Section 504 Guidance Manual

A resource guide for model procedures and policies on Section 504 of the Rehabilitation Act of 1973 for Arkansas school systems

Equity Assistance Center
Division of Legal Services

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The Arkansas Division of Elementary and Secondary Education (DESE), Equity Assistance Center (EAC), has developed this document to provide technical assistance to school systems and parents. The intention of this resource is to provide general information. This document does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete interpretation of federal law.
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SECTION ONE: Section 504 Compliance Requirements & Procedural Safeguards

Legal Requirements
This document addresses Section 504 of the Rehabilitation Act of 1973 and its application to students with disabilities. The purpose of this document is to help school districts/charter schools better understand their obligations and assist parents and stakeholders in knowledge of Section 504. It is for informational purposes only and not intended as a substitute for legal advice. Reference to “student with a disability” in most cases refers to a student that is eligible for services under Section 504.

Section 504 of the Rehabilitation Act of 1973 Overview

Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104), commonly known as Section 504, is a federal civil rights statute that prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance stating:

“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.”

Section 504 establishes a student’s right to full access to education and all school-related activities. It requires schools to provide appropriate related services and aids to meet the individual needs of specific students. The statute requires that students with disabilities receive an education equivalent in quality to the education of students without a disability at no expense to the parent or guardian. This requirement is known as a free and appropriate public education (FAPE). Section 504 applies to elementary and secondary schools, preschool and adult education.

Section 504 Eligibility

A student is considered eligible for services under Section 504 if they meet the definition of a person with a disability:

- has a physical or mental impairment which substantially limits a major life activity;
- has a record of such an impairment; or
- is regarded as having such an impairment

Physical and mental impairment is defined in the regulations as “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, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities” 34 C.F.R. 104.3(j)(2)(i). When determining the existence of an impairment, mitigating measures cannot be considered except glasses.
or contacts. Mitigating measures may have a corrective effect on the major life activity (i.e. medication, assistive devices, modifications and accommodations).

The physical or mental impairment must substantially limit a major life activity. When determining the existence of a substantial limitation in a public school setting, compare the student being considered for services to a student without a disability (T.J.W. v. Dothan City Board of Education, 26 IDELR 999 [M.D. Ala. 1997]). A diagnosis alone does not constitute automatic eligibility; the impairment must substantially limit a major life activity.

Major life activities include without limitation breathing, caring for one’s self, hearing, learning, performing manual tasks, seeing, speaking, walking, or working.

**Section 504 Procedural Safeguards & Protections**

Section 504 procedural safeguards are designed to protect the rights of students with a disability and their parent or guardian. These safeguards provide families and school systems with mechanisms to prevent disability discrimination. Written procedures regarding a school system’s administration of Section 504 services are required. Section 504 procedural safeguards include:

- notice of this non-discrimination law and its applicability
- referral by a parent(s) or district/charter school personnel when there is a suspicion that a student has a disability and is in need of services
- parental consent for initial evaluation
- evaluation, determination of qualification, and placement made by a team based on information from a variety of sources - including assessments, attendance, behavior referrals, grades, teacher and parent observation or a formal diagnosis (formal diagnosis not required)
- periodic re-evaluation
- opportunity for students and parents to examine relevant records
- provide parent and student as appropriate copy of rights under Section 504
- impartial hearing procedure with opportunity for representation by counsel, and
- review procedure

Response to Intervention (RTI) cannot be used to delay or deny a referral or initial evaluation as described in the Office of Special Education and Rehabilitation Services (OSEP) Memo 11-07, January 2011.

Section 504 also provides protections for students with disabilities who are subjected to out-of-school suspensions for conduct code violations due to behaviors which are the result of the students’ disability.

Annual professional development for educators on Section 504 compliance requirements are encouraged to ensure that K-12 school systems meet the responsibility of providing a free and appropriate public education.
School systems with fifteen (15) or more employees are required to designate an employee to ensure compliance with Section 504.

**Section 504 Process**

Section 504 regulations along with the Office for Civil Rights (OCR) provide direction on the process needed to insure compliance by districts/charter schools. A depiction of this process can be found in Figure 1. For additional assistance on the Section 504 process see SECTION THREE: Section 504 Resources (*i.e.* Sample Section 504 Process Checklist).

![Figure 1](image)

**Section 504 Enforcement**

Section 504 is a civil rights law and therefore one responsibility of the comprehensive general education system. As such, superintendents and building leaders are responsible for the administration of Section 504 within districts/charter schools.

The [Equity Assistance Center (EAC)](https://www.ed.gov) provides technical assistance concerning Section 504, as appropriate, to public school districts/charter schools so that they are aided in their efforts of ensuring that students meet or exceed educational milestones along pathways to graduate prepared for college, career, and community engagement. EAC monitors compliance through complaint investigations.
The Office for Civil Rights (OCR) of the U.S. Department of Education maintains the ultimate responsibility for enforcing Section 504 of the Rehabilitation Act of 1973. OCR monitors compliance through complaint investigations and compliance reviews.

**Title II of the Americans with Disabilities Act of 1990**
Additionally, public school systems are government entities covered by Title II of the Americans with Disabilities Act of 1990 (ADA). The ADA extends the requirement of Section 504 prohibiting discrimination on the basis of disability in employment (Title I), state and local governments (Title II), and places of public accommodation and commercial facilities (Title III). The ADA Amendments Act of 2008 (P.L. 110-325) provided additional examples of general activities that are “major life activities” in a non-exhaustive list including bending, communicating, concentrating, eating, lifting, reading, sleeping, standing, and thinking.

A comparison of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 can be found in Chart 1.

<table>
<thead>
<tr>
<th>Comparison of Section 504 (RA) &amp; Title II (ADA)</th>
</tr>
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<tbody>
<tr>
<td><strong>Purpose</strong></td>
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<td>Purpose</td>
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<td><strong>Who is protected?</strong></td>
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<td><strong>Free &amp; Appropriate Public Education (FAPE)</strong></td>
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<td><strong>Procedural Safeguards</strong></td>
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<tr>
<td><strong>Evaluation &amp; Placement Procedures</strong></td>
</tr>
</tbody>
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Chart 1
Roles & Responsibilities

Clearly defined roles and responsibilities are key to ensuring an effective Section 504 process. A depiction of these roles can be found in Figure 2.

All district/charter school employees
- Identify and locate all children with disabilities
- Submit referrals for Section 504 as appropriate
- Ensure that students with disabilities are educated with non-disabled students to the maximum extent appropriate
- Provide a “free and appropriate public education”
- Ensure that students with disabilities have an equal opportunity to participate in nonacademic and extracurricular services and activities
- Understand the requirements and intent of Section 504 regulations

Local School Board
- Adopt a Section 504 policy and procedure that includes a Grievance Procedure.
- Review data-based annual report of Section 504 and ADA compliance

Local Educational Agency (LEA) & School District
- Establish guiding documents, procedural safeguards, and nondiscriminatory evaluation/placement processes
- Designate and train employee responsible for ensuring compliance with Section 504 regulations (if maintains fifteen [15] or more employees)
- Provide an annual non-discrimination notice that provides the name and telephone number of the Section 504 Coordinator
- Provide complaint procedures for parents, students, and employees
- Ensure resources necessary for individualized services and support
- Train staff enabling them to perform services and make appropriate accommodations
- Convey the requirement that educators/staff implement Section 504 Plan’s and not doing so may constitute noncompliance with district expectations
- Provide for a process whereby Section 504 records are efficiently transferred within the district/charter school and outside the district/school (in and out of state)

Section 504 Coordinator
- Conduct self-reviews and monitor Section 504 procedures and practices – including the timeline from referral submission to the team meeting
- Ensure Section 504 Plans are disseminated to appropriate staff
- Ensure that funding approval for resources to implement plans progresses through the appropriate channels
- Develop awareness, materials and trainings for school staff and families
- Maintain records/data and prepare annual reports on compliance to the LEA leadership team and local school board
• Serve as liaison to DESE Equity Assistance Center (EAC) and Office for Civil Rights (OCR)
• Monitor the reduction of architecture barriers for individuals with disabilities
• Send parent communication concerning Section 504 (i.e. notice of identification, notice of Parental Rights, meeting date, copy of plan)
• Identify Section 504 Team members and schedule meetings
• Implement grievance procedures for submitted Section 504 complaints

Section 504 Coordinator role may be divided among District & Campus Level Section 504 Coordinators as appropriate.

School Administration
• Identify campus Section 504 Coordinator as appropriate
• Support Section 504 process and make available meeting space and time
• Implement grievance procedures for submitted Section 504 complaints

School Section 504 Team
• Use knowledge about the student to make decisions
• Consider the student’s learning process
• Understand the meaning of the reviewed evaluation data
• Be familiar with placement options
• Request Section 504 Team meeting to review plan if no longer appropriate

Related Service Providers (as needed)
• Conduct evaluations
• Provide input for Section 504 Team meetings
• Provided services

School Nurse (as needed)
• Review student school health records (i.e. visits to health office, absences for medical reasons, parent and teacher concerns)
• Interpret the student’s health status; explain the major life activity affected, health limitation of the student, and anticipated duration of limitation
• Recommend health-related accommodations and supports
• May need to obtain medical reports
• May need to develop an Individual Health Plan (IHP)

Teacher(s)
• Communicate observed weaknesses and strengths
• Provide input for team meetings and plan development
• Request Section 504 Team meeting to review plan if no longer appropriate
• Develop a process ensuring consistent implementation of Section 504 Plans

Parent or Guardian
• Communicate observed weaknesses and strengths
• Participate in meetings and discussions of changes in the child’s education (i.e. location of services)
• Request Section 504 Team meeting to review plan if no longer appropriate
• Maintain awareness of rights under Section 504

Student
• Communicate weaknesses and strengths
• Maintain awareness of rights under Section 504
Section 504 Roles & Responsibilities

**Teacher(s)**
- Provide input (observed weaknesses & strengths) for team meetings/plan development
- Request Section 504 Team meeting to review plan if no longer appropriate
- Develop a process ensuring consistent implementation of Section 504 plans.

**Related Service Providers (as needed)**
- Conduct evaluations
- Provide input for Section 504 Team meetings
- Provided services

**School Nurse (as needed)**
- Review student school health records (i.e., visits to health office, absences for medical reasons)
- Interpret the student’s health status; explain the major life activity affected, health limitation, & anticipated duration of limitation
- Recommend health-related accommodations & supports
- May need to obtain medical reports
- May need to develop an Individual Health Plan (IHP)

**Section 504 Coordinator**
- Conduct self-reviews & monitor Section 504 procedures & practices – including the timeline from referral submission to the team meeting
- Ensure Section 504 plans are disseminated to appropriate staff
- Develop awareness, materials & trainings for school staff & families
- Maintain records/data & prepare annual reports on compliance to the LEA leadership team and local school board
- Serve as liaison to ADE Equity Assistance Center (EAC) & Office for Civil Rights (OCR)
- Monitor the reduction of architecture barriers for individuals with disabilities
- Send parent communication concerning Section 504 (i.e., notice of identification, notice of parental rights, notice of meeting, copy of plan)
- Identify Section 504 Team members & schedule meetings
- Implement grievance procedures for submitted Section 504 complaints

**Parent or Guardian**
- Communicate observed weaknesses & strengths
- Participate in meetings/considerations of FAPE
- Maintain awareness of Section 504 rights
- Request Section 504 Team meeting to review plan if no longer appropriate

**School Section 504 Team**
- Use knowledge about the student to make decisions
- Consider the student’s learning process
- Understand the meaning of the reviewed evaluation data
- Be familiar with placement options
- Request Section 504 Team meeting to review plan if no longer appropriate

**School Administration**
- Identify campus Section 504 Coordinator as appropriate
- Support Section 504 process & make available meeting space & time
- Implement grievance procedures for submitted Section 504 complaints

**Local Educational Agency (LEA) (School District & Charter School)**
- Establish guiding documents, procedural safeguards, & nondiscriminatory evaluation/placement processes
- Designate & train employee responsible for ensuring compliance with Section 504 regulations (if maintains fifteen (15) or more employees)
- Provide an annual non-discrimination notice that provides the name & telephone number of the Section 504 Coordinator
- Provide complaint policies & procedures to parents, students, & employees
- Ensure resources necessary for individualized services & support
- Train staff enabling them to perform services & make appropriate accommodations
- Provide for a process whereby Section 504 records are efficiently transferred within the district & outside the district (in & out of state)

.Role may be divided among District & Campus Level Section 504 Coordinators as appropriate.
Complaints & Investigations
It is the right of a student, parent or stakeholder to informally or formally submit their Section 504 concern for review. The review and investigation of the submitted concern must be uniform and guided by a structured process.

District/Charter School Section 504 Complaint Quick Resolution Practices
When Section 504 concerns are resolved quickly through an informal process it is often described as a quick resolution. To aid in quick resolution practices, the district team should support school administrator awareness of the following:

- School District/Charter School Grievance Policy and procedures concerning complaints
- District and campus level Section 504 coordinators
- How to determine if an individual is making a complaint and how to seek clarification at early stages
- How to determine if the complainant reviewed the school system’s Grievance Policy
- Ways to advise their direct supervisor of the measures taken to achieve resolution and the supports needed.
- Ways to achieve resolution at the lowest level of the chain of command and how to document measures to achieve resolution – such as:

LISTEN
- Let the complainant have their say. Make it clear that you have heard the complaint using confirmatory phrases. Write down specifics of the complaint.
- Remain calm and let the complainant know you value their coming to you.
- Determine the practice or action the complainant believes is in violation of Section 504, the steps already taken to resolve the matter, and the corrective action desired by the complainant.
- Provide a time to contact the complainant with your progress towards resolving the issue.

INVESTIGATE
- Determine the immediate need of the complaint and if you need to respond straight away.
- Adhere to the school system’s Section 504 complaint investigation and notification procedures.
- Determine adherence to Section 504 policies and procedures concerning the complaint.
- Speak with appropriate individuals including Building/District Section 504 Coordinator and the Section 504 Team to gain insight about their consideration of the student’s educational needs for them to receive a comparable education to students without disabilities.
- Document the investigation.
SEEK RESOLUTION

- Consider all possible resolutions and unintended outcomes. Seek support as needed from the District Section 504 Coordinator.
- Consider needed adjustments to the school’s Section 504 practices. Acknowledge any errors made, if necessary.
- Convey to the complainant any adjustments in practices, resolution options if appropriate and the decision.
- If the complainant is unsatisfied with the outcome, make them aware of the procedures available to them as described in the School District Section 504 Grievance Policy.

District/Charter School Section 504 Investigation Practices

Investigations are conducted when allegations arise of non-compliance with Section 504. Investigations need to be comprehensive, in-depth, fact-finding endeavors to obtain all the information involving the allegation. Facts are used to determine if the allegations are true and may involve analyzing documents and evidence and/or conducting interviews. The investigation is finalized when it is determined if or to what degree a Section 504 violation occurred. The complainant’s allegations are either substantiated or unsubstantiated.

Section 504 Investigators should be impartial and have knowledge of Section 504.

District/Charter School Section 504 Grievance Policy & Procedures

Section 504 concerns may be addressed via a formal resolution process. The school system is required to adopt a grievance procedure for students, parents or employees. Parties may submit Section 504 complaints or invoke due process hearing rights for alleged violations. A separate procedure for students and employees is not necessary. A school system may adopt a single grievance procedure to satisfy its obligation under Title IX, Section 504, ADA, and the Age Discrimination Act. One procedure can be written to cover multiple grievance discrimination and harassment policies.

An important feature of the grievance process is that it be effective within the school system’s setting. There is no specific procedural format or grievance content, but to satisfy due process standards, the Office for Civil Rights (OCR) advises that a compliant grievance procedure include:

- Alternative methods of filing complaints such as verbally or in writing;
- Procedures for equitable resolution of complaints;
- Opportunities to present evidence;
- Prompt and reasonable time frames;
- Notification of findings, and
- An appeal process and identification of the person responsible for reconsidering complaints.

School systems are obligated to disseminate grievance policies and procedures. The means by and degree to which they are disseminated is at the discretion of the
district/charter school. It is perceived by some that making grievance procedures widely available leads to an increase in frivolous complaints, but when combined with a well-constructed code of conduct/expectations, published grievance policies reinforce the concept of consequences attached to behaviors. Making grievance policies and procedures available on an “as requested” basis will not satisfy the requirements of civil rights laws.

Complaints & Retaliation
Retaliation is prohibited. Districts, charter schools, and individuals are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Section 504.

Office for Civil Rights (OCR) Complaints
Individuals may file complaints with the Office for Civil Rights (OCR) if it is believed that there has been a violation of any provision or regulation of Section 504. Although OCR addresses Section 504 complaints separately and independently of the local hearing process, typically they may not investigate the same allegations that are pending in a hearing. OCR may be contacted to obtain a complaint form or you may file a discrimination complaint by using their on-line complaint form. You may also write an e-mail or a letter to the OCR enforcement office that serves Arkansas using the following information:

Office for Civil Rights, Kansas City Office
U.S. Department of Education
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, Missouri 75201-64106
Fax: 816-268-0599
Email: OCR.KansasCity@ed.gov

Equity Assistance Center (EAC) Section 504 Complaint Investigation Procedures

Equity Assistance Center (EAC) Section 504 Role:
A primary objective of the Equity Assistance Center (EAC) complaint process is to resolve complainant allegation(s) promptly and appropriately to achieve the vision and mission of the Arkansas Division of Elementary and Secondary Education (DESE). The EAC provides technical assistance to Arkansas public schools, districts, and charter schools in the area of Section 504 to enable them to effectively understand their responsibilities of providing equitable educational opportunities to all students, implement policies and procedures that are non-discriminatory, and document compliance.

Equity Assistance Center (EAC) Section 504 Complaint Process:
An EAC Section 504 complaint is a written statement alleging that Section 504 of the Rehabilitation Act of 1973 has been misinterpreted or violated and requesting the EAC investigate and provide technical assistance. Complainants must provide their contact
information. Complaints may be filed by email, postal mail, fax, or in person using the following information:

   Equity Assistance Center  
   Arkansas Division of Elementary and Secondary Education  
   Four Capitol Mall, Box 25  
   Little Rock, AR 72201  
   Fax: 501-682-7288  
   Email: ADE.equityassistance@arkansas.gov

Upon receipt, the EAC determines whether the submitted correspondence meets the requirements of a formal complaint. When a complaint is received alleging that a public school, district, or charter school is in violation of Section 504, the procedures below apply:
1. Determine if the complaint is sufficient.
2. Assign a case number and establish a file.
3. Acknowledge complaint by sending a written letter and requesting parent permission to release student information.
4. Provide a courtesy call to superintendent relaying the submission of a complaint.
5. Assign EAC staff to the complaint.
6. Perform investigation of complaint allegation(s).
7. Determine whether evidence was found to support a conclusion of noncompliance.
8. Provide written notification to complainant and school district/charter school regarding results at the conclusion of the investigation.
9. Written notification is carbon-copied/forwarded to necessary Arkansas Department of Education parties or the Office for Civil Rights (OCR).
10. Records retention of a written complaint, complaint file log, correspondence letters and attachments, and all evidence used in the investigation are maintained in DESE electronic server for five years from date of written decision.

A complaint may be resolved at any time before the conclusion of the investigation, by the complainant withdrawing the allegation(s) in writing.

If the complainant elects to file the same complaint with any other entity while the EAC is investigating, the EAC will cease to investigate the complaint. In addition, the EAC will not investigate complaints that the Office for Civil Rights (OCR) has previously resolved.
### Equity Assistance Center (EAC) Complaint Form

The complaint form developed by the Equity Assistance Center (EAC) (below) is available in English, Spanish, and Vietnamese.

<table>
<thead>
<tr>
<th>About the Complainant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your Name: _______________  Date: _______________</td>
</tr>
<tr>
<td>Phone Number: _______________  Email: ______________________________</td>
</tr>
<tr>
<td>Mailing Address: ____________________________________________________</td>
</tr>
<tr>
<td>Your Position: ☐ Student ☐ Parent ☐ School Employee ☐ Advocate ☐ Other (specify): ______</td>
</tr>
<tr>
<td>Student Name: ____________________  Age: _____  Grade: ______</td>
</tr>
<tr>
<td>LEA/District &amp; School: ____________________</td>
</tr>
</tbody>
</table>

### Complaint

Specific policy/law violated (if known):
- ☐ Age Discrimination Act of 1975
- ☐ Anti-Bullying
- ☐ Arkansas Public School Choice Act of 1989 (Garland County)
- ☐ Constitutionally Protected Prayer in Public Elementary and Secondary Schools
- ☐ Public School Choice Act of 2015
- ☐ Retaliation
- ☐ Section 504 of the Rehabilitation Act of 1973
- ☐ Student Discipline and Handbook Policies
- ☐ Title IX of the Education Amendments of 1972 (Discrimination on basis of sex, sexual harassment, and inappropriate sexual behavior)
- ☐ Title VI of the Civil Rights Act of 1964 (Discrimination on basis of color, religion, national origin & gender)
- ☐ Other policies/laws (specify): __________________________________________

Describe facts of alleged act--including dates. Must allege a violation that occurred within the past 120 days.
Have you attempted to resolve the above-mentioned allegations with the school system through an internal grievance procedure, appeal, or due process hearing? YES ☐ NO ☐ If yes, describe actions you have taken to seek resolution.

Have the allegation(s) been filed with any other federal, state, or civil rights office, or any federal or state court? YES ☐ NO ☐ If yes, describe below.
Describe the resolution you are seeking?

Verify that the information you provided is accurate and sign.

Signature

Date

This form is optional. A complaint may be submitted using plain paper, stationery, etc. Attach additional pages or evidence if necessary.

Submit the complaint or request EAC complaint investigation procedures via any of the following ways:

**Mailing & Street Address**
Equity Assistance Center
Arkansas Division of Elementary and Secondary Education
Four Capitol Mall, Box 25
Little Rock, AR 72201

**Fax Number**
501-682-7288

**Email Address**
ADE.equityassistance@arkansas.gov

**Webpage**
http://www.arkansased.gov/divisions/legal/equity-assistance
Section 504 Hearing Procedures
School districts and charter schools are required to provide an impartial hearing when requested to resolve issues concerning compliance with Section 504. Although the Equity Assistance Center (EAC) at the Arkansas Division of Elementary and Secondary Education (DESE) does not provide impartial hearings pertaining to Section 504, this section has been developed to aid K-12 school systems in their compliance.

Impartial Hearing Request

WHO: A Section 504 due process hearing may be called at the request of the school district/charter school or a parent/guardian. Complainants have the right to representation by counsel.

WHEN: A request for a due process hearing must be filed within a specified time frame.

HOW: A request for a due process hearing must be submitted in writing to the district/charter school.

School District and Charter School Response when an Impartial Hearing Request is Filed

- Ensure that all communication to the parent/guardian is in the appropriate native language or mode of communication
- Provide parent a copy of their rights under Section 504
- Inform the parent/guardian of any low-cost legal services and other relevant services available in the area
- Select an impartial hearing officer that is either an attorney or an individual with knowledge of the Section 504 law and neither employed by nor representing the district/charter school.
- Notify parent/guardian of the time, location and purpose of the conferences/hearings, a statement of the issues involved, the particular sections of the statute(s) and rule(s) involved, the complainant’s right to have an attorney present at their own expense, the name of the impartial hearing officer who will conduct the hearing, and the hearing officer’s contact information.

Additionally, the district/charter school should identify an individual (i.e. Section 504 Coordinator) to maintain a list of persons who serve as hearing officers. This list should include a statement regarding the backgrounds of each of the hearing officers and should be made available upon request.

Hearing Officer Role & Duties

The hearing should be presided over and decided by the impartial hearing officer. The hearing officer has the power to administer the oath or affirmation to anyone who will testify at the hearing. They may assist the parties present in making a full statement of the facts in order to bring out the information necessary to decide the issue. The hearing officer may define the issues to be considered and regulate the presentation of
the evidence. The officer may issue subpoenas upon request of any party and may examine witnesses. The hearing officer may rule on any requests or motions that are made prior to or during the due process hearing.

**Purpose of a Pre-Hearing Conference**

A prehearing conference is not necessarily required, but may benefit the hearing proceedings. During a prehearing conference the officer has the opportunity to discuss the hearing. Discussion items may include:

- established hearing procedures,
- applicable burden(s) of proof,
- issues on which the hearing will be held,
- facts not in dispute,
- rule on outstanding motions or the admissibility of exhibits,
- document authenticity,
- determination whether the parent has been provided the opportunity to inspect their child’s education records,
- number of witnesses, witness order, and the expected length of direct and cross examination for each witness,
- determination whether the child will be present,
- arrangements for telephone testimony, and
- arrangements for participants that require special accommodations or assistive technology.

At the discretion of the hearing officer, the prehearing conference may be conducted by telephone.

After the prehearing conference, the hearing officer should prepare a summary of the matters discussed.

**Requests for Information**

Each party should attempt in good faith to meet requests for documents, releases, or information, as soon as practicable. When there is a dispute between parties concerning a request for documents, any party may file a motion with the hearing officer to compel the release of the requested information.

**Impartial Hearing Procedures**

BURDEN OF PROOF: It is the responsibility of the party that requested the hearing to prove the facts of their issue through a preponderance or majority of the evidence. These facts must be related to the relevant issue being considered.

ORDER OF PROOF: The party that requested the hearing should present its evidence first unless otherwise agreed to by the parties. All parties should have opportunity to
present testimony and evidence, cross-examine, and make opening and closing statements.

All hearings should be electronically recorded by the hearing officer or their designee. Hearing files and the official record of the hearing should be maintained.

For an example due process impartial hearing agenda see SECTION THREE: Section 504 Resources (i.e. Sample Impartial Hearing Agenda).

**Hearing Officer’s Decision**

A copy of the hearing officer’s decision should be delivered to the district/charter school and the parent/guardian at the completion of the hearing within the designated time frame described in the districts hearing procedures. The decision of the hearing officer is binding on all parties involved and should be implemented immediately unless a delay is agreed to by both parties in writing or an appeal to a federal court is filed.

Cases may be dismissed with or without prejudice. Dismissal with prejudice signifies that the issues raised in the hearing request are closed and cannot be reopened in subsequent requests. Dismissal without prejudice indicates that the same issue may be raised at a later date by filing a new request for hearing.

**Advice for Hearing Participants**

Suggestions for Section 504 impartial hearing participants may be found in Figure 3.

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**Figure 3**

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Section 504 Manual
SECTION TWO: Section 504 Implementation & Frequently Asked Questions (FAQS)
To ensure that a program yields optimal results, its implementation must be guided by established processes and involve the most appropriate people. To increase the opportunities of success for students served under Section 504, educators and parents must work as a team in a thoughtful process.

Accommodations and Modifications
Both accommodations and modifications are implemented to increase student understanding of the curriculum, but they are defined differently. Accommodations are variations in the way a student accesses learning, without modifying the standards or lowering learning expectations. They lessen the impact of a student’s disability on the major life function. Modifications either change, lower or reduce learning expectations. The consistent use of modifications can increase the gap between the achievement of students with disabilities and grade level expectations. Progress monitoring the effect of modifications will provide direction to the team on when learning expectations can be increased.

Section 504 Instructional Accommodations
An instructional accommodation is a way to increase student understanding by changing the delivery of classroom instruction or material. Any instructional accommodation can benefit and be applied to individuals, small groups, or the full class.

Root Cause and Targeted Accommodations
In order to achieve an appropriate education comparable in quality to students without disabilities, accommodations should be chosen on the basis of the individual student’s needs, not on the basis of disability category, grade level, or instructional setting. Educators must be willing to spend time searching for new approaches and identifying specific areas of strength and challenge. Evaluation data (see SECTION ONE: Legal Requirements) should be utilized to pinpoint root causes of weakness and determine the most impactful accommodations. To tackle student issues effectively, educators should:

- Determine what is specifically blocking student learning before concentrating on which interventions, scaffolds, and accommodations to use,
- Stay informed on current educational and brain research, and
- Train for and monitor the implementation of interventions.

A depiction of what this process might look like may be found in Figure 4.
Every student including those served under Section 504 is different. Not every student with a disability will need an accommodation. Nor will all students with the same disability need the same accommodations. Similar challenges may display themselves differently in each individual due to the varying skills and subskills impacted. Targeted accommodations as opposed to generic accommodations offer the most benefit. The process of digging to determine the root cause of academic and social behaviors ensures the most appropriate response.

**Testing Accommodations**

Some instructional accommodations would not be appropriate for all classroom testing situations. Testing accommodations should not automatically equate to better grades on the test or graded assignment, but provide increased opportunity to show mastery or misunderstanding of what was taught. For example, if an assessment is intended to measure only a student’s understanding of the skill *Identifying the Main Idea*, an accommodation for a student with a disability that impacts their spelling skills might be to allow the student to highlight the main idea in the text. Students should be familiar and comfortable with an accommodation before having to experience it in a testing situation. For specific information on available accommodations for mandated standardized assessments, contact the Assessment Unit in the Division of Learning Services at the Arkansas Division of Elementary and Secondary Education (DESE).

**Section 504 Frequently Asked Questions (FAQ)**

Answers to common Section 504 questions are below.

**Q:** *Does the school system’s Section 504 referral process extend to preschool or pre-kindergarten (pre-K)?*

**A:** The district’s/charter school’s Section 504 referral process only extends to preschool or pre-kindergarten if those services are provided by the district. A district/charter school that operates a public general education preschool program may not discriminate against a student with a disability in the program.
Q: **What is the relationship between Section 504 regulations and the Response to Intervention (RTI) process?**
A: School systems may always use regular education intervention strategies to assist students. The RTI process should not be used to impede necessary Section 504 referrals. If at any time, a district/charter school employee or parent suspects that a student’s difficulties are attributable to a disability, the student should be referred for an evaluation.

Q: **Is there a formula or scale that determines or measures “substantial limitation”?**
A: No. This determination must be made on a case-by-case basis for each student by a team knowledgeable about the student.

Q: **May a Section 504 Team consider “mitigating measures” used by a student in determining whether the student has a disability under Section 504?**
A: No. As of January 1, 2009, the district/charter school must not consider the improving effects of a mitigating measure when determining eligibility. Mitigating measures may include medication, medical supplies and equipment, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, assistive technology devices, accommodations, and learned behavioral modifications.

Q: **Are there any impairments that automatically qualifies a student under Section 504?**
A: No. An impairment itself is not a qualified disability, but the mental or physical impairment must substantially limit a major life activity (34 C.F.R. §§ 104.3(j), 104.35).

Q: **Can a medical diagnosis suffice as an evaluation and how may the Section 504 Team utilize a physician’s request for specific accommodations?**
A: A formal diagnosis is not required. The Section 504 Team need only to determine that a student is substantially limited in a major life activity based on a review of data. A physician’s medical diagnosis may be considered among other data resources by the Section 504 Team, but does not dictate the team’s decision of eligibility or accommodations. It is the educational team’s responsibility to determine how the student may achieve a free and appropriate public education.

Q: **What does Section 504 documentation look like in a file of a student that qualifies for Section 504 services?**
A: Documentation may include the following: Section 504 referral, parent notices, parental consent for initial evaluation, assessment data, teacher input form, parent input form, disciplinary referral data, attendance data, team evaluation and eligibility determination form, Section 504 Plan, evidence of Section 504 Plan implementation, evidence of meetings determining if misbehavior is the result of the disability, or submitted complaint forms. All obtained evaluation data sources should be documented.
Q: How much is enough information to determine and document that a student has a disability?
A: The Section 504 Team determines the amount of information necessary to make a knowledgeable decision of the student’s strengths and weaknesses. They are required to draw information from a variety of sources in the evaluation process so that the possibility of error is minimized (34 C.F.R. 104.35(c)).

Q: What are examples of evaluation data?
A: The evaluation process must measure specific areas of educational need. (i.e. speech processing, inability to concentrate, & sensory processing). The test results must accurately reflect the student’s aptitude or achievement rather than the student’s disability, except where those are the factors being measured. The materials should be validated for the specific purpose for which they are used and test should be appropriately administered by trained personnel. Data may include the pediatrician’s report; aptitude and psychological test results; student’s grade, attendance, or behavior reports; teacher observations; the student’s social and cultural background; or the student’s family observations.

Q: Is parental consent for evaluation of Section 504 required?
A: The Office for Civil Rights (OCR) interprets Section 504 to require informed parental consent for the initial evaluation. If a parent refuses consent for an initial evaluation and a school district/charter school suspects that a student has a disability, OCR interprets Section 504 to allow school districts/charter schools to use due process hearing procedures to seek to override the parents’ denial of consent.

Q: If a parent refuses to consent to an initial evaluation but demands a student Section 504 Plan, how may a school system respond?
A: A school district/charter school must evaluate a student prior to providing services under Section 504.

Q: How often does re-evaluation or plan review occur?
A: Periodic re-evaluation is required. This may be conducted at three-year intervals or more frequently. A re-evaluation is required prior to a significant change in placement. The Section 504 Plan should be updated by the Section 504 Team when it is no longer appropriate.

Q: What is considered a significant change in placement?
A: The Office for Civil Rights (OCR) considers a significant change in placement to include:
   • Excluding from the educational program for more than ten (10) school days
   • Transferring a student from one type of program to another
   • Terminating or significantly reducing a related service

Q: Can placement include resource placement, self-contained placement, homebound placement, or Alternative Learning Environments (ALE)?
A: Yes. A free and appropriate public education should be provided in the most Least Restrictive Environment (LRE) utilizing an “incremental approach” when recommending
Q: **Does a district/charter school need to develop a Section 504 Plan for every student who has a disability?**
A: No. A Section 504 Plan needs to be developed for those students who, because of a disability, need accommodations or a related aid or service to benefit from the educational program. A school system's duty to a student who “has a record of disability” or is “regarded as disabled” is to protect the student from discrimination.

Q: **How may a district/charter school respond when a parent refuses an accommodation written in the Section 504 Plan?**
A: The district may ask the parent/guardian to provide a written statement of their refusal to receive the designated accommodation. If the parent refuses to provide a written statement the district/charter school may provide a written statement to the parent of their understanding regarding the parent's refusal of the accommodation and encourage a response to their letter by the parent if this is inaccurate.

Q: **How may attendance be taken for a student receiving Home/Hospital Instruction (homebound services) under Section 504?**
A: The school system ensures that the student is enrolled, but listed as receiving Home/Hospital Instruction. The Section 504 Plan should outline the schedule of services. Absences should be based upon the schedule of services and align with the local school board approved Excused and Unexcused Absence Procedures.

Q: **What is the relationship between attendance policies and student’s being served under Section 504?**
A: Attendance policies must allow a student’s parent to petition the school or district administrator for additional absences and allow exceptions as necessary to satisfy the Section 504 Plan. For additional guidance, see ADE Commissioner Memo 12-013: Student Attendance Policies and Excused and Unexcused Absences (Act 1223 of 2011). The district/charter school must be cautious in facilitating truancy complaints when there is suspicion that the student’s excessive absences may be the result of a disability. The student’s reason for excessive absences should be investigated to prevent Section 504 referral process violations. Collaboration between necessary individuals (i.e. Section 504 Team, school nurse, parent, or student) is key when determining the impact of a disability on attendance.

Q: **Can a temporary health condition or impairment that is episodic or in remission be a disability covered by Section 504?**
A: Yes, if the temporary impairment substantially limits learning or any other major life function. Determining if a temporary impairment is substantial enough to be a qualified disability must be reviewed on a case-by-case basis, considering the duration of the impairment and its impact on learning. (i.e. pregnancy-related complications, epilepsy, depression, post-traumatic stress disorder, cancer, oppositional defiance disorder)
Q: How should a district/charter school manage Section 504 Plans of students with long-term attendance issues? Is teacher-monitoring of online assignments sufficient?
A: The Section 504 Team should detail within the student’s Section 504 Plan how the school will provide reasonable accommodations in light of the student’s need considering both the quality and quantity of what is being provided. Input from the parent and the student is invaluable when determining what is reasonable. Teacher-monitoring of online assignments may be sufficient to ensure that the student receives an appropriate education that is comparable to students without disabilities.

Q: If a student has a peanut allergy, would the district/charter school be required to provide a peanut free diet to the student?
A: If a school provides food services such as breakfast and lunch to all students, it needs to provide food services that meet the disability-related needs of students with disabilities by accommodating student special dietary needs.

Q: Can a district/charter school exclude a student with a disability from a field trip?
A: A district/charter school cannot exclude a student with a disability from participating in a field trip for which they are otherwise eligible to attend unless there is a legitimate, nondiscriminatory justification. It is not permissible under Section 504 to exclude a student with a disability from a field trip because they need related aids or services (i.e. medication administration) to participate or the parent is unable to attend – unless parent participation is required of all students. A decision to exclude a student with a disability from a field trip is a placement decision. All placement decisions must utilize procedures that satisfy the evaluation, placement, and due process requirements of Section 504.

Q: How is student misconduct and discipline reviewed under Section 504?
A: The district/charter school must conduct an evaluation before changing an educational placement for disciplinary reasons. Section 504 regulations do not specifically state “manifestation determination”, but the Office for Civil Rights (OCR) suggests the first step would be to consider if the misconduct was caused by the student’s disability. The same questions from the Individuals with Disabilities Education Act (IDEA) may be used: (1) was the conduct caused by or have a direct substantial relationship to the student’s disability and (2) whether the school implemented the plan. Decisions must be based on recent evaluation data and an understanding of the student’s current behavior. If a student served under Section 504 is involved with either alcohol or illegal drugs, they can be expelled even if the conduct was a manifestation of the disability.

Q: What happens if the behavior was caused by the disability?
A: The school, parent(s), and student collaborate to improve the Section 504 Plan and its implementation. This may include completing a Functional Behavioral Assessment (FBA) or adding a Behavior Intervention Plan (BIP) to the Section 504 Plan.

Q: What happens if the behavior was not caused by the disability?
A: The school may implement their local school board approved actions, sanctions or consequences for the offense.
Q: **Can a student served under Section 504 be administered corporal punishment if the behavior was not caused by the disability?**

A: Yes, if the administration of the corporal punishment is in accordance with their local board approved policy and state requirements. Arkansas Code Annotated (A.C.A.) §6-18-503 (Act 557) prohibits the use of corporal punishment on a student who is intellectually disabled, non-ambulatory, non-verbal, or autistic.

Q: **Does an Arkansas student served under Section 504 have a right to educational services during expulsion?**

A: Yes. A. C. A. §6-16-406 (Act 709) requires Arkansas districts and charter schools to offer to expelled students digital learning courses or alternative educational services for credit. For this reason, districts and charter schools in Arkansas are required to provide Section 504 protections and/or services to the expelled students that they serve.

The Section 504 federal statute, unlike IDEA, does not provide a legal right to receive educational services as an expelled student.

Q: **What are “related aids and services” under Section 504?**

A: Related aids and services include but are not limited to: school health services; counseling services; environmental, instructional, and behavioral accommodations; transportation services; speech-language services; audiology services; physical and occupational therapy services; orientation and mobility services; and modifications of a schedule, grading system, or curriculum.

Q: **Is the district/charter school required to provide transportation to a related aid or service?**

A: The district must ensure adequate transportation to and from the aid or service (34 CFR 104.33(2)).

Q: **Does a district/charter school have to implement a transferring student’s Section 504 Plan?**

A: The receiving district/charter school must meet the needs of students with disabilities. They should review the Section 504 Plan and any other documentation immediately. If the school system determines that the plan is appropriate, they are required to implement the plan. If the district/charter school determines that the plan is inappropriate, they are required to evaluate the student and determine appropriate services. In the meantime the receiving school system may honor the previous plan.

Q: **Can a district/charter school deny a student’s admission under school choice solely because the student has a disability or needs special education or related aids or services?**

A: No. A district/charter school participating in school choice may not discriminate in admission against a student based on a disability. Students with disabilities must be provided an equal opportunity to be admitted as compared to peers without disabilities. Procedures must be neutral and applied equally to students with and without a disability. School choice application rejection must be in accordance with statutory regulations.
Q: *If a parent disagrees with the Section 504 Team’s decision regarding a student’s eligibility for services, what can they do?*
A: The parent may communicate their concern to the District Section 504 Coordinator, utilize the board approved Grievance Procedures, request a due process hearing, submit a complaint to the Equity Assistance Center (EAC), submit a complaint to the Office for Civil Rights (OCR), or file for civil recourse.

Q: *May the local school board approved Grievance Procedures be used to address Section 504 grievances and concerns?*
A: Yes. Regarding grievances, the statute does not specifically state that Section 504 grievance procedures must be separate than other approved grievance procedures. For additional information regarding Developing Effective Grievance Procedures see OCR at https://www2.ed.gov/about/offices/list/ocr/grievance.html.

Q: *Is a parent who is deaf entitled to sign language interpreter services in order to participate in a child’s school activities, even if the student does not have a disability?*
A: Deaf or hard of hearing students, parents, and others are entitled by Section 504 to equal access and opportunity to participate in public school services, programs, and activities – including school board meetings, extracurricular programs, teacher conferences, recreational activities, and social and cultural activities. Accommodations may include qualified interpreters, real-time captioning, or assistive listening devices as determined by the school system.

Q: *Is it permissible for special education teachers to be designated as Campus Level Section 504 Coordinators? Are there specific Section 504 Coordinator guidelines?*
A: The law requires a school system to designate a responsible employee to coordinate its efforts to comply with Section 504. The statute does not provide specific qualifications or detailed guidelines of the employee. To adequately coordinate Section 504 efforts, the individual must be trained in Section 504 processes and have appropriate time to ensure compliance.

Q: *How does the Equity Assistance Center (EAC) get involved in disability issues within a district/charter school?*
A: EAC receives complaints from parents, students or advocates, conducts complaint investigations, and provides technical assistance to districts/charter schools. Except in extraordinary circumstances, EAC does not review the result of individual placement or other educational decisions as long as the school system complies with the procedural requirements of Section 504.

Q: *How does the Office for Civil Rights (OCR) get involved in disability issues within a school district/charter school?*
A: OCR receives complaints from parents, students or advocates, conducts agency initiated compliance reviews, and provides technical assistance to districts/charter school, parents or advocates. Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions as long as the school system complies with the procedural requirements of Section 504.
A portion of the answers regarding Section 504 are from *Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities, U.S. Department of Education, Office for Civil Rights.*

For additional frequently asked questions on the topic of Section 504 see the public resources in the links section (*i.e.* Office for Civil Rights of the U.S. Department of Education Guidance).
Section 504 Plan, Individualized Education Program (IEP) & Individual Health Plan (IHP)

A comparison of school Section 504 Plans, Individualized Education Program, and Individual Health Plans can be found in Chart 2.

<table>
<thead>
<tr>
<th>Comparison of School 504 Plans, IEPs &amp; IHPs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 504 Plan</strong></td>
</tr>
<tr>
<td>Has a disability that:</td>
</tr>
<tr>
<td>• Substantially limits a public-school’s student major life activity (i.e. ability to learn and function in school)</td>
</tr>
<tr>
<td><strong>Individualized Education Program (IEP)</strong></td>
</tr>
<tr>
<td>Requires parent consent for:</td>
</tr>
<tr>
<td>• Initial evaluation</td>
</tr>
<tr>
<td>• Initial placement</td>
</tr>
<tr>
<td>• Reevaluation (with assessment)</td>
</tr>
<tr>
<td><strong>Individual Health Plan (IHP)</strong></td>
</tr>
<tr>
<td>Usually includes students who:</td>
</tr>
<tr>
<td>• Are medically fragile</td>
</tr>
<tr>
<td>• Require complex health care support</td>
</tr>
<tr>
<td>• Need frequent or potential emergency contacts</td>
</tr>
<tr>
<td>• Have health care needs addressed on a daily basis</td>
</tr>
</tbody>
</table>

| **Federal Statute**                       |
| Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability & ensures FAPE for school-age students--US Office for Civil Rights |
| The Individuals with Disabilities Education Act (IDEA) covers special education for students with disabilities & ensures FAPE to all students--US Department of Education |
| Scope is based on required nursing care, not educational entitlement |

| **Purpose**                               |
| Details specific academic, organizational, behavioral, & social accommodations |
| Details how/where special education programs will be carried out & outlines specific academic, organizational, behavioral, and social accommodations / modifications & services |
| Addresses student medical needs in the school setting to promote student health, prevent disease, and enhance academic achievement |

| **Eligibility**                           |
| Has a, or record of, or regarded as having a physical or mental impairment that: |
| • Substantially limits a public-school’s student major life activity (i.e. ability to learn and function in school) |
| Has a disability that:                    |
| • Meets criteria under IDEA               |
| • Significantly impacts educational performance |
| • Requires specialized services           |
| **Evaluation**                            |
| Conduct an evaluation of any student who needs or is believed to need special education or related services because of a disability |
| Interpret school health records & health status |

| **Consent**                               |
| OCR interprets informed parent consent for: |
| • Initial evaluation                      |
| OCR urges parental participation for changes in provisions of FAPE (i.e. location of services) |
| If a parent fails to respond or refuses consent for initial evaluation & district suspects a disability, they may use due process hearing procedures to seek override of the parents’ denial of consent. |
| Requires parent consent for:              |
| • Initial evaluation                      |
| • Initial placement                       |
| • Reevaluation (with assessment)          |
| If a parent fails to respond or refuses consent for an initial evaluation, LEA may, but is not required to, utilize mediation or request a due process hearing to seek override of the parent’s denial of consent. |
| Medical Release needed for health information to be shared with the school |

| **The team**                              |
| Members can vary, but must be knowledgeable about the student |
| Often include:                             |
| • Student’s legal guardian                |
| • Student’s general-education teacher     |
| • School Section 504 Coordinator          |
| • Other applicable members knowledgeable about the student (i.e. speech therapist) |
| Multi-disciplinary team members must include: |
| • Student’s legal guardian                |
| • Student’s general-education teacher     |
| • Special-education teacher               |
| • Other applicable members knowledgeable about the student and/or the evaluation results (i.e. psychologist, speech therapist) |
| A licensed registered school nurse or other qualified practitioner |

| **Medical R**                             |
| Medical Release needed for health information to be shared by the school to a provider |

| **Chart 2**                               |
| Section 504 Manual                        |
| 32                                        |
## The plan

Blueprint for how a child will have access to learning at school. May include a behavior plan.

- Written document not required, but encouraged that includes:
  - Specific academic or behavioral accommodations or services aligned with needs the school will provide
  - Who will provide the services
  - Who will make sure plan is implemented and progress monitored

## Blueprint for a child’s special education experience at school

Written document that includes:
- Student’s classification
- Current academic & behavior status
- Specific academic & behavioral goals
- Specific strategies aligned to goals
- Accommodations, services, and curriculum changes / modifications
- Timing of each service
- Standardized test plan
- Transition plan for high school and beyond

## Written document that identifies medical needs of the student at school, school nurse services, & how those needs will be met to achieve specific student outcomes/goals. Typically does not include non-health related services or accommodations

- May be attached to students 504 Plan or IEP
- May include an Emergency or Safety Plan

## Revisions & Re-evaluation

Plan review & re-evaluation regulations do not set a time frame, but requires schools to conduct reevaluations periodically, and before a significant change in placement.

Plan review required every year & re-evaluation at least every 3 years

Evaluation recommended at least yearly to determine needed revision & evidence of desired student outcomes. Frequently updated as changes in medical condition & needs occur

## Dispute Resolution

Options include:
- Informal negotiation
- Mediation
- District Grievance Procedures
- Impartial hearing
- Equity Assistance Center (EAC) complaint
- Office for Civil Rights (OCR) complaint
- Civil lawsuit

Steps include:
- Informal negotiation
- Mediation / facilitation
- Due process hearing
- Civil lawsuit & appeals
- Formal state or federal complaint

Options include:
- School meeting
- District Grievance Procedures

## Funding

- No additional funding to districts & IEP funds cannot be used on Section 504 Plans
- Funding to districts from the federal government for each student with an IEP
- No additional funding to districts

### Chart 2 (cont.)

**Plan Appropriateness**

Students with disabilities that are eligible for services under Individuals with Disabilities Education Act (IDEA) and have an IEP are not required to also have a Section 504 Plan even though they are also protected against discrimination under Section 504. For these students, the IEP developed and implemented in accordance with the IDEA is sufficient.

If a student with a disability is not eligible or no longer qualifies for special education services under IDEA, they may be eligible and should be considered for Section 504 services. When determining whether a student with a disability needs a Section 504 Plan or and IEP consider the student’s need for specialized instruction.
When determining whether a student with a medical condition needs a Section 504 evaluation and/or Section 504 Plan, utilize a multi-factor process. The frequency, intensity, and complexity of IHP services may be considered when determining student Section 504 eligibility.

Section 504 Program Review
Pursuant to enactment of the regulations implementing Section 504 in 1973, self-evaluations were to be conducted after its effective date to identify any policies or practices that discriminate against persons because of their disability. Although school districts/charter schools are not compelled to conduct self-evaluations beyond those identified in the implementing regulations, periodic examination of the policies, procedures, and practices can be beneficial.

Section 504 Practices & Procedures Self-Evaluation
Guiding questions listed in Chart 3 may be used to conduct a self-evaluation of a school district’s and charter school’s compliance with Section 504.

<table>
<thead>
<tr>
<th>1. Section 504 Assurances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has assurance of compliance with Section 504 been accurately submitted via Cycle II?</td>
</tr>
<tr>
<td>Is there a district Section 504 Self-Evaluation process used annually to determine compliance with Section 504 regulations?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Section 504 Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the school system employs 15 or more persons, has at least 1 person been designated as Section 504 Coordinator to ensure compliance?</td>
</tr>
<tr>
<td>Does the coordinator maintain documentation of compliance activities?</td>
</tr>
<tr>
<td>Has the school system ensured proper training of the Section 504 Coordinator?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Section 504 Notice of Nondiscrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there an annual and continual notice to students, parents, employees, and the public that all programs, activities, and services are offered without discrimination on the bias of disability?</td>
</tr>
<tr>
<td>Does the notice include Section 504 Coordinator name, address, and phone number?</td>
</tr>
<tr>
<td>Is the notice available in an understandable language to recipients in the community?</td>
</tr>
<tr>
<td>Is the notice available in alternative formats for the hearing and vision impaired?</td>
</tr>
<tr>
<td>Is the notice included in publications distributed to the public such as handbooks, application forms, recruitment, materials, and public media?</td>
</tr>
<tr>
<td>Is the notice posted on the website?</td>
</tr>
<tr>
<td>Is the notice posted in a visible place in all district facilities?</td>
</tr>
</tbody>
</table>

See Sample Notice in SECTION THREE: Section 504 Resources

<table>
<thead>
<tr>
<th>4. Section 504 Grievance Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the school system adopted a grievance procedure to satisfy its obligation to adopt grievance procedures under Section 504, Title IX, ADA, and the Age Discrimination Act (this is permitted)?</td>
</tr>
<tr>
<td>Has information about the grievance procedures been provided to students and employees?</td>
</tr>
</tbody>
</table>

See Sample Procedure in SECTION THREE: Section 504 Resources

Chart 3
### 5. Section 504 Written Policy & Procedures

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convey district expectation that Section 504 team members maintain</td>
<td></td>
<td></td>
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<tr>
<td>confidential information as appropriate – sharing certain (not necessarily all) information only to individuals that need to know in order to support the student?</td>
<td></td>
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</tr>
<tr>
<td>Convey district expectation that teachers have a responsibility to identify, locate and refer students that may have a disability?</td>
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<td></td>
</tr>
<tr>
<td>Convey that a formal medical diagnosis of a student is not required to be referred for consideration of services under Section 504?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Include non-exhaustive description of evaluation data that may be considered?</td>
<td></td>
<td></td>
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<tr>
<td>Convey district expectation that teachers/staff implement the Section 504 Plan with its full intent and that not doing so may constitute insubordination?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Include an attachment of forms used in the Section 504 process?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If a Section 504 flowchart or timeline is used, the number of days and time frame are reasonable?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Convey a complainant’s right to file a complaint with the Equity Assistance Center (EAC) or the Office for Civil Rights (OCR)?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Have district policies or school procedures been evaluated to determine if they are discriminatory?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

See Legal Requirements in SECTION ONE: Section 504 Compliance

### 6. Section 504 Process

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is there a referral process to identify students with disabilities that do not qualify for services under the Individuals with Disabilities Education Act (IDEA)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the Section 504 policy describe the authority of the Section 504 Team in determining eligibility and appropriate accommodations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Through random review of Section 504 Plans, are reasonable accommodations made for students with disabilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do Section 504 Coordinators emphasize that programs and activities need to all be accessible to individuals with disabilities?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is staff training or professional development needed for improved awareness and compliance to Section 504 regulations?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do all teachers know what forms are used to document the process of identifying a student for services under Section 504?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See Legal Requirements in SECTION ONE: Section 504 Compliance

### 7. Parents

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are appropriate steps taken to notify parents, guardians, and students of their rights, as required by Section 504?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chart 3 (cont.)
Section 504 Professional Development Quiz

A check for understanding may be needed for training participants following professional development on a school system’s Section 504 processes. The true and false questions below may be used to quickly assess levels of understanding of Section 504 compliance requirements. Bolded words signify the correct response.

1. Section 504 is the only federal statute that addresses the legal responsibilities of public schools to students with disabilities. T / F False
2. Section 504 provides federal funding. T / F False
3. Section 504 requires public schools to provide a free and appropriate public education. T / F True
4. All students covered under IDEA are covered under Section 504. T / F True
5. All students covered under Section 504 are covered under IDEA. T / F False
6. A student with a disability, but not entitled to special education under IDEA, should be considered for services under Section 504. T / F True
7. Section 504 uses the same disability categories as IDEA. T / F False
8. Notice to parents regarding Section 504 evaluations is required. T / F True
9. The legal obligation to evaluate students (i.e. referral, Child Find) upon reasonably suspecting eligibility, does not apply under Section 504. T / F False
10. Section 504 does not provide a timeline for re-evaluation or plan review. T / F True
11. Eligibility under Section 504 requires, among other things, an adverse effect on educational performance. T / F False
12. Parents must have a medical diagnosis to be eligible for Section 504 services. T / F False
13. Parent demand dictates the legal duty to provide Section 504 accommodations. T / F False
14. Students with concussions are always eligible for a Section 504 Plan. T / F False
15. A student with a temporary disability (i.e. car accident recovery, pregnancy complications) could be covered under Section 504. T / F True
16. The standard for determining the existence of a substantial limitation under Section 504 is based on a specific formula. T / F False
17. Section 504 only provides for accommodations, not special education or related services. T / F False
18. Section 504 may be enforced through local due process hearings and grievance complaints. T / F True
19. A school district can use the hearing procedures designed for IDEA (independently of DESE) to hear Section 504 cases. T / F True
20. Appropriate school personnel failing to report, investigate, and/or address a disability are subject to liability and can be sued in federal court by students and parents for money damages under Section 504. T / F True
SECTION THREE: Section 504 Resources
Model & Sample Forms

Model and sample forms included in this document are intended to be guidance. Districts and charter schools are not required to use the exact format and are responsible for ensuring accessibility for their end-users. As appropriate, utilize district or school letterhead and make available in multiple languages and alternative formats.

Sample Notification of Nondiscrimination
When the service area includes a significant community of individuals whose primary language is not English, the notification of nondiscrimination should be published in the language spoken by that community.

It is not sufficient to place the Notification of Nondiscrimination on a website without publishing it elsewhere. The notice of nondiscrimination may be included in the following:

- Student handbooks
- Website
- Catalogs and Course Listings
- Parent/Student Bulletins/Newsletter
- Brochures
- Enrollment and employment application
- Recruitment materials

The notice may include additional persons designated to coordinate other civil rights activities and their contact information.

### Notification of Nondiscrimination

The ______________________________ School District does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission to its educational programs, in the administration of services it offers, in its recruitment, hiring and employment practices, or in any aspect of its operations. ___________________ is designated to coordinate Section 504 compliance activities at ___________________ School District and may be contacted at:

(Name of Designated Individual and Position)
(Name of District/Charter School)
Mailing Address
City, State, Zip
Telephone number

This announcement is available in alternative formats to accommodate the hearing and vision impaired.
The ______________________________ School District has a duty to identify, locate, refer and evaluate all students within this jurisdiction that may qualify for services under Section 504 of the Rehabilitation Act of 1973.

- Anyone who believes that they have a child or know of a child that may have a mental or physical impairment that substantially limits one or more life activities should complete this form (unless already identified under Section 504 or the Individuals with Disabilities Education Act).
- Submit this form to ________________________ (Name of 504 Coordinator). They may be contacted at ________________ (phone number) or ____________________ (email).

Today's Date ______________________ School __________________________

Student Name _________________________________________________________

Date of Birth ____________   Age ________________    Grade __________________

Referred By _______________________ Phone Number ___________________

Relationship to Student: ☐ Parent/Guardian    ☐ District Employee   ☐ Other: __________

Briefly indicate the observed disability or reason for referral:

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

This is an effort by the _____________________________ School District to provide a free appropriate public education and assure that every student has access to equitable educational opportunities to be successful in our district and to fulfil their potential.

____________________________________________________________________________

Below to be completed by the Section 504 Coordinator

Date Received _____________   Received by ________________________
Sample Section 504 Notice of Rights

Notice of Rights under Section 504

You have the right to be informed by the school district of your rights granted under §504 found at Title 34, Part 104.32 of the Code of Federal Regulations (CFR).

EDUCATION

The student has the right to:

- Receive a free and appropriate public education designed to meet their educational needs as adequately as the needs of non-disabled students (34 CFR 104.33).
- Participate in and benefit from the district’s educational programs without discrimination.
- Be provided an equal opportunity to participate in the district’s nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate (34 CFR 104.34).
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities (34 CFR 104.34).
- Receive accommodations, modifications, related aids/services, and opportunities to participate in school activities without cost, except for those fees imposed on the parents of children without disabilities. Insurance companies are not relieved of any obligation to pay for services (34 CFR 104.33).
- Receive special education services if needed.

EDUCATIONAL RECORDS

The parent has the right to:

- Review and receive copies of your student’s educational records (34 CFR 104.36), programs, and activities in their native language.
- A response to requests for explanations and interpretations of your student’s education records.
- Request a change to your student’s education records if believed they are wrong, misleading, or are otherwise in violation of privacy rights. If request denied, the right to challenge the refusal by requesting an impartial hearing.

SECTION 504 PROCESS

The student has the right to an evaluation before the school determines if they are eligible under Section 504. The parent has the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your student (34 CFR 104.36).
- Have evaluation and placement decisions made by a group of persons who know your student, the meaning of the evaluation information, and the placement options available (34 CFR 104.35).
- Have evaluation decisions based on a variety of sources such as academic data, behavior data, teacher and parent observations, physical conditions, and medical records.
- Refuse consent for the initial evaluation of your student.

If your student is eligible under Section 504, your student has a right to periodic re-evaluations, including re-evaluations before any significant change is made in their placement (34 CFR 104.35).

IF THERE IS DISAGREEMENT WITH THE DISTRICT’S DECISION

If you disagree with the district’s decisions regarding your student’s identification, evaluation, educational program, or placement under Section 504, you may request an impartial due process hearing (34 CFR 104.36). The parent and student have the right to take part in the hearing and have an attorney as representation. Hearing requests, clarification of rights, and other concerns can be made to your district’s Section 504 Coordinator:

(Section 504 Coordinator Name)
(Address)
(City, State, Zip)
(Phone), (E-mail)

You have the right to file a complaint of discrimination with the Arkansas Department of Education Equity Assistance Center (EAC), U.S. Department of Education’s Office for Civil Rights (OCR), or to file a case in federal court.

EAC

Four Capital Mall, Box 25
Little Rock, AR 72117
Phone: 501-682-4213
Fax: 501-682-7288
Email: ADE.equityassistance@arkansas.gov

OCR Regional Office

One Petticoat Lane
1010 Walnut St., Suite 320 - 3rd Floor
Kansas City, MO 64106
Phone: 816-268-0550
TTY: 800-877-8339
FAX: 816-268-0599;
Email: OCR.KansasCity@ed.gov
Sample Section 504 Parental Notice & Consent

Section 504 Parent/Guardian Notification of Referral and Consent for Evaluation

Date: ____________________

Dear _____________________:

[Student Name] has been referred for consideration for eligibility for services under Section 504 of the Rehabilitation Act of 1973. Such services may result in your student receiving additional assistance to aid them in their educational success. The Section 504 Team will analyze a variety of sources to determine whether they have a qualifying disability. Your student’s teacher(s), building administrator(s), counselor, and others may be involved in data collection activities.

The district is requesting your consent to conduct this evaluation and based on it provide necessary accommodations. The evaluation data collection may include a review of the following as individually deemed appropriate:

Grades    Parent Observations   Achievement Tests
Work Samples   Teacher Observations   Screening Assessment
Attendance    Medical Reports   Other Tests
Behavioral Trends  Psych-educational Evaluation  Other Sources

You will be notified and invited to attend a Section 504 Team meeting to review evaluation results and determine Section 504 eligibility. If eligibility is established, your student may require Section 504 services. If so, the Section 504 Team will develop an accommodation plan to provide educational opportunities equal to that of students without a disability.

Section 504 provides specific rights such as the required parental consent for evaluation. These rights are summarized in the Notice of Rights under Section 504 enclosed with this notice. If you have any questions or concerns, contact [Section 504 Coordinator] at [Phone Number] or [Email Address] or [Mailing Address] for assistance.

Sincerely,

Section 504 Coordinator, ____________________   ___________________

(Name)    (Signature)

Complete, sign and return this form with any additional information (i.e. Parent Observations, Medical Reports, etc.)

Concerning _______________ (student name) attending ________________ (school name),

☐ Yes I give my written consent to have my student evaluated for Section 504 eligibility. I do consent to the proposed evaluation.

☐ No I do not give my written consent to have my student evaluated for Section 504 eligibility. I do not consent to the proposed evaluation.

☐ I have received a copy of the Notice of Rights under Section 504

Parent/Guardian: ________________   ________________   ________________

(Name)    (Signature)    (Date)

(Address)         (Phone)

Date consent received by school district: ________________
Sample Section 504 Teacher Input Form
Teachers should participate in the entire Section 504 process and do not have the discretion to decline or refuse to implement any component of a Section 504 Plan. The Teacher Input Form is to aid the teacher(s) in their reflection of the student’s challenges and strengths, but collaborative meeting attendance of the teachers is still invaluable when determining as a team the root cause of concerns and how to address them.
Section 504 Teacher Input Form

Student Name: ___________________________ Date of Birth: ________________

Teacher Name: ___________________________ Subject/Course: ________________

<table>
<thead>
<tr>
<th>Performance Area</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Check the box that identifies your level of concern for each performance area as applicable.)</td>
<td>(For each area of concern only, provide a brief explanation concerning ability to access the general education instructional program.)</td>
</tr>
<tr>
<td>Attention &amp; Concentration</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Communication or English Language Development</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Language Arts (Reading &amp; Writing)</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Physical Education</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Problem Solving &amp; Organizing</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Short- &amp; Long-Term Memory</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Socialization &amp; Behavior</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Test Taking</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Work &amp; Study Habits</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
<tr>
<td>☐ None ☐ Minimal ☐ Significant</td>
<td></td>
</tr>
</tbody>
</table>

List any planned or used accommodations, interventions, or strategies & indicate its impact on the above concern(s).

______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

Teacher: ___________________________  ___________________________  ___________
          (Name)                (Signature)                (Date)

Submit this form & if you have questions or concerns contact [Section 504 Coordinator] at [Phone Number] or [Email Address] or [Mailing Address] for assistance.
Sample Section 504 Parent or Guardian Input Form

Section 504 Parent/Guardian Input Form

Student Name: ___________________________ Date of Birth: ________________
Teacher Name: ___________________________ Subject/Course: ________________

To assist the Section 504 Team in the evaluation of your student answer any question(s) below and submit this form to the Section 504 Coordinator, [Section 504 Coordinator Name] at [Phone Number] by [Email Address] or [Mailing Address].

<table>
<thead>
<tr>
<th>My Child’s Health <em>(Check all that apply and/or explain responses as necessary.)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ My child has a physical or mental disability and a formal diagnosis.</td>
</tr>
<tr>
<td>☐ My child has a physical or mental disability and no formal diagnosis.</td>
</tr>
<tr>
<td>☐ My child had a serious physical or mental condition that has gone away. Explain:</td>
</tr>
<tr>
<td>☐ My child is receiving service(s) from another agency. Explain:</td>
</tr>
<tr>
<td>☐ My child is not currently taking medications.</td>
</tr>
<tr>
<td>☐ My child is currently taking the following medications:</td>
</tr>
<tr>
<td>Name of medication: ___________________________ Name of medication: ___________________________</td>
</tr>
<tr>
<td>Purpose of medication: ___________________________ Purpose of medication: ___________________________</td>
</tr>
<tr>
<td>Dosage: ___________________________ Dosage: ___________________________</td>
</tr>
<tr>
<td>Known side effects: ___________________________ Known side effects: ___________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>My Child at Home <em>(Check all that apply and/or explain responses as necessary.)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ My child usually eats breakfast.</td>
</tr>
<tr>
<td>My child goes to bed at the following time: ______________________________________</td>
</tr>
<tr>
<td>☐ My child needs or uses physical supports at home or in the community.</td>
</tr>
<tr>
<td>☐ My child gets along with siblings and people outside of school.</td>
</tr>
<tr>
<td>☐ There has been significant changes within the family <em>(i.e. divorce, separation, relocation, serious illnesses, death, etc.)</em>.</td>
</tr>
<tr>
<td>☐ My child seems to have difficulty doing homework. On average, the amount of time spent on homework each day is as follows: ______________________________________</td>
</tr>
<tr>
<td>The following rewards and consequences are effective with my child -</td>
</tr>
<tr>
<td>Rewards: ___________________________ Consequences: ___________________________</td>
</tr>
<tr>
<td>___________________________ ___________________________</td>
</tr>
<tr>
<td>___________________________ ___________________________</td>
</tr>
</tbody>
</table>
**My Child at School** *(Check all that apply and/or explain responses as necessary.)*

<table>
<thead>
<tr>
<th>Some of my child’s strengths include:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
</tbody>
</table>

☐ My child is experiencing and/or mentioned difficulties in school. Explain:

<table>
<thead>
<tr>
<th>__________________________________________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

The cause of my child’s difficulties include the following:

<table>
<thead>
<tr>
<th>__________________________________________________________</th>
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<tbody>
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<td></td>
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</table>

My child’s success at school would be improved if the following was provided:

<table>
<thead>
<tr>
<th>__________________________________________________________</th>
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<td></td>
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</table>

Parent or Guardian Signature       Date

Parent or Guardian Signature       Date
Sample Section 504 Meeting Notice

Section 504 Meeting Notice

Student Name: _______________________________ Date of Birth: _______________

School: _______________________________ Grade: __________________

[Date]

Dear [Parent or Guardian Name]:

You are invited to attend a meeting to determine or review your child’s eligibility for services under Section 504 of the Rehabilitation Act of 1973. If it is determined that your student is or continues to be eligible, a Section 504 Plan will be developed (or reviewed and revised) at this meeting.

The meeting will be held on: [Meeting Date & Time]
The meeting will be held at: [Meeting Location]

Although your participation in this meeting is not required by law, you are encouraged to attend and participate in the decision-making process. Your insights and contributions will be helpful to the Section 504 Team in bringing about the best decisions possible. If you have not already done so, fill out and return the Parent Input Form.

Section 504 provides specific rights such as the required parental consent for evaluation. These rights are summarized in the Notice of Rights under Section 504 document enclosed with this notice.

Contact [Section 504 Coordinator] at [Phone Number] or [Email Address] or [Mailing Address] to confirm your attendance or if you have any questions/concerns, require the use of an interpreter or would like to submit other requests for assistance.

Sincerely,

Section 504 Coordinator, ____________________   ___________________
(Name)     (Signature)
Sample Section 504 Team Evaluation Review & Eligibility Determination Form

Section 504 Team Evaluation and Determination

Referral Date: __________________________ School: ________________
Student Name: _________________________ Date of Birth: ______________

Reason for Team Meeting
☐ Initial Evaluation  ☐ Re-evaluation  ☐ Plan Review  ☐ Dismissal

Has the student been previously evaluated for eligibility under IDEA? ☐ Yes ☐ No

Does the student have an Individual Health Plan (IHP)? ☐ Yes ☐ No

Data Team Considered (as appropriate):
☐ Psychological Assessment Data
☐ State Assessment Data: ____________
☐ Other Assessment Data: ____________
☐ Progress Monitoring Data: ____________
☐ Grades
☐ Attendance Data
☐ Behavior Data & Discipline Records
☐ Student Input or Work Samples
☐ Parent/Guardian Input
☐ Teacher Input
☐ School Nurse Input
☐ Related Service Provider Input
☐ Physician Input
☐ Other: ____________________________

Team Determination of Eligibility under Section 504 based on the definition below:

Physical or mental impairment substantially limits a major life activity, has a record of such an impairment, or is regarded as having such an impairment

☐ Student does not have a physical or mental disability which substantially limits a major life activity, nor has a record of such an impairment, or regarded as having such an impairment.

☐ Student qualifies and does have a physical or mental impairment which substantially limits a major life activity, or has a record of such an impairment, or is regarded as having such an impairment.

Team Placement Decision
☐ General education (if not eligible for Section 504)
☐ General education with Section 504 protections
☐ General education with Section 504 services (plan)

Tentative Re-Evaluation Date: ________________

Team IDEA Referral
☐ The Section 504 Team has determined that this student may also be eligible under a separate definition of disability under IDEA and will refer this student for a Special Education Evaluation

School Personnel & Others in Attendance:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Parent or Guardian Statement:

☐ I agree with the determination of the Section 504 Team
☐ I do not agree with the
  ☐ determination decision
  ☐ placement decision.
☐ I am requesting a review hearing.
☐ I received a copy of the parent Notice of Rights under Section 504.

__________________________________     ______________________________
Parent or Guardian Signature              Date

__________________________________     ______________________________
Parent or Guardian Signature             Date
Sample Section 504 Plan

Section 504 Plan

Student: ______________________________________________________________
Date of Birth: ___________________________ Grade: ____________________
Date of Plan: ___________________________________________________________
Projected Date of Review: ________________________________________________

<table>
<thead>
<tr>
<th>Area of Educational Need</th>
<th>Accommodation, Modification or Service</th>
<th>Person(s) Responsible</th>
<th>Service Frequency, Duration &amp; When Implemented</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Parent(s): _____________________________________________________________

School Personnel & Others in Attendance Below:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Date: ____________________________

Section 504 Manual 48
Sample Section 504 Process Checklist
To ensure consistency in practices, the Section 504 Coordinator may benefit from documenting their steps of compliance for each student.

Section 504 Process Checklist

Student Name: ___________________________ Date of Birth: _______________

School: ___________________________ Grade: __________________

1. Section 504 Referral
   ☐ Receive signed Section 504 Referral for Evaluation
   ☐ Date referral received by the school district: ______________

2. Parent/Guardian Consent for Evaluation
   ☐ Provide parent Section 504 Parent/Guardian Notification of Referral form and Consent for Evaluation form
   ☐ Provide parent Notice of Rights under Section 504 form
   ☐ Date consent received by the school district: ______________
   ☐ Date evaluation must be completed: ______________
      (___ days from consent received for initial evaluation)

3. Evaluation Process
   ☐ Identify Section 504 team members (persons knowledgeable about the student, the meaning of evaluation data, and placement options)
   ☐ Determine needed evaluation data (from a variety of sources)
   ☐ Seek parent consent to obtain medical information, if appropriate
   ☐ Distribute Teacher Input and Parent/Guardian Input forms

4. Section 504 Meeting
   ☐ Notify Section 504 team members of meeting date, time, and location
   ☐ Send parent Section 504 Meeting Notice form and call/email meeting date, time, and location
   ☐ Convene meeting, review evaluation data and determine eligibility
   ☐ Develop targeted Section 504 Plan, if appropriate
   ☐ Provide parent Section 504 Notice of Rights under Section 504
   ☐ Send parent copy of meeting results and/or Section 504 Plan and Notice of Rights under Section 504

5. Section 504 Plan Implementation
   ☐ Notify and train persons with implementation responsibilities of the Section 504 Plan and how to provide and monitor accommodations
   ☐ Monitor the student’s progress & plan effectiveness
   ☐ Review the plan when progress is not made or plan is ineffective
   ☐ Reevaluate at least every three (3) years; Tentative Re-Evaluation Date: __________
Sample Root Causes & Accommodations
What follows are examples of accommodations, strategies, and services that might be considered. Because accommodations should be individualized for each student’s challenge, this is a non-exhaustive, non-mandatory list of a few root causes and supports. Not all possible root causes and accommodations are listed and therefore these examples should not be used as a “checklist”. Section 504 Teams may use this information to assist in their student-centered root cause analysis process to provide equitable learning opportunities.

Note that the mere presence of these challenges does not automatically qualify a student for a Section 504 Plan. The disability must significantly limit a major life function.

Accommodations may be grouped according to whether they are changes in teacher presentation, student response, timing, or setting. Accommodations should be designed to improve student access to the curriculum to receive and demonstrate knowledge.

Causes and Cures in the Classroom: Getting to the Root of Academic Behavior Problems by Margaret Searle was used as a resource in the development of these examples.
### CHALLENGES RELATED TO POOR PLANNING & PROBLEM-SOLVING SKILLS

<table>
<thead>
<tr>
<th>Cannot visualize task or action plan or feels overwhelmed</th>
<th>Poor visual perception</th>
<th>Little sense of urgency</th>
</tr>
</thead>
</table>
| **Root Cause Guiding Questions:**
Cannot visualize the final product?
Cannot visualize needed steps? | **Root Cause Guiding Questions:**
Unable to make sense of what is seen?
Unable to focus on important visual information & filter unimportant?
Cannot determine differences or similarities in objects (i.e. size, color, shape)?
Unable to recall visual traits of an object?
Unable to locate info. in busy background? | **Root Cause Guiding Questions:**
Difficulty in seeing the task as relevant?
Unable to estimate the time needed for tasks?
Unable to delay gratification od a want?
Feels overwhelmed by tasks? |
| **Teacher Presentation Accommodations:**
☐ Use graph paper to line up numbers/problems
☐ Use manipulatives: coins, blocks, base 10 sticks, puzzles
☐ Use film illustration of concept
☐ Cover, fold or mask sections at a time to limit material presented on a single page (i.e. cardboard window)
☐ Read task to student
☐ Model how to break task down into small steps
☐ Model how to put task steps in logical order of completion
☐ Review action plan steps
☐ Review possible task roadblocks prior to assignment
☐ Break down large packets & worksheets into sections
☐ Class discussion of action plan |
| **Student Response Accommodations:**
☐ Have student describe (orally or visually) the final product
☐ Talk about how to solve problem
☐ Draw chart/sketches to solve problem
☐ Read task aloud |
| **Timing & Scheduling:**
☐ Specific deadline extension
☐ Assign due dates for small task |
| **Setting:**
☐ Separate space for different task |

<table>
<thead>
<tr>
<th>No backup plan when things get hard</th>
<th>Poor self-monitoring skills</th>
</tr>
</thead>
</table>
| **Root Cause Guiding Questions:**
Does not know when & how to ask for help?
Does not know when help is needed? | **Root Cause Guiding Questions:**
Cannot identify attributes of a quality product?
Does not give self-credit? |
| **Teacher Presentation Accommodations:**
☐ Model anticipated consequences
☐ Model “plan B” strategy development |
| **Student Response Accommodations:**
☐ Identify optional resources for task completion |
| **Setting:**
☐ Small group task |
| **Teacher Presentation Accommodations:**
☐ Model delayed gratification of an immediate want
☐ Model & discuss intrinsic motivation
☐ Provide extrinsic motivation: certificate, recognition, praise, prize
☐ Connect games/puzzles to learning
☐ Break down large packets & worksheets into sections
☐ Offer extrinsic motivation (i.e. positive email to parent, break, etc.) |
| **Student Response Accommodations:**
☐ Convey relevance & importance of task
☐ List preferred motivators
☐ Estimate the time a task may take
☐ Use timer to pace appropriately
☐ Use visual reminders: post-it notes, signs, timer, private signal |
| **Timing & Scheduling:**
☐ Allow specific additional time on task in specific areas |
| **Setting:**
☐ Use auditory reminders: alarm, vibration, adult prompt, clap, bell |

| **Timing & Scheduling:**
☐ Provide timeline for completing task
☐ Provide time warning (i.e. “Finish up in 5 min.”) |

**Note:** Non-exhaustive, non-mandatory list; Accommodations should be individualized
<table>
<thead>
<tr>
<th>Poor encoding to short-term memory</th>
<th>Poor processing in working memory</th>
<th>Poor storage in &amp; retrieval from long-term memory</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
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<td><strong>Root Cause Guiding Questions:</strong></td>
</tr>
<tr>
<td>Cannot create visual image of the information?</td>
<td>Cannot hold information long enough to work on it?</td>
<td>Does not ask for help?</td>
</tr>
<tr>
<td>Cannot keep up with the pace of spoken instructions or directions?</td>
<td>Cannot keep track of steps in a process?</td>
<td>Test anxiety?</td>
</tr>
<tr>
<td>Misses details &amp; sequences?</td>
<td>Unable to see patterns &amp; relationships?</td>
<td>Needs multiple pathways for faster retrieval?</td>
</tr>
<tr>
<td>Cannot break task down into manageable parts?</td>
<td>Cannot hold information long enough to copy it?</td>
<td>Relies too much on rote learning?</td>
</tr>
<tr>
<td>Is distracted by irrelevant information?</td>
<td>Difficulty matching language with concepts &amp; symbols?</td>
<td>Uses a weak or only 1 pathway to learn material?</td>
</tr>
<tr>
<td>Cannot switch efficiently from one task to another?</td>
<td>Fails to self-correct due to losing focus on purpose &amp; details?</td>
<td>Lacks the right type of modeling &amp; practice?</td>
</tr>
</tbody>
</table>

**Teacher Presentation Accommodations:**
- ☐ Provide written & oral instructions
- ☐ Ask a question, give a few minutes to think, & come back to student for answer
- ☐ Teacher-guided practice with partially completed problems
- ☐ Describe what steps to focus on & why
- ☐ Memory tricks: acronyms, mnemonics, songs, rhymes

**Student Response Accommodations:**
- ☐ Verbalize or draw images as they learn
- ☐ Highlight important information as they learn

**Setting:**
- ☐ Post-it signs with to-do lists/steps

---

<table>
<thead>
<tr>
<th>Poor encoding to short-term memory</th>
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<td>Lacks the right type of modeling &amp; practice?</td>
<td>Uses a weak or only 1 pathway to learn material?</td>
</tr>
<tr>
<td>Cannot break task down into manageable parts?</td>
<td>Cannot link new learning with existing knowledge?</td>
<td>Uses a weak or only 1 pathway to learn material?</td>
</tr>
<tr>
<td>Is distracted by irrelevant information?</td>
<td>Cannot link to old information (similarities/differences)?</td>
<td>Uses a weak or only 1 pathway to learn material?</td>
</tr>
<tr>
<td>Cannot switch efficiently from one task to another?</td>
<td>Does not make the effort when information is not seen as important?</td>
<td>Uses a weak or only 1 pathway to learn material?</td>
</tr>
</tbody>
</table>

**Teacher Presentation Accommodations:**
- ☐ Tape or record lessons
- ☐ Use symbols, synonyms, songs, skits, discussions examples or movement that clarify the same info. (create multiple memory storage paths)
- ☐ Repeated practice: spaced practice, massed practice
- ☐ Model note revision & visual organizer use
- ☐ Use word bank
- ☐ Direct teach metacognition of memory
- ☐ Journal how content or skill was learned

**Student Response Accommodations:**
- ☐ Explain why info./skill is relevant
- ☐ Make up test over new learning
- ☐ Oral review with partner
- ☐ Journal how content or skill was remembered

**Timing & Scheduling:**
- ☐ Administer tests over more than 1 day

**Setting:**
- ☐ Assignment planner
- ☐ Key lock for locker
- ☐ Map of school with room numbers
- ☐ Printed or picture schedule
- ☐ Post the days assignments

---

**NOTE:** Non-exhaustive, non-mandatory list; Accommodations should be individualized
<table>
<thead>
<tr>
<th><strong>CHALLENGES RELATED TO PERSISTENT PROBLEMS IN MATH</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Poor problem-solving skills</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
</tr>
<tr>
<td>Cannot read &amp; restate problems in own words?</td>
</tr>
<tr>
<td>Cannot visualize the structure or patterns of problems?</td>
</tr>
<tr>
<td>Cannot identify correct operation or useful data?</td>
</tr>
<tr>
<td>Cannot break complex problems into logical steps?</td>
</tr>
<tr>
<td>Does not apply strategies correctly?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong></td>
</tr>
<tr>
<td>☐ Model think-aloud solving</td>
</tr>
<tr>
<td>☐ Solve sample problems &amp; leave on board</td>
</tr>
<tr>
<td>☐ Use concrete materials: blocks, cubes, tangrams, number frames, algebra tiles, geometric figures</td>
</tr>
<tr>
<td>☐ Use 2-dimensional representations: sketches, pictures, tallies, number lines</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong></td>
</tr>
<tr>
<td>☐ Paraphrase vocabulary words</td>
</tr>
<tr>
<td>☐ Articulate problem-solving strategy</td>
</tr>
<tr>
<td>☐ Verbalize processes &amp; steps as they work</td>
</tr>
<tr>
<td>☐ Highlight/circle/underline key words &amp; numbers in word problems</td>
</tr>
<tr>
<td>☐ Prior to computation, write declarative sentence leaving blank for needed answer</td>
</tr>
<tr>
<td>☐ Use math facts chart for computation: multiplication sheet, addition table</td>
</tr>
<tr>
<td>☐ Use calculator when not being tested on computation</td>
</tr>
<tr>
<td>☐ Use scratch paper</td>
</tr>
<tr>
<td><strong>Setting:</strong></td>
</tr>
<tr>
<td>☐ Partnered practice: spaced practice, massed practice</td>
</tr>
</tbody>
</table>

| **Poor fluency with basic facts**                     |
| **Root Cause Guiding Questions:**                    |
| Poor sense of counting & comparison of numbers?       |
| Cannot visualize numbers & their relationships?       |
| Cannot apply properties of math to make computation easier? |
| Does not perform the right amount or type of practice? |
| Asked to master new skills before prerequisite skills are in place? |
| **Teacher Presentation Accommodations:**             |
| ☐ Memory tricks: acronyms, mnemonics, songs, rhymes   |
| ☐ Post key facts on T-Charts                          |
| ☐ Math flash cards                                    |
| ☐ Short daily cumulative reviews                      |
| ☐ Model perceptual & conceptual subtizing (visual recognition of patterns & adding recognized small groups of a whole) |
| ☐ Compare actual quantities (how many more & how many less) |
| ☐ Review connections of new skill to prior knowledge  |
| **Student Response Accommodations:**                 |
| ☐ Use calculator                                      |
| ☐ Use multiplication sheet                            |
| ☐ Verbalize new skill similarities to prior knowledge |

| **Lack of perseverance**                             |
| **Root Cause Guiding Questions:**                    |
| Has an "I can't" attitude because of recent failures? |
| Does not set personal goals or track progress?       |
| Needs frequent breaks to maintain energy/focus?      |
| Gives up because new skills are taught before prerequisite skills are in place? |
| Cannot visualize multiple ways of getting a reasonable result? |
| Does not ask for help?                                |
| **Teacher Presentation Accommodations:**             |
| ☐ Have students practice in pairs (i.e. make up own examples, discuss answers) |
| ☐ Review connections of new skill to prior knowledge |
| ☐ Provide extra space to write problems & solutions  |
| **Student Response Accommodations:**                 |
| ☐ Use checklist or rubric when checking for errors    |

| **Lack of self-monitoring or directing**             |
| **Root Cause Guiding Questions:**                    |
| Cannot estimate a reasonable answer?                 |
| Does not see the real-life application?              |
| Thinks finishing 1st is important?                   |
| Thinks the teacher should only check answers?        |
| **Teacher Presentation Accommodations:**             |
| ☐ Immediately corrects errors & provides feedback explanation |
| ☐ Provide modeling, guided practice, & feedback on how to self-monitor |
| **Student Response Accommodations:**                 |
| ☐ Use checklist or rubric when checking for errors    |

**NOTE:** Non-exhaustive, non-mandatory list; Accommodations should be individualized
## CHALLENGES RELATED TO POOR ORGANIZATION

### Cannot meet deadlines

**Root Cause Guiding Questions:**
- Does not have a sense of how long an X number of minutes feels like?
- Cannot estimate time for task?
- Does not prioritize or sequence tasks?
- Does not monitor break time?
- Does not know how to get started?

**Teacher Presentation Accommodations:**
- Model how to schedule/track time on task
- Send important date reminders
- Provide course syllabus that includes dates for projects, tests, etc.
- “Get Ready” checklist of items needed to get started
- Provide worked examples

**Student Response Accommodations:**
- Use visual or disappearing timer
- Use assignment planner

**Timing & Scheduling:**
- Time how long it takes the student to get started with & without “Get Ready” checklist

**Setting:**
- Notify parent of missing assignments
- Monitor use of assignment planner

### Cannot organize space & materials

**Root Cause Guiding Questions:**
- Does not know why task is important?
- Poor sorting & classifying skills?
- Does not have or remember simple rules or patterns for organization?
- Cannot visualize the finished product or a plan to achieve it?
- Cannot break task down and sequence them?

**Teacher Presentation Accommodations:**
- Model how to organize desk
- Model sorting: fun objects, supplies, assignments, handouts

**Student Response Accommodations:**
- Visualize final product & answer “what should this look like when complete”
- Gather materials prior to starting task

**Timing & Scheduling:**
- Allow time to clean workspace

**Setting:**
- Color code folders
- Large binder with colored dividers for multiple classes
- Provide 3-hole punched handouts
- Non-white colors for project assignment details & dates
- Set of books at home
- Easy access to supplies

### Cannot organize ideas

**Root Cause Guiding Questions:**
- Does not establish a clear purpose for the task?
- Cannot brainstorm ideas for implementation or establish priorities?
- Does not understand the importance of a 1st draft plan?
- Cannot sequence ideas/tasks in a logical way?
- Does not know how to refine/revise a plan?

**Teacher Presentation Accommodations:**
- Modeled how to strikethrough on multiple choice task
- Model breaking big tasks into a list of smaller parts

**Student Response Accommodations:**
- Erasable highlighter for important info.
- Repeat or paraphrase directions or learning-to teacher or partner (check for understanding)
- Use outline or multi-colored retractable pens to take notes
- Study by placing labels in margins or re-writing notes

**Timing & Scheduling:**
- Allow time for short breaks

**Setting:**
- Use “to do” list, checklist & timelines

### Cannot transfer skills to unfamiliar settings

**Root Cause Guiding Questions:**
- Cannot visualize how, when, or where to apply the skill?
- Is overly dependent on others?
- Is using an organizing system that doesn’t match personal style?
- Does not feel payoff is enough to make organization strategies habits?
- Does not reflect & adjust regularly?

**Teacher Presentation Accommodations:**
- Allow student to self-assess their learning
- Provide opportunity to reflect on coursework challenges

**Student Response Accommodations:**
- Sort & classify similarities and differences in content

**Timing & Scheduling:**
- Schedule student task reflection

### Experience task paralysis due to anxiety or false beliefs

**Root Cause Guiding Questions:**
- Avoids “boring” or difficult tasks?
- Has an unhealthy fear of mistakes?
- Has unclear expectations & priorities?
- Does not understand how organization affects success?
- Lacks self-confidence due to limited success?

**Teacher Presentation Accommodations:**
- Reinforce test taking skills
- Utilize Growth-Mindset activities
- Use Effort Supportive Language (i.e. “You worked hard”, “You organized carefully”, or “This is a challenge”)}

**Student Response Accommodations:**
- Articulate resources if they get stuck
- Chart self-improvement
- Visualize & reflect on past success
- Use positive self-talk

**Setting:**
- Environment that describes mistakes as learning opportunities

---

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized
<table>
<thead>
<tr>
<th>Challenges Related to Poor Writing Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Poor fluency</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong>&lt;br&gt;Poor handwriting &amp; spelling skills?&lt;br&gt;Unable to apply writing strategies?&lt;br&gt;Cannot visualize goal setting, brainstorming, planning, drafting, editing, &amp; revision?&lt;br&gt;Cannot transfer writing skills in unfamiliar situations?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong>&lt;br&gt;☐ Practice writing in the air using shoulder &amp; forearm&lt;br&gt;☐ Allow student to choose pencil grip&lt;br&gt;☐ Handwriting practice (i.e. tracing letters, copying/dictating words &amp; sentences)&lt;br&gt;☐ Guided practice with writing strategies&lt;br&gt;☐ Multiple short daily writing sessions&lt;br&gt;☐ Direct instruction on penmanship&lt;br&gt;☐ Provide fill in the blank notes&lt;br&gt;☐ Provide Alphabet Strip on table for correct letter formation&lt;br&gt;☐ Use directional arrows for letter formation&lt;br&gt;☐ Provide spelling words that only focus on spelling patterns&lt;br&gt;☐ Call out spelling words at a slower pace&lt;br&gt;☐ Provide a letter scramble for spelling words</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong>&lt;br&gt;☐ Verbally explain responses before writing them down&lt;br&gt;☐ Record verbal responses&lt;br&gt;☐ Write response next to question rather than separate paper&lt;br&gt;☐ Use wide-ruled or graph paper&lt;br&gt;☐ Speech-to-text software&lt;br&gt;☐ Typed assignments&lt;br&gt;☐ Use scribe to write responses&lt;br&gt;☐ Braille writer&lt;br&gt;☐ Circle or point at answers&lt;br&gt;☐ Track growth by reviewing previous writings</td>
</tr>
<tr>
<td><strong>Timing &amp; Scheduling:</strong>&lt;br&gt;☐ Outlined response with verbal presentation&lt;br&gt;☐ Provide timely feedback as they work or by next class</td>
</tr>
<tr>
<td><strong>Setting:</strong>&lt;br&gt;☐ Average 2 grades for essays (1 for content &amp; 1 for grammar)&lt;br&gt;☐ Specific feedback does not include more info. then the student can process</td>
</tr>
<tr>
<td><strong>Poor clarity &amp; organization skills</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong>&lt;br&gt;Awkward sentence structure/word choice?&lt;br&gt;Uses run-on or short sentences?&lt;br&gt;Poor transitions?&lt;br&gt;Guided practice on audience &amp; purpose?&lt;br&gt;Guided practice on sequencing thoughts?&lt;br&gt;Guided practice on clear word choice?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong>&lt;br&gt;☐ Model writing tools (i.e. cut, copy, paste, underline, bold)&lt;br&gt;☐ Provide printed lecture notes&lt;br&gt;☐ Direct teach commonly known words for the grade level&lt;br&gt;☐ Use exploratory approach to model identification of spelling patterns (i.e. phonetic, word families, syllables, and affixes)&lt;br&gt;☐ Model editing phonetically spelled words in the student’s writing</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong>&lt;br&gt;☐ Sentence stems&lt;br&gt;☐ Spell phonetically&lt;br&gt;☐ Seek peer assistance in note taking&lt;br&gt;☐ Log &amp; study frequently misspelled words &amp; error patterns&lt;br&gt;☐ Track growth by reviewing previous spellings&lt;br&gt;☐ Use spell checker&lt;br&gt;☐ Use writing steps outline (purpose, audience, character development, details)&lt;br&gt;☐ Graphic organizer</td>
</tr>
<tr>
<td><strong>Timing &amp; Scheduling:</strong>&lt;br&gt;☐ Provide timely feedback as they work or by next class</td>
</tr>
<tr>
<td><strong>Setting:</strong>&lt;br&gt;☐ Word walls to refer to while writing&lt;br&gt;☐ Minimal grading of initial writing practice&lt;br&gt;☐ Specific feedback does not include more info. then the student can process</td>
</tr>
<tr>
<td><strong>Weak editing &amp; revision skills</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong>&lt;br&gt;Focusses on too many things at once?&lt;br&gt;Needs specific/frequent feedback?&lt;br&gt;Unaware of revision/editing resources?&lt;br&gt;Unable to see grammar, spelling, punctuation, or capitalization patterns?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong>&lt;br&gt;☐ Model quality editing &amp; revision&lt;br&gt;☐ Model sentence combining, run-on sentence modifying, &amp; sentence editing&lt;br&gt;☐ Use peer feedback sessions</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong>&lt;br&gt;☐ Use spell checker or grammar checker&lt;br&gt;☐ Use writing checklist or rubric to clarify ideas, remove unnecessary ideas, revise sequence&lt;br&gt;☐ Edit someone else’s writing</td>
</tr>
<tr>
<td><strong>Timing &amp; Scheduling:</strong>&lt;br&gt;☐ Provide timely feedback as they work or by next class</td>
</tr>
<tr>
<td><strong>Low motivation to write</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong>&lt;br&gt;Poor self-confidence in writing?&lt;br&gt;Environment/feedback perceived as harsh?&lt;br&gt;Overwhelmed by size/complexity of task?&lt;br&gt;Direct guidance/support during writing?&lt;br&gt;Does not track errors typically made to adjust?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong>&lt;br&gt;☐ Provide topic choices for the student to pick from&lt;br&gt;☐ Publish writing for an audience: letter, e-mail, blog, hallway, local business, Google classroom</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong>&lt;br&gt;☐ Use computer to complete task&lt;br&gt;☐ Oral presenting or testing&lt;br&gt;☐ Use personal journal</td>
</tr>
<tr>
<td><strong>Timing &amp; Scheduling:</strong>&lt;br&gt;☐ Provide timely feedback as they work or by next class</td>
</tr>
<tr>
<td><strong>Setting:</strong>&lt;br&gt;☐ Small group task&lt;br&gt;☐ Specific feedback does not include more info. then the student can process</td>
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</tbody>
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**Note:** Non-exhaustive, non-mandatory list; Accommodations should be individualized.
### CHALLENGES RELATED TO POOR ATTENTION & FOCUS

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<tr>
<th>Does not know what to focus on (Unable to relate to new things)</th>
<th>Poor transition skills (Lacks flexible thinking)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
</tr>
<tr>
<td>Does not see personal importance of task?</td>
<td>Feels stressed from fear of failure or unknown consequences?</td>
</tr>
<tr>
<td>Cannot inhibit distractors?</td>
<td>Lacks clear goals &amp; priorities</td>
</tr>
<tr>
<td>Due to stress, has reduced focus ability?</td>
<td>Unable to work without clear structure or pattern?</td>
</tr>
<tr>
<td>Cannot sort abstract information?</td>
<td>Cannot use self-talk to plan before acting?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong></td>
<td>Cannot adjust pace or plan for new situation?</td>
</tr>
<tr>
<td>☐ Materials with bolded words &amp; highlighted text</td>
<td></td>
</tr>
<tr>
<td>☐ Peer note-taker</td>
<td></td>
</tr>
<tr>
<td>☐ Printed notes</td>
<td></td>
</tr>
<tr>
<td>☐ Advance organizers with focusing questions (<em>i.e.</em> KWL chart)</td>
<td></td>
</tr>
<tr>
<td>☐ Use flashlight or pointer to illuminate important information</td>
<td></td>
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<tr>
<td>☐ Provide clear task purpose &amp; learning targets</td>
<td></td>
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<tr>
<td>☐ Ask how a new skill is similar to an old skill</td>
<td></td>
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<tr>
<td>☐ Use concrete experiences</td>
<td></td>
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<tr>
<td>☐ Provide specific feedback</td>
<td></td>
</tr>
<tr>
<td>☐ Consider student style &amp; interest</td>
<td></td>
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<tr>
<td>☐ Build choices into assignments</td>
<td></td>
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<tr>
<td><strong>Student Response Accommodations:</strong></td>
<td></td>
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<tr>
<td>☐ Verbalize what the task or target is and why it is useful</td>
<td></td>
</tr>
<tr>
<td>☐ Verbalize new skill similarities to prior knowledge</td>
<td></td>
</tr>
<tr>
<td>☐ Utilize sleep tracking form for use at home</td>
<td></td>
</tr>
<tr>
<td><strong>Timing &amp; Scheduling:</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Intersperse work time with short breaks</td>
<td></td>
</tr>
<tr>
<td>☐ Shortened school day</td>
<td></td>
</tr>
<tr>
<td>☐ Leave early or late passes</td>
<td></td>
</tr>
<tr>
<td><strong>Setting:</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Window or pictures of nature used during short break times</td>
<td></td>
</tr>
<tr>
<td>☐ Outdoor break</td>
<td></td>
</tr>
<tr>
<td><strong>Cannot sustain focus (Poor endurance)</strong></td>
<td><strong>Student Response Accommodations:</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td>☐ Verbalize and discuss direction &amp; learning with partner</td>
</tr>
<tr>
<td>Cannot break large task into manageable chunks?</td>
<td>☐ Read with partner</td>
</tr>
<tr>
<td>Overwhelmed when too much info. or skills required?</td>
<td>☐ Draw example of learning</td>
</tr>
<tr>
<td>Cannot work for long periods without break?</td>
<td>☐ Stand to complete task</td>
</tr>
<tr>
<td>Lacks variety in ways to approach task?</td>
<td>☐ Use distraction-blockers: earplugs, earphones, privacy divider during seat work &amp; tests</td>
</tr>
<tr>
<td>Lacks enough support to keep frustration low?</td>
<td>☐ Self-monitor on-task behavior &amp; distraction reasons</td>
</tr>
<tr>
<td>Cannot self-monitor on-task behavior?</td>
<td><strong>Teacher Presentation Accommodations:</strong></td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong></td>
<td>☐ Keep lesson periods short when possible</td>
</tr>
<tr>
<td>☐ High contrast between text &amp; background</td>
<td>☐ Redirect focus: ask a question, nonverbal cues, stand close</td>
</tr>
<tr>
<td>☐ Sufficient space between letters, words, lines</td>
<td>☐ Alternate between high- &amp; low-interest activities</td>
</tr>
<tr>
<td>☐ Task read to student</td>
<td>☐ Tangible learning experiences</td>
</tr>
<tr>
<td>☐ Task read aloud by student</td>
<td>☐ Use visualization strategies with sensory detail</td>
</tr>
<tr>
<td>☐ Pace passive learning &amp; student active reflection based on student age (<em>i.e.</em> lecture minutes same as age)</td>
<td>☐ Track on-task behavior &amp; provide feedback</td>
</tr>
<tr>
<td><strong>Note:</strong> Non-exhaustive, non-mandatory list; Accommodations should be individualized</td>
<td>☐ Provided worked or examples</td>
</tr>
</tbody>
</table>
### CHALLENGES RELATED TO POOR READING COMPREHENSION

<table>
<thead>
<tr>
<th>Poor word attack skills</th>
<th>Poor oral reading fluency</th>
<th>Poor comprehension</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
</tr>
<tr>
<td>Cannot link sounds to letters?</td>
<td>Cannot read in phrases?</td>
<td>Does not set a purpose before reading?</td>
</tr>
<tr>
<td>Experiences spatial confusion, causing reversals?</td>
<td>Cannot keep track of current pace on the page?</td>
<td>Cannot create visual images of the information?</td>
</tr>
<tr>
<td>Cannot break down or blend sounds?</td>
<td>Ignores punctuation?</td>
<td>Does not predict or ask questions while reading?</td>
</tr>
<tr>
<td>Cannot break words into syllables?</td>
<td>Does not read with expression?</td>
<td>Does not know fix-up strategies &amp; apply them?</td>
</tr>
<tr>
<td>Cannot see rhyme, vowel, or consonant patterns in syllables?</td>
<td>Does not set personal goals &amp; track progress?</td>
<td>Does not self-monitor to see if text makes sense?</td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong></td>
<td><strong>Teacher Presentation Accommodations:</strong></td>
<td><strong>Teacher Presentation Accommodations:</strong></td>
</tr>
<tr>
<td>☐ Use font type that reduces visual confusion (i.e. Helvetica, Courier, Arial, Verdana)</td>
<td>☐ Books and materials with large print</td>
<td>☐ Minimize double-sided worksheets</td>
</tr>
<tr>
<td></td>
<td>☐ Device to magnify print: magnifiers, enlarged screen</td>
<td>☐ Vocabulary Flash Cards</td>
</tr>
<tr>
<td></td>
<td>☐ Bookmark for tracking</td>
<td>☐ Use variety of text</td>
</tr>
<tr>
<td></td>
<td>☐ Audiobooks</td>
<td>☐ Provide relevance &amp; connection to the reading</td>
</tr>
<tr>
<td></td>
<td>☐ Oral reader: screen reader, peer, adult</td>
<td>☐ Model finding text topic</td>
</tr>
<tr>
<td></td>
<td>☐ Braille</td>
<td>☐ Model filtering out unimportant information</td>
</tr>
<tr>
<td></td>
<td>☐ Model reading with expression &amp; attending to punctuation (i.e. Echo-reading)</td>
<td>☐ Read aloud</td>
</tr>
<tr>
<td></td>
<td>☐ Script &amp; Play reading (i.e. Radio Reading)</td>
<td>☐ Model mental picture creation</td>
</tr>
<tr>
<td></td>
<td>☐ Reading cue card with focus question</td>
<td>☐ Review connections of new skill to prior knowledge</td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong></td>
<td><strong>Student Response Accommodations:</strong></td>
<td><strong>Student Response Accommodations:</strong></td>
</tr>
<tr>
<td>☐ Color overlays</td>
<td>☐ Oral reading practice (i.e. Paired Repeated Reading, Phrase reading, Simple Assisted Reading, Radio Reading, etc.)</td>
<td>☐ Break reading task into small steps</td>
</tr>
<tr>
<td></td>
<td>☐ Braille Typewriter</td>
<td>☐ Highlight important parts of text (set limit on words/phrases)</td>
</tr>
<tr>
<td></td>
<td>☐ Story retelling with “first”, “then”, &amp; “finally”</td>
<td>☐ Key word graphic organizer</td>
</tr>
<tr>
<td></td>
<td>☐ Allowed to write notes in margins</td>
<td>☐ Oral summarization (i.e. Partner Turn-and-talks, class discussion)</td>
</tr>
<tr>
<td></td>
<td>☐ Group picture cards by sounds</td>
<td>☐ Verbalize new skill similarities to prior knowledge</td>
</tr>
<tr>
<td><strong>Poor automatic word recognition and vocabulary</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Timing &amp; Scheduling:</strong></td>
</tr>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td>Cannot analyze words using roots &amp; affixes?</td>
<td>☐ Plan mental breaks</td>
</tr>
<tr>
<td>Lacks rich oral language experiences?</td>
<td>Cannot infer a meaning by using context clues?</td>
<td><strong>NOTE:</strong> Non-exhaustive, non-mandatory list; Accommodations should be individualized</td>
</tr>
<tr>
<td>Has not encountered words multiple times in multiple contexts?</td>
<td>Does not relate to idioms or other forms of figurative language?</td>
<td></td>
</tr>
<tr>
<td><strong>Teacher Presentation Accommodations:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Direct teach literal &amp; figurative idioms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Model use of context cues</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Student Response Accommodations:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Define words linguistically &amp; non-linguistically (i.e. sketch)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ List characteristics, examples, &amp; non-examples of new vocabulary words</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ List synonym and antonym of words</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Write new words in a sentence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### CHALLENGES RELATED TO IMPULSIVNESS & POOR SELF-MONITORING

<table>
<thead>
<tr>
<th>Inability to delay gratification or reacts before thinking</th>
<th>Inability to cope with frustration, anger or feelings of discouragement or helplessness</th>
<th>Inability to adjust behavior to a situation and/or is unaware of how own behavior affects others</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
<td><strong>Root Cause Guiding Questions:</strong></td>
</tr>
<tr>
<td>Cannot distinguish feelings from actions or wants from needs?</td>
<td>Cannot articulate the problem/feelings?</td>
<td>Is unclear about expectations or goals?</td>
</tr>
<tr>
<td>Needs attention or higher level of stimulation?</td>
<td>Avoids situations that are too difficult or boring?</td>
<td>Does not pick up on feedback that indicates a need to alter behavior?</td>
</tr>
<tr>
<td>Is unable to slow down and use self-talk to calm down?</td>
<td>Retaliates for perceived mistreatment?</td>
<td>Needs practice for appropriate behavior &amp; responses?</td>
</tr>
<tr>
<td>Has limited repertoire of appropriate responses?</td>
<td>Cannot identify what triggers problems or causes stress?</td>
<td>Cannot accurately predict consequences?</td>
</tr>
<tr>
<td>Needs more structure &amp; routine</td>
<td>Cannot reframe (see things from a new perspective)?</td>
<td>Needs feedback for improvement &amp; reinforcement?</td>
</tr>
<tr>
<td>Unsure of how actions affects others?</td>
<td>In unable to use past experiences &amp; mistakes to self-correct?</td>
<td>In unable to use past experiences &amp; mistakes to self-correct?</td>
</tr>
</tbody>
</table>

**Teacher Presentation Accommodations:**
- Provide opportunity to reflect on coursework challenges
- Direct teach metacognition of reasoning & emotion
- Direct teach self-monitoring
- Provide immediate feedback on success & areas of improvement
- Provide parent with feedback on success & areas of improvement

**Student Response Accommodations:**
- Journal emotional triggers or events (home & school)
- Chart behaviors & feelings (home & school)

**Timing & Scheduling:**
- Schedule 5 minute period to check work prior to submitting
- Time 15 or 20 min’s of pure focus then allow break
- Allow 20 min’s to calm after emotional trigger
- Schedule end of the day/period self-monitoring

**Setting:**
- Ignore minor inappropriate behavior
- Increase immediacy of rewards & consequences
- Tactile stimulation

**Teacher Presentation Accommodations:**
- Direct teach calming self-talk
- Direct teach reframing strategies to cope with stress
- Utilize Vocabulary Continuum strategy to identify & label ranges of feelings (i.e. miserable, poor, good)
- Direct teach the impact of prior experiences on decisions & choices
- Direct teach reframing & considering alternative explanations
- Provide/model language to convey what they are feeling "I feel", "I accept", or "It’s frustrating when"

**Student Response Accommodations:**
- Use constructive self-verbalization, calming self-talk, or visualize past success
- Journal emotional triggers or events (home & school)
- Use breathing exercises
- Flex & relax muscles
- Count to 10 or talk to an adult
- Drink water

**Timing & Scheduling:**
- Schedule sensory break
- Schedule small group on anger management
- Schedule core exercises, stretching, and/or walking

**Setting:**
- Space for student’s guide dog (service animal)
- Adjust lighting
- Play calming music
- Use air purifier
- Tactile stimulation
- Provide quiet spot for student use as needed

**NOTE:** Non-exhaustive, non-mandatory list; Accommodations should be individualized
### CHALLENGES RELATED TO ALLERGIES

**Teacher Presentation Accommodations:**
- Adapt physical education curriculum during high pollen season
- Digital lab curriculum

**Student Response Accommodations:**
- Use pencil grips, typewriter, or computer
- Use locker assistance or lock with key
- Use peer note taker, tape recorder, or printed notes
- Use Velcro fasteners for bags
- Oral reports

**Timing & Scheduling:**
- Allow time for appointments
- Allow extra time between classes
- Schedule peer support group
- Schedule rest periods

**Setting:**
- Provide assistance in carrying books or tray (i.e. book caddie)
- Allow movement to avoid stiffness
- Provide padded chairs
- Sit close to heat

---

**CHALLENGES RELATED TO CANCER**

**Teacher Presentation Accommodations:**
- Adapt physical education curriculum
- Digital lab curriculum

**Student Response Accommodations:**
- Use pencil grips, typewriter, or computer
- Use locker assistance or lock with key
- Use peer note taker, tape recorder, or printed notes
- Use Velcro fasteners for bags
- Oral reports

**Timing & Scheduling:**
- Allow time for appointments
- Allow extra time between classes
- Schedule peer support group
- Schedule rest periods

**Setting:**
- Provide assistance in carrying books or tray (i.e. book caddie)
- Allow movement to avoid stiffness
- Provide padded chairs
- Sit close to heat

---

**CHALLENGES RELATED TO ARTHRITIS**

**Teacher Presentation Accommodations:**
- Adapt physical education curriculum
- Digital lab curriculum

**Student Response Accommodations:**
- Use pencil grips, typewriter, or computer
- Use locker assistance or lock with key
- Use peer note taker, tape recorder, or printed notes
- Use Velcro fasteners for bags
- Oral reports

**Timing & Scheduling:**
- Allow time for appointments
- Allow extra time between classes
- Schedule peer support group
- Schedule rest periods

**Setting:**
- Provide assistance in carrying books or tray (i.e. book caddie)
- Allow movement to avoid stiffness
- Provide padded chairs
- Sit close to heat

---

**CHALLENGES RELATED TO ASTHMA**

**Teacher Presentation Accommodations:**
- Adapt physical education curriculum
- Digital lab curriculum

**Timing & Scheduling:**
- Schedule rest periods

**Setting:**
- Remove allergens
- Provide inhalant therapy assistance

---

### CHALLENGES RELATED TO HEARING IMPAIRMENT

**Teacher Presentation Accommodations:**
- Use written notes for communication
- Use assistive technology

**Student Response Accommodations:**
- Use interpreter for school events
- Use assistive devices on public phones
- Provide TDD or relay services

**Timing & Scheduling:**
- Schedule peer support group

**Setting:**
- As much as possible consistent room arrangement
- Remove entryway obstacles

---

**CHALLENGES RELATED TO VISUAL IMPAIRMENT**

**Teacher Presentation Accommodations:**
- Provide copies of text/notes, large print materials, books on tape
- Review tactile maps
- Reduce visual clutter
- Verbalize as write on board
- Avoid red, orange or yellow markers

**Student Response Accommodations:**
- Sit where vision is optimized
- Use dark felt tip pens, dark lined writing paper, magnifier, monocular glass, desktop slant board
- Avoid working in own shadow or facing the light

**Setting:**
- As much as possible consistent room arrangement
- Remove entryway obstacles

---

**NOTE:** Non-exhaustive, non-mandatory list; Accommodations should be individualized
Sample Impartial Hearing Agenda

Impartial Hearing Agenda

1. Formal call to order
   a. Date, time and place
   b. Statement such as: “We are here in the matter of (student’s first name and last initial, district or charter school, and case number)

2. Introductory statement by hearing officer
   a. Introduction of hearing officer
   b. Statement of open or closed hearing
   c. Statement such as: “For the record I request that parties speak loudly and clearly and only one at a time.”
   d. Introduction of participants for record requesting that parties spell their name for the record
   e. Purpose of the hearing
   f. Explanation of hearing procedures

3. Opening of formal testimony
   a. Opening statement
      i. School district or charter school
      ii. Parent/guardian opening statement
   b. Presentation of written evidence and testimony
      i. School district or charter school
      ii. Parent/guardian opening statement
      iii. School district or charter school (rebuttal)

4. Closing arguments
   a. School district or charter school
   b. Parent/guardian opening statement

5. Closing arguments by hearing officer
   a. Filing of closing arguments
   b. Decision due date
   c. Procedures for appeal
It is the preference of the school district/charter school to resolve allegations of discrimination through informal processes and communications. A request for an informal conference must be made by the grievant within ___ calendar days after an alleged violation has occurred. An informal conference must be convened within ___ calendar days after receipt of the request.

If the informal process fails to satisfy the grievant, a grievance may be processed as follows:

**Step 1:** Within ___ calendar days following the informal conference, the grievant shall file a grievance on the form provided by the school district/charter school. The grievant should present the grievance orally or in writing to the District/Charter School Section 504 Coordinator. Oral complaints will be placed in writing. Within ___ calendar days of the receipt of the grievance, the coordinator shall conduct a hearing regarding the complaint. All parties involved in the grievance shall be given a ___ calendar day notice of the date, time and place of the hearing. The parties shall be granted appropriate due process rights as required by law including the right to be represented by counsel, offer testimony, present evidence, cross-examine witnesses, and appeal rulings. Within ___ calendar days of the adjournment of the hearing, the District/Charter School Section 504 Coordinator will render a written decision regarding the grievance.

**Step 2:** If the grievant is not satisfied at Step 1, the grievant may refer the grievance to the superintendent/director within ___ calendar days after receipt of the Step 1 written decision. The superintendent/director or designee shall hold a hearing following the same procedures as in the previous hearing.

**Step 3:** If the grievant is not satisfied at Step 2, the grievant may within ___ days request a Due Process Hearing.

**Definitions:**
Grievance: Refers to any claim by an employee that there has been a violation, misinterpretation, or misapplication of the terms of Section 504.

Advanced Step Filing: Grievances may be initially filed at Step 1 thereby eliminating the informal conference.

No Reprisals: No reprisals shall be taken by the Board or its agents against any individual because of participation in this process.

Withdrawal: A grievance may be withdrawn at any level without establishing a precedent.

Time Limitations: An extension of the time limits is permissible by mutual consent of the parties at any level.
Sample Section 504 LEA Complaint & Grievance Filing Form

Section 504 Complaint & Grievance Filing Form

Date ______________________

Your name __________________________________________________________

Your school and/or position _______________________________________________

    Your address ______________________________________________________

    Your telephone ____________________________________________________

Nature of your grievance (Please describe the practice or action you believe may be in violation of Section 504 and identify the name and title of person(s) you believe may be responsible.)

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Provide a brief description of what, when and how the incident occurred. (Attach additional pages, if necessary).

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Explain what steps, if any, you have already taken to resolve this matter.

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Describe any corrective action you would like to see taken with regard to the possible violation.

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

Signature of grievant

________________________________ ________________

Signature of person receiving grievance  Location of grievance filing
**Sample Section 504 Complaint & Grievance Case Record Form**

**Section 504 Complaint & Grievance Case Record Form – LEA Initial Processing**

Name of grievant(s) ____________________________________________________________

School and/or position ________________________________________________________

Nature of grievance:  □ Student  □ Employee  □ Parent

__________________________________________________________________________

Suggested corrective action, if given __________________________________________

__________________________________________________________________________

Any pre-grievance contacts  □ Yes  □ No

Data grievance filed _____________ Place grievance filed _______________________

Stage of initial consideration  □ Stage 1  □ Stage 2  □ Stage 3

Identified respondent ________ Date notified _______ Date answer received _______

Identified respondent ________ Date notified _______ Date answer received _______

Respondent’s answer:  □ Agree with facts  □ Disagree with facts  □ Request hearing

Hearing officer ____________ Date notified ________ Date decision received _______

Decision of hearing officer:  □ Accepts grievant’s corrective action
  □ Proposes alternative corrective action  □ Requires Level I hearing

Grievant’s response:  □ Accepts corrective action  □ Requests hearing

<table>
<thead>
<tr>
<th>If hearing requested:</th>
<th>If corrective action accepted:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of hearing ______</td>
<td></td>
</tr>
<tr>
<td>Time of hearing ______</td>
<td></td>
</tr>
<tr>
<td>Place __________________</td>
<td></td>
</tr>
<tr>
<td>Date notification sent</td>
<td>Date of notification of respondent and hearing officer ____________</td>
</tr>
<tr>
<td>Corrective steps description ________________</td>
<td></td>
</tr>
</tbody>
</table>

Sample Section 504 Complaint & Grievance Case Record Form

Section 504 Manual 63
Section 504 Grievance Policy Self-Evaluation

Self-Evaluation: Section 504 Grievance Written Policy

Each district leadership team should consider the below-listed items when evaluating the content of a district’s written Section 504 grievance policy to determine adjustments. The evaluation is organized into three sections:

- INITIATION AND FILING OF THE GRIEVANCE
- PROCESSING THE GRIEVANCE
- BASIC PROCEDURAL RIGHTS

- INITIATION AND FILING OF THE GRIEVANCE

**Does the written grievance policy:**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
</tr>
</tbody>
</table>

**PROCESSING THE GRIEVANCE**

**Does the written grievance policy:**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
</tr>
</tbody>
</table>

Specify the procedures which shall be used in conducting grievance hearings:

- Amount of time allocated to each hearing?
- Amount of time allocated to each party to the grievance?
- Right of each party to representation and assistance?
- Right of each party to present witnesses and evidence?
- Right of each party to question witnesses?
- Roles of persons involved in the hearing?
- Right of grievant to determine whether hearing shall be open to the public?
- Provisions and requirements for recording the hearing?
7. Specify requirements for submission of written information by grievants?
8. State the form and timelines for the preparation of grievance decisions?
9. State the procedures and timelines for the grievant's acceptance or appeal of grievance decisions?
10. Specify the roles and selection of persons involved in grievance processing?

**BASIC PROCEDURAL RIGHTS**

**Does the written grievance policy:**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Provide grievants with the right to appeal to progressive levels of decision-making? Yes</td>
</tr>
<tr>
<td>2.</td>
<td>Provide assurances regarding the impartiality of hearing officers? Yes</td>
</tr>
<tr>
<td>3.</td>
<td>Provide for confidentiality of grievance proceedings if so desired by the grievant? Yes</td>
</tr>
<tr>
<td>4.</td>
<td>Provide for grievants' access to relevant institutional and agency records? Yes</td>
</tr>
<tr>
<td>5.</td>
<td>Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files? Yes</td>
</tr>
<tr>
<td>6.</td>
<td>Provide for confidentiality of grievance records if so desired by the grievant? Yes</td>
</tr>
</tbody>
</table>
This subsection includes additional local and federal resources concerning Section 504 of the Rehabilitation ACT of 1973. This information is provided for the reader’s convenience and are shared in an effort to support multiple audiences (i.e. stakeholders, parents, students, advocacy groups, and educators). Resources include links to websites and information created and maintained by public and private organizations. The Arkansas Division of Elementary and Secondary Education (DESE) and the Equity Assistance Center (EAC) do not guarantee the accuracy of the information contained within these resources, and do not endorse any views expressed, or products or services offered.

**Public Resources**

**Arkansas Department of Education Data Center District and School Personnel Directory**

- For contact information of LEA Equity Section 504 Coordinators & other district and charter school staff. [https://adedata.arkansas.gov/spd/Home/districts](https://adedata.arkansas.gov/spd/Home/districts)

**Arkansas Division of Elementary and Secondary Education (DESE) Equity Assistance Center (EAC)**

- For guidance, resources and assistance in complaint resolution concerning Section 504. Advisors are available to provide Section 504 information and answers to technical questions. [http://www.arkansased.gov/divisions/legal/equity-assistance/section-504](http://www.arkansased.gov/divisions/legal/equity-assistance/section-504)

**Equity Assistance Center (EAC) Contact Information**

Equity Assistance Center  
Arkansas Department of Education  
Four Capitol Mall, Box 25  
Little Rock, AR 72201

Telephone: 501-682-4213  
FAX: 501-682-7288  
Email: ADE.equityassistance@arkansas.gov

**Information and Technical Assistance on the Americans with Disabilities Act (ADA)**

- Website lists ADA laws, resources and information line. ADA Specialists are available to provide ADA information and answers to technical questions. [https://www.ada.gov/contact_drs.htm](https://www.ada.gov/contact_drs.htm)

**Electronic Code of Federal Regulations (e-CFR) Data**
Website provides electronic version of the statute Section 504 of the Rehabilitation Act of 1973, 34 C.R.F. Part 104 [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title34/34cfr104_main_02.tpl]

Office for Civil Rights (OCR) of the U.S. Department of Education Guidance

- Guidance provides an overview of disability discrimination and laws. [https://www2.ed.gov/about/offices/list/ocr/disabilityoverview.html]
- Guidance concerns frequently asked questions (FAQ) about Section 504 and the education of students with disabilities. [https://www2.ed.gov/about/offices/list/ocr/504faq.html]
- Guidance describes proper evaluation and timely and appropriate services to students with Attention Deficit Hyperactivity Disorder (ADHD) - Students with ADHD and Section 504: A Resources Guide, OCR, Washington, DC, 2016. [www.ed.gov/ocr/letters/colleague-201607-504-adhd.pdf].
- OCR “Dear Colleague” Letters of Guidance (non-exhaustive list)
  - OCR Releases Guidance about the Rights of Students with Disabilities in Public Charter Schools, December 28, 2016
    Letter addresses Students with disabilities who are enrolled in public charter schools and their rights under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA). [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201612-504-charter-school.pdf]
    Letter concerns public school obligations to meet the communication needs of students with hearing, vision, or speech disabilities. [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf]
  - Guidance on Bullying of Students with Disabilities, October 21, 2014
    Letter discusses the school’s obligation to respond to the bullying of students with disabilities. It describes the actions schools must take when bullying interferes with the education of a student with a disability and provides insight into how OCR analyzes complaints involving bullying of students with disabilities. [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf]
  - Guidance on Schools’ Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics, January 25, 2013
Letter overviews the obligations of schools under Section 504 of the Rehabilitation Act and cautions against making decisions based on presumptions and stereotypes. The letter details the requirement that students with disabilities have equal opportunity for participation in nonacademic and extracurricular activities and discusses the provision of separate or different athletic opportunities. [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf)

- **Questions and Answers on Report Cards and Transcripts for Students with Disabilities Attending Public Elementary and Secondary School, October 17, 2008**
  Letter describes the general principle that report cards may contain information about a student's disability as long as it informs parents about their child's progress or level of achievement in specific classes, course content, or curriculum. Transcripts may not contain information disclosing students' disabilities. [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20081017.pdf](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20081017.pdf)

- **Guidance on Access by Students with Disabilities to Accelerated Programs, December 26, 2007**
  Letter states that a school district or charter school may not refuse qualified students with disabilities participation in challenging academic programs such as Advanced Placement and International Baccalaureate classes. Neither can a school district or charter school require qualified students with disabilities to give up the services that have been designed to meet their individual needs. [https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.pdf](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-20071226.pdf)

- **Guidance on Students with Disabilities and Transitioning to Postsecondary Education Programs, March 16, 2007**
  Letter provides information on the legal rights and responsibilities will affect students with disabilities as they transition from high school to institutions of postsecondary education. [https://www2.ed.gov/about/offices/list/ocr/letters/parent-20070316.html](https://www2.ed.gov/about/offices/list/ocr/letters/parent-20070316.html)

**Office for Civil Rights (OCR) Contact Information**

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320 – 3rd Floor  
Kansas City, Missouri 64106  
Telephone: 816-268-0550  
FAX: 816-268-0599; TDD: 800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)
Office of Special Education and Rehabilitation Services (OSEP) of the U. S. Department of Education Guidance

- Memo 11-07, January 2011

Private Resources
Arkansas Disability Rights Center

- For resources on disability-related rights and advocacy support services.
  http://disabilityrightsar.org/resources/

Center for Exceptional Families

- For presentations, useful forms, and advocacy support services.
  http://www.thecenterforexceptionalfamilies.org/forms/

ADDitude

- For ADHD guides, tools, and webinars. https://www.additudemag.com/

Understood

- For tools and webinars concerning learning and attention issues.
  https://www.understood.org/en