



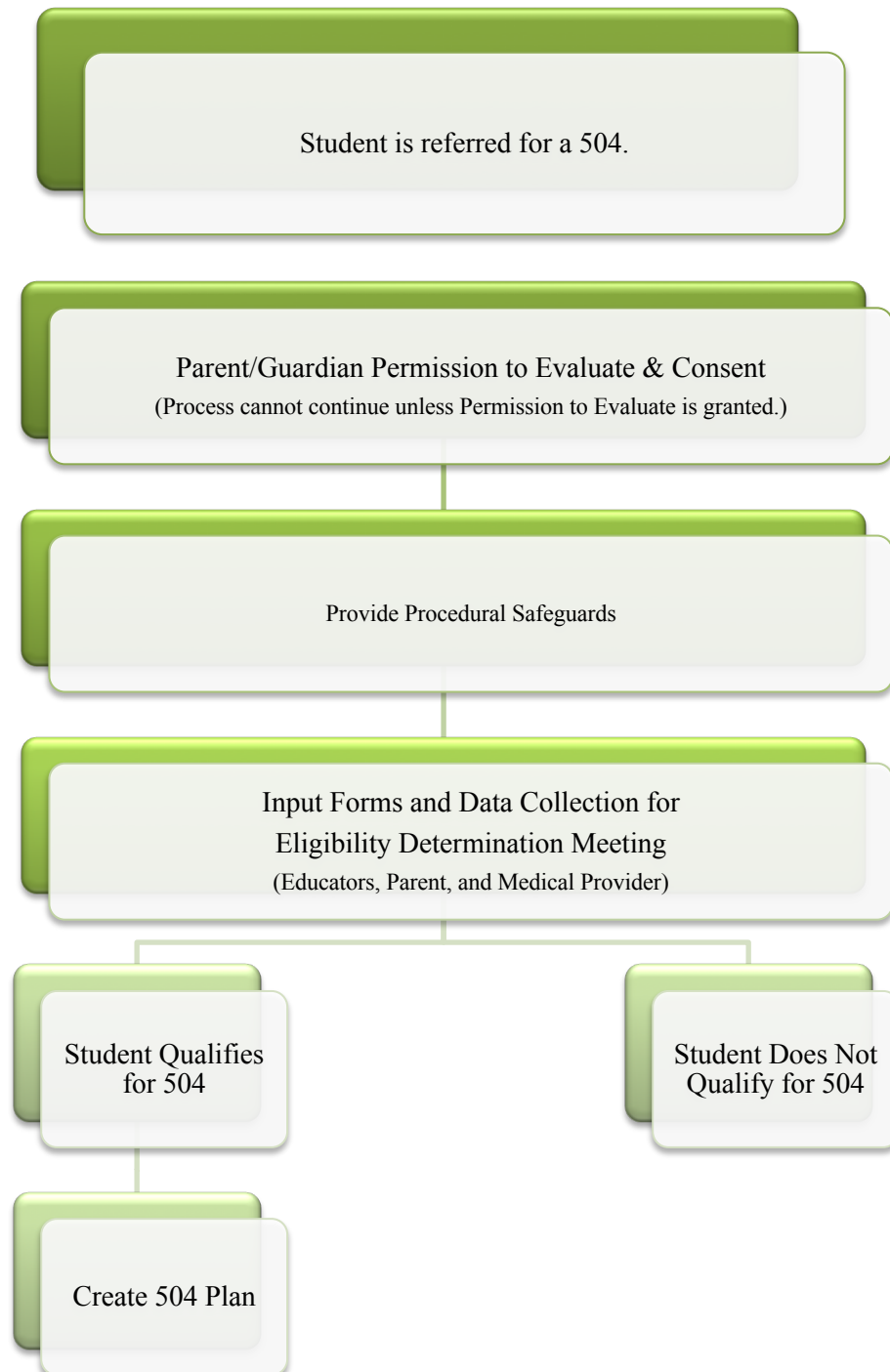
**BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504 HANDBOOK**

CONTENTS

Section 504 Flow Chart	3
Section 504 Roles & Responsibilities	4
Permission to Evaluate Consent Form (& Parent Input)	7
Medical Provider Input Form	9
Educator Input Form (also available via Google Link)	11
Eligibility Determination Form	13
Section 504 Plan Template	15
Procedural Safeguards Notice	16
Grievance Procedures	18
Grievance Form	19
BVASD 504 Non-Discrimination Policy	20
Appendix A: <i>Tier 1 Classroom Intervention Checklist</i>	27
Appendix B: <i>Frequently Asked Questions</i>	30
Appendix C: <i>Additional Signature Page</i>	35



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504 FLOW CHART



At any point in the process, the Parent/Guardian may disagree and file a Grievance or complaint with the appropriate regional Office for Civil Rights. The Grievance process and Form appear in this 504 Handbook. The complaint process appears in the Procedural Safeguards and FAQ.



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504 ROLES AND RESPONSIBILITIES

ROLE	RESPONSIBILITIES
School District 504 Coordinator	<ul style="list-style-type: none"> • Coordinate and monitor the district's compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability • Revise district policies and procedures related to Section 504/ADA as necessary to ensure that they are up-to-date and consistent with current requirements under these laws • Facilitate the implementation of the district's policies and procedures related to Section 504/ADA and ensure that they are applied consistently across the district and at each school building • Serve as a daily resource to the building administrators, teachers, parents/guardians, and community members regarding Section 504 issues • Implement the district's discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment • Investigate complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment • Upon completion of the investigation, provide the Superintendent with a written report of the complaint and the results of the investigation in time for the Superintendent to respond to the complainant • Coordinate due process hearings when requested
Building 504 Coordinator <i>(Building Principals)</i>	<ul style="list-style-type: none"> • Determine appropriate Section 504 team composition (Potential 504 Team members may include parents/guardians, administrators, school psychologist, school nurse, school counselor, speech/language pathologist, classroom teachers, and other staff members with knowledge of the child.) • Oversee Section 504 evaluations and development of Section 504 Plans • Monitor the implementation of Section 504 Plans • Serve as a liaison between the school building and other district staff regarding Section 504 issues • Maintain contact with the District Section 504 Coordinator and request assistance and training when needed
504 Case Manager <i>(School Counselor or School Nurse)</i>	<ul style="list-style-type: none"> • Distribute appropriate forms to parents/guardians, medical provider, and educators • Obtain parental consent before all evaluations, modifications, or terminations • Schedule and facilitate 504 Eligibility Determination meetings and meetings to develop Section 504 Plans • Collect data prior to Eligibility Determination meeting (including, but not limited to: assessments, state standardized tests, screeners, classroom assessments, behavior rating scales, teacher information and observations, information from a parent, work samples, medical information, cumulative file information, discipline records, and history of attendance) • Provide copies of all forms and <i>Procedural Safeguards</i> to parents/guardians • Disseminate Section 504 Plans to appropriate staff and obtain all appropriate signatures. • Refer potential grievances to Building 504 Coordinator and/or District 504 Coordinator • Maintain accurate files • Schedule annual reviews of each Section 504 Plan prior to the annual date • Schedule periodic re-evaluations of all students who are eligible under Section 504 (at least every three years) • Assure that Section 504 Plans move with the student to the next grade level and to new schools

ROLE	RESPONSIBILITIES
Teacher	<ul style="list-style-type: none"> • Direct parents/guardians who are requesting a 504 to 504 Case Manager • Complete <i>Educator Input Form</i> • Assist 504 Case Manager in collecting data such as grades, standardized tests scores, classroom assessments, behavior observations, and notes, etc. • Participate in 504 Eligibility Determination meetings and meetings to develop Section 504 Plans • Follow all accommodations listed in student's Section 504 Plan
Parent/Guardian	<ul style="list-style-type: none"> • Sign <i>Permission to Evaluate</i> and complete <i>Parent Input Form</i> • Provide documentation specific to the child's disability from Medical Provider • Sign release for information from Medical Provider • Participate in 504 Eligibility Determination meetings and meetings to develop Section 504 Plans • If a parent does not agree with the 504 team's decision, he or she may follow the district grievance procedure. • Contact 504 Case Manager or Building 504 Coordinator with any concerns or changes to the student's Section 504 Plan
Medical Provider	<ul style="list-style-type: none"> • Complete <i>Medical Provider Input Form</i> legibly and with as much accurate information relating to student's disability and ways in which it may present in a school setting • Respond to parent/guardian or school requests for additional information that will help to guide the 504 Team to provide the most appropriate accommodations for a student's Section 504 Plan

This page is intentionally blank to assist with duplication of 504 *Handbook* forms.



BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504 PARENT/GUARDIAN PERMISSION TO EVALUATE
CONSENT FORM

PARENT/GUARDIAN NAME AND ADDRESS	CONTACT (PHONE& EMAIL)
STUDENT NAME	BIRTH DATE
RETURN TO	BY DEADLINE
THE PURPOSE OF THIS CONSENT FORM IS (CHECK ONE)	
<input type="checkbox"/>	<u>INITIAL EVALUATION FOR A 504 SERVICE AGREEMENT</u> The child is believed to qualify as a student with a disability because:
<input type="checkbox"/>	<u>MODIFICATION OF AN EXISTING 504 SERVICE AGREEMENT</u> The requested aids, services, or accommodations proposed are:
<input type="checkbox"/>	<u>TERMINATION OF AN EXISTING 504 SERVICE AGREEMENT</u> The child no longer qualifies as a student with a disability based on:
<input type="checkbox"/>	<u>PERIODIC RE-EVALUATION OF EXISTING 504 SERVICE AGREEMENT</u>

NOTICE OF RIGHTS

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.

In order to conduct an evaluation to determine whether your child is a qualified student with a disability, we must have your consent. The procedures will include data collection from the teachers and may include testing. The information you provide in this form is also important to us. Providing this information, along with your consent for evaluation, does not mean you give consent to placement or services.

Your child's team will meet to determine whether your child qualifies for a Section 504 Service Agreement. You will be invited to this team meeting. If your child is identified for a Section 504 Service Agreement, you will be asked for consent for services to begin at that time. Please read the enclosed *Procedural Safeguards Notice* that explains your rights and keep a copy of this for your records.

___ I give consent to start an evaluation as proposed.

___ I do not give consent to the proposed evaluation.

___ I would like to schedule an informal meeting with school personnel to discuss this request.

SIGNATURE: _____ **DATE:** _____

PARENT/GUARDIAN INPUT DATA FORM

This student has been identified for a possible new Section 504 Service Agreement, or modifications to or a termination of his/her existing Section 504. Tracking data regarding impairments is a vital component of the process. Please use the scales below to rate your child's impairment(s) in comparison with how most children engage in major life activities. **Ratings should be based on observable behaviors.**

DISREGARD THE FOLLOWING: the positive effects of mitigating measures that lessen the impact of the impairment (medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications). If applicable, ordinary eyeglasses/contact lenses should be considered.

CONSIDER THE FOLLOWING: mental impairments may include communicating or interacting, concentrating, reading, speaking, or thinking. Physical impairments may include breathing, standing, sleeping, bending, working, lifting or reaching, eating, performing manual tasks, caring for oneself, or system functions (digestive, bowel, bladder, immune, circulatory systems).

E = Extreme (5) S = Substantial (4) M = Moderate (3) D = Mild (2) N = Negligible (1)

IMPAIRMENT(S)	HOW IMPAIRMENT PRESENTS IN SCHOOL SETTING
HEARING	
SEEING	
LEARNING	
WALKING	
OTHER (Please specify):	

IMPAIRMENTS ARE DEMONSTRATED WITH THE FOLLOWING FREQUENCY			
Active		Acute (<6 months)	
Episodic		Chronic (6 months +)	
In remission			

ADDITIONAL AREAS OF CONCERN TO CONSIDER ADDRESSING IN THE SCHOOL SETTING:

If you have any questions, please contact your child's school counselor, school nurse, or building principal. If you have any additional information or medical records which will assist in this process, please forward them to the Section 504 Building Administrator.

By submitting this document, I am requesting that the district review the referral information above and any additional relevant information. I understand the district, its agents, and its employees are relying on the accuracy of the information that I have provided in this form and the information attached thereto, to determine whether and to what extent my child will be provided with accommodations and services under Section 504.

SIGNATURE: _____ **DATE COMPLETED:** _____

DAYTIME PHONE: _____



**BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504 MEDICAL PROVIDER INPUT FORM**

PHYSICIAN/PSYCHOLOGIST (include phone, fax, email, and address)	
STUDENT NAME	BIRTH DATE
RETURN TO	BY DEADLINE

PARENT/GUARDIAN RELEASE OF INFORMATION: I agree that information herein may be released to the Belle Vernon Area School District for the purposes of providing appropriate educational services to my child. Should the district have specific inquiries about educational services to be provided, my signature authorizes the release of information from the doctor's office to school officials.

Parent Signature

Date

DIAGNOSIS (as recognized in the DSM-V or other respected source)	TIME FRAME
	Active
	Episodic
	In remission
	Acute (<6 months)
	Chronic (6 months +)
THIS DIAGNOSIS RESULTS IN	
	No impairment in the school setting (Please continue to Section 2)
	PHYSICAL impairment in the school setting (please continue to Section 2 – Degree of Impairment)
	MENTAL impairment in the school setting (please continue to Section 2 – Degree of Impairment)

PLEASE ATTACH A LETTER ON PRACTICE LETTERHEAD SPECIFYING TREATMENT PLANS AND ANY ADDITIONAL INFORMATION (test results, etc.) IMPACTING THE PATIENT AS A STUDENT IN THE SCHOOL SETTING.

SECTION 2 - DEGREE OF IMPAIRMENT

This student has been identified for a possible new Section 504 Service Agreement, or modifications to, or a termination of his/her existing Section 504. Tracking data regarding impairments is a vital component of the process. Please use the scales below to rate the patient's impairment(s) in comparison with how most children engage in major life activities. **Ratings should be based on observable behaviors.**

DISREGARD THE FOLLOWING: the positive effects of mitigating measures that lessen the impact of the impairment (medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications). If applicable, ordinary eyeglasses/contact lenses should be considered.	CONSIDER THE FOLLOWING: mental impairments may include communicating or interacting, concentrating, reading, speaking, or thinking. Physical impairments may include breathing, standing, sleeping, bending, working, lifting or reaching, eating, performing manual tasks, caring for oneself, or system functions (digestive, bowel, bladder, immune, circulatory systems).
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

E = Extreme (5) S = Substantial (4) M = Moderate (3) D = Mild (2) N = Negligible (1)

IMPAIRMENT(S)	HOW IMPAIRMENT PRESENTS IN SCHOOL SETTING
HEARING	
SEEING	
LEARNING	
WALKING	
OTHER (Please specify):	

ADDITIONAL AREAS OF CONCERN TO CONSIDER ADDRESSING IN THE SCHOOL SETTING:

THE BEST WAY TO CONTACT ME FOR CLARIFICATION IS:

SIGNATURE: _____ **DATE COMPLETED:** _____



BELLE VERNON AREA SCHOOL DISTRICT **SECTION 504 EDUCATOR INPUT FORM**

TEACHER	SUBJECT	PERIOD/TIME OF DAY
STUDENT NAME		BIRTH DATE
RETURN TO		BY DEADLINE

The student above has been identified for a possible new Section 504 Service Agreement, or modifications, or a termination of his/her existing Section 504. Tracking data regarding impairments in your classroom is a vital component of the process. Please use the scales below to rate this student's impairment(s) in comparison with how most students engage in major life activities. **Ratings should be based on observable behaviors.**

DISREGARD THE FOLLOWING: the positive effects of mitigating measures that lessen the impact of the impairment (medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications). If applicable, ordinary eyeglasses/contact lenses should be considered.

CONSIDER THE FOLLOWING: mental impairments may include communicating or interacting, concentrating, reading, speaking, or thinking. Physical impairments may include breathing, standing, sleeping, bending, working, lifting or reaching, eating, performing manual tasks, caring for oneself, or system functions (digestive, bowel, bladder, immune, circulatory systems).

E = Extreme (5) S = Substantial (4) M = Moderate (3) D = Mild (2) N = Negligible (1)

IMPAIRMENT(S)	HOW IMPAIRMENT PRESENTS IN SCHOOL SETTING
HEARING	
SEEING	
LEARNING	
WALKING	
OTHER (Please specify):	

IMPAIRMENTS ARE DEMONSTRATED WITH THE FOLLOWING FREQUENCY	
Active	Acute (<6 months)
Episodic	Chronic (6 months +)
In remission	

ADDITIONAL AREAS OF CONCERN TO CONSIDER ADDRESSING IN THE SCHOOL SETTING:

(See reverse)

THE DESIGNATED STUDENT DEMONSTRATES THE FOLLOWING STRENGTHS IN MY CLASSROOM:

I HAVE ATTEMPTED THE FOLLOWING INTERVENTIONS WITH THIS STUDENT: In responding, please consider interventions you've made to the student's environment, assignments, testing accommodations, materials, instruction/presentation, comprehension strategies for content and directions, and parent/student communications. Please reference Appendix A: *Tier 1 Classroom Intervention Checklist* for additional interventions.

INTERVENTION	DURATION/DATE(S)	SUCCESSFUL	
		YES	NO

ELIGIBILITY DATA CONSIDERED IN COMPLETION

(Please mark any that apply.)

DATA CONSIDERED	SOURCE (IF APPLICABLE)
GRADES	
ACADEMIC TESTING DATA	
TEACHER RECOMMENDATIONS	
DISCIPLINE/BEHAVIOR REPORT	
ATTENDANCE REPORT	
OTHER TESTING DATA	
MEDICAL RECOMMENDATION	
OTHER (PLEASE SPECIFY)	

SIGNATURE: _____ **DATE COMPLETED:** _____



**BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504 ELIGIBILITY DETERMINATION FORM**

PARENT/GUARDIAN NAME AND ADDRESS	CONTACT (PHONE & EMAIL)
STUDENT NAME	BIRTH DATE
MEETING DATE & TIME	LOCATION

Parent/guardian signature indicates receipt of *Procedural Safeguards*.

Parent Signature

Date

ELIGIBILITY DETERMINATION TEAM MEMBERS

ROLE	NAME	SIGNATURE
Principal/LEA		
Counselor		
Parent/Guardian		
Student		
Teacher		
		<i>If additional signatures are needed, attach Additional Signature Page (Appendix D).</i>

ELIGIBILITY DATA CONSIDERED IN COMPLETION

(Please mark any that apply.)

DATA CONSIDERED	DATE	SOURCE
GRADES		
ACADEMIC TESTING DATA		
TEACHER RECOMMENDATIONS		
DISCIPLINE/BEHAVIOR REPORT		
ATTENDANCE REPORT		
OTHER TESTING DATA		
MEDICAL RECOMMENDATION		
OTHER (PLEASE SPECIFY)		

CONSIDERATION OF MAJOR LIFE ACTIVITIES

Impairments may impact major life activities to varying degrees. If the team determines that the impairment(s) substantially (S) or extremely (E) limits the student's performance of major life activities, the student should be identified as an individual with a disability under Section 504 and ADA. The average student in the general population of the school is the frame of reference for comparison purposes. **Ratings should be based on observable behaviors.**

THE FOLLOWING WERE DISREGARDED IN DATA COLLECTION: the positive effects of mitigating measures that lessen the impact of the impairment (medications, medical equipment and supplies, hearing aids, auxiliary aids and services, reasonable accommodations, learned adaptations, and behavioral modifications). If applicable, ordinary eyeglasses/contact lenses should be considered.

THE FOLLOWING WERE CONSIDERED IN DATA COLLECTION: mental impairments may include communicating or interacting, concentrating, reading, speaking, or thinking. Physical impairments may include breathing, standing, sleeping, bending, working, lifting or reaching, eating, performing manual tasks, caring for oneself, or system functions (digestive, bowel, bladder, immune, circulatory systems).

Based upon the Input Forms collected from Parents/Guardians, Medical Provider (if applicable), and Educators, the **cumulative** rating on the scale below collectively identifies impairments to major life activities for the designated student.

E = Extreme (5) S = Substantial (4) M = Moderate (3) D = Mild (2) N = Negligible (1)

IMPAIRMENT(S)	HOW IMPAIRMENT PRESENTS IN SCHOOL SETTING
HEARING	
SEEING	
LEARNING	
WALKING	
OTHER (Please specify):	

IMPAIRMENTS ARE DEMONSTRATED WITH THE FOLLOWING FREQUENCY			
Active		Acute (<6 months)	
Episodic		Chronic (6 months +)	
In remission			

ELIGIBILITY DETERMINATION CONCLUSIONS

IDENTIFICATION AS A STUDENT WITH A DISABILITY UNDER SECTION 504/ADA		
YES	NO	A YES/NO RESPONSE IS REQUIRED FOR EACH ITEM.
		Sufficient data exist to establish impairment/no impairment. (If no, student cannot be identified. Provide <i>Procedural Safeguards</i> .)
		Physical impairment substantially limits the student in a major life activity. (If yes, identify. Proceed to 504. If no, student cannot be identified. Provide <i>Procedural Safeguards</i> .)
		Mental impairment substantially limits the student in a major life activity. (If yes, identify. Proceed to 504. If no, student cannot be identified. Provide <i>Procedural Safeguards</i> .)
		The team suspects the student may need specially-designed instruction due to Impairment(s). (Refer for full individual evaluation or FIE to determine eligibility under IDEA. Proceed with 504 and provide <i>Procedural Safeguards</i> .)



BELLE VERNON AREA SCHOOL DISTRICT PROTECTED HANDICAPPED STUDENT SECTION 504 SERVICE AGREEMENT

Date	
Student Name	
Student Birth Date	
Handicapping Condition/Diagnosis	
Date of Initial Agreement	
Date Services Begin	
Periodic Review Date (3 years recommended)	
Date of Modified Agreement	
Parent Name	
Address	
City/State/Zip	
Telephone Number	

Aids/Accommodations/Services	Responsible Party	Anticipated Dates of Aids/Services	
		Start	End

The following procedures need to be followed in the event of a medical emergency: existing policies and procedures shall be followed. (Attach medical emergency procedures to this document if necessary.)

Title/Role	Name	Signature
Parent/Guardian		
Student		
Principal/LEA		
Counselor or Nurse		
Teacher		
		<i>If additional signatures are needed, attach Additional Signature Page (Appendix D).</i>



**BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504/CHAPTER 15
PROCEDURAL SAFEGUARDS NOTICE**

Dear Parent/Guardian,

As part of the protections available to you if we cannot agree as to what related aids, services, or accommodations should or should no longer be provided to your child, the procedural safeguard system may be used to resolve the dispute. Following are some details of the avenues available to use.

What Protection does Section 504 Provide?

Under Section 504 of the Rehabilitation Act and Chapter 15 of the State Board of Education Regulations, a school cannot discriminate against a student who is otherwise qualified to participate in the school program on the basis of his or her disability. A disability is defined as a physical or mental impairment that substantially limits one or more major life activities. Students eligible under Section 504/Chapter 15 are eligible to receive related aids and services that will enable them to receive a free and appropriate public education.

Parental Request for Assistance

Parents/Guardians may file a written request for assistance with the Department of Education if the school district is not providing the related aids, services, and accommodations specified in the service agreement and/or the school district has failed to comply with regulations in Chapter 15.

The Department of Education will investigate and respond to requests for assistance and, unless exceptional circumstances exist, will, within 60 calendar days of receipt of the request, send to the parents and school district written response to the request.

Written requests should be addressed to:	Pennsylvania Department of Education Bureau of Special Education
------------------------------------------	---------------------------------------------------------------------

333 Market Street
Harrisburg, PA 17126
717-783-6913

Informal Conference

Parents/Guardians may file a written request with the school district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aid, service, or accommodation. Within 10 school days of receipt of the request, the school district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Formal Due Process Hearing

Parents/Guardians may file a written request with the school district for an impartial due process hearing. The hearing shall be before an impartial hearing officer. Following are some details about the due process hearing:

- The hearing shall be held in the local school district at a place reasonably convenient to the parents. At the request of the parents/guardians, the hearing may be held in the evening.
- The hearing shall be an oral, personal hearing and shall be open to the public unless the parents request a closed hearing.
- If the hearing is open, the decision issued in the case, and only the decision, shall be available to the public.
- If the hearing is closed, the decision shall be treated as a record of the student and may not be available to the public in a format that includes personally identifiable information regarding the student.
- The decision of the hearing officer shall include findings of fact, a discussion, and conclusions

of law. The decision shall be based solely upon the substantial evidence presented at the hearing. The hearing officer shall have the authority to order that additional evidence be presented.

- A written transcript of the hearing shall, upon request, be made and provided to parents/guardians at no cost.
- Parents/Guardians may be represented by legal counsel at the hearing. Non-attorney advocates may attend the hearing and advise the parent/guardian, but may not act on the parent's/guardian's behalf
- A parent/guardian or his/her designee shall be given reasonable access to all educational records, including any tests or reports upon which the proposed action might be based.
- Any party may seek to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 days before the hearing.
- A parent/guardian or his/her attorney, if represented, has the right to compel the attendance of and question witnesses of the school entity or agency who may have evidence upon which the proposed action might be based.
- Any party has the right to present evidence and testimony, including expert medical, psychological, or educational testimony.
- The Secretary of Education will contract with the Office for Dispute Resolution for the services of impartial hearing officers, who preside over initial hearings on behalf of local districts on behalf of the PA Department of Education and may compensate hearing officers for their services. The compensation shall not cause hearing officers to become employees of the Department. The hearing officer may not be an employee or agent of a school entity in which the parents or student resides, or of any agency which is responsible for the education or care of the student.
- The following timeline applies to due process hearings:
 1. A hearing shall be held within 30 calendar days after a parent's initial request for a hearing.
 2. The hearing officer's decision will be issued within 45 calendar days after the parent's request for a hearing.

Judicial Appeals

If the hearing pertains to Chapter 14 and 15 rights, the decision of the impartial hearing officer may be appealed to a court of competent jurisdiction. Under some circumstances, you may raise these claims directly under section 504 without going through the due process hearing.

If an appeal or original jurisdiction action is filed in State or Federal Court, the administrative order shall be stayed pending the completion of the judicial proceeding, unless the parents/guardians and school district agree otherwise.



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504 GRIEVANCE PROCEDURES

If any person believes that the school or any of its staff have inadequately applied the regulations of Section 504 of the Rehabilitation Act of 1973, he/she may initiate a grievance by contacting the school district's Section 504 Coordinator or completing the form on the following page. **A complaint can be made to the regional office of the U.S. Department of Education's Office for Civil Rights without going through the school's grievance procedures.**

Informal Conference:

At any time, Parents/Guardians may file a written request with the district for an information conference with respect to the identification or evaluation of a student, or the student's need for related aides, services or accommodations. Within 10 (ten) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.

Local Grievance Procedures:

STEP 1: REPORTING A written grievance form signed by the complainant shall be submitted to the Building Section 504 Coordinator. The building coordinator will respond to the complaint within 10 (ten) school days. If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504 Coordinator.

STEP 2: INVESTIGATION If the complainant is unsatisfied with the response of the Building Section 504 Coordinator, the complaint will be forwarded to the district's Section 504 Coordinator. The Coordinator shall further investigate the matters of grievance and reply in writing to the complainant within 10 (ten) school days, or within 20 (twenty) days of the initial grievance.

STEP 3: DISTRICT ACTION If the complainant wishes to appeal the decision of the school district's Section 504 Coordinator, he/she may submit a signed statement of appeal to the Superintendent of Schools within 10 (ten) business days after receipt of the Coordinator's response. The Superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 (ten) business days.

STEP 4: APPEAL PROCEDURE If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the local board of education within 10 (ten) business days of his/her receipt of the Superintendent's response in Step 2. In an attempt to resolve the grievance, the board shall meet with the concerned parties and their representative within 40 (forty) days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party within 10 (ten) business days of meeting.

Formal Complaint Process:

The complainant may file a complaint with the Office for Civil Rights at any time before, during, or after the local grievance procedures. The contact information for the regional office is as follows:

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, SW
Washington, D.C. 20202-1100



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504 GRIEVANCE FORM

PARENT/GUARDIAN NAME AND ADDRESS	CONTACT (PHONE& EMAIL)
STUDENT NAME	BIRTH DATE
SCHOOL	DISTRICT
	Belle Vernon Area School District

NOTE: A Section 504 Accommodation Plan is **not** a plan designed to enhance a student's performance. It is a plan to provide fairness and equal access to education. A student is entitled to a Section 504 Accommodation Plan if he or she has been identified through an eligibility determination process and the evaluation shows that the individual has a mental or physical impairment that substantially limits one or more major life activities.

GRIEVANCE SUMMARY	What are the facts or issues of concern:		
SUGGESTED SOLUTIONS	Proposed solution:		
ATTEMPTS TO RESOLVE	Please list those contacts you've made through the school building (meeting or speaking with the counselor, nurse, principal, etc.) to address the situation and the results of those contacts:		
	CONTACT	DATE	RESULT
CORRECTIVE ACTION	Please list corrective action you wish to see taken with regard to this grievance:		

Please attach any additional information or documentation you wish the district to consider. You also have the right to file a complaint with the regional office of the U. S. Department of Education's Office for Civil Rights (OCR) without going through the district's grievance procedures. Contact information may be found on the previous page.

SIGNATURE: _____ DATE COMPLETED: _____

RECEIVED BY:

SIGNATURE: _____ DATE RECEIVED: _____

School District 504 Coordinator

Copies to: Parent/Guardian
School District 504 Coordinator
Student 504 file



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504 NON-DISCRIMINATION POLICY

Section: 100 Programs

Title: Nondiscrimination - Qualified Students with Disabilities

Code: 103.1

Status: Active

Legal

1. 22 PA Code 12.1
2. 22 PA Code 12.4
3. 22 PA Code 15.1 et seq
4. 22 PA Code 4.4
5. 28 CFR Part 35
6. 28 CFR Part 36
7. 29 U.S.C. 794
8. 34 CFR Part 104
9. 42 U.S.C. 12101 et seq
10. Pol. 103
11. 22 PA Code 15.2
12. 42 U.S.C. 12102
13. 22 PA Code 15.7
14. 34 CFR 104.7
15. 22 PA Code 15.4
16. 34 CFR 104.32
17. Pol. 113
18. 22 PA Code 15.5
19. 22 PA Code 15.6
20. 34 CFR 104.35
21. 22 PA Code 15.3
22. 34 CFR 104.34
23. 34 CFR 104.37
24. Pol. 112
25. Pol. 122
26. Pol. 123
27. Pol. 810
28. 22 PA Code 15.8
29. 22 PA Code 15.9
30. Pol. 216
31. 20 U.S.C. 1232g
32. 34 CFR Part 99
33. Pol. 218
34. Pol. 233
35. 22 PA Code 10.2
36. 24 P.S. 1303-A
37. 35 P.S. 780-102
38. 22 PA Code 10.21
39. 22 PA Code 10.22
40. 22 PA Code 10.23
41. 22 PA Code 10.25
42. 24 P.S. 1302.1-A

- 43. Pol. 113.2
- 44. Pol. 218.1
- 45. Pol. 218.2
- 46. Pol. 222
- 47. Pol. 227
- 48. Pol. 805.1
- 49. 22 PA Code 15.1
- 50. 34 CFR 104.36
- 51. 22 PA Code 14.162
- 52. Pol. 806
- 53. 18 Pa. C.S.A. 2709
- 54. Pol. 815

Adopted
March 25, 2019

Last Revised
February 25, 2019

Authority

The Board declares it to be the policy of this district to ensure that all district programs and practices are free from discrimination against all qualified students with disabilities. The Board recognizes its responsibility to provide academic and nonacademic services and programs equally to students with and without disabilities.[1][2][3][4][5][6][7][8][9][10]

The district shall provide to each qualified student with a disability enrolled in the district, without cost to the student or parent/guardian, a free and appropriate public education (FAPE). This includes provision of education and related aids, services, or accommodations which are needed to afford each qualified student with a disability equal opportunity to participate in and obtain the benefits from educational programs and extracurricular activities without discrimination, to the same extent as each student without a disability, consistent with federal and state laws and regulations.

The Board encourages students and parents/guardians who believe they have been subjected to discrimination or harassment to promptly report such incidents to designated employees.

The Board directs that complaints of discrimination or harassment shall be investigated promptly, and corrective or preventative action be taken for substantiated allegations.

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained, consistent with the district's legal and investigative obligations.

Retaliation

The district shall not intimidate, threaten, coerce, discriminate or retaliate against any individual for the purpose of interfering with any right or privilege secured by this policy.

Definitions

Qualified student with a disability - a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.[11][12]

Section 504 Team - a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians.[3][8]

Section 504 Service Agreement (Service Agreement) - an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.[13]

Disability harassment - intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school's educational programs, nonacademic services, or extracurricular activities.[10]

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable law and regulations, the Board grants the Superintendent the right to designate a district administrator as the district's Section 504 Coordinator.[14]

In addition, each school within the district shall have a Section 504 building administrator.

The district shall publish and disseminate this policy and complaint procedure on or before the first day of each school year by posting it on the district's website, if available, and in the student handbook. The district shall notify parents/guardians of students residing in the district of the district's responsibilities under applicable law and regulations, and that the district does not discriminate against qualified individuals with disabilities.[15][16]

Guidelines

Identification and Evaluation

The district shall conduct an annual child find campaign to locate and identify every district student with a disability thought to be eligible for Section 504 services and protections. The district may combine this search with the district's IDEA child find efforts, in order to not duplicate efforts.[16][17]

If a parent/guardian or the district has reason to believe that a student should be identified as a qualified student with a disability, should no longer be identified as a qualified student with a disability, or requires a change in or modification of the student's current Service Agreement, the parent/guardian or the district shall provide the other party with written notice.[18][19][20]

The district shall establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need related services because of a disability.[20]

The district shall specifically identify the procedures and types of tests used to evaluate a student, and provide the parent/guardian the opportunity to give or withhold consent to the proposed evaluation(s) in writing.[20]

The district shall establish procedures for evaluation and placement that assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel.

2. Are tailored to assess educational need and are not based solely on IQ scores.
3. Reflect aptitude or achievement or anything else the tests purport to measure and do not reflect the student's impaired sensory, manual or speaking skills (except where those skills are what is being measured).

Service Agreement

If a student is determined to be a qualified student with a disability, the district shall develop a written Service Agreement for the delivery of all appropriate aids, services, or accommodations necessary to provide the student with FAPE.[13]

The district shall not implement a Service Agreement until the written agreement is executed by a representative of the district and a parent/guardian.[13]

The district shall not modify or terminate a student's current Service Agreement without the parent's/guardian's written consent.[18]

Educational Programs/Nonacademic Services/Extracurricular Activities

The district shall educate a qualified student with a disability with students who are not disabled to the maximum extent appropriate to the needs of the student with a disability. A qualified student with a disability shall be removed from the regular educational environment only when the district determines that educating the student in the regular educational environment with the use of related aids, services, or accommodations cannot be achieved satisfactorily. Placement in a setting other than the regular educational environment shall take into account the proximity of the alternative setting to the student's home.[21][22]

The district shall not discriminate against any qualified student with a disability in its provision of nonacademic services and extracurricular activities, including but not limited to, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs, and referrals to agencies which provide assistance to individuals with disabilities.[21][22][23][24][25][26][27]

Parental Involvement

Parents/Guardians have the right to inspect and review all relevant school records of the student, meet with the appropriate school officials to discuss any and all issues relevant to the evaluation and accommodations of their child, and give or withhold their written consent to the evaluation and/or the provision of services.[13][19][20][28]

Confidentiality of Student Records

All personally identifiable information regarding a qualified student with a disability shall be treated as confidential and disclosed only as permitted by the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, state regulations, and Board policy.[29][30][31][32]

Discipline

When necessary, the district shall discipline qualified students with disabilities in accordance with state and federal laws and regulations and Board policies.[33][34]

Referral to Law Enforcement and Reporting Requirements

For reporting purposes, the term incident shall mean an instance involving an act of violence; the possession of a weapon; the possession, use, or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use, or sale of alcohol or tobacco; or conduct that constitutes an offense listed under the Safe Schools Act.[35][36][37]

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity by a qualified student with a disability, including a student for whom an evaluation is pending, to the local police department that has jurisdiction over the school's property, in accordance with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. The Superintendent or designee shall respond in a manner that is consistent with the student's Service Agreement and Behavior Support Plan, if applicable.[11][13][21][29][33][38][39][40][41][42][43][44][45][46][47][48]

In making a determination of whether to notify the local police department of a discretionary incident committed by a qualified student with a disability, including a student for whom an evaluation is pending, the Superintendent or designee shall use the same criteria used for students who do not have a disability.[10][39][48][49]

For a qualified student with a disability who does not have a Behavior Support Plan as part of the student's Service Agreement, subsequent to notification to law enforcement, the district, in consultation with the student's parent/guardian, shall consider whether a Behavior Support Plan should be developed as part of the Service Agreement to address the student's behavior.[13][40]

In accordance with state law, the Superintendent shall annually, by July 31, report to the Office for Safe Schools on the required form all new incidents committed by qualified students with disabilities, including students for whom an evaluation is pending, which occurred on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity.[36][48]

PROCEDURAL SAFEGUARDS

The district shall establish and implement a system of procedural safeguards that includes notice of rights to the parent/guardian of a student suspected of being a qualified student with a disability, an opportunity for the parent/guardian to review relevant records, an impartial hearing with an opportunity for participation by the student's parent/guardian, and a review procedure.[28][50]

A student or parent/guardian filing a claim of discrimination need not exhaust these procedures prior to initiating court action under Section 504.[19]

Parental Request for Assistance

Parents/Guardians may file a written request for assistance with the Pennsylvania Department of Education (PDE) if one (1) or both of the following apply:[28]

1. The district is not providing the related aids, services and accommodations specified in the student's Service Agreement.
2. The district has failed to comply with the procedures and state regulations.

PDE shall investigate and respond to requests for assistance and, unless exceptional circumstances exist, shall, within sixty (60) calendar days of receipt of the request, send to the parents/guardians and district a written response to the request. The response to the parents'/guardians' request shall be in the parents'/guardians' native language or mode of communication.[28]

Informal Conference

At any time, parents/guardians may file a written request with the district for an informal conference with respect to the identification or evaluation of a student, or the student's need for related aids, services or accommodations. Within ten (10) school days of receipt of the request, the district shall convene an informal conference. At the conference, every effort shall be made to reach an amicable agreement.[28]

Formal Due Process Hearing

If the matters raised by the district or parents/guardians are not resolved at the informal conference, the district or parents/guardians may submit a written request for an impartial due process hearing. The hearing shall be held before an impartial hearing officer and shall be conducted in accordance with state regulations.[28][51]

Judicial Appeals

The decision of the impartial hearing officer may be appealed to a court of competent jurisdiction.[28]

COMPLAINT PROCEDURE

This complaint procedure is in addition to and does not prevent parents/guardians from using any option in the procedural safeguards system.[10]

Step 1 – Reporting

A student or parent/guardian who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident to the Section 504 building administrator. Any person with knowledge of conduct that may violate this policy, is encouraged to immediately report the matter to the Section 504 building administrator.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Section 504 building administrator, as well as properly making any mandatory police or child protective services reports required by law.[52]

If the Section 504 building administrator is the subject of a complaint, the student, parent/guardian or employee shall report the incident directly to the district's Section 504 Coordinator.

The complainant or reporting employee may be encouraged to use the district's report form, available from the Section 504 building administrator or Section 504 Coordinator, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Section 504 Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

The investigator shall work with the Section 504 Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Section 504 Coordinator, who shall promptly inform law enforcement authorities about the allegations.[10][52][53][54]

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Section 504 Coordinator within twenty (20) days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Section 504 Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into disability harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.[29][30][31][32]

Step 4 – District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, the district shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited

conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Section 504 Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If the investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the district's Section 504 Coordinator within ten (10) business days.
2. The Section 504 Coordinator shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.
3. The Section 504 Coordinator shall prepare a written response to the appeal within twenty (20) days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.



BELLE VERNON AREA SCHOOL DISTRICT

SECTION 504

APPENDIX A: *Tier 1 Classroom Intervention Checklist*

The following interventions are research-based interventions that can be used with students or groups of students who are experiencing difficulties in school. Tier 1 interventions must be used first by the classroom teacher before referring student for Tier 2 services.

ENVIRONMENT	CHANGE SEATING ARRANGEMENTS SPECIAL STUDY AREA QUIET SETTING FOR TESTING
ASSIGNMENTS	SIMPLIFY/SHORTEN ASSIGNMENTS (classroom and homework) SHORTENED SPELLING LIST EXTRA TIME FOR COMPLETION READ DIRECTIONS TO STUDENT GIVE ALTERNATE ASSIGNMENTS BREAK INSTRUCTIONS/NARRATIVE INTO SECTIONS
TESTING ACCOMMODATIONS <i>Made only after three (3) consecutive Ds and/or Fs</i>	VARY TESTING METHODS (i.e. allow open book, multiple choice only, short answer only, oral or taped response.) SHORTEN SPELLING TEST (start with challenge words) STUDENT READS THE TEST ALOUD. PLEASE SPECIFY ...ANY PROMPTS THAT WERE GIVEN TO ASSIST THE STUDENT DURING TESTING. TESTS GIVEN IN ALTERNATE LOCATION TESTING MATERIALS ARE CHUNKED INTO SMALL PASSAGES (adapted test format in office) TESTS ARE ADMINISTERED IN PARTS AT DIFFERENT TIME INTERVALS MATH TOOLS FOR TESTS ADDITIONAL TIME IS GIVEN NUMBER OF MATH PROBLEMS REDUCED
MATERIALS	TIMER MANIPULATIVES LEARNING GAMES COMPUTER OVERHEAD PROJECTOR WORD BANKS FLASHCARDS FOR EXTRA PRACTICE VISUALS (word wall, strategy posters, anchor charts, et)
INSTRUCTION/ PRESENTATION	ONE ON ONE ATTENTION ASSISTANCE WITH ASSIGNMENTS REMINDERS, VISUAL CUES MONITOR CLOSELY TO BE ON TASK MONITOR CLOSELY FOR UNDERSTANDING MORNING WORK IS REDUCED USE DRILL/MORE PRACTICE STUDENTS WORK IN PAIRS WITH "STUDY BUDDY" PEER OR ADULT TUTORING HOMEWORK ASSISTANCE PROVIDED INDIVIDUAL/SMALL GROUP INSTRUCTION CO-TEACHING SHORT, CLEAR DIRECTIONS VERBALLY AND VISUALLY MATERIAL AT STUDENT'S LEVEL OF FUNCTIONING (lower level readers, grade-level below materials, etc.) MATH MANIPULATIVES INFORMATION READ ORALLY TEACHER MODELS STRATEGIES OR SKILLS MODIFY OR REDUCE STUDENT WORK (reduced spelling list, reduce number of math problems, etc.) Allowed to use calculator, NUMBER LINE, etc DIRECT INSTRUCTION AND/OR REMEDIATION IN PHONICS USE DIFFERENT LEARNING APPROACHES (e.g. visual, auditory, multisensory) PEER/TEACHER TUTOR (work with student during homeroom or bus time) OTHER

MATH CLASSROOM INTERVENTIONS	USE MANIPULATIVES WHEN INTRODUCING A CONCEPT PROVIDE AN ILLUSTRATION WHEN DEFINING MATH VOCABULARY MNEUMONICS VISUAL REPRESENTATIONS DAILY REVIEW OF BASIC FACTS DAILY REVIEW OF MATH CONCEPTS THROUGH CALENDAR MATH TEACH STUDENT HOW TO USE NUMBER LINE FLASHCARDS LEARNING GAMES TO REINFORCE MATH CONCEPTS TOUCH MATH
ELA CLASSROOM INTERVENTIONS	WORD RECOGNITION INTERVENTIONS WORD SORTS DECODABLE READERS TAP OUT AND BLEND BEGINNING, MIDDLE, AND ENDING SOUNDS USE ONSET AND RIME CARDS TO BUILD WORDS FLASHCARDS FOR LETTERS AND SOUNDS PHONICS LEARNING GAMES FLUENCY INTERVENTIONS ECHO READING CHORAL READING READERS THEATER SIGHT WORD PRACTICE EXPLICIT INSTRUCTION AND PRACTICE ON TARGETED PHONIC PATTERNS SIDEWALKS READERS READING MATERIALS AND/OR TESTS ARE CHUNKED INTO SMALLER PASSAGES READING MATERIALS AND/OR TESTS HAVE LARGER PRINT SMALL GROUP INSTRUCTION COMPREHENSION INTERVENTIONS THINK ALOUDS EXPLICIT INSTRUCTION IN USING CONTEXT CLUES TO FIGURE OUT UNKNOWN VOCABULARY EXPLICIT INSTRUCTION IN EXPOSITORY TEXT FEATURES TEXT REFERENCING STRATEGIES CHUNKING PASSAGES DAILY READ ALOUD WITH DISCUSSION ABOUT TEXT MEANING BEFORE READING, DURING READING, AND AFTER READING ACTIVITIES TO AID IN COMPREHENSION VOCABULARY INTERVENTIONS PRE-TEACH NEW VOCABULARY WORDS FLASH CARDS FOR EACH UNIT WORD WALLS GRAPHIC ORGANIZERS/WORD MAPS SPELLING INTERVENTIONS PRACTICE WORDS BY SORTING THEM ACCORDING TO PATTERNS FLASHCARDS USE WORD SHAPES ACTIVITIES TO HELP VISUAL LEARNERS USE ONSET AND RIME ACTIVITIES
PARENT/STUDENT COMMUNICATIONS	USE OF TEACHER/EDUCATOR COMMUNICATION LOG TO RECORD CALLS, EMAILS, AND TEXTS VIA EDUCATIONAL APPS (E.G. REMIND)
ADDITIONAL NOTES AND STRATEGIES	

In responding to the 504 Educator Input Form, Educators should consider the interventions they have made to the student's environment, assignments, testing accommodations, materials, instruction/presentation, comprehension strategies for content and directions, and parent/student communications.



BELLE VERNON AREA SCHOOL DISTRICT SECTION 504

APPENDIX B: *Frequently Asked Questions*

A Parent's Guide to Section 504 in Public Schools

This important civil rights law can provide educational benefits to kids with learning disabilities and/or ADHD in public schools.



Section 504 — just what exactly is it? You've probably heard about it, but every school district addresses Section 504 in a different manner. Some districts have even been heard to say, "We don't do that in this district." But in fact, compliance to Section 504, which is a federal statute, is not optional. This article attempts to answer basic questions pertaining to the implementation of Section 504 in public school systems.

What is Section 504?

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Section 504 states that: "No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his 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..." [29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

Who is covered under Section 504?

To be covered under Section 504, a student must be "qualified" (which roughly equates to being between 3 and 22 years of age, depending on the program, as well as state and federal law, and must have a disability) [34 C.F.R. §104.3(k)(2)].

Who is an “individual with a disability”?

As defined by federal law: “An individual with a disability means any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment” [34 C.F.R. §104.3(j)(1)].

What is an “impairment” as used under the Section 504 definition?

An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. [“It should be emphasized that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities” (Appendix A to Part 104, #3)].

Many students have conditions or disorders that are not readily apparent to others. They may include conditions such as specific learning disabilities, diabetes, epilepsy and allergies. Hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious, but if they substantially limit that child’s ability to receive an appropriate education as defined by Section 504, they may be considered to have an “impairment” under Section 504 standards. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of non-disabled students (The Civil Rights of Students with Hidden Disabilities under Section 504 of the Rehabilitation Act of 1973—Pamphlet). The definition does not set forth a list of specific diseases, conditions or disorders that constitute impairments because of the difficulty of ensuring the comprehensiveness of any such list. While the definition of a disabled person also includes specific limitations on what persons are classified as disabled under the regulations, it also specifies that only physical and mental impairments are included, thus “environmental, cultural and economic disadvantage are not in themselves covered” (Appendix A to Part 104, #3).

What are “major life activities”?

Major life activities include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others and working. As of January 1, 2009 with the reauthorization of the Americans with Disabilities Amendment Act, this list has been expanded to also include the life activities of reading, concentrating, standing, lifting, bending, etc. This may include individuals with AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, behavior disorders and temporary disabilities (e.g., broken writing arm, broken leg, etc.). Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activity while they are active. Students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504.

What does “substantially limits” mean?

Substantially limits is not defined in the federal regulations. However, in a letter from the Office for Civil Rights (OCR), they state, “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.” New guidance from the Americans with Disabilities Amendment Act states that Section 504 standards must conform with the ADAAA and is “intended to afford a broad scope of protection to eligible persons.” In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology or accommodations.

Who can refer a child for consideration for evaluation under Section 504?

Anyone can refer a child for evaluation under Section 504. However, while anyone can make a referral, such as parents or a doctor, OCR has stated in a staff memorandum that “the school district must also have reason to believe that the child is in need of services under Section 504 due to a disability” (OCR Memorandum, April 29, 1993). Therefore, a school district does not have to refer or evaluate a child under Section 504 solely upon parental demand. The key to a referral is whether the school district staff suspects that the child is suffering from a mental or physical impairment that substantially limits a major life activity and is in need of either regular education with supplementary services or special education and related services [letter to Mentink, 19 IDELR 1127 (OCR) 1993]. If a parent requests a referral for evaluation, and the school district refuses, the school district must provide the parent with notice of their procedural rights under Section 504.

Who decides whether a student is qualified and eligible for services under Section 504?

According to the federal regulations: “...placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities” [34 C.F.R. §104.35(c)(3)].

Unlike Special Education, the federal regulations for Section 504 do not require or even mention that parents are to be a part of the decision-making committee. The decision to include parents in the decision-making committee is a determination that is made by each school district and should be spelled out in the district’s procedures for implementing Section 504. Parents should at least be asked and encouraged to contribute any information that they may have (e.g., doctor’s reports, outside testing reports, etc.) that would be helpful to the Section 504 committee in making their determination of what the child may need. Schools are expected to make sound educational decisions as to what the child needs in order to receive an appropriate education.

What information is used in doing an evaluation under Section 504?

Under Section 504, no formalized testing is required. The 504 Committee should look at grades over the past several years, teacher’s reports, information from parents or other agencies, state assessment scores or other school administered tests, observations, discipline reports, attendance records, health records and adaptive behavior information. Schools must consider a variety of sources. A single source of information (such as a doctor’s report) cannot be the only information considered. Schools must be able to assure that all information submitted is documented and considered.

Can my child be placed under Section 504 without my knowledge?

No. Parents must always be given notice before their child is evaluated and/or placed under Section 504 (34 C.F.R. §104.36). Parents must also be given a copy of their child’s Section 504 accommodation plan if the committee determines that the child is eligible under Section 504.

What types of accommodations will my child receive if determined eligible under Section 504?

Each child’s needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A’s or B’s or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

Accommodations that may be used, but are not limited to, include:

[Those identified in this Handbook.]

Can my child still be disciplined under Section 504?

Yes. Children under Section 504 are still expected to follow the district's student code of conduct. However, when disciplining a child under Section 504, schools must consider the relationship between the disability and the misbehavior if the child is going to be removed from the regular setting for longer than 10 days. This does not mean that a student with a disability cannot be sent to a discipline center or that they cannot go to in-school suspension, or be suspended from school for three days. Very strict guidelines exist for schools in discipline issues with students who have a disability under Section 504. Your district 504 coordinator can assist you in this area should you have additional questions concerning the discipline of students with disabilities. Children having disabilities with behavioral components should have individual discipline plans as well as behavior intervention plans.

If I disagree with the school's evaluation, will the school district pay for an outside independent evaluation? Under Section 504, schools are not required to pay for an outside independent evaluation. If a parent disagrees with the school's evaluation decision, they may request a due process hearing or file a complaint with the Office for Civil Rights. (Ask your district or campus for a copy of Notice of Parent and Student Rights Under Section 504 of the Rehabilitation Act of 1973.)

How often will my child be re-evaluated?

While there are no specific time lines on this issue, students are re-evaluated about every three years or whenever there is going to be a "significant change in placement." The 504 Team should re-evaluate your child's plan every year to make sure that his or her accommodation plan is appropriate based on their current schedule and individual needs. The accommodation plan may be revised at any time during the school year if needed.

Will my child still be able to participate in nonacademic services?

Yes. Districts must provide equal opportunity in areas such as counseling, physical education and/or athletics, transportation, health services, recreational activities, and special interest groups or clubs. However, the "no pass, no play" standard used for students in most states also applies to students under Section 504 (34 C.F.R. §104.37).

What are my rights as a parent under Section 504?**As a parent or legal guardian, you have the right to:**

1. Receive notice regarding the identification, evaluation and/or placement of your child
2. Examine relevant records pertaining to your child;
3. Request an impartial hearing with respect to the district's actions regarding the identification evaluation, or placement of your child, with an opportunity for the parent/guardian to participate in the hearing, to have representation by an attorney, and have a review procedure;
4. File a complaint with your school District Section 504 Coordinator, who will investigate the allegations regarding Section 504 matters other than your child's identification, evaluation and placement.
5. File a complaint with the appropriate regional Office for Civil Rights. For additional information, contact: U.S. Department of Education, Washington, D.C. 20202-1100; (800) 421-3481; www.ed.gov/ocr; E-mail: ocr@ed.gov

Do I contact the State Education Agency (SEA) if I have a complaint concerning Section 504?

No. The State Education Agency has no direct jurisdiction over Section 504 implementation. Complaints may be addressed to your local District 504 Coordinator or to the Office for Civil Rights.

One note of caution: Please do not substitute this information for independent and individual legal advice. Such advice should be sought from a licensed, qualified attorney in the field of Section 504 disabilities. Every situation is different, and a good assessment of the risks involved in your particular situation can only be determined by consulting with your attorney and providing him or her with all of the relevant factual data. Sometimes just one “minor” detail can make a material difference in the outcome of a case.

Understood.org is a comprehensive resource for parents of kids with learning and attention issues.



**BELLE VERNON AREA SCHOOL DISTRICT
SECTION 504**

APPENDIX C: *Additional Signature Page*

In the event that the number of people assembled for a student's Section 504 Eligibility Determination meeting or Section 504 team meeting exceeds the number of spaces provided on the form for signatures, this form can be attached to the documentation for each meeting.

Title/Role	Name	Signature