

Section 504 Procedures Manual

for Carteret County Public Schools

Updated: May, 2014

Carteret County Public School System

Section 504 Procedures Manual

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OVERVIEW:

As a recipient of federal funding, the Carteret County Public School System ("CCPSS") is subject to Section 504 of the Rehabilitation Act of 1973 ("Section 504"). In the context of the education of children, Section 504 generally protects students with disabilities from discrimination. The United States Department of Education has issued regulations to implement the provisions of Section 504. These regulations are found in 34 CFR Part 104. The purpose of this manual is to assist all in the CCPSS community, including educators, parent(s)/guardian(s), and students, to understand CCPSS's obligations, and parent(s)/guardian(s)' and students' rights and protections, under Section 504.

Section 504 and its regulations have many parts, but the following is an overview:

1. Children with known or suspected disabilities, and children who are regarded as having or who have a record of a disability, are protected from discrimination in the educational setting.
2. Each public school system must attempt to evaluate each child within its jurisdiction suspected of having a disability in an effort to determine if a disability exists.
3. Children with disabilities are entitled to a free appropriate public education including a full range of accommodations and services necessary for them to participate in, and benefit from, public education programs and activities.
4. For a child determined to have a disability the school system in cooperation with the parents and other knowledgeable persons must determine if accommodations, services, and/or special education is or are needed to provide the child with a free appropriate public education. If so, a decision is made on whether to serve the child through the Individuals with Disabilities Education Act ("IDEA") or Section 504. If through Section 504, often a written plan, a "504 Plan," is formulated which describes the disability and the support needed including accommodations and special services.
5. Students with 504 Plans will be taught in the least restrictive environment. Depending on circumstances this can be in regular classrooms, regular classrooms with supplementary services, and/or special education classrooms with related services.
6. The progress of each student with a 504 Plan should be reviewed at least once a year.
7. Students with a 504 Plan must be reevaluated every three years.
8. Parent(s)/guardian(s) of children with known or suspected disabilities are entitled to "procedural safeguards."

9. There is a relationship between Section 504 and IDEA (Individuals with Disabilities Education Act). All students with disabilities have Section 504 rights; however, for students who qualify for "special education" under IDEA, implementation of an Individualized Education Program (IEP) and other school system compliance with IDEA is a means of meeting the Section 504 standards.

I. SECTION 504

The operative language of Section 504 is:

"No otherwise qualified individual with a disability in the United States... shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

The regulations implementing Section 504 require school districts to offer a "free appropriate public education" (FAPE) to each qualified person with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the person's disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services, including accommodations, designed to meet the student's individual educational needs as adequately as the needs of non-disabled students are met.

II. DISABILITY/HANDICAPPED DEFINED:

A. Disability.

For Section 504 purposes, a person with a disability is any person who:

1. Has a physical or mental impairment which substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

B. What is a Physical or Mental Impairment?

Although the law does not give an exhaustive list of impairments, it does generally define impairment as:

(A) "any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or

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psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."

The definition includes such conditions and diseases as orthopedic, visual, speech, and hearing impediments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, attention deficit disorder (ADD), acquired immune deficiency syndrome (AIDS), human immune deficiency virus (HIV+).

C. Exclusions.

The definition of "physical or mental impairment" does not include: transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current use of illegal drugs.

D. Exclusion of "temporary disabilities."

A physical or mental impairment with an actual or expected duration of six months or less is not considered a disability under Section 504. However, this exclusion does not apply to physical or mental impairments that are manifested for periods of less than six months but are episodic and either recur, or have the potential of recurring, over a time exceeding six months.

E. What is the meaning of Substantially Limits?

The term "substantially limits" is not explicitly defined but rules of construction have been adopted to be used when determining if an individual is substantially limited in performing a major life activity. The rules of construction include the following:

- An impairment need not prevent or severely or significantly limit a measurable life activity to be considered "substantially limiting." Nonetheless, not every impairment will constitute a disability.
- The term "substantially limits" shall be construed broadly.
- The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.
- The determination of a disability should not require an extensive analysis.
- Although determination of whether an impairment substantially limits a major life activity as compared to most people will not usually require scientific, medical, or statistical evidence, such evidence may be used if appropriate.

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- An individual need only be substantially limited, or have a record of a substantial limitation in one major life activity to be covered under the definition of “disability.”

The “substantially limits” determination must be made without regard to any ameliorative effects of mitigating measures. Section 504 determinations must be based upon the student’s disability as it presents itself without the mitigating measures. For example, school districts cannot consider the effect of medication on a student with asthma. Mitigating measures include, but are not limited to:

- Medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses), prosthetics, including limbs and devices, hearing aids, and cochlear implants, or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- Use of assistive technology;
- Auxiliary aids or services; or
- Learned behavioral or adaptive neurological modifications.

F. What are Major Life Activities?

Major life activities include, but are not limited to, activities 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 may 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.

Just because a student is performing well academically does not mean that he/she cannot be substantially limited in a major life activity, such as learning, reading, writing, thinking or speaking.

G. What are the consequences of a handicapping condition that is episodic or in remission?

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. For example, a student with a seizure disorder that is in remission would meet this requirement.

H. Common indicators of potential disabilities.

- Physical or mental disorder
- Poor behavior with an impact on learning or academic performance

- Poor academic performance
- Serious health conditions
- Physical handicap
- Any other issues that may interfere with student's ability to function in the educational environment

III. SCHOOL BASED 504 TEAM

Each school in the CCPSS will have an employee well versed in the requirements of Section 504 appointed by the school principal which person will be known as the school's "504 Coordinator." The 504 Coordinator will select a team, to be called a "504 Team," for each child referred to a 504 Team and for each child with a disability who is *not* receiving special education under an Individualized Education Program under IDEA. The 504 Coordinator will select the 504 Team from among the faculty and staff at that school, "specialists" employed by the CCPSS including special education teachers, medical professionals, and other individuals knowledgeable about the child or the child's known or suspected disability. When the child is enrolled in the CCPSS the team will include one of his/her teachers. If the child is not enrolled in the CCPSS, the team will include a regular education teacher at the child's grade level. The following individuals are ex-officio voting members of the child's team: the school's 504 Coordinator, the school principal or his designee, the CCPSS 504 Student Compliance Officer or his designee, and the child's parents or guardians.

The 504 Coordinator, or her or his designee, will be the presiding officer of each 504 Team meeting. The 504 Coordinator will ensure that persons knowledgeable about the child including the student's history and his or her individual needs are present at each 504 Team meeting. As long as such persons are present, there is no quorum for the meeting; however, the 504 Coordinator will have the absolute authority to recess or adjourn a meeting if she or he believes team members absent from a meeting are needed to assist with decision making.

The 504 Team will attempt to make decisions by consensus which will be reflected by signatures of the team members present including the child's parent(s) or guardian(s) on Section 504 documentation. However, if the parents or guardians disagree with the decisions of the other team members, and either refuse to sign Section 504 documentation, or sign, but sign for purposes of indicating receipt only, the action of the Team will be considered those as indicated by the 504 Coordinator on the Section 504 documentation.

IV. STUDENT IDENTIFICATION AND REFERRAL ("CHILD FIND"):

A. Children not enrolled in CCPSS.

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The Section 504 regulations contain a "child find" requirement that requires CCPSS to undertake to identify and locate every child with a disability residing in its jurisdiction who is not receiving a public education. This will include pre-K children and students in private school. The CCPSS will meet this requirement by the Superintendent's Office notifying the following organizations on an annual basis:

1. Social Services
2. Head Start
3. All private and charter schools in the county
4. Other child welfare organizations operating in Carteret County brought to the attention of the CCPSS who may know of, or serve, children with disabilities.

Annually, the Superintendent's Office will publish a notice in the Carteret County News Times advising the public of the services and procedural protections for children with disabilities residing in Carteret County. (See Annual Published Notice of 504 Services on page A15 of the appendix.)

When a child with a potential disability who is not enrolled in CCPSS is identified, the child will be referred to the school where he or she would attend if enrolled for screening as provided in subsection C. *Referral and Screening* below. Such school will give reasonable notice to the parents or guardians of such child of protections under Section 504 and the services available to such child through the CCPSS. While the CCPSS will accept the referral, screen for an initial evaluation of such child for disabilities, and if merited, evaluate such child, CCPSS is not required to provide services to a child who is not enrolled in the CCPSS.

B. Children enrolled in CCPSS.

For students enrolled in the CCPSS who are known or suspected to have a disability, but have not previously been so identified, the student will be referred for screening as provided in subsection C. *Referral and Screening* below.

C. Referral and Screening.

1. Referral.

A child's parent(s)/guardian(s), other relative, teacher, medical professional or other person knowledgeable about the child may refer a child with a suspected or known disability to the CCPSS school where the child is enrolled for an evaluation of the known or suspected disability. An administrator at that school will assign the referral to one of the following three teams to screen for an initial evaluation: (1) the school's Responsiveness to Instruction ("RtI") team¹; (2) the school's 504 Team; or (3) the

¹ For schools that use a Student Assistant Team ("SAT") rather than an RtI team, the SAT will serve the function of the RtI team and perform all functions as described in this manual.

school's IDEA Team. Regardless of which team screens to determine if the child should receive an initial disability evaluation, the team shall include an administrator, a teacher at the child's grade level, a special education teacher or other specialist employed by the CCPSS with knowledge about any suspected disability, the child's parent(s)/guardian(s), and/or other individuals knowledgeable about the child including any of the child's medical professionals.

The child's parent(s)/guardians will be invited to participate in the screening of their child by written invitation in the manner and form of the "Section 504 Letter of Invitation" on page A1 of the Appendix.

2. Screening.

The screening team will consider the referral, and based upon the student's existing records, including academic, social, medical [if available] and behavioral records, make a decision as to whether an evaluation is warranted. Following this screening, if the team has reasonable suspicion that the child has a disability requiring accommodations and support, the team will refer the student to either the school's 504 Team or IDEA Team for an evaluation.

D. Denial of parental request to evaluate. If a parent or guardian has requested an evaluation and the request is denied, the school must inform the parent or guardian of this decision and of his/her procedural rights.

E. Parental Consent to Evaluate. Parental consent is required to evaluate a child under Section 504. The 504 Team **must** procure the written consent of a parent or guardian before proceeding to evaluate. A form for parental consent to evaluate appears in the Appendix at page A2; however, any written consent to evaluate that clearly gives parental consent is acceptable.

V. STUDENT EVALUATION:

Note 1: *The 504 Team must procure the written consent of a parent before proceeding to evaluate. If a parent or guardian refuses to consent, the school cannot be held liable for failing to provide the student FAPE under Section 504.*

Note 2: *If the RtI Team or an administrator refers a child to the 504 Team for an evaluation, and after examining all available information regarding the child, the 504 Team believes the child may qualify for special education under IDEA, the 504 Team may transfer the case to the school's IDEA Team to conduct the evaluation. In such event, the school's 504 Coordinator shall monitor the child to determine if he or she is admitted into the school's special education program under IDEA. If the IDEA Team determines that the child is not qualified for IDEA services, the child's case will be returned to the 504 Team for a determination of whether the child has a disability and is qualified for a 504 Plan.*

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A. Initial Evaluation.

If the screening team refers a child to a 504 Team for an evaluation, the 504 Team will evaluate the existence and nature of the student's disability and the impact of the disability upon the student's education (including the student's ability to function in the educational environment) and the extent to which the student requires special services and accommodations. Formal assessments are not always required but may be in some instances. To determine whether formal assessments are necessary, the 504 Team must review and consider the data available to it.

The evaluation must be conducted in a reasonable period of time. Although there is no specific requirement, the Team should aim to complete the evaluation within 35-45 days from the date of referral.

In general, the 504 evaluation should:

- Be based on information from a variety of sources, i.e. teachers, other school staff members, parents/guardian, physician, nurse, and any other knowledgeable professionals.
- Document and consider all available pertinent information, i.e. records, assessment data, medical reports related to the suspected physical or mental impairment, which may be substantially limiting a major life activity.
- Use materials, tests, or evaluation procedures that are:
 - Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence question;
 - Selected and administered so as best to ensure that, when administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect the student's aptitude or achievement level, or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure);
 - Not racially or culturally discriminatory;
 - Validated for the specific purpose for which they are used;
 - Administered in the child's native language or other mode of communication; and
 - Administered by trained personnel in conformance with the instructions provided by their producer.

For the evaluation, the 504 Team should use the form titled "504 Disability Determination Review" on page A3 of the Appendix, or the equivalent.

VI. 504 PLAN/PLACEMENT:

A. Development of Plan.

For a student who has been identified as disabled with the meaning of Section 504, but not eligible for service under IDEA, the 504 Team shall be responsible for determining what accommodations and/or special services are needed. In making such determinations, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, adaptive behavior and input from parent(s)/guardian(s)s.

The 504 Team will develop a written plan describing the disability and the support needed. The 504 Team may also determine that no support services are appropriate. If so, the record of 504 Team proceedings will reflect the identification of the student as a disabled person and will state the basis for the decision that no special services are presently needed.

Typical accommodations that may be used in a 504 Plan, as merited, include but are not limited to:

- Assistance with taking medications
- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Extra set of textbooks for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral tests

The 504 Team should use the form titled "504 Plan" on page A5 of the Appendix, or the equivalent, as the student's 504 Plan. Also, the "Testing Accommodations Chart" on page A7 of the Appendix is available for use when applicable.

B. Placement in General Curriculum.

A disabled student shall be placed by the 504 Team in the general curriculum of the school with the use of any needed aids and services, unless the school demonstrates that such placement cannot be achieved satisfactorily. The disabled student will be educated with those who are not disabled to the maximum extent appropriate given the individual needs of the student.

C. Notice to Parent(s)/guardian(s).

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the services to be provided. The signature of a child's parent or guardian on a 504 Plan developed for the child is deemed notice to the parent of the final decision of the team.

D. Notice to School Personnel.

If a plan for support services is developed, all school personnel who work with the student shall be informed of this plan.

VII. REVIEW OF THE STUDENT'S PROGRESS:

A. Monitor Student Progress as Needed; Annual Review.

The 504 Team will monitor the progress of the disabled student and the effectiveness of the student's educational plan as needed but at least annually to determine whether services are appropriate and necessary, and the disabled student's needs are being met as adequately as the needs of non-disabled students.

B. Annual Review of Certain Students.

Yearly reviews may also be conducted for students who are Section 504 eligible but have not needed services to ensure they still do not need services.

VIII. REEVALUATION.

Reevaluations are required periodically and should occur at least every three (3) years or sooner when appropriate. Reevaluations must also occur prior to any change in placement whether for disciplinary reasons or otherwise.

IX. DISCIPLINE PROCEDURES UNDER SECTION 504

Federal law prohibits punishment of a student with a disability for behavior that is a manifestation of his/her handicapping condition; however, schools do not have to consider whether the behavior is a manifestation of the handicapping condition during the first 10 school days of suspension in a school year. The 504 Team will conduct a manifestation determination review ("MDR") to determine whether a student's (with a 504 Plan) violation of the Code of Student Conduct is a manifestation of his/ her handicapping condition WHEN

- a) The school recommends suspension for more than 10 consecutive days;

- b) The student has been suspended MORE THAN 10 cumulative days during the school year; or
- c) The school recommends long-term suspension or expulsion.

If the MDR establishes that the violation is a manifestation of a disability, appropriate behavioral interventions, and if necessary adjustments to the student's 504 Plan, will be implemented.

A Manifestation Determination Worksheet is contained on Page A12 of the Appendix for use by the 504 Team.

X. RELATIONSHIP WITH IDEA.

A. General Discussion.

There is a relationship between Section 504 and IDEA (Individuals with Disabilities Education Act). All students with disabilities have Section 504 protections; however, for students who qualify for "special education" under IDEA, implementation of an Individualized Education Program (IEP) and other school system compliance with IDEA is a means of meeting the Section 504 standards and no procedures or notices in addition to those required by IDEA are necessary.

Most students with disabilities, but not all, will qualify for special education under IDEA. If a student with a disability is only qualified under Section 504, then that student's disability will be accommodated only under Section 504. However, if a student has disabilities recognized under IDEA *and* has additional disabilities recognized under Section 504, the student's IEP will cover all of the student's disabilities.

For example, if a student has diabetes and needs assistance with the administration of insulin at school but has no special education needs, then that student would receive Section 504 services under a 504 Plan but not an IEP under IDEA. If, however, the student also has dyslexia, then he or she would most likely qualify for IDEA and the student's IDEA Special Education Team would then be responsible for the entire student; that is, the IEP would provide for services relating to both the dyslexia and the diabetes. The student would not have both an IEP and a Section 504 plan.

B. Referral to 504 Team.

If an IDEA Special Education Team determines that a student does not have a disability that is covered by IDEA, but the team has reasonable suspicion that the student has a disability, the case

will be referred to the school's 504 Coordinator who will convene a 504 Team to consider the student's potential disability and eligibility for Section 504 services.

XI. GRIEVANCE PROCEDURE

A. In General.

If any person believes that the CCPSS, or any employee thereof, has violated Section 504 of the Rehabilitation Act of 1973, he/she may submit a complaint as provided herein. The Carteret County Public School System encourages individuals to discuss their concerns with appropriate school officials before resorting to a formal complaint; however, individuals are not required to do so before filing a formal complaint.

B. Grievance Procedure.

- Grievances should be submitted directly to the CCPSS Section 504 Student Compliance Officer within thirty (30) days of the date the person filing the grievance becomes aware of the alleged discriminatory action. The contact information for the Section 504 Student Compliance Officer is:

Director of Exceptional Children's Programs
Carteret County Public Schools
107 Safrit Drive
Beaufort, NC 28516
Telephone 252-728-4583
Facsimile 252-728-3028

- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The 504 Student Compliance Officer (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to present witnesses and submit evidence relevant to the complaint. The 504 Student Compliance Officer will maintain the files and records of the CCPSS relating to such grievances.
- The 504 Student Compliance Officer will issue a written decision on the grievance no later than 30 days after its filing and provide a copy to the Complainant. However, if the complaining party is someone other than the student, student's parent or student's legal guardian, all confidentiality requirements of the Family Education Records Privacy Act must be met and the decision will be redacted as necessary for FERPA compliance.

C. Impartial Hearing By Impartial Hearing Officer.

- The person filing the grievance may appeal the decision of the 504 Student Compliance Officer by filing a written notice of appeal with the Superintendent of Carteret County Schools which notice must describe the reason for the appeal and the relief sought. Any person filing such an appeal will be afforded an impartial hearing on the person's complaint that gave rise to the grievance. The address of the Superintendent is:

Superintendent of Carteret County Schools
107 Safrit Drive
Beaufort, NC 28516
Telephone 252-728-4583
Facsimile 252-728-3028

The appealing party may, but is not required, to file a copy of such notice of appeal with the Chief Administrative Law Judge of the North Carolina Office of Administrative Hearings at the following address:

Chief Administrative Law Judge
NC Office of Administrative Hearings
Mailing Address: 6714 Mail Service Center, Raleigh, NC 27699-6714
Street Address: 1711 New Hope Church Road, Raleigh NC, 27609
Main Telephone Line: 919-431-3000
website: <http://www.oah.state.nc.us/>

- Pursuant to N.C.G.S. 7A-758, as directed in Carteret County Board of Education Policy 1720/4015/7225, Section H, the superintendent will apply to the Chief Administrative Law Judge of the North Carolina Office of Administrative Hearings ("OAH") to provide an administrative law judge to hear complainant's appeal and to serve as the impartial hearing officer required by Section 504. Along with the application to the Chief Administrative Law Judge, the superintendent will promptly send the complainant's notice of appeal to OAH.
- The superintendent will ensure that all notices from the appealing party are properly provided to OAH.
- The notice of appeal shall be considered in the nature of a contested case petition.
- The impartial hearing conducted by the administrative law judge will be a *de novo* hearing.
- The administrative law judge appointed to hear the appeal and provide an impartial hearing will consider the complaint according to Article 3 of Chapter 150B of the General Statutes of North Carolina, except that the complaint and hearing will not be open to the public. This Article 3 provides generally that the complaining party has the right to a hearing by an impartial administrative law judge, to be represented by an

attorney engaged by the complaining party, to give testimony and other evidence, to call and subpoena witnesses, to cross examine witnesses, and to receive a written decision.

- Any party or person aggrieved by the final decision of an administrative law judge is entitled to a judicial review of the decision under Article 4 of Chapter 150B of the General Statutes of North Carolina.

C. Complaint to the U.S. Department of Education.

The availability and use of the grievance procedure and hearing by an impartial administrative law judge does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights. The contact information for this office is:

Washington DC (Metro)
Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1475
(202) 453-6020 (voice)
<http://www.ed.gov/ocr>

D. Accommodations for Grievants.

The CCPSS will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The 504 Student Compliance Officer will be responsible for such arrangements.

E. Retaliation Prohibited.

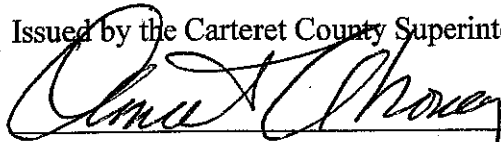
The Carteret County Board of Education prohibits retaliation against individuals who file a complaint or participate in a complaint investigation.

XII. PROCEDURAL SAFEGUARDS.

Parents/guardians must be provided with notice of their rights and procedural safeguards at any time they are notified of decisions regarding the identification, evaluation, or educational placement of their child. Such notice should always be provided in writing. Use of the form "Notice of Parent Rights and Procedural Safeguards Under Section 504 of the Rehabilitation Act" attached in the Appendix at page A9 is sufficient to satisfy the notice requirements.

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Issued by the Carteret County Superintendent of Schools on July 7, 2014.



Daniel A. Novey, Ed.D.

End of 504 Manual text. The Appendix follows.

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CARTERET COUNTY SCHOOLS

Section 504 Letter of Invitation

1st Notice _____
(Date)

2nd Notice _____
(Date)

___ Initial Referral ___ Eligibility Determination ___ Review/Revise ___ Manifestation Determination

Dear _____,

You are invited to attend a meeting and be an active participant of a committee convened under Section 504 of the Rehabilitation Act of 1973 to review information regarding the potential or established disability of your child, _____.

The meeting is scheduled at your child's school on:

_____ at _____
(Date) (Time)

Your presence at this meeting is requested. If you are unable to attend, please contact the School Section 504 Coordinator named below and an effort will be made to re-schedule the meeting.

If you attend the meeting you will receive a copy of the conference results at that time. If you are unable to attend, a copy of the information will be sent to you.

If you have any questions about these documents, or the action of the committee, please do not hesitate to contact me.

Sincerely,

School Section 504 Coordinator

Telephone Number

Note to 504 Coordinator: Include Notice of Parent Rights with this invitation.

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Consent to Evaluate

Student Name _____

School _____ Date _____

Following a discussion with a team of individuals including school personnel and persons acquainted with my child, I authorize an evaluation of my child to determine the existence and nature of any disability my child may have that is recognized under Section 504 of the Rehabilitation Act of 1973, and the impact of any such disability upon his or her education, and the extent to which he or she requires special services and accommodations provided under Section 504.

I understand that I have the right to provide any information I deem relevant to the 504 Team preparing the evaluation.

I understand that I am a member of the 504 Team that will prepare the evaluation.

I understand that as part of the evaluation and as a 504 Team member, I will be given the opportunity to meet with appropriate school staff and other team members to review the evaluation results and plan the next steps for my child's education.

I give written consent to have my child evaluated.

Signed

Parent Name (printed) Date

Copies: Parents
Student file

CARTERET COUNTY SCHOOLS

504 Disability Determination Review

Type of Referral: () Initial () Re-Evaluation

Student: _____ School: _____

Grade: _____ D.O.B: _____ 504 Coordinator: _____

1. Does the student have a physical or mental impairment? _____ yes _____ no

Impairment: _____

Evaluation Summary: (Documentation must be attached.)

2. Major life activity that is affected by the impairment:

3. Does the impairment substantially limit the major life activity? _____ yes _____ no

The 504 Team, having reviewed the information stated above, has concluded that this student is:

- _____ eligible for a Section 504 Plan*
- _____ eligible, but 504 plan currently not required*
- _____ not eligible for a Section 504 Plan*

*Parent must receive copy of Parent's Rights and Procedural Safeguards regardless of decision.

Signature

Position

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CARTERET COUNTY SCHOOLS

Section 504 Plan

Student: _____ Duration From: ___/___/___ To: ___/___/___

School: _____ D.O.B: _____ Grade: _____

The Section 504 Team determines that this student has a disability under Section 504.

DISABILITY: _____

CONCERNS:

REASONABLE ACCOMMODATIONS THAT ARE NECESSARY:

<i>Accommodation</i>	<i>Person(s) responsible</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Parent Rights:

I have participated in the development of this plan and have received the Notice of Parent's Rights and Procedural Safeguards.

Parent Signature: _____ Date: _____

Committee Members (in addition to Parent(s)/Guardian(s):

<i>Signature</i>	<i>Position</i>	<i>Date</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION 504 PLAN
Testing Accommodations Chart

Student Name: _____ Duration From: ___/___/___ To: ___/___/___

II. North Carolina Testing Program

Select the appropriate state assessment(s) and testing accommodations that will allow the student to demonstrate his/her knowledge. Accommodations listed on the Section 504 Plan must be used routinely in classroom instruction and on similar classroom assessments. Select testing accommodations that correlate to instructional accommodations used routinely throughout the academic year. For specifics regarding accommodation use and availability for specific tests, refer to the *Testing Students with Disabilities* publication, available at <http://www.ncpublicschools.org/accountability/policies/tswd>.

Section 504 teams are instructed to select, for each assessment, only those accommodations that do not invalidate the score.

<input type="checkbox"/> Student will participate in the Standard Test Administration with No Accommodations NC Testing Program Approved Accommodations	Grades 3-8		Grades 5 & 8	Course Assessments			CTE Post-Assessment ¹	Tests of English Language Proficiency Grades K-12				
	ELA	Mathematics	Science ¹	English II ¹	Algebra I/ Integrated I ¹	Biology ¹		<input type="checkbox"/> W-APT™ <input type="checkbox"/> ACCESS for ELLs®	Reading	Writing	Listening	Speaking
Braille Edition												
Large Print Edition (not for online assessments)												
One Test Item Per Page Edition (not for online assessments)												
Assistive Technology Devices: Specify _____												
Braille Writer/Slate and Stylus (Braille Paper)												
Crammer Abacus												
Dictation to a Scribe												
Interpreter/Transliterators Signs/Cues Test												
Magnification Devices												
Word-to-Word Bilingual (English/Native Language) Dictionary/Electronic Translator (LEP only) ²												
Student Marks Answers in Test Book (not for online assessments)												
Student Reads Test Aloud to Self												
Test Administrator Reads Test Aloud (In English)	__ Read Everything											
	__ Read by Student Request											
	__ Other _____											
Computer Reads Test Aloud – Student Controlled (not for paper and pencil assessments)												
Multiple Testing	__ More Frequent Breaks (Every ___ Min.)											
	__ Over Multiple Days (Number of Days ___)											

Sessions	<input type="checkbox"/> Other _____																		
Scheduled Extended Time	<input type="checkbox"/> Approximately _____ minutes																		
	<input type="checkbox"/> Other _____																		
Testing in a Separate Room	<input type="checkbox"/> Small Group																		
	<input type="checkbox"/> One-on-One																		
Other (specify): ³																			

¹ Dependent upon the platform used to provide the student the general assessment (online vs. paper and pencil), some accommodations may be non-applicable or unavailable.

² Available only for students with Section 504 Plans identified as limited English proficient (LEP) who scored below Level 5.0 Bridging on the reading subtest of the W-APT™ or ACCESS for ELLs®.

³ In order to be used on the state assessment this accommodation must be approved by the NCDPI. To request approval, an *Accommodation Notification Form* (available from the school test coordinator) must be submitted to the LEA test coordinator.



**Notice of Parent Rights and Procedural Safeguards
Under Section 504
of the Rehabilitation Act**

To: _____
(Name of parent(s)/guardian(s))

Address: _____

Parent(s)/Guardian(s) of: _____
(Name of Child)

The following is a description of the rights and procedural safeguards granted by federal law to parents or guardians of students with disabilities recognized under Section 504, and, as applicable, the students themselves.

You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his or her disability, when he or she is enrolled in public school;
2. Receive this notice of your rights under Section 504 when you are notified by school personnel of decisions regarding the identification, evaluation or educational placement of your child;
3. Receive Section 504 notices in your native language;
4. Have your child receive a free appropriate public education;
5. Have your child receive accommodations, services, and be educated in facilities which are comparable to those provided to non-disabled peers;
6. To be invited to and to participate in the 504 Team meetings where accommodations and/or services for your child will be determined;

7. To consent or withhold consent for evaluations and reevaluations of your child;
8. Have evaluation, educational, and placement decisions made based on a variety of sources, and by a group of people, including persons who know your child, who are knowledgeable about the evaluation data and placement options;
9. Have transportation provided for your child to and from any alternative placement setting for educational services (if the setting is a program not operated by the school district) at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
10. Have your child be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the district;
11. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement, interpreted in your native language;
12. File a grievance with the Section 504 Student Compliance Officer of the Carteret County Public School System related to decisions or actions which affect your child's identification, evaluation, educational program, or placement;
13. Appeal for an impartial hearing by an administrative law judge assigned by the North Carolina Office of Administrative Hearings the results of any grievance you file with the Section 504 Student Compliance Officer if you are not satisfied with the result, and to have an impartial hearing on your appeal. The contact information for the Office of Administrative Hearings is:

NC Office of Administrative Hearings
Mailing Address: 6714 Mail Service Center, Raleigh, NC 27699-6714
Street Address: 1711 New Hope Church Road, Raleigh NC, 27609
Main Telephone Line: 919-431-3000
website: <http://www.oah.state.nc.us/>

14. Be represented by counsel that you hire during the grievance or appeal process; and
15. File a complaint with the Washington DC (Metro)
Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, SW
Washington, D.C. 20202-1475 , (202) 453-6020 (voice), <http://www.ed.gov/ocr>

For information about implementation of the Section 504 program in the Carteret County Public Schools, or to file a grievance, please contact the Director of Exceptional Children's Programs as follows:

Director of Exceptional Children's Programs
Carteret County Schools Administrative Offices
107 Safrit Drive
Beaufort, NC 28516
(252) 728-4583 (voice)
(252) 728-3028 (facsimile)

CERTIFICATION OF DELIVERY

I certify that a copy of this Notice was:

personally delivered to the parent(s)/guardian(s) named above, or

mailed by first class mail to the parent(s)/guardian(s) named above

on this _____ day of _____, 20_____.

(Signature of school representative giving notice)

(Printed name of school official giving notice)

**Grievance Filing Form
for Section 504**

Carteret County Public School System

Your name: _____

School(s) involved: _____

Place where you may be reached:

Address _____

Phone(s) _____

Please state the nature of your concern in the space below:

If others are affected by the possible violation, please list:

Please describe any corrective action you wish to see taken with regard to the possible violation:
(You may also provide other information relevant to this grievance.)

Signature of Grievant

Date Prepared

Signature of Person Receiving Grievance

Date Received



504 - MDW (1 of 2)

Local School Administrative Unit #160

Parent Copy

Sent/Given ___/___/___

MANIFESTATION DETERMINATION WORKSHEET

Student's Name: _____ Date of Meeting: _____

School: _____ Grade: _____ Area of Disability under 504: _____

A. Sources of information:

- _____ Assessment/evaluations (attach assessments and summaries)
- _____ Medical information, including diagnosis and medication (attach results)
- _____ Interviews conducted (attach summaries)
- _____ Direct observations (attach summaries)
- _____ Discipline reports for the current school year (attach)
- _____ Functional Behavioral Assessment (attach)

B. Does the student have a history of disciplinary actions?

1. Number of incidents: _____, dates ___/___/___, ___/___/___, ___/___/___, ___/___/___, ___/___/___
2. Number of administrative assignments of in-school suspension: _____, total # of actual days: _____
3. Number of administrative assignments of out-of-school suspension: _____, total # of actual days: _____
4. Longest number of consecutive days suspended: _____ days.

C. What is the history of behavioral interventions?

Does the child have a behavior support plan based on a functional behavioral assessment? _____

Have the interventions and plans been revised when they are not effective? _____

Have any interventions tried in the past been effective? _____

Has there been a change in behavior patterns over time, (i.e., increase in frequency or intensity)? _____

D. Description of misbehavior (including all relevant details plus antecedents):

E. Does the proposed disciplinary action constitute a change of placement (e.g., more than 10 consecutive days or a series of short term suspensions which constitutes a change in placement)?

_____ NO. Proceed with disciplinary action.

_____ YES. Consider the following factors in making a manifestation determination:

F. The following questions must be answered in reaching a decision about the manifestation between the misbehavior and the disability.

1. What is the student's disability, including its behavioral characteristics and specific severity?

2. To what extent does the student's disability prevent him/her from understanding the impact and consequences of the behavior?

3. Does the disability impair the student's ability to control the behavior at issue and to what extent?

4. Has this behavior or similar behaviors associated with the disability been exhibited in the past? If so, was there a pattern of behavior?

5. What information from evaluations and additional diagnostic procedures, including information provided by the parents, is being considered?

6. What information is available from persons who observed the misbehavior when it occurred?

7. What is the context in which the behavior occurred, including antecedent behaviors and circumstances?

8. Is the student's 504 Plan appropriate? Why or why not?

9. Is the student's 504 Plan being implemented and does it include reasonable accommodations and/or behavior management techniques? Explain.

10. Was the student told about and explained the consequences of the school policy regarding the behavior in question?

OTHER INFORMATION THAT THE COMMITTEE CONSIDERED:

Based on the above factors, is the behavior a manifestation of the child's disability (that is, is it related to the disability)?

_____ NO. The student may be disciplined using procedures applicable to non-disabled students. Parents shall be informed of their procedural safeguards.

_____ YES. Reevaluate the student's 504 Plan for appropriateness, including the current placement. A new functional behavioral assessment and behavioral support plan should be completed or existing one revised. The student may not be removed.

Team/Committee Signatures

Position

Date

504 Representative
Regular Education Teacher
Parent
Principal or Assistant Principal

(Annual Published Notice of 504 Services)

Notice of Availability of Educational Services to
Children With Disabilities

Pursuant to Section 504 of the Rehabilitation Act of 1973, the Carteret County Public School System attempts to locate, identify and evaluate every child with a disability residing in Carteret County who qualifies for Section 504 accommodations or services and to offer such child a free appropriate public education. Children eligible for Section 504 accommodations or services include those who have a physical or mental impairment that substantially limits a major life activity. If you suspect or know that your child has a disability and may require or would benefit from Section 504 accommodations as part of a free appropriate public education, or if you would like additional information, please contact your child's teacher if your child is enrolled in the Carteret County Public School System, and if not enrolled, contact the Department of Exceptional Children's Programs, Carteret County Public Schools, 107 Safrit Drive, Beaufort, NC 28516, telephone (252) 728-4583, extension 1145.