

What are the school district's responsibilities under Section 504?

Section 504 is a program that is administered within the context of the other regular education programs of a school building. School staff members and parents work cooperatively to develop a Section 504 Plan that will help the student benefit from the educational program and activities of the school.

To be in compliance with Section 504, the School District must:

1. Designate a District-level Section 504 Coordinator.
2. Provide grievance procedures to resolve complaints of discrimination. (See www.dcsdk12.org –Policies J-Students JBB-R).
3. Provide annual notice of nondiscrimination in admission or access to its programs or activities. The District includes its notice of nondiscrimination in its annual Student Handbook, Annual Report to the Public, and on its website.
4. Annually identify and locate all qualified children with disabilities who are not receiving a free and appropriate public education.
5. Periodically notify persons with disabilities and their parents or guardians of their rights under Section 504.
6. Notify parents/guardians of their right to challenge decisions regarding identification, evaluation or placement of their child. (See www.dcsdk12.org – Policies – J-Students – JBB-R-1).
7. Conduct a self-evaluation of District policies, programs and practices to make sure discrimination is not occurring.
8. Provide parents the opportunity to examine relevant records.
9. The 504 Team will comply with all procedural requirements including determination of educational setting, evaluation, placement, and procedural safeguards of a free appropriate public education (FAPE).

How are we meeting our responsibilities?

- ✓ By providing this pamphlet to parents which notify them of their procedural safeguards.
- ✓ Board of Education Policy JBB Nondiscrimination on the Basis of Disability.
- ✓ Board of Education Regulation JBB-R for resolving complaints.
- ✓ Section 504/ADA Form A, Form B, and Form C for filing complaints available at each school.
- ✓ Designation of 504 Coordinators at District and School levels.
- ✓ Identification and training of School 504 Coordinators at each school site.

What are the disciplinary procedures for 504 disabled students?

Suspensions Totaling Ten Days or Fewer

In any disciplinary case deemed to warrant suspension for not more than 10 consecutive school days or when the total for the school year is less than 10 days, a student with disabilities may be suspended in accordance with the procedures in the Student Rights & Responsibilities - Code of Conduct and Discipline.

Suspensions Totaling More than Ten Days

In suspension cases involving over 10 total days for the year, a 504 team meeting must be held. The team must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 team, the suspension or expulsion is discontinued, and the record is removed from the child's files. The 504 Plan should be reviewed at this time to determine if the Plan is appropriate.

Procedural Safeguards

Prior to significant change of placement and prior to implementation of a 504 Plan, the District will provide a copy of Notice to Parent Rights Afforded by Section 504 of the Rehabilitation Act of 1973 which includes:

- Right to notice of proposed changes
- Right to examine records
- Right to request an impartial hearing on evaluation, identification, or provision of a FAPE
- Right to counsel

Internal Grievance Procedures

- Review issues with School 504 Coordinator.
- File a written complaint with District 504 Coordinator (Director of Special Education) stating specific facts. District 504 Coordinator will make reasonable efforts to resolve the matter informally at the school site.
- In the event that the complaint cannot be resolved informally, the District 504 Coordinator will convene an informal hearing with school personnel and parents and render a written decision.
- At any time, parents may file a formal complaint with the U.S. Dept. of Education, Office for Civil Rights, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582. Phone 303-844-5695.



Section 504

A Guide for Parents of Students with Disabilities

**If you have questions concerning Section 504 please call:
Douglas County School District
Director of Special Education at 303-387-0080**

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a civil rights statute that protects persons with disabilities from discrimination. It states that:

“No otherwise qualified individual with a disability 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.”

The Americans with Disabilities Act (“ADA”) contains similar prohibitions against discrimination. Title II of the ADA is applicable to the District and compliance with Section 504 typically satisfies Title II with respect to the District’s obligation to provide a free appropriate public education (FAPE) to students with disabilities.

Under Section 504, school districts are required to make their programs and activities (including non-academic and extracurricular programs and activities) accessible to all individuals with disabilities and to provide students with disabilities a free appropriate public education (“FAPE”). A FAPE includes the provision of regular or special education, related aids and services, and other accommodations designed to meet the individual educational needs of the student.

Please note that Section 504 applies to all students with disabilities – including those students eligible for services under the Individuals with Disabilities Education Act (“IDEA”). This pamphlet focuses on the process associated with identifying, evaluating, and serving the “Section 504-only student.”

Who is Eligible?

A student has a “disability” under Section 504 if he/she (1) has a physical or mental impairment that *substantially limits* one or more *major life activities*; (2) has a “record of” such an impairment; or (3) is “regarded as” having such an impairment.

Major Life Activities

Major Life Activities include such things as: seeing, hearing, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself and performing manual tasks. The operation of major bodily functions (e.g., the immune system, cell growth, digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) also count as major life activities. Please note that this list of major life activities is not exhaustive.

Substantial Limitation

Section 504 does not specifically define the term “*substantial limits*.” The basis for evaluating this criterion is the impact the impairment has on one or more of a student’s major life activities. A substantial limitation means that the student is unable to perform a major life activity that *the average person in the general population* can perform or is substantially limited in the condition, manner, or duration under which the student can perform the major life activity at issue.

Additionally, with the exception of ordinary eyeglasses and contact lenses, the ameliorative effects of available “mitigating measures” (including, but not limited to, medications, prosthetics, hearing aids, mobility devices, and learned adaptations) may not be considered in determining whether someone is “substantially limited” in a major life activity.

What do Section 504 accommodations look like?

Section 504 planning most commonly focuses on identifying and implementing specific accommodations. Accommodations may be as simple as changes in daily schedule or as complex as using assistive technologies that address specific disabilities. For example, FM amplifiers may be needed to help a student with a hearing impairment understand class lectures, magnification devices may be needed to help a student read, and any number of devices may be needed to aid student mobility.

Examples of Common Accommodations

- Shortened assignment(s)
- Read tests aloud
- Provide an extra set of textbooks for home
- Seat the student away from computer/hallway noise
- Provide study guides prior to introducing new materials
- Have the student learn to use a planner
- Provide a peer tutor/helper
- Allow the student to use a computer/keyboard for written assignments in class

Accommodations need to take into account both the functional capabilities of the individual and the alternative methods of performing tasks or activities to allow the student to demonstrate his or her learning.

- Accommodations must be individualized.
- Accommodations are intended to provide a student with a disability an equal opportunity to benefit from the educational programs of the school.

What is the Section 504 process in Douglas County schools?

The School 504 Coordinator will:

- Receive concern from teachers, parents, nurses, counselors, students and others.
- Convene a group of persons knowledgeable about the student to collect and review information about the student from a variety of sources.
- Work with the team to review the data about the student to determine if the student has a physical or mental impairment that *substantially* limits a major life activity, and thus, is eligible to receive a free appropriate public education (FAPE).
- As a member of the team decide if, because of the disability, the educational needs of the student are not met as adequately as the needs of the non-disabled students in order for the student to be entitled to a free appropriate public education (FAPE).
- After the team determines that a student is eligible for a Section 504 Plan, work with the team to develop a Section 504 Plan for the student.
- As part of the team, determine the student’s needs as they relate to the identified disability.
- Complete the Section 504 Plan by outlining the education or services, accommodations or modifications that the student requires.
- Plan a review meeting date.
- Obtain signature of team participants.
- Send copies of 504 Plan to designated individuals.
- Monitor the implementation of the 504 Plan.
- Reconvene the team on the date agreed upon to review and reassess any change in status.
- Hold a transition meeting when the student moves to a new school.

Douglas County School District is committed to the policy that all persons will have equal access to its programs, facilities, and employment and does not discriminate on the basis of age, race, color, ancestry, religion, creed, national origin, gender, physical or mental disability, sexual orientation, gender identify, or veteran status. In adhering to this policy, Douglas County School District complies with the Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, and Title VI and VII of the Civil Rights Act of 1964. The Douglas County School District main Administration Building is located at 620 Wilcox St, Castle Rock, CO 80104, 303-387-0100, www.dcsdk12.org