

# School Administrative Unit 21

*Serving the Districts*

Hampton Falls ~ North Hampton ~ Seabrook ~ South Hampton ~ Winnacunnet Cooperative

## Section 504 Handbook



# Section 504 Handbook

## Table of Contents

Introduction.....	3
What is Section 504? .....	3
The ADA Also Prohibits Disability-Based Discrimination .....	3
Is Section 504 a Special Education Law? .....	3
Which Students Qualify for Coverage Under Section 504? .....	4
How Does the Section 504 Process Work?.....	7
Student Discipline .....	10
Extracurricular Activities .....	11
Impartial Hearing and Complaint Procedures .....	11
Notices of Parent/Student Procedural Safeguards.....	11

## Appendices

Comparison Chart between IDEA and Section 504 Components.....	15
Flow Chart.....	18
Nondiscrimination Notice.....	19
Notice of Parent/Student Procedural Safeguards.....	20
Notice of 504 Team Meeting.....	21
Section 504 Referral Form.....	22
Section 504 Eligibility Determination Form.....	23
Parental Consent for Initial Section 504 Placement.....	25
Section 504 Plan.....	26
504 Team Meeting Minutes.....	27
Manifestation Determination Checklist.....	28

This handbook was developed in cooperation with DrummondWoodsum from their model document.

# **Section 504 Handbook**

## **Introduction**

This handbook is intended as a resource for students, parents and school district staff regarding the requirements of Section 504 as they relate to students. Questions or concerns about specific students should be addressed to: Section 504 Coordinator

## **What is Section 504?**

Section 504 is part of the federal Rehabilitation Act of 1973, which was enacted by Congress to combat discrimination against individuals with disabilities in programs and activities administered by any entity that receives federal financial assistance, including public schools. Section 504 states in pertinent part:

No otherwise qualified individual with a disability in the United States...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance....

## **The ADA Also Prohibits Disability-Based Discrimination**

The Americans with Disabilities Act ("ADA") also prohibits discrimination based on disability, but it is broader and applies to all public entities (including schools), whether or not they receive federal funds. The ADA also prohibits disability-based discrimination in employment by employers (public or private) with 15 or more employees, as well as in "places of public accommodation" such as stores, hotels, restaurants, day care centers, and private nonreligious schools. State laws may also prohibit disability-based discrimination in public schools. The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) amended both the ADA and Section 504 in a manner that expands coverage of individuals but did not substantively change the obligation owed to individuals who qualify for protection. In general, this handbook will refer to Section 504 and the ADA together.

## **Is Section 504 a Special Education Law?**

No. While special education students who qualify for services under federal and state special education laws (i.e., the Individuals with Disabilities Education Act or IDEA) may also qualify for protection under Section 504, Section 504 students are not necessarily covered by special education laws. To qualify for special education, there must be evaluations and observations showing that the student has one of a number of specific, listed disabilities; that the student's condition has an adverse effect on his/her educational performance; and that the student requires specialized instruction to ensure a free appropriate public education (FAPE). To be eligible under Section 504, a student must demonstrate that he/she is a qualified individual with a disability under standards that are different from special education students. Students eligible under Section 504 often require some type of accommodation or related aids and services that are necessary for the child to access his or her educational program, to be provided with an equal

## Section 504 Handbook

educational opportunity, and to gain access to a free appropriate public education. Generally speaking, students who qualify only under Section 504 will not be receiving direct instructional services of a specialized nature and, in many cases, their related aids and services are provided in a regular education setting. Students with disabilities who require specialized instruction because of that disability will more often be served through special education and an individualized education program (IEP).

### Which Students Qualify for Coverage Under Section 504?

Section 504 and the ADA provide specific protections for "qualified individuals with a disability." There are three categories that may qualify someone as an "individual with a disability." These are:

- 1) A person who has a physical or mental impairment which substantially limits one or more major life activities;
- 2) A person who has a record of such an impairment; or
- 3) A person who is regarded as having such impairment.

Most of the student situations that schools encounter involve students with actual current impairments that substantially limit a major life activity. These students may need specific services and accommodations in order to access the school program, but it may occasionally also be true that an eligible child under Section 504 is not in need of any interventions at the present time, especially based on the expansion of the ADA and Section 504 by the enactment of the ADAAA. Protection under the second category listed above generally would not require providing special accommodations or services. The ADAAA makes clear that there is no duty to accommodate based on the third category of "regarded as." Instead, the second and third categories generally protect against negative, discriminatory actions by the school or school officials, a protection also available to individuals in the first category. It may occasionally be true, however, that a child with a record (or history) of a disability may need to be permitted to leave school to attend a session of some sort following up on his or her former disability.

For a student to be identified under Section 504, in most circumstances the school must conclude that the child has: (1) a physical or mental impairment that (2) substantially limits (3) a major activity. Each of these three concepts is briefly discussed below.

#### *Physical or Mental Impairments*

The regulations define "physical or mental impairments" through examples. Physical impairments include "any physiological disorder or condition, somatic disfigurement, or anatomical loss affecting one or more" listed body systems. These include neurological, musculoskeletal, special sense organs, respiratory or speech, cardiovascular, reproductive, digestive, genito-urinary, hemic/lymphatic, skin and endocrine body systems. Mental impairments are "any mental or psychological disorder." The identification categories in

## Section 504 Handbook

the DSM-V Psychological Manual can be a useful guide to identifying mental impairments, although those categories are not legally binding.

For a physical or mental impairment to substantially limit a major life activity, the impairment should limit that activity to an ample or considerable degree. It should be more than a minor limitation. Generally, the substantial limitation might be expected to last more than three months in length. The substantial limitation should be in comparison to most students in the general population of that particular age. Conditions that are episodic or in remission still might qualify, as long as they substantially limit a major life activity when active. An Impairment will be viewed as substantially limiting when the student is:

- (i) Unable to perform a major life activity that the most people in the general population can perform; or
- (ii) Substantially restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which most people in the general population can perform that same major life activity.

The following factors may be useful in making the determination:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and the permanent or long-term impact, or the expected permanent or long-term impact of or resulting from the impairment
- The permanent or long-term impact, or the expected permanent or long-term impact of or resulting from the impairment.

Section 504 and the ADA state that when determining whether an impairment is substantially limiting, the beneficial effects of any “mitigating measures” the student has been using should be ignored. The law defines “mitigating measures” to be factored out of the eligibility decision as including:

1. Medication; medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; or oxygen therapy equipment and supplies;
2. Use of assistive technology;
3. Reasonable accommodations or auxiliary aids or services; or
4. Learned behavioral or adaptive neurological modifications.<sup>1</sup>

## Section 504 Handbook

Thus, if a student seems fine as a result of some medication, accommodation or assistive technology the student receives, but without it he or she would be substantially limited in a major life activity, the student will likely be a qualified person with a disability under Section 504 and the ADA. Please note that if the impairment is well controlled by virtue of some mitigating measure, the student may not need any interventions and supports in a 504 Plan, even though the student is considered disabled under the law. As a general matter, typical supports or interventions provided by regular education teachers to any student in the classroom, whether or not the student has a disability, are not considered a “mitigating measure.” A more refined behavior intervention plan, however, would likely be viewed as a “learned behavioral modification.”

### *“Major Life Activities”*

Major life activities are defined as activities that most people would probably consider important to daily life. The law includes a long list of major life activities, but the list is not exhaustive. The listed categories are:

1. Caring for oneself;
2. Performing manual tasks;
3. Seeing;
4. Hearing;
5. Eating;
6. Sleeping;
7. Walking;
8. Standing;
9. Lifting;
10. Bending;
11. Speaking;
12. Breathing;
13. Learning;
14. Reading;
15. Concentrating;
16. Thinking;
17. Communicating;
18. Working; and
19. The operation of major bodily function.

The "operation of a major bodily function" at the end of the list above includes, but is not limited to, the operation of the following bodily functions:

## Section 504 Handbook

1. Function of the immune system;
2. Normal cell growth;
3. Digestive;
4. Bowel;
5. Bladder;
6. Neurological;
7. Brain;
8. Respiratory;
9. Circulatory;
10. Endocrine; and
11. Reproductive function.

There is a proposal to add sitting, reaching, and interacting with others to the list of major life activities that apply in school settings, just as those activities have been added to employment regulations. The District considers those three additional categories to be in effect, given the current state of the law.

### *Case by Case Decision Making*

In conclusion, the determination of whether a particular impairment qualifies for Section 504 protections can be complex and must be made on a case-by-case basis in accordance with district policies and procedures. In all cases, however, there must be a physical or mental impairment that substantially limits a major life activity.

### **How Does the Section 504 Process Work?**

The district has established a set of procedures and forms that guide Section 504 processes to ensure that the school meets its Section 504 responsibilities to students. A summary of that process follows.

1. Any parent, legal guardian or school staff member may initiate a referral of a student who is believed to be a child with a disability under Section 504. An adult student of eligible school age also may initiate such a referral for him or herself.
2. A referral for Section 504 must be forwarded to the building 504 Coordinator [or other designated person]. This person shall ensure that the district's 504 Referral Form is properly filled out, which will initiate the 504 referral process. Based on the information in the referral form, the 504 Coordinator [or other designated person] may choose to refer the child to the district's special education process instead of the 504 referral process.
3. The building Section 504 Coordinator [or other designated person] will convene a team meeting within a reasonable time to consider the information gathered with

## Section 504 Handbook

the person making the request. The Team will document their decision and provide a notice of procedural safeguards to the parent/guardian. The Team may need to further evaluate the student to determine eligibility and/or appropriate placement. The Team may also decide to refer the child to the district's special education process, or to access any available pre-referral process that may be operating in the school building.

4. All decisions regarding a student's 504 eligibility, placement and the provision of any necessary related aids and services will be made by the 504 Team, and will be based on information from a variety of sources, with information from all sources being carefully considered and documented.
5. Members of the 504 Team may include the building 504 Coordinator or approved designee and other appropriate school staff who are knowledgeable about the student, the evaluation data and/or the placement options. This may include a school nurse when appropriate. One or more teachers may be invited to attend. The student's parent/guardian is typically invited to participate in the 504 Team meeting. The School or the parent/guardian may invite other individuals with knowledge about the child and/or the process to the 504 meeting. Minor students may be offered the opportunity to participate in the 504 Team meeting.
6. A written notice will be given to the parent/guardian or adult student prior to the meeting, notifying them of the time and place of the meeting.
7. The building 504 Coordinator or approved designee will chair the meeting and may assign a member of the 504 Team the duty of taking minutes at the meeting if notes are to be taken. A copy of the minutes will be made available to the parent/guardian upon request and placed in the student's education records within a reasonable time after the meeting.
8. The Team must ensure that decisions about student eligibility or about significant changes in the student's program or supports are based on an evaluation of the child, which could include a review of existing evaluative data. If this evaluation is going to include specific testing of the child, the school must obtain written consent from the parent/guardian before conducting that testing.
9. If a parent refuses to provide consent for an initial evaluation to determine a student's 504 eligibility, the school may, but is not required to, initiate a 504 hearing challenging the parent's decision.
10. Team decisions are typically made by consensus. It is not appropriate to make eligibility, placement, or programming decisions based on a majority "vote." In the absence of consensus, the 504 Coordinator or designee at the meeting will make the final decision regarding a child's eligibility and, if needed, the placement and related aids and/or services that the child needs.



## Section 504 Handbook

11. The school district must provide the parent/guardian with notice of the district's proposals or refusals, or both, regarding the child's educational program, and with notice that the parent/guardian has a right to seek resolution of any disagreements through the local grievance procedure or by initiating an impartial hearing.
12. When considering a student's eligibility under Section 504, the Team will complete a 504 Eligibility Form. A copy of the completed Eligibility Form is available for the parent/ guardian upon request and shall be placed in the student's education records.
13. This school district requires written parent consent for the child's placement into the 504 system, but does not require parent consent for the contents of the plan or for any subsequent changes in the child's 504 plan. If the student is an adult and does not have a legal guardian, the District shall then provide notice of decisions to the student and may seek consent from the student when consent is required. Again, ***written consent is not required for subsequent changes in 504 services.***
14. If the Team determines that an eligible student requires accommodations and/or related aids or services, a Student 504 Plan will be written.
15. If the Team determines that an eligible student does not now require any accommodations and/or related aids or services, the school district will document that decision to the parent/guardian.
16. The 504 Plan will be made available to all staff who have responsibilities under the Plan, to the parent/guardian and the 504 Coordinator. Staff members will be asked to verify that they have reviewed 504 Plans as appropriate. A copy of the 504 Plan will also be placed in the student's education records within a reasonable time after the meeting, unless the building maintains a separate 504 folder.
17. The 504 Team will be reconvened periodically to review the 504 plan. If the parent/guardian or school staff believes that an eligible student with no current plan may require accommodations, that individual should request that a 504 Team meeting be convened.
18. All 504 students must be reevaluated periodically, but no less than every three years, to determine their ongoing eligibility and, if eligible, their continued need for accommodations or related aides and/or services. The reevaluation process may consist of reviewing existing evaluative information and other data.

At any point in the 504 process, school staff or the parent/guardian or adult student may initiate a referral to consider the student's eligibility for special education.

# Section 504 Handbook

## Student Discipline

It is important to understand that students who are identified as disabled under both Section 504 and special education laws are covered by the special education discipline rules. For students identified only under Section 504, the discipline rules are somewhat less stringent.

A Section 504 student may be suspended for up to 10 consecutive school days as long as the suspension is consistent with the rules and procedures applied to non-disabled students. Unlike special education, there is no independent duty under Section 504 to provide alternative (or tutorial) services to 504 students who have received suspensions in excess of 10 cumulative days in the school year.

If the student is suspended or expelled for a length of time that would be considered a significant change of placement, the Section 504 Team must convene a meeting to determine whether the misconduct was the result of the student's disability. In making this causative assessment, the 504 Team will determine whether the misconduct was "caused by" or had a "direct and substantial" relationship to the student's disability or is the direct result of the school district's failure to implement the student's 504 plan.

A disciplinary removal will be considered a significant change of placement if:

1. The removal is for more than 10 consecutive school days; or
2. There is a series of disciplinary removals totaling more than 10 school days in the school year, and that series constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in the removals, and because of additional factors such as the length of each removal, the total removal time and the proximity of the removals to each other.

If the 504 Team determines that the misconduct is the result of the disability, then any further programming or removal decisions must be addressed through the Section 504 Team meeting process, based on a consideration of evaluative data, and must be calculated to meet the student's educational needs. If the 504 Team determines that the student should be served in a location other than his or her regular school setting, services must be provided to that student that are reasonably likely to provide the student with a FAPE.

If a determination is made that the misconduct was not the result of the student's disability, then the student may be treated in the same manner as a non-disabled student. There is no requirement in this situation to provide any educational services during the suspension/ removal, if non-disabled students also would be denied educational services.

A Section 504 student who is found to have violated school policies and/or rules on the use or possession of illegal drugs or alcohol, *and* who is also currently using drugs or alcohol, may be disciplined to the same extent and degree as non-disabled students, without the need for a Section 504 Team meeting, manifestation determination or alternative services.

# Section 504 Handbook

## Extracurricular Activities

A disabled student is qualified to participate in non-academic services such as extracurricular activities if he or she “meets the essential eligibility requirements for the receipt of such services.” Safety may qualify as an essential criterion. If the student meets the eligibility requirements for the activity, with or without reasonable accommodations, the district has an obligation to permit the student to participate on equal terms with non-disabled students and must provide any necessary accommodations at no cost to the student.

Most disputes regarding students with disabilities in extracurricular activities concern whether requested accommodations would be reasonable and necessary for the district to provide but without fundamentally altering the program. These issues are complex and have been litigated extensively in the courts. It may be appropriate to convene the student's Section 504 Team before the student is denied access to a desired activity.

## Impartial Hearing and Complaint Procedures

### Impartial Hearing

When a parent/guardian or adult student disagrees with the district's decisions regarding the Section 504 process, they are entitled to request a hearing conducted by an impartial hearing officer. Questions regarding how to request a hearing under this section should be directed to the Section 504 coordinator.

### Complaint Procedure

The district maintains a student Discrimination and Harassment Complaint Procedure. This procedure provides a process for students or parents/guardians to raise concerns regarding the school's compliance with its obligations under state and federal discrimination and disability laws, including Section 504.

## Notices of Parent/Student Procedural Safeguards

The School District has adopted procedural safeguards that summarize the rights of students and parents under Section 504.

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# Appendices

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**Comparison Chart between IDEA (Individuals with Disabilities Education Act)  
and Section 504 (Section 504 Americans with Disabilities Act) Components**

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
General Purpose	Is a Federal Funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for students with disabilities.	Is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
Who is Protected?	All school-age children, 3-21 years, who fall within one or more of the specific categories of disability.	Identifies all school-age children as disabled who has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.
Responsibility to provide a Free and Appropriate Public Education (FAPE)	<p>Both laws require the provision of a free appropriate public education (FAPE) to eligible students covered under them.</p> <p>Requires a written IEP document with specific content and specific participants at the IEP meeting.</p> <p>Defines "Appropriate education" as a program designed to provide "educational benefit". Related services are provided if required for the student to benefit from specially designed instruction.</p>	<p>Requires a written accommodations plan by a group of persons knowledgeable about the student.</p> <p>Defines appropriate as an education comparable to the education provided to non-disabled students. Accommodations are defined as "all supports and services needed to bring the student up to the level of comparable education with his/her peers".</p>
Special Education vs. Regular Education	A student is only eligible to receive IDEA services if the team determines that the student is disabled under one or more of the specific eligibility categories and requires specially designed instruction to benefit from education.	A student is eligible so long as she/he meets the definition of qualified handicapped person; i.e. has a physical or mental impairment which substantially limits a major life activity.
Funding	Provides additional funding for eligible students.	Does not provide additional funds.

Comparison Chart between IDEA (Individuals with Disabilities Education Act)  
and Section 504 (Section 504 Americans with Disabilities Act) Components

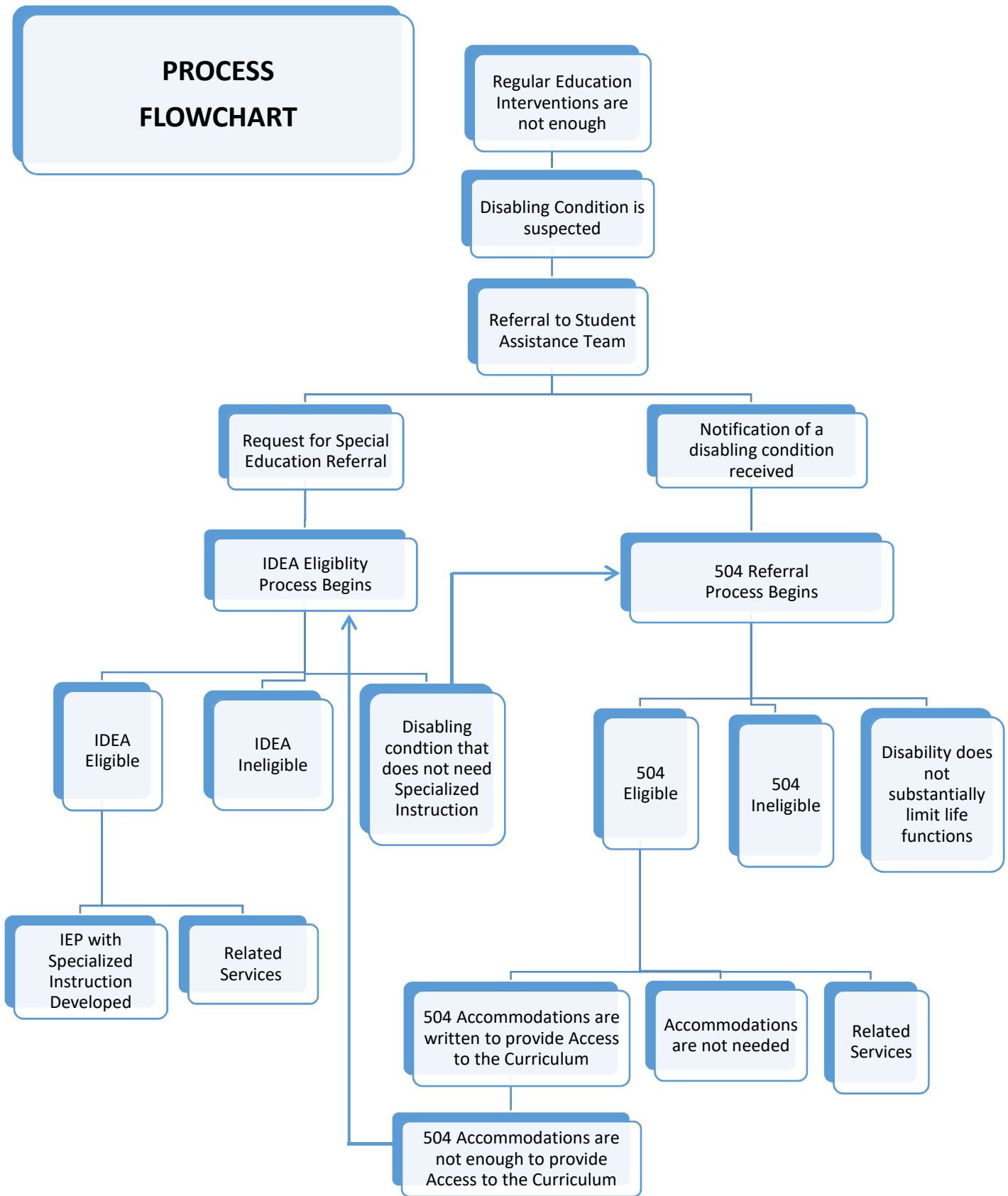
<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
Accessibility	Requires that modifications must be made if necessary to provide access to a free appropriate education.	Has regulations regarding building and program accessibility requiring that necessary accommodations be made.
Procedural Safeguards	<p>Requires written notice.</p> <p>Delineates required components of written notice.</p> <p>Requires written notice prior to decreases involving eligibility, programming, and placement.</p>	<p>Does not require <u>written</u> notice.</p> <p>Requires notice regarding student's identification, evaluation or placement.</p>
Evaluations	<p>A full comprehensive evaluation is required, assessing all areas related to the suspected disability. The child is evaluated by a multidisciplinary team.</p> <p>Requires informed consent before an initial evaluation is conducted.</p> <p>Requires re-evaluation to be conducted at least every three (3) years.</p> <p>A re-evaluation is not required before a significant change in placement.</p> <p>Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.</p>	<p>Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data and placement options.</p> <p>Does not require consent, only notice.</p> <p>Requires periodic re-evaluations.</p> <p>Re-evaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</p>



Comparison Chart between IDEA (Individuals with Disabilities Education Act)  
and Section 504 (Section 504 Americans with Disabilities Act) Components

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
Placement Procedures	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ol style="list-style-type: none"> <li>a. Draw upon information from a variety of sources</li> <li>b. Assure that all information is documented and considered</li> <li>c. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options.</li> <li>d. Ensure that the student is educated with her/his non-disabled peers to the maximum extent appropriate (least restrictive environment).</li> </ol>	
Grievance Procedure	Does not require a grievance procedure, or a compliance officer.	<p>Requires districts with more than 15 employees to:</p> <ol style="list-style-type: none"> <li>1) designate an employee to be responsible for assuming district compliance with Section 504 and</li> <li>2) provide a grievance procedure for parents, students, and employees.</li> </ol>
Due Process	<p>Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of a student.</p>	
	Delineates specific requirement.	Requires that the parent have an opportunity to participate and be represented by counsel.
Exhaustion	Requires the parent or guardian to pursue administrative hearing before seeking redress in courts.	Exhausting administrative procedures not required.

# PROCESS FLOWCHART



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## NONDISCRIMINATION NOTICE

### A. Statement of nondiscrimination

\_\_\_\_\_ does not discriminate on the basis of race, age, color, national origin, religion, sex, genetic information, or physical or mental disability in admission to, access to, treatment in or employment in its programs and activities. The School Board has adopted a nondiscrimination policy.

\_\_\_\_\_ does not discriminate against students on the basis of race, color, national origin, religion, sex, or physical or mental disability in the admission to or delivery of educational programming. It is the policy of the school district to offer programming that is designed to provide a free and appropriate public education to each student with a disability in need of accommodations and/or related aids or services pursuant to Section 504 served by its public schools.

The school district recognizes its obligation to take steps to ensure that students with disabilities within the definition of Section 504 and the Americans with Disabilities Act (ADA) are identified, evaluated and provided with appropriate educational services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Improvement Act.

### B. Compliance with anti-discrimination laws

\_\_\_\_\_ recognizes its obligation to comply with the Equal Employment Opportunity Act of 1972 (P.L. 92-261), amending Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. § 623 et seq.); the Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.); the Americans with Disabilities Act of 1990, as amended (42 U.S.C. § 12101 et seq.); and the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. § 2000ff et seq.).

### C. Contacts for inquiries or complaints

To make an inquiry or file a complaint concerning the above statement, an individual may contact one of the following:

Compliance Coordinator or Other Title:

School District: \_\_\_\_\_

District Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

### D. Complaint procedures

Employee and student complaint procedures are available which provide for the prompt and equitable resolution of complaints alleging discrimination and harassment based on race, age, color, ancestry or national origin, religion, sex, or physical or mental disability. Copies of the complaint procedures will be made available to any interested person upon request at the Superintendent or Compliance Coordinator's office.

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## NOTICE OF PARENT/STUDENT PROCEDURAL SAFEGUARDS

### Section 504 of the Rehabilitation Act of 1973

The following is a description of the procedural safeguards afforded pursuant to Section 504 of the Rehabilitation Act ("Section 504") to parents and their children who are identified as disabled. The school district is obligated to inform you of decisions about your child and of your rights if you disagree with any of those decisions.

You have the following rights:

1. To have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
2. To have the school district advise you of your rights under federal law;
3. To receive notice from the school with respect to the identification, evaluation, educational program or placement of your child;
4. According to the U.S. Department of Education's 504 regulations, to have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and related aids and services necessary for your child to benefit from his or her educational program.
5. To have your child educated in comparable facilities and receive comparable services to those provided non-disabled students;
6. To have decisions regarding your child's evaluation, program and placement based upon a variety of information sources, and made by persons familiar with the student, the evaluation data, and the placement options;
7. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement;
8. To have your child receive an equal opportunity to participate in extra-curricular school activities;
9. To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement;
10. To file a complaint through local complaint procedures regarding any alleged violation of the Rehabilitation Act;
11. To request an impartial hearing, to be conducted by a person who is not an employee of the district, to dispute decisions or actions regarding your child's identification, evaluation, educational program or placement as a student with a disability. You and your child may take part in the hearing and have an attorney represent you at your own expense. Questions about how to request a hearing may be forwarded to the person responsible for the district's compliance with Section 504 listed below;
12. To have the decisions made by hearing officers or others reviewed in state or federal court.

The person in this District who is responsible for assuring the District complies with Section 504 is:

*Name and contact information of 504 Coordinator*

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## NOTICE OF 504 TEAM MEETING

Student's Name:	DOB:	Age:
School:		Grade:
Parent/Guardian:		
Contact Person:		

Dear

A 504 Team meeting has been scheduled for your child on:

Date:    Time:    Place:

Complete the purpose(s) of the meeting below:

The purpose(s) of the meeting:	
<input type="checkbox"/> Initial Referral/Eligibility	<input type="checkbox"/> Initial Plan Development
<input type="checkbox"/> Plan Review	<input type="checkbox"/> Evaluation/Re-evaluation
<input type="checkbox"/> Parent Request	<input type="checkbox"/> Transfer Student
<input type="checkbox"/> Disciplinary Removal	<input type="checkbox"/> Other

As the parent(s)/guardian of a child or as an adult student who has or may have a disability, you are encouraged to participate in the 504 Team meeting. Additional participants who have knowledge or special expertise regarding the child may be invited at the discretion of the parent or district. Members and participants invited to attend the 504 Team meeting may include the following:

Title:	Name:
<input type="checkbox"/> 504 Coordinator	
<input type="checkbox"/> Administrator	
<input type="checkbox"/> Regular Education Teacher	
<input type="checkbox"/> Evaluator(s)	
<input type="checkbox"/> Child or Adult Student	
<input type="checkbox"/> Other	

If you have any questions or cannot attend at the scheduled time, please contact:

At phone number and/or e-mail: (A copy of the Notice of Procedural Safeguards will be provided upon request.)

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## SECTION 504 REFERRAL FORM

Student's Name:	DOB:	Age:
School:		Grade:
Teacher:	Counselor:	

1. Identify who is making this referral and, if not the parent, has the parent been informed:
2. Briefly describe the areas of concern for this student:
3. Briefly describe any attempts that have been tried to address these concerns:
4. Has the student been discussed at a building team meeting convened to address the concerns of the children?  
If yes, detail what is known about those discussions:
5. Has this student ever been referred or identified for special education services?  
If yes, identify history and indicate prior evaluations that may have been conducted to the extent known:
6. Please attach list of any supporting documentation or information (testing, reports, etc.)
7. Suspected or diagnosed impairments:
8. Please attach list of any other information that may be of benefit in handling the referral.

\_\_\_\_\_  
Signature of Person Completing Form

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Building 504 Coordinator

\_\_\_\_\_  
Date Received

# School Administrative Unit 21

*Serving the Districts*

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## SECTION 504 Eligibility Determination Form [SHORT FORM]

<b>Student's Name:</b>	<b>DOB:</b>	<b>Age:</b>
<b>School:</b>		<b>Grade:</b>
<b>Parent/Guardian:</b>		
<b>Contact Person and Position:</b>		
<b>Date of Meeting:</b>		

**A. Purpose of Meeting**

- Determine initial eligibility under Section 504 and consider eligibility for accommodations/related aids or services.
- Review eligibility under Section 504.
- Review eligibility and accommodations/related aids or services before significant change in placement.

**B. 504 Team members Present (check the categories that apply to each team member below)**

NAME/POSITION	KNOWLEDGEABLE ABOUT:		
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options
	<input type="checkbox"/> Child	<input type="checkbox"/> Meaning of Evaluation Data	<input type="checkbox"/> Accommodations/Placement Options

**C. Sources of Evaluation Information- Check those that apply:**

<input type="checkbox"/> School Records Review		<input type="checkbox"/> Observations of Student	
<input type="checkbox"/> Grades and Report Card Review		<input type="checkbox"/> Teacher Reports	
<input type="checkbox"/> Parent and/or Student Report		<input type="checkbox"/> Checklists/Rating Scales	
<input type="checkbox"/> Response to Intervention (RTI)		<input type="checkbox"/> Functional Behavior Assessment (FBA)	
<input type="checkbox"/> Medical/Health Information		<input type="checkbox"/> Nursing Assessment	
<input type="checkbox"/> Standardized Testing		<input type="checkbox"/> Parent/Student Interviews	
<input type="checkbox"/> Other			

**D. Eligibility Criteria:**

1. The student has a mental or physical impairment (specify the nature of the impairment): 1 \_\_\_\_\_

and

2. The impairment *substantially limits* one or more of the following major life activities (check all that apply):

<input type="checkbox"/> Seeing	<input type="checkbox"/> Hearing	<input type="checkbox"/> Caring for Oneself	<input type="checkbox"/> Breathing
<input type="checkbox"/> Walking	<input type="checkbox"/> Learning	<input type="checkbox"/> Working	<input type="checkbox"/> Eating
<input type="checkbox"/> Sleeping	<input type="checkbox"/> Standing	<input type="checkbox"/> Lifting	<input type="checkbox"/> Bending
<input type="checkbox"/> Reading	<input type="checkbox"/> Concentrating	<input type="checkbox"/> Thinking	<input type="checkbox"/> Communicating
<input type="checkbox"/> Speaking	<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Operating of a Major Bodily Function	<input type="checkbox"/> Sitting
<input type="checkbox"/> Reaching	<input type="checkbox"/> Interacting with Others	<input type="checkbox"/> Other	

The term "substantially limits" means that the student is

- (a) UNABLE to perform a major life activity that the average person in the general population can perform; or
- (b) SUBSTANTIALLY RESTRICTED as to the condition, manner or duration under which a particular life activity is performed when compared to most students in the general population at that age or grade level (*compared to national norms*).

**E. Eligibility Determination:**

- The student does NOT have a physical or mental impairment and/or any identified impairment does not substantially limit a major life activity. Therefore, the student is NOT eligible for a Section 504 plan. The parent must be provided with a copy of procedural safeguards.
- The student DOES HAVE a physical or mental impairment that substantially limits a major life activity.
- The student requires accommodations/related aids or services in a 504 plan.
- The student does not require accommodations/related aids or services in a 504 plan at this time.

<sup>1</sup>The 504 Team does not itself diagnose the student



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## Parental Consent for Initial Section 504 Placement

Student's Name:	DOB:	Age:
School:		Grade:
Parent/Guardian:		
Contact Person:		

Dear

Date:

The 504 Team has found that your child, \_\_\_\_\_  
qualifies as a student with a disability under Section 504. A 504 Plan will be developed to meet his/her individual educational needs. We are seeking your written consent before the District places your child in the 504 system and implements a 504 Plan. Please indicate **below whether or not you consent to the initial placement of your child in Section 504. If you decline consent, please notify the school district in the future should you change your mind.**

- Yes, I consent to placement of my eligible child in the Section 504 system and implementation of a 504 plan.**
- No, I do not consent to placement of my eligible child in the Section 504 system or to implementation of a 504 plan.**

\_\_\_\_\_

\_\_\_\_\_

**Parent Signature**

**Date**

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## SECTION 504 PLAN

Student's Name:	DOB:	Age:
School:		Grade:
Parent/Guardian:		
School Contact Person and Position:		
Functional limitations of impairment:		
Date of meeting at which Plan was developed:		

A. Team Members: Check the categories that apply to each team member below

NAME/POSITION	KNOWLEDGEABLE		
	Child <input type="checkbox"/>	Meaning of Evaluation Data <input type="checkbox"/>	Accommodations/Placement Options <input type="checkbox"/>
	Child <input type="checkbox"/>	Meaning of Evaluation Data <input type="checkbox"/>	Accommodations/Placement Options <input type="checkbox"/>
	Child <input type="checkbox"/>	Meaning of Evaluation Data <input type="checkbox"/>	Accommodations/Placement Options <input type="checkbox"/>
	Child <input type="checkbox"/>	Meaning of Evaluation Data <input type="checkbox"/>	Accommodations/Placement Options <input type="checkbox"/>
	Child <input type="checkbox"/>	Meaning of Evaluation Data <input type="checkbox"/>	Accommodations/Placement Options <input type="checkbox"/>

B. Accommodations/Related Aids and Services

*Note: After eligibility has been determined, the Team should consider the student's current functional limitations with consideration of the use of mitigating measures in developing the 504 Plan. All accommodations or related aids and services should be directly linked to the student's disability and should be measures that are unique to and necessary for the student to benefit from the program.*

The Team believes that the following accommodations or related aids and services are necessary for the student to access and benefit from his or her educational program:

THE SCHOOL WILL (state action and person responsible)
a.
b.
c.
d.
e.

PARTICIPATION IN ASSESSMENTS:		
No accommodations	With accommodations	Specify assessment accommodations:
Distribution List:      Teachers                      Nurse                      Extracurricular Staff                      Other		

Recall that students with a past "record" of a disability may occasionally need an accommodation such as time away from school for a check up on their former condition.

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## NOTICE OF 504 TEAM MEETING

Student's Name:	DOB:	Age:
School:		Grade:
Parent/Guardian:		
Contact Person:		
Date of Meeting:	Minutes Prepared by:	

The purpose(s) of the meeting:	The Participants
<input type="checkbox"/> Initial Referral/Eligibility	<input type="checkbox"/> 504 Coordinator:
<input type="checkbox"/> 504 Plan Review	<input type="checkbox"/> Administrator:
<input type="checkbox"/> Evaluation/Re-evaluation	<input type="checkbox"/> Regular Teacher:
<input type="checkbox"/> Parent Request	<input type="checkbox"/> Evaluator(s):
<input type="checkbox"/> Transfer Student	<input type="checkbox"/> Parent(s):
<input type="checkbox"/> Disciplinary Change of Placement	<input type="checkbox"/> Other
<input type="checkbox"/> Other	

Summary of Discussion:

Determinations:

\*Provide parent/guardian with procedural safeguards during or following meeting

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## MANIFESTATION DETERMINATION CHECKLIST

Student's Name:

Date of Meeting:

1. The 504 Team meeting for Manifestation Determination must be held within 10 school days of any decision to change the placement of a child with a 504 disability because of a violation of a student code of conduct. A "change of placement" generally means:
  - A. A disciplinary removal from school for more than 10 consecutive school days; or
  - B. A series of removals totaling more than 10 school days in a school year that constitutes a pattern because the behavior is substantially similar to the previous incidents that resulted in removals, and because of additional factors such as length of each removal, the total removal time, and proximity of removals.
2. The Manifestation Determination must be made by relevant members of the student's 504 Team, including the parent/guardian, and not only by school staff. At the Team meeting, the Team must review all relevant information in the student's file, including the child's 504 Plan, any teacher observations and any relevant information provided by the parents.
3. The 504 Team will answer the following questions:
  - A. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability?  
 No  
 Yes
  - B. Was the conduct in question the direct result of the district's failure to implement the 504 Plan?  
 No  
 Yes

*If the answer to either of these two questions is yes, then the behavior in question should be considered a manifestation of the student's disability.*

4. If the 504 Team determines that the misconduct is a manifestation of the student's disability, then the Team should determine how to address the student misbehavior, and should consider a possible functional behavior assessment and possible development of a behavior intervention plan for the student. In addition, the Team must decide on the student future placement, and ensure that the student continues to receive a free appropriate public education.
5. If the Team determines that the misconduct is not a manifestation of the student's disability, then the district may use the regular disciplinary procedures applicable to students without disabilities and in the same manner. The district need not provide educational services to the student if he or she is suspended or expelled for misbehavior that is not a manifestation of the child's disability.

### 6. **Special Rule for Drug and Alcohol Violations**

If a Section 504 student is found 1) to be currently engaging in the illegal use of drugs or alcohol, and 2) to have violated school policies, rules or a code of conduct about the use or possession of drugs or alcohol, then the district may take disciplinary action against that student to the same extent and degree as the district would undertake for students who are not disabled. The district is not required to have a prior 504 Team meeting, need not determine if the use or possession is related to the student's disability, and need not provide any alternative services during any removal that may be ordered for the use or possession violation, as long as such a consequence is consistent with the policy for non-disabled students. [29 U.S.C § 705(20)(C)(iv)]