

Section 504 Administrative Guidelines

Governing the Implementing of the
Rehabilitation Act of 1973
Section 504

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Chesapeake Public Schools
Department of Student Services

SECTION 504 ADMINISTRATIVE GUIDELINES

I. INTRODUCTION

- A. Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of a disability in any program or activity receiving federal financial assistance. This act requires that a qualified student who demonstrates a physical or mental impairment which substantially limits one or more major life activities, (i.e. self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and learning) shall not on the basis of the disability be excluded from participation in, be denied the benefits of, or be subject to discrimination in any program or activity offered by Chesapeake Public Schools (CPS). CPS has a responsibility to identify and evaluate those children who are believed to qualify as disabled under Section 504.

A students who is not disabled, but has a record of, is regarded as, disabled is protected under Section 504 only insofar as an alleged discriminatory action is based on that history or perception. The mere fact that a student has a history of, or is regarded as, disabled does not automatically qualify a student for accommodation under Section 504.

II. IDENTIFICATION AND EVALUATION PROCEDURES

A. Referral

1. Students suspected of being students with disabilities under Section 504 shall be referred to the 504 Screening Committee by completing the SECTION 504 REFERRAL form. This form may be completed by school staff or parent(s).
2. The SECTION 504 REFERRAL form shall forwarded in a timely fashion to the 504 Screening Committee. The 504 Screening Committee shall consist of the principal or designee, and other professional staff as deemed appropriate. The student's teacher(s) and other staff knowledgeable about the student's functioning may also be included. The parent may be invited to this meeting to this meeting but is not required to attend.

B. Screening

1. The 504 Screening Committee has the responsibility to determine whether there is reason to suspect that the student might qualify as a student with disabilities under Section 504 and/or as a special education student under IDEA.
 - a) If the student is suspected of requiring special education services, or if comprehensive formal testing is recommended by the 504 Screening Committee, the 504 Screening Committee shall refer the case to the Child Study Team.
2. For a student suspected of qualifying as disabled under Section 504, the 504 Screening Committee should review information from a variety of sources. The information reviewed should pertain to the student's functioning in the school environment, and might include: the referral; educational records such as aptitude and achievement tests, report cards and/or teacher recommendations; oral or written observations; evaluations of adaptive behavior; social and cultural background; medical, psychological, and/or

- a) The 504 Screening Committee shall determine if there is sufficient information to determine whether a student qualifies as a student with disabilities under Section 504.
- b) If additional information is needed, it is the responsibility of the 504 Screening Committee to determine what information must be obtained to properly assess the student. The additional information needed should be specified on the SECTION 504 SCREENING form. If comprehensive formal testing is recommended by the 504 Screening Committee in order to assist in determining a student's initial qualification, the 504 Screening Committee shall refer the case to the Child Study Team. Parental permission must be attained.
- c) Evaluations requested by the 504 screening are performed by the school division at no cost to the parent(s).

C. Screening

1. The 504 Screening Committee shall complete a Section 504 SCREENING form for students suspected of having a disability under Section 504. The information listed on this form must document:
 - a) The nature of the physical or mental impairment(s)
 - “physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - b) The impact of the impairment on a major life activity in the school setting;
 - “major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
 - The committee should consider the nature and severity of the impairment; the duration of the impairment; and the permanent or long-term impact of the impairment.
 - c) The extent to which the student’s opportunity to access programs or activities in the school setting is limited by the impairment(s);
 - (1) Students should evidence moderate to severe limitations in the educational setting in order to be qualified under 504.
 - (2) Students requiring only minor adjustments to the instructional program as part of good instructional practice would not automatically be qualified under 504 and might be assisted via other means.

2. The decision of the 504 Screening Committee regarding qualification under 504 shall be recorded on the SECTION 504 SCREENING form. A copy of this form shall be sent to the parent(s) with a notice of the procedural rights (PROCEDURAL SAFEGUARDS).
3. If school staff or a parent suspect that a student no longer needs accommodations or qualifies as a student with disabilities, the student shall be referred to the 504 Screening Committee for reconsideration of qualification under Section 504.
4. When a student transfers to CPS with a 504 Plan, it shall be the responsibility of the 504 Screening Committee to review all available information and determine the appropriate course of action.

III. ACCOMODATION PLANS FOR 504 ELIGIBLE STUDENTS

A. Initial Plan

1. If the student is qualified as disabled under Section 504, a 504 Plan shall be developed by a committee of knowledgeable persons. This committee shall include the principal or designee, a teacher, and other professional staff as appropriate to the needs of the student. Whenever feasible, the teacher(s) involved should be the student's teacher(s).
 - a) The 504 Screening Committee may act as this knowledgeable group or another committee may be designated for the specific purpose of developing the 504 Plan. This committee shall review the specific needs of the student in the educational setting and complete a 504 Plan. Appendix C contains samples of Section 504 accommodations and student behaviors. The following are recommendations for completing the 504 Plan:
 - (1) Accommodations should reflect the unique needs of the student, relate directly to the area of impairment, and ensure that the student has the necessary opportunity to access programs or activities in the school setting. Accommodations that are not directly related to the area of impairment and the student's opportunity for access, and/or those that are simply being provided as good instructional practice are not listed on the 504 Plan.
 - (2) Whenever possible, the committee should include those persons who may be responsible for implementing the proposed accommodations. Special education staff should not be responsible for the implementation of 504 Plans for students in regular education.
 - (3) Parents may provide input into the 504 Plan. However, the knowledgeable committee is responsible for the content and implementation of the plan. Parental consent is not required for a 504 plan.
 - b) For a student eligible for special education services, an individualized education program (IEP) may suffice as the 504 Plan.
 - c) If a student receives accommodations for testing on a regular basis and is scheduled to participate in the Virginia State Assessment Program (VSAP), the knowledgeable com-

mittee shall consider whether the student should be provided specified accommodations. (Refer to page 18 –21).

- (1) Accommodations provided should be those that are already part of the student’s instructional program and provide the student with an equal opportunity to demonstrate achievement
 - (2) The student’s parents shall be an active participant in decisions regarding whether the student will participate in standardized assessments and testing and whether accommodations are needed.
 - (3) If it is decided that the student will not participate in standardized assessments and testing, the principal or designee must document that the ramifications of not taking the tests have been explained to and agreed by the parent(s) and the student, when appropriate.
- d) A copy of the 504 Plan shall be provided to the parent following its completion.

B. Implementation

1. The principal is responsible for adherence to the overall procedures and implementation of a 504 plan.
2. The teacher and/or provider shall comply with the pertinent components of the 504 plan.
3. The plan remains in effect through the dates specified or until a new plan is completed.

C. Annual Review/Update

1. The principal/designee is responsible for ensuring that plans are reviewed at least annually or more frequently as conditions warrant. The purpose of this review is to determine the appropriateness of the plan for the upcoming year and to make any modifications if needed.
 - a) The procedures to be followed and the composition of the committee are the same as for the development of an initial plan.
 - b) If the previous 504 Plan remains appropriate, a new form does not need to be completed in its entirety. The committee should sign and complete the identifying information, dates, and provide a statement that the existing plan is appropriate and should continue as written. If the committee determines that the existing plan requires modification, then all relevant sections of a new 504 Plan form are completed.
 - c) If the 504 Plan is reviewed and it is believed that the student no longer requires accommodations or qualifies under Section 504, then a referral shall be made to the 504 Screening Committee.

D. Transfer Students

1. The principal/designee is responsible for ensuring that plans of transfer students are reviewed as soon as possible following enrollment of transfer students. The purpose of
2. this review is to determine the appropriateness of the plan and to make any modifications if needed.

2. The procedures to be followed and the composition of this committee are the same as for the development of an initial 504 Plan as described under section A above.
3. If the 504 Plan is reviewed and it is believed that the student no longer requires accommodations or qualifies under Section 504, then a referral shall be made to the 504 Screening Committee for reconsideration of qualification under Section 504.

IV. RECORDS

- A. Referrals, 504 SCREENING forms, and 504 Plans should be maintained in the student's cumulative file at the local school. If a student transfers to another Chesapeake Public school, the file shall be forwarded to the new school.
- B. The student's parent(s) or guardian(s) have the opportunity to examine their child's educational record.
- C. The principal/designee is responsible for keeping a record of those students for whom a 504 Plan has been developed with the anticipated review date. A copy of the cover page shall be forwarded to the Director of Student Services.

V. DISCIPLINARY PROCEDURES WITH 504 IDENTIFIED STUDENTS

- A. Except as noted below, prior to a long-term suspension (more than 10 days) and/or expulsion from the school division, the knowledgeable committee shall reconvene to assess whether the student's behavior is related to his/her disability.
 1. If a student is also eligible for special education services under IDEA, disciplinary proceedings should be handled in accordance with Child Study Team Handbook, Chapter 7.
 2. If the student is qualified only under Section 504, and the behavior is believed to be related to the disability (i.e., the behavior is a manifestation of the disability), the committee shall determine whether the student's educational program should be modified. If there is a relationship, the student may not be expelled or placed on long-term suspension (manifestation form on page 22 and 23).
 3. If the student is qualified only under Section 504, and the behavior is believed to be caused by the identified disability (i.e., the behavior is not a manifestation of the disability), the student may be excluded from school in the same manner as a nondisabled student.
 4. When a student's aggregate suspensions amount to 10 or more days within one school year, the knowledgeable committee shall convene to consider whether the student's current educational program should be modified. The committee shall also consider whether reassessment is warranted.
 5. If the qualified student is a current user of illegal drugs or alcohol, disciplinary action may be taken for drug and alcohol violations, to the same extent that such disciplinary action is taken against students without disabilities. In such situations, a knowledgeable committee is not required to convene, reassess the student, or determine whether there is a causal relationship between the infraction and the student's disability.

VI. PROCEDURAL SAFEGUARDS

- A. In respect to actions regarding the identification, evaluation, and/ or placement of students with disabilities, the following procedural safeguards are provided:
1. Notice shall be provided to the parent prior to evaluation, re-evaluation, and/or significant change in placement.
 2. Decisions regarding the identification, evaluation, and accommodations of a student qualified under Section 504 shall be made by a knowledgeable committee.
 3. The student's parent(s) or guardian(s) have the opportunity to examine their child's educational record. Records are maintained in accordance with state and federal guidelines.
 4. Assessments shall be fair and nondiscriminatory and if requested by the 504 Screening Committee, provided at not cost to the parent. Formal tests shall be administered in the student's primary language or mode of communication, unless it is clearly not feasible to do so; validated for the purposes for which they are used; and administered by trained personnel in conformance with the instructions provided by the publisher. Should formal evaluations be requested by the 504 Screening Committee, in order to determine a student's initial qualification, parental consent shall be contained.
 5. Re-evaluation shall be conducted prior to a significant change in placement.
 6. The student's parent(s) or guardian(s) have the opportunity for informal mediation of disputes through the administrative review process.
 7. An impartial hearing shall be available to resolve disputes concerning the student's identification, evaluation, and/or 504 accommodations. Parents and guardians have the opportunity to participate in the hearing and be represented by counsel. Decisions made by the Hearing Officer may be appealed by either party.

VII. PUBLIC NOTICE

- A. Information pertaining to disabilities and nondiscrimination requirements shall be disseminated jointly with Child Find activities under Special Education.
- B. A notice of declaration of nondiscrimination shall be published annually in publications.

APPENDIX A
FORMS AND LETTERS

CHESAPEAKE PUBLIC SCHOOLS
Chesapeake, VA.

SECTION 504 SCREENING	
Student	School
Date of Birth	ID Number
Date	Grade
	Teacher
<p>1. Specific concerns identified:</p> <p>2. Sources of information considered: (check all that apply)</p> <p style="margin-left: 40px;">a. Medical: _____ b. Ability: _____ c. Educational Information: _____</p> <p style="margin-left: 40px;">d. Classroom Performance: _____ e. Attendance: _____ f. Other _____</p> <p>3. Identified physical or mental impairment(s) and impact on a major life activity:</p> <p>4. Extent to which the student's opportunity to access programs and activities provided by the school division is limited by the impairment(s): (Check one)</p> <p style="margin-left: 40px;">_____ Severe _____ Moderate _____ Mild _____ No Impact</p> <p><i>In order to qualify as a student with a disability, the student must have a physical or mental impairment, a record of having such impairment, or be regarded as having such impairment which results in a substantial limitation to one or more major life activities.</i></p> <p>5. The 504 Determination Committee has completed its review and concluded that:</p> <p style="margin-left: 40px;">_____ This student meets/continues to meet the conditions necessary to be considered a qualified individual with disabilities under Section 504 of the Rehabilitation Act of 1973 as it pertains to programs provided by Chesapeake Public Schools.</p> <p style="margin-left: 40px;">_____ This student does not meet/no longer meets the conditions necessary to be considered a qualified individual with disabilities under Section 504 of the Rehabilitation Act of 1973 as it pertains to programs provided by Chesapeake Public Schools.</p> <p style="margin-left: 40px;">_____ Decision deferred for the following reason(s) (Specify):</p> <p style="margin-left: 40px;">_____</p> <p>Signature of Committee Members (include title):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Reevaluation Review Date: _____</p>	

**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA
INVITATION TO 504 DETERMINATION COMMITTEE MEETING**

Date: _____

Student: _____

Dear _____:

This letter is to confirm the Section 504 Accommodation Plan Committee meeting for your child, _____ . The purpose of this meeting is to develop a 504 Accommodation Plan in accordance with Section 504 of the Rehabilitation Act of 1973.

If you discover that the date and time noted below are not convenient, please contact me at _____.

Date: _____ Time: _____ Location: _____

Otherwise, I will look forward to meeting with you at the date and time noted.

Thank you for your continued support.

Sincerely,

504 Chairperson

**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA**

PROCEDURAL SAFEGUARDS

SECTION 504 OF THE REHABILITATION ACT OF 1973

No qualified student with a disability in Chesapeake Public Schools shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity offered by the school division. In respect to actions regarding the identification, evaluation, and/or placement of students with disabilities under Section 504, the following procedural safeguards shall be provided:

Notice shall be provided to the student's parent or guardian prior to evaluation, re-evaluation, and/or significant change in placement.

Decisions regarding the identification, evaluation, and accommodations for a student qualified under Section 504 shall be made by a knowledgeable committee.

The student's parent(s) or guardian(s) shall have the opportunity to examine their child's educational record. Records are maintained in accordance with state and federal guidelines.

Assessments shall be fair and nondiscriminatory and, if requested by the 504 Determination Committee, shall be provided at no cost to the parent. An assessment may consist of a review of existing records and/or information from a variety of sources, such as observations, teacher reports, and results of informal or formal assessments. If formal tests are used, they shall be administered in the student's primary language or mode of communication, unless it is clearly not feasible to do so, validated for the purposes for which they are used; and administered by trained personnel in conformance with the instructions provided by the publisher. If formal, individual testing is requested by the 504 Determination Committee, parental consent shall be obtained for the initial evaluation.

An administrative review shall be available to the student's parent or guardian to mediate disputes concerning the student's identification, evaluation, and/or accommodations. In addition, an impartial hearing may be requested. The parent or guardian shall have the opportunity to participate in the review and/or hearing and be represented by counsel. Either party aggrieved by the decision of the 504 hearing may appeal and request a review of that decision.

Compliance with Section 504 is coordinated by the Director of Student Services who can be reached at 757-547-0585.

The Chesapeake School System is an equal educational opportunity school system. The School Board of the City of Chesapeake also adheres to the principles of equal opportunity in employment and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age or disability.

SECTION 504 QUALIFICATION NOTICE

SCHOOL: _____

ADDRESS: _____

DATE: _____

RE: _____

ID NO: _____

Dear _____:

The 504 Determination Committee has met and considered whether your child qualifies as a student with disabilities under Section 504 of the Rehabilitation Act of 1973. After considering pertinent information concerning your child, the committee concluded that:

- _____ Your child qualifies as a student with disabilities under Section 504.
- _____ Your child does not qualify as a student with disabilities under Section 504.
- _____ Additional information is needed prior to a determination of whether your child qualifies under Section 504. Please read and sign the attached 504 Permission for Assessment form and return to your child's teacher.
- _____ Reevaluation as listed below is warranted:

A copy of the **504 SCREENING FORM** is enclosed. If your child does qualify as a student with disabilities under Section 504, a committee will convene shortly to develop a 504 Plan for your child.

You have the right to appeal this determination. In order to appeal, you must notify the Director of Student Services in writing that you are initiating an administrative review and/or a due process hearing. A copy of **PROCEDURAL SAFEGUARDS** is enclosed for your information.

If you have any questions or desire further information, please contact me at _____.

Sincerely,

Enclosure: 504 Screening Form
Procedural Safeguards

**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA**

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SECTION 504 PERMISSION FOR ASSESSMENT
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Student Name	Birthdate	ID Number
School	Grade	

The 504 Determination Committee requests the following assessment(s) for _____ :
Student Name

The assessment results will assist in determining whether or not your child meets the conditions necessary to be considered a qualified individual with disabilities under Section 504 of the Rehabilitation Act of 1973.

- I give consent to the requested assessment(s).
- I do not give consent to the requested assessment(s).

Parent Signature

Date

Upon completion of the requested assessment(s), the 504 Determination Committee will reconvene to consider the assessment(s) results.

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**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA
SECTION 504 ACCOMMODATION PLAN**

Plan date _____

Student Name _____ Birth date _____ Grade _____

School _____ ID Number _____

Initial Referral Date _____ Reevaluation Review Date _____

Describe how the identified disability substantially limits a major life activity: _____

List/describe accommodation required:

Team Signatures

Positions

Date

_____	Principal/Designee	_____
_____	Parent/Guardian	_____
_____	Teacher	_____
_____	Teacher	_____
_____	Teacher	_____
_____	Other	_____
_____	Other	_____
_____	Other	_____
_____	Other	_____

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**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA
SECTION 504 WRITTEN NOTICE OF PROPOSED/REFUSED ACTION**

Student's Full Name _____ Parent(s) _____

School _____ Birthdate _____

The following information has been considered by Chesapeake Public Schools (CPS):

1. Description of the action proposed or refused by CPS:

2. Explanations of why the action was proposed or refused by CPS:

3. Actions taken:

4. To obtain assistance in understanding the provisions of this notice, contact the Parent Resource Center at (757) 482-5923 or the Office of Student Services at (757) 547-0585.

The parents of a child with a disability have protection under the Section 504 Procedural Safeguards.

Characteristics of Student Performance	Recommended Participation for Standards of Learning Test
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OPTION 1

<p><i>If the student is</i></p> <ul style="list-style-type: none"> a) able to demonstrate knowledge and skills on a multiple choice test, either with or without accommodations; <li style="text-align: center;"><i>and</i> b) is working on Standards of Learning at grade level 	<p><i>Then</i></p> <p>the student should take the Standards of Learning test, either with or without accommodations.</p>
--	--

Characteristics of Student Performance	Recommended Participation for Virginia Grade Level Alternative
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OPTION 2

<p><i>If the student is</i></p> <ul style="list-style-type: none"> a) enrolled in grades 3 through 8, <li style="text-align: center;"><i>and</i> b) has an IEP/504 Plan (or one is being developed), <li style="text-align: center;"><i>and</i> c) as a result of a disability, is unable to demonstrate knowledge and skills on a multiple-choice test, even with accommodations, <li style="text-align: center;"><i>and</i> d) is working on Standards of Learning that are at grade level, <li style="text-align: center;"><i>and</i> e) can demonstrate individual achievement of Standards of Learning content through means other than multiple-choice formats, 	<p><i>Then</i></p> <p>the student should participate in the Virginia Grade Level Alternative.</p>
--	---

Characteristics of Student Performance	Recommended Participation for Virginia Substitute Evaluation Program
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OPTION 3

<p><i>If the student has</i></p> <ul style="list-style-type: none"> a) an IEP/504 Plan (or one is being developed) and is enrolled in a course with a Standards of Learning end-of-course test, <li style="text-align: center;"><i>or</i> b) is pursuing a Modified Standard Diploma and seeking certification for having met literacy and/or numeracy requirements <li style="text-align: center;"><i>and</i> c) as a result of a disability, is unable to demonstrate knowledge and skills on a multiple-choice test, even with accommodations, 	<p><i>Then</i></p> <p>the student should participate in the Virginia Substitute Evaluation Program.</p>
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Characteristics of Student Performance	Recommended Participation for Virginia Alternate Assessment Program
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OPTION 4

<p><i>If the student has</i></p> <ul style="list-style-type: none"> a) an IEP (or one is being developed), <li style="text-align: center;"><i>and</i> b) demonstrates significant cognitive disabilities, <li style="text-align: center;"><i>and</i> c) requires intensive, frequent, and individualized instruction in a variety of settings to show interaction and achievement, <li style="text-align: center;"><i>and</i> d) is working toward educational goals other than those prescribed for a Modified Standard, Standard, or Advanced Studies Diploma 	<p><i>Then</i></p> <p>the student should participate in the Virginia Alternate Assessment Program.</p>
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**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA
SECTION 504
VIRGINIA’S STANDARDS OF LEARNING ASSESSMENTS (SOL)**

Student Name: _____ Date: _____

Student ID Number: _____

Participation in the SOL Assessments

For the student who will be (1) in a grade level for which the student is eligible to participate in the SOL Assessment; (2) enrolled in a course for which there is an SOL end-of-course test; and (3) participating in a remediation recovery program or (4) needs to take an SOL Assessment as a requirement to earn a Standard Diploma or Advanced Studies Diploma, **list each test below**. Next determine if the student will participate in the SOL test and then list the accommodation(s) and/or modification(s) that will be made based upon those the student generally uses during classroom instruction and assessment. For the accommodations and/or modifications that may be considered, refer to the student’s 504 Plan and the Virginia Board of Education’s guidelines.

SOL Tests	Participation	Accommodations Modifications	If YES, List Accommodation(s) and/or Modification(s) by Test
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	
	___ Yes ___ No	___ Yes ___ No	

Explanation for Non-Participation and How the Student Will Be Assessed:

If **no** is checked for any test, explain in the space below why the student **will not** participate in this test, the impact relative to promotion or graduation, and how the student will be assessed in these areas.

Mark any nonstandard administration with an asterisk*. These test scores will be reported as scores that result from a nonstandard administration. A student with a disability who has passed an SOL assessment utilizing any accommodation including a non-standard accommodation has passed for all purposes.

The Chesapeake Public School System is an equal educational opportunity school system. The School Board of the City of Chesapeake also adheres to the principles of equal opportunity in employment and, therefore, prohibits discrimination in terms and conditions of employment on the basis of race, sex, national origin, color, religion, age or disability.

**CHESAPEAKE PUBLIC SCHOOLS
CHESAPEAKE, VA
SECTION 504
District Wide Assessments**

Student Name: _____ Date: _____

Student ID Number: _____

As a _____ grader, this student is eligible to participate in District Wide Assessments.

Participation in the District Wide Assessments

If the student is participating in all or any part of the District Wide Assessments, list the accommodation(s) and/or modification(s) that will be made based upon those the student generally uses during classroom instruction and assessment. For the accommodations and/or modifications that may be considered for this student, refer to the student’s 504 Plan and the guidelines adopted by the Virginia Board of Education. The student will participate in the following District Wide Assessments):

Test/Subtest	Accommodations Modifications	If YES, List Accommodation(s) and/or Modification(s) by Test
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	
	___ Yes ___ No	

Explanation for Non-Participation and How the Student Will Be Assessed:
 For any test/subtest not checked, explain in the space below why the student **will not** be participating in this assessment, the impact relative to promotion or graduation, and how the student will be assessed in these areas:

Mark any nonstandard administration with an asterisk*. These test scores will be reported as scores that result from a nonstandard administration of the test.

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Section 504 Evaluation & Manifestation Determination

Procedural Checklist: Both must be checked before the evaluation/ manifestation determination may occur.
 ___ Verify that the parent has been informed. [___ in writing ___ by phone ___ in person] of the date, time, and place of this evaluation/ manifestation determination meeting.
 ___ Verify Membership of the Section 504 Committee, which must include persons with knowledge of each of the following three areas: (1) the student, (2) the meaning of the evaluation data, (3) the placement options

Date: _____

Student's Name _____ I.D. Number _____ Campus _____

List Committee Members and check area of knowledge (attach an additional page if necessary to list all members)

NAME	POSITION	KNOWLEDGE OF
_____	_____	___ Child ___ Evaluation Data ___ Placement Options
_____	_____	___ Child ___ Evaluation Data ___ Placement Options
_____	_____	___ Child ___ Evaluation Data ___ Placement Options
_____	_____	___ Child ___ Evaluation Data ___ Placement Options
_____	_____	___ Child ___ Evaluation Data ___ Placement Options

The committee reviewed and carefully considered the following data which was gathered from a variety of sources. [Please check each that applies, or attach copies of the data.]

- | | |
|---|---|
| ___ Grade Reports
___ Disciplinary records/referrals
___ Standardized Tests and Other Tests
___ Medical evaluations/diagnoses from parents
___ Parent input | ___ Teacher/ Administrator Input
___ Student work portfolio
___ Campus Study Team suggestions
___ Special Education Data _____
___ Other _____
___ Other _____ |
|---|---|

Behavior subject to disciplinary action: _____

Chesapeake Public Schools 504 Accommodation Plan Log		Date of Birth	Race/Gender (Use Code at Bottom)	Grade	Referral Type – Initial or Annual Review	Date Parents Notified of 504 Meeting (invite Letter)	Date of Initial 504 or Annual Review	Parent Attended Meeting (Y or N)	STAT/Intervention Codes (see below)	Date Assessments Requested (if appropriate)	Date Section 504 Permission For Assessment Signed	Date Referral Packet Sent to EWC (if appropriate)	Date 504 Committee Reconvened to Review Assessments	Student Qualified for 504 Accommodation Plan (Y or N)	504 Committee Recommendation/ Comments
Year	_____														
Student Name															
Student Number															
Student Name															
Student Number															
Student Name															
Student Number															
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Race Codes: 1=American Indian/Alaskan, 2=Asian/Pacific Islander, 3=Hispanic, 4=Black (non-Hispanic), 5=White (non-Hispanic) Gender Codes: F=Female, M=Male

Race Codes: 1=American Indian/Alaskan, 2=Asian/Pacific Islander, 3=Hispanic, 4=Black (non-Hispanic), 5=White (non-Hispanic) Gender Codes: F=Female, M=Male

Intervention Codes: at=assistive technology, ct=change of teachers, rs=reading specialist, t=tutor (teacher), bm=behavior modification, sa=shortened assignment, et=extended time, ps=preferential seating

APPENDIX B

**QUESTIONS AND ANSWERS
REGARDING
SECTION 504/ CPS PROCEDURES**

COMMON QUESTIONS REGARDING THE 504 SCREENING AND EVALUATION PROCESS

1. Q. How does one determine if a limitation is “substantial”?
A. A limitation is considered “substantial” when a student is unable to access programs and activities offered by CPS because of his or her disability. For example, if a student using a walker is habitually tardy to class because of slow movement in the crowded hallways, and as a result earns a failing grade, his access to educational opportunities would be severely limited. In contrast, a student with ADHD who occasionally requires additional time to successfully complete assignments would not likely be considered to evidence a substantial limitation.
2. Q. Must all students be screened for 504 who appear on the confidential “medical flag” list?
A. Screening only occurs if a student who has a medical diagnosis is suspected to require accommodations to prevent discrimination. Best practice may suggest review of the medical flag list periodically to determine if there are any students who should be referred for consideration under 504. When school staff suspect that a student is in need of accommodations to ensure equal access, a referral should be made.
3. Q. Please clarify the issues pertaining to individuals who have a prior history of disabling conditions.
A. A student may be protected under Section 504 from discrimination, if the perceptions of others, based upon the previous identification of a disability, cause that student to be denied access to a particular school program or activity offered by CPS. For example, a student whose services from the program for emotional disabilities were terminated, and who no longer exhibits difficulties functioning in the school setting, could not be excluded from a field trip solely because difficulties on the trip were anticipated by school staff because of his prior eligibility. Simply previous identification as a student with disabilities is insufficient grounds for 504 interventions/ accommodations. Students are protected under Section 504 only insofar as an alleged discriminatory action is based on the history or perception of a disability.
4. Q. If a teacher is making adjustments to the instructional program to accommodate a student’s learning style, should a referral be made to the 504 Screening Committee for consideration under Section 504?
A. It is not necessary to refer students to the 504 Screening Committee for consideration under Section 504 when teachers are simply using good teaching techniques in order to address individual needs such as learning style.
5. Q. If a student is no longer eligible for special education services following a triennial review, must they be referred for 504 screening?
A. The decision to refer would be made on a case-by case basis. Some students who no longer qualify for special education services under IDEA may be in need of consideration for 504 qualification. If it is suspected by a parent or school staff member that a student might be in need of consideration under 504, a referral should be made to the school’s 504 Screening Committee. It is important to note, however, that previous eligibility for special education services under IDEA does not automatically qualify a student for 504 accommodations. There must be an identifiable impairment that results in a substantial limitation of one or more major life activities in the school setting to qualify under 504.

6. Q. Although a student has no problems with school work, referrals for 504 screening are sometimes made in the hope of obtaining a 504 Plan with a recommendation for untimed SATs. Would a student be qualified under 504 in this situation?
- A. Students should not be deemed as qualified under 504 simply to address the SAT. Screening for the need of a 504 Plan involves consideration of how a particular documented impairment impacts upon a student's functioning in school. The 504 Screening Committee reviews information from multiple sources and determines the extent to which school activities, such as testing taking, are limited by the documented disability. A 504 Plan would only be necessary for those students whose functioning is substantially limited in the school setting by a particular impairment. If students are qualified, special provisions for the SAT are granted by the Educational Testing Service (ETS) based on information regarding a student's school functioning.
7. Q. Is documentation of an impairment required for qualification under 504? If so, what types of documentation will be accepted?
- A. There must be documentation of an impairment in order to qualify for accommodation under Section 504. The acceptability of various types of documentation will vary by situation and the nature of the student's suspected disability. In the determination of a student's needs under Section 504, many sources of information will be considered. The appropriateness of the documentation must be determined by the Screening Committee along with the other data relevant to the student's functioning in the school setting.

QUESTIONS REGARDING QUALIFICATION UNDER 504

8. Q. Is a formal medical diagnosis of ADHD required for consideration of a student's qualification under 504?
- A. A medical diagnosis of ADHD is not required nor sufficient on its own for consideration of qualification under Section 504. Decisions regarding qualification under 504 should be made on a case-by-case basis. A variety of sources would normally be considered in making this determination. In addition to the diagnosis, information such as observations of the student in the school setting, behavior checklist data supplied by teachers and parents, a developmental history, and/or a review of records might also be gathered to determine the extent to which the stated disability impacts school functioning and whether a plan is needed. Sources of information commonly consulted in the consideration of qualification for services under 504 might include the following: educational records, reports from physicians, reports from mental health professionals, developmental history, assessment reports, and observations and reports from school staff and parents.
9. Q. What is the role of the child study or teacher assistance teams in this process?
- A. For those students needing minor adjustments to their educational program(s), child study and teacher assistance teams can continue to review students' educational needs, suggest possible program interventions, and provide support to teachers. As appropriate, child study and teacher assistance teams may be involved in the development of 504 Plans. The responsibility for 504 screening, however, rest solely with the 504 Screening Committee.
10. Q. Are school psychologists going to be responsible for making diagnoses of impairments?
- A. Student services staff, as well as school staff, may be asked to provide information concerning a particular student's level of functioning. For example, a school psychologist may be asked to

assist by administering behavioral checklists and completing observations. A school social worker might be asked to interview a caretaker. Depending upon the information needed to describe a child's impairments, a variety of school staff could be involved in collecting information and providing summaries. These "evaluations" would be used in considering the needs of a student under Section 504.

11. Q. I am unclear as to what is appropriate to say to a parent regarding consultation with a physician for various medical conditions.
- A. When it is suspected that a child may qualify for intervention under 504, the student should be referred to the 504 Screening Committee. The 504 Screening Committee should consider any medical information that the parent provides, and may suggest that parents follow up on medical concerns with physicians. Although a medical evaluation is not necessarily a required component, if the 504 Screening Committee requests that a physical be completed, it should be provided or arranged free of charge to the family.
12. Q. What is considered current for evaluations?
- A. Evaluations completed within one year are considered to be current. Depending upon the individual case, committee members may feel that updated evaluation is warranted, even when evaluations have been completed within one year.
13. Q. Can parents of children attending private schools refer their children for consideration under Section 504?
- A. Parents may refer their children who attend private school for consideration under 504. However, it is important to note that CPS has no control over the programs that private schools offer to their students. Where the school division has available a free appropriate education to a student, it is not required to fund or provide educational services to a student not enrolled in the public education program.
14. Q. If a parent disagrees with an evaluation completed by the school system under Section 504, do they have the right to an independent educational evaluation (IEE) at public expense?
- A. Should a parent disagree with an evaluation completed by the school division, there is no IEE available at public expense. However, if a parent provides the 504 Screening Committee with a private evaluation obtained at personal expense, it should be considered. The 504 Screening Committee, however, retains the responsibility for determining the adequacy of the evaluation and is not mandated to accept the results or recommendations.

QUESTIONS REGARDING 504 PLANS

15. Q. Does the 504 Screening Committee have to approve the 504 Plan after it has been written? If not, who should review this plan?
- A. The 504 Screening Committee does not have to review completed 504 Plans. Building principals have the responsibility for ensuring that appropriate plans are developed and can be implemented. The principal or designee is a member of the 504 Plan committee. The 504 Screening Committee may act as the knowledgeable group for development of the 504 Plan, or another committee may be designated for the specific purpose of plan development.
16. Q. Should the person(s) responsible for the recommended accommodations be explicitly listed on the 504 Plan?
- A. The 504 Plan should succinctly state the proposed accommodations for the student. As school personnel may change, specific staff members should not be identified. However, the principal or designee is responsible for the implementation of 504 Plans.

17. Q. If a parent presents the school with a list of recommendations, must all of the recommendations be accepted by the school?
- A. It is not necessary for the school to agree to all requested recommendations. It is the responsibility of the school to review the student's history and area of impairment and suggest interventions that are reasonably designed to allow the student opportunity to participate in and benefit from the activities and programs offered by the school division to the same extent as those students who are not disabled. All decisions made pertaining to a plan for a student are made on an individual basis. The purpose of a 504 Plan is to provide access and guard against discrimination. The plans do not ensure identical results or level of achievement. If the parent disagrees with the plan proposed by the school system, an appeal may be initiated by the parent.
18. Q. How will 504 Plans be tracked?
- A.. Schools should maintain a list of all students for whom there is a current 504 Plan. A copy of that list should be forwarded to the Director of Student Services by October 1 of each school year. When a student transfers to another school, the receiving school should be informed that the student has a 504 Plan. Copies of the forms "Section 504 Referral", "Section 504 Screening", and "Section 504 Qualification Notice" should be forwarded to the Department of Student Services.

MISCELLANEOUS QUESTIONS

19. Q. Can the **504 SCREENING** form and the 504 Plan be included in the eligibility packet and be used to assist school personnel in making eligibility determination?
- A. The provision of this information helps to document what accommodations have been provided to address the student's needs within the general education setting. Any changes in educational or behavioral performance in response to the provision of accommodation is important information to present to the eligibility committee. The information is valuable to the eligibility committee in determining whether the student's needs can or cannot be met within the context of general education.
20. Q. Can a child be receiving special education services and 504 accommodations?
- A. Most likely all children eligible under IDEA are also qualified under 504. However, a separate 504 Plan would not necessarily be required. The IEP may already meet the requirements of a 504 Plan, but individual cases may require consideration to determine if separate needs exist.
21. Q. If a 504 Plan is not working, should evaluations for special education under IDEA be pursued?
- A. This decision must be made on a case-by-case basis. If a 504 Plan is not working, the knowledgeable committee should reconvene. If it is suspected that a child has needs that are so significant that the child is in need of special education services under IDEA, then a referral to the school's Child Study Team should be made to discuss the possible need for evaluation under IDEA. However, alternative methods to meet the student needs should also be considered.
22. Q. Are there differences between the meaning of evaluation under Section 504 and IDEA?
- A. Evaluations for 504 and IDEA may differ. Evaluations completed for 504 consideration do not require the same procedures/ components as IDEA. There are no required evaluation compo-

nents under Section 504. Evaluations should be designed simply to assess the child's needs. For example, an evaluation under 504 could be a review of existing records.

23. Q. How are parents kept informed and involved in 504 decisions?
- A. Parents are provided with procedural safeguards regarding decisions made under Section 504 pertaining to identification, evaluation, and/or placement. They are provided with notice prior to evaluation, reevaluation, significant change in placement, and/or the initiation of a 504 Plan. Staff are encouraged to be sensitive to parental concerns and input in making decisions regarding 504 qualification and the accommodations to be provided. Parental involvement and input is encouraged.
24. Q. What type of an evaluation will be required for the diagnosis of ADHD for considered under 504? For example, will a pediatric assessment without an accompanying medical assessment be sufficient? Do the requirements differ for 504 vs. IDEA (i.e. qualifying under OHI)?
- A. All decisions regarding the necessary evaluations for considerations of a student under 504 will be made by the 504 Screening Committee on a case-by-case basis. ADHD could be considered under either IDEA or 504. However, in order to be eligible or qualify for services, the specific criteria under IDEA or 504 would have to be met.

APPENDIX C
SECTION 504 ACCOMODATIONS/
STUDENT BEHAVIORS
SAMPLES

SECTION 504 ACCOMODATIONS

This section is designed to assist school staff in completing the 504 Plan. These strategies are only suggestions of the types of accommodations that could be employed to meet the needs of particular students. The accommodations selected for a student should be those necessary to provide a student qualified under 504 the opportunity to access the programs and activities in the school setting.

CLASSROOM/ FACILY ACCOMMODATION

- The student will receive special transportation.
- The student will be provided special toilet accommodations.
- Classes for the student will be located on the first floor of the building.
- The student will be seated near the chalk board.
- The student will be seated neat the teacher's desk.
- The student will be seated near the teacher assistant's desk.
- The student will be seated away from the other students.
- The student will be provided a daily schedule of class activities.
- The student will be allowed to leave the classroom before the bell rings.
- The student will do certain assignments while seated at a study carrel.
- The student will utilize writing aids offered by the occupational therapist.
- The student will be provided an additional set of books that may be left in the classrooms.
- The student will be moved closer to what is being viewed when instruction involves an over-head projector, chalkboard or other visual aids.
- The student will be located in a classroom in which distractions have been minimized, e.g., noisy heating systems, buzzing fluorescent lights, etc.
- The student will be provided a tape recorder to be used as needed.
- A notetaker will be assigned to the student to provide daily notes.
- On some occasions the teacher will make a copy of lecture notes for the student.
- The student will tape record directions, instructions or other orally presented information.
- The student will have the necessary note-taking materials.
- The student will practice repetition of information, e.g., names, dates, events, etc.
- The student will reorganize information smaller chunks of information.
- The student will recognize key words, phrases, etc., in order to remember information.
- The student will be provided written lists of information and directions, etc.

ADMINISTRATIVE ACCOMODATIONS

- The student will be reassigned to another school.
- The student will be referred to Vocational Rehabilitation and to occupational therapy services.
- A notation will be made in the student's cumulative folder that there is a Section 504 Individual Accommodation Plan.
- The student's accommodation plan will be made available and reviewed with the teacher.
- The student will be reassigned to a different teacher.

The student will be reassigned to a male teacher.
 The student will be reassigned to a female teacher.
 The student will be allowed to leave school before the end of the day.
 The student will be allowed to leave classes early to go to the next class.
 The student will be scheduled into a class that is taught cooperatively by special education and regular classroom teachers.
 The student will complete drill and practice activities on a computer.
 Teachers for the student will be trained in the characteristics and learning styles associated with the disability.
 The student's teachers will meet weekly to review and revise, if necessary, accommodations.
 The student's teachers will meet monthly to review and revise, if necessary, accommodations.
 The student will be assigned a guidance counselor.
 The student's teacher(s) will establish periodic contacts with outside agency mental health professionals.
 The student will be allowed variance from the school district's attendance policy.
 The student's parents will be provided special parking arrangements near the school building.
 The school will provide an air purifier in the classroom for the student.
 The student's classroom will be equipped with special temperature controls.
 The student will have a health plan outlining procedures to be followed in the event of a medical emergency.

ACADEMIC ACOMMODATIONS

The student will follow a daily posted schedule.
 The student will repeat or paraphrase directions.
 The student will silently repeat orally presented directions.
 The student will receive extended time to complete certain assignments.
 The student will be permitted to turn in assignments on larger lined paper (not college rule).
 The student will be presented new information in smaller "chunks".
 The student will receive smaller, more frequent drill and practice activities.
 The student will perform certain drill and practice activities with a peer tutor.
 The student will participate in the Title I math program.
 The student will participate in the Title I reading program.
 The student will participate in cooperative learning groups.
 The student will be allowed to complete unfinished class work at home.
 The student will recite homework assignments to the teacher before leaving school each day.
 The student will not be required to copy questions at the end of each chapter.
 The student will be allowed to audio tape the lessons
 The student will be allowed large print materials.
 The student will be provided daily lecture outlines with the key elements being highlighted.
 The student will receive handouts printed in large, black manuscript.
 The student will complete work papers that photo copied in black ink in lieu of purple ink mimeographed copies.
 The teacher will offer alternative to assignments, e.g., oral presentations, etc.
 The student will receive instructions outlining for key ideas.

- The student will receive instruction on learning strategies for memory.
- The student will receive instruction on learning strategies for study or thinking skills.
- The student will receive instruction on learning strategies for writing skills.
- The students will receive instruction on learning strategies for spelling/vocabulary skills.
- The student will receive instruction on guided note-taking.
- The student will be permitted to use taped textbooks
- The student will receive instructions on appropriate test-taking skills.
- The student will be provided adapted physical educational instruction.
- The student will be assigned a “services caseworker” to ensure appropriate implementation of services.
- The student will receive individual assistance from a regular education classroom assistant.
- The student will not be required to “dress out” for physical education.
- The student will be provided adapted physical education instruction.
- The student will maintain eye contact with the teacher when directions or other oral instructions are presented.
- The student will take notes on directions and/or assignments using a structured format e.g., who, what, when, where, etc.
- The student will watch the lips of the teacher when directions or other oral information is provided.
- The student will utilize listening skills, e.g., stop working, look at teacher, and repeat instructions.
- The student asks questions to clarify directions or information that is not understood.
- The student will be provided positive reinforcers for being prepared with class materials, etc.
- The student will repeat or paraphrase instructions.
- The student will be provided brief directions or instructions.
- The student will be reinforced for remembering directions.
- The student will repeat information or directions silently as an aid to remembering directions.
- The student will be told what to listen for when receiving directions or instructions.
- The student will be provided a tangible reinforcement for maintaining eye contact, for listening to instructions, etc.
- The student will take notes using a “what”, “how”, “when” at any time instructions or directions are presented.
- The student will be provided lecture notes, written announcements and other written information.
- The student will be presented information one concept at a time.
- The student will ask questions about directions, instructions, and other information he/she does not understand.
- The student will have information presented loudly enough to be heard from different locations in the room.
- The student will get ready for oral information when a visual or auditory cue, e.g., hand signal, is presented.
- The student will review school assignments and make corrections as necessary.

SOCIAL ACCOMODATION

- The student will be provided individual conferences with the classroom teacher to emphasize behavioral expectations.
- The student will participate in role playing activities to ensure comprehension of behavioral ex-

The students will be provided periodic rewards for positive behavior.

The student will be provided appropriate consequences for inappropriate behaviors, e.g., loss of privileges, assignment to in-school suspension, etc.

The student will participate in the development of a behavior management plan.

Out-of-school therapists for the student will be consulted when developing a behavior management plan.

The student will have each teacher evaluate class performance using behavior checklist

The student will have his/her parent(s) sign the daily behavior check list each day.

The student will be scheduled into the in-school suspension room.

The student will see the guidance counselor a predetermined number of times per month.

The student will see the school social worker a predetermined number of times per month.

The student will see the school psychologist a predetermined number of times per month.

The student will participate in group at-risk counseling activities.

The student will be assigned a peer counselor.

The student will be restricted to certain areas of the classroom.

The student will be placed in time-out when inappropriate behavior escalates.

The student will be required to write descriptive paragraphs about the importance of compliance with various behavioral expectations.

The student will be reinforced for having classroom materials, e.g., pencil, paper, textbooks, etc. ready at the beginning of the class.

The student will sit quietly, looking at assigned materials and do assigned work for predetermined number of minutes.

The student will listen quietly and maintain eye contact when other persons are speaking.

The student will summarize what others persons have said.

The student will follow one-step directions.

The student will follow two-step oral directions.

With reminders, the student will have the necessary materials for class activities.

With teacher cues, the student will prioritize and complete classroom assignments.

The student will attempt to work independently on class assignments before asking for teacher or teacher assistant help.

The student will walk in the halls, cafeteria, classroom and other school venues.

When working independently, the student will work quietly in the classroom, media center, or in other school venues.

The student will talk and behave appropriately with peers during unstructured times, e.g., at lunch, recess, assemblies, etc.

Before speaking, the student will raise a hand in order to be recognized by the teacher.

The student will wait until others are through speaking before speaking.

When seated, the student's feet will remain on the floor.

The student will not touch other students walking about in the classroom.

The student will reduce making noises by not tapping pencils, rulers, etc.

When confronted by an annoying situation, the student will walk away.

The student will take turns in group activities.

The student will complete one activity before initiating the next activity.

TESTING ACCOMODATIONS

The student will be tested by curriculum based assessment.

The student will be allowed to take the test home the night before it is to be administered.

The student's instructions will be presented, in part, in the same format as standardized test questions.

The student's test will be presented in large print.

The student will be allowed to mark multiple choice answers on the test question rather than "coloring" in the circle.

The student will receive an oral review of the test instructions. The student's tests will not be excessively long.

The student will be permitted to take open-book tests.

The student will take tests individually, e.g., in the guidance office.

The student test will be printed in black ink free of extraneous marks, etc.

The student will be permitted to take oral tests.

The student will be provided a scribe for essay and other tests which require a substantial written output.

The student will be provided a scribe for essay and types of testing sessions requiring extensive writing.

STUDENT EVALUATION PERFORMANCE

The student does not perform well on teacher made tests.

The student does not perform as expected on day to day class work.

The student does not complete homework.

The student may not complete homework and other assignments because of reading problems.

The student does not perform as expected on end-of course testing.

The student does not perform as expected on end-of-grade testing.

The student does not perform as expected on norm-referenced testing.

The student's reported grades are less than expected.

The student is unable to remember things a short while after learning.

The student has difficulty remembering activities, events that are sequential in nature.

The student may forget information from one occasion to the next.

The student's work habit demonstrate poor organizational skills.

The student is unable to generalize newly learned information to a new learning situation.

The student is unable to use words correctly from one situation to the next.

The student is unable to grasp new information without a slow, "chunked" presentations.

The student's word attack skills are poor.

The student is unable to answer questions after having silently read a passage

The student does not seem to understand the meaning of words.

The student is not able to answer questions after having listened to orally presented materials.

The student loses his place when reading word lists, sentences or paragraphs.

The student is not able to associate a phonetic sound with corresponding letter or letters.

The students makes omissions, additions, substitutions, or reversals when reading.

The student is not able to read without an adult in close proximity.

The student does not use correct spacing between words, sentences, or in paragraphs.

The student reverses letters, numbers, or words.

The student leaves out, adds, or substitutes letters when spelling words.

The student does not use correct verb tenses in written work.

The student is not able to spell words that do not follow conventional rules.

The student has difficulty with addition.

The student has difficulty with subtraction.

The student has difficulty with multiplication.

The student has difficulty with division.

The student is not able to solve math word problems.

The student has trouble solving math problems involving more than one operation.

The student is not able to do basic math operations without concrete manipulatives.

The student is not able to solve math problems requiring regrouping.

The student does not correctly solve problems with fractions or decimals.

The student does not understand the meaning of place value.

VISUAL PERCEPTUAL PERFORMANCE

The student reverses certain letters, e.g. b for d, etc.

The student inverts certain letters, e.g. u for n, etc.

The student complains of hurting eyes.

In activities requiring close visual attention, the eyes are rubbed or scratched by the student.

The student complains that the printed letters are blurred.

The student closes one eye while reading.

The student does not copy materials from the boards or the textbook without excessive errors.

The students often loses place on the reading line.

The student rereads and/or skips lines reading.

The student's reading performance improves with larger print.

The student reads better when a part of the page is shielded.

The student is not able to discern the major theme in pictures, but is able to understand smaller details of the picture.

The student is unable to identify objects in a picture.

The student erases excessively.

The student is unable to recognize and match images, objects, letters, etc.

VISUAL PERCEPTUAL-MOTOR PERFORMANCE

The student sees no spaces between printed words or letters.

The student makes letters in a strange way.

The student writes in reverse, i.e., if one holds the work up to a mirror the words and letters appear as normal.

The student's handwriting is not legible.

The student holds the pencil too tightly.

The student uses too much pressure when writing or drawing causing the pencil or crayon to break.

The student cannot cut paper following dotted lines. The student produces untidy papers.

The student has difficulty performing activities that involve relational concepts such as near-far, above-below, etc.

The student is unable to perform paper and pencil tasks and motor activities involving direction, e.g., left-right, forward-backward, east-west.

The student is not able to perform copy from material located close by.

The student is not able to copy from material located at a distance.

AUDITORY PERCEPTUAL PERFORMANCE

The student has difficulty understanding normal conversations.

The student may understand conversations if repeated very slowly.

The student is not able to differentiate among certain sounds, e.g., the short e and the long e.

The student is not able to distinguish from which direction sounds originate.

The student is not able to filter out certain noises, e.g., background student conversations from teacher talk.

The student is not able to follow directions.

The student does not perform well in tasks requiring listening.

The student does not benefit from oral instructions, lecture, etc.

The student seems to perform better when instructions are repeated.

The student does not perform well when seated away from the source of sound, i.e., teacher's voice.

The student is unable to remember information that is presented orally.

MOTOR PERFORMANCE

The student is not able to perform basic motor skills, e.g., skip, hop, slide, gallop, etc.

The student has involuntary vocalizations.

The student has involuntary motor tics.

The student can tell a story but is unable to write the story.

The student is unable to correctly spell words that he/she recognizes from the printed page as correct.

In activities requiring the use of legs, the student's legs are not usable.

In activities requiring the use of arms, the student's arms are not usable.

In activities requiring the use of arms and legs, the student's arms and legs are not usable.

The student is not skilled in age appropriate perceptual-motor skills.

The student is not able to write legibly.

BEHAVIOR PERFORMANCE

The student's behavior is unpredictable and explosive.

The student is unable to establish effective relationships with peers.

The student is unable to establish effective relationships with adults.

The student's behavior is inappropriate during unstructured parts of the school day.

The student's behavior is inappropriate during certain time periods of the school day.

The student is unable to accept responsibility for academic or behavioral performance.

The student feels persecuted.

The student purports bizarre stories to be truthful stories.

The student repeats things over and over.

ATTENTIONAL PERFORMANCE

The student is unable to remain seated for appropriate lengths of time.

The student is unusually restless.

The student impulsively shouts answers.

The student is not able to follow directions.

The student cannot engage in quiet activities.

The student interrupts others.

The student is not able to attend in detail.

The student does not seem to hear important sounds in the classroom.

The student is not successful when placed at a distance from the teacher's voice.

The student is unable to follow teacher directions without teacher-student eye contact.

APPENDIX D

COMPARISON CHART

Issues	Section 504	Individuals with Disabilities Education Act	American with Disabilities Act
TYPE	A Civil Rights Law	An Education Act	A Civil Rights Law
TITLE	The Rehabilitation Act of 1973	The Individuals with Disabilities Education Act (IDEA)	Americans with Disabilities Act of 1990 (ADA)
PURPOSE	Is a civil rights law that protects the rights of individuals with disabilities in programs and activities that receive assistance from the US Department of Education	Is a federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure a free appropriate public education for students with disabilities	Provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities
RESPONSIBILITY	General education	Special education	Public and private schools, business establishments and public buildings. (services)
FUNDING	State and local responsibility (no federal funding)	State, local and federal. IDEA funds cannot be used to serve students eligible only under Section 504.	Public and private responsibility (no federal funding)
ADMINISTRATOR	Section 504 coordinator (Systems with 15 plus employees)	Special education director or designee	Requirement for school districts. Using a 504 coordinator is suggested.
SERVICE TOOL	Accommodations and/or services	Individualized Education Program (IEP)	Reasonable accommodations and legal employment practices
POPULATION	Identifies person as disabled so long as she/he meets the definition of qualified persons with disabilities; i.e. has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.	Identifies 13 qualifying conditions: autism, deafness, deaf-blindness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment	Identifies person as disabled so long as he/she meets the definition of a qualified person with disabilities; i.e., has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment or is regarded as disabled by others.

Issues	Section 504	Individuals with Disabilities Education Act	Americans with Disabilities Act §
ELIGIBILITY	A person is eligible so long as he/she meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity, or is regarded as disabled by others. The student is not required to need special education services to be protected.	A student is only eligible to receive special education and/or related services if the multidisciplinary team determines that the student has a disability under one of the thirteen qualifying conditions and requires special education services.	A person is eligible so long as he/she meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment which substantially limits a major life activity or is regarded by others as having a disability. The student is not required to need special education services in order to be protected.
FREE APPROPRIATE PUBLIC EDUCATION	The provision of a free appropriate public education to eligible students including individually designed instruction. Requires a written accommodation plan. "Appropriate" means an education comparable to the education provided to students without disabilities. Require the district to provide IEPs. "Appropriate education" means a program designed to provide "educational benefit."		Addresses education in terms of accessibility requirements. Requires private and public entities not to use employment practices that discriminate on the basis of a disability.
ACCESSIBILITY	Federal regulations regarding building and program accessibility requires that reasonable accommodations be made.	Requires that modifications must be made if necessary to provide access to a free appropriate public education.	Requires that public programs be accessible to individuals with disabilities.
UNDUE HARDSHIP	Consideration is given for the size of the program, extent of accommodation, and cost relative to the total school budget.	Budget and administrative convenience is never an excuse.	Consideration is given to the size of the business and its budget and its budget, type of operation, nature and cost of accommodation.
DRUG AND ALCOHOL USE	Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be protected.	Drug and alcohol use is not covered under special education.	Current drug use is not considered a disability. Current alcohol abuse that prevents individuals from performing duties of the job or that constitutes a direct threat to property or safety of others is not considered a disability.

Issues	Section 504	Individuals with Disabilities Education Act	Americans with Disabilities Act
CONTAGIOUS DISEASES	Individuals with disabilities excludes any individual with a contagious disease that renders the individual unable to perform the job.	Could be eligible under the category of "other health impaired."	Permits qualification standard requiring that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of others.
PROCEDURAL SAFEGUARDS	Both require notice to the parent or guardian with respect to identification, evaluation, and placement.		Makes provisions for public notice, hearings, and awarding attorney fees.
PROCEDURAL SAFEGUARDS (CONTINUED)		Notice provisions are much more comprehensive. Minimum requirements of the notice are specified.	
NOTICE AND CONSENT	Notice is required before a "significant change in placement." Written consent would be considered a best practice.	Written notice is required prior to any change in placement.	
EVALUATIONS	Evaluations draws on information from a variety of sources in the area of concern . Decisions are made by a group knowledgeable about the student, evaluation data, and placement options. Requires written parental notice and consent. Requires periodic reevaluations. Reevaluations is required before a significant change in placement.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team. Consent is required before the initial evaluation is conducted. Requires reevaluations to be conducted at least every 3 years. A reevaluation is not required before a significant change in placement. However, most students covered by IDEA are also eligible under Section 504.	All schools should conduct or update their Section 504 self-evaluation 504 regarding services, accessibility, practices, and policies to assure discrimination is not occurring with any individual with disabilities.

Issues	Section 504	Individuals with Disabilities Education Act	Americans with Disabilities Act 44
EVALUATIONS (CONTINUED)	No provision is made for independent evaluations at district expense. The school district should consider other evaluations and information regarding the student.	Provides for independent educational evaluation. A due process hearing is available if the school and parent disagree on the need for an independent evaluation.	
PLACEMENT	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ul style="list-style-type: none"> • Draw upon information from a variety of sources. • Assure that all information is documented and considered. • The placement decision is made by a group of persons including those who are knowledgeable about the student, disability, the meaning of the evaluation data and placement options. • Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate (least Restricted Environment—LRE) • Require notice and evaluation before any change of placement 		
REVIEW OF PROGRAM	Accommodations should be reviewed periodically.	An IEP review meeting is required at least annually, or before any significant change in the program or placement.	
GRIEVANCE PROCEDURES	Requires districts to provide a grievance procedure for parents, students, and employees.	Does not require a grievance procedure.	Any school district shall adopt and publish grievance procedures for resolution of ADA complaints.
DUE PROCESS	<p>Both statutes require districts to provide impartial hearings for parents or guardians who disagree with identification, evaluation, or placement of student with disabilities. School districts or parents can initiate due process hearings.</p> <p>Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details. Delineates specific requirements.</p>		Due process hearings can be initiated by either party. The court may allow a reasonable attorney's fee for the prevailing party.

Issues	Section 504	Individuals with Disabilities Education Act	Americans with Disabilities Act ⁵
MEDIATION	Not required, however mediation should always be suggested.	Not required, however mediation should always be suggested.	
EXHAUSTION	Administrative hearing is not required prior to OCR involvement or court action.	The parent or guardian should exhaust all administrative hearings before seeking court action.	An administrative hearing is not required prior to OCR involvement or court action.
ENFORCEMENT	Enforced by the U.S. Office for Civil Rights. Regional offices are located throughout the United States.	Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the Virginia State Department of Education of Education. The Virginia State Department of Education will resolve complaints under Individuals with Disabilities Education Act.	Enforced by the U.S. Office for Civil Rights under an agreement with EEOC.

APPENDIX E

SECTION 504

GRIEVANCE PROCEDURES

Chesapeake City Public Schools**I. Section 504 Grievance Procedure**

- A. Persons who believe that the school division has discriminated against them because of their disability and thus violated Section 504 of the Rehabilitation Act (Section 504) or the Americans with Disabilities Act (ADA) can file a written grievance with the school division's Section 504/ADA Coordinator. See 34 C.F.R. § 104.7. Once a written grievance is received, the school division will investigate the allegations contained in the written grievance in an effort to reach a prompt and equitable resolution.
- B. A grievance may be filed by a student, the student's parent or parents, or a school division employee. A grievance must meet the following requirements:
1. The grievance must be in writing. At a minimum, it must contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant's signature and the date the grievance is filed.
 2. The written grievance must be filed with the school division's Section 504/ADA Coordinator ("coordinator") at the following address:

Section 504/ADA Coordinator
Chesapeake City Public Schools
312 Cedar Road
Chesapeake, VA 23322
 3. The grievance should be reported as soon as possible and should generally be made within fifteen (15) school days of the occurrence.
- C. The complainant must have the opportunity to present verbal and written evidence.
- D. The coordinator or designee will independently investigate the allegations to determine whether the school division is in compliance with Section 504 and the ADA. The coordinator or designee will provide a written report of the

investigation within thirty (30) school days of receipt of the complaint. The report should include the following information:

1. A statement of the complainant's allegations and the remedy sought;
 2. A statement of facts as contended by each party;
 3. A narrative describing attempts to resolve the grievance;
 4. A list of the witnesses interviewed and the documents reviewed during the investigation;
 5. A statement of facts as determined by the coordinator or designee with reference to the evidence to support each fact;
 6. The coordinator or designee's conclusion as to whether the allegations are valid; and
 7. If the coordinator or designee does determine that the allegations are valid, the report should include any corrective action determined by the coordinator or designee.
 8. An extension of the thirty (30) school day time limit may occur if necessary as determined by the coordinator or designee.
- E. The complainant shall have an opportunity to make a written appeal to the school division's superintendent within ten (10) school days of receiving the coordinator's report. Following an appeal, the superintendent or the superintendent's designee will review the complainant's appeal along with the coordinator's report and then respond in writing to the complainant within thirty (30) school days of receiving the appeal. The superintendent or the superintendent's designee shall either confirm or disapprove the coordinator or designee's decision.
1. An extension of the thirty (30) school day time limit may occur if necessary as determined by the superintendent or the superintendent's designee.

Chesapeake City Public Schools

I. Section 504 Hearing Procedure

Impartial hearings are available under Section 504 to resolve disagreements between parents and the school division over matters related to the identification, evaluation, or educational placement of a student with a disability. See 34 C.F.R. § 104.36.

1. Exception for student use of drugs or alcohol. School divisions can take disciplinary action against any student with a disability “who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities.” 29 U.S.C. § 705(20)(C)(iv). Furthermore, disciplinary matters relating to a student’s current use of illegal drugs or alcohol are not reviewable in a hearing. See id.
2. These hearing procedures shall not be used if the remedy requested by the complainant is available through the due process procedures set forth in the Individuals with Disabilities Education Improvement Act (“IDEIA”) of 2004, 20 U.S.C. § 1415.

B. Requesting a Hearing

Requests for hearings shall be made in writing and directed to the school division’s Section 504 Coordinator (“coordinator”). A hearing must be requested within ninety (90) calendar days of the dispute giving rise to the hearing. The hearing request must include the following information:

1. The name of the student, the address of the residence of the student (or available contact information in the case of a homeless student), and the name of the school the student is attending;
2. In the case of a homeless student or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. § 11434a(2)), available contact information for the student and the name of the school the student is attending;

3. A description of the decision(s) made by the school division with which the complainant disagrees, including facts relating to such decision; and
4. A proposed resolution of the problem to the extent known and available to the party at the time.

C. Appointment of a Hearing Officer

The coordinator will appoint an impartial hearing officer [from the list of special education hearing officers maintained by the Supreme Court of Virginia]. The hearing officer should be appointed within five (5) school days of receipt of a request for a hearing.

(You may elect to substitute the following phrase for the bracketed statement: [from the list of attorneys appointed by the School Board, who have expertise and training in disability law].)

D. Pre-Hearing Procedures

1. The hearing officer is responsible for the following matters prior to the hearing:
 - a. Withing five (5) school days of appointment, securing a date, time, and location for the hearing that are convenient to both parties, and notifying both parties, in writing, of the date, time, and location of the hearing.
 - b. Ascertaining whether the parties will be represented at the hearing.
 - c. Ascertaining whether the hearing will be open to the public.
 - d. Ensuring that the hearing is accurately recorded either by recording equipment or by a court reporter.
2. A list of witnesses and documentary evidence for the hearing (including all evaluations and related recommendations that each party intends to use at the hearing) must be exchanged by the parties and received by the hearing officer at least five (5) school days before the hearing. The hearing officer has the authority to exclude any documentary evidence which was not provided and

any testimony of witnesses who were not identified at least five (5) school days before the hearing.

3. Pre-hearing conferences should be held, if appropriate.

E. Hearing Procedures

1. The parties have the following rights in a hearing:
 - a. to participate in the hearing and be represented by counsel at their own expense;
 - b. to present evidence and cross-examine witnesses; and
 - c. to obtain a copy of the transcript or a tape recording of the hearing (the cost of the transcript to be borne by the requesting party).
2. For hearings requested on behalf of students, the student may attend the hearing.
3. In connection with the hearing, the hearing officer shall:
 - a. Maintain an atmosphere conducive to impartiality and fairness.
 - b. Ensure the appointment of a surrogate parent by the school division, if appropriate, pursuant to the regulations adopted by the State pursuant to the IDEIA.
 - c. Maintain an accurate record of the proceedings.
 - d. Issue a written decision to all parties setting forth findings of fact and conclusions of law based on the evidence presented in the hearing.
 - e. Render a written decision within forty-five (45) calendar days after the request for a hearing is received by the school division, unless continued upon a request of either party to the hearing. A continuance can be granted by the hearing officer upon a showing of good cause.
 - f. Assign the burden of proof to the party seeking relief.
4. The hearing officer shall hold all records for thirty (30) calendar days after issuance of a decision. In the event an appeal is noted,

the coordinator will provide the hearing officer with the name and address of the review officer and request that the records be forwarded to the review officer. The hearing officer shall transmit the records to the review officer within three (3) school days of the coordinator's request. In the event that no appeal is made, the hearing officer shall return the records to the coordinator.

Chesapeake City Public Schools

I. Section 504 Review Procedure

- A. Any party aggrieved by the hearing officer's decision may appeal the decision to a review officer. See 34 C.F.R. § 104.36.
- B. An appeal may be noted by an aggrieved party by filing a written notice with the coordinator within thirty (30) calendar days of the date of the decision issued by the hearing officer.
- C. An impartial review officer must be appointed by the coordinator from the same list from which the initial hearing officer was appointed and within five (5) school days of the request for review.
- D. The review officer shall:
 - 1. examine the record of the hearing;
 - 2. seek additional evidence, if necessary;
 - 3. afford the opportunity for written or oral argument;
 - 4. advise the parties of the right to be represented by counsel at their own expense during the review proceedings; and
 - 5. issue a written decision.
- E. The review officer shall uphold the initial decision unless it is found to be arbitrary or capricious, contrary to law, or not supported by evidence.
- F. The review officer's decision must be issued within thirty (30) school days of receipt of the request for an appeal, unless continued at the request of a party. A continuance can be granted by the review officer upon a showing of good cause. A copy of the decision must be sent to all parties.
- G. The record of the administrative hearings shall be sent by the review officer to the coordinator upon the issuance of the decision.
- H. The coordinator is responsible for maintaining all records of hearings and transmittal to court in the event of judicial proceedings.
- I. Any party aggrieved by the review officer's decision may file a civil action in a court of appropriate jurisdiction. See 29 U.S.C. § 794a.

**Chesapeake City Public Schools
312 Cedar Road
Chesapeake, Virginia 23322**

Section 504 Procedural Safeguards

In accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA), Chesapeake City Public Schools (CCPS) provides you with the following procedural safeguards in relation to your child:

1. You have the right to receive notice of any proposed actions related to the identification, evaluation, or educational placement of your child.
2. You have the right to examine all relevant records of your child.
3. You have the right to file a grievance with the school division over an alleged violation of Section 504 or the ADA.
4. You have the right to an impartial hearing, with participation by you and representation by your counsel, for disputes concerning the identification, evaluation, or educational placement of your child.
5. You have the right to a review of an impartial hearing officer's final decision if you disagree with that decision.

The Section 504/ADA Coordinator for CCPS is the Director of Student Services and may be contacted at the following telephone number: (757) 547-0585. Please contact the Section 504/ADA Coordinator regarding any questions related to Section 504 or the ADA. You may obtain a copy of CCPS's Section 504 Policies and Procedures by contacting the Section 504/ADA Coordinator at the above telephone number or at CCPS's Web site at [www.cpschools.com]. Please note that all grievances and requests for impartial hearings and reviews must be in writing and submitted to the Section 504/ADA Coordinator at the following address:

Section 504/ADA Coordinator
Chesapeake City Public Schools
312 Cedar Road
Chesapeake, VA 23322