

Custer County School District and Section 504

What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a civil rights statute that protects persons with disabilities from discrimination. It states that: “[n]o otherwise qualified individual with a disability shall solely by reason of his or her disability be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The Americans with Disabilities Act (“ADA”) contains similar prohibitions against discrimination.

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

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

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

What Are the District's Responsibilities under Section 504?

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

- ◆ Designate a District-level Section 504 Compliance Officer. Currently, the Secondary Principal serves as the District's Section 504 Compliance Officer.
- ◆ Provide grievance procedures to resolve complaints of discrimination. See District Policy ACE and Student-Related Section 504 Complaint Procedures (included in the Appendix). These procedures are discussed *infra* at pages 12-14.
- ◆ Provide annual notice of nondiscrimination in admission or access to its programs or activities. The District includes its notice of nondiscrimination in its annual Student Handbook, Annual Report to the Public, and on its website.
- ◆ Annually identify and locate all qualified children with disabilities who are not receiving a free and appropriate public education.
- ◆ Periodically notify persons with disabilities and their parents or guardians of their rights under Section 504. See Student and Parent Rights under Section 504 (included in the Appendix).
- ◆ Notify parents/guardians of their right to challenge decisions regarding the identification, evaluation, or placement of their child. See Student and Parent Rights under Section 504 (included in the Appendix).
- ◆ Conduct a self-evaluation of District policies, programs, and practices to make sure discrimination is not occurring.
- ◆ Provide parents the opportunity to examine relevant records. See Student and Parent Rights under Section 504 (included in the Appendix).

Who Is a Person with a "Disability" under Section 504?

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

Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact the impairment has on one or more of a student's major life activities. A substantial limitation means that the student is unable to perform a major life activity that *the average person in the general population* can perform or is substantially limited in the condition,

manner, or duration under which the individual can perform the major life activity at issue. Additionally, with the exception of ordinary eyeglasses and contact lenses, the ameliorative effects of available “mitigating measures” (including, but not limited to, medications, prosthetics, hearing aids, mobility devices, and learned adaptations) may not be considered in determining whether someone is “substantially limited” in a major life activity.

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

When Is It Appropriate to Write a Section 504 Accommodation Plan?

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

Additionally, even if a student actually has a disability (*i.e.*, has a physical or mental impairment that “substantially limits” a major life activity), he may not need a Section 504 accommodation plan. To determine whether the student needs a 504 plan, you must ask whether the student, despite his disability, is able to access the programs and services of the school district as adequately as non-disabled students. If the answer to this question is “yes,” then accommodations and modifications are not necessary, and a 504 plan need not be developed. If the answer is “no,” a 504 plan should be developed.

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

Please note that while Section 504 prohibits the District from discriminating against students who have a “record of” or are “regarded as” having a disability, it does not require the District to evaluate or develop a 504 plan for such students. In sum, Section 504 seeks to protect those who have a “record of” or are “regarded as” having a disability from the prejudice or stereotypic

attitudes of others. It does not, however, require that the District accommodate them (*i.e.*, develop a 504 plan for them) because they may not, in fact, be disabled. Only students who are actually disabled (that is, students who, in fact, have a physical or mental impairment that substantially limits a major life activity) are entitled to accommodations.

What Do Section 504 Accommodations Look Like?

Accommodations are changes in the learning process or environment that will provide access to services without fundamentally altering or lowering the standard or expectations inherent in the learning experience. Section 504 planning most commonly focuses on identifying and implementing specific accommodations. Accommodations may be as simple as changes in daily schedule or as complex as using assistive technologies that address specific disabilities. For example, FM amplifiers may be needed to help a student with a hearing impairment understand class lectures, magnification devices may be needed to help a student read, and any number of devices may be needed to aid student mobility. Accommodations also may include interventions to address safety or health needs for a student with disabilities which might otherwise be included in a safety plan or health plan for a non-disabled student. If a student is eligible for a Section 504 plan, then safety and/or health accommodations must be addressed through the Section 504 referral, evaluation and planning processes set forth in this policy. The necessary accommodations, however, may be included on a Safety Plan or Health Plan as they would for a non-disabled student. In other words, it is not necessary to write the Health or Safety Plan into the student's Section 504 plan. Instead, the Section 504 plan can state: "See Student's Health Plan" or "See Student's Safety Plan," as may be included in the Section 504 plan by reference.

The following pages contain some examples of accommodations that may be provided as part of a Section 504 plan. Please note that **the examples listed in the following pages are not intended as all-inclusive or mandatory "checklists" of accommodations to be provided for 504-eligible students.** Rather these examples are intended to provide some ideas as to the potential accommodations that may allow a student equal access to the District's programs, services, and activities. **All accommodations should be determined on a case-by-case basis, based on the unique needs of the student at issue.**

Finally, please note that the accommodations listed below are not reserved exclusively for

students with disabilities. There is a common misunderstanding that for students to receive accommodations, they must be on Section 504 accommodation plans. This is not true. Simply put, a student receives a 504 plan not because he/she needs an accommodation, but because he/she has a “disability” and, by virtue of that disability, he/she needs an accommodation.

Potential Accommodations to Address Section 504 Issues

Environmental Changes

- Provide a structured learning environment
- Adjust class schedules
- Provide aides or note takers
- Modify nonacademic times such as lunch room and recess
- Modify physical education
- Change student seating
- Provide use of a study carrel
- Alter location of personal supplies for easier access or to minimize distraction
- Implement self-recording of behaviors

Organizational Strategies

- Modify tests
- Use tape recorders or AV equipment
- Tailor homework assignments
- Provide one-on-one tutoring
- Provide peer tutoring
- Set time expectations for assignments
- Provide cues such as clock faces indicating beginning and ending times
- Provide tests in segments so that student finishes one segment before receiving the next part
- Highlight main ideas and supporting details in the book

Behavioral Strategies

- Use behavioral management techniques
- Implement behavioral contracts
- Utilize positive reinforcements (rewards)
- Utilize negative reinforcements (consequences)
- Confer with the student’s parents (and student as appropriate)
- Confer with the student’s other teachers
- Establish a home/school communication system for behavior monitoring
- Post rules and consequences for classroom behavior
- Write a contract for student behavior
- Offer social reinforcers (i.e., praise) for appropriate behavior.

- Establish daily/weekly progress report for the student.

Presentation Strategies

- Tape lessons so the student can listen to them again
- Provide materials for extra practice
- Require fewer drill and practice activities
- Give oral and visual instructions for assignments
- Vary the method of lesson presentation
 - a. lecture
 - b. small groups
 - c. large groups
 - d. audio visuals (i.e. filmstrips, study prints)
 - e. peer tutors or cross-age tutors (i.e., take notes, monitor assignments, read aloud, listen)
 - f. demonstrations
 - g. experiments
 - h. simulations
 - i. games
 - j. 1-to-1 instruction with other adult
- Provide for oral testing
- Ask student to repeat directions/assignments to ensure understanding
- Arrange for a mentor to work with student in his or her interest area or area of greatest strength

Instructional Methods

- Repeat and simplify instructions about in-class and homework assignments
- Supplement oral instructions with visual instructions
- Change instructional pace
- Change instructional methods

Curricular Changes

- Change instructional materials
- Utilize supplementary materials
- Assess whether the student has the necessary prerequisite skills. Determine whether materials are appropriate to the student's current interest and functioning levels
- Implement study skill strategies (survey, read, recite, review)
- Introduce definition of new terms/vocabulary and review to check for understanding
- Limit amount of material presented on a single page
- Provide a sample or practice test
- Be aware of student's preferred learning style and provide appropriate instruction/material

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

The goal of the District's 504 referral process is to provide an environment that meets student needs in ways that are safe, educationally sound, and consistent with the requirements of Section 504. A Section 504 referral may be initiated by parents, school staff, community agencies, medical providers, the student, or other concerned parties. Such a referral may address an immediate physical or medical need or a more long-term learning-related need. In all cases:

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

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

3. **The 504 Evaluation:** An evaluation must be completed prior to determining a student's eligibility under Section 504 and prior to any significant change in placement. Evaluations should include information from a variety of sources, including aptitude and achievement tests, teacher recommendations, information from parents/legal guardian, physical condition, social or cultural background, and adaptive behavior. Depending on the nature of the suspected disability, the evaluation data collected may include formal testing results, behavioral observations, disciplinary referrals, classroom performance indicators, academic achievement results, anecdotal

records, and outside professional opinions, including medical opinions provided by parents.

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

4. **Scheduling the 504 Eligibility Meeting:** Once all necessary evaluation data has been collected, the 504 Coordinator will schedule a Section 504 eligibility meeting and invite the student's parents/legal guardians to attend by sending them a Notice of Section 504 Meeting. The District will endeavor to schedule this meeting no later than 60 days after receipt of the Section 504 Referral form. The 504 Coordinator shall ensure that individuals knowledgeable about the student, the evaluation data collected, and the accommodation and placement options available, attend the meeting. The individuals invited should be listed (by title) on the Notice of a Section 504 Meeting.

5. **The 504 Eligibility Meeting/Creation of Accommodation Plan:** The 504 team will, in turn, meet, review the evaluation data collected, and determine whether the student is eligible for a Section 504 accommodation plan. As noted above, decisions regarding the student's eligibility and educational placement should be made based on a variety of information and by individuals who know the student, including parents/legal guardian, the evaluation data collected, and the accommodation and placement options available. Additionally, the team's decisions should take into consideration the fact that students with disabilities have the right to be educated with non-disabled peers to the maximum extent appropriate.

The Section 504 Eligibility Determination Report should be used to document both the team's careful consideration of the evaluation data collected, as well as its analysis of the student's eligibility under Section 504. The team should complete the accommodation section of the form (Part C), only if the student is found eligible for a 504 plan. Please note that in making any accommodation and/or placement decisions, students with disabilities have the right to be educated with non-disabled peers to the maximum extent appropriate.

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

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

7. **Annual Review:** Section 504 plans should be reviewed annually or whenever information is received that indicates a need for review or reevaluation.² As noted above, a reevaluation (which may include, as appropriate, assessments as described in Step 3 above) shall occur prior to any significant change of placement. At the review meeting, the 504 team will review the student's progress and any data collected as part of the reevaluation. The team will, in turn, complete a Section 504 Review Report and update, revise, or terminate the plan, as appropriate. If updated or revised, the student's case manager is responsible for ensuring that a copy of the student's new accommodation plan is provided to those administrators, teachers, and other District staff responsible for implementation.

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

8. **Forwarding the 504 Plan/File:** Building-level 504 Coordinators are responsible for ensuring that a student's Section 504 file and accommodation plans are forwarded to his/her new school, as the student advances or changes schools.

Role of the 504 Case Manager

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

- communicate the plan to all necessary staff;
- monitor staff implementation;
- report to the 504 team successes and challenges encountered by the student;
- communicate with the parent/guardian relative to student progress and/or problems;
- participate in any review meetings including recommendations relative to revision or termination of the plan; and
- ensure that the student's current 504 plan (and file) follow the student as he changes schools.

504 Record Keeping

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

- the Section 504 Referral form;
- any minutes from Section 504 meetings relating to that student;
- copies of correspondence with the parent including the Section 504 Notice of Evaluation and Notice of a Section 504 Meeting;
- consent forms including confirmation of receipt of the Student and Parent Rights under Section 504;
- the Section 504 Eligibility Determination Report (including the Accommodation Plan);
- documentation from the case manager relative to monitoring;
- Section 504 Review Reports documenting the results of any review meetings including decisions to revise or terminate the plan; and
- any other documentation relevant to the active 504 plan.

Section 504 accommodation plans should be kept apart from student cumulative files. Active Section 504 files should be kept in a central location within the building. Inactive files (*i.e.*, files related to 504 plans that have been completed and terminated by the building level team) should be forwarded to the District's Section 504/ADA Compliance Officer for storage.

Discipline and Section 504

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

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

District's Section 504 Policy and Grievance/Hearing Procedures

The School District has adopted a policy titled Nondiscrimination on the Basis of Handicap/Disability (Policy ACE). The District's Secondary Principal currently serves as the District's Section 504/ADA Compliance Officer. Among other things, policy ACE establishes a grievance procedure, including timelines, to be followed in the event that a student, parent, employee, or member of the general public believes that there has been discrimination on the basis of a disability. While we encourage parents to discuss any concerns with the building principal and other appropriate building staff prior to filing a complaint, the grievance procedure related to 504 complaints is as follows:

- In the event that an individual believes that there has been a violation of Section 504 or the ADA, he/she shall mail or deliver to the Section 504/ADA Compliance Officer a written statement (“complaint”) on the district’s designated complaint form. The complaint must set out the alleged violations in specific terms, describing the incident or activity involved, the individuals involved and the dates, times and locations involved. Employees and members of the general public can obtain a complaint form from the district’s administrative office. Students and parents can obtain a complaint form from the principal of the student’s school.
- The Section 504/ADA Compliance Officer shall offer the individual filing the complaint an opportunity to discuss the matter personally, if requested.
- The Section 504/ADA Compliance Officer shall make such additional investigation as is necessary to determine the complete facts involved and within 8 school days of meeting with the complainant, shall take any action necessary, in his or her judgment, to resolve the matter. The Section 504/ADA Compliance Officer shall also issue a written decision regarding the complaint and the resolution thereof, to the complainant within 8 school days of meeting with the complainant. The matter shall be reported to the Board at its next regular meeting for its review and action, if the Board deems further action is necessary.
- If the individual submitting the complaint of an alleged violation is not satisfied with the handling of the matter, he/she may give written notice to the district’s Section 504/ADA Compliance Officer explaining the reason for dissatisfaction and requesting an appearance before the Board of Education. Such notice shall be given within 8 school days of the district’s Section 504/ADA Compliance Officer’s decision. In turn, the District will arrange for the complainant to appear before the Board at its next regularly scheduled meeting. The complainant shall be notified in writing of the Board’s decision within 8 school days of his/her meeting with the Board.

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

- An impartial due process hearing may be requested by filing written notice with the District’s Section 504/ADA Compliance Officer.
- Upon receiving a written request for a hearing, the District’s Section 504/ADA Compliance Officer will select a hearing officer from the list of impartial hearing officers maintained by the Colorado Department of Education to hear cases pursuant to the Individuals with Disabilities Education Act and who have been trained regarding Section 504.

- The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing.
- Within 8 school days after the conclusion of the hearing, the hearing officer will issue a written decision. The decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and the Board. The decision of the hearing officer shall constitute the final administrative decision in the matter.
- If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer, the parent/legal guardian or District may initiate legal proceedings in a court of competent jurisdiction.

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

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

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

Appendix: District Section 504 Forms

Section 504 Evaluation Checklist

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

Section 504 Referral

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

Section 504 Notice of Evaluation

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

Student and Parent Rights under Section 504

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

Notice of Section 504 Meeting

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

Section 504 Eligibility Determination Report

Purpose: Organizes and documents the steps that the 504 team must follow to determine whether a student is eligible under Section 504. This form also serves to document the Section 504 Accommodation Plan created by the team *if* the team determines that the student is eligible for such a plan. A copy of this completed form should be provided to the parents/legal guardians.

Section 504 Review Report

Purpose: Organizes and documents the steps that the 504 team follows in annually reviewing the 504 Accommodation Plan.

Section 504 Manifestation Determination Report

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

Section 504 Complaint and Student-Related Complaint Procedures

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

SECTION 504 EVALUATION CHECKLIST

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

1. Building 504 Coordinator receives <u>Section 504 Referral</u> and opens a 504 file.	Date:	
2. The 504 Coordinator determines whether or not a 504 evaluation will be conducted. If it is determined that an evaluation will <u>not</u> occur, the 504 Coordinator records the decision, and reasons for the decision, on the bottom of the <u>Section 504 Referral</u> form and provides parents with a copy of the Referral form and a copy of the <u>Student and Parent Rights under Section 504</u> .	Date:	
3. If it is determined that an evaluation will occur, the 504 Coordinator completes and sends the <u>Section 504 Parent Notice of Evaluation</u> and a copy of the <u>Student and Parent Rights under Section 504</u> to the parent/legal guardian. (Have parent/guardian sign and return this form.)	Date:	
4. The 504 Coordinator identifies members of the 504 eligibility team, which shall include parents/legal guardian.	Date:	
5. Once all necessary data on the student has been collected, the 504 Coordinator sends the <u>Notice of a Section 504 Meeting</u> to the parent/legal guardian.	Date:	
6. The 504 team meets, evaluates the student's impairment and eligibility for services, and completes the <u>Section 504 Eligibility Determination Report</u> . (Team completes the accommodation section (Part C) only if the student is found eligible under Section 504.) A copy of the finalized form is placed in the student's 504 file and a copy is provided to parent/legal guardian. An additional copy of the <u>Student and Parent Rights under Section 504</u> should be provided, if parents request it.	Date:	
7. If the student is determined eligible, the 504 Coordinator is responsible for assigning a case manager to ensure that the student's teachers and other appropriate staff members implement the accommodations outlined in Part C the Report.	Date:	
8. If the student is determined eligible, the 504 Coordinator is responsible for ensuring that the student's 504 accommodation plan is reviewed annually or whenever information is received that indicates a need for review or reevaluation. For review meetings, the 504 Coordinator will reconvene the 504 team to complete the <u>Section 504 Review Report</u> . ("Date" here is the anticipated date of review.)	Date:	
9. If the student is determined eligible, the 504 Coordinator shall ensure that the student's current 504 accommodation plan and 504 file are forwarded to new schools as the student moves-up or changes schools.		

SECTION 504-REFERRAL FORM

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

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

A. Academic concern(s):

B. Behavioral concern(s):

C. Major life activity that may be limited (for example, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, eating, sleeping, reading, learning, communicating, thinking concentrating, working, caring for oneself, performing manual tasks, etc.):

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

3. Please describe any interventions that have been tried.

4. Please attach copies of any pertinent data on the student (grades, standardized test scores, etc.). Also, please attach any available medical documentation regarding the student's physical or mental impairment.

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

FOR DISTRICT USE ONLY

ACTION TAKEN:

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

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

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

By: _____
Building 504 Coordinator

Date: _____

SECTION 504 NOTICE OF EVALUATION

Date: _____

Dear Mr./Mrs. _____:

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

The evaluation procedures that will be used will include: _____

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

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

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

Building 504 Coordinator

Telephone Number

I have received a copy of the Student and Parent Rights _____ (please initial).	
I do do not (please circle one) give written consent to have my child evaluated for Section 504 eligibility.	
_____ Parent Signature	_____ Date

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

STUDENT AND PARENT RIGHTS UNDER SECTION 504

YOU HAVE THE RIGHT TO:

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

NOTICE OF A SECTION 504 MEETING

Student: _____ Date: _____

School: _____

Dear Mr./Mrs. _____:

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

Date: _____ Time: _____

Location: _____

Other eligibility team members invited (by title): _____

Review meeting type: Initial _____ Review _____ Other _____

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

Sincerely,

Building 504 Coordinator

SECTION 504 ELIGIBILITY DETERMINATION REPORT

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

- A. SUMMARY OF EVALUATION DATA** – Information from a variety of sources, including, as relevant, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

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

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

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

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

walking, standing, lifting, bending, seeing, hearing,
 speaking, breathing, eating, sleeping, reading, learning,
 communicating, thinking, concentrating, working, caring for
oneself, performing manual tasks, other (*please describe:* _____).

Briefly describe the reason for and data supporting the decision:

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

Briefly explain the reason for this decision.

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

C. ACCOMMODATION PLAN

Student Name: _____ Effective Date: _____

Case Manager Assigned (title): _____

Please specify the student's needs as related to the identified disability, and the accommodations the student needs in order to access school programming as adequately as non-disabled students. The necessary accommodations may be included on a Safety Plan or Health Plan as they would for a non-disabled student. In such case, the Section 504 plan can state: "See Student's Health Plan" or "See Student's Safety Plan," as may be included in the Section 504 plan by reference.

1. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

2. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

3. Need: _____

Accommodation: _____

Accommodation: _____

Accommodation: _____

(Attach additional needs and corresponding accommodations/services, as necessary.)

Student responsibilities:

Parent/guardian responsibilities:

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

D. DURATION OF SERVICES

Anticipated Duration of Accommodation Plan: from (Date): _____ to (Date): _____

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

E. MEETING PARTICIPANTS

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

Parent/Legal Guardian Statements (Please Initial):

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

____ I agree with the Section 504 plan as written.

Parent/Legal Guardian Signature

Date

Parent/Legal Guardian Signature

Date

For District Use:

- **File the original 504 Eligibility Determination Report in the student's 504 file.**

- **Provide/send a copy of the report to the student's parent/guardian.**
- **Provide copies of Part C (the Accommodation Plan) to administrators, teachers, and any other District staff responsible for implementation.**

SECTION 504 REVIEW REPORT

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

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

DISCUSSION OF PROGRESS: _____

RECOMMENDATION

- Continue current Section 504 accommodation plan with no changes.

- Modify the Student's Section 504 accommodation plan.
(If modified, attach a revised accommodation plan.)

- Exit from program based upon evaluation results.

REASONS FOR RECOMMENDATION: _____

The following individuals participated in this 504 review:

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

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

Parent/Legal Guardian Statements (Please Initial):

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

___ I agree with the recommendations made during this review.

Parent/Legal Guardian Signature

Date

Parent/Legal Guardian Signature

Date

For District Use:

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

SECTION 504 MANIFESTATION DETERMINATION REPORT

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

PURPOSE OF MEETING

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

AGENDA

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

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

- II. **Analysis:** Review the relevant information in the student's file, including information from parents, any teacher observations and the student's 504 Plan.
- A. *Was the misconduct for which the district seeks to discipline the student either caused by, or does it have a direct and substantial relationship to, the student's Section 504 disability? Y/N*
 - B. *Was the misconduct for which the district seeks to discipline the student a direct result of the failure to implement the current 504 Plan? Y/N*

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

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

IV. Next Steps (as appropriate):

- A. If the student's misconduct is a manifestation of the student's disability, the 504 team must withdraw the recommendation to expel, long-term suspend, or impose any other disciplinary change of placement, and return the student to the placement from which he/she was removed (unless the parent and the District agree to a change in placement). The team should also discuss whether any changes to the student's 504 plan are necessary and consider whether a behavior plan should be drafted.

- B. If the student's alleged misconduct is not a manifestation of the student's disability, the student may be disciplined in the same manner as non-disabled students.

V. Participants:

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

STUDENT-RELATED SECTION 504 COMPLAINT

The District does not permit discrimination on the basis of disability in any of its programs or activities. If you believe that discrimination has occurred because of a disability, please complete, sign, and submit this form to the District's Section 504/ADA Compliance Officer, Custer County School District C-1, 709 Main Street, Westcliffe, Colorado 81252.

Date: _____

Complainant: _____

Name of Student: _____

Address: _____ Phone: _____

1. Describe the alleged violation of Section 504 in specific terms. Include: (a) the specific incident or activity that is viewed as discrimination; (b) the individuals involved; (c) the dates, times, and locations of the incident or activity; and (d) the disability that forms the basis of the complaint (attach additional pages if needed).
2. Describe any relevant communication that has already occurred to address the issue. Please specify the type of communication, dates of communication, and names of individuals involved (attach additional pages if needed).
3. Please describe how you would propose to resolve this issue (attach additional pages if needed).

Complainant's Signature

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

STUDENT-RELATED SECTION 504 COMPLAINT RESOLUTION PROCEDURES

Grievance Procedures

- Step 1.** The parents/legal guardian should complete and submit a Section 504 Complaint to the District's Section 504/ADA Compliance Officer as designated in District Policy ACE.
- Step 2.** The Section 504/ADA Compliance Officer shall offer the individual filing the written statement ("the complainant") an opportunity to discuss the matter personally, if requested, and shall make such additional investigation as is necessary to determine the complete facts involved.
- Step 3.** Within 8 school days of meeting with the complainant, the Section 504/ADA Compliance Officer shall take any action necessary, in his or her judgment, to resolve the matter. The Section 504/ADA Compliance Officer shall also issue a written decision regarding the complaint and the resolution thereof, to the complainant within 8 school days of meeting with the complainant. The matter shall be reported to the Board at its next regular meeting for its review and action, if the Board deems further action is necessary.
- Step 3.** If the complainant is not satisfied with the handling of the matter, the parent/legal guardian may give written notice to the District's Section 504/ADA Compliance Officer explaining the reason for dissatisfaction and requesting an appearance before the Board of Education. Such notice must be given within 8 school days of the Section 504/ADA Compliance Officer's decision. In turn, the District will arrange for the complainant to appear before the Board at its next regularly scheduled meeting. The complainant shall be notified in writing of the Board's decision within 8 school days of his/her meeting with the Board.

Hearing Procedures

- Step 1.** If a complaint involves a child's identification, evaluation, educational program, or placement, parents/legal guardians also have the option of requesting a Section 504 due process hearing. Pursuant to District Policy ACE, a hearing may be requested by filing written notice with the District's Section 504/ADA Compliance Officer.
- Step 2.** Upon receiving a written request for an impartial due process hearing, the District's Section 504/ADA Compliance Officer will select a hearing officer from the list of impartial hearing officers maintained by the Colorado Department of Education to hear cases pursuant to the Individuals with Disabilities Education Act and who have been trained regarding Section 504.
- Step 3.** The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing.
- Step 4.** Within 8 school days after the conclusion of the hearing, the hearing officer will issue a written decision. The decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and the Board. The decision of the hearing officer shall constitute the final administrative decision in the matter.
- Step 5.** If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer, the parent/legal guardian or District may initiate legal proceedings in the United States District Court, District of Colorado, or other court of competent jurisdiction.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 551

LECTURE 1

THE CLASSICAL LIMIT

1.1. THE CLASSICAL LIMIT

1.2. THE CLASSICAL LIMIT

1.3. THE CLASSICAL LIMIT

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