

Questions/Concerns

Parents are encouraged to direct their Section 504 concerns to the person most closely involved to ensure that concerns are addressed as quickly as possible. However, when initial attempts fail to provide resolution, a parent may file a formal complaint or seek resolution at a higher administrative level.

| Concern | Step 1 | Step 2 | Step 3 | Step 4 |
|--|---|---|---|---|
| Eligibility determination for 504 Services | Address the concern with the school counselor | Contact the 504 Building Facilitator/ Assistant Principal | Submit a written grievance to the Section 504 Coordinator | Request an appeal with the Central Office Review Panel |
| Implementation of 504 accommodations | Speak to the teacher | Notify the school counselor (request a team meeting) | Contact the 504 Building Facilitator/ Assistant Principal | Submit a written grievance to the Section 504 Coordinator |
| 504 Team Decision | Contact the 504 Building Facilitator/ Assistant Principal | Submit a written grievance to the Section 504 Coordinator | Request an appeal with the Central Office Review Panel | |

Appeal Process

If a parent/guardian of a student wishes to contest an action on the part of the school system with regard to the identification, evaluation, or program/placement of a disabled student under Section 504, the parent/ guardian must put their concern in writing to the Section 504 Coordinator. Most grievances can be resolved by contacting the Office of 504 Services.

Other avenues for appeal include:

- A request for appeal through the Section 504 Central Office Review Panel. This panel is comprised of representatives from various offices within PGcps who have extensive experience working with students with disabilities.
- A request to have concerns heard by an impartial hearing officer.

Grievances and requests for appeal can be submitted electronically at: www1.pgcps.org/504; click on *Appeal Process*. For persons without computer or internet access, forms are available at all schools. Hard copies of forms should be mailed to:

Division of Student Services: 504 Program Coordinator
Sasscer Administration Building
14201 School Lane
Upper Marlboro, MD 20772

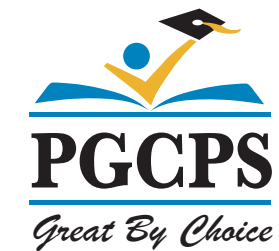
The Office for Civil Rights is an investigatory office of the United States Department of Education that handles Section 504 complaints independently of the local hearing process. Parents can choose to file a complaint with the Office for Civil Rights.

Section 504



Procedural Safeguards

**A Guide for Parents of
Students with Disabilities**



Published by the
Office of 504 Services
P: (301) 952-6255 | F: (301) 952-6246
www1.pgcps.org/504

The Office of 504 Services

The Office of 504 Services falls under the Division of Student Support Services. The Office of 504 Services monitors the implementation, evaluation, and provision of services to students with disabilities under Section 504. It provides assistance and support to schools and works to resolve parent grievances and appeals of the Section 504 process. Information about the 504 Office and Section 504 is available at www1.pgcps.org/504.

What is Section 504?

Section 504 refers to a part of the Rehabilitation Act of 1973. The primary purpose of the Rehabilitation Act of 1973 is to ensure that persons with disabilities are not discriminated against. Section 504 states:

“No otherwise qualified individual with a disability in the United States... shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance....”

This law requires that every public school in the United States identify, evaluate, and provide free appropriate public education to disabled individuals as defined by Section 504.

Who is Eligible Under Section 504?

A student with a disability should be considered for eligibility under Section 504 if he/she has a physical or mental impairment which **substantially limits one or more major life activities**. This includes impairments that are episodic or in remission.

Substantial Limitation is the inability to perform a major life activity that the average person in the general population can perform without the use of mitigating measures.

How is a Student Referred to Section 504?

A parent or staff member may refer a student to the Section 504 team to determine eligibility for Section 504 services. Referrals should include written documentation supporting the suspected disability.

Written documentation may include medical, psychological, clinical or other outside supporting agency reports.

Section 504 Evaluation

Eligibility by the Section 504 team is determined by means of an evaluation.

Evaluation refers to a gathering of data or information from a variety of sources so that the Section 504 team can make the required eligibility determination. This information may include data from student records, grades, teacher observations, parent reports, classroom or standardized assessments and/or medical information. A physician's diagnosis alone may not be the sole basis for finding a student disabled under Section 504.

What is a Section 504 Plan?

A student who meets the eligibility guidelines for Section 504 may have a Section 504 plan developed if it is determined that accommodations or services are necessary in order for his/her educational needs to be met as adequately as non-disabled students. The plan will specify the nature of the qualifying disability that substantially limits a major life activity and the accommodations necessary to provide access based on the student's needs.

Plans are reviewed annually to monitor effectiveness. A parent may request, at any time, that a plan be reviewed. Students are re-evaluated for Section 504 eligibility every three years.

Discipline

When a Principal requests that a student with a disability under Section 504 be suspended for more than ten (10) cumulative days in a school year, the Section 504 team shall convene a meeting to determine if the behavior that prompted the disciplinary action is related to the student's disability.



Parent Rights

Procedural safeguards must be provided to the parents/guardians of students identified under Section 504. Parents have the following rights under Section 504:

- Have your child receive a free appropriate public education (FAPE).
- Have your child take part in, and receive benefits from, public education without discrimination because of his/her disability.
- Have your child be given an equal opportunity to participate in school programs and extracurricular activities sponsored by the school district.
- Have the school district advise you of your rights under federal law.
- Receive all information in your native language or other primary mode of communication.
- Have the Section 504 plan reviewed at least annually and have the student re-evaluated at least every three years or before any significant change is made in placement.
- Receive notice with respect to identification, evaluation, or placement of your child and be included in the decisions or actions relative to the Section 504 process.
- Examine your child's educational records and obtain copies at a reasonable cost, unless the fee would effectively deny you access to the records.
- Request amendment of your child's educational records if there is reason to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing.

- File a local grievance with the Section 504 Coordinator or request a review by the Section 504 Central Office Review Panel to examine your complaint and render a decision on the matters raised in your complaint.
- Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement.

Tips for Parents

Student success is dependent upon schools and parents working together. Parents are encouraged to:

- Maintain a file that includes a copy of your child's report cards, testing information, Section 504 Plan and accompanying documents.
- Notify the school immediately of any family changes that could impact your child's ability to perform in school, such as family/student illness, death, family additions or reductions.
- Share all new or updated medical information, including any psychological or educational assessments that you may have.
- At the start of each school year, send an email to your child's teachers to inform them of your child's strengths and weakness, as well as provide them with your preferred means of contact.
- Maintain regular communications with your child's teachers. Don't wait for teachers to contact you; initiate contact with teachers monthly to stay ahead of concerns.
- Know your child's Section 504 case manager and notify them immediately if there are questions about the implementation of accommodations.
- Request a review of your child's Section 504 plan if you have any concerns regarding student achievement or accommodation implementation.
- Children with disabilities may need more home support than non-disabled children. Develop structures and routines at home to support student success.