



DIVISION OF ELEMENTARY & SECONDARY EDUCATION

Section 504 Guidance Manual

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

Compliance Assistance Center
Office of Legal Services

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The Arkansas Division of Elementary and Secondary Education (DESE), Compliance Assistance Center (CAC), has developed this document to provide technical assistance to school systems and parents. This resource intends to provide general information. This document does not constitute legal advice nor is it a substitute for consulting 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 the federal law.

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SECTION ONE: Section 504 Compliance

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 the 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.

Legal Requirements

Section 504 of the Rehabilitation Act of 1973 Overview

[Section 504 of the Rehabilitation Act of 1973](#), 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 (34 C.F.R. Part 104).

Section 504 applies to elementary and secondary schools, preschool, and adult education. Section 504 establishes a student’s right to access education and all school-related activities.

Free Appropriate Public Education

Section 504 requires elementary and secondary schools to provide appropriate related services and aids to meet the individual needs of specific students. The statute requires that students with disabilities attending school districts/charter schools receive an education equivalent in quality and equally effective to the education of students without disabilities at no expense to the parent or guardian. This requirement is known as a free appropriate public education (FAPE).

An appropriate education means:

The provision of REGULAR or SPECIAL EDUCATION and related aids and services that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of students without disabilities are met (34 C.F.R. Part 104.33).

An equally effective education does not mean equal results or identical achievement. It means:

To afford students with disabilities an EQUAL OPPORTUNITY to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting appropriate to their needs (34 C.F.R. Part 104.4).

A free education means to provide needed services without cost to the student with a disability or their parents if there are no fees imposed on students without a disability or their parents to access what is being provided by the school. Charges may be imposed on a student with a disability only if it is equally imposed on a student without a disability.

Section 504 Eligibility

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

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

The definition of disability under Section 504 includes three individual points or prongs. At least one of the three prongs must be met to be eligible for protection against disability-based discrimination under Section 504. Meeting any of the three prongs affords protections and access to the Section 504 procedural safeguards.

Meeting the first prong might also provide the student with planned and implemented services and accommodations to achieve a free appropriate public education. Meeting the second or third prong does not ensure that the school will provide services and accommodations to the student. A depiction of this relationship can be found in Figure 1.

Even if a student with a disability does not need services, the student is protected from disability-based discrimination under Section 504's general nondiscrimination requirements (OCR Parent & Educator Resource Guide to Section 504, 2017).

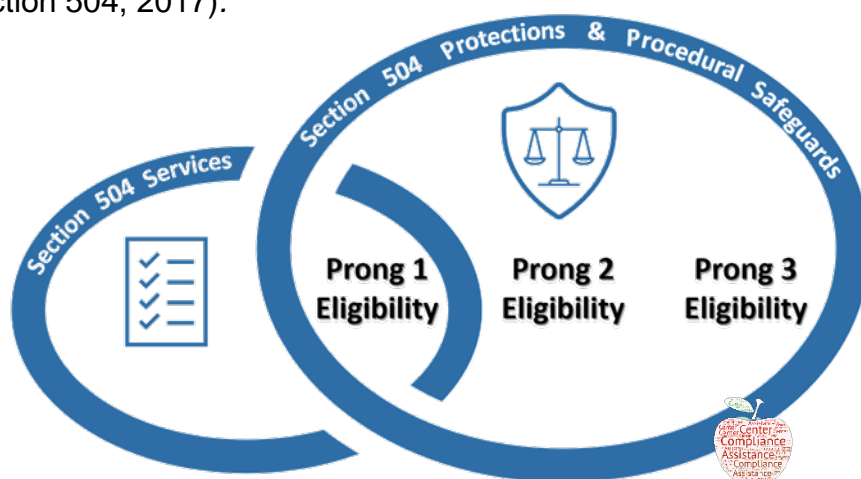


Figure 1

If a student is found to meet the definition of disability under the second or third prong of Section 504, the school district/charter school may evaluate the student to determine if the student meets the definition of disability under the first prong and if the student needs a plan.

Eligibility Under Prong 1

To meet the Section 504 definition of an individual with a disability under the first prong, a student must have a **physical and mental impairment** defined as follows:

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. Part 104.3).

Not every physical or mental impairment will constitute a disability under Section 504. The physical or mental impairment must **substantially limit** a major life activity. When determining the existence of a substantial limitation, the team may:

- Compare the student being considered for protection to a student without a disability by considering if the student is substantially limited in performing a major life activity that the student without a disability of approximately the same age can perform.
- Consider the nature or severity of the impairment.
- Consider the impact of the impairment.
- Consider how long the impairment will last or is expected to last.

When determining the existence of an impairment or a substantial limitation of an impairment, **mitigating measures** cannot be considered. Mitigating measures may have a corrective or beneficial effect on the major life activity. If a mitigating measure is in place the team may consider:

- The limitation caused by the impairment if the support was not in place.
- The experience of the student before using the support.
- Evidence of the expected limitations of a particular disorder without the support.

A student must not be required to stop using a mitigating measure to be evaluated. Ordinary eyeglasses or eye contacts are not considered to be mitigating measures. Examples of mitigating measures include:

- Accommodations, aids, or services,
- Assistive devices or technology (e.g., cane, computer accessibility modifications, wheelchairs),
- Hearing aids and cochlear implants,

- Learned behavioral modifications,
- Low-vision devices (excluding ordinary eyeglasses or contact lenses),
- Medication,
- Oxygen therapy equipment, and
- Prosthetics.

Major life activities include without limitation breathing, caring for oneself, hearing, learning, performing manual tasks, seeing, speaking, walking, or working. The major life activity does not have to be related to learning to be eligible under Section 504.

A student no longer meeting the definition of disability under the first prong is no longer considered eligible for protections and services under Section 504. A depiction of the definition of the first prong can be found in Figure 2.

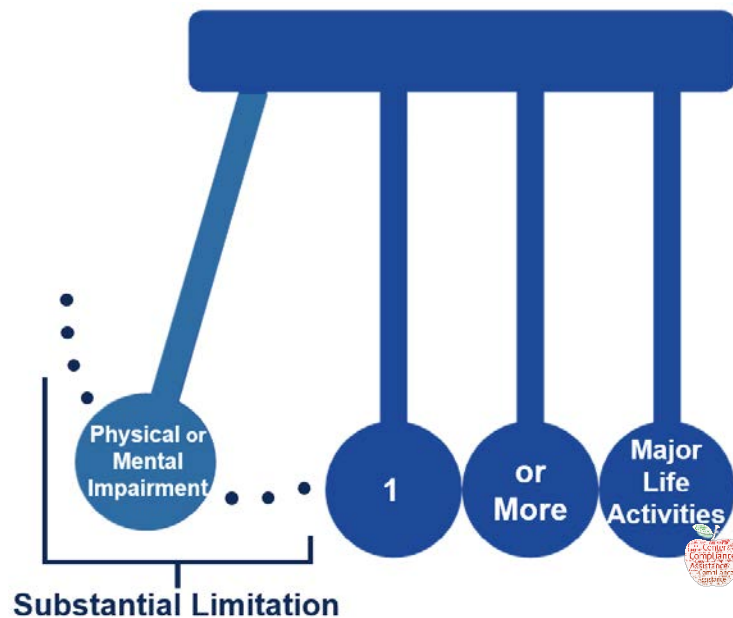


Figure 2

Eligibility Under Prong 2

To meet the Section 504 definition of an individual with a disability under the second prong, a student must have a “record of” an impairment by the school district/charter school. A “record of” an impairment means that the student in the past was considered to have had a physical or mental impairment that substantially limits a major life activity.

- This individual might have had the impairment in the past, but no longer has the condition.
- This individual might have been incorrectly determined as having had the impairment.

Frequently occurring examples of the first group are persons with histories of mental or emotional illness, heart disease, or cancer; of the second group,

persons who have been misclassified as having a learning disability (34 C.F.R. Subpart A).

Eligibility Under Prong 3

To meet the Section 504 definition of an individual with a disability under the third prong, a student must be “regarded as” having an impairment by the school district/charter school. Being “regarded as” having an impairment means that the student is regarded, treated by others, stereotyped, perceived, or looked at as having a physical or mental impairment that substantially limits a major life activity.

- This individual might have an impairment that does not substantially limit a major life activity but is treated by others as having such a limitation.
- This individual might have an impairment that substantially limits a major life activity only as a result of the attitudes of others.
- This individual might not have an impairment but is treated by individuals in the school as if they have a disability.

Transitory or minor impairments with an expected duration of lasting six months or less would not meet eligibility under the third prong, but the school district/charter school may still take action to aid the student. Transitory or minor impairments can still be substantially limiting and meet eligibility under the first and second prongs of the definition of disability under Section 504.

Section 504 Requirements to Identify and Locate

Section 504 requires school districts/charter schools to identify and locate every student within their jurisdiction that meets the definition of disability under Section 504. The duty to locate students extends to students not receiving a public education that resides in the boundaries of the institution. This responsibility includes students enrolled in private schools, students participating in home school, students living in hospitals or other institutions, and students that are homeless residing in the area jurisdiction.

A public elementary or secondary education program shall annually identify and locate every qualified student with a disability residing in the recipient's jurisdiction who is not receiving a public education (34 C.F.R. Part 104.32).

If a student is found to meet the definition of disability under the first prong of Section 504, but the student is not enrolled in the school district/charter school nor accessing its programs or activities, the district/charter is not required to provide a free appropriate public education (FAPE).

Notice of this Duty

K-12 institutions are required to notify students and their parents of the school district's/charter school's obligation to seek out students in their area that meet the definition of disability under Section 504.

A public elementary or secondary education program shall annually take appropriate steps to notify students with disabilities and their parents or guardians of the recipient's duty (34 C.F.R. Part 104.32).

The communication of the district's/charter's obligation should be done in the languages of the local school community. Public awareness activities concerning Section 504 may be combined with the activities required under the Individuals with Disabilities Education Act (IDEA) as long as requirements under both statutes are met and funds under the IDEA are not used in efforts to comply with Section 504.

This notice should direct anyone with questions regarding Section 504 to contact the district or charter's Section 504 Coordinator. The notice should include their name or title, office address, email address and telephone number.

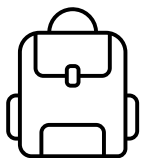
The specific methods and activities that school districts/charter schools must engage in to provide notice of their duty to identify students with disabilities regarding Section 504 are not prescribed by the federal regulation. Example Section 504 "child-find" activities based on a targeted audience may be found in Figure 3. Activities may apply to varying audiences and should be chosen based on each school district's/charter school's local community.

Reaching out to parents and guardians:



- Include in the **Student Handbook** the Section 504 Notice of Nondiscrimination and portions of the district's/charter's Section 504 procedures.
- Inquire within the new student **registration/enrollment packet** if the parents suspect that the child might have a disability and need support.
- Make available at **school events** information regarding the support for students with disabilities (e.g., Open House, Parent Night, Meet the Teacher).
- Once every school year describe in a monthly **newsletter** the district's/charter's obligation to locate students that meet the definition of disability under Section 504.
- Email parents the Compliance Assistance Center Section 504: Access Protected (Parents and Guardians) **video**.
- Partner with the district's/charter's **Family Engagement Coordinator** and/or the **Home School Coordinator** to help in describing to families the school's responsibilities under Section 504.

Reaching out to current students:



- Inquire during counselor-facilitated course and **schedule meetings** if the student needs supports.
- **Post** alongside other school communication to students, the Section 504 Notice of Nondiscrimination

Reaching out to teachers, administrators, school nurses, school counselors, school-related service providers, etc.:



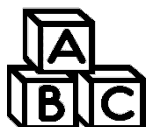
- Describe during the delivery of Section 504 **professional development** the district's/charter's expectations of staff to seek out students that might meet the definition of disability under Section 504.
- Email staff possible characteristics or **indicators that a disability** might be present and information on how impairments might be exhibited (e.g., ADD, Dyslexia, Sleep Disorder).
- Consider as a team when a student is found **ineligible** under the Individuals with Disabilities Education Act (IDEA) a referral under Section 504.
- Inquire during **teacher-team meetings** and **parent-teacher conferences** if there is suspicion that a student might have a disability and need support.
- Partner with the **school nurse** and **school counselor** in seeking students that might meet the definition of disability under Section 504.

Reaching out to private schools:



- Tag in the district's/charter's **social media** posts local private schools regarding Section 504.
- Include on the **webpage** the Section 504 Notice of Nondiscrimination and portions of the district's/charter's Section 504 procedures.

Reaching out to preschools and daycares:



- Provide a **brochure** to local preschools and daycares describing the district's/charter's obligation to locate students that meet the definition of disability under Section 504.

Reaching out to clinics and doctor's offices:



- Contact by **phone** or **email** local clinics and doctors' offices to describe the district's/charter's obligation to locate students that meet the definition of disability under Section 504 and briefly describe the district's/charter's process.
- Provide a **brochure** to local clinics and doctors' offices describing the district's/charter's Section 504 compliance requirements and its duty to provide students with disabilities access to what the school provides as compared to students without disabilities.

Reaching out communitywide:

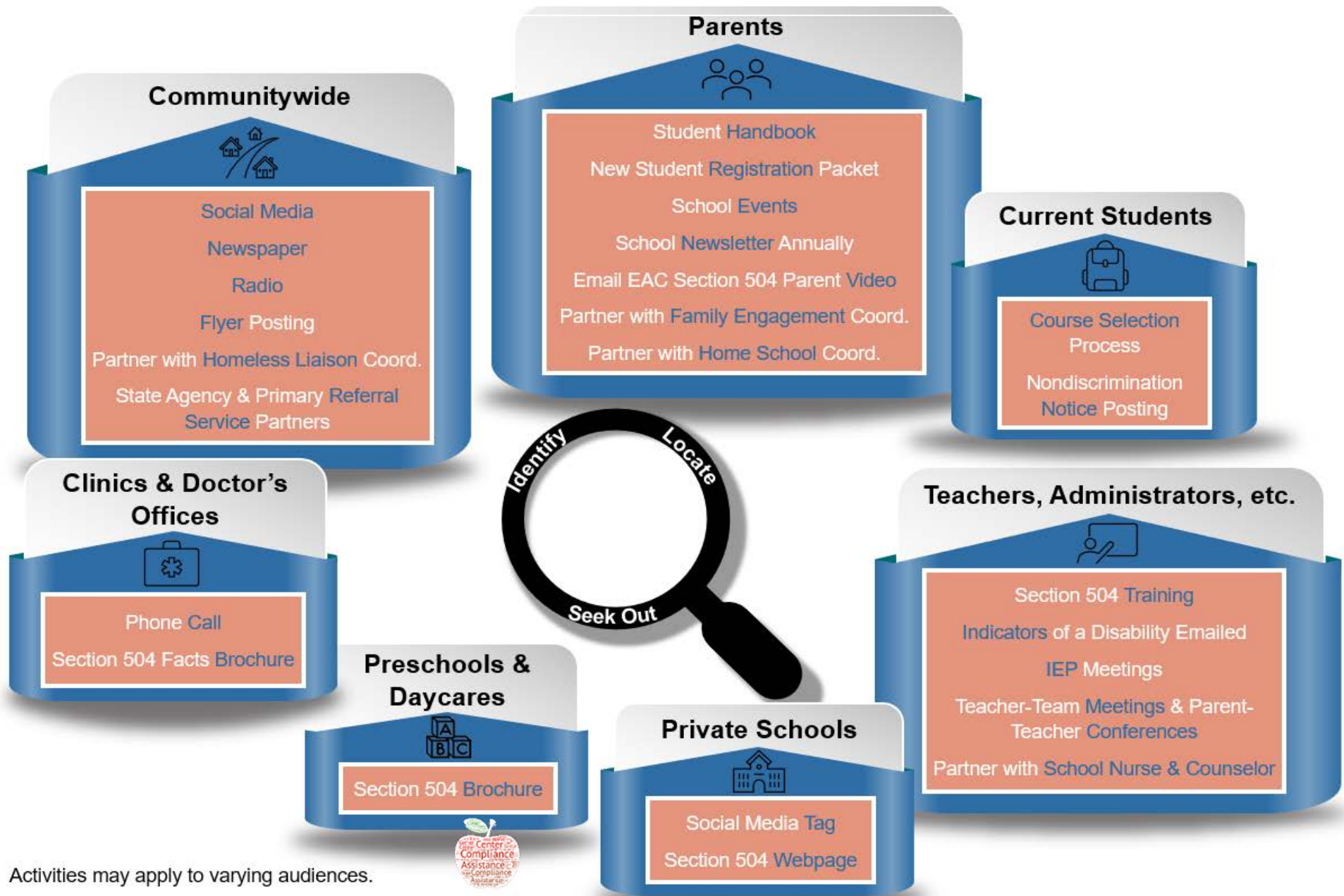


- Post on the district's/charter's **social media** platforms the Section 504 Notice of Nondiscrimination and its obligation to locate students that meet the definition of disability under Section 504.

- Post in local **newspapers** the district's/charter's Section 504 Notice of Nondiscrimination and its obligation to locate students that meet the definition of disability under Section 504.
- Communicate in local **radio** announcements that the district/charter does not discriminate on the basis of disability in violation of Section 504 and of its obligation to locate students that meet the definition of disability under Section 504.
- Post a **flyer in public spaces** such as the local community center, library, or shelter describing the district's/charter's obligation to locate students that meet the definition of disability under Section 504.
- Partner with the district's/charter's **Homeless Liaison Coordinator** to help in describing to families the school's responsibilities under Section 504.
- Partner with **local state agencies, primary referral service partners, and case managers** to help in describing to families the school's responsibilities under Section 504.

For assistance on a Section 504 notice of nondiscrimination see [SECTION THREE: Sample Forms \(e.g., Notification of Nondiscrimination\)](#).

Targeted Section 504 “Child-find” Activities



Section 504 Procedural Safeguards & Protections

Section 504 procedural safeguards are designed to protect the rights of eligible students with a disability and their parents. These safeguards provide families and school systems with mechanisms to prevent disability-based discrimination. Section 504 procedural safeguards include:

- Notice of this non-discrimination law and how it applies to the school district/charter school.
- Referral process for an evaluation when there is a suspicion that a student has a disability.
- Parental consent for the 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 (a formal diagnosis is not required).
- Periodic reevaluation – including before a significant change in the student's placement.
- Opportunity for students and parents to examine relevant records.
- A copy of these rights and protections provided to the parent and/or student as appropriate.
- Grievance procedure.
- Impartial hearing procedure with opportunity for representation by counsel.
- Review procedure of the impartial hearing.

Section 504 also provides protections for students with disabilities who are subjected to disciplinary removals from school or significant changes in placement due to behaviors that are a result of the student's disability.

An individual evaluation is required before any action is taken with respect either to the initial placement in a regular or special education program or to any subsequent significant change in that placement (34 C.F.R. Subpart D).

Regularly communicating Section 504's procedural safeguards and protections to the school community assists K-12 school systems in meeting the responsibility of providing a free appropriate public education. An annual professional development for school staff is encouraged by the Compliance Assistance Center (CAC) to remind individuals of Section 504's compliance requirements and the local school district's/charter school's Section 504 expectations and practices. For assistance in defining the roles and responsibilities of individuals within the school community see [SECTION TWO: Section 504 Implementation \(e.g., Process Roles & Responsibilities\)](#).

Written procedures regarding a school system's administration of Section 504 procedural safeguards are encouraged by the Compliance Assistance Center (CAC). The Office for Civil Rights (OCR) would consider it a violation of Section 504 if a school districts/charter school written Section 504 procedures were not followed.

Section 504 Enforcement

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

School systems with fifteen (15) or more employees are required to designate an employee to ensure compliance with Section 504. This individual is known as the Section 504 Coordinator. For assistance on the responsibilities of the Section 504 Coordinator see [SECTION TWO: Section 504 Implementation \(e.g., Coordinator Responsibilities\)](#).

Each school district and charter school in Arkansas designates an Equity Assistance Coordinator (§ 6-27-1902) to ensure the alleviation of educational inequities and oversee the institution's compliance with regulations that concern the prevention of discriminatory treatment including Section 504.

The [Compliance Assistance Center \(CAC\)](#) of the Arkansas Division of Elementary and Secondary Education (DESE) provides technical assistance concerning Section 504 to Arkansas 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. CAC 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 Comparison](#)

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. The [U.S. Department of Justice \(DOJ\)](#) and OCR maintain the responsibility of enforcing Title II of the ADA in schools.

Generally, Title II of the ADA and Section 504 nondiscrimination standards are the same. Violations under Section 504 generally also constitute violations of Title II of the ADA. A description of the protections under Title II of the ADA largely does not provide additional guidance beyond Section 504 to public schools that are subject to both laws.

Where Title II of the ADA exceeds requirements under Section 504, school districts/charter schools must also comply with the Title II requirements.

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.

Comparison of Section 504 (RA) & Title II (ADA)		
	Section 504 of the Rehabilitation Act	Title II of the ADA
Purpose	Common assumption that all people with disabilities can work.	
	Civil rights law to prohibit discrimination on the basis of disability in programs and activities, public & private that receive federal financial assistance.	Civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, & accommodations that receive state and local government funds (Title II).
Who is protected?	Any person whom: <ul style="list-style-type: none"> • (1) has a physical or mental impairment that substantially limits one or more major life activities, • (2) has a record of such an impairment, or • (3) is regarded as having such an impairment. 	Any person with a disability whom: <ul style="list-style-type: none"> • (1) has a physical or mental impairment that substantially limits one or more life activities, or • (2) has a record of such impairment, or • (3) is regarded as having such an impairment.
Free & Appropriate Public Education	Protections include an appropriate education comparable in quality to that provided to students without disabilities at no expense to the parent/guardian.	Protections apply to nonsectarian private schools, but not to private schools controlled by a religious organization.
Funding	No Section 504 funds. State & local jurisdictions have responsibility.	No ADA funds. Limited tax credits may be available for removing architectural or transportation barriers.
Procedural Safeguards	Section 504 requires notice to parents regarding identification, evaluation, and/or placements. Written notice is recommended.	The ADA requires no specific procedural safeguards related to special education. The ADA details complaint procedures and consequences for noncompliance.
Evaluation & Placement Procedures	Section 504 requires consent for initial evaluation. That evaluation must be done by persons knowledgeable of the student, consider a variety of sources/data, & documented. Diagnosis is not required. Students must be educated with non-disabled peers to the maximum extent appropriate.	The ADA required no specific evaluation & placement procedures. The ADA details reasonable accommodations for eligible activities & settings.

Chart 1

Individuals with Disabilities Education Act (IDEA) Comparison

Public school systems to receive federal funds must also comply with the [Individuals with Disabilities Education Act](#) (IDEA). In 1975 the IDEA guaranteed eligible students with disabilities entitlement to free appropriate public education. The [U.S. Department of Education, Office of Special Education](#) maintains the ultimate responsibility for enforcing the IDEA.

Section 504 and the IDEA both concern the rights of students and their parents, an evaluation (and reevaluation), and an individualized plan. Important differences between the two federal laws as well as their relationship with each other include:

- Section 504 is a civil rights law that protects the rights of individuals with disabilities - not only students with disabilities - in any institution that receives federal assistance; and

- The IDEA provides federal aid to states in their efforts to ensure adequate and appropriate educational services for students with disabilities.
- The protections provided by Section 504 are also largely afforded to students being served under the IDEA. Generally, students served under IDEA gain access to the anti-discrimination procedural safeguards under Section 504.

A depiction of the relationship between Section 504, Title II of the ADA, the IDEA, and the supports provided to other students within a school can be found in Figure 4.

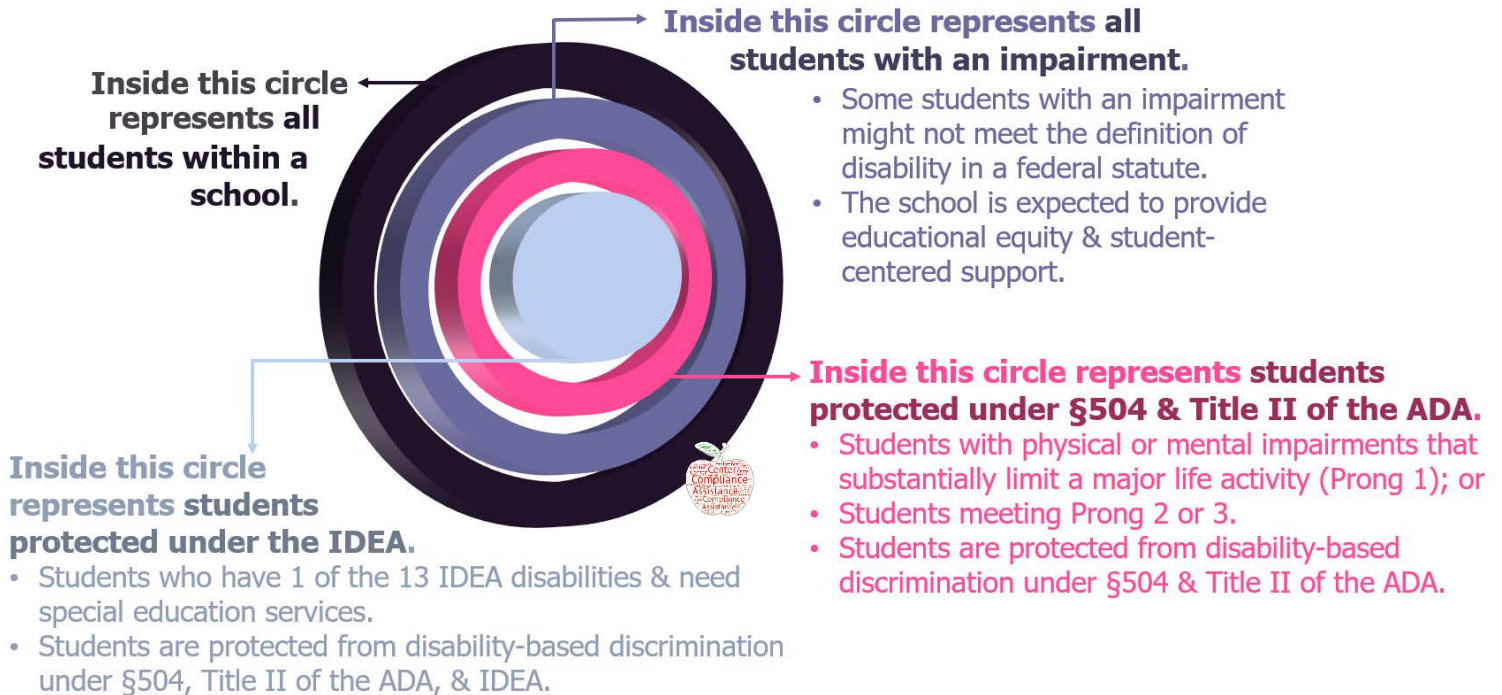


Figure 4

Due Process

It is the right of a student, parent, or stakeholder to informally or formally submit their Section 504 concern for review by the school district/charter school. The review and investigation of the submitted concern must be uniform and guided by a structured process.

Local Complaint Informal Resolution Practices

School Administrator Support in Section 504 Concerns

When Section 504 concerns are resolved collaboratively through informal processes the solution is often advantageous in appropriately supporting the student. To aid in

informal resolution practices, the district/charter school leadership team should support the principal and vice-principal's awareness of the following:

- District and campus-level Section 504 coordinators.
- School District/Charter School Grievance Policy and procedures.
- How to determine if an individual is making a complaint and how to seek clarification at early stages.
- Ways to listen and collaborate to achieve resolution of concerns at the lowest level in the chain of command – such as:

LISTEN

- Encourage the individual to communicate their concern. Make it clear that you have heard the concern using confirmatory phrases. Write down specifics of the issue.
- Remain calm and let the individual know you value that they are coming to you.
- Determine the practice or action the individual believes violates Section 504, the steps they have already taken to resolve the matter, and the corrective action desired.
- Provide a time to contact the individual with your progress towards reviewing and resolving the issue.
- Determine the immediate need of the individual and if you need to respond straight away.

COLLABORATE

- Advise their direct supervisor or Section 504 Coordinator of the measures taken to achieve resolution and describe the support needed in reviewing and resolving the concern.
- Consider a variety of ways to address the root cause and work with their direct supervisor, Section 504 coordinator, and the student's Section 504 team members to determine the most effective and efficient tool(s) to use.

Local Grievance Procedures

Section 504 concerns may be addressed via a formal resolution process. Parties may submit Section 504 grievance complaints for alleged violations. The school system is required to adopt a grievance procedure for students, parents, and employees. 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, the ADA, and the Age Discrimination Act. One procedure can be written to cover multiple grievance discrimination policies just as long as the procedure meets the standards required by each necessary regulation.

An important feature of the grievance procedure is that it is 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 complaint grievance procedure include:

- A description of where to file complaints.
- Alternative methods of filing complaints such as verbally or in writing.
- Procedures for equitable resolution of complaints.
- A description of the steps the school district/charter school will take to ensure an adequate, comprehensive, impartial, and objective investigation.
- Opportunities to present evidence and witnesses.
- Prompt and reasonable time frames.
- Notification of findings and investigation outcomes provided to all parties.
- Procedures to appeal and identification of the person responsible for reconsidering complaints.
- An assurance that the school district/charter school will take steps to prevent discrimination on the basis of disability from recurring and to correct its efforts.

School systems are obligated to disseminate grievance policies and procedures. The means by and the degree to which they are disseminated are at the discretion of the school 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 written procedure, published grievance policies reinforce the concept of prohibiting disability-based discrimination and the correction of missteps in compliance. Making grievance procedures available on an “as requested” basis will not satisfy the requirements of federal laws.

Complaint & Grievance 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. The process must adhere to the school system’s Section 504 complaint investigation and notification procedures.

Facts are used to determine if the allegations are true and may involve analyzing documents and evidence and/or conducting interviews. Information might be gathered from appropriate individuals including the Campus/District-level Section 504 Coordinator or the Section 504 Team to gain insight into the team’s consideration of the student’s educational needs in order to receive a comparable education to students without disabilities. The investigator determines the adherence to Section 504 policies and procedures concerning the grievance and document their investigation.

The complainant’s allegations are either substantiated or unsubstantiated. The investigation is finalized when it is determined if or to what degree a Section 504 violation occurred.

Individuals that investigate Section 504 grievances should be impartial and have knowledge of Section 504.

Complaint & Grievance Resolution Practices

When resolving a submitted grievance:

- Consider all possible resolutions and unintended outcomes.
- Consider needed adjustments to the school's Section 504 practices and acknowledge any errors made.
- Convey to the complainant any adjustments in practices, resolution options, and the decision.
- If the complainant is unsatisfied with the outcome, remind them of the procedures available to them as described in the School District Section 504 Grievance Policy.

For examples concerning the Section 504 grievance procedure see [SECTION THREE: Section 504 Resources \(e.g., Sample Complaint & Grievance Procedure\)](#).

Local Impartial Hearing Procedures

A Section 504 impartial hearing may be called at the request of the school district/charter school or a parent. School districts/charter schools are required to provide an impartial hearing when requested to resolve issues concerning decisions and compliance with Section 504. Although the Compliance Assistance Center (CAC) at the Arkansas Division of Elementary and Secondary Education (DESE) does not facilitate impartial hearings pertaining to Section 504, this section has been developed to aid K-12 school systems in their compliance.

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

- Ensure that all communication to the parent is in the appropriate native language or mode of communication.
- Provide the parent with a copy of their rights under Section 504.
- Inform the parent of any low-cost legal services and other relevant services available in the local area.
- Select an impartial hearing officer.
- Notify the parent of the following:
 - Time, location, and purpose of the hearings.
 - A statement of the issues involved.
 - The particular sections of the statute(s) and rule(s) involved.
 - The parent's right to have an attorney present and representation by counsel at their own expense.
 - The name of the impartial hearing officer who will conduct the hearing
 - The hearing officer's contact information.

Impartial Hearing Officer: Identification

The impartial hearing officer may be either an attorney or an individual with knowledge of the Section 504 law. The impartial hearing officer must not be employed by nor representing the school district/charter school. The impartial hearing officer may review policies and decisions approved by school district/charter school employees. This could present conflicts of interest (or perceptions of conflicts of interest) impacting the ability to conclude that a local policy or decision conflicts with Section 504.

The district/charter school should identify an individual (e.g., 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. The school district/charter school may utilize any process for obtaining a Section 504 impartial hearing officer as long as it is consistent with its internal policies for obtaining professional services. This might include seeking proposals from law firms or other Section 504 experts. The Arkansas DESE does not maintain a list of available Section 504 impartial hearing officers.

Impartial Hearing Officer: Roles & Duties

The hearing should be presided over and decided by the impartial hearing officer. The hearing officer has the power to administer an oath to anyone who will testify at the hearing. 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. They may assist the parties in making a full statement of the facts in order to bring out the information necessary to decide the issue. The hearing officer may rule on any requests or motions that are made before or during the impartial hearing.

Purpose of a Prehearing Conference

A prehearing conference is not necessarily required but may benefit the hearing proceedings. During a prehearing conference, the hearing officer has the opportunity to discuss the hearing. Discussion items might 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 of whether the parents have 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 of 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 based on 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 the 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 by the school district/charter school.

For an example impartial hearing agenda see [SECTION THREE: Section 504 Resources \(e.g., Sample Impartial Hearing Agenda\)](#).

Hearing Officer's Decision

A copy of the hearing officer's decision should be delivered to the school district/charter school and the parent at the completion of the hearing within the designated time frame described in the 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.

Issues 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 a hearing.

Advice for Hearing Participants

Suggestions for Section 504 impartial hearing participants may be found in Figure 5.

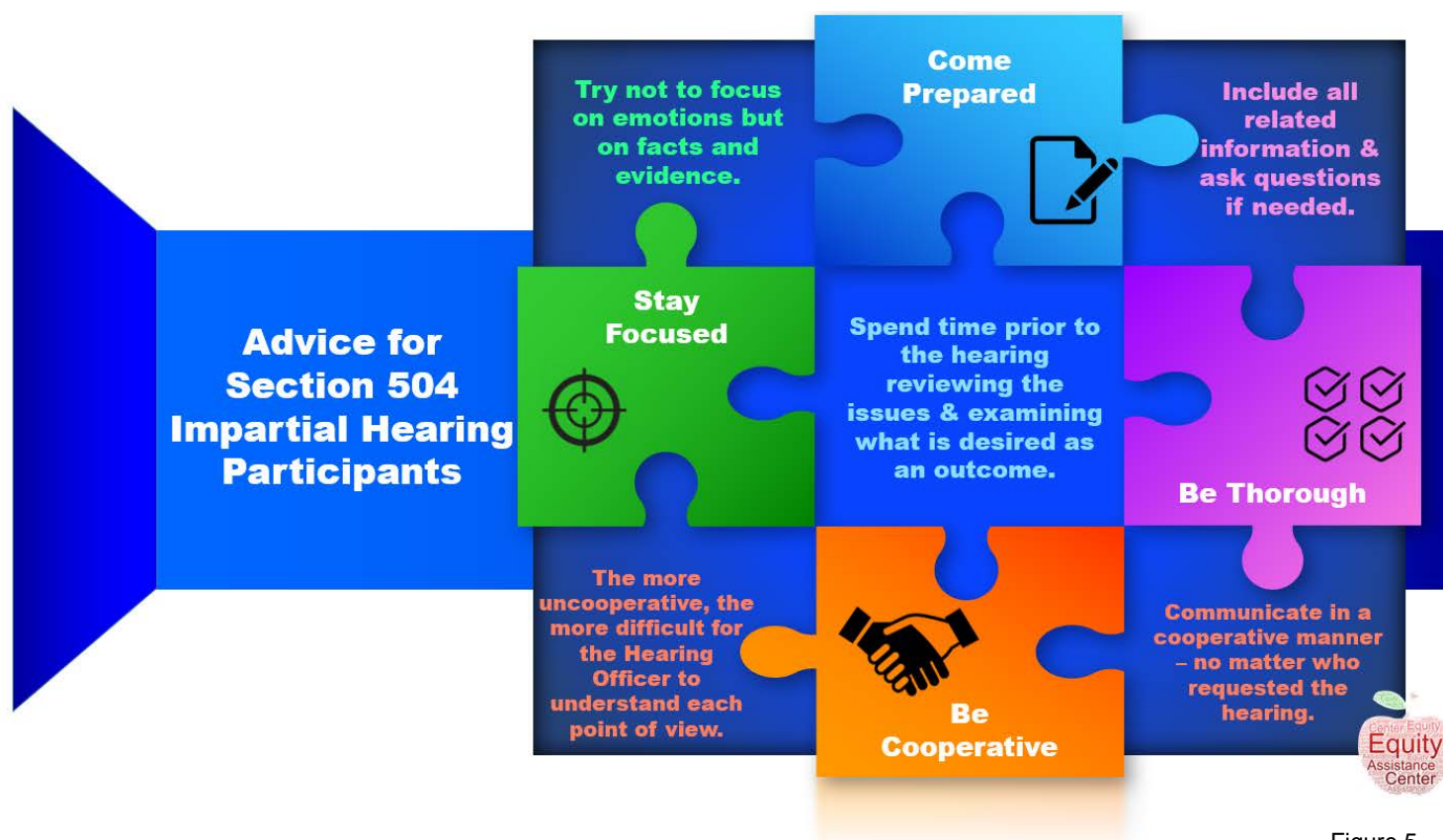


Figure 5

Retaliation

Retaliation is prohibited. Districts, charter schools, and individuals are prohibited from intimidating, threatening, coercing, or discriminating against any individual to interfere with any right or privilege secured by Section 504.

No recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by the regulations or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint (34 CFR §100.7).

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. Information regarding the OCR complaint process may be obtained at <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>. The contact information of the OCR enforcement office that serves Arkansas is as follows:

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

Compliance Assistance Center (CAC) Complaints

Compliance Assistance Center (CAC) Section 504 Role:

A primary objective of the Compliance Assistance Center (CAC) complaint process is to resolve complaint allegation(s) promptly and appropriately to assist school districts and charter schools in achieving the vision and mission of the Arkansas Division of Elementary and Secondary Education (DESE). The CAC 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.

Compliance Assistance Center (CAC) Section 504 Complaint Process:

A CAC 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 CAC investigate and provide technical assistance. Such requests may be written on lined paper, typed in a document or within the form located at <https://dese.ade.arkansas.gov/Offices/legal/compliance-assistance-center>.

Complainants must provide their contact information. Complaints may be filed by email, postal mail, fax, or in-person using the following information:

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

Upon receipt, the CAC determines whether the submitted correspondence meets the requirements of a formal complaint. When a written complaint is received alleging that a public school, district, or charter school violates Section 504, the procedures below apply:

1. Determine if the complaint is sufficient.
2. Assign a case number and establish a complaint file.
3. Assign CAC staff to the complaint.
4. Acknowledge the complaint by sending the complainant a written letter and requesting permission to obtain information about the student.
5. Provide a courtesy call to the superintendent relaying the submission of a complaint to the CAC.

6. Perform investigation of complaint allegation(s).
7. Determine whether the evidence was found to support a conclusion of compliance.
8. Provide written notification to the 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) when appropriate.
10. Records retention of a written complaint, complaint file log, correspondence letters and attachments, and all evidence used in the investigation are maintained in the DESE electronic server for five (5) years from the date of the 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 CAC is investigating, the CAC will cease to investigate the complaint. In addition, the CAC will not investigate complaints that the Office for Civil Rights (OCR) has previously resolved.

SECTION TWO: Section 504 Implementation

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 for success for students served under Section 504, educators and parents must work as a team in a thoughtful process.

Section 504 Process

Section 504 regulations along with the Office for Civil Rights (OCR) provide direction on the process needed to ensure compliance by school districts/charter schools. The Compliance Assistance Center (CAC) assists Arkansas public schools in their implementation of requirements. The specific procedures to comply with Section 504 requirements are determined by each institution. A depiction of this process can be found in Figure 6.

Referring the student:

- School districts/charter schools when they suspect that a student has a disability must refer the student for an evaluation. This might look like:
 - The school being aware that a student has a disability,
 - The school thinks the student has a disability.
 - The school has reasonable suspicion that the student needs supports or services.
- Neither failing grades, a medical diagnosis, nor a specific disability are required to be referred for an evaluation under Section 504 includes, but they might be indicators of a disability.
- A suspicion and the submission of a referral for an evaluation do not equate to automatic eligibility under Section 504.
- Evaluation requests and referral submissions must be in accordance with the procedures of the school district/charter school.



Responding to the referral:

- Notify parents of referral submission.
- Determine if a Section 504 evaluation will take place:
 - School districts/charter schools when they suspect that a student has a disability must evaluate the student.

- If a Section 504 evaluation is denied, the parent is informed of the decision not to evaluate and the reason for the denial.
- Provide the parents notice of their rights under Section 504.
- Obtain written parental consent for the initial evaluation.
- Determine needed evaluation data.
- Identify Section 504 Team members.
- A Section 504 referral or evaluation cannot be delayed nor denied due to the use of a Response to Intervention (RTI) as described in the Office of Special Education and Rehabilitation Services (OSEP) Memo 11-07, January 2011.



States and LEAs [districts and charters] have an obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of implementation of an RTI strategy.

Evaluating the student:

- Team members gain knowledge about the student (e.g., challenges, lacking subskills, root cause of concerns) from the evaluation data.
- Assess specific areas of the student's program needs. Existing data may be collected, observation data may be gathered, and/or new assessments may be administered.
- Draw upon information from a variety of sources. The weight of each piece of information and source of data is determined by the local school district/charter school and/or the student's Section 504 Team.
- A medical evaluation can be requested by the Section 504 Team, at no cost to the parent, if the team thinks it is needed to develop the Section 504 Plan.
- Evaluation data gathered under the Individuals with Disabilities Education Act (IDEA) – if the student was found not to be eligible under that statute - may be reviewed.
- Evaluation data gathered within a Functional Behavior Assessment can be reviewed.
- Information from parents, doctors, and others familiar with the student can be reviewed.
- Evaluation must be at no cost to the parent.
- Evaluation must be held within a reasonable amount of time from when the referral was received.
- An evaluation does not diagnose a disability.
- Evaluation considerations by the team are documented.



Determining eligibility of the student:

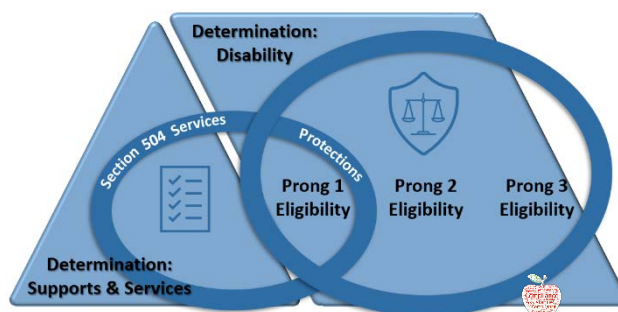
Disability determination –

- Team members understand the meaning of the evaluation data and use knowledge about the student (e.g., challenges, lacking subskills, root cause of concerns).
- A student-centered assessment of the functional limitation is discussed.
- A team decision on if the definition of disability is met including the presence of a “substantial” limitation under Section 504.
- Average of better-than-average letter grades does not constitute automatic ineligibility under Section 504. The determination is focused on how a major life activity is substantially limited, not on what outcomes an individual can achieve.
- Neither failing grades, academic challenges, nor a medical diagnosis are required to be found eligible. Challenges may be due to behavior or physical accessibility.
- A medical diagnosis does not constitute automatic eligibility.
- A removal from services under the Individuals with Disabilities Education Act (IDEA) does not constitute automatic eligibility under Section 504. This might be discriminatory based on a history of a disability.
- The basis of the team’s determination of the student’s eligibility for protection under Section 504 is documented.
- Parents provided notice of their rights under Section 504.



Support determination –

- The determination of eligibility for protections is separate from the determination of needed supports.
- A team decision on if the student needs implemented supports and/or services.
- Some students may not need a Section 504 Plan. To receive a written Section 504 Plan the student must need implemented supports. Some students may only need the protections under Section 504.
- The basis of the team’s determination of the student’s need for supports and/or services under Section 504 is documented.
- Parents provided notice of their rights under Section 504.



Developing a written plan:

- Team members understand the meaning of the data, the options of placement and student-centered supports, and use knowledge about the student (e.g., challenges, lacking subskills, root cause of concerns).

- Planned supports are designed to meet the student's individual needs to ensure access to the same extent as access provided to students without an impairment.
- A specific and targeted plan is designed to support or bypass the disability-based challenges of the student to the degree that they will be able to access the school (including the curriculum) as compared to students without a disability.
- Mitigating measures can be used to determine the supports needing to be implemented.
- Assumptions regarding limitations and needed supports based on a disability category may not lead to the most appropriate supports.
- Decisions regarding how to provide a free appropriate public education must be based on the need of the student with a disability, rather than on concerns about the costs of the support. Even though the school system is not required to provide the most expensive accommodation, the cost should not be the reason for a denial of a particular support or accommodation. For information regarding assistive technology and device loans see [SECTION THREE: Links \(e.g., Private Resources\)](#).
- As necessary includes supports to ensure access to academic, non-academic, and extracurricular activities (e.g., food services, clubs, recreational athletics, recess periods, transportation).
- The plan can include:
 - Changes in placement if the school district/charter school has demonstrated that the education of the student in the general education environment with the use of supports and services cannot be achieved.
 - Modifications to policies, practices, or procedures.
 - Related services - including the administration of medication.
- The plan should be clear and unambiguous to prevent misunderstandings regarding implementation.
- The plan should be written with the school district/charter school as the implementor of FAPE and not the student, parent, or peer student.
- Parents provided a copy of the plan and notice of their rights under Section 504.
- Notify and train necessary personnel with implementation responsibilities by providing a list of the accommodations by at least the first day of school.
- Comply with student confidentiality.



For additional information and examples on targeted accommodations see [SECTION TWO: Section 504 Implementation \(e.g., Equal Opportunity\)](#).

Reviewing the plan:

- Monitor the implementation of the accommodations. Implementors of the plan must seek out the Section 504 Coordinator if there are concerns or if the plan appears to not provide access as compared to students without a disability. The

identified supports should when implemented increase the student's access, which is limited by the disability, to what is provided by the school to all students.

- Team members review the plans to ensure that it provides access. How often to review the plan as a team depends on the needs of each student (e.g., monthly, quarterly, semesterly, yearly [as needed]).
- Team members understand the meaning of and use progress monitoring data.
- The student's changing needs are considered (e.g., different school buildings, subject matter) for the upcoming school year.
- The need for compensatory or rectifying supports are considered if there was a lack of implemented supports that resulted in educational harm.
- Assess if disability-based bullying is occurring and take steps as appropriate in accordance with the Arkansas bullying prevention law (§ 6-18-514) including sharing allegations of bullying with the principal.
- Incremental and/or progressive supports are used as needed to improve the student's access.
- Revise the plan if ineffective or as needed including if student misconduct was found to be a manifestation of the student's disability.
- Updated accommodations are provided to personnel expected to implement them.
- Parents provided a copy of the revised plan and a notice of their rights under Section 504.



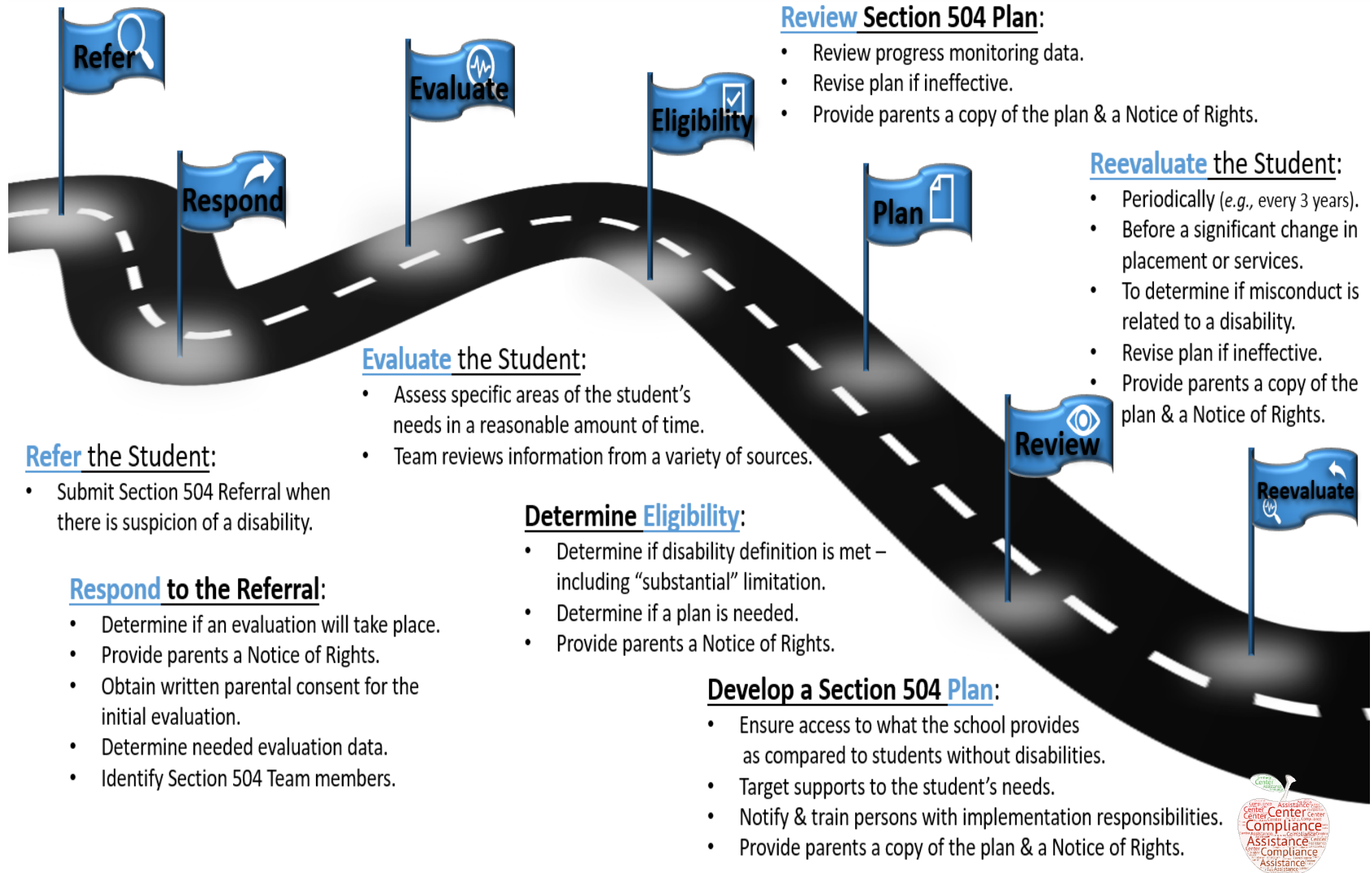
Reevaluating the student:

- School districts/charter schools must reevaluate the student periodically (e.g., every 3 years) and before a significant change in placement or services to ensure supports are based on recent data and appropriate.
- Reevaluate to determine if a student's misconduct was caused by or related to their disability when the proposed discipline consequence would be a significant change in placement.
- Revise the plan as needed.
- Parents provided a copy of the revised plan and a notice of their rights under Section 504.



For an example Section 504 process checklist for documentation and tracking, see [SECTION THREE: Section 504 Resources \(e.g., Sample Process Checklist\)](#).

Section 504 Process Visual



Plan Appropriateness (FAPE)

The varying plans that might be used to support students by a school district/charter school are important to recognize. One purpose of written plans generally is to ensure continued implementation across varying environments, settings, or implementors over time.

Plans to Support Students

If a student is found to not meet the definition of disability under Section 504, the school is not prohibited from supporting the student through a locally developed data-based individualized process – including a written plan to guide these efforts. Proactive data-driven measures to support students and achieve educational equity are beneficial to both students with and without disabilities.

Students with disabilities that are eligible for services under the 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 the 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 an IEP consider the student's need for specially designed 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 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.

Comparison of School 504 Plans, IEPs & IHPs			
	Section 504 Plan	Individualized Education Program (IEP)	Individual Health Plan (IHP)
Federal Statute	Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability for students at all educational levels that the institution serves (civil rights law) US Department of Education Office for Civil Rights (OCR)	The Individuals with Disabilities Education Act (IDEA) covers special education for students with disabilities from birth through 21 years of age (federal funding law) US Department of Education Office of Special Education Programs (OSEP)	Scope is based on required nursing care, not and educational entitlement
Purpose	Ensures access to what the school provides by students with disabilities as compared to students without disabilities Details regular or special education and related aids and services including specific academic, organizational, behavioral, and social supports	Focuses on individual student progress in relation to their own potential Details how/where special education programs and related services will be carried out and outlines specific academic, organizational, behavioral, and social supports	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: <ul style="list-style-type: none"> Substantially limits a student's major life activity (e.g., ability to learn and function in school) 	Has a disability that: <ul style="list-style-type: none"> Has one or more of the specific disabilities listed in the IDEA Significantly impacts educational performance Requires specialized services 	Usually includes students who <ul style="list-style-type: none"> Are medically fragile Require complex health care support Need frequent or potential emergency contacts Have health care needs addressed on a daily basis
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: <ul style="list-style-type: none"> Initial evaluation OCR urges parental participation for changes in provisions of FAPE (e.g., location of services)	Requires parent consent for: <ul style="list-style-type: none"> Initial evaluation Initial placement Reevaluation (with assessment) 	Medical release needed for health information to be shared with the school Family Educational Rights and Privacy Act (FERPA) release needed for health information to be shared by the school to a provider
Team	Members can vary but must be knowledgeable about the student, the data, and service options Often include: <ul style="list-style-type: none"> Student's legal guardian Student's general-education teacher 	Multi-disciplinary team members must include: <ul style="list-style-type: none"> Student's guardian Student's general-education teacher Special-education teacher Other applicable members knowledgeable about the 	A licensed registered school nurse or other qualified practitioner Often include: <ul style="list-style-type: none"> Family Educator Health care provider

Chart 2

	<ul style="list-style-type: none"> • School Section 504 Coordinator • Other applicable members knowledgeable about the student (e.g., speech therapist) 	student and/or the evaluation results (e.g., psychologist, speech therapist)	
Plan	<p>Blueprint for how a student will have access to learning at school.</p> <p>Written document not required, but encouraged and includes:</p> <ul style="list-style-type: none"> • Specific academic or behavioral accommodations or services aligned with the student's needs that the school will provide • Who will provide the services • Who will make sure the plan is implemented and effective <p>*OCR tends to prefer a written plan to demonstrate FAPE</p> <p>FAPE Provision: "Appropriate education" meets the educational needs of a student with a disability as adequately as those needs are met for students without disabilities</p>	<p>Blueprint for a student's special education experience at school</p> <p>Written document that includes:</p> <ul style="list-style-type: none"> • Student's classification • Current academic/behavior status • Specific academic/behavior goals • Specific strategies aligned to goals • Accommodations, services, and curriculum supports • Timing of each service • Standardized test plan • Transition plan for high school and beyond <p>FAPE Provision: "Appropriate education" meets the student's individual needs and the standards of the district/charter via specifically designed instruction</p>	<p>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</p> <p>May be attached to the student's Section 504 Plan or IEP</p> <p>May include an Emergency or Safety Plan</p>
Revisions & Re-evaluation	Plan review & reevaluation regulations do not set a time frame. Schools are required schools to conduct reevaluations periodically, and before a significant change in placement	Plan review required every year & reevaluation 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	<p>Options include:</p> <ul style="list-style-type: none"> • Informal negotiation • Mediation • District Grievance Procedures • Impartial hearing • Compliance Assistance Center (CAC) complaint • Office for Civil Rights (OCR) complaint • Civil lawsuit 	<p>Steps include:</p> <ul style="list-style-type: none"> • Informal negotiation • Mediation / facilitation • Due process hearing • Civil lawsuit & appeals • Formal state or federal complaint 	<p>Options include:</p> <ul style="list-style-type: none"> • School meeting • District Grievance Procedures
Funding	No additional funding to districts/charters & IEP funds cannot be used on Section 504 Plans	Funding to districts/charters from the federal government for each student with an IEP	No additional funding to districts
	Section 504 Plan	Individualized Education Program (IEP)	Individual Health Plan (IHP)

Chart 2 (cont.)

Equal Opportunity

It is encouraged by the U.S. Department of Education that students with disabilities are held to the same high standards as students without disabilities. Students served under Section 504 must be provided an equal opportunity to achieve the same high academic standards as students with disabilities. This equal opportunity to access and obtain an understanding of the school curriculum (e.g., written curriculum, taught curriculum, assessed curriculum) can be provided in a variety of ways. The U.S. Department of Education Office of Special Education and Rehabilitative Services (OSER) which enforces compliance with the Individuals with Disabilities Education Act (IDEA) describes in their assistance to states in improving the academic achievement of children with disabilities:

A research study conducted a meta-analysis of 70 independent studies investigated the effects of special education interventions on student achievement. The study found that children with disabilities made significant progress across different content areas and across different educational settings when they received systematic, explicit instruction; learning strategy instruction; and other evidence-based instructional strategies and supports (34 CFR Parts 200 and 300).

Many supports that can be included within a Section 504 plan might also be considered generally as effective student-centered instruction.

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 and/or challenge that is limiting their access - not on the basis of disability category, grade level, or instructional setting.

Every student including those served under Section 504 is different. Not every student with a disability will need an implemented 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.

Educators must be willing to spend time searching for new approaches and identifying specific areas of strength and challenge. Evaluation data should be utilized to pinpoint root causes of weakness and determine the most impactful accommodation(s). 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.

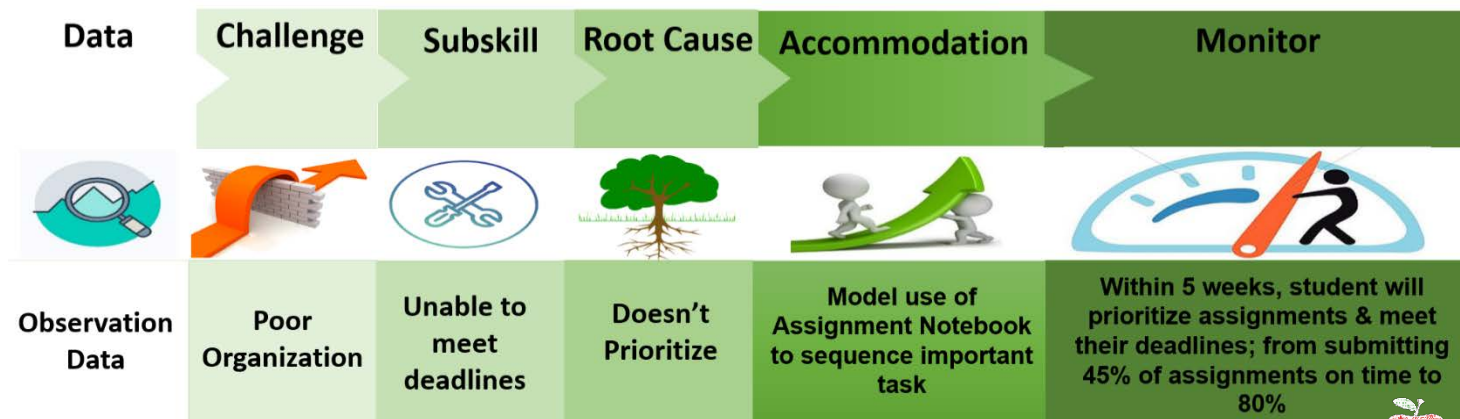


Figure 7

To target the academic needs of the student, educators should:

- Stay informed on current educational and brain research and varying effective accommodations and adaptations.
- Determine what is specifically blocking student learning before concentrating on which supports to use – including detecting what skill and/or area is being limited by the impairment.
- Align supports to the student's limitation, to increase the student's engagement with the curriculum.
- Train for and monitor the implementation of interventions.

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. Section 504 team members must be knowledgeable of available placement and service options.

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

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

<p>Cannot visualize task or action plan or feels overwhelmed</p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot visualize the final product?</i> <i>Cannot visualize needed steps?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Use graph paper to line up numbers/problems<input type="checkbox"/> Use manipulatives: coins, blocks, base 10 sticks, puzzles<input type="checkbox"/> Use film illustration of concept<input type="checkbox"/> Cover, fold or mask sections at a time to limit material presented on a single page (i.e., cardboard window)<input type="checkbox"/> Read task to student<input type="checkbox"/> Model how to break task down into small steps<input type="checkbox"/> Model how to put tasks steps in logical order of completion<input type="checkbox"/> Review action plan steps<input type="checkbox"/> Review possible tasks roadblocks prior to assignment<input type="checkbox"/> Break down large packets & worksheets into sections<input type="checkbox"/> Class discussion of action plan <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Have student describe (orally or visually) the final product<input type="checkbox"/> Talk about how to solve problem<input type="checkbox"/> Draw chart/sketches to solve problem<input type="checkbox"/> Read task aloud <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Specific deadline extension<input type="checkbox"/> Assign due dates for small tasks <p><u>Setting:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Separate space for different tasks	<p>Poor visual perception</p> <p><u>Root Cause Guiding Questions:</u> <i>Unable to make sense of what is seen?</i> <i>Unable to focus on important visual information & filter unimportant?</i> <i>Cannot determine differences or similarities in objects (i.e., size, color, shape)?</i> <i>Unable to recall visual traits of an object?</i> <i>Unable to locate info. in busy background?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Use visual cues (i.e., sticker on 1st page)<input type="checkbox"/> Use directional arrows for letter formation<input type="checkbox"/> Use vivid adjectives to describe<input type="checkbox"/> Highlight/bold keyword & concepts<input type="checkbox"/> Provide paper notes as oppose to copying from board<input type="checkbox"/> Provide Alphabet Strip on table for correct letter formation<input type="checkbox"/> Provide clear & simple worksheets<input type="checkbox"/> Break visual activities into small steps <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Use graph paper for word spacing & sizing<input type="checkbox"/> Review work & mistakes in written material<input type="checkbox"/> Practice completing partially drawn pictures<input type="checkbox"/> Feel the shape of letters: bending pipe cleaners, Play-Doh<input type="checkbox"/> Identify objects by touch (i.e., blind bag) <p><u>Setting:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Sit away from visual distractions	<p>Little sense of urgency</p> <p><u>Root Cause Guiding Questions:</u> <i>Difficulty in seeing the task as relevant?</i> <i>Unable to estimate the time needed for tasks?</i> <i>Unable to delay gratification of a want?</i> <i>Feels overwhelmed by tasks?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Model delayed gratification of an immediate want<input type="checkbox"/> Model & discuss intrinsic motivation<input type="checkbox"/> Provide extrinsic motivation: certificate, recognition, praise, prize<input type="checkbox"/> Connect games/puzzles to learning<input type="checkbox"/> Break down large packets & worksheets into sections<input type="checkbox"/> Offer extrinsic motivation (i.e., positive email to parent, break, etc.) <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Convey relevance & importance of a task<input type="checkbox"/> List preferred motivators<input type="checkbox"/> Estimate the time a task may take<input type="checkbox"/> Use timer to pace appropriately<input type="checkbox"/> Use visual reminders: post-it notes, signs, timer, private signal <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Allow specific additional time on task in specific areas <p><u>Setting:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Use auditory reminders: alarm, vibration, adult prompt, clap, bell
<p>No backup plan when things get hard</p> <p><u>Root Cause Guiding Questions:</u> <i>Does not know when & how to ask for help?</i> <i>Does not know when help is needed?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Model anticipated consequences<input type="checkbox"/> Model “plan B” strategy development <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Identify optional resources for task completion <p><u>Setting:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Small group tasks	<p>Poor self-monitoring skills</p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot identify attributes of a quality product?</i> <i>Does not give self-credit?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Model self-credit for small successes<input type="checkbox"/> Provide examples of the final product <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Use rubrics/checklists to self-monitor task quality <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"><input type="checkbox"/> Provide timeline for completing a task<input type="checkbox"/> Provide time warning (i.e., “Finish up in 5 min.”)	

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO MEMORY PROBLEMS

Poor encoding to short-term memory	Poor processing in working memory	Poor storage in & retrieval from long-term memory
<p><u>Root Cause Guiding Questions:</u> <i>Cannot create visual image of the information?</i> <i>Cannot keep up with the pace of spoken instructions or directions?</i> <i>Misses details & sequences?</i> <i>Cannot break task down into manageable parts?</i> <i>Is distracted by irrelevant information?</i> <i>Cannot switch efficiently from one task to another?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide written & oral instructions <input type="checkbox"/> Ask a question, give a few minutes to think, & come back to student for answer <input type="checkbox"/> Teacher-guided practice with partially completed problems <input type="checkbox"/> Describe what steps to focus on & why <input type="checkbox"/> Memory tricks: acronyms, mnemonics, songs, rhymes <input type="checkbox"/> Provide fill-in-the-blank notes or cloze notes <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Verbalize or draw images as they learn <input type="checkbox"/> Highlight important information as they learn <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Post-it signs with to-do lists/steps 	<p><u>Root Cause Guiding Questions:</u> <i>Cannot hold information long enough to work on it?</i> <i>Cannot keep track of steps in a process?</i> <i>Unable to see patterns & relationships?</i> <i>Cannot hold information long enough to copy it?</i> <i>Difficulty matching language with concepts & symbols?</i> <i>Fails to self-correct due to losing focus on the tasks purpose & details?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Reduce required copying <input type="checkbox"/> Provide plenty of time for required copying <input type="checkbox"/> Provide printed copies of formulas, worked math problems, & notes <input type="checkbox"/> Provide fill-in-the-blank notes or cloze notes <input type="checkbox"/> Provide a notetaker <input type="checkbox"/> Provide visual list of steps to complete a task <input type="checkbox"/> Use number lines, matrix charts <input type="checkbox"/> Provide exposure to new vocabulary prior to the day of the lesson <input type="checkbox"/> Direct teach metacognition of memory <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Write directly on worksheet <input type="checkbox"/> Highlight in consumable book <input type="checkbox"/> Repeat/paraphrase directions or learning to teacher or partner (check for understanding) <input type="checkbox"/> Journal how content or skill was learned <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Checklist of procedures posted in class, in locker, and/or on desk detailing how to interact in class, complete homework tasks, etc. <input type="checkbox"/> Consistent routines 	<p><u>Root Cause Guiding Questions:</u> <i>Does not ask for help?</i> <i>Test anxiety?</i> <i>Needs multiple pathways for faster retrieval?</i> <i>Relies too much on rote learning?</i> <i>Uses a weak or only 1 pathway to learn material?</i> <i>Lacks the right type of modeling & practice?</i> <i>Cannot link new learning with existing knowledge?</i> <i>Cannot link to old information (similarities/differences)?</i> <i>Does not make the effort when information is not seen as important?</i> <i>Does not see the real-life application?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Tape or record lessons <input type="checkbox"/> Use symbols, synonyms, songs, skits, discussions examples or movement that clarify the same info. (create multiple memory storage paths) <input type="checkbox"/> Repeated practice: spaced practice, massed practice <input type="checkbox"/> Model note revision & visual organizer use <input type="checkbox"/> Use word bank <input type="checkbox"/> Direct teach metacognition of memory <input type="checkbox"/> Provide math formula sheets & resource notes <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Explain why info./skill is relevant <input type="checkbox"/> Make up test over new learning <input type="checkbox"/> Oral review with partner <input type="checkbox"/> Journal how content or skill was remembered <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Administer tests over more than 1 day <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Assignment planner <input type="checkbox"/> Key lock for locker <input type="checkbox"/> Map of school with room numbers <input type="checkbox"/> Printed or picture schedule <input type="checkbox"/> Post the days assignments

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO PERSISTENT PROBLEMS IN MATH

<p>Poor problem-solving skills</p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot read & restate problems in their own words?</i> <i>Cannot visualize the structure or patterns of problems?</i> <i>Cannot identify correct operation or useful data?</i> <i>Cannot break complex problems into logical steps?</i> <i>Does not apply strategies correctly?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Model think-aloud solving <input type="checkbox"/> Solve sample problems & leave on board <input type="checkbox"/> Use concrete materials: blocks, cubes, tangrams, number frames, algebra tiles, geometric figures <input type="checkbox"/> Use 2-dimensional representations: sketches, pictures, tallies, number lines <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Paraphrase vocabulary words <input type="checkbox"/> Articulate problem-solving strategy <input type="checkbox"/> Verbalize processes & steps as they work <input type="checkbox"/> Highlight/circle/underline key words & numbers in word problems <input type="checkbox"/> Prior to computation, write declarative sentence leaving blank for needed answer <input type="checkbox"/> Use math facts chart for computation: multiplication sheet, addition table <input type="checkbox"/> Use calculator when not being tested on computation <input type="checkbox"/> Use scratch paper <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Partnered practice: spaced practice, massed practice 	<p>Poor fluency with basic facts</p> <p><u>Root Cause Guiding Questions:</u> <i>Poor sense of counting & comparison of numbers?</i> <i>Cannot visualize numbers & their relationships?</i> <i>Cannot apply properties of math to make computation easier?</i> <i>Does not perform the right amount or type of practice?</i> <i>Asked to master new skills before prerequisite skills are in place?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Memory tricks: acronyms, mnemonics, songs, rhymes <input type="checkbox"/> Post key facts on T-Charts <input type="checkbox"/> Math flash cards <input type="checkbox"/> Short daily cumulative reviews <input type="checkbox"/> Model perceptual & conceptual subitizing (visual recognition of patterns & adding recognized small groups of a whole) <input type="checkbox"/> Compare actual quantities (how many more & how many less) <input type="checkbox"/> Review connections of new skill to prior knowledge <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use calculator <input type="checkbox"/> Use multiplication sheet <input type="checkbox"/> Verbalize new skill similarities to prior knowledge 	<p>Lack of perseverance</p> <p><u>Root Cause Guiding Questions:</u> <i>Has an "I can't" attitude because of recent failures?</i> <i>Does not set personal goals or track progress?</i> <i>Needs frequent breaks to maintain energy/focus?</i> <i>Gives up because new skills are taught before prerequisite skills are in place?</i> <i>Cannot visualize multiple ways of getting a reasonable result?</i> <i>Does not ask for help?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Have students practice in pairs (i.e., make up own examples, discuss answers) <input type="checkbox"/> Review connections of new skill to prior knowledge <input type="checkbox"/> Provide extra space to write problems & solutions <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Verbalize new skill similarities to prior knowledge <input type="checkbox"/> Use positive self-talk, or visualize past success <input type="checkbox"/> Use math formula sheets & resource notes <p>Lack of self-monitoring or directing</p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot estimate a reasonable answer?</i> <i>Does not see the real-life application?</i> <i>Thinks finishing 1st is important?</i> <i>Thinks the teacher should only check answers?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Immediately corrects errors & provides feedback explanation <input type="checkbox"/> Provide modeling, guided practice, & feedback on how to self-monitor <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use checklist or rubric when checking for errors
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CHALLENGES RELATED TO POOR ORGANIZATION

<p>Cannot meet deadlines</p> <p><u>Root Cause Guiding Questions:</u> 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?</p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Model how to schedule/track time spent on a task <input type="checkbox"/> Send important date reminders <input type="checkbox"/> Provide course syllabus that includes dates for projects, tests, etc. <input type="checkbox"/> "Get Ready" checklist of items needed to get started <input type="checkbox"/> Provide worked examples</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Use visual or disappearing timer <input type="checkbox"/> Use assignment planner</p> <p><u>Timing & Scheduling:</u> <input type="checkbox"/> Time how long it takes the student to get started with & without "Get Ready" checklist <input type="checkbox"/> Assign Study Hall period</p> <p><u>Setting:</u> <input type="checkbox"/> Notify parent of missing assignments <input type="checkbox"/> Monitor use of assignment planner <input type="checkbox"/> Assign staff to perform morning and/or afternoon check-ins – reviewing deadlines or the student's organization</p>	<p>Cannot organize space & materials</p> <p><u>Root Cause Guiding Questions:</u> Does not know why a 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 tasks down and sequence them?</p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Model how to organize desk <input type="checkbox"/> Model sorting: fun objects, supplies, assignments, handouts</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Visualize final product & answer "what should this look like when complete" <input type="checkbox"/> Gather materials prior to starting task</p> <p><u>Timing & Scheduling:</u> <input type="checkbox"/> Allow time to clean workspace</p> <p><u>Setting:</u> <input type="checkbox"/> Color code folders <input type="checkbox"/> Large binder with colored dividers for multiple classes <input type="checkbox"/> Provide 3-hole punched handouts <input type="checkbox"/> Non-white colors for project assignment details & dates <input type="checkbox"/> Set of books at home <input type="checkbox"/> Easy access to supplies</p>	<p>Cannot organize ideas</p> <p><u>Root Cause Guiding Questions:</u> 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?</p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Modeled how to strikethrough on multiple choice task <input type="checkbox"/> Model breaking big tasks into a list of smaller parts</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Erasable highlighter for important info. <input type="checkbox"/> Repeat or paraphrase directions or learning-to teacher or partner (check for understanding) <input type="checkbox"/> Use outline or multi-colored retractable pens to take notes <input type="checkbox"/> Study by placing labels in margins or re-writing notes</p> <p><u>Timing & Scheduling:</u> <input type="checkbox"/> Allow time for short breaks</p> <p><u>Setting:</u> <input type="checkbox"/> Use "to do" list, checklist & timelines</p>
<p>Cannot transfer skills to unfamiliar settings</p> <p><u>Root Cause Guiding Questions:</u> 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?</p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Allow student to self-assess their learning <input type="checkbox"/> Provide opportunity to reflect on coursework challenges</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Sort & classify similarities and differences in content</p> <p><u>Timing & Scheduling:</u> <input type="checkbox"/> Schedule student task reflection</p>	<p>Experience task paralysis due to anxiety or false beliefs</p> <p><u>Root Cause Guiding Questions:</u> 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?</p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Reinforce test taking skills <input type="checkbox"/> Utilize Growth-Mindset activities <input type="checkbox"/> Use Effort Supportive Language (e.g., "You worked hard", "You organized carefully", or "This is a challenge")</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Describe resources if they get stuck <input type="checkbox"/> Chart self-improvement <input type="checkbox"/> Visualize & reflect on past success <input type="checkbox"/> Use positive self-talk</p> <p><u>Setting:</u> <input type="checkbox"/> Environment that describes mistakes as learning opportunities <input type="checkbox"/> Counseling services</p>	

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO POOR WRITING SKILLS

Poor fluency	Poor clarity & organization skills	Weak editing & revision skills
<p><u>Root Cause Guiding Questions:</u> <i>Poor handwriting & spelling skills?</i> <i>Unable to apply writing strategies?</i> <i>Cannot visualize goal setting, brainstorming, planning, drafting, editing, & revision?</i> <i>Cannot transfer writing skills in unfamiliar situations?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Practice writing in the air using shoulder & forearm <input type="checkbox"/> Allow student to choose pencil grip <input type="checkbox"/> Handwriting practice (i.e., tracing letters, copying/dictating words & sentences) <input type="checkbox"/> Guided practice with writing strategies <input type="checkbox"/> Multiple short daily writing sessions <input type="checkbox"/> Direct instruction on penmanship <input type="checkbox"/> Provide fill in the blank notes <input type="checkbox"/> Provide Alphabet Strip on table for correct letter formation <input type="checkbox"/> Use directional arrows for letter formation <input type="checkbox"/> Provide spelling words that only focus on spelling patterns <input type="checkbox"/> Call out spelling words at a slower pace <input type="checkbox"/> Provide a letter scramble for spelling words <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Verbally explain responses before writing them down <input type="checkbox"/> Record verbal responses <input type="checkbox"/> Write response next to question rather than separate paper <input type="checkbox"/> Use wide-ruled or graph paper <input type="checkbox"/> Speech-to-text software <input type="checkbox"/> Typed assignments <input type="checkbox"/> Use scribe to write responses <input type="checkbox"/> Braille writer <input type="checkbox"/> Circle or point at answers <input type="checkbox"/> Track growth by reviewing previous writings <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Outlined response with verbal presentation <input type="checkbox"/> Provide timely feedback as they work or by next class <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Average 2 grades for essays (1 for content & 1 for grammar) <input type="checkbox"/> Specific feedback does not include more info. then the student can process 	<p><u>Root Cause Guiding Questions:</u> <i>Awkward sentence structure/word choice?</i> <i>Uses run-on or short sentences?</i> <i>Poor transitions?</i> <i>Guided practice on audience & purpose?</i> <i>Guided practice on sequencing thoughts?</i> <i>Guided practice on clear word choice?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Model writing tools (i.e., cut, copy, paste, underline, bold) <input type="checkbox"/> Provide printed lecture notes <input type="checkbox"/> Direct teach commonly known words for the grade-level <input type="checkbox"/> Use exploratory approach to model identification of spelling patterns (i.e., phonetic, word families, syllables, and affixes) <input type="checkbox"/> Model editing phonetically spelled words in the student's writing <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Sentence stems <input type="checkbox"/> Spell phonetically <input type="checkbox"/> Seek peer assistance in note taking <input type="checkbox"/> Log & study frequently misspelled words & error patterns <input type="checkbox"/> Track growth by reviewing previous spellings <input type="checkbox"/> Use spell checker <input type="checkbox"/> Use writing steps outline (purpose, audience, character development, details) <input type="checkbox"/> Graphic organizer <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide timely feedback as they work or by next class <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Word walls to refer to while writing <input type="checkbox"/> Minimal grading of initial writing practice <input type="checkbox"/> Specific feedback does not include more info. then the student can process 	<p><u>Root Cause Guiding Questions:</u> <i>Focuses on too many things at once?</i> <i>Needs specific/frequent feedback?</i> <i>Unaware of revision/editing resources?</i> <i>Unable to see grammar, spelling, punctuation, or capitalization patterns?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Model quality editing & revision <input type="checkbox"/> Model sentence combining, run-on sentence modifying, & sentence editing <input type="checkbox"/> Use peer feedback sessions <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use spell checker or grammar checker <input type="checkbox"/> Use writing checklist or rubric to clarify ideas, remove unnecessary ideas, revise sequence <input type="checkbox"/> Edit someone else's writing <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide timely feedback as they work or by next class <p>Low motivation to write</p> <p><u>Root Cause Guiding Questions:</u> <i>Poor self-confidence in writing?</i> <i>Environment/feedback perceived as harsh?</i> <i>Overwhelmed by size/complexity of task?</i> <i>Direct guidance/support during writing?</i> <i>Does not track errors typically made to adjust?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide topic choices for the student to pick from <input type="checkbox"/> Publish writing for an audience: letter, e-mail, blog, hallway, local business, Google classroom <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use computer to complete a task <input type="checkbox"/> Oral presenting or testing <input type="checkbox"/> Use personal journal <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide timely feedback as they work or by next class <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Small group tasks <input type="checkbox"/> Specific feedback does not include more info. then the student can process

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO POOR ATTENTION & FOCUS

Does not know what to focus on (Unable to relate to new things)

Root Cause Guiding Questions:

*Does not see the personal importance of a task?
Cannot inhibit distracters?
Due to stress, has reduced focus ability?
Cannot sort abstract information?*

Teacher Presentation Accommodations:

- ☐ Materials with bolded words & highlighted text
- ☐ Peer note-taker
- ☐ Printed notes
- ☐ Advance organizers with focusing questions (*i.e.*, KWL chart)
- ☐ Use flashlight or pointer to illuminate important information
- ☐ Provide a clear task purpose & learning target
- ☐ Ask how a new skill is similar to an old skill
- ☐ Use concrete experiences
- ☐ Provide specific feedback
- ☐ Consider student style & interest
- ☐ Build choices into assignments

Student Response Accommodations:

- ☐ Verbalize what the task or target is and why it is useful
- ☐ Verbalize new skill similarities to prior knowledge
- ☐ Utilize sleep tracking form for use at home
- ☐ Cover half of worksheet with another sheet of paper

Timing & Scheduling:

- ☐ Intersperse work time with short breaks
- ☐ Shortened school day
- ☐ Leave early or late passes
- ☐ Cover up unnecessary materials or shelving

Setting:

- ☐ Window or pictures of nature used during short break times
- ☐ Outdoor or stretch breaks

Cannot sustain focus (Poor endurance)

Root Cause Guiding Questions:

*Cannot break large task into manageable chunks?
Overwhelmed when too much info. or skills required?
Cannot work for long periods without break?
Lacks variety in ways to approach task?
Lacks enough support to keep frustration low?
Cannot self-monitor on-task behavior?*

Teacher Presentation Accommodations:

- ☐ High contrast between text & background
- ☐ Sufficient space between letters, words, & lines
- ☐ Read tasks to student
- ☐ Prompt student to read tasks aloud
- ☐ Pace passive learning & student active reflection based on student age (*i.e.*, lecture minutes age appropriate)
- ☐ Keep lesson periods short when possible

Poor transition skills (Lacks flexible thinking)

Root Cause Guiding Questions:

*Feels stressed from fear of failure or unknown consequences?
Lacks clear goals & priorities
Unable to work without clear structure or pattern?
Cannot use self-talk to plan before acting?
Cannot adjust pace or plan for new situations?*

Teacher Presentation Accommodations:

- ☐ Use transition signals, sounds, or visual cues (*i.e.*, cards)
- ☐ If multiple teachers are seen, align class routines when possible

Student Response Accommodations:

- ☐ Use visual agenda or to-do list

Timing & Scheduling:

- ☐ Transition Breaks
- ☐ Transition countdowns

Setting:

- ☐ Move to quiet space to work
- ☐ Routines
- ☐ Visual timer
- ☐ Assistance getting to classes (*i.e.*, labeled map, peer/adult)
- ☐ Tactile stimulation
- ☐ Provide supervision during transitions

Setting:

- ☐ Soft alarm (*e.g.*, chime, harp) or vibrating watch at predetermined intervals during independent work to remind to re-focus

Student Response Accommodations:

- ☐ Verbalize and discuss direction & learning with partner
- ☐ Read with partner
- ☐ Draw example of learning
- ☐ Stand to complete tasks
- ☐ Use distraction-blockers: earplugs, earphones, white noise (*i.e.*, rainwater) privacy divider during seat work & tests
- ☐ Self-monitor on-task behavior & distraction reasons

- ☐ Alternate between high- & low-interest activities
- ☐ Stand in a single location during direct instruction
- ☐ Use visualization strategies with sensory detail
- ☐ Tangible learning experiences
- ☐ Cut or color-code worksheets into sections
- ☐ Provide examples or worked problems
- ☐ Redirect focus: ask a question, nonverbal cues, stand close
- ☐ Track on-task behavior & provide feedback

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO POOR READING COMPREHENSION

Poor word attack skills	Poor oral reading fluency	Poor comprehension
<p><u>Root Cause Guiding Questions:</u> <i>Cannot link sounds to letters?</i> <i>Experiences spatial confusion, causing reversals?</i> <i>Cannot break down or blend sounds?</i> <i>Cannot break words into syllables?</i> <i>Cannot see rhyme, vowel, or consonant patterns in syllables?</i></p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Use font type that reduces visual confusion (i.e., Helvetica, Courier, Arial, Verdana)</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Color overlays</p>	<p><u>Root Cause Guiding Questions:</u> <i>Cannot read in phrases?</i> <i>Cannot keep track of current pace on the page?</i> <i>Ignores punctuation?</i> <i>Does not read with expression?</i> <i>Does not set personal goals & track progress?</i></p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Books and materials with large print <input type="checkbox"/> Device to magnify print: magnifiers, enlarged screen <input type="checkbox"/> Bookmark for tracking <input type="checkbox"/> Audiobooks <input type="checkbox"/> Oral reader: screen reader, peer, adult <input type="checkbox"/> Braille <input type="checkbox"/> Model reading with expression & attending to punctuation (i.e., Echo-reading) <input type="checkbox"/> Script & Play reading (i.e., Radio Reading) <input type="checkbox"/> Reading cue card with focus question</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Oral reading practice (i.e., Paired Repeated Reading, Phrase reading, Simple Assisted Reading, Radio Reading, etc.) <input type="checkbox"/> Braille Typewriter <input type="checkbox"/> Story retelling with “first”, “then”, & “finally” <input type="checkbox"/> Allowed to write notes in margins <input type="checkbox"/> Group picture cards by sounds</p>	<p><u>Root Cause Guiding Questions:</u> <i>Does not set a purpose before reading?</i> <i>Cannot create visual images of the information?</i> <i>Does not predict or ask questions while reading?</i> <i>Does not know fix-up strategies & apply them?</i> <i>Does not self-monitor to see if text makes sense?</i> <i>Does not remember what was read?</i> <i>Highlight/circle key words and essential information?</i></p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Minimize double-sided worksheets <input type="checkbox"/> Vocabulary Flash Cards <input type="checkbox"/> Use variety of text <input type="checkbox"/> Provide relevance & connection to the reading <input type="checkbox"/> Model finding text topic <input type="checkbox"/> Model filtering out unimportant information <input type="checkbox"/> Read aloud <input type="checkbox"/> Model mental picture creation <input type="checkbox"/> Review connections of new skill to prior knowledge</p>
<p>Poor automatic word recognition and vocabulary</p> <p><u>Root Cause Guiding Questions:</u> <i>Lacks rich oral language experiences?</i> <i>Has not encountered words multiple times in multiple contexts?</i> <i>Cannot analyze words using roots & affixes?</i> <i>Cannot infer a meaning by using context clues?</i> <i>Does not relate to idioms or other forms of figurative language?</i></p> <p><u>Teacher Presentation Accommodations:</u> <input type="checkbox"/> Direct teach literal & figurative idioms <input type="checkbox"/> Model use of context cues</p> <p><u>Student Response Accommodations:</u> <input type="checkbox"/> Define words linguistically & non-linguistically (i.e., sketch) <input type="checkbox"/> List characteristics, examples, & non-examples of new vocabulary words <input type="checkbox"/> List synonym and antonym of words <input type="checkbox"/> Write new words in a sentence</p>	<p><u>Student Response Accommodations:</u> <input type="checkbox"/> Break reading tasks into small steps <input type="checkbox"/> Highlight important parts of text (set limit on words/phrases) <input type="checkbox"/> Key word graphic organizer <input type="checkbox"/> Oral summarization (i.e., Partner Turn-and-talks, class discussion) <input type="checkbox"/> Verbalize new skill similarities to prior knowledge <input type="checkbox"/> Sketch mental pictures <input type="checkbox"/> Repeat 1-step instructions <input type="checkbox"/> Reciprocal teaching <input type="checkbox"/> Concept mapping (graphical representations of text) <input type="checkbox"/> Student self-questioning of text before, during, and after reading</p> <p><u>Timing & Scheduling:</u> <input type="checkbox"/> Plan mental breaks</p>	

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO IMPULSIVENESS & POOR SELF-MONITORING

<p><i>Inability to delay gratification or reacts before thinking</i></p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot distinguish feelings from actions or wants from needs?</i> <i>Needs attention or higher level of stimulation?</i> <i>Is unable to slow down and use self-talk to calm down?</i> <i>Has limited repertoire of appropriate responses?</i> <i>Needs more structure & routine</i> <i>Unsure of how actions affect others?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide opportunity to reflect on coursework challenges <input type="checkbox"/> Direct teach metacognition of reasoning & emotion <input type="checkbox"/> Direct teach self-monitoring <input type="checkbox"/> Provide immediate feedback on success & areas of improvement <input type="checkbox"/> Provide parent with feedback on success & areas of improvement <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Journal emotional triggers or events (home & school) <input type="checkbox"/> Chart behaviors & feelings (home & school) <input type="checkbox"/> Talking stick during group discussions <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Schedule 5 minute period to check work prior to submitting <input type="checkbox"/> Time 15 or 20 minutes of pure focus then allow break <input type="checkbox"/> Allow 20 min.'s to calm after emotional trigger <input type="checkbox"/> Schedule end of the day/period self-monitoring <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Ignore minor inappropriate behavior <input type="checkbox"/> Increase immediacy of rewards & consequences <input type="checkbox"/> Tactile stimulation <input type="checkbox"/> Counseling services 	<p><i>Inability to cope with frustration, anger or feelings of discouragement or helplessness</i></p> <p><u>Root Cause Guiding Questions:</u> <i>Cannot articulate the problem/feelings?</i> <i>Avoids situations that are too difficult or boring?</i> <i>Retaliates for perceived mistreatment?</i> <i>Cannot identify what triggers problems or causes stress?</i> <i>Cannot reframe (see things from a new perspective)?</i> <i>Does not know how to gain power, attention, or control appropriately?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Direct teach calming self-talk <input type="checkbox"/> Direct teach reframing strategies to cope with stress <input type="checkbox"/> Utilize Vocabulary Continuum strategy to identify & label ranges of feelings (<i>i.e.</i>, miserable, poor, good) <input type="checkbox"/> Direct teach the impact of prior experiences on decisions & choices <input type="checkbox"/> Direct teach reframing & considering alternative explanations <input type="checkbox"/> Provide/model language to convey what they are feeling "I feel", "I accept", or "It's frustrating when" <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use constructive self-verbalization, calming self-talk, or visualize past success <input type="checkbox"/> Journal emotional triggers or events (home & school) <input type="checkbox"/> Use breathing exercises <input type="checkbox"/> Flex & relax muscles <input type="checkbox"/> Count to 10 or talk to an adult <input type="checkbox"/> Drink water <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Schedule sensory break <input type="checkbox"/> Schedule small group on anger management <input type="checkbox"/> Schedule core exercises, stretching, and/or walking <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Space for student's guide dog (service animal) <input type="checkbox"/> Adjust lighting <input type="checkbox"/> Play calming music <input type="checkbox"/> Use air purifier <input type="checkbox"/> Tactile stimulation <input type="checkbox"/> Provide quiet spot for student as needed <input type="checkbox"/> Counseling services 	<p><i>Inability to adjust behavior to a situation and/or is unaware of how own behavior affects others</i></p> <p><u>Root Cause Guiding Questions:</u> <i>Is unclear about expectations or goals?</i> <i>Does not pick up on feedback that indicates a need to alter behavior?</i> <i>Needs practice for appropriate behavior & responses?</i> <i>Cannot accurately predict consequences?</i> <i>Needs feedback for improvement & reinforcement?</i> <i>Is unable to use past experiences & mistakes to self-correct?</i></p> <p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide structured opportunities to talk (<i>i.e.</i>, read morning announcements, daily assignment) <input type="checkbox"/> Model conversation courtesy <input type="checkbox"/> Direct teach figurative expressions <input type="checkbox"/> Direct teach nonverbal cues for emotions (<i>i.e.</i>, nonverbal charades, body language scrapbook) <input type="checkbox"/> Direct teach active listening: reflective listening, paraphrasing responses <input type="checkbox"/> Model consequences prediction <input type="checkbox"/> Synchronize strategies with those used by other providers (<i>i.e.</i>, counselor) <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Act out non-verbal cues <input type="checkbox"/> Reflect on feedback for improvement & successes <input type="checkbox"/> Practice performing appropriate behavior responses <input type="checkbox"/> Practice predicting consequences (<i>i.e.</i>, "What will happen if I do this?", evaluate false predictions) <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> When redirecting use "I feel", "he/she feels", or "it hurts when" statements <input type="checkbox"/> Use Behavior Matrix for specific areas (<i>i.e.</i>, class, cafeteria, hallway) <input type="checkbox"/> Send daily/weekly progress updates home <input type="checkbox"/> Utilize behavior contract <input type="checkbox"/> Compliment positive behavior <input type="checkbox"/> Counseling services
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NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO <u>ALLERGIES</u>	CHALLENGES RELATED TO <u>ARTHRITIS</u>	CHALLENGES RELATED TO <u>ASTHMA</u>
<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Adapt physical education curriculum during high pollen season <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow time for shots & appointments <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Eliminate contact with allergy-causing substances <input type="checkbox"/> Use air purifiers <input type="checkbox"/> Assess pets & animals in class 	<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Adapt physical education curriculum <input type="checkbox"/> Digital lab curriculum <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use pencil grips, typewriter, or computer <input type="checkbox"/> Use locker assistance or lock with key <input type="checkbox"/> Use peer note taker, tape recorder, or printed notes <input type="checkbox"/> Use Velcro fasteners for bags <input type="checkbox"/> Oral reports <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow time for appointments <input type="checkbox"/> Allow extra time between classes <input type="checkbox"/> Schedule peer support group <input type="checkbox"/> Schedule rest periods <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide assistance in carrying books or tray (<i>i.e.</i>, book caddy) <input type="checkbox"/> Allow movement to avoid stiffness <input type="checkbox"/> Provide padded chairs <input type="checkbox"/> Sit close to heat 	<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Adapt physical education curriculum <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Schedule rest periods <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Remove allergens <input type="checkbox"/> Provide inhalant therapy assistance

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO <u>CANCER</u>	CHALLENGES RELATED TO <u>HEARING IMPAIRMENT</u>	CHALLENGES RELATED TO <u>SLEEP DISORDER</u>
<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Limit the number of classes taken <input type="checkbox"/> Tape lessons <input type="checkbox"/> Use mastery learning techniques <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use peer note taker, tape recorder, or printed notes <input type="checkbox"/> Use individual school counseling <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow time for breaks, recuperation, appointments, etc. <input type="checkbox"/> Shortened school day <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide instruction or tutor at hospital or home <input type="checkbox"/> Provide dietary accommodations 	<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use written notes for communication <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Use assistive technology <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Schedule peer support group <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide interpreter for school events <input type="checkbox"/> Provide assistive devices on public phones <input type="checkbox"/> Provide TDD or relay services 	<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Seek out indicators that the student may fall asleep <input type="checkbox"/> Minimize stressors that trigger sleep <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Signal to the teacher when they may fall asleep <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide safe and quiet area to rest <input type="checkbox"/> Provide asynchronous courses <p><u>Timing & Scheduling:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Student-centered schedule (<i>i.e.</i>, most important classes at the start, middle or end of the school day based on when the student is most likely not to be impacted by the disorder, school day starts or ends based on when the disorder is seen to impact the student) <input type="checkbox"/> Shortened school day

NOTE: Non-exhaustive, non-mandatory list; Accommodations should be individualized

CHALLENGES RELATED TO <u>VISUAL</u> <u>IMPAIRMENT</u>
<p><u>Teacher Presentation Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide large print copies of text/notes <input type="checkbox"/> Provide raised line materials <input type="checkbox"/> Provide audiobooks <input type="checkbox"/> Use tactile maps <input type="checkbox"/> Use 3D objects <input type="checkbox"/> Reduce visual clutter <input type="checkbox"/> Verbalize while writing on board <input type="checkbox"/> Avoid red, orange or yellow markers <p><u>Student Response Accommodations:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> Sits where vision is optimized <input type="checkbox"/> Use dark felt tip pens, dark lined writing paper, magnifier, monocular glass, desktop slant board <input type="checkbox"/> Avoid working in own shadow or facing the light <p><u>Setting:</u></p> <ul style="list-style-type: none"> <input type="checkbox"/> As much as possible consistent room arrangement <input type="checkbox"/> Remove entryway obstacles

NOTE: *Non-exhaustive, non-mandatory list; Accommodations should be individualized*

Classroom Testing Supports

Testing accommodations may not automatically equate to better grades on a test or graded assignment. Testing accommodations may provide increased opportunities 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.

Standardized Testing Accommodations

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).

Process 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 8.

All School District and 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 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 the ADA compliance.



Local Educational Agency (LEA): School District & Charter School

- Establish guiding documents, procedural safeguards, and nondiscriminatory evaluation and placement processes.
- Designate and train the employee that is 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 Plans and not doing so may constitute non-compliance with school district/charter school expectations.
- Provide for a process whereby Section 504 records are efficiently transferred within the school district/charter school and outside the district/school (in and out of state).



Section 504 Coordinator

- Ensure that Section 504 Plan accommodations are disseminated to appropriate staff.
- Request Section 504 Team meeting to review plan if no longer appropriate.

- Send parent communication concerning Section 504 (e.g., notice of identification, notice of Parental Rights, meeting date, copy of plan).
- Identify Section 504 Team members and schedule meetings.
- Ensure that funding approval for resources to implement plans progresses through the appropriate channels.
- Monitor the reduction of architectural barriers for individuals with disabilities.
- Conduct self-reviews and monitor Section 504 procedures and practices – including the amount of time from when a referral is submitted to when the team meets to conduct an evaluation.
- 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.
- Implement grievance procedures for submitted Section 504 complaints.
- Serve as liaison to DESE Compliance Assistance Center (CAC) and Office for Civil Rights (OCR).



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

School Administration

- Identify campus-level Section 504 Coordinator(s) 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 access as compared to their peers
- Understand the meaning of the reviewed evaluation data.
- Be familiar with placement options.



Teacher(s)

- Communicate observed strengths and weaknesses.
- 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.



Student

- Communicate strengths and weaknesses.
- Maintain awareness of rights under Section 504.



Parent or Guardian

- Communicate observed strengths and weaknesses.
- Participate in meetings and discussions of changes in the child's education (e.g., location of services).
- Request Section 504 Team meeting to review plan if no longer appropriate.
- Maintain awareness of rights under Section 504.

**School Nurse** (as needed)

- Review student school health records (e.g., 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).

**Related Service Providers** (as needed)

- Conduct evaluations.
- Provide input for Section 504 Team meetings.
- Provided services.



Section 504 Roles & Responsibilities

Parent or Guardian

- Communicate observed strengths & weaknesses.
- 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 Nurse (as needed)

- Review student school health records (e.g., 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.

Related Service Providers (as needed)

- Conduct evaluations.
- Provide input for Section 504 Team meetings.
- Provide services.

Section 504 Coordinator

- Ensure that Section 504 plan accommodations are disseminated to appropriate staff.
- Send parent communication concerning Section 504 (e.g., notice of identification, notice of parental rights, notice of meeting, copy of plan).
- Identify Section 504 Team members & schedule meetings.
- Ensure that funding approval to implement plans progresses through the appropriate channels.
- Monitor physical & website accessibility & reduce architectural barriers.
- Conduct self-reviews & monitor Section 504 procedures & practices.
- 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.
- Implement grievance procedures for submitted Section 504 complaints.
- Serve as liaison to ADE Equity Assistance Center & the Office for Civil Rights.

Role may be divided among District & Campus-level Section 504 Coordinators as appropriate.

Student

- Communicate strengths & weaknesses
- Maintain awareness of rights under Section 504



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.

Section 504 Team

- Use knowledge about the student to make decisions – including how the disability impacts the student.
- Understand the meaning of the evaluation data.
- Be familiar with placement options.
- Ensure the student's access to education as compared to peers without disabilities.

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 & supports.
- Train staff enabling them to perform services & appropriate accommodations.
- Provide for a process whereby Section 504 records are efficiently transferred within the district & outside the district (in & out of state).



Coordinator Responsibilities

Clearly defined responsibilities of the Section 504 Coordinator are key to ensuring an effective Section 504 process. A depiction of these responsibilities throughout the year can be found in Figure 9.

At the beginning of the school year:

- Provide a list of the students served under Section 504 to administrators.
- Provide a list of the students receiving testing accommodations to testing coordinators.
- Communicate your role in supporting Section 504 processes to staff & parents.
- Provide targeted Section 504 training to staff.
- Provide Section 504 accommodations to all individuals that are required to implement them at least by the first day of instruction if not before.
- Engage in Section 504 Plan Review Team Meetings (if held at the beginning of the school year).



Throughout the school year:

- Engage in the duty-to-locate students with disabilities and “child-find” activities in the school district’s/charter school’s jurisdiction.
- Distribute new Section 504 accommodations to all individuals that are required to implement.
- Review student’s that no longer qualify for services under the IDEA (Individuals with Disabilities Education Act) determining if there is a suspicion of a disability requiring the student to be referred for an evaluation under Section 504.
- When needed review student grades and other relevant data for plan effectiveness (e.g., spot review, students at risk, quarterly).
- When needed review discipline and suspension data for plan effectiveness (e.g., spot review, students at risk, quarterly).
- Assess perceptions of Section 504 support via surveys of parents and staff.
- Meet with campus-level coordinators to discuss recent concerns and collaborate on process improvements (if applicable to your institution).
- Support campus-level coordinators by attending Section 504 meetings and assisting school staff (if applicable to your institution).
- Monitor accessibility and physical barriers (e.g., website, events).



At the end of the school year:

- Provide ACT and SAT testing accommodation support if the school district/charter school is involved in the test registration process. This might also

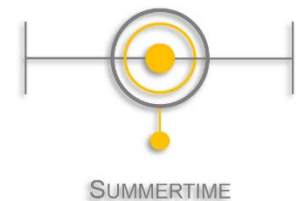
include describing to parents and students what documentation is needed to attach to the application for testing accommodations.

- Engage in Section 504 Plan Review Team Meetings (if held at the end of the school year).
- Ensure the transferring and collection of Section 504 records to/from schools within the school district/charter school and outside of the institution.
- Review transferred student Individual Health Plans (IHPs) determining if there is a suspicion of a disability requiring the student to be referred for an evaluation under Section 504.
- Provide postsecondary transition support to graduating Seniors.



Throughout the summer:

- Engage in a data-based review of the school district's/charter school's Section 504 compliance such as –
 - Progress in student achievement outcomes (e.g., quarterly grades, local or state standardized assessments).
 - Proportionality in identification under Section 504 by English learner status, free/reduced lunch status, gender, and race as compared to the district/charter-wide population of that subgroup.
 - Proportionality in the administration of in-school and/or out-of-school discipline actions of students served under Section 504 as compared to the district/charter-wide population of students served under Section 504
 - Perceptual survey data of staff and parents.
- Engage in a review and update of policies, procedures, and practices for necessary process changes such as –
 - Section 504 meeting norms and analysis.
 - Appropriate “child-find” activities.
 - Inclusion or update of a notice of nondiscrimination and “child-find” within the student handbook and the website.
 - Inclusion or update of the Section 504 grievance procedures within the student handbook and the website.
 - Translate necessary documents in your school community’s commonly used languages.
 - Clear language in Section 504 forms and documents.
- Build self-capacity and Section 504 knowledge by reviewing OCR & CAC Section 504 guidance, information on how specific or common impairments might reveal the school environment, the availability of assistive technology, and/or attending a Section 504 training.
- Adjust staff professional development in-service based on school year concerns and the needs of staff and students such as –



- After reflecting on next school year's field trips and activities, make note of needed staff training to support students with disabilities while they are on field trips or at extracurricular events.
- Support to a newly selected campus-level Section 504 coordinator designee (as needed).

Section 504 Coordinator Responsibilities

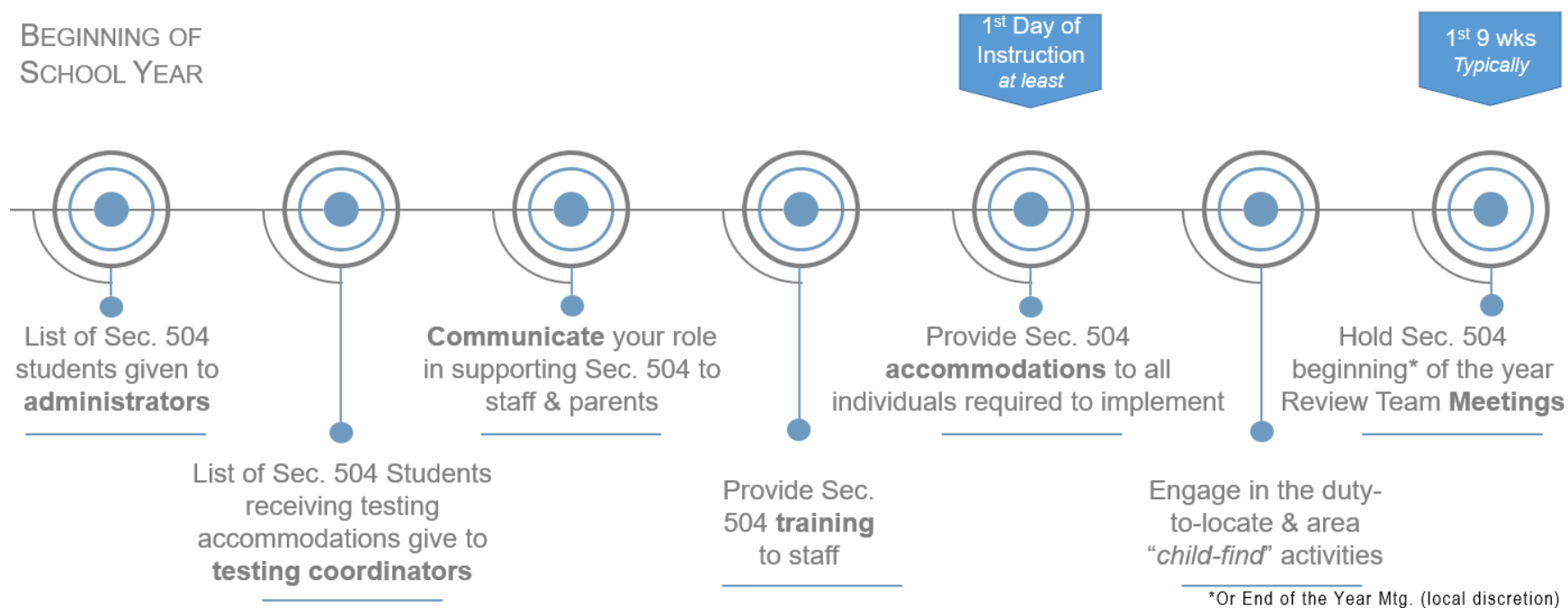


Figure 9a

Section 504 Coordinator Responsibilities

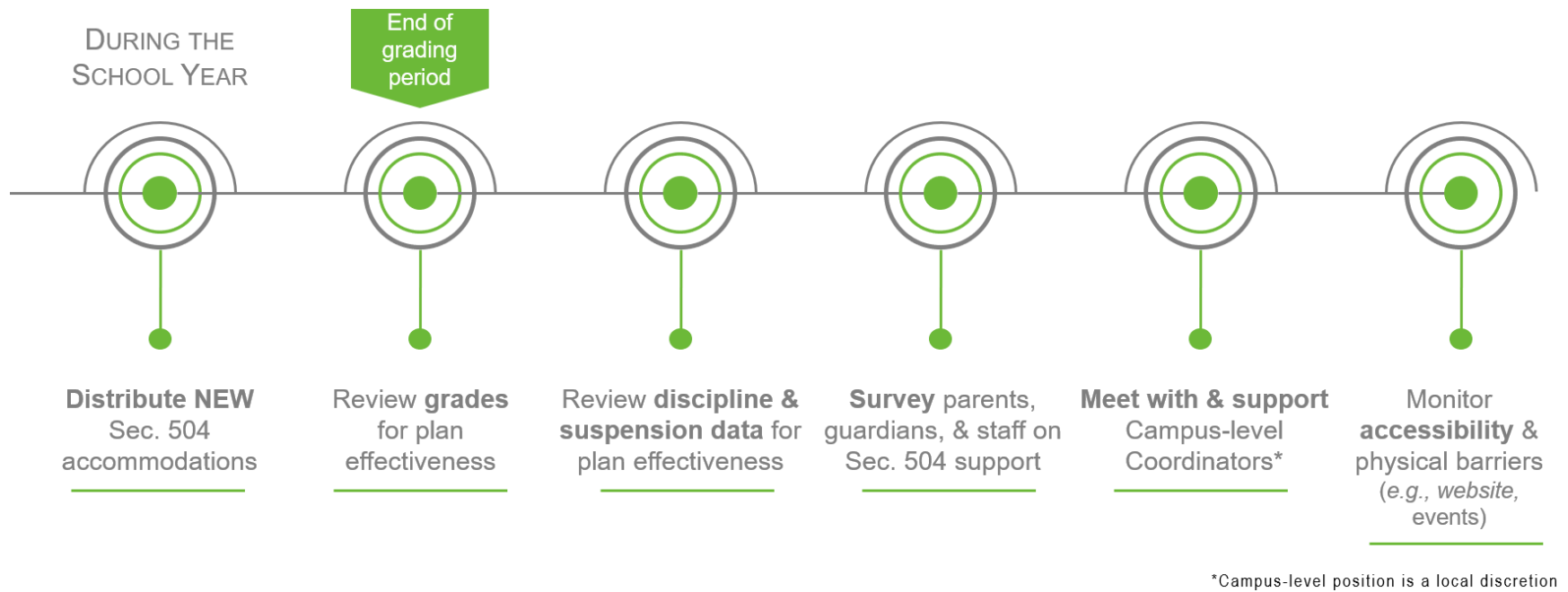
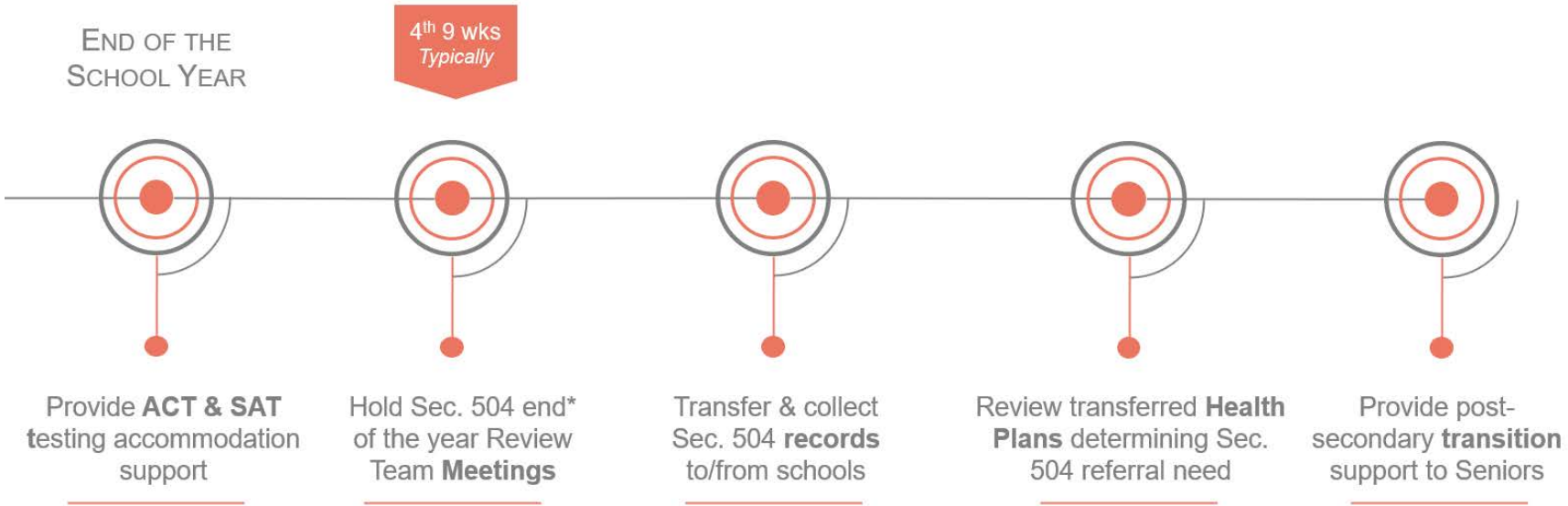


Figure 9b

Section 504 Coordinator Responsibilities



*Or Beginning of the Year Mtg. (local discretion)

Figure 9c

Section 504 Coordinator Responsibilities

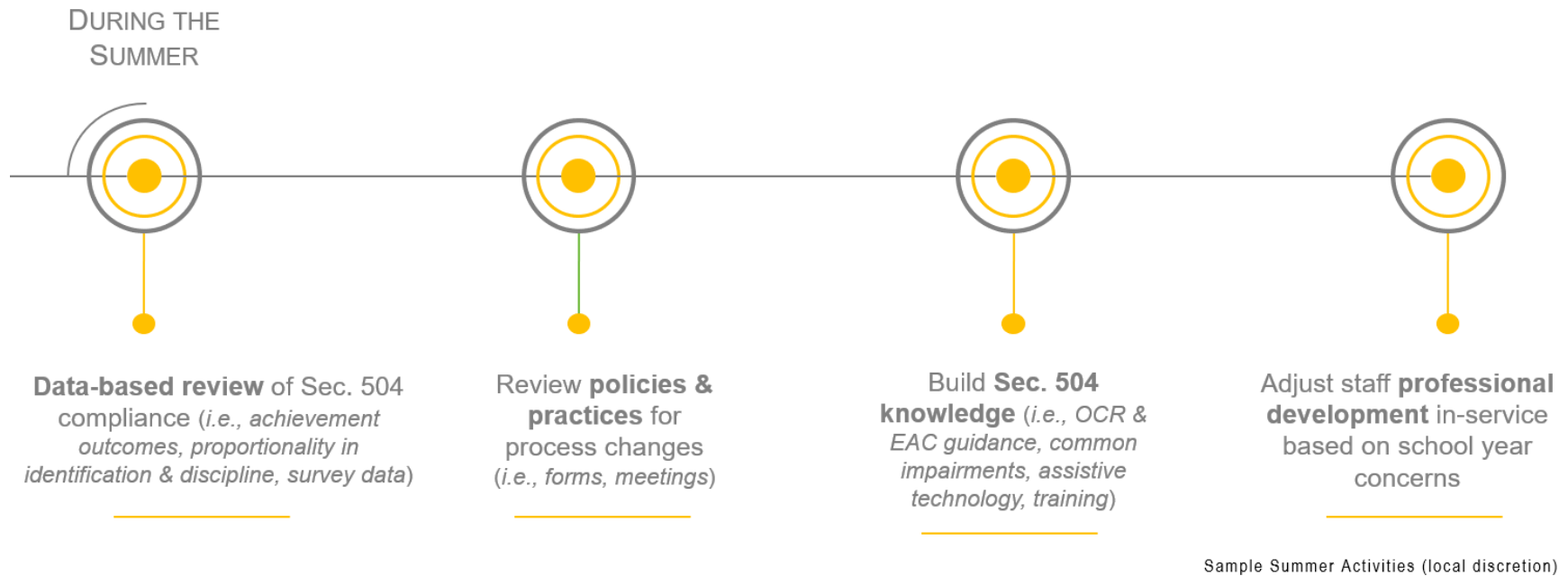


Figure 9d

Local Program Review

Pursuant to the 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/charter school's compliance with Section 504.

1. Section 504 Assurances		
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
2. Section 504 Coordinator		
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
3. Section 504 Notice of Nondiscrimination		
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 basis of disability?	Yes	No
Does the notice include the Section 504 Coordinator's 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>		
4. Section 504 Grievance Procedures		
Has the school system adopted a grievance procedure to satisfy its obligation to adopt grievance procedures under Section 504, Title IX, the 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

5. Section 504 Written Policy & Procedures		
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 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 Compliance Assistance Center (CAC) 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>		
6. Section 504 Process		
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 a 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 with 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>		
7. Parents		
Are appropriate steps taken to notify parents and students of their rights, as required by Section 504?	Yes	No

Chart 3 (cont.)

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 SECTION 504 GRIEVANCE

Does the written grievance policy:

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

1. Provide clear and adequate definitions of who may grieve, what issues may be grievances, and the terms used throughout the procedure?
2. Cover all students and employees?
3. Clearly state the form and procedure for filing grievances?
4. Provide methods for a notice on where to file grievances?
5. Specify any applicable time limits for the initiation of a grievance?
6. Provide for assistance in the filing, preparation, and processing of a grievance?
7. Specify the responsibilities of appropriate staff for the receipt and initial handling of grievances?
8. Provide methods for informal, prompt, and equitable resolution of grievances?

- PROCESSING THE SECTION 504 GRIEVANCE

Does the written grievance policy:

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

1. State the number and levels of steps for grievance processing and the criteria for referral to each level?
2. State the form of grievance presentation and processing (oral/written, conference, hearing officer/hearing panel, etc.) at each step?
3. Specify the criteria and procedure for the assignment of initial investigation/hearing levels?
4. Describe procedures and responsibilities for notification of all parties at each processing level?
5. Provide prompt timelines for all activities and stages within the grievance procedure?
6. Specify the procedures which shall be used in conducting grievance investigations/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 the grievant to determine whether the hearing shall be open to the public?
- Provisions and requirements for recording the hearing?

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

7. Specify requirements for submission of written information by grievants?
8. Specify investigation procedures that are adequate, comprehensive, reliable, and impartial?
9. Specific the steps that will be taken during the investigation?
10. State the form and timelines for the preparation of grievance decisions?
11. Provide notification of the outcome of the complaint to the parties?
12. Provide the steps that will be taken to prevent the recurrence of a violation under Section 504 and to correct any discriminatory effects of harassing conduct?
13. State the procedures and timelines for the grievant's acceptance or appeal of grievance decisions?
14. Specify the roles and selection of persons involved in grievance processing including the Section 504 Coordinator, Equity Assistance Coordinator, principal, and/or Superintendent?

- BASIC SECTION 504 PROCEDURAL RIGHTS

Does the written grievance policy:

Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No
Yes	No

1. Provide assurances that any violation under Section 504 will be addressed?
2. Provide assurances regarding the impartiality of individuals involved?
3. Prohibit harassment and bullying by third parties?
4. Provide grievants with the right to appeal to progressive levels of decision-making?
5. Provide for confidentiality of grievance proceedings and records if so desired by the grievant?
6. Provide for grievants' access to relevant educational records?
7. Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files?

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 appropriate public education. T / F **True**
4. All students covered under the 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 the IDEA. T / F **False**
8. Notice to parents regarding Section 504 evaluations is required. T / F **True**
9. The legal obligation to evaluate students (e.g., 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 reevaluation 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 (e.g., 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 impartial hearings and grievance complaints. T / F **True**
19. A school district/charter school can use the hearing procedures designed for the IDEA (independently of AR DESE) to hear Section 504 concerns. 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**

Frequently Asked Questions (FAQ)



Answers to common Section 504 questions are below.

Q: Does a public school have to provide services under Section 504 to a student living in their area, but the student is attending a private school or home school?

A: Districts/charter schools are responsible for identifying and evaluating students suspected of having a disability residing within the school district's boundaries. This includes students who are in private school or being home schooled. Districts/charter schools are required to provide services under Section 504 to a student who is not enrolled.

Q: Do religious private schools have to comply with Section 504?

A: If the private school, sectarian as well as non-sectarian, receives, directly or indirectly, federal funds they are prohibited from discriminating against students because of a student's disability. Compliance with Section 504 in private schools may be different as compared to compliance in public schools (34 C.F.R. Part 104.39).

Q: May a private school increase its program costs for a student with a disability?

A: A private school must not charge additional costs for their program except when there is a substantial increase in the cost to the private school to provide services to a student with a disability (34 C.F.R. Part 104.39).

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 qualify 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. Part 104.3, 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 needs 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 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. Part 104.35).

Q: *What are examples of evaluation data?*

A: The evaluation process must measure specific areas of educational need. (e.g., 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 tests 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 impartial hearing procedures to seek to override the parent's 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 reevaluation or plan review occur?*

A: Periodic reevaluation is required. This may be conducted at three-year intervals or more frequently. A reevaluation 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 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/charter school may ask the parent 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 the district's understanding 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 students 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 (e.g., 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. (e.g., pregnancy-related complications, epilepsy, depression, post-traumatic stress disorder, cancer, oppositional defiance disorder)

Q: *How should a district/charter school manage Section 504 Plans for 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 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 (e.g., 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 disciplinary misconduct reviewed under Section 504?*

A: The district/charter school must conduct an evaluation before significantly 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. Decisions must be based on recent evaluation data and an understanding of the student's current behavior.

Generally, a student served under Section 504 who is currently engaging in the illegal use of drugs may be disciplined for such use even if the conduct was a manifestation of the disability.

Q: *If a student is in possession of illegal drugs or alcohol, do Section 504 protections against discriminatory discipline still apply?*

A: If a student with a disability that is served under Section 504 is found in possession of drugs or alcohol, they still have access to the protections under Section 504. A student with a disability who is not currently using illegal drugs or alcohol but commits a drug or alcohol offense is afforded Section 504 protections, including the right to a manifestation determination (29 USC §705(20)(C)(iv)).

- 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. The Section 504 federal statute, unlike the IDEA, does not provide a legal right to receive educational services as an expelled student. A. C. A. §6-16-406 (Act 709) requires Arkansas school districts/charter schools to offer to students that have been expelled digital learning courses or alternative educational services for credit. For this reason, districts/charter schools in Arkansas are required to provide Section 504 protections and/or services to the expelled students that they serve.
- 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 C.F.R. 104.33).
- 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: How does Section 504 impact college education?

A: Section 504 protects students from discrimination due to their disability when attending a postsecondary institution and can receive accommodations. The process of requesting and receiving accommodations in college is not the same as in K-12. Institutions are not required to locate students with disabilities nor conduct an evaluation although some do. Students in postsecondary education must notify institution staff if they need an academic adjustment. Requirements to document a disability vary. Being provided a Section 504 Plan in high school does not automatically mean the student will receive accommodations in the college or university.

For information regarding eligibility for vocational services and a no-cost evaluation through Arkansas's Rehabilitation Services (ARS) see <https://arcareereducation.org/about/arkansas-rehabilitation-services>.

Q: How does Section 504 impact getting into the military?

A: A military recruiter would be best equipped to provide the most up-to-date information and answer specific questions on this issue.

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 school board-approved Section 504 Grievance Procedures, request a local Section 504 impartial hearing, submit a complaint to the Compliance Assistance Center (CAC), submit a complaint to the Office for Civil Rights (OCR), or file for civil recourse.

Q: Are parents with a disability entitled to services that enable them to participate in their child's school activities, even if the student does not have a disability?

A: Under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, parents or other individuals with disabilities must be provided with appropriate auxiliary aids and services to ensure equal access and meaningful participation in school programs and activities. Reasonable accommodation to ensure effective communication might include qualified interpreters, real-time captioning, or assistive listening devices, as determined by the school system. Services must not impose an undue burden or fundamentally alter the program. Schools should publicize the process of requesting accommodation.

For information regarding specific circumstances see the OCR frequently asked questions *Guidance on Effective Communication for Students with Hearing, Vision, or*

Speech Disabilities in Public Elementary and Secondary Schools, November 12, 2014 ([link](#), Question 7).

Q: *Are there specific guidelines to following when identifying the Section 504 Coordinator?*

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 for 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 long are Section 504 records maintained after a student withdraws or graduates?*

A: Regarding Section 504 of the Rehabilitation Act of 1973 and the Family Educational Rights and Privacy Act (FERPA), neither federal law dictates a time frame for which records must be maintained. [FERPA](#) (§99.10 [e]) requires that once a request is made for a record, it cannot be destroyed until the request is completed. Arkansas DESE rules regarding student permanent records are located [here](#) (see section 3.03). The CAC recommends that Section 504 records be kept for the same length of time as other student records (including IEPs). A common practice for many school districts/charter schools is to maintain them for at least three (3) years.

Q: *How does the Compliance Assistance Center (CAC) get involved in disability issues within a district/charter school?*

A: CAC receives complaints from parents, students or advocates, conducts complaint investigations, and provides technical assistance to districts/charter schools. Except in extraordinary circumstances, CAC 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 school districts/charter schools, 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 [SECTION THREE: Links \(e.g., Public Resources\)](#).

SECTION THREE: Section 504 Resources

Sample Forms

Example and sample forms included in this document are intended to be guidance. School districts/charter schools are not required to use the exact format. School districts/charter schools are responsible for ensuring the accessibility of their documents for their end-users. As appropriate, make available necessary documents in multiple languages and alternative formats. The use of district or school letterhead on Section 504 forms are encouraged.

Available Sample Documents

Notice of Nondiscrimination

Referral

- Section 504 Referral for Evaluation ^
- Section 504 Parent Notice of Referral and Consent to Evaluate

Data Collection

- Consent to Release Information (Third Party)
- Section 504 Student Input
- Section 504 Parent Input
- Section 504 Teacher Input

Evaluation and Review

- Section 504 Notice of Meeting
- Section 504 Team Evaluation and Determination
- Section 504 Plan
- Section 504 Receipt of Plan Acknowledgment
- Section 504 Plan Review Teacher Input
- Section 504 Plan Review
- Section 504 Manifestation Determination Review
- Section 504 Process Checklist

Parent Rights and Grievance Process

- Section 504 Notice of Parent and Student Rights *^
- Section 504 Grievance Procedures *^
- Section 504 Complaint and Grievance Filing ^
- Section 504 Complaint and Grievance Record
- Impartial Hearing Procedure
- Impartial Hearing Agenda
- Impartial Hearing Review Procedure

* These documents should be presented and offered at every Section 504 meeting.

^ These documents should be readily available on the district/charter website.

Sample Notification of Nondiscrimination

An effective notice of nondiscrimination makes it clear that the institution does not discriminate on the basis of disability, has a duty to locate students with disabilities, and how to contact the Section 504 Coordinator.

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

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.

The notice may include additional persons designated to coordinate other civil rights activities and their contact information. For assistance on a combined civil rights nondiscrimination notice see [SECTION THREE: Links \(e.g., Public Resources\)](#).

Notification of Nondiscrimination

The _____ School District does not discriminate on the basis of disability in admission or access to its educational programs, in treatment and the administration of services it offers, in its recruitment, hiring and employment practices, or in any aspect of its operations in violation of Section 504.

The _____ School District takes appropriate steps to notify students with disabilities and their parents or guardians of our duty to annually identify and locate every qualified student with a disability residing in the school district's jurisdiction who is not receiving a public education.

_____ 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. Information as to the existence and location of services, activities, and facilities that are accessible to and useable by individuals with disabilities may be requested from the above-referenced coordinator.

Sample Referral for Evaluation

Section 504 Referral for Evaluation

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 Level _____

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.

This portion completed by the Section 504 Coordinator

Student ID# _____

Date Referral Received _____

Received by _____

Sample Notice of Rights

Notice of Rights under Section 504

You have the right to be informed by the school system of 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 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 the student's educational records (34 CFR 104.36), programs, and activities in their native language.
- A response to requests for explanations and interpretations of their student's education records.
- Request a change to their 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 actions regarding the identification, evaluation, and placement of their student (34 CFR 104.36).

- Have evaluation and placement decisions made by a group of persons who know the 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 the student.

If the student is eligible under Section 504, they have the right to periodic reevaluations, including reevaluations before any significant change is made in their placement (34 CFR 104.35).

IF THERE IS DISAGREEMENT WITH THE DISTRICT'S DECISION

A parent that disagrees with the district's decisions regarding their student's identification, evaluation, educational program, or placement under Section 504, may submit a grievance or request an impartial hearing (34 CFR 104.36). A parent may take part in the hearing and have an attorney as representation. A parent may request a review of the hearing decision. Clarification of these rights and other concerns can be made to the district's Section 504 Coordinator:

[Section 504 Coordinator Name]

[Address]

[City, State, Zip]

[Phone Number], [E-mail]

A parent may file a complaint of discrimination with the Arkansas Division of Elementary and Secondary Education Compliance Assistance Center (CAC), the U.S. Department of Education Office for Civil Rights (OCR) or seek relief in federal court.

CAC

4 Capital Mall, Box 25
Little Rock, AR 72117
Phone: 501-682-4213
Fax: 501-682-7288
Email:
ADE.EquityAssistance@ADE.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
OCR.KansasCity@ed.gov

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

Sample Parental Notice & Consent

Section 504 Parent/Guardian Notification of Referral & 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 an initial evaluation and based on it provide necessary accommodations. The evaluation data collection may include a review of the following as individually deemed appropriate:

Grades	Teacher Observations	Achievement Tests
Work Samples	Parent 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* document 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)

Parent/Guardian complete & return this form with any additional information (e.g., Parent Observations, Medical Reports)

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 **refuse and 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 Printed Name) (Parent/Guardian Signature) (Date)

(Address) (Phone)

This portion completed by the Section 504 Coordinator

Date Received _____

Copy provided to parent ☐

Sample Parental Authorization for Release of Information

Parental Authorization for Release of Information

Student Name: _____ Date of Birth: _____
School: _____

Information Requested (as appropriate)

<input type="checkbox"/> Psychological Evaluation	<input type="checkbox"/> Demographic and Social Histories
<input type="checkbox"/> Speech-Language Evaluation	<input type="checkbox"/> Medical and Developmental Histories
<input type="checkbox"/> Vision Evaluation	<input type="checkbox"/> Medical Diagnosis
<input type="checkbox"/> Hearing Exam Evaluation	<input type="checkbox"/> Discharge Summary
<input type="checkbox"/> Occupational Therapy Evaluation	<input type="checkbox"/> Physical Therapy Evaluation
	<input type="checkbox"/> Other: _____

Agency Name: _____

Agency Address: _____

Agency Phone: _____ Fax: _____

Agency Email: _____

I consent for the Agency listed above to release the information specified above to the following:

School District/Charter: _____

School District/Charter Address: _____

District/Charter Phone: _____ Fax: _____

District/Charter Email: _____

I understand that I may revoke this consent in writing at any time and that my consent will expire upon graduation or un-enrollment of the child listed above from the School/District.

Signature of Parent / Guardian

Date

Any information received and maintained by the school district will be subject to the Family Educational Rights and Privacy Act (FERPA).

Sample Meeting Notice

Section 504 Meeting Notice

Student Name: _____

Student ID#: _____

School: _____

Grade: _____

[Date]

Dear [Parent or Guardian Name]:

You are invited to attend a meeting planned by the Section 504 Team to discuss your child's educational needs. Please notify the Section 504 Coordinator if you are not available so that we may reschedule.

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

The meeting will be held at: **[Meeting Location]**

The meeting is scheduled for the following reason(s)

- ☐ Initial Evaluation for Eligibility
- ☐ Section 504 Plan Review and Monitoring
- ☐ Reevaluation
- ☐ Manifestation Determination Reevaluation
- ☐ Other: _____

While parents are not required participants of the Section 504 Team, 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 most appropriate decisions possible. If you have not already done so, complete and return the *Parent Input Form*.

Section 504 provides specific rights to parents and students. 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 Parent or Guardian Input Form

Section 504 Parent/Guardian Input Form

Student Name: _____ Date of Birth: _____

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

My Child's Health *(Check all that apply and/or explain responses as necessary.)*

- ☐ My child has a physical or mental disability and a formal diagnosis.
- ☐ My child has a physical or mental disability and no formal diagnosis.
- ☐ My child had a serious physical or mental condition that has gone away.

Explain:

- ☐ My child is receiving service(s) from another agency. Explain:

- ☐ My child is not currently taking medications.

- ☐ My child is currently taking the following medications:

Name of medication: _____ Name of medication: _____

Purpose of medication: _____ Purpose of medication: _____

Dosage: _____ Dosage: _____

Known side effects: _____ Known side effects: _____

My Child at Home *(Check all that apply and/or explain responses as necessary.)*

- ☐ My child usually eats breakfast.

My child goes to bed at the following time: _____

- ☐ My child needs or uses physical supports at home or in the community.

- ☐ My child gets along with siblings and people outside of school.

- ☐ There have been significant changes within the family (e.g., divorce, separation, relocation, serious illnesses, death, etc.).

- ☐ My child seems to have difficulty doing homework. On average, the amount of time spent on homework each day is as follows: _____

The following rewards and consequences are effective with my child -

Rewards: _____ Consequences: _____

My Child at School *(Check all that apply and/or explain responses as necessary.)*

Some of my child's strengths include:

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

The cause of my child's difficulties includes the following:

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

Previously attended schools include:

Parent or Guardian Signature

Date

Parent or Guardian Signature

Date

This portion completed by the Section 504 Coordinator

Date Received _____

Sample Student Input Form

Section 504 Student Input Form

Student Name: _____ Date of Birth: _____

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

At School *(Check all that apply and/or explain responses as necessary.)*

- ☐ I struggle doing work by myself.
- ☐ I struggle doing work in groups.
- ☐ I struggle understanding directions at school.
- ☐ I find it hard to stay focused in class.
 - ☐ All classes
 - ☐ These classes: _____
- ☐ I get overwhelmed by all the:
 - ☐ Sounds or noises
 - ☐ Sights
 - ☐ Smells
 - ☐ Proximity to others at school
- ☐ I find it hard to control my frustration or anger.
- ☐ I feel overwhelmed whenever I start a new project or assignment.
- ☐ It seems like my friends can take notes and record assignments better than I can.
- ☐ I struggle to finish my work in time, even when I know all the answers.
- ☐ I struggle to finish my tests or quizzes in time, even when I know all the answers.
- ☐ I forget to turn in work, even when it is completed.

At Home *(Check all that apply and/or explain responses as necessary.)*

- ☐ I struggle doing homework.
 - Amount of time I spend on homework each day: _____
- ☐ I forget what work was assigned in class.
- ☐ I struggle to get big assignments or projects done by the due date.
- ☐ I find it hard to stay focused -
 - ☐ All the time
 - ☐ When I am... _____
- ☐ I get overwhelmed by all the:
 - ☐ Sounds or noises
 - ☐ Sights
 - ☐ Smells
 - ☐ Proximity to others at school
- ☐ I find it hard to control my frustration or anger.
- ☐ I feel overwhelmed whenever I start a new task or chore.

What Helps Me Most *(Only check what helps)*

- ☐ Being in a room with little noise and/or few distractions.
- ☐ Having the following read to me –
☐ Textbooks ☐ Assignments ☐ Tests
- ☐ Having large assignments broken into small parts.
- ☐ Watching a recording of the lesson.
- ☐ Getting assignments (not tests) ahead of time
- ☐ Studying –
☐ In a group ☐ By myself ☐ With an adult
- ☐ An adult checking with me on my progress –
☐ Beginning ☐ Middle
- ☐ Reviewing class notes and study guides –
☐ The notes I make ☐ The teacher's notes
- ☐ Asking questions or asking for help –
☐ From the teacher ☐ From another student
- ☐ Giving me some time to think about my response.
- ☐ Having extra time to complete
☐ In-class assignments ☐ Homework ☐ Tests
- ☐ Giving my answers by –
☐ Writing them myself ☐ Typing them ☐ Speaking them verbally
- ☐ An assignment tracker sheet that an adult regularly checks on
- ☐ Having a “cool down” process – ☐ Place ☐ Adult Mentor
- ☐ An adult noticing my triggers (see below)

Other Information

Some of my strengths are:

I am having these other difficulties at school:

When I am getting frustrated or triggered, you can tell by:

In addition to what I checked above, the following things help me succeed:

Student Signature

Date

This portion completed by the Section 504 Coordinator

Date Received _____

Sample Teacher Input Form

Teachers should participate in the Section 504 process where appropriate 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: _____

Student ID#: _____

Teacher Name: _____

Subject/Course: _____

Performance Area <i>(Check the box that identifies your level of concern for each area/skill as applicable.)</i>	Rationale <i>(For each area, briefly explain the student's ability to access the general education instructional program.)</i>
Attention & Concentration <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Communication or English Language Development <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Language Arts (Reading & Writing) <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Math <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Physical Education <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Problem Solving & Organizing <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Short- & Long-Term Memory <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Socialization & Behavior <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Test Taking <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Work & Study Habits <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	
Other: _____ <input type="checkbox"/> None <input type="checkbox"/> Minimal <input type="checkbox"/> Significant	

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

What assignments, tests, or projects are problematic for the student? _____

Current Grade Average: _____

(Teacher Signature)

(Date)

Return this form & if you have questions or concerns contact [Section 504 Coordinator] at [Phone Number] or [Email Address] or [Mailing Address] for assistance.

This portion completed by the Section 504 Coordinator

Date Received _____

Sample Team Evaluation & Eligibility Determination Form

Section 504 Team Evaluation & Determination

Meeting Date: _____

School: _____

Student Name: _____

Student ID: _____

Reason for Team Meeting

☐ Initial Evaluation

☐ Reevaluation

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 Reviewed (as appropriate)

<input type="checkbox"/> Psychological Assessment Data	<input type="checkbox"/> Student Input or Work Samples
<input type="checkbox"/> State Assessment Data: _____	<input type="checkbox"/> Parent/Guardian Input
<input type="checkbox"/> Other Assessment Data: _____	<input type="checkbox"/> Teacher Input
<input type="checkbox"/> Progress Monitoring Data: _____	<input type="checkbox"/> School Nurse Input
<input type="checkbox"/> Grade Reports	<input type="checkbox"/> School Counselor Input
<input type="checkbox"/> Attendance Data	<input type="checkbox"/> Related Service Provider Input
<input type="checkbox"/> Behavior Data & Discipline Records	<input type="checkbox"/> Physician Input
	<input type="checkbox"/> Other: _____

Team Determination of Eligibility under Section 504

Section 504 definition of disability:

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

Does the student have a physical or mental impairment? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reasoning _____

Does the student's impairment substantially limit a major life activity? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reasoning _____

- ☐ The student **does not** have a physical or mental impairment that substantially limits a major life activity, nor has a record of such an impairment, or regarded as having such an impairment.
- ☐ The student **qualifies and does have** a physical or mental impairment that 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

Tentative Reevaluation Date:

- ☐ General education (if not eligible for Section 504)
- ☐ General education with Section 504 protections
- ☐ General education with Section 504 services (plan)

Team IDEA Referral

- ☐ The Section 504 Team has determined that the student may also be eligible under a separate definition of disability under the Individuals with Disabilities Education Act (IDEA) and will refer this student for a Special Education Evaluation.

School Personnel & Others in Attendance:

Name	Title

Parent / Guardian Statement:

- ☐ I **agree** with the Section 504 Team's
- ☐ determination of eligibility decision.
- ☐ placement decision.
- ☐ I **do not agree** with the Section 504 Team's
- ☐ determination of eligibility decision.
- ☐ placement decision.
- ☐ I received a copy of the school district's *Notice of Rights under Section 504*.

Parent or Guardian Signature

Date

Parent or Guardian Signature

Date

Sample Plan

Section 504 Plan

Student Name: _____

Student ID#: _____

Grade Level: _____

Date of Plan: _____

Tentative Section 504 Plan Review Date: _____

Area of Educational Need* (e.g., Academics, Accessibility, Behavior, Health Care, Transportation, Team Rationale)	Service (e.g., Accommodation, Modification, Counseling, Exception)	Person(s) Responsible (e.g., Specific Subject/Course, Transportation Staff)	Additional Detail Regarding Implementation (e.g., How & When to Implement, Frequency, Duration)

*Data-based need identified (see assessments; grade, attendance, discipline reports; observations; etc.)

☐ The Section 504 Plan **will be implemented**, beginning on: _____

☐ The Section 504 Plan **will not be implemented** due to the parent's refusal of consent for initial Section 504 services received on: _____

School Personnel & Others in Attendance at Plan Development:

Name	Title

Sample Receipt of Plan Acknowledgement

Section 504 Receipt of Plan Acknowledgement

Student Name: _____

Student ID#: _____

Grade Level: _____

Date of Plan: _____

Signing below acknowledges

- *I have received a copy of the above student's Section 504 plan written on the date listed above.*
- *It is my legal responsibility to implement the Section 504 plan as written in relation to my job duties regarding the student.*
- *If I do not understand how to implement a portion of this Section 504 plan that I am accountable for, it is my obligation and right to request and receive the appropriate instruction or training.*
- *I recognize that this Section 504 plan is confidential and subject to the Family Educational Rights and Privacy Act (FERPA).*

Signature	Printed Name	Position	Date Received

Sample Plan Review Teacher Input Form

Section 504 Plan Review Teacher Input

Teacher Name: _____ Course Name: _____

Grade Period: _____ Student Current Course Grade: _____

Student Name: _____ Student ID#: _____

Grade Level: _____ Tentative Section 504 Plan Review Date: _____

Accommodation Review & Recommendations to the Section 504 Team

List the student's accommodations pertaining to the course, rate the overall effectiveness of the accommodations, suggest changes, and comment as appropriate

N = Not observed 1 = Ineffective 2 = Somewhat Effective 3 = Effective

RC = Recommend Implementation Change/Adjustment

RR = Recommend Removing Accommodation RN = Recommend a New Accommodation

Current Accommodations	Rating / Recommendation / Comments
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> RC <input type="checkbox"/> RR <input type="checkbox"/> RN _____
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> RC <input type="checkbox"/> RR <input type="checkbox"/> RN _____
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> RC <input type="checkbox"/> RR <input type="checkbox"/> RN _____
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> RC <input type="checkbox"/> RR <input type="checkbox"/> RN _____

Appropriateness (check as needed)

☐ The **Section 504 Plan is appropriate.** It effectively supports the student by providing an equal opportunity to achieve as compared to their peers and recommend that it be continued.

☐ The student is passing.

☐ The student has access to the curriculum.

☐ There are no concerns.

☐ The student has access to the educational environment.

☐ The **Section 504 Plan is not appropriate.** It does not effectively support the student by providing an equal opportunity to achieve as compared to their peers and request a meeting.

☐ The student is failing.

☐ The student's access to the curriculum is currently limited.

☐ There are concerns.

☐ The student's access to the educational environment is limited.

Teacher Observations

Problematic Assignments, Interactions, etc.	Possible Causal Factors

Return this form and any evidence of implementation to the [Section 504 Coordinator] at [Phone Number] or [Email Address] or [Mailing Address].

This portion completed by the Section 504 Coordinator

Date Received _____

Sample Team Plan Review Form

Section 504 Team Plan Review

Meeting Date: _____

School: _____

Student Name: _____

Student ID#: _____

Reason for Team Meeting

☐ Annual Review

☐ Requested or "As Needed" Review

Data Team Reviewed (as appropriate)

<input type="checkbox"/> Psychological Assessment Data	<input type="checkbox"/> Student Input or Work Samples
<input type="checkbox"/> State Assessment Data: _____	<input type="checkbox"/> Parent/Guardian Input
<input type="checkbox"/> Other Assessment Data: _____	<input type="checkbox"/> Teacher Input
<input type="checkbox"/> Progress Monitoring Data: _____	<input type="checkbox"/> School Nurse Input
<input type="checkbox"/> Grade Reports	<input type="checkbox"/> School Counselor Input
<input type="checkbox"/> Attendance Data	<input type="checkbox"/> Related Service Provider Input
<input type="checkbox"/> Behavior Data & Discipline Records	<input type="checkbox"/> Physician Input
	<input type="checkbox"/> Other: _____

Team Accommodation Review

List the student's accommodations, rate the overall effectiveness of the accommodations, list changes* as appropriate

N= Not observed

1 = Ineffective

2 = Somewhat Effective

3 = Effective

C = Change/Adjustment

R = Removing Accommodation

N = New Accommodation

Current Accommodations	Overall Rating / Comments
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> N
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> N
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> N
	<input type="checkbox"/> N <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> C <input type="checkbox"/> R <input type="checkbox"/> N

*Update the Section 504 Plan with any changes

Appropriateness (check as needed)

☐ The **Section 504 Plan is appropriate.** It effectively supports the student by providing an equal opportunity to achieve as compared to their peers and recommend that it be continued.

☐ The **Section 504 Plan is not appropriate.** It does not effectively support the student by providing an equal opportunity to achieve as compared to their peers and recommend revision.

Team IDEA Referral

- ☐ The Section 504 Team has determined that the student may also be eligible under a separate definition of disability under the Individuals with Disabilities Education Act (IDEA) and will refer this student for a Special Education Evaluation.

School Personnel & Others in Attendance:

Name	Title

Sample Team Manifestation Determination Review

Section 504 Manifestation Determination Review

Meeting Date: _____

School: _____

Student Name: _____

Student ID#: _____

Student Grade: _____

Reflection about the Student:

An objective description of what is known about the student's behavior.

Reflection about the Impairment:

An objective description of what is known about the impairment.

Description of Incident:

A sufficiently detailed and objective description of what occurred prior, during, and following the incident as it relates to the student's behavior infraction and impairment.

Date of Incident: _____

Location of Incident: _____

Data Considered in Addition to the Student's § 504 Plan:

<input type="checkbox"/> Psychological Assessment Data	<input type="checkbox"/> Parent/Guardian Input
<input type="checkbox"/> Progress Monitoring Data	<input type="checkbox"/> Teacher Input
<input type="checkbox"/> Grades	<input type="checkbox"/> School Nurse Input
<input type="checkbox"/> Attendance Data	<input type="checkbox"/> Related Service Provider Input
<input type="checkbox"/> Behavior Data & Discipline Records	<input type="checkbox"/> Physician Input
	<input type="checkbox"/> Other: _____

Manifestation Determination:

Was there a direct and substantial relationship between the conduct described above and the student's impairment? ☐ Yes ☐ No

Reasoning _____

Was the conduct described above a direct result of the failure to implement the student's § 504 Plan? ☐ Yes ☐ No

Reasoning _____

“No” to both questions, it is determined the conduct IS NOT a manifestation of the student's disability. The district may apply the same disciplinary procedures as those applied to students without disabilities.

“Yes” to either question, it is determined the conduct IS a manifestation of the student's disability. The Section 504 Team must convene to review the plan and make the appropriate adjustments. No disciplinary action may be taken against the student

School Personnel & Others in Attendance:

Name	Title

☐ I received a copy of the parent *Notice of Rights under Section 504*.

Parent or Guardian Signature

Date

Parent or Guardian Signature

Date

Sample 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: _____ **Student ID#:** _____

School: _____ **Grade Level:** _____

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 when the plan is ineffective
- ☐ Reevaluate at least every three (3) years; Tentative Reevaluation Date: _____

Section 504 Complaint & Grievance Procedure

The [school district/charter school] assures an objective and impartial Section 504 grievance procedures. The school district/charter school assures that it will take steps to prevent discrimination on the basis of disability from recurring and to correct its efforts when appropriate.

It is the preference of the school district/charter school to resolve allegations of discrimination through informal processes and communications. An informal meeting must be convened within ____ school days after receipt of a request.

Grievances are processed as follows in compliance with Section 504 of the Rehabilitation Act of 1973:

Step 1: Within ____ school days following the informal meeting, 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 ____ school days of the receipt of the grievance, the coordinator shall conduct an investigation/hearing regarding the grievance. All parties involved in the grievance shall be given ____ school days of notice of the date, time, and place [of the submission of written evidence for consideration **OR** 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. The consideration of the allegations must be based on applying the related legal requirements under Section 504 to the facts. Within ____ school days of the [completion of the investigation **OR** adjournment of the hearing], the District/Charter School Section 504 Coordinator will render a written decision regarding the grievance to be provided to all parties.

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

The availability and use of this Section 504 grievance procedure does not prevent a person from requesting a local Section 504 impartial hearing, filing a complaint with the Arkansas Department of Education (ADE) Compliance Assistance Center (CAC), the United States Department of Education (USDOE) Office for Civil Rights (OCR), or filing a civil action in federal or state court.

The LEA prohibits discrimination on the basis of disability in accordance with Section 504 and prohibits retaliation for exercising rights protected under Section 504.

Definitions:

Grievance: Refers to any claim by an individual that there has been a violation, misinterpretation, or misapplication of Section 504 of the Rehabilitation Act of 1973.

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.

☐ I received a copy of the school district's Section 504 Grievance Procedures.

Parent or Guardian Signature

Date

Sample Complaint & Grievance Filing Form

Section 504 Complaint & Grievance Filing Form

Your name _____

Student name _____

Your school and/or position _____

Your address _____

Your telephone _____

Date the grievant became aware of the alleged discriminatory action _____

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

Date grievant signed

Signature of person receiving grievance

Date grievance received

Sample Due Process Record Form

Section 504 Due Process Record Form – Combined Processing Form

Date Grievance/Impartial Hearing Received

Grievance/Impartial Hearing Request Number

Name of grievant(s)/requester _____

☐ Student ☐ Employee ☐ Parent

Student Name _____

School Name _____

Date of alleged discriminatory action _____

Nature of discriminatory action	
1. Direct discrimination	Where the complainant is treated less favourably than the respondent on the basis of a protected characteristic.
2. Indirect discrimination	Where the complainant is treated less favourably than the respondent on the basis of a protected characteristic, and the treatment is based on a provision, criterion or practice which applies to all complainants but which puts those with a particular protected characteristic at a disadvantage.
3. Harassment	Where the complainant is treated less favourably than the respondent on the basis of a protected characteristic, and the treatment is based on a provision, criterion or practice which applies to all complainants but which puts those with a particular protected characteristic at a disadvantage.
4. Victimisation	Where the complainant is treated less favourably than the respondent on the basis of a protected characteristic, and the treatment is based on a provision, criterion or practice which applies to all complainants but which puts those with a particular protected characteristic at a disadvantage.

Suggested corrective action, if given _____

Stage of consideration ☐ Stage 1 ☒ Stage 2 ☐ Hearing Review

Hearing Officer Name _____ Date Officer Notified _____

Hearing Date _____ Hearing Time _____ Hearing Location _____

Date Notification of Hearing Sent

Date Investigation/Hearing Concluded _____ Date Decision Distributed _____

Investigation/Hearing Decision: ☐ Accepts grievant's/requestor's corrective action
☐ Proposes alternative corrective action

Corrective steps description
<p>1. The first step is to identify the problem. In this case, the problem is that the company is not meeting its financial goals.</p> <p>2. The second step is to analyze the causes of the problem. This can be done by looking at the company's financial statements and comparing them to the industry average.</p> <p>3. The third step is to develop a plan to address the problem. This plan should include specific actions that the company can take to improve its financial performance.</p> <p>4. The fourth step is to implement the plan. This involves putting the plan into action and monitoring the results.</p> <p>5. The fifth step is to evaluate the results. This involves comparing the company's financial performance to the industry average and seeing if the plan has been successful.</p>

Grievant/Requester: ☐ Agree with facts/action ☐ Disagree with facts/action
☐ Request Review

Sample Impartial Hearing Procedure

Section 504 Impartial Hearing Procedure

It is the preference of the school district/charter school to resolve disagreements fairly and equitably. Impartial hearings are available under Section 504 to resolve disagreements between parents and the school district/charter school over matters related to the identification, evaluation, or educational placement of a student with a disability.

- An impartial hearing may be called at the request of the school district/charter school or a parent/guardian.
- There is an exception for student use of drugs or alcohol. The school district/charter school can take disciplinary action against any student with a disability “who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities,” 29 U.S.C. § 705(20)(C)(iv).
- These impartial hearing procedures shall not be used if the remedy requested by the complainant is available through the due process procedures outlined in the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1415 (f).

Requests for impartial hearings must be made in writing and submitted to the school district’s/charter school’s Section 504 Coordinator. An impartial hearing must be requested within ____ school days of the dispute giving rise to the hearing. The impartial hearing request must include the following information:

- A description of the decision(s) made by the school district/charter school with which the complainant disagrees, including facts relating to such decision.
- A proposed resolution of the problem to the extent known and available to the party at the time.

The school district/charter school will appoint an impartial hearing officer. The impartial hearing officer must be knowledgeable of Section 504 and disability laws and be impartial. The impartial hearing officer may neither be employed by nor represent the school district/charter school.

- The school district/charter school will identify ____ to maintain a list of persons who may serve as impartial hearing officers. This list should include a statement regarding the backgrounds of each of the impartial hearing officers and should be made available upon request.
- The impartial hearing officer will be appointed within ____ school days of receipt of a request for an impartial hearing unless an extension is requested.

The school district's/charter school's pre-impartial hearing procedures include responsibilities of the impartial hearing officer. The impartial hearing officer before the impartial hearing must:

- Within ____ school days of appointment, secure a date, time, and location for the hearing that are convenient to both parties, and notify both parties, in writing, of the date, time, and location of the hearing.
- Ascertain whether the parties will be represented at the hearing.
- Ensure that the hearing is accurately recorded.

The school district's/charter school's pre-impartial hearing procedures require a list of witnesses and documentary evidence for the impartial hearing (including all evaluations and related recommendations that each party intends to use at the impartial hearing) to be exchanged by the parties and received by the impartial hearing officer at least ____ school days before the hearing.

- The impartial hearing officer has the authority to exclude any documentary evidence which was not provided and any testimony of witnesses who were not identified at least ____ school days before the hearing.

The school district/charter school may hold a pre-impartial hearing conference if appropriate and may be conducted by telephone.

The school district's/charter school's impartial hearing procedures include responsibilities of the impartial hearing officer.

- Maintain an atmosphere conducive to impartiality and fairness.
- Maintain an accurate record of the proceedings.
- Issue a written decision to all parties setting forth findings of fact and conclusions of law based on the evidence presented in the hearing.
- Render a written decision within ____ school days from the date of the impartial hearing, unless continued upon a request of either party to the hearing. A continuance can be granted by the hearing officer upon a showing of good cause.
- Assign the burden of proof and the order of proof to the party that requested the impartial hearing.

The school district's/charter school's impartial hearing procedures provide the following rights to parties:

- Participate in the hearing and be represented by counsel at their own expense.
- Present evidence and cross-examine witnesses.

- Obtain a copy of the transcript or a tape recording of the hearing (the cost of the transcript to be borne by the requesting party).

The school district/charter school will provide communication to the parent/guardian in their preferred language or mode of communication.

Upon request, the school district/charter school Section 504 Coordinator shall provide a review procedure of the impartial hearing to ensure that the hearing was properly conducted according to the requirements of the Section 504 procedural safeguards and the school district's/charter school's Section 504 impartial hearing procedures.

The availability and use of this Section 504 impartial hearing procedure does not prevent a person from filing a complaint with the Arkansas Department of Education (ADE) Compliance Assistance Center (CAC), the United States Department of Education (USDOE) Office for Civil Rights (OCR), or filing a civil action in federal or state court.

The LEA prohibits discrimination on the basis of disability in accordance with Section 504 and prohibits retaliation for exercising rights protected under Section 504.

☐ I received a copy of the school district's/charter school's Section 504 Impartial Hearing Procedures.

Parent or Guardian Signature

Date

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, school district/charter school, and case number)"
2. Introductory statement by the impartial hearing officer
 - a. Introduction of the impartial 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/charter school
 - ii. Parent/guardian opening statement
 - b. Presentation of written evidence and testimony
 - i. School district/charter school
 - ii. Parent/guardian opening statement
 - iii. School district/charter school (rebuttal)
4. Closing arguments*
 - a. School district/charter school
 - b. Parent/guardian
5. Closing arguments by hearing officer
 - a. Filing of closing arguments
 - b. Decision due date
 - c. Procedures for appeal

** The order of proof is assigned to the party that requested the impartial hearing*

Sample Impartial Hearing Review Procedure

School District/Charter School Section 504 Impartial Hearing Review Procedure

It is the preference of the school district/charter school to resolve disagreements fairly and equitably. An impartial hearing review is available under Section 504 to resolve concerns regarding if the Section 504 impartial hearing was properly conducted according to the requirements of the Section 504 procedural safeguards and the school district's/charter school's Section 504 impartial hearing procedures.

- Any party aggrieved by the impartial hearing officer's decision may request a review of the decision by a review officer.
- A request may be noted by a party by submitting a written notice of this request with the school district's/charter school's Section 504 Coordinator within _____ school days of the date of the impartial hearing officer's decision.
 - The request should include a brief description of the basis of the request.
- A review officer will be appointed by the Section 504 Coordinator from the maintained list within _____ school days of the request for review.
- The [review officer OR Section 504 Coordinator] will conduct a review of the impartial hearing decision.
- The review officer must:
 - Examine the record of the impartial hearing.
 - Determine whether the procedures at the impartial hearing were in accordance with the requirements of due process including Section 504 procedural safeguards and the school district's/charter school's Section 504 impartial hearing procedures.
 - Afford the parties an opportunity for written or oral argument, or both, at the discretion of the review officer.
 - Seek additional evidence, if necessary; and
 - Issue a written decision.
- The review officer shall uphold the initial decision unless it is found to be arbitrary or capricious, contrary to law, or not supported by evidence.
 - The decision will be based on a review of the written request, the impartial hearing officer's decision, the school district's/charter school's Section 504 impartial hearing procedures, Section 504 procedural safeguards, additional information provided by the parent, and any additional information deemed relevant by the Section 504 Coordinator.

- The review officer's decision must be issued within _____ school days from the date the request was provided to the review officer, unless continued at the request of a party. A continuance may be granted by the review officer upon a showing of good cause. A copy of the decision must be sent to all parties.
- The record of the administrative hearings shall be sent by the review officer to the Section 504 Coordinator upon the issuance of the decision.
- The Section 504 Coordinator is responsible for maintaining all records of hearings.
- Any party aggrieved by the review officer's decision may file a civil action in a court of appropriate jurisdiction.

☐ I received a copy of the school district's Section 504 Impartial Hearing Review Procedures.

Parent or Guardian Signature

Date

Links

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 (e.g., 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 Compliance Assistance Center (CAC) 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 school district and charter school Section 504 Coordinators & other school district and charter school staff.
<https://adedata.arkansas.gov/spd/Home/districts>

Arkansas Division of Elementary and Secondary Education (DESE) Compliance Assistance Center (CAC)

- For guidance, resources, and assistance in Section 504, advisors are available to provide support and technical assistance.
<https://dese.ade.arkansas.gov/Offices/legal/compliance-assistance-center/section-504>
- For an overview of a specific Section 504 topic or of a specific role within the Section 504 process view videos developed by the CAC.
<https://dese.ade.arkansas.gov/Offices/legal/compliance-assistance-center/section-504-guidance-videos>
- For guidance on a combined nondiscrimination notice that encompasses the regulatory requirements of the Age Discrimination Act, Boy Scouts of America Equal Access Act, Section 504, Title II of Americans with Disabilities Act, Title VI, and Title IX view this resource guidance.
https://dese.ade.arkansas.gov/Files/Nondiscrimination_Notice_Guidance_EAC_FINALRV_20210901145440.pdf

Compliance Assistance Center (CAC) Contact Information

Compliance Assistance Center
Office of Legal Services
Division of Elementary and Secondary Education
Arkansas Department of Education
4 Capitol Mall, Box 25

Little Rock, AR 72201

Telephone: 501-682-4213

FAX: 501-682-7288

Email: ADE.EquityAssistance@ADE.Arkansas.gov

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

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

Electronic Code of Federal Regulations (e-CFR)

- Website provides an electronic version of the statute Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Part 104.
https://www.ecfr.gov/cgi-bin/textidx?tpl=/ecfrbrowse/Title34/34cfr104_main_02.tpl
- Website provides an electronic version of the statute Individuals with Disabilities Education Act (IDEA), 34 C.F.R. Part 300.
<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300?toc=1>

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

- Guidance provides an overview of disability discrimination and laws.
<https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504>
- Guidance concerns frequently asked questions (FAQ) about Section 504 and the education of students with disabilities.
<https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-fape>
- Guidance summarizes key requirements of Section 504 - *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools*, OCR, Washington, DC, 2016.
<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
- 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.
<https://www.ed.gov/media/document/dear-colleague-letter-and-resource-guide-students-adhd-2016-35074.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>

- ***Guidance on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools, November 12, 2014***

Letter concerns public school obligations to meet the communication needs of students and other individuals 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>

- ***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>

- ***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>

- **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://www.ed.gov/teaching-and-administration/supporting-students/transition-of-students-with-disabilities-to-postsecondary-education-a-guide-for-high-school-educators>

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

Office of Special Education and Rehabilitation Services (OSEP) of the U. S. Department of Education Guidance

- ***Memo 11-07: A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA), January 21, 2011***
<https://sites.ed.gov/idea/idea-files/osep-memo-11-07-response-to-intervention-rti-memo/>

Arkansas Rehabilitation Services

- For transition to employment accessibility and training needs for individuals with disabilities.
<https://dws.arkansas.gov/ar-rehabilitation-services/>

Private Resources

ADDitude

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

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://thecenterforexceptionalfamilies.org/>

Easterseals Outreach Program and Technology Services

- For available short-term loan technology equipment to assist students.
<https://eastersealsopts.org/>. When on the dashboard, click on the drop-down for “short-term loan”.

ICAN of Arkansas

- For assistive technology information assistance, device loans and demonstrations.
<https://ar-ican.org/> (search items [here](#))

Understood

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