

Walton

COUNTY SCHOOL DISTRICT

PROCEDURES MANUAL

SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT

Carlene H. Anderson
Superintendent of Schools



Revised 2011-12

Walton



COUNTY SCHOOL DISTRICT

Carlene H. Anderson
Superintendent of Schools

**PROCEDURES MANUAL
STUDENT ISSUES
SECTION 504
OF THE
REHABILITATION ACT OF 1973
AND
THE AMERICANS WITH DISABILITIES ACT**

WALTON COUNTY SCHOOL BOARD

Sharon Roberts
Mark Davis
Mildred Wilkerson
Faye Leddon
Dennis Wallace

Walton County School District
145 Park Street
DeFuniak Springs, FL 32435
www.walton.k12.fl.us

The School Board of Walton County, Florida prohibits any policy or procedure, which results in discrimination on the basis of race, sex, national origin, marital status, disability, age, or religion. Individuals who wish to file a discrimination and/or harassment complaint, or individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may call the equity officer at (850) 892-1100.

TABLE OF CONTENTS

SECTION 504/ADA FOR STUDENTS	7
SECTION 504 POLICY STATEMENT	7
INTRODUCTION	7
SECTION 504 OF THE REHABILITATION ACT OF 1973	9
SECTION 504 SCHOOL LIAISON ROLE	9
IDENTIFICATION AND EVALUATION PROCEDURES	9
ELIGIBILITY DETERMINATION	10
USE OF SERVICE ANIMAL ON SCHOOL PROPERTY	11
CHANGE OF PLACEMENT	17
TEMPORARY IMPAIRMENTS	17
TRANSPORTATION	17
OUT-OF-COUNTY TRANSFER	17
PROCEDURAL SAFEGUARDS, GRIEVANCE PROCEDURES, AND HEARING	17
MEDIATION REQUEST	18
DISTRICT GRIEVANCE	18
DUE PROCESS HEARING	18
DISCIPLINE UNDER SECTION 504	18
SUBSTANCE USE/POSSESSION OFFENSES	19
MANIFESTATION DETERMINATION	19
INTERIM ALTERNATIVE EDUCATIONAL SETTING	19
<i>NOTICE AND CONSENT FOR INITIAL SECTION 504 EVALUATION</i>	22
<i>NOTIFICACIÓN Y CONSENTIMIENTO PARA EVALUACIÓN INICIAL DE LA SECCIÓN 504</i>	23
<i>NOTICE OF PARENT/STUDENT RIGHTS AFFORDED BY SECTION 504</i>	24
<i>NOTIFICACION A PADRES/ESTUDIANTES SOBRE LOS DERECHOS PROPORCIONADOS POR</i>	25
<i>PARENT-INPUT FOR SECTION 504 EVALUATION</i>	26
<i>TEACHER/ADMINISTRATOR INPUT FOR SECTION 504 EVALUATION</i>	29
<i>SECTION 504 EVALUATION/ELIGIBILITY DETERMINATION</i>	30
<i>NOTICE OF SECTION 504 EVALUATION RESULTS</i>	31
<i>INFORMED NOTICE OF REFUSAL TO TAKE A SPECIFIC ACTION REGARDING SECTION 504 OF THE REHABILITATION ACT</i>	32
<i>SECTION 504 STUDENT ACCOMMODATION PLAN</i>	33
<i>SECTION 504 BEHAVIOR INTERVENTION PLAN</i>	34
<i>MANIFESTATION DETERMINATION GUIDE FOR SECTION 504</i>	35
<i>504 ACCOMMODATION PLAN DISMISSAL</i>	36

FLORIDA DEPARTMENT OF EDUCATION



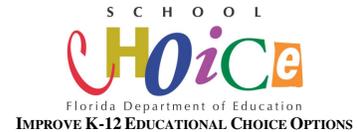
STATE BOARD OF EDUCATION

KATHLEEN SHANAHAN, Chair
ROBERTO MARTÍNEZ, *Vice Chair*

Members

GARY CHARTRAND
DR. AKSHAY DESAI
MARK KAPLAN
JOHN R. PADGET

John L. Winn
Commissioner of Education



MEMORANDUM

TO: District Exceptional Student Education (ESE) Administrators
District McKay Contacts

FROM: Michael Kooi, Executive Director, Office of Independent Education & Parental Choice (IEPC)
Bambi J. Lockman, Bureau Chief, Bureau of Exceptional Education & Student Services (BEESS)

DATE: July 1, 2011

SUBJECT: Overview & Implementation of House Bill 1329

House Bill 1329, related to McKay Scholarship Program for Children with Disabilities, was recently passed by the Florida Legislature and signed by Governor Scott on June 2, 2011. The new law will take effect on July 1, 2011.

House Bill 1329 provides additional McKay Scholarship eligibility to allow a public school student for whom a 504 accommodation plan has been issued to request and receive a McKay Scholarship to attend an eligible participating private school or another public school, according to Section 1002.39(5)(a), F.S.

Questions & Answers regarding the expansion of McKay eligibility provisions under House Bill 1329 are provided as follows. The text of House Bill 1329 may be viewed at <http://www.myfloridahouse.gov>

Questions & Answers

1. How does House Bill 1329 revise the eligibility requirement to begin receiving a McKay Scholarship?

The bill provides McKay Scholarship eligibility beginning in the 2011-2012 school year for students with disabilities for whom an accommodation plan has been issued under Section 504 of the Rehabilitation Act of 1973. A student is not eligible for a McKay Scholarship if he or she has been issued a temporary accommodation plan which is valid for 6 months or less. (For reference, BEESS has provided a sample template (Attachment 1) that provides space to indicate if a plan is for a duration of 6 months or less including the specific time duration of the plan and the specific disability).

2. What is a temporary accommodation plan?

Pursuant to Section 1002.39(3)(i), F.S., a temporary 504 accommodation plan is one that is issued and valid for 6 months or less. When districts issue a 504 accommodation plan, it is recommended that the duration of the plan be indicated on the 504 plan form. Please refer to Attachment 1 that allows the evaluator to record a beginning and ending date for the 504 plan, indicating the validity time frame for the plan. An example of a temporary plan may include a student who has a broken arm in a cast and unable to participate in FCAT administration. The comments would include the period of time that student is unable to use his arm for the testing situation and would require accommodations. When that specific time frame has expired the 504 accommodation plan would no longer be valid.

3. Does the student have to have a plan issued in order to be eligible for a McKay Scholarship?

The student must have a 504 accommodation plan issued in order to be eligible for a McKay Scholarship. Section 1002.39(2)(a)1., F.S., requires that a 504 accommodation plan has been issued under Section 504 of the Rehabilitation Act of 1973. Schools 504 teams must determine if the student is eligible for Section 504 protections and if the student requires a Section 504 accommodation plan. Section 504 eligibility and the need for a 504 plan are separate determinations.

4. Can a Pre-K student be issued a 504 accommodation plan?

Yes, if eligible for Section 504 and require services /accommodations. Section 504 regulations 34 104.3(l)(2) define a qualified individual with a disability, with respect to *public* preschool, elementary and secondary education programs, as one who is of an age during which non-disabled individuals are provided educational services; of ANY age during which it is mandatory under state law to provide such services to disabled individuals; or who is entitled to FAPE under the IDEA. Since Florida is required to provide a free appropriated public education to students with disabilities from the age of 3 to 21, then a student within that age range who is enrolled in a preschool program operated by the school district (e.g. a school district operated Head Start Program, Title I preschool program or VPK program) could be determined to be a "qualified" student with a disability under section 504. The protections of Section 504 extend only to individuals with disabilities, as defined in 34 CFR 104.3(j)(l), who are qualified, with that term being specifically defined in connection with public preschool, elementary, secondary or adult educational services.

5. How will the 504 students be reported for FTE funding?

These students will be reported using the same school number as the current McKay students, 3518.

6. How is funding determined if a student meets eligibility?

The scholarship amount shall be based on the program cost factor the student currently generates through the Florida Education Finance Program (101-103 for basic; 130 for ESOL; or 300 for Vocational).

7. Are districts tasked with notification to parents of 504 plan students?

School districts must notify parents of students with 504 accommodation plans of available McKay Scholarship options by April 1 of each year (beginning April 1, 2012), and within 10 days after a plan is issued.

8. What is the intent process for a parent attempting to obtain a McKay Scholarship for a child with a 504 accommodation plan?

The parent must visit the School Choice Web site at <http://www.floridaschoolchoice.org>, click on the link for McKay Scholarship and then select "Apply for a McKay Scholarship" in the left side navigation bar. After entering the district where the student attends **public** school, they will be required to enter the student's first and last name, and date of birth. Additionally, they will be required to indicate whether intent is being filed under the auspices of a 504 Accommodation Plan or an IEP. When this form is submitted, the Department of Education will verify whether the child was enrolled and reported by a Florida public school district for funding during the October and

February Florida Education Finance Program surveys in the previous school year. If the child meets the attendance criteria, the parent will receive an automated response with a confirmation number.

9. What will districts need to do once attendance criteria is established?

Districts will be able (via secure log-in) to view their districts' list of intents filed and whether the student is filing under a 504 Plan or an IEP. (Additionally, at the time of this implementation, you will still have the remaining HB 1505 intents on your list; however the link for parents will come off the website on June 30, 2011). From the student list, you may select your '504' student(s). Once that student information is populated, click on the '504 Eligibility' tab at the top. You will have available a variety of options from the drop-down menu including "Ineligible – No 504 Plan", "Ineligible - 504 Plan 6 months or less", "Eligible - 504 Plan more than 6 months", etc).

Below is a sample letter advising parents of HB 3129.



Dear Parent or Guardian:

We would like to inform you that your child **may** be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, commonly known as the McKay Scholarship Program. This program was created to provide educational options to parents of disabled students. Currently, more than 22,000 Florida students are participating in this program.

By participating in the McKay Scholarship Program, your student may be able to attend a different public school in your district, attend a public school in an adjacent district, or receive a scholarship to attend a participating private school.

In order to be eligible for the McKay Scholarship Program, a student must apply for the program prior to withdrawing from public school. The student must have an Individual Education Plan (IEP) or a 504 accommodation plan which is valid for more than 6 months, and:

- Have been enrolled and reported for funding in a Florida public school for the school year prior to applying for a scholarship (Grades K-12); or
- Have been a pre-kindergarten student who was enrolled and reported for funding in a Florida public school during the school year prior to applying for a scholarship; or
- Have attended the Florida School for the Deaf and the Blind during the preceding school year's student membership surveys (Grades K-12).

To find out if your student is eligible, you may apply for the McKay Scholarship on the School Choice Web site at www.floridaschoolchoice.org. Select the **McKay Scholarships** link and then the link titled **Apply for a McKay Scholarship** on the menu bar on the left.

To learn more about your child's educational options, please contact your school district's Parental Choice Office at _____. You may also contact the Department of Education, Office of Independent Education and Parental Choice Information Hotline at (800) 447-1636 or visit the School Choice website at www.floridaschoolchoice.org and click the **McKay Scholarships** link.

In order for a student to be eligible for the program, intent to participate in the McKay Scholarship Program must be filed on the School Choice website prior to withdrawing from public school.

For enrollment and payment deadline information, please refer to www.floridaschoolchoice.org or call (800) 447-1636.

Please note this letter serves to notify you that your child may be eligible to participate in the McKay Scholarship Program. **This letter does not guarantee your student's eligibility.**

SECTION 504/ADA FOR STUDENTS

1. Section 504 is a civil rights law prohibiting discrimination against individuals with disabilities. Section 504 eligibility is not the same as special education under the Individuals with Disabilities Education Act (IDEA), which provides programs and services for eligible students with specific qualifying disabilities.
2. Section 504 requires that students with disabilities (SWD) have equal access and opportunities in the school environment as those provided for students who are not disabled. SWD may need accommodations and/or related services if the disability presents substantial limits to access and opportunities for school activities.
3. The School-based Intervention Team (SBIT), not the administration, decides if a student is disabled under Section 504. The team determines the services or accommodations that may be necessary and develops a Section 504 Plan.
4. The counselor serving your school is the resource for information on all aspects of Section 504. The school district's 504 Coordinator is responsible for Section 504 compliance.
5. If a student is disabled under IDEA, the student is eligible for special education services and all needs (including what might otherwise be Section 504 accommodations) are met through the Individual Educational Plan.
8. School-based Intervention Team (504 Team) answers the following:
 - a. Is there a physical or mental impairment? If no, the student is not eligible for a 504 Plan.
 - b. Does the impairment substantially limit performance of a major life activity? If no, the student is not eligible for a 504 Plan.
 - c. What services or accommodation(s), if any, are necessary to provide equal opportunity for a student who is eligible for a 504 Plan?

SECTION 504 POLICY STATEMENT

It is the policy of the District School Board of Walton County to provide a free and appropriate public education to each student/person with a disability within its jurisdiction, regardless of the nature or severity of the impairment. It is the intent of the district to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with equal access to educational programs. Students may be eligible under Section 504 even though they are not eligible to receive special education or related services pursuant to the Individuals with Disabilities Education Act (IDEA). Due process rights of eligible students and their parent/guardians under Section 504 will be enforced. The school district's 504 Coordinator is responsible for ensuring compliance with Section 504 activities.

INTRODUCTION

Section 504 prohibits discrimination in any program or activity against SWD by school districts receiving federal financial assistance. "Program or activity" means all the operations of the school district regardless of whether that program or activity is a direct recipient of federal funds. Included in the U.S. Department of Education regulations for Section 504 is the requirement that handicapped students be provided with equal access to a free appropriate public education (FAPE). These regulations require identification, evaluation, provision of appropriate reasonable accommodations to ensure equal access and procedural safeguards.

The civil rights of all individuals receiving services under the Individuals with Disabilities Education Act (IDEA) are protected under Section 504. Many aspects of Section 504 implementation are similar to those required under IDEA although required accommodations and modifications under Section 504 are normally less extensive than under IDEA. School districts responding to student needs under IDEA and related state statutes/state board rules are also considered to be meeting those needs under Section 504.

Section 504 offers **protection to all persons/students with disabilities** in public schools. Eligible students are those having a physical or mental impairment that substantially limits one or more major life activities. The major life activity most often identified in the educational setting is that of learning; however, there is no exhaustive list of major life activities.

Examples of **major life activities** include caring for oneself; performing manual tasks; seeing and hearing; eating and sleeping; walking and standing; lifting and bending; speaking and communicating; learning, reading, concentrating, and thinking. Other examples pertain to the operation of major bodily functions, including functions of the immune system; normal cell growth; digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, and reproductive functions; hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, and cardiovascular functions.

Section 504 requires school districts to provide SWD **equal access** to educational programs and services as well as extra-curricular activities available to non-disabled students. Evaluation procedures should determine the impact of the student's impairment on the student's ability to equally access and participate in the general educational program and identify reasonable accommodation(s) necessary to participate in that program. The Section 504 Plan should provide for equal access to the general educational programs through accommodation of instruction and procedures or supports. Equal results are not guaranteed; however, equal access is required. Equal access has, however, been rather broadly defined by both OCR and the courts.

An example of a student who is protected under Section 504, but who may not be covered under IDEA, is one with a diagnosed heart condition, severe asthma or chemical sensitivity to peanuts. If the condition substantially limits a major life activity (operation of a body function, breathing, eating) and that limitation requires accommodations to provide equal educational opportunity, then that student would be protected under Section 504. The need for any accommodation must be evaluated and provided. Evaluation may not be as extensive as that required under IDEA; however, the evaluation should be sufficient to meet procedural requirements, accurately and completely assess the nature and extent of the impairment, and identify the necessary accommodations.

The determination of the accommodations needed must be made by a School-based Intervention Team (SBIT) knowledgeable about the student, the evaluation procedure, and accommodation options. Best practice suggests that review of the 504 Plan should take place at least annually. It is prudent to review the 504 Plan when a student transfers to a different school or matriculates to a middle or high school.

Section 504 also applies to students with a **history of disability** or students who are regarded as having a disability. Students with a history of a disability or who are regarded as disabled may not be discriminated against, but would not be entitled to Section 504 accommodations in any general education program, solely because they are not currently disabled.

Section 504, as with IDEA, provides for parent/guardian **notification of rights and procedural safeguards**, including the right to an impartial hearing. Section 504 is not necessarily an Exceptional Student Education (ESE) responsibility. It is usually a general education responsibility and, as such, is addressed within the general education setting. General education teachers and administrators, as well as exceptional student teachers and administrators, are responsible for the implementation of Section 504 regulations. Enforcement of Section 504 is the responsibility of the U.S. Department of Education, Office for Civil Rights (OCR).

DISCRIMINATION ON THE BASIS OF DISABILITY

Title II of the Americans with Disabilities Act (ADA) of 1990 prohibits discrimination on the basis of disability by public entities. The school system is a public entity. The U.S. Department of Education, Office for Civil

Rights (OCR) also enforces Title II in public elementary and secondary schools. ADA complements Section 504 and does not impose any major new requirements on school districts. The requirements for compliance with ADA are typically assumed to be the same as required under Section 504. No separate policies, procedures, or paperwork are required to document compliance with ADA.

The Office for Civil Rights (OCR) issued a “Dear Colleague Letter” on October 26, 2010, reminding educational agencies that some incidents of **bullying or harassment** may be considered discrimination under federal law. Districts must identify whether a reported incident that involves student-on-student or staff-on-student constitutes disability harassment or bullying. Discrimination under federal law requires a response above and beyond policy relating to peer teasing, taunting, or hazing. (55 IDELR 174)

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which provides that: "No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any executive agency."

In order to prevent discrimination, the student must be provided equal educational opportunity. Reasonable accommodations may be needed to ensure equal educational opportunity. Accommodations mitigate the limits created by impairment to the extent that the disabled person then obtains an equal opportunity to benefit from programs or activities. Equal results are not mandated; equal opportunities are required.

Note that a number of conditions must exist to create a violation of Section 504. The person must have been excluded from participation in, be denied the benefit of, or be subjected to discrimination under a program or activity conducted by the district. The individual must be qualified under general criteria for participation (i.e. age criteria). Exclusion, etc., must be due solely to the impairment rather than to a characteristic (i.e. age) which would exclude non-disabled individuals. Additionally, accommodation and modification must be reasonable and capable of incorporation in the general education program without substantial change to the nature or character of the program.

SECTION 504 SCHOOL LIAISON ROLE

Each school will designate a 504 liaison to ensure compliance with district procedures. The Section 504 Liaison acts as a consultant with parent/guardians, physicians, and community agencies to identify SWD in need of accommodations under Section 504 of the Rehabilitation Act of 1973. The School liaison will:

- provide procedural safeguards;
- review referrals made to the SBIT;
- conduct eligibility determinations;
- provide notice(s) to parents;
- maintain Accommodation Plans for identified Section 504 students;
- report eligibility/dismissal dates in the student information system;
- ensure that accommodation plans are implemented and updated

IDENTIFICATION AND EVALUATION PROCEDURES

All students suspected of Section 504 eligibility should be referred to the School-based Intervention Team (SBIT). Sources of referral may include parent/guardians, teachers, school administrators, physicians or others. The SBIT procedures, in general, include parent/guardian conferencing, acquisition of information regarding the nature and extent of the problem, determination of existence of handicap, determination of the extent to which the disability substantially limits a major life activity, and the determination if general education interventions are sufficient to provide equal access for the student.

A key consideration in the identification and evaluation process should be the extent to which the disability limits access to programs or services. Those students found eligible under Section 504 may require a Section 504 Plan; such a plan must be developed in cooperation with the student's parent/guardians.

Section 504 requires periodic reevaluation and regular review of the student's 504 Plan. Best practices suggest that the plan should be reviewed at least annually although specific review and re-evaluation times are not specified in Section 504 or resulting case law. An annual review, which includes a "reevaluation" component, would meet both criteria. Reevaluation would consist of addressing the questions of eligibility and need for a 504 Plan. Additional or updated data may be needed to make such decisions.

Annual review should take place early in the school year so that all teachers are informed of a student's 504 status and the components of the 504 plan. Each school's 504 building liaison will maintain a current list of 504 eligible students. Considerations of the SBIT are documented on the forms referenced in this manual.

ELIGIBILITY DETERMINATION

To have a disability (or to have a record of a disability), an individual must be substantially limited in performing a major life activity as compared to most people in the general population. The impairment need not prevent, or significantly or severely restrict the individual in performing a major life activity to be considered "substantially limiting." All of these tests of substantial limitation were deemed by Congress to be too demanding. Rather, determination of whether an individual is experiencing a substantial limitation in performing a major life activity is a common-sense assessment based on comparing an individual's ability to perform a specific major life activity (which could be a major bodily function) with that of most people in the general population. However, the proposed regulation says that temporary, non-chronic impairments of short duration with little or no residual effects usually will not be considered disabilities.

Mitigating measures eliminate or reduce the symptoms or impact of the impairment. The Americans with Disabilities Act Amendment Act of 2008 (ADAAA) provides a non-exhaustive list of examples of mitigating measures, which Equal Employment Opportunities Commission (EEOC) has included in the proposed regulation. They include medication, medical equipment and devices, prosthetic limbs, low vision devices (e.g., devices that magnify a visual image), reasonable accommodations, and even behavioral modifications. In addition, the EEOC's proposed regulation includes as another example of a mitigating measure surgical interventions that do not permanently eliminate the impairment.

The ADAAA directs that the positive effects from an individual's use of one or more mitigating measures be ignored in determining if the impairment substantially limits a major life activity. In other words, if a mitigating measure eliminates or reduces the symptoms or impact of the impairment, that fact cannot be used in determining if a person meets the definition of disability. Instead, the determination of disability must focus on whether the individual would be substantially limited in performing a major life activity without the mitigating measure.

The ADAAA's prohibition on assessing the positive effects of mitigating measures applies only to the determination of whether an individual meets the definition of "disability." All other determinations – including the need for a reasonable accommodation and whether an individual poses a direct threat – can take into account the positive and negative effects of a mitigating measure. For example, if an individual with a disability uses a mitigating measure which eliminates the need for a reasonable accommodation, then the school system will have no obligation to provide one. When this is the case, a plan must be developed to provide reasonable accommodations to assure equal educational opportunity.

All students suspected of having a disability should be referred to a School-based Intervention Team (SBIT). The nature and severity of the referring problem will influence the eligibility and need for educational accommodations, including ESE, 504 or general education accommodations. If the student is determined ineligible for an ESE program, the SBIT committee should further consider if the student is eligible according to the provisions of Section 504.

Whether any student is substantially limited depends upon the nature and severity of that person's condition. When a condition does not substantially limit a major life activity, the individual will not be protected as a qualified handicapped person under the provisions of Section 504. It is determined in each case as a judgment considering those factors given above.

The essential eligibility questions to be considered are:

- (1) Does the student have a physical or mental impairment? If so, describe the impairment.
- (2) Does the physical or mental impairment affect one or more major life activities? If so, which major life activity or activities is/are affected?
- (3) Does the physical or mental impairment substantially limit a major life activity? To have a disability (or to have a record of a disability) an individual must be substantially limited in performing a major life activity as compared to most people in the general population. The impairment need not prevent, or significantly or severely restrict, the individual in performing a major life activity to be considered "substantially limiting." All of these tests of substantial limitation were deemed by Congress to be too demanding. Rather, determination of whether an individual is experiencing a substantial limitation in performing a major life activity is a common-sense assessment based on comparing an individual's ability to perform a specific major life activity (which could be a major bodily function) with that of most people in the general population. However, the proposed regulation says that temporary, non-chronic impairments of short duration with little or no residual effects usually will not be considered disabilities. If yes, describe the substantial limitation.
- (4) Does the student need Section 504 accommodations in order for his/her academic or non-academic needs to be met as adequately as those of nondisabled peers? (Note: if the student's needs are so extreme as to require special education and related services, a referral to Exceptional Student Education should be considered after appropriate SBIT problem solving activities.)

Best practice is to include the parent/guardian in the eligibility process. If the parent/guardian does not participate, the parent/guardian must be notified in writing of the decision of SBIT and provided a copy of Section 504 procedural safeguards.

All deliberations, conclusions and recommendations of the SBIT committee are included on the appropriate SBIT record forms and/or 504 forms included in this manual. Students eligible under Section 504 should have a confidential record that contains all updated, pertinent documentation.

USE OF SERVICE ANIMAL ON SCHOOL PROPERTY

Definition of a Service Animal - Any guide dog, signal dog, or other animal as designated by law that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items. Examples: a Seeing Eye dog for the blind; an animal that assists persons with mobility impairments.

A multidisciplinary team will weigh the needs of the total school population (allergies, extreme phobias, or religious considerations) in conjunction with the importance of the service to be provided to a student with a disability by a Service Animal (SA) in the school setting. The SA must be determined by an Individual Education Plan team or a Section 504 Accommodation Plan team to be a necessary accommodation.

Parent's Responsibilities

1. Make a formal written request to the principal of the school requesting permission for a SA to accompany SWD at school. Include in the request justification relating to the necessity of having the SA

attend school with a student with a disability (SWD) together with any medical information confirming the diagnosis of a recognized special need, including a recommendation for the use of a SA. Present the written request to the principal giving sufficient time to review eligibility and provide pertinent notice to all concerned individuals.

2. If available, provide a Certificate of Training for SA from a certified training centre.
3. Pay for any financial implications regarding the use and care of SA.
4. Maintain liability insurance for SWD and SA.
5. Annually, provide the school with proof of up-to-date vaccinations, a municipal license for the SA, and confirmation that the SA is in good health.
6. Arrange for the personal care and physical needs of the SA, including bio-break(s) procedures.
7. Ensure that SA is well groomed and free of any infestation.

Principal's Responsibilities

1. Ensure that the use of a SA is consistent with the needs or recommendations included in the Individual Education Plan or the Section 504 Accommodation Plan.
2. Consult with the Superintendent of Education and the Director of Exceptional Student Education and/or the district's designated 504 Coordinator to determine that all information provided by the parent indicates a valid need for a SA in the school environment.
3. Arrange a case conference with pertinent district and school-level administrators, parents/guardians, classroom teacher(s) to discuss and develop a plan to determine the purpose and function of the SA; who will accompany and handle the SA outside; and, personal care and physical needs of the SA to include bio-breaks, disposal of waste, etc.
4. In the event the team determination is that the SA is a necessary accommodation for a SWD, the team will consider all of the following:
 - seating arrangements;
 - any necessary changes in routine and procedures, and program changes;
 - arrangements for the SA to visit the school without students present in order to familiarize it with the school site;
 - training for school personnel and for students regarding rules of conduct around the SA; and,
 - transition plan and timetable for the introduction of the SA to the school and introduction of the SA to the classroom.
5. Inform all staff including teachers, educational assistants, custodians, all support staff, volunteers, school council, union representatives, and health and safety representatives of the presence of SA.
6. Revise emergency procedures as required to include SA, such as evacuations, and notification to the Fire Department regarding the existence of the SA.
7. Post signs on each entry door of the school to advise visitors of the presence of a working SA.

District's Responsibilities

1. The District must consider the health and safety for its students and all school personnel. Even if the service animal is certified for public access, it will be denied access to school property if at any time minimum standards for service animals are not maintained:
 - SA is clean, well-groomed and does not have an offensive odor.
 - SA does not urinate or defecate in inappropriate locations.
 - SA does not solicit attention, visit or annoy any member of the student body or school personnel.
 - SA does not vocalize unnecessarily, i.e., barking, growling or whining.
 - SA shows no aggression towards people or other animals.

2. In the event the SA meets all requirements hereinabove, the District shall inform all concerned of the arrival of the working SA, the purpose of the SA, and the rules and regulations regarding the existence of the SA at the school. (Sample letters are included to provide this information to the school community, the students who will be sharing transportation with the SA, if applicable, and the students in any of the classes where the SA will be present.)

SAMPLE LETTER TO THE SCHOOL COMMUNITY



Date

Dear Parent / Guardian:

This letter is to inform you that there will be a Service Animal (SA) in our school assisting one of our students. SA is a highly trained companion for our student and is able to assist in many of the routine activities which may pose some challenges for this student. SAs are comparable to Guide Service Dogs and are included in every aspect of the student's life. The child's right to have a SA is protected under Human Rights legislation.

There will be information sessions at the school to integrate the SA into our daily routines and all our students will be instructed as to the proper procedure regarding the SA. They will be informed that SA is a working SA and not a pet while at school.

Already, the SA has been a benefit to the student, and we look forward to a lot of growth and learning together. Thank you for your understanding, support, and interest.

Sincerely,

Principal

cc: Superintendent
Supervisor of Curriculum and Instruction
Section 504 Coordinator

SAMPLE LETTER TO THE FAMILIES OF CLASSMATES



Date

Dear Parent / Guardian:

This letter is to inform you that there will be a Service Animal (SA) in our school assisting one of our students, and this student and SA will be a part of your child's class. This SA is a highly trained companion for our student and is able to assist in many of the routine activities which may pose some challenges for this student.

SAs are comparable to a Guide Service Dog and are included in every aspect of the student's life. The child's right to have a SA is protected under Human Rights legislation.

There will be information sessions at the school to integrate the SA into our daily routines and all of our students will be instructed as to the proper procedure around the SA. They will be informed that the SA is a working animal and not a pet while at school.

If you have any specific concerns regarding the presence of the Service Dog in your child's class, please contact me at the school. Thank you for your understanding, support, and interest.

Sincerely,

Principal

cc: Superintendent
Supervisor of Curriculum and Instruction
Section 504 Coordinator

SAMPLE LETTER TO THOSE SHARING TRANSPORTATION



Date

Dear Parent / Guardian:

This letter is to inform you that there will be a Service Animal (SA) in our school assisting one of our students, and this student and SA will be a part of your child's transportation. This SA is a highly trained companion for our student and is able to assist in many of the routine activities which may pose some challenges for this student.

SAs are comparable to a Guide Service Dog and are included in every aspect of the student's life. The child's right to have a SA is protected under Human Rights legislation.

There will be information sessions at the school to integrate the SA into our daily routines and all of our students will be instructed as to the proper procedure around the SA. They will be informed that the SA is a working animal and not a pet while at school.

If you have any specific concerns regarding the presence of the Service Dog in your child's class, please contact me at the school. Thank you for your understanding, support, and interest.

Sincerely,

Principal

cc: Superintendent
Supervisor of Curriculum and Instruction
Section 504 Coordinator

CHANGE OF PLACEMENT

For Section 504 eligible students, the need for an evaluation and possible changes in the Section 504 Plan should be considered whenever there is a "significant change of placement." Examples of significant changes in placement include: transfer of a student to home instruction, significant change in the delivery of education - regular education to special education, dismissal from special education, alternative education - or disciplinary action resulting in suspension or expulsion.

Students eligible under Section 504 for whom a significant change of placement is being considered should have the Section 504 Plan reviewed by SBIT. The SBIT should, in its deliberation, review the extent to which the disability, within the context of the behavior in question, impaired the ability of the student to understand the important consequences of the behavior; or, impaired the ability of the student to control the behavior.

TEMPORARY IMPAIRMENTS

The ADA and the proposed regulation specifically state that an impairment that is episodic or in remission meets the definition of disability if it would substantially limit a major life activity when active. This means that chronic impairments with symptoms or effects that are episodic rather than present all the time can be a disability even if the symptoms or effects would only substantially limit a major life activity when the impairment is active. The proposed regulation says that examples of impairments that are episodic include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, and schizophrenia.

The EEOC's proposed regulation provides several examples of temporary, non-chronic impairments of short duration with little or no residual effects that are usually not disabilities, including (but not limited to) the common cold, seasonal or common influenza, a sprained joint, minor and non-chronic gastrointestinal disorders, or a broken bone that is expected to heal completely. The appendix to the proposed regulation also states that appendicitis and seasonal allergies that do not substantially limit a person's major life activities even when active are not disabilities. Additionally, the fact that an impairment is permanent or of long duration or chronic in nature would not automatically make it a disability if it otherwise does not substantially limit a major life activity.

TRANSPORTATION

Students with handicapping conditions may require bus transportation to provide equal access. Should the SBIT committee determine that a SWD is in need of such accommodation, the 504 Liaison will provide a record of the Accommodation Plan to the district's Coordinator of Transportation.

OUT-OF-COUNTY TRANSFER

When a school receives an out-of-county transfer student with a current 504 Plan, the 504 Liaison will schedule a meeting of SBIT to review the student's transfer records. Previous decisions regarding Section 504 eligibility and reasonable accommodations will be taken into consideration. Continued eligibility and need for an Accommodation Plan must be re-established.

PROCEDURAL SAFEGUARDS, GRIEVANCE PROCEDURES, AND HEARING

Parent/guardians must be advised of their rights with respect to Section 504 of the Rehabilitation Act of 1973. They should also receive written notice when their child is evaluated, identified, or is involved in a significant change of placement. All decisions made about a student should be based on information acquired from a variety of sources and provided by individuals knowledgeable about the student, the evaluation data, and the placement options. Parent/guardians also have the right to examine all relevant records relating to decisions involving identification, evaluation and placement. Parents/guardians have the right to file a local grievance or a due process hearing to resolve issues relating to the identification, evaluation or placement of their child. These three complaint processes are separate, distinct, and voluntary.

MEDIATION REQUEST

When parent/guardians request mediation with respect to the decisions of the School-based Intervention Team (SBIT) considering their child for Section 504 eligibility and/or the recommended accommodations, the request should be given in writing to the school principal who will attempt to resolve the issue within ten (10) school days of the receipt of the written grievance. The school principal, in consult with the district's 504 Coordinator, will help resolve complaints.

DISTRICT GRIEVANCE

Should an attempt to mediate prove unsuccessful, parents or guardians have the right to a district-level grievance process accomplished by filing a complaint under School Board policy. Use of this procedure is not a prerequisite to the pursuit of other remedies and use of this procedure does not extend any filing deadline related to the pursuit of other remedies. A person who wishes to avail himself/herself of this procedure may do so by filing a complaint with the School Board Equity Officer and follow the procedures as outlined in School Board policy.

DUE PROCESS HEARING

Parents or guardians also have the right to voluntarily request an impartial due process hearing at any time. Pursuing a complaint or grievance through the district's grievance procedures and participating in mediation do not constitute a prerequisite for requesting a due process hearing. Questions regarding procedural safeguards, grievance procedures, or hearing should be directed to the district's Section 504 Coordinator, (850) 892-1100. To obtain a due process hearing, a written request is made to the Section 504 Coordinator.

Upon receipt of the request for due process, the District will contract with the Division of Administrative Hearings (DOAH) to appoint an Administrative Law Judge as a Due Process Hearing Officer. The Administrative Law Judge will schedule a prehearing conference and a subsequent hearing. Parents or guardians and the school district have the right to examine all relevant educational records of the student, call and examine witnesses, provide testimony and be advised by legal counsel. Procedures governing the hearing process such as discovery, subpoenas and evidence will follow DOAH's Uniform Rules of Procedure at 28-106.201 to 28-106.216. These rules may be accessed at it's website at www.doah.state.fl.us. The Administrative Law Judge will render a decision, which becomes the final administrative decision. (Because Section 504 requires the decision to be impartial, it is not subject to changes by a party.) Any party aggrieved by the findings and decision in the hearing may obtain review by bringing a civil action in any state court of competent jurisdiction or in a district court of the United States.

Parent/guardians may at any time also request mediation or involvement by the Office for Civil Rights, the federal agency charged with the enforcement responsibility for Section 504. Efforts should be made to assist parent/guardians to resolve disputes on a local level as a first priority. The Office for Civil Rights may be contacted at: United States Department of Education, Office for Civil Rights, 61 Forsyth Street, SW, Suite 19T70, Atlanta, Georgia 30303. Voice Phone (404) 974-9396 FAX (404) 974-9471.

DISCIPLINE UNDER SECTION 504

The administration of student discipline for Section 504 students is the same as that for students with disabilities who receive such services through exceptional student education programs under IDEA. If proposed, disciplinary action will cause a significant change in placement, the student is reevaluated. In a disciplinary context, this means it must be determined whether the misconduct is related to the student's disability.

Suspension for more than 10 days in a school year (cumulative, not consecutive) is as a "significant change of placement" and warrants a review of the student's placement and services. The school should convene a SBIT meeting with a group of people knowledgeable about the student and determine whether the student's inappropriate behavior was a manifestation of the student's disability. If the behavior is determined to not be related to the student's disability, typical discipline rules that apply to students who are not disabled may be implemented.

If the behavior is determined to be a manifestation of the disability or if the student's accommodation plan was insufficient to address the behavior, then change of placement should be addressed through revision of existing Accommodation Plan to include a Positive Behavior Intervention Plan (PBIP). Section 504 does not mandate functional behavior assessment; however, such an assessment would provide important information for development of PBIP.

After the PBIP is developed and implemented, further out of school suspension or other change of placements would need to be considered in light of the requirements of the PBIP. The PBIP supersedes the Code of Student Conduct in areas where the two documents may conflict (e.g. consequences for inappropriate behavior). Should a Section 504 student be appropriately suspended for more than 10 days, the district is not obligated to provide accommodations to them unless accommodations would be provided to a non-disabled student in a similar situation.

SUBSTANCE USE/POSSESSION OFFENSES

SWD currently engaged in the illegal use of drugs or alcohol, is subject to any disciplinary measure pertaining to the use or possession of illegal drugs or use of alcohol as is taken for students without disabilities. No manifestation determination or due process procedures are required. However, a student with a disability who is not currently engaged in the illegal use of drugs or alcohol who commits a drug/alcohol offense, such as possession, sale, or distribution of drugs or alcohol, is afforded Section 504 and ADA protection, including the right to an evaluation of whether the behavior is related to the disability and the right to due process. For example, a student with a disability is entitled to procedural protection when illegal drugs are found in his locker if it is determined that the student is not currently using the drugs. The Office for Civil Rights (OCR) defines "current use of drugs" as "illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem". Thus if it is known that the student with the drugs in his locker has been consistently using illegal drugs but happened not to be using them that day, the student may not be protected because he could still be a current user.

SWD who formerly used drugs illegally is protected under Section 504 and ADA, if not currently engaging in illegal use of drugs. The person is protected if the individual has successfully completed a supervised rehabilitation program and is no longer engaging in drug use, the person is participating in a supervised rehabilitation program and is not engaging in such use, or the person is erroneously regarded as engaging in such use.

MANIFESTATION DETERMINATION

If a Section 504 student is subjected to a change of placement due to disciplinary action, a manifestation determination must be conducted. This meeting should take place before suspending a Section 504 student for a period that, when considered with prior suspensions during the school year, exceeds the tenth cumulative day.

INTERIM ALTERNATIVE EDUCATIONAL SETTING

There is no clear guidance from OCR on determining placement in an interim alternative educational setting (IAES). However, the 45-day placement for firearms (the Jefford's Amendment) clearly applies to Section 504 students. IAES placement must be made by a duly constituted 504 team.

Definition: The IAES is a change in placement for up to 45 calendar days that may be appropriate for a student with a disability who:

- A. Possesses or uses illegal drugs at school or at a school function.
- B. Sells or solicits controlled substances at school or at a school function.
- C. Carries or possesses a weapon to or at school, on school premises, or to or at a school function.

The penalty for a Section 504 student must be commensurate with that of a non-disabled student.

SECTION 504: DEFINITIONS

1. "Handicapped person"

- a. has a physical or mental impairment, which substantially limits one or more major life activities; "Major life activities" are basic activities that most people in the general population can perform with little or no difficulty. Examples of major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. The ADAAA also says that major life activities include the operation of major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, and reproductive functions, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, and cardiovascular. To meet one of the first two definitions of "disability," an individual must either have an impairment that substantially limits performance of one major life activity or have a record of the impairment that substantially limited one major life activity. It is possible in many situations that an individual will be substantially limited (or have a record of such a limitation) in more than one major life activity.
- b. has a record of such an impairment ("Has a record of such an impairment" means has a history of, or has been previously classified as having a mental or physical impairment that substantially limited one or more major life activities"); or
- c. is regarded as having such an impairment ("Is regarded as having such impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient Local Education Agency (LEA) as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or (iii) has none of the impairments defined in Section 504 but is treated by a recipient (LEA) as having such an impairment.).

The Section 504 definition of an individual with a disability was amended by the Americans with Disabilities Act (ADA) to include persons (students):

- a. who have successfully completed a supervised drug rehabilitation program;
- b. who have been otherwise rehabilitated successfully are no longer engaging in the illegal use of drugs;
- c. who are participating in a supervised rehabilitation program and are no longer using drugs; and,
- d. who are not using drugs but erroneously regarded as engaging in drug use.

2. "Physical or Mental Impairment"

- a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
- b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- c. To have a disability (or to have a record of a disability) an individual must be substantially limited in performing a major life activity as compared to most people in the general population. The impairment need not prevent, or significantly or severely restrict, the individual in performing a major life activity to be considered "substantially limiting." All of these tests of substantial limitation were deemed by Congress to be too demanding. Rather, determination of whether an individual is experiencing a substantial limitation in performing a major life activity is a common-sense assessment based on comparing an individual's ability to perform a specific major life activity (which could be a major bodily function) with that of most people in the general population. However, the proposed regulation says that temporary, non-chronic impairments of short duration with little or no residual effects usually will not be considered disabilities.

d. The ADA and the proposed regulation specifically state that an impairment that is episodic or in remission meets the definition of disability if it would substantially limit a major life activity when active. This means that chronic impairments with symptoms or effects that are episodic rather than present all the time can be a disability even if the symptoms or effects would only substantially limit a major life activity when the impairment is active. The proposed regulation says that examples of impairments that are episodic include epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, and schizophrenia. Similarly, if an impairment such as cancer is in remission, but there is a possibility that it could return in a substantially limiting form, then under the ADA this would meet the definition of "disability."

3. **"Major Life Activities"**

Functions that most people in the general population can perform with little or no difficulty. Examples of major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. The ADA also says that major life activities include the operation of major bodily functions, including functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, and reproductive functions, hemic, lymphatic, musculoskeletal, special sense organs and skin, genitourinary, and cardiovascular. To meet one of the first two definitions of "disability," an individual must either have an impairment that substantially limits performance of one major life activity or have a record of the impairment that substantially limited in one or more major life activity.

4. **"Free Appropriate Public Education"**

"Appropriate education" is the provision of regular or special education and related services designed to meet the individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met; and, based upon adherence to procedures that satisfy the requirements of Section 504.

5. **"Reasonable"**

a. "Reasonable accommodation" is usually used in employment. It means what is required for the person to perform the essential functions of the job, and nothing more. It is also used in Title II of the ADA at 28CFR35.130 (b) (7). With respect to students, a reasonable accommodation provides equal access for SWD.

NOTICE AND CONSENT FOR INITIAL SECTION 504 EVALUATION

Student's Name: _____ DOB _____ Student ID# _____

Grade: _____ School: _____ Date Sent: _____

Parent(s) _____ Address _____

Home Phone _____ Work Phone _____

We have carefully reviewed your child's school records and information from teachers. Additional information is necessary to fully determine your child's educational needs and whether he/she might be eligible for assistance in the regular classroom under Section 504. We are requesting that you consent to an evaluation for the following reasons:

In many cases, the 504 evaluation may simply consist of staff persons reviewing and interpreting existing school records, including anecdotal evidence, observations, prior testing, grades, standardized test scores, and other data, in order to determine if your child qualifies for accommodations in the regular classroom. ***This is not an exceptional student education evaluation.***

Please review the enclosed document entitled "Notice of Parent Rights", which informs you of your rights under Section 504. If you consent to the evaluation sign and return one copy of this letter. Keep the other copy and "Notice of Parent Rights" for future reference.

Please call _____(Liaison) at _____ if you have any questions.

504 Liaison

Telephone #

As parent/guardian for the student mentioned above and having received notification of the Section 504 of my rights, I give consent to an evaluation under the Section 504.

Parent/Guardian Signature

Date

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

NOTIFICACIÓN Y CONSENTIMIENTO PARA EVALUACIÓN INICIAL DE LA SECCIÓN 504

Initial as completed

504 Notice and Consent for Evaluation, Spanish page 1 of 1

- 2 copies to parents
- 1 copy signed and returned
- Notice of Rights included

Nombre Legal de estudiante _____ Envió/envió de fecha _____

La fecha del nacimiento _____ Número de identificación de estudiante _____

Grado _____ Escuela _____

Padres _____ Dirección _____

Teléfono del Hogar _____ Teléfono del trabajo _____

Nosotros hemos revisado cuidadosamente los récords o archivos de su hijo/a conjuntamente con información de los maestros. Información adicional es necesaria para determinar las necesidades educativas de su hijo/a y si él/ella pudiera ser elegible para ayuda o asistencia en el salón de clase regular bajo la sección 504. Estamos solicitando que usted consienta a una evaluación bajo la sección 504 por las razones siguientes:

En muchos casos, la evaluación 504 puede consistir simplemente de personal docente/administrativo revisando e interpretando récords escolares existentes, incluyendo evidencia anecdótica, observaciones, pruebas previas, calificaciones, puntaje en exámenes estandarizados, y otros datos, afín de determinar si su hijo/a cualifica para adaptaciones en el salón de clase regular. Esto no es una evaluación Educativa de Estudiante Excepcional.

Favor de revisar el documento titulado "Notificación de Derechos de los Padres," el cual le informa de sus derechos bajo la Sección 504. Si usted consiente a la evaluación. Firme y retorne una copia de esta carta. Mantenga la otra copia y la Notificación de Derechos de los padres para futura referencia.

Favor de llamar a _____ (Liaison) al _____ si usted tiene alguna pregunta.

Miembro del Personal Escolar

de Teléfono

Como padre/encargado del estudiante mencionado más arriba, y habiendo recibido notificación de la Sección 504 de mis derechos como padre, por este medio doy consentimiento a una evaluación bajo la Sección 504.

Firma del Padre/encargado

Nombre del Padre/encargado (letra de molde)

Nadie se excluirá de participar en, será negado los beneficios de o sufrirá la discriminación por su raza, color, religión, género, edad, etnia, origen nacional, estatus civil, discapacidad, creencias políticas o religiosas en la participación en programas educativos o actividades, o en cualquier condición de empleo prácticas conducidas por este Distrito Escolar excepto los proveídos por la ley.

**NOTICE OF PARENT/STUDENT RIGHTS AFFORDED BY SECTION 504
OF THE REHABILITATION ACT FOR 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.

Your rights include:

- Having your child take part in, and receive benefits from, public education programs without discrimination because of his/her disabling condition(s).
- Having the school district advise you of your rights under Federal Law.
- Receiving notice with respect to identification, evaluation or placement of your child.
- Having your child receive a free appropriate public education.
- Having your child receive services and be educated in facilities which are comparable to those provided to non-disabled students.
- Having evaluation, education and placement decisions made, based on a variety of information sources and by persons who know the student and who are knowledgeable about the evaluation data and placement options.
- Having transportation provided to and from an alternative placement setting (if the setting is a program not operated by the district at no greater cost to you than would be incurred if the student was placed in a program operated by the district).
- Having your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
- Examining all relevant records relating to decisions regarding your child's identification, evaluation and placement.
- Requesting mediation, file a complaint pursuant to the Florida Administrative Procedure Act (F.S. Chapter 120), or request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and your child may take part in the hearing and be represented by counsel. Hearing requests must be made in writing to the 504 Coordinator, 145 Park Street, DeFuniak Springs, FL 32435. (850-892-1100). You may also elect to contact the Office for Civil Rights at any time. These complaint resolution activities are voluntary, separate and distinct. In addition parents/guardians may also exercise any other rights available under School Board Policy.
- Requesting an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. Hearing requests must be made in writing to the District 504 Coordinator, identified below. You and your child may take part in the hearing and be represented by counsel. The hearing is conducted by an Administrative Law Judge of the Division of Administrative Hearings. DOAH's Uniform Rules of Procedure, which may be accessed at its website at www.doah.state.fl.us, is used to conduct the hearing. The Administrative Law Judge will render a decision, which is the final administrative decision. Because Section 504 requires the decision to be impartial, it may not be subject to changes by a party. Any party aggrieved by the findings and decision in the hearing may obtain review by bringing a civil action in any State court of competent jurisdiction or in a District Court of the United States.

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

NOTIFICACION A PADRES/ESTUDIANTES SOBRE LOS DERECHOS PROPORCIONADOS POR LA SECCION 504 DEL ACTA DE REHABILITACION DE 1973

Lo siguiente es una descripción de los derechos otorgados por la Ley Federal a estudiantes con incapacidad. El propósito de la Ley es de mantenerlo a usted bien informado en lo concerniente a las decisiones sobre su hijo/a y de informarle a usted sobre sus derechos si usted está en desacuerdo con algunas de estas decisiones.

Usted tiene el derecho a:

- Que su hijo/a tome parte en , reciba los beneficios de, programas de educación pública, sin discriminación, debido a la condición o condiciones de incapacidad de él/ella.
- Que el distrito escolar le notifique sobre sus derechos bajo la Ley Federal.
- Recibir notificación con respecto a identificación, evaluación y ubicación de su hijo/a.
- Que su hijo/a reciba gratis una educación pública apropiada.
- Que su hijo/a reciba servicios y se eduque en habilidades y destrezas que sean comparables a aquellos que son provistos para estudiantes sin incapacidades.
- Que la evaluación, enseñanza y decisiones de ubicación hechas, estén basadas en varias fuentes de información y por personas que conocen al estudiante y que están informados sobre los datos de la evaluación y las opciones de ubicación.
- Tener transportación provista hacia y desde algún sitio de ubicación alternativa (si el lugar o sitio es un programa no administrado por el distrito a un costo no mayor del que se incurriría si el estudiante estuviera ubicado en un programa administrado por el distrito).
- Que a su hijo/a le otorguen igualdad de oportunidad para participar en actividades extracurriculares y no académicas ofrecidas por el distrito.
- Examinar todos los registros relacionados a decisiones con respecto a la identificación, evaluación y ubicación de su hijo/a.
- Mediación de Petición, archiva una queja según la Florida Acto Administrativo de Procedimiento (F. El capítulo 120), o le solicita una audición debida imparcial de proceso relacionada a decisiones o acciones con respecto a la identificación de su niño, la evaluación, programa o colocación educativos. Usted y su niño puede tomar la parte en la audición y es representado por consejo. Las peticiones de la audición deben ser hechas en la escritura al Director de ESE en (863) 983-1507 o (863) 674-4164. Usted también puede elegir a contactar la Oficina para Derechos Civiles en tiempo. Estas actividades de la resolución de la queja son voluntarias, separadas y claras en padres/guardianes de adición también puede ejercitar cualquier otros derechos disponibles bajo la Tabla de la Escuela Política.
- Solicite una audición debida imparcial de proceso relacionada a decisiones o acciones con respecto a la identificación de su niño, la evaluación, programa o colocación educativos. Las peticiones de la audición deben ser hechas en la escritura al Distrito 504 Coordinador, identificado abajo. Usted y su niño puede tomar la parte en la audición y es representado por consejo. La audición es realizada por un Juez Administrativo de la Ley de la División de Audiciones Administrativas. Las Reglas Uniformes de DOAH de Procedimiento, que puede ser conseguir acceso a en lo es sitio web en www.doah.state.fl.us, es utilizado para realizar la audición. El Juez Administrativo de la Ley rendirá una decisión, que es la decisión administrativa final. Porque Sección 504 requieren la decisión de ser imparcial, no puede ser susceptible a cambios por un partido. Cualquier partido ofendido por las conclusiones y la decisión en la audición puede obtener revisión trayendo una acción civil en cualquier tribunal del Estado de jurisdicción competente o en un Tribunal de distrito de Estados Unidos.

Nadie se excluirá de participar en, será negado los beneficios de o sufrirá la iscriminación por su raza, color, religión, género, edad, etnia, origen nacional, estatus civil, discapacidad, creencias políticas o religiosas en la participación en programas educativos o actividades, o en cualquier condición de empleo prácticas conducidas por este Distrito Escolar excepto los proveídos por la ley.

PARENT-INPUT FOR SECTION 504 EVALUATION

The information requested will greatly assist the 504 Committee in evaluation of your child. If you have additional information that you want the Committee to consider (and that is not requested here), please feel free to attach additional pages. Disregard any question that makes you uncomfortable. If you would prefer to provide this information by phone, please contact your school's 504 Liaison.

Student's Legal Name _____ **DOB** _____

Grade: _____ **School:** _____

Address: _____ Phone: _____

GENERAL INFORMATION

Name of Father _____ Occupation _____

Name of Mother _____ Occupation _____

Do both parents live in the student's home? Yes No If not, with whom does the student live?

Name(s) _____ Relationship _____

Education level: Father _____ Mother _____

OTHER CHILDREN IN THE HOME (Please use the back of this sheet if more space is needed)

NAME	AGE	RELATIONSHIP
_____	_____	_____
_____	_____	_____
_____	_____	_____

Do any of these children have learning problems? Yes No

If **YES**, specify: _____

OTHER ADULTS IN THE HOME (Please use the back of this sheet if more space is needed)

NAME	RELATIONSHIP
_____	_____
_____	_____

Have any other family members had learning problems? Yes No

If **YES**, specify _____

The primary language spoken at home is? _____

How long has the student lived in the United States? _____

What time does the student go to bed at night? _____ Does the student eat breakfast? Yes No Sometimes

EDUCATION EXPERIENCE AT HOME (Please check those items available at home):

Television Books Tape recorder Educational toys Record player or stereo Radio Computer Internet

What activities do the family participate in together? (Read, watch television, go camping, etc.) _____

Have there been any important changes with the family during the last three years? (For example, job changes, moves, births, deaths, illnesses, separations, divorce)

With whom in the family is the student particularly close? _____

Has the student ever been separated from the family due to family problems, health reasons, etc.? Yes No If **YES**, for what reason? _____

How did the student react to the separation? _____

Describe the student's behavior at home with peers, siblings, neighbors, parents. (For example, is he/she generally well-behaved, passive or aggressive, social or a loner, affectionate or withdrawn, etc?) _____

What methods of discipline are used with this student at home? (For example, spanking, extra chores, early bedtimes, taking away of privileges; is he/she given rewards for good behavior?) _____

What is your child's reaction to discipline? _____

Who is the main disciplinarian? _____

PEER RELATIONSHIPS

Does the student prefer to play/socialize with boys or girls? _____

Does the student have friends? Yes No his/her own age? Yes No younger? Yes No older? Yes No

What does the student do when not in school? (watch television, read, part-time job, play with other children)

Indoors: _____

Outdoors: _____

Has your child mentioned problems with school? Yes No

If **YES**, how does he/se feel about the problem? _____

Do you think that the student has a problem in school? Yes No

If **YES**, what? _____

If you think that the student has a problem in school, have you shared those concerns with the school? Yes No If **YES**, when did you first notice the problem? _____

When did you share your concerns? _____

With whom did you share your concerns? _____

What do you think is causing the problem? _____

Does your child have a part-time job after school or on weekends? Yes No

If **YES**, please specify. _____

CHILDHOOD HISTORY

Does your child have or has he/she had any of the following:

		<u>Began at age</u>	<u>Stopped at age</u>	<u>Still has problem</u>
Frequent fevers	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Frequent earaches	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Frequent vomiting	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Frequent headaches	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Thumb sucking	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Nightmares	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Sleepwalking	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Self Injurious Behavior	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____

		<u>Began at age</u>	<u>Stopped at age</u>	<u>Still has problem</u>
Rocking of body	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Teeth grinding	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Bedwetting	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Fingernail biting	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Temper tantrums	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Has run away from home	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Ever lost consciousness	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____
Ever had convulsions	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____	_____

Doctor's reports, letters and diagnoses can be very helpful to the 504 Committee. Please attach those medical records, so that the Committee can have a more complete picture of your child. If you would prefer, you may give the District written consent to seek those records from your doctors directly. Please notify _____ (Liaison) to get the necessary form.

Is your child under the care of a physician for a medical problem? Yes No

If **YES**, describe the problem. _____

Does your child appear to have any other physical health problems, including allergies? Yes No

If **YES**, please explain. _____

Is your child now taking any medications? Yes No

If **YES**, please explain. _____

Do you know of any side effects the medicine might have? Yes No

If **YES**, please explain. _____

Has your child ever been hospitalized? Yes No

If **YES**, please state why and for how long. _____

Does the student appear to be very different from your other children, in his/her behavior, learning skills, or other skills?

Yes No If **YES**, how? _____

Compared to other children in the family, this child's development was: Slower About the same Faster

At what age (in months) was student able to do the following: Sat without support _____ Crawled _____

Walked without support _____ Used spoon fairly well _____ reasonably well toilet-trained _____

If the student qualifies for special services, what service do you think would best help your son/daughter? _____

Signature of Parent

Date

Signature and Position of School Staff

Date

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

TEACHER/ADMINISTRATOR INPUT FOR SECTION 504 EVALUATION

Teacher's Name _____ **Student's Legal Name** _____
Subject Matter _____ **Student ID#** _____
Grade: _____ **School:** _____

RATE THE INSTRUCTIONAL CONCERNS YOU HAVE ABOUT THIS STUDENT:

(Check one)	Poor	Below Average	Average	Above Average	Superior	Not Observed
Reading skills	<input type="checkbox"/>					
Math skills	<input type="checkbox"/>					
Written expression	<input type="checkbox"/>					
Spelling	<input type="checkbox"/>					
Classroom work	<input type="checkbox"/>					
Homework	<input type="checkbox"/>					
Tests	<input type="checkbox"/>					
Following oral directions	<input type="checkbox"/>					
Following written directions	<input type="checkbox"/>					
Organizational skills	<input type="checkbox"/>					
_____	<input type="checkbox"/>					
_____	<input type="checkbox"/>					
_____	<input type="checkbox"/>					
_____	<input type="checkbox"/>					

BEHAVIOR RATING

What behavioral concerns do you have about this student?

- | | |
|----------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> poor attention and concentration | <input type="checkbox"/> interrupts or intrudes on others |
| <input type="checkbox"/> often loses things necessary for tasks | <input type="checkbox"/> extreme mood swings |
| <input type="checkbox"/> noncompliance with teacher directives | <input type="checkbox"/> difficulty working with peers |
| <input type="checkbox"/> excessively high/low activity level | <input type="checkbox"/> difficulty remaining seated |
| <input type="checkbox"/> difficulty following directions | <input type="checkbox"/> is easily distracted |
| <input type="checkbox"/> fidgets, squirms or seems restless | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> shifts from one uncompleted task to another | <input type="checkbox"/> none |

RATE STUDENT'S BEHAVIOR IN EACH OF THE FOLLOWING AREAS:
 Adaptive/Behavioral (Rate student's behavior in relation to other students of the same **AGE**.)

(Check one)	Poor	Below Average	Average	Above Average	Superior	Not Observed
Generally cooperates or complies with teacher requests	<input type="checkbox"/>					
Adapts to new situations without getting upset	<input type="checkbox"/>					
Accepts responsibility for own actions	<input type="checkbox"/>					
Makes and keeps friends at school	<input type="checkbox"/>					
Works cooperatively with others	<input type="checkbox"/>					
Has an even, usually happy, disposition	<input type="checkbox"/>					

What educational accommodations/alternative strategies have been used with this student?

- | | | |
|------------------------------------------------|-----------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> instructional methods | <input type="checkbox"/> instructional pacing | <input type="checkbox"/> instructional materials |
| <input type="checkbox"/> re-teaching | <input type="checkbox"/> parent conferences | <input type="checkbox"/> other _____ |

What were the results of these accommodations? _____

Has this student been suspended, expelled or removed to alternative education during the last or current school year?

- Yes No If **YES**, explain and attach copies of disciplinary referrals. _____

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

SECTION 504 EVALUATION/ELIGIBILITY DETERMINATION

Student: _____ Grade: _____ School: _____ Date: _____

Procedural Checklist: All must be checked before the evaluation may occur.

Parent has consented to 504 evaluation(s). Parent has received Notice of 504 Parent Rights. Parent has been informed (in writing by phone in person) of the date, time, and place of this evaluation meeting. Determination is a team decision of Section 504 committee.

NAME	POSITION	KNOWLEDGE OF
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options
_____	_____	<input type="checkbox"/> Child <input type="checkbox"/> Evaluation Data <input type="checkbox"/> Placement Options

The following data were gathered from a variety of sources, including the Referral Document. (Please check each that applies.)

- | | | |
|-------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Grade reports | <input type="checkbox"/> Teacher/Administrator Input | <input type="checkbox"/> Parent input |
| <input type="checkbox"/> Disciplinary records/referrals | <input type="checkbox"/> Student work portfolio | |
| <input type="checkbox"/> Standardized Tests and Other Tests | <input type="checkbox"/> Child Study Team suggestions | |
| <input type="checkbox"/> School Health Information | <input type="checkbox"/> Medical evaluations/diagnoses from parents | |
| <input type="checkbox"/> Other _____ | | |

Based on the data, the Section 504 Committee answered the following questions:

- Does the student have a physical or mental impairment? Yes No If **YES**, describe the impairment (**Note:** *This is an educational determination only, and not a medical diagnosis*).

- Does the physical or mental impairment affect one or more major life activities? Yes No If **YES**, which major life activity or activities is/are affected? _____
- Is the student significantly restricted as to the condition, manner or duration under which the student can perform a particular major life activity as compared to the condition, manner, or duration under which the average student of the same age/grade level in the general population can perform that same major life activity? Yes No If **YES**, describe the substantial limitation. _____
- Are 504 accommodations needed in the educational setting? Yes No

The 504 Committee's analysis of the eligibility criteria as applied to the evaluation data indicates that:

- _____ The student is not eligible for accommodations under Section 504, and will continue to receive regular education and any available regular education resources and programs.
- _____ The student is eligible under Section 504, and will receive an Accommodation Plan, which governs the provision of 504 accommodations to the student.
- _____ The student remains eligible under Section 504 following the reevaluation process and will receive an updated Accommodation Plan, which governs the provision of 504 accommodations 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 accommodations.
- Other _____

If you disagree with the Committee's decision, please contact the District 504 Coordinator at 850-892-1100 to discuss your concerns, or refer to Notice of 504 Parent Rights for other options. **Procedural Safeguards: Verify that a copy of this completed evaluation was provided to the parent by mail, in person**

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

NOTICE OF SECTION 504 EVALUATION RESULTS

Student's Legal Name _____ **Student ID#** _____ **Date** _____

Dear Mr./Mrs. _____
Parent/Guardian/Surrogate/Adult Student

This letter is to inform you that the Section 504 Committee had a meeting on _____. After careful review of relevant evaluation data, the Section 504 Committee made the following decisions regarding your student's placement:

- Regular education without Section 504 accommodations.
- Placement in regular education with Section 504 accommodations. A copy of the Accommodation Plan is enclosed.
- Reevaluation indicates continued eligibility under Section 504. Copy of the Accommodation Plan is enclosed.
- Reevaluation indicates that student is no longer eligible under Section 504. Accommodation Plan is discontinued.
- Referral for Exceptional Student Education
- Other _____

If you have any questions concerning this decision, please call the school's 504 Liaison or contact the district's 504 Coordinator at 850-892-1100.

Sincerely,

504 Liaison

Enclosure: Completed Evaluation
Student Accommodation Plan (if eligible)
Manifestation Determination Form (if discipline evaluation conducted)

**INFORMED NOTICE OF REFUSAL TO TAKE A SPECIFIC ACTION REGARDING SECTION 504
OF THE REHABILITATION ACT**

(Complete for initial finding of ineligibility under Section 504 or any denial of parent request)

Date _____

Parent/Legal Guardian _____

Address _____
Street City State Zip

Student's Legal Name _____ Student ID# _____ DOB _____

School Contact _____

Dear Parent(s):

After careful review of your student's educational records, the determination of the 504 team is:

- Actual presence of identified disability or impairment has not been documented/determined at this time;
- Identified disability does not meet criteria as "substantially limiting a major life activity" defined in Section 504.
- Other: _____

Sincerely,

504 Liaison

Cc: Principal
504 Coordinator

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

SECTION 504 STUDENT ACCOMMODATION PLAN

Student's Legal Name _____ Student ID# _____ Date _____

DOB _____ Grade _____ School _____

Check one of the following: Initial Annual Review and Reevaluation Failure/Discipline Review
 Reevaluation and Dismissal Other _____

This Student Accommodation Plan has been distributed to the following:

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Parent
<input type="checkbox"/> English Teacher
<input type="checkbox"/> Mathematics Teacher
<input type="checkbox"/> Science Teacher
<input type="checkbox"/> Social Studies/History
<input type="checkbox"/> Physical Education Teacher | <input type="checkbox"/> Fine Arts Teacher
<input type="checkbox"/> Vocational Teacher
<input type="checkbox"/> Administrator
<input type="checkbox"/> Other _____
<input type="checkbox"/> Other _____
<input type="checkbox"/> Other _____ |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Please use the following tool to ensure that each of the student's needs identified in the evaluation are addressed in the accommodation plan (Attach additional pages where necessary).

Each student need identified by the evaluation. Accommodation(s) designed to address the need.

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Signatures of 504 Team:

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

SECTION 504 BEHAVIOR INTERVENTION PLAN

Student's Legal Name _____ **Student ID#** _____ **DOB** _____

School: _____ **Date:** _____

Please list below each behavior, reinforcement, consequence, and the person responsible for administering the reinforcement or consequence. Appropriate intervention might arise from assessment data, discipline history, social history, or parental reports. (Only use this form if applicable).

Behaviors targeted for intervention _____

Please check appropriate behavioral accommodations for this student:

- | | |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Set clearly defined limits | <input type="checkbox"/> Reduce distracting stimuli |
| <input type="checkbox"/> Give frequent reminder of rules | <input type="checkbox"/> Follows regular discipline plan |
| <input type="checkbox"/> Reinforce appropriate behavior | <input type="checkbox"/> Journal of daily behaviors |
| <input type="checkbox"/> Peer intervention. Assign peers to work with student | <input type="checkbox"/> Seat student near teacher |
| <input type="checkbox"/> Behavioral contract (specify behavior expected and reinforcement) | <input type="checkbox"/> In class time out/cooling off |
| <input type="checkbox"/> Supervision during unstructured time | |
| <input type="checkbox"/> Provide student with a consistent routine (daily schedule of events) | |
| <input type="checkbox"/> Remove student from group or activity until he/she/can demonstrate appropriate behavior. | |

Signatures of 504 Team:

MANIFESTATION DETERMINATION GUIDE FOR SECTION 504

Student's Legal Name _____ Student ID# _____ DOB _____

School: _____ Date: _____

Current Educational Setting(s) _____

Date of this Manifestation Determination Meeting (attach team member list) _____

Date of Alleged Behavior _____

Alleged Behavior Resulting in this Analysis _____

If behavioral assessment of this behavior has occurred, findings: _____

Data Review

Disability of student with associated conditions, if any: _____

Any behavioral features associated with this disability student has shown in the past _____

Discipline history review _____

Accommodation Plan Content and Placement Review

SBIT/504 team agreed this was the correct placement prior to incident? Yes No

Comments: _____

Is the SBIT/504 team in agreement **now** as to correctness of placement? Yes No

Comments: _____

Was there a behavior plan in effect for similar behavior **prior** to incident? Yes No

• If No, would one probably have prevented this behavior? Yes No

Does this behavior suggest the presence of a suspected disability or service need? Yes No

Conclusion 1: Was the behavior a DIRECT result of a failure to implement the accommodation plan? Yes No

Rationale: _____

Discussion: "Is the SBIT/504 team **currently** in agreement that in relation to the behavior, the accommodation plan was appropriate, with all necessary behavioral supports and accommodations being implemented **at the time of the incident**?" Yes No

Comments: _____

Conclusion 2: Was the behavior caused by, or did it have a direct and substantial relationship to, the student's disability?

Yes No

Discussion: What are the observable behavioral manifestations of this disability for this student as reported by individuals knowledgeable of both this disability **and** this student's prior associated behavior? _____

Expanded Discussion: If unclear as to the causative, direct relationship of this disability and this behavior, discuss the following for clarification about the relation of the behavior to the disability:

• Did the student's disability impair understanding the potential impact and outcome of this behavior?

Yes No

What previous data on this student and in the literature on this disability supports this conclusion? _____

• Did the disability impair the student's ability to control the behavior? Yes No

• What previous data on this student and in the literature on this disability supports this conclusion? _____

• Behavior was: willfully chosen by student a spontaneous reaction due to a feature of the student's disability

Final Recommendations

Behavior subject to disciplinary action is NOT a manifestation of the disability, proceed with disciplinary proceedings. **Conditions 1 & 2 above were not met:** the behavior is not a direct result of failure to implement the accommodations plan, nor was the behavior directly, substantially or causatively related to this student's disability.

SBIT/504 team agrees behavior is a manifestation of the disability. No further disciplinary proceedings shall occur at this time. A behavioral assessment shall be conducted and a positive behavior intervention plan written or revised.

Program change recommendations – select conclusion: (504 review date scheduled _____) no change

Recommended because: add or alter behavior plan, because: _____

add or alter behavior plan, because: _____

change of placement to be discussed at 504 review, because: _____

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

504 ACCOMMODATION PLAN DISMISSAL

Student's Legal Name _____ **Student ID#** _____ **Date** _____

The captioned student is being dismissed as a student eligible under Section 504 and the previous Accommodation Plan is discontinued. This decision follows reevaluation and is based on the following:

504 Team Signatures

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

No person shall, on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.

Walton

COUNTY SCHOOL DISTRICT

We
Teach
Each