

Revised: _____

504 Plan Information Sheet

What is the purpose of Section 504?

Section 504 is a part of the Rehabilitation Act of 1973, which is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public and private, that receives federal financial assistance. It is intended to establish a “level playing field” so that students with disabilities have equal opportunity to be successful.

Definition of Disability

Under 504, a person is considered to have a disability if that person:

Has a physical or mental impairment that substantially limits one or more activities of daily living; has a record of such impairment; is regarded as having such an impairment.

A physical or mental impairment is defined in the following ways:

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

- (2) A major life activity means:

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, and thinking. [34 CFR 104.3(j)(2)(ii)[42 USCA § 12102] “Major life activities also includes the 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, or reproductive functions. [42 USCA 12102 sec. 3]

When a condition significantly limits a major life activity, a 504 plan must be developed for that learner. Program changes under Section 504 must be determined by a team of individuals who are knowledgeable about the learner’s needs.

Whether an impairment “substantially limits” a major life activity is a common sense assessment based on a comparison of the learner’s ability to perform a major life activity with the ability of same age peers. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. An impairment that is expected to last at least 6 months would qualify.

When deciding whether an impairment is a disability under Section 504, the team should ignore the positive effects of mitigating measures such as medicine, medical devices, assistive technology, accommodations, or learned behavioral or adaptive neurological modifications. (However, the team should take into account the positive effects of these mitigating measures when determining whether a learner with a disability actually requires a program change.)

Examples of Impairments that Will Consistently Meet the Meet the Definition of Disability:

- deafness
- blindness
- intellectual disability (formerly termed mental retardation)
- partially or completely missing limbs
- mobility impairments requiring the use of a wheelchair
- autism
- cancer
- cerebral palsy
- diabetes
- epilepsy
- HIV or AIDS
- multiple sclerosis
- muscular dystrophy
- major depression
- bipolar disorder
- post-traumatic stress disorder
- obsessive compulsive disorder
- schizophrenia
- spina bifida
- tuberculosis
- kidney or liver disease

This list is not exhaustive. Other types of impairments not specifically identified above may also consistently be substantially limiting (and therefore a “disability”), such as some forms of depression other than major depression and seizure disorders other than epilepsy.

Examples of Impairments that May Be Disabling for Some Individuals But Not For Others:

- asthma (for example, a learner who is substantially limited in respiratory functions and breathing compared to most learners, as indicated by the effects of exercise, exposure to substances such as cleaning products or perfumes, is an individual with a disability)
- high blood pressure
- learning disability (for example, a learner who is substantially limited in reading, learning, thinking, or concentrating compared to most learners, as indicated by the speed or ease with which he can read, the time and effort required for him to learn, or the difficulty he experiences in concentrating or thinking, is an individual with a disability, even if he has achieved a high level of academic success. The determination of whether an individual has a disability does not depend on what an individual is able to do in spite of an impairment.)
- a back or leg impairment (for example, a learner who is substantially limited compared to most people in the length of time she can stand, the distance she can walk, or the weight she can lift, is an individual with a disability)
- a psychiatric impairment such as panic disorder, anxiety disorder, or some forms of depression other than major depression (for example, a learner who is substantially limited compared to most learners, as indicated by the time and effort required to think or concentrate, the diminished capacity to effectively interact with others, the length or quality of sleep the learner gets, the individual's eating patterns or appetite, or the effect on other major life activities, is an individual with a disability).
- arthritis or carpal tunnel syndrome (for example, a learner who is substantially limited in performing manual tasks compared to most learners, as indicated by the amount of pain experienced when writing or using a computer keyboard or the length of time for which such manual tasks can be performed, is an individual with a disability).
- hyperthyroidism
- allergy/asthma
- Attention Deficit Disorder (ADD)
- Attention Deficit Hyperactivity Disorder (ADHD)
- Broken limbs or bones, depending on the nature and severity
- Alcohol addiction
- Drug addiction (qualifies only if not currently using drugs)

The list of examples above is merely illustrative, not exhaustive.

Impairments that are Usually Not Disabilities:

Temporary, non-chronic impairments of short duration with little or no residual effects (such as the common cold, seasonal or common influenza, a sprained joint, minor and non-chronic gastrointestinal disorders) usually will not be a “disability” under Section 504.

If the team determines that a learner has a disability, the team should determine what accommodations or modifications the learner needs and prepare a 504 plan.

Steps in the 504 Plan Process

“Child Find” - Section 504 requires schools to identify learners who may be disabled.

Referral: parents or school personnel may make referrals to the student’s guidance counselor.

Evaluation: the student’s guidance counselor will bring referral to teacher team

Eligibility Determination: the Section 504 team determines if the student has a physical or mental impairment that substantially limits a major life activity and requires program changes in school.

504 Plan Development: if the Section 504 team determines that the student is eligible, a 504 plan will be developed. Periodic Evaluation: the school district must periodically reevaluate the student to determine continuing eligibility under Section 504.

Section 504 Evaluation Form

Name of Student: _____

Birth date: _____ Grade: _____ School: _____

1. What is the disability? Attach diagnosis or state why diagnosis is not available. _____

2. Describe the basis for the determination of the disabling condition (if any)

3. a. Describe how the disabling condition affects a major life activity

b. Describe how the disabling condition affects major life activity and learning
:

4. Describe the program changes that are necessary:

Physical:

Instructional:

Behavioral:

Extracurricular:

504 Plan Evaluation and Review

Name of Student _____ Date of Birth _____

School _____ Grade _____

Nature of concerns in school

Date of 504 Plan implementation: _____

Date of 504 Plan review: _____

Result of Plan Review:

Student does not currently qualify for initial 504 Plan as determined by evaluation team

Continuation of 504 Plan as written

Continuation of 504 Plan with changes

- Change of Setting
- Grade level change
- Building change
- Exiting *504* plan; student no longer requires services

Comments:

Section **504** Plan

Name:

Date of Birth:

School:

Grade:

Date of initial *504* Plan Implementation:

Date of implementation of current *504* Plan:

Nature of concern:

Basis of determination of disability:

How the disability affects major life activities:

Goal: To encourage independence and success in the school setting.

Classroom Accommodations:

Physical:

Instructional:

Behavioral:

Extracurricular:

General Comments:

Individuals participating in development of the *504*

Plan: _____

To be completed by parent/guardian:

I accept this plan and have received a copy of the Section *504* Rights (Information Regarding Section *504* of the Rehabilitation Act of 1973).

Parent/Guardian Signature _____ Date _____

Student Signature _____ Date _____

Administrator Signature _____ Date _____

Guidance Counselor _____ Date _____

504 Plan Manager _____ Date _____

Section 504 Checklist

Name: _____ Grade: _____

School: _____

Academic Year: _____

Referral to 504: _____

504 Information Sheet: _____

Initial 504 Meeting: _____

504 copies distributed: _____

Procedural Safeguards Regarding Section 504 of the Rehabilitation Act of 1973 included:

Yes _____ No _____

504 Plan Manager: _____

504 Review Meeting: _____

Promotion 504 Plan Manager: _____

**Notice of Parent/Student Rights And Procedural Safeguards
Section 504 of the Rehabilitation Act of 1973**

The following is a description of the rights granted by federal law to students with disabilities. A full compilation can be found at 34 C.F.R. stat. 104.21.

You have the right to:

1. have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability.
2. have the school district advise you of your rights under federal law.
3. receive notice with respect to identification, evaluation, and accommodations for your child. Your child is entitled to receive an evaluation prior to an initial placement and any subsequent significant changes in placement. You must provide consent for the initial evaluation or the school district may not proceed with an evaluation.
4. have your child receive a free appropriate public education. This includes the right to be educated with learners without disabilities to the maximum extent appropriate. It also includes the right to receive regular and/or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities are met.
5. have your child receive services and be educated in facilities which are comparable to those provided to students without disabilities.
6. have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know the student and who are knowledgeable about the evaluation data and placement options.
7. have transportation provided to and from an alternative placement at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
8. have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
9. examine all relevant records relating to decisions regarding your child's identification, evaluation, and placement.
10. obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. 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.

12. request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, or educational program and to be represented by counsel in the hearing process. The school district may also request a hearing on matters of identification, evaluation, or educational program for your child. You or the school district have the right to appeal an adverse decision to a hearing review officer within 20 school days of the receipt of the written decision by the hearing officer. The school district will appoint a hearing officer and a hearing review officer at its expense. It will also provide for the recording of testimony and evidence in the hearing and if applicable, in the review process.

13. file a local grievance with the District Section 504 Coordinator. Neither the local grievance procedure nor the hearing procedure prevents a student or parent from filing a complaint with the Office for Civil Rights (OCR) or in federal court. **There may be specific timelines for filing a complaint that may affect your rights.** This Notice is not intended to be legal advice or substitute for legal advice. More information can be obtained on the OCR's or the Minnesota Department of Education's website as well or by contacting the District's 504 Coordinator.

14. file a complaint with the Office for Civil Rights (OCR) addressed ATTN: OCR Regional

Manager, Office for Civil Rights, U.S. Department of Health and Human Services, 233 N. Michigan Ave., Suite 240, Chicago, IL 60601. Voice Phone: (312-886-2359) Fax: (312-886-1807) TDD: (312-353-5693).

15. receive information in your native language and primary mode of communication.

The District Section 504 Coordinator is _____ . The Coordinator is responsible for assuring that the District complies with Section 504 and may be reached by calling _____ address: _____ or via email at: _____

Section 504 of the Rehabilitation Act

I. PURPOSE

The purpose of this policy is to prohibit discrimination against students with disabilities and students who need regular or special education and related aids and services in order to receive a free appropriate public education as required by Section 504 of the Rehabilitation Act of 1973.

II. GENERAL STATEMENT OF POLICY

Section 504 prohibits discrimination based on an individual's disability in any program receiving federal financial assistance. Section 504 of the Rehabilitation Act of 1973 provides that "no qualified person with a disability shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance".

A student is disabled under the definition of Section 504 if he or she:

1. has a physical or mental impairment, which substantially limits one or more of such person's major life activities (Examples of "major life activities" include, but are not limited to, functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, and thinking. "Major life activities also includes the 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, or reproductive functions.)

2. has a record of such an impairment; or

3. Is regarded as having such an impairment.

The District recognizes its responsibility to identify and evaluate learners who, within the intent of Section 504, need special accommodations or program change to ensure that the student is provided a free appropriate public education.

The District will provide notice to parents, employees, bargaining organizations, and community members that it does not discriminate on the basis of disability.

The District will make facilities, programs, and activities accessible, usable, and open to persons with disabilities.

The District will develop and publish grievance procedures that provide prompt resolution of complaints of discrimination based on disability.

The District will designate an employee who will have the responsibility to coordinate the District's efforts under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act and to give overall direction in adhering to this Policy.

Every employee of the School District will be expected to support the implementation of this Policy.

Legal References: Section 504 of the Rehabilitation Act, 29 §794; 34 C.F.R, §104.3(j)(disability defined); 34 C.F.R. 104(a)(designation of responsible authority), 34 CFR §104 (b)(grievance provisions)

The American's with Disabilities Amendments Act as Amended
The Individuals with Disabilities Education Act, 20 U.S.C.1401 *et seq*

REGULATIONS IMPLEMENTING STUDENT SECTION 504 POLICY

I. Non-Discrimination

A. Section 504 Coordinators

1. The _____ (title/name) serves as the Section 504 Coordinator for the District.

B. Notice of Nondiscrimination

Notice that the school district does not discriminate on the basis of disability will be provided to participants, beneficiaries, including learners and parents or guardians and applicants, employees, unions, and professional organizations.

1. The notice must include a statement of nondiscrimination by the District regarding admission or access to, or treatment or employment in, its programs and activities and shall name the Section 504 Coordinator.

2. The notice is included on recruitment materials and publications containing general information.

C. Dispute Resolution and Grievance/Hearing Procedures

Disputes regarding *504* services or procedures can be resolved in a number of ways. Each method of dispute resolution listed below is an alternative option for the resolution of disputes and need not be used in any particular sequence. Parents/guardians and students are encouraged to resolve complaints at the local or building level first, but may choose any option for dispute resolution.

504 Team: A student's *504* team may address *504* disputes, and may include the District's Section *504* Coordinator.

Mediation: A trained, neutral, third party mediator may be obtained to address *504* disputes.

Grievance Procedures: Grievance procedures incorporate appropriate process standards and provide for the prompt and fair resolution of complaints. See Section D below.

Impartial hearing system: The school district has a hearing system that includes an impartial hearing to resolve disputes regarding the identification, evaluation or educational placement of learners with disabilities. See Section D. below.

c. Procedures for Filing a Grievance and for Section *504* Hearings

1. The grievance procedures for alleging violations under Section *504* are as follows:

Step 1:

The grievance should be In writing and must be signed by the person making the complaint. **A grievant may present the grievance orally to the Section 504 Coordinator and the Coordinator will assist the grievant to reduce the complaint to writing.** The grievance should be submitted within thirty (30) calendar days. A grievance that is submitted beyond thirty (30) calendar days may not be considered. The Section *504* Coordinator will promptly attempt to resolve the mailer among the affected parties. The Section *504* Coordinator will investigate the grievance by obtaining information from student/parents and teachers as necessary and will reply in writing to the grievant within thirty (30) days of completing the investigation.

Step 2:

If the grievant wishes to appeal the decision of the District Section 504 Coordinator, the grievant may submit a signed statement of appeal to the Executive Director within five (5) school days after receipt of the District Section 504 Coordinator's response. The Executive Director shall meet with all parties involved, formulate a conclusion, and respond in writing to the grievant within thirty (30) days of the completion of the meeting.

2. Complaint to the OCR or Minnesota Department of Human Rights

At any point in the grievance procedure, a parent or student may file a complaint with state or federal agencies.

Federal complaints can be addressed to:

ATTN: OCR Regional Manager
Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
Telephone: 312-886-2359
FAX: 312-886-1807; TDD: 312-353-5693
<http://www.hhs.gov/ocr/civilrights/complaints/index.html>

State complaints can be addressed to:
Minnesota Department of Human Rights
Freeman Building

625 Robert Street North
St. Paul, MN 55155
Telephone: 651-539-1100
Toll Free: 1-800-657-3704
Fax: 651-296-9042
TTY: 651-296-1283
EMAIL: info.MDHR@state.mn.us
<http://www.humanrights.state.mn.us/intake!index.html>

3. Hearing

For complaints involving the District's identification, evaluation, or educational placement under Section 504 of a student, the parent and student have the right to an impartial hearing with the opportunity for parental participation and representation by an attorney. Parents/guardians have an opportunity to participate in the hearing; be represented by counsel; examine relevant records; and seek a review of the decision, including judicial review. These rights are explained further in the Notice of Procedural Safeguards.

III. Identification, Evaluation and Placement

A. Identification of Students with Disabilities

The school district is required annually to take appropriate steps to identify and locate every student living in the jurisdiction of the school district who may be eligible for accommodations under Section 504.

B. Annual Notice to Students with Disabilities

The school district is required annually to take appropriate steps to notify all students with disabilities and their parents or guardians of the school district's duty under Section 504.

C. Evaluation and Placement

1. Evaluation.

Section 504 requires schools to conduct an evaluation of a learner before the child's initial placement and before any subsequent significant change of educational placement under Section 504. The school district will provide parental notice and obtain parental permission prior to conducting an initial evaluation for any learner under Section 504.

D. Evaluation procedures.

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; and
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 where those skills are the factors that the test purports to measure).

E. Placement procedures.

In interpreting evaluation data and in making placement decisions, the school district must:

1. Draw upon information from a variety of sources including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such assessment data is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the assessment data, and the placement options; and
4. Ensure that the placement decision is made in conformity with the law.

F. Re-evaluation.

1. Periodic re-evaluation of students who have been provided a *504* plan is required.
2. A re-evaluation procedure consistent with the Individuals with Disabilities Education Act (IDEA) is one means of meeting this requirement. Otherwise, students will be re-evaluated when necessary or once per school year when requested by a parent or guardian.

IV. NON-ACADEMIC SERVICES

A. The school district shall provide non-academic and extracurricular services and activities in a manner that affords students with disabilities an equal opportunity to participate in such services and activities.

B. Non-academic services may include counseling groups, physical recreational athletics, transportation, health services, special interest groups or clubs sponsored by the school district, referrals to agencies that assist persons with disabilities and employment opportunities.

C. When providing physical education and athletics, the school district shall not discriminate on the basis of handicap. The school district shall provide qualified students with disabilities an equal opportunity to participate.

D. Counseling services must be provided in a non-discriminatory fashion including refraining from counseling students with disabilities toward more restrictive career objectives than non-disabled peers.

IV. PROCEDURAL SAFEGUARDS

Whenever a school district proposes to identify, evaluate, or place a student, the parents or guardians must be provided with notice of the action, which includes the following procedural safeguards:

1. Notice of their rights.
2. The opportunity to examine relevant records.
3. An impartial hearing with opportunity for participation by the parents or guardians of the student and representation by counsel and a review procedure. These rights are defined further in the Notice of Procedural Rights.

Date Adopted:

Dates Revised:

References: Section 504 of the Rehabilitation Act. 29 U.S.C.A. § 794 (a); 34 C.F.R. § 104.3; 34 C.F.R. § 104.4; 34 C.F.R. § 104.7; 34 C.F.R. § 104.8; 34 C.F.R.104.32-.38

