

DISTRICT GUIDE FOR  
IMPLEMENTATION OF  
THE REGULATIONS OF  
SECTION 504 OF THE  
REHABILITATION ACT  
OF 1973

Includes all district forms applicable to Section 504 development and  
implementation.

*LOGAN  
COUNTY  
PUBLIC  
SCHOOLS*

---

# Table of Contents

<b>Section 504 of the Rehabilitation Act</b> .....	3
<b>Definitions</b> .....	3
Who is an ‘individual with disabilities’? {34 CFR 104.3(j)} .....	3
Who is a ‘qualified’ individual with disabilities? {34 CFR 104.3 (l) (2)} .....	4
What is a ‘program or activity’? .....	4
What is a ‘major life activity’?.....	4
What constitutes discrimination under Section 504? .....	4
<b>District Obligations for Elementary and Secondary Education</b> .....	6
Child-Find .....	6
Educational Setting .....	6
Free Appropriate Public Education .....	6
Nonpublic School Placements Made by Parent(s)/Guardian(s).....	6
Transportation .....	6
504 Evaluations .....	7
Additional Assessment .....	7
504 Placement Procedures .....	7
504 Reviews/Reevaluations .....	7
Nonacademic Services/Extracurricular Athletics.....	8
Preschool and Adult Education .....	8
Procedural Safeguards.....	8
Service Animals .....	8
Access .....	9
<b>Notice of Parent(s) or Guardian(s)/Student Rights</b> .....	10
<b>Section 504 of the Rehabilitation Act of 1973</b> .....	10
<b>Procedures for Serving Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973</b> .....	11
Step One—Concern .....	11
Step Two—Referral.....	12
Step Three—Screening/Record Review/Status Review .....	12
Step Four—Evaluation.....	13
Step Five—Eligibility .....	13
Step Six—Adaptation Plan .....	13
Step Seven—Review/Reevaluation .....	13
Step Eight—Procedural Safeguard/Notice.....	14
<b>Section 504 Discipline, Suspension/Expulsion Procedures</b> .....	15
<b>Commonly Asked Questions and Their Answers</b> .....	18
<b>Recommended Process for Resolving Disagreements Regarding the Identification, Evaluation, or Placement of Section 504 Students</b> .....	27
<b>Forms</b> .....	28
Section 504 Referral Form	
Section 504 Notice of Meeting Form	
Section 504 Eligibility Determination Form	
Section 504 Adaptation Plan Form	
Section 504 Eligibility Evaluation Form	
Section 504 Meeting Summary Form	
Section 504 Consent for Section 504 Implementation Form	
Section 504 Health Care Provider Questionnaire	
Section 504 Evaluation Summary Form	

---

# Section 504 of the Rehabilitation Act

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that states: “No otherwise qualified individual with disabilities in the United States ... shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any executive agency or by the United States Postal Service.”

## Definitions

### Who is an ‘individual with disabilities’? {34 CFR 104.3(j)}

An individual with a disability is the same as “a Handicapped person” as defined in 34 CFR 104.3(j) and the Americans with Disabilities Act (ADA) Amendments Act of 2008. That definition is as follows:

(j) “Handicapped person (1) Handicapped persons means any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.”

The legal definition contained in Section 504 does not set forth a list of specific diseases and conditions that constitute physical or mental impairment because of the difficulty of ensuring the comprehensiveness of such a list. Physical or mental impairment means (A) 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, genitorurinary, hemic and lymphatic, skin, and endocrine or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

There is a three-pronged definition used to qualify a person as an individual with disabilities under the regulations:

- (i) A person is considered disabled under Section 504 if he/she “has a physical or mental impairment which substantially limits one or more major life activities.” This prong of the definition sets forth the eligibility criteria.
  - (ii) has a record of such an impairment, or
  - (iii) is regarded as having such an impairment
- OCR: Staff Memo, 1992 IDELR 894

The second and third prongs to the definition do not entitle a student to an adaptation plan; they provide a complaint system in the event of discrimination based on a history of being disabled or being perceived as handicapped.

Note: “Persons with a disability” is the current terminology for “handicapped person(s).”

---

## **Who is a ‘qualified’ individual with disabilities? {34 CFR 104.3 (I) (2)}**

With respect to public preschool, elementary, secondary, or adult education services, a qualified person with a disability is (i) of an age during which persons without disabilities are provided such services; (ii) of any age during which it is mandatory under state law to provide such services to persons with disabilities; or (iii) is one to whom a state is required to provide a free, appropriate public education under Section 612 of the Individuals with Disabilities Education Act (IDEA). For school districts, this means all school-age persons with disabilities, ages 3 to 21.

A student who falls into any of these categories is protected under Section 504 from discrimination solely due to the impairment. However, a student may receive a Section 504 Accommodation Plan only when he or she actually has a physical or mental impairment. Only students who currently experience “impairments, even if episodic or in remission, that substantially limit a major life activity, when active” are eligible for referral, evaluation, and accommodation under the Section 504 Accommodation Plan ADA Amendments Act of 2008.

Section 504 also protects parents who have a disabling condition. Accommodations, such as an interpreter for hearing-impaired parents, allow parents an equal opportunity to participate in school-initiated activities.

## **What is a ‘program or activity’?**

The term includes all programs or activities of the Logan County Public Schools (herefor after, referred to as LCPS).

## **What is a ‘major life activity’?**

“Major life activities means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.” These 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 {34 CFR 104.3(j)(2)(ii), ADA Amendments Act of 2008}.

## **What constitutes discrimination under Section 504?**

Discrimination under Section 504, as defined in 34 CFR 104.4(b), occurs when a recipient of federal funds:

- Denies a qualified individual the opportunity “to participate in or benefit from the aid, benefit, or service” that is afforded to students without a disability (e.g., refusing to allow any student with an Individual Education Program [IEP] the opportunity to be on the Honor Roll, denial of credit to a student whose absenteeism is related to his or her disabling condition, expelling a student for behavior related to his or her disabling condition, refusing to dispense medication to a student who could not attend school otherwise).
- Fails to afford a qualified individual with disabilities an opportunity “to participate in or benefit from the aid, benefit, or service” equal to that which is afforded a student without a disability (e.g., applying a policy that conditions interscholastic sports eligibility on the student’s receiving passing grades in five subjects, without regard to the student’s disabling condition).
- Fails to provide to a qualified individual with disabilities the “aid, benefit, or service that is not as effective\* as those that are provided to others” or students without a disability (e.g., placing a student with a hearing impairment in the front row as opposed to providing him or her with an interpreter).

\*“Equally effective” aid, benefit, or service need not produce identical results or level of achievement for disabled and nondisabled persons but must afford disabled persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the person’s needs.

- Provides “different or separate aid, benefits, or services” than are provided to students without a disability (e.g., segregating students in separate classes, schools, or facilities, unless necessary).
- Aids or perpetuates discrimination “by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability” (e.g., sponsoring a student organization that excludes persons with disabilities).

- 
- Denies a qualified person with disabilities “the opportunity to participate as a member of planning or advisory boards” strictly because of his or her disabling condition.
  - Otherwise limits “the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others” (e.g., prohibiting a person with a physical impairment from using a service dog at school).
  - In determining the site or location of a facility, makes selections that effectively exclude persons with disabilities, deny them benefits, or otherwise subject them to discrimination (e.g., allowing students with disabilities to be located in inferior facilities, such as trailers, wings in basements, and unnecessarily restrictive classrooms due to a lack of classroom space).
  - Despite the existence of separate or different aid, benefits, or services, denies a qualified person “the opportunity to participate in such aid, benefits, or services that are not separate or different.”
  - Utilizes criteria or methods of administration (i) that have the effect of subjecting qualified persons with disabilities to discrimination on the basis of disability, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the district’s program or activity with respect to qualified persons with disabilities, or (iii) that perpetuate the discrimination of another if that person or agency is subject to common administrative control with the district or is an agency of the same state {34 CFR 104.43}.

Note: The requirements under Section 504 are consistent with ADA, but ADA has a broader coverage.

The Rehabilitation Act Amendments of 1992 amended the Rehabilitation Act of 1973, 29 U.S.C. 701-97 (1988 & Supp. IV 1992), to apply the substantive standards of Title I of the ADA to Sections 501, 503, and 504 of the Rehabilitation Act for nonaffirmative action employment discrimination cases {Pub. L. No. 102-569, 106 Stat. 4344 at 4424, 4428 (1992)} {(Codified at 29 U.S.C. 791(g), 793(d), 794(d) (Supp. IV 1992)}. Sections 501, 503, and 504 of the Rehabilitation Act prohibit federal agencies, federal contractors, and programs receiving federal financial assistance from discriminating on the basis of disability. The ADA definition of the term “disability,” therefore, also applies to those sections of the Rehabilitation Act.

---

# LCPS District Obligations for Elementary and Secondary Education

## Child-Find

The LCPS District will undertake to identify and locate every qualified disabled person who is residing in its jurisdiction and who is not receiving a public education and will take appropriate steps to notify persons who are disabled, as well as their parents/guardians, of this duty (34 CFR 104.32).

The LCPS District conducts an annual Child-Find through routine and periodic screening; public notice; public-service announcements; and mass mailings to community health, mental-health, and social-services agencies as well as the private/parochial sector of the educational community. The notice is designed to make the community aware of the availability of services to qualified children and youth with disabilities and the method by which referrals may be made.

Schools conducting periodic screenings should carefully document the results of those events and should continue to make referrals to appropriate school personnel when concerns arise as a result.

## Educational Setting

The district shall place a student with a disability in the regular educational environment unless it is demonstrated that the education of the student in the regular environment, with the use of supplementary aids and services, cannot be achieved satisfactorily. The district shall ensure that students with a disability participate with students without a disability to the maximum extent appropriate in the provision of nonacademic and extracurricular services and activities, including meals and recess periods. Any facilities identifiable as being for persons with disabilities must be comparable to facilities, services, and activities provided to other students (34 CFR 104.34).

## Free Appropriate Public Education

The district must provide a free, appropriate public education (regular or special education and related aids and services) to Section 504-qualified disabled school-age children who reside within the district. Instruction must be individually designed to meet the individual educational needs of these students as adequately as the needs of students without a disability are met.

The quality of educational services provided to a qualified person with disabilities must be equivalent to the services provided to students without a disability. If the district cannot provide a free appropriate public education and an alternative placement (including residential) is necessary, it will be provided at no cost to the parent(s)/guardian(s).

## Nonpublic School Placements Made by Parent(s)/Guardian(s)

If the district has made available a free appropriate public education to a student, one that conforms to the requirements of Section 504, but the parent(s)/guardian(s) chooses to place the student elsewhere, the district is not responsible for any costs incurred {34 CFR 104.33(c)(4)}. Disagreements between a parent/guardian and the district regarding whether the district has made such a program available—or otherwise regarding the question of financial responsibility—are subject to due-process and grievance procedures (34 CFR 104.36).

## Transportation

If the district provides transportation for all of its students within a certain geographic area, the district may not discriminate in its provision of transportation to qualified persons with disabilities.

If the district places a student with a disability in a program not operated by the district, the district must ensure that adequate transportation to and from the program is provided at no greater cost than the parent would have paid to transport the child to the district-operated program {34 CFR 104.33(c)(2)}.

---

## 504 Evaluations

If a student with a disability needs, or is believed to need, special education or related services, the district must evaluate the student prior to initial placement in a regular or special education program and any subsequent significant change in placement {34 CFR 104.35(a)}.

The district must ensure that tests and other evaluation materials:

- “Have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer.”
- “Include those tailored to access specific areas of educational need and not merely those that are designed to provide a single, general intelligence quotient.”
- “Reflect aptitude or achievement or whatever else the tests propose to measure and do not reflect the student’s impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular deficits)” {34 CFR 104.35(b)}.

Section 504 does not provide for an independent evaluation at public expense. The district will consider any evaluation information provided by the parent/guardian.

## Additional Assessment

Components included in an evaluation should reflect teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

## 504 Placement Procedures

In interpreting educational evaluation data and in making placement decisions, the district must (34 CFR 104.35):

- “Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.”
- “Ensure that information obtained from all such sources is documented and carefully considered.”
- “Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child; the meaning of the evaluation data; and placement options.”
- Ensure that the student is educated with his or her nondisabled peers to the extent appropriate.

## 504 Reviews/Reevaluations

Section 504 reviews/reevaluations should be done periodically and certainly should be considered when:

- Serial suspensions occur.
- Retention is considered.
- The student shows a pattern of not benefiting from instruction.
- The student moves from one educational setting/level to another.
- Additional information is gathered that affects the instructional program of the student.
- Circumstances change and eligibility is in question.
- There is a parent request for a reevaluation.
- There is a significant change in placement.

**Section 504 reevaluations are required at a minimum of three-year intervals.** All information available regarding the status of the student should be reviewed by a team knowledgeable about the student and similar to the team that established initial eligibility under Section 504.

---

## **Nonacademic Services/Extracurricular Athletics**

The district must provide equal opportunity in such areas as counseling, physical/recreational athletics, transportation, health services, recreational activities, special-interest groups or clubs, referrals to other agencies, and employment (34 CFR 104.37).

- **Counseling:** The district must provide personal, academic, or vocational counseling, guidance, or placement without discrimination on the basis of disability. The district shall ensure that qualified students with a disability are not counseled toward more restrictive career objectives than are students without a disability with similar interests and abilities.
- **Physical education (PE) and athletics:** The district must provide PE courses and athletics and similar programs and activities without discrimination on the basis of disability. Qualified students with a disability must be provided an equal opportunity for participation in physical education courses, interscholastic activities, clubs, and intramural athletics. Schools must ensure equal access and may require reasonable modifications to existing policies, practices, or procedures. Modifications ensure equal opportunity to participate but not do grant an unfair advantage to alter the fundamentals of the athletic activity.

The district may offer students with disabilities PE and athletic activities that are separate or different from those offered to students without a disability only if:

- In separating or differentiating, the student who is disabled participates with students without a disability to the maximum extent appropriate to the needs of the student with a disability in question.
- No qualified student with a disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

## **Preschool and Adult Education**

The district may not, on the basis of disability, exclude qualified disabled persons from preschool education or day-care programs or activities—or adult education programs or activities—and shall take into account the needs of such persons in determining the aid, benefit, or service to be provided under the program or activity (34 CFR 104.38).

## **Procedural Safeguards**

The district has in place procedural safeguards with respect to actions regarding the identification, evaluation, or educational placement of students with a disability. The procedural safeguards include a notice, an opportunity for the parents/guardians to examine relevant records, an impartial hearing with an opportunity for participation by the person's parents/guardians, representation by counsel, and a review procedure (34 CFR 104.36). These safeguards are presented in the "Notice of Parent(s) or Guardian(s)/Student Rights."

## **Service Animals**

The Americans with Disabilities Act Amendments Act (ADAAA) of 2008 enacted the use of service animals in public entities. Any dog or miniature horse that is individually trained to perform a task for a person with a disability can be used in a public setting, which includes schools and all of their activities. The animal does the work that is directly related to the disability of the student.

The school may ask the following questions: (1) Is the animal required because of a disability? (2) What task or work has the animal been trained to do? (28 CFR 35.136)

The decision regarding the use of a service animal is determined not as the result of a Section 504 Team meeting, but in response to a request and the answers to the two questions above.

The district may ask what work or task the animal is trained to perform and may request proof of training if not readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing

---

assistance with stability or balance to an individual with an observable mobility disability).

The district may ask that the service animal be removed from the premises if: 1) the animal is out of control and the handler does not take effective action to control it or 2) the animal is not housebroken {28 CFR 35.136(b)}.

## **Access**

ADAAA of 2008 enacted legislation to address public access. It ensures the use of manual and power-driven mobility devices as well as an unobstructed path of travel for pedestrian passage to include restrooms, telephones, parking lots, athletic areas, and other areas of assembly. It also provides for accessible seating at all school events for a person with a disability and his or her companion, the use of interpreters, and line of sight in assembly areas.

---

# Notice of Parent(s) or Guardian(s)/Student Rights

## Section 504 of the Rehabilitation Act of 1973

Under Section 504, the federal law grants rights to parents regarding their child's education. The intent of the law is to keep parents/guardians fully informed concerning decisions about their child. Parent(s)/Guardian(s) must be informed of any action pertaining to evaluation, eligibility, and a proposed educational plan prior to any changes in placement.

Persons who are thought to be qualified disabled persons and their parents/guardians shall have the following rights in accordance with Section 504 of the Rehabilitation Act of 1973:

- Right to receive a free, appropriate public education in the least restrictive environment that allows the child to participate in school and school-related activities without discrimination because of a disability
- Right to have evaluation, education, and placement decisions that are based on a variety of information sources and that are made by persons who are knowledgeable of the child, the evaluation data, and placement options
- Right to examine all relevant records and to request an amendment if there is cause to believe they are inaccurate, misleading, or in violation of the child's privacy or other rights
- Right to review information and to request information, as well as interpretations of information, that are understandable to you
- Right to review related decisions or actions regarding the child's identification, evaluation, and educational program or placement and to initiate the resolution process if warranted
- Right to request mediation or an impartial due-process hearing. Parent(s)/Guardian(s) and the child may take part in the hearing and have an attorney present. Mediation or hearing requests must be made to the following:

Compliance and Investigations Director  
Dr. Barry W. Goley  
Logan County Public Schools  
2222 Bowling Green RD  
Russellville, KY 42276  
Telephone: **270.726.2436**

---

# Procedures for Serving Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973

The following steps provide general guidance on how to proceed regarding the issues of students with disabilities as defined by Section 504 of the Rehabilitation Act of 1973. They are not exclusively sequential, as it may not be necessary to address each item each time you consider the possibility of a disability.

Note: After determining ineligibility under IDEA or release from Exceptional Child Education (ECE) services, consideration is given to:

- Eligibility under the guidelines of Section 504.
- Determination of the existence of a Section 504 disability. In the presence of a Section 504 disability, a Section 504 Adaptation Plan would be developed.

Either plan would then become the responsibility of the designated regular/Comprehensive Program person, who would monitor the progress of the student and ensure continued compliance with due process.

## Step One—Concern

A parent, counselor, or administrator, etc., believes he or she is observing in a student substantially limited performance in one or more major life activity that is believed to be caused by a physical or mental impairment.

“Substantially limits” is defined as unable to perform a major life activity that the average person in the general population can perform or significantly 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 the average person in the general population can perform that same major life activity.

Major life activities include functions, such as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks (see page 3).

Consider the existence of a disability for Section 504 eligibility when\*:

- Serial suspensions occur for a student.
- Retention is considered for a student.
- A student shows a pattern of not benefiting from instruction.
- A student returns to school after an extended illness or injury.
- A student returns to school after being released from a treatment center or institution.
- A student is referred for evaluation under IDEA, but it is determined not to do an evaluation under IDEA.
- A student is evaluated and ineligible under IDEA.
- A student exhibits a chronic health condition.
- A student is in danger of dropping out of school.
- Substance abuse is an issue.
- Other reasons for concern arise.
- A student is absent due to health issues.

\*This list is not all inclusive.

---

## Step Two—Referral

### Does this student need an ECE referral?

In many instances, it is clear that a referral should be made to ECE for possible consideration of an IDEA categorical classification: Mild Mental Disability, Functional Mental Disability, Hearing Impairment, Speech-Language Impairment(s), Vision Impairment, Emotional/Behavioral Disability, Specific Learning Disability, Multiple Disability, Autism, Traumatic Brain Injury, Developmental Delay, Orthopedic Impairment, Deaf-Blind, and Other Health Impairment. **If the referral is being made for this purpose, follow the guidelines established by the ECE referral process, or if unsure:**

- The concerned individual should complete the Referral Form and interventions for ECE and forward them to the designated school team to determine the presence of a suspected disability.
- The appropriate team will determine if the student should be referred to ECE or warrants further review for the purpose of Section 504 eligibility.
- One can then proceed with ECE referral or continue Section 504.

## Step Three—Screening/Record Review/Status Review

Within ten school days of receiving the initial indication of concern, the Section 504 Team reviews the information provided with the referral to include, but not be limited to, the student's files, attendance record, suspension record, medical reports, and class work and homework documents. The team then consults with teachers, parent(s)/guardian(s), peers, professional(s), and/or the student, etc.

The Section 504 Team documents current concerns and data presented, and the team determines if the student is a qualified disabled person under Section 504.

### Does this student appear to have a disability under Section 504?

#### If yes:

Provide the parent(s)/guardian(s) with a copy of the Section 504 rights, and proceed to develop the Section 504 Adaptation Plan, involving the appropriate staff. Referrals, local screening forms, 504 Screening Forms, and 504 Adaptation Plans should be maintained in the student's permanent records at the local school. A reference to the existence of this record should be placed in the permanent records. If a student transfers to another LCPS school, the file shall be forwarded to the new school in accordance with LCPS procedure. The principal/designee is responsible for keeping a record of those students for whom a Section 504 Plan has been developed with the anticipated review date.

#### If no:

Provide the record-review results to the source of referral. Include accompanying recommendations. Provide the parent(s)/guardian(s) with "Notice of the Parent(s) and Guardian(s)/Student Rights." Provide written notice to parent(s)/guardian(s) that the student does not qualify. Referrals, local screening forms, 504 Screening Forms, and 504 Adaptation Plans should be maintained in the student's permanent records at the local school. A reference to the existence of this record should be placed in the cumulative file. If a student transfers to another LCPS District school, the file shall be forwarded to the new school in accordance with LCPS procedure.

#### If not sure (if a determination cannot be made and additional information is needed):

- Provide notice to the parent(s)/guardian(s) of the need for tests/observations and a copy of the parents' rights, **and obtain consent in writing.**
- The team member with the authority to commit resources should identify the staff responsible for obtaining the additional items and proceed.
- Obtain written consent from the parent(s)/guardian(s) for an exchange of information as appropriate.

---

## Step Four—Evaluation

If additional information is required to determine Section 504 eligibility, conduct all appropriate tests, observations, etc., for which the parent(s)/guardian(s) has given written permission.

## Step Five—Eligibility

Either at Step Three or at this point, a meeting of staff members who are knowledgeable about the student is needed to review the completed student record and to determine if a disability exists as defined by Section 504. It is recommended that the group be composed of the parent(s)/guardian(s), at least one of the student’s teachers, the student’s counselor, a building administrator, and persons who are knowledgeable about the student’s concerns and the meaning of the evaluation data and/or instructional options. The team composition may vary according to the needs of the student. If documentation presented includes outside agency evaluations, a person with knowledge of the evaluative data needs to be a part of the team’s composition (e.g., school psychologist, audiologist, health service nurse). These specialists may also need to be participants in the team membership to address documentation that was obtained as part of the referral process. The student should always be considered for participation.

A student with a physical or mental impairment, even if **episodic or in remission**, that substantially limits a major life activity **when active** meets eligibility as having a disability under Section 504.

If the Section 504 team identifies a physical or mental impairment, the team then must determine if the impairment affects a major life activity across all aspects of that life activity. The degree of impact of the impairment on the major life activity must substantially limit one’s ability to perform a major life activity that the average person in the general population can perform. Subpar performance relative to cultural, economic, and environmental factors must be considered by the team membership in determining eligibility.

“The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, except for ordinary eyeglasses or contact lens.” “Ordinary eyeglasses or contact lenses” mean “lenses that are intended to fully correct visual acuity or eliminate refractive error” (ADA Amendments Act of 2008).

## Is the student disabled based on the Section 504 definition?

### If yes:

Proceed, as indicated in **Step Three**, or:

## Does the additional data presented now indicate a need for an ECE referral based on the requirements of IDEA?

### If yes:

Proceed with the ECE referral process.

## Step Six—Adaptation Plan

Once eligibility under Section 504 has been determined, a Section 504 Adaptation Plan is to be developed and implemented. The accommodations developed must be directly related to the substantial impact of the physical or mental impairment on the identified major life activity or activities. One individual should be designated to monitor the implementation of the plan and the progress of the student.

## Step Seven—Review/Reevaluation

Each Section 504 Adaptation Plan should be reviewed **periodically** and certainly when:

- Serial suspensions occur.
- Retention is considered.
- A student shows a pattern of not benefiting from instruction.

- 
- A student moves from one educational setting/level to another.
  - Additional information is gathered that affects the instructional program of a student.
  - Circumstances change and eligibility is in question.
  - Adaptations are no longer needed.
  - Chronic absences occur.
  - **At a minimum of three-year intervals.**

All available information regarding the status of the student should be reviewed by a team that is knowledgeable about the student and similar to the team that established initial eligibility under Section 504.

## **Step Eight—Procedural Safeguard/Notice**

**Notification** to parents is **required** with a:

- Determination of eligibility/ineligibility.
- Significant change in programming/status.

Rights under federal law are to be made clear to the parents, and the parents are to be notified that eligibility is being considered. The parent may file a grievance or a complaint with the Office of Civil Rights or request mediation or an impartial due-process hearing related to decisions or actions regarding his or her child's identification, evaluation, or educational program.

**The written permission** of parents is **required** for additional information/data/tests.

**Documentation** is **necessary** at each event to include, but not be limited to:

- Notice of action to be taken.
- Permission to gather new data.
- Eligibility determination.
- Development of the Section 504 Adaptation Plan.
- Significant change of programming.
- Release from the Section 504 Plan.

---

# Section 504 Discipline, Suspension/Expulsion Procedures

Discipline procedures for disabled students as defined by Section 504 of the Rehabilitation Act of 1973 follow guidelines similar to those that apply to students with disabilities identified under the (Individuals with Disabilities Education Improvement Act (IDEIA).

The Section 504 Team completes a Manifestation Determination after a student has been suspended for more than five days within any school year. If the behavior is a manifestation of the disability, the student may be disciplined in accordance with the *Code of Acceptable Behavior and Discipline* and be suspended up to ten cumulative days in a school year. The Section 504 Team considers the following:

- Revising the Section 504 Adaption Plan
- Completing/Revising a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)

In the case of an illegal drug/alcohol offense, according to 29 U.C.S. Section 705 (20)(C)(iv), as indicated by the Office of Civil Rights, “Students eligible under Section 504 lose the right to a Manifestation Determination and due process hearing if they violate illegal drug or alcohol rules and are determined to be ‘current users.’ See 29 U.S.C. Section 705 (20)(C)(iv). Thus, if there is evidence that the student is a current illegal drug or alcohol user, the Section 504 committee can skip the Manifestation Determination, and the student is subject to the regular disciplinary process that would take place in the case of an illegal drug or alcohol offense by a nondisabled student. If there is no evidence that the student is a current user, it must proceed to make the Manifestation Determination.”

OCR has determined that mere possession is not itself evidence of the current use of drugs or alcohol. See, for example, 17 EHLR 609, 611 (OCR 1991). This is the main difference between the rules of discipline for Section 504 students and those for IDEA-eligible students.

How to determine whether a student is a “user”—In many cases, the very nature of the offense will indicate current use, as in the case of the student being found under the influence of drugs or actually using drugs at school or at a school event. In other situations, the nature of the possession offense will indicate current use (e.g., student is found with a small amount of marijuana and a pipe or rolling papers). If the committee is in doubt, it may be advised to conduct a Manifestation Determination.

Local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.

Bus suspension is a disciplinary action. One must count each day as cumulative toward consideration under the rules governing suspensions if the student is unable to attend school due to the bus suspension.

# Logan County School District Section 504 Manifestation Determination Review Form

District Name:

Student Name

Date of Birth

Date of 504 Team Meeting:

**Step 1:**

a. Describe the behavior(s) subject to disciplinary action if not fully explained on the attached disciplinary records

b. Describe proposed disciplinary action(s) under consideration.

**Step 2:**

The 504 team has considered, in terms of the behavior outlined in Step 1, all relevant information, including the following:

- Evaluation and diagnostic results,
- Relevant information supplied by the parents,
- Observation(s) of the student, and
- The student's current 504 plan.

**Step 3:**

1. The Team now determines:

- a. Was the conduct in question caused by, or did it have a direct and substantial relationship to, the child's disability?
- b. Was the conduct in question the direct result of the LEA's failure to implement the Section 504 plan?

2. The conduct shall be determined to be manifestation of the child's disability if the team determines that either of the conditions in subsection 1(a) or (b) of this section was met.

3. If the team determines the condition described in subsection 1(b) of this section was met, the \_\_\_\_\_ (District Name) shall take immediate steps to remedy that deficiency

**Step 4:**

- a. The 504 team finds the behavior in question IS NOT a manifestation of the student's disability, and the student may be subjected to the same disciplinary proceedings as a student without a disability.
- b. The 504 team finds the behavior in question IS a manifestation of the student's disability, and the student's placement cannot be changed due to the behavior incident under review, unless the parents and the LEA agree to a change in placement as part of the modification of the behavioral intervention plan.

\* This form was adapted from the KDE Manifestation Determination Review form for Special Education

---

# Commonly Asked Questions and Their Answers

## Who is eligible for services and protection against discrimination on the basis of disability under Section 504?

To be eligible for services and protection against discrimination on the basis of disability under Section 504, a student must be determined, as a result of an evaluation, to have a physical or mental impairment—even if episodic or in remission—that substantially limits one or more major life activities when active {34 CFR 104.3(j), 34 CFR 104.35(b), 29 CFR 1630.2(g)(j)(2), ADA Amendments Act of 2008}.

## How is a ‘physical or mental impairment’ defined under Section 504?

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, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, and skin and endocrine.

A “mental impairment” is any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Generally, impairments are those recognized in *The Diagnostic and Statistical Manual of Mental Disorders DSM-IV* or other respected sources, if not excluded under Section 504/ADA (e.g., illegal drug use).

## What are considered ‘major life activities’ under Section 504?

“Major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.” These 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” {34 CFR 104.3 (j)2(ii), ADA Amendments Act of 2008}.

## What is a substantial limitation?

“Substantially limits” means: (i) unable to perform a major life activity that the average person in the general population can perform or (ii) significantly 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 the average person in the general population can perform that same major life activity.

“The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. Mitigating measures are things such as medication, medical supplies, prosthetics, hearing aids and cochlear implants, mobility devices or oxygen therapy. However, the ameliorative effects of ordinary eye glasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity” {27 CFR 1630.2(j)(1)(vi)}. “Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error” {27 CFR 1630.2(j)(6) ADA Amendments Act of 2008}.

## What mitigating measures have to be considered by the Section 504 Team in determining whether a student is considered handicapped under Section 504?

Only the use of eyeglasses or contact lenses is a mitigating measure that can be considered.

## When does an impairment ‘substantially limit’ a student’s major life activities?

The limitation on the overall life activity must be substantial, not mild or even moderate. One needs to reference the limitation, not on the individual student’s ability or even the achievement of peers in his or her school or district but on the level of performance of the average student in the same age/grade level in the national population. The degree of impact on the life activity must be determined.

---

Note: An Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD) student who makes academic progress as shown by grades and standardized test scores is not substantially limited in the major life activity of learning.

A student who is succeeding in the Comprehensive Program does not present a disability that substantially limits the ability to learn.

### **What determines the presence of a disability under Section 504?**

All three components must be identified and documented in order to define the presence of a disability under Section 504:

- Physical or mental impairment
- Substantial limitation
- An impacted major life activity

### **When is ADD/ADHD considered a disability under Section 504?**

ADD and ADHD are impairments that can be the basis of eligibility under either Section 504 or IDEA. The key is whether the student's ADD or ADHD is sufficiently severe that it substantially limits a major life activity. Generally, the life activity would be thinking, but it also could be the ability to conform to social norms. The key question is whether the student needs special education with specially designed instruction or if accommodations within the regular/Comprehensive Program will address the limits on the life activity of learning. An ADD or ADHD student may be eligible as "Other Health Impaired" but also may be eligible for services under IDEA on the basis of a "Specific Learning Disability" or "Emotional Behavior Disability."

### **Can a parent of a student who is eligible under IDEA choose to have the student covered under Section 504 only?**

No. According to OCR (1996), the parent does not have that flexibility. The district also does not have the flexibility to use accommodations under Section 504 when the student is IDEA-eligible.

### **Can a student who was referred under IDEA but found ineligible be automatically covered under Section 504?**

A student who does not meet eligibility under IDEA may or may not fit within the Section 504 definition. Section 504 is not an automatic outcome because a student does not meet IDEA eligibility standards.

A Section 504 Team must follow the referral process.

### **Is it permissible for a student with an IEP to also have a Section 504 Plan?**

No. A separate Section 504 Plan is not needed. A student who has an IEP does not have a separate Section 504 Plan. The Admissions and Release Committee (ARC) should consider factors that could impede the student's learning and address the needed accommodations on the IEP (Letter to Wilson, Office of Special Education Programs, USDOE, December 14, 2004). The IEP contains a statement of any individual accommodations that are necessary on state and districtwide assessments {34 CFR 300.320 (a) (6) (i)}.

### **Can Section 504 be used as a Remedial Plan?**

No.

---

## **Must schools consider Section 504 for every student who has a medical diagnosis of ADD or ADHD?**

It may be a wise course of action, but it does not necessarily have to occur.

A medical diagnosis can serve as a trigger to initiate an evaluation. If there is an awareness of patterns of behavior or learning problems and the presence of a medical diagnosis, then the school needs to be proactive and start an evaluation under IDEA or Section 504.

## **How does a student become eligible to be considered for an Adaptation Plan?**

A student must be determined to present a documented physical or mental impairment supported by evaluation data that support that the disability substantially limits one or more major life activities.

## **What evaluations must be conducted under Section 504?**

The district must conduct an initial evaluation before any action is taken for initial placement of a student with a suspected disability. The evaluation consists of a review of existing data on a child, such as information/evaluations provided by parents, current classroom-based assessments and observations, medical information/statements, and other appropriate information. The documentation must provide evidence that the impairment substantially limits a major life activity and that the student is determined to have a disability.

The presentation of a medical diagnosis by parent(s)/guardian(s) does not automatically make a student eligible under Section 504. An impairment is **not necessarily** a disability.

## **Can a parent's request for an evaluation obligate the school to do an evaluation?**

When the district denies the parent(s)/guardian(s) request, the district must be ready to demonstrate why it did not have reason to suspect that the student might be eligible under IDEA or under Section 504.

## **Who are eligible team members for a Section 504 Team meeting?**

Any person with knowledge about the child, the meaning of evaluation data, and instructional options is an eligible team member. It is the Section 504 Team members who determine if a student is eligible for Section 504 accommodations and who develop the Section 504 Plan with needed accommodations and related services that are required for the student to have an opportunity commensurate with those of nondisabled peers. The student's teacher(s) must be a member of the Section 504 Team.

## **How should a Section 504 Plan from another district be addressed?**

When a student transfers from another district with a Section 504 Plan, the receiving school should convene a Section 504 Team meeting to review the plan and determine if it is appropriate. If it is determined that the plan is not appropriate, the student must be evaluated and eligibility determined. This should be completed in a timely manner to avoid Office of Civil Rights (OCR) identifying a deficiency: "The district identified needed services but failed to provide them."

The transferred student's teachers must be given a reasonable amount of time to gain knowledge about the student's performance when the major life activity impacted by the impairment is learning. At other times, the Section 504 Plan should be reviewed immediately, such as when a student has physical impairments (e.g., diabetes, asthma, allergies, and health issues). At all times, the question that needs to be answered with any student who is identified as having a disability under Section 504 is whether the student has a mental or physical impairment, even if episodic or in remission, that substantially limits a major life activity.

If there is a health and safety issue, then the Section 504 Team Committee should convene a meeting as soon as possible to review the existing accommodations and implementation of the accommodations during the interim period while the student's current teachers are gathering current evaluative data. The Section 504 Team Committee will then reconvene to review the current evaluative data and determine if this student continues to meet eligibility to be identified as a student with a disability under Section 504. The Section 504 Team Committee will complete all required forms according to LCPS Section 504 due process procedures.

---

## **How does Section 504 address a student who has an episodic impairment or one in remission?**

The law does not say that a disability has to be permanent. If the active impairment substantially limits at least one major life activity for such a time that the student's education will be disrupted, then the student may be eligible for Section 504 during the duration of the disability. Eligibility must be determined case-by-case considering the duration of the impairment and the degree of the impact on a major life activity. A student who is undergoing chemotherapy may be determined as having a disability under Section 504 and may be eligible for Section 504. A student who is in remission may also be eligible for Section 504 but may not need an accommodation plan during the remission period.

## **When should an Adaptation Plan be reviewed?**

The Adaptation Plan should be reviewed when there is a significant change in placement, including, but not limited to, progression from grade to grade (Primary to Intermediate, elementary to middle, middle to high); change in school locations; and suspensions totaling more than ten days in one school year. At a minimum, the Adaptation Plan must be updated every three years. A reevaluation may be triggered by a "significant change" in placement. Whenever it appears that the Adaptation Plan is not working, the plan needs to be reviewed. It is suggested that "the best practice would be that all Section 504 plans be reviewed annually even with minor changes, based on the student's changing needs and requirements" (Camilla Sims-Stambaugh, LRP Publications, August 2011).

## **How are a student's grades affected by the Adaptation Plan implemented in the Comprehensive Program?**

The student should be graded in accordance with the district's applicable grading policy.

## **What should every regular/Comprehensive Program teacher ask about the students assigned to his or her class?**

- Which students in my class have a Section 504 Adaptation Plan?
- Have I reviewed those Section 504 Plans?
- Do I understand my particular responsibility?
- Am I making a good-faith effort to implement the Adaptation Plan?
- Am I documenting my efforts?
- Have I provided copies of Section 504 Plans for my students for any substitutes?

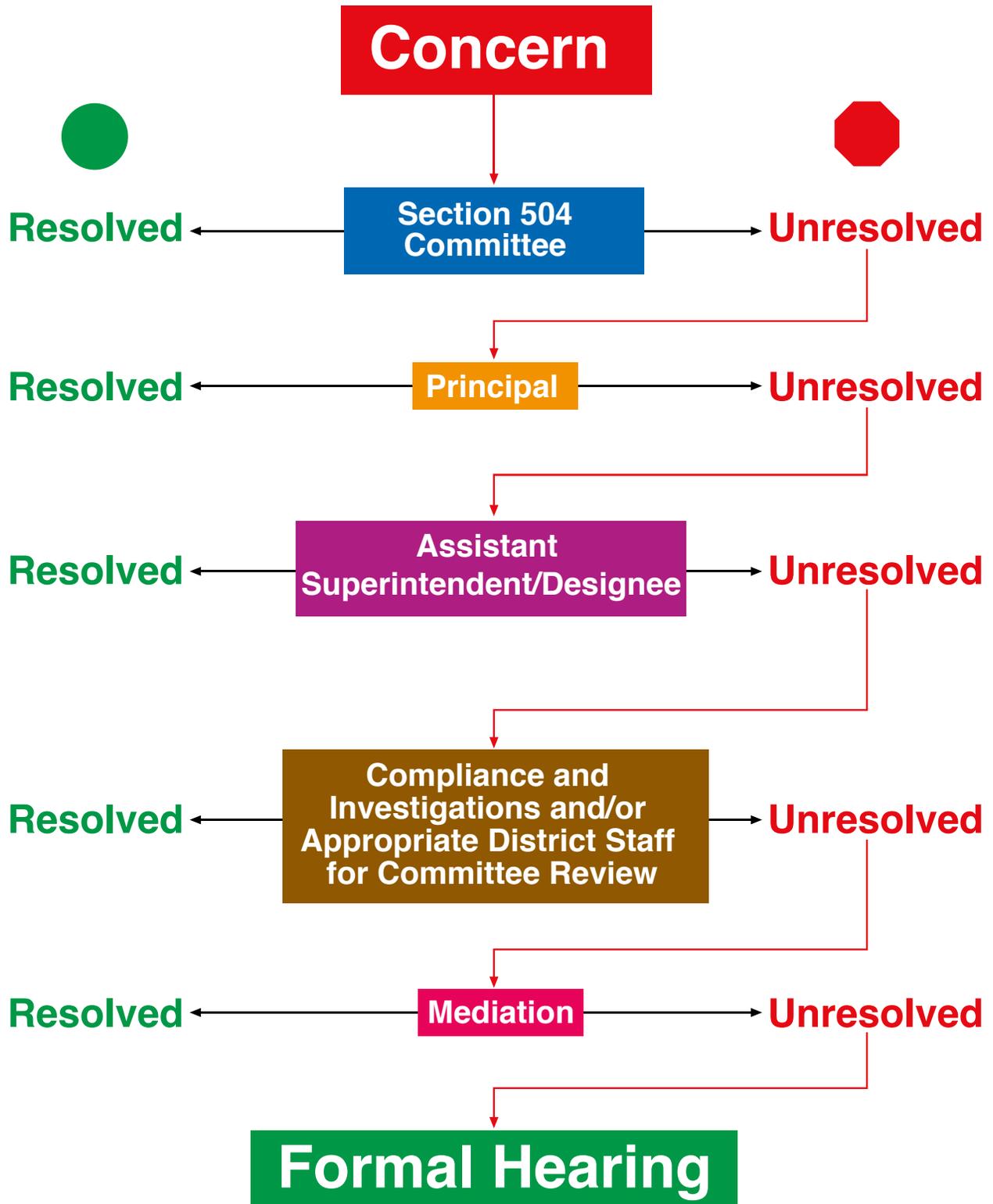
Note: Current Section 504 issues are often addressed on the Compliance and Investigations Web page.

## **What is equal access to extracurricular athletic activities?**

Equal access is the equal opportunity to participate in extracurricular activities. It does not guarantee that the student with a disability will gain a spot on the team. It does not grant an unfair advantage nor does it change the nature of the athletic activity. If the student has the skills to make the team, then the school may be required to make reasonable modifications to existing policies, practices, or procedures.

---

**Recommended Process for Resolving Disagreements Regarding the Identification, Evaluation, or Placement of Section 504 Students**



# Logan County School District Section 504 Impartial Hearing and Review Procedures Hearing Procedures

District Name:

1. The KPSD or a parent may request an impartial due process hearing on any issue regarding evaluation, identification, or educational placement under Section 504 of the Rehabilitation Act.
2. A parent requests an impartial due process hearing by filling a written request with the Section 504 Coordinator or Compliance Officer:

at:

3. The superintendent, with Board approval, arranges for a hearing officer.
4. The KPSD Section 504 Coordinator, or the hearing officer, gives notice of the time and place of the hearing to the parent, or adult student, at least 15 calendar days in advance of the hearing.
5. The hearing officer, or review officer, may extend any timelines in this procedure, except for the timeline for requesting review of the hearing officer's decision.
6. At least 10 calendar days before the hearing, the hearing officer shall hold a telephone conference with the parties to clarify issues.
7. At least 5 calendar days before the hearing, each party shall provide to the other party a witness list (stating the subject matter and substance of each witness's expected testimony) and documents it intends to present at the hearing.

8. Any party to the hearing has the right to legal counsel.
9. The parents, or adult student, present arguments and evidence first. The school district then presents arguments and evidence.
10. Parents of the parties to the hearing, or adult students who are parties to the hearing, shall have the right to open the hearing to the public.
11. The hearing officer's decision shall be made upon consideration of the record, or such portions of the record as are supported by relevant, reliable, and substantial evidence.
12. The hearing shall be recorded by mechanized means, or by a certified court reporter, at the KPSD's discretion. Any party to a hearing has the right to obtain, upon request and at its own expense, a record of the hearing.
13. Parties, or their representatives, shall not communicate directly or indirectly in connection with any issue of fact or law with the hearing officer or review officer, except upon notice and opportunity for all parties to participate.
14. The hearing officer's decision shall be in writing and made available within 45 calendar days after the hearing officer's receipt of the official record of the hearing, unless the time is extended by the hearing officer for good cause.

### **Review Procedure**

The decision of the hearing officer may be appealed to another 504 hearing officer (a review officer with whom the KPSD contracts) by either party in writing within 30 calendar days after receipt of the hearing officer's decision. The timeline to file a request for review of a hearing officer's decision may not be extended. The request for review shall be filed with the KPSD Section 504 Coordinator. The review officer shall make a decision solely upon the record and shall either affirm or overturn the hearing officer's decision within 45 calendar days of receipt of the record. The review officer may extend the timeline for making a decision for good cause. The review officer's decision shall be final and appealable. The review officer's decision may be appealed to court.

# Logan County School District Section 504 Student Referral Form

(Complete Relevant Sections)

District Name:

Referral Date:

Referred by:

School:

Grade:

Teacher:

Last School Attended:

Student's Name:

Age:

Date of Birth:

Parent(s):

Address:

Phone Numbers:

Home:

Cell:

Office:

I. Has student been previously evaluated for special education services under IDEA?

Yes

No

II. Health Problems (if applicable)

Student has special health care needs (medication, allergy, etc.) during school or school activities.

Yes

No

Is the student currently on medication?

Yes

No

III. Have health professional reports been requested/provided?

Yes

No

IV. Program Participation:

Current or in near future extracurricular participation (if applicable)

Current Student Education Program (if relevant):

Regular Class (attach student schedule)

Nongraded Primary

Chapter 1

Regular School Vocational Program

Other: \_\_\_\_\_

V. Academic Characteristics (if applicable): Estimate the student's performance grade level.

Student Classroom Performance Summary (if applicable)

Student has been retained:

Yes

No

If yes, the student was retained in grade:

Testing Data (if applicable): Attach a copy of the student's most recent achievement/aptitude test, state required assessment (if appropriate), and classroom subject matter test results.

Describe Concern

#### VI. Performance Compared to Most Students:

Student is currently performing at the level or at a higher level than most students his/her age in the general population in all subject areas.

Yes

No

Student is currently performing below the level of most students his/her age in the general population in the subject areas of:

Yes

No

Explain:

#### VII. Behavioral Concerns

## VIII. Attendance Problems:

## IX. Specific Reasons for Referral

Student may have a disability that may require accommodation and/or program modification. The areas of concern which need further evaluation are identified below.

Physical Health

Mental Health

Behavioral

Social/Emotional

Vision

Hearing

Academic

Developmental

Speech/Language

Other

Summarize why a Section 504 evaluation might be needed.

X. Concerns for discussion at Section 504 referral meeting

Parent sent/given Parent Rights Statement

Yes

No

Referred by:

Date:

# Logan County School District Section 504 Notice of Meeting

Dear Parent,

This is to notify you of our Section 504 team Meeting. See specifics below. Please contact your school principal immediately if this is not a convenient time for you.

District Name:

Type of Meeting

Referral/Consider Initial Evaluation

Evaluation Planning

Eligibility Determination

Determine Accommodation/Placement

Annual/Tri-annual Review

Reevaluation

Determine if recommend override of parent refusal/revocation for 504 evaluation.

Manifestation Determination

Convened for Other Reason (Specify)

Principal Name:

Phone Number:

Student Name:

Date:

Time:

Location:

The following school district-selected officials will attend this meeting:

School Principal:

Parent:

Regular Education Teacher

Other:

Other

Other

If you wish to review your (son's/daughter's) educational records, including any material that will be discussed at the meeting, please call the principal to schedule a mutually convenient time for such review.

Please immediately inform the district representative listed below of any disability-related needs of the parent related to attending the meeting.

District representative name, address and telephone number:

---

Signature of district representative

Date: \_\_\_\_\_

# Logan County School District Section 504 Eligibility Determination Form

District Name:

1. Specify the current, or episodic, or in remission, mental or physical impairment (diagnosis):

2. Identify major life activity(ies) impaired:

3. Determination of Whether the Student Has a Disability Under Section 504.

**Choose a degree on the following scale to indicate the degree that the impairment in #1 limits the major life activity in #2, as indicated above.**

**Focus on the major life activity as a whole, and how it affects access to school district programs.**

**Use most students of the same age in the general population as the frame of reference for purpose of comparison.**

Discount from the analysis subpar performance due to other factors such as normal mood swings. Refer to the definition of "substantially limits," as well as to the Eligibility section in the KPSD's 504 procedures.

For a degree at 2.0 or above, fill in specific information evaluated by the team that justifies the rating, indicating how the student's access to the school environment or to school activities is limited when the impairment is active.

3 Completely

2 Substantially

1 Negligibly

Justification for 2.0 or above

Qualification

Student DOES NOT QUALIFY

Student QUALIFIES

Dated:

\* This form was adapted from a form prepared for KSBA by Perry Zirkel

# Kentucky Public School District Notice of Section 504 Eligibility or Non-Eligibility

District Name:

Date:

Dear:

As you know, the 504 team met to discuss your child. Based on the materials before us, we determined that:

Your child has a qualifying disability under Section 504 of the Rehabilitation Act that requires an accommodation plan. Please review the enclosed Notice of Meeting.

Your child does not have a qualifying disability under Section 504 and does not require an accommodation plan.

504 Team Meeting Date:

If you disagree with our determination, I would be happy to meet with you to discuss your concerns. If you wish, you also have the right to file a grievance and to request an impartial hearing, to which you may bring an attorney to represent you. Contact me if you wish to file a grievance. If you wish to proceed to a formal hearing, please send a written request to the Section 504 Coordinator/Compliance Officer at the address below:

Dr. Barry W. Goley  
2222 Bowling Green Road  
Russellville, KY 42276  
270.726.2436

If you have any questions or would like to schedule a meeting, please do not hesitate to contact me.

Sincerely,

Phone:

Keep original in file

Hand-Delivered  
Mail

# Logan County School District Section 504 Student Adaptation Plan

District Name:

Today's Date:

Student's Name:

Date of Birth:

Age:

Sex

School:

Grade:

Next Scheduled Review Date:

School-related area(s) of substantial limit

Accommodation(s)

Setting

Starting Date

Implementer(s) (By Title)

Effectiveness/Progress (as applicable)

Status

No accommodations currently needed.

504 Team members were told to bring any new suspected need to the 504 Team.

---

504 Team Chair

---

Date

# Logan County School District Consent for Section 504 Eligibility Evaluation

District Name:

I \_\_\_\_\_ (Name of parent or adult student) of  
\_\_\_\_\_ (Student's Name and Date of Birth)

Voluntarily grant permission

Permission is denied

for evaluation of the named student for eligibility for a Section 504 plan by  
\_\_\_\_\_ Public School District staff or individuals performing services for  
\_\_\_\_\_ School District.

I understand the reasons for the referral and the description of the evaluation process and have checked the appropriate box above.

I have received a written copy of the Section 504 Parent Rights Statement and fully understand those rights, or have had those rights explained to me.

Yes

No

I certify that I am a parent having legal custody of the student named above, or that I am the student above and am at least 18 years old of age and have no court appointed legal guardian, or that I am legal guardian, permanent legal custodian or 504 surrogate parent of the student named above.

Signed \_\_\_\_\_  
(Parent; Adult Student; Guardian; Permanent Custodian; or 504 Surrogate Parent)

Date \_\_\_\_\_

---

## Teacher Report Form

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Grade: \_\_\_\_\_ Class: \_\_\_\_\_

Teacher's Name: \_\_\_\_\_

Current Level of Performance: \_\_\_\_\_

Strengths: \_\_\_\_\_

Formal Evaluations: \_\_\_\_\_

Informal Evaluations: \_\_\_\_\_

Progress Data/Information: \_\_\_\_\_

Comments: \_\_\_\_\_

Teacher's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Equal Opportunity/Affirmative Action Employer Offering Equal Educational Opportunities

Student I.D No: \_\_\_\_\_

## Acknowledgment of Receipt of Section 504 Plan

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ School Telephone No.: \_\_\_\_\_

Date of Section 504 Plan: \_\_\_\_\_

Please sign below to indicate that you have received a copy of the student's current Section 504 Plan. It is imperative that the accommodations written in the Section 504 Plan be fully implemented with fidelity to ensure compliance with Section 504, a federal law guaranteeing that students with disabilities receive a Free Appropriate Public Education (FAPE) that is free from discrimination. Failure to comply with Section 504 may result in an investigation and a ruling by the U.S. Department of Education, Office for Civil Rights. Questions or concerns regarding the plan should be directed to your Section 504 building coordinator.

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

_____	_____	_____	_____
Printed Name	Signature	Position	Date

Equal Opportunity/Affirmative Action Employer Offering Equal Educational Opportunities

# Logan County School District Section 504 Meeting Summary Report

District Name:

A. Personal Information:

Student Name:

Date of Birth:

B. Purpose of 504 Team Meeting:

Consider Referral/Initial Evaluation

Evaluation Planning

Determine Eligibility

Plan Evaluation/Reevaluation

Determine Accommodations/Placement

Review Plan

Reevaluation

Determine if recommend override of parent refusal/revocation for 504 evaluation

Manifestation Determination

Other (Explain)

Explanation if recommending override of parent refusal/revocation for 504 evaluation.

1. Data presented and interpreted by team:

Multiple sources of information considered (indicate each one used):

Health Professional

Behavioral Observations

Aptitude Tests

Achievement Tests

Teacher Recommendations

Adaptive Behavior

Other Observations

Other Data (specify)

2. Options discussed:

3. Decisions Made:

4. Data relevant to decisions:

C. Meeting participation:

The parent(s) or adult student present verifies he/she has in the past received a Section 504 Parent Rights Statement and does not need the rights further explained at this time.

The parent(s) or adult student present verifies he/she has been given the opportunity to participate in the development/review of the 504 accommodation plan.

D. The following persons, as indicated by their signatures, have participated in this 504 team meeting.

Position	Signature	Date
----------	-----------	------

504 Chairperson		
-----------------	--	--

Regular Classroom Teacher		
---------------------------	--	--

Parent or Adult Student		
-------------------------	--	--

Parent		
--------	--	--

# Logan County School District Consent for Section 504 Service Plan Implementation

District Name:

I \_\_\_\_\_ (Name of parent or adult student) of  
\_\_\_\_\_ (Student's Name and Date of  
Birth)

Voluntarily grant permission

Permission is denied

for implementation of the Section 504 services plan dated:

I understand the reasons for the Section 504 services and have checked the appropriate box above.

I have received a written copy of the Section 504 Parent Rights Statement and fully understand those rights, or have had those rights explained to me.

Yes

No

I certify that I am a parent having legal custody of the student named above, or that I am the student above and am at least 18 years old of age and have no court appointed legal guardian or I certify that I am the legal guardian, permanent legal custodian or 504 surrogate parent of the student named above.

Signed \_\_\_\_\_  
(Parent; Adult Student; Guardian; Permanent Custodian; or 504 Surrogate Parent)

Date \_\_\_\_\_

# Logan County School District Health Care Provider Questionnaire Regarding Section 504 Eligibility

District Name:

Student's Name:

Date of Birth:

1. Detail available relevant medical background, including a written diagnostic statement with the current ICD Medical Diagnosis and Code or current DSM Diagnosis and Code and copies of any/all relevant reports.

2. Does the student need a health service accommodation to prevent a life threatening or serious health reaction/situation in the school environment? If so, list what precautions are recommended for consideration at an upcoming 504 meeting.

Please attach any reports pertinent to the serious health needs of this child in the school setting.

By: (Health Care  
Provider)

Date:

Health Care Provider Address:

Please forward this completed form to:

Name:

Address:

# Logan County School District Section 504 Evaluation Summary Form (Complete Relevant Sections)

District Name:

Name:

Date of Birth:

Parent/Guardian

Has student been previously evaluated under IDEA or Section 504?

Yes      No

I. Sources of Information Reviewed (if applicable):

Cumulative File Data

	Yes	No
Is the student's hearing normal?		
Is the student's vision normal?		
Are there any physical or mental health problems?		
Has the attendance been regular?		
Has the student frequently changed schools?		

A. Evaluation Results (fill in only applicable areas):

1. Regular Classroom Performance

Reporting Teacher:

Concerns

2. Medical or other relevant health  
professional diagnosis

Medical or other relevant health  
professional name:

Date of Diagnosis:

3. Social/Emotional/Behavioral  
Observation Results:

Observer:

Date of Observation:

Observation Results:

4. Other Assessment/Observation Results: Type

Observer/Evaluator:

Date of Evaluation/Observation:

Evaluation/Observation Results:

B. Does behavior seriously impede participation in educational programs, or other school district programs? If so, explain below:

II. Other Sources Considered

- |  |                 |
|--|-----------------|
| 1. Parent Data/Developmental History   | Report Attached |
| 2. Informal Inventories  | Report Attached |
| 3. Student Work Samples  | Report Attached |
| 4. Interviews/Documentation with counselors, teachers, medical/health professionals, other professionals | Report Attached |

Signature

Date

---

KPSD Official

**Logan County Public Schools  
2222 Bowling Green Road  
Russellville, KY 42276**

