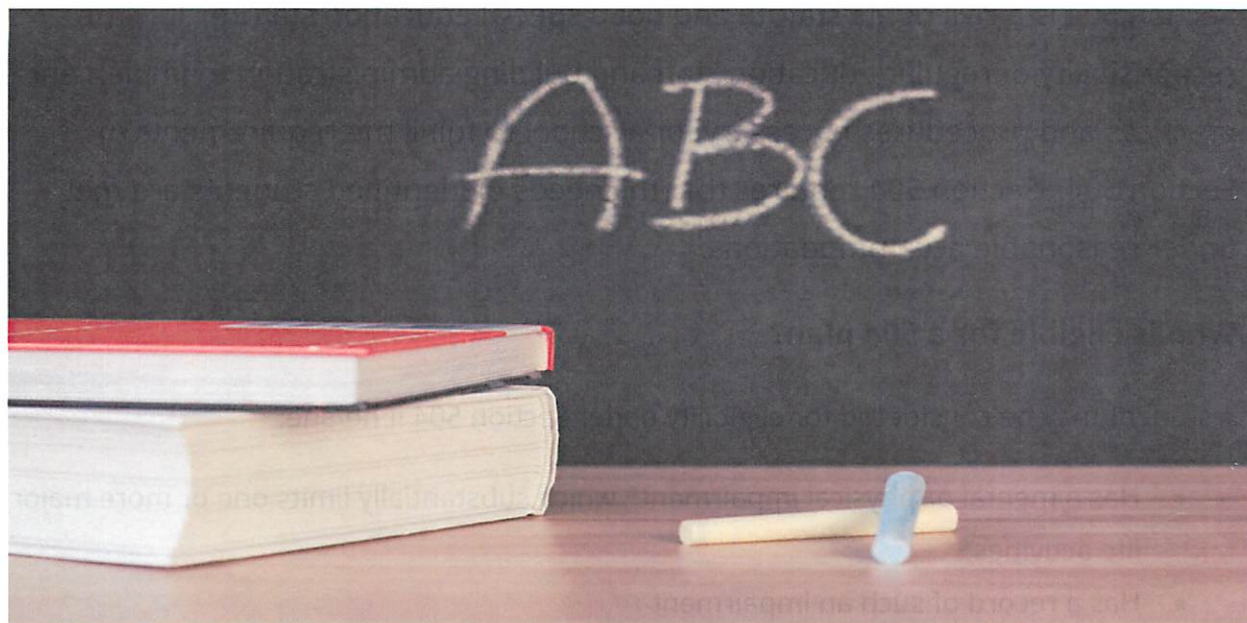


# Section 504 Guide

Lawrence County School District

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## Introduction

This guide is designed to provide a short overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to Lawrence County School District. While Section 504 defines the equal access requirements for both students and employees, this guide focuses on students. Please note that when working with students with disabilities, Section 504 serves the same purpose as the ADA (Americans with Disabilities Act). This guide focuses solely on Section 504.

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## **What is Section 504?**

Section 504 is a federal civil rights law designed to eliminate disability discrimination in programs and activities that receive federal funds. All LEAs (Local Education Agencies) receive federal funds, therefore denying a disabled student a FAPE (Free Appropriate Public Education) constitutes disability discrimination. Section 504 is a civil rights statute and not a special education statute. It is the responsibility of regular education staff and building administration to implement practices and procedures necessary for a school to fulfill the requirements of Section 504. Section 504 requires that the needs of identified students are met under reasonable accommodations.

## **Who is eligible for a 504 plan?**

A student may be considered for eligibility under Section 504 if he/she:

- Has a mental or physical impairment\* which substantially limits one or more major life activities\*\*
- Has a record of such an impairment
- Is regarded as having such an impairment

\*Mental or physical impairment is not limited to any specific diseases or categories of medical conditions. Additionally, the impairment need not prevent or significantly or severely restrict a student in performing a major life activity to be considered "substantially limiting."

\*\*Major life activities, as defined in Section 504 regulations, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, reading, concentrating, thinking, sleeping, lifting, bending, communicating, and the operation of a major bodily function, such as the immune system, normal cell growth, digestive, bowel, or bladder functions. This list is not exhaustive. Major life activity includes practically any activity that is of importance to a school-aged student's daily life.

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## **504 Process**

### **How is a Section 504 referral made?**

A parent, teacher, guardian, counselor, administrator, or other district employee can initiate a referral for Section 504 eligibility. The person may obtain a written referral form from the coordinator, who will assist both the parent and the staff in collecting appropriate student data, as well as providing parents with appropriate notification.

### **How is a 504 plan created?**

The 504 review team will review and evaluate documentation to determine educational need. The 504 team can include but is not limited to the parent, student's teacher, administrator, counselor, and other individuals who are knowledgeable about the needs of the student. Information that might be considered includes (but is not limited to): grades, attendance reports, behavior plans, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. As needed, the eligibility team may administer and use other formal and informal measures that help them determine 504 eligibility. Parental consent will be obtained if any additional measures are needed. Once eligibility is determined, reevaluation occurs every 3 years or sooner if requested by parent or school system. Service Plans are developed yearly once eligibility is determined.

The team's first responsibility is to review the nature of the impairment and determine how it affects the student's access to educational programs and activities. The team needs to investigate the specific concern that triggered the 504 request. The team's second responsibility is to identify the specific accommodations or services that will support equal access for the student. These accommodations are documented in the student's Section 504 Service Plan, which is developed annually but can be reviewed/revised at any time upon request by parent or school system. The plan provides a summary of the accommodations that a student requires to ensure equal access to the learning process and/or district programs, activities, and services. The plan can be terminated through a review session at any time.

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### **What accommodations are provided?**

Accommodations are based on student need and geared toward providing equal access. Accommodations generally are those minor adjustments to things like seating arrangements, lesson presentation, assignments, and time limits. Accommodations might involve special visual aids, large print, or using color masking. Allowing a student additional time to complete tasks or assessments is another accommodation. The amount of accommodations are countless, however it is the 504 team's responsibility to identify the specific accommodations that will support the needs of each specific student who has been made eligible.

### **Discipline**

Student's eligible for a 504 Service Plan may have a behavior management plan as a component of the Service Plan. The student may be removed from class and/or school for less than 10 days due to misconduct. If a disciplinary infraction may result in expulsion or suspension from school for more than 10 consecutive days or when a series of suspensions create a pattern, a review, and manifestation determination must be conducted. If it is determined that the student's misconduct was caused by the disabling condition, the student may not be suspended or expelled from school. The 504 team will determine whether the student's current educational placement and/or accommodations are appropriate or should be changed. If it is determined that the misconduct is not caused by the student's disabling condition, the student may be disciplined in the same manner as a non-disabled student, including expulsion from school.

### **Grievances and Due Process**

Parents/guardians can file a Section 504 Complaint orally or written with the school principal. A written complaint form is included in this packet. If the complaint is not resolved at the school level, the parent/guardian can forward the complaint to the district's 504 Coordinator. The District 504 Coordinator will review the complaint and work to address the concern with the parent and school. If the concern is still not resolved, the Director of Schools or designee and committee will review the complaint decision and proceed accordingly.

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Parents/guardians also have the right to request an impartial hearing related to any 504 issues which should be submitted to the District 504 Coordinator. The school district will schedule a due process hearing before an impartial hearing officer and provide parents with a written notice of hearing that sets date, time, and place for the hearing. Parents are allowed to participate in the hearing and be represented by an attorney. The hearing officer will render a written decision including findings of facts and conclusions of law. The Office of Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. Lawrence County School System believes the best resolutions occur at the school level, however parents/guardians always have to right to initiate a complaint with the OCR.

### **Parent Rights**

- Have your child take part in, and receive benefit from, public education programs without discrimination based on a disability.
- Have the district advise you as to your rights under the law.
- Receive notice with respect to the identification, evaluation, or placement of your child.
- Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
- Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA) or to receive reasonable accommodations under Section 504 of the Rehabilitation Act.
- Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.

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- Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the district through the provision of reasonable accommodations.
  - Examine all relevant records relating to decisions regarding your child's identification, eligibility, evaluation, educational program, and placement.
  - Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
  - Receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
  - Request amendment of your child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
  - File a complaint with the district when you believe your child's rights have been violated.
  - Request an impartial hearing related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney present at your own cost.
  - File a formal complaint with the Tennessee Department of Education or the U.S. Department of Education Office for Civil Rights.

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## Lawrence County School System

### COMPLAINT RESOLUTION PROCEDURES

Step 1. The parent/legal guardian should complete and submit a Section 504 Complaint to the District Coordinator.

Step 2. The District 504 Coordinator or designee will review the complaint and meet with the parent/legal guardian to hear their concerns. The District 504 Coordinator or designee will decide whether to seek to mediate the dispute between the parent/legal guardian and school or render a decision regarding the complaint and submit it in writing to the parent/legal guardian. If the mediation was unsuccessful or if the parent/legal guardian is not satisfied with the decision rendered by the District 504 Coordinator or designee, the parent/legal guardian may either: a) give written notice to the District 504 Coordinator requesting a meeting with the Director of Schools (Step 3); or b) give written notice to the Director of Schools requesting an impartial hearing (Step 4).

Step 3. The Director of Schools or designee will review the complaint and meet with the parent/legal guardian to hear their concerns. The Director of Schools or designee will render a decision regarding the complaint and submit it in writing to the parent/legal guardian. If the parent/legal guardian is not satisfied with the decision rendered by the Director of Schools or designee, the parent/legal guardian may give written notice to the Director of Schools requesting an impartial hearing (Step 4).

Step 4. Upon receiving an oral or written request for an impartial due process hearing, the Director or designee will promptly refer the complaint to a due process hearing conducted by an impartial hearing officer. The hearing officer will be selected by the District. The District-appointed hearing officer will schedule a due process hearing to occur as soon as reasonably practicable for the parent/legal guardian and District. The parent/legal guardian and District may be represented by legal counsel at the hearing, may examine relevant records and participate in the hearing. Within ten (10) business days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law. The hearing officer shall submit the written decision to the parent/legal guardian and to the Board of Education of GCSSD. The decision of the hearing officer shall constitute the final administrative decision on the Section 504 matter.

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Step 5. If either the parent/legal guardian or the District is not satisfied with the decision rendered by the hearing officer in Step 4, the parent/legal guardian or District may initiate federal legal proceedings in the United States District Court or other court of competent jurisdiction.



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**Lawrence County School District SECTION 504 REFERRAL**

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

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

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

Grade Level: \_\_\_\_\_

1. Please state the nature of your concern(s):

A. Academic concern(s):

B. Behavioral concern(s):

C. Major life activity that may be limited (i.e., walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and/or performing manual tasks):

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

3. Please describe any interventions that have been tried at home or at school.

4. Please attach a copy of the student's most recent grades and/or standardized test scores, if available. Also, attach any medical documentation that supports the student's physical or mental disability.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Person Making Referral

Title

Date

\_\_\_\_\_

\_\_\_\_\_

FOR DISTRICT USE ONLY ACTION TAKEN:

\_\_\_ Notice sent to parent(s)/legal guardian to conduct a 504 evaluation on \_\_\_\_\_.

\_\_\_ 504 Team Leader (school principal or designee) determined not appropriate to conduct a 504 evaluation at this time because:

Dated: \_\_\_\_\_

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**Section 504 Complaint/Grievance Form**

Name:

Date:

Address:

Phone Number:

Specific Complaint: (Describe the policy or action you believe may be in violation of Section 504. Please provide detailed information including names, dates, places, activities, and results of any informal meetings.)

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to the grievance.

Names of individuals with whom this issue has been discussed or who have information regarding this complaint (please provide names and phone numbers).

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Signature of Complainant

Date

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Person Receiving Complaint

Date

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District 504 Coordinator

Date

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