

Section 504

of the Rehabilitation Act of 1973

District Guide for Implementation of Regulations





METRO
NASHVILLE
PUBLIC
SCHOOLS

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It is the policy of Metropolitan Nashville Public Schools to afford all persons, regardless of their actual or perceived race, religion, color, disability, sexual orientation, national origin, ancestry, or gender, including gender identity, expression, and appearance, equal rights and opportunities in all of its educational institutions.

Questions, concerns, complaints and requests for additional information regarding Section 504 of the Rehabilitation Act of 1973 may be forwarded to the Metropolitan Nashville Public Schools Section 504 Compliance Coordinator:

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I. Overview of Section 504, IDEA, and ADA

A. Introduction

The purpose for the Section 504 Guidelines is to provide information to the school staff, parents, and guardians regarding obligations and implementation of services under Section 504 of the Rehabilitation Act of 1973. These same obligations are required by the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) are major federal legislative acts that are designed to protect the civil rights of individuals with disabilities. Individuals with disabilities, who are otherwise qualified, are protected. Section 504 applies to entities that receive federal funds, while the ADA applies to every entity except churches and private clubs. As parents and advocates for children learn more about Section 504 and ADA policies and procedures, schools must be prepared to respond to requests for protection and accommodations.

B. Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 (Public Law 93-112) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. The Section 504 guidelines require a school district to provide a Free and Appropriate Public Education (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

C. Individuals with Disabilities Education Act

In 1990, the Education for all Handicapped Children Act of 1975 was amended and renamed the Individuals with Disabilities Education Act (IDEA). The IDEA amendments of 1997 (PL 105-17) strengthened, to the maximum extent possible, the right of students with disabilities to be educated with non-disabled students. The 1997 amendments also emphasized the preference for students with disabilities to be provided access to general education programs. (PL 94-142).

On December 3, 2004, IDEA of 2004 or (IDEIA) Individuals with Disabilities Education Improvement Act (P.L. 108-446), a major reauthorization and revision of IDEA, was signed into law. The new law preserved the basic structure and civil rights guarantees of IDEA but also made significant changes in the law.

D. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination on the basis of disability. Subtitle A of Title II of the ADA applies to state and local governments, including public schools. Similar to Section 504, ADA requires school districts to provide programs and services that are readily accessible and usable by individuals with disabilities. Title II of ADA requires that public schools comply with either Uniform Federal Accessibility Standards (UFAS) or Americans with Disabilities Act Accessibility Guidelines (ADAAG) which are design standards.

On September 2, 2008, the Americans with Disabilities Act Amendments Act of 2008 (ADAAA of 2008), was signed into law. The Act makes important changes to the term “disability” and to the way that certain statutory terms should be interpreted.

E. Definitions

- 1. Accommodations** The changes made to remove disability-related barriers so that students have equal access to learning and school activities and equal opportunity to participate and demonstrate skills and knowledge.
- 2. Evaluation** Section 504 requires the 504 Team to “draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior”. [34 CFR 104.35 (c)].
- 3. Least Restrictive Environment** Section 504 requires qualified students to be placed “in the regular educational environment...unless it is demonstrated...that supplementary aids and services cannot be achieved satisfactorily.” [34CFR104.34 (a)]
- 4. Major Life Activity** Those activities that the average person can perform with little or no difficulty. Section 504 defines nine major life activities: caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.” [34CFR 104.3(j) (2)]

The ADAAA added reading, concentrating, thinking, sleeping, eating, lifting, bending, communicating, and the operation of a major bodily function such as the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

[34CFR 104.3(j) (2) (ii)]

- 5. Physical Impairment** Section 504 defines a physical impairment as “any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special senses organs, respiratory, including speech organs; cardiovascular; reproductive, digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.” [34 CFR 104.3 (j) (2) (i) (A)]

- 6. Mental Impairment** Section 504 defines mental impairment as “any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” [34 CFR 104.3 (j) (2) (i) (B)]
- 7. Program Accessibility** Section 504 requires districts to ensure that programs and activities are accessible to and usable by persons with disabilities.
- 8. Qualified Disabled Person** Any individual who has a physical or mental impairment that substantially limits one of the major life activities.
- 9. Record** Records are those documents directly related to the student and maintained by the school. Records include formal records, handwritten records, video, audio or film, microfilm and microfiche, email, and computer-generated reports.
- 10. Section 504 Accommodation Plan** This is a written description of the specific modifications, adjustments, accommodations, or other related aids and services to be provided in the regular classroom. This plan should be sufficiently detailed to allow teachers to address the individual disability-related needs of the Section 504 eligible students.

F. Comparison Chart

Comparison of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and the Americans with Disabilities Act (ADA).

	IDEA	SECTION 504	ADA
Requirements in the Law:	Provide a free, appropriate, public education in the least restrictive environment.	Prohibit any agency, school or institution receiving federal financial assistance from discriminating against persons with disabilities in provision of benefits or services.	Extend coverage of section 504 to employment, public and private educational institutions, transportation providers and telecommunications, regardless of presence of any federal funding.
Definitions in the law:	Specific disability categories are defined in the law; covers students with educational disabilities that require special services from specially trained teachers. Not all students with disabilities are eligible.	Define persons with disabilities who: -have a physical or mental impairment which limits one or more major life activities; -have a record of such an impairment; or -are regarded as having an impairment.	Definition of disability is essentially the same as Section 504 and extends coverage to persons without disabilities who may be related to or associated with a person with a disability; includes HIV status, contagious and non-contagious diseases.
Who is covered:	Students with educational disabilities who require special education services ages 3-21 or until graduation.	All persons with a disability from discrimination in educational setting based solely on disability.	All persons with disability from discrimination in educational setting based solely on disability.
Services provided:	Educational services that are remedial, in addition to services available to all mainstream students (i.e., PE, Art, field trips).	Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.	Eliminates barriers that would prevent a student from full participation in programs/services offered to the general school population.

	IDEA	Section 504	ADA
Funding:	Schools receive additional federal funding to provide remedial services.	Schools receive no additional financial support to provide support services or auxiliary aids.	Schools receive no additional financial support to provide support services or auxiliary aids.
Evaluation & Documentation:	The School district is responsible for identifying and evaluating students with disabilities in elementary and secondary schools.	The school district is responsible for identifying and evaluating students with disabilities in elementary and secondary schools. (College- same ADA)	Students must self-identify as having a disability and must provide adequate documentation of disability. (elementary, secondary and college)
	Evaluations are the responsibility of the school and are performed at no expense to student/parent.	Same for elementary and secondary schools (College-Same as ADA)	Evaluations and documentation of the disability are student's responsibility and expense.
	Parents must consent to evaluations and placement decisions.	Same for elementary and secondary schools (College- Same as ADA)	Student has responsibility for advocacy, negotiation accommodation plan
	Individual Education Plan (IEP) developed with parents, teachers and other specialists involved.	504 Plan developed with parents, teachers, school personnel involved (for elementary /secondary students) (College/Postsecondary- same as ADA)	Accommodation plan developed with student, Disabilities Services Coordinator on campus
Classroom Placement:	Placement must be in the least restrictive environment; may be special classrooms, resource, or regular classroom. (Elementary and secondary students)	Placement is in regular classroom with support services to eliminate barriers to the educational experience. (Elementary, secondary & college students)	All courses are mainstream, with accommodations provided to students who qualify under ADA.

G. Section 504 Eligibility

To be protected or qualify under Section 504, a student must be determined to have:

1. A physical or mental impairment which substantially limits one or more major life activities. (The term does not cover children disadvantaged by cultural, environmental, or economic factors), or
2. A record or history of such impairment, or
3. Is regarded as having such impairment.

School districts are required to provide FAPE to qualified students who have a physical or mental impairment that substantially limits one or more major life activities.

II. Requirements of Section 504

A. Nondiscrimination Statement

It is the policy of Metro Nashville Public Schools to afford all persons, regardless of their actual or perceived race, religion, color, disability, sexual orientation, national origin, ancestry, or gender, including gender identity, expression, and appearance, equal rights and opportunities in all of its educational institutions.

B. Free and Appropriate Public Education

Section 504 and the ADA require that school districts provide a free, appropriate public education (FAPE) to qualified persons with disabilities within the jurisdiction of a school district. This may include a variety of services including education in general education classes, education in general education classes with supplementary aids, or special education and related services outside the general education setting. Instruction must be individually designed to meet the needs of students with a disability as adequately as the needs of students without a disability are met.

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

FAPE also requires that disabled persons be educated with their peers, to the maximum extent appropriate, while meeting the needs of the students with disabilities.

C. Child Find

“Child find” refers to the requirement that districts must annually identify and locate all qualified disabled children residing within the district’s boundaries. The district must also provide an annual notification of the protections of Section 504, and how to access them. This is an ongoing process and includes those children attending private, parochial, and home schools.

“Child find” also requires that districts provide ways for parents to refer their own children as disabled persons. Also, administrators and teachers must understand their obligations to identify and refer qualified disabled students.

D. Educational Setting

The district must educate each qualified disabled student with non-disabled students to the maximum extent appropriate to the needs of the qualified disabled student. In order to remove a student from the regular educational environment, the district must demonstrate that educating the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily (34 CFR 104.34)

E. Notice of Parent/Student Rights

Section 504 and the ADA were enacted for the purpose of prohibiting discrimination and assuring that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

Rights provided under Section 504 and the ADA are essentially the same and define a qualified student or “qualified individual” as a student who (a) has a mental or physical impairment which substantially limits one of the major life activities (b) has a record or history of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, speaking, breathing and working.

It is also the intent of Section 504 and the ADA laws to keep parents/guardians fully informed with decisions about their child. Parents must be informed of any action pertaining to evaluation, eligibility, and proposed educational plan prior to any changes in placement.

F. Section 504 District Coordinator

The general provision of Section 504/ADA, together with other federal nondiscrimination laws, require the designation of a person to coordinate the district’s efforts to comply with these laws.

The responsibilities of a district’s Section 504/ADA Coordinator

- Works for government on behalf of people with disabling conditions.

- Keeps a copy of Section 504/ADA policy readily available and understand the requirements and the intent of the law.
- Ensures the district's policy of nondiscrimination is prominently included in student handbooks, bulletins, catalogs, booklets, announcements, brochures, student application form or other publications distributed to students, potential students, parents and any other persons benefiting from the district's activities and programs.
- Provides staff and parent awareness and training activities concerning Section 504/ADA requirements.
- Coordinates Section 504/ADA procedures.
- Establishes and monitors Section 504 referrals, identification, evaluation, and review process and procedures, including annual notice.
- Implements Section 504/ADA grievance procedures.
- Keeps copies of the grievance procedure and related forms available to students or parents alleging discrimination.
- Maintains data and prepares annual reports on compliance.
- Serves as the district's liaison with the state Section 504/ADA Coordinator and the regional Office for Civil Rights.
- Oversees, investigates, and resolves allegations of disability discrimination.

G. School Section 504 Coordinator

MNPS recommends each school designate at least two Section 504 Coordinators/504 Chairpersons to serve the students in their building. Usually this is the school counselor, but in buildings where there is only one counselor, then the administrator must designate an additional faculty member to serve as a secondary 504 Coordinator. Please note, special education teachers cannot serve as a School Section 504 Coordinator.

The role of the School Section 504 Coordinator is to assist the school in meeting requirements under Section 504 of the Rehabilitation Act of 1973.

The School Section 504 Coordinator's role:

- Provides resources to help educators and administrators regarding their responsibilities under Section 504. Considers IDEA evaluation and/or 504 referral whenever a parent or teacher mentions the possibility of a disabling condition (engage in interactive discussions)
- Coordinates the development, maintenance, and implementation of 504 plans
- Monitors all 504 plans and ensures implementation
- Holds annual meetings on or before 504 Accommodation Plans due date
- Continues to use the district's medical/health forms for medication and other health issues
- Monitors Section 504/ADA referral/identification/review process
- Communicates Section 504 plan to all teachers and staff

H. School Section 504 Team

The School Section 504 Team has the responsibility of determining qualifications, accommodations, and related aids or services for the student. This Team will be composed of the School Section 504 Coordinator, possibly the school counselor, administrator or designee, parent(s), regular education teacher(s), and an assessment specialist.

The function of the School Section 504 Team will be to consider the student's qualifications, evaluation, initial eligibility, accommodations needed, annual service plan modifications, re-evaluation, and implementation of accommodations.

Specifically, the School Section 504 Team:

- Convenes on an as needed basis at each school site and reviews all requests for assistance.
- Collects a variety of sources regarding the student's impairment.
- Reviews recent and relevant evaluation/screening information.
- Determines if the student qualifies under Section 504.
- Develops a Section 504 plan for the student in the general curriculum, including a review of accessibility of facilities.
- Refers the student to special education when the student appears to have a disabling condition and possible need for special education and related services.
- Recommends any modifications in the school's discipline plan procedures, which might be needed due to the student's disabling condition.
- Reviews the student's academic progress when the student is not making satisfactory progress in the general curriculum or persistent behavior problems occur at school.
- Conducts a manifestation determination when (a) the student is being suspended from school for more than ten (10) consecutive school days; (b) a series of suspensions which would create a pattern of exclusions that constitute a significant change in placement; or (c) the student is being expelled from school.

III. Procedures for Serving Students with Disabling Conditions

An initial option for supporting students with disabling conditions is to convene a Student Support Team ("S-Team") meeting. A Student Support Team functions as a problem-solving team which schools can make available to assist all students. The Student Support Team (S-Team) could address such serious issues as attendance, academic, emotional, and/or behavioral problems that impede a student's educational progress when it does not constitute a disability or when the student has been determined not substantially limited by the disability.

If a teacher becomes aware of the child's problems, the teacher should attempt many adaptations. The teacher should make several parental contacts and make them aware of the

concerns. If the problems continue, the teacher should refer the student to the Student Support Team (S-Team).

The Student Support Team (S-Team) will create a plan and set a date for the review /revision of the plan. If the student has not made gains after the revision of the original plan, the team must decide if the student needs to be referred to the School Section 504 Team or the special education assessment committee.

If a parent requests evaluation for a disability under 504 or if a staff member makes a referral for 504 evaluation, then the team would proceed using the outlined 504 eligibility process.

504 Eligibility Process:

A. Referral

Students suspected of having a disabling condition may be referred to the School Section 504 Coordinator for evaluation by any source in writing or orally. Sources include, but are not limited to: parents, medical personnel, school district or other public agency personnel, community agencies, civil authorities, or other interested persons. All requests received by school personnel will be referred to the School Section 504 Coordinator. The School Section 504 Coordinator is responsible for coordinating all aspects of the 504 referral and evaluation.

District procedures support the school's preference that may require requests be made in writing. Should a requestor need assistance doing so, school personnel should assist the person making the request with presenting the concern in written format. If an oral request has been made, the referral process will not be delayed by lack of a written request for referral.

The party making a referral should send the School Section 504 Coordinator a written statement including the name of the student to be referred and any relevant information that may help the school determine whether the student should be evaluated for Section 504 qualification. Such information should include the nature of the suspected disabling condition.

Before a 504 accommodation plan can be provided, a student will have to be evaluated and determined eligible by a 504 team.

The team evaluates the nature of the student's disability and the impact of the disability upon the student's education. The team should draw upon information from a variety of sources. The 504 Team determines what assessments will be needed and what data will be collected, quantitative and/or qualitative.

B. Conference

Within 10 days of receiving the initial concern, the School Section 504 Coordinator will schedule a meeting with the appropriate team members.

The team should be comprised of qualified professionals who are knowledgeable about the student and the suspected disabling condition of the student. Members of the team should include the parent, the student's teacher(s), counselor, an administrator or designee, an assessment specialist and any other appropriate school personnel. At a minimum, the team shall include:

- An assessment specialist (nurse supervisor, school psychologist, vision specialist, hearing specialist, etc.)
- At least one person knowledgeable about the child
- At least one person knowledgeable about educational programming options
- It is essential for a principal or designee to attend all 504 meetings.

Each professional member of the team shall be licensed, registered, credentialed, or certificated, according to his/her professional standards in accordance with state statutes and rules.

C. Evaluation

Written consent must be given by a parent/guardian in order for the school to proceed with a 504 evaluation. The parent/guardian will be provided with a copy of the Section 504 rights and procedural safeguards. These should be presented to the parent at every Section 504 meeting and they should sign stating they received this information.

The School Section 504 Team documents current concerns and data presented and determines if a student is a qualified person with a disability under Section 504. A variety of sources must be considered when determining eligibility. A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. Each student will be assessed/evaluated to determine specific areas of educational need and subsequent eligibility under Section 504 followed by placement by the School Section 504 Team.

The 504 evaluation process is intended to answer three questions:

What is the disability or impairment?

What MLA (s) is affected or limited?

Is at least one MLA substantially limited?

If additional information is necessary to make the decision, the team should conduct all tests, observations, etc. appropriate to determine Section 504 qualifications and for which the

parent/guardian has written permission. **Evaluations are to be completed within 60 calendar days.** School breaks, even summer break, count toward the 60 calendar day timeline.

Medical documentation is not a prerequisite for the 504 evaluation process. Medical information should be requested but it is not required to pursue or complete the evaluation.

The team should draw upon information from a variety of sources such as: aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and assessment sources. The team will establish procedures to ensure that information obtained from all such sources is documented, carefully considered, and is tailored to assess specific areas of educational need. Medical diagnosis may be considered among the other sources in evaluating a student with a disability/impairment or believed to have a disability/ impairment, which substantially limits a major life activity.

D. Eligibility

To be protected or qualify under 504, a student must be determined to have A) a mental or physical impairment which substantially limits one or more major life activities, B) have a record of such an impairment, or C) be regarded as having such impairment. School Districts are required to provide FAPE to qualified students who have a physical or mental impairment that substantially limits one or more major life activities.

If eligible-

Proceed to develop the Section 504 Accommodation Plan with the team. Referrals, screening information, and 504 plans should be maintained in the student's educational record or cumulative record. If a student transfers to another school, the educational record including the 504 documents shall be forwarded to the new school. The 504 Coordinator is responsible for keeping a record of those students for whom a Section 504 Accommodation Plan has been developed with the anticipated review date.

Once a student is determined eligible for services under Section 504, the student remains eligible until a 504 team formally re-evaluates the student and determines that the student is no longer disabled or that the student's disability no longer substantially limits a major life activity.

E. Section 504 Accommodations Plan

Once eligibility under Section 504 has been determined, a Section 504 Accommodation plan is to be developed and implemented. The 504 Coordinator is designated to monitor the implementation of the plan and the progress of the student including communication of the plan with all teachers and staff involved with the student. Criterion should be measurable.

On occasion, some services, accommodations, and modifications may require additional resources that the school alone is unable to provide. In these situations, the **School 504 Coordinator will promptly communicate with the Central Office Coordinator of 504 Services** to ensure that necessary central support is available to ensure that the service or accommodation is provided.

Notice to Parent: It is recommended that parents be invited to participate in the plan development process. Parents will be notified of the placement decision and parents may challenge the decision through the district's Section 504 hearing process.

F. Review/Re-evaluation

Each 504 plan should be reviewed periodically, but certainly when:

- Serial suspensions occur
- Retention is considered
- Student shows a pattern of not benefiting from instruction
- The student moves from one educational setting/level to another
- Additional information is gathered that affects the instructional program of the student
- Circumstances change and eligibility is in question
- Adaptations are no longer needed
- Chronic absences occur
- Student's schedule changes

At least once a year, or as often as the team deems necessary, all available information regarding the status of the student should be reviewed by School Section 504 Team.

Every three years, or as often as the team deems appropriate, the student must be re-evaluated and the qualifying information must be reviewed. If the student no longer meets eligibility requirements, the team must document this in writing.

If not eligible-

Provide the following items to the parent/guardian: a copy of the Parent and Student Rights and Procedural Safeguards, and a copy of the Eligibility Report and evaluation results, and recommendations on how to proceed. Referrals, local screening forms, and 504 plans should be maintained in the student's confidential file at the local school. If a student transfers to another MNPS school, the file shall be forwarded to the receiving school.

G. Procedural Safeguard/Notice

Notification to parents or guardian is required when the following occurs.

- Determination of qualified/non-qualified student, or

- A significant change in programming/status

Rights under federal law are to be made clear to the parent with the notification that eligibility is being considered. The parent may request mediation or an impartial due-process hearing related to decisions or actions regarding their child's identification, evaluation, or educational program.

Written permission of parents is required for additional information/data/tests.

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

- Notice of action to be taken
- Permission to gather new data
- Eligibility determination
- Development of the Section 504 Accommodation plan
- Significant change of programming

IV. Discipline (Suspension/Expulsion Procedures)

Students served under Section 504 and ADA are treated similarly to students served under IDEA with respect to discipline. Rules and standards can be applied to students with disabilities just as they are applied to non-disabled students unless explicitly outlined in their 504 plan.

The discipline procedures described in the Student-Parent Code of Conduct and Handbook shall be used in all situations in which a student with a qualified disabling condition under Section 504 may be subject to suspension or expulsion.

Section 504 offers some extra protections to 504 students facing serious discipline, such as a suspension of more than ten days or expulsion. Expulsion or a suspension of more than ten (10) consecutive days or a series of suspensions totaling to more than ten days is considered a change of placement and requires the School Section 504 Team to conduct a Manifestation Determination. The School Section 504 Manifestation Determination team must decide if the misconduct in question is substantially related to the student's impairment.

Manifestation Determination decisions must be made in a timely manner. The Section 504 Manifestation Determination team will be made up of a group of persons who are knowledgeable about the student and the student's evaluation results. Decisions by the Section 504 Manifestation team should be made only after all relevant information or documents have been reviewed and considered, and the information related to the behavior must be recent enough to afford an understanding of the student's current behavior. The 504 team should attempt to reach a consensus on any Manifestation Determination decision, but in no event will the Manifestation decision be made without being based on a group discussion and without support from participating members of the team. The outcomes or result of the meeting with

explanation should be documented on the 504 Manifestation Determination form. All members of the team should sign the Manifestation form indicating whether each agrees or disagrees with the determination.

If the Section 504 Manifestation Determination team concludes that the student's behavior **was not caused by the student's impairment**, the school may proceed with the proposed disciplinary action.

If the result of the Manifestation Determination is that the behavior **is** a manifestation of the student's impairment, then the student **may not** be suspended or expelled. The School Section 504 Team should consider the appropriateness of the current program and consider appropriate changes. Specifically, the team should consider:

- ✓ Revising the Section 504 plan
- ✓ Completing a functional behavioral assessment and behavioral intervention plan
- ✓ The need for a referral to an assessment team to determine eligibility for special education under IDEIA.

Current drug users are excluded from the definition of a disabled person under Section 504 and the ADA. Current drug and alcohol users are subject to the same disciplinary action to the extent applied to persons who do not have a disability and display similar disciplinary infractions. However, if a student is caught with drugs or alcohol in their possession then a 504 Manifestation Determination meeting is required.

Bus suspension is a disciplinary action. If, as the result of a bus suspension, a student "stops coming to school," then one must count each day toward consideration under the rules governing suspensions if the bus is part of an accommodation.

V. Transitions and Transfers

Transfers to another school in or out of the district and transitions from elementary to middle school or from middle school to high school are very critical times for the continuation of any educational program. For students who have a Section 504 Accommodation Plan, schools must ensure that information is shared in a timely manner. Therefore, it is the responsibility of the sending school to forward the student's current Section 504 Accommodation Plan to the receiving school and inform the student's receiving school as soon as possible, preferably before an anticipated move, so that the receiving school may implement any services, accommodations and/or modifications without unnecessary delay.

The Section 504 Coordinator has the specific responsibility to ensure that the student's Section 504 file is passed on to the receiving school. Parents of Section 504 students should also inform their child's new school of the existence of a Section 504 Plan.

VI. Grievance Procedures

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against students with disabilities. Any student, parent or guardian who believes that they have been discriminated against by or within the Metropolitan Nashville Public Schools has the option of using the complaint procedures outlined below. The OCR complaint process is available whether or not the complainant participates in the District's complaint resolution process. See District Policy, Student Section 504 Grievance Policy and Procedures 1.802.

The Informal Complaint Process and the Formal Complaint Process

A. Informal Complaint Process

Anyone may use the informal complaint procedures to report and resolve complaints of disability discrimination. Use of the informal complaint process is not required prior to filing a grievance. A parent/guardian is encouraged to first meet and discuss the complaint with the local school 504 Coordinator, teacher, or building administrator with the objective of resolving the matter promptly and informally. If the complaint is not resolved as of that meeting, or if the complainant wishes to bypass the informal complaint process, the parent/guardian may file a formal grievance.

B. Formal Complaint Process

The District 504 Coordinator will hear Section 504 complaints. Complaints of disability discrimination may be made orally or in writing to the District Coordinator who will endeavor to accomplish prompt and equitable resolution of complaints alleging any action that would be prohibited by the ADA/Section 504. The coordinator will respond to all complaints within twenty (20) days with a written response as well as information on further grievance procedures that may be followed if the complaining party is not satisfied with the coordinator's proposed resolution.

C. Appeal Process

If the parent/guardian wishes to appeal the decision of the District Section 504 Coordinator, he/she may submit a signed statement of appeal to the Chief of Student Services or his/her designee within ten (10) days after receipt of the District Coordinator's response. The Chief Operating Officer or his/her designee will meet with all parties involved, formulate a conclusion, and respond in writing to the grievance within fifteen (15) days.

The complainant may file a complaint with the U.S. Department of Education, Office for Civil Rights, at any time before or during these grievance procedures.

D. 504 Due Process Hearing Procedures

Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing if a parent wishes to contest any action of the school system with regard to a child's identification, evaluation, and placement under Section 504. If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing by an attorney or advocate at the parent's expense. Contested actions or omissions that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

Written Request for Hearing

A parent/guardian who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a student who has or is believed to have a disability as defined by Section 504, shall make a written request for a due process hearing to the Section 504 Coordinator. The written request must be made on a form provided through the Central Office.

Impartial Hearing Officer

The director of schools or his/her designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The hearing officer that is appointed shall not be a current employee of the school system and shall not be related to any member of the Board of Education. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the appointed hearing officer, he/she may raise such issue in a review of the hearing officer's opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406; TDD: 877-521-2172
Email: OCR.Atlanta@ed.gov

Scheduling of Hearing

The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her appointment and provide this information in writing to the parent/guardian and the Section 504 Coordinator. The hearing shall take place at a mutually agreeable time and place.

Continuances

Upon a showing of good cause, the hearing officer, at his/her discretion may grant a continuance of the hearing date and set a new hearing date.

Legal Representation at Hearing

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the Section 504 Coordinator and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date or the hearing can be continued upon the coordinator's request.

Pre-Hearing Conference

The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process. The Pre-Hearing Conference can be held via telephone or in person depending on the hearing officer's decision based on the convenience to both parties.

Dismissals

If, after the Pre-Hearing Conference, the hearing officer finds that the parent, as a matter of law, alleges and/or raises no factual claims or legal issues that come within his/her jurisdiction as a Section 504 hearing officer, he/she may dismiss the hearing and issue an order to that effect explaining the basis for such finding.

Hearing

The hearing shall be conducted in an informal, non-adversarial manner. The hearing shall be closed to the public unless the parent/guardian requests an open hearing. The hearing officer may reasonably limit testimony and introduction of exhibits for reasons or relevance.

Recording

Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be electronically recorded. The school system shall provide a copy of the recording to the parent/guardian upon request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent/guardian appeals the decision of the hearing officer to a court of competent jurisdiction, the school system shall prepare a written transcript of the hearing to be offered to the court as an exhibit.

Witnesses

Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the hearing officer, at his/her discretion, ask a witness a certain question.

Format of Presentation

Each side will have an equal amount of time to present their positions as determined by the hearing officer. The parent/guardian will present his/her case first by making an opening statement outlining the issues, calling witnesses, and making a closing argument. The school system will present its side next. At the end of the school system's presentation, the parent/guardian may offer a short response. Each side may present personally or through their representatives.

Submission of Exhibits

As part of their presentations and at the discretion of the hearing officer, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions. Exhibits submitted to the hearing officer by either party must be marked. The hearing officer may, in the exercise of his/her discretion, reasonably limit the number of documents to be submitted for his/her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

Closing Arguments

The hearing officer may allow or request written closing arguments summarizing and characterizing the information presented at the hearing.

Decision

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement and issue a written opinion. Such decision shall address all of the issues raised by the parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be deemed to have been denied. The decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the district.

The hearing officer may not award attorneys' fees as a part of the relief granted to a parent/guardian or the district.

Review Procedure/Appeal

If the parent/guardian is not satisfied by the decision of the hearing officer, he/she may seek review of the decision in a court of competent jurisdiction.

VII. Miscellaneous Provisions

A. Facilities

Buildings and the programs and activities within them must be accessible to persons with disabilities. Modifications must be made if necessary, to provide access to a free, appropriate public education. The ADA and Section 504 stress that buildings must be both comparable and accessible.

1. Comparability. Section 504 regulations require that districts “ensure that the facility and the services and activities provided therein are comparable to the other facilities . . . of the recipient.” C.F.R. 104.34 (c). This requirement goes beyond mere accessibility, and requires that facilities provided for disabled students be of comparable quality and condition.

2. Accessibility. Under Section 504, for facilities constructed prior to June 4, 1977, program access is required 34 C.F.R. 104.22. In general terms, program access means that, although the facility or parts of the facility may not be physically accessible, the public school must still make its programs and activities available to students with disabilities. For example, if stairs lead to the upper floors of a school and the school does not have an elevator, ramp, or chair lift, and a student with a disability is unable to traverse the stairs, the student will be unable to reach the upper floors. A resolution to this problem could be moving classes that the student needs (or wants) to take from the upper floors to the accessible ground floor during the time period the student with a disability takes the class.

Under Section 504, facilities (such as buildings) that were built or altered on or after June 4, 1977, are referred to as new construction 34 C.F. R 104.23. Specific construction and design standards apply to these facilities. The construction and design standards provide information, for example, about the required width of bathroom stalls, how steep a ramp may be, and the required height of countertops and tables. The construction and design standards have evolved over time, and the date of construction or alteration determines which accessibility requirements apply. For construction or alternation work that began on public schools on or after March 15, 2012, the 2010 ADA Standards for Accessible Design (2010 ADA Standards) apply 28 C.F.R. § 35.151(c)(3).

B. Parents or Members of the Public with Disabilities

Metropolitan Nashville Public Schools recognizes that the requirements of Section 504 apply not only to students and employees, but also to parents of students who have disabilities or members of the public who have disabilities and who participate in school programs, board meetings, or PTAs.

C. Non-Academic Services

Students must be provided equal opportunity in areas such as counseling, physical recreational activities, health services, transportation, field trips, special interest groups, and clubs.

1. Counseling: Qualified students must be provided with personal, academic or vocational counseling, guidance or placement without discrimination. Qualified students with a disability must not be counseled toward more restrictive career objectives than a student without a disability with similar interests and abilities.

2. Recreational activities: The activities must be provided in a manner that allows for the disabled students' participation. It must not be a provision of the students' eligibility for participation in these activities that a parent's attendance or babysitter is present, nor should the cost of the activity be higher than that of non-disabled student.

*Schools may offer these activities separately for students with disabilities, if necessary; however, the student may not be denied the opportunity to compete in activities which are not separate.

*While schools cannot charge a disabled student or parents for highlighted textbooks or special manipulatives required to receive an educational benefit, schools may charge for items that all students are charged (field trip fees, football games, school uniforms, yearbooks, class pictures, etc.)

D. Extracurricular Activities

Disabled students must be provided equal opportunity to participate in extracurricular activities.

1. Disabled students may try out for any extracurricular activity they desire, but they must generally, meet the standards applied to all students.

2. 504 students must submit to the general behavioral, academic, and performance standards applied to nondisabled students.

E. Retaliation, Intimidation, and Coercion

Metropolitan Nashville Public Schools prohibits its personnel and volunteers from intimidating, coercing, threatening, or discriminating against any student, parent, or members of the public for the purpose of interfering with any right or privilege or because the person has made a complaint, testified, assisted, or participated in any manner in an

investigation, proceeding or hearing under Section 504 of the Rehabilitation Act of 1973.

Retaliation includes:

- ✓ Making threats or unjustified negative references to an individual and /or,
- ✓ Any actions that are likely to deter reasonable people from pursuing their rights.
- ✓ Students and parents have the right to:
 - Complain to anyone about alleged discrimination,
 - File a charge of discrimination,
 - Cooperate and participate in an investigation of the alleged discrimination, and
 - Serve as a witness in an investigation.

F. Virtual Learning

In the event MNPS is not able to provide in-person traditional learning, accommodations will be provided to students with disabilities, through a Continuous Learning Individualized Plan (CLIP). The CLIP will identify how MNPS intends to implement the accommodations and supports outlined in your child's Section 504 Plan during virtual learning. MNPS will utilize a combination of remote learning systems and student learning packets. MNPS will also work to provide virtual accommodations, computer based academic interventions, and learning supports, to the extent possible, given the circumstances. Eligible 504 students will have both a Service Plan to accommodate them in person and a CLIP to accommodate them virtually.

The school 504 team will continue to conduct initial, eligibility, annual, and re-evaluation meetings virtually in order to address both new referrals and maintain district compliance for current eligible students. The appropriate assessment specialist should participate in the initial, eligibility, and re-evaluation meetings and should assist the team in collecting the appropriate data in order to complete the evaluation.

VIII. Procedural Safeguards

School staff are to ensure that each student with, or suspected of having, a Section 504 disabling condition, and his/her parent(s) are kept fully informed concerning decisions about the student and about the student's due process rights in case the family disagrees with decisions made by the District under Section 504.

Under Section 504 the District is responsible for providing the following procedural safeguards to parents or guardians:

A. Notice

Notice includes child find, notice of parent rights, prior notice of evaluation and meetings, and notice of the results/actions taken at Section 504 Committee meetings.

Also, it is best practice that parents or guardians receive prior written notice of any decisions concerning the identification, evaluation or educational placement of students.

B. An opportunity for the parents or guardians of the student to examine relevant educational records

Parents may inspect and review education records collected, maintained or used for purposes of referring, evaluating, placing or educating the student in the Section 504 program by contacting the school 504 Coordinator. Upon reviewing the parents' or guardians' request, the 504 Coordinator will allow them to inspect the records or copies of the records would be made available to them within thirty (30) calendar days or at other mutually convenient times by prior arrangement.

The Family Educational Rights and Privacy Act (FERPA), 20USC § 1232g, also specifies rights related to education records. This Act gives the parent the right to: 1) inspect and review his/her child's education records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that is inaccurate, misleading, or violates the child's rights; and 6) request a hearing on the issue if the school refuses to make the amendment.

C. Right to file a complaint with the Office for Civil Rights

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures.

The office which covers Tennessee is:

Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: 404-974-9406
FAX: 404-974-9471; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov

D. Review Procedures

Each student's accommodations and/services are reviewed each year and reevaluation is scheduled every 3 years.

IX. Example Forms and Notices

Section 504 Student Referral Form
Section 504 Notice to Parent Invitation Letter
Section 504 Permission to Evaluate Form
Section 504 Notice of Parent and Student Rights
Section 504 Notice of Eligibility or Non-Eligibility
Section 504 Service Plan
Section 504 Accommodations at a Glance
Section 504 Manifestation Determination Form
Section 504 Release of Information
Section 504 Medical Information/Certification Form
Section 504 Request for an Impartial Hearing Form

**METROPOLITAN NASHVILLE PUBLIC SCHOOLS
SECTION 504 STUDENT REFERRAL FORM
(Form 504 -1)**

Student Name _____ Date _____

Student ID# _____ Birth Date _____

School _____ Grade _____

Address _____ City _____ State/Zip _____

Parent(s) Name(s) _____

Home Phone _____ Work Phone _____

Building 504 Coordinator _____ Phone _____

MNPS does not discriminate on the basis of disability in its admission procedures, access to educational services, or treatment of students in its programs, services, and activities. Any student, parent or guardian, who believes the student has a disability that could affect their education, and who believes that the impact of the disability might be alleviated by some services, modifications, and/or accommodations from MNPS, may refer the student to the School's Section 504 Team for consideration. If that disability meets the definition of Section 504 of the Rehabilitation Act of 1973, MNPS will offer assistance.

For a student to be eligible for a 504 plan, the student must meet the following criteria:

1. **The student has a physical or mental impairment that substantially limits one or more major life activities.**
2. **The student is unable to gain equal access and benefit from _____ school programs and services due to the disability:**

INSTRUCTIONS: If you believe that a student may be eligible for Section 504 support, please complete and sign the following form giving specific details about why you are requesting a Section 504 evaluation and submit it along with supporting documentation to your school's principal or 504 coordinator.

Please describe the student concerns and how it matches the above criteria. Identify the physical or mental impairment and explain how it substantially limits one or more major life activities. (Attach additional sheets if necessary)

Signature of person making the referral _____

Relation to student _____

Tennessee Demo District

123 Scholar Lane
Nashville, TN

Student: Timothy Franklin Reid

School: Thomas Jefferson Elementary Grade: 2nd Grade

Date: 03/07/2014

Dear Molly Smithson-Reid:

Our school system would like to invite you to attend a meeting to discuss the education needs of **Timothy Franklin Reid**. It will be at **Principal's conference room** on **March 13, 2014 at 1:00 pm**.

Members of our staff would like to meet with you for the following reasons:

- To determine 504 eligibility.
- To develop and/or review 504 service plan.

Other team members who will be invited to attend:

Regular Education Teacher	LEA Representative
Interpreter	
School Counselor	Nurse
Others as Appropriate	

Please plan to participate in this meeting; your input is very important. You are welcome to bring others who you believe can assist the team. If you do bring others, we encourage you to notify us before the meeting so that arrangements can be made to accommodate all the participants. If you need an interpreter or translator, please let us know. If you are unable to attend at the proposed time, but would be able to participate if the meeting was rescheduled (to a mutually agreed upon time and/or place), or conducted by phone, or if you have questions concerning procedural safeguards, please contact our department by **March 11, 2014**.

Sincerely,

Cc. Meeting Participants

Tennessee Demo District
Thomas Jefferson Elementary
2121 School House Lane
Sample, TN 11111
Phone: 6155555555 Fax: 6158888888

Section 504 Consent for Evaluation

Student Information

Student's Name: Timothy Franklin Reid
D.O.B: 07/20/2003 Gender: M Race: Asian
Current School: Thomas Jefferson Elementary Grade: 2nd Grade Student Number: STU67RRMS
Parent/Guardian: Molly Smithson-Reid Work Phone: 6159835301
Address: 123 Main Street, Nashville, TN, 37219 Home Phone: 6159835300

Your child has been referred to the Section 504 Team for an evaluation to determine eligibility for accommodations and interventions pursuant to Section 504 of the Rehabilitation Act of 1973.

The Section 504 Team recommends the following:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Review existing medical records | <input checked="" type="checkbox"/> Review developmental history |
| <input checked="" type="checkbox"/> Review report card grades | Review parent observation forms |
| <input checked="" type="checkbox"/> Review achievement test scores | Review existing psycho-educational evaluations |
| <input checked="" type="checkbox"/> Review standardized test scores | Review teacher observation forms |
| <input checked="" type="checkbox"/> Individual Achievement Testing (by teacher/counselor) | <input type="checkbox"/> Conduct Behavioral (ADHD) Screenings |
| <input checked="" type="checkbox"/> Conduct Classroom Observations | <input type="checkbox"/> Obtain Medical/Developmental History |
| <input type="checkbox"/> Conduct vision/hearing screenings | <input type="checkbox"/> Other |

**Recommendations for psycho-educational evaluations must go through the S-Team process.*



Fax Number: 800-111-0000

Thomas Jefferson Elementary
 2121 School House Lane
 Sample, TN
 Phone: 6155555555 Fax: 6158888888

**NOTICE OF PARENT and STUDENT RIGHTS and PROCEDURAL SAFEGUARDS
 Section 504, The Rehabilitation Act of 1973**

Student: Timothy Franklin Reid DOB: 07/20/2003 School: Thomas Jefferson Elementary
 Parent/Guardian: Molly Smithson-Reid Address: 123 Main Street, Nashville, TN, 37219

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a federal nondiscrimination statute. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks.

The purpose of this Notice is to delineate the rights assured by Section 504. The enabling regulations for Section 504 at 34 CFR Part 104, entitle students to the following rights:

- Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. 34 CFR 104.33.
- Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
- Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
- Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. 34 CFR 104.34.
- Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent change in placement. 34 CFR 104.35.
- Testing and other evaluation procedures must conform with the requirement of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and assessment scores. 34 CFR 104.35.
- Placement decisions must be made by a group of persons (i.e., Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
- If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. 34 CFR 104.35.
- You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
- You have the right to examine relevant records. 34 CFR 104.36.
- You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
- If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written request for a due process hearing with the district's Section 504 Coordinator.
- If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
- You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office, which covers Tennessee, is:

Office for Civil Rights
 61 Forsyth Street, SW, Suite 19T70
 Atlanta, GA 30323
 (404) 562-6350

My signature indicates that I have received this Notice of Rights.

 Parent Signature Date

 District Representative Signature Date



Fax Number: 800-111-0000

Tennessee Demo District
Thomas Jefferson Elementary
2121 School House Lane
Sample, TN 11111
Phone: 6155555555 Fax: 6158888888

Section 504 Eligibility Report (Eligible)

Student Information

Student's Name: Timothy Franklin Reid	D.O.B: 07/20/2003	Gender: M	Race: Asian
Current School: Thomas Jefferson Elementary	Grade: 2nd Grade	Student Number: STU67RRMS	
Parent/Guardian: Molly Smithson-Reid	Work Phone: 6159835301	Home Phone: 6159835300	
Address: 123 Main Street	City: Nashville	Zip Code: 37219	

Section 504 Eligibility Dates

Eligibility Date: 03/13/2014

Projected Re-evaluation Date: 03/13/2017

Section 504 Eligibility Information
--

1. This student presently:

- Exhibits a physical or mental impairment
- Does not exhibit a physical or mental impairment

2. Physical or mental impairments this student exhibits are:

Obsessive Compulsive Disorder , Peanut Allergy , Anxiety Disorder , Other - Sensory Processing Disorder

Tennessee Demo District
Thomas Jefferson Elementary
123 Scholar Lane
Nashville, TN 37243
Phone: 615-555-6789 Fax: 615-111-1111

Section 504 Student Service Plan

Student Information

Student's Name: Timothy Franklin Reid
D.O.B: 07/20/2003 Gender: M Race: Asian
Current School: Thomas Jefferson Elementary Grade: 2nd Grade Student Number: STU67RRMS
Parent/Guardian: Molly Smithson-Reid Work Phone: 6159835301
Address: 123 Main Street, Nashville, TN, 37219 Home Phone: 6159835300

Section 504 Service Plan

Meeting Date: 03/13/2014 Begin Date: 03/13/2014 End Date: 03/13/2015
Impairments: Obsessive Compulsive Disorder, Peanut Allergy, Anxiety Disorder, Other - Sensory Processing Disorder
Eligibility Date: 03/13/2014 Reevaluation Date: 03/13/2017

Section 504 Accommodations

Reasonable Accommodations Necessary for the Child to be Successful in the General Education Curriculum

Physical Environment

- Seat student out of main traffic areas
- Ensure proper desk height and seating comfort
- Other - Provide a written note a day in advance when the room will be rearranged for an activity the following day; Promote a peanut-free classroom/lunchroom in accordance with district policies

Instructional Materials

- Advance organizers, lecture outlines, and pre-test questions

Instructional Methods

- Organizers
- Give credit for oral participation

Assignments/Homework

- Allow computer or typed assignments - Extra 1 school day for each overnight homework assignment
- Other - Extra 1 school day for each overnight homework assignment

TN State Demo
Thomas Jefferson Elementary
2121 School House Lane
Sample, TN
Phone: 6155555555 Fax: 6158888888

Section 504 Student Accommodations At-A-Glance
Student Name: Timothy Reid
Current School: Thomas Jefferson Elementary Grade: 2nd Grade

Section 504 Accommodations

Physical Environment

- Seat student out of main traffic areas
- Ensure proper desk height and seating comfort
- Other - Provide a written note a day in advance when the room will be rearranged for an activity the following day; Promote a peanut-free classroom/lunchroom in accordance with district policies

Instructional Materials

- Advance organizers, lecture outlines, and pre-test questions

Instructional Methods

- Organizers
- Give credit for oral participation

Assignments/Homework

- Allow computer or typed assignments - Extra 1 school day for each overnight homework assignment
- Other - Extra 1 school day for each overnight homework assignment

Extra-Curricular Activities

- Consider all of the accommodations suggested for instructional activities
- Facilitate participation as well as presence
- Other - Allow alternative activities when the group activity involves materials objectionable to Tim's SPD

Behavior

- Other - Allow snow globe on desk at all times which he uses as a self-soothe technique for anxiety

Individual Health Plan (IHP)

- This student's needs are being met through an Individual Health Plan (IHP).



7/- .00185675

Fax Number:

**Metropolitan Nashville Public Schools
Section 504 Manifestation Determination
(Form 504-8)**

School: _____ Date: _____

Student: _____ Student ID: _____

DOB: _____ Date of Infraction: _____

Discipline Codes Violated: _____

**Attach all individual suspension notices for the current school year. **

Mental/Physical Impairment(s): _____

The 504 Review Committee has reviewed and discussed all relevant information, inclusive of evaluations, student observations, placement, and student academic and behavioral history. Based on this review, deliberations, and consensus, the Committee has made the following determinations:

Answer the Following Questions:

1. In relation to the behavior subject to disciplinary action and the student's disability:
 - a. The conduct in question was caused by the student's disability or had a direct and substantial relationship to the student's disability: Yes No
 - b. The conduct in question was the direct result of the local school district's failure to implement the Section 504 Accommodation Plan: Yes No

Note: If either condition is marked "yes," then the conduct subject to disciplinary action would be considered a manifestation of the student's disability.

2. The determination of the Section 504 Team is that the behavior subject to discipline:
 IS a manifestation of the student's disability. The student shall not be referred for further discipline.
 IS NOT a manifestation of the student's disability. The student may be disciplined in accordance with the District's policies/procedures for disciplining students without disabilities.

Note: District must continue to provide FAPE and parents have a right to challenge the manifestation determination through an impartial hearing.

504 Review Committee Members	Agree	Disagree	Date
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
LEA Representative	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
School 504 Coordinator	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
General Education Teacher	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
School Counselor	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other			

Additional Attendees:

I have been provided with the Notice of Parent and Student Rights and Procedural Safeguards and understand my rights.

I agree with the manifestation determination decision.

I disagree with the manifestation decision.

I know I have the right to an expedited due process hearing

_____ Date: _____
Parent/Guardian

_____ Date: _____
Parent/Guardian

_____ Date: _____
Student

Tennessee Demo District
Thomas Jefferson Elementary
2121 School House Lane
Sample, TN
Phone: 6155555555 Fax: 6158888888

AUTHORIZATION TO RELEASE INFORMATION

- Your child has been referred for an evaluation for Special Education or 504 Services. Additional information is needed to assist in determining the need for special education or 504 Accommodations/Services.
- Your child receives special education or 504 services. Additional information is needed for programming purposes.

Your child's information will be sent to the following agency/address:

Agency: All Better Pediatrics

Purpose of Release: Documentation related to student's 504 eligibility determination

Address: 333 Pedi Lane
City/State/Zip: Nashville, TN 37219

Child's information:

Name: Timothy Franklin Reid
Address: 123 Main Street, Nashville, TN 37219
School: Thomas Jefferson Elementary
Phone Number: 6159835300

D.O.B.: 07/20/2003
SSN:
Grade: 2nd Grade

I hereby authorize the release of medical, psychological, and/or education records for the above named child.

- To **Thomas Jefferson Elementary**
- From **2121 School House Lane, Sample, TN 11111**
Phone: 6155555555 Fax: 6158888888

I understand that authorizing the disclosure of information is voluntary and may be revoked at any time. Written revocation is needed to revoke this Authorization to Release Information. Revocation is not retroactive.

Refusal to have information released to Tennessee Demo District will not affect your child's receipt of educational services, however, having needed information will facilitate implementation of services. Tennessee Demo District will not release confidential information without your written consent except as permitted by applicable local, state, and federal regulations.

This authorization will expire one year from the date of signature unless a different date, event, or condition is specified. If different, please specify:

Sign: _____

Date: _____



Fax Number: 800-111-0000

Tennessee Demo District
Thomas Jefferson Elementary
2121 School House Lane
Sample, TN
Phone: 6155555555 Fax: 6158888888

Medical Information/Certification Form

Health Impairment, Physical (Orthopedic) Impairment, Traumatic Brain Injury

PHYSICIAN: Medical Information is needed to assist in determining the need for services for this student. The Information will be confidential and used only by persons directly involved with the student.

Student: Timothy Franklin Raid
Parent(s): Molly Smithson-Raid

Birth Date: 07/20/2003
Address: 123 Main Street, Nashville, TN 37219

School: Thomas Jefferson Elementary

Date of Evaluation: _____

General Health History and Current Functioning:

*Diagnosis/Etiology: _____

Prognosis: _____

Medications: _____

How does this medical or health condition impact school behavior and learning?

Recommendations: _____

Special health care procedures, special diet and/or activity restrictions:

Does the student have any other medical condition or disorder that could be causing the educational and/or behavior difficulties? _____

If yes, explain: _____

Physician's Name Printed: _____

Address: _____

Physician's Signature: _____ Date: _____

***DEFINITIONS OF DISABILITIES**

Health Impairment: Limited strength, vitality, or alertness, due to chronic or acute health problems, such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, ADHD or ADD, or Tourette's Syndrome, which adversely affect educational performance.

Physical or Orthopedic Impairment: Severe orthopedic impairment which adversely affects educational performance. The term includes impairment caused by congenital anomaly, disease, and other causes.

Traumatic Brain Injury: Acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability and/or psychosocial impairment, that adversely affect a child's educational performance.



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Fax Number: 800-111-0000

**METROPOLITAN NASHVILLE PUBLIC SCHOOLS
REQUEST FOR AN IMPARTIAL HEARING UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

Date _____

Dear Section 504 Coordinator,

I am submitting this complaint and requesting an impartial hearing under Section 504 of the Rehabilitation Act of 1973, because I disagree with certain decisions that have been made regarding the identification, evaluation, or educational placement of my child, _____ (student's name).

I understand that I must sufficiently complete this form prior to the convening of an impartial hearing under Section 504 of the Rehabilitation Act of 1973.

School District's Specific Proposed or Refused Action relating to identification, evaluation or educational placement with which I disagree, including facts related to the issue(s):

—
Use additional pages if needed.

Action I believe the School District could take to resolve the above issues(s):

—
Use additional pages if needed.

Full Name of Child:
Date of Birth:
Current School:

Parent Name:	Home Phone Number:
Street Address:	Fax Number:
City/State/Zip:	Work Phone Number:
Email:	Cell Phone #:

Street Address of child (if different from above):		
City:	State:	Zip Code:

Attorney (if any):	Phone Number:
Street Address:	Fax Number:
City/State/Zip:	Email:

Signature of Person Requesting Hearing

Date