



Section 504

Of the

Rehabilitation Act of 1973

**District Guide for Implementation of
Regulations
July 2011**

Nondiscrimination Notice

It is the policy of Spartanburg District Six Schools to afford all persons, regardless of their actual or perceived race, religion, color, disability, sexual orientation, national origin, ancestry, or gender, including gender identity, expression, and appearance, equal rights and opportunities in all of its educational institutions.

Questions, concerns, complaints and requests for additional information regarding Section 504 of the Rehabilitation Act of 1973 may be forwarded to the Spartanburg District Six Schools ADA/Section 504 Compliance Coordinator:

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I. Overview of Section 504, IDEA and ADA

A. Introduction

The purpose for the Section 504 Guidelines is to provide information to the school staff, parents and guardians regarding obligations and implementation of services under Section 504 of the Rehabilitation Act of 1973. These same obligations are required by the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) are major federal legislative acts that are designed to protect the civil rights of individuals with disabilities. Otherwise qualified individuals with disabilities are protected from discrimination based on their disability. Section 504 applies to entities that receive federal funds, while the ADA extends to both the public and private sector in employment, public services, and public accommodations. It is imperative that schools are meeting their affirmative obligations under Section 504, as well as are adequately prepared to promptly and correctly to respond to requests and inquires from parents and other child advocates.

B. Americans with Disabilities Act, ADA Amendments Act

The Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act (ADAAA) prohibit discrimination on the basis of disability. Subtitle A of Title II of the ADA applies to state and local governments, including public schools. Title II of ADA requires that public schools comply with the design standards contained in either Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG). The educational requirements of the ADA are substantially similar to the requirements of Section 504 and, therefore, are not addressed separately herein.

In 2008, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA of 2008), was enacted. The ADAAA of 2008 made significant changes to the term “disability” and to the way that certain statutory terms should be interpreted and eligibility determined. Because the ADA and ADAAA of 2008 incorporate Section 504 by reference, the amendments to the ADA similarly changed Section 504.

C. Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) guarantees students with disabilities the right to equal educational opportunities. Section 504 states that “no otherwise qualified individual with a disability in the United States . . . 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.” Therefore, schools (as recipients of federal funds) may not discriminate against persons, including students, who are otherwise qualified to participate in school activities but are inhibited from participating to the same extent as a nondisabled person because of a disability.

D. Individuals with Disabilities Education Act

The Individuals with Disabilities Act, as amended, addresses educational requirements for students, ages 3-21, who meet a two-part eligibility test. First, the student must meet the definition of one or more of the categories of disabilities specified under the IDEA. Second, the student must require special education and related services as a result of his or her disability. The IDEA requires the District to develop an individualized education plan (IEP) to provide the student a Free Appropriate Public Education (FAPE).

E. Section 504 and IDEA Overlap

Section 504's definition of disabled is much broader than the IDEA. Therefore, Section 504 applies to children with disabilities whether or not they qualify for special education students pursuant to the IDEA.

Students with disabilities who qualify for special education services pursuant to the IDEA also qualify as Section 504 students. IDEA students are eligible for all Section 504 protections, including program accessibility, comparability of facilities, and educational opportunities commensurate with their non-disabled peers. The District may satisfy Section 504 obligations to IDEA-eligible students by complying with the requirements of the IDEA, including the provision of a Free Appropriate Public Education (FAPE). However, the District also may need to consider whether an IDEA-eligible student requires accommodations unrelated to the provision of FAPE, if needed to access extracurricular school activities.

F. Definitions

Eligibility

- 1. Disability:** A disability is 1) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; 2) a record of such an impairment; or 3) being regarded as having such an impairment.
- 2. Physical or Mental Impairment:** Section 504 defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurements, or anatomical loss affecting one or more of the following body systems: cardiovascular, reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 34 CFR §104 (j)(2)(ii)
- 3. Substantially Limits:** The term "substantially limits" is not defined by Section 504 or the ADAAA. However, the District will define a substantial limitation as the inability to perform a major life activity or major bodily function when compared to how the person in the general population performs the same major life activity or major bodily function.

4. **Major Life Activity:** The term “major life activity” is also not statutorily defined. However, the ADAA includes a non-exhaustive list of major life activities, including, but not limited to seeing, hearing, eating, sleeping, walking, learning, and concentrating. Major life activities also include “major bodily function,” which includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, and endocrine functions. The District will define major life activities to include those activities humans must engage in to fully function.
5. **Otherwise Qualified:** For purposes of school program eligibility, a student with a disability is “otherwise qualified” if he or she is of school age.

Other

6. **Accommodation:** The changes, modifications, or services provided in order to remove disability-related barriers and allow disabled students to have an equal opportunity to access learning and school activities, and to participate and demonstrate skills and knowledge.
7. **Record:** Records are those documents directly related to the student and maintained by the school. Records include formal records, handwritten records, video, audio or film, microfilm and microfiche, email, and computer-generated reports.
8. **Section 504 Accommodation Plan:** This is a written description of the specific modifications, adjustments, accommodations, or other related aids and services to be provided in the regular classroom or during school-related activities. This plan should be sufficiently detailed to allow teachers and staff to address the individual disability-related needs of the 504 eligible students.

G. Comparison Chart

Comparison of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA).

	IDEA	SECTION 504	ADA
Requirements in the Law:	provide a free, appropriate, public education in the least restrictive environment	prohibit any agency, school or institution receiving federal financial assistance from discriminating against persons with disabilities in provision of benefits or services,	extend coverage of section 504 to employment, public and private educational institutions, transportation providers and telecommunications, regardless of presence of any federal funding.
Definitions in the law:	Specific disability categories are defined in the law; covers students with educational disabilities that require special services from specially trained teachers. Not all students with disabilities are eligible.	Define persons with disabilities who: -have a physical or mental impairment which limits one or more major life activities; -have a record of such an impairment; or -are regarded as having an impairment.	Definition of disability is essentially the same as Section 504 and extends coverage to persons without disabilities who may be related to or associated with a person with a disability; includes HIV status, contagious and non contagious diseases.
Who is covered:	Students ages 3 to 21 with specified educational disabilities who require special education services ages	All persons with a disability from discrimination in educational setting based solely on disability.	All persons with disability from discrimination in educational setting based solely on disability.
Services provided:	Educational services that are remedial in addition to services available to all mainstream students (i.e., PE, Art, field trips),	eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population,	eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.

	IDEA	Section 504	ADA
Funding:	Schools receive federal funding to provide remedial services.	Schools receive no additional financial support to provide support services or auxiliary aids.	Schools receive no additional financial support to provide support services or auxiliary aids.
Evaluation/ Documentation:	The School district is responsible for identifying and evaluating students with disabilities in elementary and secondary schools.	The school district is responsible for identifying and evaluating students with disabilities in elementary and secondary schools.	Students must self-identify as having a disability and must provide adequate documentation of disability. (elementary, secondary and college)
		(College – same as ADA)	
	Evaluations are the responsibility of the school and are performed at no expense to student/parent.	Same for elementary and secondary schools Same as IDEA	Evaluations and documentation of the disability are student’s responsibility and expense.
		(College-Same as ADA)	
IEP Accommodations	Parents must consent to evaluations and placement decisions.	Same for elementary and secondary schools Same as IDEA	Student has responsibility for advocacy, negotiation accommodation plan
		(College- Same as ADA)	
	Individual Education Plan (IEP) developed with parents, teachers and other specialists involved.	504 Plan developed with parents, teachers, school personnel involved (for elementary /secondary students)	Accommodation plan developed with student, Disabilities Services Coordinator on campus
		(College/Postsecondary- same as ADA)	
Classroom Placement	Placement must be in the least restrictive environment; may be special classrooms, resource, or regular classroom. (Elementary and secondary students)	Placement is in regular classroom with support services to eliminate barriers to the educational experience. (Elementary, secondary & college students)	All courses are mainstream, with accommodations provided to students who qualify under ADA.

II. District Procedures

A. District Policies & Practices

The District believes that public education must be provided in an atmosphere where differences are understood and appreciated and all persons treated fairly, with respect, and without discrimination or threats of violence or abuse. Therefore, the District has adopted the following policy in support of its position:

Spartanburg School District Six does not discriminate on the basis of race, sex, color, religion, national origin, immigrant status, English speaking status, veteran status, homeless status, or disability in the provision of educational opportunities and benefits. The Associate Superintendent for Personnel and Operations, the Assistant Superintendent of Student Services, and the Director of Special Services have been designated to receive inquiries regarding discrimination policies and procedures.

Statement of Section 504 Compliance

Spartanburg District Six Schools strives to ensure that individuals with disabilities that are associated with the District, whether as students, school staff, or guardians/parents of students, are not discriminated against on the basis of disability. The District abides by the requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act (ADAAA).

Section 504 requires that the District provide a commensurate opportunity for students with disabilities as compared to the educational opportunity provided their non-disabled peers. It is the intent of the District to provide a FAPE to each eligible and otherwise qualified student with a disability, regardless of the nature or severity of the disability. It is the intent of the District to ensure that students who are disabled, as defined by Section 504 of the Rehabilitation Act of 1973, are identified, evaluated and provided with appropriate accommodations.

In order to fulfill its obligation under Section 504, Spartanburg District Six Schools recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel, students and their parents. No discrimination against any person solely due to his/her disability will knowingly be permitted in any of the programs and practices in the school system.

B. Duties and Roles of School and District Staff

1. Section 504 – District Coordinator: The general provision of Section 504/ADA, together with other federal nondiscrimination laws, require the designation of a person to coordinate the district's efforts to comply with these laws. The responsibilities of the Section 504/ADA – District Coordinator include the following:

- Serves as liaison between the school district and persons with handicapping conditions.

- Serves as the district's liaison with the state Section 504/ADA coordinator and the regional Office for Civil Rights.
- Keeps a copy of Section 504/ADA readily available and understand the requirements and the intent of the law.
- Keeps a copy of the grievance procedure and related forms available to students or parents alleging discrimination.
- Implements Section 504/ADA grievance procedures, where applicable
- Ensures the district's policy of nondiscrimination is prominently included in student handbooks, bulletins, catalogs, booklets, announcements, brochures, student application form or other publications distributed to students, potential students, parents and any other persons benefiting from the district's activities and programs.
- Provides staff and parent training and awareness activities concerning Section 504/ADA requirements, as needed.
- Coordinates Section 504/ADA procedures.
- Monitors Section 504 referrals, identification, and review process and procedures, including annual notice.
- Maintains data and prepares annual reports on compliance.

2. Section 504 – School Coordinator: The role of the Section 504 - School Coordinator is to assist the school in meeting requirements under Section 504 of the Rehabilitation Act of 1973. **The District does not allow special education teachers to be used as a Section 504 School Coordinator.** The responsibilities of a Section 504 – School Coordinator's include the following:

- Provides resources and help educators and administrators regarding their responsibilities under Section 504.
- Coordinates the development, maintenance, and implementation of the 504 plan
- Monitors all 504 plans and ensures implementation.
- Ensures annual reviews are held on or before 504 Accommodation Plans due date.
- Considers IDEA evaluation and/or 504 referral whenever a parent or teacher mentions the possibility of a handicapping condition (engages in interactive discussions).
- Continues to use the district's medical/health forms for medication and other health issues.
- Monitors Section 504/ADA referral/identification/review process.
- Communicates Section 504 plan to relevant teachers and staff.

3. Section 504 – School Team: The Section 504 School Team has the responsibility of determining eligibility, determining appropriate accommodations, related aids or services for the student, conducting program reviews, and annually review the student's 504 program. This Team will be composed of at least 4 persons knowledge about the student or able to discuss the evaluation and assessment results. This team will include the 504 School Coordinator and may include the school counselor, principal or designee, parents, regular education teacher(s), professionals knowledgeable about the student or his/her disability, and the student when appropriate.

Although not required to attend, the District believes that Parents should be invited to participate in the plan development process.

Specifically, the Section 504 School Team:

- Convenes on an as needed basis at each school site and reviews all requests for assistance.
 - Reviews recent and relevant evaluation/assessment information.
 - Determines if the student is eligible under Section 504.
 - Develops a Section 504 plan for the student in the general curriculum, including a review of accessibility of facilities, as needed.
 - Refers the student to special education when the student appears to have a handicapping condition and possible need for special education and related services.
 - Recommends any modifications in the school's discipline plan procedures which might be needed due to the student's handicapping condition.
 - Reviews the student's academic progress when the student is not making satisfactory progress in the general curriculum or persistent behavior problems occur at school.
 - Conducts a manifestation determination when (a) the student is being suspended from school for more than ten (10) consecutive school days, (b) a series of suspensions which would create a pattern of exclusions that constitute a significant change in placement, or (c) the student is being expelled from school.
- 4. Student Assistance Team (SAT):** The Student Assistance Team and the Section 504 Team may consist of the same persons. In instances where a student has exhibited difficulty in school or other behavior or performance concerns, but the behavior does not provide a reasonable belief that a Section 504 or IDEA referral is warranted, the Student Assistance Team (SAT) will create an intervention plan and set a date for the review/revision of the plan. If the student has not made gains after the revision of the original plan, the team must decide if the student needs to be referred to the School Section 504 Team or the special education assessment committee.

III. Student Eligibility Process

A. Identification

- a. Child-Find:** The District will take efforts to identify and locate every qualified student with a disability residing within the school district and take appropriate steps to notify the students and their parents/guardians of the District's obligations under Section 504 and the IDEA. The District will distribute information regarding the availability of services.
- b. Pre-Referral Intervention:** As the teacher becomes concerned with the student's academic and/or behavioral progress, the teacher should attempt interventions. The teacher should contact the parents to make them aware of the concerns and the interventions that are being implemented. If the academic and/or behavioral concerns continue, the teacher should refer the student to the

Student Assistance Team (SAT). If, however, the teacher has reason to believe that the student has a physical or mental impairment that substantially limits one or more major life activity, a referral to the School Coordinator should be made, regardless of whether pre-referral interventions attempted.

B. Referral

Referral of students for consideration of 504 eligibility may be made by any number of persons, including school staff, teachers, and parents. Students should be referred if there are reasonable grounds to believe the student has a physical or mental impairment that substantially limits one or more major life activity.

- School personnel will initiate a referral through completion of the Section 504 Referral Form and submit it to the School Coordinator.
- Parents or other interested persons may also make a referral for a child by contacting the School Coordinator although the District prefers that any such request for an evaluation or eligibility determination be made in writing. All requests received by school personnel should be referred to the Section 504 School Coordinator, who will coordinate all aspects of the referral and evaluation process. If a parent or other interested person refers the student, the Section 504 Referral Form will be completed at the first 504 team meeting.

Examples of students who the staff should consider referring for determination of 504 eligibility:

- Students with Health Needs - When a student has been identified as having specific health needs, is on medication at school, or requires specialized medical procedures or equipment at school, the student **may** be eligible for services pursuant to Section 504. These students may also include students who return from treatment in a medical or rehabilitation facility or students who are placed on medical homebound.
- Problems in the School Setting – Students who are considered to be socially maladjusted **may** be eligible for 504 protections. Students who demonstrate a pattern of not benefitting from the educational programs available to him or her because of medical, emotional, behavioral or physical problems **may** also be eligible as disabled under Section 504.
- Attention Deficit Disorder (ADD/ADHD) – When a student is diagnosed as ADD or ADHD by a qualified professional, he or she **may** qualify as disabled under either Section 504 or the IDEA, depending on the nature and severity of their condition. However, not all students who have ADD/ADHD are eligible for services under Section 504 or the IDEA.
- Former IDEA eligible students – When a student with a disability is dismissed from IDEA special education services, the student **may** be eligible for Section 504 services. Students dismissed from IDEA special education services are **not** automatically 504 eligible, however. Students who are evaluated under IDEA and found to have an identified disability, but fail to qualify as IDEA eligible **may** qualify as 504 eligible, but are **not** automatically 504 eligible.
- Drug & Alcohol Addiction – When a student may be a drug addict or alcoholic, but is not currently using illegal drugs or alcohol (e.g. in drug rehabilitation

program) he or she **may** be eligible under 504. A student who currently uses drugs or alcohol does not qualify for protection based on his/her addiction.

Referrals shall be made not only for disabilities that substantially limits learning, but for disabilities/suspected disabilities that substantially limits any major life activity that impacts school or school-based activities.

C. Evaluation

Once a referral has been made, the School Coordinator will endeavor to schedule a meeting of a Section 504 School Team within 10 days of receiving the referral. The team, which will be comprised of a minimum of three staff members who are knowledgeable about the child and/or the meaning of evaluation data related to the suspected disability will meet and review the student's files, attendance record, discipline record, medical records, class work, homework documents, and any observations of relevant staff, teachers, or the Parent. The team will determine what additional evaluative information, if any, is needed to make an eligibility decision. However, Section 504 requires the 504 Team to "draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior." 34 CFR 104.35

Generally, the evaluation and assessment procedures under Section 504 are less formal and comprehensive than those under the IDEA. The specific evaluation procedures employed when conducting a 504 eligibility determination are dictated by the type of disability or suspected disability and the type of accommodations that may be needed, although each evaluation shall be designed to identify the specific nature of the student's disabilities, if one, and to identify services necessary to meet individual needs. The evaluation will be completed by appropriate school or District staff, although additional formal testing may not be required to complete the evaluation. A 504 evaluation may include, but is not limited to, the following:

- Formal assessments, where needed
- Classroom and school observations
- Parent, Teacher, and/or Student interviews
- Teacher anecdotes
- Behavior checklists/rating scales
- Review of existing records (permanent record, medical records, psychological reports, other educational records)
- Other informal evaluation information
- The District will also give due deference to a medical diagnosis from a physician or licensed health professional

Parent consent/permission is required prior to conducting initial evaluation/assessment procedures under Section 504. Parents will be asked to complete the Evaluation Permission Form Contained in Appendix A of this handbook. The District shall endeavor to conduct any additional or formal evaluations within a reasonable period of time after parental consent is obtained, generally within 15 days.

D. Eligibility Determination

1. Determination:

Once all necessary assessment and evaluations are completed, a 504 Eligibility Team, comprised of a group of persons knowledgeable about the student, shall draw upon information from a variety of sources to make a determination as to whether the student is disabled pursuant to Section 504. In making this determination, the Eligibility Team must determine if the student has a physical or mental impairment that substantially limits a major life activity. Because of the changes in the ADAAA (Americans with Disabilities Act Amendment Act), the definitive terms (substantially limits and major life activity) must be construed broadly, rather than narrowly. However, the District has provided definitions of these terms that the team must consider.

Impact of Medical Diagnosis on Eligibility Determination:

Although the District will give due deference to a medical diagnosis from a physician or a licensed health professional, diagnosis of a medical condition is not sufficient, by itself, to qualify as eligible pursuant to Section 504.

The Eligibility Committee cannot consider the effect of mitigating measures when determining whether the impairment substantially limits a major life activity. Therefore, the Committee cannot consider the ameliorative effects of mitigation measures, which include, but are not limited to, medication; medical supplies, equipment, or appliances; low vision devices (not to include ordinary eye glasses or contact lenses); prosthetics; hearing aids and cochlear implants; mobility devices; other assistive technology; or learned behavioral or adaptive neurological modifications. The District may consider past or present information and other available resources to assist in its determination of whether the disability would substantially limit a major life activity if not controlled by mitigating measures.

In addition, episodic or inactive conditions must be viewed, not in the current state of the student, but as if an episode was then occurring or if the condition was still active. If a student would qualify for Section 504 when an episodic or inactive condition was active or then-occurring, he or she also qualifies when the condition is in remission.

The District shall endeavor to timely conduct an eligibility determination following completion of the Section 504 evaluation. Parents shall be notified a reasonable amount of time before the eligibility determination meeting so as to allow the Parent to attend if the Parent chooses to participate.

2. Results of Determination:

- a. **If Eligible:** Provide the parent/guardian with a copy of the Section 504 rights and proceed to develop the Section 504 Accommodation Plan with the committee. Referrals, screening information, and Section 504 Accommodation Plans should be maintained in the student's **confidential file** at the local school. If a student transfers to another Spartanburg District Six

School, the file shall be forwarded to the new school. The Section 504 School Coordinator is responsible for keeping a record of those students for whom a Section 504 Accommodation Plan has been developed with the anticipated review date. A copy of the plan must be submitted to the District 504 Coordinator.

If the data presented indicates a need for a referral to special education, follow the referral process for special education as determined by the local school system.

- b. If Found Not Eligible:** Provide written notice to the parent/guardian that the student does not qualify, along with “Notice of the Parent/Student Rights.” Provide the record-review results to the source of referral (provided the information may be shared pursuant to FERPA), with accompanying recommendations. Referrals, local screening forms, and 504 plans should be maintained in the student’s confidential file at the local school. If a student transfers to another Spartanburg District Six School, the file shall be forwarded to the new school.

E. Section 504 Accommodation Plan

Once a student has been determined eligible under Section 504, a Section 504 Accommodation plan is to be developed. The 504 Accommodation Plan includes services and/or accommodation needed to ensure that the student has an opportunity to receive a comparable education to that of his non-disabled peers. The plan should also consider accommodations needed for the student to participate in nonacademic and extracurricular activities offered by the District.

On occasion, some services, accommodations, or modifications may require additional resources that the school alone is unable to provide. In these situations, the School Coordinator should promptly communicate with the District Coordinator to ensure that the necessary central support may be made available to ensure that the service or accommodation is provided.

The School Coordinator is designated to monitor implementation of the plan and shall review and communicate the plan with all teachers and staff involved with the Student.

The District must educate each qualified handicapped student with non-handicapped students to the maximum extent appropriate to the needs of the qualified handicapped student. Therefore, when developing an Accommodation Plan, 504 Team must recall that in order to remove a student from the regular educational environment, the District must demonstrate that educating the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily (34 CFR 104.34)

F. Reevaluation and Review

Section 504 requires that reevaluations be conducted periodically. The District requires that the Student be reevaluated a minimum of **every three years**. The reevaluation will determine if the student remains eligible for 504 services. If the student no longer meets qualification requirements, the team must document this in writing.

In addition, a reevaluation (with notice to the parent/guardian) will be conducted prior to any signification change in placement, including, but not limited to, long-term or cumulative suspensions or expulsion. In addition, an Accommodation Plan should be reviewed in the following circumstances:

- retention is considered
- student shows a pattern of not benefiting from instruction
- the student moves from one educational setting/level to another
- additional information is gathered that affects the instructional program of the student
- circumstances change and eligibility is in question
- adaptations are no longer needed
- chronic absences occur
- student's schedule changes substantially

The District requires that every student's 504 services be reviewed **at least annually** by the Section 504 School Team. In the event that significant revisions may need to be made to an existing 504 plan, a multi-disciplinary team should make such decisions in a similar process conducted for the development of the initial 504 plan.

IV. Procedures for Disciplining Children with Disabilities (Suspension/Expulsion)

Students who are disabled pursuant to Section 504 eligibility should be afforded an equal opportunity to be successful with classroom rules and behavioral regulations. Therefore, some, but not all, disciplinary procedures that apply to students with disabilities under IDEA also apply to students with disabilities under Section 504. A 504 student's accommodation plan will address special disciplinary procedures, to include any necessary behavior intervention plans (BIP), to be used with that student, if different than the regular school discipline rules. Differences in IDEA and 504 disciplinary procedures include, but are not limited to:

- There is no requirement to provide educational services for Section 504 students who are expelled, although a re-evaluation review will be conducted.
- Section 504 does not include a "stay-put" requirement.

A Section 504 student may be disciplined (suspended) under the regular discipline code, unless otherwise mandated by the 504 accommodation plan, for up to ten (10) cumulative days in a given school year. In-School Suspensions do not count toward the student's suspension days AS LONG AS the student continues to receive access to the general educational curriculum and

any special and/or related services identified on their 504 accommodation plan. Suspensions from school bus transportation also do not count toward the 10 cumulative days UNLESS the student is unable to attend school as a result of the suspension from school transportation. If a Section 504 student is being considered for suspension beyond 10 cumulative days or being considered/recommended for expulsion, the following procedures are utilized:

- Cumulative suspension of more than 10 days or expulsion is considered a change in placement, triggering the procedural requirements of Section 504.
- A manifestation determination must be made BEFORE suspending a student beyond 10 cumulative days or expelling the student.
 - If the manifestation determination establishes that behavior is not a manifestation of the student's disability, the student may be disciplined as any other student, including expulsion.
 - If the manifestation determination establishes that the behavior is a manifestation of the student's disability, the student may not be subject to suspension or expulsion that would constitute a change in placement.
- If the behavior is a manifestation of the disability, thus allowing the student to continue educational services, a multi-disciplinary team must be to reevaluate and/or review the appropriateness of the current 504 plan.

V. Transitions and Transfers

Transfers to another school, whether in or out of the district, and transitions from elementary to middle school or from middle school to high school are very critical times for the continuation of any educational program. For students who have a Section 504 Accommodations Plan, schools must ensure that information is shared in a timely manner. Therefore, it is the responsibility of the sending school to forward the student's current Section 504 Accommodation Plan to the receiving school and inform the student's receiving school as soon as possible, preferably before an anticipated move, so that the receiving school may implement any services, accommodations and /or modifications without unnecessary delay.

The Section 504 Coordinator has the specific responsibility to ensure that the student's Section 504 file is passed on to the receiving school. Parents of Section 504 students should also inform their child's new school of the existence of a Section 504 Plan.

VI. Grievance Procedures

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against students with disabilities. Any student, parent or guardian who believes that they have been discriminated against by or within the Spartanburg District Six Schools has the option of using the complaint procedures outlined below. The OCR complaint process is

available whether or not the complainant participates in the District's complaint resolution process.

For the process below the following definitions will be used:

1. Grievance- A grievance is the filing of a written complaint alleging that there has been an act of discrimination on the basis of disability.
2. Complainant-An individual who brings either a formal or informal complaint or alleged discrimination

Procedure

When a complainant has a complaint against Spartanburg District Six Schools for disability discrimination, the following procedures will be followed in the handling of such complaint.

Informal

Anyone may use the informal complaint procedures to report and resolve complaints of disability discrimination. Use of the informal complaint process is not required prior to filing a grievance.

The complainant is encouraged to first meet and discuss the complaint with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. Employees with a complaint are encouraged to first discuss it with their principal or immediate supervisor with the same objective. If the complaint is not resolved as a result of that meeting, or if the complainant wishes to bypass the informal complaint process, the complaint may file a grievance.

Step 1

The grievance must be filed using the Section 504/ADA Grievance Filing Form. The Complainant must sign and date the grievance. The written grievance must be filed with the District Section 504/ADA Coordinator within ten (10) school days of the event or incident, or from the date the Complainant could reasonably become aware of such occurrence. The District Section 504/ADA Coordinator shall investigate the matters of the grievance and reply in writing to the complainant within ten (10) school days.

Step 2

If the complainant wishes to appeal the decision of the District Section 504/ADA Coordinator, he/she may submit a signed statement of appeal to the Associate Superintendent of Personnel or his/her designee within ten (10) school days of the date of the District Coordinator's response.

The Associate Superintendent of Personnel or his/her designee will meet with all parties involved, formulate a conclusion, and respond in writing to the grievance within ten (10) school days.

Step 3

If the response by the Associate Superintendent of Personnel does not satisfy or resolve the issue, the complainant may appeal the decision to the Superintendent of Spartanburg District Six Schools or his/her designee within ten (10) school days after receipt of the response.

Within ten (10) school days after receipt of the appeal, the Superintendent of Spartanburg District Six Schools or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within ten (10) business days after the meeting, the Superintendent of Spartanburg District Six Schools or his/her designee will respond in writing with a final resolution of the complaint.

Step 4

The complainant may file a complaint with the U.S. Department of Education, Office for Civil Rights at any time before or during the grievance procedures.

VII. Miscellaneous Provisions

A. Facilities

Buildings and programs and activities within them must be accessible to persons with disabilities. Modifications must be made if necessary to provide access to school-sponsored activities or a free appropriate education. ADA and Section 504 stress that buildings must be both comparable and accessible.

1. Comparability. Section 504 regulations require that districts “ensure that the facility and the services and activities provided therein are comparable to the other facilities... of the recipient.” C.F.R. 104.34 (c). This requirement goes beyond mere accessibility, and requires that facilities provided for disabled students be of comparable quality and condition.
2. Accessibility. An important facet of accommodation is accessibility of facilities. After all, the quality of the educational program in a school is of little benefit to a student who cannot manage the stairs to enter. The age of a facility is critical in determining the standard of non discrimination which applies. For existing facilities (those constructed before June 3, 1977), both Section 504 and Title II of the ADA “require public entities and recipients to operate programs or activities so that the programs and activities, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. Neither regulation requires public entities or recipients to make all existing facilities or every part of the existing facility accessible to and usable by individuals with disabilities, if the service, activity or program as a whole is accessible.”

B. Parents or Members of the Public with Disabilities

Spartanburg District Six Schools recognizes that the requirements of Section 504 apply not only to students and employees, but also to parents of students who have disabilities or members of the public who have disabilities and who participate in school programs, board meetings, or PTAs. Therefore, Parents who require accommodations to participate in school-sponsored activities or events (e.g., deaf or hearing impaired parent who requires interpreter to participate in parent-teacher conferences or visually impaired parent who may

need larger print agenda at PTO meeting) should notify the school of his or her needs reasonably in advance of the activity so that accommodations may be provided.

C. Non-Academic and Extracurricular Activities

1. Non-Academic Services

Students must be provided equal opportunity to participate in or receive non-academic opportunities or services available to other students, such as counseling, physical-recreational activities, health services, transportation, field trips, special interest groups, and clubs.

- **Counseling:** Qualified students must be provided with personal, academic or vocational counseling, guidance or placement without discrimination. Qualified students with a disability must not be counseled toward more restrictive career objectives than a student without a disability with similar interests and abilities.
- **Recreational activities:** The activities must be provided in a manner that allows for the disabled students' participation. It must not be a provision of the students' eligibility for participation in these activities that a parent's attendance or babysitter is present, nor should the cost of the activity be higher than that of non disabled students.

In limited instances and only where necessary, schools may offer comparable activities separately for students with disabilities; however the student may not be denied the opportunity to compete in activities which are not separate.

While Schools cannot charge a disabled student or parents for highlighted textbooks or special manipulatives required to receive an educational benefit, schools may charge for items that all students are charged (field trip fees, football games, school uniforms, yearbooks, class pictures, etc.)

2. Extracurricular

Disabled students must be provided equal opportunity to participate in extracurricular activities. Schools are not required to change the fundamental requirements of a program to allow a student with a disability to participate. However, schools must allow students with disabilities to try out for any extracurricular activity that is open to other students (and provide accommodations that allow the student to do so), but does not have to lower the standards for making a team or joining an activity.

504 students must submit to the general behavioral, academic and performance standards applied equally to nondisabled students.

D. Retaliation, Intimidation and Coercion

Spartanburg District Six Schools prohibits its personnel and volunteers from intimidating, coercing, threatening, or discriminating against any student, parent, or members of the public for the purpose of interfering with any right or privilege or because the person has made a

complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Section 504 of the Rehabilitation Act of 1973

Retaliation includes:

- making threats or unjustified negative references to an individual and /or,
- any actions that are likely to deter reasonable people from pursuing their rights.

Students and parents have the right to:

- complain to anyone about alleged discrimination,
- file a charge of discrimination,
- cooperate and participate in an investigation of the alleged discrimination, and
- serve as a witness in an investigation.

VIII. Procedural Safeguards and Due Process

A. Notice

Notification to parents or guardian is required when the following occurs.

- a determination of eligibility, or
- a change in programming/status

Rights under federal law are to be made clear to the parent with the notification that eligibility is being considered. The parent may request mediation or an impartial due-process hearing related to decisions or actions regarding their child's identification, evaluation, or educational program.

Documentation is necessary at each event to include but not to be limited to:

- notice of action to be taken
- permission to gather new data
- eligibility determination
- development of the Section 504 Accommodations plan
- significant change of programming

B. Safeguards & Hearing Procedures

1. If a student claims that s/he has been subject to discrimination on the basis of a disability, in violation of Section 504 or the ADA, a team of individuals who are knowledgeable about the student's educational needs shall be convened to review and consider all pertinent information related to the suspected disability. The team should be a multidisciplinary team including, where possible, the student's teachers, parents, principal or designee, and someone qualified to interpret test scores. Information such as grades, classroom documentation, comprehensive assessment data, and other relevant information should be examined. This meeting will be convened within 15 calendar days after the district receives a written statement describing the specific discriminatory conduct or the date when the district becomes aware of the student's disability.

2. The team shall determine (1) whether the student is disabled under Section 504 and the ADA, and (2) whether the student, because of the disability, requires special instruction or related services. If the student meets both criteria, the team must determine what accommodations are required to allow the student an equal opportunity to participate in school and school-related activities.
3. If the student's parents disagree with the district's conclusion, recommendation, or actions regarding an issue with Section 504 identification, evaluation, program, and placement, the parents may request an impartial hearing to decide/challenge the matter. Hearing requests shall be made in writing to Section 504 Coordinator within 15 calendar days of the district's conclusion and recommendations. The request shall give specific reasons describing the discriminatory actions by the district and why the district's actions and/or accommodations are not appropriate. The hearing request shall include a list of proposed remedies/accommodations requested by the parents and an explanation of why such accommodations are appropriate, along with copies of any documents upon which the parents rely for support.
4. An impartial hearing shall be held within 30 calendar days of receipt of the written request. The district shall obtain as a hearing officer an individual who is not an employee of the district and who is knowledgeable of Section 504 and the ADA. The parent and student may take part in the hearing and have an attorney represent them at their own expense. The District also may be represented by counsel.
5. The hearing officer shall conduct the hearing so as to give the parents an opportunity to present evidence supporting their claim that their child has been subjected to discriminatory treatment in violation of Section 504 and the ADA. The district shall be given the opportunity to present evidence supporting its position with respect to the student. A tape recording of the hearing will be made by the district and a copy of the tape recording will be provided to the parents.
6. The impartial hearing will be conducted in an informal manner with the hearing officer directing the hearing and presentation of evidence.
7. The hearing officer shall make a decision within 10 calendar days after the conclusion of the hearing. The decision shall be given in writing to the district's 504/ADDA coordinator and parents. Although formal findings and facts and conclusions of law are not required, the decision must explain the hearing officer's decision and the evidence and legal precedent on which it is based.
8. Any party aggrieved by the decision may file a civil court action in a federal district court.
9. The district shall publish its policy of nondiscrimination against persons with disabilities and shall inform parents of the rights under Section 504 and the ADA,

including the right to examine records relevant to their child and the right to an impartial hearing with representation by counsel.

A copy of the procedural safeguards should be provided to parents any time the district takes action with regard to identification, evaluation, or educational placement of a student with a disability.

IX. CONTACT INFORMATION

The Director of Special Services is the District Coordinators of Section 504 for Spartanburg District Six Schools. He may be contacted at: Spartanburg County School District Six, 1390 Cavalier Way, Roebuck, SC 29376, between the hours of 8:00 and 4:30, Monday through Friday. School 504 School Coordinators may be contacted at their respective buildings.

In addition, a complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures. The office which covers South Carolina is:

Office for Civil Rights, Region IV
U.S. Department of Education
P.O. Box 2048
Atlanta, Georgia 30301-2048
404-331-2954; TDD 404-331-7816

X. Forms and Notices

Example forms utilized by the District are included in Appendix A and include the following:

- Section 504 Student Referral
- Section 504 Notification to Parents of Conference
- Section 504 Permission to Evaluate
- Section 504 Notice of Parent and Student Rights
- Section 504 Parent Notice of Eligibility or Non-Eligibility
- Section 504 Eligibility Worksheet
- Section 504 Accommodation Plan
- Section 504 Common Accommodations Checklist
- Section 504 Dismissal Committee Report
- Section 504 Manifestation Determination
- Section 504 Grievance/Discrimination Complaint
- Section 504 Request For Hearing
- Section 504 Committee Minutes
- Section 504 Medical Report



SECTION 504 STUDENT REFERRAL

Student Name _____ Date _____

Medical Diagnosis: _____

Student ID# _____ Birth Date _____

School _____ Grade _____

Address _____ City _____ State/Zip _____

Parent(s) Name(s) _____

Home Phone _____ Work Phone _____

Building 504 Coordinator _____ Phone _____

Spartanburg District Six Schools does not discriminate on the basis of disability in its admission procedures, access to educational services, or treatment of students in its programs, services, and activities. Any student, parent or guardian, who believes the student has a disability that could affect their education, and who believes that the impact of the disability might be alleviated by some services, modifications, and/or accommodations from Spartanburg District Six Schools, may refer the student to the School's Section 504 Team for consideration. If that disability meets the definition of Section 504 of the Rehabilitation Act of 1973, Spartanburg District Six Schools will offer assistance.

INSTRUCTIONS: If you believe that a student may be eligible for Section 504 support, please complete and sign the following form giving specific details about why you are requesting a Section 504 evaluation and submit it along with supporting documentation to your school's principal or 504 coordinator.

Please describe the student concern and how it matches the above criteria. Identify the physical or mental impairment and explain how it substantially limits one or more major life activity. (Attach Educational Intervention Form)

Signature of person making referral _____

Relationship to student _____



SECTION 504 NOTIFICATION TO PARENTS OF CONFERENCE

Date: _____

Parent(s) Name: _____

Address: _____

Dear Parent(s):

At this time, we would like to meet with you to review _____ Section 504 case.
(student's name)

While your attendance at the meeting is not required, you are encouraged to attend.

The purpose of the meeting will include the following considerations:

- ☐ Eligibility for Section 504 Services
- ☐ Develop a Section 504 Accommodation Plan
- ☐ Review existing 504 Accommodation Plan
- ☐ Other _____
(List Reason)

A meeting has been scheduled as follows:

Date: _____ Time: _____

Location: _____

Participants: _____

If you are unable to attend this meeting please contact me at the number below.

Sincerely,

Name Title

Telephone: _____



SECTION 504 PERMISSION TO EVALUATE

It is the policy of Spartanburg District Six Schools to have parent permission prior to evaluation, although it is understood that permission is not required to review existing data.

I Give My Permission for Spartanburg District Six Schools to conduct an evaluation of my child _____, to determine whether he/she may be an eligible person with disabilities under Section 504 of the Rehabilitation Act of 1973. I understand that I have the right to refuse to give permission for this evaluation.

Date

Signature of Parent/Guardian

Telephone Number

OR

I Do Not Give Permission for Spartanburg District Six Schools to conduct an evaluation of my child _____, to determine whether he/she may be an eligible person with disabilities as defined under Section 504 of the Rehabilitation Act of 1973. I understand that no action can take place without my permission.

Date

Signature of Parent/Guardian

Telephone Number

Principal/Designee

Date

School



NOTICE OF PARENT / STUDENT RIGHTS
Section 504 and the Americans with Disability Act (ADA)

Section 504 and the ADA were enacted for the purpose of prohibiting discrimination and assuring that disabled students have educational opportunities and benefits equal to those provided to nondisabled students. Rights provided under Section 504 and the ADA are essentially the same. An eligible student or “qualified individual” under Section 504 is a student who (a) has a mental or physical impairment which substantially limits one of the major life activities (b) has a record or history of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, speaking, breathing and working.

Students eligible for educational services under the Individuals with Disabilities Education Improvement Act (IDEIA – 2004) are also protected under Section 504. However, students who are eligible under the IDEIA have many specific rights that are not available to students who are eligible solely under Section 504. The Rights of Children with Disabilities and Parent Responsibilities booklet, available through the Special Education Department, sets out the rights assured by the IDEIA-2004. It is the purpose of this NOTICE to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEIA-2004.

Section 504 provides the following rights to disabled students and their parents:

- The right to be informed of your rights under Section 504: The purpose of this NOTICE is to advise you of those rights.
- The right to take part in, and receive benefits from public education programs without discrimination because of a disability: The disabled student also has the right to have an equal opportunity to participate in nonacademic and extracurricular activities offered by the school system, for which they are otherwise qualified.
- The right to a notice prior to evaluation, identification or placement under Section 504; and the right to have evaluation, education and placement decisions made based upon a variety of information sources, and by persons who know the student, the meaning of evaluation data and placement options fully explained: Disabled students also have the right to evaluation procedures which are valid, appropriately administered and nondiscriminatory.
- The right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement and the right to periodic re-evaluations.
- The right to a free appropriate public education which may be the provision of regular education with reasonable accommodations: A disabled student found to be eligible under the IDEIA-2004 has the right to receive special education and related services.

- The right to free educational services except for those fees that are imposed on nondisabled 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 disabled students.
- The right to facilities, services, and activities that are comparable to those provided for nondisabled students. The disabled student also has the right to placement in the least restrictive environment.
- The right to request mediation or an impartial hearing with respect to the school system's decisions or actions regarding a student's evaluation, identification, educational program or educational placement under Section 504. Parents and students have the right to participate in the hearing and to be represented by an attorney. They also have the right to appeal the impartial hearing officer's decision. If you wish to challenge the actions of the school system in regard to a student's identification, evaluation or educational placement you should file a written notice of appeal with the school system's Section 504 coordinator within __ calendar days of the District's conclusion and recommendations giving rise to Parent's concerns/objections. The impartial hearing officer will be selected by the District. A parent/guardian is entitled to take part in the hearing and is further entitled to be represented by legal counsel, at parent's own expense. Hearing requests must be made to the Director of Special Services.
- The right to file a local grievance. The right to file a complaint with the district's Section 504 coordinator on matters other than the identification, evaluation, and placement of a student. The coordinator will investigate the allegations to the extent warranted by the nature of the complaint in an effort reach a prompt and equitable resolution. Following is the address and phone number of Spartanburg District Six Schools Section 504 coordinator:

Alan Eggert, Ph.D.
 Section ADA/504 Compliance Coordinator
 1390 Cavalier Way
 Roebuck, SC 29376
 864-576-4212

- The right to file a complaint with the Office for Civil Rights (OCR). The address of the Regional Office which covers South Carolina is:

Office for Civil Rights, Region IV
 U.S. Department of Education
 P.O. Box 2048
 Atlanta, Georgia 30301-2048
 404-331-2954; TDD 404-331-7816

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives parents or legal guardians (and in some cases, the student) the right to examine relevant records relating to decisions regarding a student's identification, evaluation, educational program or placement; to obtain copies of educational records at a reasonable cost (unless a fee would effectively deny access to the record(s)); to receive a list of all individuals having access to the records; to ask for an explanation of any item in the records; to ask for an amendment to any report on the grounds that it is inaccurate, misleading or violates the child's rights; and if the school district refuses to amend the record, the right to request a hearing.



SECTION 504 PARENT NOTICE OF ELIGIBILITY OR NON-ELIGIBILITY

Student Name: _____ Date: _____

Student ID#: _____ Birth Date: _____

School: _____ Grade: _____

On _____, the School Section 504 Team at your child's school met to discuss your child's academic and behavioral progress. Based on the materials the team reviewed, a determination was made that:

_____ Your child **IS ELIGIBLE** under Section 504 of the Rehabilitation Act of 1973 for an accommodation plan to ensure your child full access to all school activities.

A copy of the plan is enclosed for your review.

Please see the attached eligibility worksheet.

_____ Your child is **NOT ELIGIBLE** for a Section 504 plan due to:

Signatures of Section 504 Team

	Date	Agree	Disagree
_____		_____	_____
Section 504 School Coordinator			
_____		_____	_____
Administrator			
_____		_____	_____
Parent			
_____		_____	_____
Teacher			
_____		_____	_____
Other			



SECTION 504 ELIGIBILITY WORKSHEET

Child's Name: _____ Birth date: _____

Eligibility Team Members: Fill in names and check areas of knowledge for each team member:

Names:	... child	... meaning of evaluation data	... accommodations/ placement options

Note: Make sure there is at least one check in each column

Sources of evaluation information (check each one used):

_____ aptitude and/or achievement tests
_____ adaptive behavior

_____ teacher recommendations
_____ others (specify): _____

- Specify the mental or physical *impairment* _____
(as recognized in DSM-IV or other respected source if not excluded under 504/ADA, e.g., illegal drug use)
- Check the major life activity:

_____ seeing	_____ hearing	_____ walking	_____ learning
_____ reading	_____ thinking	_____ concentrating	_____ sleeping
_____ bowel functions	_____ bladder functions	_____ digestive functions	_____ eating
- Place an "X" on the following scale to indicate the specific degree that the impairment (in #1) limits the major life activity (in #2):
 - Make an educated estimate **without** the effects of mitigating measures such as medication; low-vision devices (except eyeglasses or contact lenses); hearing aids and cochlear implants; mobility devices, prosthetics, assistive technology; learned behavioral or adaptive neurological modifications; and reasonable accommodations or auxiliary aids/services.
 - Similarly, for impairments that are episodic or in remission, make the determination for the time they are active.
 - Use the average student in the general (i.e., national) population as the frame of reference.
 - Interpret close calls in favor of broad coverage (i.e., construing Items 1-3 to the maximum extent that they permit). Thus, for an "X" at 4.0 or below, fill in specific information evaluated by the team that justifies the rating.

5	Extremely	_____
4	Substantially	_____
3	Moderately	_____
2	Mildly	_____
1	Negligibly	_____

4. If the team's determination for #3 was less than "4," provide notice to the parents of their procedural rights, including an impartial hearing. If the team's determination was a "4" or above, the team should determine and list on the 504/ADA Plan the specific accommodations that are necessary for the child to have an opportunity commensurate with nondisabled students (of the same age).

Adapted with permission from Perry A. Zirkel, author of Section 504, the ADA, and the Schools



SECTION 504 ACCOMMODATION PLAN

Student # _____ Student _____
Last First M.I.

Date _____ DOB _____ School _____ Grade _____

In accordance with the Section 504 guidelines, the school has agreed to make reasonable accommodations and address the student's individual needs by:

MEDICATION

Is there a Health Care Plan? _____

Name of physician: _____ Phone: _____

Medication(s) and dosage(s) _____

Medication Schedule: _____

Monitoring of medication(s) _____ Daily _____ Weekly _____ As Needed

Administered by: _____

Comments:

Section 504 Team Members

	Date	Agree	Disagree
<hr/> Section 504 Coordinator	<hr/>	<hr/>	<hr/>
<hr/> LEA Representative	<hr/>	<hr/>	<hr/>
<hr/> Parent	<hr/>	<hr/>	<hr/>
<hr/> Teacher	<hr/>	<hr/>	<hr/>
<hr/> Other	<hr/>	<hr/>	<hr/>



SECTION 504 COMMON ACCOMMODATIONS CHECKLIST

(3 pages)

Below is a list of common accommodations that are incorporated in 504 Accommodation Plans. The 504 Team may wish to review these accommodations, but is not limited to using only accommodations listed. The 504 Team should consider the unique needs of the individual in developing the 504 Accommodation Plan.

PHYSICAL ARRANGEMENT OF ROOM

- ☐ seating student near the teacher
- ☐ seating student near a positive role model
- ☐ standing near the student when giving directions or presenting lessons
- ☐ avoiding distracting stimuli (air conditioner, high traffic area, etc.)
- ☐ increasing the distance between the desks

LESSON PRESENTATION

- ☐ pairing students to check work
- ☐ providing written outline
- ☐ Writing key points on the board
- ☐ allowing student to tape record lessons
- ☐ providing peer tutoring
- ☐ having student review key point orally
- ☐ providing visual aids
- ☐ teaching through multi-sensory modes
- ☐ providing peer note taker
- ☐ Using computer-assisted instruction
- ☐ including a variety of activities during each lesson
- ☐ making sure directions are understood
- ☐ breaking longer presentations into shorter segments

ASSIGNMENTS/WORKSHEETS

- giving extra time to complete tasks
- using self-monitoring devices
- simplifying complex directions
- reducing homework assignments
- handing worksheets out one at a time
- not grading handwriting
- requiring fewer correct responses to achieve grade
- reducing the reading level of the assignments
- providing a structured routine in written form
- providing study skills training/learning strategies
- giving frequent short quizzes and avoiding long tests
- shortening assignments; breaking work into smaller segments
- allowing typewritten or computer printed assignments
- allowing student to tape record assignments/homework

TEST TAKING

- allowing open book exams
- allowing extra time for exam
- giving exam orally (allowing student to respond verbally)
- reading test item to student
- giving take-home tests
- giving frequent short quizzes, not long exams
- using more objective items (fewer essay responses)
- allowing student to give test answers on tape recorder

ORGANIZATION

- providing peer assistance with organization skills
- assigning volunteer homework buddy
- allowing student to have an extra set of books at home
- sending daily/weekly progress reports home
- developing award system for in-schoolwork and homework completion

BEHAVIORS

- reinforcing specific behaviors
- allowing legitimate movement
- using self-monitoring strategies
- contracting with the student
- cueing student to stay on task (nonverbal signal)
- increasing the immediacy of rewards
- making “prudent use” of negative consequences
- allowing for short breaks between assignments
- implementing a classroom behavior management system
- allowing student time out of seat to run errands, etc.
- ignoring inappropriate behaviors not drastically outside classroom limits

SPECIAL CONSIDERATIONS

- suggesting parenting program(s)
- alerting bus driver
- monitoring student closely on field trip
- suggesting agency involvement
- In-servicing teacher(s) on child’s handicap
- providing group/individual counseling
- providing social skills group experiences
- developing intervention strategies for transitional periods (e.g., cafeteria, physical education, etc.)



SECTION 504 DISMISSAL COMMITTEE REPORT

Student Name: _____ Date: _____

Student ID#: _____ Birth Date: _____

School: _____ Grade: _____

On _____, the School Section 504 Team at your child's school met to discuss your child's academic and behavioral progress. Based on the information the team reviewed, a determination was made that your child no longer needs a Section 504 Accommodation Plan:

If you disagree with the above determination you have the right to request an impartial hearing. If you wish to proceed to a formal hearing, please complete the enclosed Request for Hearing form.

If you have any questions please do not hesitate to contact _____ at _____.

Signatures of Section 504 Team

	Date	Agree	Disagree
_____ Section 504 School Coordinator	_____	_____	_____
_____ Administrator	_____	_____	_____
_____ Parent	_____	_____	_____
_____ Teacher	_____	_____	_____
_____ Other	_____	_____	_____



Section 504 Manifestation Determination

School: _____ Date: _____

Student: _____ Student ID: _____

DOB: _____ Date of Infraction: _____ Infraction code: _____

Description of Offense: _____

*** Attach all individual suspension notices for the **current** school year. ***

Mental/Physical Impairment(s): _____

The 504 Review Committee has reviewed and discussed all relevant information, inclusive of evaluations, student observations, placement, and student academic and behavioral history. Based on this review and deliberations, the committee has made the following determinations:

Answer the Following Questions:

a) Was the conduct in question caused by the student's disability? ☐ Yes ☐ No

Basis for decision: _____

b) Did the conduct in question have a direct or substantial relationship to the student's disability? ☐ Yes ☐ No

Basis for decision: _____

c) Was the conduct in question the direct result of the district's failure to implement the 504 plan? ☐ Yes ☐ No

Basis for decision: _____

Select Appropriate Conclusion

☐ If the 504 Review Committee concludes that the answer to any question above is “yes,” the 504 Review Committee shall find that the misconduct was a manifestation of the student’s disability, and the student shall not be referred for further discipline.

☐ If the 504 Review Committee concludes that the answer to all questions is “no,” the student may be disciplined in accordance with the District’s policies/procedures for disciplining students without disabilities.

Note: District must continue to provide FAPE and parents have a right to challenge the manifestation determination through an impartial hearing.

504 Review Committee Members	Agree	Disagree	Date
<hr/> LEA Representative	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> / /
<hr/> Section 504 School Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> / /
<hr/> General Education Teacher	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> / /
<hr/> School Counselor	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> / /
<hr/> Other	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> / /

- ☐ I have been informed of and understand my rights.
- ☐ I agree with the manifestation determination decision.
- ☐ I disagree with the manifestation decision.

Parent/Guardian

Date:

 / /

Student

Date:

 / /



SECTION 504 GRIEVANCE / DISCRIMINATION COMPLAINT

Spartanburg District Six Schools pledges that the District complies with Section 504 regulations and that no discrimination on the basis of disability is permitted in the programs or activities that the District operates. Any student, parent or guardian who believes that they have been discriminated against by or within Spartanburg District Six Schools has the option of filing a complaint. Complaints should be submitted to Alan Eggert, Coordinator of ADA/504 Compliance, Spartanburg District Six Schools, 1390 Cavalier Way, Roebuck, SC 29376, 864-576-4212.

Date: _____

On behalf of: _____

Complainant is: _____ Student: _____

_____ Student's parent(s): _____

_____ Other: _____

Address: _____
Street City State Zip

Telephone: _____
Home Work

1. Describe your complaint. Include 1) the specific incident or activity that is viewed as discrimination; 2) the individuals involved; 3) dates, times, and locations involved; and 4) the disability that forms the basis of the complaint (attach additional pages if needed).
2. Identify any attempts you have made to discuss or resolve this issue with district staff, including the names of staff members, the dates of any discussions, and the results of those discussions.
3. Please provide your suggestions about how this issue could be resolved.

Signature of Complainant

Date



SECTION 504 REQUEST FOR HEARING

The parent/adult student or an individual school has a right to initiate a 504 hearing to challenge or to show the appropriateness of a proposal or refusal by the individual school to initiate or change:

- The identification of the student;
- The evaluation of the student;
- The educational placement of the student; or
- The implementation of a program to provide FAPE to the student.

INSTRUCTIONS: 1) Complete form, giving specific details about why you are requesting a Section 504 hearing. Use additional pages, if necessary, and include any supporting documentation. 2) Sign the form. 3) Return the form to Alan Eggert, Coordinator of ADA/504 Compliance, Spartanburg District Six Schools, 1390 Cavalier Way Roebuck, SC 29376, 864-576-4212.

STUDENT INFORMATION

Student Name _____ Date _____

Student ID# _____ Birth Date _____

School _____ Grade _____

Address _____ City _____ State/Zip _____

Parent(s) Name(s) _____

Home Phone _____ Work Phone _____

Complainant is: _____ Student _____ Student's parent(s) _____ School _____ Other _____

SUMMARY OF CONCERNS

Today's Date: _____

Signature

Relationship to Student



SECTION 504 COMMITTEE MINUTES

Student's Name _____ School _____

Classroom Teacher: _____ Grade ____ Date of Meeting _____

Purpose of Meeting:

Parent Handbook offered: _____

Summary:

Attendee Signatures:

Parent _____
Psychologist _____
Special Ed. Teacher _____
Principal/LEA _____
Other _____

Guidance Counselor _____
Classroom Teacher _____
Speech Clinician _____
Student _____
Other _____

Page ____ of ____



SECTION 504 MEDICAL REPORT

(This examination must be made by a physician licensed to practice medicine by the State Board of Medical Examiners of South Carolina)

TO BE COMPLETED BY REFERENT:

Name of Pupil: _____ Address: _____

School: _____ County: _____

DOB: _____ Sex: _____

1. Statement of suspected educational problem: _____

Signed: _____ Date: _____

TO THE EXAMINING PHYSICIAN: The school plans to provide the above named child special accommodations as determined by South Carolina law. Before the child receives instruction, it is required by the State Board of Education that the child have a physical examination. The purpose of this examination is (1) the description of the handicap including any special precaution necessary and (2) the diagnosis of any physical factors contributing to the child's need for classroom accommodations.

1. Following a medical examination I have found the condition described below obtained in the case of the above named child:

2. Is medical care or treatment needed on a continuing basis: ____yes ____no

3. A. Date of suspected onset of handicapping condition: _____

B. Is condition reversible _____ irreversible _____

Signed _____ Date: _____

RETURN TO: _____