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Introduction

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students on the basis of their disability.

The purpose of this document is to provide guidance to school-based staff in their effort to accommodate students and disabilities and to prevent discrimination against them in the school environment as required by Section 504 of the Rehabilitation Act and the Americans with Disability Act.

The Tucson Unified School District expects employees to be knowledgeable about District procedures governing Section 504 activities, grievance procedures for resolving Section 504 complaints, and parent and student rights. If you have Section 504 questions, please contact the TUSD 504 Coordinator.

Assistant Director, Exceptional Education Department
TUSD Section 504 Coordinator
1010 East 10th Street
Tucson, AZ. 85719
(520) 225-6268
Overview of Section 504 and ADA

What is Section 504?
Section 504 of the Rehabilitation Act of 1973, commonly referred to as “Section 504”, is a federal statute that prohibits discrimination against persons on the basis of their disability by institutions, such as Tucson Unified School District, that receive financial federal assistance. This statute also prohibits discrimination for employees as well as students in higher education.

It states:
No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives Federal financial assistance.

Section 504’s purpose is, among other things, to assure that student with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. A student who has a physical or mental impairment that substantially limits a major life activity must be provided with such accommodations as are necessary to ensure that the student has equal access to services, programs and activities offered by our schools. Also, Section 504 prohibits treating any person differently on the basis of disability (unless doing so ensures the same opportunity as persons without disabilities) and prohibits denying opportunities to any person with disabilities because of inaccessible facilities.

Does Section 504 differ from the ADA?
Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This manual uses only the term “Section 504”, but the District acknowledges that qualified students with disabilities have the same rights under the ADA as under Section 504.

How does Section 504 differ from IDEA?
A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA) is, in all cases, a qualified student with disabilities under Section 504. The converse, however, is not true: a qualified student with disabilities under Section 504 is not qualified in all cases to receive special education services and the protections of IDEA. In other words, some students with disabilities may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA.

Usually, if a student with disabilities is receiving special education services in accordance with IDEA, then the student is adequately accommodated for the purposes of Section 504. For this reason, it is not usually necessary or appropriate to provide a student with disabilities Section 504 protections (i.e., notice, evaluation and accommodation) if the student has already been determined eligible under IDEA. However, if a student is determined to not be eligible under IDEA, the evaluation team may want to consider whether the student would, nevertheless, qualify for accommodations under Section 504. An example of a student who has a disability under IDEA and under section 504 is a student with a specific learning disability and a health issue, such as diabetes.

This manual will focus solely on the provision of services under Section 504. Any questions regarding IDEA should be directed to the Exceptional Education Department.
## Key Differences between IDEA and Section 504 Identification

<table>
<thead>
<tr>
<th>IDEA</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student must have a disability that falls within one or more specific categories of qualifying conditions (i.e., autism, specific learning disability, speech or language impairment, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, deafness, mental retardation, deaf blindness, multiple disabilities, orthopedic impairment, or other health impairment).</td>
<td>The student must have a physical or mental impairment that substantially limits a major life activity (e.g., walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating).</td>
</tr>
<tr>
<td>The student’s disability must adversely affect educational performance.</td>
<td>The student’s disability must prevent equal access to or benefits from the school’s programs or services.</td>
</tr>
</tbody>
</table>

### Evaluation

<table>
<thead>
<tr>
<th>IDEA</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full comprehensive evaluation, including psychological evaluation. Decision by multi-disciplinary team, including parent.</td>
<td>Evaluation using relevant information from a variety of sources. Decision by a group of knowledgeable persons.</td>
</tr>
<tr>
<td>Parent consent required.</td>
<td>Parent consent recommended.</td>
</tr>
<tr>
<td>Annual review of student’s IEP. Mandatory re-evaluation every three years.</td>
<td>“Periodic” re-evaluation required, but no prescribed time period.</td>
</tr>
<tr>
<td>Independent evaluation at district expense if parents disagree with first evaluation.</td>
<td>No requirement for independent evaluation at school’s expense. None the less, the district must conduct or coordinate all assessments necessary at no expense to the parent.</td>
</tr>
</tbody>
</table>

### Dispute Resolution

<table>
<thead>
<tr>
<th>IDEA</th>
<th>Section 504</th>
</tr>
</thead>
<tbody>
<tr>
<td>District complaint</td>
<td>District complaint</td>
</tr>
<tr>
<td>State complaint</td>
<td>Not available</td>
</tr>
<tr>
<td>Federal complaint</td>
<td>Federal Complaint</td>
</tr>
<tr>
<td>Due process hearing by state appointed impartial hearing officer within 45 days</td>
<td>Due process hearing by District appointed impartial hearing officer.</td>
</tr>
</tbody>
</table>
Identifying Students for Section 504 Eligibility

What criteria are used to determine 504 Eligibility?

It is important to understand that 504 accommodations / services apply to all school services, not just to the educational classroom. For a student to qualify for Section 504 accommodations /services, the student must meet three criteria: (1) a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities. The pertinent question is whether the student presently has a physical or mental impairment which substantially limits a major life activity. It is important to understand that all three criteria must be met before the student is eligible for Section 504 accommodations / services. If a student has an impairment that substantially limits one or more major life activities, the team must also determine what reasonable accommodations, if any, are necessary to provide the student an equal opportunity to benefit from the school’s programs and activities. Additional detail on each of the three criteria follows.

Mental or Physical Impairment
This criterion includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; endocrine; or any mental or psychological disorder. Section 504, in contrast to IDEA, does not limit eligibility to specific diseases or categories of medical conditions. Environmental, cultural, and economic disadvantages are not covered unless the student who has any of these characteristics also has a physical or mental impairment.

Substantially Limits
Section 504 does not specifically define the term “substantially limits.” The basis for evaluating this criterion is the impact the impairment has on one or more of the student’s major life activities. It is vital to understand that for a student to qualify for 504, the impairment must impose, to a “considerable” or “large degree,” a limitation to one or more major life activities.

The 504 Team will consider the nature and severity of the impairment as well as how long the impairment is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection.

Several courts have found that a student does not necessarily have a disability simply because a particular condition prevents the student for performing a particular activity in a better or in the best way. Rather, a student’s ability to perform a major life activity is compared to the ability of the average student to perform the same activity or skill. Thus, if the major life activity of “learning” is at issue, the fact that a student is making passing or even below average grades is a factor to consider in determining whether the student truly has a condition.
that is “substantially limiting.” Of course, any student who could perform better in the area of learning than she/he actually is, for whatever reason, should be provided extra assistance by school personnel, including the provision of appropriate instructional assistance. However, a student does not need to be considered “disabled” to receive that kind of assistance and only where a student is truly disabled and needs accommodation in the school environment because of an identifiable disability does Section 504 come into play.

As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that student is using. This is a change from prior law. Before January 1, 2009, school district had to consider a student’s use of mitigating measures in determining whether that student had a physical or mental impairment that substantially limited that student in a major life activity. However, Congress has now specified that the ameliorative effects of mitigating measures must not be considered in determining if a person is an individual with a disability.

Congress did not define the term “mitigating measures” but rather provided a non-exhaustive list of “mitigating measures.” The mitigating measures are as follows: medication; medical supplies, equipment or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthesis (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral and adaptive neurological modifications.

Congress created one exception to mitigating measures analysis. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses must be considered in determining if an impairment substantially limits a major life activity. “Ordinary eyeglasses or contact lenses: are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas “low vision devices” (listed above) are devices that magnify, enhance or otherwise augment a visual change.

Major Life Activities

“Major life activities” include, activities such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, thinking and concentrating. The major life activity affected and how it manifests itself in the school environment is particularly important in determining what accommodations a student may need in order to equally access a program or activity.
The Section 504 Eligibility Determination Process

1. Physical or Mental Impairment

Any physical or mental impairment may result in qualification under Section 504. Unlike IDEA, there are no categories of qualifying disabilities. For students who do not also qualify under IDEA, this step in the 504 evaluation process often relies upon medical/psychiatric diagnosis by qualified professionals.

2. Major Life Activity

The identified physical or mental impairment must affect a major life activity such as: caring for oneself, performing manual tasks, breathing, hearing, learning, seeing, speaking, walking, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating.

3. Substantially Limited

The impairment must substantially limit the major life activity.

<table>
<thead>
<tr>
<th>Negligible</th>
<th>Mild</th>
<th>Moderate</th>
<th>Substantial</th>
<th>Extreme</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOT ELIGIBLE</td>
<td></td>
<td></td>
<td></td>
<td>ELIGIBLE</td>
</tr>
</tbody>
</table>

Remember: Section 504’s purpose is, among other things, to assure that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. A student who has a physical or mental impairment that substantially limits a major life activity must be provided with such accommodations as are necessary to ensure that the student has equal access to services, programs and activities offered by our schools. Also, there are students entitled to protection under section 504 but who are not entitled to services or accommodations such as students who have a record of such an impairment or are regarded as having such an impairment.

How is a student evaluated for Section 504?

Schools have a responsibility to attend to the needs of struggling learners. Students may have academic difficulty for a variety of reasons, many of which might be unrelated to a specific disability. It is important that school and district personnel involved in identifying concerns initially engage in the Multi-Tier System of Support (MTSS) process for the individual student. Multi-Tier System of
Support is a system for efficient instruction; a method for evaluating the needs of all students and fostering positive student outcomes through carefully selected and implemented interventions. It may also be used to assist the school in identifying students who may require more intensive instructional services and or be eligible for a 504 plan. School based teams must be astute and aware of the rights of students with disabilities. 504 team meetings should be immediately convened when a student presents with a noticeable and/or documented disability. In these cases the MTSS process must not delay the convening of the 504 process.

Under Section 504 schools have a responsibility to conduct evaluations of students whom they suspect are disabled and potentially in need of accommodations. The school based 504 team should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The team members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The team is required to review and examine 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.

Who can refer a student for Section 504?

Any parent or guardian, teacher, or other school staff member may express a concern about a student’s need for additional support. Typically the process would begin with a meeting between the student’s parents/guardian and teacher. If there is a need for further interventions, it is important that the Multi-Tier System of Support (MTSS) process is followed by school and district personnel involved in identifying the concerns.

Once the school problem solving team or Multi-Tier System of Support (MTSS), parent/guardian identifies the potential need for a 504 evaluation, a Section 504 Referral form must be completely filled out and forwarded to the school’s 504 Coordinator,

When is it not appropriate to offer a Section 504 Accommodation Plan?

Eligibility for services under Section 504 is always decided by reviewing evaluative data or conducting an evaluation and determining that all three criteria are met. The student must have a mental or physical impairment that limits one or more major life activities.

Keep in mind that while a 504 Plan might not be appropriate, an informal intervention plan may be appropriate to support a struggling student.

Some common misuses of the 504 evaluation process are listed as follows:
- A parent and/or doctor presents the school with a disability diagnosis, and a 504 Plan is written without first determining if the disability causes substantial limitation of a major life activity.
• A student is placed on a 504 Plan solely to satisfy a highly competitive parent who wants specific accommodations to help his or her child receive higher grades or test scores on standardized tests, such as the SAT.
• A student fails to qualify for special education services under IDEA, and a 504 Plan is automatically written without first qualifying the student based on Section 504 criteria.
• A senior student has not passed the state assessment required for graduation and a student on a 504 plan is exempted from that graduation requirement.

Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician’s medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered along with the medical diagnosis are as follows: classroom data including teacher recommendations, aptitude and achievement tests, physical condition, social and cultural background, and adaptive behavior. The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student’s ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered in need of services under Section 504 if the impairment does not in any way limit the student’s ability to learn or other major life activity, or only results in some minor limitation in that regard.

How should a recipient school district handle an outside independent evaluation? Do all data brought to a multi-disciplinary committee need to be considered and given equal weight?

The results of an outside independent evaluation may be one of many sources to consider. Section 504 team members must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student’s learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee, given the student’s individual circumstances.

Who in the evaluation process makes the ultimate decision regarding a student’s eligibility for services under Section 504?

The Section 504 regulatory provision at 34 C.F.R.104.34 (c )(3) requires that school districts ensure that the determination that a student is eligible for special education and/or related aids and services be
made by a group of persons, including persons knowledgeable about the meaning of the evaluation data, about the disability, and about the student. If a parent disagrees with the determination, he or she may request a due process hearing.

Is every student not found eligible or who is dismissed from Exceptional Education Services automatically eligible for a 504 Plan?

No, every student not found eligible or who has been dismissed from special education is not automatically covered under Section 504 or the ADA. However, when a student is dismissed from special education, the exceptional education case manager should notify the school-based Section 504 Coordinator to ensure a smooth transition that the student’s once-identified disability does not begin again to adversely affect educational performance such that accommodations or referral for Exceptional Education Services is needed.

Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the Section 504 Plan in place indefinitely after a student has been identified?

Periodic re-evaluation is required. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child’s parent or teacher requests a re-evaluation, but not more than once a year or if the selected plan is failing to meet the student’s needs (unless the parent and public agency agree otherwise). The Tucson Unified School District recommends that 504 teams follow best practice measures of annually reviewing 504 plans.

How should a recipient school district view a temporary impairment?

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved in a case-by-case basis, taking into consideration either the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

In the Amendment Act (2009), Congress clarified that an individual is not “regarded as” an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

What is the process for reviewing Section 504 eligibility?

When a 504 Referral form is received, the 504 Coordinator of the school will conduct a preliminary review to determine the nature of the student’s disability and the need for further evaluative information.
If the determination is made to consider whether the student has a qualifying disability, then the Parent Consent Form and Procedural Safeguards are sent to notify the parent of the intent to evaluate and gather data. Once data is gathered, the 504 Coordinator sends a Parent Invitation notice inviting the parent to the 504 eligibility meeting.

The 504 Team must include individuals who are knowledgeable about the evaluation data being reviewed in order to make an informed decision. This team should include the parent/guardian of the student, teachers, counselors and other staff members, and staff members of community agencies. The team’s role is to review the nature of the student’s impairment and determine how it affects the student’s access to the school’s programs or services. If the team determines that the impairment does substantially limit a major life function, the team will fill out the Eligibility Determination Report, and the Parent Notice: Eligibility or Non-Eligibility Determination forms. A Section 504 Accommodation Plan form is completed for the student that outlines the appropriate student accommodations that are tailored to address the limitations caused by the disabling condition that are creating barriers to the educational programs and services.

Section 504 Referral or Eligibility meetings are not intended to be as comprehensive as a special education multi-disciplinary meeting. However, the 504 Team must investigate the specific concern that triggered the student referral. Information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. The 504 Team may administer and use other formal and informal measures as necessary. The team must obtain parent permission if it is determined that individualized standardized testing is necessary. The team must ensure that information obtained from all sources is documented and carefully considered.

In the event that the 504 team determines that the student is not eligible to receive a 504 Plan, the 504 Coordinator Team Leader/Principal is responsible for notifying the parent by completing the Parent Notice Section 504 Eligibility or Non-Eligibility Determination form along with the Procedural Safeguards, and providing it to the parent, either in person or by mail, and maintaining a copy at the school site.
Design and Implementation of a 504 Plan

Accommodations are intended to assist students’ access to district services that would otherwise not be accessible to them because of the students’ disabilities. Accommodations are not remedial and they do not build basic skills. Accommodations do permit a student who has learned the information or content to demonstrate that knowledge.

Accommodations can cover a wide range of environments and issues. Some accommodations meet the needs of those with specific physical and mental disabilities. The accommodations that a student receives will be based upon the unique needs identified during the evaluation process.

FACILITY MODIFICATIONS: Some students with disabilities may need modifications to the school’s physical environment in order to have equal access to the facility. Contact the Engineering Department or the Facilities Department for inclusion in the 504 Plan meeting.

TRANSPORTATION ACCOMMODATIONS: Occasionally, a student has a need for transportation to and from school because of a temporary or permanent disabling condition. If the team believes that the student may qualify for Section 504 accommodations involving transportation, contact the Exceptional Education department, 225-6610.

504 Coordinators should collect as much information as possible prior to the meetings where planning takes place. This information would come from the families, teacher/s and the student.

Where will accommodations be provided for students and what are some examples of possible accommodations?

Section 504 requires that a student with a disability be educated with non-disabled students in all educational settings. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of Section 504 plans occurs within the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning experience that provide the student with equal access to learning opportunities. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Waiving a rule that generally applies to all students, such as allowing a student to maintain possession of a specific medication, may also be an appropriate accommodation. Countless accommodations exist that can support a student’s equal access to educational opportunities. It is the job of the 504 Team to identify those accommodations that best support the access needs of a 504 eligible student.

How are 504 accommodations and related services documented and reviewed?

If the 504 Team determines that a student has a qualifying disability, the team’s second responsibility is to identify the student’s needs and services and/or accommodations the student will receive. Documentation of the plan’s detail can be seen on the form Section 504 Student Accommodation Plan.
This Plan provides a summary of accommodations that a student needs in order to have equal access to the learning process, or to other programs, activities, and services. The team will also need to determine if the student should have accommodations for testing. If the team determines that the student should take tests with accommodations, then the team will need to circle the accommodations listed on the Accommodation Plan that are consistent with the instructional accommodations used in the student’s educational program. Testing accommodations must be used for ALL tests including any classroom tests—not just standardized tests. Universal and standard accommodations as outlined and approved by the Arizona Department of Education are reprinted on the form. (See Forms section). The original 504 Plan document will be kept in the student’s cumulative file and the student will be flagged as a 504 student in Mojave.

A 504 Team must review the Section 504 Student Accommodation Plan whenever a student moves to another school or it appears that changes to the 504 Plan are needed. The purpose of a review is to add, subtract, and/or modify student accommodations as needed.
Guidelines for Testing Accommodations

The 504 team, comprised of professionals familiar with the student, family members, and the student depending on her/his age makes decisions about what accommodations the student needs for her/his educational program or for state and district testing. This is done throughout the planning and implementation process.

It is important to consider each student on an individual basis.

Accommodations:
- Must be necessary due to the effects of the disability
- Should facilitate accurate demonstration of knowledge and skills
- Must not provide an unfair advantage or compromise test validity
- Should be the same for instruction and assessment situations

The Arizona Department of Education stipulates that during testing, all universal test administration conditions and standard accommodations identified in a student’s 504 plan must be made available. Accommodations also apply to high stakes assessments such as AzMERIT, college entrance exams such as the SAT or ACT and employment assessments. Clarification and questions regarding accommodations specific to placement tests (i.e. University High School and GATE), however, should be discussed with the district testing coordinator.
STANDARD ACCOMMODATIONS FOR STUDENTS WITH IEPS OR 504 PLANS

Students with IEPs and students with 504 plans may use, as appropriate, any of the universal test administration conditions listed on page 4 and any of the following standard accommodations:

<table>
<thead>
<tr>
<th>Standard Accommodations – 504</th>
<th>Content Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place marker use.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>More breaks and/or several shorter sessions.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Test at a different time of day.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Simplify language for the scripted directions or the directions that students read on their own.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Read aloud or sign the directions that students read on their own.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Read aloud or sign the writing prompt, writing test items (HS only),+ mathematics test items,+ or science test items,+ (This accommodation is to be administered in a one-on-one or very small group setting not in a whole classroom setting.)</td>
<td>W, M, S</td>
</tr>
<tr>
<td>Large print edition of test.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>For a student who is blind, use of an abacus for mathematics test items.</td>
<td>M</td>
</tr>
<tr>
<td>For a student who is blind, use of an electronic dictionary and thesaurus during the writing test. Grammar check, spell check, encyclopedia, translation and internet access must be turned off.</td>
<td>W</td>
</tr>
<tr>
<td>For a student who is blind, Braille writers.*</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Record or dictate multiple choice responses to a scribe.*</td>
<td>R, M, S</td>
</tr>
<tr>
<td>Use assistive technology with spell check, grammar check, and predict ahead functions turned off.</td>
<td>W</td>
</tr>
<tr>
<td>For mathematics test, use of a personal whiteboard which can be seen by only the student &amp; is erased after every problem.</td>
<td>M</td>
</tr>
</tbody>
</table>

+ A test item includes both the question and the corresponding answer choices. Any stimulus preceding the item may also be read aloud.

* For these accommodations, the student’s responses must be transferred to the student’s answer document as directed in the corresponding Test Administration Directions manual.

During testing, all universal test administration conditions and standard accommodations identified in a student’s IEP or 504 plan must be made available.

Accommodations that do not produce valid results are not permitted for AIMS or Stanford 10 tests. Accommodations not permitted include the use of a scribe for writing, read aloud for reading, and use of a calculator or other manipulatives for mathematics.

Arizona Department of Education 
July 2013
Assistive Technology Consideration Process

Assistive technology can afford a dynamic and improved functional capacity to some students with disabilities who are in need of additional supports. The continuum of supports range from low tech (highlighter, calendar, magnifying glass, flipbooks, picture schedules, eye gaze boards), mid tech (single message voice output systems, some communication devices, digital recording devices), to high tech (screen readers, screen magnifiers, text to speech, voice recognition). Utilizing the resources readily available at the school should be explored as a first step to support the student. It is imperative that 504 teams follow the Assistive Technology Consideration Process which includes

- identifying and finding area of concern
- gathering and analyzing information
- generating and prioritizing potential solutions

through
- developing a trial plan
- conducting trials
- collecting data on effectiveness
- developing an implementation plan
- formulate recommendations to share with the 504 team

When 504 teams are discussing assistive technology needs for a student, it is important to avoid naming specific devices or processes. It is best to use general terms about the features or accommodations that may benefit the student’s academic progress.

More information about the Assistive Technology Consideration Process can be found on the Exceptional Education Department website: http://edweb.tusd1.org/Assistive_Technology/ConsiderationOfAT.html
Disciplining a 504 Disabled Student

What is the discipline process for a 504 disabled student?

As part of the antidiscrimination provisions of Section 504, student with disabilities cannot be excluded from school solely on the basis of disability. To exclude a student from school or school activities for behaviors that are caused by or based upon a disability could be discriminatory.

Section 504 students with disabilities are subject to the same disciplinary action as a student without a disability, provided that the student’s behavior is not a manifestation of his or her qualifying disability. A 504 Team must conduct a manifestation determination whenever a student with a disability is subject to out-of-school suspension for 10 consecutive school days or more. Parents should be invited to the manifestation meeting (Parent Meeting Notice). After the meeting parents receive copies of all documentation generated at the meeting along with a copy of Procedural Safeguards. If the 504 Team concludes that the violation is a manifestation of the student’s qualifying disability, the discipline process must end and the 504 Team should review the 504 Plan to determine if changes are appropriate. If the violation is not a manifestation, the student is subject to the same disciplinary action that any student without a disability would receive for the same violation.
Must a school make a manifestation determination when considering the long-term suspension or expulsion of a student with a Section 504 Plan?

Yes. Similar to suspension or expulsion of a student having a disability under IDEA, it is necessary to conduct a manifestation determination for a Section 504 student with a disability when:

- The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the behavior is due to the disability identified in the student’s 504 Plan.
- A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If cumulative suspension/expulsions for a student on a 504 Plan total more than 10 days, it must be determined if a significant placement change has occurred. This is done on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the school must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office for Civil Rights has identified some of the key factors in determining patterns of exclusion: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

Who makes the manifestation determination for a student on a 504 Plan and what information is included in this process?

The manifestation determination should be made by a 504 Team that consists of persons who have knowledge of the student, the student’s disabling condition, and the meaning of the information that will be reviewed. When possible, the members of the 504 Team should be the same members who designed the student 504 Plan. School officials responsible for school disciplinary procedures, such as the school principal or assistant superintendent cannot make the determination. However, such administrators may present pertinent student information to the 504 Team and they may facilitate the manifestation determination process.

The 504 Team must have available information that competent professionals would require when making a manifestation determination. Such information might include attendance and academic records, evaluation data, behavior plans, discipline records, and staff observations. This information should be current enough to afford an understanding of the behavior that is the subject of the manifestation determination.

The manifestation determination should begin with the 504 Team deciding whether the behavior is caused by the impairment. One way to resolve this question is to consider the relationship between the student’s disability and his or her ability to control and understand the consequences of his or her behavior.

- Does the 504 disability impair the student’s ability to control his or her behavior?
- Does the 504 disability impair the student’s ability to understand the consequences of his or her behavior?
- Is there another disability that wasn’t explicitly identified?
If the 504 Team determines the behavior was caused by the impairment, then the behavior is a manifestation of the student’s 504 impairment and no disciplinary action can be taken past ten days. In addition when there is a relationship between the behavior and the 504 impairment, then the 504 Team must review the plan and decide whether it is still appropriate. An alternative placement can be determined because the student is still entitled to services.

If the 504 Team determines that the behavior is not a manifestation of the 504 impairment, the District may impose whatever long-term suspension or expulsion it would impose under the same circumstances if a student without a disability were the offender. The District has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion.

The 504 Team must conclude its work by completing a Section 504 Manifestation Determination form (See Forms section).

**How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?**

A student with a history of drug/alcohol abuse who has been successfully rehabilitated, or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504.

Section 504 allows school districts to take disciplinary action pertaining to the use of possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students.
504 Procedural Safeguards and Parent/Student Rights

Are schools required to provide parents with prior notice of a Section 504 eligibility meeting?

A parent/guardian must receive prior notice of a Section 504 eligibility meeting. Parent consent is required to conduct an eligibility determination. Parent consent must also be obtained before administering any individualized standardized testing. The Parent Consent form explains the evaluation process (See Forms section).

Must schools secure parental consent before conducting an initial eligibility meeting?

Schools should include parents in the evaluation process. Section 504 requires the parent’s consent to conduct a 504 eligibility determination meeting. The school principal or school-based 504 Coordinator should consult with the District 504 Coordinator regarding unique parent concerns.

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. The Tucson Unified School District is required to establish and implement procedural safeguards that include:

- Notice to the parent explaining any evaluation or placement decisions.
- An opportunity for parents to review relevant records.
- An impartial hearing with opportunity for participation by the student’s parent or guardian with representation by counsel.
- An appeal procedure to review the hearing decision.

These procedural safeguards have been addressed by creating Section 504 evaluation procedures and a set of forms that guide the evaluation team through the eligibility determination and placement process.

A notice concerning Parent’s Rights and Safeguards Under Section 504 must be included with the Parent Consent form given to the parent/guardian prior to the 504 evaluation meeting. Likewise, the Parent’s Rights and Safeguards Under Section 504 must be included with the Parent Notice: Section 504 Eligibility or Non-Eligibility Determination (See Forms section).
Working with Parent Concerns and Complaints

The best solutions to parent concerns occur at the school level. Therefore, the first step in resolving a complaint should involve the school principal and 504 Team Leader working with the parent to a mutually acceptable resolution of the parent’s concern(s).

If the concern(s) cannot be resolved informally or if the parent elects to bypass the informal process, the parent may seek formal resolution under the District’s complaint process. The informal process does not have to be initiated or completed before the formal process begins. You should advise the parent of the following steps in the complaint resolution process:

**Step 1.** The parent should complete and submit a Section 504 Complaint Form to the District 504 Coordinator.

**Step 2.** The District 504 Coordinator or designee will review the complaint and decide whether to seek to mediate the dispute between the parent and school or refer the matter for an impartial due process hearing. If requested by the parent, the District 504 Coordinator will meet with the parent to hear the parent’s concerns.

**Step 3.** If mediation is not desired by the parent or is unsuccessful, the District 504 Coordinator will promptly refer the complaint for a due process hearing conducted by an impartial hearing officer. The hearing officer selected by the District 504 Coordinator must have knowledge of Section 504 and must not have an interest in the outcome.

**Step 4.** The District-appointed hearing officer will schedule a due process hearing to occur as soon as practicable for the parent and District. The hearing officer will render a written decision with findings of fact and conclusions of law within five business days after the conclusion of the hearing. The parent may be represented by legal counsel at the hearing. The written decision of the hearing officer will advise the parent that he or she may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education.
Revocation of Consent for IDEA Services on Entitlement to 504 Services

Students who are eligible for special education and related services under IDEA are also eligible for services under Section 504. School based 504 teams must keep in mind that not all students eligible under Section 504 are eligible under IDEA (see sections on Overview of Section 504 and ADA Key Differences between IDEA and Section 504 Identification for review). The Tucson Unified School District satisfies the requirements of Section 504 for these students through the IEP process by providing services and accommodations.

Parents/legal guardians or adult students of the age of 18 or older have the ability to revoke consent for special education and related services in writing to the school district. According to a federal court in Missouri (Lamkin v. Lone Jack C-6 School District) when a parent/legal guardian of a student eligible under IDEA revokes consent for IDEA services, the revocation of services would also apply under Section 504 and the ADA. The United States Office of Civil Rights (OCR) offered similar guidance in 1996 in Letter to McKethan, stating “that by rejecting the services developed under the IDEA, the parent would essentially be rejecting what would be officered under Section 504.”

To avoid confusion, when parents/legal guardians and adult students revoke consent for IDEA services, the IEP team should ensure that the responsible adult is completely informed and understands the full effect of the revocation of consent action. Once a request for revocation has been initiated, no additional meeting is to be held.
Child Find Identification and Referral

It is TUSD’s responsibility to identify students with disabilities and evaluate them to determine whether they are eligible for Section 504 accommodations. This means that District staff has the responsibility to actively look for students with disabilities within the boundaries of the District. Identification of students with disabilities may happen at any point in time throughout the students’ K-12 careers. Some disabilities do not manifest themselves until adolescence. As a result, high school faculty and staff also need to be cognizant of the child find responsibilities. Referrals of students to the principal/504 team leader for evaluation can come from a variety of sources. They come from parents, special programs classroom teachers, the school nurse, and special education.

Some students will come to you having already been evaluated in some way and having been identified as having a mental or physical impairment. Some examples of this are when a student has been diagnosed with asthma or Attention Deficit Disorder. When this is the case, if the student is experiencing difficulties at school or needs an accommodation to access programs, an immediate referral for a Section 504 evaluation is appropriate.

NOTE: This is more difficult than it appears because the District may have notice of a mental or physical impairment in the nurse’s office while the teacher is aware of the student’s difficulties in school. Good communication within the school along with awareness of the District’s responsibilities under Section 504 is essential.

Other students will not have been evaluated or diagnosed with a mental or physical impairment but because he/she is experiencing difficulty in school, the student will be referred to the school-based problem solving team commonly known as the Multi Tiered System of Supports Team. As that team explores how best to help the student, the team should consider whether there are indications that the student may have mental or physical impairment. If so, the team should make a referral for a Section 504 evaluation unless the indicators further suggest the need for an Exceptional Education evaluation.

A referral for a Section 504 evaluation does not necessarily mean that the student is eligible for accommodations under Section 504. The student must meet the criteria for Section 504 eligibility. See the section on Accommodations.

At the point of referral:

Written notice must be provided to parents or guardians.

1. A copy of the Procedural Safeguards must be sent/given to the family.
2. Written parental consent for evaluation must be attained if a psychological evaluation is necessary for the student.
Red Flags That Should Make You Consider Section 504 Referral

- When a disability of any kind is known or suspected.
- When a parent frequently expresses concern about the student’s performance.
- When multiple in-house suspensions occur.
- When retention is being considered.
- When a student returns to school after a serious illness or injury.
- When a student shows a pattern of not benefiting from teacher instruction.
- When a student is referred to the school-based teacher assistant team, but is found not to need an evaluation for special education, BUT there is evidence of a mental or physical impairment.
- When a student does not qualify for special education services and there is evidence of a mental or physical impairment.
- When a student exhibits a chronic health condition.
- When a student has been identified as having attention deficit hyperactivity disorder (ADHD).
- When a student is identified as “at risk” or exhibits the potential for dropping out of school.
- When substance abuse is a disability. The individual must have stopped using the substance at some point in time and should either be in rehabilitation or have gone through the rehabilitation process.
(Section 504 of the Rehabilitation Act of 1973)

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services, pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

Adopted: May 21, 1991
Revised: December 19, 1995
Revised: September 9, 2008 (numeric to letter format only)
Revised: August 28, 2012

LEGAL REF.: A.R.S. 15-708
29 U.S.C. 706
29 U.S.C. 794

CROSS REF: AC – Non-Discrimination
GBP – Prohibited Personnel Practices
JK – Student Discipline
IHB – Exceptional Education Programs
District 504 Forms and Documents

Section 504 Placement Checklist
  **Purpose:** Assists the 504 Principal/Coordinator in organizing and documenting the steps necessary to meet the legal requirements for the Section 504 evaluation and eligibility determination process.

Section 504 Referral
  **Purpose:** Requests that a student be evaluated to determine if the student has a qualifying disability (1) a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities. The pertinent question is whether the student presently has a physical or mental impairment which substantially limits a major life activity.

Parent Consent: Section 504 Determining Eligibility or for Evaluation
  **Purpose:** Obtains parent(s) consent for district to determine eligibility and a 504 evaluation of their child for possibly qualifying for a Section 504 disability.

Parent’s rights and Procedural Safeguards Under Section 504
  **Purpose:** Informs the parent(s) of rights under Section 504.
  This form must be provided with the Parent Consent: Section 504 Evaluation and Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.

Parent Invitation: Section 504 Meeting
  **Purpose:** Invites parent(s) to a Section 504 meeting.

Section 504 Eligibility or Non-Eligibility Determination Report
  **Purpose:** Organizes and documents the steps that the 504 Team must follow to determine whether a student is eligible under Section 504.

Parent Notice: Section 504 Eligibility or Non-Eligibility Determination
  **Purpose:** Informs parent(s) of the student’s Section 504 eligibility or non-eligibility.

Section 504 Accommodation Plan Including Standard Accommodations and/or Amendment
  **Purpose:** Organizes and documents the Section 504 Accommodation Plan created by the 504 Team for eligible students as well as providing an opportunity for amending the plan.

Section 504 Manifestation Determination
  **Purpose:** Organizes and documents the steps that the 504 Team must follow to determine the relationship between the student’s disability and behavior.

Section 504 Complaint Form
  **Purpose:** Submits a complaint to the District 504 Coordinator or to school principal alleging that a student’s rights under Section 504 have been violated.

Parent’s rights and Procedural Safeguards Under Section 504
  **Purpose:** Informs the parent(s) of rights under Section 504. This form must be provided with the Parent Consent: Section 504 Evaluation and Parent Notice: Section 504 Eligibility or Non-Eligibility Determination.
Tucson Unified School District
SECTION 504 PLACEMENT CHECKLIST

Student Name: __________________________Student #: __________________________

School: _________________________________________________________ Grade: ______

1. The 504 Coordinator receives Section 504 Referral ____________________________ Date: 

2. The Principal/504 Coordinator is required to obtain parent consent (See Parent Consent: Section 504 Evaluation) and provide Parent’s Rights and Safeguards Under Section 504 to parent/guardian. ____________________________ Date: 

3. The Principal/504 Coordinator sends Parents Invitation: Section 504 Meeting to Parents/guardian. ____________________________ Date: 

4. The Principal/504 Coordinator identifies members of 504 Team. The 504 Team evaluates the child’s reported impairment and completes the Section 504 Eligibility Determination Report. ____________________________ Date: 

5. The Principal/504 Coordinator updates Mojave to indicate 504 eligibility. (Non-eligibility requires no indication in the system.) ____________________________ Date: 

6. The Principal/504 Coordinator provides Parent notice: Section 504 Eligibility or Non-Eligibility and Parent’s Rights and Procedural Safeguards Under Section 504 to parent/guardian. ____________________________ Date: 

7. If a Section 504 Accommodation Plan is developed, the Principal/504 Coordinator is responsible for ensuring that all members of the 504 Team receive a copy and the student’s teachers are monitoring the implementation of the Plan. ____________________________ Date: 

8. The Principal/504 Coordinator schedules a review or re-evaluation of the student if a request for review or re-evaluation is received or if new information is received that indicates a need for review or re-evaluation. ____________________________ Date: 

9. The Principal/504 Coordinator ensures that the Section 504 Student Accommodation Plan is sent to the new location if the student changes schools. This should also happen when students attend extended school year targeted interventions (summer school) programs and when assessments are to take place.

**504 Paperwork needs to be housed in a central location at each school site.**
Tucson Unified School District
SECTION 504 REFERRAL

Student Name: ___________________________ School: __________________________

Date of Birth: ___________________________ Student ID #: __________________ Grade: ______

1. Please state the nature of your concern(s).

   A. Academic:

   B. Behavioral:

   C. Major Life activity that may be limited (e.g., walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating):

2. Please describe any supporting documentation or observations (including academic, behavioral or other concerns).

3. Please describe any interventions that have been tried at home or at school.

4. Please attach a copy of the student’s most recent grades and standardized test scores (if available). Also attach any medical documentation that supports the student’s physical or mental disability.

Signature of Person Making Referral  Title  Date of Referral
_________________________________________________________________________________

FOR DISTRICT USE ONLY:
Action Taken: _______ Parent(s) signed consent on (date) ____________ to conduct a 504 Eligibility Meeting
___________ On (date) _________________ 504 Coordinator (School Principal or Designee) determined it not appropriate to conduct a 504 eligibility at this time because ________________________________________
To the Parent/Guardian of ___________________________(Student Name)

I have received a Section 504 Referral regarding your child. As part of our efforts to ensure that your child has equal access to our programs, **once I receive your signed consent**, the 504 Team will review the concerns noted, determine if further evaluation data is needed and determine if your child has a qualifying disability under Section 504 of the Rehabilitation Act. You will be invited to this meeting. Members of the evaluation team will collect and review information on your child’s learning and behavior. Your child’s teacher(s) and other school staff members may be involved in observations, assessments, and other data collection activities.

If additional information has to be collected, another meeting will be scheduled to determine eligibility. You will receive notice of the meeting and are encouraged to attend and participate in the discussion and decision making process. If you have any questions, please contact me.

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your child. These rights are summarized on the “Parent’s Rights and Safeguards Under Section 504” document enclosed with this notice. If you did not receive this document or need another copy, please contact me.

504 Coordinator (School Principal or Designee)  Telephone Number

Enclosure

Parent Consent: I consent to evaluation of my child to determine eligibility for a Section 504 Accommodation Plan.

_________________________________________  ________________
Parent/Guardian Signature  Date

*Please return this consent form to school as soon as possible.
Section 504 Parent Rights and Procedural Safeguards

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

WHAT IS SECTION 504?
Section 504 of the Rehabilitation Act of 1973, commonly called “Section 504,” is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

YOUR CHILD’S EDUCATION
Your child has the right to:
• Receive a free and appropriate public education.
• Participate in and benefit from the district’s educational programs without discrimination.
• Be provided an equal opportunity to participate in the district’s nonacademic and extracurricular activities.
• Be educated with students who do not have disabilities to the maximum extent appropriate.
• Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
• Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
• Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
• Receive special education services if needed.

YOUR CHILD’S EDUCATIONAL RECORDS
You have the right to:
• Review your child’s educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
• Ask the district to change your child’s education records if you believe that they are wrong, misleading, or are otherwise in violation of your child’s privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
• A response to your reasonable requests for explanations and interpretations of your child’s education records.

THE SECTION 504 PROCESS
Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504. You have the right to:
• Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.
• Have evaluation and placement decisions made by a group of persons, often called a “504 team”, including persons who know your child, the meaning of the evaluation information, and the placement options available.
• Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
• Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child’s placement.

IF YOU DISAGREE WITH THE DISTRICT’S DECISION
If you disagree with the district’s decisions regarding your child’s identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you at your own cost. Hearing requests and other concerns can be made to your district’s Section 504 Coordinator:

504 Coordinator: Exceptional Education Dept.
1010 East 10th Street
Tucson, AZ 85716
225-6610
Fax 225-6170

You have the right to file a complaint with the district when you believe your child’s rights have been violated. A complaint may be filed by completing the Section 504 Complaint Form and submitting it to your school principal or to the district 504 Coordinator. The U.S. Department of Education’s Office for Civil Rights (OCR), also enforces requirements of Section 504. The address of the regional office that includes Arizona is: Office of Civil Rights, 1244 Speer Blvd., Suite 310, Denver, CO 80204-3582.
Dear Parent/Guardian:

This letter is to advise you of a 504 meeting for your child.

The purpose of this meeting is to:

[ ] Review evaluation results & consider 504 eligibility
[ ] Develop or Review 504 Plan
[ ] Other __________________________

The meeting is scheduled for

Date:

Time:

Location:

Your attendance at this meeting is important. If you cannot attend, you may request to have the meeting rescheduled.

Sincerely,

______________________________
504 Coordinator (School Principal or Designee)
SECTION 504 ELIGIBILITY DETERMINATION REPORT

Student Name: ___________________________ Student ID# ______________________

School: ___________________________ Grade: _____________ Date: ____________

☐ Initial Section 504 Evaluation ☐ Section 504 Re-evaluation

Eligibility: Based on the evaluation data gathered from a variety of sources, the Section 504 Team answered the following questions to determine Section 504 eligibility.

1. Does the student have a physical or mental impairment as (a) 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, speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; OR (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning impairments?

☐ YES ☐ NO  If YES, please describe:

2. Does the physical or mental impairment cause a substantial limitation of a major life activity? That is, as a result of the physical or mental impairment, is the student significantly restricted as to the condition, manner or duration under which the student can perform a particular major life activity? The following suggested questions can be used to consider the 504 Team’s determination of a substantial limitation.

[ ☐ ] On District outcome assessments, student’s skills are below average.

[ ☐ ] On grade reports, there is an overall pattern of poor grades (significantly below average).

[ ☐ ] On group administered standardized achievement tests, student scores below average.

[ ☐ ] The student has a pattern of disciplinary action for inappropriate behavior.

[ ☐ ] The student has special health care needs (medication, allergy, etc.) during the school day.

[ ☐ ] The student has a pattern of excessive absences and/or tardiness.

[ ☐ ] The Student needs 504 services.

[ ☐ ] Other
3. The 504 Team has NOT identified the student as eligible for a 504 Accommodation Plan. However, they recognize this student may be struggling and offers the following explanation:

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**SOURCES OF DATA:** (Check the data obtained for the evaluation. All data obtained must be carefully considered.)

<table>
<thead>
<tr>
<th>Grades</th>
<th>Medical Reports</th>
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<tr>
<td>School Records</td>
<td>IEP Data</td>
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<td>Individual Achievement tests</td>
<td>Classroom Teacher(s) Report</td>
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<tr>
<td>Work Samples</td>
<td>Group Achievement tests</td>
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<tr>
<td>Psycho Educational Eval (date)</td>
<td>Other</td>
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<td>Parent Report</td>
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**TEAM OF EVALUATORS:**

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<th>Name -</th>
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<th>Agree</th>
<th>Disagree</th>
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Tucson Unified School District

PARENT NOTICE: SECTION 504

ELIGIBILITY OR NON-ELIGIBILITY DETERMINATION

Student Name: _______________________________ Student ID# ____________________

School: _________________________________ Grade: __________________________

Date: _______________________________

Dear Parent/Guardian:

On ______________________, an evaluation team met to determine whether your child has a qualifying disability under Section 504 of the Rehabilitation Act. Based on the team’s review of all of the information collected, the evaluation team determined the following:

☐ Your child has a qualifying disability under Section 504 of the Rehabilitation Act, and requires an accommodation plan to ensure he/she receives an appropriate education. A copy of the accommodation plan is enclosed for your review.

☐ Your child does not have a disability or condition that meets the definition of a qualifying disability under Section 504. Therefore, the District cannot provide accommodations under Section 504.

Please contact me if you have any questions. Enclosed is a copy of the document “Parents’ Rights and Procedural Safeguards Under Section 504”. This document summarizes your rights and the rights of your child under Section 504.

If you have any questions or would like to schedule a meeting, please do not hesitate to contact me.

Sincerely,

____________________________________________

504 Coordinator (School Principal or Designee)          Telephone

Enclosure of Procedural Safeguards
Tucson Unified School District
SECTION 504 STUDENT ACCOMMODATION PLAN
**CONFIDENTIAL INFORMATION**

Student Name: ___________________________ School: ___________________________
Student ID #:_________________ Grade: __________ Date of Birth: ______________
Date 504 Plan Initiated: ______________
Date 504 Plan to be Reviewed (due annually) ____________
Date of Amendment (when applicable) ____________
Qualifying Disability: __________________________________________________________

1. What is the major life activity substantially limited by this impairment?
   __________________________________________________________________________

2. Describe the effects of the student’s disability on the student’s access to education or in the educational setting.
   __________________________________________________________________________

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<thead>
<tr>
<th>Accommodations</th>
<th>Person Responsible</th>
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Describe location of services, if other than the classroom setting and the reason(s), or any other relevant information:

   __________________________________________________________________________

Testing Accommodations:
☐ No testing accommodations required. Routine testing conditions apply.

☐ Accommodations required. Eligible for the following Standard Accommodations (as outlined by the Arizona Department of Education and printed on the addendum page) that are consistent with the instructional accommodations used in the student’s educational program.
Universal Test administration conditions include:
Universal Test Administration Conditions are specific testing situations and conditions that may be offered to any student in order to provide him/her a comfortable and distraction free testing environment.

- Testing in a small group, testing one-on-one, testing in a separate location or in a study carrel.
- Being seated in a specific location within the testing room or being seated at special furniture.
- Having the test administered by a familiar test administrator.
- Using a special pencil or pencil grip.
- Using devices that allow the student to see the test: glasses, contacts, magnification, special lighting, and color overlays.
- Using devices that allow the student to hear the test directions: hearing aids and amplification.
- Wearing noise buffers after the scripted directions have been read.
- Having the scripted directions included in the Test Administration Directions repeated (at student request) and having questions about the scripted directions or the directions that students read on their own answered.
Standard Accommodations for Test Administration

Students with 504 plans may use, as appropriate, any of the universal test administration conditions and any of the following standard accommodations and with the identified content areas: W=Writing, R=Reading, M=Math, S=Science

<table>
<thead>
<tr>
<th>Standard Accommodations – 504</th>
<th>Content Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place marker use.</td>
<td>W, R, M, S</td>
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<tr>
<td>More breaks and/or several shorter sessions.</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>Test at a different time of day.</td>
<td>W, R, M, S</td>
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<tr>
<td>Simplify language for the scripted directions or the directions</td>
<td>W, R, M, S</td>
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<tr>
<td>that students read on their own.</td>
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<tr>
<td>Read aloud or sign the directions that students read on their</td>
<td>W, R, M, S</td>
</tr>
<tr>
<td>own.</td>
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<tr>
<td>Read aloud or sign the <strong>writing prompt, writing test items</strong></td>
<td>W, M, S</td>
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<tr>
<td><strong>(HS only)</strong>, <strong>mathematics test items,</strong> or <strong>science test</strong></td>
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<td><strong>items.</strong> <strong>(This accommodation is to be administered in a one-</strong></td>
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<td><strong>on-one or very small group setting not in a whole classroom</strong></td>
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<tr>
<td><strong>setting.)</strong></td>
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<tr>
<td>Large print edition of test.</td>
<td>W, R, M, S</td>
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<tr>
<td>For a student who is blind, use of an abacus for mathematics</td>
<td>M</td>
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<tr>
<td>test items.</td>
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<tr>
<td>For a student who is blind, use of an electronic dictionary and</td>
<td>W</td>
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<td>thesaurus during the writing test.</td>
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<tr>
<td>Grammar check, spell check, encyclopedia, translation and internet</td>
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<tr>
<td>access must be turned off.</td>
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<tr>
<td>For a student who is blind, Braille writers. *</td>
<td>W, R, M, S</td>
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<tr>
<td>Have multiple choice responses transferred from a test book into</td>
<td>R, M, S</td>
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<tr>
<td>an answer document. *</td>
<td></td>
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<tr>
<td>Record or dictate multiple choice responses to a scribe. *</td>
<td>R, M, S</td>
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<tr>
<td>Use assistive technology with spell check, grammar check, and</td>
<td>W</td>
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<tr>
<td>predict ahead functions turned off.</td>
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<tr>
<td>For mathematics test, use of a personal whiteboard which can be</td>
<td>M</td>
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<td>seen by only the student &amp; is erased after every problem.</td>
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</table>

+ A test item includes both the question and the corresponding answer choices. Any stimulus preceding the item may also be read aloud.

* For these accommodations, the student’s responses must be transferred to the student’s answer document as directed in the corresponding Test Administration Directions manual.

PARENT CONSENT and agreement of this Accommodation Plan.

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<th>Signatures</th>
<th>Position/Title</th>
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# Section 504 Manifestation Determination

## Review Documentation

### I. Background

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<thead>
<tr>
<th>Student:</th>
<th>DOB:</th>
<th>Ethnic Code:</th>
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<tr>
<td>School:</td>
<td>Grade:</td>
<td>Services Provided:</td>
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**Meeting Date (m/d/yyyy):**

- 504 accommodations
- 504 pending – not yet eligible

### II. Incident

Describe the nature of the offense(s) alleged against the student and information related to allegations that were considered by the team (i.e. witness statements, police report):

**Date of Incident (m/d/yyyy):**

**Describe:**

- Yes
- No
- Were illegal drugs/controlled substances involved in this incident?
- Yes
- No
- Was a weapon involved in this incident?
- Yes
- No
- Was serious bodily injury involved in this incident?

### III. The Team Reviewed and Considered the Following Relevant Information:

- Current evaluation and diagnostic results
- Current 504 Plan
- Current Academic performance
- Disciplinary records
- Current behavior assessment and behavior plan
- Information supplied by parents
- Attendance
- Observation/Description of any other relevant information considered
SECTION 504 MANIFESTATION DETERMINATION

IV. TEAM’S CONCLUSION REGARDING RELATEDNESS:

☐ Yes ☐ No The conduct was the direct result of the District’s failure to implement the 504 Plan.

☐ Yes ☐ No The student’s conduct was caused by, or had a direct and substantial relationship to the student’s disability.

NOTE: All of the above must be checked “No” for the team to determine that the behavior of the student was not a manifestation of the student’s disability.

Analysis:

V. TEAM’S PROPOSED ACTION PLAN:

☐ 504 to be scheduled to include any changes.

☐ School administrator will refer for a long term suspension hearing. Administrator may consider an abeyance.

☐ School administrator will refer for up to 45 day interim alternative education setting (drug, weapon, and serious bodily injury offenses only). Administrator may consider an abeyance.

☐ Develop a Behavior Intervention Plan (BIP) and/or Behavior Contract.

Recorded by: Position: on

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Tucson Unified School District
SECTION 504 COMPLAINT FORM

Tucson Unified School District pledges to comply with Section 504 regulations and that no discrimination on the basis of disability is permitted in the programs or activities that the District operates. If you believe that discrimination has occurred against a student because of a disability, please complete, sign and submit this form to your school’s principal.

Date: ________________

On behalf of: ______________________________________________________________

Complaint is: ☐ Student:

☐ Student’s parent(s):

☐ Other

Address: ____________________________________________________________

Street ____________________________ City ____________ State __________ Zip

Telephone: ____________________________________________________________

Home ______________________________________________ Work ____________

1. Describe the alleged violation of Section 504 in specific terms. Include (1) the specific incident or activity that is viewed as discrimination; (2) the individuals involved; (3) dates, times, and locations involved; and (4) the disability that forms the basis of the complaint (attach additional pages if needed).

2. Describe any relevant communication that has already occurred to address the issue. Please specify the types of communication, dates of communication, and names of individuals with whom any communication has occurred.

3. Please describe how you propose to resolve this issue.

4. Do you wish this complaint to be mediated by a District 504 Coordinator or designee?

☐ Yes ☐ No

5. Do you wish this complaint to be referred for due process hearing? (A due process hearing is conducted by an impartial hearing officer appointed by the District. You may be represented by legal counsel.) ☐ Yes ☐ No

PLEASE RETURN THIS FORM TO YOUR SCHOOL PRINCIPAL.