



Section 504 Procedures

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CABARRUS COUNTY SCHOOLS SECTION 504 FORMS*

Section 504 Referral

Parent/Guardian Invitation to Section 504 Meeting

Student Invitation to Section 504 Meeting (For Students Ages 18 or older)

Parent/Guardian Notice and Consent for Section 504 Evaluation

Section 504 Eligibility Determination Review

Consent for Initial Provision of Services Pursuant to a Section 504 Plan

Section 504 Written Education Plan

Section 504 Team Meeting Minutes

Parent Notice of Section 504 Rights

Section 504 Manifestation Determination

Academic Performance Rating Scale (for teacher)

Teacher Input for Section 504 Evaluation

Section 504 Teacher Receipt of Written Education Plan

Parent Contact Log

Parent Consent for Information Exchange

Request for Medical Information

** **BOLDED** forms must be completed for any student that has a Written Education Plan.*

Cabarrus County Board of Education Policy 1730/4022/7231
Nondiscrimination on the Basis of Disabilities

The board will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in school system programs and activities. The school system will provide aids, benefits and school services to persons with disabilities in the most integrated school setting appropriate to the person's needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to ensure district compliance with this nondiscrimination policy. The superintendent or designee must:

1. Submit an assurance of nondiscrimination with each application for federal financial assistance;

2. Designate a civil rights coordinator who will coordinate the school system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 (Section 504) and its regulations, and the Americans with Disabilities Act, and its regulations;

3. Publish the name, address and phone number of the Section 504 coordinator and the ADA coordinator in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school system's programs are aware of the coordinators;

4. Make complaint procedures available as provided in Policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for the statutes;

5. Provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, which notice is to be accessible to employees, applicants, students and parents;

6. Make reasonable accommodation for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the services, program or activity;

7. Not inquire about any disabilities which may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are demonstrably job related and effective alternatives are not available; and

8. Provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations.

Legal References: The Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12101, 28 C.F.R. pt. 35.

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (Policy 1720/4015/7225)

General Information

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a federal civil rights law that prohibits discrimination against individuals with disabilities. Section 504 applies to all agencies that receive federal funds, including public schools.

Specifically, Section 504 requires public schools to provide a student with a disability with educational services that are designed to meet the individual needs of the student with a disability to the same extent as the needs of students without disabilities are met. In addition, under Section 504, students with a mental or physical impairment that substantially limits a major life activity are entitled to a free appropriate public education, including special education and supplementary aids and services (*i.e.*, accommodations to the regular education program).

Which students qualify for coverage under Section 504?

A student will be protected under Section 504 if he/she

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

What does Section 504 provide for students with disabilities?

Students with disabilities are protected from discrimination on the basis of disability if they meet any one of the three definitions of disability under Section 504. This anti-discrimination protection means that students with disabilities may not be denied participation in or denied benefits from services that are provided to non-disabled students.

In addition, if a student has a physical or mental impairment which substantially limits one or more major life activities, the school system must provide a free appropriate public education (“FAPE”) to the student. FAPE includes special education and other accommodations or supports that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of non-disabled students are met.

A school system is not required to provide FAPE to a student who has a record of having an impairment in the past or who is only regarded as having an impairment. In other words, protection under the second and third categories listed above generally does not require the provision of special accommodations or services through a 504 Written Education Plan. Instead, the second and third categories generally protect against negative, discriminatory actions by the school. *See* Office of Civil Rights, *Frequently Asked Questions about Section 504 and the Education of Children with Disabilities* (last visited Mar. 2012), *available at* <http://www2.ed.gov/about/offices/list/ocr/504faq.html> for additional information.

What is considered “discrimination” under Section 504?

Examples of discrimination under Section 504 include:

- Excluding a student with a disability from activities in which non-disabled students participate;
- Providing a student with a disability with services that are different from the services non-disabled students receive unless the services are necessary because of the student’s disability; and/or
- Subjecting a student with a disability to limitations that are not imposed on non-disabled students.

In other words, the school system must provide necessary accommodations or adjustments to the general education program to provide a student with a disability with participation in the least restrictive environment.

Here are some examples of circumstances that could be considered discrimination based on disability:

- Refusing to provide occupational or physical therapy to a Section 504 student who needs it for educational purposes solely because the student is not IDEA eligible;
- Not providing accommodations for a student with a disability who tries out for an extracurricular activity (*e.g.*, elementary chorus) that meets before or after school;
- Only providing summer school or after-school care for non-disabled students;
- Requiring the parent of a student with a physical or mental impairment to provide transportation to field trips or to accompany the student on a field trip when transportation is provided to non-disabled students or when parental participation is not required for non-disabled students;
- Not providing alternative transportation to a student who is disruptive or dangerous on the school bus as a result of the student’s disability;
- Providing a shortened school day for students with disabilities because of transportation issues;
- Segregating students with a disabilities in basements, portable classrooms, or separate wings of the school; or
- Failing to provide an interpreter for a parent with a hearing impairment for school-initiated activities, such as a 504 meeting.

Who enforces Section 504?

The U.S. Department of Education's Office for Civil Rights ("OCR") is responsible for enforcing the provisions of Section 504 and the ADA as applied to publicly funded educational institutions. If an individual files a complaint against a school system, OCR will investigate the complaint. An aggrieved party may also file a court action.

How is Section 504 different from the IDEA?

There are significant differences between Section 504 and IDEA, including the following:

- Section 504 is an antidiscrimination law which does not provide funding; on the other hand, the IDEA funds special education programs.
- Section 504 has a broad definition of disability, while the IDEA has specific, defined categories of disability. The state requires particular evaluations and/or screenings for the IDEA disability categories.
- The definitions of disability are different under each statute.
- All IDEA students are covered by Section 504, whereas not all Section 504 students are protected under IDEA.
- An IEP must be reasonably calculated to confer an educational benefit on a student, whereas a Section 504 Written Education Plan must meet the individual needs of a student with a disability to the same extent as the needs of students without disabilities are met.

How are Section 504 and the IDEA similar?

Similarities between Section 504 and the IDEA include the following:

- Both require evaluations to determine eligibility and require parental consent for evaluations.
- Both require a student to receive his/her education in the least restrictive environment.
- Both provide a student with a free appropriate public education.
- Both provide parents and students with procedural due process rights and protections.
- Both require a manifestation determination meeting to be held when a student's placement is changed for disciplinary reasons to determine whether the student's behavior is related to or caused by his/her disability.
- Both require periodic reevaluations.

- Both apply to preschool children.

Note: Additional information is contained within this Handbook for each of the requirements listed above.

Where are a student's 504 records maintained? What laws pertain to a student's Section 504 records?

Section 504 records must be maintained in a secure location (for example, in a locked cabinet in the 504 Coordinator's office). Copies of all 504 forms and evaluations should be kept within this folder, as well as any meeting minutes, case notes, or documentation used in determining the eligibility of the student.

All student records created or received that are related to Section 504 are governed by the Family Educational Rights and Privacy Act ("FERPA") and will be maintained in accordance with Cabarrus County Board of Education Policy 4700.

What is the "Child-Find Requirement" under Section 504?

Section 504 requires schools to identify and evaluate students who, because of a disability, may need special education or related aids and services. Schools must take steps to identify and locate qualified disabled persons enrolled and participating in its programs who are not receiving a free appropriate public education. This requirement may be satisfied through raising awareness and the screening procedures employed by staff to locate students suspected of being disabled. Procedures used to satisfy the IDEA child-find requirements would also satisfy this requirement for Section 504.

Where can I get answers to Section 504 questions that are not addressed in this Handbook?

Questions about particular Section 504 issues may be directed to the following individuals:

- For issues related to a student's program, evaluation(s) and educational plan: Section 504 Coordinator at student's school
- For issues related to facilities at student's school: school principal
- For issues related to discrimination against a student: Cabarrus County Schools Section 504 Coordinator

The 504 Team and School-Based 504 Coordinator

What is the role of the 504 Team? Who serves on the 504 Team at each school?

The 504 Team is responsible for reviewing all Section 504 referrals and following procedures to determine a student's eligibility for Section 504. In addition, the team determines whether a 504 Written Education Plan is needed and develops a plan, if deemed necessary, for all eligible students. The 504 Team also conducts an annual review of a student's 504 Written Education Plan, conducts reevaluations and determines a student's continued eligibility under Section 504, conducts manifestation determination meetings, and meets to discuss any other changes that need to be made to provide FAPE to a student who qualifies under Section 504.

The team should include individuals who are knowledgeable about the student, the meaning of the evaluation data, and the placement options. Members of the Section 504 Team should, at a minimum, include the following:

- the student's parent(s)/guardian(s);
- if appropriate, the student (the student should be invited when he/she reaches the age of 14 or older);
- Section 504 Coordinator for the school; and
- at least one of the student's classroom teachers.

In addition, the following may also be members of the 504 Team, if needed:

- School administrator (participation is required in some instances – see below); and/or
- Any other individuals (invited by school or parent) who are knowledgeable about the student, the evaluation data, and the placement options (*e.g.*, a school psychologist or related services provider if evaluation results are being discussed, the school nurse, or the school social worker).

What is the role of the Section 504 Coordinator at the meeting?

The Section 504 Coordinator will facilitate the meeting and have the duty of assuring that minutes are recorded at the meeting. In addition, the 504 Coordinator is responsible for providing/sending a copy of the minutes and any other documentation generated at the meeting to the parent/guardian and placing copies of all documentation in the student's 504 folder within a reasonable time (*i.e.*, no more than 5 school days) after the meeting.

Note: One of the student's teachers or an administrator should be asked to record minutes at the meeting.

When is an administrator required to attend a 504 meeting?

The principal or assistant principal of a school must attend a 504 meeting in the following situations:

- Manifestation determination meetings;
- Initial eligibility meetings;
- Meetings in which the team is discussing a change in placement;
- Meetings in which the Team may recommend that the student no longer needs a Written Education Plan or is no longer eligible under Section 504;
- Meetings in which additional financial resources may be required to implement a 504 Written Education Plan; and
- Meetings which are anticipated to be adversarial.

When should the school nurse be included in a 504 Team meeting?

In any of the following instances:

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

When should the school psychologist be included in a 504 Team meeting?

In any of the following instances:

- When the school psychologist was involved in a recent evaluation of the student;
or
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

When should an occupational therapist or physical therapist be included in a 504 Team meeting?

In any of the following instances:

- When the student has a motor impairment and will likely need accommodations or supports for the motor impairment;
- When the OT or PT recently evaluated the student; or

- When the parent has requested services or adaptations for deficits in gross or fine motor skills.

Who serves as the school-based 504 Coordinator at each school? What are the responsibilities of the school-based 504 Coordinator?

The principal will designate an individual (or individuals) at the school to serve as the school-based 504 Coordinator. This person (persons) should serve as chair of the 504 Team.

The responsibilities of the school-based 504 Coordinator include the following:

- Serve as liaison between the school, parents, outside agencies, and the Cabarrus County Schools 504 Coordinator on issues related to Section 504;
- Provide annual, in-service training to school staff on Section 504 procedures;
- Involve parents and teachers in the development of each student's plan;
- Manage and monitor all Section 504 Written Education Plans;
- Chair the 504 Team during the development of each student's plan and facilitate all 504 meetings;
- Convene the 504 Team, as needed, for the purpose of receiving and processing referrals;
- Manage the development and implementation of each 504 Written Education Plan;
- Ensure that all Section 504 Written Education Plans are reviewed annually;
- Ensure that Section 504 reevaluations are conducted at least every three years; and
- Send Section 504 folders—along with cumulative folders, and a roster of current 504 students—to the receiving school prior to the beginning of the school year.

Eligibility and Referral

What is a disability under Section 504? Who qualifies as a “student with a disability” under Section 504?

Under Section 504, disability means, with respect to an individual,

1. A physical or mental impairment that substantially limits one or more of the major life activities of the individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

The first definition of disability should be interpreted in favor of broad coverage of individuals to the maximum extent permitted by federal law. The determination as to whether an individual has a disability should not require extensive analysis. All students eligible under the IDEA are also protected under Section 504. In addition, students with a disability that are not eligible under IDEA, may be eligible under Section 504. For example:

- A student with a physical disability who does not require special education but who requires accommodations;
- A student with severe allergies or asthma, requiring the use of an inhaler or an environment free of allergens;
- A student with ADD/ADHD who does not qualify under IDEA but whose condition substantially limits concentrating, learning or thinking; or
- A student with dyslexia who does not qualify under IDEA but whose condition substantially limits reading.

An individual meets the “record of such an impairment” definition if he/she has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. An individual meets the “being regarded as having such an impairment” definition if he/she has been subjected to discrimination because of an actual or perceived physical or mental impairment, whether or not the impairment is perceived to limit a major life activity. These definitions are intended to cover situations in which a student does not currently have or has never had a disability but is treated by the school system as if he/she does have a disability.

Note: Although students in all three categories are protected from discrimination under Section 504, students in the first category are the only students who are entitled to receive a 504 Written Education Plan, if the 504 Team determines that such a plan is needed.

What is a physical impairment? A mental impairment?

A physical impairment is 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.

A mental impairment is any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

What does “substantially limit” mean?

The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student.

Although “substantially limits” is not defined in the law, the 504 Team should use the following principles to make a disability determination under Section 504:

- A disability is present if the student’s physical or mental impairment “substantially limits” the ability of the student to perform a major life activity as compared to the average student in the general population (*e.g.*, if it regularly takes a student with a mental impairment 3 hours to finish a type of homework assignment that takes other students only 1 hour to complete).
- An impairment can be substantially limiting even if it does not prevent, significantly restrict, or severely restrict the individual from performing the activity.
- An impairment may be substantially limiting even if it lasts or is expected to last fewer than 6 months.

Indicators of a substantial limitation could include the following, if, as compared to most students, the student in question demonstrates:

- A consistent need for more time;
- A consistent need for testing accommodations;
- Frequent behaviors associated with identified physical/mental impairment that interfere with school performance;
- Significant difficulty with planning, organization, and execution of activities and assignments;
- Chronic absences or tardiness related to a physical or mental impairment;
- Classroom interventions do not alleviate difficulties; or
- A steady decline in academic performance.

What is a major life activity?

Major life activities include caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

These examples are not exclusive and may include other activities or major bodily functions.

Note: An impairment that substantially limits one major life activity does not need to limit other major life activities in order to be considered a disability.

In making an eligibility determination, can medication or equipment that a student uses be taken into account?

No. With the exception of contact lenses or eyeglasses, mitigating measures such as medication, equipment, hearing aids, assistive technology, etc., cannot be taken into account when making an eligibility determination under Section 504. In other words, the team must make the eligibility determination based on the disability alone, without considering whether or not medication or equipment or accommodations help the child overcome the effects of the disability.

Specifically, the determination of whether an impairment substantially limits a major life activity must be made without regard to the effects of mitigating measures. Some examples of mitigating measures are:

- Medication, medical supplies, equipment, or appliances, low-vision devices (i.e., devices that magnify, enhance, or otherwise augment a visual image), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy and supplies;
- Use of assistive technology;
- Regular education interventions;
- Reasonable accommodations or auxiliary aids or services; or
- Learned behavioral or adaptive neurological modifications.

The only mitigating measure that may be considered in determining whether an impairment substantially limits a major life activity is the use of ordinary eyeglasses or contact lenses (i.e., these are lenses intended to fully correct visual acuity or eliminate refractive error).

Note: If the impairment is well controlled by virtue of some mitigating measure, the student may not need a 504 Written Education Plan, even though the student would be disabled under the law and would be entitled to protection against disability-based discrimination.

Are any conditions or disorders excluded from the definition of disability?

Yes. The term disability does not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, other sexual behavior disorders; compulsive gambling, kleptomania, or pyromania; psychoactive substance abuse disorders resulting from current illegal use of drugs; or homosexuality or bisexuality.

Note: A student who is in a rehabilitation program and who is no longer engaging in the illegal use of drugs may be considered for eligibility under Section 504.

Are current users of alcohol excluded from protection under Section 504?

No. Section 504's definition of a student with a disability does not exclude users of alcohol.

Are there any impairments which will always result in the determination that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be a disability under Section 504.

Are there any impairments which will usually result in the determination that a student has a disability under Section 504?

An eligibility determination must always be made on a case-by-case basis. However, generally speaking, the existence of any of the following impairments will consistently result in a determination that the student has a disability under Section 504: deafness, blindness, intellectual disability, partially or completely missing limbs, mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV/AIDS, multiple sclerosis, muscular dystrophy, major depression, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia.

Can a temporary impairment constitute a disability under Section 504?

It depends. A temporary impairment (6 months or less in duration) cannot constitute a disability under Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. As with all eligibility determinations, the 504 Team must consider a temporary impairment on a case-by-case basis and must take into consideration the duration of the impairment and the extent to which it limits a major life activity of the student.

What is a “transitory impairment”?

A “transitory impairment” is a category used for testing accommodations by the NC DPI and is distinct from a 504 Written Education Plan.

Are episodic conditions considered a disability under Section 504?

They can be. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Examples of impairments that are episodic or in remission include, but are not limited to, epilepsy, hypertension, multiple sclerosis, asthma, diabetes, major depression, bipolar disorder, schizophrenia, and cancer.

Who can refer a student for a Section 504 eligibility determination?

Any parent, legal guardian, or school staff member may initiate a referral of student who is suspected of having a disability under Section 504. Any adult student (age 18 or older) also may initiate such a referral for himself/herself.

When should a student be referred to the IEP Team instead of the 504 Team?

A student should be referred to the IEP Team instead of the 504 Team in the following circumstances:

- If the student has an impairment (or is suspected of having such an impairment) that is or may be affecting his/her educational performance, including social participation and/or behavior.
- If the student has an impairment or suspected impairment that limits or may substantially limit his/her learning, thinking, reading or concentrating.
- If it is unclear whether or not a student's education is being impacted by a disability.

When should a student be referred to the 504 Team?

Students in the following situations should be referred to the Section 504 Team:

- Students with a physical or mental impairment who are referred to and/or evaluated by an IEP team and the IEP team has determined that the student does not need to be evaluated or is not eligible for special education services under IDEA;
- Students who are exited from special education services under IDEA but evaluation indicates that a physical or mental impairment continues to exist;
- If the student exhibits an on-going medical problem or has a known mental health diagnosis;
- If the student is chronically absent due to medical/health issues;
- If the student has a health plan;
- If the student receives medication on school grounds;

- If the student's grades drop, along with other indicators of possible disability;
- If substance abuse is an issue;
- If the student has substantial behavioral referrals, along with other indicators of possible disability;
- If the student is hospitalized; or
- If the student has a physical condition or chronic illness

What decisions does the Section 504 Team make at the eligibility determination meeting?

First, the team determines whether the student has a disability under Section 504.

If so, then the team must decide whether the student needs a Section 504 Written Education Plan to access his/her education. An eligible student under Section 504 may or may not need any accommodations at the time the eligibility determination is made.

Can a student be considered for Section 504 eligibility if he/she has a physical or mental impairment but is making passing grades or straight As?

Yes. If a student has a physical or mental impairment, the school must consider whether or not the impairment substantially limits the student in one or more major life activities, including major bodily functions.

For example, a student with a gastrointestinal disorder, who was making As and Bs, missed 35 days of school during tenth grade and was receiving absolute bathroom privileges, excusals for all tardies, and extended time to make up work due to absences. Because the student was receiving passing grades, the 504 Team determined that he was ineligible for services. In reviewing the school system's decision, OCR determined that the school system denied FAPE to the student because it failed to consider the impact of his impairment on major life activities other than learning. In addition, OCR determined that the eligibility determination conflicted with the informal accommodations that were being granted to the student.

Note: As in the above example, excessive absences must be considered even if the student is making good grades despite the absences.

Should a student be considered for Section 504 eligibility because he/she is receiving interventions in the regular education classroom?

Schools may always use regular education intervention strategies to assist students with difficulties in school. A student should be referred for an evaluation for services under Section 504 if the student, because of his/her impairment or suspected impairment, needs or is believed to need such services.

What happens when a referral is made to the 504 Team?

Once a referral is made to the 504 Team, the Section 504 Coordinator will convene a 504 Team meeting within a reasonable time (*i.e.*, no later than 10 school days following the request) to consider the referral. At the referral meeting, the team must document all decisions made at the meeting and provide notice of rights to the parent/guardian. The team may need to further evaluate the student to determine appropriate placement.

Written notice will be given to the parent/guardian or adult student prior to the meeting, notifying them of the time, place and purpose of the meeting. Whenever possible, the notice should be provided at least 7 calendar days before the meeting, unless the parent agrees to a time/date within the 7 day notice period.

Note: Although there is not a referral timeline provided in the law, OCR has stated that compliance with the IDEA evaluation timeline is “reasonable” under Section 504. In North Carolina, schools have 90 days to complete an IDEA evaluation.

What information is considered by the 504 Team in making a Section 504 eligibility determination?

All decisions regarding a student’s eligibility under Section 504 will be based on information from a variety of sources, with information from all sources being carefully considered and documented.

Information that should be considered includes the following:

- Information from the student’s parents, including any independent/private evaluations;
- Information from a student’s health care/medical providers, including medical/mental health records and/or diagnoses;
- Student’s attendance record;
- Aptitude and achievement tests;
- Teacher recommendations and observations;
- Physical condition;
- Social and cultural background;
- Adaptive behavior; and/or
- Other testing or evaluations that the Team may deem appropriate.

Note: The determination of whether a particular impairment or disability qualifies for Section 504 protections can be complex and must be made on a case-by-case basis. In all cases, however, there must be a physical or mental impairment that substantially limits a major life

activity, unless the team is considering the rare “regarded as” or “has a record” of impairment situations.

How does the 504 Team obtain medical information about a student? What if the team is unable to obtain such information?

Parents should be asked to provide a copy of previously conducted medical assessments or medical records and/or to give written consent for the school to request medical, health, psychological or other records or to get a medical statement or health assessment from the student’s health care provider. A medical diagnosis is NOT required for Section 504 eligibility. However, if the parents indicate that there is a diagnosis, you may ask them to sign a Release of Information to receive the documentation directly from the provider.

Note: Parents may provide medical records or may be asked to complete a medical request form.

Note: Medical information, diagnoses, or medical records should be current within a year.

Is parental consent required if the 504 Team determines that testing/evaluation is needed?

Yes. If testing/evaluation is needed (in addition to the information considered by the 504 Team), the school must obtain written consent from the parent/guardian before conducting that testing.

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. Contact the Cabarrus County Schools 504 Coordinator if a parent refuses to provide consent.

What requirements apply to evaluations conducted pursuant to Section 504?

Tests/evaluations used to make an eligibility determination must be selected and administered to ensure that the test results accurately reflect the student’s aptitude and achievement and must be validated for the specific purpose for which the test is used and appropriately administered by trained personnel.

What evaluations are recommended for consideration under Section 504?

Unlike the IDEA, there is no specific list of evaluations required for eligibility under Section 504. The student’s 504 Team decides what assessments/evaluations are needed to determine whether a student has a disability under Section 504.

See below for recommended evaluation procedures.

Suspected Condition	Recommended Evaluation for Disability Determination
Health condition, <i>e.g.</i> asthma, cancer, epilepsy, diabetes, hepatitis, etc.	A medical statement/evaluation including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license.
Chronic physical conditions, such as cerebral palsy, spina bifida, hearing or vision impairments	A medical statement/evaluation including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license.
Psychological conditions, such as ADD/ADHD, depression, obsessive- compulsive disorder, post-traumatic stress disorder, etc.	<p>A medical statement/evaluation, including a diagnosis of the condition, by a psychiatrist or other physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license; OR a diagnosis by a licensed clinical psychologist; OR a diagnosis by a licensed clinical social worker; AND</p> <p>As needed, an evaluation by a school psychologist including a review of information submitted by the parent and new measures, as needed, such as behavior rating scales, structured observations, and interviews.</p>
Learning disorder (<i>e.g.</i> dyslexia)	Individual assessments as needed.

Can a medical or mental health diagnosis standing alone meet the evaluation requirement for Section 504 eligibility?

No. A medical or mental health diagnosis by a doctor or health care provider should be considered as one piece of information, along with information from a variety of other sources, in determination whether a student with an impairment meets the disability criteria of Section 504 (*i.e.*, whether the impairment substantially limits the student in one or more major life activities). For example, a student who has a physical or mental impairment would not be a student with a disability under Section 504 if the impairment does not limit any major life activity, or if the impairment only results in a minor limitation.

Is the 504 Team required to accept the doctor’s or health care provider’s recommendations regarding a 504 Written Education Plan or accommodations?

No. The 504 Team must consider information from a variety of sources, including information from the student’s doctor or health care provider to determine whether a student has a disability under Section 504 and to decide what accommodations and services, if any, are needed.

Must the 504 Team accept or consider a diagnosis made by a social worker or psychologist?

Yes. A diagnosis by a licensed clinical social worker or licensed psychologist (rather than a medical doctor) should be considered as one piece of information, along with information from a variety of other sources, in determining whether a student with an impairment meets the eligibility criteria of Section 504 (*i.e.*, whether the impairment substantially limits the student in one or more major life activities).

Note, however, that it is up to the 504 Team to determine the credibility/weight of the information considered given the student's individual circumstances. The Team may also need to consider whether other assessments are need in order to determine eligibility.

What paperwork does the 504 Team complete to document the eligibility determination process?

When considering a student's eligibility under Section 504, the 504 Team will complete a 504 Eligibility Determination Review. A copy of the completed 504 Eligibility Determination Review will be sent to the parent/guardian within a reasonable time after the meeting (*i.e.*, no more than 5 school days) and shall be placed in the student's 504 folder.

In addition, a copy of the meeting minutes will be sent to the parent/guardian and placed in the student's 504 folder within a reasonable time after the meeting (*i.e.*, no more than 5 school days).

Finally, the school must provide the parent/guardian with Notice of Parents' Section 504 Rights, including that the parent/guardian has a right to seek resolution of any disagreements through the local grievance procedure or by initiating an impartial due process hearing.

What happens if the team does not agree on the eligibility determination or other decisions that are made by the 504 Team?

504 Team decisions should be 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 school district (*i.e.*, building administrator) must make sure that the eligibility determination is made by the 504 Team, which includes persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options.

If the parent does not agree with the team decision, the parent may attempt to resolve the disagreement through the local grievance procedure or by initiating an impartial due process hearing.

Is parental consent required for the student to receive a 504 Written Education Plan if the 504 Team determines that the student qualifies as a student with a disability under Section 504?

Yes.

Can the 504 Written Education Plan be implemented before parental consent is obtained (*i.e.*, if parent is not present at 504 meeting but 504 Team determines that student is 504- eligible and also needs a 504 Written Education Plan)?

No. The plan should not be implemented until or unless parental consent is obtained.

Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

Only if the student continues to be eligible. If the school reevaluates a student and determines that the student no longer has a physical or mental impairment or that the physical or mental impairment no longer substantially limits one or more major life activities, the student is no longer eligible for services under Section 504.

Placement and Section 504 Written Education Plans

What is a 504 Written Education Plan?

The 504 Written Education Plan documents the specific accommodations and supports that the student needs to ensure that the individual needs of the student are met as adequately as the needs of non-disabled students. The 504 Written Education Plan should be designed to provide appropriate supports (*e.g.*, to “level the playing field”) needed by the student to address his/her disability, not to provide all of the supports needed to maximize the student’s potential. The need for accommodations should be documented in the student’s records.

The 504 Team should make an individual determination of the student’s educational needs and the accommodations required. A 504 Written Education Plan must be implemented in the least restrictive environment.

Will every student who is determined to have a disability under Section 504 have a Section 504 Written Education Plan?

No. When the 504 Team is considering whether a student has a disability under Section 504, the team cannot consider any mitigating measures (*i.e.*, medication, assistive devices such as hearing aids, or other individual supports) used by the student. The one exception is for ordinary eyeglasses or contact lenses.

In some cases, a student may not need a Section 504 plan if the mitigating measures allow the student to access his/her education.

If the team determines that an eligible student requires accommodations and/or related aids or services, a 504 Written Education Plan will be written.

If the team determines that a student does not require any accommodations and/or related aids or services, the meeting minutes should state that no aids or services are needed at this time.

Note: If the mitigating measure is removed or is no longer effective, the Team should reconvene and determine if a Written Education Plan is now required.

What principles should be used in developing a 504 Written Education Plan?

Section 504 Written Education Plans should be designed to provide a student with a disability with an opportunity – equal to that of a non-disabled student – to benefit from the learning environment.

The student’s Section 504 Plan should be developed according to the following principles:

- The plan should be student-specific and not just school-specific.
- The plan should accompany the student from one school to the next, and, if applicable, in summer school, alternative schools, and extracurricular activities.

- Schools must implement all accommodations documented in the plan; therefore, accommodations should not be included if the school will be unable to provide the accommodation.
- The accommodations/supports used and provided for the student should be listed in writing on the plan.

What are the accommodations and supports available to a student under Section 504?

Under Section 504, a student with a disability is entitled to receive any accommodations and auxiliary aids and services needed to access his/her education. There is no list of approved accommodations.

The term “accommodation” describes an alteration of environment, curriculum format, or equipment that allows an individual with a disability the opportunity to access the Standard Course of Study. Accommodations allow students with disabilities to pursue a regular course of study. Since accommodations do not alter the curriculum that is being taught, teachers should be able to implement the same grading scale for students with disabilities as they do for students without disabilities.

There is no set list of accommodations; however, examples of accommodations include the following:

- Sign language interpreters for students who are deaf;
- Computer text-to-speech software for students with visual impairments;
- Extended time for students with fine motor limitations, visual impairments, or learning disabilities; and
- Large-print books and worksheets for students with visual impairments.

In addition, accommodations might include:

- Changes to the learning environment or instructional day;
- Changes to instructional delivery;
- Changes to assignments/homework;
- Changes to testing procedures;
- Organizational assistance;
- “Lunch bunch” or similar social skills workshops with school counselors;
- Behavioral modifications or development of a behavioral support plan; and/or
- Communication modifications.

Note: Speech-language impairment is a disability under IDEA and that, in almost every case, a student who qualifies for speech or language services only should be served with an IEP rather than a 504 Written Education Plan.

What guidelines should a 504 Team use in determining appropriate accommodations?

The 504 Team should make sure that the proposed accommodation(s) are supported by evaluation data and that the accommodation is needed to provide the student with equal access to education.

In addition, the 504 Team should write clear accommodations that leave no room for interpretation or teacher/student discretion.

Can a student receive accommodations on end of grade and end of course tests as part of a 504 Written Education Plan?

Students who qualify under Section 504 may be eligible for appropriate accommodations in the state and local testing program. In order for a student to receive accommodations in the state and local testing program, the following conditions must be met:

- Test accommodations for students with disabilities must be consistent with instructional practices that are routinely used in the classroom and documented in the student's current Section 504 Written Education Plan;
- Test accommodations must occur in the classroom from the time of the plan's development and must be in place at least 30 calendar days prior to testing in order to be utilized during state tests;
- The accommodations needed on state and local assessments must be clearly defined in the student's 504 plan; and
- Students should only receive the accommodations needed to address the student's disability and to provide the student with an equal opportunity.

How should a student's EOG or EOC test accommodations be documented?

Test accommodations will be documented on the student's 504 Written Education Plan as explained in the previous question. In addition, test accommodations provided pursuant to a 504 plan must be entered into PowerSchool. Each test must have a separate form for accommodations. Contact your school testing coordinator for additional information.

How should teachers document the use of classroom accommodations for a 504 Written Education Plan?

CCS does not have a form in place for teachers to document the use of classroom accommodations for a 504 plan in the classroom. Teachers may develop their own system of documentation.

With respect to documentation of the use classroom accommodations for the accommodations that are used on state and local assessments, teachers should coordinate with the school testing coordinator.

Can a student with a disability under Section 504 participate in honors or Advanced Placement classes?

Yes. It violates Section 504 to deny a student with a disability admission to an accelerated class or program solely because of that student has a disability or a 504 plan. A student with a disability must be given the same opportunity to compete for and benefit from accelerated programs and classes as is given to a student without a disability.

If a student with a disability requires accommodations to participate in a regular education class or program, then a school cannot deny that student the needed accommodations in an accelerated class or program. For example, if a student's IEP or 504 plan provides for Braille materials in order to participate in the regular education program and she enrolls in an accelerated or advanced history class, then she also must receive Braille materials for that class. The same would be true for other needed accommodations such as extended time on tests or the use of a computer to take notes.

Is a 504 Written Education Plan the same as an IEP?

No. An IEP is written for students who meet the eligibility criteria of the IDEA and who need special education services.

A 504 Written Education Plan is designed to address the needs of students with disabilities under Section 504 who do not need special education services but who need accommodations or other supports at school in order to access their education.

If a student is eligible under both IDEA and Section 504, should the school develop a 504 Written Education Plan for the student?

No. If a student is eligible under IDEA, he/she is also eligible under Section 504. If a student is eligible under IDEA, he/she must have an IEP. The IEP meets the Section 504 requirements for a free appropriate public education. Duplication of services and/or accommodations through both Section 504 and the IDEA should not be considered.

What are the responsibilities of regular education teachers to implement a Section 504 Written Education Plan?

A student's regular education teacher(s) are required to implement the Section 504 Written Education Plan as written. A teacher cannot unilaterally decide that he/she will not provide a student with the accommodations set forth in the 504 plan.

The 504 Written Education Plan will be made available to all school employees who have responsibilities under the Plan and to the parent/guardian. A copy of the 504 Written Education Plan will be placed in the student's 504 folder within a reasonable time (*i.e.*, no more than 5 school days) after the meeting.

Note: If a regular education teacher will be absent from school, he/she should indicate on the lesson plans for the substitute teacher what accommodations need to be made for any students who receive accommodations under a 504 Written Education Plan.

What is the difference between a regular education intervention plan and a Section 504 Written Education Plan?

A regular education intervention plan is appropriate for a student who does not have a disability or who is not suspected of having a disability, but who is struggling in school.

How often must a student's Section 504 Written Education Plan be reviewed?

The plan must be reviewed annually to ensure that educators understand the student's accommodations; for example, if the plan was written on March 30, 2022, it should be reviewed no later than March 29, 2023.

In addition to the annual review, it is recommended that an informal review of the plan be conducted after the first 30 days of the school year to assure that all of the student's teachers are familiar with the student's accommodations.

Scheduling and holding annual review meetings are the responsibility of the school's Section 504 Coordinator. The Coordinator is also responsible for providing copies of the 504 Written Education Plan to the student's teacher(s) at the beginning of each school year (for elementary/middle school if student keeps same teacher(s) from one semester to the next) and/or semester (for middle/high school if student's teacher(s) change) and whenever the plan or the staff implementing the plan changes.

Should any changes be necessary to the accommodation plan during the year, parental involvement is required. In addition, if the school is considering a significant change in placement, a reevaluation and review should be conducted prior to the change.

What procedure should be followed for a Section 504 annual review meeting?

The following procedure shall be used:

- The 504 Coordinator sends out the Parent/Guardian Invitation to Section 504 Meeting.
- A new 504 Written Education Plan must be developed. A copy is provided to the parent at the conclusion of the meeting.
- The 504 Coordinator should provide parent with Notice of Parents' Section 504 Rights.

Are extracurricular activities and non-academic services covered under Section 504?

Yes. The school system is required to provide students who are disabled under Section 504 with the equal opportunity to participate in non-academic and extracurricular services and activities.

Therefore, if a service is provided to non-disabled students, the service must also be provided to students with disabilities.

Non-academic and extracurricular services and activities may include counseling services, interscholastic, club or intramural athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies which provide assistance to disabled persons, and employment of students, including both employment by the school and assistance in making outside employment available.

Therefore, if a student with a disability meets the eligibility requirements for an extracurricular or non-academic activity, with or without reasonable accommodations, the school has an obligation to permit the student the opportunity to participate on equal terms with non-disabled students and must provide any necessary accommodations at no cost to the student. In order to do so, the school system must

- Make reasonable accommodations to rules, policies or practices,
- Remove architectural barriers, and/or
- Provide auxiliary services

Unless the school system can prove that this would result in undue financial and administrative burdens or result in a fundamental alteration of the program.

Most disputes regarding students with disabilities in extracurricular activities concern whether requested accommodations would be reasonable and necessary for the district to provide. These issues are complex and have been litigated extensively in the courts. A thorough review should be undertaken by the student's Section 504 Team before any student is denied access to a desired activity.

Transfers

What is the school's responsibility under Section 504 when a student transfers into the school with a Section 504 Written Education Plan from another school system (either in-state or out-of-state)?

If a student with a disability (who has a current Written Education Plan or similar Section 504 plan that was in effect in a previous school) transfers to a Cabarrus County School, CCS (in consultation with the parents) must provide the student with FAPE (including services comparable to those described in the child's plan from the previous school), until CCS reevaluates the student within a reasonable period of time (i.e., 30 - 60 school days), to determine whether the student continues to qualify under Section 504 and, if so, determine which educational program is appropriate for the student and whether a Section 504 Written Education Plan is needed.

Reevaluation

What is a reevaluation?

A reevaluation is the process of reconsidering eligibility under Section 504. If the 504 Team determines that a student continues to be eligible under Section 504, the team must also review the student's accommodations. The 504 Team must consider information from a variety of sources including, but not limited to, parent-provided information, medical information/records, standardized testing, norm-referenced testing, teacher anecdotal records, report cards, behavior charts, and progress reports.

When is a reevaluation required under Section 504?

At a minimum, a Section 504 reevaluation should be conducted every three years. The reevaluation timeline runs three years from the date of initial placement or from the last reevaluation, whichever happened most recently.

Reevaluations also must be conducted:

- If the student's parent or teacher requests a reevaluation; or
- Prior to a significant change in placement.

Reevaluations are not required to be conducted more than one time per year unless the parent and the school agree to do so.

What is a significant change in placement that triggers the need for a reevaluation?

A significant change in placement is a placement that changes the nature, type or duration or the student's educational program. The following are examples of a significant change in placement:

- Exiting the student from Section 504 eligibility.
- Terminating or significantly reducing a related service.
- A change from one type of program to another.
- Long-term suspension or expulsion.
- A pattern of short-term suspensions that add up to more than ten school days in one year. The existence of a pattern is determined by looking at the length of each removal, how close the removals are to each other, and the total amount of time removed.

What process should be followed when conducting a reevaluation meeting under Section 504?

The school's Section 504 Coordinator is responsible for scheduling the reevaluation meeting and for monitoring and implementing actions associated with reevaluation. Parental notice is required prior to any significant changes in placement, including long-term suspensions or expulsions.

The following procedure shall be used:

- The 504 Coordinator must inform parent of reevaluation by sending the Parent/Guardian Invitation to Section 504 Meeting. Parents are provided with Notice of Parents' Section 504 Rights.
- If needed, the 504 Team completes Parent Notice and Consent for Section 504 Evaluation and contacts necessary person(s) to complete evaluation.
- A new medical form may be obtained from the student's doctor or health care provider.
- Once evaluation(s) are completed, parents are sent Parent/Guardian Invitation to Section 504 Meeting.
- When considering a student's eligibility under Section 504, the 504 Team will complete a 504 Eligibility Determination Review. A copy of the completed 504 Eligibility Determination Review will be provided to the parent/guardian at the meeting or sent to the parent/guardian within a reasonable time after the meeting (*i.e.*, within 5 school days). The report also shall be placed in the student's 504 folder.

Note: Updated medical information should be requested at each reevaluation, unless the student has a chronic condition which previous medical documentation has indicated will not change. If any member of the 504 Team questions whether a student continues to have a physical or mental impairment, a reevaluation should be conducted.

What should the school do if a parent decides that their child should no longer receive services under Section 504?

The school may initiate a Section 504 due process hearing to resolve the dispute if the district believes the student needs the services in order to receive an appropriate education.

Student Discipline under Section 504

What rules apply to Section 504 students who are suspended?

A Section 504 student may be suspended for up to 10 cumulative school days as long as the suspension is consistent with the rules and procedures applied to non-disabled students.

If a student is suspended or expelled for a length of time that would be considered a significant change of placement (*i.e.*, long-term suspension recommendation or expulsion or pattern of removals), the Section 504 Team must hold a meeting to conduct a reevaluation and to determine whether the misconduct was related to the student's disability (*i.e.*, a manifestation determination meeting).

Note: Unlike special education under IDEA, there is no independent duty under Section 504 to provide services to 504 students who have received suspensions in excess of 10 cumulative days in the school year and there is no requirement to conduct a functional behavioral assessment or develop a behavioral intervention plan. The team may want to consider if an FBA or BIP would be an appropriate support or supplement for the student.

When is a disciplinary removal considered to be a significant change in placement under Section 504?

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

- The removal is for more than 10 consecutive school days in a row (*i.e.*, a long term suspension or expulsion); or
- 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.

What criteria are used to determine whether the student's misconduct is a manifestation of his/her disability under Section 504?

The 504 Team considers

- Whether the student's conduct was caused by or had a direct and substantial relationship to the student's disability; and
- Whether the student's conduct was a direct result of the school not implementing the student's Section 504 Written Education Plan.

What happens if the 504 Team determines that the student’s misconduct is a manifestation of his/her disability?

If the 504 Team determines that the misconduct is related to the disability, then the school may not impose the suspension or expulsion. In addition, 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 free appropriate public education (FAPE).

Note: There is no legal requirement for a functional behavioral assessment or behavioral intervention plan under Section 504; however the development of a positive behavioral support plan is one means of providing accommodations under Section 504.

What happens if the 504 Team determines that the student’s misconduct is not a manifestation of his/her disability?

If a determination is made that the misconduct was not related to the disability, then the student may be treated in the same manner as a non-disabled student. There is no requirement under Section 504 to provide any educational services during the suspension, if non-disabled students also would be denied educational services.

Is there ever a time when a manifestation determination meeting is not required to be held for a Section 504 student who is subject to a significant change in placement for disciplinary reasons?

Yes. At the discretion of school administration, a Section 504 student who is found to have violated school policies regarding the use or possession of drugs and alcohol, and also is 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 to conduct a manifestation determination. In this situation, educational services are not required.

Note: OCR defines “current use of drugs” as “illegal use of drugs that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem” OCR Staff Memorandum, 1992.

What happens if a student is suspended for possession of drugs or alcohol but was not using drugs or alcohol at school? If the student is a “known user,” in other words, if there is knowledge that the student regularly uses drugs or alcohol, the student is not entitled to a manifestation determination. However, if the student with a disability was caught in possession, but there is no knowledge that the student ever uses drugs or alcohol, he is still entitled to the manifestation determination.

Procedural Safeguards/Parents' Rights

How are parents/guardians involved in Section 504 meetings?

School personnel are expected to provide a student's parent(s)/guardian(s) with all information that is reviewed in the evaluation and the determination of eligibility of a child for a Section 504 Plan.

It is expected that teachers communicate with parents regarding their child's performance, especially when the student is experiencing academic or behavioral difficulties. Parents and guardians must be participants in all meetings of the 504 Team when the identification, evaluation, or placement of the student is being considered. Parents must be informed of the date, time, location, and purpose of any scheduled meeting. The 504 Coordinator should use the Parent/Guardian Invitation to Section 504 Meeting to assure that parents are informed in writing. A copy of the invitation should be retained for the student's file. Parents and guardians may request a more convenient time and location if needed.

What rights do parents/guardians have under Section 504?

Under Section 504, parents and guardians have the specific right to:

- Have their child take part in and receive benefits from public education programs without discrimination based on a disability;
- Have the school district advise the parent as to the parent's rights under federal laws;
- Receive notice with respect to evaluation, identification, or placement of their child;
- Have their child receive a free appropriate public education, including being educated with other non-disabled students to the maximum extent appropriate and, if needed, have the school district make reasonable accommodations to allow their child an equal opportunity to participate in school and school-related activities;
- Have their child educated in facilities and receive services comparable to those provided students without disabilities;
- Have evaluation, identification, and placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options;
- Have periodic reevaluations and an evaluation prior to any significant changes in the student's educational program.
- Give their child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district;

- Examine all relevant records relating to decisions regarding their child's evaluation, identification, educational program, and placement;
- Obtain copies of educational records at a reasonable cost;
- Receive a response from the school district to reasonable requests for explanations and interpretations of their child's records;
- Request amendment of their child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of their child and receive notification and advice about their right to a hearing if the school district refuses this request; and
- Request a grievance hearing as provided in Cabarrus County Board of Education Policy 1740/4010, Student and Parent Grievances, for any disagreement with respect to actions regarding the identification, evaluation, educational services, or educational program or plan of students who, because of disability, need or are believed to need Section 504 Written Education Plans and are not eligible under the IDEA.

How and when are parents/guardians notified of their rights under Section 504?

The school system has an obligation to ensure that parents/guardians of students identified under Section 504 receive notice of the procedural safeguards that apply under Section 504. The school system provides notice to parents/guardians of their 504 procedural safeguards through two publications:

- 1) A Notice of Parents' Section 504 Rights, which lists the central procedural safeguards available to parents/guardians of students with disabilities; and
- 2) A Section 504 Handbook, which includes a more extensive discussion of the 504 process and procedural safeguards, and includes the Notice of Parents' Section 504 Rights included in the handbook.

The Notice of Parents' Section 504 Rights (procedural safeguards) should be provided when a decision regarding the identification, evaluation, educational placement or change in placement is made and before the decision is implemented.

Where can I get a copy of the Notice of Parents' Section 504 Rights? What about the Section 504 Handbook?

The Notice of Parents' Section 504 Rights and the Section 504 Handbook can be obtained as follows:

- The Notice of Parents' Section 504 Rights is made available to parents/guardians at all 504 meetings.

- The Notice of Parents' Section 504 Rights and the Section 504 Handbook are also posted on the CCS web site and are accessible to all families who are searching the web site for information on Section 504.
- By request to the school Section 504 Coordinator or by request to the Cabarrus County Schools Section 504 Coordinator.

What should a parent do if he/she disagrees with any decisions or actions regarding his/her child's identification, evaluation, educational program or placement under Section 504?

The parent has the right to an impartial hearing. Parents should use Cabarrus County Board of Education Policy 1740/4010, Student and Parent Grievances, to resolve a complaint pursuant to Section 504.

In addition, the following person has been designated to handle inquiries from parents and/or students regarding the non-discrimination policies:

Angela Fitzwater
 Director of Exceptional Children
 4401 Old Airport Rd.
 Concord, NC 28025
 Telephone: 704-260-5775
 E-mail: Angela.Fitzwaer@cabarrus.k12.nc.us

Finally, for further information on Section 504, parents can contact the following OCR enforcement office, which serves North Carolina:

Washington DC (Metro)
 Office for Civil Rights
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, D.C. 20202-1475
 Telephone: 202-453-6020
 FAX: 202-453-6021;
 TDD: 877-521-2172
 Email: OCR.DC@ed.gov
 Or contact OCR headquarters at 1-800-421-3481.

* Some material in this Handbook was adapted from the Portland Public Schools 504 Manual, the Johnston County Schools 504 Manual; and U.S. Dept. of Education Office of Civil Rights (OCR), Frequently Asked Questions about Section 504 and the Education of Children with Disabilities (last updated Mar. 17, 2011), *available at* <http://www.ed.gov/print/about/offices/list/ocr/504faq.html>.