

## INSTRUCTION

### Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973

STEP	DESCRIPTION OF ACTIVITY
1. Concern	Student, parent, teacher, counselor, or administrator believe they are observing in a student substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment
2. Referral	The concerned individual should complete the Referral Form and give it to the designated building team.
3. Screening	The designated building team reviews the referral, completes an appropriate student's files review, and consults with teachers, parents/guardians, peers, professionals, and/or student

#### **Decision to be made: Does this student appear to have a disability under section 504?**

If yes: Provide the parent/guardian with a copy of the Section 504 rights.

If further information is needed, provide notice to parents for evaluation and obtain their consent in writing. Also obtain written consent for a mutual exchange of information from parent/guardian as appropriate.

If no: Provide screening results to source of referral with accompanying recommendations

Provide written notice to parents that student does not qualify.

4. Evaluation	Conduct all evaluations deemed appropriate and for which the parent/guardian have given written permission
5. Eligibility	<p>A Section 504 MDT is recommended to be composed of one of the student's teachers (and/or the student's counselor), a building administrator, and persons knowledgeable about the student's disability and the meaning of the evaluation data and service options. The MDT convenes to review all evaluation results, determine eligibility as a student with a disability under Section 504, and document the meeting in writing. The team composition may vary according to the needs of the student.</p> <p>If no: Consider other referral sources or options for the Student and/or school. Provide written notice to parents that student doesn't qualify.</p> <p>If yes: <b>The Second Decision To Be Made</b></p> <p>Does the student also seem to have a disability under one of the IDEA conditions? (continued on next page)</p> <p>If yes: Refer to IDEA MDT for appropriate disposition</p> <p>If no: - Proceed to step 6.</p>

**NOTE:** Whatever the disposition of the case at step 5, the MDT should complete a written Section 504 eligibility statement.

6. Develop Accommodation Plan      Once eligibility under Section 504 has been determined, the process moves to ACCOMMODATION the development of a student accommodation plan. This plan is to be developed by PLAN a professional team that may or may not be the same individuals who were involved at the ELIGIBILITY step 5, but a similar minimum team composition is recommended.
  
7. Parent Permission      Provide parents with a copy of the Student accommodation plan and get their written permission to initiate the plan.
  
8. Educational Services      The educational services are implemented as outlined in the student SERVICES accommodation plan. One should be designated as the case manager to monitor the implementation of the plan and the progress of the student.
  
9. Periodic Review      Each student accommodation plan should be reviewed by the team periodically. Three issues which should be addressed at the review are as follows: (1) the need for additional evaluation information, (2) the continued eligibility as a student with a disability under Section 504, and (3) the contents of the plan and service provider.

**NOTE:** Due Process hearing or mediation requests must be made directly to the District 504 Compliance Officer. If a parent requests a due process hearing or mediation, districts should contact the Office of State Superintendent of Public Instruction; Special Services Department; Old Capitol Building; PO Box 47200; Olympia, Washington, 98504-7200; (360) 753-6733 to obtain a list of qualified hearing officers or mediators and a sample hearing officer or mediator contract. Districts are responsible for hearing officers or mediators. Districts are responsible for arranging for hearing officer and mediator expenses. When contacting OSPI, be sure they understand that the dispute is under §504 and that the district is just obtaining information, not seeking to have a special education hearing set up with a state administrative law judge. OPSI encourage districts to first utilize mediation as a method to resolve disputes.

**Date: 5/26/98; 3/25/02; 11/22/04.**