



**Scott County Public Schools**  
**504 GUIDELINES/PROCEDURES**  
**AUGUST 2015-16**

# SCOTT COUNTY PUBLIC SCHOOLS

## Notice of Nondiscrimination

### NONDISCRIMINATION POLICY

In compliance with the Executive Order 11246; Title II of the Education Amendments of 1976; Title VI of the Civil Rights Act of 1972; Title IX Regulation 1964 and Implementing Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Genetic Information Nondiscrimination Act (GINA) of 2008 and all other Federal, State, School rules, laws, regulations, and policies, Scott County Public Schools shall not discriminate on the basis of race, color, religion, national origin, political affiliation, gender/sex (including pregnant and parenting students), age, marital status, disability, or genetic information in any educational program including vocational education for career and technical students, daily activities or extra-curricular activities, or the admission to such programs or activities, and provides equal access to the Boy Scouts and other designated youth groups. Contact Brenda Robinette Nondiscrimination Compliance Officer, Jason Smith, or Jennifer Frazier at 276-386-6118, Scott County School Board Office for further information pertaining to nondiscrimination or to file a complaint.

### POLÍTICA DE NO DISCRIMINACIÓN

En cumplimiento de la orden ejecutiva 11246; Título II de las enmiendas de Educación de 1976; Título VI de la ley de derechos civiles de 1972; Título IX Reglamento 1964 y aplicación de las enmiendas de Educación de 1972; Sección 504 del Acta de rehabilitación de 1973; el acto discriminación de información genética (GINA) de 2008 y todos los demás Federal, estado, escuela reglas, leyes, regulaciones y políticas, las escuelas públicas del Condado de Scott no discriminará en base a raza, color, religión, origen nacional, afiliación política, (incluyendo estudiantes embarazados y padres) del sexo/género, edad, estado civil, discapacidad o información genética en cualquier programa educativo incluyendo educación vocacional para la carrera y los estudiantes técnicos, las actividades diarias o actividades extracurriculares o la admisión a dichos programas o actividades y proporciona un acceso igualitario a los Boy Scouts y otros grupos juveniles designado. Contacta con Brenda Robinette discriminación Compliance Officer, Jason Smith o Jennifer Frazier en 276-386-6118, Scott County School Board oficina para más información referente a la no discriminación o para presentar una queja.

**Special Education Supervisor**  
**340 E. Jackson Street**  
**Gate City, Virginia 24251**  
**Phone: 276-386-6118**

**NOTE: New information is presented in blue.**

## Definitions:

**Accommodations** – Adaptations made by classroom teacher(s) and other school staff to enable the students to benefit from their educational program. In some cases, a Section 504 plan should be developed outlining accommodations.

**ADA Accessibility Guidelines (ADAAG)**—Standards used to meet Section 504/ADA accessibility requirements for the design, construction, and alteration of buildings.

**Age of Majority** – the age at which time the student becomes responsible for his/her own decisions, 18 years of age.

**Americans With Disabilities Act (ADA)**—A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

**Case-Manager** – someone from the school assigned to a student through the referral process to oversee the student’s file and serve as the school liaison to the parent.

**Child Study Committee** – a committee of professionals who meet to discuss and/or review the individual needs of a student. The committee may consist of the parent, student (as appropriate), administrator, specialists, general education teacher, and/or any person who has direct knowledge pertaining to the student.

**Consent** — Written parent permission before initial evaluation and initial education placement.

**Disability** – any person who (prong 1) has a physical or mental impairment which substantially limits one or more major life activities, (prong 2) has a record of such an impairment, or (prong 3) is regarded as having such an impairment.

**Discrimination** – is the exclusion from participation in, the denial of benefits of, any program or activity receiving or benefiting from federal financial assistance. Students may not be denied benefit from services that are afforded nondisabled students.

**Episodic Impairment** – is an impairment that is active from time to time or a disability in remission.

**Evaluation** – must consist of at least 2 assessments to determine if a student has a disability.

**Free Appropriate Public Education (FAPE)** – The provision of regular or special education and related aids and services in the least restrictive environment that (i) are designed to meet individual educational needs of [disabled] persons as adequately as the needs of [nondisabled] persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of # 104.34, 104.35, and 104.36”. 34 C. F. R. #104.33.

**Individual Accommodation Plan (IAP)** – A plan developed for each student identified as disabled under Section 504 unique to that child’s needs.

**Office For Civil Rights (OCR)**—This federal agency has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are 10 regional offices located throughout the United States.

**Parent** - may include parent(s), guardian, foster parent if parent is unavailable, or adult student (student who has reached the age of majority – 18 years of age).

**Physical or Mental Impairment**—(1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physical disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.

**Program Accessibility**—The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies.

***Qualified Disabled Individual*** – a disabled person for public preschool, elementary, secondary, or adult education services is one who: (1) is of an age during which nondisabled persons are provided such services; (2) is of an age during which it is mandatory under state law to provide free and appropriate public education under P.L. 94-142.

***Record of Impairment*** - means has a history of, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities.

***Referral Source*** – any individual who feels that a child may need a particular program or services may make a referral to the Child Study Committee.

***Student Records*** – are housed at the student’s school and at the School Board Office. Parents may request to review the child’s records at any time.

***Transitory Impairment*** - is an impairment with an actual or expected duration of six months or less.

***Written Notice*** – a written notice is given any time there is a proposed change to a student’s program and/or services, any time the student’s program and/or services are denied, or any time a student’s program and/or services are added.

## **OVERVIEW**

Section 504/ADA is a civil rights statute aimed at discrimination against individuals with disabilities. Like other statutes of Title VI (race) and Title IX (gender), Section 504/ADA focuses on discrimination based on disability. All programs or activities of the school are covered by Section 504/ADA obligations. There is no State or federal funding provided to assist in complying with Section 504.

## **ELIGIBILITY**

Section 504 regulations have several areas that are particularly important for schools: Subpart B—employment practices, Subpart C—program accessibility, and Subparts D and E—requirements for preschool, elementary, secondary, and postsecondary education. These guidelines will focus on Subparts D and E.

## **SUMMARY OF SUBPARTS**

### **SUBPART A: GENERAL PROVISIONS**

This part of the regulations outlines the nondiscriminatory responsibilities of schools that receive federal funds or are a public entity. No person, on the basis of a disability, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program that benefits from federal funding or is a public entity.

## **SUBPART B: EMPLOYMENT PRACTICES**

No qualified person shall, on the basis of his/her disability, be subjected to discrimination in employment by any program or activity that receives federal funds or is a public entity.

The school must make reasonable accommodations for employees with known physical and mental impairments unless the accommodation would impose an undue hardship on the operation of the school's program. Examples of reasonable accommodations would include making facilities accessible to and usable by persons with disabilities, job restructuring, part-time or modified work schedules, and acquisition or modification of equipment or devices.

## **SUBPART C: PROGRAM ACCESSIBILITY**

No individual with a disability shall be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity because facilities are inaccessible or unusable. Building and program accessibility is applicable to any individual with disabilities accessing any activities or programs in that school building.

The regulation contains two standards to be used in determining whether programs and activities are accessible to individuals with disabilities. One standard deals with "existing" facilities; the other deals with "new" construction. The term "existing facility" means the facility was in existence or in the process of construction before June 3, 1977, the effective date of the regulation. The term "new construction" means groundbreaking that took place on or after the effective date of the regulation.

The standard for a facility existing before June 3, 1977, for 504 or January 26, 1992, for ADA requires that federally assisted programs or activities operated in that facility must, when viewed in their entirety, be readily accessible. *This standard does not require that every facility or part be accessible so long as the program or activity as a whole is accessible.* Thus, recipients need not make structural changes to facilities that existed before June 3, 1977 for 504 or before January 26, 1992, for ADA where other alternative methods are effective in making programs and activities accessible so long as priority consideration is given to offering the services in the most integrated setting appropriate.

One example of an alternative method in a school would be the relocation of classes, activities, or services to an accessible site. Facility alteration or new construction is required to achieve program accessibility only if sufficient relocation of classes, activities, or services cannot be housed in an existing facility. In meeting the objective of program accessibility, the school must take precautions not to isolate or concentrate students with disabilities in settings away from students without disabilities.

The regulation requires that all new construction begun after June 3, 1977, for 504 or January 26, 1992, for ADA, as well as alterations to existing facilities, must be designed and constructed so as to make facilities accessible and usable by individuals with disabilities.

## **SUBPART D: REQUIREMENTS FOR PRESCHOOL, ELEMENTARY, MIDDLE LEVEL, JUNIOR HIGH, SECONDARY EDUCATION, AND ADULT EDUCATION PROGRAM**

Preschool, elementary, middle level/junior high, and secondary programs must take into account the needs of qualified persons with disabilities in determining the assistance, benefits, or services to be provided under these programs or activities. The school must provide a free appropriate public education to students with disabilities in its jurisdiction who are eligible under Section 504/ADA. Instruction must be individually designed to meet the needs of those students as adequately as the needs of students without disabilities. *This standard of what is "appropriate" differs from the IDEA "appropriate" standard, which requires the school to design a program reasonably calculated to confer educational benefit. An appropriate education under Section 504/ADA requires that the services be effective and fair.*

## **RESPONSIBILITY**

It must be emphasized that Section 504/ADA falls under the *management of general education*. The figure on the next page illustrates some obligations of general education under Section 504/ADA and their relationship with school personnel roles. The school staff and parents should collaborate to help guarantee that students are provided accommodations through general education. The exception to this standard is a student who has been determined eligible as having a disability under the Individuals with Disabilities Education Act (IDEA). Scott County Public Schools includes the Section 504 accommodations on the IEP rather than developing two separate documents.

### **RESPONSIBILITIES IN THE SECTION 504 PROCESS**

#### **Student and Parent**

- Participate in meetings
- Assist in developing IAP
- Provides relevant information

#### **Principal (designee) and Classroom Teacher**

- Encourage parent involvement
- Refer students suspected of having a disability to Child Study Team for possible evaluation/interventions
- Participate in meetings
- Assist in developing program modifications and accommodations for any student identified with a disability

#### **504 Case-Manager/Coordinator**

- Schedules and directs 504 meetings
- Takes 504 referrals
- Compiles test data
- Responsible for case management
- Reviews 504 plans received from students who transfer into Scott County Public Schools
- Provides 504 training
- Assists in development of 504 policies and procedures
- Coordinates Section 504/ADA procedures
- Troubleshoots any 504 issues/problems
- Participates in 504 meetings at the request of any 504 committee member
- Establishes and monitors a Section 504/ADA referral/identification/review process
- Maintains data on Section 504/ADA referrals

#### **504 Director**

- Reviews and develops policies and procedures in compliance with Section 504 and the Americans with Disabilities Act
- Oversees 504 program
- Provides annual notice to parents/students
- Manages 504/ADA grievance procedures
- 504 Compliance Officer
- Ensures nondiscriminatory educational practices
- Serves as the school liaison with the State and Office on Civil Rights

#### **School Board/Superintendent**

- Establishes policy on nondiscrimination
- Establishes policy on grievance procedure
- Establishes policy on hearing procedures

**SCOTT COUNTY PUBLIC SCHOOLS**  
**SECTION 504 GUIDELINES**  
**Pertaining to Students**

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Section 504 states that no otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of his or her 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..." [29 U. S. C. #794(a), 34 C. F. R. # 104.4(a)].

These guidelines are designed to provide a formalized system of identifying eligible disabled children as defined under Section 504 of the Rehabilitation Act of 1973 (Section 504), thus enabling the local school to ensure that all of their rights are protected. The Americans with Disabilities Act of 2008 (the "Amendments Act"), which became effective January 1, 2009 greatly expands coverage for students identified as disabled. The Amendments Act expanded the definition of major life activities by including the operation of a "major bodily function" to include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The following information outlines the intent of Section 504. It also includes a definition of a "qualified disabled individual" as defined under Section 504.

**Section 504 Eligibility Criteria**

The definition of a qualified person under Section 504 covers a broader population than the definition of a disabled person under P.L. 94-142. A "qualified disabled individual" under 504 is a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment, and (3) is regarded as having such an impairment.

**PRONG 1**

a. "Physical or mental impairment" means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affection of one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitor-urinary: hemic and lymphatic; skin, and endocrine, or (b) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability.

Although the basic definition of "disability is unchanged, the Amendments Act of 2008 broadens the scope of the definition of disability by expanding the definition of "major life activities" and by lowering the bar for what it means to be "substantially limited".

b. "Major life activities: means functions as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating, thinking, communicating, bending, lifting, standing, sleeping and eating, along with the operation of a major bodily function.

Requirements for the evaluation and placement process are determined by the type of disability suspected and the type of services needed by the student. The evaluation must be sufficient to assess the nature and extent of the educational impact of the disability so that appropriate educational services can be determined. The team knowledgeable about the student makes the decision based on evaluation data. Identification of services needed must be made by a group of persons knowledgeable about the student.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the

ameliorative effects of mitigating measures. These include medication, medical supplies, equipment or appliances, low-vision devices, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies. Furthermore, you cannot consider the use of assistive technology, reasonable accommodations, auxiliary aids or services, or learned or adaptive neurological modifications. Ordinary eyeglasses and contact lenses are not included in this provision.

Thus, under the 2008 Amendments Act, the effects of these mitigating measures may not be taken into account in determining whether a student's impairment is "substantially limiting". When evaluating whether a student is eligible under Section 504, consider whether that student would be substantially limited in the absence of medication or other mitigating measures.

It must be determined whether the student is (1) presently substantially limited; (2) substantially limited when mitigating measures (such as medication) are not used; or (3) substantially limited when an inactive condition, such as cancer, is active. If the student is substantially limited in one of these three ways, then the condition meets the substantially limited prong test.

**Practical considerations:**

Although the definition of disability has been expanded, school divisions' obligations to each eligible student remains unchanged. The definition of FAPE has not changed. FAPE is defined as "the provision of regular or special education and related aids and services that (i) are designed to meet individual educational needs of [disabled] persons as adequately as the needs of [nondisabled] persons are met and (ii) are based upon adherence to procedures that satisfy the requirements of # 104.34, 104.35, and 104.36". 34 C. F. R. #104.33. Thus, for the students who have already been identified as eligible under section 504, no changes are necessary solely by virtue of the 2009 Amendments Act.

**KEY POINTS TO REMEMBER:**

The diagnosis of an impairment does not necessarily mean that a student has a disability. You must still determine whether the impairment is one that substantially limits a major life activity. For example, not every student with ADHD will be disabled, even under the new interpretation. The focus for students with ADHD will be whether the student is substantially limited in one of the enumerated activities, such as concentration, thinking or learning.

Although mitigating measures cannot be taken into account when considering whether a student is substantially limited, the mitigating measures can be considered when determining the appropriate accommodations. For example, a student with diabetes whose condition is completely controlled by medication may likely qualify as disabled under the expanded definition, but that student may not need much in the way of accommodation in order to receive FAPE.

**It is not recommended that students be found eligible solely to give accommodations for SOL testing.**

**PRONG 2**

"Has a record of such an impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

**PRONG 3**

"Is regarded as having an impairment" means (1) has a physical or mental impairment that does not substantially limit major life activities, but is treated by a recipient as constituting such limitation (2) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes or others toward such impairment; or (3) has none of the impairments defined in section one, but is treated by a recipient as having such an impairment.

**\*\*\*An individual who meets the definition of disability solely under the second and third prongs is not entitled to a Section 504 Plan. Such a student is; however, protected from discrimination.**

Determination regarding Section 504 eligibility and the provision of appropriate services may not be based on administrative convenience, staff shortages, and/or financial constraints. Any eligibility decision regarding a particular student must be made on an individual basis. The identification of students eligible for protection under Section 504 of the Rehabilitation Act will be conducted at the building level with consultation and support from the central office staff as appropriate. Each school shall establish a Section 504 Committee (in Scott County the Child Study Committee serves this purpose) under the direction of a building administrator whose purpose shall be to process referrals for students suspected of being disabled under Section 504.



Decisions about Section 504/ADA eligibility must be documented in the student's Section 504/ADA file and reviewed at least yearly and whenever any member of the team feels it is necessary. A case manager should be assigned to complete and manage each Section 504/ADA student file. A student's program must be provided in the least restrictive environment, most likely the general education classroom.

Under Section 504/ADA, parents or guardians must be provided with notice of any action that changes the identification, evaluation program, or placement of their student. Written consent would be considered a best practice. The parents should be included in the evaluation, eligibility, and placement process. Parents or guardians have the right to file a grievance, request mediation, ask for a due process hearing, or call the Office for Civil Rights if they disagree with the school.

The following guidelines shall be implemented in order to determine whether students are eligible under Section 504.

## **I. SCREENING**

**Required Forms: Form 504-1**

**Information for Parents 504- FERPA**

The first step in the screening process is to refer the case to the Screening Committee. The 504 Child Study Committee/Team (504 CST) and Screening Committee may be one in the same. The 504 Child Study Team serves in this capacity in Scott County. The meeting must be conducted within ten (10) administrative days of the referral.

The 504 CST shall consist of at least three (3) persons, which may include the principal/designee (the designee may serve two hats by being the designee and the 504 case manager for the school), the child's regular education teacher(s), specialist(s), parents and/or guardians, referral source (when it is a school division employee), and student (when appropriate). The parent is the most important person on the team. They know their child better than anyone else and can provide a clear picture of the child's strengths, weaknesses, needs, and motivation. The 504 Child Study Team encourages parent participation and takes their concerns into consideration when offering advice or making recommendations.

The committee must meet to review the information presented by the person who made the referral. The Child Study Committee should review all information available and any relevant materials such as work samples, reports of observations, medical reports, and anecdotal records. The committee may determine on the basis of existing documentation that a suspected disabling condition may exist which adversely affects the student's education. The presenting problem(s) and previous remedies are considered and reviewed. The summary should include all current information and recommendations.

### **Options**

The following options are available to the committee and should be indicated on the Committee Action Form.

- 1. Continue existing program.** The committee may determine on the basis of existing documentation that there is no evidence of a suspected disabling condition under Section 504.
- 2. The Child Study Committee may determine that the classroom teacher(s) needs to try some strategies for a short period of time and then report back to the Child Study Committee for further review.**
- 3. Refer for Section 504 Evaluation.** The committee may determine on the basis of existing documentation that additional information is required to determine whether or not a child has a suspected disabling condition under Section 504. The Section 504 Child Study Committee may request a complete comprehensive assessment and/or any single or multiple assessments necessary in order to make a determination of the child's needs. As an example, an audiological may be requested to determine a student's eligibility for a hearing impairment. The Section 504 Child Study Committee shall, within five (5) administrative days, notify the Special Education Supervisor that a referral for a complete or partial Section 504 assessment has been initiated.
- 4. The Child Study Committee may determine that the child needs a Health Care Plan to meet the medical needs of a child based on a physician's orders. The Health Care Plan can stand alone or be part of a 504 Plan (IAP) depending on the severity of the medical condition. Life threatening conditions would warrant both.**

5. **Refer to special education. The Child Study Committee may determine that there is enough evidence of a disability to refer the child directly to special education for a formal assessment.**

The case manager shall convene a Child Study Committee meeting to review the student's program for a possible Section 504 Plan referral, review or revision. The committee should review all information contained in the student's cumulative record, any outside reports, and all data pertaining to the child's performance. The team may decide that additional information, observation, and/or intervention will be required before a decision can be made. This decision should be documented on the child study form and the date of necessary follow-up meetings established.

There must be documentation on the Child Study Form of discussion regarding whether a 504 Plan, Health Care Plan or an IDEA referral is appropriate for the student and document that this information has been discussed with the parent/guardian. The Child Study Committee has several options that can be considered in order to meet the child's needs.

### **Options**

1. **Continue existing program for students already identified for 504. If the committee determines that revisions are not appropriate, no changes/modifications will be proposed to the parent(s).**
2. **For new referrals, the committee has several options to consider:**
  - a. **The Child Study Team may decide to have the student continue the existing program for a period or time to see how the student performs prior to meeting again. During this time data can be gathered centered around the reason for referral in order to provide the Child Study Team the necessary data prior to making a recommendation to the parent.**
  - b. **The Child Study Team may instruct the classroom teacher to try specific strategies or to make certain accommodations/modifications to determine if either assists the student toward being on level with his/her peers.**
  - c. **The Child Study Team may determine that no services are warranted at this time and the child would remain in his/her current program.**
  - d. **The Child Study Team may determine that a formal evaluation is needed and refer the student for testing with the parent's permission. The case manager has 5 school days to get the proper documentation to the Central Office to request a formal assessment.**
3. **Modifications indicated for students already identified for 504. An IAP conference should be scheduled and the parent invited to attend. Any change in plan and/or placement shall have the parent(s) approval in writing. Modifications to an existing plan may be made through an addendum to the IAP.**
4. **Delete service(s) for students already identified for 504. If the committee determines that a student may no longer require a service to participate in or benefit from his/her current program, parental permission must be obtained in order to discontinue the service. Services may be deleted through an addendum to an IAP.**
2. **Add service(s). If the committee determines that the addition of a service may be required to help the student participate in or benefit from his/her educational program, a Section 504 Plan Conference will be scheduled and parental permission must be obtained in order for the child to receive additional services. Added services may be made through an addendum to the IAP.**

## **II. REFERRAL**

When a teacher, parent/guardian, private practitioner, or agency representative believes that a child may be a qualified disabled individual under Section 504, the 504 Coordinator must initiate the referral process to determine whether the child is eligible. A Child Study Committee should be convened within ten days of the referral to consider all options and determine whether a 504 evaluation is necessary. A Child Study Committee meeting should be initiated in response to the following types of communications:

1. Verbal or written contact, by the parents/guardians or their representative(s) with any school division instructional employee, suggesting that a child may be a disabled individual under Section 504
2. Verbal or written request initiated by any party
3. Receipt of any records or reports suggesting that a child may be disabled under this provision
4. Formal or informal discussion between a parent and any school division instructional employee suggesting that a child is disabled
5. When a parent makes a referral, there should be written documentation identifying areas of concern to accompany the 504 Referral/Child Study. (Form 504-1)

## **SECTION 504 PROCEDURES**

### **II. REFERRAL**

Required Forms: 504-1 (Parent/Student Notice of meeting)  
504-2 Referral)  
504-7 (Child Study Minutes)  
504-3 (Consent to Evaluate)  
504-9 (Written Notice)

When a teacher, parent(s)/guardian(s), private practitioner, or agency representative believes that a referral for evaluation for 504 services is appropriate or an eligible disabled child as defined under Section 504 of the Rehabilitation Act of 1973 (Section 504) requires a referral for evaluation for 504 services or a revision in his/her Section 504 Plan, the school division must initiate the process to determine whether the child's current program is appropriate.

Any of the same types of communication as previously stated under the referral guidelines should be construed to be a referral for a plan revision. The date of this communication should be recorded on the referral form. If the referral is initiated by communication from an individual other than a parent or school division employee, the parent(s)/guardian(s) should be contacted to ensure their concurrence with the referral and to ensure that a release of this information to the division has been approved. A Child Study Meeting for screening purposes should be scheduled within 10 days from the date of referral.

For an initial referral, the person making the referral should explain their concerns pertaining to the child's needs and present any evidence/data to support the referral. The person making the referral should put their concerns in writing. Outside reports may be considered by the Child Study Committee; however, the Child Study Committee has the final say as to whether a report's recommendations may be used or not. This includes reports from medical doctors. A medical report is just another piece of data for the Child Study Team to consider. Doctor's cannot dictate 504 eligibility or 504 program or services.

### **III. NOTIFICATION**

Scott County Schools notifies the parents or guardians, in writing (Written Notice), of the school's reason and intent to conduct an evaluation.

### **IV. WRITTEN CONSENT**

Written consent is received from the parent(s)/guardian(s) (Form 504-3) prior to initial evaluation and placement. Written consent is not required for screenings of groups of students.

## **V. EVALUATION**

The school evaluates a student suspected of having a disability before making an initial provision for services or any subsequent, significant change in his or her services.

Within five (5) administrative days of the Section 504 Child Study Committee's decision to refer a child for a complete and/or partial comprehensive assessment, the Special Education Supervisor must be notified. This request is affected through the submission of the following components:

1. **504 Meeting Notice (504-1)**
2. **Permission for Evaluation (504-3)**
3. **Child Study Minutes (504-7)**
4. **Written Notice (ELIG 9)**

The purpose of the Section 504 evaluation is to provide accurate data to determine whether or not a disabling condition exists and to collect information that can be utilized to develop an appropriate Section 504 plan if the child is determined eligible. This process must be completed and eligibility determined within sixty-five (65) administrative days from the date of the referral.

If the parent(s)/guardian(s) do not attend the Section 504 screening meeting, the principal/designee should schedule a conference with the parent(s)/guardian(s) to obtain permission for evaluation and provide them with an explanation as well as a copy of their due process rights for Section 504. If the parent(s) requests, the principal/designee may send the parents the "Parental Consent for Individual Evaluation Form," through the mail. It is important that the permission be obtained as expeditiously as possible to comply with the required timelines. Failure to obtain a timely response from the parents does not preclude the school division's responsibility to complete the evaluation within sixty-five (65) administrative days. If there is no response or if the parent(s)/guardian(s) for the assessment(s), the principal/designee should follow-up the request with a telephone contact(s), conference(s), or home visit(s) by the visiting teacher. Documentation of these efforts should be kept. If the parent refuses 504 services, the school is not obligated to pursue further action. However, if the parent denies 504 services, then services under IDEA are not available.

Following a committee decision to refer to 504 for an evaluation, parental permission must be obtained in writing. Parent(s)/Guardians(s) must be given their 504 Parental Rights and a Written Notice which explains the school's intent to evaluate.

If the Child Study Committee determines that additional information is needed before a proposed service is added to an existing Section 504 Plan, parental permission (Permission for Evaluation 504-5) must be obtained prior to any assessment. The evaluation should be requested on the Child Study Form (504-3) by checking the appropriate box (Proposed Action section) and forwarded to the Supervisor of Special Education. Once evaluation is complete, an Eligibility Conference shall be scheduled, and an IAP Conference shall immediately follow the Eligibility Conference.

For new referrals an evaluation may consist of: review of the student's record; observation in the setting of concern; audiological or vision screenings or reports; reports from medical doctors or outside specialists; psychological reports; academic performance in the classroom; educational evaluations; vocational assessments; any school assessment to include SOL's, PALS, STAR, etc.; or any screener. The Child Study Committee determines which assessments are appropriate to meet the child's needs. Not all assessments are appropriate for every student. When selecting appropriate assessments, the child's needs must be taken into consideration.

If the school suspects a student has a disability, then parental notice is given and an individual evaluation is conducted. The following are some considerations for meeting 504 evaluation requirements:

1. The evaluation team must be knowledgeable about the student and the disability and be familiar with the evaluation data and placement options.
2. Each evaluation should be tailored to the specific needs of the student.
3. The parents need to be notified before the evaluation is conducted. Consent is not required, but it is considered best practice.

4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel.
5. Tests and other evaluation materials include those tailored to assess specific areas of educational need.
6. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
7. In interpreting evaluation data and in making placement or accommodation decisions, a school should draw on information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
8. A reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement.

*The school may refuse to conduct an evaluation, but it has the obligation to inform the parents (through a Written Notice) of the reasons for the refusal and their right to file a grievance, contact the Office for Civil Rights, or request a due process hearing.*

## **VI. ELIGIBILITY**

The members of the eligibility committee must consist of at least three individuals that may include the principal/designee, 504 case manager, parent, a teacher, and at least one of the following individuals: the school nurse, specialist(s), and individuals representing the assessment components.

The purpose of the eligibility meeting is to determine whether or not there is a disabling condition as defined under Section 504.

1. Notice of Meeting (Form 504-1)
2. Consent to Evaluate 504-3
3. Conduct eligibility meeting/documentation (Form-504-6)
4. Complete Written Notice (ELIG-4)
5. Give Parent Rights (504-4) at time of initial eligibility

The Eligibility Committee should review all information/evaluation data presented and make a determination to the specific needs of the student as they relate to the definition of a qualified disabled individual having as defined under Section 504.

1. A written summary of the proceedings during the eligibility meeting must be maintained. The summary must include a brief statement reflecting the basis for the decision. The minutes must be signed by each eligibility member present (Form 504-4).
2. If the parent(s)/guardian(s) disagree with the Section 504 eligibility committee decision, they may decline services, exercise their due process rights, or request an independent evaluation.

## **VII. PRIOR WRITTEN NOTICE**

A Prior Written Notice is given after eligibility determination, either to inform the parent(s)/guardian(s) of eligibility or denial of services. **If services are denied, the parent(s)/guardian/adult student shall be given a copy of the 504 Procedural Safeguards.**

## **VIII. 504 SERVICES/IAP PLAN**

**Required Forms: 504-1: Meeting Notice  
504-5: Section 504 Plan  
504-6: Parent/Student Rights (given upon annual review/triennials)  
504-7: Minutes of Meeting  
504-9: Written Notice**

The Child Study Team develops an accommodation plan to be implemented in the general education environment if the student qualifies for services.

Within thirty (30) calendar days of determination that the student is a "qualified disabled person" under Section 504, the principal/designee should schedule a conference with the parents to develop a Section 504 Plan. This plan should address any services that the student may require.

See accommodation and modification section APPENDIX A in this manual for further information regarding appropriate choices for the plan.

Those responsible for developing this plan may include, but not be limited to, the principal or designee, 504 case manager, classroom teacher, parent, student (as appropriate) and/or any specialist involved with the student.

1. **Conduct 504 Plan Conferences.** The Section 504 Plan sets forth in writing a commitment of the specific services necessary to ensure that no otherwise qualified disabled individual shall, by the reason of his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program offered by the school division.
  - A. The school staff makes the necessary accommodations/services to all or for the student's disability. Parents should be consulted and given the opportunity for input regarding the accommodations.
  - B. The accommodations and/or services are implemented.
2. **Obtain approval/disapproval of the Section 504 Plan (Form 504-6).** If the parent(s)/guardian(s) disagree with the recommended services set forth in the Section 504 Plan, they should identify the specific area(s) of disagreement and indicate their disapproval in the appropriate place on the form. If the parent(s) decides that they do not wish to receive 504 services for their child, they may deny services at this point in the process. If the parents want 504 services, but disagree with the school's recommendations and an agreement may not be reached, they may request a due process hearing.
3. **If the school and the parent agree, an informal plan may be all that is necessary to meet the needs of the student.** An informal plan may be an oral agreement between school personnel and the parent.

A meeting agenda will be given to the parent and is to be reviewed with all team members present prior to the meeting. The agenda will cover all areas to be discussed during the meeting. Prior to the completion of the meeting, written notice will be reviewed with all present team members. All accommodations proposed and rejected will be reviewed. All members shall strive to come to a consensus for the benefit of the student in meeting the student's needs in the least restrictive environment. The Section 504 Plan sets forth in writing a commitment of the specific services and/or accommodations/modifications necessary to ensure that no otherwise qualified disabled individual shall, by the reason of this disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program offered by the school division.

1. **Obtain written approval/disapproval (Form 504-7).**  
Parent(s) shall indicate their approval of the IAP by signing in the appropriate place.
2. **The parent(s) is invited to attend the IAP meeting; however, if the parent does not attend after 3 attempts (which may include a contact by phone, e-mail, in person, or in writing), the IAP Team may proceed without them with appropriate documentation of attempts to involve the parent.** All paperwork pertaining to the IAP is to be sent to the parent with appropriate documentation that is was received. The parent will be encouraged to review the IAP and make any suggestion for change. If the parent still does not respond within 10 days of receipt of the IAP, a home visit would be warranted to review the IAP and wither obtain parent permission for placement or denial of services.

## **IX. IMPLEMENT THE IAP**

When the parents have given their written approval of the Section 504 Plan, the plan should be implemented as soon as possible. (Not to exceed 30 days from eligibility determination.)

## **X. PRIOR WRITTEN NOTICE**

A Prior Written Notice is given after the IAP to inform the parent(s) of the accommodations, modifications and services agreed upon in at the IAP meeting. A written notice is given after the IAP meeting as documentation of what was proposed by the parent and/or the school and what was agreed upon.

## **XI. ANNUAL PLAN REVIEW**

Required Forms: 504-1  
504-7  
ELIG-4

At the end of each school year, the student's Section 504 Plan shall be reviewed for possible changes in placement. The make-up of this committee may include the same members as the screening committee (minimum of three (3) members) principal/designee, parent and 504 coordinator and should include at least one teacher who will be involved with the student during the following year. If there is a recommended change in placement, the parent shall be notified, and they will give their approval before any change is made. Written notice with rights must be given to the parent, if changes are made.

## **XII. 504 PLAN ADDENDUM**

Required Forms: 504-2 Meeting Notice  
504-7 IAP  
ELIG-4 Written Notice  
504-8 Minutes of Meeting

If plan changes are needed other than at annual or triennial evaluation, an addendum to the 504 plan must be completed. Invitation to parent to plan conference must be sent and the make-up of this committee may include the same members as the screening committee (minimum of three (3) members) principal/designee, parent and 504 coordinator and should include at least one teacher who will be involved with the student during the following year. If there is a recommended change in placement, the parent shall be notified, and they will give their approval before any change is made. Any change in the plan is to be documented in an addendum to the IAP with Written Notice of any service or program addition, change, or deletion.

### **XIII. TERMINATION OF SERVICES**

A 504 Plan may be terminated at anytime with documentation to support the action. The 504 Committee must go back to eligibility in order to examine the data presented. If the majority of members agree, services may be terminated. If a member(s) disagree, they must put their objections in writing. A parent who disagrees must be informed of their rights to a hearing. The child will remain in his/her current placement until the matter is resolved. Eligibility (504-6) and Written Notice (ELIG-4) must be completed and sent to the central office with a written request from the parent, if one is received. Once 504 services are terminated, services under IDEA are also made unavailable.

The parent(s) or student (who has reached the age of majority) may terminate 504 services at any time without reason. The school may make a request to the parent/adult student for the reason to be in writing and the parent/adult student may do so to accommodate the school, but a reason is not required. The request to terminate 504 services should be in writing. If the parent/adult student denies 504 services, then services under IDEA are not available either.

**NOTE:** If and when the parent(s) requests a due process hearing during any part of the eligibility process, the Special Education Supervisor shall be notified immediately.

### **XIV. TEMPORARY 504 PLAN**

A transitory impairment is an impairment with an actual or expected duration of six months or less and minor. The 504 definition of disability does not apply to impairments that are transitory (actual or expected duration of six months or less) and minor. The school has the authority to make temporary accommodations/modifications without a formal 504 plan. However, Scott County Schools would consider any unusual situation. One exception could be during SOL testing, if a student breaks the arm that they write with, a temporary plan may be necessary.

### **XV. PROCEDURAL REQUIREMENTS**

To be in compliance with Section 504/ADA, schools must have policies and procedures in place for the following:

1. Provide written assurance of nondiscrimination whenever the school receives federal money (e.g., on the LEA application). [34 CFR § 104.5(a)]
2. Designate an employee to coordinate compliance with Section 504/ADA (if there are more than 15 employees). [34 CFR § 104.7(a)]
3. Provide grievance procedures to resolve complaints of discrimination (if more than 15 employees): mediation, complaint process, and due process hearings.
4. Provide notice to students and parents. A separate notice should be available for employees, unions, and professional organizations of nondiscrimination in admission or access to, treatment at, and employment in its programs or activities (if more than 15 employees). Notice must be included in student/parent handbook. [34 CFR § 104.8]
5. The school will identify and locate qualified students with disabilities within their jurisdiction.
6. Annually notify persons with disabilities and their parents or guardians of the school's responsibilities under Section 504/ADA. [34 CFR § 104.32(b)]
7. Provide parents or guardians with procedural safeguards:



- a. Notice of their rights
  - b. An opportunity to review relevant records
  - c. An impartial hearing. It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of individuals with disabilities [34 CFR § 104.36].
  - d. Review of procedures. Compliance with the procedural safeguards under special education is one way of meeting these requirements.
8. Conduct a self-evaluation of the school facilities, programs, and policies to ensure that discrimination is not taking place. [34 CFR § 104.6 (c)] This study is conducted by school principals using a program called ShopKeeper. The Maintenance Supervisor is responsible for self-evaluations for Scott County Public Schools. ShopKeeper provides documentation of any suspected issue dealing with accessibility. Persons with disabilities or interested persons are welcome to provide input to any of the following: Maintenance Supervisor, Principal, 504 Coordinator, 504/Title IX Compliance Officer.

## **XVI. PARENT AND STUDENT RIGHTS UNDER SECTION 504/ADA**

The school must provide certain procedural safeguards to parents of students with disabilities.

The following is a description of student and parent rights under Section 504 and other federal laws. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to the following:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Receive notice with respect to identification, evaluation, program, or placement of your child.
3. Have your child receive a free appropriate public education. This includes the right to be educated with other students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities.
4. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
5. Have evaluation, educational, and placement decisions made based on a variety of information sources and by individuals who know your child, disability, evaluation data, and placement options.
6. Give your child an equal opportunity to participate in nonacademic and extra curricular activities offered by the school.
7. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
8. File a local grievance with your school if you feel your child is being discriminated against because of his or her disability.
9. Request a due process hearing to help resolve issues with the school.
10. File a formal complaint with the regional Office for Civil Rights.

### **Transfer Students**

#### **○ Form 504-8 Entry of Transfer Record Review**

When a student transfers into a school and is qualified as disabled under Section 504, a 504 CST in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The 504 CST may decide to transfer the plan that was received onto SCPS forms, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to consider if the student no longer qualifies as disabled under Section 504.

## Discipline Procedures

- **504 Meeting Notice (504-1)**
- **Educational Summary/Classroom Teacher (DIS - 2)**
- **Causal Hearing/Manifestation Determination (DIS-3 Pgs. 1, 2, and 3)**
- **Incident Report (10-Day Rule)**

The 504 CST shall convene to assess whether the behavior requiring disciplinary action was caused by a qualified student's disability when the following is true:

- A decision is made to remove a Section 504-qualified student from school for more than ten consecutive school days in a school year.
- The Section 504-qualified student is subjected to a series of removals during a school year that accumulates to more than ten school days.

Parents should be notified with sufficient time to allow them the opportunity to attend, participate, and provide input at the causal hearing. It is not necessary for the parent(s)/guardian to attend; however, it is encouraged that the parent(s)/ guardian participate in the Causal Hearing. The student should participate in order to answer appropriate questions. A copy of the school's Incident Report shall be included with the meeting notification letter. The 504 Causal Committee shall complete a Section 504 Causal Hearing/Manifestation Determination form and forward it to the 504 Hearing Officer.

- If a student is qualified under Section 504 and the disability caused the behavior resulting in disciplinary action, the committee shall determine whether the student's educational program should be modified.
- If a student is qualified under Section 504 and the disability did not cause the behavior resulting in disciplinary action, the student may be disciplined in the same manner as a nondisabled student, including the cessation of services.
- If a student qualified under Section 504 is receiving disciplinary action based on the illegal use and/or possession of illegal drugs or alcohol, and the individual is currently engaging in the illegal use of drugs or alcohol, a 504 Causal Committee is not required to convene, reevaluate the student, or determine whether the behavior was caused by the disability.
  - Classrooms teachers are to complete and Educational Summary Observation form to review at the Causal Hearing.
  - The student's IAP will be reviewed at the Causal Hearing; as well as any of the following: attendance, discipline history, grades, etc.
  - Once the student receives 11 days of OSS, School Administration will begin completing the Incident Report (10-day rule) to determine if there is a pattern.
    - If there is a pattern a Behavior Assessment will be completed.
    - If a Behavior Plan is already in place, the Behavior Intervention Plan will be reviewed to determine if there are changes that need to be incorporated into the plan.

## **XVII. SCHOOL GRIEVANCE PROCEDURES**

### **Section I**

**If any person believes that the school or any of the school's staff have inadequately applied the regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, or (4) the Americans with Disabilities Act, he/she may bring forward a grievance to the school's Section 504/ADA Compliance Officer (the Special Education/504 Director in Scott County). It should be understood by the individual(s) involved that a complaint can 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.**

### **Section II**

**The school 504 coordinator, on request, will provide a copy of the school's grievance procedure and investigate all complaints in accordance with this procedure. The person who believes he/she may have been discriminated against based on disability**

shall discuss the grievance and give the completed grievance form to the school Section 504/ADA Compliance Officer who shall in turn investigate the complaint and reply with an answer to the complainant.

#### Step 1

A written grievance form signed by complainant shall be submitted to the school Section 504/ADA Compliance Officer. The Compliance Officer shall further investigate the matters of grievance and reply in writing to the complainant within 10 school days from receiving the complaint.

#### Step 2

If the complainant wishes to appeal the decision of the school Section 504/ADA Compliance Officer, he/she may submit a signed statement of appeal to the Superintendent of Schools within 10 administrative days after receipt of the Compliance Officer's response. The appeal should be in writing and should outline the complainant's disagreement with the Compliance Officer's response. The Compliance Officer and superintendent cannot be the same individual.

Within 10 administrative days of receipt of the request for appeal, the Superintendent may refer the appeal to Scott County Public School's Disciplinary Committee, or he has the option of supporting the Compliance Officer's response and deny further appeal to the Discipline Committee. Once the Discipline Committee receives the appeal, they have 10 administrative days to hold a hearing. The Disciplinary Committee may:

- seek additional information
- allow additional evidence to be presented in the case
- support the findings of the Compliance Officer
- support the appeal

The Disciplinary shall send a report in writing to the Superintendent and the complainant within 10 administrative days of the hearing.

#### Step 3

If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the school board of education within 10 school days of his/her receipt of the district's response in Step Two. In an attempt to resolve the grievance, the board shall meet with the concerned parties and their representative within 15 administrative days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party within 10 administrative days of this meeting.

#### Step 4

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures.

## MEDIATION

Most of the time, parents and school staff agree on issues regarding evaluation, eligibility, program, and placement of students with disabilities. However, there are times when disagreement occurs.

Conflict is often inevitable, but it need not produce negative results. If the parent and school are unable to resolve a conflict concerning a student with a disability, then mediation is an available alternative to a long and expensive due process hearing.

**Mediation is completely voluntary.** It should not interfere with any procedural safeguards, including a request for a due process hearing or filing a complaint with OCR. Mediation costs are the responsibility of the school.

The mediator is a neutral third party and, therefore, has no power to make a decision regarding the dispute. He or she will listen to the views of each party and will assist in developing an acceptable solution to the problem. The mediator has been trained to handle Section 504 disputes.

A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the student. This occurs at a nonadversative meeting that is more structured than a parent-school conference but less formal than a due process hearing.

Parents and schools are encouraged to try mediation before relying on more formal, procedures, such as the grievance procedures, complaints to OCR, or due process hearings.

## **SCPS Operating Procedures for Section 504 Impartial Hearings**

SCPS or the parent or guardian of a student (or an adult student) with a disability as defined by Section 504 may request an impartial hearing to resolve any disagreement regarding the identification; evaluation; accommodations, modifications, and/or services; provision of FAPE; or causality determination of the student with a disability. Requests for a hearing that raise issues pursuant to both Section 504 and IDEA may, at the discretion of the hearing officer, be heard together through the IDEA hearing procedures provided by federal and state law, regulations, and FCPS policies.

Assistance will be provided to persons who may need it in order to comply with the requirements to file a written request for an impartial hearing.

### **Requesting an Impartial Hearing**

Requests for an impartial hearing shall be made in writing and delivered to the 504 Compliance Officer, at Scott County School Board Office, 340 E. Jackson St., Gate City, VA 24251. The request shall include the name of the student, the address of the residence of the student (or available contact information in the case of a homeless student), the name of the school the student is attending, a description of the nature of the problem with supporting facts, and a proposed resolution of the problem. If the request does not include all of the required information, it may be returned to the parents within ten school days of receipt by the coordinator with a request to provide the missing information within five additional school days. The remaining procedures will not proceed until the additional information is received from the parents. A hearing may only be requested within one year of the date the parents knew or should have known about the alleged actions or facts that form the basis of the complaint. SCPS will provide a written response to the request for hearing. The response will be delivered to both the parents and the hearing officer within 15 school days of receipt of a request for a hearing that includes all of the required information. If SCPS requests an impartial hearing, parents will have the same option to respond.

### **Appointment of Hearing Officer**

An impartial hearing officer will be appointed by the Office of the Executive Secretary of the Supreme Court of Virginia from a list of Hearing Officers Licensed and Maintained by the Supreme Court. The 504 Compliance Officer will contact the Office of the Executive Secretary to request the name of a hearing officer within five school days of receipt of a request for a hearing that includes all of the required information for filing a request for a hearing, and will follow up as necessary until a hearing officer is appointed.

### **Pre-Hearing Procedures**

Prior to the hearing, the Hearing Officer shall do the following:

- Convene a prehearing conference with the parties, unless the hearing officer determines such a conference is unnecessary.
- Identify the specific issues to be addressed during the hearing based on the request for hearing and any response provided by the other party.
- Schedule a hearing date and location with input from the parties, and notify the parties in writing of such information.
- Ascertain whether the parties will be represented by counsel.
- Ascertain from the parents whether the hearing will be open or closed.
- Ensure that the hearing will be accurately recorded by a court reporter, who is paid for his/her attendance by the school system.
- Have the authority to require that the student be evaluated.
- Require the parties to exchange a list of witnesses and any documents to be presented during the hearing at least five business days in advance of the hearing unless otherwise permitted by the hearing officer for good cause shown, with a copy provided to the hearing officer as well.

## Hearing Procedures

The parties have the following rights in the hearing:

- To be represented by counsel with each party being responsible for their own attorneys' fees.
- To present evidence and cross-examine witnesses.
- To request that the hearing officer prohibit the introduction of evidence or the testimony of a witness that had not been disclosed five business days in advance of the hearing.
- To obtain, at their own expense, a copy of the transcript of the hearing. The hearing officer shall ensure the following in connection with the hearing:
  - An atmosphere conducive to impartiality and that fairness exists.
  - The issues raised in the hearing are limited to those identified in the request for a hearing and any response filed, or to any subsequent amendment to the request or the response when allowing such amendment is mutually agreed to by the parties or as otherwise permitted by the hearing officer for good cause shown.
  - The parties and their attorneys, advocates, or advisors comply with the special education hearing officer's rules, and with relevant laws and regulations, and are not permitted to pursue hostile or irrelevant pursuits in questioning.
  - Actions are taken to move the case to conclusion, including dismissing the pending proceeding if either party refuses to comply in good faith with the special education hearing officer's orders.
  - An accurate record of the proceedings is maintained.
  - The party requesting the hearing has the burden of proof.
  - The hearing is completed within 45 calendar days of receipt of the request for a hearing or of a subsequent agreed upon amendment, unless an extension is granted at the request of either party for good cause or by mutual agreement of the parties. The hearing officer shall issue a decision:

A written decision shall be issued to all parties setting forth findings of fact and conclusions of law based on the evidence presented in the hearing. The decision shall be issued within 15 business days of the conclusion of the hearing. The decision is final and binding unless either party files a timely appeal in an appropriate court. Any questions regarding these procedures should be directed to the coordinator of Due Process and Eligibility.

## **OFFICE FOR CIVIL RIGHTS COMPLAINT PROCESS**

An individual or an organization may file a complaint with the regional Office for Civil Rights (OCR). An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.

Anyone wishing to file a formal complaint with OCR should submit in writing the following information in a letter or on the Discrimination Complaint Form available from OCR regional offices:

1. Name and address (a telephone number where they may be reached during business hours is helpful but not required).
2. A general description of the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required).
3. The name and location of the institute that committed the alleged discriminatory act(s).
4. A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, sex, color, national origin, age or disability).

A school may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation.

E-mail: Complainants may file a complaint, using the following e-mail address: [ocr@ed.gov](mailto:ocr@ed.gov). (Use the same procedures as above.)

Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following Web site: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

## **APPENDIX A**

### **SECTION 504 ACCOMMODATIONS/SERVICES**

The following is a list of possible accommodations for eligible students served under Section 504. Each case must be considered based upon the unique needs of the student.

#### **ENVIRONMENTAL STRATEGIES**

- Provide a structured learning environment.
- Adjust class schedules.
- Provide classroom aides and note takers.
- Modify nonacademic times, such as lunch room and recess.
- Modify physical education.
- Change student seating.
- Provide use of a study carrel.
- Alter location of personal or classroom supplies for easier access or to minimize distraction.

#### **ORGANIZATIONAL STRATEGIES**

- Modify test delivery.
- Use tape recorders, computer-aided instruction, and other audiovisual equipment.
- Select modified textbooks or workbooks.
- Tailor homework assignments.
- Use one-to-one tutors.
- Provide peer tutoring.
- Set time expectations for assignments.
- Provide tests in segments so that the student finishes one segment before receiving the next part.
- Highlight main ideas and supporting details in the book.

#### **BEHAVIOR STRATEGIES**

- Use behavioral management techniques.
- Implement behavioral/academic contracts.
- Use positive reinforcements (rewards).
- Use negative reinforcements (consequences).
- Confer with the student's parents and other teachers.
- Establish a home/school communication system for behavior monitoring.
- Post rules and consequences for classroom behavior.
- Write a contract for student behavior.
- Offer social reinforcers (e.g., praise) for appropriate behavior.
- Establish daily/weekly progress report for the student.
- Implement self-recording of behaviors.

#### **PRESENTATION STRATEGIES**

- Tape lessons for the student.
- Provide photocopied material for extra practice (e.g., outlines, study guides).
- Require fewer drill and practice activities.
- Give both oral and visual instructions for assignments.
- Vary the method of lesson presentation:

- a. lecture
- b. small groups
- c. large groups
- d. audio visuals (e.g., filmstrips, study prints)
- e. peer tutors or cross-age tutors (e.g., take notes, monitor assignments, read aloud, listen)
- f. demonstrations
- g. experiments
- h. simulations
- i. games
- j. one-to-one instruction with other adult
- Provide for oral testing.
- Ask student to repeat directions/assignments to ensure understanding.
- Arrange for a mentor to work with student in his or her interest area or area of greatest strength.

## **METHODOLOGY STRATEGIES**

- Repeat and simplify instructions about in-class and homework assignments.
- Supplement oral instructions with visual instructions.
- Change instructional pace.
- Change instructional methods.

## **CURRICULUM STRATEGIES**

- Assess whether student has the necessary prerequisite skills. Determine whether materials are appropriate to the student's current interest and functioning levels.
- Use supplementary materials.
- Implement study skill strategies (survey, read, recite, review). Introduce definition of new terms/vocabulary and review to check for understanding.
- Limit amount of material presented on a single page.
- Provide a sample or practice test.
- Be aware of student's preferred learning style and provide appropriate instruction/materials.

## **100 EFFECTIVE EDUCATIONAL ACCOMMODATIONS**

The following are effective academic and behavior strategies found in the educational literature.

1. Provide study carrels.
2. Use room dividers.
3. Provide headsets to muffle noise.
4. Seat student away from doors/windows.
5. Seat near model (student or teacher).
6. Provide time-out area.
7. Rearrange student groups (according to instructional needs, role models, etc.).
8. Group for cooperative learning.
9. Vary working surface (e.g., floor or vertical surface such as blackboards).
10. Simplify/shorten directions.
11. Give both oral and written directions.
12. Have student repeat directions.
13. Have student repeat lesson objective.
14. Ask frequent questions.
15. Change question level.
16. Change response format (e.g., from verbal to physical; from saying to pointing).
17. Provide sequential directions (label as first, second, etc.).
18. Use manipulatives.
19. Alter objective criterion level.
20. Provide functional tasks (relate to student's environment).

21. Reduce number of items on a task.
22. Highlight relevant words/features.
23. Use rebus (picture) directions.
24. Provide guided practice.
25. Provide more practice trials.
26. Increase allocated time.
27. Use a strategy approach.
28. Change reinforcers.
29. Increase reinforcement frequency.
30. Delay reinforcement.
31. Increase wait time.
32. Use physical warm-up exercises.
33. Use specific rather than general praise.
34. Have a peer tutor program.
35. Provide frequent review.
36. Have student summarize at end of lesson.
37. Use self-correcting materials.
38. Adapt test items for differing response modes.
39. Provide mnemonic devices.
40. Provide tangible reinforcers.
41. Use behavioral contracts.
42. Establish routines for handing work in, heading papers, etc.
43. Use timers to show allocated time.
44. Teach self-monitoring.
45. Provide visual cues (e.g., posters, desktop number lines, etc.).
46. Block out extraneous stimuli on written material.
47. Tape-record directions.
48. Tape-record student responses.
49. Use a study guide.
50. Provide critical vocabulary list for content material.
51. Provide essential fact list.
52. Use clock faces to show classroom routine times.
53. Use dotted lines to line up math problems or show margins.
54. Provide transition directions.
55. Assign only one task at a time.
56. Provide discussion questions before reading.
57. Use word markers to guide reading.
58. Alter sequence of presentation.
59. Enlarge or highlight key words on test items.
60. Provide daily and weekly assignment sheets.
61. Post daily/weekly schedule.
62. Use graph paper for place value or when adding/subtracting two digit numbers.
63. Provide anticipation cues.
64. Establish rules and review frequently.
65. Teach key direction words.
66. Use distributed practice.
67. Provide pencil grips.
68. Tape paper to desk.
69. Shorten project assignments into daily tasks.
70. Segment directions.
71. Number (order) assignments to be completed.
72. Change far-point to near-point material for copying or review.
73. Put desk close to blackboard.
74. Incorporate currently popular themes/characters into assignments for motivation.
75. Repeat major points.
76. Use physical cues while speaking (e.g., 1, 2, 3, etc.).
77. Pause during speaking.
78. Use verbal cues (e.g., "Don't write this down," "This is important").
79. Change tone of voice, whisper, etc.
80. Use an honor system.



81. Collect notebooks weekly (periodically) to review student notes.
82. Reorganize tests to go from easy to hard.
83. Color code place value tasks.
84. Use self-teaching materials.
85. Do only odd or even numbered items on a large task sheet.
86. Use a primary typewriter or large print to create written material.
87. Provide organizers (e.g., cartons/bins) for desk material.
88. Teach varied reading rates (e.g., scanning, skimming, etc.).
89. Provide content/lecture summaries.
90. Use peer-mediated strategies (e.g., "buddy system").
91. Call student's name before asking a question.
92. Use extra spaces between lines of print.
93. Color code materials/directions.
94. Use raised-line paper.
95. Provide calculators.
96. Circle math computation sign.
97. Use hand signals to cue behavior (e.g., attention, responding).
98. Establish a rationale for learning.
99. Use advance organizers.
100. Help students to develop their own learning strategies.

## **APPENDIX B**

### **QUESTIONS AND ANSWER SECTION 504 FREQUENTLY ASKED QUESTIONS**

The following questions are frequently asked regarding Section 504 school issues. These opinions do not necessarily reflect the position of the Office for Civil Rights or the U.S. Department of Education.

*1. Are all schools required to adhere to Section 504?*

**Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.**

*2. Are schools required to have a Section 504 coordinator?*

**Yes. If the school employs 15 or more employees, they must designate a person to coordinate 504 services and protections.**

*3. Are students who are covered under IDEA always eligible for Section 504 protections?*

**Yes. A student who receives special education could have their civil rights violated.**

*4. Are students who are covered under Section 504 always eligible for IDEA services?*

**No. A student must be evaluated and found to be eligible for special education services.**

*5. How are students determined to be eligible for accommodations under Section 504?*

**Basically, a student is eligible for services and protections if the student has a disability that is substantially limiting, impacts a major life activity, and impacts the student's education.**

*6. Where are most students who are eligible for Section 504 accommodations served?*

**Most students who are eligible for Section 504 are served in general education classrooms with proper accommodations developed by the Section 504 team.**

*7. What are some examples of students not eligible for Section 504 accommodations?*

**Some examples could include:**

- Students with limited English proficiency
- Students who are pregnant
- Slow learners

**The exception to the above would be if the student has a mental or physical impairment that substantially limits a major life activity and impacts education. For example, the slow learner could have a physical impairment and might qualify for Section 504 accommodations.**

*8. What is the purpose of Prong 2: Record of an Impairment and Prong 3: Regarded as Having an Impairment of the Section 504 definition?*

**The second and third prongs of the definition are used to bring to our attention the fact that we should not discriminate against a person with a disability because of their record or our perception of them. Only Prong 1 is used to determine**

eligibility, namely the student must have a mental or physical impairment that substantially limits a major life activity and impacts education. Eligibility is determined by a team knowledgeable about the student, including the parent.

*9. Do schools have to evaluate students for possible Section 504 eligibility?*

Yes. Schools do have to evaluate students before determining their eligibility for services and before deciding which educational accommodations are appropriate.

*10. Do schools have to develop an IEP on students who are Section 504 eligible only?*

No. An IEP is not required; however, it is suggested that schools develop a written 504 accommodation plan for the student with parent involvement.

*11. Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?*

A physician's diagnosis should be considered as one piece of documentation when evaluating the student. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504 accommodations.

*12. Do schools have to reevaluate students who are receiving Section 504 services and protections?*

Schools are required to *periodically* evaluate students. Unlike IDEA, which requires a reevaluation every three years, Section 504 does not specify a time period.

*13. Must schools get permission from parents before providing Section 504 services?*

Schools are required to notify parents of an evaluation of the student for possible eligibility under Section 504.

*14. Do schools have to label a student with a clinical category before providing protections under Section 504?*

Unlike IDEA, Section 504 does not require a specific label before eligibility is established and accommodations are provided. It must be demonstrated that a Section 504/ADA Guidelines for Educators physical or mental impairment exists that substantially limits a major life activity and impacts education.

*15. Do students with disabilities have to be included in all school activities?*

Yes. Students with disabilities must be given the opportunity to participate in activities that the school makes available for other students. They cannot be denied participation in extracurricular activities because of a disability.

*16. Do schools have to make all of their buildings accessible to students with disabilities?*

Programs and services must be readily accessible and useable for students with disabilities unless they were built before 1991.

*17. What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?*

Parents should try to resolve differences with the school through open communication. A parent could even ask if mediation services are available. A parent does have the right to file a complaint with the U.S. Office for Civil Rights or request an impartial due process hearing if they believe their student's civil rights are being violated.

*18. Can students served under Section 504 receive related services, such as a health care procedure?*

If a team determines through evaluation that a student has a mental or physical impairment that substantially limits a major life activity and impacts education, a related service situation might apply in certain cases.

*19. Is there any federal funding for schools to use to provide accommodations under Section 504?*

No. There are no federal funds associated with serving eligible Section 504 students. Any costs for accommodations should be paid through the general education budget.

20. *Can students who are eligible for Section 504, but not IDEA, be served in special education classrooms?*

This would be a very rare situation. If a student is so severe they need to be served in a special education classroom, then maybe IDEA eligibility should be revisited.

21. *If a student can be served under either special education or Section 504, which should the school attempt to use to serve the student?*

The decision needs to be made by a team, including the parent. The student must meet the eligibility criteria, regardless of whether it is IDEA or Section 504.

22. *Is Section 504 age-specific, like IDEA, which only deals with students through a certain age?*

No. Section 504 also applies to post-secondary programs that receive federal funding.

23. *Can schools use any tests that they want when evaluating students for Section 504 services?*

While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscriminatory teaching methods be used when students are evaluated using test instruments.

24. *What is the Civil Rights Act of 1964?*

It prohibits discrimination in several areas including housing, employment and education. The sections of the Act relating to education are:

- Title IV, prohibiting discrimination on the basis of race, color, sex, religion or national origin by public elementary and secondary schools and public institutions of higher learning
- Title VI, prohibiting discrimination by recipients of federal funds on the basis of race and national origin
- Title IX, permitting the United States to intervene in pending suits alleging discrimination

25. *What is the Equal Educational Opportunities Act of 1974 ("EEOA")?*

The EEOA prohibits specific discriminatory conduct, including segregating students on the basis of race, color or national origin, and discrimination against faculty and staff.

The EEOA also requires school districts to take action to overcome students' language barriers that impede equal participation in educational programs.

26. *What is Section 504 of the Rehabilitation Act of 1973?*

Section 504 prohibits exclusion, denial of benefits and discrimination by reason of disability in programs or activities receiving federal funds. The Department of Education's Office for Civil Rights ("OCR") has primary responsibility for enforcing Section 504's provisions with respect to those who receive federal education funds.

27. *What is the Individuals with Disabilities in Education Act ("IDEA")?*

The IDEA requires states and local education agencies to provide a free and appropriate public education to children with disabilities. The Department of Education has primary responsibility for enforcing the IDEA.

28. *What is the Americans with Disabilities Act ("ADA")?*

The ADA was enacted in 1990 to address discrimination against persons with disabilities. Title II of the ADA provides that no individual with a disability - shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of a public entity, or be subjected to discrimination by any such entity.

The Department of Education's Office for Civil Rights ("OCR") has primary responsibility for investigating Title II complaints.

**Title III of the ADA prohibits discrimination on the basis of disability in public accommodations, such as schools, operated by private entities. The Department of Justice has primary responsibility for enforcing Title III as it relates to education.**

**29. What is Title IX of the Education Amendments of 1972?**

**Title IX prohibits discrimination on the basis of gender by recipients of federal funds. Title IX has been applied to ensure adequate participation opportunities for female students in athletics and in cases of sexual harassment by school administrators, teachers and students.**

**The Department of Education's Office for Civil Rights ("OCR") has primary responsibility for enforcing Title IX's provisions with respect to recipients of federal education funds.**

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**504 Questions and Answers for Public Schools**

**Q. What is Section 504?**

**In 1973 when the Rehabilitation Act was passed, the intent was to encourage participation and equal access to federally funded programs by the disabled. As applied to schools, the language of the Act broadly prohibits the denial of public education participation, or enjoyment of the benefits offered by public school programs because of a child's disability. The law was enacted to "level the playing field" for disabled students.**

**Q. Who is covered under Section 504?**

**A student "qualifies" if he or she has a mental or physical impairment that substantially limits one or more major life activities. The list of major life activities is not exhaustive, but includes functions such as seeing, hearing, learning, breathing, walking, speaking, ability to care for oneself, performing manual tasks, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, communicating, and working. Major life activities also include 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.**

**Q. Does Section 504 qualification occur only after an evaluation?**

**Yes. However, "evaluation" does not necessarily mean a formal test or assessment. The evaluation is the process of gathering information from a variety of sources to help the team make a determination regarding qualification. If the team believes a formal test and/or assessment is required prior to making a determination, then parental consent must first be obtained.**

**Q. What team determines whether a child qualifies under Section 504?**

**In SCPS, the 504 CST makes the initial determination of Section 504 qualification. Reevaluation of Section 504 qualification is determined by the same committee.**

**Q. What happens if a child is qualified as disabled under Section 504?**

**A 504 plan is developed to document accommodations, modifications, and/or services that are necessary for the student.**

**Q. What team develops a 504 plan?**

**A 504 plan is developed for a student by the 504 CST within the student's school. Minimally, this is a team composed of a principal or designee and at least one teacher of the student. The parent is not a required member of the team, but it is best practice for the parent to be involved in the discussion regarding 504 plan development.**

**Q. What goes into a 504 plan?**

**A 504 plan should include only those accommodations, modifications, and/or services that are required for the student to have equal access to the benefits of school programs and activities.**

**Q. How often should the 504 plan be reviewed?**

**The 504 plan must be reviewed at least annually.**

**Q. What happens if a student no longer requires accommodations, modifications, and/or services to access school-related programs and activities?**

**The 504 CST can meet at any time and make a determination that accommodations, modifications, and/or services can be added, reduced, or eliminated altogether. However, a student can remain qualified as disabled under Section 504 and not require a 504 plan.**

**Q. In the discipline process, must a school conduct a causality hearing for a Section 504-qualified student who is being suspended for more than ten consecutive school days in a school year or a series of suspensions that total more than ten school days in a school year?**

**Yes. The 504 CST must convene to conduct a causality determination. The one exception is if the student is a current user of illegal drugs or is currently using alcohol and is being disciplined for the use or possession of illegal drugs or alcohol. No causality determination is required in this case.**

**Q. Are there procedural safeguards?**

**Yes. Procedural safeguards are provided to parents at several points during the process. They are provided prior to initial evaluation, during reevaluation, with the 504 plan and during any disciplinary action that may require a causality meeting.**

## **APPENDIX C**

**THIS APPENDIX CONTAINS SAMPLE FORMS THAT CAN BE USED BY  
SCHOOLS AT VARIOUS PHASES OF THE SECTION 504 PROCESS.**

- INFORMATION FOR PARENTS STUDENT RECORDS 504-FERPA**
- SECTION 504 MEETING NOTICE 504-1**
- SECTION 504 REFERRAL 504-2**
- Consent for 504/ADAA Evaluation 504-3**
- SECTION 504 ELIGIBILITY 504-4**
- SECTION 504 INDIVIDUAL ACCOMMODATION PLAN (IAP) 504-5**
- SECTION 504 PARENT RIGHTS 504-6**
- SECTION 504 MINUTES OF MEETING 504-7**
- Entry of Transfer Record Review 504-8**
- Written Notice 504-9**
- Section 504/ADA Discrimination School Grievance Form 504-10**
- Causal Hearing Educational Summary/Classroom Teacher DIS -2**
- Causal Hearing Manifestation Determination DIS – 3 Pgs. 1, 2, and 3**
- Incident Report (10-Day Rule)**

**INFORMATION FOR PARENTS REGARDING SECTION 504 OF  
REHABILITATION ACT OF 1973**

Section 504 is an Act that prohibits discrimination against persons with a disability in any program that receives federal financial assistance. The Act defines a person with a disability as anyone who:

*Has a mental or physical impairment that substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating, thinking, communicating, bending, lifting, standing, sleeping and eating, along with the operation of a major bodily function).*

In order to fulfill its obligations under Section 504/ADA, the school recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school has specific responsibilities under the Act, which include the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504/ADA, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to do the following:

- Inspect and review his/her student's educational records.
- Make copies of these records.
- Receive a list of all individuals having access to those records.
- Ask for an explanation of any item in the records.
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the student's rights.
- Request a hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact:

School Guidance Counselor Section 504/ADA Coordinator Housed at each respective school	Brenda Robinette Director Special Education/504 Title IX Compliance Officer 340 E. Jackson St. Gate City, VA 24251 276-386-6118
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Parent Signature

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Date Received

Parent Rights/FERPA  
11/03/2015



## SECTION 504 MEETING NOTICE TO PARENT(S)

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

Dear Parent(s), Guardian(s), Student (circle one – students 14 and older should receive their own meeting notice):

We would like to arrange a meeting with the Child Study Committee to discuss your child’s educational and or medical needs and the possibility of eligibility for further accommodations/services in order to ensure that your child is afforded a free appropriate public education. Members of the Child Study committee may consist of: general classroom teacher, you the parent, the student (as appropriate), administration (designee), guidance, 504 case manager, 504 coordinator, Title IX Compliance Officer, school nurse, special education teacher, school psychologist, or any specialist knowledgeable about your child. You, as the parent/guardian/adult student, may bring anyone you wish to the Child Study Meeting. We have scheduled a meeting as follows:

Date of meeting: \_\_\_\_\_ Time: \_\_\_\_\_ Location of meeting: \_\_\_\_\_

The purpose of the meeting (the parent(s) must give consent if there is an “\*” next to the item below) will be:

- \_\_\_\_\_ Intent to refer for 504 services
- \_\_\_\_\_ Determination of eligibility status
- \_\_\_\_\_ \* Complete a 504 plan (IAP) \*Parent must give consent for initial plan.
- \_\_\_\_\_ Annual Review of IAP if the student is already eligible for 504 services
- \_\_\_\_\_ \* Addendum to current IAP \* Parent must give written consent for any change in the IAP.
- \_\_\_\_\_ Triennial evaluation

We would very much appreciate your participation. Please respond to the following and return to school.

- \_\_\_\_\_ YES, I plan to attend.
- \_\_\_\_\_ NO, I cannot attend. You may proceed without me, but send me a copy of any documentation presented and the minutes of the meeting.
- \_\_\_\_\_ YES, I can attend; however, not at the scheduled place and time. Please reschedule at \_\_\_\_\_ (date) and \_\_\_\_\_ (time).

\_\_\_\_\_  
Parent Signature \_\_\_\_\_  
Date

If this meeting was confirmed in a way other than this notice, complete the above pertinent information and the following:  
Meeting confirmed (circle one) in person, by e-mail or telephone on \_\_\_\_\_ (date).

Date notice was given to parent following confirmation: \_\_\_\_\_

If you have any questions, please call at \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Name & Position \_\_\_\_\_  
Date Sent

Note: Please copy and send (1) to parents, guardian or surrogate, (1) in confidential folder, and (1) to central office.

## SECTION 504 REFERRAL

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

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

Student Testing ID: \_\_\_\_\_ Case Manager: \_\_\_\_\_

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

Address: \_\_\_\_\_

Reason for Referral: \_\_\_\_\_

\_\_\_\_\_

Identify any other relevant information that might assist in the referral of this student. i.e. medical; mental; physical \_\_\_\_\_

### Instructional Concerns

Circle one: 1= Poor 2= Below Avg. 3= Avg. 4=Above Avg. 5= Superior N= Not Observed

1. Written Expression	1 2 3 4 5 N	7. Tests	1 2 3 4 5 N
2. Reading	1 2 3 4 5 N	8. Class Work	1 2 3 4 5 N
3. Math	1 2 3 4 5 N	9. Homework	1 2 3 4 5 N
4. Following Oral Directions	1 2 3 4 5 N		
5. Following Written Directions	1 2 3 4 5 N		
6. Organizational Skills	1 2 3 4 5 N		

### Behavioral Concerns

Check all that apply

<input type="checkbox"/> Difficulty Following Directions	<input type="checkbox"/> Poor Attention & Concentration
<input type="checkbox"/> Interrupts Others	<input type="checkbox"/> Easily Distracted
<input type="checkbox"/> Non-Compliant	<input type="checkbox"/> Extreme Mood Swings
<input type="checkbox"/> Disrespectful to Adults	<input type="checkbox"/> Poor Peer Interaction
<input type="checkbox"/> Excessively High Activity	<input type="checkbox"/> Excessively Low Activity
<input type="checkbox"/> Argumentative	<input type="checkbox"/> Often Loses Things
<input type="checkbox"/> Not Prepared for Class	
<input type="checkbox"/> Fidgets, Squirms, or Seems Restless	
<input type="checkbox"/> Shifts from one uncompleted task to another	

### Accommodations/Modification and Strategies Used

Modified Instructional Methods (how): \_\_\_\_\_

Modified Instructional Materials (how): \_\_\_\_\_

Re-Teaching

Parent Conferences

Peer Tutoring

Other: \_\_\_\_\_

Medical Concerns \_\_\_\_\_

What were the results of the strategies used thus far? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ACHIEVEMENT DATA**

<b><u>SOL (most recent)</u></b>		<b><u>CURRENT GRADES</u></b>	
<b><u>SUBJECT</u></b>	<b><u>SCORE</u></b>	<b><u>SUBJECT</u></b>	<b><u>GRADE</u></b>
Written Language		Written Language	
Reading		Reading	
Math		Math	
Science		Science	
Social Studies		Social Studies	

\*\*\*Have the student's test scores each year become:  
 \_\_\_ better, \_\_\_ the same, \_\_\_ worse? (check one)

**HOME LANGUAGE SURVEY**

If English is not the dominant for the student and/or parent(s) in the home, what is the dominant language for the student:  
 \_\_\_\_\_ for the parent(s): \_\_\_\_\_?

**ATTENDANCE**

The student has been absent \_\_\_\_\_ days out of \_\_\_\_\_ school days this year to date.

Reason: \_\_\_\_\_

Compared to last year, has the student been absent:

\_\_\_\_\_ More \_\_\_\_\_ Less \_\_\_\_\_ About the Same?

**ALTERNATIVE PROGRAMS**

What alternative programs have been tried with this student?

\_\_\_\_\_ ESL                      \_\_\_\_\_ Summer School                      \_\_\_\_\_ Title I  
 \_\_\_\_\_ Tutoring                      \_\_\_\_\_ Gifted & Talented                      \_\_\_\_\_ Spec. Ed.  
 \_\_\_\_\_ Alternative Educ.                      \_\_\_\_\_ Other (clarify) : \_\_\_\_\_

\_\_\_\_\_ *Referral Source* \_\_\_\_\_ *Date*  
 \_\_\_\_\_ *Case Manager* \_\_\_\_\_ *Date*

### CONSENT FOR 504/ADAA EVALUATION

Student Name: \_\_\_\_\_

New Referral       Triennial       Other (explain): \_\_\_\_\_

**I. Notice:**

- a. **A referral for a 504/ADAA evaluation has been initiated in order to determine 504/ADAA eligibility**
- b. **Assessment(s) requested:**

- Psychological Evaluation       Speech Evaluation       Language Evaluation
- Occupational Therapy Evaluation       Physical Therapy Evaluation       Education Evaluation
- Observation       Hearing Screen       Vision Screening
- Audiological Evaluation       Functional Vision Evaluation       Sociocultural
- Developmental       Functional Behavioral Assessment
- Medical Evaluation Provided by Parent(s) Guardian(s) Specify: \_\_\_\_\_
- Medical Evaluation (Specify) \_\_\_\_\_
- Review of Existing Relevant Educational Records (e.g., attendance, grades, screening results, plan of care, discipline history, etc)

**II. Consent:**

**The indicated evaluation(s) will be conducted at no cost to you.**

- Consent is given voluntarily to conduct the indicated evaluation(s).**
- Consent is denied**

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

**504/ ADAA DISABILITY/ELIGIBILITY DETERMINATION**

Student \_\_\_\_\_ Grade \_\_\_\_\_ Date \_\_\_\_\_

**INDICATE AND ATTACH ALL REVELENT DATA**

- 1. Psychological Evaluation
- 2. Speech Evaluation
- 3. Language Evaluation
- 4. Occupational Therapy Evaluation
- 5. Physical Therapy Evaluation
- 6. Education Evaluation
- 7. Observation
- 8. Hearing Screen
- 9. Vision Screening
- 10. Audiological Evaluation
- 11. Functional Vision Evaluation
- 12. Sociocultural
- 13. Developmental
- 14. Functional Behavioral Assessment
- 15. Medical Evaluation Provided by Parent(s) Guardian(s) Specify: \_\_\_\_\_
- 16. Medical Evaluation (Specify) \_\_\_\_\_
- 17. Review of Existing Relevant Educational Records
- 17a. Attendace
- 17b Grades
- 17c. Screening Results
- 17d. Plan of Care
- 17e. Discipline History
- 17f. Other (Specify)

**RESULTS AND DISCUSSION**

**IS THERE DOCUMENTATION OF A PHYSICAL OR MENTAL IMPAIRMENT?**  YES  NO (If no, there is not a disability under 504/ADD/ADA)

**If YES, WHAT IS THE PHYSICAL/MENTAL IMPAIRMENT?** \_\_\_\_\_

**How is the impairment documented (Indicate by Number (s))?** \_\_\_\_\_

**Please check the major life activity(ies) that are substantially limited by the physical or mental impairment.**

- Caring for one’s self
- Hearing
- Working
- Lifting
- Thinking
- Performing manual tasks
- Speaking
- Eating
- Bending
- Communicating
- Concentrating
- Breathing
- Sleeping
- Reading
- Other
- Seeing
- Learning
- Standing
- Walking
- NONE \***

Which data attached documents that a major life activity is substantially limited by the physical or mental impairment (Indicate by Number (s))? \_\_\_\_\_

**\*If there is/are no major life activity(ies) that is/are substantially limited, there is no disability determination.**

**Does the student have a disability under 504/ADAA**  Yes  No

**If the student did not qualify for 504 services, please explain in full.**

\_\_\_\_\_  
\_\_\_\_\_

If the student did not qualify, does the student need to be referred to special education?  
\_\_\_ Yes \_\_\_ NO, or for plan of care \_\_\_ Yes \_\_\_ NO

**Participants:**

**Position**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

*Form 504-4  
11/03/2015*

## SECTION 504 INDIVIDUAL ACCOMMODATION PLAN

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

Case Manager: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

DISABLING CONDITION: \_\_\_\_\_

MAJOR LIFE ACTIVITY AFFECTED: \_\_\_\_\_

EDUCATIONAL IMPACT: \_\_\_\_\_

PLAN TYPE: (check one) INITIAL \_\_\_\_\_ ANNUAL REVIEW \_\_\_\_\_

TRIENNIAL \_\_\_\_\_ ADDENDUM \_\_\_\_\_ TEMPORARY (projected end date): \_\_\_\_\_

Check each area where special accommodations/services will help the student meet success at school:

<input type="checkbox"/> Attendance	<input type="checkbox"/> Counseling	<input type="checkbox"/> Classroom
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Medical	<input type="checkbox"/> Physical
<input type="checkbox"/> Extracurricular activities	<input type="checkbox"/> Bus	

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SPECIFIC ACCOMMODATIONS or MODIFICATIONS NEEDED:**

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_

**Are testing accommodations needed?**  YES  NO  
**Attach testing accommodations; if appropriate.**

**NOTE: If more accommodations/modifications are needed, please attach!**

**TECHNOLOGICAL DEVICES NEEDED (list and justify);** \_\_\_\_\_

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**ACCESSABILITY (identify and justify):** \_\_\_\_\_

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**TRANSPORTATION:** \_\_\_\_\_ GENERAL \_\_\_\_\_ SPECIAL

**PHYSICAL EDUCATION:** \_\_\_\_\_ REGULAR \_\_\_\_\_ ADAPTIVE

**HEALTH CARE PLAN REQUIRED:** \_\_\_\_\_ YES (attach plan) \_\_\_\_\_ NO \_\_\_\_\_

**This student shall be included in Family Life Education in the regular classroom and participation will be determined by the general curriculum unless the parent opts the child out of Family Life.**

**Was the 504 plan developed within 65 days of referral date?** \_\_\_\_\_ YES \_\_\_\_\_ NO

**Does the 504 Plan ensure equal access to this student's academic, nonacademic and extracurricular activities and programs?** \_\_\_\_\_ YES \_\_\_\_\_ NO

**Does the 504 plan provide for episodic or disabilities in remission?** \_\_\_\_\_ YES \_\_\_\_\_ NO

I \_\_\_\_\_ DO \_\_\_\_\_ DO NOT give permission for my child to receive the above mentioned services. Unless this is an initial plan, and I do not notify the school within ten (10) administrative days of approval or disapproval, the IAP will be implemented as if consent has been given.

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Parent Signature

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Date

**Section 504 IAP Committee Members**

**Position**

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## SECTION 504 PARENT RIGHTS

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

School: \_\_\_\_\_ Student Testing ID # \_\_\_\_\_ Date: \_\_\_\_\_

Parent(s) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

The intent of this notice is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

If your child is eligible for Section 504 services, you have the right to the following actions:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Receive written notice with respect to identification, evaluation, or placement of your child.
3. Have your child receive a free and appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate.
4. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
5. Have evaluation, educational, and placement decisions made based on a variety of information sources and by individuals who know your child, the evaluation data, and placement options in a nondiscriminatory manner.
6. If eligible, have your child receive accommodations under Section 504 of the Rehabilitation Act of 1973.
7. Give your child an equal opportunity to participate in appropriate nonacademic and extracurricular activities offered by the school.
8. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
9. Obtain copies of educational records at a reasonable cost if the fee would effectively deny you access to the records. In Scott County, there is no fee at the present time. Scott County Schools has up to 30 days to make copies of records; however, we try to make copies available within 10 school days.
10. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.
11. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school refuses this request, it shall notify you within a reasonable time.
12. Have your child's evaluations and reports treated in a confidential manner.
13. Give consent before any change in the IAP. Consent for placement may be revoked at any time in writing. You have the right to give consent before the school conducts an evaluation of your child or initially places your child in a program providing 504 and related services.
14. Participate in the selection of evaluation components used in the evaluation process. You have the right to information regarding each evaluation procedure used by the school division to evaluate your child.
15. Obtain an Independent Educational Evaluation (IEE) upon request if you find an error in the evaluation provided by Scott County Public Schools. Scott County Public Schools has the right to initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.
16. Whenever the IEE is at the expense of Scott County Public Schools, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria, which Scott County Public Schools uses when it initiates an evaluation.
17. The results of the IEE:
  - Must be considered by Scott County Public Schools in the decision regarding a free appropriate public education for the child.

- May be presented as evidence at any subsequent due process hearing.

18. If your child is found eligible for 504 services, you must be given the opportunity to participate in a meeting designed to develop your child’s Section 504 Plan. You have the right to agree or disagree with the plan; however, it is a committee decision and a consensus should be reached. In the end, if a consensus is not reached, a school representative must make a decision and you would then have the right to file a complaint.
19. You have the right to have your child remain in his/her placement during any pending administrative or judicial proceeding regarding a complaint.
20. You have the right to obtain upon request information regarding free or low cost legal services and information as to where an independent educational evaluation might be obtained.
21. Request mediation or 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.
22. File a local grievance or complaint.

The following people are responsible for Section 504/ADA compliance for Scott County Public Schools:

<p><b>Brenda Robinette</b>  <b>ADA/504 Compliance Officer</b>  <b>Scott County School Board Office</b>  <b>340 E. Jackson St.</b>  <b>Gate City, VA 24251</b>  <b>276-386-6118</b></p>	<p><b>School Guidance Counselors</b>  <b>504/ADA Coordinator</b>  <b>Housed at each respective school</b></p>
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The person at the school who is responsible for Section 504/ADA compliance is:

Section 504 Case Manager	Telephone Number
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I received my parent rights on \_\_\_\_\_ (date).

Parent Signature: \_\_\_\_\_

**Parent Rights 504-6**  
**Revised 11/03/2015**

## SECTION 504 MINUTES OF MEETING

**Student:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Age:** \_\_\_\_\_

**School:** \_\_\_\_\_ **STD:** \_\_\_\_\_

**Parent(s):** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Purpose of Meeting:** \_\_\_\_\_

**Identify any evaluations/data to be reviewed, include date of report and who was responsible for the report:**

\_\_\_\_\_

\_\_\_\_\_

**What was discussed:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Did the parent(s) present anything that was denied?  Yes  No (If yes, explain and provide a Written Notice.):** \_\_\_\_\_

\_\_\_\_\_

**What was the consensus of the meeting?** \_\_\_\_\_

\_\_\_\_\_

**Where there any additions, changes, or additions to the IAP?  Yes  NO (If yes, please explain and complete an Addendum and Written Notice.)** \_\_\_\_\_

\_\_\_\_\_

**Participants:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Date:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Minutes of Meeting 504-7  
11/03/2015

# 504 Entry of Transfer Record Review

Date Received \_\_\_\_\_

Student Name: \_\_\_\_\_

School \_\_\_\_\_

## Eligibility Criteria:

What is the student's disability? \_\_\_\_\_

Is documentation provided? \_\_\_\_\_ If so, attach copy.

Does the disability cause a substantial limitation of a major life activity? \_\_\_\_\_

Is there documentation of the limitation? \_\_\_\_\_ If so, attach copy.

Date of last eligibility \_\_\_\_\_

Is the current 504 plan appropriate as presented? \_\_\_\_\_

## Record Review Results

\_\_\_\_\_ **Accept eligibility as presented**

\_\_\_\_\_ **New eligibility is needed. Begin evaluation process within ten days.**

\_\_\_\_\_ **Accept Plan as presented**

\_\_\_\_\_ **Accept Plan with addendum(s)**

\_\_\_\_\_ **New Plan is needed. Complete within 30 days.**

**Signatures**

**Date**

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Transfer Form 504-8

Revised 11/03/2015

**SCOTT COUNTY PUBLIC SCHOOLS  
PRIOR WRITTEN NOTICE**

**Student:** \_\_\_\_\_ **School:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Student Testing ID:** \_\_\_\_\_ **DOB** \_\_\_\_\_ **Age:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

**Describe the action that the school division proposes or refuses to take:** \_\_\_\_\_

\_\_\_\_\_

**Explanation of why the school division is proposing or refusing to take action:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Description of each evaluation procedure, assessment, record or report the school division used in deciding to propose or refuse the action:** \_\_\_\_\_

\_\_\_\_\_

**Description of any other choices that the team considered and the reasons why those choices were rejected:** \_\_\_\_\_

\_\_\_\_\_

**Resources for the parent to contact for help in understanding the Individuals with Disabilities Education Act (IDEA) and/or 504 and the related Federal and Virginia Regulations:** \_\_\_\_\_

\_\_\_\_\_

**If this notice is not the initial referral for evaluation, explain how the parent was provided a copy of the procedural safeguards:** \_\_\_\_\_

\_\_\_\_\_



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6. Were there any witnesses to the violation? If so, give their names.

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7. Has this ever happened before?  YES  NO If so, please explain in full: \_\_\_\_\_

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Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

504 Compliance Officer \_\_\_\_\_ Date Received: \_\_\_\_\_

## ADDENDUM TO 504 IAP

**Student Name:** \_\_\_\_\_ **Effective Date IAP:** \_\_\_\_\_ **Through** \_\_\_\_\_

**School:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Student ID:** \_\_\_\_\_

**Purpose of the change to the IAP:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Statement of the Change in the IAP:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*\*\*Attach PWN and address changes (i.e. goals, objectives, accommodations/modifications, least restrictive placement, testing, services, etc.)

**IAP Team Members:**

**Position:**

**Date:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Form 504-11  
11/02/2015**



## Credit Accommodations for Students with Disabilities (IDEA and 504) Eligibility Form

**DIRECTIONS:** Credit accommodations for the standard diploma shall be determined by the student's Individualized Education Program (IEP) team or 504 plan committee, at any point after the student's eighth grade year. Students should be included in these meetings where appropriate. After review of the student's academic history and full disclosure of the student's options, the IEP team or 504 plan committee must secure the informed written consent of the parent/guardian and the student, as appropriate, to choose credit accommodations. This information must be documented in the IEP or 504 plan.

The following criteria must be met in order for the student to be eligible to receive credit accommodations for the standard diploma:

- a. The student must have a current IEP or 504 plan with standards-based content goals.
- b. The student is learning grade level content, but is unlikely to achieve and make progress commensurate with grade level expectations due to the intensity of his/her disability.
- c. The student needs significant instructional supports to access grade level Standards of Learning (SOL) content and to show progress.
- d. Based on multiple objective measures of past performance, data indicates that the student is unlikely to achieve the required standard and verified units of credit within the standard time frame.

To identify appropriate students for credit accommodations, a student's IEP team or 504 plan committee must address each section of this form and provide the required supporting documentation.

### Section I: Student Information

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_

State Testing Identifier (STI): \_\_\_\_\_

School: \_\_\_\_\_ Current Grade: \_\_\_\_\_

Credit Accommodation considered:

- Locally Awarded Verified Credit (Math and English Reading and Writing)
- VMAST (Algebra I and English Reading)
- Coursework (Parts I and II for 2 credits, Living and Personal Finances (3120) to replace Economics and Personal Finance 6120)

### Section II: Qualifying Questions and Supporting Documentation

To participate in credit accommodations for the standard diploma, the student's IEP team or 504 plan committee must determine that the student is eligible based on responses to all of the questions below and a review of the supporting information provided. A response of "No" for any single question or failure to provide supporting documentation indicates that the student is NOT eligible for the credit accommodation(s) listed in Section I of this form.

1. **Is the student learning grade level content, yet likely to achieve and make progress commensurate with grade level expectations due to the impact of his/her disability? \_\_\_\_ YES \_\_\_\_NO**
  - Provide a brief overview of the student's disability.
  
  
  
  
  
  
  
  
  
  
  - Describe the impact of the disability on the student's classroom performance.
  
2. **Does the student require significant instructional supports to access grade-level SOL and show progress? \_\_\_\_ YES \_\_\_\_ NO**
  - Describe the individualized supports/specialized program/intervention provided to the student to access grade level SOL content.
  
  
  
  
  
  
  
  
  
  
  - Describe the amount of time the student has used the individualized supports/specialized program/intervention and the impact on progress.
  
3. **Based on multiple objective measures of past performance, is it expected that the student will not achieve the required standard and verified units of credit within the standard time frame? \_\_\_\_ YES \_\_\_\_ NO**
  - List the assessments and student's performance used to determine that the student is not progressing at the rate expected for the grade level or course.
  
  
  
  
  
  
  
  
  
  
  - Describe the instructional remediation provided for the student to progress in the grade level SOL content.

- Describe the amount of time the student has used the instructional remediation and the impact on progress.

**Section III: Justification Statement**

The IEP team or 504 plan committee must also provide a justification statement summarizing why the IEP team or 504 plan committee has determined that the student is eligible for credit accommodations. Include in this statement the credit accommodation option(s) being considered and the associated content area(s). The justification cannot be based on a specific categorical label, extraneous factors, or forecasts (examples include disability, gender, social, cultural or economic status, excessive or extended absences without other qualifying factors).

**Date IEP was signed by parent and/or adult student:**

_____	_____
<b>Parent and/or Adult Student *504 Plan ONLY</b>	<b>Date:</b>
_____	_____
_____	_____
_____	_____
_____	_____

**Scott County Public Schools**  
**Education Summary/Classroom Teacher**

Student Name: \_\_\_\_\_ School: \_\_\_\_\_

\*\*\*Please be precise in your narratives of the student's performances. Describe specific areas of math and reading, such as comprehension, vocabulary, computation, calculation, and application. Also, consider behaviors, attendance, etc.

I. Briefly describe the student's learning strengths:

II. Briefly describe the student's learning weaknesses/behavioral concerns:

III. What interventions have been tried to assist this student?

IV. Current Grades:

\_\_\_\_\_ Date

\_\_\_\_\_ Classroom Teacher's Signature Subject

DIS-2

SCOTT COUNTY PUBLIC SCHOOLS  
CAUSAL HEARING/MANIFESTATION DETERMINATION

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ 504 \_\_\_\_\_ I.D.E.A. School: \_\_\_\_\_ Grade: \_\_\_\_\_ Primary Disability: \_\_\_\_\_

Placement: \_\_\_\_\_ No. yrs. in Spec. Educ.: \_\_\_\_\_ Eligibility Date: \_\_\_\_\_

1. INFORMATION REVIEW: Date of Violation: \_\_\_\_\_ No. days suspended this yr. \_\_\_\_\_

Stated violation as per suspension (provide explanation if code number is referenced and include statement of action by school):

Define the disabling condition:

2. THE MANIFESTATION DETERMINATION REVIEW TEAM CONSIDERED THE FOLLOWING:  
(Check all that apply and attach relevant documents.)

- \_\_\_\_\_ a. evaluation and diagnostic results and information provided by parent (attach)
- \_\_\_\_\_ b. observation of the student (attach)
- \_\_\_\_\_ c. the student's IEP and placement, and in relationship to the behavior subject to disciplinary action, the appropriateness of the IEP placement, supplementary aids and services, and behavior intervention strategies
- \_\_\_\_\_ d. reports from teachers: \_\_\_\_\_ verbal \_\_\_\_\_ written (attach)
- \_\_\_\_\_ e. medical records (attach)
- \_\_\_\_\_ f. previous residential/day treatment (attach)

3. STUDENT PROFILE

Does the student's disability preclude him/her from having the capacity to determine whether the actions were right or wrong? (Provide an example.)

Given the student's disability, can the student be expected to follow school rules and regulations on a regular basis? (Explain.)

Does the student's disability create a situation where the student would not be aware and understand the consequences of the behavior? (Explain.)

4. MANIFESTATION DETERMINATION REVIEW

Was the conduct in question caused by the child's disability? \_\_\_\_\_ YES \_\_\_\_\_NO

Was there a direct and substantial relationship to the child's disability? \_\_\_\_\_ YES \_\_\_\_\_ NO

Was the conduct in question a direct result of Scott County Schools failure to implement the IEP?  
\_\_\_\_\_ YES \_\_\_\_\_NO

If the behavior was a manifestation of the child's disability, the IEP team must conduct a functional behavioral assessment (FBA) and behavioral intervention plan (BIP) for the student, or review an existing plan and modify, it as necessary to address the behavior. If the behavior is a manifestation, the student is returned to the pre-discipline placement, unless the parent and school division agree otherwise.

5. FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ The above stated misconduct is NOT a manifestation of the student's disability. The student must continue to receive FAPE, but in a different setting.

\_\_\_\_\_ The above stated misconduct is NOT a manifestation of the student's disability.

\_\_\_\_\_ The above stated misconduct is a manifestation of the student's disability.

Recommendations:

Hold an IEP meeting to amend the IEP to address behavior and, if needed, reconsider appropriate placement  
Request additional evaluation(s) to address suspected disabilities that were not suspected prior to this incident  
Other (See attached recommendations.)

COMMITTEE PARTICIPANTS

\_\_\_\_\_  
Principal /Designee

\_\_\_\_\_  
Special Education Teacher

\_\_\_\_\_  
Teacher

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Guidance Counselor

\_\_\_\_\_  
Other

Dissenting opinions may be made. A committee member who disagrees with the conclusion indicated above must attach a separate statement presenting his/her own conclusion.

## Recommendations

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**SCOTT COUNTY PUBLIC SCHOOLS  
INCIDENT REPORT (10-DAY RULE)**

(Complete the following, if in special education or 504 beginning on the 11th day of removal.)

School: \_\_\_\_\_ Date: \_\_\_\_\_ Grade: \_\_\_\_\_ Disability: \_\_\_\_\_

Parent(s)/Guardian(s)/Adult Student: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Description of the Incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Standards Violated:**

\_\_\_\_\_

**Student's Version of Incident:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Recommended Disciplinary Action:**

\_\_\_\_\_  
\_\_\_\_\_

The school must consider on a case by case basis the following factors: the length of each removal, total amount of time the child is removed, the proximity of the removals to one another, the behavior(s) which result in the removal.

Is there a pattern: \_\_\_\_\_ YES \_\_\_\_\_ NO

**Identify the Pattern:** \_\_\_\_\_

**If Removal Does Not Constitute a Change in Placement: Beginning on the 11th day of removal, the school administrator must consult with the special education teacher to determine the services provided. Any of the following educational services may be provided to enable the child to continue to appropriately progress in the general curriculum and appropriately progress toward achieving the goals set out in the IEP: (Check what applies.)**

\_\_\_\_\_ Assignments sent home to student for completion.

\_\_\_\_\_ Student allowed to make-up assignments upon return to school.

\_\_\_\_\_ Other, please identify: \_\_\_\_\_

**Within 10 business days of removing the child for 11 school days or more in a given school year, provide notice and convene an IEP meeting.**



**Proposals. (Check the one that applies.)**

- A Behavior Assessment will be completed if there is a pattern of behavior or if it was determined at the causal that the behavior was a manifestation of the student's disability (If one does not already exist.)**
- Review of existing Behavior Intervention Plan will be conducted (If one exists) to determine if modifications or revisions are necessary; if so, the IEP must be revised and implemented. Obtain informed consent from parents if the functional behavioral assessment plan calls for assessments beyond review of existing information.**
- A revised IEP must be implemented through an addendum with the behavior interventions. Provide a written notice to parent(s)/guardian(s)/adult student of proposed changes.**

\_\_\_\_\_

**Special Education Teacher**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Principal/Assistant Principal**

\_\_\_\_\_

**Date**

\_\_\_\_\_

**Other**

\_\_\_\_\_

**Date**

**NOTICE TO THE BIOLOGICAL/ADOPTIVE PARENT  
OF A CHILD IN FOSTER CARE**

Pursuant to Virginia law, we are required to provide you with written notice, at your last known address, that your child's foster parent is acting as your child's "parent" pursuant to the law for purposes of special education identification, evaluation, placement, and the provision of a free appropriate public education to your child. We are entitled by law to rely upon the actions and decisions of the foster parent until such time that you attempt to act as the parent. If you wish to act as the parent in connection with this, or any other educational matter, involving your child, please contact (or have someone acting on your behalf contact): \_\_\_\_\_ by phone at (\_\_\_\_) \_\_\_\_\_

or e-mail \_\_\_\_\_

or by regular mail \_\_\_\_\_

Please contact us by \_\_\_\_\_ (date).

If the last known address we have for you (listed below) is incorrect, or if there is a better address where we can reach you in the future, please let us know.

Student Name \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

Biological/Adoptive Parent(s) Name \_\_\_\_\_

Last Known Address of Parent \_\_\_\_\_

Social Worker Name \_\_\_\_\_

Social Worker Address \_\_\_\_\_

Student ID. \_\_\_\_\_ Student's Most Recent Eligibility Date \_\_\_\_\_

Most Recent Re-evaluation Date \_\_\_\_\_

Next Re-evaluation Must Occur Before this Date \_\_\_\_\_

Current IEP Will be Reviewed No Later Than This Date \_\_\_\_\_

**PROOF OF NOTICE**

Date Sent \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_\_ (Signature)

\_\_\_\_ First Class Mail \_\_\_\_ Hand-delivery/posting \_\_\_\_ Certificate of Mailing \_\_\_\_ Other

MIS-6

## 504 Forms

### I. Screening

- a. Meeting Notice 504-1
- b. Information for Parents 504-FERPA

### II. Referral

- a. 504-1 Parent/Student Notice of Meeting
- b. 504-2 Referral
- c. 504-3 Consent to Evaluate
- d. 504-7 Child Study Minutes
- e. 504-9 Written Notice

### III. Evaluation

- a. 504-1 Meeting Notice
- b. 504-3 Consent to Evaluate
- c. 504-7 Child Study Minutes
- d. 504-9 Written Notice

### IV. Eligibility

- a. 504-1 Meeting Notice
- b. 504-4 Eligibility
- c. 504-7 Child Study Minutes
- d. 504-9 Written Notice

### V. IAP Service Plan

- a. 504-1 Meeting Notice
- b. 504-5 Section 504 Plan
- c. 504-6 Parental Rights
- d. 504-7 Minutes of Meeting
- e. 504-9 Written Notice

### VI. Discipline

- a. 504-1 Meeting Notice
- b. Causal Hearing Educational Summary/Classroom Teacher DIS 2
- c. Causal Hearing Manifestation Determination DIS-3 pgs. 1, 2, & 3
- d. Incident Report (10-Day Rule) – Use only after 11<sup>th</sup> day of OSS and then each additional OSS assigned after that.
- e. 504-9 Written Notice

### VII. Miscellaneous (ALL Miscellaneous Forms Require PWN)

- a. 504-8 Entry of Transfer
- b. 504-10 School Grievance Form
- c. 504-11 Addendum of IAP
- d. 504-12 Credit Accommodations
- e. MIS-6 Notice to Biological/Adoptive Parent of a Child in Foster Care