

# SECTION 504

## A TEAM APPROACH

# PROCEDURAL HANDBOOK

1

FRAMEWORK

2

PLAN & PROCESS

3

FORMS

4

RESOURCES

**INSPIRE,  
EDUCATE &  
PREPARE  
EACH STUDENT TO:**

- ★ **ACHIEVE TO HIGH STANDARDS**
- ★ **CONTRIBUTE TO OUR COMMUNITY**
- ★ **THRIVE IN A GLOBAL SOCIETY**



INSPIRE

ACHIEVE

THRIVE

# TABLE OF CONTENTS

revised 02/05/2024



1

|                                                    |          |
|----------------------------------------------------|----------|
| <b>SECTION 504 FRAMEWORK</b>                       | <b>3</b> |
| What is Section 504                                | 3        |
| What is a Qualifying Disability Under Section 504? | 3        |
| Steps of the 504 Process                           | 3        |
| Parent/Guardian Involvement                        | 6        |
| Temporary 504 Plans                                | 6        |
| Non-Academic Services                              | 7        |
| Transportation                                     | 7        |
| Discipline and Section 504                         | 7        |
| Resolving Concerns or Disagreements                | 8        |

2

|                                                                            |          |
|----------------------------------------------------------------------------|----------|
| <b>504 ACCOMODATION PLAN &amp; PROCESS</b>                                 | <b>9</b> |
| Section 504 Process Flow Chart for Initial/Continuing Students             | 9        |
| Temporary 504 Plan for Transitory Impairments                              | 11       |
| Section 504 Process Flow Chart for Students Transferring into the District | 11       |
| Substantial Impairment Determination: Rubric                               | 12       |
| Level of Impact of Impairment on School Participation: Rubric              | 13       |
| Multi-Tiered Systems of Support: Tier 2 Process                            | 14       |
| Multi-Tiered Systems of Support: Tier 3 Process                            | 15       |
| Section 504 Parent/Guardian Rights & Procedural Safeguards                 | 16       |

3

|                                                        |           |
|--------------------------------------------------------|-----------|
| <b>SECTION 504 FORMS</b>                               | <b>17</b> |
| School Request for 504 Determination (Form 504-3)      | 17        |
| Parent/Guardian Consent for Evaluation (Form 504-4)    | 18        |
| Determination of Eligibility Report (Form 504-5)       | 19        |
| 504 Eligibility or Non-Eligibility Notice (Form 504-6) | 21        |
| Individual 504 Plan (Form 504-8)                       | 22        |
| Termination of Services (Form 504-9)                   | 24        |
| Manifestation Determination Review (Form 504-10)       | 25        |
| Individual Health Plan (Form 504-11)                   | 26        |

4

|                                                        |           |
|--------------------------------------------------------|-----------|
| <b>RESOURCES</b>                                       | <b>28</b> |
| School Board Policy & Procedure                        | 28        |
| Parent/Guardian Rights & Procedural Safeguards         | 28        |
| Types of Accommodations for Section 504 Plans          | 28        |
| Resources from WA Superintendent of Public Instruction | 28        |
| Staff Resources                                        | 28        |
| Section 504 FAQ's                                      | 28-32     |



## Supportive culture where each student is engaged, thrives and values learning

- Develop shared practices and training utilizing SEL, restorative practice and culturally responsive tenets
- Implement culturally relevant policies and programs that allow students to see themselves throughout the learning environment



## Effective instructional practices

- Establish clear and vertically aligned instructional models/frameworks that embed culturally responsive instructional practices
- Establish consistent grading and assessment practices across all schools and grade levels to reflect student learning that indicates mastery



## Human capital recruitment, development and retention

- Design and implement an effective recruitment and retention plan with an emphasis on diversity and inclusion for each employee group
- Ensure an inclusive work environment that promotes wellness, a sense of belonging, engagement, and support



## Community engagement

- Secure parent and community support of the academic and social/emotional development of all students
- Increase transparency and two-way communication with all stakeholders throughout the district and community



## Equitable access to resources to support student learning

- Identify and remove barriers to authentic learning and high expectations for our diverse learners
- Establish district-wide expectations for instructional time, master schedules and course offerings
- Ensure flexible learning opportunities and choice programs are accessible for all students



## Consistency and accountability for key processes affecting student success, balanced with differentiation and innovation

- Foster a culture that promotes, supports, and sustains innovative practices

## Purpose of This Handbook

The purpose of this handbook is to provide information, resources, and clarity around the Section 504 eligibility requirements and accommodation plan process. This handbook describes the requirements of Section 504 of the Rehabilitation Act of 1973 as it applies to a public school district's duty to provide a free appropriate public education (FAPE) to students with disabilities. This handbook is designed to assist parents and educators to understand what Section 504 is, what it requires in terms of FAPE, and how it should be implemented.

## What is Section 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. This law applies to all programs and activities that receive funding from the federal government—including Washington public schools. Section 504 requires public schools to provide a "free appropriate public education" (FAPE) to every student with a disability—regardless of the nature or severity of the disability. Additionally, under Section 504, schools must provide students with qualifying disabilities the accommodations, aids, and services they need to **access and benefit from education equally with their peers**.

## What is a qualifying disability under Section 504?

Section 504 defines disability as a physical or mental impairment which substantially limits one or more major life activities for school-aged students. This definition of disability should be interpreted broadly.

**Major life activities** are activities that are important to most people's daily lives. Caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, bending, reading, concentrating, thinking, and communicating are some examples of major life activities. Major life activities also include major bodily functions, such as functions of the digestive, bowel, bladder, brain, circulatory, reproductive, neurological, or respiratory systems.

**Substantially limits** should also be interpreted broadly. A student's impairment does not need to prevent, or severely or significantly restrict, a major life activity to be substantially limiting.

## Steps of the 504 Process

Public schools must provide appropriate accommodations, aids, and services to eligible students who need these accommodations to participate in, and benefit from, their education. This includes all programs and activities sponsored by the school, such as sports and field trips. These accommodations, aids, and services are described in a 504 plan.

Students who are entitled to a 504 plan (1) have a physical or mental impairment which substantially limits one or more major life activities, and (2) need accommodations, aids, or services—because of their disability—so they can access and benefit from their education.

### 1. Request a Referral for Evaluation

Anyone, including a parent or guardian, can refer a student for evaluation. A [Section 504 referral](#) should be in writing and ask that the school evaluate whether or not a student has a disability and needs accommodations, aids, and services. Schools have a special responsibility to make a Section 504 referral for every student they know or suspect has a disability and may need accommodations, aids, or services. For greatest efficiency, the referral should be submitted to the student's school counselor.

## 2. School Brings a 504 Team Together

The individual needs of the student determine who joins the 504 team. There are three core members of any 504 team:

- Someone who knows the student—for example, a parent, teacher, physician, nurse, or counselor. While parents are not required to join the 504 team, the participation of a parent can be incredibly valuable.
- Someone who can analyze and interpret the evaluation data.
- Someone who is knowledgeable about placement options at the school.

Section 504 does not give parents/guardians the right to participate in a meeting during which their child's program is designed and placement is determined, as does Special Education under IDEA. However, if a meeting is held, this practice is recommended.

The 504 team will determine if a student is eligible and will decide what accommodations, aids, or services should be in place to **reduce or eliminate** the impact of the student's disability on his or her education.

## 3. 504 Team Evaluates

First, the school must have consent from a parent or guardian before the evaluation begins. Without consent, a 504 team cannot evaluate a student or continue the 504 process.

Then the 504 team gathers and analyzes data about the student's condition. Evaluation data should come from a variety of sources. Grades, test scores, attendance, health room visits, parent and student input, teacher observations, medical or psychological evaluations, special education data, and medical information are just a few examples.

The 504 team should collect data that answers these three questions:

1. Does the student have a physical or mental impairment?
2. If so, does the impairment [substantially limit](#) one or more major life activity?
3. If so, are there accommodations, aids, and/or services that the student needs in order to access and benefit from their education?

### Evaluation and the Role of a Medical Diagnosis

There are three important ideas parents should understand about a medical diagnosis:

- A school cannot require a parent to provide a medical diagnosis to evaluate a student. However, a diagnosis can provide very helpful information for the 504 team.
- The school could request a medical evaluation, at no cost to the parent, if the 504 team needs medical information to make a decision.
- A medical diagnosis does not always mean that a student needs a 504 plan. Licensed health care providers cannot prescribe a 504 plan—only the 504 team can make that decision. However, the 504 team must consider the information a licensed health care provider shares when evaluating a student.

### Evaluating a Disability without Mitigating Measures

Mitigating measures cannot be considered when evaluating whether or not a student **has** a substantially limiting impairment. NOTE: These may include medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment. However, mitigating measures may be considered in the development and implementation of accommodations within a student's 504 plan.

#### 4. 504 Team Creates a Plan. School Puts the Plan into Action.

If the evaluation indicates that the *student has a physical or mental impairment which substantially limits one or more major life activity*, the team determines whether or not the student needs accommodations, aids, and services to access and benefit from their education.

If so, the 504 plan will describe the accommodations, aids, and services the school will provide to ensure the student can experience a free and appropriate public education, as the law requires.

When developing the Section 504 plan, the Section 504 team should consider what accommodations, aids, or services the student needs to alleviate the impact of their disability.

Accommodations include adjustments or modifications that allow students with disabilities to access the benefit of their education to the same extent as their peers. These variations *should not* change the **level, content, or performance criteria** of the lesson, class, or activity and *should not* change the **reliability** and **validity** of any assignment.

Accommodations should be individualized to the needs of the student and should be necessary to provide the student a free appropriate public education, and there must be a direct connection between the accommodation and the student's disability. The Section 504 plan should be as clear and specific as possible, so that anyone can understand how to implement the plan.

##### Don't...

- Don't assume certain accommodations, such as extra time, are appropriate for every student in every content area
- Don't assume that everyone has the same definition for all terms, such as "preferential seating" or "extra time to complete assignments"
- Don't assume that students can—or will—ask for their accommodations
- Don't use "as appropriate" or "as needed" as part of an accommodation—strive to be as clear and specific as possible
- Don't check every accommodation on a checklist just to be "safe"—only include accommodations that are necessary for the student
- Don't assume that the same accommodations are appropriate every year

##### Do...

- Think outside the box
- Get the parent/guardian involved in the discussion
- Consult with the district's Section 504 coordinator, Dave Peters ([dpeters@everettsd.org](mailto:dpeters@everettsd.org) / 425-385-4063)
- Ask/discuss with the student

With the 504 plan in place, all school staff members follow the plan to accommodate the student. It is the school's responsibility—not the student's or parent's—to make sure teachers are aware of the services, aids, or accommodations in the plan.

Teachers should consult the student's **school counselor** or the district's **Section 504 coordinator** if they need help or clarification on what to do for the student.

## 5. School Reviews and Evaluates the 504 Plan

Every year, the school should review the 504 plan to make sure it continues to address the student's needs. However, a parent or teacher could ask for a review at any time if they think the plan is not meeting the student's needs.

Periodically, the 504 team must re-evaluate the student's eligibility for Section 504 and the accommodations, aids, or services in the 504 plan. This re-evaluation should take place at least once every three years but can happen more frequently; it depends on the student's needs, changes in placement, or significant transitions.

Examples of significant changes in placement or significant transitions which require re-evaluation include:

- Expulsion
- Suspensions which exceed 10 consecutive days in a school year
- Cumulative short-term suspensions which create a pattern of exclusion
- Transfer of a student to home instruction
- Transferring a student from one type of program to another or terminating or significantly reducing a related service

## Parent/Guardian Involvement

1. Initial Evaluation: The district will obtain the consent of parents/guardians before conducting an initial evaluation of a student. The district will notify parents/guardians of the evaluation results.
2. Initial Placement: The district will notify parents/guardians before initially placing a student with disabilities.
3. Significant Change in Placement: The district will notify parents/guardians before implementing a significant change in the student's placement.
4. Right to Challenge: The district will notify parents/guardians of their right to review and challenge the district's program and placement decisions if they disagree with them.
5. Meetings: Section 504 does not give parents/guardians the right to participate in a meeting during which their child's program is designed and placement is determined, as does Special Education under IDEA. However, if a meeting is held, this practice is recommended.

## Temporary 504 Plans for Transitory Impairments

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 period of time (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. Broken bones or surgeries that impact mobility or writing of the most common examples of transitory impairments.

The student's 504 plan form will:

1. Indicate that it is a "temporary 504 plan"
2. Include an anticipated ending date and/or criterion

When the temporary 504 is no longer needed, a **Termination of Services** form will be completed by the school.

## Non-Academic Services

The district will provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreation athletics, transportation, health services, recreational activities, interest groups or clubs sponsored by the district, referrals to agencies which provide assistance to persons with disabilities, and employment of students, including both employment by the district and assistance in making available outside employment. The district will observe reasonable health and safety standards for all students.

1. Counseling services: In providing personal, academic or vocational counseling, guidance or placement services to its students, the district will provide these services without discrimination on the basis of disability. The district will ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are students without disabilities with similar interests and abilities.
2. Physical education and athletics: In providing physical education courses and athletics and similar programs and activities to any of its students, the district will not discriminate on the basis of disability. If the district offers physical education courses and operates or supports interscholastic, club or intramural athletics, it will provide an equal opportunity for qualified students with disabilities to participate in these activities consistent with their abilities and needs.

## Transportation

If a district provides transportation to all its students within a certain geographic area, the district may not discriminate in its provision of transportation to students with disabilities.

In order for *special* transportation to be provided as an accommodation for a student's 504 plan, there must be a direct connection to the student's disability that would otherwise prevent the student from accessing and benefitting from their education. For example, transportation may be an appropriate accommodation for a qualifying student who lives outside the school's transportation boundary and who cannot walk to school while recovering from a recent hip surgery or whose significant asthma is exacerbated during allergy season.

If a district proposes to terminate a qualified student's bus transportation for inappropriate bus behavior, the district must first determine the relationship between the student's behavior and his/her disabling condition, the appropriateness of the related service of transportation, and the need for reevaluation. The parent or guardian shall be provided with notice of the results of such determinations and of their right to challenge such determinations. If the behavior is related to the disabling condition, the district may not terminate services, but must provide an alternative mode of transportation.

## Non-Public School Placements Made by Parents

If the district has made available a FAPE to a student which conforms to the requirements of Section 504, but the parent chooses to place the child elsewhere, the district is not responsible for any costs incurred.

## Discipline and Section 504

Before a school disciplines a student with a disability, especially if it involves a suspension or expulsion, the school must determine if there is a need for a special meeting called a **manifestation determination**. In this meeting, the 504 team



decides whether or not there is a relationship between the student's disability or 504 plan, and the student's behavior that led to the disciplinary action.

The 504 team must hold a manifestation determination meeting before a student with a disability is suspended or expelled for:

- More than **ten consecutive** school days, **OR**
- More than **ten total** school days during a school year **that indicate a pattern of removal**.

There are two questions the 504 team must answer at a manifestation determination meeting:

1. Was this behavior caused by, or did it have a direct and substantial relationship to, the student's disability?
2. Was this behavior the direct result of the school's failure to follow the student's Section 504 plan?

If the **answer is yes to either** question, the behavior is a manifestation of the student's disability and the student can remain in school. The 504 team should review the student's 504 plan and modify if necessary.

If the answer is **no to both** questions, the school can discipline the student in the same way it would discipline a student who does not have a disability.

The **exception** to the rule, however, is when the student's misbehavior involves Special Circumstances – [weapons, illegal drugs, or serious bodily injury](#). A manifestation determination meeting must still occur, but, the student may be removed for up to 45 school days regardless of whether the student's behavior was a manifestation of their disability.

## Restraint or Isolation

Restraint or isolation of students who have a Section 504 plan will be authorized only under the limited circumstances specified in [Board Policy 3319](#) and [Procedure 3319P](#) and each incident will require reporting and parent/guardian notification as specified in that policy and procedure.

## Resolving Concerns or Disagreements

A discussion with your student's school counselor or school principal is often the best first step to address your concerns or disagreements and work toward a solution.

- **Focus on the facts** as you understand them, AND
- Let the principal or coordinator know what you **want them to consider in resolving the problem**

If your concerns are still not resolved, you may contact the Everett Public Schools Section 504 coordinator, Dave Peters ([dpeters@everettsd.org](mailto:dpeters@everettsd.org) / 425-870-4063) or submit a [Request for 504 Appeal](#) form.

You also have the option to file a formal complaint

- On the Equity and Civil Rights website, [www.k12.wa.us/Equity/Families](http://www.k12.wa.us/Equity/Families), find information about how to file a formal complaint and follow the steps.
- Contact the U.S. Department of Education, Office for Civil Rights at 206-607-1600 (TDD: 1-800-877-8339), or visit the website, [www.ed.gov/ocr](http://www.ed.gov/ocr).
- Contact the Washington State Human Rights Commission at 1-800-233-3247 (TTY: 1-800-300-7525), or visit the website, [www.hum.wa.gov](http://www.hum.wa.gov).



**Section 504 Process | Flow Chart for Initial/Continuing Students****1. REFER THE STUDENT**

- Complete the Request for 504 Determination form (504-3). Submit to the school-based 504 team. Refer to and attach additional supplementary documents as needed.

**2. DECISION TO EVALUATE & PARENT CONSENT**

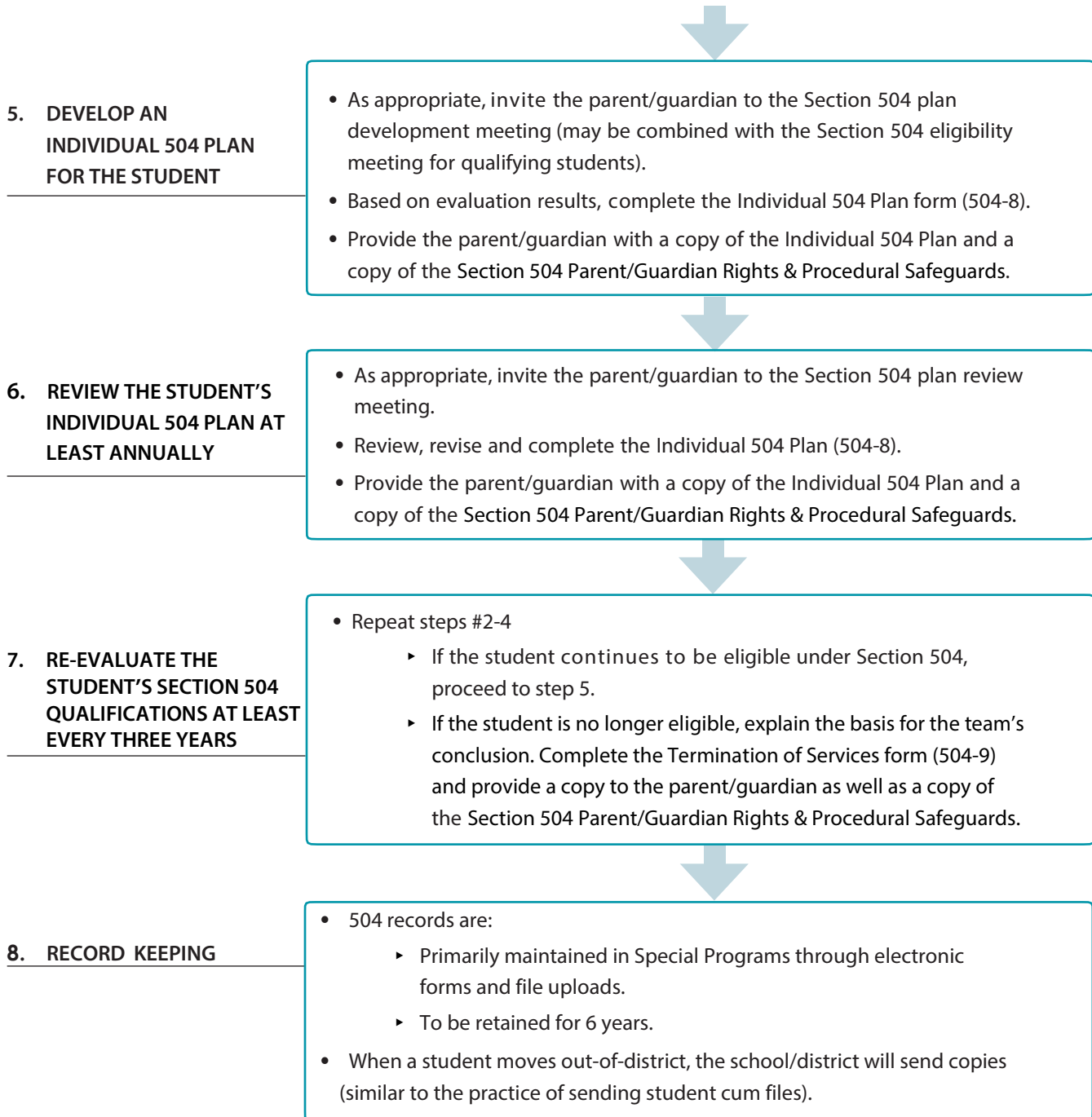
- Does the 504 team suspect that, because of a disability, the student may need Section 504 accommodations or services to participate in or benefit from school?
- If yes, provide the parent or guardian with the Parent/Guardian Consent for Evaluation form (504-4) which includes opportunity for parent/guardian to give permission for the evaluation, and a copy of the Section 504 Parent/Guardian Rights & Procedural Safeguards. Obtain permission to gather any records needed using the [Authorization of the Exchange of Confidential Medical Information](#). Proceed to step 3.

**3. EVALUATE THE STUDENT**

- Complete the "Evaluation Report" section of the Determination of Eligibility Report form (504-5).
- Team evaluates the specific areas of the student's educational needs by obtaining and reviewing all available information.
- Determine eligibility. Complete the "Team Decision of Determination of Eligibility" section of the Determination of Eligibility Report form (504-5).

**4. DETERMINE THE STUDENT'S ELIGIBILITY**

- Invite the parent/guardian to the Section 504 eligibility meeting (may be combined with the Section 504 plan development meeting for qualifying students).
- Provide the parent/guardian with a copy of the Eligibility or Non-Eligibility Notice (504-6) and a copy of the Section 504 Parent/Guardian Rights & Procedural Safeguards.
  - If the student eligible under Section 504, proceed to step 5.
  - If the student is not eligible, explain the basis for the team's conclusion. The 504 process ends.



### Temporary 504 | Flow Chart for Students with **Transitory Impairments**

#### 1. CONSIDERATION OF TRANSITORY IMPAIRMENT(S)

- A transitory impairment may constitute a temporary disability for purposes of Section 504 if its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time (usually up to 6 months).
- Follow the 504 process steps #1-4 above (Initial/Continuing Students)

#### 2. SPECIAL WORDING & TERMINATION

- If the student is eligible based on one or more transitory impairments, follow step #5 above (Initial/Continuing Students)
- Include the following in the description field of Form 504-8:
  - Indicate that it is a “temporary 504 plan”
  - Include an anticipated ending date and/or criterion
- When the temporary 504 is no longer needed, complete the Termination of Services form (504-9), and provide a copy to the parent/guardian as well as a copy of the Section 504 Parent/Guardian Rights & Procedural Safeguards.

### Section 504 Process | Flow Chart for **Students Transferring** into the District

#### 1. GATHER THE TRANSFERRING STUDENT'S SECTION 504

- On receiving information that a student with a current section 504 plan has transferred into the district, provide the parent/guardian with a copy of the Section 504 Parent/Guardian Rights & Procedural Safeguards, and obtain permission to gather any records needed using the [Authorization of the Exchange of Confidential Medical Information](#).

#### 2. SYSTEM ACTIVATION

- Complete and finalize an Eligibility Notice (504-6).  
**Note:** *This is not a legal or policy requirement. It is a technology need that will trigger Special Programs to activate the 504 plan in TAC and eSchoolPlus*

#### 3. REVIEW THE STUDENT'S SECTION 504 PLAN WITHIN 30 CALENDAR DAYS OF STUDENT ENTRY

- Invite the parent/guardian to the Section 504 plan development meeting.
- Review the student's past section 504 records and complete the Individual 504 Plan (504-8). Provide the parent/guardian with a copy.

## Substantial Impairment Determination

### EXTREME

#### EXTREME

In relation to the impaired major life function, the student is **unable to perform** the major life function or **cannot do so without accommodations** to the conditions, manner, or duration when compared to same age peers.

### SUBSTANTIAL

#### SUBSTANTIAL

In relation to the impaired major life function, the student demonstrates **signs of great difficulty** with performing the major life function and **can generally not do so** without accommodations to the conditions, manner, or duration when compared to same age peers.

### MODERATE

#### MODERATE

In relation to the impaired major life function, the student demonstrates **signs of difficulty** with performing the major life function **but can generally do so with personal adjustments** to the conditions, manner, or duration when compared to same age peers.

### MILD

#### MILD

In relation to the impaired major life function, the student demonstrates **signs of some difficulty** with performing the major life function but **can generally do so** under the same conditions as, in the same manner, for the same duration when compared to same age peers but with some variance.

### NEGLIGIBLE

#### NEGLIGIBLE

In relation to the impaired major life function, the student demonstrates signs of **minimal difficulty** with performing the major life function and **can do so** under the same conditions as, in the same manner, for the same duration when compared to same age peers.

## Level of Impact of Impairment on School Participation: Grading Rubric

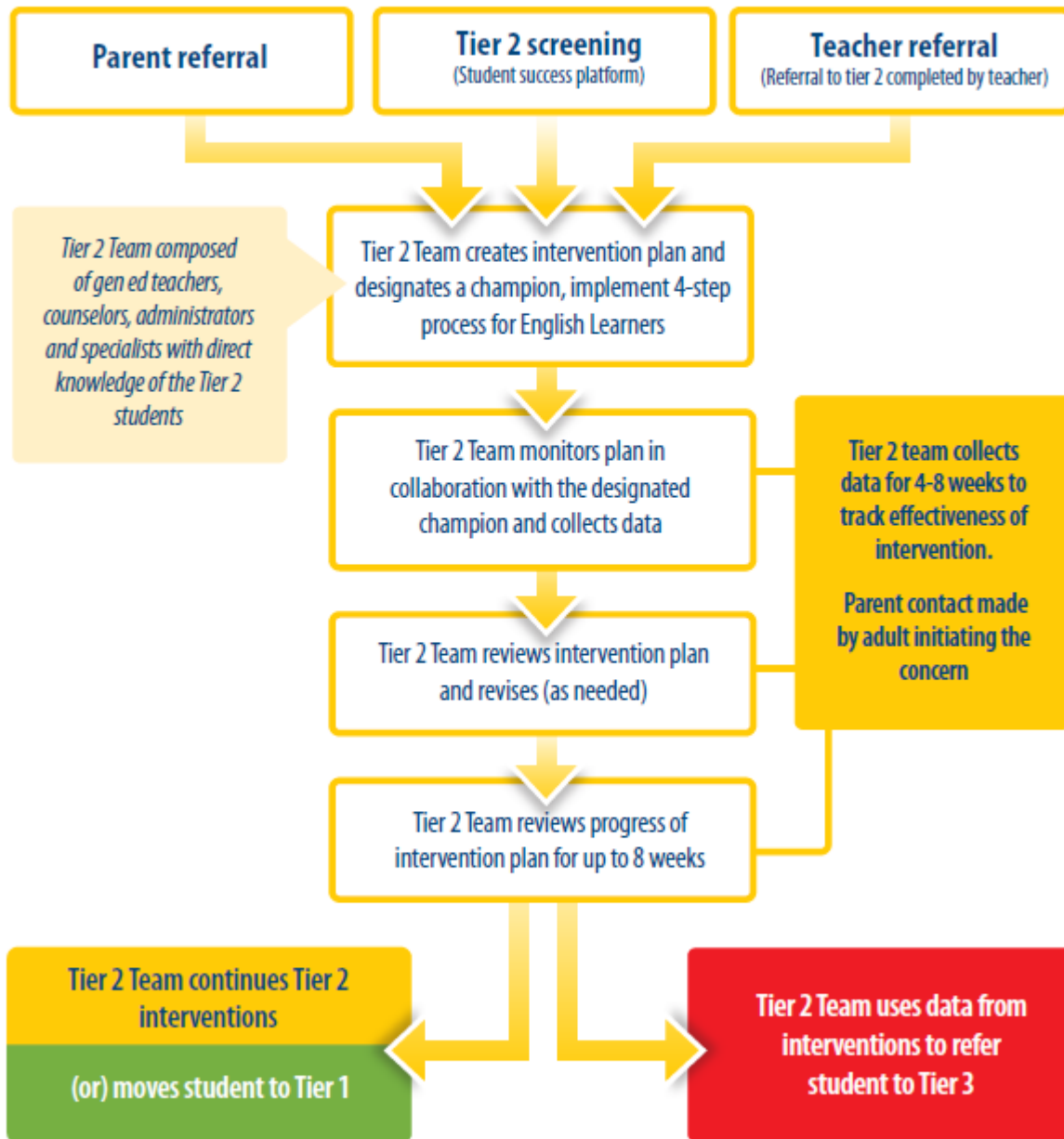
1. Mental or physical impairment is \_\_\_\_\_
2. Major life activity impacted is \_\_\_\_\_
3. Level of impact
  - a. Make an educated estimate without the effects of mitigating measures such as medication, assistive technology, reasonable accommodations or auxiliary aids/services.
  - b. For impairments that are episodic or in remission, make the determination for the time they are active.
  - c. Use the average in the general (school) population as the frame of reference.
  - d. Substantially limits means:
    - i. unable to perform a major life activity that the average person in the general population can perform; or
    - ii. significantly restricted as to the condition, manner, or duration under which an individual can perform a major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

|                          | ACADEMIC                                                                                                                                                                      | SOCIAL                                                                                                                                                                                           | BEHAVIORAL                                                                                                                                                                                                                                        | PARTICIPATION/ ATTENDANCE                                                                                                                                                                                          |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5<br/>EXTREME</b>     | <ul style="list-style-type: none"> <li>Performs far below average on standardized tests</li> <li>Failing grades</li> <li>Never completes or turns in work</li> </ul>          | <ul style="list-style-type: none"> <li>Has no friends</li> <li>Always alone</li> <li>No relationship with adults at school</li> <li>Poor self esteem</li> </ul>                                  | <ul style="list-style-type: none"> <li>Multiple exclusions or removals from class</li> <li>Significantly modified or shortened schedule</li> <li>Parents called more than once a week for behavioral concerns</li> </ul>                          | <ul style="list-style-type: none"> <li>Misses over 75% of school activities (due to behavior or discipline)</li> <li>Excessive absent</li> <li>More than 10 min. tardy to four or more classes per week</li> </ul> |
| <b>4<br/>SUBSTANTIAL</b> | <ul style="list-style-type: none"> <li>Below average on standardized tests</li> <li>Failing or very low grades</li> <li>Completes/turns in very little work</li> </ul>        | <ul style="list-style-type: none"> <li>Has very few friends</li> <li>Expresses feelings of loneliness</li> <li>Very few relationships with adults at school</li> <li>Poor self esteem</li> </ul> | <ul style="list-style-type: none"> <li>Frequent exclusions or removals from class</li> <li>Detention several times per month</li> <li>Partially modified or shortened schedule</li> <li>Parents called monthly for behavioral concerns</li> </ul> | <ul style="list-style-type: none"> <li>Misses over 50% of school activities</li> <li>Frequently absent</li> <li>More than 10 min. tardy to two or more classes per week</li> </ul>                                 |
| <b>3<br/>MODERATE</b>    | <ul style="list-style-type: none"> <li>Average or below on standardized tests</li> <li>Poor grades</li> <li>Inconsistent work completion</li> </ul>                           | <ul style="list-style-type: none"> <li>Makes but loses friends</li> <li>Trouble interacting with adults</li> <li>Occasionally expresses low self esteem</li> </ul>                               | <ul style="list-style-type: none"> <li>Some exclusions or removals from class</li> <li>Some office referrals</li> <li>Occasional detention</li> <li>Parents have been called for behavioral concerns</li> </ul>                                   | <ul style="list-style-type: none"> <li>Misses over 25% of school activities</li> <li>Often absent</li> <li>More than 10 min. tardy to at least one class per week</li> </ul>                                       |
| <b>2<br/>MILD</b>        | <ul style="list-style-type: none"> <li>Average or above on standardized tests</li> <li>Grades of concern</li> <li>Occasionally misses schoolwork</li> </ul>                   | <ul style="list-style-type: none"> <li>Would like more friends</li> <li>Typical relationships with adults</li> <li>Self-esteem average</li> </ul>                                                | <ul style="list-style-type: none"> <li>Occasional behavioral concerns</li> <li>Occasional discipline actions</li> <li>Parents have been called for behavioral concerns</li> </ul>                                                                 | <ul style="list-style-type: none"> <li>Occasionally misses school activities</li> <li>Occasionally absent</li> <li>Occasionally tardy</li> </ul>                                                                   |
| <b>1<br/>NEGLIGIBLE</b>  | <ul style="list-style-type: none"> <li>Average or above on standardized tests</li> <li>Average or above average grades</li> <li>Completes/turns in most schoolwork</li> </ul> | <ul style="list-style-type: none"> <li>Many friends</li> <li>Participates in activities with others</li> <li>Good relationships with adults</li> <li>Good self esteem</li> </ul>                 | <ul style="list-style-type: none"> <li>Behavior typical of peers</li> </ul>                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Participates in almost all school activities</li> <li>Average attendance</li> <li>Tardy less than once a month</li> </ul>                                                   |



# MTSS: TIER 2 PROCESS

**Tier 2 Team** identifies students who need Tier 2 supports, creates intervention plan and monitors progress.





## MTSS: TIER 3 PROCESS

**Tier 3 Team** composed of Counselor, Administrators, Gen Ed Teachers, and potentially School Psychologist, EL Facilitator and other staff as deemed appropriate.

Tier 3 Team looks at data, reviews cumulative file and student history and determines Tier 3 individualized interventions based on specific student needs:

- Academic
- Behavior
- SEL

Parent meeting with focused Tier 3 Team members (Counselor, Admin, student's teacher, and potentially School Psych/EL Facilitator as deemed relevant by Tier 3 Team)

504

Individual  
Student  
Support Plan

Referral for  
Special Education  
Evaluation



## Section 504 Parent/Guardian/Student Procedural Safeguards

You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.

### Your Child's Education & Educational Records

#### YOUR CHILD HAS THE RIGHT TO:

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- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive an evaluation before the school determines if they are eligible under Section 504.
- If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child's placement.

#### YOU HAVE THE RIGHT TO:

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- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.
- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
- Have evaluation and placement decisions made by a group of persons, often called a "504 team", including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

### If you disagree with the School District's decision

If you disagree with the district's decisions regarding your child's identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district's Section 504 Coordinator: Dave Peters | [dpeters@everettsd.org](mailto:dpeters@everettsd.org) | 425-385-4063

You have the right to file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099.

Phone: 206-607-1600/TDD: 206-607-1647 | Website: [www.ed.gov/OCR](http://www.ed.gov/OCR).



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**SCHOOL REQUEST FOR 504 DETERMINATION  
(FORM 504-3)**

Student Name:

Date:

Student ID#:

Birth Date:

School:

Grade:

Student Address:

City:

Zip:

Parent Name:

Address(s):

Telephone Number:

Email Address:

Parent Name:

Address(s):

Telephone Number:

Email Address:

1. What Impairment(s) do you believe this student has? Please describe condition(s) and/or list information confirming the condition(s).

2. Please describe how you think this impairment is impacting this student.

3. What accommodations do you think are needed to assist this student in being able to benefit from his or her educational experience because of his/her impairment?

4. Please share any other information that you believe is relevant in determining if this student should be evaluated for eligibility under 504.



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**PARENT/GUARDIAN CONSENT FOR EVALUATION  
(FORM 504-4)**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------|
| <b>Student Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Date:</b>          |                   |
| <b>Student ID#:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Birth Date:</b>    |                   |
| <b>School:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Grade:</b>         |                   |
| <b>Student Address:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>City:</b>          | <b>Zip:</b>       |
| <b>Parent Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                   |
| <b>Address(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                   |
| <b>Telephone Number:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Email Address:</b> |                   |
| <b>Parent Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                   |
| <b>Address(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |                   |
| <b>Telephone Number:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Email Address:</b> |                   |
| <p>I received notice that the Everett Public Schools wishes to evaluate my child pursuant to the Rehabilitation Act of 1973, commonly referred to as "504", to determine if he or she is a student who has a physical or mental impairment that substantially limits one or more major life activity.</p> <p>I understand that aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and/or adaptive behavior may all be considered in making the eligibility decision and that I am encouraged to provide the Building 504 Coordinator with any information or documentation that I am aware of that may be helpful in making this decision.</p> <p><input type="checkbox"/> I give my consent for my child to be evaluated pursuant to 504.</p> <p><input type="checkbox"/> I do <b>not</b> give my consent for my child to be evaluated pursuant to 504.</p> |                       |                   |
| <hr/> <i>Parent/Guardian Signature</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       | <hr/> <i>Date</i> |
| You can find your rights under 504 here: <a href="#">EPS website --&gt; Departments --&gt; Student Support Services --&gt; Section 504</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                   |



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

### DETERMINATION OF ELIGIBILITY REPORT (FORM 504-5)

Student Name:

Date:

Student ID#:

Birth Date:

School:

Grade:

Parent Name:

Address(s):

Telephone Number:

Email Address:

Parent Name:

Address(s):

Telephone Number:

Email Address:

### EVALUATION REPORT

The 504 Team is to include individuals who are knowledgeable about the student, the student's impairment, and/or the meaning of the data/information reviewed. The information reviewed by the 504 team should be current and focus on the areas of concern.

1. Area(s) of concern:

2. Summary of data reviewed:

3. Summary of staff reports/comments:

4. Summary of parent(s)/guardian(s) report/comments:

5. Other pertinent information:

**TEAM DECISION OF DETERMINATION OF ELIGIBILITY**

Based on the Team's findings, answer the following questions:

1. ☐ Yes ☐ No **Does the student have an impairment?**

**If yes, please describe:**

2. ☐ Yes ☐ No **Does the impairment substantially limit one or more major life activity(ies)?** (major life activities can include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, immune system functions, normal cell growth functions, digestive functions, bowel functions, bladder functions, neurological functions, brain functions, respirator functions, circulatory functions, endocrine functions, reproductive functions; not an exhaustive list)

**If yes, please describe:**

3. ☐ Yes ☐ No **Does the mental or physical impairment substantially impact the student's ability to participate in and/or benefit from programs and services?**

**If yes, please describe:**

\* If Eligible Complete Form 504-6 and 504-8

\*\* If Not Eligible Complete Form 504-6



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**504 ELIGIBILITY OR NON-ELIGIBILITY NOTICE  
(FORM 504-6)**

|                                                                                                                                                                                                                                                                                                  |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Student Name:</b>                                                                                                                                                                                                                                                                             | <b>Date:</b>          |
| <b>Student ID#:</b>                                                                                                                                                                                                                                                                              | <b>Birth Date:</b>    |
| <b>School:</b>                                                                                                                                                                                                                                                                                   | <b>Grade:</b>         |
| <b>Parent Name:</b>                                                                                                                                                                                                                                                                              |                       |
| <b>Address(s):</b>                                                                                                                                                                                                                                                                               |                       |
| <b>Telephone Number:</b>                                                                                                                                                                                                                                                                         | <b>Email Address:</b> |
| <b>Parent Name:</b>                                                                                                                                                                                                                                                                              |                       |
| <b>Address(s):</b>                                                                                                                                                                                                                                                                               |                       |
| <b>Telephone Number:</b>                                                                                                                                                                                                                                                                         | <b>Email Address:</b> |
| On {date}, the 504 Team met to discuss 's progress in the educational program and to determine whether { <u>he</u> , <u>she</u> } has a physical or mental impairment that substantially limits { <u>him</u> , <u>her</u> } at school. The 504 Team was comprised of:                            |                       |
| <b>Name/Title</b>                                                                                                                                                                                                                                                                                | <b>Name/Title</b>     |
| <b>Based on the materials the 504 Team reviewed, a determination was made that:</b>                                                                                                                                                                                                              |                       |
| <input type="checkbox"/> Your child has an impairment under 504 that requires an accommodation plan.<br><input type="checkbox"/> Your child is not eligible for a 504 accommodation plan.                                                                                                        |                       |
| If you disagree with the above determination, you have the right to request an informal meeting with the Student Services 504 Coordinator. If you wish to proceed to a formal hearing, please complete the enclosed Request for a Hearing (Form 504-7). You can find your rights under 504 here: |                       |
| <b>If you have any questions, please do not hesitate to contact:</b>                                                                                                                                                                                                                             |                       |
| <b>Student Services 504 Coordinator:</b>                                                                                                                                                                                                                                                         | <b>Phone/Email: /</b> |



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**INDIVIDUAL 504 PLAN  
(FORM 504-8)**

Student Name:

Date:

Student ID#:

Birth Date:

School:

Grade:

You can find your rights under 504 here:

**Describe the related services, aids, accommodations that will be provided:****1. Instructional:****2. Environmental/Accessibility:****4. Assessment/Testing:****5. Other:****Section 504 Start Date:****End Date:**

(fill in date the plan was actually reviewed; not date it is due to be reviewed)

**(The Building 504 Coordinator or designate will be responsible for scheduling staff needed to conduct this review.)****NOTE:** Provide a copy of 504 Plan to Parent(s)/Guardian(s) and to all individuals responsible for implementing the plan.

## CONTINUATION OF (FORM 504-8)

504 Team Signature:

(Do not have parent/guardian sign in this section; only 504 Team member sign here; parent/guardian sign below)

| Name | Signatures | Date |
|------|------------|------|
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |
|      |            |      |

- ☐ I received the Your Rights under 504 (Form 504-1).
- ☐ I agree with the 504 Plan as written.
- ☐ I understand that if I disagree with the content of this 504 plan, I have the right to ask for a hearing by filing a written request using the Request for a Hearing (Form 504-7).

☐ will sign\_\_\_\_\_  
Parent/Guardian Signature\_\_\_\_\_  
Date☐ will sign\_\_\_\_\_  
Student Signature\_\_\_\_\_  
Date





Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**TERMINATION OF SERVICES  
(FORM 504-9)**

Student Name:

Date:

Program Exit Reason:

Student ID#:

Birth Date:

School:

Grade:

Student Address:

City:

Zip:

Parent/Guardian Name:

Email Address:

Parent/Guardian Name:

Email Address:

Everett Public Schools believes that your child no longer requires a SECTION 504 Plan. In the space below, briefly describe the reason for terminating the student's 504 Plan and refer to the re-evaluation on which the decision is based:

---

*Parent/Guardian Signature*

---

*Date*

- ☐ I received the Your Rights under 504 (Form 504-1).
- ☐ I understand that if I disagree with this decision, I have the right to ask for a due process hearing by filing a written request using the Request for a Hearing (Form 504-7).



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

**MANIFESTATION DETERMINATION REVIEW**  
**(FORM 504-10)**

Under Section 504, a Manifestation Determination Meeting must be held to consider disability-related factors when assessing a student's disciplinary removal if the removal is for more than 10 consecutive school days or when the student is subjected to a pattern of short-term removals that cumulate to more than 10 school days in a year.

Student Name:

Date:

Student ID#:

Birth Date:

1. Brief description of student's disability, based on evaluation data:

Student Address:

City:

Zip:

Parent Name:

Address(s):

Telephone Number:

Email Address:

Parent Name:

Address(s):

Telephone Number:

Email Address:

1. Brief description of student's disability, based on evaluation data:

2. Describe the alleged incident/behavior that led to the student's removal from school:

3. Has the student been removed from school for disciplinary reasons before? ☐ Yes ☐ No. (If "yes", include a brief description of the incident(s), dates and length of removals).

4. Was the conduct in question the direct result of the district's failure to implement the student's 504 plan?  
☐ Yes ☐ No. (If "yes", include a brief explanation).



Everett Public Schools

3900 Broadway, Everett, Washington, 98201, 425-385-4000

# **INDIVIDUAL HEALTH PLAN** **(FORM 504-11)**

|                  |               |      |
|------------------|---------------|------|
| School Year:     | Date Created: |      |
| Student Name:    | Bus #:        |      |
| Student ID #:    | Birth Date:   |      |
| School:          | Grade:        |      |
| Student Address: | City:         | Zip: |

☐ Yes ☐ No The student is eligible under Section 504 to receive General Education Classroom  
 Precautions/Accommodations

HEALTH CONCERN:

PLAN:

EMERGENCY RESPONSE:

GENERAL CLASSROOM PRECAUTIONS/ACCOMMODATIONS:

IHP End Date:

Date Updated:

| Continuation of FORM 504-11                                                    |            |  |
|--------------------------------------------------------------------------------|------------|--|
| Signatures                                                                     |            |  |
| (Do not have parent/guardian sign in this section; parent/guardian sign below) |            |  |
| Name                                                                           | Signatures |  |
| School Nurse                                                                   |            |  |
| Counselor                                                                      |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |
|                                                                                |            |  |

|                           |       |
|---------------------------|-------|
| _____                     | _____ |
| Parent/Guardian Signature | Date  |
| _____                     | _____ |
| Parent/Guardian Signature | Date  |
| _____                     | _____ |
| Parent/Guardian           | Date  |



(scan QR code for a digital copy of this handbook)

### School Board Policy & Procedure

- [School Board Policy 2211](#)
- [School Board Procedure 2211P](#)

### Parent/Guardian 504 Rights & Procedural Safeguards

- [English](#) | [Cambodian](#) | [Chinese](#) | [Farsi](#) | [Korean](#) | [Punjabi](#) | [Russian](#) | [Somali](#) | [Spanish](#) | [Tagalog](#) | [Vietnamese](#)

### Types of Accommodations for Section 504 Plans

- [Accommodation Examples for Specific Disabilities](#)

### Resources from OSPI (Washington Office of the Superintendent of Public Instruction)

- [OSPI 504 Website](#)
- [Parent & Educator Resource Guide to Section 504 in Public Schools](#)
- Students' 504 Rights Information Sheet  
[English](#) | [Arabic](#) | [Chinese](#) | [Farsi](#) | [Korean](#) | [Punjabi](#) | [Russian](#) | [Somali](#) | [Spanish](#) | [Tagalog](#) | [Ukrainian](#) | [Vietnamese](#)

### Staff Resources

- [EPS 504 Process & Forms](#) (only accessible by Everett Public Schools staff)

### Section 504 FAQ's

#### What might trigger an initial evaluation under Section 504?

A district should evaluate a student if the district knows or suspects that, due to a disability, the student needs special education or related aids or services to participate in or benefit from the district's education program. For example, the following situations may trigger an initial evaluation under Section 504 for a student:

- failing to achieve passing grades
- failing to advance from grade to grade
- being chronically absent from school
- returning to school after a serious illness or injury
- returning to school after alcohol or drug treatment
- being diagnosed with a "life threatening health condition"
- being expelled from school

#### Must a school district obtain parental consent prior to conducting an initial evaluation?

Yes. Section 504 requires districts to obtain parental permission for initial evaluations. If a district suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, Section 504 provides that districts may use due process hearing procedures to seek to override the parents' denial of consent for an initial evaluation.

#### What can a school district do if a parent withholds consent for initial placement under Section 504 after a student is determined eligible for services?

Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

**Can students have both an IEP and a 504 plan?**

No. If a student is eligible under IDEA a student must have an IEP. Any related aid or services for a 504-qualifying disability should be included on the student's IEP.

**When does an impairment “substantially limit” a student’s major life activity?**

There is no single formula or scale that measures substantial limitation. A physical or mental impairment substantially limits a major life activity for a student if the impairment substantially limits the student's ability to perform a major life activity as compared to the student's non-disabled age/grade peers. An impairment need not prevent, or significantly or severely restrict, a student in performing a major life activity to be considered substantially limiting (see [“Substantial Impairment Determination”](#) graphic on page 12).

As a general rule, a student with a physical or mental impairment who is able to participate in or benefit from a district's education program (e.g. attend school, advance from grade to grade, and meet the standards of personal independence and social responsibility expected of his or her age and cultural group), without the provision of special education or related aids or services, is not a disabled student under Section 504 for purposes of FAPE.

Though Section 504 does not define the term “substantially limit,” the term should be interpreted to mean an important and material limitation. For example, a student with:

- a diagnosed learning disability whose academic performance is within the norm for his age/grade is not substantially limited in the major life activity of learning;
- ADHD who is not removed from school for disciplinary reasons more than 10 school days in a school year is not substantially limited in the major life activity of behavior;
- a food allergy who is not in danger of having an anaphylactic reaction during the school day is not substantially limited in the major life activity of breathing; and
- a hearing impairment who has sufficient residual hearing to participate in and benefit from school without related aids or services is not substantially limited in the major life activity of hearing.

**Does a district need to develop a Section 504 plan for every student who has a disability?**

No. A district does not need to develop a Section 504 plan for every student who has a disability. A district needs to develop a Section 504 plan for those students who, because of qualifying disability, need accommodations or some other type of related aids or services, to participate in or benefit from the district's education program.

**Can a district require a parent to provide a medical diagnosis before it will initiate an evaluation of a student under Section 504?**

No. There are three important ideas parents should understand about a medical diagnosis:

- A school cannot require a parent to provide a medical diagnosis to evaluate a student. However, a diagnosis can provide very helpful information for the 504 team.
- The school could request a medical evaluation, at no cost to the parent, if the 504 team needs medical information to make a decision in the evaluation process.
- A medical diagnosis does not always mean that a student needs a 504 plan. Doctors cannot *prescribe* a 504 plan—only the 504 team can make that decision. However, the 504 team must consider the information a doctor provides when evaluating a student.

**Can a temporary health condition be a disability under Section 504?**

*Yes, under certain circumstances.* A temporary impairment constitutes a disability under Section 504 if its severity is such that it substantially limits one or more major life activities for a student for an extended period of time (usually less than 6 months). The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity for a student.

For example, though pregnancy is not considered a disability under Section 504, a district may determine that a pregnant student, who cannot attend school for several months due to pregnancy-related complications, is disabled under Section 504 for purposes of FAPE.

**Can an impairment that is episodic or in remission be a disability under Section 504?**

*Yes, under certain circumstances.* An impairment that is episodic or in remission constitutes a disability under Section 504 for purposes of FAPE if it would substantially limit a major life activity when active. For example, a district may determine that a student with epilepsy, major depression, post-traumatic stress disorder, cancer, or students that have other impairments that are episodic or in remission, is disabled under Section 504 for purposes of FAPE.

**Can drug addiction be a disability under Section 504?**

*Maybe.* A student who is drug addicted but is in recovery and is not currently engaging in the illegal use of drugs, may qualify as a disabled student under Section 504 if the student's drug addiction substantially limits the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district's education program. A student who is drug addicted and is currently engaging in the illegal use of drugs, however, is excluded from the definition of a disabled student under Section 504. A district is under no obligation to evaluate such a student under Section 504 regardless of the educational impact the drug addiction is having on the student. A district may treat such a student in the same manner as it treats non-disabled students.

**Can alcoholism be a disability under Section 504?**

*Maybe.* A student who is addicted to alcohol, regardless of whether the student is currently using alcohol or is in recovery, may qualify as a disabled student under Section 504 if the student's alcoholism is substantially limiting the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district's education program.

**Does a 504 plan protect a disabled student who engages in drug/alcohol related misconduct at school?**

*No.* A district may discipline a disabled student for the illegal use or possession of drugs or alcohol at school or at a school-sponsored function in the same manner and to the same extent as it disciplines non-disabled students. The procedures at 34 CFR 104.35 (regarding manifestation determinations) and 104.36 (regarding procedural safeguards) are not required for such disciplinary actions. The parent or guardian of the disabled student may challenge the regular education issues raised by the disciplinary action (e.g., whether the student did what he was charged with doing) at a regular education discipline hearing, but does not have a right to challenge the disciplinary action under Section 504. For example, the parent has no right to challenge the disciplinary action by asserting that the student's drug or alcohol-related misconduct was disability-related.

**Does a student with a medically diagnosed disability automatically qualify for a 504 plan?**

*No.* Not every medically diagnosed disability will substantially limit a student's ability to perform a major life activity. However, if a medically diagnosed disability does substantially limit a student's ability to perform a major life activity (e.g., to learn or attend school), the student may qualify as a disabled student under Section 504. Such a student may need an individual health plan, an emergency care plan, or another type of special education or related aid or service documented in a Section 504 plan to participate in or benefit from the district's education program.

**Does a student with a "life threatening health condition," as defined by state law, automatically qualify as a disabled student under Section 504?**

*Yes.* Because state law, SHB 2834, defines "life threatening health condition" as a health condition that puts a student in danger of death during the school day if a medication or treatment order and a nursing care plan are not in place, by definition, a student with a "life threatening health condition" has a physical or mental impairment that substantially limits a major life activity, and qualifies as a disabled student under Section 504.

**Would a high school student with a serious illness who qualifies for Home/Hospital Instruction on an intermittent basis throughout the school year require a Section 504 plan?**

*Yes.* An impairment that is episodic or in remission constitutes a disability under Section 504 for purposes of FAPE if

it substantially limits a major life activity for the student when active. If it is foreseeable that a student's illness would require home/hospital instruction throughout a school year on an intermittent basis, the district should develop a Section 504 plan for the student that includes home/hospital instruction.

**Can an Individual Health Plan (IHP)/emergency care plan serve as a Section 504 plan?**

Yes. If an IHP/ emergency care plan is serving as a Section 504 plan for a student, the district needs to remember to use its Section 504 process to develop and implement the IHP/emergency care plan (for example, the district needs to base the student's IHP/emergency plan on evaluation data and provide the student's parent/guardian notice of their procedural safeguards).

**Can the parent/guardian of a diabetic student demand a full-time nurse in the school?**

No. If a student needs a full-time nurse in their school and their school does not have a full-time nurse and the parent has not located a PDA, the district has a duty under Section 504 to place the student in a school with a full time nurse. It is acceptable under Section 504 for a district to centralize school health services in certain schools and to place students who need those services in those schools.

**Given the new law regarding re-entry to school after concussion, should those students have Section 504 plans?**

*Maybe.* A student with a concussion should have a Section 504 plan if the district has determined that the student's concussion is a disability and that the student needs special education or related aids or services during the school day to participate in or benefit from the district's education program.

**What is the difference between a regular education intervention plan and a Section 504 plan?**

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school.

**Can a district refuse to allow disabled students to participate in advanced placement or other accelerated classes and programs solely because the student has a disability or needs special education or related aids or services?**

No. A district that provides advanced placement or other accelerated classes and programs must not discriminate against a student based on disability in admission to such classes and programs. The district cannot categorically deny admission to a student based on disability or deny admission to a disabled student solely because the student needs special education or related aids or services. The district must provide disabled students an equal opportunity to meet any appropriate minimum eligibility criteria for admission, consistent with the purpose of its accelerated classes and programs and Section 504.

In addition, once a district admits a disabled student to its accelerated classes or programs, it must provide the student with the related aids or services that the student needs to participate in and benefit from the classes or programs. For example, if a student's IEP or Section 504 Plan provides for Braille materials in order to participate in general education classes and he or she enrolls in an accelerated or advanced history class, then he or she must be provided Braille materials for that class. The same would be true for other needed related aids and services such as extended time on tests or the use of a computer to take notes.

**Can a district exclude a disabled student from a field trip?**

*Maybe.* As a general rule, a district cannot exclude a disabled student from participating in a field trip for which the student is otherwise eligible to attend unless the district has a legitimate, nondiscriminatory reason for doing so (e.g., it is not medically or behaviorally safe to include the student). It is **not** a legitimate reason to exclude a disabled student from a field trip because:

- the student needs a school health service (e.g. the administration of medication or the assistance of a school nurse) during the field trip; or
- the student's parent or guardian is unable to attend the field trip, unless the participation of the parents or guardians of non-disabled students is required.



**May a student with a 504 plan be denied participation for a cut-sport if the student's accommodated ability is too low?**

*Yes.* School districts can require a level of skill or ability for a student to participate in sports, so long as the selection criteria are not discriminatory. That said, students with disabilities should be allowed to try out similarly to their non-disabled peers.

*Maybe.* As a general rule, a disabled student has the right to the same length school day that a district provides to the student's nondisabled age/grade peers. Before shortening the length of a disabled student's school day as compared with the student's nondisabled peers, a district must determine, through evaluation and placement procedures that satisfy the evaluation and placement requirements of Section 504, that the student needs a shortened school day to meet his or her individual educational needs.

Any determination to provide a disabled student a shortened school day must be based on current evaluation data documenting that shortening the student's school day is necessary to provide the student a FAPE. It would violate Section 504 for a district to base a determination to provide a disabled student a shortened school day on factors such as the category of the student's disability, severity of disability, availability of special education or related services, configuration of the district's service delivery system, availability of space, administrative convenience, or any factor unrelated to the student's individual educational needs.

**How does Section 504 apply to the disciplinary removal of a disabled student from school?**

Section 504 protects disabled students from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504 and IDEA apply to the disciplinary removal of disabled students in a similar manner. Before a district can implement a disciplinary action that constitutes a "significant change in placement" (Refer to "What is a 'significant change in placement' under Section 504?"), it must evaluate the student to determine whether the student's misconduct was caused by, or had a direct and substantial relationship to, the student's disability or was the direct result of the district's failure to implement the student's Section 504 plan. This type of evaluation is commonly called a "manifestation determination" (Refer to "What is a 'manifestation determination' under Section 504?"). If a disabled student's misconduct is a manifestation of his or her disability, a district cannot implement a disciplinary action that constitutes a significant change in the student's placement. If a disabled student's misconduct is not a manifestation of his or her disability, a district can discipline the student in the same manner that it disciplines non-disabled students for the same misconduct. Under Section 504, unlike IDEA, a district does not have to provide a disabled student educational services during the period of time the student is properly removed from school for disciplinary reasons.

**Is a district required to adjust the curriculum or grading system in a general education class to accommodate a disabled student?**

*Maybe.* When developing the Section 504 plan, the Section 504 team should consider what accommodations, aids, or services the student needs to alleviate the impact of their disability. Accommodations include any adjustments that allow students with disabilities to access the benefit of their education to the same extent as their peers. However, these variations *should not* change the **level, content, or performance criteria** of the lesson, class, or activity and *should not* change the **reliability and validity** of any assignment ([OSPI](#)).

**Can a transcript indicate that the student has a disability or has a 504 plan?**

*No.* Section 504 prohibits unnecessary disclosure of disability status to third parties. A student's transcript generally is intended to inform postsecondary institutions or prospective employers of a student's academic credentials and achievements. Information that a student has a disability or has received special education or related services due to having a disability, does not constitute information about the student's academic credentials and achievements. Notations that are used exclusively to identify a student as having a disability or identify education programs for students with disabilities unnecessarily discloses the student's disability status to a third party. Identifying programs as being only for students with disabilities also would be viewed as unnecessary disclosure of disability status. Therefore, it would be a violation of Section 504 for a student's transcript to indicate that a student has received special education or a related service or that the student has a disability.