

CASE FILE: Using grades to pick 504 services doesn't meet eval requirements

Case name: *Dale County Schs. (AL)*, [118 LRP 36457](#) (OCRIV, Atlanta (AL) 05/11/18).

Ruling: An Alabama district entered into a resolution agreement to address concerns that it failed to provide FAPE to a student with an unspecified disability, in violation of Section 504. The agreement required the district to make sure that staff members received instruction on appropriate 504 evaluations.

What it means: A student's grades shouldn't be the sole factor in determining what aids and services should go in a 504 plan. Instead, districts must conduct an evaluation in compliance with Section 504 and ensure that decisions are made by a team of knowledgeable individuals. This district's apparent skipping of an evaluation in favor of grades to decide on 504 plan components raised concerns with OCR about possible FAPE violations.

Summary: Assertions that an Alabama district relied on the grades of a student with an unspecified disability to determine what aids and services she should receive in a 504 plan raised FAPE questions at OCR. To bring OCR's inquiry to a close, the district entered into a resolution agreement under which it would train staff on appropriate evaluation criteria and developing Section 504 plans.

The mother filed a complaint with OCR, claiming that the district didn't conduct an evaluation of the student but determined what aids and services she should have according to her grades. To bring OCR's investigation to a close, the district committed to training all relevant staff, including teachers and school counselors, on Section 504 requirements and on appropriate evaluation criteria.

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