

## 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 because 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.

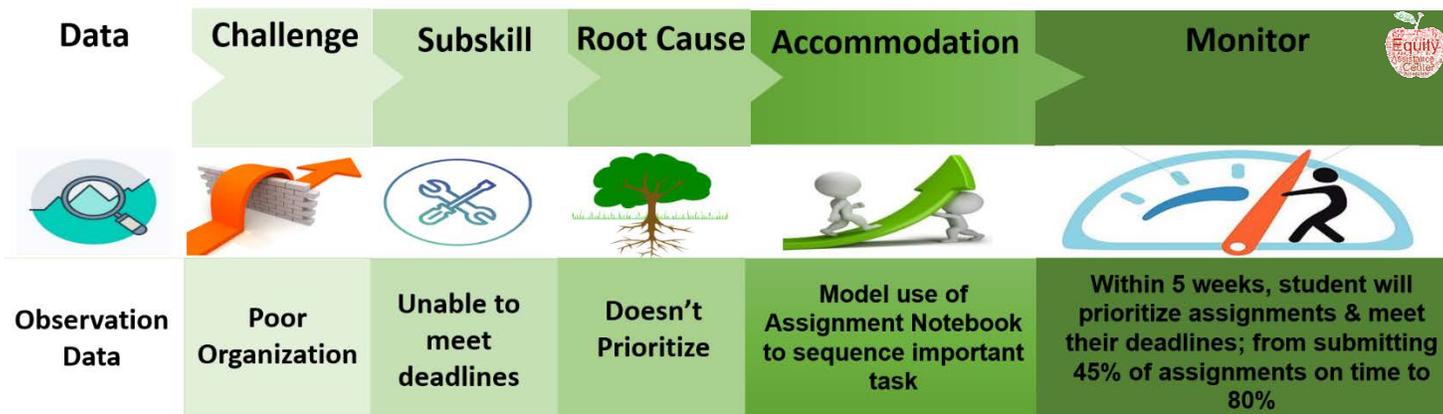


Figure 4

For additional examples of the root causes analysis process, see SECTION THREE: Section 504 Resources (*i.e.* Sample Root Causes & Accommodations).

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 more restrictive settings (*J.H., v. Fort Bend Independent School District, No. 11-20718 [5th Circuit] July 26, 2012*).

**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, request a due process hearing, utilize the board approved Grievance Procedures, 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.

<b>Comparison of School 504 Plans, IEPs &amp; IHPs</b>			
	<b>Section 504 Plan</b>	<b>Individualized Education Program (IEP)</b>	<b>Individual Health Plan (IHP)</b>
<b>Federal Statute</b>	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
<b>Purpose</b>	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
<b>Eligibility</b>	Has a, or record of, or regarded as having a physical or mental impairment that: <ul style="list-style-type: none"> <li>Substantially limits a public-school's student major life activity (<i>i.e.</i> ability to learn and function in school)</li> </ul>	Has a disability that: <ul style="list-style-type: none"> <li>Meets criteria under IDEA</li> <li>Significantly impacts educational performance</li> <li>Requires specialized services</li> </ul>	Usually includes students who <ul style="list-style-type: none"> <li>Are medically fragile</li> <li>Require complex health care support</li> <li>Need frequent or potential emergency contacts</li> <li>Have health care needs addressed on a daily basis</li> </ul>
<b>Evaluation</b>	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
<b>Consent</b>	OCR interprets informed parent consent for: <ul style="list-style-type: none"> <li>Initial evaluation</li> </ul> OCR urges parental participation for changes in provisions of FAPE ( <i>i.e.</i> 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: <ul style="list-style-type: none"> <li>Initial evaluation</li> <li>Initial placement</li> <li>Reevaluation (with assessment)</li> </ul> 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    FERPA Release needed for health information to be shared by the school to a provider
<b>The team</b>	Members can vary, but must be knowledgeable about the student  Often include: <ul style="list-style-type: none"> <li>Student's legal guardian</li> <li>Student's general-education teacher</li> <li>School Section 504 Coordinator</li> <li>Other applicable members knowledgeable about the student (<i>i.e.</i> speech therapist)</li> </ul>	Multi-disciplinary team members must include: <ul style="list-style-type: none"> <li>Student's legal guardian</li> <li>Student's general-education teacher</li> <li>Special-education teacher</li> <li>Other applicable members knowledgeable about the student and/or the evaluation results (<i>i.e.</i> psychologist, speech therapist)</li> </ul>	A licensed registered school nurse or other qualified practitioner  Often include: <ul style="list-style-type: none"> <li>Family</li> <li>Educator</li> <li>Health care provider</li> </ul>

Chart 2

<b>The plan</b>	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: <ul style="list-style-type: none"> <li>• Specific academic or behavioral accommodations or services aligned with needs the school will provide</li> <li>• Who will provide the services</li> <li>• Who will make sure plan is implemented and progress monitored</li> </ul>	Blueprint for a child's special education experience at school  Written document that includes: <ul style="list-style-type: none"> <li>• Student's classification</li> <li>• Current academic &amp; behavior status</li> <li>• Specific academic &amp; behavioral goals</li> <li>• Specific strategies aligned to goals</li> <li>• Accommodations, services, and curriculum changes / modifications</li> <li>• Timing of each service</li> <li>• Standardized test plan</li> <li>• Transition plan for high school and beyond</li> </ul>	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
<b>Revisions &amp; Re-Evaluation</b>	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
<b>Dispute Resolution</b>	Options include: <ul style="list-style-type: none"> <li>• Informal negotiation</li> <li>• Mediation</li> <li>• District Grievance Procedures</li> <li>• Impartial hearing</li> <li>• Equity Assistance Center (EAC) complaint</li> <li>• Office for Civil Rights (OCR) complaint</li> <li>• Civil lawsuit</li> </ul>	Steps include: <ul style="list-style-type: none"> <li>• Informal negotiation</li> <li>• Mediation / facilitation</li> <li>• Due process hearing</li> <li>• Civil lawsuit &amp; appeals</li> <li>• Formal state or federal complaint</li> </ul>	Options include: <ul style="list-style-type: none"> <li>• School meeting</li> <li>• District Grievance Procedures</li> </ul>
<b>Funding</b>	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
	<b>Section 504 Plan</b>	<b>Individualized Education Program (IEP)</b>	<b>Individual Health Plan (IHP)</b>

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.

<b>1. Section 504 Assurances</b>		
Has assurance of compliance with Section 504 been accurately submitted via Cycle II?	Yes	No
Is there a district Section 504 Self-Evaluation process used annually to determine compliance with Section 504 regulations?	Yes	No
<b>2. Section 504 Coordinator</b>		
If the school system employs 15 or more persons, has at least 1 person been designated as Section 504 Coordinator to ensure compliance?	Yes	No
Does the coordinator maintain documentation of compliance activities?	Yes	No
Has the school system ensured proper training of the Section 504 Coordinator?	Yes	No
<b>3. Section 504 Notice of Nondiscrimination</b>		
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?	Yes	No
Does the notice include Section 504 Coordinator name, address, and phone number?	Yes	No
Is the notice available in an understandable language to recipients in the community?	Yes	No
Is the notice available in alternative formats for the hearing and vision impaired?	Yes	No
Is the notice included in publications distributed to the public such as handbooks, application forms, recruitment, materials, and public media?	Yes	No
Is the notice posted on the website?	Yes	No
Is the notice posted in a visible place in all district facilities?	Yes	No
<i>See Sample Notice in SECTION THREE: Section 504 Resources</i>		
<b>4. Section 504 Grievance Procedures</b>		
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)?	Yes	No
Has information about the grievance procedures been provided to students and employees?	Yes	No
<i>See Sample Procedure in SECTION THREE: Section 504 Resources</i>		

Chart 3

<b>5. Section 504 Written Policy &amp; Procedures</b>		
Convey district expectation that Section 504 team members maintain confidential information as appropriate – sharing certain (not necessarily all) information only to individuals that need to know in order to support the student?	Yes	No
Convey district expectation that teachers have a responsibility to identify, locate and refer students that may have a disability?	Yes	No
Convey that a formal medical diagnosis of a student is not required to be referred for consideration of services under Section 504?	Yes	No
Include non-exhaustive description of evaluation data that may be considered?	Yes	No
Convey district expectation that teachers/staff implement the Section 504 Plan with its full intent and that not doing so may constitute insubordination?	Yes	No
Include an attachment of forms used in the Section 504 process?	Yes	No
If a Section 504 flowchart or timeline is used, the number of days and time frame are reasonable?	Yes	No
Convey a complainant's right to file a complaint with the Equity Assistance Center (EAC) or the Office for Civil Rights (OCR)?	Yes	No
Have district policies or school procedures been evaluated to determine if they are discriminatory?	Yes	No
<i>See Legal Requirements in SECTION ONE: Section 504 Compliance</i>		
<b>6. Section 504 Process</b>		
Is there a referral process to identify students with disabilities that do not qualify for services under the Individuals with Disabilities Education Act (IDEA)?	Yes	No
Does the Section 504 policy describe the authority of the Section 504 Team in determining eligibility and appropriate accommodations?	Yes	No
Through random review of Section 504 Plans, are reasonable accommodations made for students with disabilities?	Yes	No
Do Section 504 Coordinators emphasize that programs and activities need to all be accessible to individuals with disabilities?	Yes	No
Is staff training or professional development needed for improved awareness and compliance to Section 504 regulations?	Yes	No
Do all teachers know what forms are used to document the process of identifying a student for services under Section 504?	Yes	No
<i>See Legal Requirements in SECTION ONE: Section 504 Compliance</i>		
<b>7. Parents</b>		
Are appropriate steps taken to notify parents, guardians, and students of their rights, as required by Section 504?	Yes	No

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**