 Brief)		
Test Date		Examiner		Test Date		Examiner
Subtest	Standard Score	Percentile Rank	Score Key	Subtest	Standard Score	Percentile Rank
Verbal			Standard Scores of 85-115 – statistically average Standard Scores above 115 – above average Standard Scores below 85 – below average	Reading		
Nonverbal				Math		
IQ Composite				Writing		

Attention Deficit Disorders Evaluation Scale, 4th Edition (ADDES-IV)						
School Version			Home Version			
Completion Date		Rater		Completion Date		Rater
Subscale	Scaled Score	Score Key	Subscale	Scaled Score		
Inattentive		Scaled Scores of 7-13 – statistically average Scaled Scores below 7 – some concern Scaled Scores below 4 – significant concern	Inattentive			
Hyperactive-Impulsive			Hyperactive-Impulsive			

Biller Brief Behavior Observations			
Observation 1		Observation 2	
Observer Name	Observation Date/Time	Observer Name	Observation Date/Time
Activity Observed		Activity Observed	
Student	Percentage of Time on Task	Student	Percentage of Time on task
Target Student		Target Student	
Comparison Student		Comparison Student	

Academic Records (comparative data)									
Instrument	Date	Subject	Student	Class	School	District			

Other Assessment Data				
Assessment	Date Administered	Evaluation Specialist	Standard Scores	Percentile Rank

Upon completion of the Assessment Summary, it is recommended that a Problem Solving Team meeting be conducted to review this and other pertinent data to determine next steps.

ST. LUCIE County School District Section 504 Evaluation/Reevaluation

Student:	School:	
Student ID:	Grade:	DOB:
Evaluation Type:	Meeting Date:	

Dear Parent or Guardian:

A student with a disability that substantially limits one or more major life activities is protected from discrimination under Section 504 of the Rehabilitation Act of 1973. In addition, some students with disabilities require accommodations or services provided in accordance with a Section 504 plan to meet their individual educational needs as adequately as the needs of students without disabilities are met. The school district is required to evaluate any child who may be eligible under Section 504, and to conduct periodic reevaluations. An evaluation (or reevaluation) of your child has been completed.

Evaluation/Reevaluation Data

The committee reviewed information from a variety of sources, including the following. When applicable, supporting documentation is attached.

- Attendance records
- Disciplinary records
- Evidence of impact of mitigating measures
- Exceptional student education records
- Formal evaluation/reevaluation procedures or assessment(s)
- Grades (e.g., report cards, progress reports)
- Health records
- Medical evaluation/report/diagnosis
- Observations or anecdotal reports from teacher or other staff
- Parent input
- Progress monitoring data
- Standardized test results
- Work sample/student portfolio
- Other: _____

Eligibility Determination

The committee considered the following options:

1. Does the student have a physical or mental impairment? ____ Yes ____ No If yes, what is the impairment?¹

2. Does the physical or mental impairment affect one or more major life activities or bodily functions? ____ Yes ____ No If yes, which ones?²

<p>Major Life Activities:</p> <ul style="list-style-type: none"> Bending Breathing Caring for oneself Communicating Concentrating Eating Hearing Learning Lifting Performing manual tasks Reading Seeing Sleeping Speaking Standing Thinking Walking Working Writing Other: _____ 	<p>Major Bodily Functions:</p> <ul style="list-style-type: none"> Bladder function Bowel function Brain function Circulatory function Digestive function Endocrine function Immune system function Neurological function Normal cell growth Reproductive function Respiratory function Other: _____
--	--

3. Does the physical or mental impairment *substantially limit* a major life activity or major bodily function?³ ____ Yes ____ No
If not, explain why the major life activity or bodily function is **not** substantially limited and describe how the committee addressed the positive impact of mitigating measures (i.e., measures used by or on behalf of the student and their impact).

4. Does the student need Section 504 accommodations or services in order for his or her educational needs to be met as adequately as those of nondisabled peers? ____ Yes ____ No If No, explain why the student does not need a plan.

¹ This is an educational determination only, and not a medical diagnosis for purposes of treatment. All impairments, including those that are episodic, in remission, or mitigated should be listed.
² For an impairment that is episodic, in remission, or mitigated, this includes the activity or function affected when the disability is present or active.
³ "Substantially limits" does not mean "significantly restricted." When making this determination, the committee should not consider the ameliorative (helpful or positive) effects of mitigating measures (except for ordinary eyeglasses or contact lenses). Additionally, the fact that the impairment is episodic (the impact of the impairment is sometimes substantially limiting, but not always) or in remission does not preclude eligibility if the impairment would substantially limit a major life activity or major bodily function when active.

Section 504 Committee Decision

The Section 504 Committee's analysis of the eligibility criteria as applied to the evaluation data indicates that at this time:

- Not Eligible – The student was evaluated and is not eligible under Section 504.
- Eligible + Plan – The student is/continues to be eligible under Section 504. A Section 504 plan that provides a free appropriate public education to the student will be developed or, for reevaluation, the current plan will be reviewed and updated as appropriate. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504.
- Eligible + No Plan (In Remission) – The student is/continues to be eligible under Section 504, but does not require a Section 504 plan because the impairment is in remission, and there is no current need for services. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Eligible + No Plan (Mitigating Measures) – The student is/continues to be eligible under Section 504, but does not require a Section 504 plan because his or her needs are met as adequately as his or her nondisabled peers due to the positive effect of mitigating measures currently in use. The student will receive the manifestation determination, procedural safeguards, periodic reevaluation, and nondiscrimination protections of Section 504. Should the need for a plan develop, the committee will reconvene and develop an appropriate Section 504 plan.
- Dismissal – The student is no longer eligible under Section 504 and is exited from the program. The student will now receive regular education without Section 504 services. The student will receive the nondiscrimination and procedural safeguards protections of Section 504 as a student with a record of an impairment, but the manifestation and periodic reevaluation requirements no longer apply.
- IDEA Eligible/Section 504 Dismissal – The student has been evaluated and determined eligible for exceptional student education (ESE) services as a student with a disability. Consequently, the student will receive a free appropriate public education in accordance with an individual educational plan (IEP) through the IEP team process, and is exited from the Section 504 program. The Section 504 nondiscrimination protections and procedural safeguards continue to apply.
- Other – Please describe: _____

ST. LUCIE County School District Section 504 Committee Meeting Participants

Name: _____ Student ID: _____ Date of Meeting: _____

The Section 504 committee must be a group of people who are knowledgeable about the student (S), the evaluation data (E), or the placement options (P). Each required area of knowledge must be represented on the committee.

Section 1002.20, Florida Statutes, states that parents may be accompanied by another adult of their choice at a meeting with school district personnel. The statute requires parents of students with disabilities and school district personnel to sign a document at the end of the meeting stating whether anyone from the district prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice.

Parent or Guardian: When signing below, please check the appropriate box in response to the following question:

Did any school personnel prohibit, discourage or attempt to discourage you from inviting a person of your choice to today's meeting?

	No	Yes		S	E	P
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Parent/Guardian</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Parent/Guardian</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Student</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Other Participant Invited by the Parent</i>			<i>Signature</i>			

School District Personnel: When signing below, please check the appropriate box in response to the following question:

Did any school personnel prohibit, discourage or attempt to discourage the parents from inviting a person of their choice to today's meeting?

	No	Yes		S	E	P
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>School-Based Section 504 Coordinator</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Teacher</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>School Counselor</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>School Psychologist</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Administrator/Designee</i>			<i>Signature</i>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Other District Participant (Name and Title/Role)</i>			<i>Signature</i>			

Parent/Guardian Receipt of Procedural Safeguards

I have received a copy of the Section 504 Procedural Safeguards and understand my parental rights.

Parent Initials/Date

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ST. LUCIE County School District Section 504 Committee Meeting Notice

Student:	School:	
Student ID:	Grade:	DOB:
Parent/Guardian:		Notice Date:
Address:		Phone:

Dear Parent/Guardian,

This letter is to inform you that the Section 504 Committee is planning a meeting to discuss your child's educational needs. The meeting is scheduled to be held on _____ at _____ at _____. While parents are not required members of a Section 504 Committee, we encourage you to participate in this meeting. Your insights and contributions will be helpful as we determine the most effective and appropriate way to meet your child's needs.

The purpose of the meeting is:

The individuals indicated below are invited to attend. In addition, you have the right to bring other person(s) of your choice to the meeting.

School-Based Section 504 Coordinator:

School Counselor:

Teacher:

Parent/Guardian:

Other:

Parents of students with disabilities have specific rights and protections. **A copy of the Section 504 Procedural Safeguards has been provided to you in the following way: Parent will be provided with Procedural Safeguards at meeting.**

Please complete and return the bottom of this form to your student's school. If you have any questions or would like additional information, please contact: _____ at _____

 Student: _____ Meeting Date: _____ Meeting Time: _____

Please check all that apply, sign, and return this section to the school.

- I will attend at the scheduled date and time. I plan to bring: _____
- I will not be able to attend, but will participate by telephone. At the scheduled time, please call me at: _____
- I cannot attend at the scheduled date and time. I would like to reschedule for: _____
- I will not be able to attend. Please hold the meeting without me as scheduled.
- I am providing written input regarding my child – See attached.
- I need an interpreter for the following language/mode of communication: _____

Parent Signature

Date

Phone

I05 Section 504 Data Input Form

Student Name _____ School _____

Student ID# _____

Grade _____

SKIP THIS SECTION FOR INITIALS

***SECTION 1 – To enter re-evaluation information**

Student > Student Profile > Special Programs > Section 504 > Edit (Most current record)
Status of Eval: ★ **INACTIVE** IAP End Date _____
Ended Date new plan was written

SAVE

Student > Student Profile > Special Programs > Section 504 > Add 504

INPUT ALL INFORMATION INCLUDED BELOW

****SECTION 2 – To enter initial placement; reevaluation; and ineligible information**

Student > Student Profile > Special Programs > Section 504 > Add 504
Status of Eval: (circle one) **ACTIVE** **DNQ**
Eligible/Continuing Ineligible
IAP Begin Date _____ Initial Eligibility _____ IAP End Date **LEAVE BLANK**
Date of most current plan eligible Date Student was found

Eval Meeting Date _____ Next IAP Date _____ Next Eval Review Date _____
Date of Most Recent Meeting Date 3 yrs from Begin Date 3 yrs from Begin
or 6 mos for Temp or 6 mos for Temp

Case Manager _____ Case Due Date: **LEAVE BLANK**
504 Designee

Referral Type: **IN** **RE** **TR** Referral Date: **LEAVE BLANK**
(circle one) Initial Reeval Transfer

Transport Accommodations in Plan
 Eval Consent Eval Consent Date _____
Date Notice of Consent signed Accommodation Plan
 IDEA Referral Referral Date _____
 Service Consent Service Consent Date _____
Date Parent signed

Health Care Plan Health Care Plan Date _____
Date of current HCP
 Parent Rights Given Rights Given Date _____
Date parent received rights

Impairments: * _____ Primary Life Activities: _____

SAVE
504 Designee: _____ Date: _____
Data Specialist: _____ Date: _____
Sign original; Return to 504 Designee; Keep copy for your records

*****SECTION 3 – To enter dismissal information**

Student > Student Profile > Special Programs > Section 504 > Edit (Most current record)

Student is no longer Section 504

Status of Eval: ★ **INACTIVE**
Dismissed

504 Designee: _____

Data Specialist: _____

Dismissal Date _____
Date of Dismissal

IAP End Date _____
Same as Dismissal Date

Date: _____

Date: _____

**THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA
INTAKE INFORMATION FOR SECTION 504 TRANSFER STUDENTS**

Demographic Information			
Student:		ID#:	Date of Birth:
Name of Parent or Guardian:			Phone #:
Current Address:			City:
Contact Information:			
Please check (√):	<input type="checkbox"/> In State Transfer	<input type="checkbox"/> Out of State Transfer	<input type="checkbox"/> Re-entry into County

Last School Attended: _____
 Address: _____
 City: _____
 County: _____
 State: _____

Person Contacted: _____
 Title: _____
 Phone #: _____
 Date of Call: _____
 Fax #: _____

Date Records Requested: ____ / ____ / ____

504 Placement Information
Primary Impairment:
Original Eligibility Date:
Current 504 Plan Date:
3-year Reevaluation Due Date:

Testing Information (if available):
Name of Assessment and Results
Statewide Assessments:

Health Care Plan? Yes No If yes, must be attached

Other Relevant Information (i.e., medical, social, behavioral, self-help concerns, etc.):

Please attach out-of-district forms, or complete updated plan on SLCSB forms.

Form Completed By:	Section 504 Designee	Date:
---------------------------	-----------------------------	--------------

The John M. McKay Scholarship for Students with Disabilities Program, commonly known as the McKay Scholarship Program, is a school choice option that **may be available to public school students with IEPs or 504 Plans**. This program was created to provide educational options to parents of students with disabilities. By participating in the McKay Scholarship Program, your child may be able to attend a different public school in your district, attend a public school in an adjacent district, or receive a scholarship to attend a participating private school.

To be eligible for the McKay Scholarship Program, a student must:

- Have a current Individual Educational Plan (IEP), or 504 Accommodation Plan issued under s. 504 of the Rehabilitation Act of 1973. The 504 Accommodation plan must have a duration of more than six months.
- Have spent the prior school year in attendance at a Florida public school (the student was enrolled and reported by a Florida school district for funding during the preceding October and February FTE surveys in Pre-K through grade 12), **or**
- Have been enrolled and reported for funding by the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in kindergarten through grade 12, **or**
- Be a foster child or a dependent child of a member of the United States Armed Forces who transfers to Florida from out of state due to a parent's permanent change of station orders,
and
- The parent has notified the school district in a manner that creates a written or electronic record of the notification (this is done by filing intent at www.floridaschoolchoice.org) at least 60 days prior to the date of the first scholarship payment, **and**
- The parent has obtained acceptance for admission of the student to a private school that is eligible for the program, if applicable.

Transportation:

- If the parents choose a public school option consistent with the school board's choice plan, the school district is responsible for providing transportation to the public school selected by the parent.
- If the parent chooses a public school within the district that is not consistent with the school board's choice plan or a public school in an adjacent district, or the private school option, the parent is responsible for providing transportation for the student to the selected public or private school.

To find out if your child is eligible, apply for the McKay Scholarship Program on the Florida Department of Education's School Choice website at www.floridaschoolchoice.org. Select the **McKay Scholarship** link, then **Parents**, and then the link titled **Apply for a McKay Scholarship**. Once a McKay intent is filed online, the district McKay contact has 30 calendar days to determine student eligibility. You may contact the Florida Department of Education Office of Independent Education and Parental Choice Information Hotline at 1-800-447-1636 or visit the School Choice website at www.floridaschoolchoice.org and click the McKay Scholarship link. For questions specific to St. Lucie County, contact the McKay manager at 772-429-4581. **For a student to be eligible for the program, intent to participate in the McKay Scholarship Program must be filed on the School Choice website prior to withdrawing from public school.**

Deadlines for the Private School Option:

To potentially be eligible for the full scholarship amount (100% of your state generated funding) the intent must be filed by July 3, and the student must be enrolled by August 2.

For 75% - File by September 2, enroll by October 2.

For 50% - File by December 3, enroll by January 2.

For 25% - File by January 31, enroll by March 2.

Please note this information serves to notify you that your child may be eligible to participate in the McKay Scholarship Program. This information does not guarantee your child's eligibility.

APPENDIX

SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA

IN RE: REQUEST FOR IMPARTIAL
HEARING ON SECTION 504 COMPLAINT

Case No.: _____

FINAL ORDER

An informal hearing was held in this request for impartial hearing, on _____, 20__, before

APPEARANCES

For Complainant:

For School Board:

The School Board of St. Lucie County, FL
9461 Brandywine Lane
Port St. Lucie, FL 34986

STATEMENT OF THE ISSUE

* * *

PRELIMINARY STATEMENT

* * *

FINDINGS OF FACT

* * *

CONCLUSIONS OF LAW

* * *

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that the relief requested by the Complainant in the Complainant's Request for Impartial Hearing is_____.

Done and entered this ___ day of _____, 20___ in Fort Pierce, St. Lucie County, Florida.

Filed with the Executive Secretary of The School Board of St. Lucie County, FL this ___ day of __, 20___.

Copies furnished:

Complainant

NOTICE OF RIGHT TO APPEAL

This decision and its finding are final, except that if the complainant is aggrieved by the final order or by School Board action in implementing or failing to implement the final order, the complainant has the right to bring a civil action in the appropriate state circuit or federal district court.

Section 504 – What Every School Should Have

- The latest edition of the St. Lucie Public School's *The Rehabilitation Act of 1973 Section 504 Manual* is available electronically on the School District website. Go to: <http://www.stlucie.k12.fl.us/pdf/departments/student-services/504.pdf>
- *District Implementation Guide for Section 504: Section 504 of the Rehabilitation Act of 1973 (2011)*. Available online at: <http://www.fldoe.org/ese>
- 504 Brochures for your school's front office
- PowerPoint Presentation available for use with your school's staff
- RED file folders and 2-hole punch prongs – provided by your school, for ***eligible*** 504 students.

Director of Student Services
Student Services Department
Voice: 772-429-4521; Fax: 772-429-4528

St. Lucie County School Health Services Guidelines for Student Health Care Plans (SHCP)

As the practice of school nursing becomes more complex, the need to coordinate student health care with school personnel is imperative. In accordance with state guidelines and the School Health Plan, the following policy has been developed for completing and disseminating information on the Student Health Care Plan (SHCP) for students in St. Lucie County with health conditions that could potentially impact their safety or educational progress at school. These health care plans are developed to help appropriate school personnel understand and assist the student with chronic health problems or disabilities to participate to the fullest possible extent in school activities.

The SHCP, a variation of the standard nursing care plan, has been developed specifically to address children in the St. Lucie County school setting. The professional school nurse (RN), who has the expertise to make a complete assessment of the student and determine his/her needs, will initiate the SHCP. SHCP's can stand alone or be combined with an Emergency Action Plan or 504 Plan.

The SHCP is a confidential medical record. Confidential information is personal, sensitive, medical information obtained on a specific student concerning physical, developmental, or mental health conditions. Statutorily protected health information is sensitive health information that is protected by state statutes and requires an additional signed release from the parent or guardian. Sexually transmitted diseases, HIV/AIDS, tuberculosis, drug and alcohol addiction and psychiatric conditions are all statutorily protected. Since all information on the SHCP is confidential it should only be disseminated on a "need to know" basis. Those who "need to know" would be anyone who must have access to specific health information to perform their routine job duties, which includes providing a safe environment for all students.

Every year the school nurse (RN) will review the Medical Alert List compiled by the health paraprofessional from the emergency cards, and determine which students need further assessment. The assessment may include contact with the parent/guardian via the Student Health History Questionnaire or a personal interview and may also include contact with the physician, health care provider, CMS, teacher, or other school district staff directly involved with the student. The school nurse will determine if an SHCP is required and the priority category according to the seriousness of the condition, with Category I being the first priority. Priority also will be given to SHCPs that include an Emergency Action Plan or 504 Plan.

The health paraprofessional should make the school RN aware of any changes in the health status of a student with an SHCP or any student who is diagnosed with a condition that may require an SHCP. Depending on the seriousness of the diagnoses or change, the RN should be notified by phone or at the time of the next school visit.

Once an SHCP is complete a copy should be placed in the Medication Log Book. The RN will keep the original of the SHCP in a secure manner. Due to the confidential nature of SHCP's, copies will be disseminated to other school personnel on a "need to know" basis as determined by the RN. For example, Category I SHCP's will usually be distributed to a wider variety of school personnel. Teachers who receive an SHCP should include a copy in their substitute plans.

***NOTE-** All copies should be stamped with the word "COPY".

SHCPs should also be entered on the mainframe health screen (screen 6) as CP1 for Category I and CP2 for Category II. A copy of the SHCP will also be given to the parent/guardian for review. All

SHCPs should be reviewed at least annually and updated or rewritten as needed. At the end of the school year, or anytime a student transfers out of the school, the copies of the SHCP that are in the Medication Log Book should be placed in the child's Cumulative Health Record.

Category I

- Severe Allergic Reaction (especially those prescribed Epi-Pen)
- Severe Asthma
- Diabetes (IDDM and those with Glucagon orders)
- Seizure Disorder (recent active seizure activity or emergency Diastat)
- Active Cardiac Conditions
- Hemophilia (with emergency medication ordered)
- Gastrointestinal Conditions (requiring g-tube feeding)
- Kidney/Bladder Conditions (requiring catheterization)
- Tracheostomy/Ventilator
- Any Condition Requiring Oxygen at School
- Any Condition Requiring Oral Suctioning
- Any Condition Requiring Emergency Medication
- Other Conditions as Identified by the Nurse

Category II

- Moderate Asthma Diabetes (type II)
- Seizure Disorder (with seizures within last 2 years)
- Juvenile Rheumatoid Arthritis
- Sickle Cell Disease
- Cystic Fibrosis
- Cancer
- Migraine Headaches (with medication ordered at school)
- Other Conditions as Identified by the Nurse

Student Health Care Plans and Section 504

The Florida Department of Education District Implementation Guide for Section 504 (2011) indicates that OCR has determined that health plans are mitigating measures and that when a student with a health plan is evaluated for Section 504 eligibility, the positive or ameliorative effects of the plan must be subtracted to determine whether the student is substantially limited in a major life activity. Consult with District Student Services personnel regarding the advisability of referring students for Section 504 plans whose needs are currently met due to a health plan.

When parents/guardians of students receiving mitigating measures, such as a SHCP, refer their child for Section 504 consideration, and the school has reason to suspect that the student has a disability under Section 504 and is in need of accommodations and/or related services, the school should evaluate the student and determine whether a disability exists under Section 504. As part of the consideration for evaluation, the school should look at the following factors:

- The **frequency** of the required SHCP services. (For example, where services are rarely needed during the school year, the student is less likely to require a Section 504 Plan than when the SHCP services are required on a daily or weekly basis in many different environments, including the classroom.)
- The **intensity** of the required SHCP services. (For example, where a student who self-tests and administers medication for diabetes needs access to a health care personnel for questions or occasional assistance, the student is less likely to require a Section 504 Plan than a student who relies on health care personnel or other school staff for daily testing and medication due to diabetes and across different environments, including the classroom.)
- The **complexity** of the required SHCP services. (That is, whether the services require a complex or systematic approach to integrate or coordinate efforts of staff and others to meet the student's needs. For example, the more a student requires constant monitoring and exchange of information among school staff, parents/guardians, and doctors and in different environments to meet the student's health needs, the more likely the student requires a Section 504 Plan.
- The **health and safety risk** to the student if SHCP services are not provided or are provided incorrectly. (For example, the greater the risk of serious injury or death to the student from the failure to provide appropriate health plan services across all environments, the more likely the student requires a Section 504 Plan.
- The student's need for other services and accommodations from the school.

As part of the 504-evaluation process, the Section 504 Committee should attempt to obtain and carefully review and consider all appropriate and available medical and/or nursing information, as well as other relevant data gathered from a variety of sources. Should the student be determined disabled under Section 504, the Section 504 Committee must then determine whether the student needs a Section 504 Accommodation Plan in order to have his/her educational needs met as adequately as the needs of nondisabled students' needs are met. The extent of a school district's obligation to make reasonable modifications or to provide educational accommodations is fact dependent and requires a

case by case analysis.

Not every student determined to be disabled under Section 504 will be in need of a Section 504 Accommodation Plan. While the ameliorative effects of the SHCP cannot be considered in determining whether a student has a disability under Section 504, the SHCP and those effects can be considered in determining whether the student is in need of a Section 504 Plan.

Internet Resources Related to Section 504

- Florida Department of Education - <http://www.fldoe.org>
 - A Parent and Teacher Guide to Section 504: Frequently Asked Questions, Accommodations for Postsecondary Adult/Vocational Education Students, Accommodations and Modifications – <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070057-sect504.pdf>

- United States Department of Health and Human Rights – <https://www.hhs.gov/civil-rights/for-individuals/disability/index.html>

- Disability Rights Education & Defense Fund - <http://www.dredf.org/504/504.shtml>

- Intervention Central - <http://www.interventioncentral.org/>

- National Attention Deficit Disorder Association - <http://www.add.org/>

- Protecting Students With Disabilities: Frequently asked Questions About Section 504 and the Education of Children with Disabilities - <http://www.ed.gov/about/offices/list/ocr/504faq.html>

Possible 504 Plan Impairments

It is important to identify a child's particular impairment and to discuss both its manifestations and the necessary accommodations for the student's success in the classroom.

Temporary Disabilities

Every effort should be made to accommodate students who have a temporary Impairment that affects their ability to take part in student life once documentation is received. Temporary disabilities may be the result of a variety of situations including broken bones, surgical rehabilitation, sprained ankles, and complicated pregnancies which may result in curtailment of activity.

Attention Deficit Hyperactivity Disorder (ADHD) (Inattentive Type, Hyperactive Type, or the Combined Type)

ADHD is a chronic disorder which lasts through childhood and often into adulthood, while some characteristics may seem less extreme as the child gets older. ADHD can affect attention, impulsivity, and hyperactivity. Characteristics include but are not limited to: fidgeting; having difficulty remaining seated; being easily distracted; having difficulty waiting to take turns; having a short attention span; shifting from one uncompleted activity to another; talking excessively; interrupting others; engaging in physically dangerous activities without thinking of the consequences.

Diabetes

Diabetes is a disorder of metabolism--the way our bodies use digested food for growth and energy. Most of the food we eat is broken down into glucose, the form of sugar in the blood. Glucose is the main source of fuel for the body.

After digestion, glucose passes into the bloodstream, where it is used by cells for growth and energy. For glucose to get into cells, insulin must be present. Insulin is a hormone produced by the pancreas, a large gland behind the stomach. When we eat, the pancreas automatically produces the right amount of insulin to move glucose from blood into our cells. In people with diabetes, however, the pancreas either produces little or no insulin, or the cells do not respond appropriately to the insulin that is produced. Glucose builds up in the blood, overflows into the urine, and passes out of the body. Thus, the body loses its main source of fuel even though the blood contains large amounts of glucose. The three main types of diabetes are Type 1 diabetes, Type 2 diabetes, and gestational diabetes.

Type 1 Diabetes

Type 1 diabetes is an autoimmune disease. In diabetes, the immune system attacks the insulin-producing beta cells in the pancreas and destroys them. The pancreas then produces little or no insulin. A person who has Type 1 diabetes must take insulin daily to live.

Symptoms of Type 1 diabetes usually develop over a short period, although beta cell destruction can begin years earlier. Symptoms include increased thirst and urination, constant hunger, weight loss, blurred vision, and extreme fatigue. If not diagnosed and treated with insulin, a person with Type 1 diabetes can lapse into a life-threatening diabetic coma, also known as diabetic ketoacidosis.

Type 2 Diabetes

The most common form of diabetes is Type 2 diabetes. About 90 to 95 percent of people with diabetes have Type 2. This form of diabetes is associated with older age, obesity, family history of diabetes, previous history of gestational diabetes, physical inactivity, and ethnicity. About 80 percent of people with Type 2 diabetes are overweight.

When Type 2 diabetes is diagnosed, the pancreas is usually producing enough insulin, but for unknown reasons, the body cannot use the insulin effectively, a condition called insulin resistance. After several years, insulin production decreases. The result is the same as for Type 1 diabetes--glucose builds up in the blood and the body cannot make efficient use of its main source of fuel.

The symptoms of Type 2 diabetes develop gradually. Their onset is not as sudden as in Type 1 diabetes. Symptoms may include fatigue or nausea, frequent urination, unusual thirst, weight loss, blurred vision, frequent infections, and slow healing of wounds or sores. Some people have no symptoms.

Gestational Diabetes

Gestational Diabetes develops only during pregnancy. Like Type 2 diabetes, it occurs more often in African Americans, American Indians, Hispanic Americans, and among women with a family history of diabetes. Women who have had gestational diabetes have a 20 to 50 percent chance of developing type 2 diabetes within 5 to 10 years.

Diabetes is associated with long-term complications that affect almost every part of the body. The disease often leads to blindness, heart and blood vessel disease, stroke, kidney failure, amputations, and nerve damage. Uncontrolled diabetes can complicate pregnancy, and birth defects are more common in babies born to women with diabetes.

Heart Defects

A heart defect can be described as a short-coming, fault, or imperfection of the heart. Medical assistance is required, and treatment will vary. Symptoms can include but are not limited to: shortness of breath, coughing, wheezing, heart pounding or racing, weakness, dizziness, tired, body swelling, and weight gain.

HIV/AIDS (Acquired Immune Deficiency Syndrome)

HIV/AIDS destroys the body's immune system and leaves the person vulnerable to infections and cancers that can usually be fought off when the immune system is in working order. Although effects of HIV/AIDS are varied, extreme fatigue is a common symptom. Due to the variability in manifestations of this condition, classroom accommodations will likewise vary. Remember that strict confidentiality is a must because of the intense social stigma surrounding this condition.

Cancer

Cancer can occur in almost any organ system of the body, thus making its disabling effects greatly variable from one person to another. Some people experience visual problems, lack of balance and coordination, joint pains, backaches, headaches, abdominal pains, drowsiness, lethargy, difficulty in breathing and swallowing, weakness, bleeding, or anemia. Furthermore, the treatments for cancer, namely radiation, chemotherapy, and surgery, may cause additional symptoms. These include violent nausea, drowsiness, fatigue, paralysis, sensory deficits, and language and memory problems.

Leukemia

Leukemia is cancer of the blood cells. It starts in the bone marrow, the soft tissue inside most bones. Bone marrow is where blood cells are made. When you are healthy, your bone marrow makes: white blood cells, which help your body fight infection; red blood cells, which carry oxygen to all parts of your body; and platelets, which help your blood clot. When you have leukemia, the bone marrow starts to make a lot of abnormal white blood cells, called leukemia cells. They don't do the work of normal white blood cells, they grow faster than normal cells, and they don't stop growing when they should. Symptoms may depend on what type of leukemia you have, but common symptoms include:

- Fever and night sweats.

- Headaches.
- Bruising or bleeding easily.
- Bone or joint pain.
- A swollen or painful belly from an enlarged spleen.
- Swollen lymph nodes in the armpit, neck, or groin.
- Getting a lot of infections.
- Feeling very tired or weak.
- Losing weight and not feeling hungry.

Cerebral Palsy

Cerebral Palsy is caused by an injury to the brain, which may have occurred before, during, or shortly after birth. The injury results in disorders of posture or movement. The effects of cerebral palsy vary from mild to severe. In some people, the condition is barely noticeable, and in others, there may be significant limitations. Manifestations may include involuntary muscle contractions, rigidity, spasms, poor balance, or poor spatial relations. Visual, auditory, speech, hand function, and mobility problems might also occur, as well as convulsive disorders.

Traumatic Brain Injury

Students with Traumatic Brain Injury often exhibit one or more of the following symptoms: short-term memory problems, serious attention deficits, auditory dysfunction, cognitive deficits, behavioral problems, problems of judgment, and serious anxiety attacks.

Muscular Dystrophy

Muscular Dystrophy refers to a group of hereditary, progressive disorders that most often occur in young people and produce a degeneration of voluntary muscles of the trunk and lower extremities. The atrophy of the muscles results in chronic weakness and fatigue and may cause respiratory or cardiac problems. Walking, if possible, is slow and appears uncoordinated. Manipulation of materials in class may be difficult.

Multiple Sclerosis

Multiple Sclerosis is a progressive disease of the central nervous system that is characterized by a decline in muscle control. Symptoms may range from mild to severe and may include blurred vision, legal blindness, tremors, weakness or numbness in the limbs, unsteady gait, paralysis, slurred speech, mood swings, or attention deficits. Onset is usually between the ages of 20 and 40 so it is likely that students with Multiple Sclerosis are adjusting to a newly diagnosed condition.

The course of Multiple Sclerosis is highly unpredictable and individual. Periodic remissions are common and may last from a few days to several months, as the disease continues to progress. As a result, mood swings may vary from euphoria to depression. Striking inconsistencies in performance are not unusual.

Seizure Disorders

Students with epilepsy and other seizure disorders are sometimes reluctant to divulge their conditions because they fear being misunderstood or stigmatized. Misconceptions about these disorders, that they are forms of mental illness, contagious, or untreatable, for example, have arisen because their ultimate causes remain uncertain. There is evidence, however, that hereditary factors may be involved and that brain injuries and tumors, occurring at any age, may give rise to seizures. What is certain is that seizures result from imbalances in the electrical activity of the brain.

In the event of a seizure during lecture, try to remain calm. A seizure cannot be stopped once it has started. Do not restrain the person, but rather, clear the immediate area of objects that may injure the individual. A rolled-up coat or other garment should be placed beneath the person's head. Afterwards,

faculty should deal forthrightly with concerns of the students in an effort to forestall whatever negative attitudes may develop towards the student who had a seizure.

Epilepsy

Epilepsy is a chronic (long-lasting) medical condition marked by recurrent epileptic seizures. An epileptic seizure is an event of altered brain function caused by abnormal or excessive electrical discharges from brain cells. Side effects of epilepsy drugs can include blurry or double vision, fatigue, sleepiness, unsteadiness, stomach upset, skin rashes, low blood cell counts, liver problems, swelling of the gums, hair loss, weight gain and tremor.

Tourette's Syndrome

Tourette's disorder is a neurological (brain) condition that usually begins in childhood. It causes a child to make sounds or words (vocal tics) and body movements (motor tics) that are beyond his or her control. Symptoms could include: a slight twitching of the eyes, jerking of the neck, coughing or throat-clearing, or a series of movements and sounds which occur in bursts of movement (motor) or sounds (vocal). The burst may last from several seconds to several minutes; come and go (wax and wane) over a period of weeks and months and may also change from one type to another. Tics may also occur more slowly.

Hemophilia

Hemophilia is a rare genetic bleeding disorder that almost always occurs in males. A person has hemophilia when he or she inherits problems with certain blood-clotting factors, making them unable to work properly. Blood-clotting factors are needed to help stop bleeding after a cut or injury and to prevent spontaneous bleeding. The hemophilia gene can contain many different errors, leading to different degrees of abnormality in the amount of clotting factor produced. Symptoms of hemophilia are usually first noticed during infancy or childhood. But some people who have milder forms of hemophilia may not develop symptoms until later in life.

Sickle Cell Anemia

Sickle cell anemia is a hereditary disease that reduces the blood supply to vital organs as well as the oxygen supply to the blood cells, making adequate classroom ventilation an important concern. Since vital organs are affected, the student may suffer from eye disease, heart conditions, lung problems, and acute abdominal pains. At times, limbs or joints may also be affected. The disease is characterized by severe crisis periods with extreme pain, which may necessitate hospitalization or absence from class. Completing academic assignments during these periods may not be possible. Faculty should be receptive to extending deadlines for assignments for these students.

Respiratory Problems

Many students have chronic breathing problems, the most common of which are bronchial asthma and emphysema. Respiratory problems are characterized by attacks of shortness of breath and difficulty in breathing. These attacks can be triggered by either mental or physical stress. Fatigue and difficulty climbing stairs may also be major problems for these students. Frequent absence from class and hospitalization may occur when prescribed medications fail to relieve symptoms.

Chronic Asthma

Asthma makes it hard for an individual to breathe. It causes swelling and inflammation in the airways that lead to the lungs. When asthma flares up, the airways tighten and become narrower. This keeps the air from passing through easily and makes it hard to breathe. Causes could be allergy season,

breathing cold air, or exercise. Symptoms may include but are not limited to: wheezing, coughing, tightness in chest, shortness of breath, trouble sleeping, and tiring easily during exercise.

Severe Allergies

An allergy is an acquired, abnormal immune response to a substance that can cause a broad range of inflammatory reactions. Symptoms of allergies range from mild to severe. The following are possible symptoms respectively: rash, itchy and water eyes, congestion, itchiness, difficulty breathing, varying degrees of swelling that can make breathing and swallowing difficult, abdominal pain, cramps, vomiting, diarrhea, dizziness, and/or mental confusion.

Cystic Fibrosis

Cystic fibrosis is a disease that causes mucus in the body to become thick and sticky. This glue-like mucus builds up and causes problems in many of the body's organs, especially the lungs and the pancreas. People who have cystic fibrosis can have serious breathing problems and lung disease. They can also have problems with nutrition, digestion, growth, and development. There is no cure for cystic fibrosis and the disease generally gets worse over time.

The life expectancy for people with cystic fibrosis has been steadily increasing over the past 40 years. On average, people who have cystic fibrosis live into their mid-to-late 30s, although new treatments are making it possible for some people to live into their 40s and longer.

Arthritis

There are over 100 types of arthritis, including osteoarthritis, rheumatoid arthritis, and gout. The word "arthritis" means "joint inflammation." Inflammation is one of the body's natural reactions to disease or injury, and includes swelling, pain, and stiffness. Inflammation that lasts for a very long time or recurs, as in arthritis, can lead to tissue damage.

Different types of arthritis have different symptoms and the symptoms vary in severity from person to person. Osteoarthritis does not generally cause any symptoms outside the joint. Symptoms of other types of arthritis may include fatigue, fever, a rash and the signs of joint inflammation, including: pain, swelling, stiffness, tenderness, redness and warmth. With early diagnosis, most types of arthritis can be managed and the pain and disability minimized. In addition, early diagnosis and treatment may be able to prevent tissue damage caused by arthritis. Early, aggressive treatment is particularly important for rheumatoid arthritis in order to help prevent further damage and disability down the road.

Urological Condition

Enuresis is when a child has repeated passage of urine in places other than the toilet. Enuresis that occurs at night, or bed-wetting, is the most common type of elimination disorder. This behavior may or may not be purposeful. The condition is not diagnosed unless the child is 5 years or older.

Nocturnal enuresis is the passage of urine during nighttime sleep, while diurnal enuresis is daytime wetting. Children with enuresis may experience either nocturnal or diurnal wetting, or they may experience a combination of both.

The main symptoms of enuresis include: repeated bed-wetting, wetting in the clothes, wetting at least twice a week for approximately 3 months. Many factors may be involved in the development of enuresis. Involuntary, or non-intentional, release of urine may result from: a small bladder, persistent urinary tract infections, severe stress, developmental delays that interfere with toilet training.

Voluntary, or intentional, enuresis may be associated with other mental disorders, including behavior disorders or emotional disorders including anxiety. In addition, toilet training that was forced or started

when the child was too young may be a factor in the development of the disorder. Currently, however, there is little research to make firm conclusions about the role of firm or lax toilet training regimens in the development of enuresis. Children with enuresis are often described as heavy sleepers who fail

to awaken at the urinary urge to void or when their bladders are full.

Physical conditions that could result in incontinence include diabetes, an infection, or a functional or structural defect causing a blockage in the urinary tract. Enuresis also may be associated with certain medicines that can cause confusion or changes in behavior as a side effect.

Substance Use/Abuse

Substance use/abuse is a condition of physiological and/or psychological dependence on a variety of chemicals, including illegal drugs, prescription or over-the-counter drugs, and alcohol. Students recovering from the abuse of alcohol and/or drugs or who are in treatment programs to assist their recovery, are covered by federal anti-discrimination legislation. They are eligible for services for students with disabilities. These students may experience psychological problems, such as depression, anxiety, or low self-esteem, which may adversely affect their academic performance.

Sample Accommodations

These sample accommodations are not exhaustive and not every accommodation is appropriate in every situation.

PHYSICAL ARRANGEMENT OF THE ROOM

- Teacher will take the initiative to privately and discretely (do not draw peer attention to the student) "send" this student to a quiet, distraction-free room/area for quiet study time and/or testing session.
- Teacher will provide a distraction-free environment once a task begins to assure that no interruptions will occur until the student is finished.
- Teacher will seat student near the source of instruction and/or the teacher will stand near student when giving instructions in order to help the student by reducing barriers and distractions between him and the lesson.
- Teacher will direct student to sit near positive role models to ease the distractions from other students with challenging or diverting behaviors.

BEHAVIOR MANAGEMENT

- Teacher will prepare the student in advance for upcoming changes to routine - field trips, transitions from one activity to another, etc.
- Teacher will supervise student during transitions – between subjects, classes, recess, lunchroom, assemblies, etc.
- Teacher will provide assistance to the student in preparing for the end of the day and going home.
- Teacher will oversee that the student's book bag is prepared with the necessary items needed for homework.
- Teacher will clearly state, carry out consistently, and check for understanding all rules, consequences, and expectations.
- Teacher will provide immediate feedback to the student each and every time the student accomplishes desired behavior and/or achievement - no matter how small the accomplishment.
- Teacher will create a non-threatening learning environment where it is safe to ask questions, seek extra help, make mistakes and feel comfortable in doing so.
- Teacher will provide opportunities for physical action – place in the rear of the classroom, do an errand, wash the blackboard, get a drink of water, go to the bathroom, allow scheduled recess, kneel in chair to work, etc.

- Teacher will permit student to play with small objects kept in the desk that can be manipulated quietly, such as a soft squeeze ball, if it isn't too distracting.
- Teacher will provide private, discrete cues to student to stay on task, cue the student in advance before calling on him, and cue before an important point is about to be made (example: "This is a major point.").

ASSIGNMENT ADAPTATIONS

- Teacher will provide all homework instruction and assignments to the student in writing.
- Teacher will divide work into smaller, short "mini-assignments," building reinforcement and opportunities for feedback at the end of each segment.
- Teacher will break long assignments into shorter segments and not provide all at once.
- Teacher will allow shorter work periods or Teacher will allow frequent breaks.
- Teacher will provide regular guidance and appropriate supervision on planning assignments, especially for extended projects that take several days or weeks to complete.
- Teacher will allow student adequate time to form a thoughtful answer.
- Teacher will confirm that the student is completing the assignment properly and give gentle correction or praise within the X minutes of beginning an assignment.
- School will provide books-on-tape to support students' reading assignments whenever possible.
- Teacher will modify classroom and homework assignments to meet the student's needs (examples: student does every 2nd or 3rd problem, or have the student use a timer and draw a line across the homework page and the end of 15 minutes of sustained work).

TEST TAKING STATE/DISTRICT ASSESSMENTS

- Teacher will provide typed (not handwritten) tests to the student; and all duplicated materials will be clear, dark and easy to read (preferably concise and less distracting).
- Teacher will place instructions next to the questions which they relate, and test questions will visually stand-out from the test answers (on multiple choice, matching, etc.).
- Teacher will provide the student with a study guide, prior to a test about what will be tested.
- Teacher will give the student a practice test or quiz to study the day before the actual test or quiz. (Pre-review)
- Teacher will allow the student extended time up to X% to complete quizzes, tests, exams and other skill assessments.
- Teacher will remind the student about having extended time prior to beginning the assessment.

TEST TAKING STATE/DISTRICT/CLASSROOM ASSESSMENTS (Continued)

- Teacher will allow the student to respond verbally to test questions to demonstrate what is known.
- Teacher will allow the student to use a calculator when it is clear the student understands math calculation concepts on **classroom** tasks/assessments (calculators may only be used on **state** tests when rules allow for their use).
- Teacher will allow the student to take open book exams.
- Teacher will allow the student to take frequent breaks during testing, not to impact the total time allotted.
- Teacher will assess the students within a small group for testing.
- Teacher will provide the student with a scribe (for temporary broken arm) and instruction on how to communicate what is to be scribed.

***Please note that all rules for State Testing must be followed and cannot be overruled through accommodation.**

LESSON PRESENTATION

- Teacher will write key words on the board to aid the student in note-taking during "lecture-based" instruction.
- Teacher will provide the student with a legible outline before a lesson/lecture will be provided. Teacher will provide student with visual aids.
- Teacher will assign a note-taker to record classroom discussions and lectures for the student.
- Teacher will give published book summaries, synopses or digests of major reading assignments to review beforehand (example: Cliff Notes for literature studies).
- Teacher will teach student how to identify key words, phrases, operations signs in math, and/or sentences in instructions and in general reading.
- Teacher will instruct the student how to scan a large text chapter for key information, and how to highlight important selections.
- Teacher will give the student a weekly syllabus, in advance, of upcoming week's assignments and lessons.
- Teacher will provide computer assisted instruction to the student in the following area.

ORGANIZATION

- School will provide the student with a second set of books and materials for home use.

- Teacher will check to ensure the student’s planner is completed correctly on a daily basis and for long-term assignments will be provided.
- Teacher will set up a system of organization using color coding by subject area, to assist the student in locating materials.
- Teacher will adhere to and post a consistent, predictable schedule in the classroom.
- Teacher will provide a copy of the daily schedule for the student to tape to the inside of the desk or student assignment book.
- Teacher will instruct the student in mnemonic strategies to aid memory formation and retrieval in the following area_____.
- A teacher will be designated for the student to check in with the student on a _____ basis to ensure that the student’s organizational system is in place.
- Teacher will allow the student to seek assistance from peers and/or form study groups among peers.
- The teacher will provide parents/guardians progress reports on a _____ basis.

VOCATIONAL/OCCUPATIONAL (14 yrs. old and older)

- The school will provide the student with employment counseling (specify how often).

- **MEDICAL**

- School personnel will monitor the student in avoiding the following allergy- causing substances: (specify).
- The school will provide in-service (specify) to the following staff (specify) regarding the following medical conditions: (specify).
- The physical education teacher will adapt the physical education curriculum for the student as follows: (specify)

SPECIAL CONSIDERATIONS (transportation, etc.)

- School district will provide curb to curb bus transportation for the student.
- School district will provide an air-conditioned bus for the student.

More Classroom Accommodations

When you observe this behavior	Try this accommodation
Difficulty following a plan (has high aspirations but lacks follow through); sets unrealistic goals (sets out to make straight A's but makes D's)	<p>Teacher will assist student in setting long-range goals; break the goal into realistic parts.</p> <p>Teacher will assist the student to set clear time lines and establish how much time he or she needs to accomplish each step.</p> <p>Teacher will monitor student's progress frequently.</p>
Difficulty sequencing and completing steps to accomplish specific tasks (writing a book report or term paper, solving a division problem)	<p>Teacher will break up task into workable and manageable steps.</p> <p>Teacher will provide examples and specific steps to accomplish task.</p>
Shifting from one uncompleted activity to another without closure	<p>Teacher will define the requirements of the completed activity (e.g., Your math is completed when all six problems are completed and corrected; do not begin the next task until it is finished.).</p>
Difficulty following through on instructions from others	<p>Teacher will gain student's attention before giving directions using alerting cues.</p> <p>Teacher will supplement oral directions with written directions.</p> <p>Teacher will give one direction at a time.</p> <p>Teacher will quietly repeat directions to the student after they have been given to the rest of the class.</p> <p>Teacher will check for understanding by having the student repeat the directions.</p> <p>Teacher will place general methods of operation and expectations on charts displayed around the classroom and/or sheets to be included in student's notebook.</p> <p>Teacher will make up job or work cards for student to reference.</p>
Difficulty prioritizing from most to least important	<p>Teacher will prioritize assignments and activities.</p> <p>Teacher will provide a model to help the student, post the model and refer to it often.</p>
Difficulty sustaining effort and accuracy over time	<p>Teacher will reduce assignment length and strive for quality (rather than quantity).</p> <p>Teacher will increase the frequency of positive reinforcements. Catch the student doing right and let him know it.</p>
Difficulty completing assignments	<p>Teacher will list and/or post and say aloud all steps necessary to complete each assignment.</p> <p>Teacher will reduce the assignment into manageable sections with specific due dates.</p> <p>Teacher will make frequent checks for work/assignment completion.</p> <p>Teacher will always say and write instructions for activities.</p>
Difficulty with any task that requires memory	<p>Teacher will combine seeing, saying, writing, and doing activities into lessons.</p> <p>Teacher will allow the student to sub-vocalize to remember.</p> <p>Teacher will provide memory techniques as a study strategy (e.g., mnemonics, visualization, oral rehearsal, numerous repetitions).</p>

<p>Difficulty with test taking</p>	<p>Teacher will allow X% extra time for test taking and teach test-taking skills and strategies.</p> <p>Teacher will use clear, readable, and uncluttered test forms.</p> <p>Teacher will use the test format that the student is most comfortable with.</p> <p>Teacher will allow ample space for student response. Consider having lined answer spaces for essay or short answer tests.</p> <p>Teacher will make study sheets for tests. Create review sheets that outline, in a logical, sequential manner, the most useful information and give to the student as early as possible.</p> <p>Teacher will use similar format test—not exact test questions.</p> <p>Teacher will modify the test either partially or completely to tap actual knowledge more effectively and allow the student to be tested orally.</p>
<p>Confusion from written material (difficulty with main idea from a paragraph, attributes greater importance to minor details)</p>	<p>Teacher will provide the student with a copy of reading material with main ideas underlined or highlighted.</p> <p>Teacher will provide an outline of important points from the reading material.</p> <p>Teacher will teach outlining of main idea/details concepts.</p> <p>Teacher will provide a tape of text/chapter.</p>
<p>Confusion from spoken material, lectures, and audiovisual material (difficulty finding main idea from presentation, attributes too much importance to minor details)</p>	<p>Teacher will provide the student with a copy of presentation notes.</p> <p>Teacher will allow peers to share notes from presentations; have the student compare own notes with peer’s notes.</p> <p>Teacher will provide framed outlines of presentations, introducing visual and auditory cues to important information.</p> <p>Teacher will allow or encourage the use of tape recorders.</p> <p>Teacher will teach and emphasize key words: the following, the most important point, etc.</p>
<p>Difficulty sustaining attention to tasks or other activities (easily distracted by extraneous stimuli)</p>	<p>Teacher will break up activities into small units.</p> <p>Teacher will reward timely accomplishments.</p> <p>Teacher will use physical proximity and touch. Use earphones and/or study carrels, quiet place, or preferential seating.</p> <p>Teacher will establish realistic and achievable goals.</p> <p>Teacher will seat the student near a good role model who can be a “peer study buddy.”</p> <p>Teacher will teach abstract ideas concretely and contextually. Allow hands-on instruction when possible.</p> <p>Teacher will put extra materials away to minimize distractions.</p>

<p>Difficulty making transitions from activity to activity or class to class—sometimes appears agitated with change or refuses to leave previous task</p>	<p>Teacher will give advance warning of when a transition is going to take place and give any expectations for the transition.</p> <p>Teacher will specifically say and display a list of materials needed until a routine is established.</p> <p>Teacher will list steps necessary to complete each assignment.</p> <p>Teacher will arrange for a peer helper who can help student get organized for next task.</p> <p>Teacher will have specified locations for all materials.</p>
<p>Apparent inattention, daydreaming, or under activity</p>	<p>Teacher will get the student’s attention before giving direction, using either physical or verbal cues.</p> <p>Teacher will actively involve the student in lessons.</p>
<p>Frequent messiness or sloppiness</p>	<p>Teacher will teach reminder cues (gentle touch on the shoulder or a hand signal).</p> <p>Teacher will tell students your expectations of what paying attention looks like (e.g., You look like you are paying attention when...).</p> <p>Teacher will give the student a time limit for a small unit of work with positive reinforcement for accurate completion.</p> <p>Teacher will use a contract or timer for self-monitoring.</p>
<p>Poor handwriting (often mixing cursive with manuscript and capitals with lower-case letters)</p>	<p>Teacher will allow the use of a computer or typewriter.</p> <p>Teacher will allow alternative methods for student response (e.g., tape recorder, oral reports).</p> <p>Teacher will not penalize the student for mixing cursive and manuscript; accept any method of production.</p>
<p>Difficulty with fluency in handwriting (good letter/word production but very slow and laborious)</p>	<p>Teacher will reduce assignment length and strive for quality (rather than quantity).</p> <p>Teacher will allow an alternative method of production.</p>
<p>Difficulty remaining seated or in a particular position when required</p>	<p>Teacher will allow frequent opportunities to get up and move around.</p> <p>Teacher will designate space for movement.</p>
<p>Inappropriate responses in class (responses blurted out, answers given to question before question has been completed)</p>	<p>Teacher will seat the student in close proximity to the teacher, so the teacher can visually and physically monitor student behavior.</p> <p>Teacher will remind student of expectations.</p>
<p>Inappropriate behaviors in team or large group activity (difficulty waiting turn in games or group situations)</p>	<p>Teacher will give the student a responsible job; provide a leadership role for the student.</p> <p>Teacher will have the student in close proximity to the teacher during all activities.</p>

Frequent self-put-downs, poor personal care and posture, negative comments about self and others, low self-esteem

Teacher will provide opportunities for the student to display strengths.
Teacher will remain calm, state the rule infraction, and do not debate or argue with the student.

Teacher will have pre-established consequences for misbehavior.
Teacher will avoid ridicule and criticism.

Teacher will change rewards if they are not effective in motivating behavioral change.

Teacher will avoid publicly reminding students on medication to “take their medicine.”

Difficulty with unstructured time (recess, hallway, lunchroom, locker room, media center, assembly)

Teacher will provide the student with a definite purpose during unstructured activities (e.g., The purpose of going to the media center is to check out a book.).

Teacher will supervise transitions between classes and activities.

Losing things necessary for task or activities at school and at home

Teacher will help the student organize.

Teacher will frequently monitor notebooks and dividers, backpack, locker, and desks. Emphasize a place for everything and everything in its place.

Teacher will provide student with a list of needed materials and their location.

A GUIDE TO SECTION 504

How it applies to students

**Saint Lucie
County Public
Schools**

Revised August 2021



WHAT PROCEDURAL SAFEGUARDS DO PARENTS HAVE?

School districts must:

1. Provide written assurance of nondiscrimination.
2. Designate an employee to coordinate compliance.
3. Provide grievance procedures to resolve complaints.
4. Provide notice of nondiscrimination in admission or access to its programs or activities. Notice must be included in a student/parent handbook.
5. Annually identify and locate all qualified children with disabilities who are not receiving a public education.
6. Annually notify students with disabilities and their parents or guardians of the district's responsibilities under Section 504.
7. Provide parents or guardians with procedural safeguards:
 - (a) notice of their rights
 - (b) an opportunity to review relevant records
 - (c) an impartial hearing—parents or guardians must be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with handicapping conditions.

HOW IS SECTION 504 DIFFERENT FROM IDEA?

1. IDEA lists categories of qualifying conditions. Section 504 is much broader.
2. Free Appropriate Public Education (FAPE) under Section 504 means an education comparable to the education provided to nondisabled students.
3. Under Section 504 a student is eligible if s/he meets the definition of "qualified handicapped person". The student is not required to be in need of special education in order to be protected.
4. Section 504 does not provide additional funds.
5. Section 504 Includes detailed regulations regarding building and program accessibility.
6. Section 504 requires notice of parent/student rights; however, it does not have to be written notice.
7. Under Section 504 school districts must designate an employee to be responsible for assuring compliance and must provide a grievance procedure.

WHICH LAW TAKES PRECEDENCE?

Schools must comply with both IDEA (Individuals with Disabilities Education Act) and Section 504 of the Rehabilitation Act of 1973. Compliance with IDEA does not necessary mean that a district is in compliance with Section

504. One does not take precedence over the other! *Adapted from a Learning Disabilities Association of America brochure.

HOW DO I FILE AN OCR COMPLAINT?

Find someone in your regional OCR office who understands the applications of Section 504 on education and use that person as your contact. Explain the situation, specify the issue, and cite the area of discrimination. OCR may send a representative to investigate the complaint.

WHAT IF I DON'T AGREE WITH OCR'S RULING?

Under the Freedom of Information Act, ask for a copy of the investigation plan used by the OCR representative, a copy of the investigation report and a copy of the school's documents. If you don't think that the investigation was a careful and thorough examination of the issue or complaint or the conclusions are wrong, write a letter of appeal saying you don't agree with the Letter of Finding and stating your reasons.

NOTICE OF NON-DISCRIMINATION AND SECTION 504 COMPLIANCE

THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA, does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, or marital status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries and complaints regarding the School Board's non-discrimination policies:

Non-Discrimination Policy Inquiries and Complaints by Students, Parents, Applicants for Admission to School, and all others except Employees and Applicants for Employment:

DIRECTOR OF STUDENT SERVICES
School Board of St. Lucie County, Florida
9461 Brandywine Lane
Port St. Lucie, Florida 34986
4521 4589E-mail: SS-GRV@stlucieschools.org

Non-Discrimination Policy Inquiries and Complaints by Employees and Applicants for Employment:

EXECUTIVE DIRECTOR OF HUMAN RESOURCES
School Board of St. Lucie County, Florida
9461 Brandywine Lane
Port St. Lucie, Florida 34986
Telephone: (772) 429-7508
Facsimile: (772) 429-7510
E-mail: EMP-GRV@stlucieschools.org

Inquiries and Complaints under SECTION 504 OF THE REHABILITATION ACT OF 1973 should be directed to the School Board's Section 504 Compliance Officer, the Director of Student Services, contact information listed above.

If due to a disability you need special accommodations to receive School Board information or to participate in School Board functions, call (772)

429-3600 and ask for the School Board Secretary. Telecommunications Device for the Deaf (TDD) phone (772) 429-3919.

WHAT IS SECTION 504?

Section 504 is the section of the Rehabilitation Act of 1973 which applies to persons with disabilities. It is a civil rights act which protects the civil and constitutional rights of persons with disabilities. Section 504 prohibits organizations which receive federal funds from discriminating against otherwise qualified individuals solely on the basis of handicap. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

HOW DOES SECTION 504 DEFINE “HANDICAP?”

A person is considered “handicapped” if he/she:

1. has a physical or mental impairment which substantially limits one or more major activities.
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

In addition to school-aged children who are eligible for special education services, this includes, for example, persons with communicable diseases, temporary handicapping conditions, attention deficit hyperactivity disorder (ADHD), behavior disorders, chronic asthma & severe allergies, physical handicaps, and diabetes.

WHAT IS A “MAJOR LIFE ACTIVITY” ?

Major life activities include such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and operation of major bodily functions.

WHAT TYPES OF DISCRIMINATION DOES SECTION 504 PROHIBIT?

1. Denial of the opportunity to participate in or benefit from a service which is afforded non-handicapped students.
-- refusing to allow a student with an IEP the opportunity to be on the honor roll, denying credit to a student whose absenteeism is related to the disability, refusing to dispense Ritalin to a student with ADHD (a school cannot require parents to waive liability as a condition of giving medicine, however, it is wise to get

your physician’s prescription to back up any medical accommodation).

2. Provision of opportunity to participate in or to benefit from service which is not equal to that afforded to others.
-- determining sports eligibility from a student’s grades without regard to the student’s handicapping condition.
3. Provision of aids, benefits or services which are not as effective as those provided to others. Equally effective means equivalent, not identical, and must afford an equal opportunity, not equal results.
4. Provision of different or separate benefits or services unless such action is necessary to be effective.
-- separate classes, schools or facilities.
5. Aiding or perpetuating discrimination by providing assistance to an organization which discriminates.
-- sponsoring a student organization which excludes persons with disabilities.
6. Denial of the opportunity to participate on a planning or advisory board because of an individual’s handicapping condition.
7. Otherwise limiting the enjoyment of any right, privilege, advantage or opportunity enjoyed by others.
8. Selecting a site or location which effectively excludes persons with disabilities or subjects them to discrimination.
-- locating students with disabilities in inferior facilities due to a lack of classroom space.

WHAT DOES “ACCOMMODATION” MEAN?

A recipient of federal funds shall make accommodations to the known physical or mental limitations of an otherwise qualified student unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program. Courts have required accommodations which achieve “meaning equal opportunity”.

in the way tests are given, provision of a teacher’s aide, or

Accommodations need to take into account both the functional limitations of the individual and the alternative methods of performing tasks or activities which would permit people of varying abilities to participate without jeopardizing outcomes. Some examples of accommodations are modified homework requirements, provision of readers, provision of taped textbooks, changes seating in the front row of the classroom.

1. Accommodations must be individualized.

2. The Individual needs of the person with a disability should be met to the same extent as the needs of persons without disabling conditions.

3. Modifications can be made to regular programs or the provision of different programs may be necessary.

4. Accommodations should place the student with a disability at an equal starting level with the nondisabled student.

HOW DOES SECTION 504 DEFINE “ APPROPRIATE EDUCATION” ?

A free appropriate education is one provided by the public elementary or secondary school which includes regular or special education and related aids and services that (i) are designed to meet the individual educational needs of persons with disabilities, and (ii) are based upon adherence to evaluation, placement and procedural safeguard requirements.

DOES SECTION 504 REQUIRE EVALUATIONS?

Section 504 regulation, 34 CFR Section 104.35 (a) requires that a district evaluate “any person who, because of handicap, needs or is believed to need special education or related services” (emphasis added). An evaluation is also required prior to any significant change in placement. Pre- screening methods which affect a student’s eligibility for special education may be considered “evaluations” and are *subject to proper notice requirements*. EHLR DEC.353.237 (1989)

Section 504 does not require that a district must carry out a full evaluation of a student simply because a parent requests it. However, refusal by the district to do so constitutes an official action with respect to the student’s evaluation and placement, and the district must provide the parent with procedural safeguards.

DOES SECTION 504 REQUIRE AN IEP?

Section 504 requires a plan describing placement and accommodations. Placement decisions must be based upon information drawn from a variety of sources and all information must be documented and considered.

Although a formal IEP is not required, the placement decision must be made by a group of persons knowledgeable about the child, about the meaning of the evaluation data and about placement options.