

## HAMILTON PUBLIC SCHOOLS SECTION 504 HANDBOOK

### INTRODUCTION

Section 504 of the Rehabilitation Act of 1973 was enacted to eliminate discrimination on the basis of disability in any program or activity provided by school districts or other educational providers who receive federal funding. Section 504 specifically prohibits a school district from excluding an “otherwise qualified individual with a disability” from participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving federal funding. *See* 29 U.S.C. § 794.

Put simply, the purpose of Section 504 is to ensure that qualifying students are provided educational activities equivalent to their nondisabled peers. It is important to remember that Section 504 is not only a statute that prohibits discrimination, but it also requires school districts to provide appropriate educational services, which may include special education, related aids and services, and accommodations, to qualifying students.

The Office for Civil Rights (OCR) enforces several federal civil rights laws, including Section 504 of The Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. The primary vehicle for OCR enforcement is through the process of complaint investigation and resolution. The determinations of OCR, and to some extent case law, provide guidance to school districts on how to handle the two pronged legal requirements of Section 504 in the area of non-academic and extracurricular services and activities for students with disabilities. It is only through an awareness of OCR and court decisions that an educator can effectively discern the scope of their obligation to provide these opportunities “to the maximum extent appropriate,” in a manner that affords “an equal opportunity.”

The information in this manual includes the changes resulting from the Americans with Disabilities Act Amendments of 2008, and reflects the Hamilton Public Schools’ ongoing commitment to educating ALL children in accordance with our Mission and Vision.

SECTION 504 GUIDE FOR PARENTS AND TEACHERS

<p><b>What is Section 504?</b></p>	<p>“Section 504” is Section 504 of the Rehabilitation Act of 1973, a federal civil rights statute protecting persons with disabilities from discrimination. Section 504 applies to all agencies that receive federal funds, including public schools.</p>
<p><b>How is “disability” defined under Section 504?</b></p>	<p>Section 504 defines disability as a physical or mental impairment that substantially limits a major life activity.</p> <p><i>A physical impairment</i> is a medical condition or disorder of bodily functions.</p> <p><i>A mental impairment</i> is a cognitive, learning or psychological disorder.</p> <p><i>A major life activity</i> includes seeing, hearing, speaking, walking, bending, learning, reading, concentrating, thinking, working, caring for oneself, performing manual tasks, and other similar types of activities.</p> <p>Major life activities also include bodily functions such as breathing, sleeping, neurological functioning, bowel/bladder functioning, and other bodily functions.</p> <p><i>A substantial limitation</i> means that the student is significantly restricted as to the condition, manner or duration under which a student can perform a particular major life activity as compared to the average student population.</p>
<p><b>What does Section 504 do for students with disabilities?</b></p>	<p>Students with disabilities are <i>protected from discrimination</i> on the basis of disability if they have a mental or physical impairment that substantially limits a basic life activity, or have a history of such an impairment or are treated as if they have such an impairment.</p> <p>Under Section 504, students with a mental or physical impairment that substantially limits a basic life activity are entitled to a <i>free appropriate public education</i>, including accommodations or supports that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of nondisabled students are met. 504 FAPE does not include specially designed instruction.</p>
<p><b>Who should be referred for Section 504 consideration?</b></p>	<p>Parents and teachers should refer any student who is suspected of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education. School personnel should refer a student if they know or suspect that the student, because of a disability, is not attending school, advancing from grade to grade, meeting the standards of personal independence or social responsibility expected of his or her age or cultural group, or otherwise needs special education or accommodations or supports to participate in or benefit from the District’s education program.</p>
<p><b>How is a referral made?</b></p>	<p>A parent or teacher may begin the referral process by talking to the school’s principal or assistant principal, a school counselor, or the school’s 504 coordinator. Referrals will typically go to the Student Assistance Team (A Team). Sometimes referrals will go directly to a 504 team or a special education team.</p>

<b>Who makes decisions about whether a student has a disability under Section 504?</b>	This decision is made by a team that includes someone who is knowledgeable about the student, about the evaluation data, and about placement or support options. Typically, parents are invited to participate as part of this team.
<b>What information does the team consider?</b>	<p>The team considers information from the parents and teachers along with any information from the student’s outside health or medical providers. If further testing is needed, the district will ask parents for their written consent for testing. Sometimes a school nurse will be involved in assessing the impact of a student’s disability at school and reviewing information from health or medical providers.</p> <p>For students who transfer in from another district, the team will consider information from the previous school or school district.</p> <p>Parents may be asked to provide a copy of previously conducted medical assessments. Parents may be asked to give written consent for the school to request medical, health, psychological, or other records. Parents may also be asked to get a medical statement or health assessment statement from the student’s health care provider.</p>
<b>What decisions does the team make?</b>	The team must decide whether the student has a disability under Section 504. If so, the team must then decide if the student needs a Section 504 Student Accommodation Plan to access his or her education. The team’s decisions are documented and parents are given a copy, along with a Statement of Parent and Student Rights under Section 504.
<b>What is a Section 504 Student Accommodation Plan?</b>	<p>The Section 504 Student Accommodation Plan documents the specific accommodations or supports the student needs to ensure that the individual needs of the student with a disability are met as adequately as the needs of non-disabled students. The comparison is to an average student in the general population. The Section 504 plan is designed to provide <i>appropriate supports</i>, not necessarily all of the supports that would “maximize the student’s potential” or “the best supports”.</p> <p>The team makes an individual determination of the student’s educational needs and supports required. Like special education services, 504 plans must be implemented in <i>the least restrictive environment</i>.</p>
<b>Will every student with a disability under Section 504 have a Section 504 Student Accommodation Plan?</b>	<p>Most will, but not necessarily all. When considering whether a student has a disability under Section 504, the team cannot consider any factors such as medication, assistive devices such as hearing aides, or other individual supports or aids for the student (other than ordinary eyeglasses or contact lenses). (These are called “mitigating factors”).</p> <p>In some cases, the student may not need a Section 504 Plan if the individual supports or aids (mitigating factors above) adequately allow access to the educational setting.</p>
<b>What are “accommodations”?</b>	Accommodations are adjustments that are designed to lessen the impact of the student’s disability to provide access to the school program. There is no “list” of approved accommodations. Accommodations should be determined individually for each student.

<b>Must the team accept the doctor or health care provider’s recommendations for accommodations?</b>	While a doctor may be qualified to provide a medical diagnosis, it is important to remember that a doctor or medical provider’s recommendations are suggestions. The school team must consider multiple sources of information to determine whether the student has a disability and to decide what accommodations and services, if any, are needed.
<b>Is a Section 504 Student Accommodation Plan the same as an IEP?</b>	No. An IEP (Individualized Education Program) is written for students who have disabilities under the Individuals with Disabilities Education Act (IDEA). These students must need special education services to be eligible for an IEP.  A Section 504 Student Accommodation Plan is similar to an IEP but not as detailed. Students with disabilities under 504 who do not need special education services may have a 504 plan if they need accommodations or other supports in the school setting to access their education.
<b>What happens if the team does not agree about whether the student has a disability or about what needs to be on the plan?</b>	The team should try to reach consensus. If consensus is not possible, then the district members of the team (typically an administrator) will decide the matter. If the parent does not agree, the parent may pursue resolution options.
<b>What are the resolution options under Section 504?</b>	The parent may ask for an informal meeting with a school principal or assistant principal to review the matter and share concerns.  The parent or district staff may contact the Hamilton Public Schools 504 Coordinator, Eric Larson, for consultation or facilitation.  The parent may use the Hamilton Public Schools Impartial Due Process Procedures, or file a complaint with the federal Office for Civil Rights.
<b>When should the student’s Section 504 Accommodation Plan be reviewed?</b>	The plan should be reviewed at least annually.  If the district is considering a significant change in placement, then a reevaluation and review should be conducted before that change.
<b>What is a “significant change in placement”?</b>	A significant change in placement is a placement that changes the nature, type or duration of the educational program for the student. A minor change in program such as a new teacher or moving to another classroom at the same level, or moving to another building in the same type of program would not be considered a significant change.  Significant changes in placement occur because the student’s needs change or because the student has engaged in conduct that results in a disciplinary removal from school.
<b>Are all suspensions and expulsions from school considered a significant change in placement?</b>	No. A suspension or expulsion of more than 10 school days in a row would be considered a significant change in placement.  Shorter suspensions that add up to more than ten school days may also be considered a significant change in placement if there is a “pattern” to the removals. “Pattern” is determined by looking at the length of each removal, how close the removals are to each other, and the total amount of time removed.

<p><b>How is a “504 only” student protected from being suspended or expelled for conduct that is related to the student’s disability?</b></p>	<p>Before the school implements a suspension or expulsion that would be a change in placement, the school must hold a team meeting to do a <i>manifestation review</i> except in the case of misconduct involving drugs or alcohol. The team considers:</p> <ul style="list-style-type: none"> <li>• whether the student’s conduct <i>was caused by or had a direct and substantial relationship</i> to the student’s disability; and</li> <li>• whether the student’s conduct was <i>a direct result</i> of the school not implementing the student’s Section 504 Student Accommodation Plan.</li> </ul> <p>If the team concludes that either of these are true, then the school may not impose the suspension or expulsion.</p> <p>If the team concludes that the conduct was not caused by or directly related to the student’s disability and not caused by lack of implementation of the 504 plan, the student may be disciplined in the same manner as students without disabilities. If a student is long term suspended or expelled at this point, the District is NOT required to provide services during the term of suspension or expulsion.</p>
<p><b>Who should I contact for more information about Section 504?</b></p>	<p>Eric Larson is the District’s 504 Coordinator. He may be reached at (406) 363-2280. <b>Each building has a 504 case manager as well.</b> Please contact Mr. Larson for more information about your child’s case manager.</p>

## Section 504 Procedures

### **1. A Concern is Raised...**

A parent or school personnel may bring a concern to the student assistance team. In addition, the District must find students who may qualify for services under Section 504. This is accomplished by informing school personnel of the characteristics of disabilities, their effects, and the procedures for making referrals. This information should be shared with school personnel annually through District-wide or building-wide training.

Each building in the District has a student assistance team. Any teacher, counselor or other school personnel, or a student's parent, may bring a concern to the school's A-Team, including concerns about students with possible disabilities. The person making the referral should put the concern in writing. Concerns from staff should be written on the A-Team Referral Form. The counselor or other school personnel should provide assistance to parents who have difficulty putting their concerns in writing.

The A-Team meets to review the written concern, along with any accompanying evaluations, reports or other written materials. If the A-Team determines there is a possibility that the student would qualify as disabled under the Individuals with Disabilities Education Act (IDEA) or Section 504, the A-Team will make a referral to the special education or 504 team, as appropriate, for consideration of a formal evaluation, and forward all relevant documentation. The A-Team may also act as the 504 team if appropriate.

In cases where the student may qualify under one of the IDEA disability categories, the student should go through the special education "child find" process. If the concerns are *solely* related to medical or health issues (with no or negligible impact on behavior or learning), the referral should go directly to the 504 team.

### **2. The District Begins the Evaluation Process...**

The 504 team must include:

- Someone who is knowledgeable about the student;
- Someone who is knowledgeable about the evaluation data; and
- Someone who is knowledgeable about the accommodations/placement options.

Typically the team includes a principal or assistant principal, a school counselor and one of the student's teachers, along with the parent. The team composition will vary according to the concern/needs of the student. For a child with health concerns, the team should include a school nurse. The 504 coordinator or case manager determines the appropriate individuals to comprise the team in a specific situation.

Once a referral is made to a 504 team, the team will first consider the student's need for a 504 evaluation and what new assessment is needed, if any. An evaluation should be conducted if there is information indicating that the student has a mental or physical impairment that is affecting a major life activity (such as learning, concentrating, thinking, speaking, breathing, sleeping, other bodily functions, walking, hearing, seeing, etc.)

The evaluation process begins with a review of any existing information that the school has in its possession or the parent has provided. For students with learning or behavior problems, typically a special education assessment will be completed first. If the student is found not eligible for special education, but there is an indication that the student has a mental or physical impairment that may substantially limit a major life activity, Section 504 eligibility may be considered. The team begins by reviewing the evaluation results along with the student's files, current teacher report of classroom performance, and other information from the parents.

If, after reviewing this information, the team concludes that further evaluation is needed, the team gets written parental consent on the *504 Prior Notice/Parent Consent to Evaluate* form. Once the parent gives written consent, the team completes the evaluation. If the parent does not attend the meeting, the *Notice/Consent* may be sent home. If it is not returned, concerted efforts should be made to obtain it. No initial individual evaluation may occur without written consent. Be sure to document all attempts to contact parents!

### **3. The Team Determines Eligibility...**

When the evaluations are complete, the case manager will arrange a meeting time with the parent to share the evaluation data and determine eligibility/non-eligibility. This needs to be in writing!! Again, document all attempts to communicate with parents and set meeting times.

At the meeting, the team meets to review the evaluation results and to complete the *Section 504 Eligibility Determination Report*. Keep in mind this may be done at the first meeting if no additional assessment is needed to determine eligibility and need for a 504 plan. Based on the information from the evaluation and any information from the parents, the team decides:

1. whether the student has a disability under Section 504, and
2. whether, as a result of that disability, the student needs a 504 Student Accommodation Plan.

If the team suspects that the student has a mental or physical impairment, the team may ask the parent to provide a medical diagnosis. If the team suspects a physical or mental impairment and the parent does not have access to a physician or health care provider, the district has a responsibility to assist the parent to obtain this information if needed to determine whether the student is eligible under Section 504.

If the 504 team does not suspect a disability after a careful review of all existing information about the student, the 504 coordinator gives the parents written notice of that decision, along with a copy of the Section 504 Notice of Parent/Student Rights in Identification, Evaluation, and Placement.

### **4. The Team Develops a 504 Student Accommodation Plan...**

If the student needs a 504 Student Accommodation Plan, the team develops the plan for the student and records the plan on the form. The District's expectation is that 504 plans will be written up at the meeting or, if not possible, within a few days of the meeting.

### **Steps to 504 Accommodation Plan:**

1. Gather appropriate 504 team.
2. Review student's educational history, prior evaluations and present status.
3. Review any new evaluations.
4. Review what prompted 504 considerations at the present time.
5. Determine whether student has a mental or physical impairment under Section 504.
6. **If yes**, determine whether impairment substantially limits a major life activity.
7. **If yes**, determine whether student needs accommodations, services or supports to access the benefits of public education at a level similar to the average student. The team may consider medication or assistive devices when determining whether accommodations, services or supports are needed.
8. **If yes**, develop a 504 Student Accommodation Plan.
9. Provide parents a copy of all written evaluation documents, the Eligibility Determination Report, 504 Student Accommodation Plan and notice of rights.

### **5. The Team Periodically Reviews the Plan...**

Each student's 504 Plan must be re-evaluated periodically and before any significant change in placement or circumstances. Although there is no legal requirement that the Plan be reviewed annually, the team should anticipate reviewing the Plan annually unless it sets a different timeline for review. As part of this reevaluation, the 504 team should address, as appropriate:

- the need for additional evaluation information;
- the student's continued eligibility under Section 504; and
- the content of the Plan.

A significant change in placement includes:

- expulsion;
- suspensions of more than 10 days in a row or more than 10 days in a school year if the removals are a "pattern;" or
- moving a student to an alternative education setting *to address needs arising from the disability*.

A reevaluation under Section 504 does not require consent but does require notice. However, the safest course of action is to seek consent, especially before conducting an intelligence test or a test of personality, including behavior checklists.

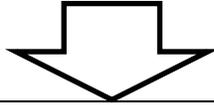
### **6. Implementation and Coordination of the Plan...**

Each building has a Section 504 case manager who will be identified at the beginning of each school year. If more than one case manager is identified for each building, parents will be notified in writing of the name of their child's case manager. The case manager works with each student to oversee the implementation of the student's 504 Plan.

## 504 PROCESS FLOW CHART

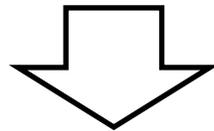
### 1. Refer the Student:

- Complete *Referral* Form and return to 504 Coordinator



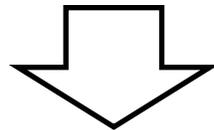
### 2. Decide Whether to Evaluate the student:

- Does the staff or parent suspect the student of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education? If yes, proceed to an evaluation.
- Provide parent(s)/guardian(s) *Notice and Consent to Evaluate* Form.
- Obtain consent for initial evaluation.



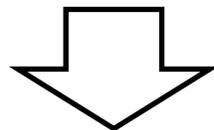
### 3. Evaluate the Student:

- Evaluate the specific areas of the student's educational needs.
- Team considering evaluations reviews all data made available to it, i.e., District evaluations, parent provided evaluations, teacher reports, reports cards, etc.



### 4. Determine Student's Eligibility:

- Complete the *Eligibility Determination Report* Form
- Provide parent(s)/guardian(s) *Notice of Parent/ Student Rights, Section 504 Procedural Safeguards, and Section 504 and ADA Grievance Procedures*



### 5. Develop and Monitor Section 504 Plan:

- Develop a *Section 504 Student Accommodation Plan*; may combine with eligibility meeting
- Case manager is responsible to monitor implementation and student progress.
- Provide parent(s)/guardian(s) a copy of Section 504 Accommodation Plan
- Obtain consent for initial placement.
- Review and revise the student's Section 504 Plan annually, providing parent(s)/guardian(s) *Notice of Parent/ Student Rights*
- Re-evaluate at least once every 3 years or whenever the student's needs change.

## Section 504 Transportation

Section 504 requires transportation be provided for students with a disability who need special transportation to access their education. To be eligible for special transportation, the student's disability must limit the student's ability to get to/from school with regular transportation or an existing bus stop. The 504 Plan must indicate that the student needs special transportation to access his or her education. The team should consider short-term impairments on a case-by-case basis to determine whether the condition substantially limits a major life activity.

### *Processing Transportation Requests*

- » If either a parent or staff member raises the issue, the team must determine if special transportation is necessary for the student to access the educational program.
- » The school nurse is asked to gather information for the team regarding any medically related transportation needs, obtaining written consent from the parent before contacting any medical provider of the student.
- » The team considers the information provided by the school nurse and/or the parent when determining whether special transportation is necessary for the student to access the educational program.
- » If the team determines special transportation IS NOT necessary for the student to access the educational program, the team will discuss it with the parent in the team meeting, and the notes of the meeting will serve as written notice of the team's decision. The parent will also be provided a copy of the notice of rights.
- » If the team determines special transportation IS necessary for the student to access the educational program, the team will address it in the Plan, and provide the Transportation Supervisor (or the approved provider of transportation) with the following:
  - A copy of Plan that includes transportation;
  - The student's emergency contact information;
  - The anticipated duration for special transportation; and
  - Any special needs, such as wheelchair accessibility.

Questions may be directed to the Director of Student Services at 406-363-2280.

## Home Instruction

A student with disabilities under Section 504 must be educated with nondisabled students "to the maximum extent appropriate" considering the needs of the disabled student. A student should only be removed from a regular education setting if the education of that student in a regular education setting with supplementary aids and services cannot be achieved satisfactorily.

Nevertheless, the team may determine that a student with disabilities needs home instruction for medical reasons to access education. Home instruction is usually a short-term placement but can be for longer periods of time based on the circumstances. In most situations, the case manager continues as case manager for the student and the school teachers continue to provide instructional materials for the student while home instruction is implemented.

## Discipline

A student with disabilities eligible under Section 504 may be disciplined for misconduct. A student with disabilities eligible under Section 504 may be suspended from school for a period up to ten days without such suspension being considered a change in placement. In addition, short term suspensions may amount to a change of placement if there is a pattern of removals. Before a student with a disability eligible under Section 504 may be suspended or expelled for a period exceeding 10 days, except in the case of misconduct involving drugs or alcohol, the District must convene a manifestation determination meeting. *See Manifestation Determination Form.* If the student's conduct was not a manifestation of his or her disability, the student may be suspended for a period longer than 10 days or expelled from school provided that nondisabled students are subject to similar penalties for similar misconduct. In the event a student with a disability eligible under Section 504 is expelled, the District is not obligated to continue to provide services to the student upon expulsion unless it provides services to nondisabled students who have been expelled. This applies only to students who are eligible under Section 504 and not to students eligible for special education under the Individuals with Disabilities Act.

Section 504 does not protect active drug or alcohol use or possession. In the case of misconduct involving use or possession of drugs or alcohol, a student with a disability eligible under Section 504 may be disciplined in the same manner as a nondisabled student without going through a manifestation determination or applying any other protections afforded students under Section 504. This applies only to students who are eligible under Section 504 and not to students eligible for special education under the Individuals with Disabilities Act.

## Hamilton Public Schools Staff Section 504 Roles and Responsibilities

### **Role of 504 Coordinator** – *coordinates 504 services in the school*

- Participates in district-wide training on Section 504 implementation.
- May act as 504 case manager for individual.
- Acts as contact person in school when questions arise about 504 issues.
- Participates on A-Team when necessary.
- Ensures that staff are using current Section 504 forms and following current procedures.
- Coordinates transition of 504 students transferring into and out of the school.
- Acts as contact person for district and Office for Civil Rights (OCR) student-related Section 504 complaints.

### **Role of 504 Case Manager** - *coordinates 504 process for individual students*

- Schedules meetings & sends notices, including periodic reviews as indicated on plan.
- Gathers necessary information for meetings.
- Writes up 504 documents.
- Provides copies of documents to parents and puts in student's cumulative file.
- Provides information to all teachers that need to know about 504 plan contents, including when the student's schedule or classes change.
- Verifies implementation of 504 plan and is available to problem-solve when issues or concerns arise.
- Schedules periodic review at least annually (unless a different timeline is in the plan) or sooner if needed, and before any significant change in placement.

## 504 Case Manager Guidelines

### Meeting Checklists

#### Before the Meeting:

- \_\_\_ When dealing with parents who are new to the school or new to the 504 process, initiate contact to explain the purpose of the meeting and identify any questions and concerns.
- \_\_\_ Schedule a meeting with the team, including the parents.
- \_\_\_ Send the meeting notice reminding parent of date, time and location of meeting.
- \_\_\_ Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- \_\_\_ Develop a meeting agenda.
- \_\_\_ Arrange for any necessary interpreters or accommodations for meeting participants.
- \_\_\_ Complete portions of the Section 504 Eligibility Determination Report that can be completed before the meeting.
- \_\_\_ Bring all current forms to the meeting.

#### During the Meeting:

- \_\_\_ Introduce the participants and their roles.
- \_\_\_ Clarify the purpose of meeting.
- \_\_\_ Review the agenda.
- \_\_\_ Identify the note-taker for meeting (if using one).
- \_\_\_ Facilitate the student's input or participation.
- \_\_\_ Lead the group through agenda – do time-checks as needed.
- \_\_\_ Complete the Section 504 Eligibility Determination Report (if new to 504).
- \_\_\_ Complete the Section 504 Student Accommodation Plan (if needed), or revise as needed.
- \_\_\_ Provide copies of the Report and Plan to parents or inform them of how they will get a copy.
- \_\_\_ Provide the Statement of Parent Rights to parent (keep signed copy for Cum File).
- \_\_\_ Thank everyone for participation and cooperation.

#### After the Meeting:

- \_\_\_ If using meeting notes, review and put final copy in cum file, along with a copy of the EDR and Plan.
- \_\_\_ If parents did not receive all of the documents at meeting, provide copies.
- \_\_\_ Be sure all teachers know and understand their responsibilities under the Plan.
- \_\_\_ Calendar check-ins to monitor implementation of the Plan. Keep a log of contacts related to implementation of Plan.
- \_\_\_ Calendar annual review date, and at least one month earlier to begin the “before meeting” review process.

## Who is on the Guest List?

### When should the parent be invited?

- A parent, guardian, or person in parental relationship to the student should **always** be invited.

### When should the school counselor be included?

- When the counselor is the case manager, or has personal or professional knowledge that would help the team make appropriate decisions for the student.

### When should a general education teacher be included?

- When the student is participating in general education.

### When should the school nurse be included?

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school, including transportation.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

### When should the school psychologist be included?

- When the school psychologist was involved in a recent evaluation of the student.
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

### When should the building administrator be included?

- When the building administrator is the case manager.
- When the parent is asking for unusual accommodations that raise concerns or fiscal considerations.
- When safety issues are involved.
- When special transportation is likely to be needed.

### When should a motor team (OT or PT) representative be included?

- When the student has a motor impairment and will likely need accommodations or supports for the motor impairment.
- When the OT or PT recently evaluated the student and identified motor needs.
- When the parent has requested motor team services or adaptations

### When should the SLP be included?

- When it appears that there are physical factors that contribute to a speech or language problem.

## Evaluation Guidelines

The team decides what assessments are needed to determine whether a student has a disability under Section 504. Although there are no required procedures, the table below contains recommended evaluation procedures. Students who are suspected of having a disability under the IDEA should be evaluated for special education eligibility before consideration of a disability under Section 504.

<b>Suspected Condition</b>	<b>Recommended Evaluation for Disability Determination</b>
Health condition, e.g. asthma, cancer, epilepsy, diabetes, hepatitis, etc.	<p>A medical statement including a diagnosis of the condition by a physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND</p> <p>A school nursing assessment.</p> <p>(Rule out Other Health Impairment if suspected.)</p>
Chronic physical conditions, such as cerebral palsy, spina bifida, hearing or vision impairments	<p>A medical statement including a diagnosis of the condition by a physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND</p> <p>An evaluation conducted by the District.</p> <p>(Rule out Other Health Impairment, Orthopedic Impairment, Vision Impairment, or Hearing Impairment, if suspected.)</p>
Psychological conditions, such as ADD/ADHD, depression, obsessive-compulsive disorder, post-traumatic stress disorder, etc.	<p>A medical statement including a diagnosis of the condition by a psychiatrist or other physician licensed by the Montana Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, OR a diagnosis by a licensed clinical psychologist; AND</p> <p>As needed, an evaluation by a school psychologist including a review of information submitted by the parent and new measures, as needed, such as behavior rating scales, structured observations, and interviews.</p> <p>(Rule out Emotional Disturbance or Other Health Impairment, if suspected.)</p>
Learning disorder (e.g. dyslexia)	<p>Individual assessments as needed.</p> <p>(Rule out Specific Learning Disabilities, if suspected.)</p>

\*\*The District does not use diagnoses from naturopathic physicians or chiropractors. If a parent submits such a diagnosis, and the team sees evidence that such a condition may exist, contact the District 504 Coordinator.

## SECTION 504 PROCEDURAL SAFEGUARDS

Hamilton Public Schools has an internal resolution procedure to provide a prompt and impartial review of complaints pertaining to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services. Section 504 complaints may include, but are not limited to, disagreements with the decision of the District's Section 504 Team regarding identification, evaluation, educational program or placement, and accommodation of a student.

As part of an informal approach to complaint resolutions, the District wants parents, students and other District patrons to have the opportunity to make concerns known to the District and for the District to have the opportunity to respond and resolve concerns as rapidly as practicable at the program site level.

Filing a complaint is a protected activity. Discrimination against any individual because he or she reported Section 504 violations, or made a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised or enjoyed Section 504 rights, or helped or encouraged someone else to do so, is prohibited.

Nothing herein precludes a parent from making an inquiry or filing a complaint with the Office for Civil Rights.

### **Procedural Safeguards**

If the parent of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards.

The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services.

Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision.

#### *Impartial Due Process Procedures*

1. The parent of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District.
2. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within 3 business days.
3. Within 10 business days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent or any other person who would conduct the hearing in an impartial and fair manner.

4. Once the District has selected an impartial hearing officer, the District shall provide the parent and all other interested parties with notice of the person selected.
5. Within 5 business days of the District's selection of a hearing officer, a pre-hearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues.
6. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing.
7. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators.
8. At the hearing, the District and the parent may be represented by counsel.
9. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The parents shall present their case first, followed by the District. Witnesses may be called to testify, and they will be subject to cross examination. Documentary evidence may be admitted and the hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision.
10. Within 20 business days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties. Appeals may be taken as provided by law.

Legal References:      34 CFR 104.31-38      Procedural Safeguards

## SECTION 504 AND ADA GRIEVANCE PROCEDURES

Hamilton Public Schools has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (and its amendments) (ADA). Section 504 and the ADA prohibit the discrimination against individuals on the basis of disability or handicap.

Section 504 and the ADA prohibit a school district from excluding an “otherwise qualified individual with a disability” from participation in, or be denied the benefits of, or be subjected to discrimination on the basis of that disability. Under Section 504 and the ADA, an individual with a disability qualifies for protection under the act if that individual: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. All references to “disability” refer to disability or handicap and encompasses both Section 504 and the ADA.

**These procedures do not pertain to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services. Inquiries relating to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services should also be directed to Vickie Dickerson.**

### Section 504 and ADA Coordinator

Inquiries concerning discrimination under Section 504 or the ADA may be referred to the building administrator or:

Eric Larson  
Director of Student Services  
Hamilton School District  
217 Daly  
Hamilton, MT 59840  
(406) 363-2280  
Larsone@hsd3.org

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

### Filing a Complaint

An individual believing that he or she has been the victim of disability discrimination should file a complaint with the building administrator or the Section 504 and ADA Coordinator within 30 days of the incident(s) giving rise to the allegations. If the individual wishes to invoke the formal complaint procedures (see formal complaint procedures section), the complaint should be made in writing. An individual wishing to invoke the informal resolution process may make a complaint in writing or verbally.

An individual wishing to make a complaint will be provided with a copy of these procedures.

### Informal Resolution

An individual alleging disability discrimination by an employee, student, or third party may access an informal mechanism to attempt to resolve the situation. The individual making the complaint is not

required to invoke any informal mechanisms to resolve the situation. The decision to invoke the informal resolution process is voluntary.

If the individual wishes to attempt to work out the problem directly with the alleged perpetrator, a school representative will be available to assist. The individual may also request mediation with a designated mediator present to assist the individual and alleged perpetrator reach a resolution.

The individual has the right to end the informal resolution process at any time. If the individual wishes to end the informal process prior to reaching a resolution or is not satisfied with the resolution reached, the individual has the right to commence a formal complaint at any time.

## **Formal Complaints**

An individual may make a formal complaint of disability discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute disability discrimination. The individual has the right to contact law enforcement to determine if criminal activity occurred.

### *Investigation*

The District shall conduct an adequate, reliable, and impartial investigation into the allegations. Even if no formal complaint has been filed, the District may still conduct an investigation to determine whether disability discrimination has occurred when it has knowledge of allegations of disability discrimination. Any investigation by the District shall be in addition to any criminal investigation that may occur. Determinations resulting from the investigation shall be made on a preponderance of the evidence standard (i.e., it is more likely than not that disability discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant witnesses and other evidence. The investigation shall allow for both the alleged victim and alleged perpetrator to provide information separately. If written statements are provided, each party shall have the opportunity to review such statements, subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law.

Either party may have a representative or lawyer present during the investigations; however, the representative or lawyer is not allowed to speak or ask questions during any investigatory interviews. The representative or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

### *Notice of Outcome*

Both the alleged victim and alleged perpetrator shall be notified in writing regarding the outcome of the investigation. Subject to FERPA and Montana law, an alleged victim may be notified about sanctions imposed on another individual found to have engaged in discrimination or harassment when that sanction directly relates to the individual. This may include an order that the perpetrator stay away from the victim.

### *Time Frames*

The District shall complete its investigation within 60 days of receipt of the complaint or knowledge of allegations of disability discrimination. With the consent of the parties and the Superintendent, the

investigation may be extended for an additional 15 days in extenuating circumstances. The investigator shall contact both parties once it appears that the investigation will require a longer period of time. The Notice of the Outcome of the investigation will be sent within that 60-day period, unless extended as described herein.

### *Appeals*

Any party who is not satisfied with the findings from the investigation may appeal to the Superintendent. The appeal should be made within ten (10) days of receipt of the Notice of Outcome. Within three (3) days of receipt of any appeal by either party, the Superintendent shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing party has submitted any opposition to the appeal, the Superintendent shall issue a written decision to both parties affirming or rejecting the investigation findings.

If either party is not satisfied with the Superintendent's written decision, that party may submit a written appeal to the Board of Trustees within ten (10) days of receipt of the Superintendent's decision. The Board shall hold a hearing to determine whether the Superintendent's decision shall be affirmed or rejected. Depending on the unique circumstances of the complaint, the Board may arrange for alternative means of participation for one of the parties. The Board shall issue a written decision within thirty (30) days of the hearing affirming or rejecting the Superintendent's decision.

### **Remedies**

The District shall take all reasonable and necessary prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a disability discrimination investigation shall notify the building administrator or Section 504 and ADA Coordinator if he or she believes that he or she is being retaliating against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.

## FORMS AND DIRECTIONS

**Hamilton Public Schools**  
**217 Daly Avenue – Hamilton, MT 59840**

**Section 504 Referral**

Student: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent: \_\_\_\_\_ Phone: \_\_\_\_\_

Referred by: \_\_\_\_\_ Position: \_\_\_\_\_

1. Reason for referral: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Accommodations and interventions attempted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Has the student ever been referred, evaluated, and/or received services from special education? Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure \_\_\_\_\_ If yes, explain: \_\_\_\_\_

\_\_\_\_\_

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504 Coordinator:

Referral action: \_\_\_\_\_

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Signature of Section 504 Coordinator

Date

**Purpose**

- The purpose of this form is to provide information for referral to the student assistance team.
- This form should be provided to the 504 Coordinator to convene the student assistance team to determine whether it is appropriate to refer the student for an evaluation under 504 and/or special education. Parental consent is not necessary to refer the student to the student assistance team.
- If the assistance team determines that there is sufficient information to refer the student for a formal evaluation, the *Notice and Consent to Evaluate* form should be provided to the parent.

**Directions**

1. Provide the basic demographic information for the student.
2. Provide the identity of the individual making the referral. This can be a staff member or the parent.
3. Identify the reasons for referral and accommodations and interventions attempted.
4. Identify whether the student has previously been referred, evaluated, or received special education and the nature of such referral/evaluation/services.
5. Based upon the determination of the student assistance team, the 504 Coordinator must provide the determination of whether the student is being referred for a formal evaluation or whether additional information or interventions are appropriate.

**Hamilton Public Schools**  
**Section 504 Notice of Parent/Student Rights**

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 about decisions relating to your child, and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in, and receive benefits for public education programs without discrimination because of his/her disability;
2. Have the District advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the provision of regular education or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met.
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
7. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
10. Obtain copies of educational records at a reasonable cost, unless the fee would effectively deny you access to the records;
11. A response from the District to reasonable requests for explanations and interpretations of your child's records;
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing, and have an attorney represent you. Hearing requests must be made to the District's 504 Coordinator Tom Korst;
14. File a local grievance following the Hamilton School District grievance procedure.

Your child's 504 case manager is: \_\_\_\_\_  
Name/phone number

Copy given to parents on: \_\_\_\_\_ by \_\_\_\_\_  
dd/mm/yy signature/position

C: student's cumulative folder, parents

## Section 504 of the Rehabilitation Act Of 1973 Parent/Student Rights in Identification, Evaluation and Placement

### **Purpose**

- The purpose of this form is to provide parents and adult students with notice of their procedural safeguards under Section 504.
- This form should be provided to parents of “504 only” students upon initial disability determination under Section 504. If the team finds that the student has a disability under Section 504, the rights statement should be given to the parents periodically, typically at least once a year in conjunction with review of the 504 Student Accommodation Plan.

### **Directions**

6. Write in the name and phone number of the Section 504 case manager for the student. This would be the parent’s first point of contact for matters related to the student’s Section 504 plan.
7. Provide a copy to the parent and keep a copy in the student’s cum folder.

**Hamilton Public Schools**  
**Section 504 Meeting Notice**

Date:

TO:

FROM:

This letter is to advise you of a 504 meeting for \_\_\_\_\_(student name).

The purpose of this meeting is to:

- Review evaluation results and consider 504 eligibility
- Review 504 plan
- Other: \_\_\_\_\_

Meeting is scheduled for

Date:

Time:

Location:

Your attendance at this meeting is important. If you cannot attend, you may request to have the meeting rescheduled.

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

Sincerely,

\_\_\_\_\_  
Section 504 Coordinator/Case Manager/Phone number

Enclosure

C: Student Cumulative File

## **Section 504 Meeting Notice**

### **Purpose**

This is an optional form that may be used to inform parents of the date, time and location of Section 504 meetings. Alternatively, notice may be given by phone or email. If this form is used, the 504 coordinator or case manager should talk to the parent first, in person or on the phone, and use the form as written confirmation. Keep a parent contact log documenting date, time and summary of phone calls, and print out email for file if the email is used to inform parent of meeting date, time and location.

### **Directions**

1. Enter date, parents' names and name of 504 coordinator or 504 case manager sending the notice.
2. Enter student's name.
3. Indicate the purpose of the meeting by checking the appropriate box or boxes. If "Other", write in the purpose of the meeting.
4. Enter the date, time and location for the meeting. Include a copy of the Section 504 Parent Rights in Identification, Evaluation and Placement.
5. Sign, indicate your position and provide your phone number.
6. Keep a copy of the meeting notice in the student's cumulative file.

**Hamilton Public Schools**  
**Notice and Consent to Evaluate under Section 504**

[Date]

To:

From:

**PRIOR NOTICE/PARENT CONSENT TO EVALUATE UNDER SECTION 504**

This letter is to provide you notice that the District proposes to evaluate \_\_\_\_\_ [Student name] and determine if he/she is eligible for services under Section 504 of the Rehabilitation Act of 1973.

The Team has concluded that the following assessments are necessary to determine if your child has a disability under Section 504 and needs a 504 Student Accommodation Plan: *(list)*

Your written consent is necessary because this is an: \_\_\_\_\_ Initial Evaluation \_\_\_\_\_ Individual Intelligence Test \_\_\_\_\_ Personality Testing (including behavior checklists).

You will be invited to participate in a meeting to review the evaluation results and to determine if your child is eligible for a plan under Section 504.

---

**PARENT CONSENT**

I understand that the granting of consent for evaluation is voluntary.

Indicate with X: \_\_\_\_\_ Consent to evaluate is given. \_\_\_\_\_ Consent to evaluate is denied.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Parent/Guardian Signature                      Date                      Work Phone                      Home Phone

If you have questions, please contact \_\_\_\_\_ [504 Case Manager Name/phone number] \_\_\_\_\_. Thank you for working with the district to provide appropriate services for your child.

Enclosure: Section 504 Notice of Parent/Student Rights in Identification, Evaluation and Placement

C: Student Cumulative File

## Notice and Consent to Evaluation under Section 504

### Purpose

This form is used to document notice of an evaluation under Section 504 and parent consent or refusal. This form is typically because the 504 team needs more information and:

1. No special education evaluation is conducted because the student does not have a suspected disability under the IDEA; or
2. The student was found not eligible under the IDEA.

### Directions

#### A. Demographics:

1. Enter date of notice to parents.
2. Address to parents, guardian or person in parental relationship to the student (person with whom the person resides if other than the parent).
3. Enter name of person completing notice (504 coordinator or other person).
4. Enter student's name

#### B. Parent Consent

1. List assessment procedures to be given.
2. Explain to parents that consent is voluntary. Ask parents if they have any questions about the assessment procedures. Ask parents to check whether they are giving consent or denying consent.
3. Ask parents to sign, date and provide phone numbers.
4. Write in 504 case manager or 504 coordinator, as appropriate as contact person, with phone number.
5. Enclose copy of Section 504 Notice of Parent/Student Rights and give copy of signed document to the parents.
6. Keep copy in the student's cumulative file.

**Hamilton Public Schools  
Section 504 Eligibility Determination Report**

STUDENT NAME: \_\_\_\_\_

BIRTHDATE: \_\_\_\_\_

GRADE: \_\_\_\_\_

DATE: \_\_\_\_\_

Meeting Participants (list or sign)	Area of Knowledge Relative to this Meeting		
	Student	Evaluation Data	Accommodations/ Placement options
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EDUCATIONAL HISTORY AND PRESENT EDUCATIONAL PLACEMENT STATUS:

SOURCES OF EVALUATION INFORMATION (include date and descriptor):

RESULTS OF ASSESSMENTS:

PRESENT LEARNING AND EDUCATION PERFORMANCE DESCRIPTION:

1. Current Classes and Grades:

2. School Attendance (describe):

3. Other relevant information:

TEAM DETERMINATIONS

1. Does the student have a physical or mental impairment under Section 504?

Check: \_\_\_Yes \_\_\_No

If yes, describe:

If no, explain:

2. Does the student’s impairment substantially limit one or more major life activities? If yes, check appropriate box below:

<input type="checkbox"/> Seeing	<input type="checkbox"/> Thinking	<input type="checkbox"/> Walking
<input type="checkbox"/> Hearing	<input type="checkbox"/> Concentrating	<input type="checkbox"/> Breathing
<input type="checkbox"/> Speaking	<input type="checkbox"/> Reading	<input type="checkbox"/> Other bodily functions
	<input type="checkbox"/> Learning	<input type="checkbox"/> Other: _____

If yes, describe how the activity/ies is/are substantially limited:

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3. Does the student need accommodations, services or supports to access the benefits of public education at a level similar to the average student?

<input type="checkbox"/> Yes	<i>If yes, complete 504 Student Accommodation Plan</i>
<input type="checkbox"/> No	<i>If no, explain:</i>

This two-page document constitutes the District’s notice to parents regarding the child’s eligibility or non-eligibility under Section 504.

---

Section 504 Coordinator/Case Manager /Date

C: Parent  
Student Cumulative File

## Section 504 Eligibility Determination Report

### Directions

- A. Demographics (may be completed before the meeting)
  1. Enter student name, date of birth, current grade assignment and date of 504 team meeting.
- B. Educational history and present educational placement status (may be completed before the meeting)
  1. Summarize schools attended and any significant events related to the current disability determination.
  2. Include information about any previous 504 or IDEA/special education eligibility (and duration).
  3. Include current educational placement and what prompted 504 consideration at this time
- C. Sources of Evaluation information (include date and descriptor)
  1. List all sources of information considered (may be completed before meeting, but add any additional sources provided at the meeting).
- D. Results of Assessments:
  1. Summarize relevant results. (May be completed before the meeting.)
- E. Present learning and education performance description: (may be completed before the meeting)
  1. Current classes and grades: list or attach (if attached, write in “see attached”)
  2. School attendance: summarize
  3. Other relevant information: Add as appropriate. May be left blank or write in “N/A”
- F. Team determinations
  1. Does student have a physical or mental impairment under Section 504?
    - a. A DSM diagnosis or medical diagnosis will be considered an impairment under Section 504.
    - b. In some situations, a school team may identify a condition that is consistent with a physical or mental impairment under Section 504 without a medical diagnosis. School staff should not “diagnose” but may identify “behaviors consistent with...”
  2. Does the student’s impairment substantially limit one or more major life activities?
    - a. If yes, check appropriate box.
    - b. A substantial limitation means that the person is restricted as to the conditions, manner or duration in performing the major life activity as compared to an average student.
    - c. For the purposes of determining whether a student’s impairment substantially limits a major life activity, do not consider mitigating circumstances (such as medication or assistive devices) except regular eyeglasses or contact lenses.
    - d. If yes, describe how the activity is substantially limited.
- G. Have team members sign or list participants. For each participant indicate *all* areas of knowledge relative to this meeting: Knowledge of the student, of the evaluation data, and knowledge about accommodations/placement options. The team needs to include membership that represents each area of knowledge. Each participant may have one or more area of knowledge relative to this student.

When a parent is participating, the parent may identify the areas of knowledge the parent believes he or she brings to the meeting.

**Hamilton Public Schools**

Section 504 Student Accommodation Plan
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Student:	Grade:	Date of Birth:
Parent(s)/Guardian(s):	Date of Meeting:	Mailing Address:
School:	School Contact Person:	Position:

<p><u>ACCOMMODATIONS:</u> (describe the accommodations that are necessary to ensure that the student is being provided a free and appropriate public education pursuant to 34 CFR 104.33 ©.)</p> <p><u>SCHOOL/STAFF RESPONSIBILITY:</u></p> <p>When appropriate and possible within the expectation/situation/class/lesson and or task, provide the following accommodations:</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul> <p><u>ACCOMMODATIONS FOR STATEWIDE AND/OR DISTRICT WIDE ASSESSMENTS:</u></p> <ul style="list-style-type: none"> <li>•</li> </ul>
---

PLACEMENT		
Option	Check option selected	Explain
Regular school/general curriculum with accommodations as listed		
Other: Describe:		

Review Date: \_\_\_\_\_

Cc: Student's Cumulative File  
All current teachers

Team Members:

Signature:

Name/Title (please print):

Date:

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## **Section 504 Student Accommodation Plan**

### **Purpose**

The purpose of this form is to document: the accommodations, services and supports to be provided for the student; that the decision was made by a knowledgeable team; and, for initial plans, that the parents gave written consent for implementation of the plan.

### **Directions**

1. Complete demographic information
2. Be specific about the necessary accommodations.
3. The educational placement should be in the least restrictive (most typical) setting where the student can access his or her education given the student's individual needs. A student should be removed from a regular educational environment only "when it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily." This does not mean that all aids, services and supports must be provided in the regular classroom.
4. Typically, the anticipated review date is not more than one year after the 504 meeting to develop the 504 plan. A team may decide that a shorter review period is appropriate or, in some circumstances, a longer time period. Teams should be cautious about extending the review period longer than one year.
5. OCR has interpreted Section 504 to require parent consent for initial provision of services under Section 504.

Hamilton Public Schools  
504 Manifestation Determination Form

Student's Name: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

Meeting Participants (list or sign)	Area of Knowledge Relative to this Meeting		
	Student	Evaluation Data	Accommodations/ Placement options
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Manifestation Review**

1. Behavior subject to disciplinary action:						
2. Student's disability (504):						
3. Consideration of all relevant student information, including: Check appropriate boxes						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Evaluation and diagnostic results</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Relevant information provided by the parent</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Observations of the student</td> <td style="border: none;"><input type="checkbox"/> Current 504 plan and placement</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> All relevant information in the student's file</td> <td style="border: none;"><input type="checkbox"/> Other:</td> </tr> </table>	<input type="checkbox"/> Evaluation and diagnostic results	<input type="checkbox"/> Relevant information provided by the parent	<input type="checkbox"/> Observations of the student	<input type="checkbox"/> Current 504 plan and placement	<input type="checkbox"/> All relevant information in the student's file	<input type="checkbox"/> Other:
<input type="checkbox"/> Evaluation and diagnostic results	<input type="checkbox"/> Relevant information provided by the parent					
<input type="checkbox"/> Observations of the student	<input type="checkbox"/> Current 504 plan and placement					
<input type="checkbox"/> All relevant information in the student's file	<input type="checkbox"/> Other:					

**Manifestation Determination**

For each statement answer "Yes" or "No" and explain.	Check the appropriate box
1. The conduct in question was the direct result of the district's failure to implement the student's 504 plan. Explain:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The conduct in question was caused by or had a direct and substantial relationship to the student's disability(ies). Explain	<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes	The conduct/behavior is a manifestation of the student's disability. Check "yes" if at least one answer to the above questions is Yes.
<input type="checkbox"/> No	The conduct/behavior is not a manifestation of the student's disability. Check "no" if both answers to the above questions are No.

Signature/Title: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## 504 Manifestation Determination Form

### Purpose

“504 only” students have similar protections in the discipline context as students with disabilities under the IDEA. The purpose of this form is to document the manifestation determination meeting and decision for “504 only” students.

This form must be used if the school is proposing disciplinary action that would be considered a change in placement. A change in placement includes:

- Disciplinary removals of more than ten consecutive days (an expulsion or other long-term removal); or
- A series of disciplinary removals that adds up to more than ten days and is a “pattern” of removals based on the length of each suspension, the proximity of the suspensions to one another, and the total amount of time the student has been suspended.

A manifestation determination meeting is **NOT** required if the student is a current user of alcohol or illegal drugs and the disciplinary removal is for a violation involving alcohol or illegal drugs.

### Directions

1. Enter demographic information.
2. Enter names or signatures of meeting participants and indicate all areas of knowledge for each participant relative to this student.
3. Manifestation review:
  1. Briefly describe the behavior that prompted the proposed disciplinary action.
  2. Enter the student’s mental or physical impairment (e.g. ADHD, diabetes, etc.)
  3. Check all appropriate boxes. Team must consider multiple sources of information.
4. Manifestation determination
  1. Answer the two questions listed on the form.
  2. If the answer to at least one of the questions is “yes”, the behavior is considered to be a manifestation of the student’s disability, and the district may not take the proposed disciplinary action.
  3. If the answer to both questions is “not”, the behavior **NOT** a manifestation of the student’s disability, and the district may take the proposed disciplinary action, as long as the action is not more harsh than what would be imposed on a nondisabled student in the same situation.
  4. Sign form, list title, add date and telephone number.
  5. Give parents a copy of the form and put copy in student’s cumulative file.