



# Section 504 | Parent Guide



*Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities. This manual provides information on Section 504 as well as the obligations of Peoria Unified.*

*Peoria Unified School District recognizes the diversity and worth of all individuals and groups and their roles in society. All individuals and groups shall be treated with fairness in all activities, programs and operations, without regard to age, color, creed, disability, marital status, national origin, race, religion, sex, or sexual orientation.*

Peoria Unified School District #11 Policy

**District Section 504 contact:** Dr. Kendra Bell, Section 504 District Program Coordinator (623) 486-6001 **American Disabilities Act contact:** Christie Davis, Benefits and Compensation (623) 412-5313

**For more information about this publication, contact:**

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## SECTION 504 GRIEVANCE PROCEDURES

Peoria Unified School District has an internal resolution procedure to provide a prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 which is designed to eliminate discrimination on the basis of disability in any program activity receiving federal financial assistance.

This is an optional resolution procedure for a complainant. This resolution procedure is not a prerequisite before a complainant may directly pursue any other state or federal remedy available under law.

Section 504 complaints may include, but are not limited to, allegations that Peoria Unified School District engaged in discrimination against Section 504 students with disabilities by affecting their rights regarding identification, evaluation, educational program or placement, and accommodation.

As part of an informal approach to complaint resolutions, the district wants parents, students and other district patrons to have the opportunity to make concerns known to the district and for the district to have the opportunity to respond and resolve concerns as rapidly as practicable at the local school or program site level.

Filing a discrimination complaint is a protected activity. Discrimination against any individual because he or she reported Section 504 violations, or make a complaint, testified, assisted or participated in Section 504 investigations, proceedings or hearings is prohibited. Coercion, intimidation, threats or interference with anyone because he or she exercised or enjoyed Section 504 rights, or helped or encouraged someone else to do so, is prohibited.

These procedures are intended to protect the substantive rights of interested persons, meet appropriate due process standards, and assure district compliance with Section 504 of the Rehabilitation Act of 1973.

**PROCEDURES FOR PARENT/GUARDIAN CONCERNS AND COMPLAINTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

<b>Step 1</b>	Attempt to resolve concerns at the school level by working with the building principal, building Section 504 Coordinator, and other appropriate staff to reach a joint resolution of the issue. However, regardless of whether a parent/guardian attempts to resolve the issue at the building level, a parent/guardian may file a formal complaint under Section 504 through the following process.
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<b>Step 2</b>	Parent/guardian completes and submits a Section 504 Complaint Form to the District Section 504 Coordinator. The Section 504 Complaint Form is available at each school's office. The complaint should be as detailed as possible and describe why you believe that your concern raises an issue under Section 504.
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<b>Step 3</b>	The District Section 504 Coordinator will conduct an investigation of the allegation(s). During the investigation process, interim measures may be taken to protect and support the alleged party. Separation from other involved parties and support from a significant, caring adult for the alleged party will be considered. If the Coordinator is the subject of the complaint, the Superintendent will appoint an impartial investigator. The parent/guardian and District staff will have an opportunity to provide evidence including documents and witnesses.
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<b>Step 4</b>	The District Section 504 Coordinator will issue a written decision about the complaint within 30 calendar days of receipt of the complaint and provide a copy of the decision to the parent/guardian. The written decision will contain suggested resolutions.
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Step 5

If the parent/guardian is not satisfied with the resolution of the complaint, parent/guardian may request a review of the complaint by the Superintendent. Superintendent will respond to the request for review within 10 days of receiving the request.

Step 6

If the parent/guardian is still dissatisfied after the Superintendent's review, or at any time during the district's complaint resolution process, parent/guardian may file a complaint by writing to:

U.S. Department of Education, Office for Civil Rights  
1244 SPEER BLVD, SUITE 300  
DENVER, CO 80204-3582  
**PEORIA UNIFIED SCHOOL DISTRICT #11**

### **PARENT'S RIGHTS AND SAFEGUARDS UNDER SECTION 504**

As a parent, you have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Have the district advise you as to your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with nonstudent with a disability to the maximum extent appropriate. It also included the right to have the district 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 students without disabilities.
6. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options.
7. Have transportation provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
8. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the district through the provision of reasonable accommodations.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
12. 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 district refuses this request. It shall notify you within a reasonable time and advise you of the right to a hearing.

13. Request an impartial due process hearing related to decisions regarding your child's identification, evaluation, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
14. File a complaint with the District when you believe your child's rights have been violated. A complaint may be filed by completing the Section 504 Complaint Form and submitting it to your school principal or to the Section 504 District Program Coordinator, Peoria Unified Schools, 6330 W. Thunderbird Road, Glendale, AZ 85306.
15. The Office of Civil Rights of the U.S. Department of Education also enforces the requirements of Section 504. The address of the regional office that includes Arizona is: Office for Civil Rights, 1244 Speer Blvd, Suite 300, Denver, CO 80204-3582.

## SECTION 504 COMPLAINT FORM

Peoria Unified Schools pledges that the District complies with Section 504 regulations and that no discrimination on the basis of disability is permitted in the programs or activities that the district operates. If you believe that discrimination has occurred against a student because of a disability, please complete, sign, and submit this form to your school's principal or the District 504 Coordinator located at 6330 W. Thunderbird Road, Glendale, AZ 85306.

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

On Behalf of: \_\_\_\_\_

Complainant is:  Student: \_\_\_\_\_

Student's parents(s): \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_ Address:  
Street City State Zip

Telephone: \_\_\_\_\_  
Home Cell Work

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1. Describe the alleged violation of Section 504 in specific terms. Include (1) the specific incident or activity that is viewed as discrimination; (2) the individuals involved; (3) dates, times, and location involved; and (4) the disability that forms the basis of the complaint (attach additional pages if needed).
  2. Describe any relevant communication that has already occurred to address the issue. Please specify the types of communications, dates of communication, and names of individuals with whom any communication has occurred.
  3. Please describe how you propose to resolve this issue.
  4. You may request a meeting with the District 504 Coordinator in which you and a representative, if desired, may present your concerns. Do you wish to meet with the District 504 Coordinator before any written decision is made concerning this complaint?  Yes  No

## SECTION 504 FREQUENTLY ASKED QUESTIONS

<b>What is a Section 504?</b>	"Section 504" is Section 504 of the Rehabilitation Act of 1973, a federal civil rights statute protecting persons with disabilities from discrimination. Section 504 applies to all agencies that receive federal funds, including public schools.
<b>How is "disability" defined under Section 504?</b>	<p>Section 504 defines disability as a physical or mental impairment that substantially limits a major life activity.</p> <p><i>A physical impairment</i> is a medical condition or disorder of bodily functions.</p> <p><i>A mental impairment</i> is a cognitive, learning or psychological disorder.</p> <p><i>A major life activity</i> includes seeing, hearing, speaking, walking, bending, learning, reading, concentrating, thinking, working, caring for oneself, performing manual tasks, and other similar types of activities.</p> <p>Major life activities also include bodily functions such as breathing, sleeping, neurological functioning, bowel/bladder functioning, and other bodily functions.</p> <p>A substantial limitation means that the student is significantly restricted as to the condition, manner or duration under which a student can perform a particular major life activity as compared to the average student population.</p>
<b>What does Section 504 do for students with disabilities?</b>	<p>Students with disabilities are <i>protected from discrimination</i> on the basis of disability if they have a mental or physical impairment that substantially limits a basic life activity or have a history of such an impairment or are treated as if they have such an impairment.</p> <p>Under Section 504, students with a mental or physical impairment that substantially limits a basic life activity are entitled to a <i>free appropriate public education</i>, including regular education and other accommodations or supports that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of a non-disabled student are met.</p>
<b>Who should be referred for Section 504 consideration?</b>	Parents and teachers should refer any student who is suspected of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education.
<b>How is a referral made?</b>	A parent or teacher may begin the referral process by talking to the school's principal or assistant principal, a school counselor, or the school's 504 coordinator. Referrals will typically go to the Building Screening Committee. Sometimes referrals will go directly to a 504 team or a special education team.

<b>Who makes decisions about whether a student has a disability under Section 504?</b>	This decision is made by a team that includes staff who is knowledgeable about the student, about the evaluation data, and about placement or support options. Typically, parents are invited to participate as part of this team.
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<p><b>What information does the team consider?</b></p>	<p>The team considers information from the parents and teachers along with any information from the student’s outside health or medical providers. If further testing is needed, the district will ask parents for their written consent for testing. Sometimes a school nurse will be involved in assessing the impact of a student’s disability at school and reviewing information from health or medical providers.</p> <p>For students who transfer in from another district, the team will consider information from the previous school or school district.</p> <p>Parents may be asked to provide a copy of previously conducted medical assessments. Parents may be asked to give written consent for the school to request medical, health, or psychological, or records. Parents may also be asked to get a medical statement or health assessment statement from the student’s health care provider.</p>
<p><b>What decisions does the team make?</b></p>	<p>The team must decide whether the student has a disability under Section 504. If so, the team must then decide if the student needs a Section 504 Student Accommodation Plan to access his or her education.</p> <p>The team’s decisions are documented, and parents are given a copy, along with a Statement of Parent and Student Rights Under Section 504.</p>
<p><b>What is a Section 504 Student Accommodation Plan?</b></p>	<p>The Section 504 Student Accommodation Plan documents the specific accommodations or supports the student needs to ensure that the individual needs of the student with a disability are met as adequately as the needs of a non-disabled student. The comparison is to an average student in the general population. The Section 504 plan is designed to provide appropriate supports, not necessarily all the supports that would “maximize the student’s potential” or “the best supports”.</p> <p>The team makes an individual determination of the student’s educational needs and supports required. Like special education services, 504 plans must be implemented in <i>the least restrictive environment</i>.</p>
<p><b>Will every student with a disability under Section 504 have a Section 504 Accommodation Plan?</b></p>	<p>Most will, but not necessarily all. When considering whether a student has a disability under Section 504, the team cannot consider any factors such as medication, assistive devices such as hearing aids, or other individual supports or aids for the student (other than ordinary eyeglasses or contact lenses). (These are called “mitigating factors”.) In some cases, the student may not need a Section 504 Plan if the individual supports or aids (mitigating factors above) adequately allow access to the educational setting.</p>

<p><b>What are “accommodations”?</b></p>	<p>Accommodations are adjustments that are designed to lessen the impact of the student’s disability to provide access to the school program. There is no “list” of approved accommodations. Accommodations should be determined individually for each student.</p>
<p><b>Must the team accept the doctor or healthcare provider’s recommendations for accommodations?</b></p>	<p>While a doctor may be qualified to provide a medical diagnosis, it is important to remember that a doctor or medical provider’s recommendations are suggestions. The school team must consider multiple sources of information to determine whether the student has a disability and to decide what accommodations and services, if any, are needed.</p>

<p><b>Is a Section 504 Student Accommodation Plan the same as an IEP?</b></p>	<p>No. An IEP (Individualized Education Program) is written for students who have disabilities under the Individuals with Disabilities Education Act (IDEA). These students must need special education services to be eligible for an IEP.</p> <p>A Section 504 Student Accommodation Plan is similar to an IEP but not as detailed. Students with disabilities under 504 who do not need special education services may have a 504 plan if they need accommodations or other supports in the school setting to access their education.</p>
<p><b>What happens if the team does not agree about whether the student has a disability or about what needs to be on the plan?</b></p>	<p>The team should try to reach consensus. If consensus is not possible, then the district members of the team (typically an administrator) will decide the matter. If parent does not agree, the parent may pursue resolution options.</p>
<p><b>What are the resolution options under Section 504?</b></p>	<p>The parent may ask for an informal meeting with a school principal or assistant principal to review the matter and share concerns. The parent or district staff may contact the K-12 Administrator for Academic Services for consultation or facilitation. The parent or district staff may contact the district 504 coordinator.</p> <p>The parent may use the PUSD 504 Grievance Procedure, PUSD Policy IHBA, or may file a complaint with the federal Office for Civil Rights.</p>
<p><b>When should the student's Section 504 Accommodation Plan be reviewed?</b></p>	<p>The plan should be reviewed at least annually.</p> <p>If the district is considering a significant change in placement, then a reevaluation and review should be conducted before that change.</p>
<p><b>Are all suspensions and expulsions from school considered a significant change in placement?</b></p>	<p>No. Suspension or expulsion of more than 10 school days in a row would be considered a significant change in placement.</p> <p>Shorter suspensions that add up to more than ten school days may also be considered a significant change in placement if there is a "pattern" to the removals. "Pattern" is determined by looking at the length of each removal, how close the removals are to each other, and the total amount of time removed.</p>

<p><b>How is a “504 only” student protected from being suspended or expelled for conduct that is related to the student’s disability?</b></p>	<p>Before the school implements a suspension or expulsion that would be a change in placement, the school must hold a team meeting to do a <i>manifestation review</i>. The team considers:</p> <ul style="list-style-type: none"> <li>• Whether the student’s conduct <i>was caused by or had a direct and substantial relationship</i> to the student’s disability; and</li> <li>• Whether the student’s conduct was a <i>direct result</i> of the school not implementing the student’s Section 504 Student Accommodation Plan.</li> </ul> <p>If the team concludes that either of these are true, then the school may not impose the suspension or expulsion. (However, the student may be disciplined for drug or alcohol related offenses to the same extent as students without disabilities.)</p> <p>If the team concludes that the conduct was not caused by or directly related to the student’s disability and not caused by lack of implementation of the 504 plan, the student may be disciplined in the same manner as students without disabilities.</p>
<p><b>Who should I contact for more information about Section 504?</b></p>	<p>Each PUSD school has a 504 coordinator. You may also contact the PUSD 504 District Program Coordinator, or K-12 Academic Administration.</p>

## DIFFERENCES BETWEEN SPECIAL EDUCATION AND SECTION 504?

	<b>Section 504</b>	<b>Special Education</b>
<b>Type</b>	Civil Rights Act	Education Act
<b>Funding</b>	Local funding	State/Federal/Local Funding
<b>Administration</b>	Section 504 Coordinator	Special Education Director
<b>Service Tool</b>	Accommodations	Individualized Education Program
<b>Disabilities</b>	All disabilities if eligible	13 federal disabilities
<b>Parents</b>	Should be involved in all team meetings	Should be involved in all team meetings
<b>Procedural Safeguards</b>	Notice to parents is required	Parent consent and notice required for initial evaluation, reevaluation, IEP meeting notification, and upon registration of a due process complaint at a minimum
<b>Evaluation and Eligibility</b>	An evaluation is necessary before it can be determined if a Child is eligible for Section 504 services	An evaluation is necessary before it can be determined if a child is eligible for special education