

Carroll County Public Schools

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Section 504 Procedures Manual **November 2016**

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Department of Special Services,
Fairfax County Public Schools
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“Education for all... Success for Everyone”

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Purpose of Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. This act requires that no qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activities, (i.e. self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, operation of a major bodily function, and communicating) shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by Carroll County Public Schools (CCPS). An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

The determination of impact to one or more major life activity must be made without regard to any ameliorative effects of mitigating measures (i.e. medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies).

Carroll County Public Schools shall offer a free appropriate public education (FAPE) to each qualified student with a disability. Services provided to qualified students are not required to produce identical results or level of achievement with nondisabled peers. Services must be designed to offer an equal opportunity to gain the same benefit within the most integrated setting appropriate.

A student who is not disabled, but has a record of, or is regarded as, disabled is protected under Section 504 insofar as an alleged discriminatory action based on that history or perception. The fact that a student has a “record of,” or is “regarded as” having an impairment is insufficient by itself to require accommodations.

All students having a current Individualized Education Program (IEP) have Section 504 protections.

Identification and Evaluation Procedures

Carroll County Public Schools has a responsibility to identify and evaluate those children who are believed to qualify as disabled under Section 504.

A. Referral:

When there is reason to suspect that a student has a disability and is in need of accommodations, modifications, and/or services within the general education classroom, professional staff or the parent can make a referral to the child study committee for review.

Referrals can be made either orally or in writing; both types of referrals are documented on *Meeting Minutes* of the child study committee.

If parents make a referral to a teacher, they should be directed to the principal or designee selected to receive referrals. Whether provided orally or in writing, the date the referral is received must be noted in the online computer system for child study *Meeting Minutes*. The child study committee should include the student's classroom teacher(s) and the meeting minutes should address current classroom performance.

B. Local Screening Committee:

The local screening committee (called the child study committee) must convene within ten (10) business days following the receipt of a referral. The date the referral was received and the date on which the local screening committee convened are recorded in the child study *Meeting Minutes* within the online system.

For all referrals, the local screening (child study) committee must consist of at least the following members: (Some members may serve in more than one role)

- Principal, or designee
- School Section 504 Coordinator
- Special education teacher
- General education teacher
- Referral source, except when the source would breach student confidentiality.

Other committee members, such as the psychologist, school nurse, school social worker, or counselor, may be included as appropriate to the needs of the student.

The parents must be invited to the local screening committee meeting orally, and in writing by way of a *Meeting Notice*. The parents must be notified of the meeting early enough to ensure they have an opportunity to participate; however, the meeting must be held within ten business days of the referral date. If parents cannot attend the meeting, school staff members should consider alternative ways for the parents to participate, i.e., conference calls.

During the child study meeting, the committee should review information from a variety of sources including attendance, grades, benchmark assessments, district wide and state assessments, clinic notes, results of previous and current interventions, and any other relevant student performance data.

Following this review, the child study committee may:

- Determine that an evaluation is not warranted at this time due to the student's success in the classroom. The committee may decide to utilize a nursing care plan (with *Prior Notice*) or move forward with 504 eligibility without further evaluations (*504 Evaluation Notice and Consent* - no further evaluation required).
- Determine there is a need for an evaluation for special education services under the Individuals with Disabilities Education Act (IDEA) or under Section 504 due to student's struggles in the classroom. In this case, *Parent Consent to Evaluate* will be obtained and evaluations completed.

C. Making Initial Qualification Decisions:

If the child study committee determines that an evaluation is warranted, the Carroll County Public Schools Handbook for Special Education will be followed. *Parent Consent to Evaluate* is obtained. The results may yield special education or 504 eligibility.

If the child study committee determines there is insufficient evidence to suspect a disability to warrant an evaluation for special education under IDEA, but consider qualification as disabled under Section 504 for a student with no academic struggles, the committee will complete a *504 Evaluation Notice and Consent* to indicate the decision not to evaluate for special education eligibility. The *504 Evaluation Notice and Consent* will reflect "no further evaluation needed".

Upon completion of assessments, the eligibility committee will convene and consider qualification under IDEA (special education) or 504. Evaluations should be completed within a reasonable timeframe. Generally, the 65-business-day timeline that applies for students being considered for eligibility under IDEA is considered reasonable.

The eligibility committee shall complete a *Section 504 Eligibility Summary* form within the online system for students being considered as disabled under Section 504.

The information listed on this form must document:

- Concerns leading to the referral
- Identification of the physical or mental impairment(s) -
Physical or mental impairment means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability.
- The major life activity(ies) impacted by the impairment(s) -
Major life activity includes but is not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

- Description of the impact of the student's impairment on the identified major life activity(ies).
An impairment that is episodic or in remission is a disability if it substantially limits a major life activity(ies) when active. Individuals being considered for qualification under Section 504 should not be penalized because they manage their own adaptive strategies or receive accommodations (including informal or undocumented ones) that have lessened the deleterious impact of the disability. The determination of impact to one or more major life activities must be made without regard to any ameliorative effects of mitigating measures which include

but are not limited to: medication, medical supplies, equipment, low-vision devices*, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

- Information provided and considered by the committee
- The committee's determination of qualification
- A list of the committee members participating in the determination

A copy of the *504 Eligibility Summary* and the *Parent Rights-Section 504 of the Rehabilitation Act of 1973*, shall be provided to the parent.

* Note Low vision devices do not include ordinary eyeglasses or contact lenses. The ameliorative effects of ordinary eyeglasses or contact lenses may be considered in determining whether the impairment substantially limits a major life activity. Ordinary eyeglasses are those that are intended to fully correct visual acuity or eliminate refractive error; and low-vision devices are those that magnify, enhance, or otherwise augment a visual image.

Knowledgeable Committees and 504 Plans

A. Knowledgeable Committee Membership:

The 504 plan is a statement of the required accommodations and services that Carroll County Public Schools will provide to a student. If the student qualifies as disabled under Section 504, a committee of knowledgeable people shall develop a 504 plan. Typically, the knowledgeable committee is comprised of staff members who work directly with or supervise the student in the educational setting. The 504 plan is a statement of the required accommodations, modifications, and/or services that CCPS will provide to a student.

The knowledgeable committee must include the following people:

- Principal or designee
- School Section 504 Coordinator
- Teacher(s) who are, or will be, working with the student. (Whenever possible, the committee should include those persons who will be responsible for implementing the proposed accommodations.)
- Parent

Other committee members, such as the psychologist, school nurse, school social worker, or counselor, may be included as appropriate to the needs of the student.

B. Plan Development:

The knowledgeable committee reviews the specific needs of the student in the educational setting and completes a *504 Plan* form. Accommodations, modifications, and/or services necessary to provide the student an equal opportunity to access programs and activities and to demonstrate achievement are included in the 504 plan. The accommodations, modifications, and/or services shall do the following:

- Reflect the unique needs of the student
- Relate directly to the area of impairment
- Address only what is necessary to ensure the student has the opportunity to access programs and activities in the school setting

- Be specific enough in description to clearly indicate when and where the accommodations, modifications, and/or services will be provided during the school day and during school-related and/or sponsored activities.

The focus is on **reasonable accommodations that are necessary for the student as a result of the impact their disability has on one or more major life activities.**

The knowledgeable committee shall determine whether the student that qualifies as disabled under Section 504 requires classroom testing accommodations, and whether those accommodations should be provided for any state and district-wide assessments. These decisions shall be recorded on the appropriate *504 Plan*. Testing accommodations should be consistent with the classroom instruction accommodations that are already part of the student's *504 Plan*.

If the knowledgeable committee chose the calculator accommodation, use the *Carroll County Public Schools Accommodation Criteria for Student with Disabilities (Calculator)* form to determine whether the student meets the criteria to utilize the specific accommodations on the SOL test.

The knowledgeable committee shall determine whether the student that qualifies as disabled under Section 504 should be considered for the Virginia Substitute Evaluation Program (VSEP). The appropriate VSEP intent form shall be completed and forwarded to the Virginia Department of Education for approval.

If the knowledgeable committee determines that there is currently no specific educational impact that requires accommodations, this should be noted on the *504 Plan*. This decision should be reviewed if concerns are noted by either the parent or school staff.

A copy of the *504 Plan* shall be provided to the parent following its completion. Parental consent is not required prior to the provision of accommodations for a student.

The principal is responsible for the adherence to the overall procedures and implementation of a *504 Plan*.

Each individual working with or supervising the student shall be provided a copy of the *504 Plan* and will comply with the applicable components.

The plan remains in effect as specified until either a new plan is developed, or the knowledgeable committee determines through reevaluation that the student no longer qualifies as disabled under Section 504.

C. Plan Review and Revision:

The principal/designee is responsible for ensuring that 504 plans are reviewed at least annually or more frequently as conditions warrant. The purpose of this review is to determine the appropriateness of the plan and to make any needed modifications. The participants in the annual meeting should be those individuals relevant to the discussion of the students accommodations. At minimum, the committee must consist of at least one of the students teachers, the school Section 504 Coordinator, and a principal/designee. Parents/guardians need to be invited to the annual 504 plan review.

If the committee determines that the existing plan requires modification, a new *504 Plan* form must be completed.

D. Discipline Procedures:

The knowledgeable committee shall convene to assess whether the behavior requiring disciplinary action is related to a qualified student's disability when:

- A decision is made to remove a 504-qualified student from school for more than 10 consecutive school days in a school year.
- The 504-qualified student is subjected to a series of removals during a school year that accumulates to more than 10 school days.

Parents/guardians should be notified with sufficient time to allow them the opportunity to attend, participate, and provide input at the *Disability Manifestation Determination* review. The school may use the *Meeting Notice* form to notify the parent of the meeting. A copy of the *Parent Rights-Section 504 of the Rehabilitation Act of 1973* shall be included with the meeting notification letter. The knowledgeable committee shall complete a *Disability Manifestation Determination review* and forward it to the Supervisor of Student and Adult Services when there is a recommendation for expulsion or long-term suspension.

- If a student is qualified under Section 504 and there is a causal relationship between the disability and the behavior resulting in disciplinary action, the committee shall determine whether the student's educational program should be modified.
- If a student is qualified under Section 504 and there is no causal relationship between the disability and the behavior resulting in disciplinary action, the student may be

disciplined in the same manner as a nondisabled student, including the cessation of services.

- If a student qualified under Section 504 is receiving disciplinary action based on the illegal use and/or possession of drugs or alcohol, and the individual is currently engaging in the illegal use of drugs or alcohol, a committee of knowledgeable persons is not required to convene, reevaluate the student, or determine whether there is a causal relationship between the behavior and the disability.

E. Transfers:

When a student transfers into a school and is qualified as disabled under Section 504, a knowledgeable committee in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The knowledgeable committee may decide to implement the plan as received, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to consider if the student no longer qualifies as disabled under Section 504.

Reevaluation

The knowledgeable committee shall conduct a reevaluation of each student's qualification as disabled under Section 504:

- every three years
- more frequently if conditions warrant

The date of the student's initial or most recent reevaluation of qualification as disabled under Section 504 is documented on the 504 plan. The re-evaluation date is then calculated by adding three years to the initial or most recent reevaluation review date. Prior to the re-evaluation review date, information should be collected from teachers and other school staff who work with the student for review at the reevaluation meeting.

The knowledgeable committee shall convene a re-evaluation meeting with the purpose of reviewing evaluation information and determining if the student continues to qualify as disabled under Section 504. If it is determined that additional individual assessments are needed in order to determine if the student continues to qualify, the *504 Evaluation Notice and Consent* shall be completed and signed by the parent prior to the administration of any assessments. Upon completion of assessments, the knowledgeable committee will reconvene and consider continued qualification under 504. If at any

time, the committee feels that evaluation for Special Education is needed, the *Parent Consent to Evaluate* for special education process is used.

The knowledgeable committee shall complete a *504 Eligibility Summary* using all available information in order to determine if the student continues to qualify as disabled under Section 504.

Records

Forms documenting the referral, evaluation, and qualification of a student under Section 504 should be maintained in the student's scholastic record. These forms may include:

- Meeting Notices
- Meeting Minutes for Child Study
- Parent Rights/Procedural Safeguards-Section 504 of the Rehabilitation Act of 1973
- Parental Consent to Evaluate
- 504 Evaluation Notice and Consent
- 504 Eligibility Summary
- 504 PLAN
- Calculator form for SOL testing
- Disability Manifestation Determination

If a student transfers to another public school within Carroll County Public Schools, the file is to be forwarded to the new school in accordance with regulations.

The student's parent or guardian may examine their child's educational record upon request (see Management of the Student Scholastic Record manual, June 2008).

The principal or designee is responsible for keeping a record of those students for whom a 504 plan has been developed, along with the anticipated review date for each student's 504 plan, and the date of each student's reevaluation. The date of the 504 plan shall be entered in *Power School* or any subsequent school-based information system for each qualified student. This information shall be reviewed and updated at the beginning of each school year.

Appendix A

Comparing IDEA and 504: Brief Overview of Differences

IDEA	504
Primary Focus	
Educational benefit	Equal access for students with disabilities
Who is Covered	
Handicapping conditions are defined adversely affects educational performance and requires special education and related services.	There are no eligibility categories. Those with impairments that substantially limit a major life activity.
Purpose of the Plan	
Goals and objectives outlined for the student. (What the student will do.)	Reasonable accommodations provided to the eligible student by the teacher(s) or relevant school staff. (What the teacher/staff will do.)
Consent	
Parent consent required for eligibility, for initial services, change in placement.	Parent consent is not required. Parents are invited to participate.
Regulations	
IDEA many specifics	OCR few specifics
Parent Participation	
Procedural rights to participate	Best practice to invite parent participation
Due Process	
Due process rights	Due process rights
Stay Put	
Last agreed-upon placement	No stay-put provisions
Funding	
All states receiving funding	No funding
Monitoring	
VDOE is required to develop regulations and to monitor the provision of special education. USDOE oversees implementation.	VDOE has no responsibility for - or jurisdiction over LEAs implementation of 504 Plans. OCR oversees implementation.

Appendix B

Section 504 Parent Rights / Procedural Safeguards

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to make reasonable accommodations to allow your child an equal opportunity to participate in school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have your child receive an individualized evaluation that consists of a review of existing records and/or information from a variety of sources, such as observations, teacher reports, and results of informal and/or formal assessments. If formal assessments are used, they shall be administered in the student's primary language or mode of communication, unless it is clearly not feasible to do so; validated for the purposes for which they are used; and administered by trained personnel in conformance with the instructions provided by the publisher. Assessments shall be fair and nondiscriminatory and, if requested by the 504 committee, shall be provided at no cost to the parent. Parental consent shall be obtained prior to the initiation of assessments.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options; (knowledgeable committee)
8. Have transportation provided to and from and alternative placement setting determined by the school district at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement and obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. Receive a response from the school 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 or other rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. For acts of misconduct, when a decision is made to remove a 504-qualified student is subjected to a series of removals during a school year that constitute a pattern and accumulates more than ten school days, a knowledgeable committee shall convene to determine whether the student's conduct was caused by the student's disability.
14. File a local grievance by notifying Dr. Laura Goad, 605-9 Pine Street, Hillsville, VA 24343, phone # 276-730-3200.
15. Request an impartial due process bearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you at your expense. Hearing request must be made to Laura Goad who will contact the BA Department of Education for assistance in appointing a hearing officer.
16. File a written complaint at any time with the federal Office of Civil Rights (OCR). For a copy of OCR's complaint form and procedures, contact:
U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-11
Telephone: 800-421-3481
FAX: 202-453-6012; TDD 800-877-8339
Email: OCR@ed.gov

Appendix C

504 Derechos de los Padres / Procedimientos de Seguridad

Usted tiene derecho a:

1. Que su hijo participe, y reciba beneficios de los programas de educación pública sin discriminación a causa de su / su discapacidad;
2. Que el distrito escolar le informe de sus derechos bajo la ley federal;
3. Recibir notificación con respecto a la identificación, evaluación o colocación de su hijo;
4. Que su hijo reciba una educación pública gratuita y apropiada. Esto incluye el derecho a ser educado con estudiantes sin discapacidad en la mayor medida posible. También incluye el derecho a que el distrito escolar haga adaptaciones razonables para permitir a su hijo igualdad de oportunidades para participar en las actividades relacionadas con la escuela;
5. Que su hijo sea educado en instalaciones y reciba servicios comparables a los proporcionados a los estudiantes sin discapacidad;
6. Que su hijo reciba una evaluación individualizada que incluye una revisión de los registros y/o información de una variedad de fuentes, tales como observaciones, informes de los maestros, y los resultados de las evaluaciones informales y/o formales. Si se utilizan las evaluaciones formales, estas serán administrados en el lenguaje o modo de comunicación principal del estudiante, a menos que claramente no es factible hacerlo; validado para los fines para los que se utilizan; y administrado por personal entrenado en conformidad con las instrucciones proporcionadas por el editor. Las evaluaciones serán justas y no discriminatorias y, si lo solicita el comité de elegibilidad 504, serán proporcionados sin costo para los padres. Consentimiento de los padres deberá obtenerse antes del inicio de las evaluaciones.
7. Tener decisiones de evaluación, educativas, y las decisiones de colocación realizadas sobre la base de una variedad de fuentes de información, y por personas que conocen al estudiante, los datos de la evaluación, y las opciones de colocación; (comité con conocimientos)
8. Que el transporte desde y hacia la colocación alternativa determinado por el distrito escolar sea proporcionado sin mayor costo para usted del que se incurría si el estudiante se colocara en un programa operado por el distrito;
9. Que se le dé a su hijo una oportunidad igual para participar en las actividades no-académicas y extracurriculares ofrecidas por el distrito;
10. Examinar todos los archivos relacionadas con las decisiones respecto a la identificación, evaluación, programa educativo y colocación de su hijo y obtener copias de los registros educativos a un costo razonable, a menos que el costo le fuese a negar acceso a los registros;
11. Recibir una respuesta del distrito escolar a solicitudes razonables de explicaciones e interpretaciones de los registros de su hijo;
12. Solicitar la modificación de los registros educativos de su hijo si existe una causa razonable para creer que son inexactos, engañosos, o en violación de la privacidad u otros derechos de su hijo. Si el distrito escolar rechaza esta solicitud de enmienda, usted será notificado en un tiempo razonable, y se le aconsejará sobre el derecho a una audiencia;
13. En actos de mala conducta, cuando se toma la decisión de retirar a un estudiante con un plan 504 de la escuela por más de diez días consecutivos o cuando el estudiante con un plan 504 recibe una serie de retiros durante un año escolar que constituyen un patrón

y acumulan más de diez días escolares, un comité con conocimiento se reunirá para determinar si la conducta del estudiante fue causada por la discapacidad del estudiante.

14. A presentar una queja local; notificando a Dr. Laura Goad, 605-9 Pine Street, Hillsdale, VA 24343, teléfono # 276-730-3200.
15. Solicitar una audiencia imparcial de debido proceso relacionado con las decisiones o acciones relacionadas con la identificación, evaluación, programa educativo o colocación de su hijo. Usted y su hijo pueden participar en la audiencia y contratar a un abogado que lo represente por su cuenta. La solicitud de audiencia debe hacerla a Dr. Laura Goad, quien se comunicará con el Departamento de Educación de Virginia por asistencia en designar un oficial de audiencia.
16. Presentar una queja por escrito en cualquier momento con la Oficina Federal de Derechos Civiles (OCR). Para obtener una copia del formulario de queja y procedimientos OCR, contactese con:
U.S. Department of Education
Office of Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Teléfono: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Correo electrónico: OCR@ed.gov