

ADMINISTRATIVE POLICY

The online version of this policy is official.
Therefore, all printed versions of this
document are unofficial copies.

SECTION 504

Section 504 is part of the Rehabilitation Act of 1973, which is a civil rights act that prohibits discrimination based upon disability. The law states that "no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance either directly or indirectly"; this includes all public schools. With passage of the Rehabilitation Act of 1973, Congress required that school districts make their programs and activities available as well as accessible to all individuals with disabilities. The requirement means more than just physical access; a child may require special accommodations in order to benefit from their education.

Section 504 requires the provision of appropriate educational services; services that are designed to meet the individual needs of qualified students to the same extent that the needs of students without a disability are met. Essentially Section 504 was designed to "level the playing field," to ensure full participation by individuals with disabilities.

Coordinator

The Director of Schools shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act (ADA) and Section 504, including any investigation of any complaint alleging non-compliance with the Acts or alleging any actions that would be prohibited by the Acts.

Section 504 Coordinator
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Referrals

Referrals can be made by anyone (i.e. parent, teachers, or other knowledgeable professionals). Referrals should be made in writing on the **Section 504 Student Referral Form** and submitted to the building level Section 504 Coordinator. Referrals can be made at any time. Parents may request a referral form by contacting the building level Section 504 Coordinator or the District Section 504 Coordinator.

Generally, a student should be referred for an evaluation under Section 504 if he/she is suspected of not only having a mental or physical impairment but also if it is suspected that the impairment substantially limits one or more major life activities or major bodily functions. *Students with Individual Health Care Plans (IHCPs) may comply with the provisions of Section 504, provided that, where appropriate, student with IHCPs, who are students with disabilities who may need related services and*

aids, will be provided evaluation, placement, and procedural safeguards required by Section 504 regulation if found to meet eligibility determination requirements.

If the District does not suspect that a student has a mental or physical impairment that substantially limits one or more major life activities and therefore determines not to evaluate, it will notify the parent/guardians of that decision through the issuance of a screening letter and procedural rights and safeguards.

Evaluations

Parent permission and input is required prior to an evaluation. The Section 504 team will convene at a predetermined time to assess the information/evidence to determine if the student is eligible under Section 504. Parents will be afforded the opportunity to participate and provide input in the evaluation process. The assessment information may include, but is not limited to, medical reports that document the mental or physical impairment, aptitude and achievement test scores, teacher observations, discipline data, attendance data, recommendations and other data including information on social or cultural background and adaptive behavior. The information obtained from all such sources will be documented and carefully considered to determine student eligibility under Section 504. *(Note: A re-evaluation or review/revision to the Section 504 Accommodation plan does not require parent consent, as review is part of the 504 process requirement. Parents will be given advance notice of a review/revision and the opportunity to participate.)*

Eligibility Determination

The diagnosis of a medical condition does not in and of itself mean a student is eligible for Section 504. The condition must also “substantially limit” a major life activity or major bodily function. The physician’s diagnosis is sufficient only to establish the existence of a physical or mental impairment.

Major Life Activities
<ul style="list-style-type: none">• Learning, walking, breathing, speaking, working, hearing, seeing, performing manual task, and caring for one’s self.• ADAAA 08 added: Reading, concentrating, thinking, communicating, bending, lifting, standing, sleeping, eating, and Major Bodily Functions

To be eligible under Section 504, the student must have a mental or physical impairment which substantially limits one more major life activities or major bodily functions. The building level Section 504 Coordinator will schedule and conduct the eligibility meeting when sufficient evidence has been collected to make a determination. After the Section 504 team considers all evidence, eligibility will be determined by the team. If the student is found eligible, and time allows, an accommodation plan will be created based on the areas of substantial limitation.

Program Planning

The goal of Section 504 is to provide accommodations that “level the playing field” ensuring that every student with a disability have the opportunity to participate and access the general education curriculum and extracurricular activities to the same extent as an average, non-disabled-peer.

Accommodations must be based on information and data used in the evaluation and eligibility determination process. The plan may include accommodations for the school building or classroom, extracurricular activities, administrative adjustments, academic and instructional accommodations, and/or testing accommodations. The same types of accommodations should be provided for both classroom assignments and assessments.

Accommodation Requirements

1. All accommodations must be specific to student’s individual needs and monitored to ensure appropriateness.
2. Everyone responsible for the implementation of the Section 504 plan must be provided with a copy of accommodations and an explanation of how the accommodations should be implemented. Once they receive accommodations, have them sign and date the Documentation for Receipt of Section 504 Accommodations.
3. All faculty/ staff are required to meet annually and review accommodations and/or consider the need for a Section 504 plan.
4. School Administration must be involved in implementation of the Section 504 plan.

The building level Section 504 Coordinator will be responsible for completion of the **Section 504 Accommodation Plan** in consultation with the Section 504 committee once a student is found eligible. Parent participation and written consent is required for initial plans. Once the Section 504 Accommodation Plan has been completed and all signatures are acquired, a copy will be placed in the student’s educational record in a red folder. All pages requiring signatures will be uploaded to the 504 management system once signed and originals placed in the red folder.

Annual Review

Students found eligible under Section 504 must have an annual meeting to determine a need for a plan or to revise or review a **Section 504 Accommodation Plan**.

Re-Evaluation Procedures

Re-evaluations are not required at specific intervals under Section 504; however, assessments will be updated so that eligibility and accommodation planning is based on information that accurately defines the student’s disability and reflects the student’s current strengths and weaknesses.

At a minimum of every three (3) years student's Section 504 committee should determine whether updated evaluations are needed. A re-evaluation should be completed prior to a significant change of placement. When a re-evaluation is needed, parents should be sent the **Section 504 Invitation to Team Meeting** form and a copy of the **Section 504 Rehabilitation Act Parent/Student Rights** prior to conducting a re-evaluation. Consistent with the initial evaluations, parents will be afforded the opportunity to participate and provide input in the re-evaluation process.

Section 504 Transfer Procedures

When a student with a Section 504 plan transfers into the Clarksville-Montgomery County School System a Section 504 meeting will be scheduled to review the previous Section 504 plan, discuss the students current needs and consider whether or not a new Section 504 plan is needed.

Grievance Procedures

Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing if a parent wishes to contest any action of the school system with regard to a child's identification, evaluation, and placement under Section 504. If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing by an attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

Mediation: The school district may offer mediation to resolve the issues detailed in a request for hearing. Mediation is voluntary and both the grievant and the school district must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement, the school district will follow the procedures for conducting an impartial hearing without an additional request for hearing.

Request for Section 504 Due Process Hearing

Any student, parent or guardian (referred to as 'grievant') may request an impartial hearing due to the school district's actions or inactions regarding a child's identification, evaluation, or educational placement under Section 504. Request for an impartial hearing must be in writing to the school district's Section 504 Coordinator; however, failure to request a hearing in writing does not remove the school district's obligation to provide an impartial hearing if the request for a hearing is made orally to the district's Section 504 Coordinator. The Section 504 Coordinator will assist the grievant in completing a written request for hearing.

Hearing Request: A request for a hearing must include the following:

1. Name of the student.
2. Address of the residence of the student.
3. Name of the school the student is attending.
4. Action or inaction that is the reason for the grievance.
5. Proposed remedy sought by the grievant.

6. Name and contact information of the grievant.

Within 10 business days of receiving a request for a hearing, the Section 504 Coordinator will acknowledge the request for hearing in writing and schedule a time and place for a hearing. If a written request for hearing does not contain the information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until a request for hearing contains the necessary information noted above.

Hearing Procedures

The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant's request for hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.

Decision

The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

Review

If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal regulations.

Implementing Procedures: [INS-P027](#) Section 504 Grievance Procedure

Associated Documents: [HUM-A084](#) Non-Discrimination
Section 504 Forms - Easy 504 (Ed Plan)

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
6/24/13		Initial Release
2/1/16	A	Updated address. Updated screening and procedural rights.
10/5/16		Updated 504 Coordinator contact info. Not a revision.
12/13/17		Updated 504 Coordinator contact info. Not a revision.
10/28/19	B	Updated 504 Coordinator contact info. Removed Aug. – Oct. under "Annual Review".
4/19/22		Updated 504 Coordinator name and contact information. Not a revision.

***** End of Policy *****