

Section 504 Manual

INSIGHT SCHOOLS OF CALIFORNIA

Hyperlinked Contents
<u>Introduction</u>
<u>Overview</u>
<u>Assurances</u>
<u>Identification</u>
<u>Referral</u>
<u>Evaluation</u>
<u>Section 504 Committee Meeting</u>
<u>Eligibility</u>
<u>Re-Evaluation</u>
<u>504 Plans and Services</u>
<u>Progress Monitoring</u>
<u>Exit, Revocation, and Post-Secondary Transition</u>
<u>Discipline</u>
<u>Due Process and Complaint</u>
<u>Parents with Disabilities</u>
<u>Collaboration Across Departments</u>
<u>Procedural Flow Charts</u>
<u>Procedural Safeguards / Parent Rights</u>

INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 is federal anti-discrimination statute which impacts schools and other entities that receive federal funding. The Act is a civil rights statute designed to eliminate discrimination against individuals in schools and the workplace because of disability. The regulations are very broadly written and intended to cover a wide range of public entities to prohibit discrimination on the basis of disability.

Taken together, Section 504 and the ADA prohibit discrimination by school districts against persons with disabilities, including students, their parents who have disabilities, staff members, and members of the public. Included are all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of those funds. There is no state or federal funding provided to help schools comply with the requirements of Section 504.

Individuals who are disabled under the Individuals with Disabilities Education Improvement Act (IDEA) are also protected under Section 504/ADA. While Section 504 provides for services similar to those available through special education, the intent and requirements of the acts are different. IDEA is a mandate to provide special education and related services to students who meet specific eligibility criteria for one or more of 13 categories of disability and need special education and related services in order to access and make progress in the general school curriculum. Section 504 provides broader and different coverage than does the IDEA with a focus on providing FAPE to all students. Section 504 also prohibits discrimination based on disability and retaliation. If a student does not meet the eligibility requirements of IDEA but the school district suspects that the student has a disability, the district should request consent from the student's parent or guardian to evaluate the student to determine if the student qualifies under Section 504.

OVERVIEW

There are two primary requirements under Section 504: nondiscrimination and the provision of a free and appropriate public education (FAPE). The regulations

require identification, evaluation, appropriate services, and procedural safeguards.

Nondiscrimination

LEA does not discriminate on the basis of race, sex, color, national origin, age, or disability. Discrimination on the basis of disability in providing any aid, benefit, or service is prohibited in any setting, including school districts.

Examples of discrimination include:

- Refusing to allow any student with a disability the opportunity to be on the honor roll;
- Excluding a student from an academic class because the classroom is inaccessible;
- Refusing to give course credit or lowering a grade for a student due to nonattendance when the absences are related to a disabling condition;
- Refusing to allow any otherwise qualified student with a disability the opportunity to participate in extracurricular activities;
- Refusing to provide opportunities for students with disabilities to try out for academic or sports teams.

Free and Appropriate Education (FAPE)

Every student in a school must receive equal opportunity. This does not mean that every student receives the same services or accommodations. Each student must be considered as an individual.

What does “disability” mean?

Under Section 504, a disability is any physical or mental condition that substantially limits one or more major life activities. Although not an exhaustive list, major life activities include taking care of yourself, working with your hands, walking, seeing, hearing, speaking, breathing, learning, and working. The meaning of "disability" under Section 504 is broader than the meaning of "disability" under the Individuals with Disabilities Education Act (IDEA).

Furthermore, OCR has specifically stated that learning is not the only major life activity that a school must consider in determining if a student has a disability under Section 504.

Section 504 regulations concerning provision of FAPE closely mirror the procedural requirements of special education, including the Child Find duty of identifying students with disabilities in order to determine any support that may be needed in the educational environment. Students being considered for Section 504 services must be referred, evaluated, and if determined to be a student with a disability under Section 504, will be provided services in accordance with Section 504 regulations. Students that are newly enrolled with Insight will have the same rights to a Section 504 Plan as students that are considered current students. If the student has a current 504 Plan in place, the team will adopt and/or adapt the plan to fit the student's current environment with Insight.

The school must identify a Section 504 Coordinator, who works closely with the Special Programs Manager to assure compliance and appropriate services for all students. In all required Section 504 notices, the 504 Coordinator, should be identified by name, address, phone number, and email address.

Maintenance of Records:

All 504 plans will remain in a secure location with all student records as outlined by the maintenance of record policy written by the State Department of Education.

PROCEDURAL REQUIREMENTS

Identification

The identification process can be coordinated with the school's special education child-find process. At least annually, however, the school must provide notice of the opportunity for referrals in (a) school forms; (b) school publications; and (c) school handbook. Evidence of this annual notification must be documented to ensure compliance. Students who may be disabled under Section 504 may be referred by a concerned teacher, administrator, parent, or private/public agency. Staff should be trained in all relevant identification procedures. The student may need accommodations or related services in order to receive a free appropriate public education.

Possible indicators of eligibility under Section 504 include, but are not limited to, the following:

- A parent frequently expresses concern about the student's performance;
- Retention is being considered;
- Disciplinary issues;
- A student shows a pattern of not benefiting from instruction;
- A student returns to school after an accident or serious illness;
- A student is found not eligible under the IDEA;
- A student has a chronic health condition/medical diagnosis;
- A student is in danger of dropping out of school;
- A student has been identified as having ADD/ADHD;
- A student has an accident or is diagnosed with a serious illness;
- Lack of educational, social-emotional, or behavioral progress

Insight teachers may learn of possible disability-related concerns when working directly with parents or students. If a teacher learns of any medical- or disability-related information that may require consideration for 504 Plan eligibility, the teacher should notify the 504 Coordinator via established internal process.

Insight may collect information from the student enrollment process or receive records from previous schools that indicate a student's 504 Plan history. All team members who may be tasked with receiving and filing student records are trained to recognize a 504 Plan and to notify the 504 Coordinator upon receipt. The 504 Coordinator may then initiate further records requests for student-specific files and must initiate the Insight's 504 process immediately. The CAVA Records Clerk documents records request attempts and makes every effort to gather historical and current documentation in order to aid in evaluating if the student is an individual with a disability under Section 504. (*See Evaluation section*)

Referral

When the decision is made to initiate a Section 504 referral, the parent(s) or guardian(s) must be notified. Parents should already be aware of any intervention efforts of the building-based team. A Section 504 Referral Form should be completed by the student's teacher(s), or individuals referring for an initial 504 evaluation, with input from others who work with the student, including the parent.

When completing the form, consider the following guidelines:

- Do not label the disorder.
- Many conditions may require a medical professional for diagnosis.
- Detail the observable characteristics (e.g., the child is distracted by classroom noises, the student refuses to comply with teacher requests 75% of the time) rather than labeling the characteristic (e.g., distractible, rude). This will help the team identify and rate the concerns listed.
- Document all concerns completely and professionally. Whenever possible, state in measurable terms and provide supporting data or documentation of the concern.

Once a referral is made, an evaluation must follow within 60 calendar days from the school's receipt of parental consent unless there is no reasonable basis to suspect a disability. If the school elects not to evaluate a referred student, prior written notice must be provided to the parents giving them the opportunity to challenge the decision pursuant to Section 504 procedure. Section 504 Prior Written Notice should be modeled after IDEA's requirements. Also, if a parent refuses to grant permission for an initial evaluation, the school may only evaluate the student by initiating a due process hearing and getting an order from an independent hearing officer.

Evaluation

There are no specific evaluation requirements for Section 504; however, the evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and the impact of the disability on a specific major life activity. The 504 regulations require a school to "draw upon information from a variety of sources" when conducting a 504 evaluation. This includes ensuring

that the evaluation methods and materials are:

- (a) in the native language of the student;
- (b) nondiscriminatory; and
- (c) empirically appropriate to test for the suspected disabilities.

Evaluations that are more limited than a full comprehensive evaluation under IDEA may be sufficient; however, it is important to ensure that all data used for disability determination is documented and carefully considered by the 504 team.

Also:

- a) The staff at Insight will evaluate, without unreasonable delay, any student suspected of having a disability as defined by Section 504, regardless of whether the student's parent has requested such an evaluation
- b) Parents cannot be required to submit medical or other evaluation information
- c) While Insight is permitted to request medical information from the parents, if the parents do not have or refuse to provide the information, and the school determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R 104.35, the school must ensure that the child receives this assessment at no cost to the parents.

Possible sources of existing evaluation information include, but are not limited to:

- Current psycho-educational evaluations;
- Standardized achievement data;
- Curriculum-based assessments;
- Medical information;
- Grades;
- Attendance records;
- Discipline records;
- Adaptive behavior;
- Physical condition;

- Teacher or parent observation notes.
- Information from the parent/guardian, including information regarding the student's ability to complete homework in an equivalent time period to the student's nondisabled peers

Be sure that all information is current, accurate, and addresses all areas of the learning process. It is appropriate for school personnel to make inquiries of medical and other personnel if the information submitted is unclear. Always ask the parent to provide written permission for an exchange of information.

Section 504 Committee Meeting

Evaluation and placement decisions must be made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. The 504 Coordinator will work with the parent to determine if it is appropriate for the student to attend. If the student is 18 years of age or older, he/she must be invited to attend. When the evaluation is completed, a Section 504 meeting must be convened. Not all persons who provided information for the evaluation and placement decisions are required to be present at the committee meeting. Notification of the meeting must be distributed in writing, and the parent must receive written notice. Insight will include a notice of procedural safeguards with the notification of meeting.

The meeting should be held at an agreeable time for all. The 504 Coordinator should have the paperwork prepared in advance, but if the parent/guardian has not been provided with a meaningful opportunity to provide input prior to the meeting, paperwork may need to be revised in response to parental input. The chairperson or his/her designee should take notes. The parent should again be offered notice of Procedural Safeguards. The 504 Coordinator should offer and be prepared to explain the rights to the parent. During the meeting, encourage parents to be active participants, with opportunities to share information and express their opinions and thoughts.

Eligibility

The first task of the meeting is to review the evaluation information, which includes all information submitted to the committee. The committee compares the information presented with the Section 504 definition of a person with a

disability. An individual has a disability if he/she:

1. Has a physical or mental impairment which substantially limits one or more major life activities. The term does not cover children primarily disadvantaged by cultural, environmental, or economic factors.

- Section 504 defines physical or mental impairment as “any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:

(a) neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic, lymphatic, and endocrine system, or

(b) any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, specific learning disability.

2. Has a record or history of such an impairment (e.g., a student with a learning disability who is no longer eligible or has been misclassified to receive special education under IDEA; a student in recovery from drug abuse).

3. Is regarded as having such impairment. A person can be found eligible under this section if he/she:

- Has a physical or mental impairment that does not substantially limit a major life activity but is treated by persons in the district as having such a limitation (e.g., a student who has scarring or walks with a limp);
- Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such an impairment (e.g., a student who is obese); or

- Has no physical or mental impairment but is treated by persons in the district as having such impairment (e.g., a student who tests positive for HIV, but the virus does not substantially limit any major life activities).

Note: the last two factors come into play only when there is a record or history of an impairment which has resulted in discrimination. This rarely occurs in school situations.

In addition to the presence of a disability, the condition must “substantially limit” one or more major life functions. Per the 2008 ADA amendments, this determination must be made without consideration of the ameliorative effects of mitigating measures (e.g., medication, hearing aids, use of assistive technology, behavioral therapy, physical therapy). The only exception is that the ameliorative effects of eyeglasses or contact lenses may be considered in determining if an impairment substantially limits a major life activity. Substantial limitation necessitates a material effect on one's ability to perform a major life activity as opposed to a minor limitation. Under the ADA, substantial limitation is when the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people.

Major life functions include but are not limited to self-care, walking, seeing, breathing, learning, performing manual tasks, hearing, speaking, and working. When a condition does not substantially limit a major life activity or impact education, the student does not have a disability under Section 504 and does not qualify for services under Section 504. If a student has a disability under Section 504 but does not need services in order to receive a free appropriate public education or to have an opportunity to participate in the school's educational program, including nonacademic services, the student does not need a Section 504 plan. In such determinations, the committee may wish to discuss possible accommodations outside the Section 504 process or refer the child for additional support through building-based avenues.

Disabling conditions may include, but are not limited to, the following:
AIDS; Allergies; Asthma; ADHD; Recovering Chemical Dependency;
Congenital Defects; Diabetes; Formerly Disabled; Hepatitis B; Hemophilia;
Obesity; Pregnancy with Medical Problems; Schizophrenia;
Retinitis-Pigmentosa; Temporary Conditions; Tourette's syndrome;
Tuberculosis; Dwarfism; Epilepsy; Communicable Diseases.

As a final note, a student must be “otherwise qualified” to be considered eligible for Section 504. The most common “otherwise qualified” factors are:

- (1) age; and
- (2) legal settlement.

The student must be old or young enough to attend public school per state law and must have legal settlement in the district to be considered otherwise qualified.

Re- Evaluation

The student should be reevaluated at least every three years.

In addition, the committee should consider reevaluation:

- (a) if the student transitions to a new school;
- (b) if the student’s behavior/academic achievement shifts;
- (c) if the committee believes that the student is no longer disabled;
- (d) before any significant change in placement;
- (e) if the current services are not providing FAPE and/or an equal opportunity to participate in nonacademic and extracurricular programs.

504 Plans and Services

If the committee determines that a student is disabled as defined by Section 504, the committee must determine what services or accommodations are required to enable the student to receive an appropriate education. The Section 504 committee must determine what services and

accommodations are necessary to provide the student with a FAPE and with an equal opportunity to participate in nonacademic and extracurricular activities. Every case must be considered individually. Decisions concerning Section 504 eligibility must be documented in the student’s confidential file, and if services are provided, eligibility and the plan for services should be reviewed periodically.

The Section 504 committee must ensure that qualified students with disabilities are evaluated and provided access to meaningful educational services without unreasonable delay; this includes the development of a written 504 Plan. The plan should also include specific services or accommodations the student will receive, when the services or accommodations will be provided and by whom, as well as

how the proposed plan will be evaluated. Evaluation data must be observable and measurable.

Once all accommodations are determined, the team must decide when the plan will be reviewed, at a minimum annually. Parents are asked to give consent for the identified services and should be offered explanation for any or all of the documentation.

The 504 Coordinator, or designee, is then responsible for informing all staff who work with the student of the services/accommodations that are required under the Section 504 Plan. Teachers and staff will review the information, either in writing or verbally. Furthermore, the 504 Coordinator, or designee, will periodically check on the child and monitor the effectiveness of the Section 504 plan. The plan can be reviewed and/or revised at any time via the Section 504 committee. If any changes to the plan would result in a significant change in placement, the student's parent/guardian must be provided with a meaningful opportunity to provide input into the placement decisions.

Under 34 C.F.R. 300.34, students with disabilities may be eligible for related services, including but not limited to: speech therapy, occupational therapy, physical therapy, and/or counseling services. Eligibility and provision of related services are based on individual student need as determined by the 504 evaluation process.

Progress Monitoring

Progress will be monitored each trimester through reviewing running records, to include but not limited to; grades, curriculum-based assessments, attendance, and 504 team members concerns. Surveys are also sent to content teachers and advisors to provide feedback and insights into 504 student performance.

Exiting, Parent Revocation, and Post-Secondary Transition

Students may no longer qualify for a 504 plan after re-evaluation; documentation should be clear as to how the 504 Team made the determination.

Parents may revoke their consent for the 504 Plan. Upon the school's receipt of the parent's written request, the student's 504 Plan will be end-dated and relevant parties will be notified. All accommodations and supplemental services will be

discontinued.

In addition, students preparing to graduate should be supported in their transition. The school may utilize the Transition to Post-Secondary form for all graduating students with active 504 Plans. Other transition activities may include, but are not limited to: consultation with academic counselor, review of graduation plan, communicating upcoming college/career fairs, completion of career interest inventories and other transition assessments, and other appropriate activities.

Discipline

Section 504 requires that a school district evaluate a student believed to have a disability before making an initial placement of the child and before any subsequent, significant change in placement. The permanent exclusion of a student with a disability, the exclusion of a student for an indefinite period, or the exclusion of a student for more than 10 consecutive school days constitutes a significant change in placement under Section 504.

A series of suspensions, each of which is 10 or fewer days in duration, but that creates a pattern of exclusions, may also constitute a significant change in placement. The determination of whether a series of suspensions creates a pattern is made on a case by case basis. Among the factors considered in determining whether a series of suspensions has resulted in a significant change in placement are length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student is excluded from school. The Office of Civil Rights does not consider a series of suspensions that, in the aggregate, is for 10 or fewer days to be a significant change in placement.

Before implementing a suspension or expulsion that constitutes a significant change in the placement of a student with a disability, the student's 504 team must conduct a manifestation determination meeting to determine whether the misconduct in question is caused by or has a direct and substantial relationship to the student's disability, and if so, whether the misconduct was a direct result of the school's failure to implement the 504 plan. If it is determined that the misconduct is not caused by the student's disability or the school's failure to implement the 504 plan, the student may be excluded from school in the same manner as are similarly-situated students who do not have disabilities.

If, after reevaluation of an initial placement decision, the parent disagrees with the manifestation determination regarding the relationship of the behavior to the

disability or with the subsequent placement proposal where the behavior is determined to be caused by the disability, the parent may request an impartial hearing.

Due Process

Parents and students have due process rights under Section 504. These include the following:

- Right to be informed by the district of specific due process rights;
- Right for the child to be provided with FAPE and have an equal opportunity to participate in non-academic school activities;
- Right for the child to have an appropriate education in the least restrictive setting, which includes accommodations, modifications, and related services;
- Right to notice regarding referral, evaluation, and placement;
- Right for the child to have a fair evaluation conducted by knowledgeable person(s);
- Right to an administrative hearing and appeals process;
- Right to examine and obtain copies of all school records; and
- Right to provide consent prior to evaluation or placement for Section 504 services.

The list of rights above is non-exhaustive, but it is important to note that the crux of a parent's due process rights are:

- (a) the right to prior written notice;
- (b) the right to inspect educational records;
- (c) the right to an impartial hearing to dispute a school's decision; and
- (d) the right to appeal the impartial hearing officer's decision.

In spite of the school's best efforts there are times when Section 504 actions lead to conflict. The best way to avoid conflict is to involve parents throughout the process; parents must be provided with a meaningful opportunity to provide input. Seek their input, document it, and be sure to consider their perspectives and requests. When conflicts arise, encourage the parent to talk with the 504

Coordinator.

There is also a due process hearing option for students under Section 504. The due process hearing is intended to resolve differences involving the education of Section 504 qualified students when differences cannot be settled by means of a less formal procedure.

Working with Parent Concerns, Complaints and Due Process Hearings

The best solutions to parent concerns occur at the school level. Therefore, the first step in resolving a complaint should involve the 504 Coordinator working with the parent to a mutually acceptable resolution of the parent's concern(s). If the concern(s) cannot be resolved informally, the parent may seek formal resolution under the complaint process or an impartial due process hearing. Notice of these procedures will be provided on Insight's website. The parent can file a complaint through the complaint resolution process:

1. The parent should complete and submit a complaint in writing.
2. The school 504 Coordinator, or designee, will review the complaint and decide whether to seek to mediate the dispute between the parent and school or refer the matter for either an investigation or an impartial due process hearing. The 504 Coordinator has a responsibility to meet with the parent to hear the parent's concerns.

If a parent does not agree to mediation, the matter must be referred for investigation or due process. Mediation may not be used to deny a parent the right to due process. If the complaint asserts allegations of discrimination carried out by employees, other students, or third parties, the complaint will be investigated as provided by Insight's policies and these procedures. If the complaint challenges a 504 Team determination regarding eligibility, evaluation, or the content of the 504 Plan, the complaint will be referred for a due process hearing.

Insight will take steps to prevent recurrence of any harassment or other discrimination, and to correct discriminatory effects on the complainant and others, if appropriate. Insight prohibits retaliation against any complainant.

(A) Complaint.

File a written complaint with the school when you believe your child's rights have been violated. You must submit this complaint to the building level 504 coordinator.

504 Coordinators:

Joe Hargrave

504 Coordinator

jhargrave@k12insightca.org

50 Moreland Rd., Simi Valley, CA 93065

714-759-2536

Upon receipt, the building level coordinator or his/her designee will conduct an adequate, reliable, and impartial investigation of complaints, including an opportunity for the complainant to present witnesses and other evidence. The building level coordinator or his/her designee will submit a written report of findings to the complainant(s) and any person who is accused of discriminating or retaliating or otherwise violating Section 504 and/or Title II within ten (10) instructional days. Complainant may then submit a letter of appeal to the Special Education Manager. Within ten (10) instructional days from receipt of the letter, the Special Education Manager will submit a response letter to complainant and any person who is accused of discriminating or retaliating or otherwise violating Section 504 and/or Title II. If complainant would like to appeal the Special Education Manager's response, any appeal must be submitted in writing to the Senior Head of Schools. The Senior Head of Schools must reply within ten (10) instructional days.

A complainant may always file a written complaint with the U.S. Department of Education, Office for Civil Rights,

<https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>

(B) Due Process.

If the complainant challenges a 504 Team determination regarding the evaluation, eligibility or content of a student's 504 Plan, the 504 Team must do the following:

- Provide the family the results of the decision in writing.
- The written decision must include all documentation that served as evidence to make the final decision.
- The 504 Team may then advise the family of their right to file a complaint for due process with the California Department of Education, Office of Special Education.

<https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>

Either party may refer the complaint for a due process hearing conducted by an impartial hearing officer. Request for a Section 504 due process hearing must be made in writing to the Special Education Manager. Upon receipt of such a request, the necessary arrangements will be made by the Special Education Manager, including the selection of a hearing officer. A person who is an employee of Insight, or any person having a personal or professional interest which would conflict with his/her objectivity in the hearing, may not be appointed as a hearing officer. The hearing officer must have knowledge of a Section 504 Plan and must not be an employee of the school. A due process hearing will occur in a timeframe that is reasonable for the parent and school, generally not more than 30 calendar days following receipt of the written request. The parent and/or the school may be represented by legal counsel at the hearing. The parent or attorney may present evidence and/or testimony supporting the parent's challenge to the 504 Team determination. The school may respond by presenting evidence and/or testimony to support the 504 Team determination. Parents will be provided with access to any evidence prior to the hearing. The hearing office will issue a written decision and provide a copy of the decision to both parties not later than 30 calendar days after the hearing. Either party has a right to seek judicial review of a hearing officer decision. In the absence of an appeal, Insight will implement the decision of the hearing officer within 15 calendar days of School's receipt of the decision.

Insight will provide notice to parents/guardians about this procedure by providing them with a copy of the Procedural Safeguards whenever a request for an evaluation or reevaluation is made, whenever an evaluation or reevaluation occurs, prior to every 504 Team meeting, or whenever there is a significant change in placement.

Parents with Disabilities

Providing accommodations also applies to parents with disabilities. If needed in order to allow for parental participation, accommodations for parents with disabilities will be provided; thus enabling parental involvement throughout the 504 process. The school must take appropriate steps to ensure that communications with parents with disabilities are as effective as communications with others.

Collaboration Across Departments

Students with a 504 Plan may receive services and/or supports through other school-based programs where appropriate, including but not limited to: academic interventions through RTI/MTSS, support through the English

Learners Program, McKinney-Vento, Foster Care Education, and the Migrant Education Program. School staff will communicate and collaborate across departments to coordinate services for students receiving services and/or supports through multiple programs.

504 Coordinator Responsibilities:

- Coordinates district/school efforts to comply with Section 504 regulations including training of administrative staff;
- Establishes school 504 Team(s) and serves as chairperson;
- Guides 504 referral, evaluation, and service delivery process;
- Reviews 504 evaluation information if proposed accommodations require resources beyond the school level;
- Receives and reviews copies of all Section 504 Plans;
- Maintains a master list of those students with 504 Plans, including name, grade, accommodations, annual review date, and projected reevaluation date;
- Accepts and reviews Section 504 complaints, organizes and conducts investigations, and attempts to resolve any concerns or complaints;
- Organizes district response to any complaint filed with the Office of Civil Rights.
- Holds professional development annually on the 504 process including Child Find, 504 plan implementation, and other 504 related matters.
- Assures publication of Child Find Notice and distributes copy for posting at all district websites

Certified/Educational Staff

- Attend Section 504 training at the school level;
- Complete a referral for 504 assistance as needed;
- Serve as a 504 team member when appropriate as determined by 504 Coordinator or designee;
- Implement 504 Plan(s) as appropriate.

Section 504 Procedures

<p>Referral</p>	<ul style="list-style-type: none"> • Referring staff completes Section 504 Referral form. • Schedule initial meeting (see below) and offer Section 504 Procedural Safeguards. • Information gathering and a determination regarding eligibility and placement must be completed within 60 calendar days of the date parental consent was received by the school for the initial evaluation. <p>OR: 504 Coordinator identifies potential candidate for 504 program via intake surveys indicating a medical condition and contacts the parent to determine whether or not the condition warrants a 504 plan.</p>
<p>Parent Notification</p>	<ul style="list-style-type: none"> • Send Parent Notice of Section 504 Referral with completed Section 504 Referral form and Section 504 Procedural Safeguards. • If there is no reasonable basis to suspect a disability, the school may elect not to evaluate but must provide parent with prior written notice (include Section 504 Procedural Safeguards), giving them an opportunity to challenge through an impartial hearing.
<p>Initial Meeting</p>	<ul style="list-style-type: none"> • Discuss the Section 504 Notice and Permission for Evaluation along with Section 504 Procedural Safeguards. • Obtain permission for evaluation. If parent refuses to give consent to evaluate, school may, but is not required to, initiate a due process hearing. A school may only evaluate without parental permission with an order from an independent hearing officer. • Ask parent to complete Section 504 Release of Information if applicable.

<p>Transfer from another District</p>	<ul style="list-style-type: none"> • Request the 504 plan and evaluations from the previous District. • Review previous school documents. • If the records are current <ul style="list-style-type: none"> ○ Draft School Section 504 Plan. ○ Send Section 504 Parent Invitation along with Section 504 Procedural Safeguards. ○ Invite all participants to 504 Committee Meeting. ○ Review and update Section 504 Plan. ○ Obtain signatures. • If the documents are expired or there is not enough information to determine 504 eligibility, treat as an initial referral
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<p>Evaluation</p>	<ul style="list-style-type: none"> • Review current educational record and complete Student Record Review. • Gather or request supplemental evaluation information as needed. • Gather formal reports if necessary--request information from private providers by sending Physician's Letter and Questionnaire Regarding Medical Concerns or Physician's Letter and Questionnaire as applicable and include copy of signed Section 504 Release of Information. • Use additional questionnaires to gather information from staff or parents as needed. • While Insight is permitted to request medical information from the parents, if the parents do not have or refuse to provide the information, and the school determines, based on the facts and circumstances of the individual case, that a medical assessment is necessary to make an appropriate evaluation consistent with 34 C.F.R. 104.35, the school must ensure that the child receives this assessment at no cost to the parents. • Ameliorative effects of mitigating measures, with the exception of ordinary eyeglasses and contact lenses, will not be considered in making an eligibility determination (e.g., when evaluating a student who is taking medication as a mitigating measure, Insight should evaluate the "substantially limits" prong as if the student were not taking medication; typically, relevant information can be obtained from the parent or the student's physician). • Review Section 504 eligibility criteria in preparation for initial conference.
<p>Initial Conference</p>	<ul style="list-style-type: none"> • Send Notice of Section 504 Conference with Section 504 Procedural Safeguards. (must be scheduled within 60 calendar days from the date parental consent was received). • Invite additional participants— parent/guardian, child (when appropriate, must attend if 18 or older), teacher(s), school psychologist, counselor, others familiar with the student as

	<p>appropriate.</p> <ul style="list-style-type: none"> • Offer another copy of Section 504 Procedural Safeguards • Review all evaluative data and carefully consider the input of all team members. • The team will need to make the following determinations: <ul style="list-style-type: none"> ○ Does the student have a disability under Section 504? ○ If so, does the student need regular or special education under Section 504, related aids, and in what setting should the student receive them?
Develop the Plan	<ul style="list-style-type: none"> • If found eligible, develop the Section 504 Plan. The plan must be developed within 60 calendar days from the date parental consent was received. • Obtain signatures. • Provide copies of Section 504 Plan to parents.
Implement the Plan	<ul style="list-style-type: none"> • 504 Coordinator, or designee, shall inform all employees involved with the student of the existence and content of the Section 504 plan. • 504 Coordinator, or designee, shall ensure that all employees receive appropriate training to execute responsibilities under the plan.
Review the Plan	<ul style="list-style-type: none"> • Plan must be reviewed at least once a year. • Progress will be monitored quarterly through reviewing running records, to include but not limited to; grades, curriculum-based assessments, attendance, and 504 team members concerns. • With every review conference, a Section 504 Procedural Safeguards is sent to the parents. • Invite all participants.

	<ul style="list-style-type: none"> • If the student continues to be eligible, the Section 504 Plan is revised accordingly. • Obtain signatures • Provide copies of Section 504 Plan to parents.
Re-evaluation	<ul style="list-style-type: none"> • The student must be reevaluated every three years or: a) whenever there is a question of eligibility; b) whenever there are significant shifts in student behavior or academic achievement; c) whenever there is transition to a new school; d) before any significant change in placement; or e) whenever the current services are not providing a FAPE and/or equal opportunity to participate in nonacademic and extracurricular programs. • Send Section 504 Parent Invitation along with Section 504 Procedural Safeguards. • If a formal evaluation is needed, follow all evaluation procedures (see previous section on evaluation). • At the meeting, if the student continues to be eligible, complete an updated Section 504 Plan. • Obtain signatures. • Provide copies of Section 504 Plan to parents.
Exiting/ Discontinuation of 504 Plans	<ul style="list-style-type: none"> • Upon graduation • Exiting of 504 services, after the 504 team's re-evaluation determines the student no longer qualifies as being eligible. • Parent Revocation <ul style="list-style-type: none"> • Transition to Post-Secondary form for students that are graduating.

<p>Discipline</p>	<ul style="list-style-type: none"> • Before a student can be suspended for more than 10 consecutive days or expelled, a Manifestation Determination Meeting must be held. Contact the Special Education Manager if a student will be suspended for 10 cumulative days, but not consecutive days. • Send the Section 504 Parent Invitation and Section 504 Procedural Safeguards to notify the parent of the conference. • Review placement data. Is current evaluation information sufficient to make a determination? If placement occurred over a year ago, additional evaluation may be warranted. • At the conference, offer Section 504 Procedural Safeguards and complete the Manifestation Determination Review. If the Section 504 Plan is appropriate/implemented to fidelity and there is no causal or substantial relationship between the student's behavior and disability, a possible change of placement may continue.
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Insight Schools of California

Procedural Safeguards under Section 504

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as "Section 504," is a non discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination, to ensure that students with disabilities receive a free appropriate public education, and to ensure that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities.¹

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, concentrating, thinking, eating, self-care, walking, standing, lifting, bending, seeing, hearing, speaking, communicating, breathing, working, and performing manual tasks. If a student has a physical or mental impairment which substantially limits one or more major life activities, such student is entitled to receive a free appropriate public education.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provide parents and/or eligible students with the following rights:

- (1) You have the right to be informed by Insight of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32)
- (2) Your child has the right to a free appropriate public education (FAPE) designed to meet his/her individual needs as adequately as the needs of non-disabled students are met. (34 C.F.R. 104.33)
- (3) Your child has a right to placement with students without disabilities to the maximum extent appropriate to your child's needs (least restrictive environment). (34 C.F.R. 104.34)
- (4) Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 C.F.R. 104.35)
- (5) Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation,

etc. Insight shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 C.F.R. 104.35)

- (6) Placement decisions must be made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 C.F.R. 104.35)

¹ Equal educational benefits and opportunities does not mean the "same" benefits and/or opportunities.

- (7) If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.35)

Procedural Safeguards:

- (8) You have the right to examine relevant records. (34 C.F.R. 104.36)
- (9) You have a right to notice of any action by Insight in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36)
- (10) You have a right to an impartial hearing with respect to Insight's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 C.F.R. 104.36)
- (11) If you wish to challenge the actions of Insight's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with the 504 Coordinator. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing. Notice of these procedures is provided through Procedural Safeguards
- (12) Within 30 calendar days after the hearing, the hearing officer shall render a decision in writing. Such decision shall include findings of fact, conclusions of law, and order if necessary, which will be binding on all parties. The decision shall be sent by mail to the parent/guardian and the

Superintendent (Head of Schools) and shall contain notice of the right to a review of the decision.

Grievance Procedure:

- (13) On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint as described in the Complaint and Due Process outlined in this manual.