



Section 504 Policy Manual

Introduction:

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against disabled persons, including students and staff members, by schools receiving federal financial assistance. Included in the US Department of Education Regulations for Section 504 is the requirement that disabled students be provided with free appropriate public education (FAPE). As such, Perry Street Prep PCS is required to provide the full range of special accommodations and services necessary for students with disabilities to participate in and benefit from its education programs and activities.

The regulations require identification, evaluation, the provision of appropriate services and procedural safeguards. The regulations also require that parents or guardian be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with district decisions in these areas.

Section 504 Defined:

“No otherwise qualified individual with a disability in the United States....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....”.

The Section 504 regulations require Perry Street Prep PCS to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Eligibility Criteria:

Under Section 504, a student eligible for FAPE is any student who has a physical or mental impairment that substantially limits one or more major life activity.

What is a Physical or Mental Impairment?

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems – neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive, digestive, genitor-urinary; hemic and lymphatic; skin and endocrine.
 - This definition includes such diseases and condition as orthopedic, visual, speech and hearing impediments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, attention deficit disorder (ADD), acquired immune deficiency syndrome (AIDS), and human immune deficiency virus (HIV+)
- Any mental or psychological disorder such as but not limited to mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.



What is the meaning of Substantial Limitation?

The term “substantially limits” is not explicitly defined by Section 504. However, the following should be considered when determining if a student is substantially limited in performing a major life activity:

- In order to meet this standard, the student must be unable to perform a major life activity that the student’s average peers can perform OR, the student must be restricted to a substantial degree as to the condition, manner, or duration under which the major life activity is performed by the student’s average peers.
- An impairment need not prevent or severely or significantly limit a major life activity to be considered “substantially limiting.” Nonetheless, not every impairment will be substantially limiting.
- The term “substantially limits” should be construed broadly and determination of substantial limitation should not require an extensive analysis.
- The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.

Episodic or in Remission: An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Mitigating measures: The “substantially limits” determination must be made without regard to any ameliorative effects of mitigating measures. The team must make a Section 504 determination based upon the student’s disability as it presents itself without the mitigating measures. Mitigating measures included but are not limited to:

- medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- use of assistive technology;
- reasonable accommodations or auxiliary aids or services; or
- learned behavioral or adaptive neurological modifications.

What are Major Life Activities?

Major life activities include, but are not limited to, activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

Major life activities may also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Student Identification and Referral:

Section 504 contains a child find requirement that requires school districts to “undertake to identify and locate every qualified [individual with a disability] residing in [its] jurisdiction.” As such, school districts must conduct an evaluation of students “who, because of a handicap, need or are believed to need special education and related services.”



The school or parent may initiate a referral for an initial evaluation.

What to be on the look out for:

- history of physical or mental impairment or disorder
- poor behavior with an impact on learning or academic performance
- poor academic performance
- poor attendance
- serious health conditions
- any other issues that may interfere with student's ability to participate in and benefit from the education program

For students who are identified and referred for possible evaluation under Section 504, a review of the student's records, including medical, academic and behavioral records, will be conducted by the Student Support Team (SST) to determine whether an evaluation is warranted. Any student who has or is believed to have a disability special education or related aids or services to participate in or benefit from the education program should be referred for an evaluation.

Identification and referral procedures:

- Any student who is suspected of having a disability may be referred by a parent, teacher, or other school employee to the SST using the appropriate Parent or Staff Referral form.
- The SST will be composed of persons knowledgeable about the student, the student's history, and the student's individual needs.
- The SST will consider the referral and, based upon a review of the student's existing records, including medical, academic, social and behavioral records, make a decision as to whether a referral for an evaluation is warranted.

If the SST determines that an evaluation is warranted, Perry Street Prep PCS will inform the parent or guardian of this decision and request consent to evaluate the student using the Notice of Referral/Request for Consent form. The parent or guardian will also be provided with a copy of the Notice of Parental Rights.

If a parent's request for an evaluation is denied, Perry Street Prep PCS will inform the parent or guardian of this decision using the Notice of Decision Not to Evaluate form. The parent or guardian will also be provided with a copy of the Notice of Parental Rights.

504 Team

All decisions regarding a student's eligibility, 504 Plan, and placement will be made by the 504 Team. The 504 team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. Parents are necessary members of the 504 team and will be encouraged to present information relevant to consideration of the team.



Student Evaluation:

Upon referral for an evaluation, the 504 Team will evaluate the existence and nature of the student's disability, the impact of the disability upon the student's education, and the extent to which the student requires special education and related aids and services to participate in and benefit from the education program. A Section 504 evaluation may be broad (including aptitude, psychological and achievement assessments, medical reports, social and cultural information, etc.) or narrow (medical report). Formal assessments are not always required but may be in some instances. To determine whether formal assessments are necessary the team must review and consider the data already available to it.

The evaluation must be conducted in a reasonable period of time. Although there is no specific requirement, Perry Street Prep PCS will aim to complete the evaluation within 30-45 days from the date of referral.

In general, the 504 evaluation should:

- A. Include materials, tests, or evaluation procedures, as necessary, that are:
 1. Validated for the specific purpose for which they are used;
 2. Administered by trained personnel in conformance with the instructions provided by their producer;
 3. Tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;
 4. Selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- B. Be based on information from a variety of sources, i.e. teachers, other school staff members, parent/guardian, physician, nurse, and any other knowledgeable professionals;
- C. Document and consider all available pertinent information, i.e. records, assessment data or medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity; and
- D. Be conducted by a group of people, including those who are knowledgeable about the child, the suspected disabling condition, evaluative procedures, the meaning of evaluative data, and accommodation/placement options.

Parental consent is required to evaluate under Section 504. When a parent refuses to consent, Perry Street Prep PCS cannot be held liable for failing to provide the student FAPE under Section 504.

Reevaluations are required periodically and should occur at least every three years or sooner when appropriate. Reevaluations must also occur prior to any significant change in placement whether for disciplinary reasons or otherwise.

504 Plan/Placement:

If a student is determined to be eligible for FAPE under Section 504, the 504 Team must develop a 504 Plan and determine placement for the student. If the team determines that despite having a disability under Section 504, the student does not require special education or related aids and services, the team will indicate the basis for this decision on the 504 Plan. In making determinations about the student's 504 Plan and placement, the



504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior and input from the parents. Determinations about the student's 504 Plan and placement will be made by a group of individuals knowledgeable about the student, the meaning of evaluation data, and the placement options.

All students will be educated with those who are not disabled to the maximum extent appropriate based on their individual needs. A disabled student shall be placed in the general education environment, unless it is demonstrated by Perry Street Prep PCS that education of the student in the general education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Placement in a setting other than the general education environment will not be made without taking into account the proximity of the alternate setting to the student's home.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Perry Street Prep PCS, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by Perry Street Prep PCS and assistance in making available outside employment, Perry Street Prep PCS shall ensure that disabled students participate with nondisabled students in such activities and services to the maximum extent appropriate to the needs of the disabled student in question.

If a case manager has not already been assigned prior to the development of the initial 504 Plan, a case manager will be assigned following the development of the initial 504 Plan. The case manager will monitor implementation of the plan and student progress. The case manager will also ensure that a copy of the 504 Plan, Notice of 504 Plan and Placement, and Notice of Parental Rights are provided to the parent or guardian following the 504 Team meeting. The case manager will also distribute the 504 Plan to relevant school staff and provide or arrange for any education necessary for staff regarding implementation of the plan.

FAPE

An "appropriate education" is the provision of regular or special education and related aids and services that are designed to meet the student's individual needs as adequately as the needs of non-disabled students are met. An appropriate education must also be designed in accordance with the procedures that satisfy Section 504's identification, evaluation, placement and due process requirements.

Review of the Student's Progress

The 504 Team will monitor the progress of the disabled student and the effectiveness of the student's educational plan at least annually, or sooner if necessary or requested, to determine whether the plan is appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Procedural Safeguards:

Parents should be provided with notice of their rights and procedural safeguards at any time they are notified of decisions regarding the identification, evaluation or educational placement of the student. Such notice should always be provided in writing.