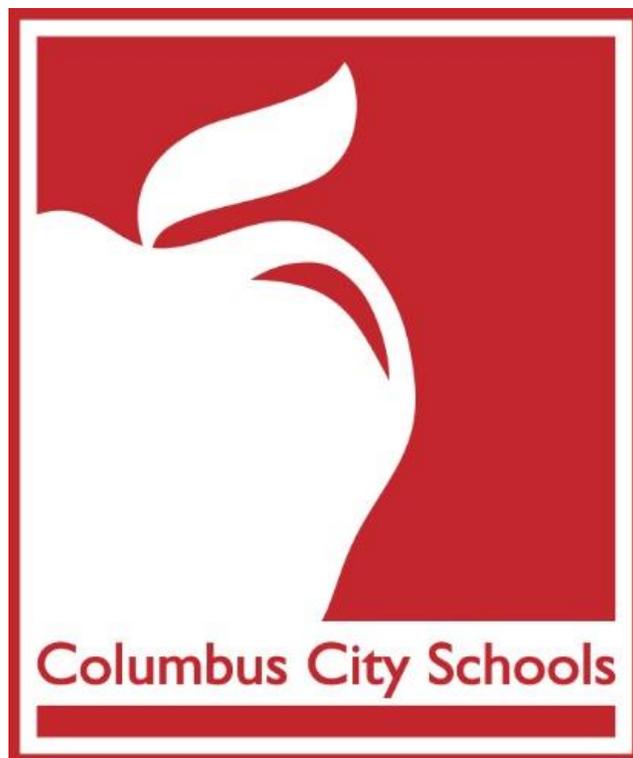


# **Section 504 Manual for Identifying and Serving Eligible Students:**

## **Policies and Guidelines**



**SPIRIT OF SUCCESS**

Revised: 8/23/16

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## INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as "Section 504") prohibits discrimination against students on the basis of disability.

This Manual contains information, guidelines, policies, procedures, and forms to achieve compliance with Section 504 with respect to the education of the District's students, in a manner consistent with the District's non-discrimination policies.

The District expects its employees to be knowledgeable about its Section 504 procedures. If you have Section 504 questions concerning either current or prospective students, please contact the District's Section 504 Coordinator:

**Compliance Officer**  
**78 South 5<sup>th</sup> Street**  
**Columbus, Ohio 43215**  
**Phone 614-365-5673**  
**Fax 614-365-7608**  
**complianceofficer@columbus.k12.oh.us**

Although Section 504 also applies to employment and facility access by individuals with disabilities, this Manual only addresses student issues under Section 504.

## OVERVIEW

Section 504 is a federal law which prohibits discrimination against persons with disabilities. The law provides:

No otherwise qualified individual with a disability. . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . .

29 USC § 794

One of the principal purposes of Section 504 is to ensure that students with disabilities are not denied access to educational facilities, programs, and opportunities on the basis of their disability.

For a student to have a disability which may be protected under this law, he or she must: **(1) have a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities.** For a student to be considered an "eligible student" under Section 504, all three criteria must be fulfilled.

Under Section 504, schools that receive federal funds may not discriminate against eligible students with disabilities. Section 504 also protects students who have a record of a disability, and students who are regarded as having a disability. Discrimination against students in either category is prohibited under Section 504.

Section 504 requires the District to provide a free appropriate public education ("FAPE") to each eligible student who has a physical or mental impairment which substantially limits a major life activity. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met and in accordance with Section 504 requirements pertaining to educational setting, evaluation, placement, and procedural safeguards. The FAPE obligation extends to all students described in this paragraph, regardless of the nature or severity of their disability. The District shall also, as required by law, attempt to locate and identify each student within the District's jurisdiction who may be an eligible student under Section 504. The District shall evaluate each student identified under Section 504 and provide each eligible student with a FAPE as defined by law.

## **DEFINITIONS**

### **"Free Appropriate Public Education" ("FAPE")**

A "free appropriate public education" is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with a disability as adequately as the needs of non-disabled students are met and is based on adherence to procedures that satisfy Section 504 requirements pertaining to educational setting, evaluation, placement, and procedural safeguards.

### **"Individual with a Disability"**

An "individual with a disability" is a person who:

1. Has a physical or mental impairment which substantially limits one or more of such person's major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

### **"Physical or Mental Impairment"**

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as a cognitive impairment, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The Section 504 regulation does not provide an exhaustive list of specific diseases or conditions that may constitute a physical or mental impairment because of the difficulty of developing a comprehensive list of possible diseases and conditions.

## **"Substantially Limits"**

A student who has a physical or mental impairment that substantially limits a major life activity is considered a student with a "disability" under Section 504. This determination is made on a case-by-case basis. Neither Section 504 nor its implementing regulations define the term "substantially limits" but the term is not necessarily synonymous with "unable to perform" or "significantly restricted in" a major life activity.

Except for ordinary eye glasses or contact lenses, the ameliorative effects of mitigating measures may not be considered when assessing whether a student has an impairment that substantially limits a major life activity. "Mitigating measures" include, but are not limited to: medication; medical supplies, equipment or appliances; low-vision devices (devices that magnify, enhance, or otherwise augment a visual image); prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

A temporary impairment does not constitute a disability for purposes of Section 504 unless it is of such severity that it results in a substantial limitation of one or more major life activities for an extended period of time. This determination is to be made on a on a case-by-case basis.

If a student has an impairment that is episodic or in remission, the District must consider whether the impairment, *when active*, would substantially limit a major life activity. If it would, then the student meets the definition of a student with a disability.

## **"Major Life Activities"**

To be eligible under Section 504, a student's physical or mental impairment must interfere with one or more "major life activities." A "major life activity" includes, but is not limited to functions such as:

- Caring for oneself
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating
- Operation of major bodily functions (including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions)

This list is not exhaustive. An activity or function not found on the list may nonetheless be a major life activity. A student is protected from all forms of discrimination and is eligible under Section 504 if the

student has an impairment that substantially limits one or more major life activities, including, but not limited to, learning.

### **"Record of Impairment" and "Regarded as Having an Impairment"**

Section 504 also protects students from discrimination who have a record of an impairment or who are regarded as impaired. A student is "regarded as" having an impairment if the District perceives the student as impaired. The District shall not treat students differently based upon a record that shows that the student was disabled in the past, or based upon an assumption or perception of disability. The District is not required to develop a Section 504 plan for a student who either has a record of an impairment or who is regarded as having an impairment, but who is not otherwise currently eligible under Section 504.

### **"Current Users of Illegal Drugs"**

A student who is currently engaging in the illegal use of drugs is not eligible for services or protection under Section 504 when the District takes disciplinary action on the basis of such drug use even if the student is otherwise a student with a disability. A student who is a former drug user or who is participating in a drug rehabilitation program, however, may be eligible for Section 504 services and protection if the student otherwise meets the definition of an "individual with a disability" as described above.

## **CHILD FIND**

Every year, the District shall attempt to identify and locate every qualified disabled student residing in the District who is not receiving a public education. The District shall take appropriate steps to notify disabled students and their parents or guardians of the District's Section 504 obligations.

## **PRE-REFERRAL ASSISTANCE**

Pre-referral assistance is an important first step in serving students experiencing difficulties in school. Teachers may vary instructional and behavioral methodologies and expectations, and, by so doing meet students' educational and behavioral needs; and thereby strengthen the general education program and reduce unnecessary Section 504 and IDEA formal referrals.

If, at any time, a teacher, counselor, administrator, or other professional staff member has reason to believe that the student's difficulties may be attributable to a disability, the student should be referred for an evaluation. If a parent/guardian at any time requests an evaluation, the District must either honor that request or notify the parent/guardian of his/her due process rights under Section 504.

## **PARENT RIGHTS**

Section 504 guarantees certain rights to parents of students with disabilities. A Section 504 Notice of Procedural Safeguards has been developed for distribution to parents.

## **SECTION 504: THE PROCESS**

This section of the Manual addresses important steps in the Section 504 process including: referral, evaluation, eligibility determination, development of the Section 504 Plan, review, and reevaluation.

### **A. Referral Procedures**

A student who, because of a suspected disability, is believed to need services under Section 504 is typically referred for a Section 504 evaluation by a parent, guardian, teacher, other certified school employee, the student if 18 years of age or older, or other concerned adult individual. Upon the receipt of a referral:

The referral should be reduced to writing.

- The parent should be provided a copy of the referral, and be asked to provide written consent to a Section 504 evaluation.
- The parent should be provided with a copy of "Section 504 Notice of Procedural Safeguards" with notice of the referral.

Once the District has received parent consent to evaluate, the District may begin the evaluation process. If a parent refuses to consent to an initial evaluation, the District may, but is not required to, use due process hearing procedures to seek to override the parent's refusal to consent to the evaluation. Additionally, if a parent refuses to consent to an evaluation that is necessary for a determination of eligibility, the 504 Team may determine that the student is not eligible under Section 504.

### **B. Evaluation**

The evaluation is the starting point for determining whether a student is an eligible student under Section 504. The District is required to conduct an evaluation before providing Section 504 services. The nature and extent of the information needed to make a Section 504 eligibility decision is determined on case-by-case basis by a group of persons knowledgeable about the student, the meaning of evaluation data, and the placement options, *i.e.*, the Section 504 team. Information obtained through the evaluation process must be documented and all significant factors must be considered. The evaluation must draw upon information from a variety of sources and may include:

- School records review
- Observations of the student
- Standardized tests or other assessments by school staff
- Parent/Student/Teacher interviews
- Behavior rating scales or other checklists
- Pertinent medical information
- Information provided by the parent
- Other relevant information

Where formal testing is determined to be necessary, the evaluation procedures must ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer.
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
3. Tests are selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except when those skills are the facets that the tests purport to measure).

A medical diagnosis of a physical or mental impairment does not, in and of itself, determine Section 504 eligibility. As mentioned above, Section 504 requires the District to draw upon information from a variety of sources in making its eligibility determination. A medical diagnosis is only one source of information. Additionally, the District may request, but cannot require a parent to provide a medical statement or authorize the release of the student's medical information as part of the evaluation process. If the District determines, based upon the facts and circumstances of the individual case, that a medical assessment is necessary for an appropriate evaluation, the District must ensure that the child receives this assessment at no cost to the parents. If alternative assessment methods meet the evaluation criteria, those methods may be used in lieu of a medical assessment. If a parent refuses to consent to a medical assessment and alternative assessment methods are not available, the 504 Team must proceed to make an eligibility determination based on the information it has on hand.

Absent extenuating circumstances, the District's evaluation and the development of a Section 504 Plan, if necessary, should be completed no later than 30 school days following the District's receipt of the parent's consent to evaluate. If an extension of time is required, the parent should be notified in writing of the extension, the reason for the extension, and the expected date of completion of the process.

### **C. Eligibility Determination**

The eligibility determination must be made by a group of persons knowledgeable about the student, the meaning of evaluation data, and placement options and must be documented in writing. The parent of the student should be given a meaningful opportunity to provide input into identification, evaluation, and placement decisions for his/her child. Therefore, the parent should typically be included in this process.

### **D. Section 504 Plan**

Where a student is found to be eligible under Section 504, the need for a Section 504 Plan must be determined. The Section 504 Team, which should include the parent, will be responsible for

determining the services that are needed to provide the students a FAPE. The Plan should specify how services will be provided and by whom.

The Section 504 Plan shall be signed by the Section 504 Coordinator indicating the District's intent to implement the Plan. A copy of the Plan, along with the Section 504 Notice of Procedural Safeguards, must be provided to the parent.

If a Section 504 Plan is developed for a student, all school personnel with implementation responsibilities should be informed of the existence and particulars of the Plan. Failure to implement the Section 504 Plan can result in non-compliance with Section 504.

#### **E. Review of Section 504 Plan**

The Section 504 Team should be convened and the student's Section 504 Plan updated whenever the student's situation warrants a review (*e.g., during* natural transition periods, when a teacher or parent raises concerns, or when the student's performance changes).

#### **F. Reevaluation**

A reevaluation must be completed at least once every 3 years to determine a student's continued eligibility under Section 504 and before any significant change in the student's placement.

## **SUSPENSION AND EXPULSION OF STUDENTS WITH SECTION 504 PLANS**

Students who are eligible under Section 504 have certain additional protections when charged with a violation of the Guide to Positive Student Behavior which may result in a suspension or expulsion that constitutes a significant change in placement. Similar to suspension or expulsion of a student with a disability under the IDEA, it is necessary to conduct a manifestation determination for a Section 504 student when:

- The expulsion will be for more than 10 consecutive school days; or
- The number of cumulative suspension days for the school year will exceed 10 school days.

If either of the situations above applies, then the District is required to conduct a manifestation determination before any significant change in student's placement may occur. The parent must be invited to participate in the meeting and provided a copy of the Section 504 Notice of Procedural Safeguards. The purpose of the manifestation determination is to review whether the student's misconduct was caused by the student's disability or whether the conduct was a direct result of the District's failure to implement the student's Section 504 plan.

This determination should be made by a group of persons knowledgeable about the student, the meaning of evaluation data, placement options, the student's Section 504 Plan, and the disciplinary incident. In making its determination, the Section 504 Team must review all relevant information in the student's file, the student's Section 504 plan, any teacher observations of the student, and relevant information provided by the parent.

If the Section 504 Team concludes that the student's conduct is a manifestation of the student's disability, the student must remain in (or be returned to) his/her current educational placement unless the parent and the District agree to change the student's placement. If the Section 504 Team concludes that the student's conduct is not a manifestation of the student's disability, the District may apply the relevant disciplinary actions applicable to all students. Unlike the IDEA, there is no requirement to provide a student whose conduct is not a manifestation of the student's disability with educational services during a period of suspension or expulsion. When the student's misbehavior involves the illegal use of alcohol or drugs, a manifestation determination is not required prior to disciplining a student.

In the case of a Section 504 student who carries or possesses a weapon to or at school, on school premises, or to or at a school function, the District may place the student in an interim alternative educational setting for up to 45 school days if a student without a disability would be similarly disciplined. The Section 504 team must meet to develop the interim alternate educational setting after evaluating the student as described above in this Manual. The interim alternate educational setting must be educationally appropriate and the services provided must enable the student to continue to progress in the general curriculum. The interim alternate educational setting must also address the behavior prompting the disciplinary action.

## **IMPARTIAL DUE PROCESS HEARING**

A parent who disagrees with the identification, evaluation or placement of a student with a disability under Section 504 has the right to request an impartial due process hearing. Request for a Section 504 due process hearing must be made in writing to the District's Office of Compliance. Upon receipt of such a request, a hearing officer will be appointed. A person who is an employee of the District or any person having a personal or professional interest which would conflict with his/her objectivity in the hearing may not be appointed as a hearing officer. A hearing will be scheduled not more than thirty days after the written request is received. The parent or guardian will receive notice of the hearing, have the opportunity to examine relevant records, and have an opportunity to participate in the hearing and be represented by counsel. The hearing officer will review the information submitted and issue a written report within thirty days after the hearing.

## **GRIEVANCE PROCEDURE**

The District has adopted the following Grievance Procedure for addressing complaints of discrimination under Section 504 of the Rehabilitation Act of 1973 and/or Title II of the Americans with Disabilities Act of 1990. A person is not required to use this procedure and may instead file a complaint directly with the U.S Department of Education's Office for Civil Rights, 1350 Euclid Avenue, Suite 325, Cleveland, OH 44115:

**Step 1:** A person who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal, in the case of a student, or his/her immediate supervisor, in the case of an employee. [NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the grievant may, instead, contact the District Section 504 Coordinator]. The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within 10 school days.

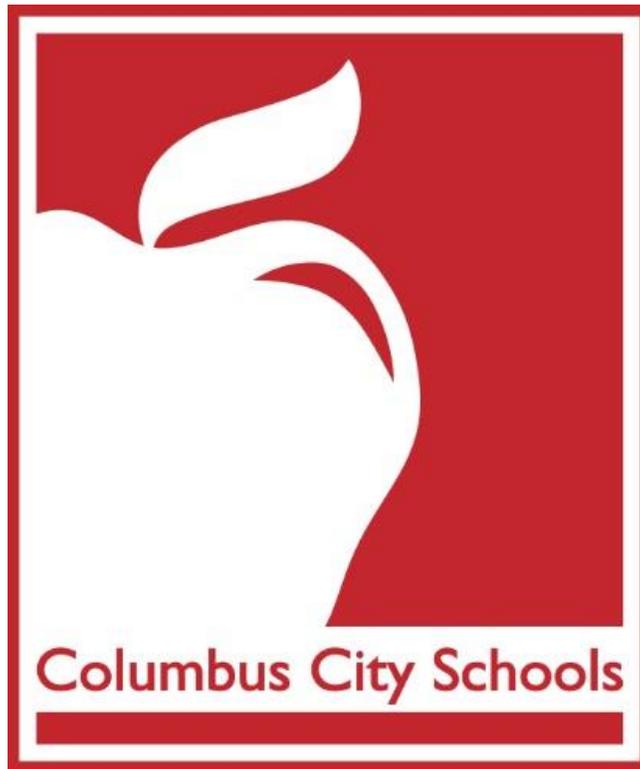
**Step 2:** If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the District Section 504 Coordinator who will investigate the complaint. [NOTE: If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator to conduct the investigation]. The complaint shall be signed by the grievant and include 1) the grievant's name and contact information; 2) the facts of the incident or action complained about; 3) the date of the incident or action giving rise to the complaint; 4) the type of discrimination alleged to have occurred; and 5) the specific relief sought. Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted. An investigation of the complaint will be conducted within 10 school days following the submission of the written complaint. The investigation shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint. A written disposition of the complaint shall be issued within 25 school days of completion of the investigation, unless a specific written extension of time is provided to the parties. Copies of the disposition will be given to both the grievant and the person who is the subject of the complaint. If discrimination or harassment was found to have occurred, the disposition will include the steps that the District will take to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on the grievant and others, if appropriate.

**Step 3:** If the grievant wishes to appeal the decision in Step 2 above, he/she may submit a signed, written appeal to the Superintendent within 10 school days after receipt of the written disposition. The Superintendent or her/his designee shall respond to the complaint, in writing, within 10 school days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Grievance Procedure. If you have questions regarding these procedures or desire to file a complaint, please contact the District Section 504 Coordinator:

**Compliance Officer  
78 South 5<sup>th</sup> Street  
Columbus, Ohio 43215  
Phone 614-365-5673  
Fax 614-365-7608  
complianceofficer@columbus.k12.oh.us**

# **SECTION 504 FORMS**



**SPIRIT OF SUCCESS**

# SECTION 504 REFERRAL FOR EVALUATION

Date of Referral: \_\_\_\_\_

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School Building Attending \_\_\_\_\_ Grade: \_\_\_\_\_

**Reason for Referral:** (Please briefly describe the nature of your concern(s), e.g. academic, behavioral, gross/fine motor, social/emotional, medical, other)

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**Pre-referral interventions:** (Please indicate interventions, supports, or other actions tried prior to the referral in an effort to address the concern(s) identified above)

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Has the student been referred, evaluated, or provided special education or Section 504 services in the past? YES \_\_\_\_\_ NO \_\_\_\_\_ If yes, please explain below.

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Person Making Referral

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title/Position

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Telephone

Please submit this form to: Building Section 504 Coordinator \_\_\_\_\_

## SECTION 504 NOTICE OF REFERRAL AND CONSENT FOR EVALUATION

Date: \_\_\_\_\_

Student's Name: \_\_\_\_\_

Dear Parent/Guardian:

Your child has been referred for an evaluation under Section 504 of the Rehabilitation Act of 1973 ("Section 504"). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance and requires the school district to provide eligible students a free appropriate public education designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met.

In order to be eligible for services under Section 504, a student must have a physical or mental impairment that substantially limits one or more major life activities. In determining whether a student meets these criteria, the school district will draw upon information from a variety of sources which may include the following:

- School records
- Observations
- Standardized achievement and aptitude test scores
- Behavioral Evaluation/Performance
- Personality and interest scores
- Teacher ratings
- Record of extra-curricular activities
- Individualized education programs
- Psychological reports
- Medical reports
- Psychiatric report
- Other relevant information

Your child's teacher(s), building administrator, counselor, and other individuals (school psychologist, school nurse, etc.) may be involved in the evaluation process. You will be notified of the time, date, and location of the meeting and are welcome to attend and participate in the decision-making process.

The purpose of this letter is to advise you that the school district proposes to evaluate your student under Section 504 and to obtain your consent for the evaluation. In addition, enclosed is a copy of the Notice of Procedural Safeguards which describes the rights afforded to parents under Section 504.

Please indicate on the enclosed form your consent for the Section 504 Evaluation and return this form to me as soon as possible. Please feel free to contact me if you have any questions.

Sincerely,

\_\_\_\_\_  
Building Section 504 Coordinator

Enclosures



# SECTION 504 EVALUATION

Name \_\_\_\_\_ Student# \_\_\_\_\_ Date \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

## 1. Parent Interview/Social History

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## 2. Physical Status

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## 3. Cognitive

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## 4. Educational Performance/Observations

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## 5. Communication Skills

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## 6. Previous Interventions

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Please include any other relevant information on a separate sheet.

## SECTION 504 ELIGIBILITY MEETING

Date of Meeting: \_\_\_\_\_

### STUDENT INFORMATION

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School Building Attending: \_\_\_\_\_ Grade: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### PURPOSE OF MEETING

Initial Conference     Review Conference     Redetermination     Other

### PARENT CONTACT

Method of contact \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

### SUMMARY OF EVALUATION INFORMATION

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### Based on the evaluation information reviewed:

1. Does the student have a physical or mental impairment? : YES      NO

If yes, specify the impairment \_\_\_\_\_

2. Does the impairment substantially limit one or more life activities?

YES    NO    If yes, specify the major life activity(ies) and describe how the impairment substantially limits the activity(ies): \_\_\_\_\_

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**ELIGIBILITY DETERMINATION**

- Student is eligible under Section 504
- Student is NOT eligible under Section 504
- The student has a qualifying disability under Section 504, but does not require a Section 504 Plan at this time.

Rationale:

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**Signatures of Section 504 Team**

**AGREE WITH DETERMINATION**

Signature	Title	Date
<hr/>	<hr/>	<hr/>

**DISAGREE WITH DETERMINATION**

Signature	Title	Date
<hr/>	<hr/>	<hr/>

Copy of Procedural Safeguards provided to Parent on \_\_\_\_\_

## SECTION 504 PLAN

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Student Name: \_\_\_\_\_

Student# \_\_\_\_\_ D.O.B. \_\_\_\_\_ Race: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Address: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Relationship

Relationship

Parent/Guardian Address (if different from student): \_\_\_\_\_

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### Please check one:

New Plan

Change in Plan

Periodic Review

Discontinue Plan

### Section 504 Plan Participants:

Name

Title

Date

Name	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Copy of Procedural Safeguards provided to Parent on \_\_\_\_\_  
Date

## Section 504 Plan

Name \_\_\_\_\_ D/O/B \_\_\_\_\_ Student Number \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

Placement \_\_\_\_\_

Date of Evaluation \_\_\_\_\_ Date of Evaluation Conference \_\_\_\_\_

Need	Placement, Aids and Services	Person Responsible	Beginning Date	Review Date



## **Manifestation Determination Review For Students with Section 504 Plans**

If a child with a Section 504 plan may be expelled from school or suspended for more than ten school days in one school year, a **MANIFESTATION DETERMINATION REVIEW** is required to determine the relationship between a student's disability and the behavior subject to disciplinary action.

The review must be conducted with input from the student's Section 504 team. The team must consider, in terms of the behavior subject to disciplinary action, all relevant information, including, but not limited to, the student's Section 504 plan, any teacher observations, and any relevant information provided by the student's parent or guardian. Summary of data that may be reviewed:

- Evaluations
- Information provided by the parent
- Student's Section 504 plan
- Observation of the student

Once the Hearing Officer determines that the Guide to Positive Student Behavior has been violated, but before imposing removal in excess of ten school days during the school year, the Section 504 team should complete the Manifestation Determination Review.

Once the team has determined if the action is a manifestation of the student's disability, the principal or hearing officer can consider discipline.

If the action is a manifestation of the disability, the student cannot be suspended or expelled, and the Section 504 team must re-evaluate the student and his/her placement to determine whether the student's current educational placement is appropriate. If the action is not a manifestation of the student's disability, the student can be disciplined the same as a regular education student.

## MANIFESTATION DETERMINATION REVIEW

In carrying out a manifestation determination review, the parent or guardian, and relevant members of the Section 504 team shall review all relevant information in the student's file, including the student's Section 504 plan, any teacher observations, and any relevant information provided by the parents of the child.

Student's Full Name: \_\_\_\_\_ D/O/B: \_\_\_\_\_

Nature of student's disability: \_\_\_\_\_

Description of the behavior subject to disciplinary action:  
\_\_\_\_\_  
\_\_\_\_\_

**In relationship to the behavior subject to disciplinary action:**

- a. Did the team review the student's Section 504 plan?  Yes  No
- b. Did the team review relevant information in the student's file, including any teacher observations and any relevant information provided by the parents?  Yes  No
- c. Was the misconduct in question caused by/or did it have a direct and substantial relationship to the child's disability?  Yes  No
- d. Was the student's conduct a direct result of the district's failure to implement the Section 504 plan?  Yes  No

The behavior is a manifestation of the student's disability, if the team indicated "Yes" on item c or d. The behavior is not a manifestation of the student's disability, if the team indicated "No" on item c and d.

**Conclusion:**

Based upon the information considered, the Section 504 team determined that the behavior:

was  was **not** a manifestation of the student's disability.

Date of Manifestation Determination Review: \_\_\_\_\_

**Signature**

**Title**


Copy of Procedural Safeguards provided to Parent on \_\_\_\_\_  
Dat

## **Section 504 Procedural Safeguards**

### **Parent and Student Rights in Identification, Evaluation and Placement**

Below is a description of the rights granted by federal law to parents and students with disabilities. The intent of this document is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any of these decisions. You have the right to the following:

- Right to have your student with disabilities take part in, and receive benefits from public education programs without discrimination because of his/her disability;
- Right to receive all information in the parent's or guardian's native language or primary other mode of communication;
- Right to have your student receive a free appropriate public education which includes the right of the student to be educated with students without disabilities to the maximum extent appropriate;
- Right to have your student have equal opportunity to participate in school programs and extracurricular activities sponsored by the school;
- Right to receive notice in a reasonable time before a district identifies, evaluates or changes your student's placement;
- Right to inspect and review all of your student's educational records, including the right to obtain copies of education records at a reasonable cost unless the cost would deny you access to the records, and the right to amend the record if you believe information contained in the record is inaccurate or misleading. If the school district refuses to amend the record, you have a right to request a hearing;
- Right to have educational evaluation and placement decisions made based on information from a variety of sources and by persons who know the needs of the student, meaning of evaluation data, and placement options;
- Right to periodic reevaluation and evaluation before any significant change in placement; and
- Right to an impartial hearing if you disagree with the school district's proposed action. You will be an active participant. You have the right to be represented by counsel in the impartial hearing process. You have the right to appeal the impartial hearing officer's decision.

***Please Keep This Explanation for Future Reference***

## Section 504 Plan Discontinuation Letter

Based on the meeting held \_\_\_\_\_, the Section 504 Plan for \_\_\_\_\_ (student's name) is discontinued effective \_\_\_\_\_ and the student is found no longer to be eligible for services under Section 504.

\_\_\_\_\_  
Parent or Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Section 504 Coordinator

\_\_\_\_\_  
Date

**Copy of Procedural Safeguards provided to Parent on** \_\_\_\_\_  
Date