

# A Parent Guide To Section 504 Plans

*District Mission:*

*To educate each student in a safe learning environment so that they may develop to their highest potential and become contributing citizens.*

Please note: Section 504 and special education are two separate services. All buildings have a Section 504 Coordinator to answer your questions about Section 504.

## THE LAW

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a federal law protecting qualified individuals with disabilities from discrimination.

Section 504 states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.

*A Parent Guide to Section 504* is designed to provide parents with a short overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to St. Vrain Valley School District. While Section 504 defines the equal access requirements for students, employees, and other individuals, this publication will focus on students. This information has been organized around questions parents frequently ask when trying to understand this civil rights statute. Please note that when working with disabled students, Section 504 serves the same purpose as the Americans with Disabilities Act (ADA).

### *What is Section 504?*

Section 504 of the Rehabilitation Act of 1973 is Congress’s directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. Since St. Vrain Valley School District receives federal dollars, it is required to provide eligible disabled students with equal access to services, programs, and activities offered by the District. Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of regular education staff and building administration to implement those practices and procedures necessary for a school to fulfill the requirements of this law. At each school, the responsibility for insuring Section 504 compliance rests with the building principal or principal’s designee, sometimes referred to as the building 504 coordinator. Please see the link that identifies the procedural safeguards for special education students and students on 504 plans: <https://www.cde.state.co.us/spedlaw/2011proceduralsafeguards>. A hardcopy of the procedural safeguards will be provided upon request.

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

Like other students, those students with a disability, as defined by Section 504, are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on insuring a level of access to education services and the learning process for qualified disabled students that is equal to that given non-disabled students.

To be protected under Section 504, a student must be determined to: (1) have a **physical or mental impairment which substantially limits one or more major life activities**; or (2) **have**

**a record of such an impairment; or (3) be regarded as having such an impairment.** Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their jurisdictions who have a physical impairment that substantially limits one or more major life activities. When a condition does not substantially limit a major life activity or impact education, the individual does not qualify for services under Section 504/ADA.

**Section 504 defines a “physical or mental impairment” as:**

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin, and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Section 504 defines “major life activities” as:**

Major life activities include functions such as: caring for one’s self, walking, seeing, breathing, learning, performing manual tasks, hearing, speaking, working, reading, communicating, concentrating and thinking. For school purposes, the major life activity affected is often “learning.”

***How is a Section 504 review request made?***

A parent, guardian, teacher, counselor, related service provider, other school staff member, or community agency can initiate a review request for Section 504 eligibility. The person making the review request will complete a Student and Parent Rights Under Section 504/ADA form and forward it to the building 504 Coordinator. (A sample form is included in page 5 of this handout.) This form is also available at your child’s school. It is a good idea to discuss the appropriateness of a 504 Plan with your child’s teacher, counselor, building 504 coordinator or principal prior to completing the review request, as there are a number of intervention strategies used with district students. By discussing your concerns with one of these district staff members, it can be determined if a 504 plan will best support the student’s needs. No specific timeframes apply to requests for Section 504 assessments, but you are entitled to a response within a “reasonable period of time”. We define a “reasonable period of time” in the St.Vrain Valley School District as 60 days from time of the initial request for assessment.

***What process is used in determining if a student is eligible for Section 504 plans?***

Upon receipt of the Student and Parent Rights Under Section 504/ADA form, the building 504 Coordinator will coordinate a 504 Eligibility Meeting. The 504 Coordinator will arrange a meeting (or have a phone call) with parents to review the referral and discuss the evaluation process. The 504 Coordinator will also make arrangements for collecting evaluation data and set a date for an eligibility determination meeting.

As mentioned above, a student is eligible for Section 504 protection when it is determined that he/she has a physical or mental impairment that substantially limits one or more of the major life activities, and the impairment is impacting equal access to school programs and services. A properly convened eligibility team needs to include individuals who are knowledgeable about the needs of the student, the interpretation of the data being reviewed, and the accommodation/service options available. This 504 Eligibility Team can include (but is not limited to) parent/guardians, teachers, counselors, related services providers, other school staff and administrators. Parents/guardians should be included in this process whenever possible.

The team's first responsibility is to review the nature of the impairment and determine how it affects the student's access to education programs and activities. Section 504 eligibility meetings are not intended to be as comprehensive as a special education evaluation. However, in every case, the eligibility team needs to investigate the specific concern that triggered the student review request. Information that might be considered, includes (but is not limited to): grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information, observations, and standardized testing information. As needed, the eligibility team may administer and use other formal and informal measures that help them determine 504 eligibility.

#### ***How are 504 accommodations and related services documented and reviewed?***

If the eligibility team determines that a student has a Section 504 disability, the team's second responsibility is to identify the specific accommodations or services that will support equal access. Documentation of these accommodations is completed in a 504 plan. This plan provides a summary of the accommodations that a student requires to gain equal access to the learning process and/or district programs, activities, and services. In St. Vrain Valley School District, this document becomes part of the student's cumulative file.

District 504 Coordinators review active Section 504 plans annually with more frequent meetings occurring, if needed. The purpose of annual review is to add, subtract and/or modify student accommodations as needed. If a 504 Eligibility Team determines that a student no longer qualifies for a 504 plan, the 504 Eligibility Team may recommend to the Coordinator to terminate it at a review session based upon consideration of appropriate evaluation data.

#### ***What is meant by the word "accommodation"?***

Accommodations are modifications made by classroom teacher(s) and other school staff that enable the student to benefit from their education program. A plan should be developed, by a 504 Eligibility Team, outlining services or accommodations. Section 504 uses the terms related aids and auxiliary services. There are countless accommodations that can support a student's equal access to education opportunities. It is the job of the 504 Coordinator and eligibility team to identify those accommodations that will support the needs of a student.

**St. Vrain Valley School District 504 Contact:**

Please contact your school principal or building 504 Coordinator for additional details on Section 504. If your questions are not answered at that level, please contact:

Johnny Terrell -Executive Director of Student Services  
303-772-7700 x57859 / 830 S. Lincoln Street, Longmont, CO 80501

**ST. VRAIN VALLEY SCHOOL DISTRICT  
STUDENT AND PARENT RIGHTS UNDER SECTION 504/ADA**

The person at the school who is responsible for Section 504/ADA compliance is:

ADA/504 Coordinator \_\_\_\_\_ Telephone \_\_\_\_\_

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

The following is a description of the rights of students and parents under Section 504 of the Rehabilitation Act:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Have the school advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, program, or placement of your child.
4. Have your child receive a free, appropriate public education. This includes the right to be educated with other children without disabilities to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to children without disabilities.
6. Have your child receive reasonable accommodations under Section 504 of the Rehabilitation Act of 1973.
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know the child, the evaluation data, and placement options.
8. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.
11. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
12. Request an impartial hearing and/or the assistance of a mediator or 504 Compliance Officer to help resolve issues with the school.
13. File a local complaint with the regional Office for Civil Rights.

I understand that appropriate school staff will be assigned to serve as an evaluation team and will evaluate my child's strengths, weaknesses and needs at school. The purpose of this evaluation is to help determine if my child has a disabling condition under Section 504 and what reasonable accommodations, if any, appear necessary. The evaluation data may include, but is not limited to:

- Review of school records
- Review of other relevant information (releases of information may be required)
- Observations and interviews with your child
- Checklists by school staff and parents
- Testing on ability and achievement
- Parent interviews

I give my consent to evaluate my child for 504 eligibility and/or review the accommodations that my student may or may not need to access his/her education.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\*Signed copies of this notification should be provided to parents and a copy should be included in the student's file.  
Note: Additional information regarding parent rights can be obtained by visiting: Colorado Department of Education, Website: [www.cde.state.co.us](http://www.cde.state.co.us)

## **Nondiscrimination/Equal Opportunity** (Notice)

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Non-discrimination Act of 2008, and Colorado law, the St. Vrain Valley School District RE-1J does not unlawfully discriminate against otherwise qualified students, employees, applicants for employment, or members of the public on the basis of disability, race, creed, color, sexual orientation (which includes transgender), marital status, national origin, religion, ancestry, need for special education services or other protected class. Discrimination against employees and applicants for employment based on age, genetic information, and conditions related to pregnancy or childbirth is also prohibited in accordance with state and /or federal law.

Complaint procedures have been established for students, parents, employees and members of the public. The following persons have been identified as the compliance officer for handling reports and complaints of unlawful discrimination/harassment. These individuals are also the 504/ADA coordinators and the Title IX coordinators:

For District students and community members:

Johnny Terrell  
Executive Director of Student Services  
830 South Lincoln Street  
Longmont, CO 80501  
Phone: (303) 772-7700 x 57859  
[terrell\\_johnny@svvdsd.org](mailto:terrell_johnny@svvdsd.org)

For District employees:

Todd Fukai  
Assistant Superintendent of Human Resources  
Educational Services Center  
395 South Pratt Parkway  
Longmont, CO 80501  
Phone: (303) 776-6200  
[fukai\\_todd@svvdsd.org](mailto:fukai_todd@svvdsd.org)

### **Outside agencies**

Complaints regarding violations of Title VI, (race, national origin), Title IX (sex/gender), Section 504/ADA (handicap or disability), may be filed directly with the Office for Civil Rights, U.S. Department of Education, 1244 North Speer Blvd., Suite 310, Denver, CO 80204. Complaints regarding violations of Title VII (employment) and the ADEA (prohibiting age discrimination in employment) may be filed directly with the Federal Office of Equal Employment Opportunity Commission, 303 E. 17th Ave., Suite 510, Denver, CO 80202, or the Colorado Civil Rights Commission, 1560 Broadway, Suite 1050, Denver, CO 80202.

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Revised: August 12, 2020

**Nondiscrimination/Equal Opportunity**  
(Complaint Form)

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

Name of complainant: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Summary of alleged unlawful discrimination or harassment:

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Name(s) of individual(s) allegedly engaging in prohibited conduct:

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Date(s) alleged prohibited conduct occurred:

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Name(s) of witness(es) to alleged prohibited conduct:

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If others are affected by the possible unlawful discrimination or harassment, please give their names:

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Your suggestions regarding resolving the complaint: \_\_\_\_\_

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Please describe any corrective action you wish to see taken with regard to the alleged unlawful discrimination or harassment. You may also provide other information relevant to this complaint.

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\_\_\_\_\_  
Signature of complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person receiving complaint

\_\_\_\_\_  
Date

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Revised: October 28, 2015