



PSD Section 504 Family Guidebook

PLEASE NOTE: PSD Section 504 and Special Education/Integrated Services are two separate supports. All schools have a Section 504 Coordinator and/or Team Lead(s) who can answer your questions about Section 504 at your student's school.

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The Poudre School District Section 504 Family Guidebook is designed to provide a brief overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to Poudre School District (PSD) students. While Section 504 defines equal access requirements for students, employees, and other individuals, the guidebook will focus on students. This information has been organized around questions frequently asked by families about Section 504. Throughout this document the terms “impairment”, “disability”, “health condition”, and “suspected impairment” will be used synonymously.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a directive from Congress to schools receiving federal funding to eliminate discrimination based on disability. Since PSD receives federal funding, it is required to provide eligible students equal access to their education and educational opportunities through accommodations, modifications, and/or related services. Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of general education staff and building administrators to implement those practices and procedures necessary for a school to fulfill the requirements of this law. At each school, the responsibility for ensuring Section 504 compliance rests with the building principal or designee.

Overview of the 504 process

The 504 process starts when there is a diagnosis or a suspicion that a student has a physical or mental impairment or a health condition, leading to a 504 referral for evaluation. After a 504 referral has been made, parent/guardian consent is required to move forward with a 504 evaluation. A 504 eligibility and evaluation meeting will occur and if a student is eligible and requires accommodations, modifications, and/or related services to gain equal access to their education and/or educational opportunities, a 504 plan will be developed. If the student is not eligible, other available support will be discussed. PSD uses a software program called Frontline Enrich to document the Section 504 process.

How is a Section 504 referral made?

A parent/guardian, student, or educational staff member can initiate a request for Section 504 eligibility determination. The person making the request will complete the Section 504 referral form and deliver it to the student’s 504 team lead or coordinator. The Section 504 referral form is included at the [end of this guidebook](#) and is on the [PSD Section 504/ADA webpage](#).

Who is on a 504 team?

A 504 team must include individuals who are knowledgeable about the student, the data being reviewed, and the accommodations, modifications, and/or related service options available. The team shall include, but is not limited to: parent/guardian, student (when developmentally appropriate), 504 team lead/coordinator, teachers, school counselor, any appropriate related service providers, other school staff and/or administrators (as appropriate), and members of community agencies (as appropriate).

Who decides if a 504 referral will lead to a 504 evaluation?

Upon receipt of the 504 referral, the 504 team lead/coordinator, in collaboration with appropriate educational

staff, will determine whether an evaluation will occur. An evaluation will occur when the 504 team suspects that the student has a physical or mental impairment or a health condition, which may limit the student in one or more major life activities. When the 504 team determines that an evaluation will occur, the 504 team lead/coordinator will communicate with parent/guardian to review the referral, gain consent, and discuss the evaluation process. The 504 team lead/coordinator will also collect evaluation data and schedule an eligibility determination meeting. If the 504 team determines the evaluation will not occur, other available support will be discussed.

What criteria are used to determine if a student is eligible for a Section 504 plan?

To be considered eligible for a Section 504 plan, the student must meet three criteria:

1. The student must have a physical or mental impairment or a health condition.
2. The physical or mental impairment or health condition must substantially limit the student in one or more major life activities.
3. The student must require Section 504 accommodations, modifications, and/or related services to ensure that the student's needs are met to the same extent as the needs of other students.

It is important to understand that all three criteria must be met for a student to be eligible for a Section 504 plan. Additionally, the impairment or health condition must be the reason why the student cannot equally access or receive benefit from the school's education and educational opportunities.

Physical or Mental Impairment or Health Condition: This includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Additionally, this can include any mental or psychological disorder. This does not limit eligibility to specific physical or mental impairments, health conditions, diseases, or categories of medical conditions. The law was intentionally written this way to avoid limiting the range of qualifying impairments that may be considered.

Substantial Limitations to One or More Major Life Activities: Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact a disability has on one or more of a student's major life activities. A substantial limitation generally means that the student is unable to perform a major life activity that the average person in the general population can perform or is substantially limited in the condition, manner, or duration under which they can perform the major life activity affected. Additionally, with the exception of ordinary eyeglasses and contact lenses, the benefits of available "mitigating measures" (including, but not limited to: medications, therapy, prosthetics, hearing aids, mobility devices, etc.) may not be considered in determining whether someone is "substantially limited" in a major life activity.

Major Life Activities: Major life activities include, but are not limited to: bending, breathing, caring for one's self, communicating, concentrating, eating, hearing, learning, lifting, operation of major body functions, performing manual tasks, reading, seeing, sleeping, speaking, standing, thinking, walking, and working. The operation of major body functions includes: functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.

Need for Accommodations, Modifications, and/or Related Services: A student can qualify for Section 504 protection by having an impairment which substantially limits one or more major life activities. In

order to be eligible for a Section 504 plan, the student’s impairment and substantial limitations must create a need for accommodations, modifications, and/or related services to ensure equal access to education and educational opportunities.

What information is used to determine if a student is eligible for a Section 504 plan?

Information that may be considered includes, but is not limited to: educational staff feedback, parent/guardian/student feedback, grades, attendance, standardized testing information, cumulative file information, behavior information, observations, psychological evaluations, and medical information. As needed, the 504 team may request and use other formal and/or informal measures to help determine 504 eligibility.

Please note that Section 504 eligibility is a comparative measure between a student and a “typical peer.” For example, since the pandemic occurred, many students have higher levels of anxiety. A level of anxiety that would have been substantially limiting prior to the pandemic has increased to a higher level post-pandemic. It will be the Section 504 team’s responsibility to determine if the student’s impairment is substantially limiting compared to a “typical peer.”

If a student is found not eligible for a Section 504 plan, can they still be supported?

Yes, any student can receive support at school with or without a Section 504 plan. If a 504 team determines that a student is not eligible for a Section 504 plan, the team should develop a plan to support that student’s needs in the absence of a 504 plan. This will likely involve the school’s [Multi-Tiered System of Supports \(MTSS\)](#) framework.

What are Section 504 accommodations, modifications, and related services?

There are countless accommodations, modifications, and/or related services that can support a student’s equal access to education and educational opportunities. Necessary accommodations, modifications, and/or related services are determined on a case-by-case basis and it is the job of the student’s 504 team to identify the supports needed based on their qualifying impairment.

Defining Section 504 Accommodations, Modifications, Related Services, and Interventions

<u>Accommodations</u>	<u>Modifications</u>	<u>Related Services</u>	<u>Interventions</u>
<ul style="list-style-type: none"> ● Changes in the way the: <ul style="list-style-type: none"> ○ material is presented to a student. ○ student expresses their knowledge. ○ environment enables a student to access grade level curriculum. ○ assignments and/or assessments are timed/scheduled. ● Provide access to education or the educational environment to allow a student to equitably demonstrate their skills. ● Maintain the content of the assignment. ● Maintain grade-level expectations and/or standards in instructional level, content, and/or criteria. 	<ul style="list-style-type: none"> ● Are different than modifications under IDEA. ● Alterations or exceptions to a school or district policy. ● Could include alterations to the school environment. 	<ul style="list-style-type: none"> ● Developmental, corrective, and other supportive services necessary to assist a student with a disability to access their education and educational opportunities. ● A related service is necessary if the student would not be able to access their education or educational opportunities without it. 	<ul style="list-style-type: none"> ● In rare cases, intervention plans may be integrated into a 504 plan. ● Systematic and explicit methods of instruction to accelerate growth or skill building. ● Designed to improve performance relative to a specific and measurable goal(s). ● Based on current data, defined need, and includes ongoing progress monitoring.

How are 504 accommodations, modifications, and/or related services determined and documented?

If the 504 team determines that a student is eligible for a Section 504 plan, the team will identify what specific accommodations, modifications, and/or related services are necessary to meet the student’s individual needs. The 504 plan provides a summary of the student’s qualifying impairment(s), the student’s specific needs, and a list of the accommodations, modifications, and/or related services the student requires to gain equal access to education and educational opportunities. When created, a Section 504 plan is housed in a software program called Frontline Enrich and the 504 plan becomes part of the student’s record.

What does Section 504 not provide?

While Section 504 ensures equal access to education, educational opportunities, and legal protections, it is important to note:

- Section 504 does not guarantee students will receive a passing or exceptional grade in any class or on any assessment, assignment, project, etc.
- Section 504 does not guarantee students will be selected for/granted participation (“make the team”) in any school-sponsored extracurricular activities.
- Section 504 does not provide universal attendance flexibility. An exemption may include absences related to medical procedures and/or treatment.
- Section 504 does not provide universal access to cell phone use. An exemption may include necessary medical monitoring.
- Section 504 does not remedy all challenges in the educational environment.

How often are Section 504 plans reviewed?

In PSD, Section 504 teams review active Section 504 plans every calendar year with more frequent meetings, when needed. The purpose of an annual review is to update the 504 plan to meet the current needs of the student. When data shows a student no longer needs a 504 plan, the 504 team will end the plan.

How is Section 504 eligibility re-evaluated?

Every three years, or when a significant change in placement occurs, the 504 team will re-evaluate the student’s 504 eligibility. Parent/guardian will need to provide consent for this to occur. The main purpose of a 504 re-evaluation is to gauge the student’s current performance and determine if the student’s needs have changed. When data shows a student no longer needs a 504 plan, the 504 team will end the plan.

Do Section 504 plans remain in place forever?

Section 504 plans remain in place as long as necessary. If a student needs Section 504 accommodations, modification, and/or related services to access their education and educational opportunities, the plan will continue. When a student no longer needs Section 504 support, the plan will end.

PSD Section 504 Family Guidebook Resources

Parent/Student Rights Under Section 504

You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability.
2. Have the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Receive all information in your native language and/or primary mode of communication.
5. Have your child receive a free appropriate public education (FAPE). 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 accommodations to allow your child an equal opportunity to participate in school and school-related activities.
6. Have your child educated in facilities and receive services comparable to those provided to students without disabilities.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by the persons who know the student, evaluation data, and the placement options.
8. Have your child receive special education and related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act.
9. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district.
10. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
11. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
12. Expect annual reviews of your child's 504 plan which may include (1) the need for additional evaluation information; (2) continued eligibility under Section 504; and (3) the content of the plan and service provider.
13. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
14. Receive a response from the school district to reasonable requests for explanation and interpretations of your child's records.
15. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of privacy rights of your child. 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.
16. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. You and the student may take part in the hearing and have an attorney represent you.
17. File a 504 grievance if you have a disagreement with the school.

Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

Office for Civil Rights, Denver Office
US Department of Education, Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, Colorado, 80204-3582
Telephone 303-844-5695, Facsimile 303-844-4303

Poudre School District Section 504 Grievance Procedure and Form

The procedure for resolving a Section 504 grievance can be [found on the PSD Section 504 website](#).

Poudre School District Section 504 Referral Form

The form for making a Section 504 referral can be [found on the PSD Section 504 website](#).

PSD Section 504 Timelines

- **Referral Decision:** Within 15 school days of receipt of a referral, the school Section 504 coordinator or team lead will determine whether or not to move forward with the referral and provide the parent/guardian with a response.
- **Initial Evaluation:** Completed within 60 calendar days after the date parent/guardian signed written consent.
- **504 Plan:** Completed as soon as possible after eligibility has been determined. This should be no more than 10 school days.
- **Review:** Completed every calendar year.
- **Re-evaluation:** Completed every 3 calendar years or when a significant change in placement occurs.