

ELKO COUNTY SCHOOL DISTRICT

**1092 Burns Road
Elko, Nevada 89801**

**Policies and Procedures
Section 504 of the Rehabilitation Act of 1973**

Revised, March 2010

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ELKO COUNTY SCHOOL DISTRICT
Section 504 of the Rehabilitation Act of 1973
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Policies and Procedures

These procedures are designed to assure compliance by the Elko County School District with the educational service requirements of Section 504 of the Rehabilitation Act of 1973. Section 504, as it relates to education, mandates that any qualified student with disabilities, including each student with a behavioral disability, shall not be deprived a free appropriate public education solely by reason of his/her disability, shall be provided academic and nonacademic opportunities and benefits comparable to those provided to nondisabled students, and shall not be subjected to discrimination. Section 504 of the Rehabilitation Act of 1973 was amended by the U.S. Congress in 2008 as part of the amendments to the Americans with Disabilities Act Amendments Act, and these policies and procedures incorporate those revisions. The Americans with Disabilities Act Amendments Act of 1008 (Amendments Act), effective January 1, 2009, amends the Americans with Disabilities Act of 1990 (ADA) and includes a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of the term disability in Section 504 of the Rehabilitation Act (Section 504).

INTRODUCTION TO SECTION 504

Section 504 is part of the Rehabilitation Act of 1973, and it prohibits discrimination against otherwise qualified individuals with disabilities. It protects the civil and constitutional rights of individuals with disabilities, including students, parents, and employees, in the areas of employment, communications, facilities, education, and admission or access to any of the programs, services or operations receiving federal financial assistance. The law is enforced by the United States Office for Civil Rights (OCR).

Section 504 as it relates to the area of education prohibits discrimination against students with disabilities and ensures that the educational needs of students with disabilities are met as adequately as the needs of students without disabilities. Section 504 also ensures that the educational program for each student with a disability is based upon procedures that satisfy legal requirements for educational settings, evaluation, placement, reevaluation, and procedural safeguards.

Section 504 is not a special education statute. It ensures the rights of individuals with disabilities to access general education. If a student is entitled to services under both Section 504 and the federal Individuals with Disabilities Education Act (IDEA), the student's educational program is determined under the IDEA, and the IDEA procedural safeguards are afforded to the student and parent. Generally, compliance with the procedures required by the IDEA is one means of complying with Section 504. However, any student eligible for and receiving special education and related services under the IDEA is also protected from discrimination under Section 504.

SECTION 504 PROCEDURES OVERVIEW

The following procedures implement the provisions of Section 504. The district is required by law to follow these procedures to provide a free appropriate public education to all students with disabilities who

are protected from discrimination under Section 504 (unless the student is also IDEA-eligible, in which case the procedures required by the IDEA and NAC are followed).

Eligibility

An ECSD student who is protected from discrimination under Section 504 is one who is between the ages of 3 through 21 and who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

There may be circumstances when a student with a temporary disability is protected from discrimination under Section 504. However, the temporary impairment must be a physical or mental impairment that substantially limits one or more of the major life activities.

Determinations about eligibility and accommodations are made on an individual basis. See specific procedures at pages 11-16.

Evaluation and Reevaluation

The ECSD conducts an evaluation of each student with a disability in its jurisdiction, including each student with a behavioral disability, who needs or is believed to need special education or related services. An evaluation will be conducted prior to taking any action with respect to the initial and any subsequent change in the student's placement.

If the ECSD or the parent proposes a modification of the student's Section 504 Accommodation Plan, the ECSD must conduct an evaluation prior to taking action to modify the student's plan. Additionally, each student with a disability must be reevaluated on a periodic basis. In ECSD, the periodic reevaluation will be conducted every three years or sooner if circumstances warrant.

See specific procedures at pages 11-13.

Educational Placement Decisions

The ECSD interprets evaluation data and makes educational placement decisions for each student with a disability in a manner that draws upon information from a variety of sources, ensures that the information from all sources is documented and carefully considered, and ensures that the educational placement decisions are made by a group of persons with knowledge of the student, the meaning of the student's evaluation data, and the educational placement options. See specific procedures at pages 11-16.

Implementation of Educational Placement Decisions

The ECSD provides the regular or special education and related aids and services that meet the individual educational needs of each student with a disability in its jurisdiction, including students with behavioral disabilities. A Section 504 Accommodation Plan is developed for a student who currently has a physical or mental impairment that substantially limits one or more major life activities. The plan explains how the student's educational needs will be met.

The district ensures that students with disabilities are placed in the regular education environment unless the district can demonstrate that education in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The district also ensures the timely and proper implementation of educational placement decisions for each student as described in the student's Section 504 Plan.

If the ECSD or the parent proposes a modification of the student's Section 504 Accommodation Plan to add, eliminate, or modify services, the ECSD must conduct an evaluation and convene a Section 504 meeting for the purpose of determining whether such modifications should be made. Any modifications must be reflected in the student's Section 504 Accommodation Plan, and the plan must be timely and properly implemented.

See specific procedures at pages 14-16.

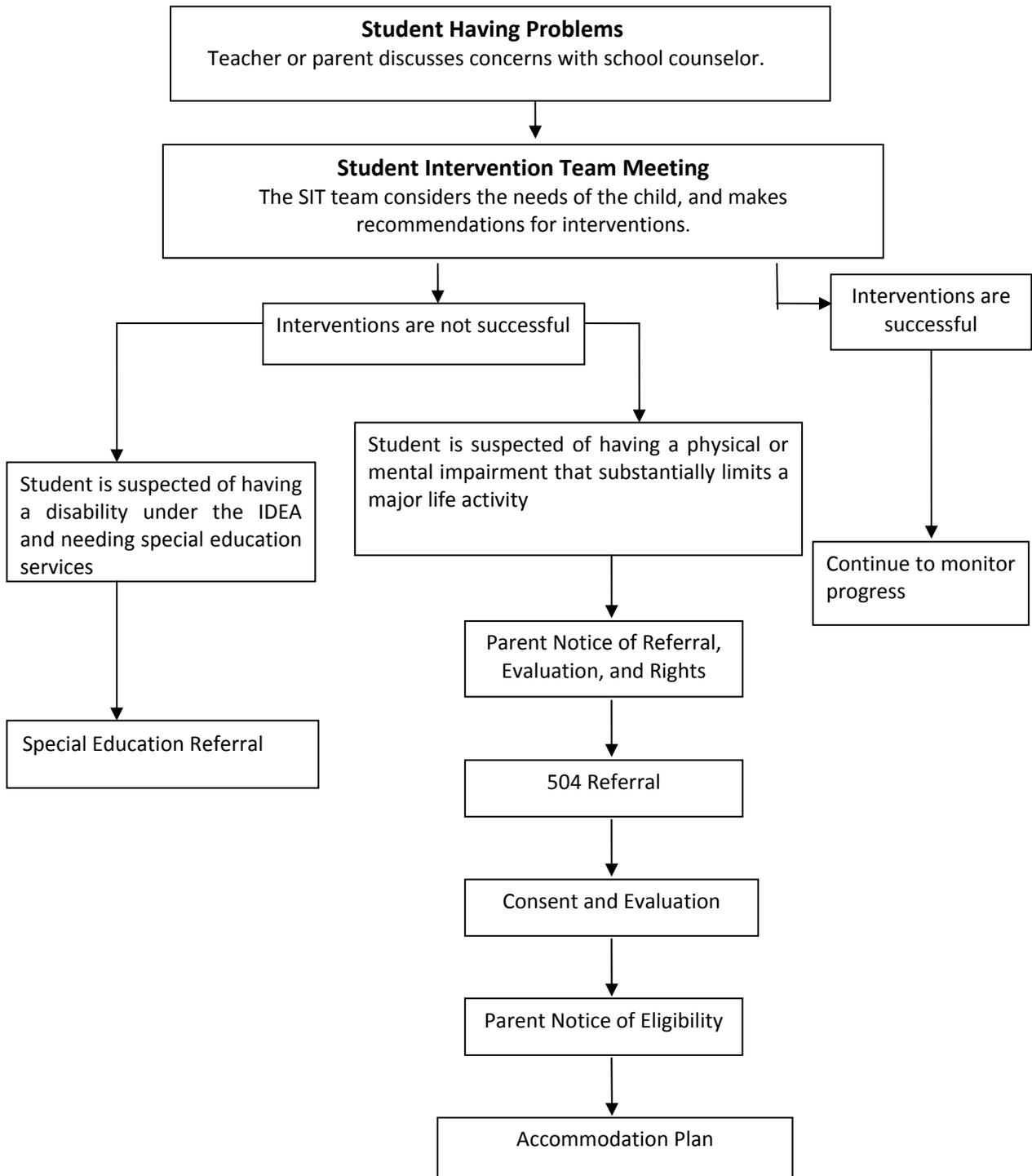
Procedural Safeguards for Parents and Guardians

The ECSD implements, with respect to any action it takes regarding the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the parents or guardian and representation by counsel, and a review procedure. In addition, a parent has the right to file a local grievance. "Any action" includes decisions to refuse to identify or evaluate a student, and decisions to deny, implement, or significantly change a student's educational placement. The procedural safeguards are explained in the **Section 504 Parent/Student Rights in Identification, Evaluation, and Placement** form, which is given to parents at various junctures.

Disciplinary Exclusion of Students with Disabilities from Educational Programs

The ECSD treats the imposition of discipline that significantly changes the educational placement of any student with a disability as a placement decision subject to the evaluation and procedural safeguards requirements described above. Disciplinary exclusion of students with disabilities from educational programs may include excluding such students from specific school campuses or parts of campuses, or specific school programs or activities (e.g., non-academic and extracurricular services and activities), as well as excluding such students from school for all or part of a school day. See specific procedures at page 17.

SECTION 504 PROCEDURAL CHART



Although this chart presents a typical flow of procedures, the need for certain accommodations (i.e. to address physical impairments) may be addressed without using the SIT process.

SECTION 504 PROCEDURAL STEPS

<i>STEP</i>	<i>WHAT HAPPENS?</i>	<i>WHEN?</i>	<i>WHY?</i>
1. General Education Interventions	<ul style="list-style-type: none"> Intervention strategies implemented and reviewed in a timely manner 	<ul style="list-style-type: none"> On-going, as appropriate 	<ul style="list-style-type: none"> To increase student success
2. Referral	<ul style="list-style-type: none"> Referral initiated Notice of referral and proposed evaluation given to parents Section 504 Parent/Student Rights given to parents 	<ul style="list-style-type: none"> When additional support is needed, but student is not suspected of having a disability and needing special education under IDEA 	<ul style="list-style-type: none"> To initiate the process for determining if a student has disability under Section 504
3. Evaluation/Reevaluation	<ul style="list-style-type: none"> Evaluation information gathered and/or student tested Existence and nature of a disability determined 	<ul style="list-style-type: none"> After student is referred Reevaluation every 3 years thereafter for student placed under Section 504, or prior to significant change in placement 	<ul style="list-style-type: none"> To provide information to the campus Section 504 Committee for determining eligibility and making educational decisions
4. Section 504 Accommodation Plan Meeting	<ul style="list-style-type: none"> Notice of Section 504 Meeting given to parents Educational program and accommodations developed in Section 504 Accommodation Plan Copy of plan provided to parents 	<ul style="list-style-type: none"> After student is evaluated 	<ul style="list-style-type: none"> To implement services that meet the individual needs of the student
5. Section 504 Accommodation Plan Review	<ul style="list-style-type: none"> Educational accommodations/progress reviewed Accommodation changes made or reevaluation requested, as necessary 	<ul style="list-style-type: none"> Periodically when conditions warrant Prior to any major change in placement 	<ul style="list-style-type: none"> To ensure that the Section 504 Accommodation Plan continues to meet the student's needs

A COMPARISON AND CONTRAST OF IDEA AND SECTION 504

The following is a comparison of Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA) of 2004.

COMPONENT	IDEA	SECTION 504
General Purpose	<ul style="list-style-type: none"> A federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for students with disabilities. 	<ul style="list-style-type: none"> A broad civil right law which protects the rights of individuals with disabilities in programs that receive federal financial assistance from the U.S. Department of Education.
Who is Protected	<ul style="list-style-type: none"> All students (ages 3-21) who qualify for special services under one or more of the 13 federal disability categories. Students must meet eligibility criteria as outlined by state and federal regulations and guidelines. 	<ul style="list-style-type: none"> Identifies all children of any age who meet the 504 definition of disability. Disability is defined as a physical or mental impairment which substantially limits a major life activity or is regarded as a disability by others. Students can also be considered disabled if they have a record of such impairments. Major life activities include, but are 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. Major life activities also include "major bodily functions," such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Only one major life activity needs to be substantially limited to meet eligibility requirements.
Educational Setting	<ul style="list-style-type: none"> Students must be placed in the Least Restrictive Environment (LRE). 	<ul style="list-style-type: none"> Students must also be placed in the LRE. Regulations at 34 CFR 104.34 require that the district "... shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient [school district] that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily."

COMPONENT	IDEA	SECTION 504
Responsibility to Provide a Free Appropriate Public Education (FAPE)	<ul style="list-style-type: none"> Requires a Free Appropriate Public Education (FAPE) to all students with a disability. Requires a written Individual Education Program (IEP). The IEP is developed by parents, a special education teacher, a regular education teacher, an LEA representative, and other representatives of the district. Parents may invite any other participants to the IEP meeting. 	<ul style="list-style-type: none"> Requires a Free Appropriate Public Education (FAPE) to all students with a disability. Requires a placement decision which needs to be documented in the student's cumulative record. An accommodation plan, similar to an IEP, documents adjustments and modifications to the regular curriculum and learning environment. The placement decision and accommodation plan are devised by a group of persons knowledgeable about the student, about the evaluation data, and the placement options. Although parent participation is highly recommended it is not mandated.
Special Education, and/or General Education Services	<ul style="list-style-type: none"> A student who has been determined eligible under one or more of the designated disability categories by an eligibility team may receive special education and related services. The disability must adversely affect the student's educational performance and the student must need special education and related services in order for the student to receive FAPE. 	<ul style="list-style-type: none"> A student is eligible for regular or special education and related aids and services if the student has a physical or mental impairment that substantially limits a major life activity. Collaborative efforts between special and regular education are encouraged for students protected under Section 504. Students who are regarded as having a disability or have a record of a disability are protected from discrimination but they do not receive accommodations unless they <u>currently</u> have a physical or mental impairment that substantially limits a major life activity.
Funding	<ul style="list-style-type: none"> Provides additional funds to the district for eligible students. 	<ul style="list-style-type: none"> Does not provide additional funds. IDEA funds may not be used to serve children found eligible ONLY under Section 504.
Accessibility	<ul style="list-style-type: none"> Requires that modifications must be made if necessary to provide access to a free appropriate public education. 	<ul style="list-style-type: none"> All facilities and programs must be readily accessible and usable by all persons with disabilities (employees as well as students). Facilities and programs must be modified to provide a free appropriate education to all students with disabilities.
Procedural Safeguards	<ul style="list-style-type: none"> Requires notice of procedural safeguards to parents and guardians. All safeguards are established by law. Requires parental written notice prior to any change in placement. 	<ul style="list-style-type: none"> Requires notice of procedural safeguards to parent or guardians. IDEA procedures will suffice for Section 504 during those times when IDEA procedures are in effect (during an evaluation and when a student meets eligibility under IDEA). A separate description of Section 504 safeguards is available for students who do not meet eligibility requirements under IDEA or who are not evaluated for IDEA eligibility. Requires written notice prior to any "significant change" in placement. Requires consent prior to initial evaluation and initial placement.

COMPONENT	IDEA	SECTION 504
Evaluations	<ul style="list-style-type: none"> • A full comprehensive evaluation is required, assessing broad areas of functioning based on suspected disability. Students are evaluated by a multidisciplinary team. • Requires parent/guardian written consent in order to evaluate. 	<ul style="list-style-type: none"> • Eligibility and placement options are determined by a group of persons knowledgeable about the student, the evaluation data, and the placement options. An evaluation must draw on information from a variety of sources in the area or areas of concern. The evaluation must include an assessment of all significant factors relating to the learning process, including adaptive behavior. Requires parent/guardian written consent in order to evaluate for initial eligibility.
Reevaluation	<ul style="list-style-type: none"> • Requires a reevaluation at least every three years (unless parent and district agree otherwise). 	<ul style="list-style-type: none"> • Requires periodic reevaluations and requires a reevaluation before a significant change in placement.
Placement Procedures	<p>Both laws require the school district to:</p> <ol style="list-style-type: none"> Draw upon information from a variety of sources. Assure that all information is documented and considered in the placement decision. Ensure that the eligibility decision is made by a group of persons who are knowledgeable about the student, about the evaluation data and placement options (under IDEA the eligibility team must include a parent/guardian). Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (least restrictive environment). 	
	<ul style="list-style-type: none"> • An IEP meeting is required before placement, and is reviewed and revised before any changes of placement. • Requires written consent from parent or guardian prior to initial provision of special education and related services. 	<ul style="list-style-type: none"> • Districts are advised to develop an accommodation plan in writing. A plan should be individually designed for each student who meets eligibility. It is best practice to involve parents in such a plan and a copy of the plan is given to the parents and maintained in the student's cumulative record.
Grievance Procedure	<ul style="list-style-type: none"> • IDEA procedural safeguards do not contain grievance procedures. 	<ul style="list-style-type: none"> • Districts must develop a grievance procedure for 504. • Regulations also require a designated employee of the district to serve as compliance officer.
Due Process	<ul style="list-style-type: none"> • IDEA outlines specific due process rights and procedures. • An administrative hearing before an impartial hearing officer must be held before seeking redress through legal action. 	<ul style="list-style-type: none"> • Section 504 requires a system of procedural safeguards that includes notice, and opportunity for the parents or guardian to examine relevant records, an impartial hearing with opportunity to be represented by counsel, and a review procedure. • Parents can also request investigation by the Office for Civil Rights without district intervention and knowledge.
Enforcement	<ul style="list-style-type: none"> • Enforced by the U.S. Office of Special Education Programs and the Nevada Department of Education. 	<ul style="list-style-type: none"> • Enforced by the U.S. Office for Civil Rights.

REFERRAL PROCESS

Student Intervention Team Referral

A referral to the campus Student Intervention Team (SIT) may occur when someone has a concern regarding a student's progress in school, including concerns about behavior. The SIT may be able to implement various general education interventions that will result in student success and there may be no further need for a Section 504 referral or a referral for special education services under the IDEA.

Any student who is a struggling learner, or who because of a suspected disability needs or is believed to need special education or related aids and services, may be referred by a teacher, parent/guardian, or community agency to the building level SIT. Referral to the SIT is not intended to deny or delay any necessary referral for special education under the IDEA, or for services under Section 504. If at any time it appears likely a student needs services under Section 504 or needs special education services under IDEA, a direct referral should be made.

Procedures for Student Intervention Team Referral

1. A parent/guardian, teacher, counselor, nurse or administrator becomes concerned about a student in the school setting. Concerns can include access to learning opportunities, behavior, academic performance, socialization problems, or medical.
2. The concerns are discussed with the school counselor. (Initiating all referrals with the school counselor will avoid duplicate referrals on one student and may provide the referring person with insight regarding what may already be known about the student.)
3. The school counselor, with assistance from the classroom teacher, completes a **Student Intervention Team Request for Assistance** form and a **Student Profile/Record Review** form. Parents are notified and invited to participate in a meeting to discuss their child's progress in school. The counselor arranges the Student Intervention Team meeting (consisting of staff with knowledge of the student and/or placement options) to identify and develop intervention strategies to assist the student. Intervention strategies are developed and results are documented. See **Student Intervention Team – Intervention Strategies**.
4. If the student is not successful following the implementation of Student Intervention Team intervention strategies, a referral for an evaluation under Section 504 or a special education evaluation under IDEA will be initiated.

Students who have or are suspected of having a physical or mental impairment that substantially limits a major life activity and who may need additional aids and services in order to receive an appropriate education will be referred for eligibility determination under Section 504 of the Rehabilitation Act. A student who is found to be eligible for services under Section 504 is typically served by the staff and resources of the general education program. While IDEA students are protected from discrimination under Section 504, their needs for special education and related services are provided under IDEA provisions.

Procedures for Section 504 Referral

The following procedures are used to make a Section 504 referral for an evaluation and eligibility determination:

1. A student is referred to the campus 504 Coordinator for consideration of Section 504 eligibility. The referring person completes a **Section 504 Referral** form.
2. The campus 504 Coordinator reviews the referral information including: any intervention strategies used with the student, the suspected impairment, and how the suspected impairment substantially limits the student's major life activity at school or at a school activity. Any available documentation which may be useful in determining the eligibility of the referred student should be attached to the written referral. The data can include aptitude and achievement tests, teacher recommendations, physical and health information, adaptive behavior data, discipline information, parent input, medical evaluation/diagnosis, prior IDEA evaluations, grade and progress reports, and any other relevant information. The documentation must include the **Student Profile/Record Review** form.
3. The campus 504 Coordinator meets with appropriate school representatives regarding the referral. A determination is made in regards to the need for any further evaluation.
4. Parents are provided with a **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form explaining why their child is or is not being referred. Parents are also provided with a copy of the **Section 504 Parent/Student Rights in Identification, Evaluation and Placement** form.

EVALUATION AND ELIGIBILITY DETERMINATION

An individual evaluation of the referred student will be completed by the school Section 504 Committee before any action is taken with respect to the initial and any subsequent change in the student's placement.

The evaluation will consist of gathering information from a variety of sources as needed to assist in the determination of eligibility for services under Section 504. Information may include: grade reports, disciplinary record/referrals, test results, school health information, medical evaluations/diagnoses, parent input, teacher and administrator input, and any Student Intervention Team recommendations.

The district will accept independent or outside evaluations and consider them with other relevant school information. A diagnosis by a physician or psychiatrist does not constitute identification of a disability under Section 504. Such information needs to be considered by the Section 504 Committee to determine whether it substantiates a physical or mental impairment that substantially affects a major life activity at school or at a school activity. If health information is needed to assist the Section 504 Committee, parents may authorize release of this information. See **HIPAA Compliant Authorization/Request for Protected Health Information**. Under Section 504, parents do not have a right to demand specific evaluations, although they may use dispute resolution processes (grievance, hearing, OCR complaint) to disagree with the district's evaluation. Parents have the right to pursue specific evaluations on their own but the district does not have to pay for them unless ordered to do so by an enforcement authority.

The Office for Civil Rights (OCR) does not require medical evaluations to confirm mental or physical impairments. However, if the district requires them, the district is obligated to pay for them. Parents may provide copies of reports regarding their child's health condition.

The fact that a student may have a physical or mental impairment does not automatically mean that the student has a disability under Section 504. Decisions regarding eligibility under Section 504 are based on the following considerations:

1. **Impairment** - The Section 504 Committee identifies the mental or physical impairment. A physical or mental impairment refers to 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; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
2. **Major Life Activity** – The Section 504 Committee identifies the affected major life activity. Major life activities include, but are 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. Major life activities also include “major bodily functions,” such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
3. **Substantial Limitation** – The Section 504 Committee considers the degree to which the impairment limits the major life activity. An impairment need not prevent, or significantly or severely restrict performance of a major life activity to be “substantially limiting.” An individual's ability to perform a major life activity is compared to “most people in the general population,” often using a common-sense analysis without scientific or medical evidence.

Positive effects of mitigating measures (except for ordinary eyeglasses and contact lenses) are ignored in determining whether an impairment is substantially limiting. Ordinary eyeglasses and contact lenses are lenses “intended to fully correct visual acuity or eliminate refractive error.”

Examples of mitigating measures include medication, medical equipment and devices, prosthetics, hearing aids, cochlear implants and other implantable hearing devices, low vision devices, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations and auxiliary aids or services, behavioral or neurological modifications, and surgical interventions that do not permanently eliminate an impairment.

An impairment that is “episodic” or “in remission” is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

The student need not have an impairment limiting “learning” to qualify under Section 504. However, the student must have an impairment which causes substantial limitation to a major life activity. The student may have an impairment which requires accommodations to stay in school or to attend school. When a student’s impairment does not cause a substantial limitation on a major life activity, then the student is not eligible for services under Section 504.

Once the team determines that the student is eligible or non-eligible for services under Section 504, the parents are notified. Written notice includes a copy of the Parent/Student Rights to inform parents of their right to appeal their child’s identification, evaluation, and placement decisions.

Procedures for Evaluation and Eligibility

The campus 504 Coordinator assures that the following items have been completed:

1. Parents are provided with the **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form and the Section 504 **Parent/Student Rights in Identification, Evaluation and Placement** form.
2. All required forms, including the **Section 504 Referral** form, are completed. Parent consent for the initial evaluation is obtained at the bottom of the **Parent Notice of Section 504 Referral and Consent for Initial Evaluation** form.
3. Evaluation data about the student’s educational functioning is gathered from a variety of sources.
4. A Section 504 eligibility meeting is scheduled. Parents are notified of the meeting and invited to attend through the **Section 504 Meeting Notification** form. Parent contacts are recorded on the **Section 504 – Record of Parent/Guardian Contacts**.
5. Persons knowledgeable about the student and the evaluations meet and make the determination of eligibility. The **Determination of Section 504 Eligibility** form is completed which reflects the decision about whether the student is eligible for services under Section 504.
6. Parents are provided with a copy of the eligibility form and a copy of the **Parent Notice of 504 Eligibility** form and a copy of the **Parent/Student Rights** form. If parents are not in attendance, these forms are sent to the parents.

REEVALUATION

Section 504 requires a “periodic” reevaluation of students. The reevaluation should occur approximately every three years or more often, as needed, prior to a significant change in placement, or as otherwise determined by the Section 504 Committee.

Procedures for Reevaluation

The campus 504 Coordinator assures that the following items have been completed:

1. The campus 504 Coordinator or school counselor notifies the appropriate school personnel regarding the need for a Section 504 reevaluation.
2. Parents are provided with the **Parent Notice of Section 504 Reevaluation** form and the Section 504 **Parent/Student Rights in Identification, Evaluation and Placement** form.
3. Appropriate and updated information is obtained.
4. The campus 504 Coordinator schedules a meeting with people knowledgeable about the student to review current data and information. Parents are invited to attend using the **Section 504 Meeting Notification** form. The Section 504 Committee reviews and evaluates relevant sources of information and makes whatever placement decision is indicated under the circumstances and considering the information collected.
5. The **Determination of Section 504 Eligibility** form is completed which reflects the decision about whether the student continues to be eligible for services under Section 504.
6. Parents are provided with a copy of the eligibility form and a copy of the **Parent Notice of 504 Eligibility** form and a copy of the **Parent/Student Rights** form. If parents are not in attendance, these forms are sent to the parents.
7. The **Section 504 Accommodation Plan** is updated, as necessary based on individual needs and circumstances.

SECTION 504 ACCOMMODATION PLAN

If it is determined that the student has a physical or mental impairment that substantially limits one or more major life activities, the school's Section 504 Committee develops a **Section 504 Accommodation Plan** designed to meet the individual educational needs of the student as determined through the evaluation process. The plan includes modifications to the general education classroom so that the student has an equal opportunity to participate in the school's programs. The plan outlines the specific modifications and adjustments that will be made to meet individual student's needs. Although Section 504 does not mandate parents' participation in the accommodation plan, parents are invited to participate.

Developing a Section 504 Accommodation Plan

The campus Section 504 Coordinator assures that the following items have been completed:

1. A meeting is scheduled to develop the **Section 504 Accommodation Plan**.
2. The **Section 504 Meeting Notification** form is sent to the parents with appropriate boxes checked.
3. Persons who are knowledgeable about the student, evaluation data, and/or placement options, are notified and invited to attend.
4. The **Section 504 Accommodation Plan** meeting is held. All referral and evaluation information is reviewed. Persons knowledgeable about the student and the evaluations must attend the meeting.
5. A **Section 504 Accommodation Plan** is developed.
6. Before implementing the initial **Section 504 Accommodation Plan**, obtain parent consent for initial placement on the first page of the **Section 504 Accommodation Plan**. If the Section 504 Accommodation is

being revised in a subsequent meeting, check the box for “Not applicable. This is not the student’s initial Section 504 placement.”

7. A plan manager is appointed to assure that the plan is implemented and monitored for success.
8. The plan manager assures that the appropriate school staff members and parents are provided with a copy of the **Section 504 Accommodation Plan**. A copy of the plan is placed in the student’s cumulative school file as well as the campus Section 504 file.

Modification of the Section 504 Accommodation Plan

If the ECSD or the parent proposes a modification of the student’s **Section 504 Accommodation Plan** to add, eliminate, or modify services, the ECSD must conduct an evaluation and convene a Section 504 meeting for the purpose of determining whether such modifications should be made. Any modifications must be reflected in the student’s **Section 504 Accommodation Plan**, and the plan must be timely and properly implemented.

Implementation of the 504 Accommodation Plan

The plan manager ensures the timely and proper implementation of the **Section 504 Accommodation Plan**. The plan manager assures that the **Section 504 Accommodation Plan** is reviewed and updated at least annually as needed, to determine effectiveness of accommodations. Evaluation notes are documented on page 2 of the **Section 504 Accommodation Plan**. Significant changes to the plan require reevaluation prior to implementation.

Considerations in Developing a Section 504 Accommodation Plan

1. **General Curriculum.** A Section 504 Accommodation Plan may include accommodations in instructional delivery and in student production. All students, including Section 504 students, are responsible for content and benchmarks which are assigned in the content area. Students needing a specialized curriculum or content are generally eligible for special education and are served through IDEA.
2. **Assessment.** There are no exclusions from state or district assessments for Section 504 students. Accommodations where necessary can be identified using the student accommodation plan. A Section 504 Accommodation Form for the Nevada Proficiency Examination Program (current school year) is completed and attached to the plan. Accommodations which alter the test results or invalidate the test are prohibited. Only students who routinely receive accommodations in accordance with their accommodation plan are allowed accommodations on state or district assessments.
3. **Placement.** The least restrictive environment for Section 504 students is in the general educational environment with accommodations. A Section 504 student’s program will generally be a combination of general education with related aids and services to meet the student’s needs.
4. **Accommodations.** Section 504 plans should be written to indicate only what the student needs in order to participate in and benefit from the district’s program. Refer to **Suggested Student Accommodations** form.
5. **Grades.** Section 504 students may be provided modified grading, if appropriate.
6. **Transition Plans.** Section 504 students who need transition services should be provided a transition plan.
7. **Athletic Participation.** Section 504 students must be provided an equal opportunity to participate in athletic programs.
8. **Achievement Awards.** Section 504 students should be included in consideration for awards and honors as students without disabilities are.

9. **Medications.** For Section 504 students, the administration of medication may be a necessary service. Such services should be identified in a student's Section 504 Accommodation Plan if needed. If the student does not need assistance in taking or accessing medications, then there is no need to address the matter in the student's plan. The student can access his/her medication like other students in accordance with district policies and procedures. The use of medication is a parental decision. Educators cannot make a medical diagnosis, recommend a particular medication, or require parents to make medical appointments regarding their children.
10. **Behavior Intervention Plans.** School staff members are encouraged to develop behavior intervention plans for students who are in need of positive behavioral supports and are protected under Section 504. When a student's behavior impedes his/her learning or that of others, a behavior intervention plan should be developed which identifies appropriate strategies including positive behavior interventions and supports to address the behavior. All school officials and employees who have authority to discipline a student must be aware of the accommodations that are in place in the student's Section 504 Accommodation Plan. Failure to discipline a student in accordance with the behavior management plan constitutes a failure to properly implement the Section 504 Accommodation Plan.

Components of the 504 Accommodation Plan

The Section 504 Accommodation Plan outlines the specific modifications and adjustments that will be made to meet the needs of the student. It lists specific adjustments to the learning environment and accommodations to the curriculum, and any other services the student may need. It also indicates who is responsible for implementing and evaluating the effectiveness of the plan.

The Section 504 Accommodation Plan includes the following components:

1. Student Information, date of meeting, school/grade, plan manager, student's date of birth and ID number.
2. Review Date: Identify the projected review date of the plan. Aspects of the student's disability may change, teachers and schedules change from year to year, therefore an annual review is a best practice. The site level Section 504 plan manager will monitor timelines and schedule review with personnel and parents. Adjustments can be made to the plan at any time.
3. Type of Plan: Initial or Review
4. Physical or Mental Impairment: Briefly describe the nature of the student's disability.
5. Major Life Activity: Briefly identify which major life activity is substantially limited.
6. Educational Needs: Identify the educational needs caused by the limitation.
7. Participants: Identify the participants in the development of the plan.
8. Consent for Initial Placement: Parents must indicate whether they consent to the student's initial Section 504 placement. If this is not the initial Section 504 Accommodation Plan, check the box for "Not applicable. This is not the student's initial Section 504 placement."
9. Services/Accommodations: Describe the accommodations the student needs. Accommodations may include specialized instruction or equipment, school nurse services, related aids and services, supplemental aids or services, classroom modifications or schedule modifications, modifications to grading criteria or timelines, testing accommodations, or accessibility accommodations.

9. Person(s) Responsible: Identify the person or persons responsible for implementation and evaluation of the plan.

Modification to the student's Section 504 Accommodation Plan must follow the same procedures outlined above.

DISCIPLINE OF SECTION 504 STUDENTS

Suspension and expulsion of students with disabilities have been treated similarly under both IDEA and Section 504. Under both IDEA and Section 504, a student with a disability may not be subject to a suspension or expulsion for more than 10 consecutive school days for misconduct that is a manifestation of the student's disability. A series of short term (10 days or less) suspensions that add to more than 10 school days in a school year and result in a pattern of exclusion also require a manifestation determination. If a student's misconduct is not a manifestation of the student's disability, the district may discipline the student as it would a student without a disability. Unlike IDEA, Section 504 does not impose an obligation to provide continuing services for properly suspended students.

1. A significant change in placement occurs when a disciplinary action by the district results in the exclusion of a disabled student from his/her educational program for more than 10 consecutive school days in a school year. A series of disciplinary actions that are each 10 days or less may also result in a significant change in placement if the disciplinary actions create a pattern of exclusion from the student's education program.
2. Prior to implementing a disciplinary exclusion from school that will constitute a significant change in the student's placement, the district will take the following steps:
 - a. The district will first determine whether the disabled student's behavior that violated the district rules, policies, or codes of conduct, was disability-related (the "manifestation determination").
 - b. If it is determined that the student's behavior was disability-related, the evaluation team must continue the evaluation, following the requirements for evaluation and placement described below, to determine whether the student's current educational program and related services are appropriate. If the district determines that the student's placement and related services are not appropriate, the district will develop additional related services or a new placement.
 - c. If it is determined that the disabled student's behavior was not disability-related, the district may take the same disciplinary action as for similarly situated non-disabled students.

Procedures for Manifestation Determination

1. The campus 504 Coordinator is contacted regarding the possibility of a disciplinary change in placement by the school counselor or school administrator.
2. The campus 504 Coordinator convenes a manifestation determination meeting. Current student data is gathered, including most current evaluation data, discipline reports, behavior checklists, teacher observations, anecdotal evidence, incident reports, police reports, attendance, etc.
3. The manifestation determination meeting is scheduled. Parents or guardians are notified of the meeting and invited to attend. Persons knowledgeable about the student are required to meet regarding the student misconduct. The team reviews the misconduct information, the evaluation data and current placement information and makes the determination of whether or not the misconduct is a manifestation of the student's disability. The information is summarized on the **Manifestation Determination Summary** form.

3. The campus 504 Coordinator provides a copy of the **Manifestation Determination Summary** form to the parents. A copy is placed in the student file.

GRIEVANCE PROCEDURES FOR RESOLUTION OF DISABILITY-BASED DISCRIMINATION OR HARASSMENT COMPLAINTS

Grievance Procedures

1. Problems and complaints of alleged disability-based discrimination and/or harassment brought by students, district employees, parents/guardians, other member of the community, or applicants for employment may be resolved in an informal manner and at the most immediate level in the school district organization.
2. Nothing in these procedures shall be construed as limiting the right of any individual having a grievance to discuss the matter informally with any appropriate member of the administration and have the grievance addressed without recourse to this procedure. Nothing in these procedures will be construed as limiting the right of any individual having a grievance to initiate informal and formal procedures concurrently.

When a person or persons wish to register a complaint alleging that disability-based discrimination and/or harassment has occurred, the following grievance procedure shall be implemented:

Level I

A complaint may be presented orally and informally to the person or persons immediately involved. If the complainant does not wish to present the complaint informally, the complainant may present a formal written complaint (**Notice of Section 504 Grievance** form) to the building principal. A complainant may file a formal grievance to request an investigation without first addressing the dispute informally through the accused party or building principal. An impartial investigator (who may be the building principal) will investigate the allegation(s) of disability-based discrimination and/or harassment. The investigator cannot be someone who was named as part of the alleged conduct being grieved. The investigator must give the complainant an opportunity to identify witnesses and to present evidence on his/her behalf.

Within ten (10) working days after receiving the complaint, the building principal will complete the investigation and provide a decision in writing to the complainant (**Grievance Disposition** form), with supporting evidence and reasons. In addition, the building principal will inform the superintendent of the formal complaint and the disposition. If the building principal is the person accused of discriminatory conduct, the complainant should contact the Section 504 compliance officer directly, and the compliance officer will conduct the Level I investigation and provide the decision to the complainant.

Level II

If resolution is not reached in Level I, the grievance may be referred by either party within ten (10) working days to the district's Section 504 compliance coordinator by filing a written appeals package consisting of the complainant's grievance and the decision rendered at Level I. Within ten (10) working days after receiving the referral, the compliance coordinator shall state a decision and reply in writing to both parties, with supporting evidence and reasons. In addition, the compliance coordinator will inform the superintendent of the decision.

If the Section 504 compliance officer has conducted the Level I review, the Level II referral is made to the school district Superintendent for Level II review.

In the event that the persons accused of discriminatory conduct include the Section 504 compliance officer and/or the superintendent, appropriate reassignments of grievance review tasks will be made to ensure that no one who is named as part of the alleged conduct being grieved makes the Level I or Level II decision concerning discrimination.

IMPARTIAL DUE PROCESS HEARING PROCEDURES

If the parent or guardian requests to contest an action of the district with regard to the identification, evaluation or placement of a student under Section 504, the parent has the right to an impartial due process hearing. Following are the procedures for the conduct of an impartial due process hearing:

1. The parent or guardian must submit a written request for a due process hearing to the district's Section 504 compliance coordinator. The compliance coordinator may contact the parent to clarify the request and any issues that may be presented at the hearing. The compliance coordinator may also ascertain whether the parent intends to be represented by counsel at the hearing.
2. Within 15 days of the date of receipt of a clear and unambiguous request for a due process hearing, the district will appoint an impartial hearing officer to conduct the hearing and render a decision. The hearing officer will be paid for by the school district, must be knowledgeable about Section 504, impartial, and not a current employee of the district.
3. The hearing will be scheduled at a mutually agreeable time and place, at the earliest opportunity.
4. The hearing officer may order a pre-hearing conference in order to clarify the issues to be addressed at the hearing. The pre-hearing conference can be used to resolve preliminary matters, clarify jurisdictional issues, and answer any questions the parties may have regarding the hearing process.
5. The hearing shall be conducted in an informal, non-adversarial manner. The parent may decide whether the hearing shall be opened or closed to the public. The hearing officer may, in his or her discretion, reasonably limit testimony and the introduction of exhibits, based upon a determination of relevance.
6. The parent has the right to participate, speak, and present information at the hearing and to be represented by counsel if the parent wishes to hire an attorney.
7. The hearing will be tape-recorded and the parent may request a copy of the tape recording. A transcript of the tape recording will be prepared in the event the decision is reviewed in a court of competent jurisdiction.
8. Witnesses may present information in narrative form. The hearing officer may, at his or her discretion, ask a witness a certain question. But generally cross-examination is limited.
9. In general, the parent presents his/her case first, by making an opening statement outlining the issues, then presenting personally, calling additional witnesses, and making a closing argument. The district makes a presentation, to which the parent may offer a short response.
10. The parties may submit any reports, evaluations, correspondence, notes, or any other documents that the hearing officer may admit at his or her discretion.
11. The parties may submit, at the hearing officer's discretion, written closing arguments, summarizing the issues and providing legal authority supporting their positions. Timelines for submission of such closing arguments shall be established by the hearing officer.
12. At the close of the hearing, the hearing officer shall set a date for issuing the written decision. The written decision must address and rule on all issues raised by the parent and indicate what corrective action, if any, the district must take, and must be issued within 45 days after the date the request for a due process hearing is received by the district. Reasonable extensions of time may be granted at the discretion of the hearing officer.

13. If either party is not satisfied by the decision of the hearing officer, a review of the hearing decision may be sought in a court of competent jurisdiction, usually the closest federal district court.

COMPLAINTS WITH THE U.S. OFFICE FOR CIVIL RIGHTS

At any time, a parent/guardian may file a complaint with the U.S. Office for Civil Rights (OCR) at the address listed below if the parent believes that the district has violated any requirement of Section 504. The filing of a complaint does not affect the hearing process or timelines set forth above. The OCR addresses Section 504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR's Complaint Resolution Manual.

United States Department of Education
Office for Civil Rights
Western Division, Seattle Office
915 Second Avenue, Room 3310
Seattle, Washington 98174-1099

GLOSSARY OF TERMS

Accessibility

The school district will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only in instances where program accessibility cannot be achieved effectively through other means.

Accommodation Plan

The Accommodation Plan outlines the specific modifications and adjustments that will be made to meet the needs of the eligible student. It lists specific adjustments to the learning environment and accommodations to the curriculum, and any other services the student may need. It also indicates who is responsible for implementing and evaluating the effectiveness of the plan.

Adaptive Behavior

Adaptive behavior is the effectiveness with which the student meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Adult Student

For school purposes, a student becomes a legal adult when he or she reaches 18 years of age, unless a court has declared the student incompetent or unless custody has been awarded to the parents or guardian or the student. The adult student assumes all the rights of parents. Continued participation of the parents is encouraged with student permission.

Code of Federal Regulations (CFR)

The Code of Federal Regulations (CFR) cited in this document refers to the rules of the federal government. All agencies and facilities receiving funds under a federal law must follow these rules.

Disability, Student with a

A student with a disability is one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment (34 CFR 104.3j).

Discipline Procedures

Suspension and expulsion of students with disabilities have been treated similarly under both IDEA and Section 504. Before imposing a disciplinary change in placement, a school Section 504 committee must conduct a manifestation determination to determine whether the student's misconduct was a manifestation of the student's disability.

Due Process Rights

In the event of a disagreement between the parents or guardians and the District in regard to the identification, evaluation or educational placement of a student with a disability, the parents or guardians have the right to an impartial hearing, with an opportunity to participate and be represented by counsel (34 CFR 104.36), and an opportunity for a review.

Least Restrictive Environment

To the extent possible, a student with a disability shall be placed in the general educational environment, unless the District demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily (34 CFR 104.34.a). In providing or arranging for nonacademic and extracurricular services and activities including meals, recess periods, etc., the District shall ensure that disabled

students participate with non-disabled students to the maximum extent appropriate to the needs of the disabled student (34 CFR 104.34.b).

Eligibility (Protection from Discrimination)

A student is protected from discrimination if the student has a record of having, or is regarded as having a physical or mental impairment which substantially limits a major life activity such as learning (34 CFR 104.3.j.1). Only students with a current disability receive services.

Parents who have a disability are also protected by Section 504. For example, a district should provide an interpreter or some other equivalent service to a parent who is deaf in order to insure that she/he has an equal opportunity to participate in school activities (i.e., parent/teacher conferences, special school programs, etc.).

Evaluation

An evaluation is conducted to determine if a student is a student with a disability under Section 504 of the Rehabilitation Act. The evaluation may be broad or narrow, depending upon the needs of the student. An evaluation also shall be conducted before any significant change in placement in the instructional program, i.e., alternative education programs, long term suspensions or expulsions. If a Section 504 Committee recommends a special education evaluation, then district procedures under IDEA are followed and parental consent must be obtained.

Information from a variety of sources may be used such as: attendance records, aptitude and achievement tests, teacher recommendations, report cards, anecdotal reports, discipline reports, medical records or reports, social and cultural background information including language proficiency determination, adaptive behavior, etc.

Extracurricular and Nonacademic Activities/Services

Nonacademic and extracurricular services/activities are those which the district provides to all students. These may include counseling services, physical and athletic activities, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school or District, referrals to agencies which provide assistance to persons with disabilities, and employment of students by District or outside employment (34 CFR 104.37.a).

Free Appropriate Public Education (FAPE)

The District shall provide a free appropriate public education to each qualified disabled student within the District's jurisdiction, regardless of the nature or severity of the student's disability (34 CFR 104.33.a). An appropriate education shall include general or special education and related aids and services that are designed to meet individual educational needs of disabled persons as adequately as the needs of non-disabled persons are met and are based upon adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards (34 CFR 104.33.b.1). Implementation of an individualized educational program (IEP) developed in accordance with the Individuals with Disabilities Education Act (IDEA) is one means of meeting the standard established in this paragraph (34 CFR 104.33.b.2).

Grievance

A grievance means the filing of a complaint with the responsible district official that there has been an alleged act of discrimination, as governed by Title IX, Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act, in the educational program or activities, including employment herein and admission thereto, which has not been eliminated at the point at which such discrimination was noted after going through the immediate channel of communication and authority.

Grievant/Complainant

An individual who brings either a formal or informal complaint of alleged discrimination governed by Title IX, Section 504 or the Americans with Disabilities Act.

IDEA

Individuals with Disabilities Education Act; Part B contains requirements for public schools.

Impartial Hearing

Parents or guardians who wish to challenge the decision of the Section 504 Committee may request a due process hearing by contacting the District Section 504 Coordinator.

Major Life Activity

Major life activities include, but are 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. Major life activities also include “major bodily functions,” such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Manifestation Determination

Before implementing a disciplinary change of placement, a campus Section 504 Committee must conduct a manifestation determination to determine whether the student’s misconduct was caused by his/her disability. This determination is completed when the student is being considered for a disciplinary change of placement.

Nondiscrimination

Under Section 504 of the Rehabilitation Act of 1973, no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district program or activity.

Notice

The parents or legal guardian of a student are provided with prior written notice about actions or proposed actions regarding Section 504. Whenever possible, all notices will be written in the parent’s native language or primary means of communication. If this is not possible, the district must use other means to make sure parents understand the information in the notice.

Physical or Mental Impairment

A physical or mental impairment refers to 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; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities (34 CFR 104.3.j.2.i).

The definition does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list. The term includes, however, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation and emotional illness. Drug addiction and alcoholism are included if their impairment substantially limits one of the major life activities. However, students currently engaged in the illegal use of drugs are not included in the term “student with a disability.”

A student protected under Section 504 who is currently using alcohol may be disciplined for use or possession of alcohol in the same manner as any other student regardless of whether that student is disabled by any condition, including alcoholism.

In the Rehabilitation Act Amendments of 1992, sex-related exclusions were added to the amendments in Section 706(8) as well as psychoactive substance use disorders resulting from current illegal use of drugs.

Procedural Safeguards

The district shall establish and implement, with respect to actions regarding the identification, evaluation or educational placement of persons who, because of a disability, need or are believed to need special instruction or related services, a system of procedural safeguards that includes notice, an opportunity for the parents or guardian of the student to examine relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement (34 CFR 104.36) but separate procedural safeguards for Section 504 may also be established.

Program or Activity

The term applies to all school programs or activities in school districts which receive federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds.

Record of such an impairment

The term applies to a student who has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities (34 CFR 104.3.j.2.iii). An example might be a student previously identified with a disabling impairment that is now resolved. Examples may include a student who had a temporary impairment that is now resolved. Having a "record of" does not make the individual eligible for accommodations under Section 504 unless the student continues to have a substantial limitation of a major life activity.

Regarded as having an impairment

An individual meets the requirement of "being regarded as having an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. (ADA Amendments Act of 2008)

This prong of the definition also entitles a student to protection from discrimination and assures the student access to educational opportunities afforded others. An example might be a student who is scarred from accident or injury, who has no limitations but is "regarded as" being impaired and would be protected under Section 504.

The "record of" and "regarded as" prongs cannot serve as the basis for FAPE. The district has no duty to refer, evaluate or place students who are protected from discrimination under prongs two and three. The only duty as to these students is to not discriminate against them on the basis of the history of an impairment or the incorrect perception that the child is impaired. Section 504 does, however, protect students from discrimination for having a record of an existing or previous impairment.

Reevaluation

Eligibility and the need for Section 504 services must be reviewed periodically, approximately every three years as long as the student is in the program. The reevaluation will follow the same guidelines as the original evaluation. Reevaluation may be done more often if conditions warrant, such as a significant change in placement.

Referral

Any student who is suspected of having a physical or mental impairment that substantially limits a major life activity should be referred to the school's student intervention team. Any parents, teacher or other school staff member may make a referral which is processed through the school's Student Intervention Team.

Section 504 Committee

The school or campus Section 504 Committee should be composed of at least two to four persons, knowledgeable about the student, the meaning of the evaluation data, the placement options and reasonable accommodations.

Section 504 Compliance Coordinator

The district must designate at least one employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations. The Section 504 Compliance Coordinator is the Director of Special Services who can be reached at (775)265-5262.

Special Education

Special education is instruction and related services provided to students who have the following disabilities according to state and federal criteria: learning disabilities, speech impairments, orthopedic impairments, other health impairments, traumatic brain injury, mental retardation, emotional disturbances, autism, multiple handicaps, visual impairments, hearing impairments (34 CFR 300.5, 300.300). All students who qualify for special education and related services under IDEA are also protected from discrimination under Section 504.

Substantially Limits

The Section 504 Committee considers the degree to which the impairment limits the major life activity. An impairment need not prevent, or significantly or severely restrict, performance of a major life activity to be “substantially limiting.” An individual’s ability to perform a major life activity is compared to “most people in the general population,” often using a common-sense analysis without scientific or medical evidence.

Positive effects of mitigating measures (except for ordinary eyeglasses and contact lenses) are ignored in determining whether an impairment is substantially limiting. Ordinary eyeglasses and contact lenses are lenses “intended to fully correct visual acuity or eliminate refractive error.”

Examples of mitigating measures include medication, medical equipment and devices, prosthetics, hearing aids, cochlear implants and other implantable hearing devices, low vision devices, mobility devices, oxygen therapy, use of assistive technology, reasonable accommodations and auxiliary aids or services, behavioral or neurological modifications, and surgical interventions that do not permanently eliminate an impairment.

An impairment that is “episodic” or “in remission” is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

The student need not have an impairment limiting “learning” to qualify under Section 504. However, the student does have to have an impairment which causes substantial limitation to a major life activity. The student may have an impairment which requires accommodations to stay in school or to attend school. When a student’s impairment does not cause a substantial limitation on a major life activity, then the student is not eligible for services under Section 504.

Forms

Student Intervention Team Request for Assistance

**ELKO COUNTY SCHOOL DISTRICT
STUDENT INTERVENTION TEAM
REQUEST FOR ASSISTANCE**

Student: _____ Date: _____

Date of Birth _____ Age _____ Grade _____ School _____

Teacher _____ Referring Individual(s) _____

Area(s) of Concern

Academic: _____

Behavioral: _____

Other: _____

Strengths: _____

Attempted Classroom Accommodations/Interventions:

Accommodations Describe all checked. Use back of form if needed	Dates		Outcome Indicate amount of progress
	Begin	End	
___ Adapted Curriculum Materials:			
___ Modified Teaching Techniques:			
___ Instruction Taught at Student=s Skill Level:			
___ One-to-One Tutoring:			
___ Counseling/Behavior Management:			
___ Educational Environment Modified			
___ Ongoing Parent Involvement:			
___ Other:			

Attends:

___ Speech

___ OT/PT

___ Counseling

___ ESL

___ GT

___ Reading Recovery

___ Remedial Reading

Student Profile/Record Review

**ELKO COUNTY SCHOOL DISTRICT
STUDENT INTERVENTION TEAM – STUDENT PROFILE/RECORD REVIEW**

Date: _____

Student: _____ Grade: _____ Teacher(s): _____

Other Teachers: i.e. (Reading, ESL, Math) _____

Photocopies/Samples Attached (check copies/work samples attached to this form)

- | | |
|--|--|
| <input type="checkbox"/> Copy of Student Demographics & Student Schedule | <input type="checkbox"/> Progress Report(s) |
| <input type="checkbox"/> Current Report Card | <input type="checkbox"/> Standardized Test Scores |
| <input type="checkbox"/> Parent/Teacher Conference Report | <input type="checkbox"/> Transcripts (if applicable) |
| <input type="checkbox"/> Other (specify): _____ | |

Cumulative Folder Review (for each item, please circle Yes or No & explain every AYes@)

Yes No Remedial Programs i.e. Title I, Reading etc. (specify): _____

Yes No Prior Special Education (specify): _____

Yes No Retention (indicate grades): _____

Yes No Attendance/Truancy Problem (indicate current & previous years): _____

Yes No Transient Problems (indicate schools): _____

Yes No Detention and/or Suspension Problems (specify): _____

Yes No Other Agencies Involved (specify): _____

Yes No Health Problems/Medications (specify): _____

Yes No Other (specify): _____

Health Screening Result:

Passed vision screen yes no

Passed hearing screen yes no

Date screening completed: _____

Other related health information: _____

Student Intervention Team – Intervention Strategies

**ELKO COUNTY SCHOOL DISTRICT
STUDENT INTERVENTION TEAM - INTERVENTION STRATEGIES**

STUDENT'S NAME: _____

PROBLEM: _____

PLANNING INTERVENTION DATE: _____ EVALUATING INTERVENTION DATE: _____

INTERVENTIONS	TIME PERIOD (Minimum of 3-9 weeks)	METHOD OF MEASUREMENT	RESULTS (successful ---- unsuccessful)

PROBLEM: _____

PLANNING INTERVENTION DATE: _____ EVALUATING INTERVENTION DATE: _____

INTERVENTIONS	TIME PERIOD (Minimum of 3-9 weeks)	METHOD OF MEASUREMENT	RESULTS (successful ---- unsuccessful)

RECOMMENDATION OF SUPPORT TEAM: ___ successful ___ unsuccessful, try new strategies ___ unsuccessful, refer for an evaluation

TEAM MEMBERS	TITLE	TEAM MEMBERS	TITLE

Section 504 Referral

**ELKO COUNTY SCHOOL DISTRICT
SECTION 504 REFERRAL**

Date Referral Initiated _____

Student:	School/Grade:
Date of Birth:	Student ID Number:

Referring Individual(s): _____

•Statement of problem/concern regarding the student:

(Complete the following information unless a current Student Profile Form is attached.)

• Summary of Cumulative File Perusal:

(Include information from parents, past teachers and/or schools, grades, standardized test results, other assessment results etc.) _____

- Has this student been retained before? _____
- Has this student been served or referred for special education? _____
- Has the student's school attendance been regular? _____
 If no, indicate the number of absences in year to date or previous school year: _____
- Attach current class schedule, grades and blank staffing form.
- Health Screening Results (File Perusal): _____

•Other information which should be considered/brought to the attention of the school staff which may impact student performance: _____

Parent Notice of Section 504 Referral and Consent for Initial Evaluation

**ELKO COUNTY SCHOOL DISTRICT
PARENT NOTICE OF SECTION 504 REFERRAL AND
CONSENT FOR INITIAL EVALUATION**

DATE _____

STUDENT NAME _____ DATE OF BIRTH _____ AGE _____ GRADE _____

ADDRESS _____ TELEPHONE _____ SCHOOL _____

Dear Parent/Guardian:

This is to inform you that we would like to evaluate your child's educational needs and determine whether he/she might be eligible for assistance under Section 504 of the Rehabilitation Act of 1973, a federal law ensuring that school districts protect the rights of students with disabilities. We are requesting that you consent to an initial evaluation under Section 504 for the following reasons:

The Section 504 evaluation may simply consist of school staff members reviewing information we already have (observations, prior testing, grades, standardized test scores, classroom-based assessments, and other data) in order to determine if your child is eligible for regular classroom accommodations under Section 504. If we think we need to conduct additional assessments, those assessments are described below:

Assessment Area	Evaluation Technique	Possible Personnel
_____	_____	_____
_____	_____	_____
_____	_____	_____

If you have any additional information or medical records that will assist in this evaluation, please forward the information to the school or call _____ at _____ to discuss this information. _____ (name)
(telephone)

A Section 504 meeting will be held to discuss the evaluation and any educational program accommodations we propose to provide. As a parent/guardian, you have a right to review all relevant student records and meet with appropriate school officials to discuss any and all issues regarding the proposed evaluation and accommodations of the student. If you have any questions regarding the evaluation process, please contact the school immediately.

A COPY OF THE "RIGHTS NOTICE" UNDER SECTION 504 IS ATTACHED.

Please check the applicable box below, sign and date the form, and return it to the school as soon as possible. You may retain a copy for your records. Thank you very much.

- I give my consent to the evaluation described above.
- I DO NOT give my consent to the evaluation described above.
- I have questions about the evaluation process and would like to be contacted by school personnel.

Telephone number where I can be reached _____

(Parent/Guardian Signature)

(Date)

Section 504 Parent/Student Rights in Identification, Evaluation and Placement

ELKO COUNTY SCHOOL DISTRICT
SECTION 504 PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION, AND PLACEMENT
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to nondisabled students;
6. Have your child receive an appropriate education which includes services, aids and accommodations designed to meet his/her individual needs;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
8. Have periodic evaluations to determine if there has been a change in educational need; generally, a reevaluation will take place at least every three years;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. An impartial due process hearing to contest an action of the district with regard to your child's identification, evaluation, or placement, or other actions allegedly prohibited under Section 504. You have the right to participate personally at the hearing and to be represented by counsel if you wish to hire an attorney. If you disagree with the decision of the hearing officer, you have the right to seek a review of that decision before a court of competent jurisdiction;
14. File a local grievance with respect to identification, evaluation or placement, or other actions allegedly prohibited under Section 504;
15. File a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education.

The person who is responsible in Elko County School District for assuring compliance with Section 504 is the Director of Special Services who can be reached at (775)738-5196.

HIPPA Compliant Authorization/Request for Protected Health Information

Section 504 Meeting Notification

**ELKO COUNTY SCHOOL DISTRICT
SECTION 504 MEETING NOTIFICATION**

Student _____ School _____ Date _____

Dear Parent/Guardian and/or Student,

The purpose of the meeting is to:

- Develop a Section 504 plan for the student
- Review/Revise the Section 504 plan for the student
- Evaluate/reevaluate the student's eligibility for continued Section 504 services
- Other _____

Proposed Meeting Arrangements

Date _____ Time: _____ We will be meeting at: _____

At the present time, we anticipate that _____,
_____, _____,
_____.

will be meeting with us. Please let us know if this is a convenient time for you so that can finalize the plans for the meeting. You have the right to invite persons who have knowledge or special expertise regarding your child to participate as a member of the student's Section 504 Committee.

- I will attend the meeting at the time and place indicated.
- I wish to attend the meeting, but am unable to meet on the date or time indicated; however, I can meet on: _____

Parent/Guardian Signature _____ **Date** _____

If you have any questions about the information provided above, please call

_____ at _____
(Person's Name) (Phone Number)

between the hours of _____ and _____.

Record of Parent/Guardian Contacts

Determination of Section 504 Eligibility

**ELKO COUNTY SCHOOL DISTRICT
DETERMINATION OF SECTION 504 ELIGIBILITY**

Student:	School/Grade:
Date of Birth:	Student ID Number:

This student was referred for consideration of Section 504 eligibility by:

parent teacher counselor nurse other: _____ Date of Referral: _____

SECTION 504 COMMITTEE MEMBERS:

NAME	POSITION	HAS KNOWLEDGE OF:
_____	_____	<input type="checkbox"/> student <input type="checkbox"/> evaluation data <input type="checkbox"/> placement options
_____	_____	<input type="checkbox"/> student <input type="checkbox"/> evaluation data <input type="checkbox"/> placement options
_____	_____	<input type="checkbox"/> student <input type="checkbox"/> evaluation data <input type="checkbox"/> placement options
_____	_____	<input type="checkbox"/> student <input type="checkbox"/> evaluation data <input type="checkbox"/> placement options
_____	_____	<input type="checkbox"/> student <input type="checkbox"/> evaluation data <input type="checkbox"/> placement options

The committee reviewed and carefully considered the following data gathered from a variety of sources:

- | | | |
|---|--|--|
| <input type="checkbox"/> Grade Reports | <input type="checkbox"/> School Health Information | <input type="checkbox"/> Teacher/administrator input |
| <input type="checkbox"/> Disciplinary records/referrals | <input type="checkbox"/> Medical evaluations/diagnoses | <input type="checkbox"/> Student Intervention Team suggestions |
| <input type="checkbox"/> Standardized tests/other tests | <input type="checkbox"/> from parents | |
| <input type="checkbox"/> Parent Input | <input type="checkbox"/> Other: _____ | |

Based on the evaluation data the Section 504 committee answered the following questions to determine Section 504 eligibility:

1. Does the student have a physical or mental impairment? YES NO

Describe impairment(s): _____

2. Does the impairment affect one or more major life activities? YES NO

Specify activity(ies): _____

3. Does the impairment substantially limit a major life activity? YES NO

Describe how the impairment substantially limits the student:

If all three questions were answered "YES" the student is eligible for a free appropriate public education under Section 504 and an Accommodation Plan will be developed. If any answer is "NO" the student is not eligible for services.

The Section 504 committee's analysis of the eligibility criteria applied to the evaluation data indicates:

- The student is *not eligible* for services under Section 504 and will continue to receive regular education and any available regular education resources and programs.
- The student is *eligible/remains eligible* under Section 504 and will receive an Accommodation Plan which governs the provision of Section 504 services to the student.
- The student is *no longer eligible* for Section 504 and is exited from the program. The student will now receive regular education without Section 504 services.

If you disagree with the committee's decision, contact the Section 504 Coordinator at (775) 753-8646 to discuss your concerns, or refer to your Section 504 Parent/Student Rights document.

Parent Notice of Eligibility

**ELKO COUNTY SCHOOL DISTRICT
PARENT NOTICE OF ELIGIBILITY DETERMINATION**

Date _____

Dear Parent/Guardian of: _____,

You were sent notice that a school Section 504 committee would consider and evaluate relevant information regarding your child's eligibility or continuing eligibility under Section 504 of the Rehabilitation Act.

We determined that your child is:

- Not Eligible
- Eligible

Attached you will find a form documenting these findings as well as a copy of the Accommodation Plan if applicable.

If you have any questions or disagree with our determination, please contact me to review the evaluation report and discuss your questions/concerns.

Sincerely,

Campus Section 504 Coordinator

School: _____

Telephone Number: _____

Parent Notice of Section 504 Reevaluation

**ELKO COUNTY SCHOOL DISTRICT
PARENT NOTICE OF SECTION 504 REEVALUATION**

DATE _____

STUDENT NAME _____ DATE OF BIRTH _____ AGE _____ GRADE _____

ADDRESS _____ TELEPHONE _____ SCHOOL _____

Dear Parent/Guardian:

This is to inform you that we would like to reevaluate your child's educational needs and determine whether he/she continues to be eligible for assistance under Section 504 of the Rehabilitation Act of 1973, a federal law ensuring that school districts protect the rights of students with disabilities.

The Section 504 reevaluation may simply consist of school staff members reviewing information we already have (observations, prior testing, grades, standardized test scores, classroom-based assessments, and other data) in order to determine if your child continues to be eligible for regular classroom accommodations under Section 504. If we think we need to conduct additional assessments, those assessments are described below:

Assessment Area	Evaluation Technique	Possible Personnel
_____	_____	_____
_____	_____	_____
_____	_____	_____

If you have any additional information or medical records that will assist in this reevaluation, please forward the information to the school or call _____ at _____ to discuss this information. _____ (name)
(telephone)

A Section 504 meeting will be held to discuss the reevaluation and any educational program accommodations we propose to provide. As a parent/guardian, you have a right to review all relevant student records and meet with appropriate school officials to discuss any and all issues regarding the proposed reevaluation and accommodations of the student. If you have any questions regarding the evaluation process, please contact the school immediately.

A COPY OF THE "RIGHTS NOTICE" UNDER SECTION 504 IS ATTACHED.

Sincerely,

Campus Section 504 Coordinator
School: _____
Telephone Number: _____

Section 504 Accommodation Plan

**ELKO COUNTY SCHOOL DISTRICT
SECTION 504 ACCOMMODATION PLAN**

Student:	Date of Meeting:
School/Grade:	Plan Manager:
Date Of Birth:	Projected Review Date for Plan:
Student ID Number:	

Type of Plan: Initial Review

Physical or Mental Impairment: _____

Major Life Activity Affected: _____

Educational Needs: _____

Participants Who Developed This Section 504 Accommodation Plan

Name	Position	Signature

CONSENT FOR INITIAL PLACEMENT

- I give my consent for my child's initial Section 504 placement.
- I DO NOT give my consent for my child's initial Section 504 placement.
- Not applicable. This is not the student's initial Section 504 placement.

(Parent/Guardian Signature)

(Date)

Suggested Student Accommodations

Suggested Student Accommodations

Area	Area
Pacing	Behavior (Continued)
Extra time for oral responses, organize thoughts	Provide social coaching if doesn't read social clues
Adjust time for completion of assignments	Provide supervision during transition activities
Modify class/student schedule(s)	
Modify/omit assignments requiring copying	Working With Active Students
Cut work into smaller segments, give one at a time	Use activity as reward
Allow breaks	Allow standing during seat work, especially at end of task
Use self-monitoring devices (timers, buzzer)	Encourage active responding: talking, moving, board work, writing, painting...
Alternate work periods with frequent breaks	Allow legitimate activity
Environment	Attention
Reduce/minimize distractions (doors, windows, etc.)	Monitor and redirect student to task
Use preferential seating	Establish secret signal to cue or redirect student
Seat close to board, screen, TV monitor	Use frequent eye contact or proximity control
Provide study carrel for independent work	Seat up front to keep others out of view
Directions	Assignments
Get attention before giving directions	Individualize or modify homework
Use clear and concise directions, repeat	Lower reading level of assignments
Give directions in small segments	Adjust length of assignment or allow extra time
Have student repeat directions to teacher/peer	Allow oral vs. written answers; drawings, etc.
Provide written steps for directions	Peer takes notes (on NCR paper or Xerox)
Give directions in a variety of ways	Allow use of word processor for written work
Review assignments & timelines at end of day	Pair students to check work
	Assign homework/study buddy
Organization	Progress reports to home, monitor progress
Provide organizer: study guides, outlines	Go for quality vs. quantity
Organize desk, papers, textbooks, etc. by color	
Allow student extra set of books at home	Grading
Help organize student's desk, notebooks, etc.	Inform students how grading will occur
	Pass/fail contract, modified grading scales
Materials	Credit for projects, presentation, demos...
Provide visual aids (pictures, flash cards, maps, ...)	Mark correct answers, not mistakes or writing
Provide auditory aides (cues, tapes, ...)	Accept late work for credit rather than none
Use instructional aids (hands-on, manipulatives...)	
Use largest font on printed materials and tests	Testing
Adjust reading level of materials, modify texts	Give test orally; dictate/answer on tape
Use color-coding for emphasis (chalk, charts...)	Use objective testing techniques:
Use highlighted or underlined reading materials	- choices for multiple choice
Provide materials w/main idea highlighted	- provide word bank for fill-in-the-blank
Use books on tape	- items per matching section
Use primary pencils or pencil grips	Use reduced reading level, give reading assistance
	Reduce number of essay questions

Manifestation Determination Summary

**ELKO COUNTY SCHOOL DISTRICT
MANIFESTATION DETERMINATION SUMMARY**

Date _____

School _____

Student _____

Date of Birth _____

Grade _____

Disability _____

Members of the student's Section 504 Committee have met to conduct a review of the relationship between the student's disability and the conduct subject to disciplinary action. The team considered all relevant information in the student's file, in terms of the conduct subject to disciplinary action, including:

- (1) Relevant information supplied by the student's parents;
- (2) Teacher observations of the student; and
- (3) The student's Accommodation Plan.

I. Brief description of alleged infraction(s). Use backside of form or additional sheets of paper if necessary:

II. Brief description of the results of the student's functional behavioral assessment (if completed):

Brief description of the student's current behavioral intervention plan (if one exists):

Brief description of relevant information supplied by the student's parents:

Notice of Section 504 Grievance

Grievance Disposition

