



Washoe County School District
Every Child, By Name And Face, To Graduation

Section 504 Implementation Manual

www.washoeschools.net
775.348.0200
425 East Ninth Street
Reno, NV 89512

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Disclaimer: This manual may contain references to Board Policy, administrative regulations and other documents pertaining to the rules and regulations of the Washoe County School District. The District reserves the right to revise any of these documents. To verify the current version of any of these documents, please check the District's policy website at www.wcsdpolicy.net.

Strategies Office
Section 504 / Home Hospital
5450 Riggins Court, Suite #3
Reno, NV 89502
Phone: 775-850-8011 or 775-850-8012
Fax: 775-850-8020

Paul LaMarca, Ph.D, Chief Strategies Officer
Email: PLaMarca@washoeschools.net

Katherine Loudon, Coordinator of Counseling Services
Email: KLoudon@washoeschools.net

Tami Goulden-Bosco, Ed.D., Section 504 Counselor Specialist
Email: TGoulden@washoeschools.net

CONTENTS

I. INTRODUCTION..... 6

II. LAW..... 6

A. GENERAL INFORMATION 6

B. RELATIONSHIP BETWEEN SECTION 504 AND ADA... 8

C. RELATIONSHIP BETWEEN SECTION 504 AND IDEA 8

III. ELIGIBILITY..... 8

A. PHYSICAL OR MENTAL IMPAIRMENTS..... 9

B. SUBSTANTIAL LIMITATIONS 10

C. MITIGATING MEASURES 11

D. "OTHERWISE QUALIFIED" 11

E. TRANSITORY IMPAIRMENTS 11

F. TRANSFER STUDENTS 12

G. IMPAIRMENTS – EPISODIC OR IN REMISSION..... 12

H. STUDENTS RECEIVING SERVICES UNDER IDEA..... 13

IV. RELATED SERVICES: OCCUPATIONAL THERAPY, PHYSICAL THERAPY, ASSISTIVE TECHNOLOGY, AUDIOLOGY, ETC.14

V. INCLUSION14

VI. DISTRICT-WIDE INFORMATION15

A. NOTICE OF NON-DISCRIMINATION 15

B. CHILD FIND 15

C. EQUAL ACCESS TO SERVICES 15

VII. PROCESS STEPS FOR SECTION 504.....16

A. STEP ONE: REFERRAL / CONSENT 16

B. STEP TWO: PREPARATION FOR THE SECTION 504 MEETING 16

C. SECTION 504 ELIGIBILITY DETERMINATION.....	17
D. STEP FOUR: SECTION 504 ACCOMMODATION DEVELOPMENT	18
E. STEP FIVE: SECTION 504 IMPLEMENTATION.....	18
F. STEP SIX: ANNUAL REVIEW / RE-EVALUATION	19
G. STEP SEVEN: FOLLOW-UP	20
H. STEP EIGHT: SUBMISSION OF SECTION 504 PAPERWORK.....	20
VIII. HOME HOSPITAL.....	21
A. 504 HOME HOSPITAL ELIGIBILITY.....	21
B. HOME HOSPITAL PROCEDURES FOR SECTION 504 STUDENTS	22
C. EXITING THE SECTION 504 / HOME HOSPITAL PLACEMENT AND SERVICES	24
D. STRUCTURE OF HOME HOSPITAL SERVICES	25
IX. ROLES AND RESPONSIBILITIES OF PROFESSIONALS IMPACTING SECTION 504	25
A. SECTION 504 CASE MANAGER AND SECTION 504 TEAM.....	25
B. DISTRICT SECTION 504 / HOME HOSPITAL ADMINISTRATOR.....	25
C. DISTRICT SECTION 504 / HOME HOSPITAL DEPARTMENT	26
D. SECTION 504 / HOME HOSPITAL TEACHER / RELATED SERVICE PROVIDER(S)	26
E. PARENT / GUARDIAN	26
X. ACCOMMODATIONS AND TESTING GUIDELINES	27
A. OVERVIEW.....	27
B. TESTING.....	28
C. EXTENDED TEST TIME	29
XI. DISCIPLINE AND SECTION 504 STUDENTS	29
A. MANIFESTATION DETERMINATION REVIEW (MDR)	29
B. MANIFESTATION DETERMINATION REVIEW MEETING.....	33

C. INTERIM ALTERNATIVE EDUCATION SETTINGS Error! Bookmark not defined.

D. APPEAL RIGHTS AND PLACEMENT DURING APPEALS 35

E. FUNCTIONAL BEHAVIORAL ASSESSMENTS..... Error! Bookmark not defined.

XII. PARENT/GUARDIAN RIGHTS AND RESPONSIBILITIES35

XIII. 504 GRIEVANCE PROCEDURES.....37

A. GRIEVANCE STEPS 38

XIV. APPENDICES.....41

A. COMPONENTS OF SECTION 504 GUIDELINES (ABBREVIATED)..... 42

B. SECTION 504 CONTACT INFORMATION..... 43

C. ROLES AND RESPONSIBILITIES OF SECTION 504 OFFICE PERSONNEL 44

D. SECTION 504 MEETING CHECKLIST 46

I. INTRODUCTION

1. Section 504 of the Rehabilitation Act of 1973 ("Section 504"), with its subsequent amendments, is a federal civil rights law that prohibits discrimination against students with disabilities. This may include accommodations and related services designed to meet the individual educational needs of students with disabilities as equally as the needs of a nondisabled students. Services are contingent upon the evaluation, placement, and procedural safeguard requirements.
2. This manual provides guidance on the implementation of Section 504 by Washoe County School District ("District" or "WCSD"). It is intended for use as a resource regarding the provisions of Section 504 regarding equal access for disabled students. It contains general information and is not intended to address all unique and specific circumstances a student, parent/guardian, or school staff may encounter or to constitute legal advice and should not be relied upon as such.
3. For specific details regarding referral, eligibility and equal access to the District's programs and activities, parents/guardians are encouraged and invited to contact the school principal, school 504 Case Manager, and/or the WCSD 504 Administrator (TGoulden@washoeschools.net).
4. The information in this handbook includes the changes resulting from the Americans with Disabilities Act Amendment Act of 2008, and reflects the Districts' ongoing commitment to educating ALL children in accordance with the vision and mission of the WCSD Board of Trustees.

II. LAW

A. GENERAL INFORMATION

1. The U.S. Department of Education Office for Civil Rights ("OCR") enforces the law. Both the education and legal systems have increased attention on Section 504 requirements to ensure education systems do not discriminate on the basis of a qualified disability and provide qualified disabled students equal access to public education programs and activities. The OCR regional contact information is as follows:

United States Department of Education
Office for Civil Rights
Western Division, Seattle Office 915
Second Avenue, Room 3310
Seattle, Washington 98714-1099
2. Section 504 covers students with diagnosed, certified, or classified disabilities who attend public and some private schools.

3. Section 504 requires that school districts provide a free and appropriate public education (FAPE) to students in their jurisdiction who have a physical or mental impairment that substantially limits at least one major life activity or major bodily function.

B. DEFINITIONS

1. A student is "**disabled**" under Section 504 if the student meets any one of three prongs of eligibility. To be protected under Section 504, a student must be determined to:
 - a. Have a physical or mental impairment which substantially limits one or more major life activity, OR
 - b. Have a record of a physical or mental impairment that substantially limits one or more major life activity, OR
 - c. Be regarded as having a physical or mental impairment that substantially limits one or more major life activity.
2. **Physical impairments** are defined as 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; genitourinary; hemic and lymphatic; skin; and endocrine;
3. **Mental impairments** are defined as any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities, including Dyslexia.
 - a. Federal law does not set forth an exhaustive list of specific diseases or categories that may constitute physical or mental impairments. The definition of physical or mental impairment under Section 504 is broad, including students with life-threatening health conditions that will put a student in danger of death during the school day if medication or treatments are not in place.
4. **Major life activities** may include, but are not limited to: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and "the operation of a major bodily function, including but not limited to, the function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions."
5. **Mitigating measures** are devices or practices that a person uses to correct or reduce the effect of a person's mental or physical impairment. Examples of mitigating measures include, but are not limited to, medication, prosthetics, hearing aids, cochlear implants, mobility devices and assistive technology. The

law requires that the ameliorative effects of mitigating measures (except glasses and contacts) are not be considered by schools in determining whether an impairment substantially limits a major life activity. As noted above, however, the negative impact of any mitigating measures is a consideration in determining whether impairment substantially limits a major life activity.

6. The **Section 504 Team** is defined as a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.

C. RELATIONSHIP BETWEEN SECTION 504 AND ADA

1. The Americans with Disabilities Act (ADA), enacted in 1990 and amended in 2008 as the ADA Amendments Act ("ADAAA") and the Rehabilitation Act of 1973 are civil rights laws that protect individuals with disabilities from discrimination. The primary difference is that while Section 504 applies only to organizations that receive federal funding, the ADAAA applies to a much broader population, including Section 504.
2. Section 504 and rights under ADAAA have direct correlation in the educational arena. In the event that a complainant alleges that the District has violated one statute, the U.S. Department of Education's Office for Civil Rights ("OCR") and the U.S. Equal Employment Opportunity Commission ("EEOC") may investigate for violations of the other statute.

D. RELATIONSHIP BETWEEN SECTION 504 AND IDEA

1. Eligibility for protections and services under Section 504 is not the same as eligibility under the Individuals with Disabilities Education Act ("IDEA"). Section 504 has a much broader definition of disability than IDEA.
2. Special education is the provision of special education services under the IDEA while Section 504 is the provision that protects the civil rights and "levels the playing field" for students with mild to moderate disabilities in a general education setting who do not need special education.
3. Students covered under IDEA with an Individualized Education Plan (IEP) do not need a separate Section 504 plan as provisions covered under Section 504 would be contained under IDEA.

III. ELIGIBILITY

1. Section 504 requires school districts to individually evaluate a student before classifying the student as having a disability or before providing the student a 504 Accommodation Plan ("504 Plan"). Through this manual, the District has established standards and procedures consistent with Section 504 for initial evaluation and periodic re-evaluation of students who need or are believed to need a 504 Plan because of their disability.

2. The critical, overarching question to consider for eligibility under Section 504 is “Does a student have a physical or mental impairment that substantially limits a major life activity or major bodily function?”
3. The Section 504 team considering eligibility shall consider medical and/or psychological evaluation information in determining whether the mental or physical impairment substantially limits one or more major life activities at school.
 - a. OCR has clarified students are not entitled to reasonable accommodations, modifications to policies, practices and procedures, or the provision of related services simply because they have a record of a disability or are regarded as having an impairment. Unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a “record of” is “regarded as” disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a Free and Appropriate Public Education (FAPE).
4. At the elementary and secondary level, a 504 Team determines whether a WCSD student is a qualified student with a disability, as defined by Section 504. The student’s 504 Team should include persons knowledgeable about the student, a person who can interpret the meaning of the evaluation data, and a person who can identify options for accommodations, modifications and/or related services. Section 504 regulations do not specify who should comprise the team, but the Washoe County School District has identified the following suggested team members: the site administrator, the student’s teacher(s), a staff member with knowledge of evaluation data, the parent, the student when appropriate, and others as deemed appropriate.
5. The 504 Team must decide whether they have sufficient information in hand, (including any preexisting assessment data) to make decisions. If the 504 Team determines that additional information needs to be collected through evaluation, the procedures used in that evaluation must ensure that:
 - a. Children are not inaccurately identified;
 - b. Children are not unnecessarily labeled as having a disability;
 - c. Evaluation procedures are appropriately selected, administered, and interpreted; and
 - d. Children are not incorrectly placed.
6. Parental consent is required for an initial 504 evaluation, but not required for annual reviews. It is highly recommended in WCSD; however, notify parents of the annual review. The 504 Team must first determine whether the student has an impairment that substantially limits a major life activity.

Not every student who has a physical or mental impairment that substantially limits a major life activity will qualify for and need accommodations under

Section 504. The actual presence of an identified disability is not sufficient, in and of itself, to qualify a student as eligible for a 504 Plan. The 504 Team also must determine whether the student needs changes to the district's policies, practices or procedures or the provision of related services to provide him or her with equal access to its programs and activities. If so, the student qualifies for a 504 Plan.

B. SUBSTANTIAL LIMITATIONS

1. A physical or mental impairment substantially limits a major life activity if the student's ability to perform a major life activity or major body function is decreased as compared to the student's non-disabled age/grade peers. Impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered substantially limiting.
2. In determining whether a student's impairment "substantially limits" a major life activity, the student's ability to perform a major life activity is compared to the ability of most people in the general population to perform that major life activity. Specific factors to consider may include, but are not limited to the:
 - a. Condition under which the student performs the major life activity;
 - b. Manner in which the student performs the major life activity;
 - c. Duration of time it takes the student to perform the major life activity;
 - d. Duration for which the student can perform the major life activity;
 - e. Difficulty, effort, or time required to perform a major life activity;
 - f. Pain experienced when performing a major life activity;
 - g. Way an impairment affects the operation of a major bodily function; and
 - h. Negative impact of any mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment or regimen.
3. Title II of Section 504 provides three (3) factors to consider when determining whether or not the disability *substantially limits* a major life activity or major bodily function:
 - a. Nature and severity of the impairment;
 - b. Duration or expected duration of the impairment; and
 - c. Permanent, long-term impact or expected impact of the impairment.
4. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity or major body function must be made by the Section 504 team. The Americans with Disabilities Act Amendments Act (ADAAA) expanded the definition of *substantial limitation* to ensure it reaches a

broad spectrum of individuals without the consideration of mitigating measures such as medications and surgical interventions.

- a. Eyeglasses and corrective lenses are an exception to this rule (i.e. 504 teams may take into consideration a student's eyeglasses when making eligibility determination).
5. Regardless of the recommendation of a physician or clinician, it is ultimately the decision of the 504 team to determine eligibility of 504 services. A physician or clinician's recommendation is simply one piece in the consideration of potential services.

C. MITIGATING MEASURES

1. As mentioned above, mitigating measures may be used by a disabled student to manage his/her impairment or lessen the impact of his/her impairment.
2. Mitigating measures include medication, medical devices, related aids and/or services. These mitigating measures must not be factored in determining whether a student's impairment constitutes a disability under Section 504. However, the mitigating measures/supports may be considered when writing a student's Section 504 Plan.

D. "OTHERWISE QUALIFIED"

1. If a person with a disability wants to participate in an activity in which the individual is not otherwise qualified to participate, disallowing participation does not constitute discrimination. For example:
 - a. A 16-year-old boy with attention deficit hyperactivity disorder (ADHD) tries out for the basketball team but cannot dribble, shoot, or pass. As a result, the coach does not allow the boy to play on the team. This is not discrimination under Section 504 because the boy is not otherwise qualified to be on the team.

E. TRANSITORY IMPAIRMENTS

1. A transitory impairment is an impairment with an actual or expected duration of 6 months or less. Temporary conditions such as post-operative conditions would qualify under a Transitory Impairment.
2. A transitory impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended timeframe (usually 6 months or less). The issue of whether a transitory impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the expected duration of the impairment and the extent to which it actually limits a major life activity.
3. Contact the District's Section 504 Department for further information.

F. TRANSFER STUDENTS

1. A student with an active Section 504 plan who enrolls in WCSD from outside the District must be evaluated within 10 days' time upon entry (not to exceed 10 days unless other assessment is needed). The school's must accept the student's current plan on a temporary basis while waiting to reevaluate the student.
2. Upon evaluation, if the Section 504 team determines that the student's mental or physical impairment substantially limits his/her ability to learn or perform any other major life activity, the student is eligible for accommodations and services under Section 504.
3. A student who reenrolls in WCSD must also be re-evaluated to determine if the student continues to meet the requirements. Once again, the Section 504 team may accept the student's former plan on a temporary basis while waiting to reevaluate the student.
4. When a District student is transitioning to another school within the District, the former school must convene a Section 504 team meeting to review the 504 Plan to ensure the accommodations can be provided consistently, and with fidelity, at the new school site.

G. IMPAIRMENTS – EPISODIC OR IN REMISSION

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

Episodic Impairments Defined

1. Some students have physical or mental impairments that vary in severity. Conditions such as seasonal allergies or asthma, migraines, rheumatoid arthritis, and cystic fibrosis are examples of episodic impairments that may flare up over the course of a school year.
2. An Episodic Impairment can be substantially limiting at times (e.g. in hot weather, when the student is stressed, when irritants or trigger factors are present) and have little impact at other times.
3. Schools may qualify students under Section 504 if the student's condition, though not constant, episodically rises to the level of substantial limitation of a major life activity. Students should not be denied eligibility simply because the disability, at the time of the evaluation, is not substantially limiting, especially

when the school knows from experience that substantial limitation will likely occur.

4. School Section 504 teams should look carefully at the range of data over time and not just the student's current level of performance. The timing of the evaluation should not function to preclude eligibility for students whose impairments are episodic and who are not substantially limited at the time of evaluation.

Impairments in Remission

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

H. EXISTING EVALUATIONS

1. Some students who are referred for eligibility determination under Section 504 may have existing medical conditions that have already been diagnosed outside of the school setting.
2. In cases where evaluation data already exists, the 504 Team may utilize that information in their decision-making process. In these instances, the school members of the 504 Team may request consent from the parent to obtain copies of the existing evaluation or to speak to the evaluator or physician diagnosing or treating the medical condition(s).
3. In making an eligibility determination, the 504 Team is required to consider all relevant information from a variety of sources but is not obligated to adopt the evaluation or recommendations made by other agencies or individuals. While a physician's medical diagnosis may be considered among other information in evaluating a student suspected of having a disability, a medical diagnosis alone does not guarantee eligibility under Section 504.
4. The 504 Team must be able to document a resulting substantial limitation of a major life activity and a need for changes to the district's policies, practices or procedures or the provision of related services to gain equal access to the district's programs and activities.

I. STUDENTS RECEIVING SERVICES UNDER IDEA

1. A student with a disability who is already receiving Section 504 protections as outlined in the Individuals with Disabilities in Education Act (IDEA) are eligible for the protections and provisions of a Free Appropriate Public Education (FAPE). Once a student is eligible under the IDEA, the Individualized Education Plan (IEP)

team is responsible for the whole child (although still entitled to the Section 504 protections against discrimination and equal access).

2. A student cannot simultaneously be on a Section 504 Plan and have an IEP.

IV. RELATED SERVICES: OCCUPATIONAL THERAPY, PHYSICAL THERAPY, ASSISTIVE TECHNOLOGY, AUDIOLOGY, ETC.

1. Section 504 requires that related services be provided for students with disabilities if those services are essential to meet the student's educational needs.
 - a. A related service can be provided under Section 504 to students who do not receive any other special education services or interventions.
2. The District's related services may consist of, but is not limited to, physical therapy, occupational therapy, and audiology services.
3. Staff of the Related Services Department must be contacted by the 504 Team to review a referral for a student before services are provided. To request a referral/review, the student support or Section 504 team must complete a *Related Service Consult Request Form 10* and send it to the 504/Home Hospital Department via email at: 504HomeHospital@washoeschools.net. The school 504/Home Hospital case manager will be contacted by the related services staff to schedule the evaluation.
4. Students who receive a related service must receive progress monitoring to determine the effectiveness of the accommodations provided. Monitoring must be completed annually and reported to the student's parent/guardian. If a student refuses to use an accommodation or assigned equipment as stipulated in the student's Section 504 Plan, the **refusal must be documented within the referral form.**
5. Equipment assigned to a student must be maintained and kept in working order. Equipment that is not in working order may compromise the implementation of a student's Section 504 Plan. When a problem is noted with any equipment, notify the District's 504/Home Hospital Department or the related service provider immediately.

V. INCLUSION

1. Section 504, like the IDEA, requires that students with disabilities be educated with their non-disabled peers to the maximum extent appropriate while meeting the needs of students with disabilities. Schools should always place students with disabilities with their non-disabled peers, unless the school can demonstrate that

the student's education program cannot be achieved satisfactorily, with or without supplementary aids and services in the general education setting.

2. This mandate also applies to extracurricular activities such as field trips. Failure to adhere to the above guidelines violates the school's requirement to provide students with a Free Appropriate Public Education (FAPE).

VI. DISTRICT-WIDE INFORMATION

A. NOTICE OF NON-DISCRIMINATION

1. The Washoe County School District is committed to nondiscrimination on the basis of race, color, national origin or ethnic group identification, marital status, ancestry, sex, sexual orientation, gender identity or expression, genetic information, religion, age, mental or physical disability, military or veteran's status in educational programs or activities, and employment as required by applicable federal and state laws and regulations. No District employee, including, without limitation, administrators, faculty, or other staff members, nor students shall engage in acts of bullying, harassment, or discrimination on the premises of any public school, school-sponsored event, or school bus in the District. Prohibited behaviors include cyber-bullying, sexual harassment, hazing, intimidation, and retaliation.

B. CHILD FIND

1. The District shall endeavor to locate and identify every qualified disabled person within the District who is not receiving a public education. The 504/Home Hospital staff will collaborate with supports within the WCSD Student Services Department to engage in child-find activities and communication annually.
2. Activities may include but not be limited to presenting information at parent meetings at school sites and within the community, school staff meetings, posting information in the school office, and reviewing student information upon registration.

C. EQUAL ACCESS TO SERVICES

1. Qualified disabled students shall be provided an equal opportunity to engage in counseling services, physical recreation, athletics, transportation, special interest clubs, etc. The school principal or designee should be contacted concerning such considerations.
2. For example, qualified disabled students shall:
 - a. Not automatically be counseled towards certain career objectives more than non-disabled students with similar abilities;

- b. Have an equal opportunity to participate in physical education courses and athletics. Although qualified disabled students may participate in separate activities for the disabled, no qualified disabled student shall be denied the opportunity to compete (i.e. tryout) for membership on a team or to participate in courses that are not separate or different.

VII. PROCESS STEPS FOR SECTION 504

A. STEP ONE: REFERRAL / CONSENT

1. The district may conduct a Section 504 evaluation upon parent request. The district is required to evaluate a student only when it has reason to believe the student may need a Section 504 Plan or otherwise be eligible for special education or related services under other federal or state regulations. If a 504 Team determines that a student will not be evaluated, the district will send written notice of that decision to the parent.
2. Notice & Consent for Evaluation Form 1
 - a. The "Notice & Consent for Evaluation Form 1" is completed by the school 504/home hospital case manager or school administrative designee upon notice of concern. This action begins the process to determine if a student has a disabling condition that may be defined under 504/Home Hospital.
 - b. This form must be completed for all referrals.**

B. STEP TWO: PREPARATION FOR THE SECTION 504 MEETING

1. After obtaining the "Notice & Consent for Evaluation Form 1," the school 504/home hospital case manager gathers information from a variety of sources, which may include cumulative records (grades, attendance, test scores), teacher's notes (behavior charts/contracts, anecdotal notes), or other sources (medical reports, parental/guardian observations, or relevant diagnostics as needed).
 - a. NOTE: If the "Notice & Consent for Evaluation Form 1" contains a medical concern, a "Release of Records / Medical Records Release Form 10" may be needed from the parent/guardian to communicate with external agencies.
2. If the concern includes occupational therapy, physical therapy, and/or assistive technology services, complete the special "Related Services Consult Referral Form 9." This form must be completed with the assistance of the parent/guardian. This component may also be completed during the 504 Determination Meeting. *Parent/guardian should not be expected to complete the form independently.* If the evaluation includes occupational therapy, physical therapy and/or audiology services, the Related Service Department connected

with the service need must be present unless consulted with prior to this meeting.

3. Staff shall ensure all required signatures are obtained and support materials are attached to the referral.
4. Schedule and invite 504/Home Hospital team members. The 504 team members may include the parent/guardian, school nurse, related service providers and/or school psychologist (when appropriate) and other professionals that are knowledgeable about the student, the student's disability, and placement options, as needed.

C. SECTION 504 ELIGIBILITY DETERMINATION

1. The school 504 team shall meet to consider evaluation data to determine if the student has a mental or physical impairment that substantially impairs a major life activity, using the process outlined on the "Section 504 Plan Form 5."
2. Section 504 eligibility determination meetings shall:
 - a. be based on information from a variety of sources, e.g. teacher(s), other school staff members, a parent/legal guardian, physician, school nurse, other professionals or persons in the community; and
 - b. be conducted by a group of people, including those who are knowledgeable about the child, the suspected disabling condition, evaluative procedures, the meaning of evaluative data, and accommodation/placement options.
3. The 504 Team case manager shall:
 - a. The 504 Team case manager should take notes during the meeting.
 - b. Ensure all forms are signed by team members at the meeting.
 - i. Neither attorneys nor District 504/Home Hospital staff are members of the school-based 504/Home Hospital team and, therefore, are not required to sign forms.
4. The school 504 team shall review the referral and accept, reject, or make other recommendations concerning the referral.
 - a. A reasonable basis upon which to suspect that the student may have a qualifying disability is all that is needed to warrant an evaluation meeting.
 - b. There may be instances where the 504/Home Hospital team rejects a referral for a 504 evaluation. If the team determines that the referral does meet criteria for consideration of a 504/Home Hospital evaluation, the team will provide a written rationale supporting the decision, along with recommendations to further support the student's progress.
5. If the continuation of sharing medical information is needed for the 504/Home

Hospital Plan development, the parent/guardian shall sign a "Release of Records/ Medical Records Release."

6. NOTE: Team decisions do not need to be unanimous. It is the consensus of the team that determines eligibility and accommodations. The school team should notify the District 504/Home Hospital Administrator as soon as possible if a 504/Home Hospital team appears unable to reach a consensus decision.

D. STEP FOUR: SECTION 504 ACCOMMODATION DEVELOPMENT

1. After a student is determined eligible under 504/Home Hospital, the 504/Home Hospital school team shall create a plan using the "Section 504 Plan Form 5."
2. Staff shall use evaluation data reviewed during the eligibility meeting to develop and write reasonable accommodations for the student.
3. Reasonable accommodations:
 - a. must address the areas related to the major life activity (MLA) and/or major bodily function (MBF) in which the student is substantially limited.
 - b. provide the student with an equal opportunity to benefit from instruction, programs, and services provided by the District.
4. As 504/Home Hospital team members, parents/guardians should be consulted and given an opportunity to share input.
5. **If a medical plan is being considered**, the school nurse must be invited to the meeting.
6. **If a related service is being considered**, the related service provider (OT, PT or AT) must be invited and attend this meeting.
7. Test accommodations, if needed, must be listed on "Section 504 Testing Accommodations Plan Form 4" and attached to the "Section 504 Plan Form 5." Whenever possible, include the school testing coordinator in this part of the meeting. Upon completion of the Section 504 Plan, the school testing coordinator receives a copy of the Section 504 plan including the test accommodation attachments.
8. Staff shall document as much information as possible in the meeting notes.
9. Review plan with parent/guardian being sure to have all aspects impacting the 504 plan indicated on the forms.
10. Staff shall ensure all required signatures are obtained from team members. If a team member is unable to attend, include a statement to reflect the absence or consider rescheduling the meeting.

E. STEP FIVE: SECTION 504 IMPLEMENTATION

1. The 504 Case Manager shall:

- a. Provide the student's teachers and other appropriate staff an overview of accommodations and supports. The student's 504 plan should be shared every time the student's class schedule changes.
- b. Request training for any staff member associated with the student's 504 plan for any specialized accommodations and services (e.g., administration of Epi-pen), and crisis/medical plan implementation.
- c. Remind teachers and other appropriate staff quarterly or at every schedule change to implement the accommodations according to the student's Section 504 plan. Implementation of 504 accommodations are required by law.
- d. If the student refuses medical accommodations, contact the school administration and parent/guardian immediately.**
- e. Flag the student in the District's electronic student records system (Infinite Campus or "IC") under the MTSS tab. Do not put an end date into IC or the 504 Plan will expire without notice.
- f. Monitor the progress of accommodations during the school year.
- g. Communicate with the testing coordinator about test accommodations. Provide updated plans and testing accommodation charts to all impacted staff members and/or state agencies.
- h. Enter student data and test accommodations on required state documents when needed.

F. STEP SIX: ANNUAL REVIEW / RE-EVALUATION

1. The counselor/case manager will review each student's Section 504 plan annually, or sooner, if needed.
 - a. Annual review date is one year minus one day from current plan. (Current plan 9/12/12 = AR 9/11/13)
 - b. The annual review process for a current student with the same disabling condition begins at Step5.
 - c. When adding a new diagnosis to a current plan, eligibility needs to be established for the new condition. Begin at Step 4 before writing the plan.
2. Conduct a full re-evaluation if an annual review has not been conducted/is not on file. A full re- evaluation may occur more often when reasonably requested by the student's parent/guardian or school personnel.
 - a. NOTE: A re-evaluation is ALSO conducted prior to a significant change of placement such as long-term suspension/expulsion, exit from Section 504, or graduation from school. Updated medical information is optional.
3. Be sure to document all meetings and send appropriate notification and follow-up

paperwork to parents, teachers, the WCSD 504/Home Hospital Department as needed.

G. STEP SEVEN: FOLLOW-UP

1. Student Files and Paperwork

- a. The counselor/case manager will send an electronic or paper copy of all initial and annual review forms, including signature pages to the District's 504/Home Hospital Department (504HomeHospital@washoeschools.net) within twenty-four (24) hours of the meeting. Incomplete paperwork will be returned for completion before processing by the Department.
- b. Official student Section 504 forms and paperwork are maintained at the school site in the student's cumulative file. An additional copy of the 504 plan must be shared with the WCSD 504/Home Hospital Department. Working files may be kept in the school 504/Home Hospital Administrator's office.

2. Correction Procedures

- a. Paperwork will be reviewed by the WCSD 504/Home Hospital Department and returned for any corrections as needed. This is part of WCSD compliance obligations and audit process.
- b. Corrections are to be made within two weeks upon receipt of the student file.
- c. The parent/guardian shall be notified by the counselor/case manager as corrections are made to their student's plan. This action may result in reconvening the 504/Home Hospital team.
- d. Corrections are made to the original Section 504 Plan. Cross out error, make correction, initial and date. Do not erase or white out errors. If more space is needed, add a reference note and put the information on a separate page.
- e. When completed, the following statement is added to the plan, then signed and dated.

"Corrections were made to the original Section 504 plan for this student. The student's Parent/Guardian was informed of the corrections noted on the original plan and agreed to the corrections."

- f. The corrected plan is placed in the student's Section 504 file. A copy is sent to the parent/guardian and a copy is returned to the WCSD 504/Home Hospital Department by the email process.

H. STEP EIGHT: SUBMISSION OF SECTION 504 PAPERWORK

1. All Section 504 paperwork will be emailed to the WCSD 504/Home Hospital Department within 24 hours of completion of the meeting. Without a common database, district records are the only means to know which students are in process or which students have a current Section 504 plan.
2. To facilitate processing of student files, follow the format below. If you need assistance or have questions, contact the District Section 504/Home Hospital Department at 504HomeHospital@washoeschools.net.
 - a. When sending paperwork electronically, include all forms and information obtained at the meeting. The checklist for the type of meeting held must be on top of the packet. Please be sure to include all signature pages.
 - b. Email to 504HomeHospital@washoeschools.net. This email address will be used for all communication with the WCSD 504/Home Hospital Department.
 - c. The SUBJECT LINE of your email should read:
 - i. School, student's last name, student's first initial

VIII. HOME HOSPITAL

1. Home Hospital is an accommodation within the auspices of section 504; therefore, a 504 plan must be created for every student under consideration for home hospital services.

A. 504 HOME HOSPITAL ELIGIBILITY

1. The student must be enrolled in WCSD and reside in Washoe County.
2. The student's health condition must be severe enough for a period of 20 or more consecutive school days from the date of the written home hospital referral.
3. Medical verification is not necessary, but strongly encouraged, to determine home hospital placement. Comprehensive review by the 504 team will determine eligibility.
4. The determination as to whether 504 home hospital services are warranted is a decision that is made by the 504 team. Medical recommendations from a treating physician will receive full consideration, however, a recommendation for home hospital services by a treating physician does not guarantee hospital/homebound placement.
5. When WCSD staff determines additional information is needed, the school 504 team may seek parent/guardian consent for the release of confidential information to permit them to contact community agencies and / or clinics treating the child. Additional information desired from the treating physician may include recommendations that may be implemented to successfully maintain the student in a school environment or facilitate the student's reentry to school.

B. HOME HOSPITAL PROCEDURES FOR SECTION 504 STUDENTS

1. General Information

- a. Students who currently are identified as a student with a disability under Section 504 and are being recommended for placement in the 504/Home Hospital setting, the Section 504 team will adhere to the above guidelines when the reasons for home hospital consideration are based on a medical condition.
- b. A parent/guardian may request that their child be considered for 504/Home Hospital by contacting the school principal or school 504 case manager.
- c. The 504 case manager shall email the 504/Home Hospital Department 504HomeHospital@washoeschools.net Re: 504 Home Hospital Service Request in the subject line. Upon receipt, the 504/Home Hospital Department staff will contact the sending school to review procedures.
- d. The school 504 case manager will send the **Parent/Guardian Notice & Consent Form 1**. The school 504 case manager may use email as an option to provide these forms to the child's parent/guardian. If emailing, the school 504 case manager should use the "Return Receipt" confirmation option as a method of documenting receipt of the notice by the parent/guardian. Additionally, the parent/guardian must be presented with a copy of the **Parent/Guardian-Student Rights & Responsibilities Form 2**. This document may be sent via email with the other forms or given to the parent/guardian at the Section 504 meeting. The school 504 case manager must document that the parent/guardian has received the above documents.
- e. A recommendation for 504 home hospital services must be documented within the 504 plan. The **Home Hospital Form 11** shall accompany the completed 504 plan. The complete 504 plan and the home hospital referral should be sent to the Section 504/Home Hospital Department for full review.
- f. The Section 504 team meets to review all pertinent information regarding the need for the student to be served in the 504/Home Hospital setting. Based on the information, the Section 504 team must determine whether the home hospital setting is the student's least restrictive environment and whether the student is eligible for medical 504/Home Hospital services.

2. Specific Information

- a. Eligible for 504/Home Hospital Placement
 - i. The team reviews the current Section 504 plan to determine what needs to be modified to 504/Home Hospital placement.

- ii. If a current 504 plan is not on file, the 504 team develops a NEW Section 504 plan using the Section 504 Plan Form 5. Using the form as a guide the following information is to be included in the new plan:
 - 1) The amount of time needed to implement the goals and objectives for the student
 - 2) The arrangements for testing, complete district and state forms as needed
 - 3) The timeframe needed in which to complete assignments
 - 4) The communication procedure between 504/Home Hospital teacher; related services provision if appropriate
 - 5) Courses/Subjects that will be taught
- iii. The 504/Home Hospital teacher's name and contact information, if known at the time, will be indicated on the student's **Section 504 Plan Form 5**. The 504/Home Hospital instructor that serves the student, along with related services personnel as needed, shall be responsible for implementing the Section 504 Plan, and assisting with any reevaluation procedures that come due while the student is on 504/Home Hospital.
- iv. The Section 504 team signs the revised plan in the appropriate section.
- v. After the meeting is completed, provide the parent/guardian with a copy of all paperwork.
- vi. Send, via email 504HomeHospital@washoeschools.net all documents to the 504/Home Hospital Department within 24 hours of the meeting for processing. The original packet is returned to the student's folder.
- vii. After the meeting, the school principal should be notified of the Section 504 Team's decision.
 - 1) The 504/HH Department will identify the Home Hospital instructor and provide the 504/Home Hospital Services.
- viii. A full meeting of the Section 504 Team may be called at any time to review the student's progress while in home hospital and to reassess the student's placement; however, the home hospital placement shall be reviewed, at a minimum, at the end of every grading period or before an extension for service can be granted, by the Section 504 Team to determine its continued appropriateness. The decision as to when the student is ready to reenter school shall be made by the student's Section 504 team.

through a regularly scheduled Section 504 meeting.

- ix. If the Section 504 team is considering changing the student's placement to a less restrictive setting, the team may require an additional written statement documenting that the student has medical clearance to return to school. If medical clearance is required, the school's Section 504 case manager must include the medical clearance statement with the student's records.
- b. If the 504 team is considering maintaining the student on home hospital beyond the initial recommendation period, the 504 team must reconvene and review any pertinent data associated with the decision. Further special education evaluations may be necessary to determine appropriate supports for the student.
 - i. The 504/Home Hospital team documents its decision on the **Section 504 Plan Form 5**, the **Home Hospital Form 11** and provides the parent/guardian with a copy of **Parent/Guardian-Student Rights & Responsibility Form 2**.
 - ii. Regular school attendance rules apply.
 - iii. The school's 504 team must remember the student's plan may be revised by the team to accommodate the student in the school setting follow standard review procedures for a Section 504 Plan.
 - iv. The school 504 case manager shall email all documents to the 504/Home Hospital Department within 24 hours of the meeting.
504HomeHospital@washoeschools.net

C. EXITING THE SECTION 504 / HOME HOSPITAL PLACEMENT AND SERVICES

1. A student is exited from 504/Home Hospital placement when the student's medical condition has improved and the student is able to return to school.
2. The student's parent/guardian informs the school contact that a return to school is anticipated. A medical release from the student's treating physician may be obtained indicating the student is able to attend class, listing accommodations for the team to consider, and any if a health care plan is needed. Medical releases are not mandated, but may be warranted, depending upon the severity of the child's condition/ailment.
3. Upon receipt of this information, the 504 team meets to determine the status of the student's 504/Home Hospital placement; exiting the student if warranted. The Section 504 team completes the final review for the 504/Home Hospital plan, closes that plan, and develops a new Section 504 plan for school attendance.
4. If a health care plan is needed, the school nurse should attend this meeting.

5. Provide a copy of all paperwork to the parent/guardian. Send a copy to the Section 504 Home Hospital Department via email to 504HomeHospital@washoeschools.net.

D. STRUCTURE OF HOME HOSPITAL SERVICES

1. The school is notified by the 504/Home Hospital Department when home hospital services begin and end. This notification indicates that the teacher has been assigned to provide instruction and gives the start date for the service.
2. Expectations, instructional materials, supplies and books are provided by the school in order to ensure the student maintains pace with the classroom during their absence.
3. Assignments are picked up and returned to the school by the home hospital teacher for grading and credit.
4. The student's parent/guardian or a designated adult must be present when the homebound teacher in the home during instructional sessions, regardless of the student's age.
5. The student is encouraged to have all materials ready and available when the teacher arrives.
6. An instructional log sheet detailing the dates of service, assignments and completion dates must be kept by the home hospital teacher. The instructional log sheet is provided by the Section 504/Home Hospital Department.

IX. ROLES AND RESPONSIBILITIES OF PROFESSIONALS IMPACTING SECTION 504

A. SECTION 504 CASE MANAGER AND SECTION 504 TEAM

1. The school 504 case manager shall be the school counselor or administrative designee eligible to serve in this capacity
2. Convenes a Section 504 Team meeting
3. Reviews all information pertaining to the student's health, well-being and educational performance; including attendance, discipline, observational data, etc.
4. Determines if the student is eligible for Home Hospital services with the team
5. Submits Home Hospital eligibility forms (i.e., eligibility form, name and contact information of teacher and/or service provider(s), and copy of Section 504 Plan) to the 504/Home Hospital Department.

B. DISTRICT SECTION 504 / HOME HOSPITAL ADMINISTRATOR

1. Provides guidance and assistance to the school-based staff in the implementation of 504/Home Hospital procedures
2. Verifies the Section 504 team's adherence to procedures for eligibility and Section 504 plan development
3. Maintains district 504/Home Hospital files, including annual auditing and quality assurance
4. Ensures that Section 504 accommodations, related devices and services are provided according to the student's plan
5. Provides training to school sites and case managers as needed

C. DISTRICT SECTION 504 / HOME HOSPITAL DEPARTMENT

1. Sends instructional log(s) to the teacher and service provider(s)
2. Reviews instructional logs submitted by the 504/Home Hospital services teacher
3. Processes timesheets for extended employment from the 504/Home Hospital services instructor
4. Processes the mileage reports from the 504/home hospital services teachers
5. Locates instructor(s) and/or service provider(s) from the 504/Home Hospital services pool if a staff member from the child's school is not available

D. SECTION 504 / HOME HOSPITAL TEACHER / RELATED SERVICE PROVIDER(S)

1. Contacts the student's parent/guardian to establish a schedule to meet with the student
2. Request assignments and materials from the student's teacher(s)
3. Provides the student with instruction
4. Returns completed assignments to student's teacher(s) for grading
5. Submits instructional logs to the district's Section 504/Home Hospital office
6. Submits timesheets for extended employment electronically to district's Section 504/Home Hospital Department
7. Submits mileage reports, electronically, to Section 504/Home Hospital Department
8. Attends Section 504 team meetings as requested

E. PARENT / GUARDIAN

1. Informs the school 504/Home Hospital case manager at your child's school about the student's medical condition

2. Monitors instructional sessions
3. Signs the 504/Home Hospital teacher's instructional log at the time of service
4. Contacts your child's 504/Home Hospital teacher if an instructional session needs to be rescheduled.
5. Attends 504/Home Hospital meetings as the student's health allows

X. ACCOMMODATIONS AND TESTING GUIDELINES

A. OVERVIEW

1. The purpose of an accommodation under Section 504 is to "level the playing field" for students with disabilities. Accommodations should be reasonable and allow students with disabilities to have access to their learning environment, *manage* a medical condition, *participate* in class activities, and *demonstrate* their level of mastery of concepts without being impeded by their disability. Accommodations that include an instructional component should be written so the integrity of the course content is maintained while not providing students an unfair advantage. Accommodations needed to manage a medical condition should allow the student opportunity to take care of his/her condition. Accommodations should be reasonable and not provide an undue advantage for the student.
2. Once the Section 504 team identifies a student as eligible under Section 504, appropriate accommodations are written into a student's Section 504 plan. These accommodations must be implemented by all staff that interacts with the student until a revision of the plan is made. Adjustments to a student's Section 504 accommodations require a Section 504 team meeting and a collective team decision. If a student refuses to use a documented accommodation, the teacher must document the refusal and notify the school 504/ Home Hospital case manager. If a student consistently refuses to use an accommodation (including equipment provided by WCSO), notify the school 504/Home Hospital case manager to schedule a meeting to determine if there is a need for this accommodation.
3. If a student refuses to use a health-related or medical accommodation (such as a prescribed medication), notify the school nurse and parent/guardian immediately and document the refusal.
4. *Each student is an individual, so each student's Section 504 accommodation plan must be constructed individually.* While there are accommodations that are commonly used to address and manage certain specific conditions, each student's unique needs must be considered when choosing the appropriate accommodations. Selecting and monitoring the effectiveness of accommodations should be an ongoing process. Changes to a student's Section 504

accommodations should only be made with the collective involvement of students, parents, and educators as a 504 team, and should be made as often as needed. The key is to be sure that the chosen accommodations address student's specific areas of need and are related to the student's disability.

5. Accommodations listed on a student's Section 504 Plan must be monitored for effectiveness in addressing barriers of the disability. Progress monitoring should be completed regularly to determine effectiveness of the accommodations. Any accommodations that are not effective should be revised or eliminated from the student's Section 504 Plan through a Section 504 Team Meeting.

B. TESTING

1. Testing accommodations for a Section 504 student should be based on the student's accommodations used during the identification and progress monitoring process. If a student needs a testing accommodation, the accommodation must be used every time a student is tested. A testing accommodation used for district and state-mandated tests must be considered *routinely used* in the classroom. To be considered as routinely used, the accommodation must be in place for at least 30 calendar days before the test window opens in order for the student to use the accommodation listed on the Section 504 plan. Testing Accommodation should in no way alter the content of the assessment or interfere with the integrity of the test construct. Testing accommodations CANNOT be implemented solely for district or state-wide assessments. School 504/Home Hospital case managers should consult frequently with the school's test coordinator for updates on new tests and accepted accommodations. School assignments and tests completed with accommodations should be graded the same way as those completed without accommodations.
2. Accommodations are meant to "level the playing field," provide equal and ready access to the task at hand, and are not meant to provide an undue advantage for the student.
3. When developing testing accommodations, the Section 504 team must consult with the test coordinator at the school and refer to Nevada Department of Education (DOE) Assessment. The online resource guide through Nevada DOE guide contains the necessary information to develop and record allowable accommodations which meet the criteria for state-mandated testing. For more specific information, please refer to WCSD District Assessment Department.
4. Section 504 Team must complete the Testing Accommodation Plan Form 4 when determining and recording test accommodations needed by the student. After completion, these forms become part of the student's Section 504 Plan and must be attached. Copies of these forms are sent to the school's test coordinator and 504/Home Hospital Department.

C. EXTENDED TEST TIME

1. Typically, extended test time is considered a reasonable accommodation when a student's disability prevents demonstration of mastery of the tested material within the allotted time. Extended test time is a routine accommodation for students with disabilities when assessment of the student's mastery of content is the main purpose of the testing; however, when a particular test is designed to measure a student's ability to think and answer questions within time constraints, extended time is probably not a reasonable accommodation. In this instance, OCR supported the district's refusal to allow a disabled student extended test time to complete a test on computer keyboard proficiency, when mastery involved testing for speed and accuracy. School districts should allow extended test time only when the student demonstrates a disability-related need for the accommodation. Requests for extended time to complete all assignments, including tests, quizzes, homework, and class work.

XI. DISCIPLINE AND SECTION 504 STUDENTS

1. This section offers guidance on how to properly manage disciplinary cases pertaining to students with disabilities. Note that the discipline of a student with a disability should be determined on a case-by-case basis, with assistance of the WCSD Office of the General Counsel when legal or policy concerns arise. Individual cases and situations should be considered on their own merit, and individual circumstances should be considered in all situations. It is critical for school staff to remember that students with disabilities cannot be denied services based solely on their disabilities.

A. MANIFESTATION DETERMINATION REVIEW (MDR)

1. Significant Change in Placement
 - a. Under both the IDEA and section 504, a student with a disability may not be suspended or expelled for more than 10 consecutive school days if the triggering misconduct was related to the disability. If it is determined the misconduct is caused by the disability, the student may not be disciplined, and an evaluation team must determine whether the student's current educational placement is appropriate. WCSD may not discontinue educational services for the student.
 - b. The process for determine if a student's misconduct is related to the disability has historically been referred to as the manifestation determination. Although the term "manifestation determination" does not appear in the regulatory languages of Section 504, OCR interprets Section 504 as requiring a manifestation determination review in connection with disciplinary actions that constitute a significant change in placement. OCR has consistently concluded that a suspension of less than 10 days does not constitute a significant change in placement. A suspension or

expulsion of a student with disabilities for more than 10 consecutive school days is a significant change of placement.

- c. Sometimes a series of short-term suspension will constitute a change in placement and require a Manifestation Determination Review (MDR) if the series of suspension total more than 10 days in a school year, the concept of cumulative suspensions will be addressed below.
- d. Note that an in-school suspension may also constitute a significant change in placement if it results in an interruption in the services or educational placement that the school must provide the student with a disability. Best practice is to notify the student's in-school suspension teacher of his section 504 plan.
- e. If, as a result of the MDR, it is decided that the student's misconduct was not related to his disability, then the school may elect to impose whatever long-term suspension or expulsion it would impose on a nondisabled student under the same circumstances, and the student may be disciplined just as any other student.

2. Conducting the Manifestation Determination Review (MDR)

- a. The term "manifestation determination" does not appear in the Section 504 regulatory language. Nonetheless, OCR interprets Section 504 regulation to require an MDR prior to the suspension of more than 10 days. The purpose of the MDR is to evaluate the relationship between the student's disability and act of misconduct before suspending or expelling a student with a disability, which could constitute a significant change in placement.
- b. A manifestation determination is conducted in substantially the same way, regardless of whether the student is IDEA-eligible or covered only under section 504. The determination of whether a student's misconduct is related to his disability must be made by persona knowledgeable about the student and the meaning of the evaluation data. This may be the same group that makes placement decisions, and should include the parent.
- c. If after performing a MDR the school determines that the student's misconduct is not related to the disability, the school may impose the proposed disciplinary sanction, which, in any event, must be the same as it would impose under the same circumstances for a nondisabled student.
- d. If after conducting the MDR the school concludes the misconduct was related to the student's disability, the school may not discontinue educational services to the student. It must reevaluate the needs to determine if his current placement is appropriate or needs to be altered.
- e. The Manifestation Determination Review (MDR) must be held within 10

school days of the day on which the student was disciplined for the misconduct in question. Until the Manifestation Determination Review is conducted, the student may be suspended from school. Parents/guardians must receive written notification of the MDR. Students, especially individuals in middle and high school, should be invited to attend the MDR.

Procedures

1. The MDR is conducted similar to an annual review. A Manifestation Determination Form 6 is sent to inform the student's parent/guardian that a meeting is being held. Include a copy of Parent/Guardian –Student Rights and Responsibilities Form 2.
2. At the meeting the Section 504 team completes the Manifestation Determination Form 6. As part of this process, the team must refer to the student's current Section 504 Accommodation Plan. During this review the team may elect to complete a new plan if the accommodations are not appropriate for the student at this time.
3. Determination
 - a. If the Section 504 Team determines that the student's misconduct was a manifestation of the student's disability, the student must be returned to the same educational placement where the student was at the time of the incident.
 - b. If the Section 504 Team determines that the student's misconduct was not a manifestation of the student's disability, the school may initiate "normal" disciplinary procedures that would be given to a non-disabled student under the same circumstances.
4. The result of the Manifestation Determination is documented by the Section 504 Team making the decision using the Manifestation Determination Form 6. Using the Manifestation Determination Review (MDR) Meeting Results Form 7, the parent/guardian must receive the written notification of the Section 504 Team's decision within 24 hours of the determination meeting. This notification will inform the parents/guardian of their right to initiate a due process hearing to challenge the Section 504 Team's decision, if they disagree with the decision.
5. The completed MDR packet is emailed to 504HomeHospital@washoeschools.net for an overall compliance review. A follow-up email will be sent to the school principal, and area administrator (student services). If the student's file is compliant, contents of this email will include the permission to schedule a hearing for further disciplinary action to proceed, plus any revisions that may be needed for a student's Section 504 plan. If the file is not compliant, the school Section 504 case manager or principal will be contacted to explain why the file is not compliant and to determine the next step in the process.

6. Even in situations where a Manifestation Determination Review (MDR) is not legally required, WCSD strongly encourages schools to review the circumstances that led to the student's removal as soon as possible and consider whether the student was provided services in accordance with the Section 504 plan. OSEP also encourages the district to consider whether the behavior could be addressed through minor classroom or program adjustments or whether the Section 504 team should be reconvened to address possible changes to the student's plan.

Continuation of Services

1. Should a student with a disability be expelled for misconduct unrelated to his disability after an MDR, the continuation of educational services are not mandatory by law. In other words, Section 504 has no explicit provision like found in IDEA requiring states to provide FAPE to students with disabilities who that are suspended or expelled.

Cumulative Suspensions

1. A series of suspension totaling more than 10 days in one school year can be a significant change in placement under section 504 and trigger Section 504 procedural safeguards and the duty to conduct a MDR. A change of placement occurs if the student has been subjected to a series of removals that constitute a pattern.
2. IDEA identifies some cases in which cumulative short-term removals totaling more than 10 days in a school year could be considered a change of placement, resulting in the triggering of procedural safeguards, including the requirement to conduct a MDR. A change of placement occurs if:
 - a. The removal is for more than 10 consecutive school days; or
 - b. The child is subjected to a series or removals that constitute a pattern
 - i. Because the series of removals total more than 10 days in a school year;
 - ii. Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - iii. Because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Retaliation and Harassment

1. Unlike the IDEA, Section 504 contains an anti-retaliation provision that expressly prohibits anyone from attempting to thwart the exercise of rights granted by the law to individual with disabilities. Section 504 incorporates the anti-retaliation provision of the Title VI of the Civil Rights Act of 1964. The issues of retaliation

and harassment often arise in connection with suspension and expulsion of students with disabilities.

Interim Alternative Education Setting (IAES)

1. Under the IDEA, school personnel may remove a student to an IAES for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in case where a child:
 - a. Carries a weapon to or possesses a weapon at school, on school grounds, or to or at a school function under the jurisdiction of a school district event
 - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on school grounds, or at a school district event; or
 - c. Has inflicted serious bodily injury upon another person while at school, on school grounds, or at a school district function.
2. In special education, the IEP team usually determines the IAES. It is typically a setting that enables the student with a disability to continue receiving educational services and participating in the general education curriculum (although in another setting) and to progress towards meeting the IEP goals. Under IDEA, the IAES includes a functional behavioral assessment (FBA) and behavior intervention services to modify or address the behavior violation so that it does not reoccur.
3. Section 504 regulations do not contain any IAES provisions similar to the IDEA's. Furthermore, OCR has not published guidance stating its intent to apply the IAES provisions to Section 504. However, WCSD has encouraged a parallel practice as that with students receiving special education services in order to protect the educational best interest of students with disabilities.

C. BEHAVIOR MANAGEMENT PLANS (BMP)

Behavior Management Plans (BMP)

1. A behavior management plan identifies potential unacceptable behaviors that may be caused by a student's disability and further identifies possible strategies for preventing and controlling them. All school staff must discipline a student in accordance with his BMP. The term BMP is frequently used interchangeably with behavior intervention plan (BIP) The BMP or BIP are proactive, consisting of 504 plan or IEP provisions that develop, change, or maintain selected behaviors through the systematic application of behavior change techniques. An individual discipline plan, on the other hand, can be reactive; generally limited to identification of acts of misconduct and specific consequences for the student, should they engage in such misbehaviors. The individual discipline plan is best understood as an alternative to a school's regular education disciplinary code.

2. A school's Section 504 team is required to develop a BMP/BIP whenever it determines that disability-related behavior problems interfere with the student's ability to benefit from special education or related services. The BMP is a related service under section 504 regulations. All school officials and employees must implement the intervention contained in the BIP/BMP. For that reason, it is essential that staff members who will interact with the student are familiar with those intervention and have access to a copy of the plan.

In-School Suspension Considerations

1. In-school suspension (ISS) must provide an educational benefit equivalent for a student that is protected under Section 504 to what is provided to all students who are in school in regular education classrooms. Normally, students placed in an ISS class are expected to work semi-independently in an environment where they are subject to restricted movements, have limited restroom breaks, and must be silent for extended periods. In some cases, particularly for periods greater than ten (10) days, in-school suspension (ISS) may constitute a significant change in a Section 504 student's placement because ISS placement may interrupt the current accommodations specified in the student's Section 504 Plan.
2. Therefore, if ISS is used as a substitute for OSS:
 - a. Reevaluation meeting may be warranted to determine if a change of placement is needed
 - b. The student's Section 504 accommodation plan must be followed
 - c. FAPE must be provided
3. Schools seeking to use the in-school suspension (ISS) exception for a few days at a time should follow the
4. Department of Education IDEA regulations of 2006. This report explains three critical factors the school should consider when using ISS and not count those days towards a pattern of exclusion. The commentary from the report states that:

"...it has been the US Department of Education's long-term policy that an in-school suspension would not be considered a part of the days of suspension as long as the child is afforded the opportunity to continue to appropriately participate in the general curriculum, continue to receive the services specified on the child's 504 Plan/IEP, and continue to participate with nondisabled children to the extent they would have in their current placement."

D. APPEAL RIGHTS AND PLACEMENT DURING APPEALS

1. If a parent disagrees with a determination that a student's behavior was not a manifestation of the student's disability or with any decision regarding placement for disciplinary purposes, the parent may appeal the determination.

XII. PARENT/GUARDIAN RIGHTS AND RESPONSIBILITIES

1. Under 504, a student is considered "disabled" if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities. Section 504 also protects students with a record of an impairment, or who are regarded as having an impairment from discrimination on the basis of disability.
2. Students can be considered disabled, and can receive services under 504, including regular or special education and related aids and services, even if they do not qualify for, or receive, special education services under the IDEA.
3. The purpose of this Notice is to inform parents and students of the rights granted them under 504. The federal regulations that implement 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:
 - a. You have a right to be informed about your rights under 504. [34 CFR 104.32] The School District must provide you with written notice of your rights under 504 (this document represents written notice of rights as required under 504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District's 504 Department and they will assist you in understanding your rights.
 - b. Under 504, your child has the right to an appropriate education designed to meet his/her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33]. You have the right to refuse consent for services at any time.
 - c. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under 504. [34 CFR 104.33].
 - d. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his/her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].

- e. Your child has the right to services, facilities, and activities comparable to those provided to non- disabled students. [34 CFR 104.34].
- f. The School District must undertake an evaluation of your child prior to determining his/her appropriate educational placement or program of services under 504, and also before every subsequent significant change in placement. [34 CFR 104.35]. You have the right to refuse consent for initial evaluation.
- g. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of 504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR104.35]. The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, statewide assessment scores, and mitigating measures, among others. [34 CFR104.35].
- h. If your child is eligible under 504, he or she has a right to periodic reevaluations. A reevaluation must take place at least every three years. [34 CFR 104.35].
- i. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
- j. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under 504). [34 CFR104.36].
- k. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under 504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
- l. If you wish to contest an action taken by a Section 504 Team by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's 504/Home Hospital Administrator at 504HomeHospital@washoeschools.net or at Riggins Educational Complex, 5450 Riggins Court, Reno, NV 89502.
- m. If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by a making a written request to the

District's Student Support Services Office, and/or you may seek relief in state or federal court as allowed by law.

- n. You also have a right to present a grievance or complaint through the District's local grievance process. The District will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time. Parents may contact the District's 504/Home Hospital Administrator for more information about the District's grievance process.
- o. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school districts:

United States Department of Education
Office of Civil Rights Western Division,
Seattle Office 915 Second Avenue, Room3310 Seattle,
Washington 98714-1099

XIII. 504 GRIEVANCE PROCEDURES

1. Washoe County School District has an internal resolution procedure to provide a prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. This is an optional resolution procedure for a complainant. The resolution procedure is not a prerequisite before a complainant may directly pursue any other state or federal remedy available under law.
2. Section 504 complaints may include, but are not limited to, allegations that Washoe County School District engaged in discrimination against Section 504 students with disabilities by affecting their rights regarding identification, evaluation, educational program or placement, and accommodation. As part of an informal approach to complaint resolutions, the District wants parents, guardians, students and other District patrons to have the opportunity to make concerns known to the District and for the District to have the opportunity to respond and resolve concerns as rapidly as practicable at the local school or program site level.
3. Filing a discrimination complaint is a protected activity. Discrimination against any individual because he or she reported Section 504 violations, or made a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised Section 504 rights, or helped or encouraged someone else to do so is prohibited.

4. These procedures are intended to protect the substantive rights of interested persons, meet appropriate due process standards, and assure District compliance with Section 504 of the Rehabilitation Act of 1973.

A. GRIEVANCE STEPS

1. Informal Level 1

- a. Complaints should be filed with the principal of the school which the student attends. The complaint should include a written explanation of the concern and be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation.
- b. After receiving the complaint, the principal will notify the District Section 504 Administrator and additional District staff as needed. The principal will begin an investigation and schedule a conference with the complainant to discuss the complaint. A conference will be held as promptly as practicable, but in any event, no later than 14 school days after receipt of the complaint, unless the complainant agrees to a different timeline. These resolution procedures contemplate informal but thorough investigations, affording all interested parties and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- c. The above conference will be conducted in an informal manner designed to provide an opportunity for the complainant to fully explain the nature of the complaint, the circumstances which give rise to it, and the resolution requested. The conference should give the principal the opportunity to fully discover the facts which bear on the complaint.
- d. As soon as practicable, the Principal will prepare a written report resolving the complaint and send the complainant a copy with additional copies submitted to the District Section 504 Department. The report will summarize the complaint and conference and state the conclusions, the reasons supporting them, and the remedial action, if any which the principal intends to take. For Section 504 compliance purposes, the principal will submit the files and records of complaints received and investigated to the district Section 504/Home Hospital Department.
- e. At any point in this process the principal may consult with the District 504/Home Hospital Administrator.

2. Informal Level 2

- a. The complainant may request reconsideration if he or she is dissatisfied with the Level 1 resolution. The request for reconsideration must be made within 20 school days after receipt of the written report by complainant. The request for reconsideration must be in writing and directed to the District 504/Home Hospital Administrator.

- b. The District 504/Home Hospital Administrator will review the Level 1 investigation, conduct any additional interviews or procedures necessary to understand the situation, and make a written report to the complainant and the school within a reasonable amount of time. The report will state relevant findings of fact, conclusions and the reasons supporting them.
 - c. Upon review, if either party is dissatisfied, a *formal hearing* may be requested by contacting District Student Services Office who will assist in initiating this process.
3. Formal Level 3
- a. If the informal procedure fails to satisfy the dispute, the formal hearing process is available through the use of an impartial hearing officer.
4. Selection of a Hearing Officer
- a. From a list of impartial hearing officers the District Student Services Office shall select a hearing officer for the adjudication of the dispute. In order for an individual to be qualified to serve as a *hearing officer* they must meet the following qualifications:
 - i. The individual may not be a current or former employee of Washoe County School District.
 - ii. When possible, the individual should have a background in meeting the needs, or working with individuals with disabilities or civil rights issues.
 - iii. The individual may not have any prior knowledge of the particular complaint.
5. Failure to Request a Hearing
- a. A request for a hearing under this procedure must be made within thirty (30) days of the incident or the individual waves his/her rights to this process. However, complaints filed under terms of the Rehabilitation Act of 1973 and its amendments or the Americans with Disabilities Act and its Amendments of 2008 (ADAAA), are not waived and the individual may pursue a resolution through that process.
6. Procedures Governing the Grievance Hearing
- a. All grievance hearing procedures will be held before the hearing officer.
 - b. The complainant or his/her representative shall have the opportunity to examine, before the start of the proceedings, all relevant materials.
 - c. The complainant shall have the right to secure aid, at their expense, in representation whether of a professional nature or otherwise; including,

but not be limited to, attorneys, health professionals, or any other person beneficial to the presentation of the case.

- d. The grievance hearing shall be held in private. A public grievance hearing will be given consideration if requested by the complainant.
- e. The complainant has the right to present any and all pertinent evidence first, and then the school district will present its evidence. Cross examination will be kept to a minimum and both parties shall remain courteous and professional during the proceedings and refrain from argumentative questioning.
- f. The decision of any and all grievance hearings shall only be based on facts presented at the time of the grievance hearing.

7. Failure to Appear for the Hearing

- a. In the event that the Washoe County School District representative or the complainant or his/her representative(s) fails to show, the hearing officer shall find against the party who failed to show. This determination does not affect the complainant's or the District's rights to pursue any other legal process available.

8. Procedures for Obtaining a Transcript of the Hearing

- a. A transcript of the grievance hearing may be arranged prior to the grievance hearing date at the request of either party. The party requesting the transcript is responsible for the expense of this procedure.

9. Decision of the Hearing Officer

- a. The hearing officer must issue a written decision of the grievance hearing within ten (10) working days and furnish a copy to all parties. A copy must be kept on file with the 504/Home Hospital Department. An additional copy of the decision with all names deleted shall be kept on file for future reference.

10. Appeal of the Decision

- a. Within ten (10) calendar days of the final report, either party may appeal the hearing officer's decision to the WCSD Superintendent by filing a written request for this review with the District 504/Home Hospital Administrator.
- b. The written request must be directed only to the issues raised in the formal complaint or to procedural errors in the conduct of the grievance procedure itself, and not to new issues. The District 504/Home Hospital Administrator will forward the appeal to the WCSD Superintendent or their designee and provide copies to all parties involved. If the grievance involves a decision that is being challenged, the review to the WCSD

Superintendent or designee will usually be limited to the following considerations:

- i. Were the proper facts and criteria brought to bear on the decision?
 - ii. Were improper or extraneous facts or criteria brought to bear that substantially affected the decision to the detriment of the complainant?
 - iii. Were there any procedural irregularities that substantially affected the outcome of the matter or the detriment of the complainant?
 - iv. Given the proper facts, criteria, and procedures, was the decision a reasonable one?
- c. A copy of the Superintendent's/designee's written decision will be provided within 30 days of the receipt of the appeal and shall be sent to the complainant, the District 504/Home Hospital Administrator and, if appropriate, the school personnel whose compliance will be needed to carry out the disposition. The deadline may be extended by the WCSD Superintendent or their designee for cause.
- d. After completion of these processes if the complainant finds he/she is still being discriminated against, he/she maintains the right to file a complaint with the Office for Civil Rights with the Department of Education.
- e. This procedure was developed and revised to protect the substantive rights of interested persons, meet appropriate due process standards, and ensure Washoe County School District complies with Section 504 of the Rehabilitation Act of 1973 and its amendments and the Americans with Disabilities Act and its amendments of 2008 (ADAAA) and their implementing regulations.

XIV. APPENDICES

1. Components of Section 504 Guidelines (Abbreviated)
2. Section 504 Contact Information
3. Roles and Responsibilities of Section 504 Office Personnel
4. Section 504 Meeting Checklist

A. COMPONENTS OF SECTION 504 GUIDELINES (ABBREVIATED)

1. The information below was compiled by the WCSD school psychologists to assist school teams with the evaluation of students with learning and/or behavioral concerns. For more information contact the psychologist assigned to your school.
2. The report should present a clear picture of the student’s current levels of functioning. If a disabling condition has been identified, the report also should provide evidence of the degree of impairment that the related behaviors have on the student’s learning and school performance.

Current Levels of Functioning	Examples
Academic Status	<ul style="list-style-type: none"> • Current and previous report cards • Formative assessment data • State assessment data
Health Medical Status	<ul style="list-style-type: none"> • Diagnoses • Medications • Current and previous treatment plans
Social/Emotional Status	<ul style="list-style-type: none"> • Social/Developmental History • Observations • Interviews • Multi-Tiered System of Supports (MTSS) Reports
Aptitude/Developmental Status	<ul style="list-style-type: none"> • Informal/formal data • Observations • Interviews

B. SECTION 504 CONTACT INFORMATION

1. Section 504 Counselor Specialist Administrator

Tami Goulden-Bosco
Office: 775-850-8012
504HomeHospital@washoeschools.net

2. 504/Home Hospital Staff

Janis Culbertson 775-850-8012
Shirley Winters 775-850-8012

3. Department Intranet Site

- a. Information about the Section 504 Department can be obtained from Section 504 page at <http://washoeschools.net/Domain/687>. This page will provide contact information for staff and a link to the Documents and Forms page, where school-level case managers can download forms, read articles and obtain previous presentations. Check back often for updates and additional postings of current information.

4. Additional Internet Sites:

- a. Nevada Department of Education 504

<http://www.doe.nv.gov/>

- b. Office of Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

C. ROLES AND RESPONSIBILITIES OF SECTION 504 OFFICE PERSONNEL

1. Washoe County School District has adopted and complies with policy and procedures that ensure protection against discrimination of individuals with disabilities. Each school is responsible for providing a free appropriate public education (FAPE) to all students, including those with disabilities.
2. We endeavor to and communicate with parents of students with special needs. To effectively do so requires that school personnel be knowledgeable of Section 504 of the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADAAA). To assist school personnel, parents, and guardians in matters regarding education of students under Section 504, Stacey Cooper serves as the 504/Home Hospital Administrator for WCSD.
3. Responsibilities of District 504/Home Hospital Administrator
 - a. Coordinates Section 504 implementation in the district
 - b. Ensures that all Section 504 forms and procedures comply with Section 504 requirements
 - c. Provides training to school 504/Home Hospital case managers and others annually, as needed
 - d. Provides technical assistance and problem-solving on an "as needed" basis
 - e. Liaises with other WCSD departments to ensure Section 504 student data are accurate
 - f. Addresses systemic issues related to Section 504 compliance
 - g. Provides accurate, accessible information about Section 504 to the Washoe community
 - h. Receives and addresses concerns regarding Section 504 program implementation
 - i. Maintains District Section 504 information on student plans and programs
4. Responsibilities of the School-504/Home Hospital case manager
 - a. Coordinates Section 504 services in the school
 - b. Facilitates the Section 504 team meetings
 - c. Addresses school staff, parental and student questions that arise about Section 504 issues
 - d. Participates in district-wide training on Section 504 implementation.

- e. Schedules meetings & sends notices, including periodic reviews, as indicated on plan
- f. Provides copies of documents to parents
- g. Maintains Section 504 folder within the student's cumulative file
- h. Provides information to a student's current teacher(s) about the student's Section 504 plan contents and the importance of implementation
- i. Schedules periodic review at least annually
- j. Ensures that staff are using current Section 504 forms and following current procedures. Enters accurate data in IC and periodically checks IC for accuracy
- k. Sends student information/paperwork to 504/Home Hospital Department

D. SECTION 504 MEETING CHECKLIST

Before The Meeting

- Contact parents to explain the purpose of the meeting and address questions and concerns
- Schedule meeting with participants, including parents
- Send meeting notice reminding parent of date, time and location of meeting
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda
- Arrange for any necessary interpreters or accommodations for meeting participants
- Complete portions of the Section 504 Eligibility Forms that can be populated before the meeting
- Bring all current forms to the meeting

During the Meeting

- Introduce participants and their roles
- Clarify purpose of meeting
- Review agenda
- Identify note-taker and time-keeper for meeting
- Facilitate student's input or participation
- Lead group through agenda
- Complete Section 504 Plan
- Complete Section 504 Student Accommodation Plan (if needed), or revise as needed
- Provide copies of Report and Plan to parents or inform them of how /when a copy can be obtained
- Provide Statement of Parent Rights & Responsibilities which could include how to address 504 violations or grievances to parent (keep signed copy for cumulative folder)
- Thank everyone for participation and cooperation

After the Meeting

- Place final copy of all Section 504 meeting paperwork in the student's cumulative file
- If parents did not receive documents at meeting, provide copies
- Complete Infinite Campus Flag under the MTSS tab
- Email initial student paperwork to the 504/Home Hospital Department
- Be sure all teachers know and understand their responsibilities under the Section 504 plan
- Schedule all check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan
- Schedule annual review date, and at least one month earlier to begin "before meeting" review process