

SAGINAW PUBLIC SCHOOLS
REHABILITATION ACT OF 1973

Section 504

Policy and Procedure Manual
Revised December 2015

The Identification, Evaluation And Education Of Students Who Are Qualified Persons With
A Disability Within The Meaning Of Section 504 Of The Rehabilitation Act Of 1973

Table of Contents

	<u>Page</u>
I. Section 504 Policy	1
II. Section 504 Procedures	1
A. Introduction: Eligible Students, Pre-Referral Strategies, Procedure Components	1
B. Building Level Interventions	2
C. Identification and Referral Procedures	3
D. Evaluation	4
E. Individual 504 Plan	5
F. Monitoring of Student Performance/Periodic Reevaluation	6
G. Procedural Safeguards	6
H. Time Frames	8
I. Grievance Procedures	8
III. Appendices	
A. Section 504 Plan (Part 1 – Referral; Part 2 – Evaluation; Part 3 – Plan)	12
B. Section 504 Parent/Student Rights.....	18
C. Parent Consent to Evaluate	22
D. Parent Letter of Notification/Acknowledgement of Receipt	24
E. Sample Related Aids and Services	26
F. Discipline of a Section 504 Student.....	29
G. Key Points to Remember	32
H. Manifestation Determination Form for 504 Students	35
I. Section 504 of the Rehabilitation Act of 1973	37

I. SECTION 504 POLICY

A. Policy Statement

It is the intent of the Board of Education that no otherwise qualified student with a disability shall be excluded from participation in, denied the benefits of, or be subjected to discrimination on the basis of his/her disability in any program or activity conducted by the district.

It is further the intent of the Board of Education to identify, evaluate and provide a free appropriate public education to each qualified student with a disability within its jurisdiction regardless of the nature or severity of the disability.

The Superintendent of Saginaw Public Schools has appointed the Director of Special Education to serve as the District Section 504 Coordinator and implement this policy within the Saginaw Public Schools. An administrator or designee from each building will be identified as the building Section 504 Coordinator.

II. SECTION 504 PROCEDURES

A. Introduction: Eligible Students, Pre-Referral Strategies, Procedural Components

Definitions of Eligible Students

Section 504 nondiscrimination requirements apply to any student who:

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

However, when the provision of a free, appropriate public education is under consideration to address K-12 disability related educational needs, eligible students are identified only under the first prong of this definition, i.e., eligible students are those who presently have a physical or mental impairment that substantially limits one or more major life activities.

NOTE: Students who are identified as eligible for special education programs and services according to the Individual with Disabilities Education Act (IDEA 2004) criteria are not addressed under this policy. The needs of such students are provided for elsewhere under state and federal law.

Pre-Referral Team Strategies

There is growing evidence of the effectiveness of pre-referral team strategies as a method for strengthening educational opportunities and services for students with special needs who might otherwise experience difficulties in school. The implementation of such strategies helps teachers vary instructional and behavioral methodologies and expectations and by doing so:

1. Assists teachers with students who present a wide variety of behavioral levels and needs;
2. Strengthens educational opportunities within the general education programs by fostering teacher growth; and
3. Reduces the need for formal referrals since more students with special needs are being successfully served appropriately within general education programs.

NOTE: These pre-referral procedures are not intended to block any necessary referrals for special education or Section 504. If at any time a teacher, counselor, administrator or other appropriate person suspects the student's difficulties are attributable to a disability (a physical or mental impairment that substantially limits a major life activity), that student must be referred for an evaluation. Moreover, if a parent at any time asks for a Section 504 evaluation, the District must either honor that request or, if there is insufficient evidence to warrant an evaluation, the parent would be so notified and would be provided with his/her due process rights under Section 504.

Specific 504 Procedural Components

- Building level interventions
- Identification and referral procedures
- Evaluation
- Section 504 Plan
- Monitoring student progress
- Procedural safeguards
- Time frames for evaluation, placement and hearings
- Grievance procedures

B. BUILDING LEVEL INTERVENTIONS

General Framework

At each building level (elementary and secondary) an Intervention Team (hereafter referred to as "the Team") will be assembled. This team is designed to evaluate the educational needs of a

student with or without a disability and to assist with regular and/or special education and related aids and services so the needs of a student are addressed.

The Team is comprised of persons who collectively possess the following: knowledge of the student, evaluation data and programs and services. This team may include: administrators, teachers, parents and building level support staff. The Team meets on a regular basis to evaluate, discuss, develop and initiate intervention strategies and monitor progress of the students.

Pre-referral and Referral Documentation

The Team addresses and is responsible for documenting both pre-referral activities for struggling students and Section 504 referral activities. The Team also records intervention strategies, reviews implementation and makes modifications as needed. The Team will complete the following steps for providing support and documentation for struggling students:

1. Staff and/or parents identify a student as struggling academically or behaviorally.
2. Staff collects data: (work samples, observations, baseline data, interviews) to plan general education interventions, including differentiated instruction.
3. The Team reviews screening data to identify, analyze and prioritize concerns.
 - a. Eliminate irrelevant information
 - b. Determine if additional information is required
4. The Team develops interventions and strategies.
 - a. Sets timelines
 - b. Identifies responsibilities of Team members
5. Strategies are implemented.
6. The Team meets to review outcomes of interventions
 - a. Concerns are eliminated
 - b. Concerns persist
 - c. Set new interventions
 - d. **This problem solving process may be repeated for cycles of increasing intensity, but may not be used to block or delay an appropriate referral under Section 504 or IDEA in the event of a suspected disability.**

C. IDENTIFICATION AND REFERRAL PROCEDURES

District staff must refer any student suspected of having a physical or mental impairment that substantially limits one or more major life activities. Referral sources for a student suspected of having a physical or mental impairment that substantially limits a major life

activity may include by teachers or other certified school employees, his/her parents or community agencies. All referrals will be submitted to the building administrator and the Strategies for Student Success Team at the building the student attends.

The Team will consist of persons knowledgeable about the student's individual needs, the interpretation of the evaluation data, and the placement options. The building principal or assistant principal is also the building's Section 504 Coordinator and will monitor the composition of the Team to ensure that qualified personnel participate.

The Team will promptly consider the referral and based upon whether a disability is suspected the Team will determine whether an evaluation is appropriate.

D. EVALUATION

When a parent or other referral source submits to the building Team a specific request for an evaluation, assessment, or related service for a student, regardless of the specific phrasing of the request, the District will, within 15 school days, take one of the following steps.

1. Schedule a Team meeting.
2. Complete the Section 504 Referral/Evaluation Planning form.

The Team will develop an evaluation plan based on information needed to determine whether the student has a physical or mental impairment that substantially limits one or more major life activities. Parental consent is required prior to beginning an evaluation. This information will include information from a variety of sources, including aptitude and achievement tests, teacher recommendations, reports on physical condition, social and cultural background and adaptive behavior. The Team will also draw upon whatever evaluative work has been done by the Intervention Team. The Team will ensure that information obtained from all such sources is documented and carefully considered. The evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria for participation in the education program and/or District activities.

Final determination of a student's 504 eligibility will not be made by the Team without first inviting the parent(s)/guardian(s) of the student to participate in the meeting concerning such a determination. Parent(s)/guardian(s) of the student will be provided

a meaningful opportunity to provide input into the determination. If the parent(s)/guardian(s) of the student are unable to attend, a conference will be scheduled following the meeting.

The Team will document evaluation results and the eligibility determination on Parts 2 and 3 of the Eligibility Determination/Section 504 Plan form. The parent(s)/guardian(s) of the student will be notified of the Team's eligibility determination and will be provided with the Section 504 procedural safeguards, including the right to an impartial hearing and review, as described in paragraph 6.

E. INDIVIDUAL 504 PLAN

For each student who has been identified as having a disability within the meaning of Section 504, the Team shall be responsible for determining a 504 Plan to ensure that the student receives a free, appropriate public education in the least restrictive environment. An "appropriate" education pursuant to 34 CFR § 104.33 is the provision of regular or special education and related aids and services that (i) are designed to meet the individual educational needs of the student with a disability adequately as the needs of the nondisabled student are met and (ii) are based upon adherence to procedures that satisfy the educational setting, evaluation, placement and procedural safeguards requirements of §§ 104.34, 104.35 and 104.36.

In developing the 504 Plan, the Team will draw upon information from a variety of sources including, but not limited to, aptitude and achievement tests, anecdotal records, teacher recommendations, physical condition, social or cultural background and adaptive behavior.

The parent(s)/guardian(s) will be invited to participate in a Team meeting where regular and/or special education and related aids and services will be determined. Parent(s)/guardian(s) will be provided with an advance copy of the student's 504 evaluation report prior to the 504 plan development meeting.

The Team may also determine that no regular and/or special education and related aids and services are appropriate. If so, the record of the Team's proceedings will reflect the identification of the student as a person with a disability (if any) and state the basis for the decision that no special services are presently needed.

A student with a disability requiring regular and/or special education and related aids and services will be educated with non-disabled students to the maximum extent appropriate to meet the

student's individual needs as determined by the Team. The parents will be provided a meaningful opportunity to provide input into the Team's determination.

The Team will notify the parent(s)/guardian(s) in writing of its final decision concerning the Section 504 services to be provided, including the right to an impartial hearing and review, as described in paragraph 6.

If a plan for providing regular and/or special education and related aids and services is developed, all school personnel who work with the student will be informed of the Section 504 Plan. Parental consent is required prior to an initial placement under a Section 504 plan.

F. MONITORING OF STUDENT PERFORMANCE/PERIODIC REEVALUATION

The building 504 coordinator will collaborate with the student's teachers to annually monitor the performance of each student with a disability and the effectiveness of the student's individual 504 plan.

The Team will provide for reevaluations to determine whether the regular and/or special education and/or related services are appropriate to ensure the needs of the student are met as adequately as the needs of non-disabled students. The reevaluations will be triennial but may be more frequent if the Team determines a reevaluation is warranted.

Prior to any subsequent significant change in the educational program of a student with a disability, the Team will conduct a reevaluation of the student's needs.

G. PROCEDURAL SAFEGUARDS

The parent(s)/guardian(s) of a student with a disability who seeks or has a Section 504 Plan will be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of the student made under this policy. The parent(s)/guardian(s) of student evaluated under Section 504 will have a meaningful opportunity to provide input to the Team. Consent from the parent(s)/guardian(s) of a student with a disability is required prior to the implementation of the Section 504 Plan.

As to such District decisions, parent(s)/guardian(s) will have the right to an impartial hearing (Section 504 due process hearing),

with the opportunity to participate by the parent(s)/guardian(s) and their counsel.

In order to request a Section 504 Due Process Hearing the parent(s)/guardian(s) must submit a signed, written request to the District Section 504 Coordinator. The request must contain the name of the student, the address of the residence of the student, the name of the school the student is attending, a description of the nature of the problem to be addressed at the hearing and a proposed resolution of the problem.

Saginaw Public Schools will maintain a list of Hearing Officers who are qualified and willing to conduct Section 504 due process hearings. The list will include a statement of each Hearing Officer's qualifications. The District will designate a Hearing Officer from the list in each case for which a hearing has been requested.

Each Hearing Officer on the District list must be impartial, i.e., not employed by or under contract with the District in any capacity other than that of a Hearing Officer in the last three years, or by any cooperative program in which the District participates, or by any other agency or organization that is directly involved in the diagnosis, education or care of the student. The District is responsible for paying the Hearing Officer and for all costs of the hearing except for legal costs incurred by the parties other than the school district.

In instances where a due process hearing has been held under the IDEA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record as evidence copies of the transcript of testimony and documents admitted in the IDEA due process hearing. The Hearing Officer shall then provide an opportunity for the submission of additional evidence by the parties that is relevant to a determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education assessment, services, or placement under the IDEA.

If both the parent(s)/guardian(s) and the District agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative remedies under the IDEA prior to the holding of a Section 504 due process hearing.

The Section 504 Hearing Officer shall render a decision pursuant to the legal standards set forth in Section 504 and in court decisions interpreting those provisions. The parents or guardian and District shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 Hearing Officer by timely filing an original action in a court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is timely appealed as set forth above.

H. TIME FRAMES

1. The District will adhere to the time frame of 30 school days from receipt of the parent's consent to initial evaluation to the convening of a 504 Team meeting to determine eligibility.
2. The District will also adhere to the following time frames for Section 504 due process hearing.
 - a. A hearing will be scheduled and completed not less than 30, or more than 75 calendar days following receipt of a written request from the parent.
 - b. Not later than 30-calendar days after the hearing, the Hearing Officer will do the following:
 - i. Reach a final decision regarding the hearing; and
 - ii. Send a copy of the decision to each party
 - c. In the absence of an appeal, the decision of the Hearing Officer will be implemented by the public agency within 15 school days of the agency's receipt of the decision.

I. GRIEVANCE PROCEDURE

If any person believes that the school or any of the school's staff have inadequately implemented the regulations of Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act then they may file a grievance with the school's Section 504/ADA coordinator. In addition, if any person believes that any employee of the school, a student, or other third party has engaged in discrimination or harassment based on an individual's disability or perceived disability status, then they may file a grievance with the school's Section 504/ADA coordinator. It should be understood by the individual(s) involved that a complaint may be made to the Office for Civil Rights without going through the school's grievance procedures. The grievance

procedures are to provide for a prompt and equitable resolution of a complaint.

The individual(s) who bring forward a grievance will provide the school's Section 504/ADA coordinator a written statement alleging, with specificity, the violations of Section 504 or Title II. As part of the written statement, the individual(s) may propose a solution. The written statement must include the individual(s) full name, address, and telephone number. The written statement must be signed by the individual(s) and submitted to the school's Section 504/ADA coordinator at:

Director of Special Education
550 Millard Street
Saginaw, Michigan 48607
(989) 399-6901

The school's Section 504/ADA coordinator will meet with the individual(s) within five school-days of receipt of the written statement. In addition, the school's Section 504/ADA coordinator will take interim measures as needed to protect an alleged victim of harassment from further harassment or retaliation while the investigation is pending.

If the individual filing the grievance alleges that the Section 504/ADA coordinator has engaged in discrimination, then the individual filing the grievance must provide the documentation to the Assistant Superintendent at:

Assistant Superintendent
550 Millard Street
Saginaw, Michigan 48607

The school's Assistant Superintendent will fulfill the role of the Section 504/ADA coordinator as described below in such an event.

At the meeting, the individual(s) may present witnesses and other evidence. The coordinator will further investigate the matter and reply in writing to the individual(s) within ten school-days of the meeting. The investigation, at a minimum, will include an interview of relevant individuals and review of any physical evidence, such as documentation related to the alleged discrimination. The coordinator's reply will include any corrective action taken to prevent reoccurrence of the alleged discrimination or remedy the effects of the same.

If the individual(s) wishes to appeal the decision of the school Section 504/ADA coordinator, then he/she may submit a signed statement of appeal to the Superintendent within ten (10) business days after receipt of the coordinator's response. The coordinator and Superintendent cannot be the same individual. The Superintendent will meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the allegation as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal. As part of the investigation, the individual(s) filing a grievance will not be compelled to meet with anyone alleged to have engaged in the discrimination.

The individual(s) may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures: Office for Civil Rights, at: U.S. Department of Education, 1350 Euclid Avenue, Room 325, Cleveland, Ohio 44115.; OCR.Cleveland@ed.gov; p: (216) 522-4970; and (800) 8778339.

Retaliation against any individual who files a complaint or participates in the grievance process by the school or any of the school's staff is prohibited.

APPENDICES

- A. Section 504 Plan (Part 1 – Referral; Part 2 – Evaluation; Part 3 – Plan)
- B. Section 504 Parent/Student Rights
- C. Parent Consent to Evaluate
- D. Parent Letter of Notification/Acknowledgement of Receipt
- E. Sample Related Aids and Services
- F. Discipline of a Section 504 Student
- G. Key Points to Remember
- H. Section 504 of the Rehabilitation Act of 1973

APPENDIX A

Section 504 Referral and Evaluation Planning Form

Eligibility Determination/ Section 504 Plan

SAGINAW PUBLIC SCHOOLS
Section 504 Referral/Evaluation Planning Form

A. General Information:

Student Name _____ Date: _
Birth date _____ Building _____ Grade: _____
Parent Name _____
Home Phone _____ Work Phone _____ Cell Phone _____

*Person initiating referral _____
*Attach documentation of any pre-referral intervention implemented. Pre-referral intervention is not required and their absence will not delay the evaluation.

B. Referral Information:

Describe the nature of the concern:

C. Current Diagnostic Information (if any):

Diagnosis (attach documentation): _____ Diagnosis date: _____

Professional Making Diagnosis: _____

D. Is There a Suspected Disability:

1. Is there reason to suspect a physical or mental impairment?

No Yes Describe:

2. Is there reason to suspect the impairment substantially limits a major life activity?

If yes, which major life activity is limited:

Breathing	Learning	Walking	Caring for Self	Eating
Seeing	Working	Hearing	Communicating	Sleeping
Standing	Lifting	Bending	Concentrating	Reading
Thinking	Speaking	Operation of a major bodily function		

Other:

Describe how the suspected disability affects a major life activity (attach grade relevant documentation):

E. Plan Based on the Referral Information:

There is a suspected disability and the district proposes to conduct the 504 evaluation described on the attached Parent Consent to Evaluate Form.

The district does not suspect a disability under Section 504. Parent procedural safeguards are provided, including right to disagree with this determination and request a due process hearing.

And declines to conduct a 504 evaluation.

But will conduct the following assessment to assist in developing a general education intervention plan:

Other – Describe:

Parent response

I agree with the Plan described above

I disagree with the Plan described above

District Commitment

Parent signature

Date

District Signature

Date

SAGINAW PUBLIC SCHOOLS
Eligibility Determination/Section 504 Plan

Part 1 – Reason for Meeting:

Initial Eligibility	Review/Revise 504 Plan
Periodic Re-evaluation	Re-evaluation before significant change in placement

Part 2 – Review of Evaluation Information:

Summarize present levels of performance in areas evaluated:

Teacher/Team comments and observations:

Relevant educational information (CA-60 review):

Health and Developmental History:

Part 3: Eligibility

Does the student have a limiting mental or physical condition?	No	Yes
--	----	-----

- If yes, specify the mental or physical condition _____
- If yes, which major life activity is limited (breathing, learning, walking, caring for self, seeing, working, hearing, speaking, manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, operation of a major bodily function, other):

Rank the severity of the impairment (Negligible to Severe): 1 2 3 4 5

Is the student eligible under Section 504?	No	Yes
--	----	-----

If Yes, continue with Part 4

Part 4 – Related Aids and Services

(continued on next page)

Present concerns (substantial limitations that need to be addressed in the 504 Plan):

Describe the specific related aids and services, including the person responsible for each designed to meet the individual needs of the student with a disability as adequately as the needs of nondisabled students are met:

Related Aids and Services	Responsible Party
---------------------------	-------------------

		Criteria to be used to evaluate this plan: Person

Person(s) responsible for evaluating this plan:

Participants – The persons whose signatures appear below participated in the development of this plan:

Name	Title	Date
------	-------	------



--	--	--

Parent Statements:

I received a written notice of my rights under Section 504.

I received notice of the Section 504 meeting.

I agree with the Section 504 plan.

I understand that if I disagree with the content of this plan, I have the right to ask for a Section 504 review meeting or impartial hearing by filing a written request with the District Section 504 Coordinator.

Additional Notes:

Parent Signature _____ Date

Parent Signature _____ Date

Administrator Signature _____ Date

APPENDIX B

Section 504 Parent/Student Rights

SECTION 504 OF THE REHABILITATION ACT OF 1973

Parent/Student Rights Identification, Evaluation and Placement

NOTICE OF 504 RIGHTS

The purpose of this notice is to inform parents and students of the rights granted to them under Section 504. The Federal regulations that implement Section 504 are found at Title 34, Part 104 of the Code of Federal Regulations. These regulations include the following rights:

NOTICE: You have the right to:

Receive written notice from the District with respect to actions regarding the identification, evaluation, or educational placement of the child.

CONSENT: You have the right to:

Agree or disagree to the implementation of the District's proposed evaluation plan for your child or to its proposed 504 plan for your child.

EVALUATION PROCEDURES:

- A. Evaluation shall be conducted in the student's native language.
- B. The evaluation materials are to be validated for the specific purpose for which they are used.
- C. The evaluations are to be administered by trained personnel in conformity with the instructions of the producer.
- D. Evaluation materials include those tailored to assess the specific areas of educational needs, and are not just a general I.Q. test.
- E. Evaluation materials are selected and administered so as best to ensure that the results accurately reflect aptitude and achievement level, rather than the impairment of the person tested, unless the test measures impairment.
- F. An evaluation should draw on information from a variety of sources.
- G. Parent(s)/guardian(s) should have an opportunity to examine the student's relevant educational records and receive all information in their native language and primary mode of communication.
- H. The eligible student has the right to periodic reevaluation and an evaluation before any significant change in program/service modification.
- I. The eligibility determination and 504 plan development should be conducted by persons who know the student, the evaluation data, and placement options.

YOU HAVE THE RIGHT TO:

- A. Examine relevant records.
- B. File a grievance over an alleged violation of federal 504 regulations or the District's 504 policy and procedures.

- C. Request mediation or a due process hearing if you question the District's actions with respect to identification, evaluation, or placement under Section 504.
- D. Have the hearing conducted by an impartial Hearing Officer.
- E. An opportunity to participate in the hearing and be represented by counsel.
- F. Have a written record of the hearing.
- G. Obtain written findings of facts and a written decision.
- H. Appeal the Hearing Officer's decision to a court of competent jurisdiction.
- I. Have your child receive his/her present instruction and/or services during the pendency of the administrative proceeding, unless you and the District agree otherwise.

MISCELLANEOUS RIGHTS:

- A. Have your children receive a free, appropriate public education. An "appropriate" education pursuant to 34 CFR §104.33 is the provision of regular or special education and related aids and services that (i) are designed to meet the individual educational needs of the student with a disability as adequately as the needs of nondisabled students are met and (ii) are based upon adherence to procedures that satisfy the educational setting, evaluation, placement, and procedural safeguard requirements of §§ 104.34, 104.35 and 104.36.
- B. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
- C. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
- D. Under the Family Educational Right to Privacy Act (FERPA), the right to 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 District refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing under FERPA.

SECTION 504 SAFEGUARDS

The parent(s)/guardian(s) shall be notified in writing of all District decisions concerning the identification, evaluation, or educational services for a student made under this policy. In the event of a disagreement with a District decision regarding eligibility and/or services, parent(s)/guardian(s) shall have the right to request an impartial hearing with opportunity for participation by the parent(s)/guardian(s) and their counsel.

In the notification of any District decision concerning identification, evaluation or service, the parent(s)/guardian(s) will be advised of:

- a. The title of the person with whom they shall make any such request and his/her address and telephone number.
- b. The procedures the District will utilize to conduct the hearing.

The District shall maintain a list of Hearing Officers who are qualified and willing to conduct a Section 504 hearing. The list will include a statement of each Hearing Officer's qualifications. The District will designate a Hearing Officer from the list in each case for which a hearing has been requested. Each Hearing Officer on the District list must or shall be impartial, i.e., not employed by or under contract with the District in any capacity other than that of a Hearing Officer in the last three years, or by any cooperative program in which the District participates, or by any other agency or organization that is directly involved in the diagnosis, education, or care of the student. In instances where a State Hearing has been held under the IDEA concerning issues relevant to the Section 504 proceeding, the Section 504 Hearing Officer shall, at the request of either party, accept into the record copies of the transcript of testimony and documents submitted into the State Hearing. The Hearing Officer shall provide opportunity for the submission of additional evidence by the parties that is relevant to the determination of the issues under Section 504. The Section 504 Hearing Officer's jurisdiction shall be limited to Section 504 issues and shall not extend to a determination of eligibility for special education or special education assessment or placement under IDEA. The Section 504 Hearing Officer shall render a decision pursuant to the legal standards set forth in 34 CFR Part 104 and court decisions interpreting these federal regulations. Either party may seek review of the decision of the Section 504 Hearing Officer by a court of competent jurisdiction. The parties shall abide by the decision of the Section 504 Hearing Officer unless the decision is appealed to a court of competent jurisdiction and the decision is stayed by the court.

APPENDIX C

Parent Consent to Evaluate

SAGINAW PUBLIC SCHOOLS
Parent Consent to Evaluate

Student Name: _____ Birth date: _____

Building: _____ Grade: _____

Parent Name: _____ Phone: _____

Date Parent Contacted to Request Consent: _____

Your Child _____ has been referred to evaluate eligibility under Section 504.

Proposed Evaluation:

If you consent to having your child evaluated, the following persons may be involved in reviewing/gathering information:

General Education/Special Education Teacher

These teachers may assess the student's academic achievement and/or classroom observations.

Psychologist/Social Worker

Psychologists and social workers may assess a student's strengths and weaknesses in intellectual functioning, in the areas of academics, social/emotional adjustment.

Speech and Language Therapist

The speech therapist may assess a student's abilities in the areas of language, development, articulation, voice, and fluency.

Other (Identify and describe):

Parent Consent

In consenting to the evaluation of _____, I understand that the results of this evaluation will be used to determine eligibility under Section 504. The results of this evaluation will be presented at a Section 504 planning meeting to which I will be invited to attend.

- I understand the content of this notice for proposed evaluation
- I have received a copy of Parental Rights
- I give permission for the above evaluation
- I refuse permission for the above evaluation

Parent/Guardian Signature: _____ Date:

Person Obtaining Consent: _____ Date:

APPENDIX D

Parent Letter of Notification/ Acknowledgement of Receipt

SAGINAW PUBLIC SCHOOLS
Parent Letter of Notification/Acknowledgement of Receipt

Date: _____

To the Parent(s)/Guardian(s) of: _____

Building: _____ Grade: _____ Birth date: _____

The student named above has been identified by the school

- district as:
-

Possibly eligible under Section 504

In need of a Section 504 re-evaluation

This letter is to provide you with written notice that a Section 504 Team meeting will be conducted to review your child's eligibility. Your attendance at this meeting is welcomed, but law does not require it.

Date of Meeting: _____ Time: _____

Location: _____

If your child is determined to be eligible under Section 504, the Team will develop a plan to address his/her educational needs.....

ACKNOWLEDGEMENT OF RECEIPT

By my signature below, I verify that I have received the Parent Letter of Notification of the above stated Section 504 Meeting, and the Parent/Student Rights of Identification, Evaluation, and Placement.

Regarding the Section 504 meeting that has been scheduled for my child:

- I intend to attend. Do not conduct the meeting in my absence.
- I will not attend. Please forward me a copy of the completed Section 504 document for my signature.
- Please provide an interpreter for the Section 504 meeting.

Parent/Guardian Signature: _____ Date: _____

Building 504 Coordinator:
Received By:
Date:

APPENDIX E

Sample Related Aids and Services

Sample Related Aids and Services

ENVIRONMENT

- Seat student near the teacher
- Seat student near a positive role model
- Stand near the student when giving directions or presenting lessons
- Avoid distracting stimuli (air conditioner, high traffic areas, etc.)
- Increase the distance between the desks
- Be aware of plants and animals
- Provide accommodations on playground and field trips
- Allow extra time to change classes
- Consider locker location
- Provide a study carrel

PRESENTATION OF SUBJECT MATTER

- Write key points on the board
- Provide peer tutoring
- Visual aides
- Provide peer note taker
- Make sure directions are understood
- Include a variety of activities during each lesson
- Break longer presentations into shorter segments
- Provide written outline
- Allow student to record lessons
- Have student review key points
- Teach through multi-sensory modes
- Use computer-assisted instruction
- Present demonstrations
- Utilize manipulatives
- Pre-teach vocabulary
- Use color-coding
- Address student's learning style

ASSIGNMENTS/WORKSHEETS

- Give extra time to complete tasks
- Simplify complex directions
- Hand worksheets out one at a time
- Reduce the reading level of the assignments
- Reduce assignments
- Allow student to record assignments/homework
- Provide a structured routine in written form

- Provide study skills training/learning strategies
- Give frequent short quizzes and avoid long tests
- Shorten assignments: break work into smaller segments
- Allow typewritten assignments
- Use self-monitoring devices
- Reduce homework assignments
- Avoid penalizing for penmanship

TEST TAKING

- Allow open book exams
- Give exam orally
- Give take-home tests
- Use more objective items (fewer essay responses)
- Allow student to give test answers on tape recorder
- Give frequent short quizzes, not long exams
- Allow extra time for exam
- Read test items to student
- Administer test by resource person
- Provide a quiet place to take test
- Avoid penalizing for misspellings
- Reduce number of test items
- Reduce test items per page
- Grade by pass/fail
- Provide study guides

ORGANIZATION

- Provide peer assistance with organizational skills
- Assign volunteer homework buddy
- Allow student to have an extra set of books at home
- Send daily/weekly progress reports home
- Develop a reward system for in-school work and homework completion
- Provide student with a homework assignment notebook
- Teach organizational skills
- Post daily assignments
- Morning check-in to organize for the day
- Afternoon check-out to organize homework

BEHAVIORS

- Praise specific behaviors
- Use self-monitoring strategies
- Give extra privileges and rewards
- Keep classroom rules simple and clear
- Make “prudent use” of negative consequences
- Allow for short breaks between assignments
- Cue student to stay on task (nonverbal signal)
- Mark student’s correct answers, not the mistakes
- Implement a classroom behavior management system
- Allow student time out of seat (run errands, etc.)
- Ignore inappropriate behaviors not drastically outside classroom limits
- Allow legitimate movement
- Develop a contract with the student
- Increase the immediacy of rewards
- Implement time-out procedures

- Consider special diet restrictions
- Implement procedures for administering medication
- Allow exceptions/deviations to current policies and procedures (attendance, early dismissal)

NOTE: The Sample Related Aids and Services provided is a non-exhaustive list and any plan should be individually tailored to the needs of the student.

PARENT INVOLVEMENT

- Call parents immediately if the student

- Parent conference, frequency _____

- Parent will e-mail staff for academic updates, frequency _____

SPECIAL CONSIDERATIONS

- Suggest parenting _____ programs
- In-service teacher(s) on student’s handicap
- Provide social skills group experiences
- Develop strategies for transitional periods
- Transportation Department notified of student’s disability
- Involve outside agency
- Provide group/individual counseling

APPENDIX F

Discipline

DISCIPLINE

If a student who has been determined to be a student with a disability under Section 504 engages in behavior that is a violation of the District's code of conduct and is subject to either a long term suspension, or a series of suspensions, that constitutes a significant change of placement, the District must conduct a manifestation determination meeting. A significant change in placement occurs when the exclusion of a student with a disability is permanent (e.g. expulsion), for an indefinite period, or for more than 10 consecutive school days.

In addition, a series of suspensions that are each 10 or fewer days in duration but exceed ten days in the aggregate may create a pattern of exclusion that would constitute a significant change in placement. The determination of whether a series of suspensions creates a pattern of exclusion that constitutes a change in placement is made on a case-by-case basis. Among the factors considered in determining whether a pattern of exclusion exist is the length of each suspension, the proximity in time of each suspension to one another, and the total amount of time the student is removed from school.

In some cases, in-school suspensions may be treated as suspensions that should be considered in determining whether a significant change in placement has occurred, particularly when the in-school suspension results in exclusion from the regular education environment and from access to the school district's educational programs and activities.

A manifestation determination review team is required whenever the District is seeking to implement an exclusion that constitutes a significant change in placement. The manifestation determination should be made as soon as possible after the disciplinary action is administered and, in any event, before the eleventh day of the suspension or removal. The manifestation determination review team must consist of individuals who are knowledgeable about the student, capable of interpreting evaluation data, and familiar with the placement options available. The team must conduct a thorough record review and consider teacher observations and parental input. The team must be sufficiently informed about the student and the behavior subject to discipline to address whether the behavior was caused by or directly and substantially related to the student's disability or if the behavior was caused by the district's failure to implement the student's 504 Plan.

If the behavior for which the discipline was administered is found not to be a manifestation of the student's disability, the student may be disciplined in accordance with general education policy. If the behavior is a manifestation of the student's disability, the manifestation determination review team must continue the evaluation to determine whether the student's educational placement is appropriate and what, if any, modifications to that placement are necessary. Absent an agreement between the District and the parent/guardian, the student must be returned to his/her current placement and the 504 Plan must be reviewed and revised as necessary.

NOTE: If the student is eligible only under Section 504 (and not also eligible under IDEA) and is currently engaging in the illegal use of drugs or in the use of alcohol

and commits a discipline code violation involving the use or possession of illegal drugs or alcohol, the student may be disciplined to the same extent as a similarly situated non-disabled student.

APPENDIX G

Key Points to Remember

SAGINAW PUBLIC SCHOOLS

Key Points to Remember

- Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities in all programs and activities receiving federal dollars.
- Schools must provide a free appropriate public education to each qualified student with a disability regardless of severity of the handicap.
- Schools shall educate their students, or provide for their education, with other students who are not disabled to the maximum extent appropriate to the needs of the student with a disability.
- Students with disabilities must be provided with an equal opportunity to participate in non-academic and extracurricular services and activities.
- Disability status requires only one major life activity to be substantially limited by the impairment.
- Major life activities include such activities as: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, operation of a major bodily function.
- Environmental, cultural, or economic disadvantage cannot be considered as eligibility criteria.
- Determination of substantial limitation is made minus any/all mitigating measures except for ordinary eyeglasses/contact lenses.
- View a student's episodic impairment when active versus in remission.
- Students with disabilities affecting their ability to control behavior may qualify, regardless of cognitive or academic functioning.
- When analyzing the degree to which the impairment *limits* the major life activity consider the following:
 - Focus on the major life activity as a whole, not in a particular class (e.g. math) or for a particular sub-area (e.g. socialization).
 - Discount sub-par performance due to other factors such as normal moods, lack of motivation, and the immediate situation or environment.
 - Use the average student in the general population as the frame of reference for purpose or comparison.
 - When ranking the severity of the disability (page 13) consider the following rankings of severity. If determined to be a "4" or above the

team should determine a service plan that is *necessary* for the child to have an opportunity *commensurate* with nondisabled, age equivalent students in the district:

- 1 = negligible
 - 2 = mild
 - 3 = moderate
 - 4 = substantial
 - 5 = extreme
-
- “But I’m doing that anyway!” – 504 accords parents with two kinds of rights – procedural and substantive. Procedures help to ensure consistency, accountability and FAPE/LRE centered decision making.
 - For IDEA eligible students, the IEP is the 504 Plan.

Possible 504 Eligibility Considerations

- A temporary but long term serious illness or injury

APPENDIX H

Manifestation Determination Form for 504 Plans

Manifestation Determination Form for 504 Plans

Date of Meeting: _____ **Date of 504 Plan:** _____

Pupil: _____ **DOB:** _____ **Grade:** _____

School: _____ **Date of Incident:** _____

The 504 Team is conducting this meeting to determine whether or not the alleged misconduct of the Pupil named above was caused by, or a direct manifestation of, the Pupil's disability and whether or not the 504 Plan was being implemented. The team reviewed and considered Pupil's health records, school discipline records, evaluation results, observations of the student, information provided by Pupil's parents and Pupil's 504 Plan (see 504 Comments Sheet for more details).

Pupil's 504 Disability: _____

Determination:

Was the conduct in question caused by, or was there a direct and substantial relationship to the child's disability? Yes No

Was the conduct in question the direct result of the LEA's failure to implement the 504
 plan? Yes No

A "No" answer to both of these questions indicates that the behavior is determined not to be a manifestation of the child's disability. The relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities.

A "Yes" answer to either of these questions indicates that the behavior is determined to be a manifestation of the child's disability. The Section 504 team must convene a meeting and determine what supports are necessary to meet the student's needs in the least restrictive environment.

Comments:

Principal, Vice Principal or Designee

Parent

School Psychologist

Parent

Teacher

Student

Other

Other

Other

Other

APPENDIX I

Section 504 of the Rehabilitation Act of 1973

Subsec. (b). Pub. L. 99-506, §§103(d)(2)(B), (C), 1001(f)(2), substituted "individual with handicaps" for "handicapped individual", "individuals with handicaps" for "handicapped individuals", and "a contract" for "his contract".

Subsec. (c). Pub. L. 99-506, §1001(f)(3), substituted "The President" for "he" in two places and substituted "the reasons" for "his reasons".

1978-Subsec. (a). Pub. L. 95-602 substituted "section 706(7) of this title" for "section 706(6) of this title".

§ 794. Nondiscrimination under Federal grants and programs

(a) Promulgation of rules and regulations

No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

(b) "Program or activity" defined

For the purposes of this section, the term "program or activity" means all of the operations of-

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other post-secondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 7801 of title 20), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship-

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(c) Significant structural alterations by small providers

Small providers are not required by subsection (a) of this section to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on March 22, 1988.

(d) Standards used in determining violation of section

The standards used to determine whether this section has been violated in a complaint alleging employment discrimination under this section shall be the standards applied under title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.) and the provisions of sections 501 through 504, and 510,¹ of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201-12204 and 12210), as such sections relate to employment.

(Pub. L. 93-112, title V, § 504, Sept. 26, 1973, 87 Stat. 394; Pub. L. 95-602, title I, §§119, 122(d)(2), Nov. 6, 1978, 92 Stat. 2982, 2987; Pub. L. 99-506, title I, §103(d)(2)(B), title X, §1002(e)(4), Oct. 21, 1986, 100 Stat. 1810, 1844; Pub. L. 100-259, §4, Mar. 22, 1988, 102 Stat. 29; Pub. L. 100-630, title II, § 206(d), Nov. 7, 1988, 102 Stat. 3312; Pub. L. 102-569, title I, §102(p)(32), title V, §506, Oct. 29, 1992, 106 Stat. 4360, 4428; Pub. L. 103-382, title III, §394(i)(2), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-220, title IV, §408(a)(3), Aug. 7, 1998, 112 Stat. 1203; Pub. L. 107-110, title X, §1076(u)(2), Jan. 8, 2002, 115 Stat. 2093.)

REFERENCES IN TEXT

The amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978, referred to in subsec. (a), mean the amendments made by Pub. L. 95-602. See 1978 Amendments note below.

The Americans with Disabilities Act of 1990, referred to in subsec. (d), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327. Title I of the Act is classified generally to subchapter I (§12111 et seq.) of chapter 126 of Title 42, The Public Health and Welfare. Section 510 of the Act was renumbered section 511 by Pub. L. 110-325, § 6(a)(2), Sept. 25, 2008, 122 Stat. 3558. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

AMENDMENTS

2002-Subsec. (b)(2)(B). Pub. L. 107-110 substituted "section 7801 of title 20" for "section 8801 of title 20".

1998-Subsec. (a). Pub. L. 105-220 substituted "section 705(20)" for "section 706(8)".

1994-Subsec. (b)(2)(B). Pub. L. 103-382 substituted "section 8801 of title 20" for "section 2891(12) of title 20".

1992-Subsec. (a). Pub. L. 102-669, §102(p)(32), substituted "a disability" for "handicaps" and "disability" for "handicap" in first sentence.

Subsec. (d). Pub. L. 102-569, §506, added subsec. (d). 1988-Subsec. (a). Pub. L. 100-630, §206(d)(1), substituted "her or his handicap" for "his handicap".

Pub. L. 100-259, §4(1), designated existing provisions as subsec. (a).

¹See References in Text note below.

Subsec. (b). Pub. L. 100-259, §4(2), added subsec. (b).
 Subsec. (b)(2)(B). Pub. L. 100-630, §206(d)(2), substituted "section 2891(12) of title 20" for "section 2854(a)(10) of title 20".

Subsec. (c). Pub. L. 100-259, § 4(2), added subsec. (c).
 1986-Pub. L. 99-506 substituted "individual with handicaps" for "handicapped individual" and "section 706(8) of this title" for "section 706(7) of this title".

1978-Pub. L. 95-602 substituted "section 706(7) of this title" for "section 706(6) of this title" and inserted provision prohibiting discrimination under any program or activity conducted by any Executive agency or by the United States Postal Service and requiring the heads of these agencies to promulgate regulations prohibiting discrimination.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

EXCLUSION FROM COVERAGE

Amendment by Pub. L. 100-259 not to be construed to extend application of this chapter to ultimate beneficiaries of Federal financial assistance excluded from coverage before Mar. 22, 1988, see section 7 of Pub. L. 100-259, set out as a Construction note under section 1687 of Title 20, Education.

ABORTION NEUTRALITY

Amendment by Pub. L. 100-259 not to be construed to force or require any individual or hospital or any other institution, program, or activity receiving Federal funds to perform or pay for an abortion, see section 8 of Pub. L. 100-259, set out as a note under section 1688 of Title 20, Education.

CONSTRUCTION OF PROHIBITION AGAINST DISCRIMINATION UNDER FEDERAL GRANTS

Rights or protections of this section not affected by any provision of Pub. L. 98-457, see section 127 of Pub. L. 98-457, set out as a note under section 5101 of Title 42, The Public Health and Welfare.

COORDINATION OF IMPLEMENTATION AND ENFORCEMENT OF PROVISIONS

For provisions relating to the coordination of implementation and enforcement of the provisions of this section by the Attorney General, see section 1-201 of Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of Title 42, The Public Health and Welfare.

EXECUTIVE ORDER NO. 11914

Ex. Ord. No. 11914, Apr. 28, 1976, 41 F.R. 17871, which related to nondiscrimination in federally assisted programs, was revoked by Ex. Ord. No. 12250, Nov. 2, 1980, 45 F.R. 72995, set out as a note under section 2000d-1 of Title 42, The Public Health and Welfare.

.1794a. Remedies and attorney fees

(a)(1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections 706(f) through 706(k) (42 U.S.C. 2000e-5(f) through (k)) (and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation), shall be available, with respect to any complaint under section 791 of this title, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action rem

edy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.

(2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation) shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistance under section 794 of this title.

(b) In any action or proceeding to enforce or charge a violation of a provision of this subchapter, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.

(Pub. L. 93-112, title V, §505, as added Pub. L. 95-602, title I, §120(a), Nov. 6, 1978, 92 Stat. 2982; amended Pub. L. 111-2, §5(c)(1), Jan. 29, 2009, 123 Stat. 6.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (a)(2), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

AMENDMENTS

2009-Subsec. (a)(1). Pub. L. 111-2, §5(c)(1)(A), inserted "(and the application of section 706(e)(3) (42 U.S.C. 2000e-5(e)(3)) to claims of discrimination in compensation)" after "(42 U.S.C. 2000e-5(f) through (k))".

Subsec. (a)(2). Pub. L. 111-2, § 5(c)(1)(B), inserted "(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e-5), applied to claims of discrimination in compensation)" after "1964".

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-2 effective as if enacted May 28, 2007, and applicable to certain claims of discrimination in compensation pending on or after that date, see section 6 of Pub. L. 111-2, set out as a note under section 2000e-5 of Title 42, The Public Health and Welfare.

794b. Removal of architectural, transportation, or communication barriers; technical and financial assistance; compensation of experts or consultants; authorization of appropriations

(a) The Secretary may provide directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, technical assistance-

(1) to persons operating community rehabilitation programs; and

(2) with the concurrence of the Access Board established by section 792 of this title, to any public or nonprofit agency, institution, or organization;

for the purpose of assisting such persons or entities in removing architectural, transportation, or communication barriers. Any concurrence of the Access Board under paragraph (2) shall re-