



Section 504 Manual
2022-2023 School Year

504 Documents should be completed using the Embrace504 system.

SECTION 504 Rights and PROCEDURES

Section 504 of the Rehabilitation Act of 1973 and its implementing regulations prohibit discrimination on the basis of disability by any program or activity that receives or benefits from federal funding. Section 504 requires that students with disabilities be provided with a free appropriate public education including education with non-disabled peers to the maximum extent appropriate.

The following procedures apply regarding the evaluation, identification, and provision of services to students under Section 504:

I. Definition Of Qualified Individual With A Disability Under Section 504

A person has a disability within the meaning of Section 504 of the *Rehabilitation Act of 1973* if he or she has a mental or physical impairment, has a record of such impairment, or is regarded as having such an impairment, which substantially limits one or more major life activities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures (except for ordinary eyeglasses or contact lenses).

Major life activities include, but are not limited to, functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

II. Prohibition Against Discrimination

No qualified individual with a disability under Section 504 shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination in any program or activity.

It is the intent of Urbana School District 116 to ensure that students with disabilities within the definition of Section 504 are identified, evaluated and provided with appropriate educational supports to meet their needs.

III. Designation Of Responsibility

It is the responsibility of the School District to provide a free appropriate public education to each qualified student with a disability who is a resident of the District regardless of the nature or severity of the student's disability.

IV. 504 Evaluation

Referrals for consideration for Section 504 eligibility may be made at any time. A referral must be made in writing and dated at the time the request is made, including the reason for the referral. Referrals may be made by individuals with knowledge of the student's needs and/or educational programming, including teachers, other staff members, parents, etc. Referrals should be directed to the building principal at the early childhood and elementary level. At Urbana Middle School and Urbana High School referrals should be directed to the student's counselor.

An assessment team, consisting of district personnel knowledgeable about the student will conduct an individual evaluation of a student initially referred for a Section 504 evaluation. The designated team will review all submitted documentation, current teacher reports, past records and tests. Additional evaluations may be conducted by the School District if deemed necessary to determine that that student is a person with a disability according to Section 504. Parental consent will be obtained prior to the initial evaluation completed by the District. If a parent refuses consent for an initial evaluation, the school district may (but is not required to) use hearing procedures to seek to override the parents' denial of consent.

The 504 evaluation procedures shall be:

1. necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;
2. tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient;
3. validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;
4. free of racial, cultural, language or sex bias;
5. appropriate for the age and stage of development of each student to whom they are administered;
6. selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and
7. administered in the student's familiar language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so.

No single procedure shall be used by the District to evaluate whether or not a student has a disability under Section 504. Only one evaluation will be conducted within a twelve-month period, unless the parent/guardian and school district both agree to conduct another evaluation within that time frame.

V. Determination Of Eligibility

The designated team will convene a Section 504 eligibility conference for a student whose evaluation has been completed, within 60 school days of the referral.

The eligibility conference will involve a group of persons knowledgeable about the student, including the student's parents/guardians. The participants may include the student's teacher, member(s) of the assessment team, building administrator, school psychologist, school counselor, school nurse, and other necessary staff (collectively called the "504 Team").

Notice to attend the eligibility conference shall be sent to all 504 Team members, including the student's parents/guardians, at least ten (10) calendar days prior to the conference, unless this requirement is waived by the parent/guardian.

The 504 Team will determine eligibility under Section 504, define what limitations are posed by the student's disability in the educational setting, and determine what accommodations and/or services are needed to meet the student's needs as they relate to the educational setting, if any. The Team will base its determination on a variety of sources.

In order to determine that a student who has been evaluated is a student with a disability under Section 504, the Team must conclude, that:

1. the student has a physical or mental condition (any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability);
2. the presence of such a physical or mental impairment substantially limits one or more of the student's major life activities; and
3. because of the identified disabling condition, the student is in need of accommodations/adaptations to the regular education environment or support services.

In interpreting evaluation data and in making placement decisions, the School District shall use relevant information from a variety of sources, establish procedures to ensure information is documented and carefully considered, ensure that the placement decision is made by a knowledgeable team, and ensure the LRE mandate is met.

If the 504 team concludes that the student has a mental or physical impairment that substantially limits a major life activity, the student may be entitled to the protections of Section 504.

If a student is eligible under Section 504 and requires a 504 Plan, reasonable accommodations and services shall be recommended in order to provide the student with a free appropriate public education. The evaluation findings, eligibility, and the educational services/accommodations to be provided shall be recorded on the "Section 504 Plan." This Plan shall be generated by the 504 Team and sent to each of the student's teachers. Parents shall receive a copy of this Plan as notice of the student's eligibility and services.

The Plan shall include the following:

- 1) A description of the identified disability that substantially limits a major life activity and what those limitations are;
- 2) A description of how the identified disability needs to be addressed in relation to school, the education setting, and extracurricular activities;
- 3) A list of the recommendations/accommodations designed to address the needs; and
- 4) The names of the people responsible for ensuring that the accommodations/modifications are put into effect.

The services and reasonable accommodations described in the Section 504 Plan shall be based on a composite understanding of the student's characteristics and how the physical or mental condition substantially limits one or more major life activities.

If it is determined that the student will not be receiving any special services or accommodations, a written notice of the findings shall be provided to the parents along with a notice of their right to appeal the determination.

VI. Educational Services

The District shall provide an appropriate program of regular and/or special education and related aids and services that are designed to meet individual educational needs of students with disabilities under Section 504. These students shall be educated with students who do not have disabilities to the maximum extent appropriate to meet the identified educational needs of the student with disabilities. The student will be placed in the regular education environment unless it is demonstrated that the education of the student with disabilities in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily.

Students shall be afforded the opportunity to participate with individuals who do not have disabilities in nonacademic and extracurricular activities to the extent appropriate to the needs of the student with disabilities.

VII. 504 Re-evaluation

Periodically, at least every three years, or before any significant change in placement occurs, a group of persons knowledgeable about the student shall re-evaluate the Section 504 Plan for each eligible student to determine continued eligibility and services. This group need not be the same group of persons who determined initial eligibility. A "significant change in placement" includes an exclusion from the educational program of more than ten (10) school days (i.e. due to an expulsion or pattern of suspensions), the transferring of a student from one type of program to another, or terminating or significantly reducing a related service. A notice will be sent to the parents informing them of the intent to conduct a Section 504 Re-evaluation. Parental consent shall be obtained before any additional evaluation tests are conducted as part of the Re-evaluation.

VIII. Procedural Safeguards

1. The parent/guardian of a qualified disabled student shall be notified of all District actions concerning the identification, evaluation, or educational placement of the student made under Section 504.
2. The parent/guardian has a right to review the student's records.
3. The parent/guardian has a right to file a grievance under the District's Uniform Grievance Procedure regarding any complaints that allege action prohibited by Section 504.
4. The parent/guardian has a right to an impartial hearing and representation at the hearing if he/she is unable to resolve disagreements with the District relative to the identification, evaluation, or educational placement of their child.
5. The parent/guardian may seek review of the Impartial Hearing Officer's decision by a court of competent jurisdiction.
6. Complaints regarding Section 504 may also be filed with the U.S. Department of Education Office for Civil Rights, Illinois Regional Office, Citigroup Center, 500 West Madison Street, Suite 1475, Chicago, IL 60661.

IX. Impartial Hearing Procedures

If parents/guardians disagree with the district relative to their child's identification, evaluation, or educational placement, including any special services, or change or termination of services, under Section 504, they should notify the District's 504 Coordinator and attempt to resolve their differences informally. If informal procedures fail, the parents/guardians may request a hearing before an impartial hearing officer. The due process review procedures set forth in the IDEA and in Article 14 of the Illinois School Code shall not be employed unless the parents are contesting or asserting a right to special education services under Article 14 or IDEA. The parents' request for a hearing shall be submitted in writing to the Superintendent within ten (10) days of the date of the decision to be reviewed. The Superintendent shall then appoint the impartial hearing officer.

The parents/guardians shall be provided with written notice of the hearing, which shall include the time, date, and location of the hearing and the identity of the hearing officer. Generally, the notice shall be sent at least five business days in advance of the hearing. The notice shall inform the parents/guardians that they have the right to review any relevant records before the hearing. The parents/guardians shall have the right to be represented by counsel at the hearing and shall have the opportunity to participate in the hearing. The decision of the impartial hearing officer shall be in writing and shall be rendered within ten (10) days of the hearing.

Either party may seek review of the Hearing Officer's decision by a court of competent jurisdiction.

Urbana School District #116 Section 504 - Procedural Guidance

Referral

- A referral for consideration for 504 eligibility may be made at any time by parents, school personnel, or persons having knowledge of the child. The referral should be made, in writing, to the building 504 case manager or administrator.

- If the student is suspected to have a disability for special education services under IDEA, then a Full and Individual Evaluation should be completed. The building school psychologist or speech language pathologist, depending on the nature of the concern, is the point person for the special education evaluation process.

- If a referral for Section 504 evaluation is made, then the building team (consisting of the building 504 manager, administrator, parent/guardian, and any other individuals deemed necessary), will meet to consider the referral.
 - If an evaluation is determined to be not appropriate at this time, the parent/guardian will be informed of this decision and of their procedural rights.

 - If an evaluation is determined to be appropriate, then the team will determine the areas to be assessed during the evaluation and indicate who will be responsible for completing them. Written consent for the evaluation will be requested from the parent/guardian and their procedural rights will be explained.

Evaluation

- The primary purpose of conducting individual assessment of a student is to gather information sufficient to permit a group of persons knowledgeable about the child to determine whether the child is disabled as defined by Section 504.

- The 504 evaluation team will evaluate the nature of the student's disability and the impact of the disability on the student's education.

- A variety of sources shall be used by the 504 evaluation team to assess whether or not a student is disabled under Section 504. Information used by the team may come from interviews with the child and parents, rating scales, observational data, criterion-referenced measures, medical reports, record review, standardized measures, etc.

- The evaluation process will typically be less formal and less extensive than a Full and Individual Evaluation as required by IDEA for eligibility for an individualized educational program. At the

completion of the evaluation and within 60 school days of the date of written consent from the parent/guardian, the 504 case manager will convene a conference for the student. The Parent/Guardian Notification of Section 504 Conference form will be sent to all participants.

- Only one evaluation will be conducted within a twelve-month period, unless the parent/guardian and school district both agree to conduct another evaluation within that time frame.

Eligibility

- Final determination of eligibility under Section 504 will be made at the Section 504 conference. The Identification Form: Section 504/ADA will be completed. Parent/guardian will receive a copy of this form.
- In order to determine that a student is eligible under Section 504, the evaluation team must conclude that:
 - The student has a record of a disability, or the student is regarded as having a disability, and
 - The presence of the physical or mental impairment limits one or more of the major life activities within the educational setting, and
 - Because of the identified disabling condition, the student is in need of accommodations in the educational setting.

Service Plan

- Following the determination of eligibility for a Section 504 Service Plan, such a plan shall be developed. Accommodations in the educational setting, and the person(s) responsible for carrying them out, will be documented.
- The team will determine a Service Plan review date. A review must be scheduled annually, but could be scheduled as needed throughout the year. The 504 Case Manager is responsible for convening the Service Plan review. The purpose of the review meeting is to review the student's progress, consider any new evaluation data, and make necessary adjustments in the plan.
- The parent/guardian of the child will be given a copy of the Service Plan. In addition, they will be notified of the procedural rights available to them, including the right to an impartial hearing and review.
- The Case Manager shall inform all school personnel who work with the student of the Service Plan.

Embrace 504

- Embrace504 will be used as the electronic data management system for the 504 process. See page 10-11 for guidance on process and forms on Embrace504 for various situations.

Major Life Activities Examples (not an exhaustive list)

<ul style="list-style-type: none">· Seeing· Hearing· Doing manual tasks· Breathing· Walking· Speaking· Caring for one's self· Writing· Learning· Working· Sleeping	<ul style="list-style-type: none">· Lifting· Reading· Concentrating· Thinking· Communicating· Helping· Eating· Bending· Showing troubling behavior· Operation of a bodily function
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Staff Responsibilities

- District Coordinator
 - Ensure district compliance with Section 504 Regulations
 - Evaluates 504 process periodically
 - Provides 504 trainings
 - Receives and responds to 504 complaints
- Building Coordinator (Administrator or designee)
 - Coordinates 504s at building level including ensuring compliance and providing trainings
 - Consults with District Coordinator
 - Maintains accurate records of 504 eligibility and plans
- 504 Case Manager
 - EC & Elementary – School Administrator or designee
 - UMS & UHS – School Counselor
 - Schedules and holds necessary 504 meetings
 - Communicates appropriate information to implementers of 504s
 - Communicates with parents/guardians
 - Implements plans
- Building Faculty
 - Attends trainings
 - Makes referrals
 - Serves as a team member
 - Implements plans

Embrace504 Forms for different situations – USD116

Note: Please contact Cait Cloyd atccloyd@usd116.org for the link to have a student added to Embrace504

Considering a 504 referral for the first time (student does not yet have a 504)

Before the meeting send home:

- Invitation to Parents for Initial Section 504 meeting
- Section 504 Meeting Parent Input (optional)
- Notice of Rights and Procedural Protections Under Section 504.....

At the meeting:

- Section 504 Referral for Evaluation
- Prior Written Notice
- Section 504 Consent to Evaluate (if the decision is to move forward with an evaluation)

Meeting to plan the re-evaluation for continued eligibility every three years OR Whenever team believes eligibility needs to be reviewed

Before the meeting send home:

- Notice of Conference
- Section 504 Meeting Parent Input (optional)
- Notice of Rights and Procedural Protections Under Section 504.....

At the meeting:

- Section 504 Referral for Evaluation
- Prior Written Notice
- Section 504 Consent to Evaluate

Meeting to determine eligibility for the first time and (possibly) create an initial 504 plan or Meeting to determine eligibility every three years or when considering terminating eligibility

Before the meeting send home:

- Notice of Conference
- Notice of Rights and Procedural Protections Under Section 504

At the meeting:

- Identification Form: Section 504/ADA
- Prior Written Notice
- Section 504 Plan Review
- Section 504 Accommodation Plan (if you find the student eligible and write a plan)

Conducting an annual review of the 504 plan OR

Reviewing a 504 plan during the year before the annual review date (e.g. meeting after a few months to make adjustments to the plan) OR

Meeting to review a 504 plan from another school district

Before the meeting send home:

- Notice of Conference
- Notice of Rights and Procedural Protections Under Section 504

At the meeting:

- Section 504 Plan Review
- Section 504 Accommodation Plan
- Prior Written Notice

If looking at more than 10 days of suspension or considering an expulsion

Have building administrator contact Jennifer Hastings or Todd Taylor for Manifestation Determination Review procedures and paperwork

On the Section 504 Accommodation Plan

The answer to the first four questions should be 'Yes' in order to continue on to develop a 504 plan on the rest of that document.

A recommended response to "**Criteria for Evaluating Success**" is "**Teacher reports on effectiveness of these accommodations in assuring access to the general education curriculum**" You can use other sources than "teacher report", but this is one broad option to answer this question.

On the 'Identification Form: Section 504/ADA' - used to document evaluation results

Q. Where is Part 6? It talks about Part 6, but I don't see it!

A. You must check the fourth box on part 5 (indicating an impairment exists that substantially limits a major life activity) for part 6 to appear.

Terminology Clarifications

Identification Form: Section 504 ADA on Embrace504 = Documentation of Evaluation Results on EmbraceIEP

Prior written notice on Embrace504 = Conference Summary Report on EmbraceIEP

The Differences Between 504s and IEPs-Adapted from The Understood Team Website

Plan/Program	504 Plan (Office of Civil Rights)	IEP (Office of Special Education and Rehabilitative Services & Illinois State Board of Education)
Basic Description	Plan for how a child will have access to the learning environment	Plan for a child's special education services at school
What It Does	Provides accommodations and modifications to the learning environment to meet the needs of the child as adequately as other students	Provides individualized special education and related services to meet the unique needs of the student
What Law Applies/State and Federal oversight.	Section 504 of the Rehabilitation Act of 1973-federal civil rights law to stop discrimination against people with disabilities. Oversight by the Office of Civil Rights (OCR-USDoE)	The Individuals with Disabilities Act (IDEA)-federal special education law for children with disabilities. Overseen by ISBE/Office of Special Education and Rehabilitation Services (OSERS-USDoE)
Who is eligible	Two requirements: <ol style="list-style-type: none"> 1. Student has any disability 2. Disability substantially limits one or more major life activities. 	Two requirements: <ol style="list-style-type: none"> 1. Student has one or more of the 13 specific disabilities listed in IDEA and 2. The disability must adversely affect the student's educational performance
Who Creates the Plan	Rules are less specific than for an IEP. The 504 is created by a team of people who are familiar with the student and who understand the evaluation data. This might include the parents, the student, an administrator, a counselor or social worker and the student's teachers.	There is a legal requirements about who participates depending on the purpose of the meeting. The team must include the parent/guardian, at least one general education teacher and one special education teacher, LEA, school psychologist, student, etc depending on the nature of the meeting.
What's in the Plan	There is no standard plan but typically includes specific accommodations and supports, names who will provide the accommodations/supports, and who is responsible for ensuring implementation	There are very specific requirements of what is included in an IEP such as present levels, annual goals, services, accommodations/modifications, etc.
Parent Consent	A parent's consent is required for the district to evaluate a student	A parent must consent in writing for the school to evaluate and prior to providing initial services
Reviews and Revisions	Vary from state to state but generally is reviewed each year and reevaluation is done every three years or when needed	Must review the IEP at least once a year and must be evaluated every three years to determine whether eligibility is still met

504 Case Manager General Responsibilities

- **Introduce yourself** to the students with 504 plans on your caseload if they are new to you or reintroduce yourselves if they are students returning to your caseload during the first week of school, at the latest, or as soon as possible for a student moving into the district with a current 504 plan. This communication should include how they can contact you if they have a question or concern.
- **Read through each student's 504 Plan completely** to ensure the 504 is being implemented as written. Confirm all staff responsible for implementing the student's 504 know their responsibilities and have access to necessary information.
- **Confirm** all staff responsible for implementing the student's 504 know their responsibilities and have access to necessary information.
- **Provide a copy of the student's 504 Plan (or updated 504 Plan, as appropriate) to each teacher/faculty member who works with the student** – This should happen by the end of the first week of school at the latest, and immediately after the plan is finalized each time a new 504 plan is developed or the 504 plan is modified. In order to maintain confidentiality of student records, only staff members who have a legitimate educational need to know should have access to the student's 504 plan.
- **Monitor the progress** of the students on your caseload list. If a student is struggling, consider scheduling a 504 meeting to discuss progress and any changes needed to the 504 plan.
- **Communicate with parents regularly.** Don't forget to make positive contacts with parents and for students who are not making progress, more frequent communication is expected.
- **Maintain timelines for Annual 504s and re-evaluations.** Develop a new 504 plan at least annually based on the most recent evaluation and with input from team members. Students should be re-evaluated for continued 504 eligibility at least every three years.
- **Provide completed copies of all 504 documents** to parents/guardians.
- If a student is no longer eligible for services or withdraws from the district, **contact Cait Cloyd (ccloyd@usd116.org) with information about the change in status.**
- **Ensure that accommodations are provided for testing, if indicated.**
- **Collaborate** with general classroom teachers and parents to ensure each student on your caseload receives the accommodations listed on the plan.