



**SECTION 504  
Rehabilitation Act of 1973**

**HANDBOOK AND IMPLEMENTATION GUIDE**

**PROCEDURES AND FORMS**

**-Student Identification, Evaluation  
and Placement-**

March 2016

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## **Introduction**

Section 504 of the Rehabilitation Act of 1973, with its subsequent amendments, is a federal civil rights law that prohibits discrimination against students with disabilities. Section 504 regulations require schools to provide a free appropriate public education to students with disabilities. This manual provides guidance on Neuse Charter School's implementation of Section 504.

This handbook also includes the changes resulting from the Americans with Disabilities Act Amendments Act of 2008, and reflects the Neuse Charter School's ongoing commitment to educating ALL children.

In compliance with federal law, Neuse Charter School administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability. For additional information, contact, 504 Coordinator at 919-626-2300.

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# The Law

## General Information

Section 504 of the Rehabilitation Act of 1973 with its amendments is a civil rights statute that prohibits discrimination against individuals with disabilities. This law is enforced by the U.S. Department of Education's Office for Civil Rights (OCR). OCR also enforces Title II of the Americans with Disabilities Act of 1990 (ADA), reauthorized as the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, which prohibits disability discrimination by state or local government services (including charter schools), programs, or activities regardless of whether they receive federal funding or not. Under Section 504, denying a disabled student a Free Appropriate Public Education (FAPE) constitutes disability discrimination.

Section 504 covers students with diagnosed, certified, or classified disabilities who attend public and some private schools. A student is "disabled" under the Section 504 regulations if the student meets any one of the three prongs of eligibility. To be protected under Section 504, a student must be determined to: 1) Have a physical or mental impairment that substantially limits a major life activity, or 2) Have a record of such impairment, or 3) Be regarded as having such impairment.

The ADAAA (2008) did not change the actual language of the three prongs, but it did change how the various phrases used in the three prongs are understood. Congress provided, as part of its rules of construction in the ADAAA, that "The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act." This statement should guide the school's Section 504 team's evaluation of the potentially eligible student. The school's Section 504 team is defined as a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

Section 504 requires that schools provide a free and appropriate public education (FAPE) to students in their jurisdiction who have a physical or mental impairment that substantially limits at least one major life activity or major bodily function. Schools are required to provide a free appropriate education to students with disabilities based on their individualized educational needs. The services may include special education and related aids and services such as physical therapy, as well as modifications to the regular education program including adjustments in test taking procedures and adjustments to rules regarding absences when a student's absences are due to a disability.

## Relationship between Section 504 and the ADA

The Americans with Disabilities Act (ADA), enacted in 1990 and amended in 2008 as the ADAAA, and the Rehabilitation Act of 1973 (Section 504) are civil rights laws that protect individuals with disabilities from discrimination. The primary difference is that while Section 504 applies to organizations that receive federal funding, the ADA applies to public entities. As of January 1, 2009, however, whatever applies to the ADA applies to Section 504 as well. Virtually every violation of Section 504 is also a violation of the ADA in the educational arena. In the event that a complainant alleges that the school has violated one statute, OCR also will likely investigate for violations of the other statute. The main difference between 504 and Title II is that one applies to the recipients of grants from the federal government (Section 504) and the other applies only to public entities (Title II). A school or college may be both a recipient of Federal funds from the US Department of Education and also a public entity. In such cases, both laws cover the institution.

## **Section 504 compared to the Individuals with Disabilities Education Act (IDEA)**

Eligibility for protections and services under Section 504 is not the same as eligibility for IDEA. Section 504 has a much broader definition of disability than IDEA. Special education is the provision of IDEA while Section 504 is the provision that protects the civil rights and “levels the playing field” for students with mild to moderate disabilities in a general education setting who do not need special education. Students covered under IDEA with an Individualized Education Program (IEP) do not need a separate Section 504 plan, as provisions covered under Section 504 would be contained under IDEA. Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the receipt of Federal IDEA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

## Eligibility

The critical, overarching question to consider for eligibility under Section 504:

“Does a student have a have a physical or mental impairment that substantially limits a major life activity or major bodily function?”

### Physical or Mental Impairments

Section 504 defines physical or mental impairment as:

1. (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; genito-urinary; hemic and lymphatic; skin; and endocrine;

or

2. (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

The regulation does not set forth an exhaustive list of specific diseases or categories that may constitute physical or mental impairments. The definition of physical or mental impairment under Section 504 is broad, including students with life-threatening health conditions that will put a student in danger of death during the school day, if medication or treatments are not in place.

### Substantial Limitation

A physical or mental impairment substantially limits a major life activity if the student’s ability to perform a major life activity or major body function is decreased as compared to the student’s non-disabled age/grade peers. There is no single formula or scale that measures substantial limitation. Impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered substantially limiting. Title II provides three (3) factors to consider when determining whether or not the disability substantially limits a major life activity or major bodily function:

1. Nature and severity of the impairment;
2. Duration or expected duration of the impairment; AND
3. Permanent, long-term impact or expected impact of the impairment.

The Section 504 team must make the determination of whether a student has a physical or mental impairment that substantially limits a major life activity or major body function. The ADAAA (2008) expanded the definition of substantial limitation to ensure it reaches a broad spectrum of individuals without the consideration of mitigating measures such as medications and surgical interventions. Eyeglasses and corrective lenses are an exception to this rule (i.e. 504 teams may take into account a student’s eyeglasses when making eligibility determination).

### Mitigating Measures

As mentioned above, mitigating measures may be used by a disabled student to manage his or her impairment or lessen the impact of his or her impairment. Mitigating measures include medication, medical devices, related aids and/or services. These mitigating measures must be disregarded when determining whether a student’s

impairment constitutes a disability under Section 504. However, the mitigating measures/supports may be considered when writing a student's accommodation/support plan.

## **Otherwise Qualified**

If a person with a disability wants to participate in an activity in which the individual is not otherwise qualified to participate, disallowing participation does not constitute discrimination.

For example, a 16-year-old boy with attention deficit hyperactivity disorder (ADHD) tries out for the basketball team but cannot dribble, shoot, or pass. As a result, the coach does not allow the boy to play on the team. This is not discrimination under Section 504 because the boy is not otherwise qualified to be on the team.

## **Transitory Impairments**

A transitory 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 for an extended period of time (usually 6 months or less). The issue of whether a transitory impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the expected duration of the impairment and the extent to which it actually limits a major life activity.

## **Transfer Students**

A student with an active Section 504 plan who enrolls in NCS from outside the district must be reevaluated within a reasonable time upon entry (recommended time frame is within 45 school days). A Section 504 team may accept the student's current plan on a temporary basis while waiting to reevaluate the student. Upon evaluation, if the Section 504 team determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or perform any other major life activity, the student is no longer eligible for services under Section 504.

A student who reenrolls in NCS must also be reevaluated to determine if the student continues to meet eligibility requirements. Once again, the Section 504 team may accept the student's former plan on a temporary basis while waiting to reevaluate the student. The only exception would be if the student was exited from a Section 504 plan prior to withdrawal from NCS. In this case, the Section 504 team would begin the process for referring a student for eligibility determination.

## **Impairments that are Episodic or in Remission**

The ADAAG declares that "An impairment that is episodic or in remission is a disability only if it would substantially limit a major life activity when active." Although the language covers two different types of impairments with similar treatment, these impairments are better analyzed separately as there are significant differences between the two. Students who have impairment that may be considered episodic or in remission may be determined eligible under Section 504 as a student with a disability, but may not need an active Section 504 plan at this time. School teams should monitor these students to activate a plan if the student's condition becomes active and substantially limits the student's functioning.

## **Episodic Impairments**

Some students have physical or mental impairments that vary in severity. Conditions such as seasonal allergies or asthma, migraines, rheumatoid arthritis, and cystic fibrosis are good examples of impairments that may be substantially limiting at times (in hot weather, when the student is stressed, when irritants or trigger factors are present) and have little impact at other times. Schools commonly qualify students under Section 504 if their

condition, though not constant, episodically rises to the level of substantial limitation of a major life activity. Students should not be denied eligibility simply because the disability, at the moment of evaluation, is not substantially limiting, especially when the school knows from past experience that substantial limitation will likely occur. School Section 504 teams should look carefully at the range of data over a period of time and not just the student's current level of performance. The timing of the evaluation should not function to preclude eligibility for students whose impairments are episodic and who are not substantially limited at the time of evaluation.

### **Impairments in Remission**

The ADA language on impairments in remission is the same as episodic impairments: "An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active." An example is a student who had cancer that is now in remission. The student would be eligible if the cancer substantially limited when it was active in the past.

### **Students who are receiving services under Exceptional Children Education (EC)**

A student with a disability who is eligible for the protections and provisions of FAPE under the IDEA is not eligible to receive Section 504 services. Once a student is eligible under the IDEA, the IEP team is responsible for the whole child (although still entitled to the Section 504 protections against discrimination and equal access). The School has no flexibility or discretion to provide services and accommodations under Section 504 when a student is IDEA-eligible.

### **Related Services: Occupational Therapy, Physical Therapy, & Audiology**

Section 504 requires that related services be provided for students with disabilities if these services are essential to meet the student's educational needs. A related service can be provided under Section 504 to children who do not receive any other special education services or interventions.

Students who receive a related service must receive progress monitoring to determine the effectiveness of the accommodations provided. Monitoring must be completed each quarter and reported to the student's parent or guardian. The Teacher Input or Progress Monitoring form must be used to document the student's progress. If a student refuses to use an accommodation or assigned equipment as stipulated in the student's Section 504 Plan, the Notification of Refusal to Use Section 504 Accommodations form must be completed by following all procedures followed as outlined on the document.

### **Inclusion**

Section 504, like the IDEA, requires that students with disabilities be educated with their non-disabled peers to the maximum extent appropriate while meeting the needs of students with disabilities. Schools should always place students with disabilities with their non-disabled peers, unless the school can demonstrate that the student's education program cannot be achieved satisfactorily, with or without supplementary aids and services in the general education setting. This mandate also applies to extracurricular activities such as field trips. Failure to adhere to the above guidelines violates the schools requirement to provide students with a Free Appropriate Public Education (FAPE).

## **School Information**

### **Notice of Nondiscrimination**

Neuse Charter School shall take steps to notify participants, employees, and applicants of the school's responsibilities under Section 504. The following notice shall appear in student/parent handbooks, teacher's handbooks, non-certified personnel handbooks and published personnel recruiting materials: "In compliance with Federal Law, Neuse Charter School administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age or disability."

### **Child-Find Activities**

Neuse Charter School shall endeavor to locate and identify every qualified disabled student who is not receiving a public education. The Section 504 staff will collaborate to engage in child-find activities and communication annually. Activities may include but not limited to presenting information at parent meetings at the school site and within the community, school staff meetings, posting information in the school office, and reviewing student information upon registration.

### **Nonacademic Services**

Qualified disabled students shall be provided an equal opportunity to engage in counseling services, physical recreation, athletics, transportation, special interest clubs, etc.

For example, qualified disabled students shall:

- Not automatically be counseled towards certain career objectives more than non-disabled students with similar abilities.
- Have an equal opportunity to participate in physical education courses and athletics. Although qualified disabled students may participate in separate activities for the disabled, no qualified disabled student shall be denied the opportunity to compete (i.e. tryout) for membership on a team or to participate in courses that are not separate or different.

## Process Steps for Section 504 Identification and Eligibility

Section 504 requires the use of evaluation and placement procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

Neuse charter will conduct or arrange for an individual evaluation at no cost to the parents before any action is taken with respect to the initial placement of a child who has a disability, or before any significant change in that placement.

Neuse Charter School will establish standards and procedures for initial and continuing evaluations and placement decisions regarding students who, because of a disability, need or are believed to need special education or related services.

These procedures will 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;
- are tailored to assess specific areas of education need and are not designed merely to provide a single general intelligence quotient; and
- are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- Neuse Charter will draw upon a variety of sources in the evaluation and placement process so that the possibility of error is minimized. All significant factors related to the learning process will be considered.
- These sources and factors include, for example, aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.
- Information from all sources must be documented and considered by a group of knowledgeable persons, and procedures must ensure that the student is placed with nondisabled students to the greatest extent appropriate.
- Periodic reevaluation will be required. This may be conducted in accordance with the *IDEA* regulation, which requires reevaluation at three-year intervals (unless the parent and school district agree reevaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a reevaluation.

### Step 1 — Referral of Concern

1. The Referral of Concern is completed with assistance from the parent or school staff member who initiated the concern. This action begins the process to determine if a student has a disabling condition that may qualify for eligibility under Section 504. This form must be completed for all initial referrals.
2. The completed form is routed to the Section 504 Coordinator for review.

### Step 2 — Routing the Referral

1. 504 Coordinator reviews the Referral of Concern. If a child's particular disability warrants more specialized instruction than offered through Section 504, the Section 504 coordinator should refer the student to the EC coordinator if the student has not already been evaluated for eligibility under the IDEA. If a student has been found ineligible under the IDEA, a

student may be referred back to the Section 504 Team for a Section 504 eligibility meeting.

2. If an eligibility meeting is to be conducted, the 504 Coordinator will arrange a meeting including parents, teachers, administration and any related service providers as needed.

### Step 3 — Prepare for the Section 504 Eligibility Meeting

1. After obtaining parental/guardian consent, the Section 504 team gathers information from a variety of sources, which may include cumulative records (grades, attendance, test scores), teacher's notes (behavior charts/contracts, anecdotal notes), or other sources (medical reports, parental/guardian observations).
2. Information must be selected to assess the area of educational concern impacted by the suspected disability. Information collected will be the basis on which the student's eligibility is determined and accommodation plan developed, if needed.
3. Be sure any related service evaluations are completed prior to scheduling an eligibility meeting. Contact the specific Related Service provider for their schedule.

### Step 4 — Eligibility Determination and Evaluation Results Meeting

1. Schedule and invite Section 504 team members. Send Parent/Guardian Notification of a Section 504 Team Meeting. Remember to include the parent/guardian, school nurse, related service providers and/or school psychologist (when appropriate) and other professionals that are knowledgeable about the student, the student's disability, and placement options, as needed.
2. The Section 504 team meets and considers evaluation data to determine if the individual has a mental or physical impairment that substantially impairs a MLA/MBF using the process outlined on the Documentation of Eligibility for Section 504 form.
3. Section 504 eligibility determination meetings should:
  - a. be based on information from a variety of sources, e.g. teacher(s), other school staff members, a parent/legal guardian, physician, school nurse, other professionals or persons in the community

4. Document and consider all available pertinent information, e.g. records, assessment data or medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity.
5. Take notes during this meeting. Be sure all forms are signed by team members at this meeting.
6. If the eligibility determination and Section 504 plan development meetings are being held successively, only one Parent/Guardian Notification of a Section 504 Team Meeting is needed; however, the both meetings must be checked on this form.

#### Step 5 — Section 504 Accommodation Plan Development

1. After a student is determined eligible under Section 504 the Section 504 school team creates a plan using the Accommodation Plan Section 504 form.
2. Use evaluation data reviewed during the eligibility meeting to develop and write reasonable accommodations.
3. Reasonable accommodations must address the areas related to the major life activity (MLA) and/or major bodily function (MBF) in which the student is substantially limited. Reasonable accommodations are to provide the student with an equal opportunity to benefit from instruction, programs, and services provided by the School.
4. As Section 504 team members, parents/guardians should be consulted and given an opportunity to share input.
5. If a related service is being considered, the related service provider (OT, PT, or audiologist) must be invited and attend this meeting.
6. Test accommodations, if needed, must be listed on Section 504 Accommodation Plan. Upon completion of the Section 504 Plan, the school test coordinator receives a copy of the Section 504 plan including the test accommodation attachments.
7. Document as much information as possible in the meeting notes.
8. Review plan with parent/guardian being sure to have checkboxes marked under Parent Signatures and Placement Agreement.
9. Be sure to obtain signatures from team members. If a team member is unable to attend, include a statement to reflect the absence or consider rescheduling the meeting.

#### Step 6 — Implementation

1. Provide the student's teachers and staff members an overview of accommodations and supports. Have each teacher sign the Section 504 Plan Accommodation Sheet. Keep a copy in the student's file and a master copy of all students.
2. Request training on specialized accommodations and services, (e.g., administration of Epi-pen), and crisis/medical plan implementation.
3. Remind teachers and school staff to implement the accommodations according to the student's Section 504 plan. An educator's implementation is not a choice, but required by law.
4. Remind teachers to complete the Notification of Refusal to Use Section 504 Accommodations if the student refuses to use any of the accommodations on the Section 504 plan. Follow the guidelines on the form. If the student refuses medical accommodations, contact school administration and parents immediately.
5. Progress monitor accommodations by completing the Teacher Input or Progress Monitoring Form each quarter during the school year.
6. Enter student data and test accommodations on required spreadsheet.

## Step 7 — Review/Re-evaluation

1. Review each student's Section 504 plan annually, or sooner, if needed.
  1. Annual review date is one year minus one day from current plan. (Current plan 9/12/12 = AR 9/11/13)
  2. The annual review process for a current student with the same disabling condition begins at Step 5.
  3. When adding a new diagnosis to a current plan, eligibility needs to be established for the new condition.

Begin at Step 4 before writing the plan.

2. Conduct a full re-evaluation at least every three years. A full re-evaluation may occur more often when reasonably requested by the student's parent/guardian or school personnel.
  1. A three-year re-evaluation is conducted like an initial Section 504 evaluation.
    1. Determine if the student continues to qualify under Section 504;
    2. Determine if the student continues to need accommodations; and
    3. Determine to what extent supports are needed.
  2. An updated medical diagnosis is requested so medications and accommodations can be revised, as needed.
  3. Three year reevaluations are determined by the date of the student's INITIAL plan. \* (Initial date: 10/2/20011 = 3 year 10/2/2014).  
Do not use annual review dates to determine 3 year re-evaluation dates.

# **Accommodations and Testing Guidelines**

## **Accommodations**

### **Overview**

The purpose of an accommodation under Section 504 is to “level the playing field” for students with disabilities. Accommodations should be reasonable and allow students with disabilities to have access to their learning environment, manage a medical condition, participate in class activities, and demonstrate their level of mastery of concepts without being impeded by their disability. Accommodations that include an instructional component should be written so the integrity of the course content is maintained while not providing students an unfair advantage. Accommodations needed to manage a medical condition should allow the student opportunity to take care of his/her condition. Accommodations should be reasonable and not provide an undue advantage for the student.

Once the Section 504 team identifies a student as eligible under Section 504, appropriate accommodations are written into a student's Section 504 plan. These accommodations must be implemented by all staff that interacts with the student until a revision of the plan is made. Modifications of a student’s Section 504 accommodations require a Section 504 team meeting and a collective team decision. If a student refuses to use a documented accommodation, the teacher must complete the Notification of Refusal to Use Section 504 Accommodations form and implement the follow-up procedures explained on the form. If a student consistently refuses to use an accommodation, notify the 504 coordinator to schedule a meeting to determine if there is a need for this accommodation.

If a student refuses to use a health-related or medical accommodation (such as a prescribed medication), notify administration and parent/guardian immediately and complete the Notification of Refusal to Use §504 Accommodations form.

Each student is an individual, so each student’s Section 504 accommodation plan must be constructed individually. While there are accommodations that are commonly used to address and manage certain specific conditions, each student’s needs must be considered when choosing the appropriate accommodations. Selecting and monitoring the effectiveness of accommodations should be an ongoing process. Changes to a student’s Section 504 accommodations should only be made with the collective involvement of students, parents and educators as a 504 team, and should be made as often as needed. The key is to be sure that the chosen accommodations address student’s specific areas of need and are related to the student’s disability.

Accommodations listed on a student’s Section 504 Plan must be monitored for effectiveness in assisting the student in the area of disability. Progress monitoring should be completed quarterly using the form for Teacher Input or Progress Monitoring. Any accommodations that are not effective should be revised or eliminated from the student’s Section 504 Plan through a Section 504 Team Meeting.

## **Testing**

Testing accommodations for a Section 504 student should be based on the student’s accommodations used during the identification and progress monitoring process. If a student needs a testing accommodation, the accommodation must be used every time a student is tested. In order for a testing accommodation to be used for district and state-mandated tests, it must be considered routinely used in the classroom. To be considered as routinely used, the accommodation must be in place for at least 30 calendar days before the test window opens in order for the student to use the accommodation listed on the Section 504 plan. Testing accommodations

should in no way alter the content of the assessment or interfere with the integrity of the test construct. Testing accommodations CANNOT be implemented solely for district or state-wide assessments. 504 Coordinators should consult frequently with the school's test coordinator for updates on new tests and accepted accommodations.

School assignments and tests completed with accommodations should be graded the same way as those completed without accommodations. Accommodations are meant to "level the playing field," provide equal and ready access to the task at hand, and are not meant to provide an undue advantage for the student.

When developing testing accommodations, the Section 504 team must consult with the test coordinator at the school and refer to the Testing Students with Disabilities (TSWD 2013) guide distributed through the North Carolina Department of Public Instruction. This guide contains the necessary information to develop and record allowable accommodations which meet the criteria for state-mandated testing. For more specific information, please refer to the Testing Accommodations – Descriptions and Procedures section of the Testing Students with Disabilities guide.

### **Extended Test Time**

Typically, extended test time is considered a reasonable accommodation when a student's disability prevents demonstration of mastery of the tested material within the allotted time. Extended test time is a routine accommodation for students with disabilities when assessment of the student's mastery of content is the main purpose of the testing. However, when a particular test is designed to measure a student's ability to think and answer questions within time constraints, extended time is probably not a reasonable accommodation. In this instance, OCR supported the district's refusal to allow a disabled student extended test time to complete a test on computer keyboard proficiency, when mastery involved testing for speed and accuracy. Neuse Charter will allow extended test time only when the student demonstrates a disability-related need for the accommodation. Requests for extended time to complete all assignments, including tests, quizzes, homework and class work, should not be granted when supportive evidence indicates that the student always completes tests in less than the time allotted and earned mostly A's. [See Apple Valley Unified Sch. Dist., 25 IDELR 1128 (SEA CA 1997)].

## **Parent-Student Rights and Responsibilities**

The following is a description of parent rights under Section 504 of the Rehabilitation Act of 1973. The law requires that you be kept fully informed concerning decisions about your child and that you be informed of your rights if you disagree with any of these decisions. Note that these rights also apply to students age 18 and older.

Under Section 504, as a parent or guardian, you have the specific right to:

- Have your child take part in and receive benefits from public education programs without discrimination based on a disability;
- Have the school advise the parent as to the parent's rights under federal laws;
- Receive notice with respect to evaluation, identification, or placement of your child;
- Have your child receive a free appropriate public education, including being educated with other non-disabled students to the maximum extent appropriate and, if needed, have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
- Have your child educated in facilities and receive services comparable to those provided students without disabilities;
- Have evaluation, identification, and placement decisions made based upon a variety of information sources, and by individuals who know your child, the evaluation data, and placement options;
- Have periodic reevaluations and an evaluation prior to any significant changes in your child's educational program.
- Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school;
- Examine all relevant records relating to decisions regarding your child's evaluation, identification, educational program, and placement;
- Obtain copies of educational records at a reasonable cost;
- Receive a response from the school to reasonable requests for explanations and interpretations of your child's records;
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child and receive notification and advice about your right to a hearing if the school district refuses this request.
- Request a due process hearing with an impartial hearing officer for any disagreement/complaint that you have with respect to actions regarding the identification, evaluation, educational services, or educational program or plan of your child.

The following person has been designated to handle inquiries from parents and/or students regarding Section 504 at Neuse Charter School:

Dr. Julie Jailall, Executive Director of Neuse Charter School  
909 East Booker Dairy Road  
Smithfield, NC 27577 (P) 919- 626-2300

# Grievance Procedures

## Student and Parent Grievances

A student, parent or guardian may initiate the grievance procedure when they believe that a final administrative decision has violated any board policy or state or federal law or regulation. The grievance policy shall not apply or be used in cases of suspension or expulsion, where the provisions of the Code of Student Conduct shall apply, or in the case of sexual harassment, where the provisions of the Sexual Harassment policy shall apply. The Board prohibits retaliation against any individual who files a grievance or who participates in an investigation or grievance proceeding initiated under this policy. If students or parents have concerns that involve classroom teachers, the board strongly encourages the concerned persons first to contact the teacher directly to resolve such matters informally, whenever possible.

### A. Step I - Principal Conference

A student, parent or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal or designee to discuss the grievance and seek resolution. The grievance request shall describe the basis for the grievance, name the specific policy, rule or law believed to have been violated, and specify the relief sought. A grievance shall be filed as soon as possible, but no longer than thirty (30) days after disclosure of the facts giving rise to the grievance.

The following additional guidelines shall be observed in Step I:

1. The principal or designee shall grant the conference within five (5) school days following receipt of the request. The principal or designee will state in writing his or her position on the question to the student, parent or guardian within five (5) school days following the conference. This shall be a recommendation to be carried out or a final response on the grievance.
2. Only the parent, guardian or someone acting in loco parentis shall be permitted to join or represent the student in the conference with the principal or designee. If a teacher is involved he or she must also be present.

### B. Step II - Appeal to the Executive Director

If the grievance is not resolved at Step I, the student, parent or guardian may appeal the principal's or designee's decision in writing to the Executive Director. The appeal must be made within five (5) school days following receipt of the principal's or designee's written response (see guideline 1 of Step I above). The Executive Director or designee shall review the grievance within five (5) school days following receipt of the appeal. A written response shall be made to the student, parent, guardian and principal or designee from the Executive Director or designee within ten (10) school days following the review. At any time during the grievance process, the Executive Director may temporarily put the grievance on hold for up to twenty (20) school days in order to conduct an investigation of the relevant facts.

### C. Step III - Appeal to the Board of Directors

If the grievance is not resolved at Step II, it may be appealed to the board of directors. A written appeal must be made within ten (10) school days following the written response from the Executive Director or designee at Step II. The board's consideration of the appeal will take place in closed session and will be limited to the written record unless the board determines that additional information is necessary. The board shall provide a final written decision within thirty (30) days.

If the complainant finds he/she is still being discriminated against, he/she maintains the right to file a complaint with the Office for Civil Rights with the Department of Education.

## **APPENDIX - FORMS**

1. Referral Form
2. Checklist for 504 Coordinators
3. Medical Evaluation Report
4. Parent Invitation Letter
5. 504 Eligibility Report
6. 504 Accommodation Plan
7. 504 Team Meeting Minutes
8. References

## NEUSE CHARTER SCHOOL SECTION 504 REFERRAL FORM

Student \_\_\_\_\_ Student ID # \_\_\_\_\_ DOB \_\_\_\_\_ Primary Language \_\_\_\_\_

Grade \_\_\_\_\_ Homeroom Teacher \_\_\_\_\_

Has student been previously considered for special education services under IDEA?  Yes  No

Referral made by \_\_\_\_\_ Position \_\_\_\_\_

Referral date \_\_\_\_\_

**Description of concern(s)**

Describe the suspected impairment/reason for referral: \_\_\_\_\_

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Describe the concerns (i.e., student's limitation(s) or area(s) of need): \_\_\_\_\_

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Documentation of the concerns (e.g., disciplinary information, screening instruments, observations, anecdotal data, work samples, etc.): \_\_\_\_\_

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Describe interventions already used in attempting to resolve concerns: \_\_\_\_\_

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**To Be Completed by Section 504 team:**

Date of 504 team meeting: \_\_\_\_\_

- Decision made:  Screen/evaluate for 504 eligibility  
 Make eligibility determination based on existing information (use Eligibility Determination form)  
 Other: \_\_\_\_\_

Meeting participants:

504 Coordinator: \_\_\_\_\_

Teacher: \_\_\_\_\_

Parent: \_\_\_\_\_

Student (if attending): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Original: Section 504 folder**  
**Copy: Parent**

**NEUSE CHARTER SCHOOL**  
**504 Meeting Checklist for 504**  
**coordinators**

**BEFORE THE MEETING:**

1. Contact parents to explain the purpose of the meeting and identify any questions and concerns. Schedule meeting with participants, including parents.
2. Send meeting notice/invitation to parent reminding parent of date, time and location of meeting.
3. Gather pertinent information to be shared at the meeting: updates from teachers, grades, assessment reports, medical/health information, etc.
4. Develop meeting agenda.
5. Arrange for any necessary interpreters or accommodations for meeting participants. Complete any portions of forms/paperwork that can be completed before the meeting. Bring all current forms and the student's cumulative folder to the meeting.

**DURING THE MEETING:**

1. Have participants introduce themselves and state/explain their role at the meeting. Clarify purpose of meeting.
2. Review agenda.
3. Identify note-taker for meeting minutes (at beginning of meeting). Facilitate student's input or participation.
4. Lead group through agenda – do time-checks as needed.
5. Complete Section 504 Eligibility Determination Report (if needed). Complete or revise Section 504 Student Accommodation Plan.
6. Provide copies of Report and Plan to parents or inform them of how they will get a copy. Provide Notice of Parent/Student Rights to parent.
7. Thank everyone for participation and cooperation.

**AFTER THE MEETING:**

1. Put originals of all forms into student's 504 folder. Accommodation sheet filed after teachers sign.
2. If parents did not receive documents at meeting, provide copies to parents ( within 5 days) Be sure all teachers know and understand their responsibilities under the 504 plan. Calendar check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan.

**NEUSE CHARTER SCHOOL  
SECTION 504 MEDICAL EVALUATION REPORT**

Student \_\_\_\_\_ Student ID # \_\_\_\_\_ DOB \_\_\_\_\_ Primary Language \_\_\_\_\_  
Grade \_\_\_\_\_ Homeroom Teacher \_\_\_\_\_

**To be completed by health care provider:**

1. Medical diagnosis (of physical and/or mental impairment): \_\_\_\_\_  
\_\_\_\_\_

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

2. Date first diagnosed: \_\_\_\_\_ 3. Date of most recent medical evaluation: \_\_\_\_\_

4. Prognosis: \_\_\_\_\_ Is condition chronic? \_\_\_ yes \_\_\_ no

5. Does the condition have any impact on physical functioning and/or development? \_\_\_ yes \_\_\_ no  
If yes, describe: \_\_\_\_\_

6. Does the condition have any impact on cognitive functioning and/or development? \_\_\_ yes \_\_\_ no  
If yes, describe: \_\_\_\_\_

7. Is the child on medication for this diagnosis? \_\_\_ yes \_\_\_ no If yes, list medication and dosage:  
\_\_\_\_\_

Function of medication: \_\_\_\_\_

Potential side effects of medication: \_\_\_\_\_

8. Symptoms reported by parent and/or observed by health care provider: \_\_\_\_\_  
\_\_\_\_\_

9. Other relevant information regarding student and impact of condition on student's educational  
performance: \_\_\_\_\_  
\_\_\_\_\_

**By signing this document, I certify that I have examined this child and that the above information is true.**

Name and title of health care provider: \_\_\_\_\_

Name of medical practice: \_\_\_\_\_

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

If physician did not complete form, name of supervising physician: \_\_\_\_\_

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

**NEUSE CHARTER SCHOOL  
PARENT/GUARDIAN INVITATION  
TO SECTION 504 MEETING**

Student \_\_\_\_\_ NCWISE # \_\_\_\_\_ DOB \_\_\_\_\_

Grade \_\_\_\_\_ Teacher \_\_\_\_\_

Dear Parent or Guardian:

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

You are invited to attend a meeting to discuss \_\_\_\_\_ (Student)'s needs related to Section 504 of the Rehabilitation Act. The purpose of this meeting is to:

- Discuss referral for evaluation under Section 504 or a reevaluation under Section 504.
- Review evaluation results and consider if your child is eligible or continues to be eligible under Section 504.
- Discuss and/or develop, review, and/or revise your child's Section 504 plan.
- Conduct manifestation determination.
- Other: \_\_\_\_\_

The meeting is scheduled for \_\_\_\_\_ (date) at \_\_\_\_\_ (time), \_\_\_\_\_ (location). Your attendance at this meeting is important and your input is valued and appreciated. If you have any questions or need to reschedule this meeting, please call \_\_\_\_\_ (phone number) or \_\_\_\_\_ (email).

Sincerely,

\_\_\_\_\_  
Section 504 Coordinator

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**Parent/Guardian Response to Invitation:**

**Please respond to this invitation by checking the appropriate option below:**

\_\_\_ **I will attend the meeting as scheduled**

\_\_\_ **I will participate in this meeting by phone or other means. I can be reached at the following phone number on the date/time mentioned above:**

\_\_\_ **I cannot attend or participate in the meeting at this time. Please contact me to arrange a mutually agreed upon time.**

**Phone:** \_\_\_\_\_  
**or email** \_\_\_\_\_

**Parent/Guardian signature:** \_\_\_\_\_

2<sup>nd</sup> Notice \_\_\_\_\_

3<sup>rd</sup> Notice \_\_\_\_\_

**Original: Section 504 folder**

**Copy: Parent**

## NEUSE CHARTER SCHOOL SECTION 504 ELIGIBILITY DETERMINATION REPORT

Student \_\_\_\_\_ Student ID # \_\_\_\_\_ DOB \_\_\_\_\_

Grade \_\_\_\_\_ Date of 504 meeting: \_\_\_\_\_

- List evaluations (e.g., adaptive behavior, achievement tests, aptitude tests) used to document disability and the dates they were performed (include private evaluations):

Date of Evaluation	Name of Evaluation	Results/Scores

- Attendance for current and previous school year:

School year	Days Present	Days Absent	Number of days tardy to school

- Summarize grades for current and previous school year:

Subject	Grade (Previous school year)	Grade (Current school year - most recent 9 wks.)	Notes
Language Arts/Reading			
Writing			
Social Studies			
Science			
Mathematics			

- Summarize state testing results for current and previous school year:

Assessment	Score	Notes

- Information received from parent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Observations from teacher, including strategies attempted in classroom: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Does the student have a mental or physical impairment?  Yes  No

List each identified impairment and the physician, psychologist or other provider who made the diagnosis:

Impairment: \_\_\_\_\_ Diagnosed by: \_\_\_\_\_ Date: \_\_\_\_\_

Impairment: \_\_\_\_\_ Diagnosed by: \_\_\_\_\_ Date: \_\_\_\_\_

If yes, describe and if no, explain: \_\_\_\_\_  
\_\_\_\_\_

Are any of the student's impairments episodic or in remission?  Yes  No

If yes, state the impairment and describe the frequency of the appearance of the impairment's symptoms or characteristics: \_\_\_\_\_  
\_\_\_\_\_

8. Does or do the impairment(s) substantially limit one or more major life activities?  Yes  No

If yes, indicate which major life activity or activities is limited by the impairment(s):

caring for one's self

learning

walking

hearing

thinking

breathing

seeing

reading

communicating

operation of major bodily

concentrating

speaking

function: \_\_\_\_\_

eating

other: \_\_\_\_\_

For each major life activity identified, describe how the impairment(s) substantially limits the major life activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Are any mitigating measures in place to address the effects of the impairment?  Yes  No

a. If yes, identify the mitigating measure(s) that is/are in place: \_\_\_\_\_  
\_\_\_\_\_

b. If yes, was the team able to determine the impact of the impairment without the mitigating measure(s) on the major life activity(ies) identified above?  Yes  No

If yes, describe the impact of the mitigating measure(s) on the impairment: \_\_\_\_\_  
\_\_\_\_\_

10. If the team determines that a substantial limitation exists for any major life activity, is the substantial limitation primarily the result of cultural, economic, or environmental factors rather than the student's physical or mental impairment(s)?  Yes  No (If yes, student is not eligible under Section 504).

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_

**Eligibility Determination:**

1. Based on the information outlined above, \_\_\_\_\_ (student name)

is not eligible under or protected by Section 504.

is eligible under and protected by Section 504 because he/she has the impairment, \_\_\_\_\_, which substantially limits the student in the major life activity(ies) of \_\_\_\_\_.

2. If the student is eligible, does the student need accommodations, services or supports to access the benefits of public education?  Yes  No If yes, complete 504 Accommodation Plan. If no, explain: \_\_\_\_\_  
\_\_\_\_\_

**Meeting participants**(list/type names and have each individual initial next to his/her name):

504 Coordinator: \_\_\_\_\_ Teacher: \_\_\_\_\_

Parent: \_\_\_\_\_ Student (if attending): \_\_\_\_\_

Administrator: \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_

**I/we have reviewed this eligibility determination. I/we have been provided with a copy of our 504 procedural rights and have had an opportunity to review those rights. I acknowledge that this document constitutes the District's notice to me regarding my child's eligibility or non-eligibility under Section 504.**

\_\_\_\_\_  
Signature of Parent/Guardian Date

Original: Section 504 folder  
Copy: Parent (provided on \_\_\_\_\_ by \_\_\_\_\_) Method of delivery: \_\_\_\_\_  
Date Person

## NEUSE CHARTER SCHOOL SECTION 504 ACCOMMODATION PLAN

Student \_\_\_\_\_ Student ID # \_\_\_\_\_ DOB \_\_\_\_\_

Grade \_\_\_\_\_ Date of 504 Meeting \_\_\_\_\_

1. Student's impairment/disability: \_\_\_\_\_

2. Describe the effects of the student's disability on his/her access to education and/or in the educational environment: \_\_\_\_\_  
\_\_\_\_\_

3. List the accommodations, supports or services that are needed by the student in the classroom based on his/her disability:

Note: There is no set list of accommodations. The 504 team can consider, but is not limited to, the following areas in making this determination: accommodations to educational program (e.g., need for behavior support plan, changes to schedule, classroom or testing accommodations); changes to policies/procedures; communication adaptations; alternate teaching strategies; related services; changes to classroom/building climate; and/or equipment needs.

Area of Need	Accommodation/Service	Where is accommodation needed? Academic, Non-academic, and/or Extracurricular	Who will implement accommodation/service?

4. If team determines that student requires accommodations on state tests (e.g., EOC, EOG), complete and attach accommodations for state testing page as page 4 of this plan.

State testing accommodations needed?  Yes  No

If yes is checked, explain why each accommodation is needed: \_\_\_\_\_  
\_\_\_\_\_



Student Name: \_\_\_\_\_ School Year: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

By signing this page, I acknowledge that I am a teacher of the student named above and that I have reviewed the 504 plan for the student named above in its entirety, including test accommodations. I also acknowledge that I am responsible for providing the accommodations listed on the plan in the classroom and for any state and/or district tests.

_____ Name	_____ Signature	_____ Date

## Neuse Charter School Section 504 Team Meeting Minutes

**Name of Student:** \_\_\_\_\_ **Meeting Date:** \_\_\_\_\_

**Meeting purpose:** \_\_\_\_\_

**Present for Meeting:**

504 Coordinator: \_\_\_\_\_ Other participants (list position/name for each):

Teacher: \_\_\_\_\_

Parent(s)/Guardian(s): \_\_\_\_\_

Student (if attending): \_\_\_\_\_

Administrator (if attending): \_\_\_\_\_

Parent/guardian was provided Notice of Parents' Section 504 Rights at today's meeting?  Yes  No

Information considered by 504 team during meeting: \_\_\_\_\_

Options considered by 504 team:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_





## References

The following resources were used in the compilation of this handbook:

North Carolina Department of Public Instruction  
[www.ncpublicschools.org/parents/disabilities/section504](http://www.ncpublicschools.org/parents/disabilities/section504)

- Charlotte-Mecklenburg School System 504 Handbook, North Carolina.  
<http://schools.cms.k12.nc.us>
- Legal Aid of North Carolina, North Carolina. <https://www.legalaidnc.org/>
- Great Kids: A Parent's Guide to Section 504 in Public Schools,  
[www.greatschools.org/gk/articles/section-504](http://www.greatschools.org/gk/articles/section-504)
- OCR--<http://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/disability-pr.html>