

2017-2018
JEFFERSON COUNTY
SCHOOLS

SECTION 504
of
The Rehabilitation Act
of 1973
MANUAL

Jefferson County Schools
Section 504 Of The
Rehabilitation Act of 1973

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SECTION 504 OF THE
REHABILITATION ACT OF 1973

“No otherwise qualified individual with disabilities in the United States shall solely by reason of her or his

ADA Amendments Act of 2008
PUBLIC LAW 110-325
SEPTEMBER 25, 2008

(Effective January 2009)g. 1

To restore the intent and protections of the Americans with Disabilities Act of 1990.

"SEC. 3. DEFINITION OF DISABILITY. "As used in this Act:

"(1) Disability.--The term `disability' means, with respect to an individual--

"(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

"(B) a record of such an impairment; or

"(C) being regarded as having such an impairment (as described in paragraph (3)).

"(2) Major life activities--

"(A) In general.--For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

"(B) Major bodily functions.--

ADA Amendments Act of 2008
PUBLIC LAW 110-325
SEPTEMBER 25, 2008

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"(4) Rules of construction regarding the definition of disability.--The definition of `disability' in paragraph (1) shall be construed in accordance with the following:

"(A) The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.

"(B) The term `substantially limits' shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

"(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

"(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as

"(I) medication, medical supplies, equipment, or appliances, ~~vision~~ devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing ~~aid~~ implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

"(II) use of assistive technology;

"(III) reasonable accommodations or auxiliary aids or services; or

"(IV) learned behavioral or adaptive neurological modifications.

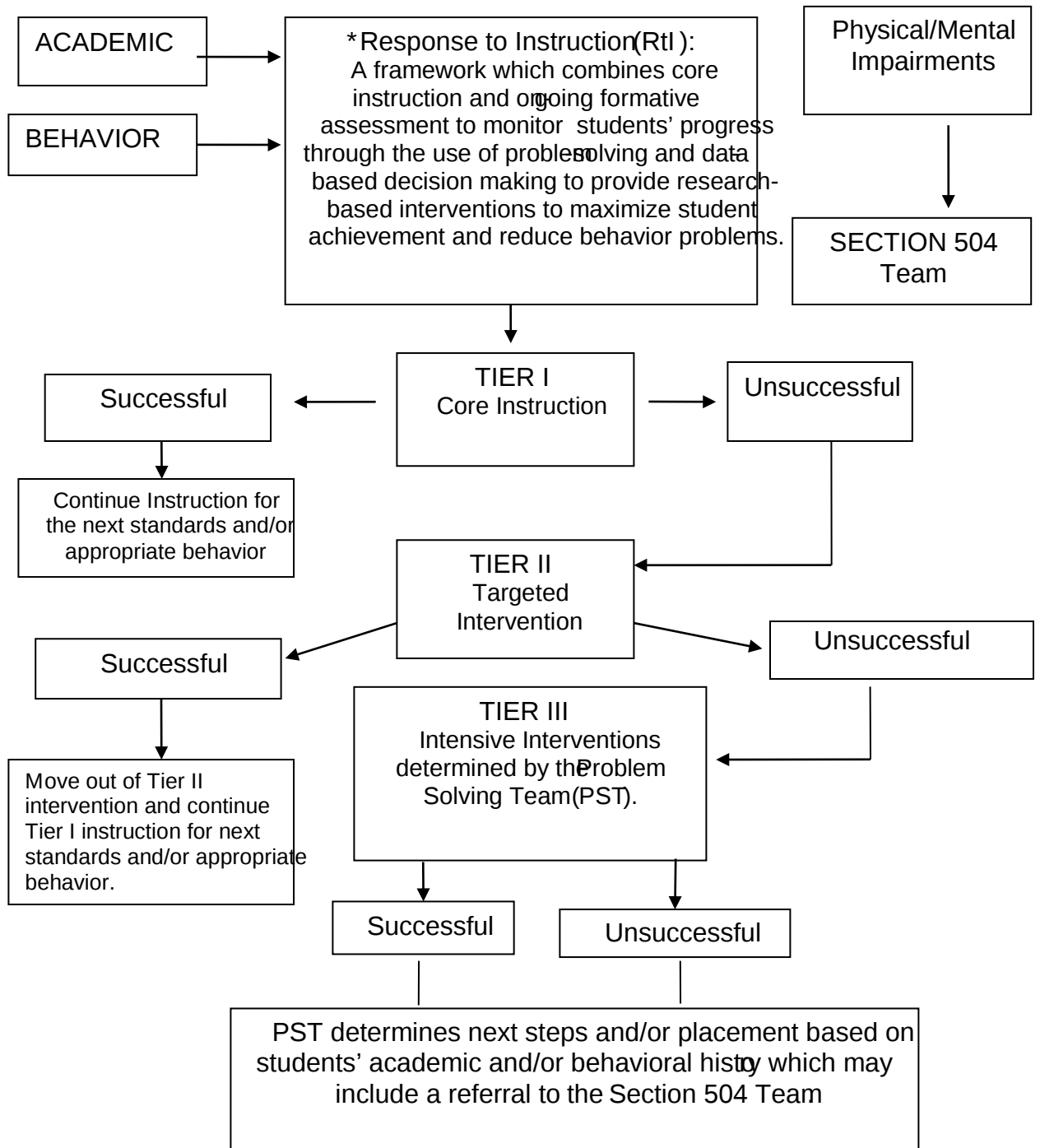
WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY AND POSSIBLE SECTION 504 PROTECTION

- When suspension or expulsion is being considered for any student.
- When retention is being considered for any student.
- When a student shows a pattern of not benefiting from the instruction being provided.
- When a student returns to school after a serious illness or injury.
- When a student is evaluated and is found not to qualify for special education services under the ID
- When a student exhibits a chronic health condition.
- When a student is identified as “at risk” or exhibits the potential for dropping out of school.
- When a disability of any kind is suspected.
- When a new building or remodeling is being considered.

JEFFERSON COUNTY SCHOOLS

SECTION 504 REFERRAL PROCESS

**A parent may request an evaluation for Section 504 services at any time throughout the RTI process.*



Guidelines for the Section
504 Placement Team
Decision Making Process

Section 504 Eligibility placement decisions are made by a group of persons:

- Who are knowledgeable about the child,
- Who have interpreted the meaning of the evaluation data, and
- Who are knowledgeable of placement options.

In interpreting evaluation data and in making placement decisions, the 504 Team members shall:

- Draw upon information from a variety of sources, including but not limited to aptitude and achievement

Student's Name_____

School Name_____

Jefferson County School System
Section 504 of the Rehabilitation Act of 1973

Jefferson County School System
Section 504 of the Rehabilitation Act of 1973

COMPLAINT PROCEDURES

Parents shall be provided written notification of the hearing as soon as practicable, but not less than fifteen (15) days prior to the date set for the hearing. The notice shall contain:

- a. A statement of time, place, and nature of the hearing.
- b. A short and clear statement of the matters asserted.
- c. A statement of the right to be represented by counsel.

B. Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner. Each party may be presented by legal counsel.

Each party shall have an opportunity to present argument and evidence, including expert testimony, as appropriate. The hearing 6 (r)3 (a)4 (t)-2 (e)-6 (. T)1 (he)4 (he)4 (a)-6 (r)3 (i)-2

Jefferson County Board of Education
Section 504 of the Rehabilitation Act of 1973

3. Please state the resolution you are seeking.

4. Have you discussed with or brought your complaint to any D personnel? If you have, to whom did you take your complaint, including date, and what was the result?

5. Please choose ONE of the following courses of action:

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Jefferson County Schools
Section 504 Disciplinary
Guidelines

*A Behavior Intervention Plan (BIP) is required whenever a student's behavior interferes with his or her own learning or the learning of others.

*When a violation of school district rules occurs, a manifestation determination must take place to determine whether the student's misconduct is a manifestation of the student's disability.

Manifestation Determination

A Manifestation Determination must be conducted by the Section 504 team if the following condition exists:

A 504 student commits a violation of the school behavior code which results in excess of ten cumulative days suspension or expulsion or a series of suspensions that constitutes a change in placement.

During the Manifestation Meeting:

- (1) Discuss the recommendation for discipline.
- (2) Discuss if disciplinary action would constitute a change in placement.
- (3) Discuss if the behavior is directly related to the disability.
- (4) If the behavior is caused by the disability, then discuss if there is a need to modify the current educational placement and/or modify accommodations and/or develop a Behavior Intervention Plan (BIP).
- (5) If the behavior is not caused by the disability, then the school may initiate normal disciplinary procedures.

Question, comments or complaints
regarding compliance with
requirements under Section 504
concerning students with disabilities,
should be directed to:

Dawna Hill
SECTION 504 Supervisor
Jefferson County Board of Education
2100 18th Street South
Birmingham, Alabama 35209

Telephone Number:
379-2214

Email: dhill@jefcoed.com