

THE PUBLIC SCHOOLS OF DOVER AND SHERBORN
504 ACCOMMODATION PLAN PROTOCOLS



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Administrative Offices
157 Farm Street
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This manual addresses the District's obligations and provides resources to ensure the District's compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, and its implementing regulations at 28 C.F.R. Part 35.

Individuals who believe they have been discriminated against based on disability in any of the District's educational or employment activities may file an internal grievance complaint with the appropriate officer. Please see the District's non-discrimination officers located on page 8 of this Manual and consult with each school's *Student/Family Handbook* for more information about, and procedures related to, discrimination grievances.

For concerns related to the identification, evaluation, and placement or services under Section 504, please refer to the District's Parent/Student Rights document located in this Manual.

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Non-Discrimination Statement

The Dover Sherborn Public Schools do not discriminate in admission to, access to, treatment in, or employment in its services, programs, activities, on the basis of race, color, or origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Titles I and II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination Act of 1974 (Age Discrimination Act). Furthermore, in accordance with M.G.L. c.76 s.5 Dover, Sherborn, and Dover Sherborn Schools do not exclude or discriminate against students in admission or in obtaining its advantages, privileges, or courses of study on the basis of age, race, color, national origin, sex/gender, gender identity, religion, national origin, disability, sexual orientation, or homelessness.

Introduction

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504) is a federal law designed to protect the rights of individuals with disabilities in programs and activities receiving federal financial assistance from the U.S. Department of Education. Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 requires recipients to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

What is the Distinction Between Section 504 and IDEA?

Under the Individuals with Disabilities Education Act (IDEA), a child must have a particular disability listed under IDEA. Further, a child with a listed disability under the IDEA must be failing to make effective progress to require special education and related services. Generally, the inquiry under IDEA addresses whether the disability impacts the student's ability to learn and to make effective progress.

Under Section 504, a student is a qualified student with a disability and is entitled to general protections against discrimination whether or not they are entitled to special education or related services. Also, the definition of a student with a disability is much broader under Section 504 than it is under IDEA. Under Section 504, a student may qualify for services even if the disability is not affecting the student's ability to learn. See the section on evaluation of students in this manual for more details.

The basic requirements under the IDEA and Section 504 are shared: 1) that individuals with disabilities, regardless of the nature or severity of their disabilities, need to be provided with a free appropriate public education; 2) that disabled students need to be educated with nondisabled students to the maximum extent appropriate to their needs; 3) that school districts undertake to identify and locate all underserved disabled children; 4) that evaluation procedures be improved

in order to avoid the inappropriate education that results from misclassification of students; and 5) that procedural safeguards be established to enable parents and guardians to influence decisions regarding the evaluation and placement of the students.

Because Section 504 is broader than IDEA, all students who have been identified as eligible for services under the IDEA are entitled to the protections of Section 504. That does not mean that students on an Individualized Education Program (IEP) also need Section 504 Plans. For those students on an IEP, meeting the requirements for IDEA satisfies the District's obligations under Section 504, and there is no need to develop a separate Section 504 Accommodation Plan for those students.

What is the Distinction Between Regular Education Intervention(s) and a 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.

As a matter of best practice and responsive intervention, Dover-Sherborn provides regular education classroom teachers, special education teachers, and paraprofessionals with instructional support and strategies designed to help students in need of assistance. These practitioners exchange ideas on methods for helping students experiencing academic or behavioral problems. Such interventions take place within the regular education environment. Moreover, personnel utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs to meet students' needs.

Section 504 Requirements

A disabled person is one who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such an impairment, or being regarded as having such an impairment.

It should be noted, that Under Section 504, major life activities are considered as the following: caring for one's self; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; lifting; speaking; breathing; learning; reading; concentrating; thinking; communicating; working; and bending.

When an impairment does not substantially limit one or more of the above major life activities, a student does not qualify for classroom accommodations under Section 504.

Regulations 34 CFR 104.35 instructs schools on how to develop 504 Accommodation Plans. Three steps are required in interpreting evaluation data and in making placement decisions. A school shall:

1. draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior;

2. establish procedures to ensure that information obtained from all such sources is documented and carefully considered; and
3. ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of evaluation data, and the placement options.

The degree to which the impairment limits the person's major life activities must be substantial. To quantify the degree of impact the team may choose to use a rating scale of 1 to 10, 10 being a total impact. Descriptors such as mild, moderate, sometimes, and often will lead to a finding of non-eligibility, while descriptors as serious, substantial, almost always lead to a finding of eligibility. Compare the student to the average in the region, not the average at a high or low performing school.

If eligibility is determined, necessary accommodations will be provided. Accommodations are determined by the team and may/may not be those sought by parents/guardians or students. Such accommodations are not to give an advantage to the student and are not supposed to fundamentally alter the program, standards, or what students are expected to know and do. Accommodations are designed to give all (including student with disabilities) an equal opportunity to access the program. They are not designed to equalize outcomes.

Definitions

Equal access: equal opportunity of a qualified person with a disability to participate in or benefit from educational aids, benefits, or services.

Free appropriate public education (FAPE): refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards

All children are entitled by federal law to receive a Free Appropriate Public Education (FAPE). FAPE ensures that all students receive an appropriate public education at no expense to the family. FAPE differs for each student because each student has unique needs. FAPE specifies that needed services must be provided without cost to the family.

FAPE ensures that students have access to and make meaningful progress in the general curriculum (i.e. the same curriculum as students without disabilities) and the right to be full participants in the life of the school. Your child is not only entitled to access the academic portion of school but also to participate in extracurricular and other activities sponsored by the school. Full participation means that students with disabilities are entitled to the aids and services needed to assist them in participating in all areas of school life.

Placement: refers to regular and/or special educational programs in which a student receives educational and/or related services.

Reasonable accommodation: a term used in the employment context to refer to modifications or adjustments employers make to a job application process, the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable a District's employee with a disability to enjoy equal benefits and privileges of employment; this term is sometimes used incorrectly to refer to related aids and services for students in the elementary and secondary school context.

Reasonable modifications: under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Related services: refers to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation.

Mental or Physical Impairment: The definition of mental or physical impairment is very broad. Under Section 504, a mental or physical impairment includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Substantially Limits: If the Section 504 Team determines that the student has a mental or physical impairment, it must next determine whether the mental or physical impairment limits the ability to engage in the activity considerably, or is otherwise significantly restricted. The U.S. Department of Education has yet to specifically define "substantial limitation."

Major Life Activities: The Section 504 Team must determine whether the mental or physical impairment substantially limits one or more major life activities. As defined in the Section 504 regulations, major life activities include but are not limited to:

- caring for one's self performing manual tasks walking
- seeing hearing speaking
- breathing learning working
- eating sleeping standing
- lifting bending reading
- concentrating thinking communicating

This list is not exhaustive. Other functions can be major life activities for purposes of Section 504. Section 504 also provides a non-exhaustive list of examples of "major bodily functions" that are major life activities, such as:

- the functions of the immune system normal cell growth

- digestive bowel
- bladder neurological
- brain respiratory
- circulatory endocrine
- reproductive functions

Notice of Non-Discrimination

The Dover-Sherborn Public Schools do not discriminate against students, parents, employees or the general public on the basis of age, race, color, national origin, sex/gender, gender identity, religion, national origin, disability, sexual orientation, or homelessness.

The following persons have been designated to handle inquiries regarding the District's non-discrimination policies in education-related activities:

Civil Rights Coordinators for Students

Age, race, color, national origin, religion, national origin, or homelessness:

Ms. Elizabeth McCoy
Assistant Superintendent
157 Farm Street
Dover, MA 02030
(508) 785-0036

Gender/Gender Identity and Sexual Orientation:

Ms. Elizabeth McCoy
Assistant Superintendent
Title IX Coordinator
157 Farm Street
Dover, MA 02030

Disability:

Ms. Elizabeth McCoy
Section 504 Coordinator
157 Farm Street
Dover, MA 02030
(508) 785-0036

Civil Rights Coordinator for Employment Activities

For issues of alleged discrimination regarding employment activities, including but not limited to allegations regarding Section 504 (disability) and Title IX (gender), please contact:

Dr. Andrew Keough
Superintendent
157 Farm Street
Dover, MA 02030
(508) 785-0036

Section 504 Coordinator Identification and Responsibilities

Under Section 504, the District is required to designate at least one person to coordinate and carry out the District's efforts to comply with Section 504 and Title II. This Coordinator must have sufficient knowledge of the legal requirements of Section 504 and Title II that the Coordinator can effectively carry out his or her responsibilities as Coordinator.

The District's obligation is not just to appoint an individual to coordinate Section 504; that individual must have the authority, knowledge, and skills to carry out these responsibilities effectively. When a district's Section 504 Coordinator lacks sufficient knowledge to coordinate its Section 504 compliance with respect to identification, evaluation and placement of students; grievance procedures; and with respect to the participation of students with disabilities in extracurricular activities, that district has not fully met its obligation to designate at least one person to coordinate its efforts under Section 504.

The District's Section 504 Coordinator is:

Ms. Elizabeth McCoy
Assistant Superintendent
157 Farm Street
Dover, MA 02030
(508) 785-0036

Regular Education Interventions/Pre-referral Protocols

The District always uses regular education intervention strategies to assist students with difficulties in school. Section 504 requires the District to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of a disability, needs or is believed to need such services. 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.

Our schools employ Student Assistance Teams (SATs) or their equivalent in addressing performance problems of regular education students. These teams are designed to provide regular education classroom teachers with instructional support and strategies for helping students in need of assistance. These teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The team records its ideas in a written regular education intervention plan. The team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The team then follows the responsible teacher(s) to determine whether the student's performance or behavior has improved. In addition to creating teams, schools may utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs.

When a school is notified by a parent/guardian that the student has a diagnosis of a disability or is on medication for a disability, a regular education intervention plan is not appropriate in lieu

of a Section 504 Plan. The school will refer such students for immediate evaluation under Section 504.

Referral Process

Who needs to be referred for evaluation under Section 504?

The District has the responsibility to locate and identify students who, because of a disability, need or are believed to need special education and/or related services. Essentially, the District should refer students who the staff suspects may have a disability. The District properly suspects the child has a disability under Section 504 when teacher observations, student behavior, or other information leads the District to suspect that the student has a mental or physical impairment which substantially limits a major life activity.

When a parent/guardian provides a medical diagnosis or informs school personnel that the student has a mental or physical impairment, the District should immediately request the documentation in regard to the diagnosis and treatment, refer the student for a Section 504 evaluation, and seek consent from the parent or guardian to conduct the evaluation; that is, the eligibility determination. In such case, the failure to evaluate a student for eligibility under Section 504 would likely constitute a violation of Section 504.

When a parent/guardian does not have a diagnosis and requests a Section 504 evaluation, the District should generally conduct an evaluation of the student under Section 504. The only exception to this general approach is when the District has recently conducted a Section 504 evaluation and has determined that the student is not a qualified individual with a disability under Section 504. Absent new information, which would cause the District to believe the student may now have a disability, there is no requirement for the District to conduct another evaluation. In such circumstances, the District does not have to conduct a Section 504 meeting, but must provide the parent or guardian notice of their procedural safeguards under Section 504.

When a student is found ineligible under IDEA, the district should, where the Team has determined that the student has a disability, refer the student for a Section 504 evaluation. Because IDEA focuses on whether the student is making effective progress in the general education setting, the student most likely needs to be referred for a Section 504 evaluation to determine whether the physical or mental impairment substantially limits major life activities other than learning. For instance, a student may have a disability referenced in the IDEA, but is found not to require special education services under IDEA because they are making effective progress. In that case, the student may be eligible for accommodations or related services under Section 504 if they have a mental or physical impairment that substantially limits a major life activity. If, however, the IEP Team determined that the student did not have any mental or physical impairment, the District would not need to conduct a Section 504 evaluation, because, in such circumstances, there is no reason for the District to believe that the student may have a disability under Section 504. However, if the parent/guardian requests a 504 meeting under such circumstances, the District must provide the parent/guardian notice of their procedural safeguards under Section 504, even if it does not conduct an evaluation or eligibility determination under Section 504.

Dover-Sherborn Public Schools 504 Process

Step 1 - Referral

Requests for convening a Section 504 eligibility meeting may be initiated through a school's SAT (Student Assistance Team) or its equivalent, by a student, or by his/her parent(s)/guardian(s). All requests must be submitted in writing to the Headmaster/Principal.

Upon receipt of a request, the Assistant Principal will provide to the student's parent/guardian (if under age 18) a Request for Consent for Section 504 Evaluation (Appendix A).

If a parent/guardian refuses consent to an initial evaluation, a Section 504 Team shall be convened in order to discuss the parents'/guardians' objections.

Upon receipt of Consent, the Assistant Principal will set a date for the 504 eligibility meeting and send notification of the meeting to the student's parent(s)/guardian(s) by way of a Consent Acknowledgement Letter (Appendix B). Confirmation shall also include a Section 504 Data Sheet (Appendix C), a Notice of Conference (Appendix D), and a Section 504 Parent/Student Rights in Identification, Evaluation, and Placement Form (Appendix E).

Step 2 - Preparation for Meeting

The student's school counselor will distribute the Pre-Referral/504 Teacher Input Form (Appendix F) to obtain information from the student's current teachers. The counselor will complete a Counselor Checklist (Appendix G).

If a formal evaluation was conducted by a professional outside of the Dover-Sherborn Schools, the school psychologist, school nurse or physician, or other qualified individual will review the documentation and create a narrative summary which will be presented to the members of the 504 Team.

Step 3 - 504 Eligibility Meeting

The 504 Team convenes and the meeting is chaired by the Assistant Principal. The Assistant Principal explains Section 504 including eligibility requirements and a summary of the student's record.

The Section 504 regulatory provision at 34 C.F.R. 104.35(b) requires the District to individually evaluate a student before classifying the student as having a disability or providing the student with accommodations, related services or special education. It is important to understand the difference between "evaluation" and "assessments". Under Section 504, "evaluation" is the term used to describe the process of determining whether a student has a disability for the purposes of Section 504. On the other hand, "assessments" are the evaluative data considered by the Section 504 Team to determine eligibility and placement during the eligibility meeting (i.e., speech and language evaluation, psychological evaluation, educational assessment, teacher reports).

Assessments used in the evaluative process must be selected and administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other

factors being measured rather than reflect the student's disability, except where those are the factors being measured. Section 504 also requires that tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.

The meeting follows a prepared agenda (Appendix H), providing the student and/or his or her parent(s)/guardian(s) sufficient time to describe the student's impairment and their view on how the student is affected.

Who should be on the 504 Team and attend the meeting?

The Section 504 Team must include persons knowledgeable about:

- 1) the student,
- 2) the meaning of the evaluation data, and
- 3) the placement options.

The question of who needs to be on the Section 504 Team is made on a case-by-case basis. There is no specific requirement as to the number of individuals that need to be on the Section 504 Team or any individual that must be present; however, the District strongly recommends that the parent(s)/guardian(s) and the building level Section 504 Coordinator be present for Section 504 meetings.

The District must also have a Section 504 Team member present who can interpret the meaning of the evaluation data. For instance, if the student had a diagnosis of Tourette syndrome and provides documentation in support of that diagnosis, the District is required to have an individual at the meeting who can explain the meaning of that data for that student. Lastly, the District must have an individual present on the Section 504 Team who is aware of the different placement and service options for students with that particular disability.

The Section 504 Team can include parents/guardians, teachers, the student, related services providers, counselor, psychologist, school nurse, school administration, and, with parental permission, staff from outside agencies including physicians and those individuals qualified to speak to the student's condition.

Compliance with the IDEA Team attendance requirements satisfies the "group of knowledgeable Persons" requirements for Section 504.

The school counselor will record minutes of the meeting and attach all relevant materials.

How much information does the Section 504 Team need to make the determination?

The Section 504 Team members must determine if they have enough information to make knowledgeable decision as to whether or not the student has a disability. Section 504 requires that the school draw from a variety of sources in the evaluation process so that the possibility of

error is minimized. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered.

These sources and factors considered may include aptitude and achievement tests, teacher recommendations, physical condition, medical documentation, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons.

The District may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the IDEA.

A common misunderstanding regarding the use of a 504 plan is that it can be used as a way to provide assistance to a student "who only needs a little bit of help." In order to be eligible for a Section 504 plan, a student must have a mental or physical impairment that substantially limits a major life activity, and requires accommodations or modifications in order to provide the student a FAPE. That is, services are required when the student, because of his or her disability, needs special education or related services in order to meet his or her needs as adequately as the needs of non-disabled students.

In order to be eligible for services under Section 504, the Section 504 Team must determine that the student is a qualified individual with a disability. As stated above, a qualified student with a disability is an individual with:

1. a mental or physical impairment that
2. substantially limits
3. a major life activity

(See "Definitions.")

A student must meet all three (3) criteria in order to qualify for a Section 504 Accommodation Plan.

Following the 504 Team meeting, a Section 504 Eligibility Determination Form (Appendix I) is completed.

If the student is found eligible, a 504 Accommodation Plan (Appendix K) shall be authored and provided to the parent(s)/guardian(s) and to all personnel with a need to be aware of and an obligation to follow the Plan.

Accommodations included in the Section 504 Plan shall:

- be considered as necessary;
- be determined by the Team;
- not be developed to provide advantage; and
- not fundamentally alter the program, standards, or what students are supposed to know and be able to do.

Types of 504 Plan accommodations are defined in Appendix J.

The completed Plan will be implemented immediately.

In Massachusetts, a Section 504 Accommodation Plan does not require a parent/guardian's signature.

If the student is not found eligible, parent(s)/guardian(s) shall be furnished a Non-eligibility Notification (Appendix L) reflecting that determination.

Step 4 – Implementation

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If a teacher fails to implement a Plan, such failure can cause the District to be in non-compliance with Section 504.

This means that teachers and paraprofessionals working with the student should know the accommodations in each student's Section 504 Plan, and must implement those accommodations in accordance with the Plan. If staff have concerns about their ability to implement a Section 504 Accommodation Plan, those concerns should be addressed to the building Section 504 Coordinator, and the accommodations should be implemented in the interim.

In addition to employment related consequences for failing to provide a student with necessary accommodations, school employees may be sued personally for intentional, willful, or reckless violations of Section 504 through a civil claim for monetary damages.

Step 5 – Re-evaluation/Continuation

Once a student is identified as eligible, he/she remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability.

Periodic re-evaluation is required under Section 504 of the Rehabilitation Act of 1973.

Dover-Sherborn's approach to 504 Plan re-evaluations comports with IDEA regulations in that re-evaluations take place at three-year intervals. The only departure from this practice occurs when the parent(s)/guardian(s) or school personnel agree that re-evaluation is unnecessary or when it is agreed that re-evaluations need to occur more frequently (if conditions warrant), or if a teacher requests a re-evaluation. In any case, re-evaluation shall not occur more than once annually.

Step 6 - Discontinuation of Services

If the district re-evaluates a student in accordance with the Section 504 regulatory provision at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504. In such a case, a 504 Plan Notice of Discontinuation

(Appendix M) is provided to school personnel (on a need-to-know basis) and to the student's parent(s)/guardian(s).

Section 504 Eligibility Flow Chart

Step 1. Referral

Requests for convening a Section 504 Eligibility meeting may be initiated through the school's SAT (Student Assistance Team) or by a student or his or her parents/guardians. All requests must be submitted in writing to the Building Headmaster. Upon receiving this request, the Building Headmaster (or his or her designee) will determine a date for the 504 Eligibility Meeting and send notification of the meeting to the student's parents or guardians including a copy of the Parents' or Guardians' Rights under Section 504 and a 504 Eligibility Meeting Agenda.

Step 2. Preparation for Meeting

The student's school counselor will distribute the Pre-Referral/504 Teacher Input Form to obtain current, up-to-date input. The counselor will review the student's educational file and craft a report including teacher comments, special reports, grades, standardized testing and any other relevant information. If a formal evaluation was conducted by a professional outside of the Dover-Sherborn Schools, the school psychologist, or other qualified individual, will review that documentation and create a narrative summary which will be presented to the members of the 504 Team.

Step 3. 504 Eligibility Meeting

The 504 Team convenes and the meeting opens with comments by the school counselor briefly explaining Section 504, the requirements for eligibility and a summary of the student's record. The meeting will follow the established agenda, providing the student and/or his or her parents or guardians an established time to describe the student's impairment and their views on how it impacts the student's life area. School personnel who know the student will describe their professional observations and relay pertinent input. The School Counselor will record minutes of the meeting and attach all relevant materials.

Non-academic and Extracurricular Activities

The Section 504 regulation provides that the District shall provide non-academic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation. In order to comply with Section 504, the District must give individuals with disabilities an equal opportunity to participate in its non-academic and extracurricular services. More specifically, when the District provides a benefit, it must do so in a way that also allows meaningful access to that benefit by individuals with disabilities. To ensure meaningful access, the District may be required to make some accommodations in its programs or benefits. However, in regard to non-academic and extracurricular activities, Section 504 does not require the District to make accommodations that would impose significant financial or administrative burdens, or require a fundamental alteration in the program. There is no precise test as to whether or not a requested accommodation is unreasonable; therefore, the determination of whether or not the District made reasonable accommodations to its programs or benefits must be made on an individual basis, in light of the specific facts involved.

The District generally is permitted to establish and utilize skill-based eligibility criteria for participation in extracurricular programs and activities (i.e., interscholastic athletics) so long as the criteria are rationally related to the purposes and goals of the specific program or activity. Students with disabilities who wish to participate in the program or activity generally may be required to meet those criteria even though their disabilities may make it more difficult for them to demonstrate or achieve the skill levels required. At the same time, the District may be required to modify certain non-essential requirements of the program or activity in order to accommodate students with disabilities and to provide them an equal opportunity to participate in the program or activity.

In no event, however, does Section 504 require the District to modify a fundamental requirement of a program or activity unless the modification is determined to be necessary to provide a FAPE to a student with a disability. Allegations that the District has denied or limited a student with a disability from an equal opportunity to participate in non-academic activities should be directed to the District's 504 Coordinator.

Disciplining a Section 504 Disabled Student

The regulation implementing Section 504 requires the District to conduct an evaluation (manifestation determination) prior to a significant change in placement for a student with a disability. Specifically, if the student has been found to be a qualified individual with a disability under Section 504, or the District knew or should have known that the student had a disability under Section 504 *before* the behavior that precipitated the discipline occurred (e.g., the parent had requested evaluation or the District is currently evaluating the student for 504 eligibility), the District must conduct a manifestation determination prior to any significant change in placement.

Significant Change in Placement - Suspension or Exclusion for More than Ten Days

Under Section 504, a suspension for more than ten consecutive days *or* for more than ten days in a school year, under circumstances constituting a pattern of exclusion, constitutes a significant change in placement. When the District undertakes to discipline a student for a period of time that would amount to a significant change in placement (more than ten days) a manifestation determination must be conducted prior to the exclusion of the student beyond the tenth day.

Manifestation Determination

In terms of conducting the manifestation determination, Section 504 requires that the District and other relevant members of the student's Section 504 Team review all relevant information in the student's file, including the student's Section 504 Accommodation Plan, any teacher observations, and any relevant information provided by the parents to determine:

- (1) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- (2) if the conduct in question was the direct result of the District's failure to implement the Section 504 Accommodation Plan.

Additionally, under Section 504, school staff must make reasonable efforts to notify and include parent(s)/guardian(s) in the Section 504 meetings, including manifestation determination meetings.

The determination of an initial special education placement as well as the manifestation determination related to discipline can only be made by a Section 504 Team. The Principal or disciplinarian cannot unilaterally make the manifestation determination. Under Section 504, the Team must be composed of a group of persons, including individuals familiar with the student and knowledgeable about his/her disability and disability-related needs.¹ Section 504 does not specify a particular number of persons that need to be present for the manifestation determination. Decisions may not be based simply on the school district's normal disciplinary procedures, but must draw on a variety of sources, including the kind of information necessary to render a competent professional decision, such as evaluation data related to the student's disability, and the information must be recent enough to afford an understanding of the student's current behavior.

If the Conduct is Not a Manifestation of the Disability

If the members of the student's Section 504 Team (in this context, a manifestation determination team) determine that the misconduct is not a manifestation of his or her disability, the disciplinary action may be administered in the same manner as for non-disabled students. In such circumstances, under Section 504, the District is not obligated to provide special education services for a student on a Section 504 Accommodation Plan during the suspension or expulsion from school. Under the IDEA, however, students on IEPs for whom a Manifestation Determination Team has determined the conduct is not a manifestation of the student's disability, are entitled to special education and/or related services as of the eleventh day of suspension or exclusion from school.

If the Conduct is a Manifestation of the Disability

If, the Section 504 Team (i.e., manifestation determination team) determines that the behavior was a manifestation of a student's disability, the student must be returned to the placement from which he or she was removed, unless the Team and the parent/guardian otherwise agree to an appropriate change in placement or the District obtains a hearing officer's or judge's authorization to change the student's placement. There may be, however, exceptions to this requirement when placement in an interim alternative educational setting is appropriate under the IDEA.

Appendix A
Dover Sherborn Public Schools
Request for Consent for Section 504 Evaluation

Student: _____ **Grade:** _____ **DOB:** _____ **LASID#** _____ **SASID#** _____

To:

Notice Date:

Subject: Request for consent for Section 504 Evaluation

Section 504 of *the Rehabilitation Act of 1973* prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. Students who are covered by 504 are those:

- who have a physical or mental impairment,
- where the impairment substantially limits one or more major life activities, and
- where the impairment results in a need for reasonable accommodations and/or services to access a free and appropriate public education.

We would like to conduct an evaluation to determine if your student meets the above eligibility requirements for a Section 504 Accommodation Plan to meet his/her educational needs. Once the evaluation is completed, you will be invited to a meeting to discuss the results.

Enclosed is a copy of the Section 504 Parent/Student Rights in Identification, Evaluation and Placement. Please review the document regarding the proposed evaluation, which will include:

The sources of evaluation information will include:

Please review the above and sign and return one copy of this form. Once your consent is received, the assessments can begin. We look forward to working with you. If you have any questions, please contact me at

Sincerely,
Enclosure:

Section 504 Parent/Guardian Student Rights in Identification, Evaluation and Placement

Parental Agreement

SELECT ONE:

- I give my permission for the assessment(s) listed above
- I give permission for only the following recommended assessments:

- I do not give permission to the proposed assessment(s) at this time. I am aware of the concerns regarding my child's progress and my parental rights under Section 504.

Parent/Guardian Signature:

Date:

Appendix C
Dover Sherborn Public Schools
Section 504 Data Sheet

Student Information:

Full Name:	Insert	Gender:	Insert
Date of Birth:	Insert	Grade/Level:	Insert
Age (as of Meeting):	Insert	Language of Instruction:	Insert
Primary Language:	Insert	Place of Birth:	Insert
Address:	Insert		
Home Telephone:	Insert		
Local ID#:	Insert	SASID#:	Insert

Parent/Guardian Information:

Name:	Insert	Legal Guardian:	YES / NO
Address:	Insert	Work Phone:	Insert
Home Telephone:	Insert	Primary Language:	Insert
Cell Phone:	Insert	Secondary Language:	Insert
Email Address:	Insert		
Relationship to Student:	Insert		

Parent/Guardian Information:

Name:	Insert	Legal Guardian:	YES / NO
Address:	Insert	Work Phone:	Insert
Home Telephone:	Insert	Primary Language:	Insert
Cell Phone:	Insert	Secondary Language:	Insert
Email Address:	Insert		
Relationship to Student:	Insert		

Meeting Information:

Date of Meeting: _____

Type of Meeting: _____

Next Review Date: _____

Attending School Information

School Name:

Address:

Contact Person:

Role:

Appendix D
Dover Sherborn Public Schools
Section 504 Notice of Conference

This is to confirm the 504 Team meeting to be held on (date and time) at (location).

Student: _____
School: _____
Initial Conference: _____

Date: _____
Time: _____
Review Meeting: _____

A. The purpose of this meeting is to:

- _____ Discuss evaluation results
- _____ Review instructional progress
- _____ Review of program
- _____ Other (specify) _____

B. The following individual/s will be included:

- _____ Parents/Guardians
- _____ Student
- _____ Classroom Teacher/s

- _____ School Principal
- _____ Guidance Counselor
- _____ School Psychologist/s
- _____ Other Specialist/s
- _____ School Nurse
- _____ Interpreter
- _____ Other

Page 2 – (Please return to the school using the enclosed envelope)

Please complete this page and return it in the enclosed envelope to _____

by _____.

1. I will attend the Conference Committee Meeting.
 I will not attend the Conference Committee Meeting.

2. I would like my child to attend the Conference Committee Meeting.
 I do not want my child to attend the Conference Committee Meeting.

3. I acknowledge receipt of the Parents' and Guardians' Rights Information.

4. Please indicate if there are additional individuals you would like to attend the meeting.

Names: _____

Parent/Guardian Signature: _____ Date: _____

Print Name/s: _____

Copy to counselor for student's cumulative folder

Appendix F
Dover Sherborn Public Schools
Teacher Pre-Referral/504 Input Form

[Link to Form](#)

Appendix G

Dover Sherborn Public Schools Counselor Checklist

Student's Name:

Grade:

Meeting Type:

Initial Review

Re-Evaluation

Date of 504 Team Meeting:

Has all the required documentation been provided and communicated to the Team at the review?
(Check all that apply)

The specific impairment as diagnosed has been stated and established

Current documentation must be used (within two years)

Review school official's summary of any comprehensive testing provided to arrive at the diagnosis and the establishment of any functional limitations supported by the testing results

Gather current professional, educational, and medical history

Review the Teacher Pre-Referral/504 Input Form

Consider how the disability limits the student's ability to learn and/or access his/her education and to what degree

Develop the recommended accommodations if student is deemed eligible

Notes (relating to the above checklist):

504 Team Determination

Qualifies for 504 Plan

Accommodations to be provided:

Does not qualify for 504 Plan

Reason(s) why the team believed the student did not meet the criteria for eligibility under Section 504:

Defer for further information

Reason(s) why the Team believed more information was needed before a decision could be reached

Appendix H
Dover Sherborn Public Schools
504 Eligibility Meeting Agenda

- I.** Opening remarks by school counselor

- II.** Review educational history and teacher comments

- III.** Parent/guardian and students remarks

- IV.** Team members review information and data

Appendix I
Dover Sherborn Public Schools
Section 504 Eligibility Determination Form

1. General Information

Student Name:

Today's Date:

Student's current grade:

2. Reason for Meeting

Initial Eligibility Meeting
Re-evaluation

3. Committee Members

Name:

4. List Sources of evaluation information:

5. Eligibility Criteria and Determination

Does the student have a mental or physical impairment?

Yes

No (if no, stop here)

If yes, quantify the degree of impact on a scale of 1–10.

Compare the student to a typically-developing student.

The group of persons knowledgeable about the student rates the level of limitation:

_____	Total
_____	Extreme
_____	Substantial
_____	Meaningful

- _____ Frequent
- _____ Moderate
- _____ Infrequent
- _____ Mild
- _____ Negligible

And the group bases its rating upon:

Does the student’s impairment substantially limit a major life activity?

Yes No (if no, stop here)

Area(s) where substantial limitation exists:

Does the student meet 504 eligibility criteria?

Yes No (if no, stop here)

6. Record of Actions

Date	Action
/ /	Parents/guardians provided written notice of procedural rights
/ /	Parents/guardians provided notice of 504 eligibility meeting
/ /	Parents/guardians provided notice of meeting outcome
/ /	Accommodation plan developed and distributed to school personnel and parents/guardian of student

Note:

1. Parent(s)/guardian(s) reserve the right to review their child’s educational records.
2. Parent(s)/guardian(s) may appeal any decision regarding evaluation and placement through an impartial hearing with the Principal/Headmaster.
3. The Section 504 Parent/Student Rights in Identification, Evaluation, and Placement Form contains additional information of parent/guardian and student rights under Section 504.

Appendix J
Dover Sherborn Public Schools
Types of 504 Plan Accommodations

The following are some examples of the kind of accommodations which are often include in Section 504 Accommodation Plans:

Change the instructional arrangement

- Large group
- Cooperative learning group
- Peer partners
- Individual instruction
- Independent seat work

Change the lesson format

- Lecture, demonstration, practice
- Whole class discussion
- Games and simulations
- Experiential learning

Change the curriculum

- Same content/less material
- Same subject area/functional applications

Change of sequence

- Alter the pace of the lesson
- Provide a variety of activities

Change teaching style

- Give more prompts or cues
- Provide written and verbal instructions
- Use more physical guidance
- Institute behavioral management practices

Modification of physical plant

- Improve access to building
- Increase access to classroom

Change of seating

- Increased aisle, etc.

Change in policies or procedures

- Revised attendance policy
- Modified discipline procedures

Change Assessments

- Adjusted format
- Preferential seating
- Adjust time

Specially Designed Instruction

- Adapting:
 - Content,
 - Method, or
 - Delivery of instruction

Change Classroom management

- Modify rules
- Develop Behavior plans
- Modify consequences

**Appendix K
Dover Sherborn Public Schools
504 Accommodation Plan**

Name: _____ **Present Grade:** _____

Impairment:

List the major life activity significantly affected:

Date of Accommodation Plan:

Individuals Participating in Developing Accommodation Plan:

Specific Accommodations: List the specific accommodations this student needs in order to have the same opportunity at school as his/her non-disabled peers.

Accommodation #1

Accommodation #2

Person to manage this Plan:

Headmaster/Principal's Signature _____ Date _____

Parent or guardian signature acknowledges receipt of this Accommodation Plan as well as a copy of the district's Parents' or Guardians' Rights Information sheet.

Parent or Guardian Signature _____ Date _____

Revised August 2019

copy to student's folder

copy to parents/guardians

copy to student's teachers

Appendix M
Dover Sherborn Public Schools
504 Plan Notice of Discontinuation

Date: _____

Student Name: _____

DOB: _____

School: _____

Grade: _____

Team Chair: _____

Print Name: _____

Discontinue 504 Accommodation Plan

The 504 Student Accommodation Plan dated from _____ to _____
for _____ services have been discontinued due to no finding of 504 eligibility.

Parent(s)/Guardian(s) Signature

Date

Parent(s)/Guardian(s) Name/s (Printed)

504 Case Manager Signature

Date

Copy to student's folder

Copy to Parent(s)/Guardian(s)