

School District Fremont RE-1  
Standard Operating Procedures

Section 504 Guidelines

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|------|-------------------------------------|---|
| I.   | ORIGINAL ISSUE<br>& RESPONSIBILITY: | February, 2015<br>Director of Special Services  |
| II.  | APPLICABILITY                       | All Schools   |
| III. | POLICY                              | Board Policy AC-E-1... School District Fremont RE-1 does not unlawfully discriminate on the basis of race, color, sex, religion, national origin, ancestry, creed, age, marital status, sexual orientation, genetic information, disability or need for special education services in admissions, access to, treatment, or employment in educational programs or activities which it operates   |
| IV.  | WHAT IS A 504                       | Section 504 is the part of the Rehabilitation Act of 1973 that applies to individuals with disabilities. It is a civil rights act that protects the civil rights of persons with disabilities. Section 504 is a nondiscrimination statute, prohibiting discrimination based on disability. It is Congress's directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. Since Canon City School District receives federal dollars it is required to provide qualified disabled students with equal access to services, programs, and activities offered by the District. Since, Section 504 is a civil rights statute and not a special education statute, it is the responsibility of regular education staff and building administration to implement those practices and procedures necessary for a school to fulfill the requirements of this law. The responsibility for insuring Section 504 compliance rests with the District's Director of Special Services, sometimes referred to as the building 504 coordinator. |
| V.   | WHO IS ELIGIBLE FOR<br>A 504 PLAN   | To become eligible for Section 504 services, a student must be determined, as a result of an evaluation, to have a "physical or mental impairment" that "substantially limits one or more major life activities.", or the person may be regarded as having a disability. The 504 Team must determine that the student is substantially limited in performing a major life activity as compared to the same age peers in the general population performing the same major life activity.   |

Physical or mental impairments may include, but are not limited to, the following:

- physiological disorders
- mental or psychological disorders
- hearing impairment
- visual impairment

One or more major life activities may include the following:

- learning
- behavior
- walking
- hearing
- speaking
- seeing
- breathing
- working
- standing
- caring for oneself

After the eligibility is determined, the 504 team decides on the regular or special education and related aids and services that are necessary for the provision for an appropriate education; aids and service that are designed to meet the individual educational needs of the disabled student as adequately as the needs of non-disabled students.

VI. CHILD FIND

The School District maintains an ongoing program to find unserved children who might qualify for special education or Section 504 services. This is known as Child Find. The school district annually:

- (a) Undertakes to identify and locate every qualified disabled person residing in the recipient's jurisdiction who is not receiving a public education; and
- (b) Takes appropriate steps to notify disabled persons and their parents or guardians of the recipient's duty under Section 504.

VII. FREE AND APPROPRIATE EDUCATION

The School District shall provide a free appropriate public education to each qualified disabled person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disabled.

VIII. HOW A SECTION 504 REVIEW REQUEST MADE

A parent, guardian, teacher, counselor, related service provider, other school staff member, administrator, or community agency can initiate a review request for Section 504 eligibility. The person will make the Section 504 request of the school principal and/or principal's designee or 504 Coordinator. The principal and/or principal's designee or 504 Coordinator will forward the request to the Director of Special Services who will initiate the referral and eligibility process. It is a good idea to discuss the appropriateness of a 504 Plan with your child's teacher, counselor, principal's designee or 504 Coordinator, or principal prior to making the request for a Section 504 eligibility review, as there is a number of intervention strategies used with District students. By discussing your concerns with one of these people, it can be determined if a 504 Plan will best support the student's needs.

Although it is impossible to specify all situations in which children should be referred for Section 504 and ADA services, there are several situations that should result in automatic consideration of a student for Section 504 and ADA services. These include the following (Council of Administrators of Special Education):

- a) When a student is suspected of having any disability;
- b) When a student continues to display behavior problems;
- c) When a student has a major health problem;
- d) When a student is expelled or suspended;
- e) When a student seems to be having problems that cannot be explained;
- f) When a parent requests consideration for Section 504 and the ADA services; and

- g) When a teacher requests consideration for Section 504 and the ADA services.

Note: Upon receipt of a parent request for an evaluation, the school has two options:

- a) Under Section 504, upon receiving notice of a parent's belief that a child has a disability triggering Section 504 protection, the district should determine whether there is reason to believe that the child, because of a disability, may need special education or related services and thus would need to be evaluated.
- b) If the district does not believe that the child needs special education or related services, and thus refuses to evaluate the child, the district must notify parents of their due process rights.

**IX. THE PROCESS USED  
IN DETERMINING  
ELIGIBILITY**

Upon receipt of a 504 Student Referral, the Director of Special Services or designee will determine whether or not an evaluation will occur. If determined that an evaluation will occur, the Director of Special Services or designee will arrange a meeting with parents to review the referral and discuss the evaluation process. The Director or designee will also make arrangements for collecting evaluation data and set a date for an eligibility determination meeting.

As mentioned above, a student is eligible for Section 504 Accommodation Plan when it is determined that he/she has a physical or mental impairment that substantially limits one or more of the major life activities, and the impairment is impacting equal access to school programs and services. A properly convened eligibility team needs to include individuals who are knowledgeable about the needs of the student, the interpretation of the data being evaluated, and the accommodation/service options available. This team can include (but is not limited to) parents/guardians, teachers, counselors, related service providers, other school staff and administrators, and staff from community agencies. Parents/guardians will be included in this process.

**X. 504 TEAM'S  
RESPONSIBILITIES**

The team's first responsibility is to review the nature of the impairment and decide how it affects the student's access to educational programs and activities. Section 504 eligibility meetings are not intended to be as comprehensive as a special education evaluation. However, in every case, the eligibility team needs to examine the specific concern that triggered the student review request. Information that might be considered includes (but is not limited to): grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. As needed, the eligibility team may administer and use other formal and informal measures that help them determine 504 eligibility.

If the referral is deemed likely of for Section 504 eligibility, the Director of Special Services or designee will schedule an eligibility meeting. The school team will conduct an evaluation that includes compiling data and information around the student's current functioning, the result of any intervention implementation, current and previous assessment data including but not limited to universal screens, state assessments, classroom performance/grades, attendance, behavioral referral etc. Additionally, the team will determine if any additional assessments are necessary to determine whether the student is eligible for Section 504 and what services would be required to ensure a FAPE.

In the Section 504 context, “evaluation” refers to the gathering of data or information from a variety of sources so that the committee can make required determinations. An appropriate evaluation is “designed to identify” the specific nature of the student’s disabilities and to identify the services necessary to meet his/her individual needs. Observations, anecdotal information, and judgments are considered legitimate sources of assessment data. Norm-referenced, standardized tests are not required as part of the evaluation. If data from these sources are considered necessary to make eligibility decisions and decisions regarding accommodations and modifications, then they should be used, but only if the team needs such information.

The School will obtain parental consent prior to conducting an initial Section 504 evaluation, and involve the parent in part of the assessment planning. If the eligibility team determines that a student has a Section 504 disability, the team’s next responsibility is to identify the specific accommodations or services that will support equal access. Documentation of these accommodations is done in a Section 504 Accommodation Plan. This plan provides a summary of the accommodations that a student requires gaining equal access to the learning process and/or District programs, activities, and services. In Canon City Schools, this document becomes part of the student’s cumulative file. 504 eligibility teams review active Section 504 Accommodation Plans yearly with more frequent meetings occurring if needed. The purpose of a yearly review is to add, subtract and/or modify student accommodations as needed. If a student no longer needs a 504 Plan, the eligibility team may terminate it at a review session based upon consideration of appropriate evaluation data. Section 504 requires that a student with an eligible disability be educated with students who do not have disabilities to the maximum extent appropriate. This is referred to as educating the student in the least restrictive environment. Implementation of most Section 504 Plans occurs in the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangements, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities. An example might be moving the student to a position in the room that best supports his/her ability to focus on schoolwork. Accommodations might involve the use of such things as special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation.

## XII. THE ACCOMMODATIONS

There are countless accommodations that can support a student’s equal access to educational opportunities. It is the job of the eligibility team to identify those accommodations that will support the needs of a given student resulting from the identified impairment. In all cases, the District will ensure that every student with a disability receives an appropriate education that is designed to meet the individual needs of each student, regardless of the nature or severity of the student’s disability and without regard to resources considerations to the extent required by law.

Accommodations that may be used, but are not limited to, include:

- Highlighted text
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Extra set of text for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements

- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Recorded lectures
- Oral tests
- Individual contracts

XIII DIFFERENCES BETWEEN A 504 PLAN AND AN IEP

Individualized Education Plan (IEP)

- a) A full comprehensive evaluation by a multidisciplinary team is required.
- b) A written individual education program (IEP) is developed.
- c) The IEP must confer meaningful education benefits based on the needs of the child.
- d) Placement may be in a specified combination of special education and general education classrooms.
- e) Students who qualify have a disability in one of 13 qualifying conditions.
- f) The case manager is the assigned special education teacher.

*Note:* Section 504 covers all students identified with a disability. Compliance with IEP typically satisfies Section 504.

*Note:* Some students could be eligible for both and IEP and a Section 504 Plan

504 Plan

- a) Evaluation for eligibility draws on information from a variety of sources.
- b) A written plan describing services is required.
- c) The District must provide equal access, relative to nondisabled peers and appropriate services.
- d) Placement is in general education.
- e) Students who qualify have a physical or mental impairment that substantially limits one or more major life activities, or are regarded as having a disability.
- f) The 504 Coordinator or designee is often the assigned counselor or administrator.

XIV. THE TEACHER'S ROLE & RESPONSIBILITIES

- a) 504 teams must have at least one of the student's teachers as a participating member.
- b) Teachers discuss the student's strengths, behavior, participation in the core curriculum and the impact of the student's disability on his/her performance.
- c) Teachers participate in the review and revision of a student's 504 Plan.
- d) Teachers provide accommodations and/or modifications in the general education setting as outlined in the 504 Plan. Teachers will be provided with a written copy of the 504 Plan.

XV. THE PARENT'S ROLES & RESPONSIBILITIES

- a) The parent/guardian has the right to participate in the 504 Team meeting to determine eligibility, program, placement and discipline related issues. The parent shall receive advance notice of the 504 Team meeting.
- b) The parent/guardian is not entitled to postponement of the 504 Team meeting but may receive one after initiating a request.
- c) The parent's responsibilities for supporting the 504 Plan may include, but is not limited to, the following:
  - Providing a structured homework setting
  - Communicating with team members
  - Conferences with school staff
  - Weekly progress report checks

XVI. GRIEVANCE  
PROCEDURE

If you believe there has been a violation of Section 504 as it relates to your child, you may file a written grievance with the District's Section 504 compliance officer, Director of Human Resources, 719-276-5700. The grievance must state the alleged violations in specific terms, describe the incident or activity involved, the individuals involved, and the dates, times, and locations involved. The Section 504 compliance officer or designee shall provide you an opportunity to discuss the matter personally, if requested, within five school days of receiving the complaint in writing. The Section 504 compliance officer or designee shall make such additional investigation as is necessary to determine the complete facts involved and shall report to the Superintendent his/her findings and recommendations regarding resolution of matter within 45 days of receipt of the complaint. If you are not satisfied with the handling of the matter by the Superintendent, you may appear before the Board and present the matter directly to the Board.

*Retaliation Prohibited*

No individual shall suffer retaliation for filing a grievance under this policy, for participating in the investigation of a grievance, or engaging in any other activity protected under Section 504. Retaliation means some type of adversarial or punitive action taken against an individual as the result of filing a complaint, participating in the complaint process, or engaging in an activity protected under Section 504. Retaliation against any individual is prohibited and shall be grounds for a subsequent grievance under this policy.

XVII. DUE PROCESS

A recipient that operates a public elementary or secondary education program or activity shall establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disabled, 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 person to examine relevant records, an impartial hearing with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of section 615 of the Education of the Handicapped Act is one means of meeting this requirement.

If you disagree with the identification, evaluation, or educational placement of your child, you are entitled to an impartial hearing at which you may participate and be represented by counsel if you wish. The following procedural safeguards pertain to the hearing process:

- a) The hearing process is initiated by a written request to the District's Section 504 Compliance Officer: 279-276-5700;
- b) The hearing must be held within a reasonable time. You will receive notice of the time, date and place in advance of the hearing;
- c) The District will select the hearing officer, who must be an impartial individual who does not have a direct interest in the outcome of the hearing;
- d) You will be given an opportunity to present evidence relative to the issues;
- e) The hearing must be recorded, either electronically or by verbatim reporting at the District's election;
- f) You may be represented by an attorney at your expense;

XVIII. OCR COMPLAINT  
PROCESS

- g) The hearing officer's decision, including a summary of the evidence and the reasons for the decision, must be issued in writing within a reasonable time after the hearing.

Sometimes, even when we do our best, we cannot come to agreement. Every effort should be used to resolve the difference at the school level, including requesting free mediation services. You also have the right to file a complaint with the office of civil right at the department.

An individual person or an organization may file a complaint with the Office for Civil Rights of the U.S. Department of Education. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred.

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or use the Discrimination Complaint Form available from OCR regional offices:

- a) Your name and address (a telephone number where you may be reached during business hours is helpful but not required).
- b) A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
- c) The name and location of the school that committed the alleged discriminatory act(s).
- d) A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, or age). A school may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding.

Regional Director  
U.S. Department of Education  
Office for Civil Rights, Region VIII  
Cesar Chavez Federal Building  
1244 Speer Blvd., Suite #310  
Denver, Co. 80204-3582

**Canon City Schools 504 Contacts**

Please contact your school principal or building special services case manager for additional details on Section 504. If your questions are not answered at that level and/or you wish to file a complaint, please use the appropriate contact information listed below.

**Washington Elementary**

Principal  
606 N. 9<sup>th</sup> St.  
Canon City Co. 81212  
(719) 276-6090

**Canon Exploratory School**

Principal  
2855 N. 9<sup>th</sup> St  
Canon City Co. 81212  
(719) 276-6050

**Lincoln School of Science and Technology**

Principal  
420 Myrtle  
Canon City Co. 81212  
(719) 276-5830

**McKinley Elementary**

Principal  
1240 McKinley St.  
Canon City Co. 81212  
(719)276-6011

**Harrison K-8**

Principal  
920 Field Ave  
Canon City Co., 81212  
(719) 276-5970

**Canon City Middle School**

Principal  
1215 Main St.  
Canon City Co. 81212  
(719) 276-5740

**Canon City High School**

Principal  
1313 College Ave.  
Canon City Co. 81212  
(719) 2765870

**Mt. View Core Knowledge**

Principal  
890 Fields Ave  
Canon City Co. 81212  
(719) 275-1980

**Canon City Area Preschools**

Early Child Coordinator  
Access Center  
490 N. Diamond  
Canon City Co. 81212  
(719)276-6175

**Canon City School Administration**

Director of Special Services  
Canon City School District  
101 N. 14<sup>th</sup> St  
Canon City Co. 81212  
(719) 276-5716

**Superintendent**

Canon City Schools  
101 N 14<sup>th</sup> St  
Canon City Co. 81212  
719)276-5700