



*“Committed to Quality Education”*

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# St. Maries Joint School District No. 41

Students with Disabilities

Individuals with Disabilities Act  
I.D.E.A.

Section 504

Approved: December 11, 2017  
Board of Trustees

## **Disabilities Policy**

### **St. Maries Joint School District No. 41**

#### **Students with Disabilities**

Under The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, St. Maries Joint School District No. 41 is prohibited from discriminating against students on the basis of a disability. St. Maries Joint School District provides a free and appropriate public education to each student within its jurisdiction regardless of the nature or severity of the disability. St. Maries Joint School District ensures that students who need or are believed to need special education or related services will be identified, evaluated, and provided with appropriate educational services.

Section 504 also stipulates that students with disabilities have the right to participate in school-sponsored extra-curricular programs and activities to the maximum extent appropriate to their needs.

Under Section 504 and IDEA, students with disabilities have the right to be placed in the least restrictive educational environment. To the maximum extent appropriate for the needs of the student, St. Maries Joint School District will educate students with disabilities within their regular school program.

Students with disabilities and their parents have a number of rights and protections. Questions or requests for assistance or information about services for students with diagnosed or suspected disabilities should be directed to the student's school principal or Judy Novobielski-Muhs, Director of Special Education, P.O. Box 384, St. Maries, ID, 83861, 208 245-2579.

## **SECTION 504 OF THE REHABILITATION ACT**

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which provides that "No otherwise qualified individual with disabilities in the United States . . . shall, solely by reason of his/her 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 or activity conducted by any executive agency or by the United States Postal Service." 29 U.S.C. 794.

## Definitions

### Who is an "individual with disabilities"?

An individual with disabilities is the same as "a person with disabilities" defined in 34 CFR 104.3(j). That definition is as follows:

(j)"Person with disabilities." (1) "Persons with a disability" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

The definition contained in Section 504 does not set forth a list of specific diseases and conditions that constitute physical or mental impairment because of the difficulty of ensuring the comprehensiveness of such a list. However, the definition includes such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; all categories of disabilities under the Individuals with Disabilities Act (IDEA); attention deficit disorder (ADD); attention deficit hyperactive disorder (ADHD); acquired immune deficiency syndrome (AIDS); and human immunodeficiency virus (HIV) positive.

There are three criteria used to qualify a person as an individual with disabilities under the regulations.

1. A person is considered disabled under Section 504 if he or she has a physical or mental impairment which substantially limits one or more major life activities (e.g., any student who is eligible to receive services under the IDEA). A physical or mental impairment does not constitute a disability for purposes of this part of the definition unless its severity is such that it results in a substantial limitation of one or more life activities. Thus, cultural, environmental, or economic factors; age; and homosexuality are not covered. However, if a person who has any of these characteristics also has a physical or mental disability, the person is included in the definition.
2. A person is considered disabled under Section 504 if he or she has a record or history of such an impairment (e.g., a student with learning disabilities who has been dismissed from the special program for students with learning disabilities, a student identified/diagnosed as having an attention deficit disorder, a student who has cancer, a student in recovery) that substantially limits one or more major life activity.
3. A person is considered disabled under Section 504 if he or she is regarded as having such impairment. A person can be found eligible under this section if he/she:
  - Has a physical or mental impairment that does not substantially limit a major life activity but is treated by the school as having such a limitation (e.g., a student who has scarring, a student who walks with a limp); or

- has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward such impairment (e.g., a student who has epilepsy and is not allowed to try out for sports or cheerleading); or
- has no physical or mental impairment but is treated by the District as having such an impairment (e.g., a student who tests positive for HIV but has no physical effects from it).

### **Who is a "qualified" individual with disabilities?**

With respect to preschool, elementary, secondary, and adult education services, a person with a disability of an age during which persons with disabilities are provided such services, of any age during which it is mandatory under state law to provide such services to persons with disabilities, or to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act, is qualified. 34 CFR 104.3(k). For schools, this means all school-age persons with disabilities, ages three to 21.

Parents who have a disabling condition are also protected by Section 504. For example, a district should provide an interpreter or some equivalent service to a parent who is deaf in order to ensure that the parent has an equal opportunity to participate in school initiated activities.

### **What is a "program or activity"?**

The term includes all programs or activities of the School District (e.g., field trips, walking the halls, bus transport, athletic events, assemblies, and dances).

### **What is a "major life activity"?**

Major life activities, under Section 504, includes caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The disabling condition need only substantially limit one major life activity in order for the student to be eligible. 34 CFR 104.3(j).

### **What constitutes discrimination under Section 504?**

Discrimination under Section 504 34 CFR 104.4(b) occurs when a recipient of federal funds:

1. Denies a student with a disability the opportunity to participate in or benefit from an aid, benefit, or service which is afforded non-disabled students (e.g., district practice of refusing to allow any student with an individual educational plan (IEP) the opportunity to be on the honor roll, denial of credit to a student whose absenteeism is related to his or her disabling condition, expelling a student for behavior related to his or her disabling condition, refusing to dispense medication to a student who could not attend school otherwise);

2. Fails to afford the student with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded others (e.g., applying a policy that conditions interscholastic sports eligibility on the student's receiving passing grades in five subjects without regard to the student's disabling condition);
3. Fails to provide aids, benefits, or services to a student with a disability that are as effective\* as those provided to a nondisabled student (e.g., placing a student with a hearing impairment in the front row as opposed to providing her with an interpreter);
4. Provides different or separate aids, benefits, or services than are provided to nondisabled students (e.g., segregating students in separate classes, schools, or facilities, unless necessary);
5. Aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability (e.g., sponsoring a student organization that excludes persons with disabilities);
6. Denies a person with disabilities the opportunity to participate as a member of a planning or advisory board strictly because of his or her disabling condition;
7. Otherwise limits the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others (e.g., prohibiting a person with a physical disability from using a service dog at school);
8. In determining the site or location of a facility, makes selections which effectively exclude persons with disabilities, denies them benefits, or otherwise subjects them to discrimination (e.g., allowing students with disabilities to be located in inferior facilities, such as trailers, wings in basements, and unnecessarily restrictive classrooms due to a lack of classroom space).

It should be noted that the requirements under Section 504 are consistent with the ADA, although the ADA has a broader coverage.

**\*Note: "Equally effective" means equivalent, as opposed to identical. Moreover, to be equally effective an aid, benefit, or service need not produce equal results; it must merely afford an equal opportunity to achieve equal results.**

## **SCHOOL DISTRICT OBLIGATIONS FOR ELEMENTARY AND SECONDARY EDUCATION**

### **Educational Setting**

Districts must educate students with disabilities with nondisabled students to the maximum extent appropriate to the needs of the students with disabilities. In order to remove a student from the regular educational environment, the District must demonstrate that educating the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR 104.34.

### **Free Appropriate Public Education**

Districts must provide a free appropriate education (regular or special education and related aids and services) to Section 504 disabled school-age children who reside within the District. Instruction must be individually designed to meet the needs of these students as adequately as the needs of non-disabled students are met.

**Note: The Section 504 standard of what is appropriate differs from the IDEA "appropriate" standard which requires the District to design a program reasonably calculated to confer educational benefit. Section 504 requires that persons with disabilities be provided aids, benefits, or services that are as effective as those provided non-disabled persons.**

Section 504 does not require School Districts to develop an individual educational plan (IEP). St. Maries Joint School District does require the use of 504 forms and the development of a 504 Plan.

The quality of educational services provided to students with disabilities must be equivalent to the services provided to non-disabled students. Teachers must participate in the referral, eligibility, and accommodation processes. Teachers must be trained regarding the student's disability. 34 CFR 104.

**Note: A child does not have to need special education in order to be qualified under Section 504. 34 CFR 104.33(a)(b).**

### **Transportation**

If a District places a student in a program not operated by the District, the District must assure that adequate transportation to and from the program is provided at no greater cost than the parent would have paid to transport the child to the District-operated program. 34 CFR 104.33(c)(2).

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.

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 or her disabling condition and provide the parent with notice of his or her

rights. If the behavior is related to the disabling condition, the District may not terminate services but may provide an alternative mode of transportation.

**Note: The length of the bus ride for students with disabilities should not be longer than that of nondisabled students.**

### **Residential Placement**

Residential placement must be provided at no cost to the parent only if necessary to provide a free appropriate public education. 34 CFR 104.33(c)(3).

### **Non-public School Placements Made by Parents**

If the District has made available a free appropriate education 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. 34 CFR 104.33(c)(4).

### **Evaluations**

If a student with a disability needs or is believed to need special education or related services, the District must evaluate the student prior to initial placement in a "regular or special education program and any subsequent significant change in placement." 34 CFR 104.35(a). A full evaluation is not required when neither the District nor the parent believes that the child with a disability is in need of special education or related services.

The District must assure tests and other evaluation materials:

1. Have been validated and are administered by trained personnel;
2. Are tailored to assess educational need and are not based solely on IQ scores; and
3. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular deficits). 34 CFR 104.35(b).

**Note: Assessment and testing are not the same. An evaluation may include many sources of information that will assist in determining eligibility and in providing FAPE.**

**Note: There is no right to an independent evaluation under Section 504.**

### **Placement Procedures**

In interpreting evaluation data and making placement decisions, the district must:

1. Draw upon information from a variety of sources;
2. Ensure that all information is documented and considered;



3. Ensure that the placement decision is made by a group of persons including those who are knowledgeable about the student, the meaning of the evaluation data, and placement options; and
4. Ensure that the student is educated with his or her nondisabled peers to the extent appropriate, and that any facilities identifiable as being for persons with disabilities are comparable to facilities provided other students. 34 CFR 104.35(c).

## **Re-evaluations**

Section 504 requires "periodic" re-evaluations. There is no specified time frame. However, the St. Maries Joint School District will be in compliance if the District re-evaluates the student every three years. Additionally, Section 504 requires a re-evaluation before any significant change in placement. 34 CFR 104.35(d).

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

- Expulsion
- Single suspensions which exceed ten (10) consecutive calendar days
- Transfer of a student to home instruction
- Significant change in the amount or type of education (e.g., changing the student from one (1) period to three (3) periods a day in the resource room or moving the student from full-time regular education to part-day resource room)

**Note: A re-evaluation consistent with the IDEA is one means of meeting this requirement.**

## **Nonacademic Services**

Districts must provide equal opportunity in areas such as counseling, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment. 34 CFR 104.37.

1. Counseling: Districts may not counsel students with disabling conditions toward more restrictive career objectives or toward dropping out of school. 34 CFR 104.37(b).
2. Physical education and athletics: A District must provide equal opportunity for students with disabilities to participate. A District may offer these activities separately for students with disabilities only if necessary. The District may not deny a student with a disability the opportunity to compete in activities which are not separate. 34 CFR 104.37(c).

## PROCEDURAL REQUIREMENTS OF SECTION 504

The St. Maries Joint School District provides public notification of their policies of nondiscrimination and of their grievance procedures and publicly identifies the person who coordinates compliance. Specifically, St. Maries Joint School District must do the following:

1. Provide written assurance of nondiscrimination. 34 CFR 104.5(a).

**Note: This assurance form is provided by the federal government and Districts have made such assurance since 1977.**

2. Designate an employee to coordinate compliance with Section 504. 34 CFR 104.7(a).
3. Adopt grievance procedures to resolve complaints of discrimination. 34 CFR 104.7(b).
4. Provide notice to students, parents, employees, unions, and professional organizations of nondiscrimination in admission or access to, or treatment or employment in, its programs or activities. Notice must also specify the responsible employee designated to coordinate compliance. 34 CFR 104.8.

**Note: The student/teacher handbook is a method for making initial and continued notification.**

5. Annually identify and locate all Section 504 qualified children with disabilities in the District's geographic area who are not receiving a public education. 34 CFR 104.32(a).
6. Annually notify persons with disabilities and their parents or guardians of the District's responsibility under Section 504. 34 CFR 104.32(b).
7. Provide parents or guardians with procedural safeguards: 34 CFR 104.36.
  - Notice of their rights
  - An opportunity to review relevant records
  - An impartial hearing with opportunity for participation by parents or guardians and representation by counsel
  - A review procedure

Persons disagreeing with the identification, evaluation, and placement of their student have several options open to them, including (1) filing a complaint or grievance through the District's Section 504 grievance procedure, (2) requesting a Section 504 due process hearing before an impartial hearing officer, (3) filing a complaint with the Office for Civil Rights (OCR), and/or (4) filing suit in Federal Court.

A District's grievance procedure should include the following: (1) a definition of what constitutes a grievance, (2) time limits between the incident and filing, (3) timelines governing each step, (4) a description of how a grievance is initiated (e.g., oral, written narrative, standard form), (5) where and with whom the grievance is to be filed (an alternative first person contact should be included to ensure that the grievance does not have to confront the person believed to be discriminating), (6) a description of the forum for the grievance process (e.g., fact-finding committee, investigative committee, equity specialist), and (7) specify the appeal process and final decision maker--who informs all parties of the decision, but must not imply that other sources of redress cannot be pursued.

**The bottom line requirement for providing safeguards for students who District staff suspect have a disability under Section 504 but not under the IDEA is that qualified persons evaluate the student to determine whether the student does have a disability under Section 504. If the student has a disability under Section 504, placement decisions and provisions of needed aids and services must be made by persons who are knowledgeable of disability conditions and program options.**

**IDEA AND SECTION 504  
A COMPARISON**

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
Purpose	To provide federal financial assistance to state and local education agencies to assist them to educate children with disabilities.	To eliminate discrimination on the basis of disability in all programs and activities receiving federal financial assistance.
Who is Protected?	All school-age children who fall within one or more of 13 specific categories of disability and who, because of such disability, need special education and related services (i.e., mentally retarded, hard of hearing, speech or language impaired, visually impaired, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf, deaf-blind, multiple disabled, specific learning disabled, autistic, or traumatic brain injured).	All school-age children who have a physical or mental impairment which substantially limits a major life activity, have a record of such an impairment, or are regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. Section 504 protects a broader group of students than does the IDEA.
Duty to Provide a Free and Appropriate Public Education (FAPE)	Both laws require the provision of FAPE. Section 504 defines FAPE more broadly than does the IDEA.	
	Requires that FAPE be provided to only those protected students who, because of disability, need special education or related services.	Requires that FAPE be provided to only those protected students who, because of disability, need regular education accommodations, special education, or related services.
	Defines FAPE as special education and related services. A student can receive related services under the IDEA if and only if the student is provided special education and needs related services to benefit from special education.	Defines FAPE as regular or special education and related aids and services. A student can receive related services under Section 504 even if the student is in regular education full-time and is not provided any special education.
	Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Does not require a written IEP document, but does require a plan. It is recommended the District document that a group of persons knowledgeable about the student convened and specified the agreed upon plan of services.

Special Education vs. Regular Education	A student is protected by the IDEA if, and only if, because of disability, the student needs special education.	A student is protected by Section 504 regardless of whether the student needs special education. Some students protected by Section 504 are in regular education full-time and are not provided any special education.
Funding	Provides additional funding for protected students.	Does not provide additional funds. IDEA funds may not be used to serve students protected only under Section 504.
Procedural Safeguards	Both laws require prior notice to parents or guardians with respect to the identification, evaluation, and/or placement of protected students. IDEA procedures will suffice for Section 504 implementation.	
	Requires written notice and specific content to be included in the notice.	Does not require written notice, but a District would be wise to do so.
	Requires written notice prior to any change in placement.	Requires notice prior to any "significant change" in placement.
Evaluations	Both laws require that tests and other evaluation materials: <ol style="list-style-type: none"> <li>1. Be validated for the specific purpose for which they are used;</li> <li>2. Be administered by trained personnel in conformance with the instructions provided by their producer;</li> <li>3. Include those tailored to assess specific areas of educational need; and</li> <li>4. Be selected and administered to assure that the test results accurately reflect whatever factors the tests purport to measure.</li> </ol>	
	Requires informed consent before an initial evaluation is conducted.	Same as IDEA.
	Requires re-evaluations to be conducted at least every three (3) years.	Requires periodic re-evaluations. IDEA schedule for re-evaluation will suffice.
	A re-evaluation is not required before a change of placement. However, an IEP team should review current evaluation data, including progress towards goals and objectives when considering a significant change of placement. When data are insufficient to answer questions regarding the appropriateness of the special education and related services being considered, then a re-evaluation is required.	Requires re-evaluation before a significant change in placement.
	Provides for independent educational evaluation at District expense if parent disagrees with evaluation obtained by school and hearing officer concurs.	No provision for independent evaluations at District expense. However, a District must carefully consider any such evaluations presented.

Placement Procedures	When interpreting evaluation data and making placement decisions, both laws require Districts to: <ul style="list-style-type: none"> <li>1. Draw upon information from a variety of sources;</li> <li>2. Assure that all information is documented and considered;</li> <li>3. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the student, the meaning of the evaluation data, and placement options; and</li> <li>4. Ensure that the student is educated with his or her peers without disabilities to the maximum extent appropriate (least restrictive environment).</li> </ul>	
	An IEP meeting is required before any change in placement.	A re-evaluation meeting is required before any "significant change" in placement.
Grievance Procedure	Does not require a grievance procedure, or a compliance officer.	Requires Districts with more than 15 employees to (1) designate an employee to be responsible for assuring District compliance with Section 504 and (2) provide a grievance procedure for parents, students, and employees.
Due Process	Both statutes require Districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student.	
	Contains detailed hearing rights and requirements.	Requires notice, the right to inspect records, the right to participate in a hearing and to be represented by counsel, and a review procedure.
Exhaustion	Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.	Administrative hearing not required prior to OCR involvement or court action; compensatory damages possible.
Enforcement	Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the SDE and the Office of Special Education Programs.	Enforced by the U.S. Office for Civil Rights.
	The SDE resolves complaints.	The SDE has no monitoring, complaint resolution, or funding involvement.

**Section 504 and ADA  
A Comparison**

<b>Component</b>	<b>Section 504 Regulation</b>	<b>ADA Title II Regulation</b>	<b>Significant Differences Between Section 504 and Title II</b>
Discrimination Prohibited	34.CFR 104.4	28 CFR 35.130	Minor differences in the application of various subsections; some areas are codified in the ADA, but not in Section 504; however, Section 504 uses case law to come to same conclusion.
Self-evaluation	34 CFR 104.6(c)	28 CFR 35.105	Both regulations require self-evaluation to determine compliance.  Unlike Section 504, Title II does not require remedial steps to eliminate effects of discrimination.  Report must be available for public inspection if 15+ employees (Section 504) or 50+ (Title II).
Designated Employee/ Grievance Procedures	34 CFR 104.7	28 CFR 35.107	Section 504 requires if 15 or more employees; Title II = 50.  Title II omits provision exempting applicants for employment or admission.
Notice Requirement	34 CFR 104.8	28 CFR 35.106	Section 504 requires notice if 15 or more employees; Title II = 50. Title II requires the notice to contain information on ADA.
FAPE	34 CFR 104.33 (a)(b)	28 CFR 35.130 (general non-disc. provision)	Title II has no separate coverage for educational programs covered under Subpart D of Section 504; uses general nondiscrimination provision.
		28 CFR 35.135	This section of Title II does not require provision of personal services; i.e., wheelchairs, toileting, etc. (limitation on auxiliary aids), but does not lessen Section 504 requirement to provide necessary services to ensure FAPE.
Retaliation	34 CFR 100.7(e) 34 CFR 104.61	28 CFR 35.102 28 CFR 35.134	This portion of Title II also applies to private entities; applies also to one who aids another in exercising rights.
Reasonable Accommodation	34 CFR 104.12	28 CFR 35.160	Regulations are generally consistent.

Information on Access	34 CFR 104.22(f)	28 CFR 35.163	Title II requires signage; Section 504 only requires procedures to obtain information.
Auxiliary Aids	34 CFR 104.44	28 CFR 35.160	Title II requires primary consideration to request of individual to determine what aid is necessary; request must be honored unless demonstrated another effective means or the request is an undue burden. Title II requires communication access that is equally effective as that provided to people without disabilities.
Discrimination on Basis of Association	No Section 504 Provision	28 CFR 35.130(g)	Title II prohibits discrimination on basis of relationship to or association with individual with disabilities.  Title II creates independent right of action for nondisabled individual. 34 CFR 100.7(e) is similar under Section 504.
TDD Machines	No Section 504 provision (but see 34 CFR 104.4(b))	28 CFR 35.161 28 CFR 35.162	If telephone contact with beneficiaries, a TTY <b>or equally effective</b> system is required.



Appendix E-A

**SECTION 504/TITLE II GRIEVANCE PROCEDURE**

St. Maries Joint School District has adopted an internal grievance procedure providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act (Title II). Both Section 504 and Title II prohibit discrimination on the basis of disability.

Complaints should be addressed to the Superintendent of Schools, P.O. Box 384, St. Maries ID, 83861, (208) 245-2579 who has been designated to coordinate Section 504/Title II compliance efforts.

1. A complaint must be filed in writing, contain the name and address of the person filing it, briefly describe the alleged discriminatory action, and identify the date the action occurred and the name(s) of the person(s) responsible.
2. A complaint must be filed within 90 days after the complainant becomes aware of the alleged discrimination. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
3. Unless the matter can be promptly resolved informally, an investigation will be conducted with respect to all timely filed complaints which raise issues under Section 504 and/or Title II. The investigation shall be conducted by the Superintendent of Schools. These rules contemplate informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent of Schools and a copy forwarded to the complainant no later than 60 days after its filing.
5. The Section 504/Title II coordinator shall maintain the files and records of the St. Maries Joint School District relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to Joseph A. Kren, Superintendent.
7. The right of a person to a prompt and equitable resolution of the complaint filed thereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 or Title II complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that St. Maries Joint School District complies with Section 504, Title II, and their implementing regulations.

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

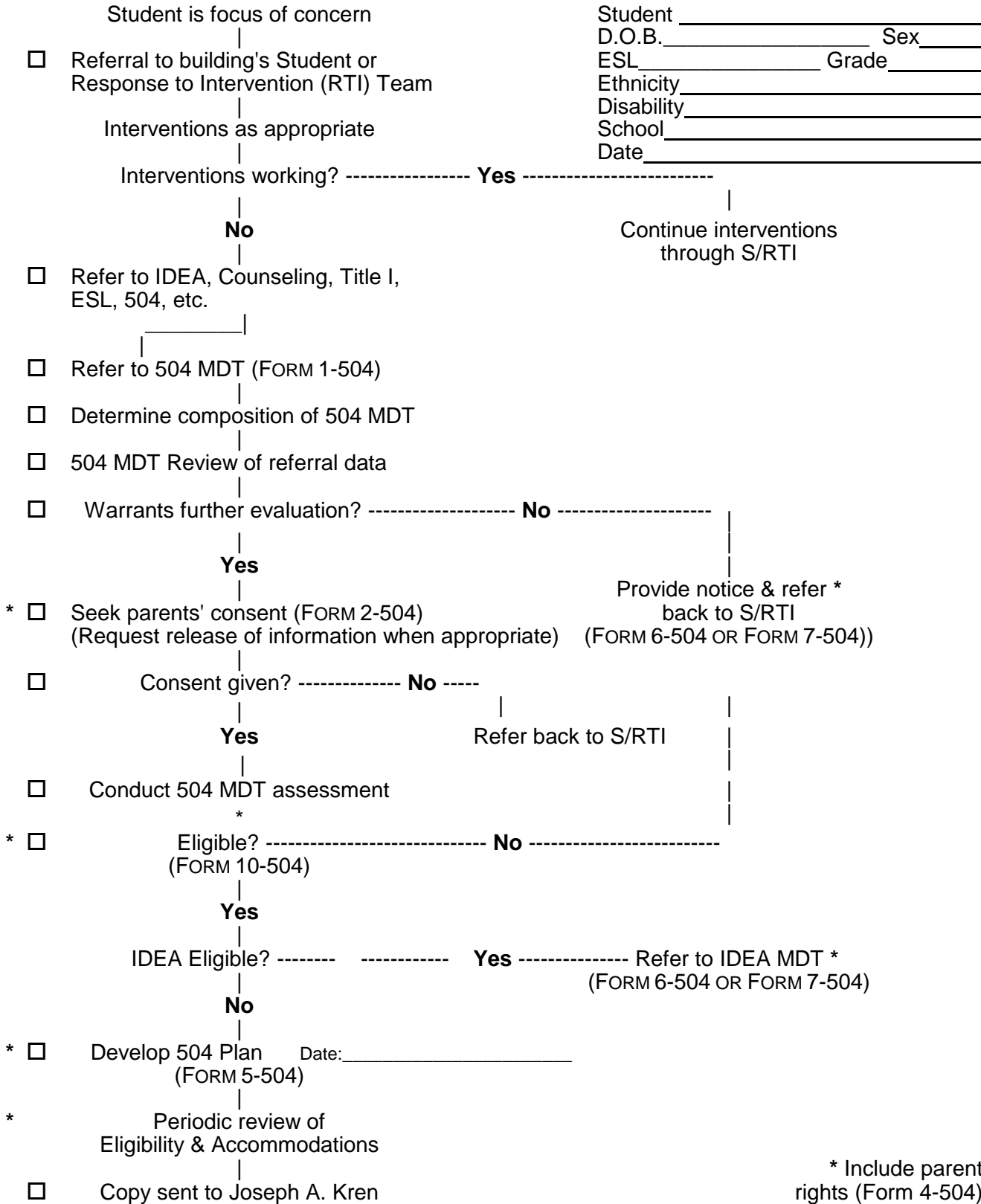
- When suspension or expulsion is being considered for any student.
- When retention is being considered for any student.
- When a student shows a pattern of not benefiting from the instruction being provided.
- When a student returns to school after a serious illness or injury.
- When a student is referred for evaluation but it is determined not to do an evaluation under the IDEA.
- When a student is evaluated and is found not to qualify for Special Education services under the IDEA.
- 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 substance abuse is an issue.
- When a disability of any kind is suspected.
- When a new building or remodeling is being considered.

**APPROPRIATE QUESTIONING SEQUENCE WHEN THE EXISTENCE OF A DISABLING CONDITION IS SUSPECTED**

- I. Is the student disabled under Section 504 of the Rehabilitation Act of 1973?
  - A. Definition of "disabled" under Section 504:
    - Is any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities; **or**
    - has a record of such impairment; **or**
    - is regarded (perceived) as having such an impairment.
- II. If the answer to the question in I above is "yes."
  - A. Does the student need (qualify for) special education services under the IDEA (formerly EHA or PL 94-142)?
  - B. What does the student need in order to be afforded access to a *free appropriate public education (FAPE)*?
  - C. What is the appropriate placement for the provision of services chosen after consideration of the full continuum of placement options?
    - If the appropriate placement is regular education, what interventions or adaptations are needed?
    - If the appropriate placement is special education, what is the *least restrictive environment (LRE)*.
- III. If the answer to the question in I above is "no."
  - A. Maintain documentation about the decision that includes the following:
    - The identity of the persons involved in the group that made the decision which reflects that they were knowledgeable about the child.
    - The evaluation data that was used to make the decision with any interpretations that might be required.
    - Placement options that were considered.
  - B. Provide *written notice* of the decision to the parent(s) which must include a complete statement of the parents' and student's rights under the IDEA and Section 504.

Appendix E-D  
**Section 504 Decision Making and Service Provision  
 Flow Chart**

Student \_\_\_\_\_  
 D.O.B. \_\_\_\_\_ Sex \_\_\_\_\_  
 ESL \_\_\_\_\_ Grade \_\_\_\_\_  
 Ethnicity \_\_\_\_\_  
 Disability \_\_\_\_\_  
 School \_\_\_\_\_  
 Date \_\_\_\_\_



\* Include parent rights (Form 4-504)

Appendix E-E

**SAMPLE  
PROCEDURES FOR SERVING STUDENTS WITH DISABILITIES UNDER  
SECTION 504, REHABILITATION ACT OF 1973**

<b>Step</b>	<b>Description of Activity</b>
1. CONCERN	Student, parent, teacher, counselor, or administrator believe they are observing in a student substantially limited performance in one (1) or more major life activities (i.e., in school generally academic effort and performance) that is believed to be caused by a physical or mental impairment.
2. REFERRAL	The concerned individual should bring the concern to the building's assistance team. The assistance team should complete the 504 Referral Form and give it to the designated building 504 MDT.
3. SCREENING	<p>The designated 504 MDT reviews the referral, completes an appropriate student files review, and consults with teachers, parent/guardians, peers, professionals, and/or the student.</p> <p><b>DECISION TO BE MADE: DOES THIS STUDENT APPEAR TO NEED FURTHER EVALUATION UNDER SECTION 504?</b></p> <p>If yes:</p> <ul style="list-style-type: none"> <li>• Provide the parent/guardian with a copy of the Section 504 rights.</li> <li>• If further information is needed, provide notice to parents for evaluation and obtain their consent in writing. Also obtain written consent for a mutual exchange of information from parent/guardian as appropriate.</li> </ul> <p>If no:</p> <ul style="list-style-type: none"> <li>• Provide screening results to source of referral with accompanying recommendations.</li> <li>• Provide written notice to parents that student does not qualify.</li> </ul>
4. EVALUATION	Conduct all evaluation deemed appropriate and for which the parent/guardian have given written permission.
5. ELIGIBILITY	A Section 504 MDT is recommended to be composed of one (1) of the student's teachers (and/or the student's counselor), a building administrator, and persons knowledgeable about the student's disability and the meaning of the evaluation data and service options.

	<p>The MDT convenes to review all evaluation results, determine eligibility as a student with a disability under Section 504, and document the meeting in writing. The team composition may vary according to the needs of the student.</p> <p>If yes or no:</p> <ul style="list-style-type: none"> <li>• Provide parents with prior written notice of eligibility determination and parents' rights statement.</li> </ul> <p>If no:</p> <ul style="list-style-type: none"> <li>• Consider other referral sources or options for the student and/or school. Provide written notice to parents that student doesn't qualify.</li> </ul> <p>If yes:</p> <ul style="list-style-type: none"> <li>• THE SECOND DECISION TO BE MADE: Does the student also seem to have a disability under one of the IDEA conditions?</li> </ul> <p>If yes: Refer to IDEA MDT for appropriate disposition.</p> <p>If no: Proceed to step 6.</p> <p>NOTE: Whatever the disposition of the case at step 5, the MDT should complete a written Section 504 eligibility statement.</p>
6. DEVELOP A 504 PLAN	<p>Once eligibility under Section 504 has been determined, the process moves to the development of a Student 504 Plan. This plan is to be developed by a professional team that may or may not be the same individuals who were involved at the ELIGIBILITY step 5, but a similar <b>minimum</b> team composition is recommended.</p>
7. EDUCATIONAL SERVICES	<p>The educational services are implemented as outlined in the Student 504 Plan. Each building has an individual designated as the case manager to monitor the implementation of the plan and the progress of the student.</p>
8. PERIODIC	<p>Each Student 504 Plan should be reviewed by the team periodically. Three (3) issues which should be addressed at the review are as follows: (1) the need for additional evaluation information, (2) the continued eligibility as a student with a disability under Section 504, and (3) the contents of the plan and service provider. Each Student 504 Plan must be reviewed annually (each semester Grades 7-12) as teacher and service providers change.</p>

Appendix E-F  
504 Accommodation Plan

## DEFINITIONS FOR PUBLIC SCHOOLS

**Meaningful Education Benefit:** The term "meaningful educational benefit" means:

1. For a student who has never been enrolled in a public or private elementary school, performance at or not substantially below expected developmental levels for a student of the same age;
2. For a student who is currently enrolled in a public or private elementary or secondary school but not receiving special education and related services, performance at or not substantially below expected competencies established for grade and/or age level (or other educational standards including progress through a curriculum or promotion from grade to grade); or
3. For a student who is currently receiving special education and related services, substantial progress toward the attainment of the goals in the IEP, as evidenced by the accomplishment of at least a majority of the short-term instructional objectives established in each goal area.

**IDEA Eligible Student:** An eligible student is a person of age three (3) to twenty-one (21) who:

1. Has a physical or mental impairment, as set forth in the IDEA-B regulations;
2. Does not achieve education satisfactorily due to a significant physical or mental impairment; and
3. Because of (1) and (2) above needs special education.

**Section 504 Qualified Student with a Disability:** A qualified student with a disability is a school-age student who:

1. Has a physical or mental impairment which significantly limits participation in one or more major life activities;
2. Does not achieve education satisfactorily (not limited to academic performance) due to a significant physical or mental impairment which significantly limits participation in one or more of major life activities; and
3. Requires the provision of a multidisciplinary evaluation, a supplementary service or aid, a related service, or some other accommodation to receive an appropriate education.



Appendix E-H

**HEARING PROCEDURE FOR SECTION 504**

1. If the patron, parent, guardian, or eligible student believes the District has violated any provision of Section 504 (34 CFR 104), they may request a hearing. The St. Maries Joint School District must schedule the hearing within thirty (30) calendar days of the request for a hearing.
  - a. The parent, guardian, or eligible student must be notified of the date, time, and place of the hearing.
  - b. The hearing will be conducted by a District-appointed person who does not have a direct interest in the outcome of the hearing.
2. The patron, parent, guardian, or eligible student may be represented by an attorney or another individual of choice at this hearing, at which session evidence may be presented in support of his or her position.
3. The District makes its final decision based solely on evidence presented at the hearing. This outcome is announced to the parent, guardian, or eligible student in writing within five (5) school days of the conclusion of the hearing and includes a summary of the evidence received and the reason for the decision reached. The District may also be represented by an attorney or other individual and may present evidence in support of its position.
4. If the patron, parent, guardian, or eligible student disagrees with the finding of the hearing, he or she may file a complaint with the Office for Civil Rights.

## Appendix E-I

### STUDENT DISCIPLINE—Section 504

- A. Although the right to attend school is a civil right, fully recognized in the courts, it is not an absolute right. School officials can suspend or deny admission to a student for the following reasons:
1. Continued willful disobedience or open and persistent defiance of reasonable school authority.
  2. Behavior which is inimical to the welfare, safety, or morals of other pupils.
  3. Conviction of a felony which the governing body of the District determines will cause the attendance of the student to be inimical to the welfare or education of other students.
- B. Suspension or denial of admission must be undertaken with due regard for the welfare of both the individual and the school in accordance with appropriate procedures. The following general procedures apply to the discipline of students with disabilities:
1. Students with disabilities shall follow the rules and regulations of the schools which they attend and shall be generally subject to standard disciplinary penalties, except to the extent that modifications of the school's disciplinary penalties are stated in individual Accommodations Plan (AP). This requirement, however, shall not restrict the rights to which such students are entitled as students with disabilities.
  2. The District is authorized to impose short-term suspensions (i.e., suspensions of a total of ten (10) school days or less). A short-term suspension does not constitute a change of Section 504 services.
  3. A student with a disability may not be denied admission unilaterally. A student with a disability may not be suspended unilaterally for more than ten (10) consecutive school days, or for an accumulation of more than ten (10) school days in a school year for the same kinds of behaviors. Any proposed denial of admission or suspension for ten (10) or more consecutive school days is a proposed change of service and invokes procedural rights under federal law. An accumulation of suspensions of more than ten (10) school days in a school year may be a proposed change of service and invoke procedural rights under federal law. These rights of parents and students include:
    - a. Written notice of the proposed action.
    - b. Right to examine records.
    - c. Reconvening of the 504 Multidisciplinary Team meeting.
    - d. Right to determine the need for reevaluation.
    - e. The right to a due process hearing with representation of counsel.
    - f. The right to remain in the current service during pendency of due process.
    - g. The right to appeal a decision with which they disagree.

4. For any proposed denial of admission or a proposed suspension which would constitute a change in service, the 504 Multidisciplinary Team must review documented patterns of behavior and any relevant information.
  5. The purpose of this review is to determine if the current program and service environment are appropriate and if the behavior is related to the disability.
    - a. A student whose conduct is found to be a result of a disability as determined by the MDT may not be suspended for more than ten (10) consecutive school days or in some situations an accumulation of more than ten (10) school days in any school year without the concurrence of the MDT and may not be denied admission. The MDT shall modify the student's 504 Plan as appropriate.
    - b. A student with a disability whose conduct is found not to be a result of his disability and whose service and program are appropriate as determined by the MDT will be subject to the regular discipline procedures followed for all students, providing that the procedural protections of federal law are followed. When the MDR determines the student is subject to the penalties of the regular discipline procedures, the MDT is also determining that the change in service environment which may be the result of those procedures is appropriate.
    - c. A student with a disability whose behaviors are determined to be a threat or danger either to himself or others or are so disruptive that the behavior interrupts the educational process for others may not be suspended for more than ten (10) consecutive school days or in some situations an accumulation of more than ten (10) school days in any school year if the parent has initiated due process proceedings. While review proceedings are pending, the District may seek a court injunction barring the student from school.
  6. Removing a student from his or her assigned classroom for inappropriate behavior may constitute a suspension, unless it is for short-term crisis management. Suspension of a student with a disability from transportation services also counts toward consecutive and cumulative days of suspension. However, alternative services such as in-school suspension, alternative learning center, or time-out identified in a 504 Plan which ensure the continuation of the provision of 504 services will not be counted toward the accumulation of ten (10) school days of suspension.
  7. When a significant change in service has been made through the 504 Plan process to address disciplinary concerns, then a new ten-day limit on suspensions may apply to the new service as determined by the MDT.
- C. Within the school setting one of the goals of discipline is to promote and ensure appropriate student behavior. One key to successful discipline policy and procedures is a positive behavior program which will reinforce and encourage appropriate social and academic behaviors. The MDT is the proper group for establishing prevention and intervention.
1. Prevention and intervention procedures need to be developed during the MDT based upon the student's demonstrated academic and social needs. Prevention and intervention procedures must be based upon specific planned interventions to assist the student in gaining and maintaining control over his or her behavior.

2. Modifications in discipline procedures may include specific consequences for specific behaviors and alternative actions to those mandated in District procedures. The process should include a review of the District's discipline procedures with the objective of suggesting possible modifications in procedure which are needed due to the student's disability.
3. In-school suspension and alternative learning programs as monitored by the MDT may be used in the discipline of students with disabilities. Monitoring should assure that all identified special education services are provided. Crisis management procedures which result in a temporary suspension of integrated services or the temporary denial of 504 services will necessitate notification of parents.

D. Discipline of Students "Suspected" of Having a Disability

A student becomes suspected of having a disability when an employee of the district has reasonable cause to believe the student has a disability or another person refers the student for consideration. If a student is suspected of having a disability is subject to suspension, the student must be afforded the due process rights including the right to a due process hearing and the provisions of stay-put while the case is pending. Because a student suspected of having a disability does not have an MDT, it is suggested that a conference involving the parents and appropriate District personnel review the proposed action. If the proposed action is due to behavior related to the reason for referral, the committee would be charged with the responsibility of developing alternative strategies to be followed pending the completion of the evaluation.

E. Summary of Steps to Follow in Discipline of Students with Disabilities or Students Suspected of Having a Disability.

1. Behavior problem occurs requiring administrative action.
2. Review student records and if there is a referral for evaluation to determine eligibility for Section 504 or if the child has an AP, determine if the behavior:
  - a. Poses an ongoing danger or threat of injury to self or others constituting an emergency in which removal is essential. (If the parent does not concur with the removal, the District must seek a court order to bar the student from school if suspension is for more than ten (10) consecutive school days.)
  - b. Requires a suspension of more than ten (10) consecutive school days.
  - c. Requires consequences which will result in the accumulation of more than ten (10) school days suspension within a school year.
  - d. Warrants a recommendation of denial of admission.
3. If the student's behavior does not result in one of the above, the disciplinary policy of the District can be followed. If the student's behavior does result in any of the above, the District must:
  - a. Schedule an MDT meeting or conference for student suspected of having a disability. Notify parents of their due process rights.

- b. Hold an MDT meeting prior to the accumulation of ten (10) school days of suspension to evaluate and determine:
  - (1) If the accumulated suspensions are a significant change in service.
  - (2) If behavior is a result of a disability.
  - (3) The appropriateness of the AP.
  - (4) Alternative interventions.
  - (5) Appropriateness of services.
  - (6) Modifications in the AP.
- c. Implement 504 Plan recommendations.

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*“Committed to Quality Education”*

240 S. 11<sup>th</sup> Street • P. O. Box 384  
St. Maries, ID 83861  
208-245-2579 • FAX 208-245-3970

# St. Maries Joint School District No. 41

Students with Disabilities

## **FORMS**

Individuals with Disabilities Act  
I.D.E.A.

Section 504

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St. Maries Joint School District No. 41  
St. Maries, Idaho  
**SECTION 504**  
**MULTIDISCIPLINARY TEAM**  
**REFERRAL AND RECOMMENDATIONS**  
**FORM 1-504 (Page 1 of 1)**

Referral Date \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_ D/O/B \_\_\_\_\_ Age \_\_\_\_\_

Student Name \_\_\_\_\_  
Last First Middle

Address \_\_\_\_\_  
Street City State Zip

Parent/Guardian/Surrogate \_\_\_\_\_  
(Circle One)

School \_\_\_\_\_ Teacher(s) \_\_\_\_\_ Grade \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

English Proficient Yes \_\_\_\_\_ No \_\_\_\_\_  
Home Language \_\_\_\_\_  
Screened by ESL Yes \_\_\_\_\_ No \_\_\_\_\_

Referral Made by \_\_\_\_\_ Position \_\_\_\_\_

**This referral and function of the 504 Multidisciplinary team have been discussed with the Parent/Guardian/Surrogate:** Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Description of Teacher/School/Parent concerns(s) \_\_\_\_\_  
(Circle One)

Provide information to substantiate concern(s) (i.e., pre-referral data, disciplinary information, screening instruments, observations, anecdotal data, reports, examples of student's work) \_\_\_\_\_

Describe interventions already used in attempting to resolve concern(s) \_\_\_\_\_

**TO BE COMPLETED BY THE 504 MULTIDISCIPLINARY TEAM**

Date of 504 MDT Meeting \_\_\_\_\_

Recommendations:  
\_\_\_\_ Refer for Comprehensive Evaluation under IDEA  
\_\_\_\_ Screen by ESL  
\_\_\_\_ Screen/Evaluate for 504 Eligibility  
\_\_\_\_ Other  
(Specify \_\_\_\_\_)

504 MDT member responsible to inform Parent/Guardian/Surrogate of recommendations:  
(Circle One)  
Name: \_\_\_\_\_ Position: \_\_\_\_\_

St. Maries Joint School District No. 41  
St. Maries, Idaho  
**SECTION 504**  
**PRIOR NOTICE AND PARENT CONSENT FOR INITIAL EVALUATION**  
**FORM 2-504 (Page 1 of 1)**

Date \_\_\_\_\_ Student's School \_\_\_\_\_

To the Parent/Guardian/Surrogate of \_\_\_\_\_  
Last First Middle

D/O/B \_\_\_\_\_ Male \_\_\_\_\_ Female \_\_\_\_\_ Grade \_\_\_\_\_ Teacher \_\_\_\_\_

Your student is being referred to a 504 Multidisciplinary Team for assessment purposes for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following options for dealing with the above concerns were considered or rejected for the reasons specified:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Following is a description of other factors (if any) which are relevant to the proposed evaluation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Evaluation results will help in determining your child's educational needs and in planning the most appropriate program. The evaluation procedures and/or tests may include the following:

_____ Individual Intelligence	_____ Vision
_____ Personality/Emotional/Behavior	_____ Hearing
_____ Academic Achievement/Records Review	_____ Physical Therapy Evaluations
_____ Vocational Interest/Aptitude	_____ Occupational Therapy Evaluations
_____ Speech	_____ Fine/Gross Motor
_____ Adaptive Behavior	_____ Language
_____ Social Development/Health History	_____ Class Observation
	_____ Other Assessments _____
	_____ Parent Suggestion(s) _____

We request your written consent before we conduct an individual evaluation to determine your child's educational needs. I understand the above-described individual evaluation(s). I have received a copy of my rights enclosed with this form. I understand that the granting of consent is voluntary and may be revoked at any time.

\_\_\_\_\_ Permission is given to conduct an evaluation      Date \_\_\_\_\_  
\_\_\_\_\_ Permission is denied to conduct an evaluation

\_\_\_\_\_  
Parent/Guardian/Surrogate Signature (circle one)

**Please return this form to:**  
\_\_\_\_\_  
Name of Staff Member

Mother Home Phone \_\_\_\_\_      Mother Work Phone \_\_\_\_\_      Mother Cell Phone \_\_\_\_\_

Father Home Phone \_\_\_\_\_      Father Work Phone \_\_\_\_\_      Father Cell Phone \_\_\_\_\_

Attachment: 504 Parental Rights (Form 4-504)

St. Maries Joint School District No. 41  
St. Maries, Idaho  
**SECTION 504**  
**STUDENT ELIGIBILITY FORM/PRIOR NOTICE**  
**FORM 3-504 (Page 1 of 1)**

Student Name \_\_\_\_\_ Date of Meeting \_\_\_\_\_

D/O/B \_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

1. Describe the nature of the concern: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Describe the basis for the determination of disability, if any: (Screening and evaluation data): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Describe how the disability affects a major life activity: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. What is the mental or physical disability: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Student is eligible under Section 504? Yes \_\_\_\_\_ No \_\_\_\_\_
6. If no, Team Recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PARTICIPANT NAMES	PARTICIPANT TITLES	DATE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attachment: 504 Parental Rights (Form 4-504)

St. Maries Joint School District No. 41  
St. Maries, Idaho  
**PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, AND SERVICES**  
**(Section 504 of the Rehabilitation Act of 1973)**  
**FORM 4-504 (Page 1 of 2)**

The following is a description of the rights granted by federal law to students with disabilities.\*  
The intent of the law is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your student take part in, and receive benefits from, public education programs without discrimination because of his or her disability condition.
2. Have the School District advise you of your rights under federal law.
3. Receive notice with respect to identification or evaluation of or services to your student.
4. Have your student receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the School District make reasonable accommodations to allow your student an equal opportunity to participate in school and school-related activities.
5. Have your student educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your student receive special education and related services if he or she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act.
7. Have evaluation, educational, and service decisions made based upon a variety of information sources and by persons who know the student, the evaluation data, and service options.
8. Have transportation provided to and from a program not operated by the School District if the School District places the student in the program.
9. Have your student be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the School District.
10. Examine all relevant records relating to decisions regarding your student's identification, evaluation, educational program, and services.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the School District to reasonable requests for explanations and interpretations of your student's records.
13. Request amendment of your student's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your student. If the School District refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing.

St. Maries Joint School District No. 41

St. Maries, Idaho

**PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, AND SERVICES**

**(Section 504 of the Rehabilitation Act of 1973)**

**FORM 4-504 (Page 2 of 2)**

14. Request mediation or an impartial due process hearing related to decisions or actions regarding your student's identification, evaluation, educational program, or services. You and your student may take part in the hearing and have an attorney represent you. Hearing or mediation requests must be made to the District 504 Compliance Officer.
15. Ask for payment of reasonable attorney fees if you are successful on your claim.
16. File a local grievance.

The person in the School District who is responsible for assuring that the School District complies with Section 504 is:

Alica M. Holthaus  
Superintendent of School  
P. O. Box 384  
240 S. 11<sup>th</sup> Street  
St. Maries, ID 83861  
Telephone: (208) 245-2579  
Fax: (208) 245- 3970  
E-Mail: [aholthaus@sd41.org](mailto:aholthaus@sd41.org)

\*29U.S.C. 706(7), §794; 34 C.F.R. Part 104, 20 U.S.C. §1232g; 34 C.F.R. Part 99)

St. Maries Joint School District No. 41  
 St. Maries, Idaho  
**SECTION 504**  
**STUDENT ACCOMMODATION PLAN/REVIEW PLAN**  
**FORM 5-504 (Page 1 of 3)**

Student: \_\_\_\_\_ D/O/B: \_\_\_\_\_

School: \_\_\_\_\_ Teacher: \_\_\_\_\_

Case Manager: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_

Disability(ies): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Three-Year Review Date: \_\_\_\_\_

**Circle classes student required adaption in:** Accommodations will take place in regular classroom unless otherwise noted.

All    Language Arts    Math    Science/Health    Social Sciences    Physical Education

Others: \_\_\_\_\_  
 \_\_\_\_\_

<b>ADAPTATIONS</b> <b>(Accommodations for Consideration – not Comprehensive, only Illustrative)</b>	<b>COMMENTS</b>
1. Defined limits	_____
2. Cooling-off period	_____
3. Behavior Check Cards	_____
4. Positive reinforcement	_____
5. Concrete reinforcement	_____
6. Preferential seating	_____
7. Reduced/minimized distractions	_____
8. Breaks, varied activities	_____
9. Service from content: _____	_____
10. Peer helper/paired working arrangement	_____
11. Maintenance of assignment notebook	_____
12. Shortened assignments	_____
13. Time extensions	_____
14. Omission of assignments requiring copying in a timed situation	_____
15. Allowance of copying from paper/book rather than from board	_____
16. Reduced paper-and-pencil tasks	_____
17. Avoidance of crowded worksheets	_____

**ADAPTATIONS**  
**(Accommodations for Consideration –**  
**not Comprehensive, only Illustrative)**

**COMMENTS**

- 18. Consideration of student's learning style  
\_\_\_\_\_ auditory \_\_\_\_\_ visual  
\_\_\_\_\_ tactile/kinesthetic
- 19. Concrete rather than abstract instruction
- 20. Concise verbal instructions
- 21. Repetition of instructions by student
- 22. Encouragement to verbalize steps needed to complete a task
- 23. Repeated review/drill
- 24. Frequent checks for understanding
- 25. Outline/summary of important information
- 26. Note taking assistance
- 27. Taped texts and/or worksheets
- 28. Highlighted texts, study guides, and/or important points on board or overhead
- 29. Calculator/computer
- 30. Special equipment
- 31. Study sheets for tests
- 32. Tests and/or directive read to student
- 33. Modified test format and/or types of questions
- 34. Oral responses to tests
- 35. No penalties for spelling or mechanical errors
- 36. Behavior contract
- 37. Credit agreements
- 38. Modified schedule
- 39. Other

**SECTION 504**

**STUDENT ACCOMMODATION PLAN/REVIEW PLAN**

**FORM 5-504 (Page 3 of 3)**

Initial Plan or Review Signatures

NAME	(Check one) MEETING/REVIEW		TITLE	DATE



St. Maries Joint School District No. 41  
 St. Maries, Idaho  
**SECTION 504 – NOTICE OF INELIGIBILITY**  
**FORM 6-504 (Page 1 of 1)**

Student's Name: \_\_\_\_\_ D/O/B: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

1. A description of the action proposed or refused by the School District and why: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Describe the basis for the determination (test, record, report, etc.): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. A description of any options the School District considered: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PARTICIPANT NAMES	TITLE	DATE

**Attachment: 504 Parental Rights**

Parents were contacted by phone in advance.

\_\_\_\_\_  
 Name of Staff Member

Date: \_\_\_\_\_

St. Maries Joint School District No. 41  
St. Maries, Idaho  
**SECTION 504 – PRIOR NOTICE**  
**FORM 7-504 (Page 1 of 1)**

Student's Name: \_\_\_\_\_

D/O/B: \_\_\_\_\_

School: \_\_\_\_\_

Date: \_\_\_\_\_

1. A description of the action proposed or refused by the School District and why: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the basis for the determination (test, record, report, etc.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. A description of any options the School District considered: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The reasons for options being rejected: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. A description of any other factors which are relevant to the proposal or refusal: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. **Attachment: 504 Parental Rights (Form 4-504)**

Parents were contacted by phone in  
advance: \_\_\_\_\_

Name of Staff Member

Date: \_\_\_\_\_

St. Maries Joint School District No. 41  
St. Maries, Idaho  
**SECTION 504 – MANIFESTATION DETERMINATION  
SUMMARY AND ANALYSIS  
FORM 8-504 (Page 1 of 2)**

Student: \_\_\_\_\_ D/O/B \_\_\_\_\_ Grade: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_

1. The Multidisciplinary Team must consider all relevant information including evaluation and diagnostic results, information supplied by the parent and student, and observations of the student and the student’s 504 Accommodation Plan.
2. Is the student’s 504 Accommodation Plan appropriate in relationship to the behavior subject to disciplinary actions?
3. Are supplementary aids and services provided consistent with the student’s 504 Accommodation Plan?
4. If applicable, are the behavior intervention strategies consistent with the student’s 504 Accommodation Plan?

**FORM 8-504 (Page 2 of 2)**

- 5. Are teachers, administrators, and other service providers implementing the 504 Accommodation Plan and/or behavior intervention strategies as written?
  
  
  
  
  
  
  
  
  
  
- 6. Does the student's disability impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action?
  
  
  
  
  
  
  
  
  
  
- 7. Does the student's disability impair the ability of the student to control the behavior subject to the disciplinary action?
  
  
  
  
  
  
  
  
  
  
- 8. Based on a preponderance of the responses above, is there a team consensus the student's behavior is a manifestation of the student's disability?

**SIGNATURES**

Parent_____	Teacher_____
Administrator_____	Special Education Teacher_____
Student_____	Other_____
Other_____	Other_____