

What is Section 504?

Section 504 is the part of the Rehabilitation Act of 1973 that applies to individuals with disabilities; it helps protect their civil rights and is a nondiscrimination statute prohibiting discrimination based on disability.

Section 504 requires that no person with a disability be excluded from or denied benefits of any program that receives federal financial assistance; this includes education.

A student is eligible for accommodations under Section 504 if the student has a mental or physical impairment that substantially limits one or more of a student's major life activities. This is determined through an evaluation conducted by the school by a team of individuals who are familiar with the child and knowledgeable about the disability. Results are then shared at a team meeting involving the parents.

A student is considered disabled if one of the following are met:

- Student has a physical or mental impairment that substantially limits one or more major life activities
- Student has a record of such impairment
- Student is regarded as having such an impairment (34 CFR 104.3(j)(1))

The intention of Section 504 is to create a level playing field for students with disabilities, not an unfair advantage. This means that students with disabilities have the same and equal access to curriculum and activities as the general population.

Disciplinary Action for Misbehavior at School

Before a student with a disability may be removed from school for more than 10 school days at a time, or before implementing a series of suspensions in excess of 10 school days that constitute a pattern of exclusion, re-evaluation of the student is required.

Determination of Manifestation

The first step is to determine whether the behavior for which the student is being disciplined is a manifestation of the student's disability. A team knowledgeable about the child and the meaning of the evaluation data perform the determination.

Disciplinary removal constituting a change in placement cannot be imposed unless the team determines the misbehavior is not a manifestation of the student's disability. If it is determined the behavior is a manifestation of the student's disability, the team must continue the evaluation in accordance with Section 504, to determine whether the student's current educational placement is appropriate.

Parents receive the results of the manifestation determination and of the procedural safeguards available to them to challenge the determination if they choose.

Special Circumstances

Some behaviors warrant removing a student from school without regard to whether the behavior is determined to be a manifestation of the student's disability. In such cases the student may be moved to an interim, alternative educational setting for not more than 45 days.

If a student, while at school, on school premises, or at a school function:

- carries or possesses a weapon
- knowingly possesses or uses illegal drugs
- sells or solicits the sale of a controlled substance
- inflicts bodily injury upon another person

A Parent Guide to Section 504

of the Rehabilitation Act of 1973 and the Americans with Disabilities Act



Our Process for Section 504 in Weber School District

Child Find – As part of the on-going identification and referral process, Weber School District makes reasonable efforts to locate every qualified student with a disability in our district. Referrals may come from parents, administrators or school staff.

Referral – Once a student has been identified for a 504 evaluation, parents provide consent for evaluation and provide any doctors notes or documentation of the disability. Parents are also educated on Section 504 parent and student rights and safeguards.

Eligibility & Determination of Accommodations – Following parental approval, school staff will gather the student's data (grades, test scores, documented behavior, etc.) to be used to determine the significance of the impairment for eligibility.

504 Team Meeting – School leadership will convene a meeting of persons knowledgeable about the individual. Teachers, counselors, administrators and parents may be included, and they follow the Section 504 Eligibility and Planning Worksheet to determine eligibility.

⊗ If the results of the evaluation conclude the student *is not eligible* for Section 504 accommodation, each member signs the worksheet and a copy is provided to the parents as well as kept in the student's file. Other appropriate support may be considered.

✓ If the results of the evaluation conclude the student *is eligible* for Section 504 accommodation, the team develops a 504 plan considering the following factors for accommodations. The plan is signed by all team members, and a copy is provided to the parents as well as kept in the student's file.

504 Plan includes:

- Section 504 identification of significant impairment
- The student's unmet needs
- Services or accommodations based on needs
- Accommodations within the general education setting

Annual Review of 504 Plan – Periodic review is required, and parents will be contacted yearly to evaluate the effectiveness of their child's 504 accommodation plan. In accordance with IDEA regulations, re-evaluation of data is required every three years. Parents may contact school administration if conditions warrant to reconvene the 504 team and review their child's services.

Grievance Procedure

1. Parent submits the complaint in writing to the school principal.
2. Principal has five school days to respond to the written complaint.
3. Parent may appeal the principal's response, or failure to respond, in writing to the District 504 coordinator. District 504 coordinator will then conduct an impartial investigation and respond to the parent within 10 school days or at a parent's request, will conduct an impartial due process hearing as outlined:
 - a. If parent's complaint is about the identification, evaluation, or placement of a student, and the complaint is not resolved by the principal, the parent may request an impartial due process hearing before the District 504 coordinator.
 - b. Requests for an impartial due process hearing must be submitted in writing to District 504 coordinator within 10 days of receiving a response from the principal.
 - c. Hearing will be scheduled with the District 504 coordinator within seven days of coordinator receiving the written request from the parent. Parents are entitled to legal representation.
4. Decision from District 504 coordinator is final.

Weber School District 504 Coordinator:
Karen Miller | 801-476-7830 | klmiller@wsd.net
5320 Adams Ave Pkwy, Ogden, UT 84405

At any time, a parent may file a complaint with the Office for Civil Rights at
Denver Office U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Blvd, Ste 310 | Denver, CO 80204-3582
Telephone: 303-844-5695 | Facsimile: 303-844-4303
Email: OCR.Denver@ed.gov