

SECTION 504

Handbook

Revision 2016

Pickens County Schools
100 D. B. Carroll Street
Jasper, Georgia 30143

Section 504 of the Rehabilitation Act of 1973 prohibits the discrimination against students and/or employees with disabilities. This guide provides information on Section 504 and guidance for school district employees.

This handbook is designed for principals, teachers, and other professionals to use for information and as a guide in helping those children who have disabilities that interfere with their learning. Remember that all decisions are made on an individual basis and this is a guide for the process, if you have any specific questions they should be made to the 504 Coordinator. This handbook is designed to serve as a best practices guide for administrators and staff in Pickens County Schools. However, parts of this handbook have come from different sources. It is not intended to usurp or expand any current federal or state law regarding Section 504 or IDEA.

ROLES AND RESPONSIBILITIES

A. Pickens County District 504 Coordinator

Dr. Shelley Goodman serves as the 504 District Coordinator for Pickens County Schools. Listed below are the duties and responsibilities related to her position.

- **Information Distribution**

Provides the coordination and distribution of information to Pickens County Schools as related to Section 504.

- **Resource Coordination**

Provides assistance with the identification and coordination of resources related to Section 504 and the Pickens County Schools.

- **Communication**

Serves as a consultant to the school-based 504 coordinators and building level administrators

- **Complaint Resolution**

Facilitates appropriate referrals or responses, with the necessary involvement of appropriate school personnel and administrators regarding Section 504 student complaints referred to Pickens County Schools. The district 504 coordinator will work with the parties involved to resolve complaints.

B. School-Based 504 Coordinators

All Pickens County schools are required to follow Section 504 implementation procedures. These procedures include the identification of the principal or his/her designee as the School Based 504 Coordinator. This individual will serve as the building level compliance monitor and coordinator for Section 504 support.

- **Monitoring/Tracking of Section 504 cases**

School based coordinator is responsible for maintaining a tracking log of all Section 504 referrals at his/her school. 504 plans should be uploaded into the student information system weekly. The district 504 coordinator should be notified immediately of all new 504 cases. A hard copy of all 504 plans should be submitted to the county 504 coordinator. The district coordinator will check the student information system monthly to oversee compliance.

- **Facilitating 504 Team**

The school based coordinator is responsible for overseeing the scheduling and holding of Section 504 meetings. The school based coordinator must ensure that all personnel with implementation responsibilities are made aware of the student's

Section 504. The school will be responsible for implementation of appropriate training of building level personnel.

Accommodation plan should include the identified accommodations, aids, or services for the student as set out below. Each relevant staff member should be provided with a list of all identified accommodations, aids, or services for each student.

- **Maintaining student records**

The school based coordinator will monitor and review Section 504 forms completion by the team to ensure completeness and appropriateness.

- **Notifying concerned parties**

The school based coordinator is responsible for notifying parties including, but not limited to:

Teachers and personnel responsible for monitoring student health conditions and implementing Section 504 plans

School administrative staff for consideration of student disabilities relative to discipline

Athletic directors when appropriate regarding athletic activity exceptions or exemptions

Any other necessary school personnel necessary to implement a student's 504 plan or providing access required under Section 504.

Pickens County 504 Coordinator

Other school based coordinators regarding student transitions and school transfers

- **Staff Development**

The school based coordinator is responsible for coordinating appropriate information and in-service activities regarding Section 504 are provided to staff members.

- **Communication and problem solving**

The school based coordinator is the point of contact through which all questions pertaining to Section 504 will be directed at the school site.

Notice of Rights of Students and Parents Under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following address:

100 D.B. Carroll Street
Jasper, GA. 30143
706-253-1700
ShelleyGoodman@PickensCountySchools.org

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. 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 who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.
5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
6. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
8. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.

9. You have the right to ensure that placement decisions are 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 CFR 104.35.
10. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
11. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
12. You have the right to examine your child's educational records. 34 CFR 104.36.
13. You have the right to an impartial hearing with respect to the school system'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 CFR 104.36.
14. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.
15. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure. 34 CFR 104.36.
16. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.

Section 504 Procedural Safeguards

1. Overview: Any student or parent or guardian (“grievant”) may request an impartial hearing due to the school system’s actions or inactions regarding your child’s identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system’s Section 504 Coordinator; however, a grievant’s failure to request a hearing in writing does not alleviate the school system’s obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system’s Section 504 Coordinator. The school system’s Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

2. Hearing Request: The Request for the Hearing must include the following:

- a. The name of the student.
- b. The address of the residence of the student.
- c. The name of the school the student is attending.
- d. The decision that is the subject of the hearing.
- e. The requested reasons for review.
- f. The proposed remedy sought by the grievant.
- g. The name and contact information of the grievant.

Within 10 business days from receiving the grievant’s Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

3. Mediation: The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

4. Hearing Procedures:

Available on Request

5. Decision: The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney’s fees.

6. Review: If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

Section 504 Procedures

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) provides that no otherwise qualified student with a physical or mental impairment that substantially limits one or more major life activities may be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity offered by the School District.

Definitions

Student with a Disability: Any otherwise qualified student, who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment.

Major life activities: Includes, but is not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. These also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

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

Section 504 Team: The Team shall consist of a group of persons, including persons knowledgeable about the child, the meaning of evaluation data and the placement options.

Section 504 Plan: A Section 504 plan sets out accommodations and services as determined appropriate by a student’s Section 504 Team to provide the student access to his or her education. A Section 504 Plan may also take the form of a Health Plan, Medical Plan, SST Plan or some other plan that meets the student’s needs and provides appropriate accommodations pursuant to Section 504.

Referral

All referrals for Section 504 eligibility should be submitted to the Section 504 Coordinator or designee at the school level. Referrals will be documented on the appropriate form by the Section 504 Coordinator or designee. Based on the nature of the referral, the Section 504 Coordinator will contact all necessary individuals that should be included in the student’s Section 504 eligibility determination.

Parent will be given a copy of parental rights and explanation if needed. Parent will sign document acknowledging receipt and understanding of those rights.

Section 504 Eligibility and Evaluation

Upon receipt of a completed Section 504 referral, the Section 504 Coordinator or designee will begin collecting relevant information from the student's educators and school staff. Upon obtaining all relevant information, the Section 504 Coordinator will send to the parents, and other members of the Section 504 Team, notice of the meeting to determine the student's eligibility and/or determine if additional information is needed to determine eligibility.

A pre-placement evaluation should be conducted by the Section 504 Team of any student who, because of disability, needs or is believed to need special education or related services accommodations as defined by Section 504 before taking any action with respect to initial Section 504 placement. The Section 504 Team may review existing relevant information and documentation. This may include, but is not limited to: report cards, aptitude and achievement tests, teacher recommendations, attendance and discipline records, records of current academic performance, behavioral data, medical records, school clinic records, SST/RTI records, psychological evaluations, information related to physical condition, social or cultural background, and/or adaptive behavior. The Section 504 Team may also determine whether additional information, including more formal evaluation measures, is necessary.

If the Section 504 Team determines that formal evaluation measures are necessary, tests and other evaluation materials must have been validated for the specific purpose for which they are used and must be administered by trained personnel in conformance with the instructions provided by their producer. Tests and other evaluation material include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

During the initial meeting, the Team will review all relevant information and complete the Section 504 eligibility form. If the Team determines the student is a child with a disability as defined by Section 504, the Team will then determine if the student requires accommodations or services and if so, should develop a plan consistent with the requirements of Section 504.

If the student is found not eligible under Section 504, or found eligible under Section 504 but not in need of a Section 504 plan, that determination should be documented and shared with the parents/guardians along with a copy of the procedural safeguards.

Section 504 Plan

If the Team determines that the student requires accommodations or services, it should develop a plan consistent with the requirements of Section 504.

When a Section 504 plan is developed by a Section 504 Team, the Section 504 Coordinator or designee will provide the plan to all of the appropriate school personnel. The plan remains in

effect until either a new plan is developed or until a Section 504 Team determines that the student no longer qualifies as disabled under Section 504.

If the parent does not attend the meeting then a copy of the plan (if developed or revised) and the procedural safeguards will be sent home to the parents/guardians.

The Section 504 Plan should be reviewed periodically, but not less than annually.

Re-evaluation

A Re-evaluation in accordance with the above procedures should be conducted periodically and before any subsequent significant change in placement.

Discipline Procedures

A manifestation determination meeting is required for any or all of the following situations:

- A decision is made to remove a student who is eligible for Section 504 services from the academic setting for more than 10 consecutive/cumulative days in a school year
- A student eligible for Section 504 services has been subjected to a series of removals from the academic setting during a school year
- A student eligible for Section 504 services have possible circumstances that may result in a significant change in placement

Hearing and Complaints

Parents/guardians of a student, or the student if 18 years of age or older, may file a local complaint pursuant to Board Policy.

Parents/guardians of a student, or the student if 18 years of age or older, may file a complaint with the Office for Civil Rights of the United States Department of Education as outlined in the Procedural Safeguards.

If the parents/guardians of a student, or the student if 18 years of age or older, disagree with the Section 504 Team regarding identification, evaluation, or educational placement they are entitled to request an impartial hearing. If parent requests a hearing, they should be referred to the Section 504 Coordinator and the hearing request form should be made available.

** These procedures are intended to be guidance to school employees and do not expand or replace the District's obligations or the student's or parent's rights under the law.

Pickens County Schools

504 Referral

Student name: _____

Date: _____

Student Address: _____

School Student Attending (circle one): HES HCES JES TES JMS PCMS PHS

Referred by: _____

Reason for Referral: _____

What suspected major life activity(s) is affected?

- | | |
|--|---|
| <ul style="list-style-type: none"><input type="radio"/> caring for oneself<input type="radio"/> performing manual tasks<input type="radio"/> seeing<input type="radio"/> hearing<input type="radio"/> eating<input type="radio"/> sleeping<input type="radio"/> walking<input type="radio"/> standing<input type="radio"/> lifting<input type="radio"/> bending<input type="radio"/> speaking<input type="radio"/> breathing<input type="radio"/> learning<input type="radio"/> reading<input type="radio"/> concentrating<input type="radio"/> thinking<input type="radio"/> communicating<input type="radio"/> working<input type="radio"/> functions of the immune system<input type="radio"/> normal cell growth<input type="radio"/> digestive<input type="radio"/> bowel<input type="radio"/> bladder<input type="radio"/> neurological<input type="radio"/> brain<input type="radio"/> respiratory | <ul style="list-style-type: none"><input type="radio"/> circulatory<input type="radio"/> endocrine<input type="radio"/> reproductive functions<input type="radio"/> physiological disorder/condition<input type="radio"/> cosmetic disfigurement<input type="radio"/> other: _______________ |
|--|---|

Anatomical loss affecting one or more of the following body systems:

- neurological
- musculoskeletal
- special sense organs
- respiratory
- speech organs
- cardiovascular
- reproductive
- digestive
- genito-urinary
- hemic and lymphatic
- skin
- endocrine
- other: _____
- _____
- _____

Any other pertinent information: _____

Attach any documentation to support this referral (examples: report card, aptitude & achievement tests, teacher recommendations, attendance and discipline records, records of current academic performance, behavioral data, medical records, school clinic records, SST/RtI records, psychological evaluation(s), information related to physical condition, social or cultural background, and/or adaptive behavior).

504 Meeting Invitation

To: _____

Re: _____

Notice Date: _____

You are invited to a meeting to discuss the above-named student. Your participation is essential. The purpose and details of the meeting are printed below. Other invited participants are listed on the enclosed attendance form.

It is your legal right to be present and to participate. Also, the school district values your input and hopes that you will make every effort to attend this meeting.

If the suggested meeting time is inconvenient, we will set a more convenient time. Please call the listed contact person to request another meeting time. If you cannot attend, the District will go forward with the meeting and provide all necessary paperwork to you, unless you request for the meeting to be rescheduled.

You may invite other individuals to attend who have knowledge or special expertise regarding this student. We request that you inform us in advance of the meeting if you plan to invite other individual(s) to join us. Again, please call the listed contact person with this information.

We look forward to working cooperatively with you on behalf of this student.

Meeting Purpose: _____

Meeting Date: _____

Meeting Time: _____

Meeting Location: _____

Contact Person: _____

Contact information: _____

Parent Information:

Name:

Address:

Parental Rights and Procedural Safeguards

To: _____

Re: _____

Subject: Your Rights as Parents

Meeting Date: _____

I have received a copy of the Pickens County Schools Notice of Rights of Students and Parents under Section 504 as well as Section 504 Procedural Safeguards.

Parent Signature

Date



PARENT PERMISSION FOR SECTION 504 EVALUATION

Student Name: _____ Date of Birth: _____

School: _____ Grade: _____ Age: _____

Parent(s) Name: _____

Address: _____

Phone Number: _____ Cell Number: _____

1. Notice:

- a. A referral for a 504 evaluation has been initiated in order to determine eligibility and possible accommodation(s) for a suspected physical or mental impairment that substantially limits a major life activity. The reasons for this referral are:

- b. Options considered and general education intervention procedures previously employed:

- c. Proposed Assessment/Techniques/Personnel: (specify)

<u>Assessment Area</u>	<u>Evaluation Technique</u>	<u>Possible Evaluation / Consultation Personnel</u>
_____	_____	_____
_____	_____	_____

2. Permission:

- a. The evaluation will be conducted within 50 instructional days of parent permission. A 504 Conference will be held to discuss the evaluation and any educational program recommendations. I understand the reasons for the referral and the description of the evaluation process and have checked the appropriate box below:
Permission is given voluntarily to conduct the evaluation process as described.

Permission is denied.

3. Rights and Options:

I have received a written copy of the Parent/Student Rights under Section 504 of the Rehabilitation Act.

Parent/Guardian Signature _____

Date _____

**Pickens County Schools
504 Accommodation Plan**

Student Name: _____ Student Date of Birth: _____

School: _____ GTID: _____

Grade: _____

504 Plan Meeting Date: _____ 504 Eligibility Date: _____

Eligibility Categories: _____

Purpose of Meeting:

- Initial Placement
- Annual Review
- Amendment

Primary Language:

- English
- Spanish
- Sign Language
- Other: _____

Parent / Guardian Information:

Parent Name: _____ Relationship: _____

Address: _____

City: _____ State: _____ Zip: _____

Primary Phone: _____ Email: _____

Documentation of Notice of 504 Plan Meeting:

1st Notification Date: _____

- | | | | | |
|------------|------------|-----------|-----------------|-------|
| Invitation | Phone Call | In Person | Reminder Notice | Other |
|------------|------------|-----------|-----------------|-------|

Nature of the Contact:

2nd Notification Date: _____

- | | | | | |
|------------|------------|-----------|-----------------|-------|
| Invitation | Phone Call | In Person | Reminder Notice | Other |
|------------|------------|-----------|-----------------|-------|

3rd Notification Date: _____

- | | | | | |
|------------|------------|-----------|-----------------|-------|
| Invitation | Phone Call | In Person | Reminder Notice | Other |
|------------|------------|-----------|-----------------|-------|

I. Meeting Participants

Role	Print Name	Signature
Administrator	_____	_____
504 Coordinator	_____	_____
General Ed Teacher	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

II. Accommodations:

Disability: _____

Briefly describe how this disability impacts the education of the student: _____

Accommodations:

Type of Accommodation: _____ Start Date _____

Person Responsible: _____

Type of Accommodation: _____ Start Date _____

Person Responsible: _____

Type of Accommodation: _____ Start Date _____

Person Responsible: _____

Type of Accommodation: _____ Start Date _____

Person Responsible: _____

- III. List any anticipated discipline problems which may result from the disability. Describe positive behavioral interventions which will be used to address these behaviors, as well as consequences when this behavior occurs.

SECTION 504 MANIFESTATION DETERMINATION REVIEW

Student Name: _____ Date: ____/____/____

DOB: ____/____/____

Grade: _____

School: _____

I. 504 Procedural Safeguards Provided/Offered

II. Student's Documented Disability:

_____ (see eligibility, plan or minutes for additional information)

A. Description of the behavior/incident that violated the code of conduct that may result in a significant change of placement.

Date of incident: ____/____/____

(see minutes or discipline referral for additional information)

III. The 504 team reviewed the following relevant information: (*Discussion may be included in minutes*)

Current psychological and diagnostic information

Observation information

Disciplinary history

Functional Behavior Assessment

Student's Accommodations provided via the current 504 plan and/or other interventions

Behavior Intervention Plan

Relevant information provided by parents

Other:

IV. Manifestation Determination

A. Was the conduct in question caused by or does it have direct and substantial relationship to the student's disability? Yes No

If the answer to the question is **Yes**, the conduct is a manifestation of the student's the student may not be disciplined for this incident and should be referred to the student's Section 504 Team for any appropriate changes to the student's Section 504 Plan his/her Team deem appropriate.

B. If the behavior is a manifestation of the disability, the following should be considered:

Has a functional behavioral assessment been conducted? Yes No

If No, one should be considered and conducted, if appropriate, and a behavioral intervention plan should be developed and implemented, if appropriate. If Yes and a behavioral intervention plan has been developed and implemented, review the plan and revise it, if appropriate.

C. If the answer to the question is **No**, the conduct is not a manifestation of the student's disability. The relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner.

- V. After reviewing the student's educational information, the team has determined that the behavioral incident **is/is not** a manifestation of the student's disability. (circle one)

Team Members Present:

VI. Summary/Minutes of 504/Manifestation Determination review:

REQUEST FOR AN IMPARTIAL HEARING UNDER 1973 504 ACT

Dear Section 504 Coordinator,

I am submitting this complaint and requesting an impartial hearing under Section 504 of the Rehabilitation Act of 1973 because I disagree with certain decisions that have been made regarding the identification, evaluation, or educational placement of my child, _____ (student's name).

I understand that I must sufficiently complete this form prior to the convening of an impartial hearing under Section 504 of the Rehabilitation Act of 1973. I also understand that your office will contact me upon your receipt of this complaint to discuss options for scheduling an informal resolution meeting.

School District's Specific Proposed or Refused Action relating to identification, evaluation or educational placement with which I disagree, including facts related to the issue(s):

Use additional pages if needed

Action I believe the School District could take to resolve the above issue(s):

Full Name of Child:
Date of Birth:
Current School:

Parent Name:	Home Phone #:
Street Address:	Fax #
City/State/Zip:	Work Phone #:
Email:	Cell Phone #:

Street Address of child (if different from above):		
City:	State:	Zip code:

Attorney (if any):	Phone #:
Street Address:	Fax #
City/State/Zip:	Email:

Signature of Person Requesting Impartial Hearing

Date

A meeting called an *Informal Resolution Meeting* is available. The purpose of the meeting is to discuss my complaint, the facts that make up my complaint and attempt to resolve the complaint. If I am planning to bring an attorney, I will notify the School District at least 48 hours in advance of that meeting.

I wish to participate in an Informal Resolution Meeting. Yes No