



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

- I. **PURPOSE:** To provide guidelines and procedures for the evaluation, identification, and provision of services to students with disabilities under Section 504 of the Rehabilitation Act.

- II. **BACKGROUND:** Section 504 of the Rehabilitation Act prohibits discrimination against disabled persons, including students, parents, and staff members, by a school district receiving Federal financial assistance. Section 504 mandates that students with disabilities be provided a free appropriate public education (FAPE). Requirements include the identification, evaluation, and provision of appropriate services to students with disabilities and the provision of procedural safeguards to parents of students with disabilities. As such, many of the requirements for provision of FAPE under Section 504 and the Individuals with Disabilities Education Act (IDEA) are parallel.

Although Section 504 and the IDEA are similar in many respects, there are also a number of differences. Some disabled students may be protected by Section 504 but not be eligible for services under the IDEA. For eligibility purposes, the IDEA defines specific disabilities and criteria. Eligibility entitles the student to special education (specialized instruction) and related services as described in the student's Individualized Education Program (IEP). On the other hand, Section 504 protects all students with disabilities, defined as those "having any physical or mental impairment that substantially limits one or more major life activities (including learning)". A Section 504 Plan is developed for students found eligible under this statute. Section 504 is a much broader civil rights act when compared with the IDEA, which is an entitlement act.

Section 504 mandates nondiscrimination on the basis of disability. Regulations state that "no otherwise qualified disabled person shall, on the basis of his/her disabilities, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity, which receives or benefits from Federal financial assistance." Regulations assure that students with disabilities receive a free, appropriate public education designed to meet the students' unique needs.

An appropriate education is defined as regular or special education and related aids and services (such as transportation, health services, related services, referrals to appropriate agencies, counseling services) that are designed to meet individual needs of disabled persons as adequately as the needs of students without disabilities are met. Qualified, handicapped students must be offered an equal opportunity for participation in physical education courses or interscholastic clubs or intramural athletics. A free education is defined as the provision of educational and related services without cost to the disabled person or his/her



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

parents/guardians, except for those fees that are imposed on non-disabled students or their parents/guardians.

Prince George's County Public Schools shall provide a free, appropriate public education to each student with a disability, regardless of the nature or severity of the student's disability. Further, the school system has a duty to locate and identify every qualified disabled student residing in Prince George's County.

Inquiries concerning Section 504 are made to the Prince George's County Public Schools Section 504 Coordinator.

III. **DEFINITIONS:**

- A. Qualified Person With a Disability - All students with disabilities within Prince George's County are qualified.
- B. Individual With a Disability - A student is considered disabled under Section 504 if he/she:
1. Has physical or mental impairment which substantially limits one or more major activities. A student is not disabled due solely to disadvantage as a result of cultural, environmental, or economic factors; or
 2. Has a record or history of such an impairment; or
 3. Is regarded as having such impairment.
- C. Major Life Activity - These include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. The disabling condition need only substantially limit one major life activity in order for the student to be eligible.

IV. **THE SECTION 504 EVALUATION PROCESS:**

The Prince George's County public schools system is obligated to locate and identify every qualified disabled student residing in the County, to take appropriate steps to notify such persons and their parents/guardians of the school system's duty to do so, and to provide a free appropriate public education to each such student regardless of the nature of the severity of the disability. PGCPS shall identify all students who are disabled under Section 504, by taking the following steps:



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS
WITH DISABILITIES UNDER SECTION 504 OF
REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

- A. Students suspected of having a disability under Section 504 shall be referred to the Section 504 Team for an Evaluation. A member of the school staff, parents/guardians/surrogate parents, physicians, or appropriate agency representatives may make referrals to the Section 504 Team. The Evaluation meeting shall be held within 60 days after the request has been made to the school.
- B. Referrals to the Section 504 Team shall be made in writing, and should include supporting documentation of the condition (e.g., medical, psychological, agency reports).
- C. The Section 504 Team shall be comprised of individuals knowledgeable about the student, the condition, evaluation procedures, and placement options. The Section 504 Team shall include the school administrator or designee, parents, the student's teacher, guidance counselor, and the student, as appropriate. The school administrator shall assume all obligations and responsibilities as the Chairperson of the Section 504 Team. A representative of Health Services shall participate on the Section 504 Team if the student has a health or medical condition. A representative of the Department of Transportation shall participate on the Section 504 Team if the student may require specialized transportation due to a physical or health condition. Other individuals may participate, based on the student's individualized needs. Parents may invite other individuals to participate on the Section 504 Team.
- D. The Section 504 Team shall provide the parents/guardians/surrogate parents written notification of the evaluation meeting, including a copy of the Procedural safeguards.
- E. The Section 504 Team shall determine whether the student is disabled under Section 504 by considering multiple evaluative data including, but not limited to, student records, observations, anecdotal reports, teacher reports, medical information, physician's orders, emergency care plans, individual and group administered tests, achievement tests, and other assessment data, as appropriate. A physician's diagnosis, alone, may not form the sole basis for finding a student disabled under Section 504. Parental consent shall be secured prior to administering any standardized assessments.
1. Tests and other assessment materials must be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer;



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

2. Tests and other assessment materials include those tailored to assess specific areas of educational need and are not merely those which are designed to provide a single general intelligence quotient; and
3. Tests must be selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, 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).

- V. **THE SECTION 504 PLAN:** A Section 504 Plan shall be developed as soon as possible, but in no case later than thirty (30) days after a student is identified as disabled under Section 504.

The Section 504 Plan shall be designed to provide the student a free and appropriate public education, and shall be based on a variety of information, including classroom assessments, teacher recommendations, and input from parents.

The Section 504 Team shall determine the student's placement. In determining the placement, the Section 504 Team shall consider supplemental aids and services appropriate to enable the student to be educated in the general education environment. The Section 504 Team shall ensure that a student is educated as close to his/her home as possible if it is determined that the Section 504 Plan cannot be implemented at the student's boundary school.

A student's Section 504 Plan shall be reviewed and revised, as appropriate, at least annually, or sooner at the request of a parent or teacher. The parent shall be provided with written notification of the review meeting.

- VI. **TRANSPORTATION:** A student with a disability under Section 504 may be eligible for transportation as a related service to support his/her Section 504 Plan. A Section 504 Health/Medical Transportation Form shall be completed if a student is suspected of requiring specialized transportation, or if a parent requests specialized transportation.

A school shall complete the Section 504 Health/Transportation Assessment Form and forward it to the Supervisor of Health Services if transportation may be required. If the parent has a statement from the student's physician, it shall be forwarded to Health Services with the Health/Transportation Assessment Form. A



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

physician's statement must be signed by the physician and be on the physician's letterhead.

Health Services shall conduct an assessment to determine whether the student has health related needs, which require specialized transportation or other accommodations. The Supervisor of Health Services shall complete and return the Section 504 Health/Transportation Assessment Form to the student's school for consideration by the Section 504 Team. The Section 504 Team shall convene upon receipt of the assessment to determine if the student is disabled under Section 504 (if not previously identified) and whether the student requires specialized transportation or other accommodations. The Section 504 Team shall consider multiply confirming data, including the Health/Transportation Assessment Form, input from the student's teacher and parents, and all other relevant information. Students receiving specialized transportation must have been identified as disabled and have a Section 504 Plan. The need for specialized transportation must be reviewed annually, along with the Section 504 Plan.

Transportation for siblings is not provided under Section 504.

- VII. **RE-EVALUATION**: A student will be re-evaluated every three years, and prior to any significant change in the student's program or placement, dismissal from services, or if a teacher or parent requests a re-evaluation. Re-evaluations will follow the same procedures used during the initial evaluation, including scheduling a Section 504 meeting, with prior written notification to the parents.
- VIII. **WRITTEN NOTICE**: The Section 504 Team shall provide the parent with prior written notification of all team meetings prior to the meeting date. The parent shall also be provided written notice of all Section 504 Team decisions reached at meetings, including a statement of the basis for each decision.
- IX. **SPECIAL EDUCATION SERVICES**: If, at any time, the school team suspects that the student may have a disability under the IDEA, an IEP Team meeting shall be scheduled to conduct an evaluation.
- X. **PROCEDURAL SAFEGUARDS**: Parents shall be provided a copy of the Section 504 Procedural Safeguards with notification of each Section 504 meeting. The Procedural Safeguards shall contain information concerning a parent's right to notice, the opportunity to examine relevant records, and impartial hearing with opportunity for participation by the student's parents/guardians and representation by counsel, and a review procedure.



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

XI. DISCIPLINE:

- A. A student with a disability under Section 504 may be suspended for up to 10 days in a school year for any violation of the Code of Student Conduct to the same extent that removal is applied to students without disabilities. A student receiving services under Section 504 may not be excluded from his/her current educational placement if the removal constitutes a significant change in placement. A significant change in placement occurs if the student is subjected to: a) a removal for more than 10 consecutive school days or b) a series of removals of 10 school days or less at a time that creates a pattern of exclusion. The factors that should be considered in determining whether a series of removals creates a pattern of exclusion include: a) the length of each exclusion; b) the proximity in time of the exclusions to one another; c) the total amount of time the student is excluded from services; and d) the similarity of the behavior which resulted in the disciplinary action. If the Section 504 Team determines that a removal constitutes a change in placement, the procedures set forth below apply.
- B. When a Principal requests that a student with a disability under Section 504 be suspended for more than 10 consecutive days, or be suspended for more than 10 cumulative days which constitutes a change in placement, the Section 504 Team shall conduct a Manifestation Determination review. The parents must be sent a copy of the Section 504 Procedural Safeguards along with the Notification of Request for Expulsion/Suspension and the invitation to the Manifestation meeting.
- C. School personnel must schedule a Section 504 meeting immediately, but not more than 10 school days after the date the disciplinary action was taken. The parent must be provided a written notification of the meeting specifying the purpose of the meeting and identifying the participant.
- D. The Section 504 Team must conduct a Manifestation Determination review to determine whether the conduct that prompted the disciplinary action was the manifestation of the student's disability. The Section 504 Team shall consider all relevant information in relation to the behavior that resulted in the disciplinary action including:
1. Diagnostic results and evaluations;
 2. Observations of the student;
 3. Information supplied by the parents;



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

4. The student's Section 504 Plan and Behavior Intervention Plan, if applicable; and
 5. The student's current educational placement.
- E. The Section 504 Team may determine that the behavior is not a manifestation of the disability if:
1. The behavior subject to the disciplinary action was not a direct result of the failure to implement the Section 504 Plan and
 2. The conduct was not caused by and did not have a direct and substantial relationship to the disability.

If any of the standards set forth are not met, the Section 504 Team must find that the behavior is a manifestation of the disability, and the student must be returned to school.

- F. If the Section 504 Team determines that the conduct that prompted the disciplinary action was a manifestation of the student's disability, it shall conduct a re-evaluation to:
1. Revise the student's Section 504 Plan to address needed services;
 2. Revise the student's Behavior Intervention Plan, if applicable, to address the behavior;
 3. Determine whether the student's current placement is appropriate;
 4. Implement services as soon as possible; and
 5. Discontinue the suspension/expulsion.

The Section 504 Team may, after a re-evaluation, determine an alternative placement that provides the student a free and appropriate public education. The Section 504 meeting minutes must provide a clear description of the specific actions taken and the reasons considered.

G. Functional Behavioral Assessment/Behavior Intervention Plan

The Section 504 Team shall meet and conduct a Functional Behavioral Assessment within 10 days of the decision to remove a student for more than 10 school days in a school year, if one had not been previously done.



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS
WITH DISABILITIES UNDER SECTION 504 OF
REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

If the student already had a Behavioral Intervention Plan, the Section 504 Team must modify the Behavior Intervention Plan to address the behavior that led to the disciplinary action.

H. **Educational Services During Periods of Removal**

A school is not required to provide services to a student with a disability under Section 504 who has been disciplinarily removed for less than 10 school days, or for more than 10 days when the Section 504 Team has determined that the behavior is not a manifestation of the disability, if services are not provided to students without disabilities.

I. **Discipline of a Regular Education Student Suspected of Having a Disability Under Section 504**

A student who has not been identified as disabled under Section 504 and who has engaged in behavior that violated the Code of Student Conduct may assert the protections available to disabled students, if the school had knowledge that the student was disabled before he/she engaged in the behavior which precipitated the disciplinary action. The school is deemed to have knowledge that a student is disabled if:

1. The parent has expressed concern in writing to supervisory or administrative personnel of the school system, or a teacher of the student that the student needs a Section 504 plan;
2. The parent has requested an evaluation, in writing to determine whether the student has a disability under Section 504; or
3. The student's teacher or other school personnel have expressed specific concern about a pattern of behavior demonstrated by the student, directly to the Section 504 Coordinator or other supervisory personnel of the public agency.

The school system does not have knowledge if the parent:

1. Has not allowed an evaluation of the student;
2. Has refused services under Section 504; or
3. The student has been evaluated and it was determined that the student did not have a disability.



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS
WITH DISABILITIES UNDER SECTION 504 OF
REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

If the school does not have knowledge that a student has a disability prior to taking disciplinary action, the student may be subjected to the same disciplinary measures as a student without disabilities who engages in comparable behaviors.

If a request for evaluation is made during the time in which the student is subjected to disciplinary measures, the evaluation must be expedited. Pending the results, the student remains in the educational placement determined by the school, including expulsion. If based on the school system's evaluation, the student is determined to be eligible for a Section 504 Plan, services will be provided and all procedural safeguards will be followed.

A school may seek a Court Order to remove a student with a disability under Section 504 who presents a danger to themselves or others. A request to remove a student shall be made by the Principal to the appropriate Regional Assistant Superintendent.

XII. APPEALS/COMPLAINT PROCEDURES:

- A. An impartial hearing may be requested to review the identification, evaluation, or placement of a student with a disability under Section 504. Requests for hearing shall be forwarded to the Prince George's County Public Schools Section 504 Coordinator.
- B. A parent may request that a Prince George's County Public Schools Section 504 Review Panel be convened to resolve any complaint regarding the evaluation, identification, disciplinary action, or placement of a student with a disability under Section 504. All requests for a Review Panel shall be forwarded to the Section 504 Coordinator, who shall refer the matter to the appropriate Region. Each Region shall establish a Section 504 Review Panel which shall include the Regional Executive Director, the Section 504 Coordinator or designee, representatives of Health Services, Psychological Services, and Student Services, as appropriate. Decisions of the Regional Section 504 Review Panel may be appealed to a Central Section 504 Review Panel. All decisions by the Central Section 504 Review Panel shall be final and not subject to further review by PGCPs. A proceeding before the Regional or Central Review Panel, however, may not serve to delay or deny a parental request for an impartial hearing.
- C. A parent may also file a written complaint/grievance with the Prince George's County Public Schools Section 504 Coordinator. The Section 504 Coordinator may forward the complaint to the appropriate Regional Section



ADMINISTRATIVE PROCEDURE

PROCEDURAL GUIDELINES FOR STUDENTS
WITH DISABILITIES UNDER SECTION 504 OF
REHABILITATION ACT OF 1973

5146

Procedure No.

March 1, 2006

Date

504 Review Panel for resolution. A parent may also file a complaint with the Office for Civil Rights.

- XIII. **STUDENT RECORD PROCEDURES**: Administrative Procedure 5125 addresses procedures regarding maintenance and access to student records.
- XIV. **RELATED PROCEDURES**: Administrative Procedure 10101, Code of Student Conduct and the Special Education Handbook of Administrative Procedures.
- XV. **MAINTENANCE AND UPDATE OF THESE PROCEDURES**: This Administrative Procedure originates with the Division of Student Services. Regular updating of procedures will be accomplished when changes are required.
- XVI. **CANCELLATIONS AND SUPERSEDES**: This Administrative Procedure cancels and supersedes Administrative Procedure 5146, dated February 15, 1999.
- XVII. **EFFECTIVE DATE**: March 1, 2006.

Approved by:
Howard A. Burnett
Interim Chief Executive Officer

Attachments:

1. A and B, Section 504 Plan
2. Procedural Safeguards Section 504
3. Section 504 Procedural Safeguard Receipt
4. Parent/Guardian Notification of Section 504 Meeting
5. Section 504 Summary of Meeting
6. Testing Accommodations for Section 504 Students
7. Section 504 Health/Medical Transportation Assessment

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, and 11