

# ***GUIDELINES & RESOURCES***



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This Section 504 of the Rehabilitation Act of 1973 (Section 504) portion of these guidelines is not officially adopted by the consortia of district in the El Dorado County SELPA. However, it is designed to provide information and guidance about Section 504. The tools and resources are available to use and support districts in designing their own policies and procedures that align with Section 504 of the Rehabilitation Act.

Although Section 504 eligibility, requirements, and services often overlap with those in the IDEA, the SELPA is frequently called upon to provide information and clarification about Section 504.

## **OVERVIEW**

There are two main functions to Section 504. The first purpose of Section 504 is to protect qualified individuals from discrimination based on their disability. The second purpose, is to provide students with disabilities a free appropriate public education (FAPE).

There is no additional state or federal funding provided to assist in complying with Section 504. All costs are the obligation of the district.

The Office for Civil Rights (OCR) is the federal agency that monitors Section 504 compliance. In addition, it is also the responsibility of each district to ensure Section 504 compliance and monitoring.

Under Section 504 of the Rehabilitation Act, no student shall, on the basis of race, religion, creed, color, marital status, sex, sexual orientation, national or ethnic origin, or disability, be excluded from participation in, or be denied the benefits of, any district educational program or activity.

## **GENERAL PROVISIONS**

The district has specific responsibilities under the Rehabilitation Act of 1973 that include identifying, evaluating, and if the child is determined to be eligible under Section 504, providing access to and participation in curriculum, buildings, programs and activities.

### **1. Curriculum**

The 504 Plan makes changes as appropriate to the general delivery of instruction so that students with disabilities have equal access to the classroom curriculum. Section 504 requires that student plans be uniquely designed to meet his or her individualized disability-related needs.

### **2. Buildings**

The degree to which a facility must be made accessible depends on when the facility was constructed or altered. Facilities constructed or altered after June 3, 1977 must meet the applicable accessibility standards such as the Americans with Disabilities Act (ADA) Accessibility Guidelines or the Uniform Federal Accessibility Standards. Facilities constructed or altered before that date need only ensure that programs and activities located in those facilities are accessible. An alternative method in a school would be the relocation of classes, activities or services to an accessible location.

Facility alteration is required to achieve program accessibility only if sufficient relocation of classes, activities or services cannot be housed in an existing facility. In meeting the objective of program accessibility, the school must take precautions not to isolate or track students with disabilities in settings away from students without disabilities.

### **3. Programs and Activities**

Section 504 concentrates on the notion that students with disabilities should not be denied equal opportunity to access and benefit from programs and activities receiving federal financial assistance.

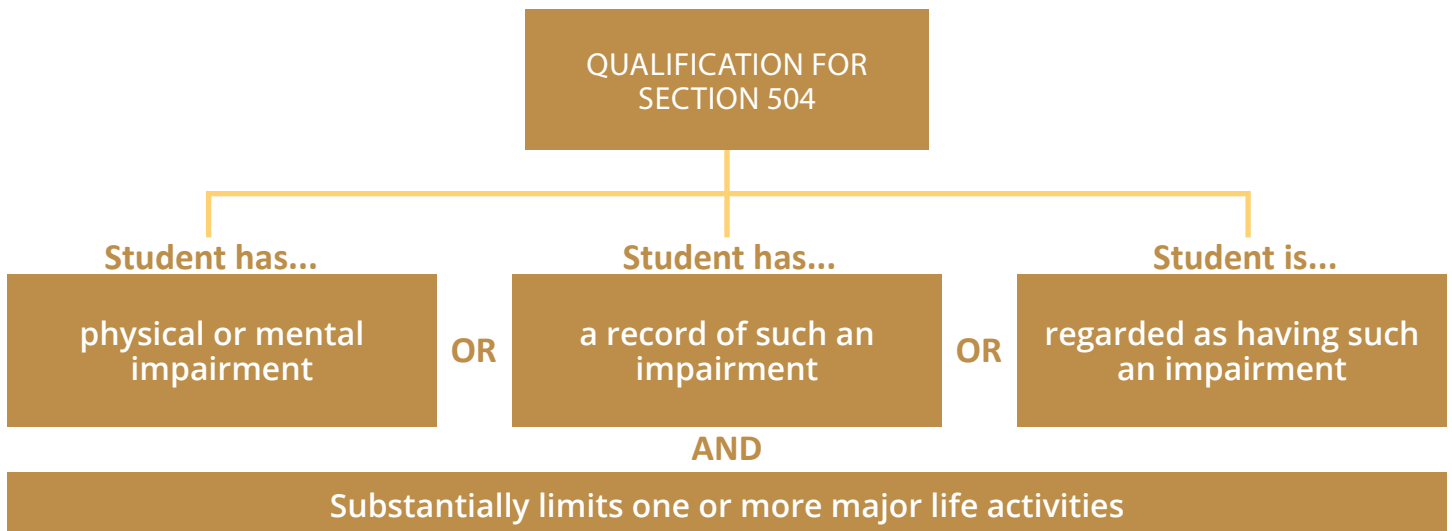
Programs and activities includes school sponsored non-academic and extracurricular activities, such as, but not limited to:

- Counseling services
- Athletics
- Transportation
- Health services
- Recreational activities
- After school programs
- Special interest groups and clubs
- Referrals to agencies that provide assistance to individuals with disabilities
- Employment of students, including both employment by the public agency and assistance in making outside employment available

### **CHILD FIND**

Child find is a process that requires districts to locate and identify students with disabilities. Under Section 504, districts shall annually “undertake to identify and locate every qualified individual with a disability residing in their jurisdiction who is not receiving a public education.” (34 CFR § 104.32.) Schools must conduct an evaluation of any student “who, because of handicap, needs or is believed to need special education and related services.” (34 CFR § 104.35(a).) For districts with geographical boundaries, it is the obligation of the district to extend child find requirements to privately enrolled students and also to those children residing in hospitals and universities. Homeless children residing within district boundaries are also to be included within the district child find processes.

A student can be referred to the 504 team for consideration of a 504 plan by anyone. This includes, but is not limited, to a parent, guardian, teacher, or school personnel that suspects that a student has a disability and may need specialized supports in order to access and benefit from their education. Should the team believe it is necessary, they may conduct an evaluation under IDEA and consider special education eligibility prior to evaluating student need under section 504. However, under child find a district is obligated to identify students with disabilities and determine the most appropriate supports and/or services.



### **ELIGIBILITY**

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. Section 504 requires that districts provide a Free Appropriate Public Education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

Section 504 defines a person with a disability as one of the following:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a record of such an impairment
- Be regarded as having such an impairment

### **Physical Impairment**

The law does not limit a physical impairment to specific diseases or medical conditions. Therefore a physical impairment may include, but is not limited to:

Any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic skin, and endocrine.

### **Mental Impairment**

Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The regulations do not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

### **A Record of an Impairment or is Regarded of Having an Impairment**

Under Section 504, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger Section 504 protections that require the provision of a Free and Appropriate Public Education (FAPE). The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such.

#### **Substantial Limitation:**

A substantial limitation that affects a person's ability to perform an activity in relation to the average person in the general population.

### **A Major Life Activity**

Major life activities are basic activities that the average person in the general population can perform with little or no difficulty. This may include, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, standing, lifting, thinking, concentrating, interacting with others, sleeping, bending, communicating, reading and writing.

For a 504 Team to determine that an impairment substantially limits a major life activity, the impairment need not prevent, or significantly/severely restrict an individual from performing a major life activity. In determining whether an impairment substantially limits a major life activity, the focus of the inquiry is on how the impairment limits the major life activity not on the outcomes the individual achieved.

Compare a student to his or her non-disabled age/grade peers to determine whether an impairment substantially limits a major life activity.

Mitigating measures used by a student with a disability to manage his or her impairment or lessen the impact of his/her impairment (medications, medical devices, cochlear implants, related aids and services, assistive technology, behavioral modifications, etc.) should be disregarded when determining whether a student's impairment constitutes a disability under Section 504.



**Indicators prompting Section 504 consideration:**

- When a parent/guardian frequently expresses concern about their child's performance
- A student receiving multiple suspensions or expulsions
- When retention is being considered for any student
- When a student shows a pattern of not benefiting from instruction
- When a student returns to school after a serious illness or injury
- When a student is referred for special education evaluation, but it is determined not to do an evaluation under the IDEA
- When a student is assessed for special education, but does not qualify for an IEP under the IDEA
- When a student exhibits a chronic health condition
- When a student has been identified as having attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD)
- When a student is identified as "at risk" or exhibits the potential for dropping out of school
- When a disability of any kind is known or suspected

**ENSURING NON-DISCRIMINATION**

The two primary requirements of Section 504 that impact school-aged students who have been determined eligible for protections under the statute are:

1. Non-discrimination: Equal opportunities for students with disabilities (nondiscrimination)
2. Provision of a Free and Appropriate Public Education (FAPE) through a 504 plan

In addition to these two major requirements, schools must provide procedural safeguards to children and their families while providing services and protections. Examples of nondiscrimination include:

- Participation in all activities that are available for students without disabilities
- Participation in the same academic curriculum as non-disabled students
- Participation in non-academic and extra-curricular activities
- Equal access to recreational activities
- Equal opportunities to participate in athletics
- Participation in clubs
- Access to specific courses (Seminar, GATE Cluster classes, Advanced Placement)
- Opportunity to participate in field trips

FAPE under Section 504 is an education designed to meet the individual educational needs of a student with a disability and is based on an outcome of procedures that satisfy Section 504's identification, evaluation, placement, and due process requirements.

For supporting documents, refer to the Section 504 Process in Appendix A, IDEA V 504 Comparison Chart in Appendix B, and the Section 504 Checklist in Appendix C.

**ADA AND SECTION 504**

The Americans with Disabilities Act Act of 2008 amended the Americans with Disabilities Act of 1990 (ADA) and added to the Section 504 of the Rehabilitation Act by broadening the interpretation of disability. There are considerations that fall under ADA laws that need to be made by districts when making decisions for students under section 504.

Districts are encouraged to have a processes in place to address claims for equal access/equal opportunity under both Section 504 and the ADA.

For example, if a student with a disability (under IDEA or 504) makes a request for an accommodation or service, the request and response should be documented. In almost all cases where the student is eligible for an IEP or 504 plan, the IEP/504 process can at least be used as an initial forum in which to address the concern.

**SECTION 504 TEAM**

The district is recommended to assign a 504 team leader/coordinator, as well as additional team members, to carry out the obligations under Section 504.

Section 504 team members should:

- Be knowledgeable about the student being considered for placement, and
- Understand the meaning of the evaluation data and the placement options available.

**504 Team Members**

- |                             |                    |
|-----------------------------|--------------------|
| • Parent(s)                 | • 504 Coordinator  |
| • Student when appropriate  | • Administrator    |
| • General Education Teacher | • School Counselor |
| • Special Education Teacher | • School Nurse     |

For additional expert input, when necessary:

- |  |                                       |
|--|---------------------------------------|
| • School psychologist                      | • Behaviorist                         |
| • Social Worker/ Counselor                 | • Vision Specialist                   |
| • Language, Hearing and Speech pathologist | • Assistive Physical Education Expert |
| • Assistive technology expert              | • Physical Therapist                  |
| • Deaf and Hard of Hearing Teacher         |                                       |

It is recommended that each district assign an individual at each school site designated to coordinate the compliance efforts with Section 504. Some districts have Section 504 coordinators at the site level. However, a site or building coordinator is not mandated by Section 504 regulations.

**DEVELOPING A 504 PLAN**



**Referrals**

When a student is exhibiting academic, social, emotional, participation, attendance, and/or behavioral problems, the student may need to be referred to the intervention/student study team. This referral may lead to a referral to assess under Section 504 and/or a referral to asses under IDEA.

A referral to either of the above mentioned teams, can be initiated by, but is not limited to, the following: parent, administrator, teacher, or school personnel. Once a referral is made to assess under Section 504, the team should begin plannig for conducting evaluations and a meeting to determine eligibility.



Although Section 504 regulations do not address when, or whether, districts must obtain prior parental consent for initial evaluations, OCR has concluded such consent is necessary

Refer to the following document listed in Appendix D

- Referral for Consideration of Section 504 Eligibility Worksheet

### **Eligibility**

Once notification and parent/guardian consent for evaluation or re-evaluation has been approved by the parent/legal guardian the 504 team shall determine eligibility. The type of information necessary to determine eligibility under Section 504 will be determined on a case-by-case basis. However, the data must include assessment results that will provide information on whether the student has a mental or physical impairment that substantially limits one or more major life activities. Assessments shall include multiple forms of measurement, and may be a combination of both formal and informal measurements.

The 504 Team determines whether a student has a disability that requires services under Section 504. The 504 Team must:

1. Collect and review formal and informal data (i.e., previous 504 documents, work samples, observational data, test results, progress monitoring data, available medical records, and previous special education data, if appropriate).
2. Written parent/guardian consent is required when accessing information from an outside organization, such as a medical provider or counselor, It is recommended that district's complete an exchange of information authorization form.
3. Identify and, if necessary, administer assessment instruments that will provide valid information on whether the student has a disability and the impact of the disability on the student's education. If additional assessments are necessary, the 504 Team must include a person with knowledge of assessment instruments, such as the school psychologist.

Refer to the following documents:

- Parent/Guardian Consent for Evaluation (Appendix E)
- Authorization for Use and/or Disclosure of Information (Appendix F)
- Section 504 Team Eligibility Determination Worksheet (Appendix G)
- Section 504 Eligibility Rubric (Appendix H)

### **Plan**

Once the evaluation process for a 504 plan has been initiated, the 504 team shall:

- Notify and invite the parents/legal guardians to the 504 meeting.
- Hold the 504 Eligibility Team Meeting
- Provide parent/legal guardians with a copy of their procedural safeguards
- Review the evaluation data and make a decision as to whether or not the student is eligible for a 504.
- If the student is eligible, complete the 504 Plan.

A 504 plan, developed by the Section 504 team, specifies the plan of services (accommodations/ modifications) the student requires for an equal opportunity to succeed in the general education classroom and participate in school programs. The plan may require environmental modifications, instructional delivery accommodations, counseling, a behavior management plan and/or transportation accommodations.

**A Section 504 Plan Should Address the Following Five Components:**

1. Nature of the student's disability and major life activity it limits (34 CFR. 104.3(j));
2. Basis for the disability determination, often accomplished through evaluations (34 CFR. 104.35(b));
3. Educational impact;
4. Accommodations/services (34 CFR. 104.33(b)(1)(i)); and
5. FAPE placement in the least restrictive environment ("LRE"). (34 CFR. 104.34)

**Written Consent**

The Section 504 regulations do not specify the degree of parent/guardian participation. Best practice is to involve parents at every step along the way in their child's education. It is required that parents receive notice when their child is recommended for evaluation, eligibility or service delivery. Consent shall be obtained before evaluation and/or services begin. It is recommended that the district invite parents to participate in all Section 504 team meetings regarding their child.

If a parent/guardian disagrees with the outcome of 504 meeting, s/he may follow the district's grievance or due process procedures.

**Implementation of a 504 Plan**

General education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' instruction and provision of accommodations of students for whom they are responsible. Failure to implement the plan can cause the district to be in non-compliance with Section 504.

Refer to the following documents:

- Notice of Meeting 504 Team Meeting (Appendix I)
- Notice of Parent/Guardian and Student Rights (Appendix J)
- Section 504 Plan (Appendix K)
- Special Circumstances (Appendix L)

**Review**

The 504 team shall review the plan annually or sooner as needed, and whenever there is a significant change in placement or student need. When a student with a 504 Plan transfers into a new district/school, the receiving district/school shall review the plan within the first 30 calendar days and make revisions if necessary. This includes the beginning of the school year and students transitioning between elementary to middle/junior high to high school. It is important that parents are informed of and invited to the 504 team meeting wherein these revisions are made.

Periodic reevaluation is required. This may be conducted in accordance with IDEA regulations, which require reevaluation at three-year intervals or more frequently if conditions warrant, or if the child's parent/guardian or teacher requests a reevaluation.

**COMPLIANCE**

The U.S. Department of Education, Office for Civil Rights (OCR) has been given administrative authority to enforce Section 504. Section 504 is a federal statute that may be enforced through the OCR's administrative process or through the Federal court system.

If a school refuses to meet its Section 504 obligations, parents are afforded the right to file a local grievance with the school, request a due process hearing, or file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR).

**Section 504 Compliance Complaints**

It is always best when a complaint is resolved at the local level. Districts should have a complaint process in place and

administrators should understand the process. Every attempt should be made to resolve the complaint at the school level. Should a parent/guardian not be satisfied with the district's proposed resolution, the parent/guardian may file a complaint with the Office of Civil Rights. An OCR complaint must be filed, in writing, within 180 days following the alleged violation.

Should a parent/guardian not agree with the district's identification, evaluation, or placement of student, they have the right to an impartial hearing.

#### **The Complaint Process Shall Include:**

- A district grievance procedures
- How the complaint will be processed by the district
- The process for unresolved complaints
- Instructions on how to file a formal complaint with the Office of Civil Rights
- Instructions on how to file for Due Process

Refer to the following documents:

- Section 504 Complaint Form (Appendix M)
- Compliance and Complaint Procedures (Appendix N)

#### **Office of Civil Rights (OCR) Investigations**

Once OCR has received a complaint and found it to be of merit, an investigative process will begin. OCR will review the complaint and request additional information, if necessary. An on-site investigation may be conducted. A letter of findings (LOF) will be issued. The LOF will document the complaint, information gathered during the investigation, applicable legal standards, and compliance findings. If the district is found to be out of compliance, OCR will seek voluntary compliance. If unable to resolve the issue(s) the district may be sanctioned. OCR is available to provide technical assistance.

#### **District Response to an OCR Complaint**

An internal investigation should be conducted early on to determine the district's position and possible resolutions. In most cases, the district will want to resolve the complaint quickly and should request an early complaint resolution.

#### **Failure to Meet Section 504 Obligations**

Should district be found out of compliance with Section 504 regulations, a range of consequences may be imposed. Consequences could include payment of compensatory damages, punitive damages, tuition reimbursement, attorney fees, and possibly loss of federal funds.

#### ***PROCEDURAL SAFEGUARDS UNDER SECTION 504 OF THE REHABILITATION ACT***

- Parental notice of due process rights
- An opportunity for parents to review relevant records
- An impartial hearing with the opportunity for participation by the student's parents or guardians
- Representation by counsel and a review procedure
- The right of the child to have access to equal academic and non-academic school activities
- The right to free, appropriate public education (FAPE) in the least restrictive environment (LRE), including accommodations, modifications and related services
- The right to notice regarding referral, evaluation and placement
- The right to an appeal process

Refer to the following document listed in Appendix J

- Parent/Guardian and Student Rights and Procedural Safeguards

## DISCIPLINE

Students with a 504 Plan may be suspended or placed in an alternative interim setting to the same extent these options would be used for children without disabilities. School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a change in placement (in this context a disciplinary removal) is appropriate for a child with a disability who violates a code of student conduct. This change of placement may be to an appropriate interim alternative education setting, another setting, or suspension.

## MANIFESTATION DETERMINATION

After a child with a disability has been suspended from his or her current placement for ten (10) school days in the same school year, during any subsequent days of suspension, child is entitled to a manifestation determination meeting within ten (10) school days of the district's decision to suspend further. The child's parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student's cumulative files, the student's Section 504 Plan any teacher observations, and any relevant information provided by the parent/guardian) whether the student's alleged behavior was a manifestation of his/her disability.

Manifestation Determination questions to be addressed:

- Was the conduct in question caused by, or had a direct and substantial relationship to the student's disability?
- Was the conduct in question the direct result of the district's failure to implement the student's current Section 504 Plan?

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the district may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities.

If the student's behavior is determined to be a manifestation of his or her disability, the district must ensure that the student has a behavior intervention plan in place for the student. In this situation, if a behavioral intervention plan has already been developed, the district will review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the district may determine, following assessment, that a change of placement is appropriate for the student. The district may proceed with this change of placement following notice to the parents; consent is not technically required for a change of placement pursuant to Section 504; however, it is always preferable to obtain parent consent, when possible. In addition, an assessment shall occur under Section 504 prior to any significant change of placement.

Refer to the following document listed in Appendix O

- Section 504 Manifestation Team Meeting

## FREQUENTLY ASKED QUESTIONS

**How should a district identify students eligible for services under Section 504 and is it the same process in identifying students eligible for services under the IDEA?**

*District's may use the same process to identify the needs of students under Section 504 as they use to identify the needs of students under the IDEA. Processes to identify students eligible under Section 504 should be clearly outlined within the school's policies and procedures. If the district chooses to adopt a separate process for identifying the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regulations for assessment.*

**If a student is eligible for services under both the IDEA and Section 504, must a district develop both an individualized education program (IEP) under the IDEA and a Section 504 plan under Section 504?**

*No. If a student is eligible under IDEA, he or she must have an IEP. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an IEP.*

**What should a district do if a parent/guardian refuses to consent to an initial evaluation under the Individuals with Disabilities Education Act (IDEA), but demands a Section 504 plan for a student without further evaluation?**

*Section 504 requires informed parental permission for initial evaluations. If a parent/guardian refuses consent for an initial evaluation and a recipient district suspects a student has a disability, the district may follow due process procedures to address the parents' denial of consent.*

**Are there any impairments which automatically mean that a student has a disability under Section 504?**

*No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.*

**Can a medical diagnosis suffice as an evaluation for eligibility under Section 504?**

*No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.*

**Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?**

*No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation.*

**What is a temporary impairment?**

*A temporary impairment is an impairment with an actual or expected duration of 6 months or less. A temporary impairment is not defined as a disability for purposes of Section 504, unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. A temporary impairment must be evaluated by the 504 team on a case by case basis to determine both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.*

**Is an impairment that is episodic or in remission a disability under Section 504?**

*Yes, under certain circumstances. An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.*

**How does a district measure substantial limitation?**

*The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination.*

**What is the receiving district's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?**

*If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student and determine which educational program is appropriate for the student.*

**Are there requirements for school staff dispensing medication?**

*Some students' with disabilities require that medication(s) be administered during school hours and schools should have policies and procedures in place regarding medication administration. Students that require medication dispensed at school should have a 504 plan that details the following:*

- *The purpose of the medication (as indicated in documentation provided by the student's doctor)*
- *Which individuals at the school have responsibility for administering the medication;*
- *Whether any staff training for administration of the medication is needed;*
- *The protocol to be followed in the event of an emergency involving the student and his medicine.*

#### **Must all of the buildings be accessible?**

*Section 504 requires districts to ensure that programs and activities are accessible to persons with disabilities (students, parents, and community members). This list of accessible buildings includes classrooms, special-use rooms (i.e., computer or science labs), parking lots, walkways, playgrounds, rest room facilities, auditoriums, multi-use rooms, cafeterias, gymnasiums, swimming pools, and water fountains.*

#### **Must a district modify all buildings?**

*A district is not required to make structural changes to an existing building if accessibility can be achieved through other methods. The ADA mandates, however, that any new construction as well as alterations to existing facilities must be designed and constructed as to be "readily accessible and usable".*

#### **Can students with a 504 plan be disciplined?**

*Students with a 504 plan are disciplined in the same behavior standards as their non-disabled peers, unless explicitly outlined in their 504 Plan. Prior to recommending a student with a 504 plan for expulsion or when students cumulative total days of suspension approaches 10 in one school year, the 504 team conducts a manifestation determination hearing to determine if the student's misbehavior was related to the their disability. If the 504 team determines that the incident was not related to the disability, the school may discipline the student as they would any other student.*

#### **Must teachers and other school staff comply with the 504 Plan?**

*Yes. The 504 Plan is developed to provide accommodations to students with a disability in order to access the curriculum and other school activities. School staff should be provided training in order to understand the importance of Section 504 and their obligation to ensure compliance with this law. Teachers play an integral role in developing the 504 plan. They provide input regarding the curriculum rigor, requirements, and suggest necessary accommodations. The 504 Plan should be communicated to all school staff involved with the student. Failure to properly implement the 504 plan could result in the parent/guardian filing a discrimination complaint.*

#### **How is Section 504 funded?**

*No additional federal or state funding is provided to district. Districts are responsible for providing Section 504 services.*

For more frequently asked questions and answers refer to Appendix P.



# APPENDIX A

## *SECTION 504 PROCESS*

## SECTION 504 PROCESS

### System Development

- ☐ Develop a 504 team
- ☐ Assign a 504 coordinator
- ☐ Professional development for staff
- ☐ Establish timelines and procedures
- ☐ Create data collection and documentation procedures
- ☐ Generate accountability protocol
- ☐ Align compliance procedures to Section 504 of the Rehabilitation Act

### Referral

- ☐ Implement referral process
- ☐ Who can refer a student to the 504 team?
  - Parent
  - District Personnel
  - Private/public school agency/institution
  - Student
  - Utilize the 504 referral form

### Evaluation

- ☐ Establish evaluation procedures and timelines
- ☐ Provide parent/guardian with notice of procedural safeguards
- ☐ Provide parent/guardian with written request for assessment
- ☐ Utilize the parent/guardian consent for evaluation worksheet
- ☐ Obtain parent/guardian consent for evaluation
- ☐ If applicable, obtain exchange of information from parent/guardian for additional information
- ☐ Utilize EDCOE Exchange of Information form
- ☐ Determination assessments and data collection methods

### 504 Team Meeting

- ☐ Establish 504 team members
- ☐ Create 504 meeting procedures
- ☐ Utilize the notice of meeting form to provide parent/guardian with written notice of the 504 team meeting
- ☐ Hold team meeting- include parent/guardian in all team meetings

- ☐ Review assessment results
- ☐ Utilize the 504 team eligibility worksheet to determine eligibility for a 504 plan
- ☐ If student qualifies under Section 504 of the Rehabilitation Act, develop 504 plan using the 504 plan worksheet
- ☐ Obtain parent/guardian consent to 504 plan
- ☐ If student doesn't not qualify, provide parent/guardian with a copy of procedural safeguards

### 504 Plan Implementation

- ☐ Provide parent with a copy of the 504 plan
- ☐ Provide staff and teachers that work with the student, a copy of the 504 plan
- ☐ Ensure that parent and staff have contact information to 504 coordinator
- ☐ Establish accountability procedures for implementation of 504 plan
- ☐ Establish data collection procedures for progress monitoring of services and supports
- ☐ Adhere to disciplines policies regarding students with disabilities including manifestation determination process

### Re- Evaluation

- ☐ Determine procedures for annual revisions of 504 plan
- ☐ Hold a 504 team meeting yearly
- ☐ Establish assessment procedures for re-evaluation of eligibility for a 504 plan every three years

### Due Process

- ☐ Adopt notice of procedural safeguards
- ☐ Establish district grievance procedures
- ☐ Determine district contact person for grievance procedures
- ☐ Ensure parents and staff are aware of parent and student rights and procedural safeguards

# APPENDIX B

*IDEA VS 504 COMPARISON CHART*



## IDEA VERSUS SECTION 504 COMPARISON CHART

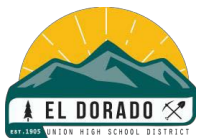
Component	IDEA	Section 504
Purpose	To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities.	To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance.
Who is protected?	All school-age children who fall within one or more of 13 specific categories of disability and who, because of such disability, need special education and related services.	All school-age children who have a physical or mental impairment which substantially limits a major life activity, have a record of such an impairment or are regarded as having such an impairment. Section 504 protects a broader group of students than does the IDEA.
Duty to provide a Free and Appropriate Public Education (FAPE)	Both laws require the provision of FAPE. Section 504 defines FAPE more broadly than does the IDEA.	
FAPE	Requires that FAPE be provided to only those protected students who, because of disability, need special education or related services.	Requires that FAPE be provided to only those protected students who, because of disability, need regular education accommodations, special education or related services.
	Defines FAPE as special education and related services. A student can receive related services under the IDEA if and only if the student is provided special education and needs related services to benefit from special education.	Defines FAPE as regular or special education and related aids and services. A student can receive related services under Section 504 even if the student is in regular education full-time and is not provided any special education.
	Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Does not require a written IEP document, but does require a plan. It is recommended the district document that a group of persons knowledgeable about the student convened and specified the agreed upon plan of services.
Special Education vs. Regular Education	A student is protected by the IDEA, if and only if: because of disability, the student needs special education.	A student is protected by Section 504 regardless of whether the student needs special education. Most students protected by Section 504 are in regular education full-time and are not provided any special education.
Funding	Provides additional funding for protected students.	Does not provide additional funds. IDEA funds may not be used to serve students protected only under Section 504.
Procedural Safeguards	Both laws require prior notice to parents or guardians with respect to the identification, evaluation and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.	

Component	IDEA	Section 504
Evaluations	Both laws require that tests and other evaluation materials:	
	<ol style="list-style-type: none"> <li>1. Be validated for the specific purpose for which they are used;</li> <li>2. Be administered by trained personnel in conformance with the instructions provided by their producer,</li> <li>3. Include those tailored to assess specific areas of educational need; and</li> <li>4. Be selected and administered to assure that the test results accurately reflect whatever factors the tests purport to measure.</li> </ol>	
	Requires informed consent before an initial evaluation is conducted.	
	Requires re-evaluations to be conducted at least every 3 years.	Requires periodic re-evaluations. IDEA schedule for re-evaluation will suffice.
	A re-evaluation is not required before a change of placement. However, an IEP team should review current evaluation data, including progress towards goals and objectives when considering a significant change of placement. When data are insufficient to answer questions regarding the appropriateness of the special education and related services being considered, then a re-evaluation is required.	Requires re-evaluation before a significant change in placement.
	Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.	No provision for independent evaluations at district expense. However, a district must carefully consider any such evaluations presented.
Placement Procedures	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> <li>1. Draw upon information from a variety of sources;</li> <li>2. Assure that all information is documented and considered;</li> <li>3. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement options; and</li> <li>4. Ensure that the student is educated with his/her non-handicapped peers to the maximum extent appropriate (least restrictive environment).</li> </ol>	
Placement	An IEP meeting is required before any change in placement.	A Section 504 re-evaluation meeting is required before any "significant change" in placement.
Grievance Procedure	Does not require a grievance procedure, nor a compliance offer.	Requires districts with more than 15 employees to, (1) designate an employee to be responsible for assuring district compliance with Section 504, and (2) provide a grievance procedure for parents, students and employees.
Due Process	Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student.	

# APPENDIX C

## *SECTION 504 CHECKLIST*





# EL DORADO UNION HIGH SCHOOL DISTRICT

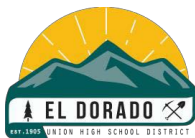
## SECTION 504 CHECKLIST

Student Name:	Grade:	Age:	Date of Birth:
School:		Site Chairperson:	
Parent/Guardian(s) Name:		Phone: (Home/Cell/Work)	
Address:			

- ☐ Referral for a 504 plan received from: Date Received: \_\_\_\_\_
- District Personnel
  - Parent
  - Student
  - Private or public agency/institution
- ☐ Parent/Guardian Consent for Evaluation Date Sent: \_\_\_\_\_  
Date Received: \_\_\_\_\_
- ☐ Consent for Exchange of Information (if applicable) Date Sent: \_\_\_\_\_  
Date Received: \_\_\_\_\_
- ☐ Notice of Parent/Guardian Rights Date Sent: \_\_\_\_\_  
Date Received: \_\_\_\_\_
- ☐ Notice of Section 504 Team Meeting Date Sent: \_\_\_\_\_  
Date Received: \_\_\_\_\_
- ☐ 504 Service Plan Meeting Date: \_\_\_\_\_
- Initial
  - Annual/Re-evaluation
- ☐ 504 Plan sent to Teachers and/service providers Date Sent: \_\_\_\_\_

# APPENDIX D

*REFERRAL FOR CONSIDERATION OF SECTION 504*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## REFERRAL FOR CONSIDERATION OF SECTION 504 ELIGIBILITY WORKSHEET

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

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

Student ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Parent/Guardian Name(s): \_\_\_\_\_

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

Home/Cell Phone (indicate which): \_\_\_\_\_

Referral completed by: \_\_\_\_\_

Relationship: \_\_\_\_\_

Is the student an English Language Learner: YES/NO

English Language Proficiency: \_\_\_\_\_

Reason for the Referral for Evaluation Under Section 504

Provide all of the reasons for referring student for consideration of 504 eligibility:

Medical History: NOTE A medical diagnosis is not required in order for a student to be found eligible under Section 504 of the Rehabilitation Act.

Medical Conditions or Diagnosis: Does the student have a physical or mental impairment? YES/NO

Explain the students physical/mental impairment:

Diagnosis:

Diagnosed by:

When?

List any medication(s) the student is currently taking:

Does the student have a physical/mental impairment that limits one or more major life activity? (Check all that apply):

☐ Caring for one's self

☐ Learning

☐ Sleeping

☐ Performing manual tasks

☐ Working

☐ Bending

☐ Walking

☐ Standing

☐ Communicating

☐ Seeing

☐ Lifting

☐ Reading and writing

☐ Hearing

☐ Thinking

☐ Other \_\_\_\_\_

☐ Speaking

☐ Concentrating

☐ Breathing

☐ Interacting with others

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Any Additional Comments/Concerns:

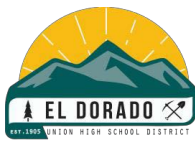
Please submit referral form to (insert the name of 504 Coordinator). For questions, contact (insert name) by phone at (insert phone number) or e-mail (insert e-mail address).

**School Use Only**

Date Referral Received:	Referral Received By:	Date School Responded to Referral:
Action Taken by School:		

# APPENDIX E

*PARENT/GUARDIAN CONSENT FOR EVALUATION UNDER  
SECTION 504*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## PARENT/GUARDIAN CONSENT FOR EVALUATION UNDER SECTION 504

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

Student ID #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Teacher(s): \_\_\_\_\_

Your child has been referred for evaluation for consideration of eligibility as a person with disabilities under Section 504 of the Rehabilitation Act (1973) or a re-evaluation prior to a substantial change in their 504 Service Plan.

### The following elements need to be considered in establishing eligibility:

Presence of a physical or mental impairment that substantially limits one or more major life activities. Level of impact. Your child shall have a record of or be regarded as having such an impairment. The level of impact on your child's ability to participate, access and/benefit from school and school- related activities will be considered for the purpose of establishing eligibility.

### The 504 team proposes to conduct the evaluation using the following sources:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Psychological Evaluation  | <input type="checkbox"/> Grade Reports                       | <input type="checkbox"/> Assessment Information         |
| <input type="checkbox"/> Physician's Report        | <input type="checkbox"/> Parent/Guardian Information         | <input type="checkbox"/> Teacher Recommendation         |
| <input type="checkbox"/> Administrator Observation | <input type="checkbox"/> Teacher Observation/<br>Information | <input type="checkbox"/> Transcripts                    |
| <input type="checkbox"/> Attendance Records        | <input type="checkbox"/> SST Information                     | <input type="checkbox"/> Student Work Samples/Portfolio |
| <input type="checkbox"/> Counselor Record Review   | <input type="checkbox"/> School Health                       | <input type="checkbox"/> Other (Specify) _____          |
| <input type="checkbox"/> Discipline Records        |  |   |

### The following 504 Team members will be involved in the evaluation (include name and title):

_____	_____
_____	_____
_____	_____

### Parent/Guardian Consent for Evaluation

- ☐ I give permission to the 504 team to evaluate my child for determination of eligibility under section 504.
- ☐ I do not give permission to the 504 team to evaluate my child for determination of eligibility under section 504.

\_\_\_\_\_  
Parent/Guardian Signature Date

\_\_\_\_\_  
Parent/Guardian Signature Date

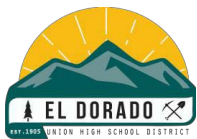
If you have questions about this notice of consent, please contact:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_



# APPENDIX F

*AUTHORIZATION FOR USE AND/OR  
DISCLOSURE OF INFORMATION*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## AUTHORIZATION FOR USE AND/OR DISCLOSURE OF INFORMATION

Completion of this document authorizes the disclosure/release and/or use of individually identifiable health information, as set forth below, consistent with Federal and State Laws concerning the privacy of such information. Failure to provide all information requested may invalidate this authorization.

Name of student (list other names used)

Medical Record Number (if applicable)

Date of Birth

Address of student

Phone No.

Other Phone No.

I authorize the following individual or organization to disclose the above named individual's medical/educational information as described below:

### Individual or Organization Disclosing/Receiving Information:

### Individual or Organization Receiving/Receiving Information:

Disclosing party

Receiving Party

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone:  FAX:

Telephone:  FAX:

### Duration:

This authorization shall become effective immediately and shall remain in effect until  (date) or for one year from the date of signature if no date is entered.

### Revocation:

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to the releasing agency. Written revocation will be effective upon receipt, but will not apply to information that has already been released in response to this authorization.

### Redisclosure:

I understand that the Requestor (LEA) will protect this information as prescribed by the Family Equal Rights Protection Act (FERPA) and that the information becomes part of the student's educational record. The information will be shared with individuals working at or with the LEA for the purpose of providing safe, appropriate, and least restrictive educational settings and school health services and programs.

### Health Info:

I understand that authorizing the disclosure of health information is voluntary. I can refuse to sign this authorization, and I do not need to sign this form in order to assure medical treatment.

### Specify Record(s):

Indicate type of information is to be disclosed:

☐ Medical

☐ Medication

☐ Psychiatric

☐ Mental Health

☐ Drug/Alcohol

☐ STD/HIV Test Results

☐ Educational

☐ Other:

Any and all information with regard to the above records may be released except as specifically provided here:

I request that the information released pursuant to this authorization be used for the following purposes only:

☐ Educational Assessment

☐ Educational Planning

☐ Other:

A copy of this authorization is as valid as an original. I understand that I have a right to receive a copy of this authorization for my records.

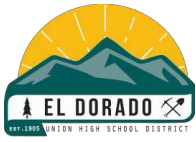
Signature of Student or Student's Representative

Relationship to Student

Date

# APPENDIX G

*504 ELIGIBILITY DETERMINATION WORKSHEET*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## 504 TEAM ELIGIBILITY DETERMINATION WORKSHEET

This document should be used in conjunction with the Rubric for Establishing Impact of Disability on School Activities Worksheet.

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

Student ID #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**The 504 Team has carefully reviewed and considered the following data from a variety of sources: (Check all that apply) (34 CFR 104.35(c))**

- |  |  |
|--|--|
| <input type="checkbox"/> Psychological Evaluation    | <input type="checkbox"/> Teacher Observation/Information |
| <input type="checkbox"/> Physician's Report          | <input type="checkbox"/> SST Information                 |
| <input type="checkbox"/> Administrator Observation   | <input type="checkbox"/> School Health                   |
| <input type="checkbox"/> Attendance Records          | <input type="checkbox"/> Assessment Information          |
| <input type="checkbox"/> Counselor Observation       | <input type="checkbox"/> Teacher Recommendation          |
| <input type="checkbox"/> Cumulative Record Review    | <input type="checkbox"/> Transcripts                     |
| <input type="checkbox"/> Discipline Records          | <input type="checkbox"/> Student Work Samples/Portfolio  |
| <input type="checkbox"/> Grade Reports               | <input type="checkbox"/> Other (specify): _____          |
| <input type="checkbox"/> Parent/Guardian Information |  |

**Based on the evaluation data gathered from a variety of sources, the 504 Team answered YES/NO in order to determine student eligibility for a 504 plan.**

1. Does the student have a physical or mental impairment? (34 CFR 104.3(j)) YES/NO

If yes, describe \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTE: This is an educational determination only and not a medical diagnosis for the purposes of treatment.**

2. Does the physical or mental impairment affect one or more major life activities? YES/NO

If yes, indicate below (34 CFR § 104.3(j)(2)(u)):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Bending         | <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Working  |
| <input type="checkbox"/> Eating          | <input type="checkbox"/> Reading                 | <input type="checkbox"/> Operation of Major Body 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) |
| <input type="checkbox"/> Breathing       | <input type="checkbox"/> Speaking                |   |
| <input type="checkbox"/> Hearing         | <input type="checkbox"/> Seeing                  |   |
| <input type="checkbox"/> Caring for Self | <input type="checkbox"/> Sleeping                |   |
| <input type="checkbox"/> Learning        | <input type="checkbox"/> Standing                |   |
| <input type="checkbox"/> Communicating   | <input type="checkbox"/> Thinking                |   |
| <input type="checkbox"/> Lifting         | <input type="checkbox"/> Walking                 |   |
| <input type="checkbox"/> Concentrating   |  | <input type="checkbox"/> Other (Please Specify): _____  |

3. Using the Rubric for Establishing Level of Impact of Disability on School Activities worksheet, does the team identify that the physical or mental impairment substantially limit a major life activity at school? YES/NO
- If yes, describe how each impairment substantially limits each life activity: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**NOTE: Substantially limit is interpreted as (A.) unable to perform a major life activity that the average peer of approximately the same age/grade level can perform OR (B.) significantly restricted as to the condition, manner, duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique, rather than common place, when compared to the average student of approximately the same age. Focus on how the disability limits the major life activity, not on the outcomes.**

4. Does the student need Section 504 services in order for his/her educational needs to be met as adequately as those of non-disabled peers? YES/NO

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**If all four questions are answered "YES," the student is eligible for FAPE (Free Appropriate Public Education) under Section 504, and a 504 Plan should be developed. If any answer is "NO," the student is not eligible, but may be eligible for non-discrimination protections.**

List 504 Team Members Involved in Decision Making

Date

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# APPENDIX H

## *SECTION 504 ELIGIBILITY RUBRIC*



## Rubric for Establishing Level of Impact of Disability on School Activities

- Mental or Physical Impairment (#1 from Eligibility Determination Worksheet) \_\_\_\_\_
- School-related activity which is impacted (#2 from Eligibility Determination Worksheet) \_\_\_\_\_
- Level of Impact:
  - Make an educated estimate **without** the effects of mitigating measures such as medication; low-vision devices (except eyeglasses or contact lenses); hearing aids and cochlear implants; mobility devices, prosthetics, assistive technology; learned behavioral or adaptive neurological modifications; and reasonable accommodations or auxiliary aids/services.
  - Similarly, for impairments that are episodic or in remission, make the determination for the time they are active.
  - Use the average student in the general (school) population as the frame of reference.

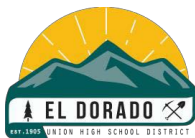
Place a check in the highest area which applies in each column: (Check area if any factors apply)

	Academic	Social	Behavioral	Participation/Attendance
⑤ Extremely	<ul style="list-style-type: none"> <li>Standards not met on CAASPP</li> <li>Not making progress towards grade level standards</li> <li>Failing grades/marks</li> <li>A Significant amount of missing school work/assignments</li> <li>Proposal for grade retention</li> </ul>	<ul style="list-style-type: none"> <li>Does not have friends</li> <li>Frequently observed alone</li> <li>Avoids engaging with others</li> <li>Struggles to build relationships with adults</li> <li>Poor self-esteem</li> </ul>	<ul style="list-style-type: none"> <li>Often suspended as a result of negative behavior(s) and classroom disruptions</li> <li>Behaviors are not safe and cannot be managed in the classroom</li> <li>Often referred to the office/detention/campus monitor(s) for assistance to calm behaviors</li> <li>Parent called multiple times per week</li> </ul>	<ul style="list-style-type: none"> <li>Grades are affected by frequent absenteeism</li> <li>More than 5 minutes tardy to 4 or more classes per week</li> <li>Completes less than 50% of assignments</li> </ul>
④ Substantial	<ul style="list-style-type: none"> <li>Standards not met or nearly met on CAASPP</li> <li>Making very little to no progress towards grade level standards</li> <li>Failing or very low grades/marks</li> <li>Turns in very little schoolwork/assignments</li> <li>Consideration for grade retention</li> </ul>	<ul style="list-style-type: none"> <li>Has very few friends</li> <li>Expresses feelings of loneliness</li> <li>Does not engage with others often</li> <li>Very few relationships with adults at school</li> <li>Appears to have or has expressed having low self-esteem</li> </ul>	<ul style="list-style-type: none"> <li>Frequently suspended as a result of negative behavior(s) and classroom disruptions</li> <li>Frequently behaviors cannot be managed in the classroom</li> <li>Frequent referrals to office/detention/campus monitor(s)</li> <li>Parent called regularly</li> </ul>	<ul style="list-style-type: none"> <li>Grades are affected by frequent absenteeism</li> <li>More than 5 minutes tardy to 2 or more classes per week</li> <li>Does not engage in classroom activities/discussions</li> <li>Completes 50%- 65% of assignments</li> </ul>
③ Moderate	<ul style="list-style-type: none"> <li>Standards nearly met on CAASPP</li> <li>Making limited progress towards grade level standards</li> <li>Poor grades/marks</li> <li>Missing school work/assignments regularly</li> </ul>	<ul style="list-style-type: none"> <li>Makes but loses friends</li> <li>Occasionally observed alone during unstructured activities</li> <li>Trouble interacting with peers/adults</li> <li>Occasionally appears to have or expresses low self-esteem</li> </ul>	<ul style="list-style-type: none"> <li>Has been suspended as a result of negative behavior(s) and classroom disruptions</li> <li>Occasionally behaviors cannot be managed in the classroom</li> <li>Occasional referrals to the office/detention/campus monitor(s)</li> <li>Parent calls home</li> </ul>	<ul style="list-style-type: none"> <li>Frequently absent for part or entire school day</li> <li>More than 5 minutes tardy to at least 1 class per week</li> <li>Frequently not engaged in class activities/discussions</li> <li>Completes 65%-74% of assignments</li> </ul>
② Mild	<ul style="list-style-type: none"> <li>Standards met on CAASPP</li> <li>Making some progress towards grade level standards</li> <li>Grades/marks of concern</li> <li>Occasionally misses schoolwork/assignments</li> </ul>	<ul style="list-style-type: none"> <li>Has some friends</li> <li>Participates in activities (both structured and unstructured)</li> <li>Typical relationships with adults</li> <li>Self-esteem typical</li> </ul>	<ul style="list-style-type: none"> <li>Occasional concerns about student behavior</li> <li>Occasional classroom disruptions</li> <li>Behavior can be managed in the classroom</li> <li>Observed/reported engaging in problem behavior outside of the classroom setting</li> </ul>	<ul style="list-style-type: none"> <li>Occasionally misses school/ is tardy for class</li> <li>At times, does not appear engaged in class activities/discussions</li> <li>Completes 75%-89% of assignments</li> </ul>
① Limited	<ul style="list-style-type: none"> <li>Standards met or exceeded on CAASPP</li> <li>Average or above grades/marks</li> <li>Turns in schoolwork/assignments</li> <li>Making progress in grade level standards</li> </ul>	<ul style="list-style-type: none"> <li>Many friends</li> <li>Participates in activities with others (structured and unstructured)</li> <li>Good relationships with adults</li> <li>Positive self-esteem</li> </ul>	<ul style="list-style-type: none"> <li>Engages in typical behaviors for student's grade</li> <li>Does not disrupt the classroom learning environment</li> <li>Demonstrates exemplary behavior outside of the classroom setting</li> </ul>	<ul style="list-style-type: none"> <li>Participates in school activities</li> <li>Completes 90% or more of assignments</li> <li>Participates in class activities/discussions</li> <li>Excellent/Average attendance</li> <li>Rarely tardy for class</li> </ul>

Use the highest score in any column to determine impact of disability. For example, if there is a "4" checked under "social," check #4 on question #3 on "Student Functionality Form"

# APPENDIX I

*NOTICE OF 504 TEAM MEETING*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## NOTICE OF 504 TEAM MEETING

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

To the Parent(s)/Guardian(s) of: (Insert Students First and Last Name)

### ☐ Initial Information

A Section 504/ADA meeting that may include members of the Student Study Team has been scheduled to discuss your child's progress. The purpose of this meeting is: (1) to inform parents regarding Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act, (2) to present suggestions which may support the child's general education program, (3) to determine whether or not an evaluation is indicated to decide eligibility within the meaning of Section 504/ADA.

### ☐ Review of Data/Eligibility

The Section 504/ADA Team will reconvene to share the results of the data collection. Section 504/ADA eligibility may be discussed. If the child is found to be a 504/ADA eligible and qualified disabled individual, a 504/ADA Plan may be written.

### ☐ Section 504/ADA Plan Meeting Review

The current Section 504/ADA Plan will be reviewed and updated as needed.

The meeting is scheduled for:

Place \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_

The following individuals have been invited to attend your child's Section 504 Service Plan Meeting:

☐ School Administrator

☐ District Section 504 Coordinator

☐ Other Service Provider/Assessor

☐ Other Service Provider/ Assessor

☐ Student

☐ Interpreter

☐ General Education Teacher

☐ School Psychologist

☐ Service Provider: \_\_\_\_\_

☐ Other (include title): \_\_\_\_\_

☐ Other (include title): \_\_\_\_\_

Please check one of the following and return the form to (insert contact person's name):

☐ Yes, I will attend the meeting.

☐ I will need an interpreter in my primary language, which is: \_\_\_\_\_

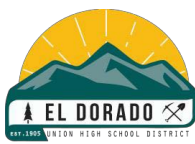
☐ No, I will not be able to attend the meeting, please contact me to reschedule: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# APPENDIX J

*SECTION 504 NOTICE OF PARENT/GUARDIAN AND STUDENT RIGHTS*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## SECTION 504 OF THE REHABILITATION ACT OF 1973

### NOTICE OF PARENT/GUARDIAN AND STUDENT RIGHTS AND PROCEDURAL SAFEGUARDS

This is a notice of your rights under Section 504 of the Rehabilitation Act ("Section 504") with respect to actions regarding the identification, evaluation or educational placement for students who, because of disability, need or are believed to need special instruction or related services under Section 504. (INSERT NAME OF DISTRICT) is obligated to inform you of decisions about your child and of your rights if you disagree with any of those decisions.

#### **Under Section 504, you have the right to:**

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of her/his disabling condition.
2. Have the district advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation, educational program and/or placement of your child.
4. Have your child receive a free, appropriate public education. Federal Regulations define free appropriate public education as the provision of regular or special education and related aids and services that are designed to meet the needs of individuals with disabilities as adequately as the needs of individuals without disabilities are met. (34 CFR § 104.33(b)(1)). FAPE also include the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and related aids and services necessary for your child to benefit from his or her educational program.
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
6. Have an evaluation, educational recommendation, and placement decision developed by a team of persons who are knowledgeable of the student, the assessment data, and any placement options.
7. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular school activities offered by the district.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records.
11. Obtain a response from the district to reasonable requests for explanations and interpretations of your child's records.
12. 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 for amendment, it shall notify you within a reasonable time and advise you of your right to an impartial hearing.
13. Grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part.
14. Request an impartial hearing regarding the Section 504 identification, evaluation or placement of your child.
15. Ask questions about how to request a hearing from the person responsible for the district's compliance with Section 504.
16. File a Complaint through the Office of Civil Rights

Online: You may file a complaint with OCR using OCR's electronic complaint form at the following website: <http://www2.>

**CONTINUED ON NEXT PAGE**

[ed.gov/about/offices/list/ocr/complaintintro.html](http://ed.gov/about/offices/list/ocr/complaintintro.html)

By Mail or Fax: You may mail or send fax information to the following address or phone number: Office for Civil Rights, San Francisco Office, U.S. Department of Education, 50 United Nations Plaza, San Francisco, CA 94102. Telephone: (415) 486-5555; Fax: (415) 486-5570.

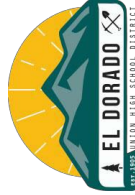
If you write your own letter, please include:

- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.

Email: You may email OCR's Discrimination Complaint Form or your own signed letter to [ocr@ed.gov](mailto:ocr@ed.gov). If you write your own letter, please include the information identified above.

# APPENDIX K

## *SECTION 504 PLAN*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## SECTION 504 PLAN

Meeting Date:		Initial:	Review:	Identified Disability:	Disability Verification Attached: Yes No	Recorder's Name:	Review Date:
Personal Data							
Name of Student:							
Gender:	Date of Birth:						
Parent/Guardian:							
Phone Number:							
Address:							
Grade:	English Proficiency Limited Fluent						
School Year:	Track:		Describe the physical or mental impairment at issue and how it was determined. (Attach appropriate documentation.)		What major life activity is limited? (Consider functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.)		
School of Attendance:							
S.I.D. Number:							
Student's Social Security No.:							



<b>Team Member Signatures</b>		<b>Describe how the physical or mental impairment does or does not substantially limit the major life activity.</b> (Keep in mind student performance is compared to the average non-disabled child of approximately the same age)
Chairperson Name: Signature:		
Teacher Name:		
Counselor Name: Signature:		
Parent/Guardian Name: Signature:		
Parent/Guardian Name: Signature:		
Student Signature:		
Other - Name: Signature:		
Other - Name: Signature:		

Accommodations and/or Related Aides and Services	Individual(s) Responsible for Implementing and Monitoring	Start/End Date	Accommodations/Related Services: Frequency/Duration/Conditions

# APPENDIX L

*SECTION 504 SPECIAL CIRCUMSTANCES, POSSIBLE SUPPORTS AND  
SERVICES GUIDANCE DOCUMENT*

## **Section 504 Special Circumstances, Possible Supports and Services Guidance Document**

When developing a Section 504 Plan, the Section 504 Team shall take into consideration the unique needs of a particular student. These are identified through the evaluation process and Section 504 Team discussion.

The following information is provided to help Section 504 Teams consider and discuss what may be appropriate for a particular student. These lists are not exhaustive, nor are they intended to be interpreted as required for any particular student. The Section 504 Team must consider each student on a case-by-case basis.

When developing a Section 504 Plan, the Section 504 Team shall take into consideration the unique needs of a particular student. These are identified through the evaluation process and Section 504 Team discussion.

The following information is provided to help Section 504 Teams consider and discuss what may be appropriate for a particular student. These lists are not exhaustive, nor are they intended to be interpreted as required for any particular student. The Section 504 Team must consider each student on a case-by-case basis.

### **GENERAL STRATEGIES/SERVICES TO CONSIDER**

#### **Environmental Strategies/Services**

- Provide a structured learning environment.
- Adjust class schedule.
- Provide classroom aides and 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 or classroom supplies for easier access or to minimize distraction.
- Use room dividers.
- Provide headsets to muffle noise.
- Seat child away from doors/windows.
- Seat near model (student or teacher).
- Provide time-out area.
- Rearrange student groups (according to instructional needs, role models, etc.).
- Provide functional tasks (relate to child's environment).
- Preferential seating (ie. front of class, near teacher, near door).

#### **Organizational Strategies/Services**

- Modify test delivery (ie. test read aloud, consider accommodations listed in the CAASPP).
- Use computer-aided instruction and other audiovisual equipment.
- Select modified textbooks or workbooks.
- Accommodations made to homework assignments (ie. shorten assignments, provide additional time, chunk projects/book reports/at home lengthy assignments).
- Use of one-to-one tutorials.
- Provide peer tutoring.
- Set time expectations/due dates for assignments.
- Use of highlighter for organization of information and tracking.
- Provide frequent check-ins and feedback by teacher on task completion.
- Provide student with self-monitoring tools for task/assignments completion.
- Establish routines for handing in assignments.
- Use of binder/ online file system organization strategies and check-ins.
- Use clock faces to show classroom routine times.
- Use dotted lines to line up math problems or show margins.
- Assign only one task at a time.
- Provide daily and weekly assignment sheets/planner/homework assignment notebook.
- Post daily/weekly schedule.
- Use graph paper for place value or when adding/subtracting two-digit numbers.

- Provide pencil grips.
- Tape paper to desk.
- Number (order) assignments to be completed.
- Collect notebooks weekly (periodically) to review student notes.
- Color code place value tasks.
- Provide organizers (e.g., cartons/bins) for desk material.
- Provide content/lecture summaries.
- Use extra spaces between lines of print.
- Use raised-line paper.
- Use graphic organizers.
- Provide student with an extra set of books for home use.
- Provide student with audio-books.
- Use of technology for written assignments.
- Speech to text or text to speech functions with technology.

#### Behavior Strategies/Services

- Implement behavioral/academic contracts.
- Utilize positive reinforcements (rewards).
- Consultation with the student's parents and other teachers.
- Establish a home/school communication system for behavior monitoring.
- Check-in and Check-out program.
- Post expectations, rules and consequences for classroom behavior.
- Offer social reinforcers (i.e., praise) for appropriate behavior.
- Establish daily/weekly goal setting and progress report for the student (behavior and/or academic).
- Implement a self-monitoring system of behaviors.
- Established reinforcement schedule.
- Establish student selected reinforcements.
- Use peer-mediated strategies (e.g., "buddy system").
- Adjust class schedules.
- Allow for short breaks.
- Allow for additional movement and/or sensory breaks.
- Provide transition warnings.

#### Presentation Strategies/Services

- Audio record lectures/lessons for the student.
- Provide copies of notes (i.e., outlines, study guides).
- Provide clozed notes.
- Provide both oral and visual (written) instructions for assignments.
- Vary the method of lesson presentation:
  - Lecture
  - Small groups
  - Large groups
  - Use audio visuals (i.e., video, study prints, power point presentation)
  - Peer tutors or cross-age tutors (i.e., take notes, monitor assignments, read aloud, listen)
  - Demonstrations
  - Experiments
  - Simulations
  - Games
  - One-to-one instruction with other adult
- Ask student to repeat directions/assignments/lesson objective(s) to ensure understanding.
- Arrange for a mentor to work with student in his or her interest area or area of greatest strength.
- Group for cooperative learning.

- Provide peer tutoring.
- Vary working surface (e.g., floor or vertical surface such as blackboards).
- Simplify/shorten directions.
- Ask frequent questions.
- Adjust question level or ask additional probing questions to increase comprehension.
- Provide sequential directions (label as first, second, etc.).
- Use manipulatives.
- Highlight relevant words/features.
- Provide visuals paired with instructions.
- Provide visual cues (e.g., posters, desktop number lines, etc.).
- Use of overlays- block out extraneous stimuli on written material.
- Provide transition directions.
- Provide discussion questions before reading.
- Use word markers to guide reading.
- Alter sequence of presentation.
- Enlarge or highlight key words on test items.
- Provide anticipation cues.
- Segment directions.
- Change far-point to near-point material for copying or review.
- Repeat major points.
- Use physical cues while speaking (e.g., 1, 2, 3, etc.).
- Pause during speaking.
- Use verbal cues (e.g., “Don’t write this down,” “This is important”).
- Change tone of voice, whisper, etc. to capture attention.
- Adjust size of print materials for student.
- Call student’s name before asking a question.
- Color code materials/directions.
- Use hand signals to cue behavior (e.g., attention, responding).

#### **Strategies/ Services to Consider for Particular Disabilities**

### **I. ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

*Example: The student frequently misses school and does not have the strength to attend a full day due to complications from AIDS. This student has a disability that substantially limits the life activities of learning and caring for one’s self.*

#### Possible Supports and Services:

- Develop health care and emergency plan.
- Apply universal safety precautions.
- Administer medications, if necessary.
- Adjust attendance policies.
- Adjusted schedule or shortened day.
- Provide rest periods.
- Adapt physical education curriculum.
- Establish routine communication with health professionals, school nurse, and home.
- Meet with doctor, parents, teachers, and administrators.
- Provide two way audio/video-link between home and classroom.
- Arrange for an adult tutor at school or home.
- Modify assignments and tests.
- Provide technology assistance.

### **II. ALLERGIES**

*Example: The student has severe allergic reactions to certain pollens and foods, which a Section 504 Team has determined is substantially limiting to the major life activity of breathing for the student.*

### Possible Supports and Services:

- Avoid allergy causing substance: soap, weeds, perfumes, pollen, and particular food.
- Provide clean rooms and avoid rooms with carpet.
- Allow time for shots/clinic appointments.
- Use air purifiers.
- Adapt physical education curriculum during high pollen time.
- Consider improving room ventilation if remodeling has occurred and materials may cause an allergy.
- Provide education and support for peers regarding modified policies/procedures for student (ie. not wearing perfumes, not bringing certain foods near student, etc.)
- Provide audio- books.
- Provide at home technology for students to access curriculum from home.
- Arrange for a support group.
- Develop and promote nondiscriminatory classroom climate and supportive student attitudes.
- Initiate a disability awareness program.
- Audio record classroom instruction.
- Establish homebound services for extended periods of illness.

### **III. ARTHRITIS**

*Example: A student with arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain that is substantially limiting to the major life activity of performing manual tasks may require a modified physical education program.*

### Possible Supports and Services:

- Develop health care plan and emergency plan.
- Provide a rest period during the day.
- Accommodate for absences for doctor's appointments.
- Provide assistive devices for writing (e.g., pencil grips, non-skid surface, computer, etc.).
- Modify physical education curriculum.
- Administer medication, if necessary.
- Arrange for assistance with carrying school items/materials, books, lunch tray, etc.
- Implement movement plan to avoid stiffness.
- Provide seating accommodations.
- Allow extra time between classes.
- Provide locker assistance.
- Provide modified eating utensils.
- Make available access to wheelchair/ramps
- Arrange for transportation to and from school.
- Provide time for exercises that may be needed.
- Modify recess time.
- Provide peer support groups.
- Provide supports for note taking (ie. provide printed material, note taker, etc.).
- Install handle style door knobs (openers).
- Record lectures/presentations.
- Issue Velcro fasteners for bags, shoes, coats.
- Obtain padded chairs.
- Provide a more comfortable style of desk.
- Adjust attendance policy, if needed.
- Furnish a warmer room and sit student close to the heat.
- Supply an extra set of books for home use and keep a set at school.
- Allow student alternatives to written assignments.
- Modify the school curriculum, as necessary (i.e., in band, assist in selecting instrument student can play).

- Make any needed restroom accommodations.
- Provide technology assistance.

#### **IV. ASTHMA**

*Example: A student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. The disability limits the major life activity of breathing.*

##### Possible Supports and Services:

- Develop health care and emergency plan.
- Modify activity level for recess, physical education, etc.
- Use air purifier or inhalants.
- Remove allergens (e.g., hairspray, lotions, perfumes).
- Accommodate medical absence; arrange transportation to home/clinic.
- Provide education to peers/teachers/others (bus drivers, cooks, etc.).
- Provide access to water, gum, etc.
- Provide shortened assignments or extended time if the student misses an excessive amount of school.
- Have peers available to carry materials to and from classes (e.g., lunch tray, books).
- Provide rest periods.
- Make school health care needs known to appropriate staff.
- Modify field trip experiences.
- Provide indoor space before and after school.
- Arrange for access to wheelchair for transition purposes.
- Provide additional time for transitions.
- Have a locker location that is centralized and free of atmosphere changes.
- Modify attendance policies.

#### **V. ATTENTION DEFICIT DISORDER (ADD) AND ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)**

*Example: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. The student has been diagnosed as having ADD (or ADHD) by a doctor and the Section 504 Team determines the condition substantially limits the major life activity of learning or other major life activity.*

##### Possible Supports and Services:

- Adjust student seating.
- Use simple, concise instructions.
- Provide a peer tutor/helper.
- Administer medication, if necessary.
- Adjust instructional pace.
- Provide supervision during transitions, disruptions, field trips.
- Provide warnings for transitions.
- Use study guides, organizing tools.
- Provide study correl.
- Modify testing procedures (utilize CAASPP Accommodation supports).
- Initiate frequent parent/guardian communication.
- Establish a school/home behavior intervention plan.
- Provide training for staff and parents.
- Establish a cue between teacher and student.
- Assign chores/duties around room/school.
- Modify environment to avoid distractions.
- Highlight required or important information/directions.
- Provide audio assignments/directions for auditory learner.
- Provide a checklist for student, parents, and/or teacher to record assignments or completed tasks.
- Use a timer to assist student to focus on given task or number of problems in time allotted - stress they need

to be done correctly.

- Have student restate or write directions/instructions.
- Allow student to respond in a variety of different modes (i.e., speech to text).
- Give student opportunity to stand while working.
- Provide extra set of textbooks for home.
- Provide student with movement breaks.
- Provide student with opportunity to use sensory tools.
- Provide technology assistance.

## **VI. CANCER**

*Example: A student with cancer whose condition is determined by a Section 504 Team to be substantially limiting to the major life activity of caring for one's self or learning may need a class schedule that allows for rest and recuperation following chemotherapy.*

### Possible Supports and Services:

- Develop health care and emergency plan.
- Provide school nursing services.
- Apply universal precautions.
- Adjust attendance policies.
- Limit number of classes taken; accommodate scheduling (breaks, etc.).
- Provide homebound services as appropriate.
- Accommodate student's involvement in extracurricular activities.
- Adjust activity level and expectations in classes based on physical limitations.
- Schedule daily monitoring and distribution of medications.
- Provide technology assistance.
- Provide dietary accommodations.
- Shorten day; arrange for home tutoring following treatment.
- Provide additional supervision to and from school.
- Modify student's work area with barriers.
- Accommodations for physical activities.
- Provide additional set of texts and assignments to hospital school.
- Audio record lessons and instructions.
- Modify schedule to include rest breaks.
- Provide counseling; establish peer support group.
- Adapt physical education.
- Provide access as needed to school health services.
- Provide awareness training to staff and students.
- Peer tutor supports.
- Adapt work load.
- Provide student with a separate bathroom.
- Provide technology supports.
- Set up crisis teams.

## **VII. CEREBRAL PALSY**

*Example: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are very good, but the Section 504 Team determines condition is substantially limiting to the major life activity of walking.*

### Possible Supports and Services:

- Develop health care and emergency plan.
- Provide assistive technology devices.
- Arrange for use of ramps and elevators.
- Monitor and/or administer needed medications, as prescribed.



- Teach appropriate social skills.
- Assist with carrying materials, books, lunch trays, etc.
- Assist with opening doors into classroom(s) and buildings.
- Modify physical education curriculum.
- Provide physical therapy.
- Monitor medication administration.
- Modify eating utensils.
- Educate peers/staff.

## VIII. CYSTIC FIBROSIS

*Example: The student has been diagnosed with Cystic Fibrosis since the age of two.*

*He/she is frequently absent due to lung infections, doctor's visits and occasional hospitalizations. The condition substantially limits the major life activities of breathing and learning.*

### Possible Supports and Services:

- Do not have the student suppress coughs. CF is not contagious, and the cough is the body's defense system against chronic infection that healthy children ward off automatically.
- Have tissues available.
- Allow some extra time to get assignments done on bad days.
- Provide tutoring.
- Allow the student to leave the class at any time for the restroom.
- Allow student to take her enzymes at lunch time and with all snacks.
- Allow student to eat a high-energy candy bar or a special protein milk shake during breaks/recess.
- Modify physical education activities to account for fatigue.
- Send home assignments or have parent/guardian pick them up. If hospitalization will be required, and there is advanced notifications, conference with him/her beforehand to help keep up with work while he/she is away.

## IX. DIABETES

*Example: A second grade student has recently been diagnosed with diabetes. The student cannot give his/her own injections and cannot calculate the amount of insulin needed to be given. The major life activity is caring for one's self.*

### Possible Supports and Services:

- A credentialed school nurse will develop an emergency care plan.
- The student's teacher and support staff will be trained on identification and treatment of high and low blood sugars and the administration of glucagon each year. This training includes any staff involved in extracurricular activities the student participates in-this includes a before or after school program.
- At least two people at the school with current CPR certification will have glucagon administration training.
- The student will have access to glucometer at all times-it should not be locked up.
- The student can check glucose where they wish as long as they maintain universal precautions.
- Insulin will be administered at school by the appropriate provider.
- Parents will provide the needed supplies for student and maintain at least a three day supply at all times.
- Student will be allowed to eat snacks and drink water at any time of the day to maintain normal glucose levels.
- Nutrition Services will provide carbohydrate counts on foods provided by Nutrition Services.
- Student will eat lunch at the same time every day.
- Glucose levels and insulin administration will be communicated with parents on a regular basis.
- Student will have free use of bathroom.
- A buddy will be provided anytime the student leaves the classroom.
- The teacher will keep a copy of the emergency health care plan in the substitute teacher communication folder.
- Extra adult support with knowledge of diabetes - parent, other family member or school nurse - will be arranged for field trips.

- Transportation to a school with a full time nurse will be arranged for a student who needs more care than his/her home school can provide.
- Student will get extra time to complete work if missed classroom time is due to diabetes care or absences related to diabetes.
- Flexible testing schedule.

#### **X. DRUGS AND ALCOHOL REHABILITATION**

*Example: The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for one's self. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not currently using drugs or alcohol, he/she could qualify for supports/services under Section 504 if the Section 504 Team determines the condition is substantially limiting to the major life activity of learning.*

##### Possible Supports and Services:

- Provide texts and assignments to treatment facility.
- Arrange for periodic home-school contacts.
- Establish daily/weekly journal.
- Communicate with treatment facility.
- Provide/arrange for school counseling.
- Establish peer support group.
- Excusal from school to attend treatment program.

#### **XI. EPILEPSY**

*Example: The student is on medication for seizure activity, but experiences several grand mal seizures each month. The condition is substantially limiting to the major life activity of learning.*

##### Possible Supports and Services:

- Train staff and students and prepare a health care and emergency plan.
- Monitor and/or distribute medications, if necessary.

#### **XII. FOOD ALLERGY**

*Example: Student is severely allergic to peanuts. If the student ingests peanuts, his/her airway could swell up and he/she could die. The student has an epi-pen in case of accidental ingestion of peanuts.*

##### Possible Supports and Services:

- An emergency care plan will be developed by a credentialed school nurse.
- The school nurse will provide annual training to the student's teacher(s) and support staff about food allergies and how to administer an epi-pen. At least two people at the school with current CPR certification will have epi-pen training.
- A letter will go home with the students in the classroom asking the parents not to send food for the classroom that could contain food allergen.
- Alternative food will be provided that does not contain the student's allergen if food is served in the classroom that contains the student's allergen. The students in the classroom who handle the food with the allergen will wash their hands with soap and water after eating.
- A table will be set aside in the cafeteria that is peanut-free. That table needs to be washed with a separate cloth that is not used to wash other tables.
- The parents will provide the school with a diet prescription signed by the doctor on a yearly basis at the beginning of the school year.
- The parents will have the physician complete an authorization for an epi-pen to be given by school staff on an annual basis at the beginning of the school year.
- The student's epi-pen will go with him/her on field trips.

### **XIII. OBESITY**

*Example: Obesity may be considered a disability under Section 504/ADA when it substantially impairs major life activities such as walking and breathing.*

#### Possible Supports and Services:

- Provide special seating modifications.
- Make dietary modifications.
- Adjust meals schedule.
- Adapt physical education program.
- Allow extra time to get to classes.
- Begin a peer support group.
- Ensure privacy for self-care.
- Provide school counseling.
- Provide for elevator privileges.
- Adjust seating to avoid injury.
- Arrange classroom furniture to provide room to negotiate and move around classroom seating.
- Accommodate desk space/ seating in classroom for student.
- Address busing concerns to ensure room on buses for seating.
- Arrange to provide opportunities for the individual to participate in intramural events.
- Make any class location changes that may be needed.

### **XIV. ORTHOPEDICALLY IMPAIRED**

*Example: The student has limited mobility and uses a wheelchair. The condition is substantially limiting to the major life activity of walking.*

#### Possible Supports and Services:

- Develop a health care and emergency plan.
- Implement an adaptive physical education program.
- Provide physical therapy at school.
- Check facilities regarding physical accessibility.
- Provide extra time to get to class.
- Supply a set of textbooks for home.
- Provide a copy of class notes from a peer.
- Practice emergency exit from school building.

### **XV. PREGNANCY**

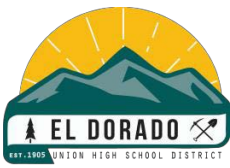
*Example: A student in 12th grade delivered a baby in February. Physical complications of the birth prevented the student from returning to school for two weeks and resulted in several physical limitations after she returned to school. She has good grades and has kept up with graduation credit requirements. The Section 504 Team has determined the condition is substantially limiting to the major life activity of learning.*

#### Possible Supports and Services:

- Provide home instruction.
- Allow time to seek appropriate health services/time with school nurse.
- Modify academic schedule as needed.
- Modify curriculum as needed (physical education/extracurricular activities).
- Arrange for more comfortable seating.
- Arrange for make-up work and extend time lines for assignments.
- May need to adapt physical education.
- Provide access to school counseling/social work.

# APPENDIX M

*SECTION 504/ADA COMPLAINT FORM*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## SECTION 504/ADA COMPLAINT FORM

Please submit complaint form to (insert name of contact person and location to submit form)

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

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

Student ID #: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

Complaint:

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Action Requested:

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\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

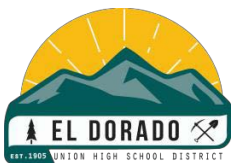
\_\_\_\_\_  
Signature of Person Receiving Complaint

\_\_\_\_\_  
Date

*Please contact (504 coordinator name) at (insert contact phone number) with any questions regarding filing a complaint.*

# APPENDIX N

*COMPLIANCE COMPLIANT PROCEDURES*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## COMPLIANCE COMPLAINT PROCEDURES

If a parent/guardian believes that the school or any of the school's staff did not correctly follow the procedures of Section 504 when making the determination about identification, evaluation, and educational placement of their son or daughter, they may bring forward a complaint in one of the following ways:

**1. Follow the (insert name of district) grievance policy:**

- a. Complete the Section 504 Complaint Form
- b. Provide the completed form to (insert contact person that should receive the form- either school site administrator or site 504 coordinator) who will investigate the complaint.
- c. Include the following information on the complaint form:
  - i. Name(s) of the person(s) filing the complaint.
  - ii. Whether the person(s) making the complaint has discussed the problem with the school site administrator.
  - iii. A summary of the complaint and suggested solution(s).

**2. Processing the Complaint**

- a. The complaint shall be presented in writing, with a suggested solution to the site administrator. Please allow five (5) school days for a reply.
- b. If a satisfactory response is not received within five (5) school days, a copy of the complaint may be forwarded by the complainant to the *(insert district 504 Office address and contact person(s))*. Within ten (10) school days of receipt of the complaint, the 504 Office will contact you to provide any additional information. The 504 Office will conduct an investigation and within sixty (60) school days you will receive a report that includes the findings, any Section 504 violations and, if necessary, required corrective actions. At any point in this process, the complainant may forward the complaint to the Office for Civil Rights.
- c. If the complainant disagrees with the district findings regarding identification, evaluation, and educational placement, and provisions of a Free Appropriate Public Education (FAPE), they may file for Due Process.

**3. Filing a complaint with the Office for Civil Rights:** A parent(s)/guardian(s) may file a complaint with the Office for Civil Rights without going through the school's grievance procedures. However, the school's grievance procedures are meant to provide the complainant with a prompt and equitable resolution to the complaint. How to file a formal complaint with the Office of Civil Rights: A complaint with the Office for Civil Rights (OCR) is submitted to the address shown below. An OCR complaint must be filed, in writing, within 180 days after the perceived violation has occurred. In certain cases OCR will consider complaints where more than 180 days have elapsed.

<p><b>U.S. Department of Education</b></p> <p><b>Office for Civil Rights</b></p> <p><b>50 Beale Street, Suite 7200</b></p> <p><b>San Francisco, CA 94105</b></p>
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The OCR complaint can be in the form of a letter or the Discrimination Complaint Form available from the regional OCR office. For San Diego, the regional office is located in San Francisco at the address shown above.

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## Required Information

A complaint should include the following information:

- Your name and address (a telephone number where you may be reached during business hours is helpful, but not required)
- a general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required)
- the name and location of the institution that committed the alleged discriminatory act(s)
- a description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination

NOTE: A recipient may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding.

- 4. Due Process Procedures:** A parent has the right to request an impartial due process hearing when you disagree with the site 504 Team decision regarding the identification, evaluation, educational placement or provision of free appropriate public education (FAPE).

Due process is defined here as an opportunity to present objections and reasons for the objections to the decisions by the 504 Team. A Section 504 due process hearing may be called at the request of the school, a parent, or a guardian. The Due Process hearing will be scheduled with an impartial hearing officer.

Impartial hearing officer means a person selected by the district to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties. To ensure impartiality of the hearing officer, the hearing officer shall not be employed by or under contract with the district in any capacity at the time of the due process hearing, nor shall the hearing officer have any professional or personal involvement that would affect his or her objectivity or impartiality.

The steps involved in initiating and implementing a Section 504 impartial hearing are as follows:

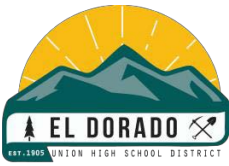
- a. The parent/guardian shall have the right to an impartial hearing with an opportunity for participation by the parent/guardian and representation by counsel.
- b. A request in writing for a Section 504 due process hearing must be filed in the office of the district Section 504 Coordinator at:  
(Insert Section 504 Coordinator Name)  
  
(Insert district Name)  
  
Phone: (Insert district phone number)  
  
Fax: (Insert district fax number)
- c. A request for a Section 504 due process hearing must be in writing and received by the district within *(insert calendar days)* from the time the parent/guardian received written notice of the decision leading to the request for such hearing. Upon receipt of such a request from the parent/guardian, the district may schedule a Section 504 Team meeting, and make relevant personnel available within a reasonable time period. A parent/guardian or student making an oral request may be assisted by the district in making a written request.
- d. A request for a Section 504 due process hearing shall contain the following:
  - i. A statement requesting a hearing.
  - ii. The specific nature of the decision(s) made by the district Section 504 Service Plan team with which the parent/guardian disagrees.
  - iii. The specific relief the parent/guardian seeks.
  - iv. Any other information the parent/guardian believes will assist in understanding the request.
- e. Within a reasonable time following receipt of a written request for hearing, the district Section 504 Administrator will select an impartial hearing officer.
- f. A hearing officer selected by the district must satisfy the following requirements:
  - i. Be qualified to review district decisions relating to Section 504,
  - ii. Not be an employee of, or under contract with, the district in any capacity other than that of a hearing officer at the time of the due process hearing,



- iii. Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- g. Hearing notifications shall be given to the parent/guardian at least (*insert calendar days*) prior to the date set for the hearing. The notice shall contain a statement regarding the time and place for the hearing as well as the name of the hearing officer. This notice shall be accompanied by a copy of the district's notice of parent/guardian rights and procedural safeguards pursuant to Section 504.
- h. Within (*insert calendar days*) of receipt of the parent/guardian's request for a Section 504 due process hearing, the hearing shall be conducted. Within (*insert calendar days*) calendar days of the receipt of the parent/guardian's request, a written decision shall be mailed to all parties. This time frame may be extended by mutual agreement of the parties.
- i. All written correspondence shall be provided in English and/or translated into the primary language of the home at the request of the parent/guardian. If translation of written correspondence is requested, the district shall be provided said translation within a reasonable time period of the receipt of parent/guardian's request for translation of written correspondence.

# APPENDIX O

## *MANIFESTATION DETERMINATION MEETING*



# EL DORADO UNION HIGH SCHOOL DISTRICT

## SECTION 504 MANIFESTATION TEAM MEETING

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

Student ID #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

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

Reason for Referral for Suspension: \_\_\_\_\_

### Manifestation Determination Team Considerations:

1. Was the conduct in question caused by, or had a direct and substantial relationship to the student's disability?  
YES NO
2. Was the conduct in question the direct result of the district's failure to implement the student's current Section 504 Service Plan?  
YES NO
3. Summarize the basis for determination: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 504 Team Members:

Administrator Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Teacher Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Signature: \_\_\_\_\_

Parent/ Guardian: \_\_\_\_\_ Signature: \_\_\_\_\_

Teacher Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Teacher Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Other (include title): \_\_\_\_\_ Signature: \_\_\_\_\_

Other (include title): \_\_\_\_\_ Signature: \_\_\_\_\_

Other (include title): \_\_\_\_\_ Signature: \_\_\_\_\_

I have been informed and agree with the information above

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# APPENDIX P

## *SECTION 504 FREQUENTLY ASKED QUESTIONS*

## **Section 504 Frequently Asked Questions**

### ***Which conditions are covered under Section 504?***

The question of whether a particular condition is a disability within the meaning of Section 504 and is determined on a case-by-case basis. Section 504 does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments.

The Office for Civil Rights (OCR), which enforces Section 504, does not endorse a single standard or formula that measures substantial limitation.

The following are common examples of students with conditions who may be protected under Section 504 and require an accommodation plan. (This is not an exhaustive list.)

- Students with allergies, asthma, or respiratory problems
- Students with communicable diseases (e.g., HIV, AIDS)
- Students who are alcohol or drug addicted, but are not using illegal drugs
- Students with disabilities who are progressing in school without special education services
- Students with Tourette's syndrome, attention deficit hyperactive disorder (ADHD), chronic fatigue syndrome, cancer, birth defects, blood sugar disorders

### ***What are the differences in the definition of eligibility for special education and for Section 504?***

For special education, a child must be eligible under one of the thirteen disability categories and need special education before s/he is entitled to related services. The definition for eligibility under Section 504 is very broad and could include any physical or mental impairment which substantially limits a major life activity. A student who is not eligible under IDEA for special education may still be eligible for protection under Section 504.

### ***What are some differences between Section 504 and IDEA?***

Section 504	IDEA
<ul style="list-style-type: none"><li>• General education responsibility</li><li>• A civil rights law</li><li>• No funding</li><li>• Accommodation plan</li></ul>	<ul style="list-style-type: none"><li>• Special education responsibility</li><li>• An education act</li><li>• Federal and state funding</li><li>• Individualized Education Program</li></ul>

### ***In order to be protected under Section 504, does the student have to receive special education services?***

No. The student is not required to receive special education services in order to be protected under Section 504. A student is eligible under Section 504 so long as s/he meets the definition of a qualified handicapped person, i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as handicapped by others.

### ***Do children who are referred to special education, but do not qualify under the IDEA criteria, automatically become Section 504 students?***

Under Section 504, a "person with disabilities" is defined as any person who has a physical or mental impairment that substantially limits a major life activity. Depending on the severity of the condition, children who do not meet the standards under Part B of the IDEA may or may not fit within the Section 504 definition. It is not automatic.

Must a district develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled"?

No. In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE).

## Referral

### ***Who can make a referral?***

- Parent
- District Personnel- for example, but not an exhaustive list:
  - General education teacher
  - Administrator
  - Special education teacher
  - Any member of an IEP team
  - Intervention teacher
  - School nurse/counselor
- Private or public agency/institution- for example, but not an exhaustive list:
  - Child Protective Services
  - Private counselor, social worker, psychologist, or psychiatrist
  - Pediatrician
- Student

### ***Who should be referred for Section 504 evaluation?***

A student whose problems are so severe as to prevent participation in normal learning experiences, or cause the student to be denied participation in a school program, despite application of typical accommodations and assistance, may be considered disabled and should be referred to the Section 504 team for evaluation and determination of eligibility.

## Evaluation

### ***What are the actual steps in a Section 504 evaluation?***

- A teacher, other school staff, parent, the student, or an outside professional identifies a concern and brings it to the attention of the Section 504 team.
- The Section 504 team convenes to consider the concern.
- The Section 504 team determines if learning is being affected and if learning is being substantially limited.
- If learning is being affected, a Section 504 evaluation is conducted, parents are notified and an accommodation plan is developed.

What type of information should the Section 504 team consider (this is not an exhaustive list)?

- Interviews
- Direct observations by the school nurse or other knowledgeable
- Medical personnel
- Student records and files
- Information from teachers, parents, and others
- Tests and other evaluation materials
- Evaluations administered by trained personnel tailored to assess
- Specific areas of educational need

What should district do if a parent/guardian refuses to consent to evaluation under the IDEA, but demands a Section 504 plan without further evaluation?

Section 504 requires informed parental consent for the initial evaluation. If a parent/guardian refuses consent for an initial evaluation and the district suspects a student has a disability, both the IDEA and Section 504 provide that districts may use due process hearing procedures to make a determination.

## Eligibility

### ***How does a student qualify or become eligible to receive services and protections under Section 504?***

A 504 team meeting shall be convened for the purpose of deciding a student's eligibility for Section 504 services. The team evaluates the nature of the student's disability and the impact of the disability upon the student's education.

When a parent/guardian produces documentation that a physician or psychologist considers their child to be disabled under Section 504, is the team obligated to find the child eligible?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with a disability, or a student believed to have a disability which substantially limits a major life activity. Additional sources to be considered, along with medical diagnoses, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

### ***Can a student with a disability, that takes medication to mitigate the impact of his/her disability, be eligible for a 504 plan?***

The ameliorative effects of mitigating measures, i.e. medication, cannot be considered when making the disability determination. A student can still be found disabled under 504 if he has a "correctable" condition or one that can be resolved through the use of mitigating measures. For a student that is performing adequately in all domains of school a 504 plan may not be required. The student may "technically" be eligible for the non-discrimination protections under Section 504 of the Rehabilitation Act, but would not require a 504 plan.

Examples of mitigating measures:

- Medication/medical supplies
- Equipment or appliances
- Low-vision devices that magnify, enhance, or otherwise augment an image (but not eyeglasses or contacts)
- Prosthetics
- Hearing aids/cochlear implants
- Use of assistive technology
- Reasonable accommodations
- Learned behavioral or adaptive neurological modification; or Psychotherapy, behavioral therapy, or PT

