

## Section 504 Handbook



**680 Biddle Road  
Medford, Oregon 97504  
541-842-3628**

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# TABLE OF CONTENTS

504 PLANS OVERVIEW	Page 2
504 PLANS vs. IEPs	Page 2
EVALUATIONS AND REFERRALS	Page 2
504 CHECKLIST	Page 5
FAPE REQUIREMENTS OF 504	Page 6
PROCEDURES FOR DISCIPLINING DISABLED STUDENTS	Page 8
GENERAL QUESTIONS ABOUT STUDENT DISCIPLINE FOR 504 STUDENTS	Page 8
SUSPENSION AND PLACEMENT CHANGES	Page 9
MANIFESTATION DETERMINATION	Page 10
EVALUATION AND PLACEMENT REQUIREMENTS	Page 12
WHEN SHOULD A STUDENT BE CONSIDERED FOR POSSIBLE ACCOMMODATIONS AND/OR SERVICES UNDER SECTION 504	Page 13
PROCEDURAL STEPS FOR IDENTIFYING AND SERVING STUDENTS WITH DISABILITIES	Page 15
504 TRANSITIONS	Page 17
PROCEDURES FOR RESOLVING DISPUTES	Page 18
GRIEVANCE PROCEDURES	Page 20

## 504 PLANS OVERVIEW

**Section 504** of the Rehabilitation Act of 1973 is a federal civil rights statute which provides that: *“No otherwise qualified individual with disabilities in the United States...shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any Executive agency or by the United States Postal Service.”*

Section 504 requires school staff to provide eligible disabled students with a free appropriate education (FAPE) in which the benefits and opportunities are comparable to those provided to non-disabled students and shall provide an equal opportunity to participate in activities and programs. Services may include regular or special education, related services, and accommodations and modifications.

Schools shall not discriminate on the basis of the disability.

## 504 PLANS vs. IEPs

A 504 plan is different from an individualized education plan (IEP). The main difference is that a 504 plan accommodates a student's regular education program in a regular classroom setting. A 504 plan is monitored by classroom teachers. A student with an IEP, as part of the Individuals with Disabilities Education Act (IDEA 2004), may receive different educational services in a special or regular educational setting, depending on the student's need. IEP programs are delivered and monitored by additional school support staff.

Also, parental approval and involvement is required for an IEP, but not for a 504 plan. Full parental participation in the 504 plan process, however, is important for the student's academic success.

It's important to note that students with IEPs are also entitled to the additional protections and services offered by 504 plans. Students with IEPs might benefit from a 504 plan, for example, if they're moving from a special education setting to a regular classroom.

## EVALUATIONS AND REFERRALS

### *Who is an individual with a disability under Section 504?*

There are **three** ways that a person is considered to have a disability under Section 504. If the student:

1. Has a physical or mental impairment, which substantially limits one or more major life activities. Major life activities include two categories; major life activity and major bodily functions. A major life activity are things such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating. Major bodily functions include but are not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain respiratory, circulatory, endocrine and reproductive functions. The term does not cover children solely disadvantaged by cultural, environmental or economic factors. Comment to **34CFR.104.3**

The student's disability need only substantially limit **one** major life activity or major bodily function for the student to be eligible.

2. Has a record or history of such impairment. The term includes children who have been misclassified (e.g. a non-English speaking student who was mistakenly classified as having mental retardation); or
3. Is regarded as having such impairment. A student would be "regarded" as having a disability under Section 504 if, for example:
  - The student has a physical or mental impairment that does not substantially limit a major life activity or major bodily function, but is treated by the district as having such a limitation (e.g. a student who has scarring, a student who walks with a limp).
  - The student has a physical or mental impairment that substantially limits a major life activity or major bodily function only as a result of the attitudes of others towards such an impairment (e.g. a student who is obese).
  - The student has no physical or mental impairment, but is treated by the district as having such impairment (e.g. a student who tests positive for the HIV virus, but has no physical effects from it). *34CFR104.3(j)*

## ***Who is a “qualified” student with disabilities under Section 504?***

All school-age children who are disabled under Section 504 are considered to be “qualified”. Preschool children (birth to 5) with disabilities who participate in federally funded programs such as early intervention/early childhood special education (EI/ECSE) and Head Start are also protected by Section 504. **34CFR104.3(k)**

**Disability Defined**

*“Person with disability” means an individual who: (A) has a physical or mental impairment that substantially limits one or more major life activities or major bodily function; (B) has a record of such an impairment or; (C) is regarded as having such an impairment.*

<b>Major Bodily Functions</b>	<b>Major Life Activities</b>	<b>Physical or Mental Impairment</b>
<p><i>Including but not limited to:</i></p> <ul style="list-style-type: none"> <li>Functions of the immune system</li> <li>Normal cell growth</li> <li>Digestive</li> <li>Bowel</li> <li>Bladder</li> <li>Neurological</li> <li>Brain</li> <li>Respiratory including speech organs</li> <li>Circulatory</li> <li>Endocrine</li> <li>Reproductive functions</li> </ul>	<p><i>Major life activities include:</i></p> <ul style="list-style-type: none"> <li>Caring for Oneself</li> <li>Manual tasks</li> <li>Walking</li> <li>Seeing</li> <li>Hearing</li> <li>Speaking</li> <li>Breathing</li> <li>Learning</li> <li>Working</li> <li>Eating</li> <li>Sleeping</li> <li>Standing</li> <li>Lifting</li> <li>Bending</li> <li>Reading</li> <li>Concentrating</li> <li>Thinking</li> <li>Communicating</li> </ul>	<p><i>Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:</i></p> <ul style="list-style-type: none"> <li>Musculoskeletal</li> <li>Special sense organs</li> <li>Cardiovascular</li> <li>Genito-Urinary</li> <li>Hemic and lymphatic</li> <li>Skin</li> </ul> <p>Any mental or psychological disorder such as:</p> <ul style="list-style-type: none"> <li>Mental retardation</li> <li>Organic brain syndrome</li> <li>Emotional or emotional illness</li> <li>Specific learning disabilities</li> </ul>

**Substance abuse: Does not include current illegal drug abusers.**

## 504 Checklist

**504 Caseload can be accessed in Synergy by clicking on:**

1. **Student Synergy SE**
2. **Student**
3. **Portfolio**
4. **504 Process**
5. **Once meeting is held, finalize the 504 plan in Synergy and email the 504 IAP and any documents with signatures on them to Student Wellness Office [kim.tomlinson@medford.k12.or.us](mailto:kim.tomlinson@medford.k12.or.us) for the upload on the student profile**

<b>Protocols for 504 Plan</b>		
	Referral for 504 has been made	Analyze the evidence through the RTI process
	Parent Notification of 504 Referral	Contact Parent to schedule a meeting
	Contact Student Wellness Office to requested student added to Synergy SE for the 504 Caseload tab	Email <a href="mailto:kim.tomlinson@medford.k12.or.us">kim.tomlinson@medford.k12.or.us</a> Whether it is an initial 504 referral or new to your school
	Once 504 IAP is established	Notify Student's Teachers of Accommodations

<b>Initial Determination Eligibility Document Name</b>		<b>Synergy Documentation Required</b>
	Parent & Student Rights/Receipt for 504 Notice of Parents and Student Rights	Start in Synergy, Give to Parent for Signature, Save, Upload Signed Receipt
	Prior Notice and Consent to Evaluate	Start form in Synergy, Give to Parent for Signature, Complete, Save, Upload Signed Consent.
	Request for Health/Medical Information (if appropriate)	Complete form in Synergy, Save. Send form to Health Care Provider along with Authorization to Disclose Health Information. Upload completed documents to Synergy.
	Section 504 Notice to Conduct Meeting	Contact Team, Set up meeting. Complete and send out Notice. Save.
	Eligibility Determination and Accommodation Plan	Complete in Synergy, Save, Set to Final, Send copy to Parent. Send signature pages to Student Wellness

		Notify Student's Teachers of Accommodations
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<b>Annual Review Document Name</b>		Synergy Documentation Required
	Section 504 Notice of Conference	Contact Team, Set up meeting. Complete and send out Notice. Finalize.
	Revision/Annual Review	Open Active Section 504 > Click More > Click Create Revision/Annual of this Document. Complete section F. Save and Finalize. Send copy to parent.
	Section 504 - Notice of Action	Complete in Synergy, Save, Send copy to parent
		Notify Teachers of any changes.

<b>Manifestation Document Name</b>		Synergy Documentation Required if meeting held
	Section 504 Notice of Conference	Contact Team, Set up meeting. Complete and send out Notice. Finalize in Synergy
	Manifestation Determination	Select form in Ad Hoc Docs, complete form, save, send copy to parent.

## FAPE REQUIREMENTS OF 504

### *What is “FAPE?”*

FAPE stands for “*Free Appropriate Public Education.*” Both Section 504 and the IDEA require FAPE to students who are considered disabled under those statutes.

The regulation states:

“A recipient that operates a public elementary or secondary education program shall provide a free and appropriate public education to each qualified disabled person who is in the recipient’s jurisdiction, regardless of the nature or severity of the person’s disability.”

FAPE is the provision of educational and related services without cost to the student with a disability or to his/her parent or guardian, except for those fees that are imposed on non-disabled persons or their parent or guardian.

Under Section 504, “appropriate” means providing regular or special education and related aids and services that are designed to meet individual needs of disabled students as adequately as the needs of non-disabled students are met. **33CRF104.33(b)(1)(i)**

### *Is there a “child find” requirement under Section 504?*

Yes. “*Child Find*” is the process of locating and identifying students with disabilities. Under Section 504, District 549C must annually identify and locate all section 504 qualified children who are not receiving a FAPE and take appropriate steps to notify their parents and guardians. **34CFR104.32(a).**

### *What are the procedural requirements for FAPE under Section 504?*

The procedural safeguards afforded to parents under Section 504 are less detailed than those under IDEA. Each District *shall* establish and implement, with respect to actions regarding identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards that include:

- Annual notice to students with disabilities and their parents or guardians of their rights under Section 504, including the right to request an impartial hearing. Notice includes: child find, parents rights, prior notice of evaluations and meetings, and notice of the results/actions taken at Section 504 meetings. **34CFR104.32(b). See sample notice of rights in Appendix A.**
- An opportunity for the parents or guardian of the person to examine relevant student educational records.
- The right to an impartial hearing if the parent or guardian disagrees with the identification, evaluation, or educational placement of the student with a



disability. The ODE has an administrative rule for due process hearings under Section 504. *See OAR 581-015-0109.*

- A review procedure (for appeal of impartial due process hearing decisions). *34CFR104.36*

***Since Medford School District 549C is providing a FAPE, is our District responsible for a private placement for the student?***

No. If the District affords a free appropriate education to a student, but the parent chooses to place the child elsewhere, Medford School District is not responsible to pay for the out-of-district placement. *34CFR104.33(c)(4)*. For example, if the district's program is appropriate and the parent places the child in a private school, the district is not responsible for the student's tuition.

***Is transportation required as part of FAPE?***

If our District places a student in a program not operated by The Medford School District, the District must assure that adequate transportation to and from the program is provided at no greater cost than the parent would have paid to transport the child to the district. *34CFR104.33(c)(2)*

Since Medford provides transportation to all its students within a certain geographic area, it may not discriminate in its provision of transportation to students with disabilities. *34CFR104.4(b)(1)* *Note that the length of the bus rides for students with disabilities should not be longer than that of non-disabled students. 34CFR104.33(c)(3)*

If the District proposes to terminate a qualified student's bus transportation for inappropriate bus behavior, the District must first complete a *Manifestation Determination* to evaluate the relationship between the student's behavior and their disability and provide the parent with notice of his/her rights.

***Do the FAPE requirements apply to students who do not currently have a mental or physical impairment, but who have a history of such impairment or are regarded as having such impairment?***

No. The FAPE requirements under Section 504 only apply to students who currently have a mental or physical impairment that substantially limits one or more basic life activity. The FAPE requirements do not apply to students who have a history of a disability (e.g. were formerly identified under 504 or IDEA) or who are regarded as having a disability but do not have a current impairment that substantially limits a life activity (e.g. in remission or asymptomatic AIDS or HIV). ***However, the other nondiscrimination provisions of Section 504 apply to all three categories (currently impaired, history of impairment, regarded as having an impairment).***

## PROCEDURES FOR DISCIPLINING DISABLED STUDENTS

The FAPE requirement of Section 504 includes appropriate procedures for discipline. The procedures for discipline are designed to meet the needs of students with disabilities, as well as the needs of non-disabled students. In addition, students with identified disabilities may not be expelled or suspended from school for more than 10 days for misconduct that was a manifestation of the student's disability. *34CFR104.33(a)*

As a nondiscrimination statute, Section 504 prohibits districts from disciplining students more harshly than non-disabled students on the basis of disability. *34CFR104.4*

In general, suspension and expulsion of students with disabilities have been treated similarly under both IDEA and Section 504. In 1987, the Office of Special Education and Rehabilitation Services (OSERS) and the Office for Civil Rights (OCR) issued a joint memorandum reflecting their commitment "to the principle that interpretations of the IDEA and Section 504 should not lead to inconsistent obligations being imposed upon states and other departmental recipients."

## GENERAL QUESTIONS ABOUT STUDENT DISCIPLINE FOR 504 STUDENTS

**Do students with disabilities under Section 504 have additional rights regarding discipline?**

Yes. Three general principles set the boundaries:

1. If a student's misconduct is related to his or her disability, disciplinary removals that constitute a change of placement are not allowed (with some exceptions discussed in section 141);
2. If a student's Section 504 plan specifies disciplinary measures, then those measures preempt the district's general disciplinary rules; and
3. A disabled student may not be disciplined more harshly than a nondisabled student under the same circumstances.

## **SUSPENSION AND PLACEMENT CHANGES**

### **What suspensions are permitted under Section 504 without additional procedural requirements?**

Students eligible under Section 504 may be suspended or expelled without following special procedural requirements in two situations:

1. The disciplinary removal does not constitute a change in placement (see section 143).
2. The student is a current user of alcohol or illegal drugs and the disciplinary removal is for a violation involving alcohol or illegal drugs (see section 159).

### **What limitations on suspensions apply to Section 504?**

A student with a disability under Section 504 may be suspended for 10 consecutive school days or less without additional requirements coming into play.

### **What constitutes a change in placement under Section 504?**

OCR considers each of the following to be a change in placement:

1. A suspension or an expulsion of more than 10 consecutive school days.
2. A series of short suspensions (10 days or less each) that create a pattern of exclusion.

### **When does a series of suspensions create a “pattern of exclusion”?**

School personnel must determine whether a series of suspensions creates a “pattern of exclusion” on a case-by-case basis, considering such factors as:

1. The length of each suspension;
2. The proximity of the suspensions to one another; and
3. The total amount of time the student has been suspended from school.

### **Does in-school suspension count as suspension from school?**

It depends. If the nature and quality of services provided in the in-school suspension program are comparable in nature and quality to the services regularly received, in-school suspension does not count as a suspension. However, if the in-school suspension results in an interruption in the services called for in a student’s 504 plan, the in-school suspension should be counted as suspension from school.

## **MANIFESTATION DETERMINATION**

### **Does a “manifestation determination” requirement apply to Section 504?**

Yes. A “manifestation determination” (considered a form of reevaluation) must be conducted before a disciplinary change in placement may be made for a student disabled under Section 504. The manifestation determination must be conducted whether or not the student with a disability is receiving services.

### **Who must participate in a manifestation determination?**

The manifestation determination team must consist of a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options available for the student. Per District 549C procedures, the student’s parent must be invited to participate in the team meeting, but parental participation is not a mandate of the Federal Legislation. The manifestation determination may be made by the same group of people who made the initial placement decisions. The manifestation determination may not be made solely by the individuals responsible for the school’s regular disciplinary procedures, such as the school principal. These individuals, however, may participate as members of the team.

### **How is a manifestation determination conducted?**

A manifestation determination under Section 504 is not as in-depth a procedure as a manifestation determination under the IDEA, although following the IDEA criteria will fully meet Section 504 requirements. Since Section 504 does not list timelines for completing a manifestation determination, it is recommended that schools look to the timelines listed in the IDEA for guidance.

### **What information and behavior must be reviewed in a manifestation determination?**

The team must have available to it information that competent professionals would require, such as psychological evaluation information related to the behavior. The information must be recent enough to afford an understanding of the student’s disability. If reasonably current information about the student’s disability is not available, the district should conduct or arrange for additional evaluations, as determined necessary, regarding the student’s disability before conducting the manifestation determination.

A manifestation determination under Section 504 includes reviewing the student’s misconduct, the student’s disability, and the services being provided to the student. Two critical questions must be asked during the manifestation determination:

1. Is the misconduct a manifestation of, or a result of, an inappropriate placement or educational program for the student?
2. Is the misconduct a manifestation of, or a result of, the student’s disability?

**What actions are allowed if the student’s misconduct was not a manifestation of his or her disability?**

If the answer to *both* of the above questions is “no”, the student’s misconduct was not a manifestation of the student’s disability, and the student is subject to disciplinary removal, including expulsion, to the same extent and under the same conditions as a nondisabled student.

**What happens if the student’s misconduct was a manifestation of his or her disability?**

If the answer to either of the questions is “yes”, the misconduct is a manifestation of the student’s disability and the student may not be subjected to a disciplinary removal that constitutes a change in placement.

In addition, the team must conduct an evaluation that meets the requirements of Section 504 to determine whether the student’s current educational placement is appropriate. If the placement is not appropriate, measures must be taken to determine the appropriate placement for the student.

**MEDFORD SCHOOL DISTRICT 549C**  
**Manifestation Determination for Section 504 Eligible Students**

The purpose of a Manifestation Determination is for the 504 Team to determine whether a student’s behavior, which is subject to discipline, is a manifestation of his or her disability. To do this, the team must compare the present behavior with information about the student’s disability and past behavior. The legal guidelines that must be followed are outlined on the following pages.

The 504 Team must include persons knowledgeable about the student, evaluation data, and services available in the district. The team must meet as soon as reasonably possible. At the meeting, the team must consider, in relation to the behavior in question, all relevant information including evaluation and diagnostic results, observations of the student, the student’s 504 plan, documentation, and information supplied by the parents.

If the team determines that the behavior was a manifestation of the student’s disability, the student may not be expelled or suspended beyond the ten (10) day limit (10 school days in the current school year). If the team determines that the behavior was not a manifestation of the disability, the student may be disciplined in the same manner as a non-disabled student, but all special education and discipline records of the student must be transmitted for consideration by the District Hearings Officer or other person making the final determination regarding disciplinary action.

**Necessary steps include:**

1. Schedule meeting of 504 Team and give parents written notice of the meeting.
2. Collect relevant information for consideration by the 504 Team.
3. At the meeting, consider relevant information and school policies, and complete manifestation determination using worksheet.

4. Notify the parents of the determination.
5. If the student is to be disciplined in same manner as non-disabled students, forward special education and discipline records to District Hearings Officer or other person making the final determination regarding disciplinary action.

## **EVALUATION AND PLACEMENT REQUIREMENTS**

***Medford School District 549C Section 504 Procedures require schools to name a building 504 Coordinator who forms a 504 Team to develop a written plan for eligible students.***

The ***504 Accommodation Plan***, provides a common basis of understanding for staff implementing the plan and for parents to know how the school is addressing the student's disability-related needs at school. The plan is also a demonstration that the school and District are complying with the requirements under Section 504.

The team must consist of at least three people:

1. The building's 504 Coordinator
2. At least one member who must "*be knowledgeable about the student and the disability*" (this is usually the child's teacher.)
3. The parent (See Note #2)

Note #1: Others, including the student, may also be members of the team.

Note #2: Federal laws do not require the parent to be a member of the team; however, Medford does, if possible.

***The following placement procedures must be followed:***

As with IDEA, in interpreting evaluation data and making placement decisions, the team must:

- a. Draw upon information from a variety of sources;
- b. Assure that all information is documented and considered;
- c. Ensure that the placement decision is made by a 504 team group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options; and
- d. Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate. ***34CFR104.35(a)***.

If a student needs or is believed to need special education or related services, the school's team must arrange evaluation of the student prior to initial placement in a regular or special education program and before any "*significant change in placement.*" ***34CFR104.35(a)***.

Schools will assure that test and other evaluation materials:

- Have been validated and are administered by trained personnel.
- Are tailored to assess educational need and are not merely based on IQ scores.
- Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular deficits). *34CFR104.35(b)*

**WHEN SHOULD A STUDENT BE CONSIDERED  
FOR POSSIBLE ACCOMMODATIONS AND/OR SERVICES  
UNDER SECTION 504?**

- When a parent frequently expresses a concern about his/her child's performance.
- When suspension or expulsion is being considered for any student.
- When retention is being considered.
- When a student shows a pattern of not benefiting from teacher instruction.
- When a student returns to school after a serious illness or injury.
- When a student is referred for evaluation, but it is determined not to do an evaluation under IDEA.
- When a student is evaluated and is found to not/or to no longer qualify for special education services under IDEA.
- When a student exhibits a chronic health condition.
- When a student has been identified or is considered to have Attention Deficit Disorder (ADD) or Attention Deficit Hyperactive Disorder (ADHD).
- When a student is identified as "AT RISK" or exhibits the potential for dropping out of school.
- When substance abuse is an issue.
- When a disability of any kind is known or suspected.
- When a new building is constructed or remodeling occurs.

# PROCEDURAL STEPS FOR IDENTIFYING AND SERVING STUDENTS WITH DISABILITIES UNDER SECTION 504, REHABILITATION ACT OF 1973

## 1.0 CONCERN

A referral requesting possible evaluation of a student for a disability is a written request initiated by a parent, teacher, counselor, or other school personnel when such a person has reason to believe that a student has a disability that significantly impairs that student's ability to function at school. In addition, a student, parent or outside agency, or any individual knowledgeable about a student may also refer the student for evaluation. All referrals should be in writing and must be submitted to the Response to Intervention (RTI) (assistance will be given to parents if they have difficulty reducing their concern to writing.)

## 2.0 CONSENT

The RTI team will conduct a conference to review the referral request, along with any accompanying evaluations, reports, or other written materials. At the conclusion of the conference, if the RTI team determines there is a significant possibility that the student in question would qualify as disabled under the IDEA, Section 504, or the ADA, the RTI Team will make a referral to the Special Education or 504 Team for consideration of a formal evaluation.

## 3.0 EVALUATION AND ELIGIBILITY

If the 504 Team (including the parent) makes the determination that formal evaluation **is not** appropriate, the 504 Team will **provide written notice** to the referring party and parent and will provide them with a copy of the **Section 504 Notice of Parent/Student Rights** in Identification, Evaluation, and Placement.

If the RTI Team makes the determination that formal evaluation **is** appropriate, the RTI Team will refer the case to the Special Education or Section 504 Team\* with all the documents it has collected.

- In cases where it is likely the student would qualify under one of the 11 IDEA categories, the student should be referred to the Special Education Evaluation Team.
- If referred for consideration under Section 504, the Section 504 Team will send a **Prior Notice/Parent Consent to Evaluate** to be forwarded to the parent or guardian.

*A Section 504 Team should include such persons as the parent; the student's teacher(s); when appropriate, the student; the building 504 coordinator; and/or other appropriate persons knowledgeable about the student's suspected disability and the meaning of the evaluation data and accommodation options. The Team's composition will vary according to the concern/needs of the student.*



Upon receipt of a completed **Prior Notice/Parent Consent to Evaluate** form from the student's parent or guardian, the Section 504 Team will assume the responsibility of evaluating the student for eligibility under Section 504. Evaluation should include a review of the student's files, current teacher report of classroom performance and may include formalized testing.

Once the evaluation is completed, the Section 504 Team completes the **Section 504 Eligibility Determination Report** which sets forth the Section 504 team decision.

The Section 504 Team sends a **Section 504 Meeting Notice** to the parent/guardian, which establishes a time and location to share the evaluation data and determine eligibility/non-eligibility.

- You must include a copy of the **Section 504 Notice of Parent/Student Rights** with the 504 Meeting Notice.
- Parents are provided with a copy of the **Section 504 Eligibility Determination Report** and the District's **Section 504 Complaint Procedure**.

#### **4.0 DEVELOP ACCOMMODATION PLAN**

If the Section 504 team determines that the student has a physical or mental impairment that substantially limits one or more major life activities, the student shall be found to be an eligible Section 504 disabled student. A **Section 504 Individual Accommodation Plan (IAP)** must be developed and signed, and copies must be distributed to appropriate team members, parents, and the student's cumulative file.

The 504 Plan Coordinator is determined, who will coordinate and monitor the implementation of the plan and the progress of the student.

#### **5.0 REVIEW/UPDATE ACCOMMODATION PLAN**

Each student's Section 504 Plan must be updated annually for additions and whenever there is a significant change in circumstances.

- The need for additional evaluation information;
- The continued eligibility as a student with a disability under Section 504; and
- Re-evaluation occurs every 3 years, including updated medical information.

#### **6.0 COORDINATION AND ARTICULATION**

To ensure adequate coordination and articulation, the principal will identify a Section 504 Building Coordinator. The name of this person will be submitted to the Student Wellness Coordinator by the beginning of each school year. Each building's 504 Coordinator will be the Case Manager for every 504 IAP in that building..

## 7.0 DUTIES OF THE 504 BUILDING COORDINATOR

**The 504 Building Coordinator ensures that:**

1. **The Section 504 Plan is signed by the appropriate staff member(s)** (e.g., parent, teacher, Section 504 Building Coordinator, principal, or designee).
2. **A copy is placed in the student Permanent Cum File.**
3. **A copy is sent to the Student Wellness Coordinator at the District Office.**
4. **Copies are appropriately distributed to the involved parties, ensuring they understand and follow the 504** (e.g., dean, nurse, teachers, other support staff, ELL, administrators)
5. **At the beginning of each school year, term, or quarter, notify the student's new teachers and other involved staff of the plan.**
6. **Review/update accommodation plan at least annually and whenever there is a significant change in circumstances** (it is suggested that the 504 Coordinator use Outlook calendar recurring reminders to assure compliance with dates and notifications.)

### 504 TRANSITIONS

Elementary School to Middle School  
or  
Middle School to High School

It is imperative that we have quality communication between schools as our students move on through their education in Medford School District 549C, particularly for students with disabilities. Therefore, the following procedures are in place to ensure quality communication and ensure the interest of our students.

**Who?** Building 504 Coordinators from both the sending and receiving schools

**How?** Generate a .CV Report of 504 plans for feeder schools.

**When?** In the spring, prior to the end of the school year ensure that the current IAP is appropriate and followed for the remainder of the year.

**Where?** Either school location, agreed upon by the coordinators or by telephone.

- What?** 1. Communicate student information, parent information, and the necessary accommodations that may be appropriate to continue at the next level.
2. Transfer all 504 Confidential Files to receiving building 504 Coordinator.
3. Notify the Supervisor of Special Services that files have been transferred and in what manner (person-to-person, courier, etc.)

## PROCEDURES FOR RESOLVING DISPUTES

An individual person or an organization may file a complaint with the Office for Civil Rights of the US Department of Education. An OCR complaint must be filed, in writing, *within 180 days after* the violation has occurred.

Anyone filing a formal complaint with OCR should submit in writing the following information in a letter (or on the Discrimination Complaint Form available from the OCR Regional offices):

- Your name and address (a telephone number where you may be reached during daytime hours is helpful, but not required);
- 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);
- The name and location of the institute that committed the alleged discriminatory act(s); and
- 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, color, national origin, sex, disability, or age).

A recipient may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under the above listed four statutes listed above.

The address for the Office for Civil Rights is:

Office for Civil Rights  
***Seattle Office***  
US Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099  
Telephone: (206) 607-1600  
TDD: (206) 607-1601  
[http://OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

### ***What are the procedures for a hearing under Section 504 in Oregon?***

1. The parent or guardian of a student with a disability may file a written request for a hearing with the State Superintendent of Public Instruction.
2. The hearing must concern the identification, evaluation, provision of a free appropriate education, or education placement of the student with a disability that the parent or guardian alleges to be in violation of Section 504 of the Rehabilitation Act of 1973.
3. When a hearing is requested, the ODE will appoint a hearing officer. Usually, the parties will participate in the selection of a hearing officer from the hearing officer panel. ODE currently has an arrangement with the Central Hearing Officer Panel to conduct both IDEA and Section 504 hearings. The school district involved in the hearing is responsible for the costs of the hearing.
4. A parent or guardian who files for a hearing under Section 504 can also seek due process remedies under the IDEA, if available.
5. Section 504 does not have a “stay put” provision like the IDEA. School districts can implement a change in placement even if the parent or guardian requests a hearing.
6. Unlike the IDEA, Section 504 does not provide for the parent’s choice, at no cost, of a written or electronic verbatim record of the hearing.

### ***What is considered retaliation under Section 504?***

Section 504 prohibits anyone from attempting to thwart the exercises of rights granted by the law to individuals with disabilities. Title VI regulations at **45 CFR 80.6(e)**, incorporated into Section 504 by **34CFR104.61** is an anti-retaliation provision which is broad based in scope. The regulation prohibits a range of acts termed intimidatory or retaliatory. This prohibition includes acts that “intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any rights he has under Section 504.” In addition, acts of intimidation, retaliation, etc., taken against an individual because he has filed a complaint, or testified or otherwise participated in an OCR investigation, are also prohibited. Not only is the school prohibited from taking any retaliatory action, all other persons are also prohibited from any retaliatory action.

### ***What must an individual prove to establish retaliation?***

OCR typically uses a multi-step analysis under which a complainant has the burden of establishing the following four elements of his claim:

- The complainant engaged in a protected activity.
- The complainant suffered an adverse action around the same time.
- The district was aware of the complainant’s protected activity.
- There is evidence of a casual connection (nexus) between the protected activity and the adverse action.

## **MEDFORD SCHOOL DISTRICT 549C SECTION 504 GRIEVANCE PROCEDURES**

Medford School District 549C has an internal resolution procedure to provide a prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of disability in any program activity receiving federal financial assistance. This is an optional resolution procedure for a complainant. This resolution procedure is not a prerequisite before a complainant may directly pursue any other state or federal remedy available under law.

Section 504 complaints may include, but are not limited to, allegations that Medford School District 549C engaged in discrimination against Section 504 students with disabilities by affecting their rights regarding identification, evaluation, educational program or placement, and accommodation.

As part of an informal approach to complaint resolutions, the District wants parents, students and other District patrons to have the opportunity to make concerns known to the District and for the District to have the opportunity to respond and resolve concerns as rapidly as practicable at the local school or program site level.

For purposes of this Grievance Resolution Procedure:

“Complaint” means a written allegation that the District or its personnel have violated, misinterpreted or erroneously applied provisions of Section 504. The complaint must contain the name and address of the complainant and a description of the alleged violation;

“Complainant” includes (1) a parent or guardian of a District student, (2) a District high school student who is 18 years of age or older, or (3) a District patron;

“Building administrator” means District-wide administrators, principals, program supervisors, and their respective administrative designees.

### **COMPLAINT PROCEDURE LEVELS**

#### **Level 1\***

A. Complaints should first be filed with the building administrator of the school/program which the student attends. The complaint shall state with specificity the concern of the complainant.

B. After receiving the complaint, the building administrator will begin an investigation and schedule a conference with a complainant to discuss the complaint. A conference will be held as promptly as practicable, but in any event, no later than 14 school days after receipt of the complaint, unless the complainant agrees to a delay. These resolution procedures contemplate informal but thorough investigations, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

C. The conference will be conducted in an informal manner and shall be designed to provide an opportunity for the complainant to fully explain the nature of the complaint, the circumstances which give rise to it, and the redress sought. The conference should give the building administrator the opportunity to fully discover the facts which bear on the complaint.

D. As soon as practicable, but no later than 30 calendar days after the conference, the building administrator must prepare a written report as to the validity of the complaint and send the complainant a copy. The report will summarize the complaint and conference and state the conclusions, the reasons supporting them, and the remedial action, if any which the building administrator intends to take. For Section 504 compliance purposes, the building administrator will maintain the files and records of complaints received and investigated.

**\*At any point in this process, the Building Administrator may consult with the District's 504 Compliance Officer, who is the Student Wellness Coordinator.**

## **Level 2**

A. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration must be made within 20 school days after receipt of the written report by the complainant. The request should be in writing and directed to the District's Section 504 Compliance Officer.

B. The Section 504 Compliance Officer will conduct an investigation and make a written report to the complainant within 20 school days of receiving the request. The report should state relevant findings of fact, conclusions, and the reasons supporting them.

These procedures are intended to protect the substantive rights of interested persons, meet appropriate due process standards, and assure district compliance with Section 504 of the Rehabilitation Act of 1973.

Discrimination against any individual because he or she reported Section 504 violations, or made a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised or enjoyed Section 504 rights, or helped or encouraged someone else to do so, is prohibited.