



BROOKLYN EXCELSIOR CHARTER SCHOOL

Section 504 Procedures

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INTRODUCTION

Section 504 of the Rehabilitation Act of 1973, 29 USC 794, (sometimes referred to as “504”) prohibits discrimination against individuals with disabilities solely on the basis of their disability. The purpose of this manual is to inform School employees and parents about Section 504 and the School’s procedures to comply with the requirements for Section 504 as it relates to providing services to students. This manual reflects the School’s commitment to serve ALL children. The School expects employees to be knowledgeable about School procedures governing Section 504 activities, grievance procedures for resolving Section 504 complaints, and parent and student rights. If you have Section 504 questions, please contact the School 504 Coordinator or designated 504 Team Leader.

The School 504 Coordinator is:

Building Principal
BROOKLYN EXCELSIOR CHARTER SCHOOL
856 Quincy St.
Brooklyn, NY 11221

Section 504 Background Information

What is Section 504?

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as “Section 504,” is a federal statute that prohibits discrimination against persons on the basis of their disability by institutions, such as BROOKLYN EXCELSIOR CHARTER SCHOOL, that receive financial federal assistance. It states:

No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Section 504’s purpose is, among other things, to assure that students with a disability have educational opportunities and benefits equal to those provided to non-disabled students. An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having an impairment. If a student qualifies under Section 504, BROOKLYN EXCELSIOR CHARTER SCHOOL must provide such accommodations, services and supports as are necessary to ensure that the student has equal access to the services, programs, and activities offered by our school.

Does Section 504 differ from the ADA?

Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This manual uses only the term “Section 504,” but the School acknowledges that qualified students with disabilities have similar rights under the ADA to those under Section 504.

How does Section 504 differ from IDEA?

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA), 20 USC 1400, is a qualified student with a disability under Section 504. The converse, however, is not true: a qualified student with a disability under Section 504 is not necessarily eligible for services under the IDEA. In other words, some students with a disability may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA. If a student is determined eligible under Section 504, he/she is entitled to receive a free appropriate public education, which typically is provided by a Section 504 Student Accommodation Plan. This plan may include regular and special education, as determined necessary for the student, even if they do not qualify for services under the IDEA.

If a student with a disability is receiving special education services in accordance with IDEA, then the student is adequately accommodated for the purposes of Section 504. For this reason, it is generally not necessary or appropriate to provide a student with a disability eligible under IDEA with a Section 504 Student Accommodation Plan since compliance with IDEA is compliance with Section 504.

However, if a student is determined not to be eligible under IDEA, the evaluation team may want to consider whether the student would, nevertheless, qualify for accommodations under Section 504.

This manual will focus solely on Section 504 as it applies to students with disabilities. Employees, parents, and others may also be covered by Section 504, and questions regarding the application of 504 to employment situations or other areas where an individual is seeking a “reasonable accommodation” should contact the principal or administrator over special education. Any questions regarding IDEA should be directed to the Special Education Department.

Key Differences between IDEA and Section 504

IDEA	Section 504
The student must have a disability that falls within one or more specific categories of qualifying conditions (i.e., autism, specific learning disability, speech or language impairment, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, deafness, mental retardation, deaf blindness, multiple disabilities, orthopedic impairment, and other health impairments).	The student must have a physical or mental impairment that substantially limits a major life activity (e.g., walking, seeing, hearing, speaking, breathing, learning, working, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks). A "major life activity" also includes the operation of a major bodily function, such as the immune system, digestive, neurological, circulatory, or reproductive systems.
The student's disability must adversely affect educational performance.	The disability must "substantially limit" one or more major life activities.
Evaluation	
Full and individual evaluation, including various mandated evaluators depending on suspected disability/eligibility area, as required by IDEA and state regulations. A team, including the parent, will review evaluation data and determine eligibility under special education.	Evaluation using relevant information from a variety of sources. Decision by a team of knowledgeable persons. Team includes the parent(s), classroom teacher, etc.
Parent consent required for initial. Notice provided and consent sought for reevaluations.	Parent notice of evaluation required. Parent consent required for initial evaluations.
Annual review of student's IEP. Mandatory reevaluation every three years.	Annual review of plan required, or more frequently if needed. Reevaluation required every three years or prior to any "significant change in placement."
Independent evaluation at school expense if parents disagree with first evaluation.	No provision for independent evaluation at school's expense.
Dispute Resolution	
School complaint	School complaint
State complaint	State complaint
Federal complaint	Federal complaint
Due process hearing by state appointed hearing officer, regarding identification, evaluation, educational placement or the provision of a free appropriate public education, within timelines set by the IDEA.	Due process hearing by School appointed hearing officer (who must be impartial) in compliance with school policy. Hearing available regarding identification, evaluation, or placement.

Identifying Students for Section 504 Eligibility

What criteria are used to determine 504 eligibility?

A student may qualify for Section 504 protection under three criteria: **(1) the student has a mental or physical impairment, that substantially limits one or more major life activities; (2) the student has a record of such an impairment; or (3) the student is regarded as having such an impairment. Students who have a record of such an impairment or who are regarded as having such an impairment qualify for the protections of Section 504 even though they do not require a Section 504 Student Accommodation Plan.**

If the student (1) has a physical or mental impairment, (2) that substantially limits, (3) one or more major life activities, he or she will be eligible under Section 504. This does not mean, however, that all students who are eligible require a Section 504 Student Accommodation Plan. It is important to understand that all three criteria must be met before the student is eligible for Section 504 protection. Additional detail on each of the three criteria follows.

Physical or Mental impairment

This criterion includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Mental or psychological disorders are also covered. Section 504, in contrast to IDEA, does not limit eligibility to specific categories of disabling conditions. Environmental, cultural, and economic disadvantages are not covered unless the student who has any of these characteristics also has a physical or mental impairment.

Substantially limits

Section 504 does not specifically define the term “substantially limits.” The basis for evaluating this criterion is the impact the impairment has on one or more of a student’s major life activities. The 504 Team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or impairment does not automatically qualify a student for Section 504 protection. Instead, the condition must restrict the individual ***in the conditions, manner, or duration under which they can perform the major life activity*** such that they would be unable or significantly limited in ability to perform the major life activity compared to most people.

Although “***substantially limits***” is not defined in the law, the 504 Team should use the following principles to make a disability determination under Section 504:

- A disability is present if the student’s physical or mental impairment “substantially limits” the ability of the student to perform a major life activity as compared to the average student in the general population (e.g., if it regularly takes a student with a mental impairment 3 hours to finish a type of homework assignment that takes other students only 1 hour to complete).
- An impairment may be substantially limiting even if it does not prevent, significantly restrict, or severely restrict the individual from performing the activity.
- An impairment may be substantially limiting but is considered minor or temporary / transitory if the duration lasts or is expected to last fewer than 6 months.

Indicators of a substantial limitation could include the following, if, as compared to most students, the student in question demonstrates: a consistent need for more time; a consistent need for testing accommodations; frequent behaviors associated with identified physical/mental impairment that interfere with

school performance; significant difficulty with planning, organization, and execution of activities and assignments; chronic absences or tardiness related to a physical or mental impairment; classroom interventions do not alleviate difficulties; or a steady decline in academic performance.

With the exception of corrective eyeglasses and contact lenses, the 504 Team may not consider the ameliorative effects of any mitigating measures taken to overcome the impairment, such as medication, equipment, hearing aids, or assistive technology. The Team must make the eligibility determination based on the disability, without considering what may already be in place to help the student overcome the effects of the disability.

Major life activities

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Determining whether the impairment substantially limits a student's learning is often critical to the Section 504 eligibility decision, however major life activities include activities other than learning. Therefore, a student may be achieving academically and still have a qualifying disability if the physical or mental impairment substantially limits another major life activity. For example, a student with asthma may be achieving academically, but still qualifies as eligible under Section 504 due to a substantial limitation in breathing.

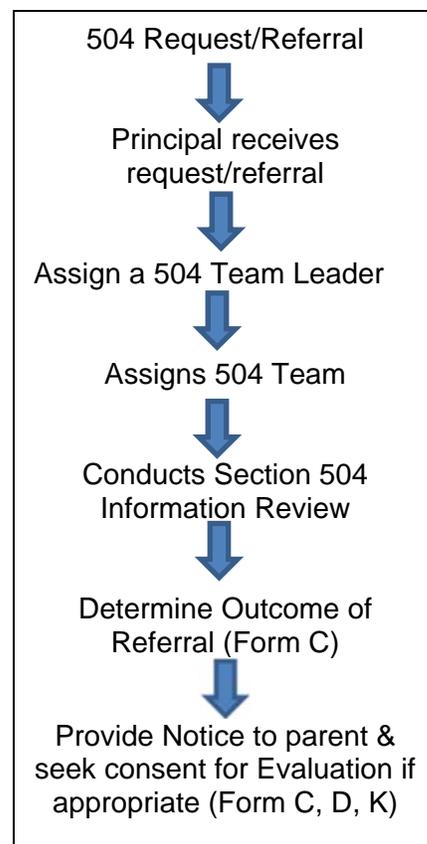
How is a Section 504 evaluation request made?

Any parent or guardian, teacher, counselor, or other school staff member who believes that a student needs supports or accommodation for a qualifying disability can request a Section 504 evaluation. Please advise the person wanting an evaluation to use the Section 504 Evaluation Referral form and forward it to the **504 Team Leader**. [See Form B]. Upon receipt, the school must determine if it will conduct the evaluation **within 10 school days** and provide the parent with Notice.

What is the process for reviewing a Section 504 referral?

When a 504 evaluation request or referral is received, the Principal will appoint a 504 Team Leader. The 504 Team Leader will determine the composition of the 504 Team. The 504 Team must investigate the specific concern that triggered the student review request. The 504 Team must include individuals knowledgeable about the student and the interpretation of evaluation data. This team can include the parent/guardian of the student, teachers, counselors and other school staff members, and staff members of community agencies as agreed upon by the parent. The parent/guardian should be included in this process whenever possible. The parent/guardian must be provided with a meaningful opportunity to provide input even if they are not in attendance at this meeting.

The 504 Team must review a variety of information. ***The information that might be considered includes*** (but is not limited to): grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, standardized testing such as aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.



The outcome of the 504 Team's decision to evaluate must be documented on the bottom of the Section 504 Information Review form. **[See Form C]** and provided to the parent **within 10 school days of receipt of the request for evaluation**. Possible outcomes include the following:

- A disability/impairment is not suspected
 - No further evaluation at this time
- A disability/impairment is suspected
 - Evaluate student for possible 504 Eligibility (complete Parent Consent for Section 504 Evaluation **[See Form D]**)
 - No additional evaluation data is needed; develop a Section 504 Student Accommodation Plan **[Form H]**.
- Section 504 Student Accommodation Plan on file
 - Review current Section 504 Student Accommodation Plan **[Form H]**.

The decision to not conduct a 504 evaluation occurs only when the school has no reason to suspect that the student has a disability under Section 504.

If the decision is to conduct a 504 evaluation, the 504 Team may administer and use other formal and informal measures as necessary. The list of needed evaluations must be identified, and **Parental consent must be obtained, prior to initiating an initial evaluation** under Section 504 (Form D). The team must ensure that information obtained from all sources is documented and carefully considered. A psychologist may be needed to assist in the evaluation. The school must complete the **evaluation and convene an eligibility determination meeting within 30 school days**. If the student is eligible, a plan must be developed.

The team's task is to determine eligibility based on the Section 504 definition of disability (i.e., does the student have a mental or physical impairment that substantially limits one or more major life activities).

Here are some of the ***common misuses of the 504 evaluation process***:

- A parent and/or doctor presents the school with a diagnosis of an impairment, and a Section 504 Student Accommodation Plan is written without first conducting an evaluation (including information from a variety of sources) or determining if the impairment causes substantial limitation of a major life activity.
- A student is placed on a 504 Plan solely to satisfy a highly competitive parent who wants specific accommodations to help his or her child receive higher grades or test scores on standardized tests, such as the SAT.
- A student fails to qualify for special education services under IDEA, and a Section 504 Student Accommodation Plan is automatically written without first qualifying him or her based on Section 504 criteria.

What if the Team determines that the student is not suspected of having a disability/impairment under Section 504?

If after completing a Section 504 Information Review (**Form C**), the 504 Team determines that there is no evidence to suspect a disability, the team needs to complete the recommendation section noting "No further evaluation at this time".

What if the Team determines that the student is suspected of having a disability/impairment under Section 504?

If after completing a Section 504 Information Review, the 504 Team determines that there is evidence to suspect a disability, the team has two options to select from:

1. If the team has sufficient data to determine eligibility, indicate this on the **Section 504 Information Review [Form C]**, under the section entitled *Recommendation of 504 Team* - "No additional evaluation data is needed. Develop a 504 Plan"
2. If further evaluation is needed, indicate this on the **Section 504 Information Review [Form C]**, under the section entitled *Recommendation of 504 Team* - "A disability/impairment is suspected; evaluate the student for possible 504 Eligibility", complete Parent Consent for 504 Evaluation [**Form D**], and provide a copy of the Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [**Form K**].

What if the Team determines that the Student is not eligible under Section 504?

In the event that the 504 Team determines that the student does not meet the definition of disability under Section 504, the 504 Team Leader is responsible for notifying the parent by completing the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination Form (**Form G**) and providing it to the parent, either in person or by mail, and Notice of Parent/Student Rights and Procedural Safeguards under Section 504 (**Form K**). A parent may contest the determination by requesting a due process hearing, filing a complaint with the Office of Civil Rights, or through court proceedings.

What if the Team determines that the Student is eligible under Section 504?

If the team determines that the impairment substantially limits one or more major life activities and therefore the student is eligible under 504, the Team Leader is responsible for:

1. Notifying the parent of the determination of eligibility using the Section 504 Eligibility Determination Report [**Form F**],
2. Providing notice using the Parent Notice: Section 504 Eligibility or Non-eligibility Determination Form [**Form G**]
3. Providing a copy of the Notice of Parent / Student Rights and Procedural Safeguards under Section 504. [**Form K**].

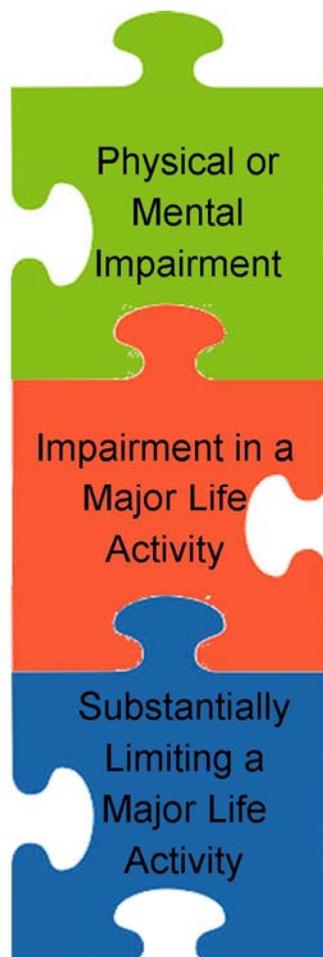
The team will then need to determine whether the student also requires a Section 504 Student Accommodation Plan. A Section 504 Student Accommodation Plan provides the student with a **free appropriate public education (FAPE)**, which is **defined** as regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of students without disabilities are met. This is generally done through a Section 504 Student Accommodation Plan, but may include more than just "accommodations." However, not all students eligible under Section 504 will need a Section 504 Student Accommodation Plan. These students, however, **remain eligible for Section 504's protections against discrimination**.

Examples of discrimination under Section 504 include: excluding a student with a disability from activities in which non-disabled students participate; providing a student with a disability with services that are different from the services non-disabled students receive unless the services are necessary because of the

student's disability; and/or subjecting a student with a disability to limitations that are not imposed on non-disabled students. In other words, the school must provide necessary accommodations or adjustments to the general education program to provide a student with a disability with an opportunity to participate in the least restrictive environment. Here are some **examples of circumstances that could be considered discrimination based on disability**:

- Refusing to provide occupational or physical therapy to a Section 504 student who needs it for educational purposes solely because the student is not IDEA eligible;
- Not providing accommodations for a student with a disability who tries out for an extracurricular activity (e.g., elementary chorus) that meets before or after school;
- Only providing summer school or after-school care for non-disabled students;
- Requiring the parent of a student with a physical or mental impairment to provide transportation to field trips or to accompany the student on a field trip when transportation is provided to non-disabled students or when parental participation is not required for non-disabled students;
- Providing a shortened school day for students with disabilities because of transportation issues;
- Segregating students with a disabilities in basements, portable classrooms, or separate wings of the school; or
- Failing to provide an interpreter for a parent with a hearing impairment or limited English language for school-initiated activities, such as a 504 meetings and parent/teacher conferences.

The Section 504 Eligibility Determination Process



1. Physical or Mental Impairment

Any physical or mental impairment may result in qualification under Section 504. Unlike IDEA, there are no categories of qualifying disabilities. This step in the 504 evaluation process relies heavily upon medical, psychiatric or psychological diagnosis by qualified professionals.

2. Major Life Activity

The identified physical or mental impairment must affect a major life activity, including but not limited to caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, breathing, learning, reading, concentrating, thinking, communicating and working, or the operation of a major bodily function. A substantial limitation of any major life activity could result in eligibility.

3. Substantially Limited

The impairment must substantially limit the major life activity, which means the student is restricted as to the condition, manner or duration under which the student can perform the major life activity as compared to the condition, manner or duration under which a student of the same age/grade in the general population could perform the same major life activity.

What is a Section 504 Student Accommodation Plan?

The Section 504 Student Accommodation Plan [Form H] documents the specific accommodations and supports that the student needs to ***ensure that the individual needs of the student are met as adequately as the needs of non-disabled students.*** The Section 504 Student Accommodation Plan should be designed to provide appropriate supports (e.g., to “level the playing field”) needed by the student to address his/her disability, **not to** provide all of the supports needed to maximize the student’s potential. The need for accommodations should be documented in the student’s records.

The 504 Team should make an individual determination of the student’s educational needs and the accommodations required. A Section 504 Student Accommodation Plan must be implemented in the least restrictive environment.

Will every student who is determined to have a disability under Section 504 have a Section 504 Student Accommodation Plan?

No. When the 504 Team is considering whether a student has a disability under Section 504, the team cannot consider any **mitigating measures** (i.e., medication, assistive devices such as hearing aids, or other individual supports) used by the student. The one exception is for ordinary eyeglasses or contact lenses. In some cases, a student may not need a Section 504 Student Accommodation Plan if the mitigating measures allow the student to access his/her education. If the team determines that an eligible student require accommodations and/or related aids or services, a Section 504 Student Accommodation Plan will be written. If the team determines that a student does not require any accommodations and/or related aids or services, the meeting minutes should state that no aids or services are needed at this time. **The student is still protected by Section 504 from discrimination based on his/her disability and retains the protection of Section 504.** If the mitigating measure is removed or is no longer effective, the Team should reconvene and determine if a Section 504 Student Accommodation Plan is now required.

In addition, keep in mind that while a Section 504 Student Accommodation Plan might not be necessary, an informal general education intervention plan may be appropriate. In the event that the 504 Team determines that the student is not eligible to receive a Section 504 Student Accommodation Plan, the 504 Team Leader is responsible for notifying the parent by completing and mailing the Parent Notice: Section 504 Eligibility or Non-eligibility Determination form (**Form G**) including Notice of Parent / Student Rights and Procedural Safeguards Under Section 504 (**Form K**).



Design and Implementation of a Section 504 Student Accommodation Plan

Where will accommodations be provided for students and what are some examples of possible accommodations?

Section 504 requires that a student with a disability be educated with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Therefore, implementation of most Section 504 Student Accommodation Plans should occur within the regular classroom. **Accommodations** generally are those adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning experience that provide the student with **equal access to learning opportunities**. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Countless accommodations exist that can support a student's equal access to educational opportunities. The bottom line, however, is that the student must be provided a FAPE (Free Appropriate Public Education), which may include regular or special education or other services and supports. It is the job of the 504 Team to identify those accommodations and supports that address the needs of a 504 eligible student and provide the student with FAPE. Once these supports have been identified, the 504 Team will identify the placement in which the student will receive these services. The 504 Team may also contact the 504 Team Leader for assistance with the accommodation process.

How are 504 accommodations and related services documented and reviewed?

If the 504 Team determines that a student has a qualifying disability, the team's second responsibility is to identify what is necessary for the student to receive a FAPE, i.e., the regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met. Documentation of the plan's detail is in the Section 504 Student Accommodation Plan. **[Form H]**. This Plan provides a summary of accommodations that a student needs, the student's placement, as well as the aids, services or modifications necessary for the student to receive a FAPE. The original Section 504 Student Accommodation Plan document will be kept in the student's 504 file, located within the student's cumulative file. Also, the 504 Team Leader is responsible for sending a copy of the Section 504 Student Accommodation Plan to the parent (along with Notice of Parent / Students Rights and Procedural Safeguards under Section 504 **[Form K]**) and to the School 504 Coordinator (Building Principal). Parental consent is required for initial placement under Section 504. The initial placement and Section 504 Student Accommodation Plan is then implemented following receipt of parent consent to implement the Section 504 Student Accommodation Plan.

The **504 Team Leader** is responsible for **updating the AtSchool screen** to reflect that this student is now a 504 eligible student. Include all required data in all 504 related fields.

A 504 Team shall review the Section 504 Student Accommodation Plan:

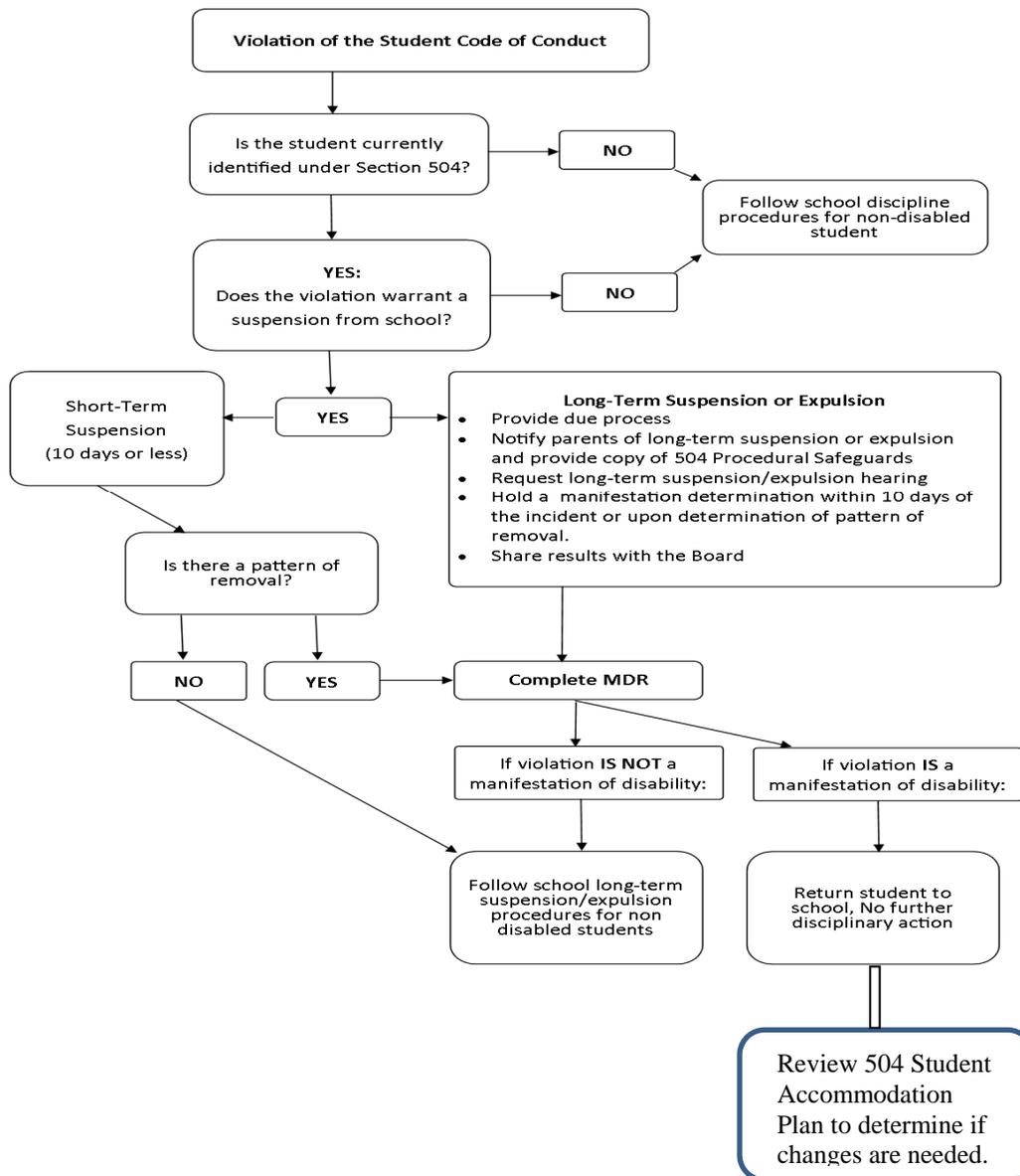
- Annually
- When changes to the plan are needed
- Prior to a significant change in placement
- When a student with a Section 504 Student Accommodation Plan transfers into the School

The purpose of a review is to add, subtract and/or modify student accommodations or other services or aids as needed. In addition, a reevaluation is required before a significant change in placement. A significant change in placement includes a long term suspension or expulsion, or a pattern of removal, and can be satisfied by completing a Section 504 Manifestation Determination (**Form I**).

Disciplining a Section 504 Student with a Disability

What is the discipline process for a Section 504 Student with a Disability?

Long term suspension (more than 10 consecutive days), or more than 10 cumulative days in a school year which result in a **pattern of removal**) or expulsion of a student constitutes a significant change in placement. As such, **a reevaluation is required before a Section 504 student is long term suspended or expelled.** This reevaluation requirement is **fulfilled by completing a Section 504 Manifestation Determination (Form I)**. Section 504 students are subject to the same disciplinary action as a non-disabled student, provided that the student's behavior is not a manifestation of his or her qualifying disability. A 504 Team must conduct a manifestation determination whenever a student is subject to out-of-school suspension for 10 consecutive school days or more, or a series of shorter suspensions that total more than 10 days in the aggregate that create a pattern of removal constituting a significant change in placement. If the 504 Team concludes that the violation is a manifestation of the student's qualifying disability, the discipline process must end and the student returns immediately back to school (to their prior placement). In addition, the 504 Team should review the Section 504 Student Accommodation Plan to determine if changes are needed. If the violation is not a manifestation of the child's qualifying disability, the student is subject to the same disciplinary action that any non-disabled student would receive for the same violation.



Must a school make a manifestation determination when considering a long-term suspension or expulsion of a student with a Section 504 Plan?

Yes. While the regulations implementing Section 504 do not specifically discuss a “manifestation determination,” they do require that a school complete an evaluation prior to imposing a “significant change in placement.” Long term suspension or expulsion is considered a significant change in placement. To fulfill the evaluation requirements and to ensure that students are not disciplined because they have a disability, the School is required to conduct a Section 504 Manifestation Determination [**Form I**]. Similar to suspension or expulsion of a student having a disability under IDEA, a school must conduct a manifestation determination for a Section 504 student whenever the discipline will result in a significant change in placement. A “**significant change in placement**” occurs when:

- The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the behavior is the disability identified in the student's Section 504 Student Accommodation Plan or if the cause of the behavior is caused by the school's failure to implement the Section 504 Student Accommodation Plan.
- A series of suspensions that total more than 10 cumulative days in a school year may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a Section 504 Accommodation Plan total more than 10 school days, it must be determined if a significant placement change has occurred. This is done on a case by case basis. If a group of short suspensions creates a **pattern of exclusion**, then this constitutes a change in placement and the school must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school. Schools should use the Pattern of Removal Worksheet for Students with Disabilities to track removals during the school year. [**Form J**].

Who makes the manifestation determination for a student on a Section 504 Student Accommodation Plan and what information is included in this process?

The manifestation determination should be made by a 504 Team that consists of persons who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. The parent/guardian must be given a meaningful opportunity to provide input. When possible, the members of the 504 Team should be the same members who designed the Section 504 Student Accommodation Plan.

School officials responsible for school disciplinary procedures, such as the school principal or dean, cannot make the determination alone. However, such administrators may be members of the 504 Team and may present pertinent student information to the 504 Team.

The 504 Team must have available information that competent professionals would require when making a manifestation determination. Such information might include information about the misconduct, attendance and academic records, psychological evaluation data, behavior plans, medical information, discipline records, the student's Section 504 Student Accommodation Plan, information from the parents and staff observations. The information should be current enough to afford an understanding of the behavior that is the subject of the manifestation determination.

After reviewing the relevant information, the 504 Team will next consider if the behavior is a manifestation of the student's disability. This inquiry is resolved by answering the following questions:

- Was the conduct caused by, or does the behavior have a direct and substantial relationship to the student's disability?
- Was the conduct the result of the School's failure to implement the Section 504 Student Accommodation Plan?

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student's disability and no disciplinary action can be taken past the 10 days. It is recommended, however, that the 504 Team review the student's current educational placement to determine whether the student is receiving an appropriate instructional program and related aids and services and whether behavioral intervention strategies should be implemented for the student. In addition, subject to procedural safeguards, changes in the student's placement may be made, if appropriate.

If the 504 Team determines that the behavior is not a manifestation of the disability, the School may impose whatever long term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. The School has no obligation to continue to provide educational services to a 504 student during the period of a long term suspension or expulsion, unless the school provides such services to non-disabled students who are long-termed suspended or expelled consistent with state requirements. The 504 Team must conclude its work by completing a Section 504 Manifestation Determination [Form I], and the parent/guardian must be given notice of the results of the manifestation determination and the *Notice of Parent/Student Rights and Procedural Safeguards under Section 504* [Form K] available to challenge them.

How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability when the school acts on the basis of that use. 29 USC 705(20)(C)(i). A student with a history of drug/alcohol abuse who has been successfully rehabilitated, or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504. Section 504 permits disciplinary action pertaining to the use or possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students. 29 USC 705(20)(C)(iv).

504 Procedural Safeguards and Parent/Student Rights

Are schools required to provide parents with prior notice of a Section 504 eligibility meeting?

A parent/guardian must receive prior notice of a Section 504 eligibility meeting. Parent consent is not required to conduct an eligibility determination. However, parental consent is required prior to initial evaluation under Section 504.

Must schools secure parental consent before conducting an initial eligibility meeting?

Schools should include parents in the evaluation process and need consent before performing an initial evaluation. However, Section 504 does not require the parent's participation or consent to conduct a 504 eligibility meeting. It is, however, best practice to include the parents in such meeting. If a parent is unable or unwilling to attend, the school may hold the eligibility or 504 plan meeting without the parent. Parents must be given meaningful opportunity to provide input. The 504 Team Leader should consult with the School 504 Coordinator regarding unique parent concerns.

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. **BROOKLYN EXCELSIOR CHARTER SCHOOL** is required to establish and implement procedural safeguards that include, among other things:

- Notice to the parent explaining any identification, evaluation or placement decisions;
- An opportunity for parents to review relevant records;
- An impartial hearing with opportunity for participation by the student's parent or guardian and representation by counsel;
- An appeal procedure to review the hearing decision.

A notice concerning Parent's Rights and Procedural Safeguards under Section 504 must be included with the Parent Notice: Section 504 Evaluation [**Form D**] and should be given to the parent/guardian prior to the 504 evaluation meeting. Likewise, the Parent/Student Rights and Procedural Safeguards under Section 504 [**Form K**] must be included with the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination [**Form G**].

Bullying and Harassment of Students with Disabilities

Bullying and/or harassment of students with disabilities that is based on his/her disability is strictly prohibited.

Bullying is characterized by aggression used within a relationship where the aggressor(s) has more real or perceived power than the target, and the aggression is repeated, or has the potential to be repeated over time. Bullying can involve overt physical behavior or verbal, emotional, or social behaviors (e.g., excluding someone from social activities, making threats, withdrawing attention, destroying someone's reputation) and can range from blatant aggression to far more subtle and covert behaviors. Cyberbullying or bullying through electronic technology (e.g., cell phones and computers), can include offensive text messages or e-mail rumors.

Harassment under Section 504 is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services or opportunities in the School's program. . Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassing conduct may take many forms, including verbal acts and name-calling, graphic and written statements, or other conduct that may be physically threatening, harmful or humiliating. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. Harassment is considered to have occurred when such conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive academic environment.
2. Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance. Or
3. Otherwise adversely affects an individual's academic opportunities.

If, at any time, a person believes that he/she has been subjected to bullying or harassment or a person sees or suspects that another person is being bullied or harassed, the person should report such behavior using the Complaint process that immediately follows this section. The school provides assurance that it strictly prohibits School employees and/or others from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with any right or privileged secured by Section 504 or Title II because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Section 504 or Title II.

ADDRESSING: PARENT CONCERNS, COMPLAINTS, GRIEVANCES AND DUE PROCESS HEARINGS REGARDING SECTION 504 AND TITLE II

This process is not appropriate for addressing general complaints. Please refer to the School's Parent and Student Handbook or applicable board policy for complaint procedures for all non-Section-504 complaints.

The best solutions to grievances, complaints or parent concerns occur at the School level. Therefore, the parties may agree to resolve the complaint informally. This process, described in Step 1 below must be voluntary. If the parties choose to engage in voluntary informal dispute resolution, the first step in resolving a complaint should involve the Section 504 Coordinator (Building Principal) or his/her designee working with the grievant, complainant or parent to a mutually acceptable resolution of the concern(s). The Section 504 Coordinator at the School is the Building Principal. Should the Section 504 Coordinator designate another School official to handle any aspect of this procedure, the **Section 504 Coordinator will maintain ultimate responsibility for oversight of the process**. If the concern(s) cannot be resolved informally, or if the complainant is unwilling to pursue voluntary dispute resolution, then the resolution would proceed under the complaint/grievance procedure located (Step 2 below). The Section 504 Coordinator (or designee) should advise the grievant, complainant or parent of the following steps in the complaint process.

BROOKLYN EXCELSIOR CHARTER SCHOOL will take steps to prevent the recurrence of any discrimination and will take steps to correct its discriminatory effects on a complainant and others.

In addition, BROOKLYN EXCELSIOR CHARTER SCHOOL prohibits retaliation and expressly prohibits the School, or others from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II or because an individual has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws or these procedures.

SECTION 504 / TITLE II COMPLAINTS / GRIEVANCES

Step 1: Voluntary Informal Resolution

A person who believes that he or she has been discriminated against by the School or a School employee or agent in violation of Section 504 or Title II of the ADA is encouraged, but is not required, to discuss the matter informally with the School 504 Coordinator (or the Section 504 Coordinator's designee).

- A. If the aggrieved party is a student, parent of a student, or visitor of the school, the grievant should contact the School 504 Coordinator or designee to attempt to resolve the complaint.
- B. If the School 504 Coordinator is the subject of the complaint, the grievant should contact the NHA Director of School Quality (DSQ) to attempt to resolve the complaint. To obtain the contact information for the DSQ, please contact the Parent Relations Department at 877-223-6402 or 616-222-1700.
- C. If the aggrieved party is an employee of the school and/or NHA, the grievant should follow the NHA complaint process and procedures contained in the Employee Handbook.

The person investigating the complaint **shall provide his or her findings in writing to *both the person who alleged the violation and the person who is the subject of the complaint*** within **10 business days** following receipt of the complaint. Either party may terminate the voluntary informal resolution process at any time.

Step 2: Formal Complaint or Grievance

If the informal Step 1 process does not resolve the matter, or if the grievant does not wish to use the informal procedures under Step 1, a written complaint (**Form N** can be used for this purpose), signed and dated by the grievant, must be submitted to the School 504 Coordinator within 180 calendar days of the alleged violation, specifying:

1. The name and contact information of both the grievant and grieved party;
2. Name and contact information of any witnesses;
3. The facts of the incident or action complained about;
4. The date of the incident or action giving rise to the complaint;
5. The type of discrimination alleged to have occurred;
6. Any other evidence as deemed appropriate by the grievant; and
7. The specific resolution sought.

Step 3: Formal Complaint / Grievance Investigation Procedure

The School 504 Coordinator, designee, or in the event that the 504 Coordinator is the subject of the complaint, the DSQ or designee will conduct an investigation. The investigator will take the following action:

1. Commence an investigation which, absent unusual circumstances, the investigation will be **concluded within 30 business days** (excluding holiday breaks) of receipt of the complaint. During the investigation, witnesses will be interviewed by the investigator and the complainant may present written information or other evidence. Any witness testimony or information obtained from the complainant will be considered by the investigator.
2. Upon completion of the investigation, the investigator will provide his/her **written findings** to the complainant, aggrieved party and the school's DSQ. If a violation of Section 504 or Title II is found, the findings will state the action(s) necessary to remedy discrimination and the prevent recurrence. The Section 504 Coordinator (or designee) will be responsible for carrying out any needed remedial action. These findings must be issued in writing **within the 30 business day timeframe of the investigation**.

Step 4: Formal Complaint / Grievance Appeal Process

The complainant may **appeal the investigator's determination** to the DSQ, by notifying the 504 Coordinator in writing **within ten (10) calendar days** of the issuance of the investigator's written findings. If the DSQ or their designee investigated the original complaint, then the complainant's appeal will be directed to the NHA Director of Special Education. Absent unusual circumstances, the appeal investigation and findings will be concluded within **30 business days** (excluding holiday breaks) of receipt of the request for appeal by the complainant.

The individual conducting the appeal investigation may seek or consider additional information related to the facts and circumstances surrounding the complaint, and may elect to secure the services of an outside party to conduct the appeal and shall affirm, modify, or reverse the original findings and/or resolution. The decision on appeal shall be final. The complainant may pursue remedies with a court of competent jurisdiction or file a complaint with OCR if that option is available with OCR.

DUE PROCESS HEARING

If the complaint involves the identification, the evaluation, the content of a student's Section 504 Student Accommodation Plan, or the placement of a student, the matter is best resolved through an informal meeting involving the complainant and the School 504 Coordinator and others as appropriate. If the matter cannot be resolved, in addition to, or as an alternative to filing a grievance or complaint, or if the complainant does not wish to pursue informal resolution, then the complainant may choose to request a due process hearing using the procedures set forth below.

1. A request for a due process hearing must be made in writing to the school's 504 Coordinator. As part of the written request, the complainant must provide the facts underlying the complaint and a proposed resolution of the due process complaint.
 - a. The School 504 Coordinator will promptly refer the due process hearing request to the NHA Director of Special Education.
 - b. The NHA Director of Special Education or designee will appoint an impartial hearing officer.
 - i. The individual conducting the hearing must *be* impartial, have knowledge of Section 504, and may not be an employee of the School or NHA.
 - c. The appointed hearing officer will schedule a due process hearing to occur as soon as practicable for the parent and School, but in any event, absent agreement of the parties, not later than 30 calendar days after the hearing request is received by the School 504 Coordinator.
 - i. The parent and/or the School may be represented by legal counsel at the hearing.
 - ii. The parent or attorney may present evidence and/or testimony supporting the challenge to the 504 Team's determination.
 - iii. The School may respond by presenting evidence and/or testimony related to the allegations in the due process hearing request.
 - iv. The hearing officer will have discretion and authority to permit or direct the taking of testimony, presentation of evidence and other matters to ensure an orderly proceeding.
 - d. Upon conclusion of the hearing, the hearing officer will render a written decision with findings of fact and conclusions of law within 30 calendar days of the completion of the due process hearing. Copies of the hearing officer's decision will be provided to the complainant, School 504 Coordinator, and Director of Special Education. The decision of the hearing officer will be final.
 - e. An aggrieved party may pursue appropriate remedies in a court of competent jurisdiction or through OCR if that option is available through OCR.

FILING A COMPLAINT WITH OCR

A complainant may file a written complaint at any time with the Office for Civil Rights, U.S. Department of Education, 32 Old Slip, 26th Floor, New York, New York 10005. Telephone # (646) 428-3800; Facsimile # (646) 428-3843; Email Address: OCR.NewYork@ed.gov.

General Accommodations

Environmental Strategies

- Provide a structured learning environment
- Adapt non-academic times such as lunch, recess and physical education
- Change student seating location
- Utilize a study carrel
- Alter location of personal/classroom supplies for easier access or to minimize distraction

Organizational Strategies

- Model and reinforce organization systems (for example, color-coding, folder system)
- Record homework assignments for the student
- Check student's recording of assignment
- Tailor homework assignments toward student strengths
- Set time expectations for assignments

Behavioral Strategies

- Use behavioral support techniques consistently within a classroom and across classes
- Implement behavioral/academic contracts
- Utilize positive verbal and/or nonverbal reinforcement
- Utilize logical or natural consequences
- Confer with the student's parents
- Confer with the student
- Establish a home/school communication system for behavior monitoring
- Post rules and consequences for classroom behavior
- Put student on a daily/weekly progress report or contract
- Model and reinforce self-monitoring and self-recording of behaviors

Presentation Strategies

- Tape lessons so the student can listen to them again; allow students to tape lessons
- Select alternative textbooks, workbooks or provide text-to-voice software
- Highlight main ideas and supporting details in the book/ use post-its or highlighting tape
- Provide copied material for extra practice (for example, outlines or study guides)
- Vary the method of lesson presentation using multi-sensory techniques:
 - Lecture plus overhead/board demonstration support
 - Small groups required to produce a written product
 - Large groups required to demonstrate a process
 - Peer tutors or cross-age tutors
 - Demonstrations, simulations
 - Experiments
 - Games
- 1-to-1 instruction with other available adults
- Ask student to repeat/paraphrase context to check understanding
- Arrange for a mentor to work with the student in his/her interest area or area of greatest strength
- Provide peer tutoring
- Simplify and repeat instructions about in-class and homework assignments

- Vary instructional pace
- Model and reinforce the use of compensatory strategies (for example, pencil grip, mnemonic devices, spell check)
- Vary the kind of instructional materials used
- Assess whether the student has the necessary prerequisite skills
- Determine whether materials are appropriate to the student's current functioning levels
- Model and reinforce study skill strategies (for example, SQ3R)
- Introduce definition of new terms/vocabulary and review to check for understanding
- Be aware of the student's preferred learning style and needs, differentiating instruction to match

Evaluation Methods

- Limit the amount of material presented on a single page
- Provide a sample or practice test
- Provide for oral testing
- Provide tests in segments so that the student hands in one segment before receiving the next
- Provide personal copy of the test tools and allow for color-coding/highlighting

Allergies

EXAMPLE: The student has severe allergic reactions to certain pollens and foods. For purposes of this example the condition substantially limits the major life activity of breathing and may interfere with the student's ability to get to school or participate once there.

Possible Accommodations and Services:

- Avoid allergy-causing substances: soap, weeds, pollen, food
- In-service necessary persons: dietary people, peers, coaches, laundry service people, etc.
- Allow time for shots/clinic appointments
- Use air purifiers
- Adapt physical education curriculum during high pollen time
- Improve room ventilation (i.e. when remodeling has occurred and materials may cause an allergy)
- Develop health care and/or emergency plans
- Address pets/animals in the classroom
- Involve school health consultant in school related health issues
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

Arthritis

EXAMPLE: A student with severe arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain may require a modified physical education program. For purposes of this example, the condition substantially limits the major life activity of learning.

Possible Accommodations and Services:

- Provide a rest period during the day
- Accommodate for absences for doctors' appointments
- Provide assistive devices for writing (e.g. pencil grips, non-skid surface, typewriter/computer, etc.)
- Adapt physical education curriculum
- Administer medication following medication administration protocols
- Train student for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Arrange for assistance with carrying books, lunch tray, etc.
- Provide book caddy
- Implement movement plan to avoid stiffness
- Provide seating accommodations
- Allow extra time between classes
- Provide locker assistance
- Provide modified eating utensils
- Develop health care plan and emergency plan
- Provide for accommodations for writing tasks; a note taker, a computer or tape recorder for note-taking
- Make available access to wheelchair/ramps and school van for transportation
- Provide more time for massage or exercises
- Adjust recess time
- Provide peer support groups
- Arrange for instructional aide support
- Install handle style door knobs (openers)
- Record lectures/presentations
- Have teachers provide outlines of presentations
- Issue Velcro fasteners for bags
- Obtain padded chairs
- Provide a more comfortable style of desk
- Adjust attendance policy, if needed
- Provide a shorter school day
- Furnish a warmer room and sit student close to the heat
- Adapt curriculum for lab classes
- Supply an extra set of books for home use and keep a set at school
- Let student give reports orally rather than in writing
- Provide an awareness program for staff and students
- Monitor any special dietary considerations
- Involve school health consultants in school health related issues

Asthma

EXAMPLE: A student has been diagnosed as having severe asthma. The doctor has advised the student not to participate in physical activity outdoors. For purposes of this example, the disability limits the major life activity of breathing.

Possible Accommodations and Services:

- Adapt activity level for recess, physical education, etc.
- Provide inhalant therapy assistance
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Remove allergens (e.g. hair spray, lotions, perfumes, paint, latex)
- Make field trips that might aggravate the condition non-mandatory and supplement with videos, audiotapes, movies, etc.
- Accommodate medical absence by providing makeup work, etc.
- Adjust for administration of medications
- Provide access to water, gum, etc.
- Adapt curriculum expectations when needed (i.e. science class, physical education, etc.)
- Develop health care and emergency plans
- Have peers available to carry materials to and from classes (e.g. lunch tray, books)
- Provide rest periods
- Make health care needs known to appropriate staff
- Provide indoor space for before and after school activities
- Have a locker location which is centralized and free of atmosphere changes
- Adapt attendance policies, school day duration, or 180-day requirement, if needed
- Place student in most easily controlled environment

Attention Deficit Disorder (ADD) and Attention Deficit Hyperactive Disorder (ADHD)

EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally impaired, learning disabled or otherwise health impaired. A doctor regards the student as having ADD, and for purposes of this example, the disability limits the major life activity of learning because the student is unable to participate in the school's programs to the same degree as students without disabilities.

Possible Accommodations and Services:

- Seat the student away from distractions and in close proximity to the teacher
- State classroom rules, post in an obvious location and enforce consistently
- Use simple, concise instructions with concrete steps
- Provide seating options
- Tolerate (understand the need) excessive movement
- Provide a peer tutor/helper
- Teach compensatory strategies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Monitor for stress and fatigue; adjust activities
- Adjust assignments to match attention span, etc.
- Vary instructional pace
- Vary instructional activities frequently
- Provide supervision during transitions, disruptions, field trips
- Model the use of study guides, organizing tools
- Accommodate testing procedures; lengthy tests might be broken down into several shorter administrations
- Provide counseling and prompt feedback on both successes and areas needing improvement
- Initiate frequent parent communication
- Establish a school/home behavior management program
- Provide training for staff
- Have the student use an organizer; train in organizational skills
- Establish a nonverbal cue between teacher and student for behavior monitoring
- Assign chores/duties around room/school
- Adapt environment to avoid distractions
- Reinforce appropriate behavior
- Have child work alone or in a study carrel during high stress times
- Highlight required or important information/directions
- Provide a checklist for student, parents, and/or teacher to record assignments of completed tasks
- Use a timer to assist student to focus on given task or number of problems in time allotted. Stress that problems need to be done correctly.
- Have student restate or write directions/instructions
- Allow student to respond in variety of different modes (i.e. may place answers for tests on tape instead of paper)
- Give student opportunity to stand/move while working
- Provide additional supervision to and from school
- Adapt student's work area to help screen out distracting stimuli
- Grade for content integrity, and not just neatness/presentation
- Schedule subjects which require greater concentration early in the day
- Supply small rewards to promote behavior change

- Avoid withholding physical activity as a negative reinforcer
- Allow for periodic, frequent physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points
- Provide for socialization opportunities, such as circle of friends

Bipolar Disorder

EXAMPLE: The student is diagnosed as having a bipolar disorder, however, the severity (frequency, intensity, duration considerations) of the condition does not qualify the student for IDEA. A properly convened 504 team determines that the condition did significantly impair the major life activity of learning and fashioned a 504 plan for the student. Here are some possible accommodations for this scenario.

Possible Accommodations and Services:

- Break down assignments into manageable parts with clear and simple directions, given one at a time.
- Plan advanced preparation for transitions.
- Monitor clarity of understanding and alertness.
- Allow most difficult subjects at times when student is most alert.
- Provide extra time on tests, class work, and homework if needed.
- Strategies in place for unpredictable mood swings.
- Provide appropriate staff with training on bipolar disorder.
- Create awareness by staff of potential victimization from other students.
- Implement a crisis intervention plan for extreme cases where student gets out of control and may do something impulsive or dangerous.
- Provide positive praise and redirection.
- Report any suicidal comments to counselor/psychologist immediately.
- Consider home instruction for times when the student's mood disorder makes it impossible for him to attend school for an extended period.

Cancer

EXAMPLE: A student with a long-term medical problem may require special accommodations. Such a condition as cancer may substantially limit the major life activities of learning and caring for oneself. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.

Possible Accommodations and Services:

- Adjust attendance policies
- Limit numbers of classes taken; accommodate scheduling needs (breaks, etc.)
- Send teacher/tutor to hospital, as appropriate
- Take whatever steps are necessary to accommodate student's involvement in extra-curricular activities if they are otherwise qualified
- Adjust activity level and expectations in classes based on physical limitations; don't require activities that are too physically taxing
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Provide appropriate assistive technology
- Provide dietary accommodations
- Provide a private area in which to rest
- Shorten school day
- Arrange for home tutoring following treatment
- Send additional set of texts and assignments to hospital schools
- Tape lessons. Accept the fact that the lessons and content-area tests may not be appropriate; the student is learning many life lessons through this experience.
- Adjust schedule to include rest breaks
- Provide counseling; establish peer group support
- Adapt physical education
- Provide access to school health services
- Provide awareness training to appropriate staff and students
- Develop health care emergency plan to deal with getting sick at school
- Offer counseling for death and dying to peers/teachers/staff
- Furnish a peer tutor
- Provide student with a student buddy for participation in sports
- Initiate a free pass system from the classroom
- Provide lessons using mastery learning techniques
- Provide individual school counseling
- Begin friendship groups for the student
- Provide teachers with counseling, emphasizing positive attitudes
- Have a health plan for care of mediport/any other intravenous lines and medical needs
- Plan ongoing communication about school events
- Notify parents of communicable diseases in school
- Designate a person in school to function as liaison with parents as a means of updating changing health status

Cerebral Palsy

EXAMPLE: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are intact. For purposes of this example, the condition substantially limits the major life activity of walking.

Possible Accommodations and Services:

- Provide assistive technology devices
- Arrange for use of ramps and elevators
- Allow for extra time between classes
- Assist with carrying books, lunch trays, etc.
- Adapt physical education curriculum
- Provide for physical therapy as appropriate. Such therapy needs to relate directly to "life skills."
- Train for proper dispensing of medications; monitor and/or distributed medications; monitor for side effects
- Adapt eating utensils
- Initiate a health care plan that also addresses emergency situations
- Train paraprofessionals in the case of this student (i.e. feeding, diapering, transporting to and from the wheelchair)
- Adapt assignments
- Educate peers/staff with parent/student permission
- Ensure that programs conducted in the basement or on second or third floor levels are accessible
- Ensure that bathroom facilities, sinks and water fountains are readily accessible.

Chronic Infectious Diseases (i.e. Acquired Immune Deficiency Syndrome (AIDS))

EXAMPLE: The student frequently misses school and does not have the strength to attend a full day. For purposes of this example, the student has a record of a disability, which substantially limits the major life activities of learning. Please review applicable District policies.

Possible Accommodations and Services:

- In-service staff and students about the disease, how it is transmitted and how it is treated. (**N.B.:** Consult appropriate district policies prior to using this accommodation; you must be extremely careful regarding confidentiality.)
- Apply universal precautions
- Administer medications following medication administration protocols, train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Adjust attendance policies
- Adjust schedule or shorten day
- Provide rest periods
- Adapt physical education curriculum
- Establish routine communication with health professionals, area nurse, and home
- Develop health-care and emergency plan
- Consult with doctor, parents, teachers, area nurse and administrators
- Train appropriate teachers on medical/emergency procedures
- Provide two-way audio/video link between home and classroom via computer, etc.
- Arrange for an adult tutor at school or home
- Adapt assignments and tests
- Provide an extra set of textbooks for home
- Provide staff training on confidentiality
- Provide education and support for peers regarding issues of death and dying
- Provide transportation to and from school if needed as a related service
- Tape books or provide a personal reader
- Arrange to communicate with a home computer with e-mail
- Notify parents of communicable disease in the classroom
- Arrange for participation in a support group
- Provide for post-secondary employment transitions for secondary students
- Foster supportive community attitudes regarding the District's need to provide education to HIV positive/AIDS students
- Develop and promote a nondiscriminatory classroom climate and supportive student attitudes
- Promote the most supportive, least restrictive educational program
- Initiate a "Kids on the Block" AIDS program
- Videotape classroom teaching
- Provide a peer support group to encourage communication
- Involve school health consultant in school-related health issues

Cystic Fibrosis

EXAMPLE: The student has an extensive medical history. He has significant difficulty breathing and will often be absent due to respiratory infection. While medical needs can be easily documented on a health plan, his educational needs also need to be accommodated. For purposes of this example, learning is the major life activity that is substantially impaired.

Possible Accommodations and Services:

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Create a health care plan for management of acute and chronic phases
- Promote good communication between parents, hospital, home and school on school assignments
- Shorten the school day
- Adapt physical education activities
- Apply universal precautions, correct disposal of fluids
- Recognize need for privacy for “good coughing”
- Educate staff and peers about this disease

Deaf/Hearing Impairment

EXAMPLE: A student was diagnosed with a substantial hearing impairment at a very early age. Currently he has a mild speech impairment in addition to the hearing loss. He compensates through both lip reading and sign language. Academic abilities test in the average range.

Possible Accommodations and Services:

- Allow for written direction/instructions in addition to oral presentation
- Ensure delivery of instruction facing the student to allow lip reading
- Provide visual information as primary mode of instruction
- Allow for provision of interpreter services
- Install acoustical tile, carpeting
- Seat in a location with minimal background noise
- Provide paper and pencil/pen to write/draw requests when needed
- Facilitate acquisition of TDDs and related assistive technology
- Allow for extra time between classes

Diabetes

EXAMPLE: A sixth grader with juvenile diabetes requires accommodation to maintain optimal blood sugar. His mom provides the crackers and juice to be used at "break" time and before physical education class. She asks that teachers remind him to eat at a certain time of the morning if he does not pay attention to the beeper on his watch. The youngster is very self-sufficient; while he is able to monitor his own blood sugar now, he prefers to do this privately. Therefore, mom asks that the equipment and a notebook/log be stored in a nearby file cabinet and the youngster be allowed to go into the hall with the equipment to check his blood sugar twice a day. She also asks that his teachers allow him to use the bathroom as needed.

Possible Accommodations and Services:

- Health care plan for management of condition in the school setting and in emergencies
- Educate staff to signs/symptoms of insulin reaction/hypoglycemia; hunger, shakiness, sweatiness, change in face color, disorientation, drowsiness
- Do not leave the child alone if he/she is feeling poorly; walk to the office or clinic with the student.
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects; communicate systematically and frequently with parents
- Adapt physical education activities
- Store equipment and documentation in a readily accessible location for student, parent and area nurse or clinic aid
- Accommodate food access/meal schedules rigorously
- Allow access to bathroom facilities

Drugs and Alcohol

EXAMPLE: The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for oneself. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not using drugs or alcohol, he or she could qualify for accommodations or services under Section 504.

Possible Accommodations and Services:

- Provide copies of texts and assignments to treatment facility
- Arrange for periodic home-school contacts
- Establish daily/weekly assignments monitoring system
- Communicate with treatment facility; pursue transition services available through the treatment facility
- Provide/arrange for counseling
- Establish peer support group
- Dismiss from school for treatment without punitive measures
- Ensure strong link with school counselor
- Arrange for access to treatment at private or public facilities.
- Integrate a student assistance program into the classroom
- In-service faculty/staff with parent/student permission
- Provide post-secondary or vocational transition planning
- Provide ongoing support around chemical dependency in conjunction with other agencies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

Emotional Impairment

EXAMPLE: A student with an emotional impairment may need an adjusted class schedule to allow time for regular counseling or therapy. For purposes of this example, the condition substantially limits the individual's major life activity of learning.

Possible Accommodations and Services:

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Maintain weekly/daily journals for self-recording of behavior
- Establish home-school communication system
- Schedule periodic meetings with home and treatment specialists
- Provide carry-over of treatment plans into school environment
- Assist with inter-agency referrals
- Utilize behavior management programs
- Develop contracts for student behavior
- Post rules for classroom behaviors; teach expectations
- Provide counseling, social skills instruction
- Reinforce replacement behaviors
- Educate other students/staff/school personnel
- Foster carryover of treatment plans to home environment
- Reinforce positive behavior
- Schedule shorter study/work periods according to attention span capabilities
- Be consistent in setting expectations and following up on reinforcements/consequences

Encopresis/Enuresis

EXAMPLE: A student urinates or defecates in clothes. This is not to be confused with physical incontinence; it is a needed behavior change (i.e. toilet training, bowel/bladder retraining).

Possible Accommodations:

- Maintain low key responses
- Have a change of clothes available at school in the clinic or alternative location
- Plan a consistent response to events; send student to clinic or alternative location for clean-up and change of clothes; while wearing latex/rubber gloves, place soiled clothes in a plastic bag; call parent and make arrangements for soiled items to be returned home
- Observe for consistent trigger events
- Support bowel/bladder retraining program that is recommended by the physician

Epilepsy

EXAMPLE: The student is on medication for seizure activity, but experiences several petit mal seizures each month. This condition substantially limits the major life activity of learning.

Possible Accommodations and Services:

- Call parent and document the characteristics of each seizure
- Assess breathing after seizure
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Train staff and students and prepare an emergency plan
- Anticipate recovery process should a seizure occur. Move seating/clear space during seizure. Do not insert objects into the student's mouth during seizure; administer no fluids if student is unconscious. Turn the unconscious student on his or her side to avoid aspiration of vomit. Provide rest time and return to academic considerations following seizure. Arrange a buddy system, especially for field trips
- Avoid portable chalk boards or furniture that would topple over easily
- Provide an alternative recess, adapt activities such as climbing and/or swimming
- Plan for academic make-up work
- Alter door openings to allow access from the outside (i.e. bathroom stall doors that swing both ways)
- Observe for consistent triggers (e.g. smells, bright light, perfume, hair spray)

Learning Disability

Individual profiles of learning strengths and weaknesses will vary. THE EXAMPLE: The student has a learning disability that impacts her ability to read. She has more difficulty with word decoding and spelling than reading comprehension. Thus, completing reading tasks is difficult and slow.

Possible Accommodations and Services:

- Provide lower-readability materials covering course context
- Provide extended time on tests
- Arrange for student/volunteer readers
- Provide information on accessing reading materials on tape or electronically
- Allow access to spell checkers and/or word processing
- Provide information on accommodations for college-entrance/qualifying exams (i.e. PSAT)
- Written directions in addition to oral
- Clearly sequenced instruction
- Visual graphs/charts/diagrams to support instruction
- Provision of computer access
- Seating toward the instructor
- Support/suggestions relative to post-secondary/career options
- Support in the use of organizational/time-management strategies
- Support in the use of strategies to assist memory and problem-solving
- Use of multi-sensory instructional methods (i.e. visual graphs and charts to accompany oral presentation)

Leukemia

EXAMPLE: The student has recently been diagnosed with leukemia and requires frequent hospitalization. The condition substantially limits the major life activity of learning and caring for oneself.

Possible Accommodations and Services:

- Involve area nurse in assessing current limitations and development of health plan
- Provide homebound instruction if needed
- Provide the student with an adjusted school day
- Make needed accommodations during physical education/recess
- Provide rest periods
- Have medical services and medication available at school. Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Support the proper diet as per physical recommendation
- With parent/student permission, have area nurse to educate teachers/staff/peers
- Notify parents of existing communicable diseases at school (i.e. chicken pox, flu, strep throat, etc.)
- Consult with medical staff about individual needs and/or concomitant factors

Physical Impairment

EXAMPLE: The student has limited mobility and uses a wheelchair. This condition substantially limits the major life activity of walking.

Possible Accommodations and Services:

- Develop a health care and emergency plan
- Implement an adaptive physical education program
- Provide physical therapy at school
- Correct problems with physical accessibility of facilities/pathways between buildings
- 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
- Ensure that access to programs held in the basement or on second or third floors is handicapped accessible
- Ensure that bathroom facilities, water fountains, sinks, etc. are readily accessible

Student with Special Health Care Needs

EXAMPLE: The student has a special health care problem and requires clean intermittent catheterization (CIC) twice each day. This procedure empties the bladder and helps prevent urinary tract infections and possible wetting. The condition is substantially limiting in the major life activity of caring for oneself.

Possible Accommodations and Services:

- Apply universal precautions
- Provide trained personnel to perform CIC
- Provide student with private location and time to perform procedures
- Involve area nurse, parents, teachers, and staff in periodic review
- Allow preferential seating as indicated by need
- Adapt recess, physical education, and transportation
- Adjust classroom environment
- Develop health care and emergency plan
- If necessary, adapt attendance policy
- Establish health alert system whereby every staff member involved with this student is aware of the health problem and of proper procedures
- Provide a beeper/paging system for trained personnel
- Make available homebound services/instruction if needed
- Provide school counseling
- Arrange for in-service to other students and staff with parent/student permission

Temporarily Disabled

EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for an extensive period. The student should receive accommodations if this disability substantially limits a major life activity for a lengthy period of time.

Possible Accommodations and Services:

- Provide duplicate sets of texts
- Provide assignments to hospital school
- Tape lessons
- Provide homebound instruction
- Schedule periodic home-school meetings
- Arrange for student to leave class early to get to next class
- Provide access to elevators
- Excuse from or adapt physical education program
- Arrange for a friend to assist student in getting from class to class, provide help with getting lunch tray
- Establish a student support network
- Provide a cordless telephone/beeper/pager
- Provide an interactive system -- computer, e-mail, TV
- Arrange for peer notes
- Change seating arrangements to accommodate needs
- Adapt assignments depending on disability
- Allow more time for test completion
- Allow shortened days; adjust attendance policy
- In-service staff and class and prepare an emergency care plan
- Switch programs /classes to an accessible classroom on the main floor
- Test verbally
- Provide peer assistance for social involvement (i.e. to keep child informed of social activities)
- Furnish life-skill assistance

Tourette's Syndrome

EXAMPLE: The student exhibits inappropriate gestures and sounds in the classroom and hallways. The condition is substantially limiting in the major life activities of learning and caring for oneself.

Possible Accommodations and Services:

- Provide student with a means of catching up on missed lessons
- Pair with a fellow student for study if indicated
- Educate other students about associated outbursts/gestures/tics
- Arrange for frequent parental interaction if indicated
- Monitor administration/side effects of medication
- Implement a behavior management program if indicated; cue student about inappropriate behaviors
- Provide supervision for transition activities, during periods of "acting out"
- Provide alternative/larger work space or appropriate space for the child to act out if indicated
- Teach compensatory strategies
- Adapt assignments if indicated
- Provide peer/teacher in-service with parent/student permission

Traumatic Brain Injury

EXAMPLE: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The student does not qualify for special education under IDEA. The condition is substantially limiting to the major life activities of learning and performing manual tasks.

Possible Accommodations and Services:

- Provide extended school year/time
- Furnish memory/organizational aids
- Provide alternative testing
- Initiate tutoring programs
- Arrange an emergency plan
- Monitor for seizure activity
- In-service staff and peers with student/parent permission
- Monitor fatigue/mental exhaustion
- Provide frequent short breaks during periods of intense concentration
- Shorten the instructional day if indicated
- Provide strategies for organizing/sequencing tasks

Tuberculosis

EXAMPLE: The student is suspected of having active tuberculosis and must stay home until diagnostic tests are completed. The disease is no longer infectious, but the student is still weak. The condition is substantially limiting to the major life activity of learning.

Possible Accommodations and Services:

- Provide home tutor, as necessary
- In-service staff on the need for confidentiality to limit the stigmatization of him or her
- Have the medical evaluator provide feedback to staff
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- In-service staff and students about the disease, how it is transmitted and how it is treated
- Work with community agency or health department to provide medication and health education materials
- Work with community agency or health department to test students and staff for exposure and/or infection and to determine when the student can return to school
- Provide therapy and dispense medications if student is diagnosed with active TB; observed for side effects; arrange for parents to give medication on holidays and weekends

Visual Impairment

EXAMPLE: A student has a progressive medical disorder, which results in increasing loss of visual acuity. He now requires both enhanced lighting and enlarged print materials in order to read.

Possible Accommodations and Services:

- Preferential seating
- Adaptations to the physical environment (i.e. consistent room arrangement, removal of obstacles to path of entry)
- Copies of text/reading materials for adaptation
- Modified writing tools (i.e. dark felt tip pens)
- Perkins Braille
- Slate and stylus
- Raised lines on writing paper
- Dark lined writing paper
- Lighting aids
- Low vision devices including magnifiers, monocular glass, closed-circuit TV
- Desktop slantboard
- Enlarged print materials; textbooks, workbooks, worksheets
- Braille textbooks/reading materials
- Books on tape
- Audiotape recorder, tapes and organizational location (headphones if needed)
- Oral instead of written tests
- Standardized tests (i.e. CAT, SAT) in large print or Braille
- Tactile maps
- Computer with enlarged print screen/adaptations
- Speech synthesizer for input and output
- Screen reading device
- Optical Character Recognition System Scanner
- Mobility devices (i.e. white cane)
- Abacus

Weight: Diagnosis of Obesity, Anorexia, and Bulimia

EXAMPLE: A student has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs a major life activity or is regarded by others as doing so.

Possible Accommodations and Services:

- Provide special seating modifications
- Make dietary modifications per physician recommendation
- Adapt physical education program per physician recommendation
- Allow extra time to get to classes
- Educate peers
- Adapt rest rooms
- Provide opportunities for socialization and peer counseling/interaction
- Ensure privacy for self-care
- Provide counseling involving the area nurse
- Provide for elevator privileges per physician's recommendation
- Arrange for counselor/area nurse to supervise peer counseling to deal with esteem issues, peer attitudes, teasing, etc.
- Address busing concerns to ensure room on buses for seating
- Arrange to provide opportunities for the individual to participate in intramural and extra-curricular events
- Make any class location changes that may be needed

Principal and Team Leader (Designee) Section 504 to Do List

General Roles and Responsibilities

- Become knowledgeable and current in the requirements of Section 504
- Review School Policy on Section 504
- Know School Procedures under Section 504
- Provide information and training to staff on Section 504 requirements
- Coordinate scheduling of Section 504 meetings and Appointment of the 504 Team Leaders
- Comply with school procedures and timelines for the Section 504 process
- Provide for the physical accommodations required to prevent discrimination under Section 504
- Provide for the supports, services, technology, and modifications as defined in the Section 504 Student Accommodation Plan
- Provide accommodation in scheduling to ensure access for the student with a disability according to the Section 504 Student Accommodation Plan
- Provide training of appropriate staff on health, medication or behavior management
- Ensure implementation of the Section 504 Student Accommodation Plan
- Provide documentation of timely implementation of district Section 504 process

Steps to take for Section 504 Initial Referral

- Principal will designate a 504 Team Leader
- The 504 Team Leader will identify the appropriate staff to attend a team meeting to review and determine the appropriateness of the 504 referral. This determination **must be completed within 10 schools days of receipt of the referral.**
 - This team must include at a minimum, the student's general education teacher(s), grade level Dean, parent (if available), the individual making the referral (if available) and any additional staff deemed appropriate
- **The 504 Team Leader will:**
 - **Schedule, convene and facilitate the meeting to review the request for evaluation and to complete the *Section 504 Information Review* [Form C]. The outcome of this decision must be documented on the bottom of the *Section 504 Information Review* [Form C]**
 - Provide parent with **Notice** of the referral within 10 school days of receipt of the request by completing the ***Parent Consent for Section 504 Evaluation*** and **obtaining parent consent [Form D].**
 - Provide **Form C, D and *parent the Notice of Parent/Student Rights and Procedural Safeguards*** under Section 504 [Form K]. If an evaluation is recommended, the school must first obtain **parent signed consent prior to initiating the initial evaluation.**
 - Obtain or direct staff to ***obtain Release of Confidential Information and Records*** from parent for medical, psychological information, etc. using Release of Confidential Information [Form L]
Note: Parent release of medical or other records is not a condition for eligibility, or an appropriate reason to refuse or renew a service
- The evaluation must be conducted consistent with assessment standards and by appropriately credentialed staff

- **The 504 Team Leader will:**
 - Schedule a meeting to determine Section 504 eligibility and plan within 30 school days of consent for evaluation [**Form E, F**].
 - **If not eligible**, provide documentation and notice to parent along with a copy of their Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [**Form F, K**]
 - **If eligible**,
 - Develop a Section 504 Student Accommodation Plan [**Form H**]
 - Provide parent with a copy of the Section 504 Student Accommodation Plan and a copy of the Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [**Form K**].
 - **Obtain parent signed consent to implementing the initial Section 504 Student Accommodation Plan.**
 - Support Implementation of the Section 504 Student Accommodation Plan by
 - Providing a copy of the Section 504 Accommodation Plan to all staff that work directly or indirectly with the student.
 - Arrange for the provision of the supports, services, technology, or modifications as defined in the Section 504 Student Accommodation Plan
 - Provide staff with a copy of the 504 Accommodations Log [**Form M**] to record implementation of accommodations.

- **The 504 Coordinator or designee will receive and resolve complaint if the parent:**
 - disagrees with school recommendation,
 - requests a grievance/complaint, or
 - requests a due process hearing

Steps to take with a Section 504 Annual Review or Transition or Change in Program

- **The 504 Team Leader will:**
 - Provide notice to parent of Section 504 meeting using the Parent Invitation: Section 504 Meeting [**Form E**] and a copy of the Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [**Form K**]
 - Arrange for the appropriate staff to attend the Section 504 meeting
 - Review and revise the *Section 504 Student Accommodation Plan* as appropriate to the supports, services, and modifications required to prevent discrimination and create access to participate as non-disabled peers [**Form H**]
 - **Note:** During an annual Review meeting the team may make a determination that the student no longer needs or qualifies for a Section 504 Accommodation Plan. Such a decision must be made based on student and must be clearly documented. This decision must be made through completion of the *Section 504 Information Review* [**Form C**], completion of any needed evaluations [as documented on **Form C**], **completion of any needed evaluations, scheduling of the 504 meeting** [**Form E**], and completion of the *Section 504 Edibility Determination Report* [**Form F**].
 - **Examples of changes that may trigger the need for a review of the student's Section 504 Student Accommodation plan include:** a change in the student status, or condition.
 - Implement the Section 504 Student Accommodation Plan.
 - Providing a copy of the Section 504 Accommodation Plan to all staff that work directly or indirectly with the student.

- Arrange for the provision of the supports, services, technology, or modifications as defined in the Section 504 Student Accommodation Plan
 - Provide staff with a copy a 504 Accommodations Log [**Form M**] to record implementation of accommodations.
- **The 504 Coordinator or designee will receive and resolve complaint if the parent:**
 - disagrees with school recommendation,
 - requests a grievance/complaint, or
 - requests a due process hearing

Steps to take with a Section 504 Re-Evaluation (3 years)

- **The 504 Team Leader will:**
 - Provide notice to parent of meeting to discuss re-evaluation using the Parent Invitation: Section 504 Meeting [**Form E**].
 - Provide parent the Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [**Form K**]. Complete the Section 504 Information Review [Form C] and the Parent Consent for Section 504 Evaluation noting on this form that parent consent is not required for a re-evaluation.
 - Arrange for the appropriate staff to conduct the evaluation and collect relevant data if needed
 - Obtain or direct staff to obtain release of information, if needed, using Release of Confidential Information [**Form L**]

Note: Parent refusal to release medical or other records is not an appropriate reason to refuse or renew services

 - Schedule release of staff to participate in Re-Evaluation meeting and Plan Review (also see Plan Review above for more details on required steps)
- **The 504 Coordinator or designee will receive and resolve complaint if the parent:**
 - disagrees with school recommendation,
 - requests a grievance/complaint, or
 - requests a due process hearing

Steps to take with Section 504 Discipline (Pattern of Removal, Manifestation Determination)

- **The Team Leader will:**
 - Track the number of student removals from school using the *Pattern of Removal Worksheet for Students with Disabilities* [**Form J**]
 - Plan Manifestation Determination Review meeting where a significant change in placement has been triggered [Long-term suspension (more than 10 consecutive days); expulsion; or pattern of removal].
 - Provide notice to parent of meeting to discuss Manifestation Determination
 - Provide parent the Notice of Parent/Student Rights and Safeguards under Section 504 [**Form K**]
 - Arrange for the appropriate staff to collect relevant data and conduct the manifestation
 - Obtain or direct staff to obtain release of information, if needed, using Release of Confidential Information [**Form L**]
 - **Note:** Parent release of medical or other records is not a condition for refusal of service or renewal of service

- Conduct Manifestation Determination Analysis (MDR) consistent with the required procedure **[Form I]**
- If behavior is related to the student's disability or failure of the district to implement the Student's Section 504 Accommodation Plan, the period of suspension or expulsion must end and the student must be returned to the prior setting with continued supports and services consistent with the Section 504 Student Accommodation Plan or revised Plan as appropriate
- If the behavior is not related to the student's disability, proceed to implement discipline in the same manner as for non-disabled students and in accordance with School Code of Conduct and State School Code
- The 504 Coordinator or designee will receive and resolve complaint if the parent/guardian:
 - disagrees with school recommendation,
 - requests a grievance/complaint, or
 - requests a due process hearing

Steps to take when student enrolls with Section 504 Student Accommodation Plan

- Provide the parent notice of the Section 504 Review meeting using the Parent Invitation: Section 504 Meeting and with a copy of the Notice of Parent/Student Rights and Procedural Safeguards under Section 504 **[Forms E and K]**
- Complete Section 504 Information Review and determine if additional evaluation information is needed. Document the outcome of this decision at the bottom of the form. If additional **[Form C]**.
- Complete Parent Consent for Section 504 Evaluation if deemed appropriate. If there is no eligibility information within the file complete additional evaluations if needed and/or complete the Eligibility Determination **[Forms D, F]**
- If the team agrees with the Section 504 Student Accommodation Plan, implement the plan as written
- If the team questions the existing Section 504 Student Accommodation Plan, the School must consider revisions to this Plan and/or consider the need for additional evaluations.

School 504 Forms

A. Section 504 Evaluation/Placement Checklist [Form A]

Purpose: Assists the 504 Team Leader in organizing and documenting the steps necessary to meet the legal requirements for the Section 504 evaluation and eligibility determination process.

B. Section 504 Evaluation Referral [Form B]

Purpose: Requests that a student be evaluated to determine if the student has a qualifying disability.

C. Section 504 Information Review [Form C]

Purpose: Review of student information to determine pursuit of an evaluation.

D. Parent Consent for Section 504 Evaluation [Form D]

Purpose: Requests consent from parent(s) for a 504 Team to evaluate his/her child for possibly qualifying for a Section 504 disability.

E. Parent Invitation: Section 504 Meeting [Form E]

Purpose: Invites parent(s) to a Section 504 meeting.

F. Section 504 Eligibility Determination Report [Form F]

Purpose: Organizes and documents the steps that the 504 Team must follow to determine whether a student is eligible under Section 504. **Send a hard copy of this completed form to the School 504 Coordinator regardless of qualification outcome.**

G. Parent Notice: Section 504 Eligibility or Non-Eligibility Determination [Form G]

Purpose: Informs parent(s) of the student's Section 504 eligibility or non-eligibility.

H. Section 504 Student Accommodation Plan [Form H]

Purpose: Organizes and documents the Section 504 Accommodation Plan created by the 504 Team if the Team determines that the student has a qualifying disability and needs accommodations, modifications or services under Section 504.

I. Section 504 Manifestation Determination [Form I]

Purpose: Organizes and documents the steps that the 504 Team must follow to determine the relationship between the student's disability and behavior.

J. Pattern of Removal Worksheet for Students with Disabilities [Form J]

Purpose: To track student suspensions or other disciplinary removals to identify whether a pattern of removal that constitutes a significant change in placement has or will occur.

K. Notice of Parent/Student Rights and Procedural Safeguards under Section 504 [Form K]

Purpose: Informs the parent(s) of rights under Section 504. This form must be sent with the Parent Notice: Section 504 Evaluation **and** Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.

L. Release of Confidential Information & Records [Form L]

Purpose: To obtain parental consent for access to non-School records and information needed as part of the Section 504 Process.

M. 504 Accommodations Log [Form M]

Purpose: To document the accommodations that have been offered, provided or refused to a student with a Section 504 Student Accommodation Plan.

N. Complaint Form (Form N)

Purpose: To provide individuals who wish to file a complaint or a grievance with a sample form to do so. An individual filing a complaint or grievance under these procedures may, but is not required, to use this form.

O. Frequently Asked Questions [Form O]

Purpose: To provide answers to areas where staff have questions or are in need of clarification regarding Section 504.

BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM A

SECTION 504 EVALUATION/PLACEMENT CHECKLIST

DATE

1. The Principal receives Section 504 Evaluation Referral and assigns Section 504 Team Leader.
2. The Team Leader identifies a 504 Team, and , using the Section 504 Information Review (Form C), the team determines whether or not a 504 evaluation will be conducted. If it is determined that an evaluation will not occur, the Team Leader records this decision, including the rationale, on the bottom of the Section 504 Evaluation Referral. Parent must be given notice of decision and procedural safeguards.
3. If it is determined that an evaluation will occur, the Team Leader is required to send Parent Consent For Section 504 Evaluation and Notice of Parent/Student Rights and Procedural Safeguards Under Section 504 to parent/guardian to advise of pending evaluation. Parental consent must be obtained to conduct the evaluation.
4. The Team Leader sends Parent Invitation: Section 504 Meeting to parent/guardian.
5. The 504 Team evaluates the child's reported impairment and completes the Section 504 Eligibility Determination Report.
6. The Team Leader provides Parent Notice: Section 504 Eligibility or Non-Eligibility and Notice of Parent/Student's Rights and Procedural Safeguards Under Section 504 to parent/guardian either in person or by mail.
7. If a Section 504 Student Accommodation Plan is developed, the Team Leader is responsible for ensuring that all members of the 504 Team receive a copy and the student's teachers are monitoring and documenting implementation of the Plan. Parent must receive notice of plan and **parental consent** must be obtained for initial placement
8. The Team Leaders updates At School
9. The Team Leader distributes copies of Section 504 Student Accommodation Plan to all teachers serving the student in addition to the 504 Accommodations Log [Form M]. A copy is also placed in the student's Section 504 file within the student's cumulative file.
10. The Team Leader schedules an annual review and/or reevaluation every three years or sooner if requested, or if new information is received that indicates a need for review or reevaluation or before any significant change in placement.
11. The Team Leader ensures that the Section 504 Student Accommodation Plan is sent to the new location if the student transfers to another school/district.

BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM B

SECTION 504 EVALUATION REFERRAL FORM

Student:	Grade:	Date:
Date of Birth:	School:	<input type="checkbox"/> Male <input type="checkbox"/> Female
Parents:	Home Phone:	

Interpreter needed for parents? Yes No

Reason for Referral

Staff Recommendation Intervention Team Parent Other

There is reasonable cause to suspect that this student has a disability which substantially limits one or more of the following major life activities:

- | | | |
|--|--|--|
| <input type="checkbox"/> Learning | <input type="checkbox"/> Social Emotional/Behavioral | <input type="checkbox"/> Communication |
| <input type="checkbox"/> Health | <input type="checkbox"/> Vision | <input type="checkbox"/> Hearing |
| <input type="checkbox"/> Motor/Development | <input type="checkbox"/> Self-Help Skills | <input type="checkbox"/> Other |

- For School Staff:** If the major life activity which is effected by the suspected disability is learning, reading, thinking, etc., please attach a copy of the student's most recent grades and/or standardized test scores.
- For Parents/ Guardian:** Please attach any medical documentation, psychological evaluations or other information which you would like the 504 Team to consider and which you believe supports the student having a physical or mental impairment which substantially limits one or more major life activities.
- Prior Referrals:** Intervention Team (Attach copy of Referral, Action Plan, and Data)
 IEP (Attach copy of Referral, MET Summary, and IEP Page 1)

Presenting Concern

Describe the presenting concern:

Referred by:	Relationship to Child:
Principal:	Date:
Received:	Date:



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM C

SECTION 504 INFORMATION REVIEW - Page 1 of 5

Review date:

Student's Name: Birth Date: Sex: Grade:

Parent's Name: Phone: Phone:

Parent's Address:

Check:

IEP: Yes No **504 Plan:** Yes No **ELL:** Yes No **Interpreter for Parents:** Yes No

Purpose of this meeting:

Initial Referral Reevaluation Transfer Students – Review Significant Change in Placement
(Not disciplinary)

Meeting Participants and Attendance

Signatures of the following individuals indicate attendance at this meeting. Additional participants' names should be documented and attached.

Building 504 Coordinator

Parent/Guardian

Teacher of Record

Parent/Guardian

Teacher of Record

Student

Other

Other

Parent Input:

Staff Input:

Student Input:

SECTION 504 INFORMATION REVIEW - Page 2 of 5

1. **Current Concern: A Section 504 eligible student exhibits a physical or mental impairment that may substantially limit one or more major life activities.**

a. **The suspected physical or mental impairment is in the area of:**

b. **Perception of limitation on major life activity:**

Use this tool to review and make comment as to the extent to which the physical or mental impairment presents as a substantial limitation of a major life activity. The rating may be based on information provided in interview, existing evaluation data, or observation.

Standards for Defining a Substantial Limitation

- **Normal Expectation:** Student participation and/or functioning is within normal expectation when compared to non-disabled peers.
- **Accessible Functioning:** Some limitation of participation and/or functioning but student is able to meet expectations of non-disabled peers with differentiation and/or typical accommodations.
- **Substantial Limitation:** The condition prevents the individual from participation in or functioning at expectation of non-disabled peers.

Major Life Activity Area	Comments:
Learning	
Social/Emotional/Behavior	
Communication	
Health	
Vision	
Hearing	
Motor Movement	
Self-Help Skills	
Other:	

Note: The use of mitigating measures, such as medications or assistive devices, does not lessen the impact of the disability on major life activities and does not exclude a student from Section 504 eligibility.

c. **Are the student's activities disrupted on a chronic or intermittent basis?**

Chronic interference of activity

Intermittent disruption of activity

Describe:

SECTION 504 INFORMATION REVIEW - Page 3 of 5

2. Please identify other or additional factors that may distinguish presenting concerns.

- English Language Learner
- Current substance use / abuse
- Vision corrected with glasses
- Physical injury (less than 6 months)
- Truancy

3. Attendance: Identify number of days absent at each grade level:

___ Kdg. ___ 1st ___ 2nd ___ 3rd ___ 4th ___ 5th ___ 6th ___ 7th ___ 8th ___ 9th ___ 10th ___ 11th ___ 12th

Identify any absence patterns: _____

Grades repeated (indicate which grades): _____

Factors affecting school attendance _____

4. If data are available, list the past three years of academic achievement scores. Attach appropriate documentation. (Suggested data sources may include: CLASSA, DRA, MLPP, Aimsweb, NWEA, STAR, state assessment, and Other Standardized Tests.)

		State Assessment	District Assessment	Classroom Assessment
Reading	Test/Date			
	Test/Date			
	Test/Date			
Math	Test/Date			
	Test/Date			
	Test/Date			
Writing	Test/Date			
	Test/Date			
	Test/Date			

5. Describe concerns regarding student pattern of achievement.

SECTION 504 INFORMATION REVIEW - Page 4 of 5

6. List any individual evaluations that have been conducted:

<u>Type of Evaluation/Evaluator</u>	<u>Date</u>	<u>Recommendations</u>	<u>Action Taken</u>
-------------------------------------	-------------	------------------------	---------------------

7. Disciplinary actions for current year and last year:

	<u>Current Year</u>	<u>Last Year</u>	<u>Comment</u>
# Days In-school suspension:			
# Days in out-of-school suspension:			

8. List student involvement with other agencies (state agencies, medical, counseling, courts):

<u>Agency</u>	<u>Date</u>	<u>Service Summary</u>
---------------	-------------	------------------------

9. List any identified health factors which may contribute to student's school problems:

<u>Condition</u>	<u>Diagnosed By</u>	<u>Date</u>	<u>Impact</u>
------------------	---------------------	-------------	---------------

<u>Current Medications</u>	<u>Dosage</u>	<u>Reason for Medication</u>
----------------------------	---------------	------------------------------

10. List and give dates of any past modifications in instruction or behavior management (e.g., tutoring, Title I; instructional modifications; 504 Plan; IEP):

<u>Instructional/Behavioral Intervention</u>	<u>Date Begun/Ended</u>	<u>Outcome</u>
--	-------------------------	----------------

11. Summary:

SECTION 504 INFORMATION REVIEW - Page 5 of 5

Section 504 Considerations of Area(s) of Major Life Activities:

The student is suspected of having a physical or mental impairment that may substantially limit one or more of the major life activities when compared to the average student.

Yes

No

Recommendation of Section 504 Team:

Initial Referral

- A disability/impairment is not suspected and no further evaluations are needed at this time.**
(Complete Eligibility Determination Report [Form D] & provide a copy of the Procedural Safeguards [Form K])

May apply to an Initial referral, re-evaluation, significant change in placement, and transfer student:

- A disability/impairment is suspected:**
- Evaluate student for possible 504 Eligibility. Additional Evaluations needed.**
(Complete Parent Consent for 504 Evaluation [Form D] & provide a copy of the Procedural Safeguards [Form K])

Additional Evaluations needed to determine eligibility under Section 504:

Type of Evaluation	Who will Administer the Assessment (job title)

- No additional evaluation data is needed. Develop or review 504 plan**
- Complete and provide parent with the *Parent Consent for 504 Evaluation* (no evaluations needed) [Form D], and provide a copy of the **Procedural Safeguards** [Form K]. Schedule a 504 meeting [Form E] and complete the *Eligibility Determination Report* [Form F] & if eligible develop a *505 Student Accommodation Plan* [Form H].
- Review current Section 504 Plan and consider the need for revisions (applicable only for Transfer Students when additional evaluations are not needed).**
- Schedule a 504 meeting [Form E] and review/revise the *504 Student Accommodation Plan* [Form H].

504/Team Leaders Signature

Date



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM D

PARENT CONSENT FOR SECTION 504 EVALUATION

Student: _____ **Student #:** _____

School: _____ **Grade:** _____

- Initial Section 504 Evaluation Section 504 Reevaluation

Date:

To The Parent/Guardian of:

_____ (Student Name)

BROOKLYN EXCELSIOR CHARTER SCHOOL suspects that your child may have a disability under Section 504 of the Rehabilitation Act. To make this determination, a school team completed the enclosed *Section 504 Information Review*.

Based on this review, the school team is recommending the following:

- Completion of additional evaluations to determine eligibility under Section 504.**
This evaluation will include:

Type of Evaluation	Who will Administer the Assessment (job title)

- No additional evaluation data is needed at this time.**
Next steps: Scheduling a 504 meeting [Form E], completing the *Eligibility Determination Report* [Form F] & if eligible, develop a *504 Student Accommodation Plan* [Form H].

If evaluation information is needed, upon completion of this evaluation a Section 504 meeting will be scheduled. You will receive notice of the meeting and are encouraged to attend and participate in this discussion and decision making process. If you are unable to attend, you may participate by telephone or by submitting written input to the team. If you have any questions, or cannot attend the meeting, please contact me so that we may discuss this further.

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your child. These rights are summarized in the enclosed *“Notice of Parent/Student Rights and Procedural Safeguards under Section 504”*. You are encouraged to review this information and to contact me if you have any questions.

_____ **504 Team Leader (school principal or designee)** _____ **Telephone Number**

Enclosure: Copy of the Notice of Parent/Student Rights and Procedural Safeguards under Section 504



PARENT RESPONSE AND CONSENT

Based on the *Section 504 Information Review*:

- I give permission for my child to receive the Section 504 evaluations identified.
- I agree that no further evaluations are needed.
- No, I do not give permission for my child to be evaluated to determine eligibility under Section 504.

Parent Signature (only required for the Initial Evaluation) Date

Parent/Guardian Signature Date

Notation:

Initial Evaluations:

Parent signed consent is required for all initial referrals. If the parent does not agree, then the evaluation and Section 504 Eligibility process ends. If consent is granted the district may continue the evaluation and eligibility determination process. If eligible, a plan must be determined consistent with the Section 504 procedures.

Re-evaluations under Section 504:

Parent consent must be sought as with the initial evaluation, but it is not required under Section 504 and is not a requirement under the school's Section 504 procedures. Staff should document and maintain documentation of their efforts to get consent and if parent/guardian does not respond, staff may go forward with the reevaluation, provided the parent/guardian has received notice of the evaluation and procedural safeguards.

Received by School

Name: _____ Date: _____

Provide copy to the Section 504 Coordinator or 504 Team Leader Date Received:



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM E

PARENT INVITATION: SECTION 504 MEETING

Student Name: _____ Student #: _____ Grade: _____

School: _____ Date of Birth: _____

Date:

- | | |
|--|---|
| <input type="checkbox"/> Information Review/Referral | <input type="checkbox"/> Section 504 Accommodation Plan Initial |
| <input type="checkbox"/> Initial Section 504 Eligibility Determination | <input type="checkbox"/> Section 504 Accommodation Plan Annual Review |
| <input type="checkbox"/> Section 504 Re-evaluation | <input type="checkbox"/> Termination of Services |
| <input type="checkbox"/> Manifestation Determination | <input type="checkbox"/> Other |

Dear:

You are invited to attend a meeting to discuss your child regarding Section 504. The purpose of this meeting is indicated above. You are encouraged to participate in this meeting. If you are unable to attend, you may participate by telephone or submit written input.

The meeting will be held at:

Date: _____ Time: _____

Location: _____

Copy of the Notice of Parent/Student Rights and Procedural Safeguard under Section 504 is enclosed

The school staff members listed below have been involved in the education of your child. Each person will attend the meeting or be represented by someone who is knowledgeable about your child and the information that will be reviewed in the meeting.

If you have any questions, please contact me at _____.

Signature of 504 Team Leader
(school principal or his/her designee)

Date

504 Team Members:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SECTION 504 ELIGIBILITY DETERMINATION REPORT – Page 1 of 3

Student Name: _____ Student #: _____ Grade Level: _____ Date: _____

School: _____ Initial Section 504 Evaluation Section 504 Re-evaluation

ELIGIBILITY: Based on the evaluation data gathered from a variety of sources, the Section 504 Team answered the following questions to determine Section 504 eligibility.

1. Yes No Does the student have a physical or mental impairment? If so, please identify the physical or mental impairment:

2. Yes No Does the physical or mental impairment affect one or more major life activities? If so, which major life activity or activities are affected? To fall within the protection of Section 504, a student's physical or mental impairment must have a substantial limitation on one or more major life activities, such as"

- | | | | |
|--|---|-------------------------------------|---|
| <input type="checkbox"/> caring for oneself, | <input type="checkbox"/> performing manual tasks, | <input type="checkbox"/> walking, | <input type="checkbox"/> standing, |
| <input type="checkbox"/> lifting, | <input type="checkbox"/> bending, | <input type="checkbox"/> seeing, | <input type="checkbox"/> hearing |
| <input type="checkbox"/> eating, | <input type="checkbox"/> speaking, | <input type="checkbox"/> breathing, | <input type="checkbox"/> learning, |
| <input type="checkbox"/> reading, | <input type="checkbox"/> concentrating, | <input type="checkbox"/> thinking, | <input type="checkbox"/> communicating, |
| <input type="checkbox"/> working, | <input type="checkbox"/> other: | | |

A major life activity also includes the operation of major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Please indicate:

3. Yes No Does the physical or mental impairment **SUBSTANTIALLY** limit a major life activity? That is, as a result of the physical or mental impairment, is the student substantially restricted as to the condition, manner or duration under which the student can perform a particular major life activity as compared to the condition, manner or duration under which the student of the same age/grade level in the general population can perform that same major life activity?

Please indicate the team's findings relative to how the student's physical or mental impairment substantially limits a major life activity.

SECTION 504 ELIGIBILITY DETERMINATION REPORT – Page 2 of 3

Student Name: _____ Student #: _____ Grade Level: _____ Date: _____

School: _____ Initial Section 504 Evaluation Section 504 Reevaluation

SOURCES OF DATA: (Check the data obtained for the evaluation. All data obtained must be carefully

Grades	<input type="checkbox"/>	Parent Report	<input type="checkbox"/>	Classroom Teacher(s) Report	<input type="checkbox"/>
School Records	<input type="checkbox"/>	Medical Reports	<input type="checkbox"/>	Individual Achievement Tests	<input type="checkbox"/>
Work Samples	<input type="checkbox"/>	IEP (date)		Group Achievement Test	<input type="checkbox"/>
Psycho-Educational Evaluation (date)		Other information considered:			

considered.)

Summary of Data:

4. Eligibility Determination

Based on an analysis of the evaluation data, does the student have a disability that substantially limits a major life activity? (If all three questions were answered “Yes,” the student is eligible for a free, appropriate public education under Section 504, and the Accommodation Plan should be developed. If any answer is “No,” the student is not eligible.)

- No, the student is not eligible.** The following action is recommended:
Describe: _____
- Yes, the student is Section 504 eligible but does not require a Section 504 Student Accommodation Plan** because of the corrective effects of mitigating measures. The 504 team will be re-convened at least annually or more frequently if requested by the school personnel or parents.
Identify the mitigating measures: _____
- Yes, the student is Section 504 eligible and requires a Section 504 Student Accommodation Plan.**



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM F

SECTION 504 ELIGIBILITY DETERMINATION REPORT – Page 3 of 3

Student Name: _____ Student #: _____ Grade Level: _____ Date: _____

School: _____ Initial Section 504 Evaluation Section 504 Reevaluation

**TEAM OF
EVALUATORS:**

Name	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>



**PARENT NOTICE: SECTION 504 ELIGIBILITY OR NON-ELIGIBILITY
DETERMINATION**

Date:

Dear:

Enclosed is a copy of the *Section 504 Team Eligibility Determination Report (Form F)*. Based on a review of evaluation data including information that you provided to this team, the following determination of eligibility has been made:

- No, the student is not eligible.**
- Yes, the student is Section 504 eligible but does not require a Section 504 Student Accommodation Plan** because of the corrective effects of mitigating measures.
- Yes, the student is Section 504 eligible and requires a Section 504 Student Accommodation Plan.**

Also enclosed is a copy of the *Notice of Parent/Student Rights and Procedural Safeguards under Section 504 (Form K)*. Please read this information so you are familiar with your rights and associated procedures.

Please contact me if you have any questions or concerns. I can be reached at the school or the phone number listed below.

Sincerely,



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM H

**** CONFIDENTIAL ****

SECTION 504 STUDENT ACCOMMODATION PLAN

Student : _____ School: _____ Grade: _____
 Student#: _____ Age: _____ Date of Birth _____ School Year: _____
 Date 504 Plan Initiated: _____ 504 Plan Review Due Date: _____
 Qualifying Disability: _____

Area(s) of Need	Accommodation(s), Aids, Services or other Supports	Person Responsible

Describe location of services, if other than the classroom setting and the reason(s) necessary, or any other relevant information:

State and Local Option Testing Program

Before implementing accommodations on state-wide and local option assessments, the accommodations must have been routinely used in the instructional program. State and district testing accommodations include:

- Extended Time
- Read Aloud
- Braille/Braille Writer
- Large Print
- Crammer-Abacus
- Dictation to Scribe
- Magnification Device
- Alternate Assessment
- Assistive Devices
- 1 Item/Page
- Interpreter/Translator
- Marks in Book
- Multiple Sessions
- Computer w/Processor
- Separate Room Testing
- Other:

Copy provided to parent by _____ on _____

Include copy of the *Notice of Parent/Student Rights and Procedural Safeguards under Section 504 (Form K)*

Parent Signature (For initial Section 504 Plans Only)

- Yes, I am in agreement with this Section 504 Student Accommodation Plan and request that it be implemented.
- No, I am not in agreement with this Section 504 Student Accommodation Plan **but will agree** to its implementation.
- No, I am not in agreement with this Section 504 Student Accommodation Plan and **do not agree** to its implementation.
- I have received a copy of the Procedural Safeguards under Section 504

Parent Signature _____

Date _____

Received:

By: _____

Date: _____

School Staff:

My signature below indicates that I have been informed and received notice of this Section 504 Student Accommodation Plan and further acknowledges that I am familiar with my responsibilities pursuant to Section 504 of the Rehabilitation Act of 1973.

Participant Signature	Position/Title	Date



BROOKLYN EXCELSIOR CHARTER SCHOOL

FORM I

SECTION 504 MANIFESTATION DETERMINATION

Student Name: _____ Student #: _____
School: _____ Grade: _____

Date of Current 504 Plan: _____

Date of Manifestation Determination: _____

Describe the behavior or incident that is subject to disciplinary action:

What relevant evaluation and diagnostic information describes the student's disability?

What accommodations or services are indicated on the current 504 Plan?

Check the following statements that the 504 Team determines to be true:

The 504 Team has reviewed and considered all of the above information.

Yes No

Was the behavior subject to discipline caused by, or did it have a direct and substantial relationship to, the student's disability?

Was the behavior subject to discipline the direct result of the School's failure to implement the 504 Plan?

The boxes on the last two questions must be checked "No" in order for the behavior to not be a manifestation of the student's disability. If either answer is checked "Yes," the student's behavior is a manifestation.

Check the following statement that the 504 Team determines to be true:

The current behavior under consideration IS a manifestation of the student's disability.

The current behavior under consideration IS NOT a manifestation of the student's disability.

504 Team Participants:

Name:	Title
_____	_____
_____	_____
_____	_____
_____	_____

PATTERN OF REMOVAL WORKSHEET for Students with Disabilities

Student Name:

School

Grade

Disability

Current Services

Date of Pattern Review:

Incident Date	Behavior Problem	Action (# of removal days)	Start Date	Cumulative Days of Removal

A student has been subjected to a “pattern of removal” when all three of the following criteria have been met:

- A series of removals that total more than 10 school days in a year.
- A recurrence of substantially similar behavior in a series of removals subject to discipline.
- Such additional factors as:
 - Length of each removal
 - Total time removed
 - Proximity of removals to each other

Pattern of Removal Discussion Minutes

Did the series of removals total more than 10 days? Yes or No
(If yes, consider the following four factors.)

1. Was there a recurrence of substantially similar behaviors? Yes or No
2. Was there a pattern in the length of each removal? Yes or No
3. Was there a pattern in the proximity of removals to each other: Yes or No
4. Was there a pattern in the total time removed: Yes or No

After a review of the student’s removals, was a pattern of removal determined? Yes or No

If no pattern identified, please obtain signatures and process

NOTICE OF PARENT/STUDENT RIGHTS AND 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 and to assure that students with a disability have educational opportunities and benefits equal to those provided to non-disabled students.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, including but not limited to such activities as learning, concentrating, thinking, eating, self-care, walking, standing, lifting, bending, seeing, hearing, speaking, communicating, breathing, working, and performing manual tasks. A major life activity also includes the operation of a major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. If a student has a physical or mental impairment which substantially limits one or more major life activity, such student is entitled to receive a free appropriate public education.

Dual Eligibility: Some students will be eligible for education services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. It is the purpose of this Notice to set out the rights assured by Section 504 to those students with a disability who do not qualify under the IDEA.

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

1. You have the right to be informed by the School 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, including provision of regular or special education and related aids and services that are 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 the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a student with a disability. (34 C.F.R. 104.33)
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 104.34)
5. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 104.34)
6. 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)

¹ Equal educational benefits and opportunities does not necessarily mean the "same" benefits and/or opportunities. Section 504 prohibits provision of different aid, benefits or services to persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits or services that are as effective as those provided to others. See 34 C.F.R. § 104.4(b)(1)(iii).

7. Testing and other evaluation procedures must conform to the requirements of (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. The School 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)
8. 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)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36)
10. You have the right to examine relevant records. (34 C.F.R. 104.36)
11. You have a right to notice of any action by the School in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36)
12. You have a right to an impartial hearing with respect to the School'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)
13. If you wish to challenge the actions of the School'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 NHA Director of Special Education. 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.
14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 C.F.R. 104.36)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the School's Section 504 Coordinator or other appropriately identified investigator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You have the right to file a complaint at any time with the Office for Civil Rights, U.S. Department of Education, 32 Old Slip, 26th Floor, New York, New York 10005. Telephone # (646) 428-3800; Facsimile # (646) 428-3843; Email Address: OCR.NewYork@ed.gov.

*Include Section 504 Frequently Asked Questions with this notice [**Form O**]

RELEASE OF CONFIDENTIAL INFORMATION AND RECORDS

Child's Full Name _____

Date of Birth _____

School Currently Attending _____

Information requested: (Note – Information to be released must be checked prior to obtaining consent)

- | | |
|--|---|
| <input type="checkbox"/> Psychological evaluation | <input type="checkbox"/> Demographic/social history |
| <input type="checkbox"/> Speech-Language evaluation | <input type="checkbox"/> Medical and developmental histories |
| <input type="checkbox"/> Vision evaluation results | <input type="checkbox"/> Medical diagnoses |
| <input type="checkbox"/> Hearing/audiological exam results | <input type="checkbox"/> Discharge summary |
| <input type="checkbox"/> Occupational therapy evaluation | <input type="checkbox"/> Individualized Education Program |
| <input type="checkbox"/> Physical therapy evaluation | <input type="checkbox"/> Individualized Family Service Plan |
| <input type="checkbox"/> Special Ed. Evaluation report | <input type="checkbox"/> Special Education Eligibility report |
| <input type="checkbox"/> Permission for Special Ed. evaluation | <input type="checkbox"/> Permission for Special Ed. services |
| <input type="checkbox"/> Verbal communication | <input type="checkbox"/> Other |

By my signature, I give consent for the information specified above to be released to School District from

_____ (name of district, agency or person)

Address: _____

Phone: _____

I understand that I may revoke this consent at any time and that my consent will automatically expire one year from the date that I sign this form. I understand that this information will only be disclosed to School District personnel who have a reason to access it for the purposes of record keeping and/or for determining this child's educational needs.

Signature of Parent/Guardian

Date

Printed Name of Parent/Guardian



Brooklyn Excelsior Charter School

FORM M

504 ACCOMMODATIONS LOG

Date: _____

Student Name: _____ Eligibility: _____

Classroom Teacher(s): _____ Grade: _____

Classroom policies that provide accommodations on a regular basis (exempting need for daily logging):

1. _____
2. _____
3. _____
4. _____
5. _____

Accommodations/Modifications as Written in Individualized Development Plan--504	Amount of Time/Frequency/Condition	Location
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		

Date	1	2	3	4	5	6	7	8	9	Declined(D) Accepted(A)	Details on Provision of Accommodations/Modifications (Assign. Details, Location; Who Assisted in Provision)	Progress (Grade on Test, Homework, Project if Applicable)
										D / A		
										D / A		
										D / A		
										D / A		
										D / A		
										D / A		



Section 504 Complaint Form

Student Name/Aggrieved Party name (Print): _____
Grade (if applicable): _____
Name of Person Filing Complaint (Print): _____
Address of Complainant: _____ **Phone:** _____
Email address of Complainant: _____
Relationship of Complainant to the Student/Aggrieved Party:

Type of Complaint: Informal (written or verbal) Formal

Please respond to each question below as appropriate and attach additional information if space is not sufficient.

1. Identify the type of discrimination that is alleged:

- Disability
- Race or color
- National origin
- Gender
- Retaliation because you filed a concern/complaint or asserted your rights.
- Other: _____

2. Describe the alleged violation of Section 504. Please be specific and include the following:

a. Date(s) of the alleged discrimination: _____

b. Name and contact information of any witnesses:

c. Facts of the incident or actions giving rise to this complaint: *(attach additional page(s), if needed)*

d. Why you believe that the discrimination was because of the description you checked in #1 above:

3. Describe your proposed resolution or remedy to the alleged problem(s) violations.

Signature of Complainant: _____ Date: _____

Please submit this form to: The Section 504 Coordinator (building principal)

For School Use Only:

Date received by School: _____ Receiving Party: _____

504 Coordinator: _____ Date Received: _____
Signature Signature

Section 504 Frequently Asked Questions

The following questions are frequently asked by individuals regarding Section 504. The U.S. Department of Education Office of Civil Rights also has a Q & A document which can be accessed at

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

Q: Are all schools required to adhere to Section 504?

A: Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

Q: Are schools required to have a Section 504 Coordinator?

A: Yes. All schools must designate, in writing, a person who coordinates 504 services and protections.

Q: Are students who are covered under IDEA always eligible for Section 504 protection?

A: Yes.

Q: Are students who are covered under Section 504 always eligible for IDEA services?

A: No.

Q: Are schools responsible for referring students suspected of being eligible for Section 504?

A: Yes.

Q: Do schools have to evaluate students who are referred for Section 504?

A: No. If the school does not suspect that the student is a student with a disability, an evaluation is not required. However, if the school refuses to perform an evaluation, the student's parents must be informed of their Parent/Student Rights and Procedural Safeguards under Section 504.

Q: Do schools have to formally evaluate students before determining eligibility or services?

A: Yes. Schools are required to evaluate a student before determining his/her eligibility for services and before deciding which services are appropriate.

Q: Must schools get permission from parents before getting students involved in Section 504 services?

A: Yes. Schools are required to seek informed parental consent before conducting an initial evaluation. If a parent refuses consent for the school to perform a school based evaluation, the school is permitted, but not required, to use due process procedures to override the parent's refusal.

Q: Do schools have to develop an IEP for a student who is 504 eligible only?

A: No. However, schools must develop an individual Section 504 Student Accommodation Plan for the student.

Q: Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

A: No. A physician's diagnosis should be considered as one piece of documentation when evaluating the child. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.

Q: Do schools have to reevaluate students who are receiving Section 504 services and protections?

A: Yes. Schools are required to periodically evaluate students. Unlike IDEA, which requires a reevaluation every 3 years, Section 504 does not specify a time period.

Q: Do schools have to label a student with a clinical category before providing protections under Section 504?

A: No. Unlike IDEA, Section 504 does not require a specific label on a student before eligibility. Students never have to have a specific disability but only have to meet the functional definition of disability as defined in Section 504.

Q: Do schools have to make all of their buildings accessible to students with disabilities?

A: No. Schools are required to make all *programs* accessible for students with disabilities, not all buildings. However, all new construction and alterations after the effective dates of the Section 504 and Title II regulations must be accessible (essentially all new construction after 1977).

Q: What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?

A: Parents can file a complaint with the U.S. Department of Education's Office for Civil Rights, file a complaint with the School's 504 Coordinator, request an impartial due process hearing (with respect to the school's actions regarding the identification, evaluation, or educational placement of the student), or file suit in court.

Q: Can students served under Section 504 receive related services, such as physical therapy?

A: Yes. Schools must provide related services to students who are eligible for services under Section 504.

Q: Is there any extra federal funding for schools to use to provide appropriate services under Section 504?

A: No. There are no federal or state funds associated with serving Section 504 students.

Q: Is Section 504 age specific, like IDEA, which only deals with students through the age of 21?

A: No. Students do not "age out" for Section 504 services and protections. With respect to public elementary or secondary educational services, "qualified person with a disability" means of an age during which persons without disabilities are provided such services, of any age during which it is mandatory under state law to provide such services to persons with disabilities, or to whom a state is required to provide a FAPE under IDEA.

Q: Can schools use any tests that they want when evaluating students for Section 504 services?

A: No. While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscriminatory testing methods be used when students are evaluated using test instruments.

Q: Are eligibility guidelines for Section 504 specific?

A: No. The eligibility requirements for Section 504 are broader than the IDEA and rather vague in that they do not identify all possible impairments. Basically, a student who has a mental or physical impairment is eligible for 504 services if the mental or physical impairment results in a substantial limitation in a major life activity.

Q: Where are most students who are eligible for Section 504 services placed?

A: Most students who are eligible for Section 504 are primarily served in general education classrooms. Although special education may be required if the team determines it is necessary for a FAPE.

Q: Can students who are served under Section 504 be expelled from school?

A: Yes. However, expulsion is considered a significant change of placement and Section 504 requires an evaluation before any significant change of placement. The "evaluation" requirement may be met by way of a "manifestation determination" which examines the relationship between the inappropriate behavior and the disability.