

A Parent Guide to

SECTION 504

of the Rehabilitation Act of 1973

Jefferson County Public Schools

Mission Statement

*To provide a quality education that prepares
all children for a successful future.*

A Parent Guide to Section 504 is designed to give parents a short overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to Jefferson County Public Schools. While Section 504 defines the equal access requirements for students, employees, and other individuals, this publication will focus on students. This information has been organized around questions parents frequently ask when trying to understand this civil rights statute. Please note that when working with disabled students, Section 504 serves the same purpose as the Americans with Disabilities Act (ADA). Consequently, this publication refers solely to Section 504.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is Congress's directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. Since Jefferson County Public Schools receives federal dollars, it is required to provide eligible disabled students with equal access to services, programs, and activities offered by the District. Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of regular education staff and building administration to implement those practices and procedures necessary for a school to fulfill the requirements of this law. At each school, the responsibility for insuring Section 504 compliance rests with the building principal or principal's designee, sometimes referred to as the Building 504 Coordinator.

What criteria are used to determine if a student is eligible for a Section 504 plan?

Like other students, those students with a disability, as defined by Section 504, are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on insuring a level of access to educational services and the learning process for qualified disabled students that is equal to that given non-disabled students.

Students eligible for Section 504 accommodation plans must meet three criteria. The three criteria are: (1) **a mental or physical impairment**, (2) **which substantially limits**, (3) **one or more major life activities**. It is important to understand that all three criteria must be present for a student to be eligible for a Section 504 accommodation plan. Equally important, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. Here is additional information on each of the three criteria.

Mental or physical impairment: This includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Additionally, this can include any mental or psychological disorder. This criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way to avoid limiting the range of diseases or conditions that might be considered for Section 504 eligibility.

Substantially limits: Section 504 does not specifically define the term “substantially limits.” The basis for evaluating this criterion is the impact a disability has on one or more of a student’s major life activities. A substantial limitation generally means that the student is unable to perform a major life activity that *the average person in the general population* can perform or is substantially limited in the condition, manner, or duration under which he/she can perform the major life activity at issue. Additionally, with the exception of ordinary eyeglasses and contact lenses, the ameliorative effects of available “mitigating measures” (including, but not limited to, medications, prosthetics, hearing aids, mobility devices, and learned adaptations) may not be considered in determining whether someone is “substantially limited” in a major life activity.

Major life activities: Major life activities include such things as: seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks. The operation of major bodily functions (*e.g.*, the functions of the immune system, normal cell growth, and digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) count as major life activities. Please note that this list of major life activities is not exhaustive.

How is a Section 504 review request made?

A parent, guardian, teacher, counselor, related service provider, other school staff member, administrator, or community agency can initiate a review request for Section 504 eligibility. The person making the review request will complete a Section 504 Referral form and forward it to the school principal. A sample Section 504 Referral form is included at the end of this handout. This form is also available at your child’s school. It is a good idea to discuss the appropriateness of a 504 plan with your child’s Building 504 Coordinator or principal before completing the review request, as there are a number of intervention strategies used with District students.

What process is used in determining if a student is eligible for a Section 504 plan?

Upon receipt of a 504 Student Referral, the Building 504 Coordinator, in collaboration with appropriate school staff, will determine whether an evaluation will occur. If an evaluation will occur, the Coordinator will arrange a meeting (or have a phone call) with parents to review the referral and discuss the evaluation process. The Coordinator also will make arrangements for collecting evaluation data and set a date for an eligibility determination meeting.

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

The team’s first responsibility is to review the nature of the impairment and determine how

it affects the student's access to educational programs and activities. Information that might be considered includes (but is not limited to): grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. As needed, the eligibility team may administer and use other formal and informal measures that help them determine 504 eligibility.

How are 504 accommodations and related services documented and reviewed?

If the 504 eligibility team determines that a student has a Section 504-qualifying disability, the team's second responsibility is to identify the specific accommodations or services that will support equal access. Documentation of these accommodations is done in a Section 504 Accommodation Plan. This plan provides a summary of the related aids, services, and other accommodations that a student requires to gain equal access to the learning process and/or District programs, activities, and services. In Jefferson County, this document becomes part of the student's cumulative file.

Section 504 teams review active Section 504 Accommodation Plans yearly with more frequent meetings occurring if needed. The purpose of a yearly review is to add, subtract and/or modify student accommodations as needed. If a student no longer needs a 504 Plan, the 504 team may terminate the plan based upon consideration of appropriate evaluation data.

What is meant by the word "accommodation?" Where will the accommodations occur?

Section 504 requires that a student with an eligible disability be educated with students who do not have disabilities to the maximum extent appropriate. This is referred to as educating the student in the least restrictive environment. Implementation of most Section 504 Plans occurs in the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangements, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities. An example might be moving the student to a position in the room that best supports his/her ability to focus on schoolwork. Accommodations might involve the use of such things as special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation.

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

What rights do parents (and students) have under Section 504?

Under Section 504, you have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.
2. Be advised as to your rights under federal law.
3. Receive written notice with respect to the 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 other students without disabilities to the maximum extent appropriate within the “least restrictive environment.” It also includes the right to have the District provide related aids and services and/or make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child be educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your child receive special education and related services if she/he is eligible to do so under the Individuals with Disabilities Education Act or receive related aids, services, and accommodations under Section 504 of the Rehabilitation Act.
7. Have eligibility, education, and placement decisions made based upon a variety of information sources and by individuals who know your child, the evaluation data, and placement options.
8. Have transportation be provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
9. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the District.
10. Examine all relevant records relating to decisions regarding your child’s identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the District to reasonable requests for explanations and interpretations of your child’s records.
13. 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, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. File a complaint with the District when you believe your child’s rights have been violated. The complaint will be reviewed, investigated, and addressed pursuant to District Policy JBB.
15. Request an impartial due process hearing related to decisions regarding your child’s identification, evaluation, educational program, or placement. You and your child may take part in the hearing and have an attorney represent you at your own cost. The District’s hearing procedures are outlined in District Policy JBB.
16. File a formal complaint with the Regional Office for Civil Rights located at 1244 Speer Boulevard, Suite 310, Denver, CO, 80204; Ph: (303) 844-5695; TTD: (800) 877-8339.

Whom should parents contact when they have a Section 504 complaint?

The best solutions to parent and student concerns occur at the school level. Therefore, the first step in resolving a complaint involves the parent or guardian contacting the building principal and discussing the issue with the principal and other appropriate building staff. If the issue is not resolved through these discussions, parents are welcome to contact the District's Section 504 Compliance Officer or the Achievement Director responsible for the student's articulation area. Contact information is provided below.

Parents can file a Section 504 Complaint with the Achievement Director responsible for the student's articulation area, and the matter will be addressed in accordance with the complaint and investigation process outlined in District Policy JBB. A sample Complaint form is included at the end of this handout.

Parents also have the right to request an impartial hearing related to any decisions regarding a child's identification, evaluation, or educational placement under Section 504. *See* District Policy JBB. Request for hearings shall be submitted to the District 504 Coordinator/Compliance Officer. Upon receiving a written request for a hearing, the District 504 Coordinator/Compliance Officer will select an impartial hearing officer to decide the matter. The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records, and participate in the hearing. Within ten (10) school days after the conclusion of the hearing, the hearing officer will issue a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the superintendent. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.

Finally, the Office for Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. While we believe that the best resolutions occur at the school level, parents/guardians always have the right to initiate a complaint with the OCR.

Jefferson County Public Schools 504 Contacts

Please contact your School Principal or Building 504 Coordinator for additional details on Section 504. If your questions are not answered at that level or you wish to file a complaint, please contact the District's Student ADA and Section 504 Compliance Officer:

Polly Ortiz Lutz

Jefferson County School District R-1
1829 Denver West Dr., Building #27
Golden, CO 80401; (303) 982-4502

You can also contact the Achievement Director responsible for your student's articulation area. To find the name of the appropriate Achievement Director, please visit: http://www.jeffcopublicschools.org/management/school_effectiveness/index.html.

SECTION 504-REFERRAL FORM

Student Name: _____	Student ID: _____
School/Grade: _____	Date of Birth: _____
Parent(s) Name: _____	Home Phone: _____
Name/Title of Person Making Referral: _____	
Relationship to Student/Position: _____	

1. Please identify the student's impairment and state the nature of your concern(s):

A. Student's physical or mental impairment:

B. Major life activity limited by the student's impairment (major life activities include, but are not limited to, walking, standing, lifting, bending, seeing, hearing, speaking, breathing, eating, sleeping, reading, learning, communicating, thinking, concentrating, working, caring for oneself, performing manual tasks, and the operation of a major bodily function):

C. Academic concern(s):

D. Behavioral concern(s):

2. Please describe any supporting observations (including academic, behavioral, or other observations).

3. Please describe any classroom, home, or other interventions that have been tried.
4. Please attach copies of any pertinent evaluation data on the student, including available medical documentation regarding the student's physical or mental impairment, any available evaluation reports, grades report, standardized test scores, etc.

Name of Person Making Referral: _____	Signature: _____	Date: _____
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FOR DISTRICT USE ONLY

ACTION TAKEN:

_____ Section 504 Notice of Evaluation sent to parent/legal guardian on (date) _____

By: _____ Date: _____
Building 504 Coordinator

