

# **Section 504**

## **Key Concepts**

### ***Evaluation Process***

The district must establish standards and procedures for evaluation and placement. The district must ensure that tests and other evaluation materials: 1) have been validated for the purpose for which they are used and are administered by trained personnel; 2) are tailored to assess the specific areas of educational need; and 3) are selected and administered to best ensure that the results accurately reflect the factors the test purports to measure.

### ***Placement Procedures***

The district must also establish standards and procedures for placement. In interpreting evaluation data and in making placement decisions the district must 1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; 2) establish procedures to ensure the information obtained is documented and carefully considered; and 3) ensure that the placement decision is made by a knowledgeable team.

### ***Appropriate Educational Services***

To be appropriate, such services must be designed to meet the individual educational needs of students with disabilities as adequately or to the same extent as the needs of students without disabilities are met. An appropriate education could consist of education in regular classes, education in regular classes with the use of supplementary services, or special education and related services. Special education may include specially designed instruction in classrooms, at home, or in a private or public institutions and may be accompanied by related services as developmental, corrective, and other supportive services (including psychological, counseling, and medical diagnostic services).

### ***Knowledgeable Team***

Must consist of group of persons knowledgeable about the student, the meaning of the evaluation data and placement options available at the district

### ***Procedural Safeguards***

With respect to the identification, evaluation or placement of students with disabilities, a district must establish and implement procedural safeguards that include notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for parent participation and representation by counsel, and a review process. A district must provide parents their procedural safeguards at every step in the evaluation/placement process whether the students is found eligible or not.

# Section 504 Flow Chart<sup>1</sup>

**Parent Request**

**District staff suspect**

## ***FIRST STEP: TRIGGER FOR AN EVALUATION***

If a district suspects the student of having a disability as defined by Section 504 and the ADA, the student must be evaluated by a knowledgeable group using an appropriate evaluation process. Such belief, for example, may be triggered by parental concerns or staff observations. Parental consent for an initial evaluation is required. **[Note: if the District refuses to evaluate in response to a parent request, procedural safeguards must be provided.]**

## ***SECOND STEP: EVALUATION***

Determine whether the student has a mental or physical impairment that substantially limits one or more major life activities (NOT limited to learning) and is therefore eligible for services under 504.

**Notify parent/guardian of Procedural Safeguards.**

## ***THIRD STEP: PLACEMENT***

Using the placement process, the knowledgeable team must determine whether the student requires special education or related aids and services.

**Notify parent/guardian of Procedural Safeguards.**

If the student requires special education or related aids and services, best practice is to record them in a written Section 504 plan. IEP may be used for this purpose.

**Notify parent/guardian of Procedural Safeguards.**

If the student does not require special education or related aids and services, the student is protected from disability harassment/discrimination and 504's retaliation requirements.

## ***FOURTH STEP: REEVALUATION***

A district must reevaluate students at periodic intervals, when conditions warrant, or prior to any significant change in placement. For purposes of discipline, a significant change in placement occurs when a student with a disability is permanently excluded from school (expulsion) or excluded for an indefinite period or for more than 10 consecutive school days or if a series of suspensions that is each 10 or fewer days in duration but exceed 10 days in the aggregate creates a pattern of exclusions. The reevaluation in that context is commonly referred to as a "manifestation determination."

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