



FFA Elementary School  
170 Lukens Dr.  
New Castle, DE 19720  
Principal: Ms. Rachel Valentin

FFA Middle School  
1101 Delaware Street  
New Castle, DE 19720  
Principal: Dr. Laretha Odumosu

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Striving for Excellence



# Section 504 Procedure Manual





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## **SECTION 504 OF THE REHABILITATION ACT OF 1973**

### **POSITION STATEMENT:**

The Family Foundations Academy Charter will provide a free and appropriate public education to students who have disabilities within the meaning of Section 504 of the Rehabilitation Act of 1973.

Family Foundations Academy Charter (FFA) intends to identify, evaluate, and provide appropriate educational services for each student who qualifies within the definition of Section 504. FFA intends to provide information, in-service, and training opportunities at least annually for parents and staff, including those having coordination responsibilities for the Section 504 process.

### **PUBLIC NOTICE:**

Foundations Family Academy Charter (FFA), including parents and staff, will be notified at least annually of the charter's responsibilities under Section 504. Notification will be made in writing through this and other documents, including newsletters, FFA special education/section 504 website, staff in-service and parent focus groups (Special Education Department/Section 504 night).

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**FFA COORDINATORS:**

Section 504 Coordinator for Compliance/Grievance /Section 504 Monitor for Reporting of Plans

Dr. Lamont Browne  
Executive Director of ESCS and FFA  
302 324-8901

**Elementary School**

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**Middle School**

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Middle School Principal

Jennifer Cipolla  
Middle School Section 504 Plan Coordinator  
302 324-8901 Ext. 273

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## **THE LAW:**

Section 504 of the Rehabilitation Act became law in 1973. For many years, its emphasis was in the area of employment for individuals with handicaps. However, more recently, the Office of Civil Rights (OCR), charges with enforcement of Section 504, has become proactive in the education of individuals with handicaps. Section 504 prohibits discrimination against individuals with handicaps by school districts receiving Federal Financial Assistance. Section 504 requires that educational systems provide a range of accommodations and services necessary for students with handicaps to participate in public education programs.

Students who have physical or mental conditions that may substantially limit their ability to access and participate in an educational program are entitled to rights under Section 504 even though they may not fall within categories defined under the Individuals with Disabilities Education Act (IDEA) and may not be covered by that law. While all disabled students under IDEA are considered handicapped and protected under Section 504, students determined to be handicapped under Section 504 may not necessarily be eligible for Special Education under IDEA. The intent of Section 504 is not to take the place of Special Education.

It is important to note that Section 504 requires that a free appropriate public education be provided to students with handicaps as a responsibility of the comprehensive general public education system. However, consideration of Section 504 eligibility may ultimately determine a need for Special Education under IDEA.

## **DEFINITIONS:**

An individual with disabilities under Section 504 is any person who has (or had, or is perceived as having) a physical or mental impairment which substantially limits one or more major life activities.

A physical or mental impairment is (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.

Major life activities are those functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Examples of Handicapping Conditions (In order to invoke protection under Section 504, the student's condition must substantially impact school learning/functioning).

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- Communicable disease - HIV, tuberculosis, hepatitis
- Medical conditions - asthma, allergies, diabetes, heart disease
- Temporary conditions due to illness or accident
- Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder (ADD/ADHD)
- Behavioral difficulties relating to diagnosed emotional problems
- Neurological conditions - Tourette Syndrome
- Drug/alcohol addictions (not currently addicted)
- Students who are learning disabled or physically disabled but functioning fully in general education, such as hard of hearing.

**PUBLIC NOTICE:**

***SECTION 504 OF THE REHABILITATION ACT OF 1973***

The Family Foundations Academy Charter will provide a free and appropriate public education to students who are handicapped within the meaning of Section 504 of the Rehabilitation Act of 1973. The charter intends to identify, evaluate and provide appropriate educational services for qualified students.

Section 504 requires that educational systems provide a full range of reasonable accommodations and services necessary for students with handicaps to participate in and benefit from public education programs. It prohibits discrimination against individuals with handicaps by school districts receiving federal financial assistance. Students who have physical or mental conditions that substantially limit their ability to access general education programs are entitled to rights under Section 504 without having to qualify for special education. However, consideration of Section 504 eligibility may ultimately determine a need for special education.

Parents or guardians who believe their child could qualify as having a protected handicap may submit a letter to the school coordinator or special education/504 coordinator requesting consideration for Section 504 accommodations. This letter should describe the basis for concern and area(s) of disability, including any substantiating documentation (evaluation, reports, and medical records). A letter requesting Section 504

consideration may be written on behalf of a parent/guardian by an agency, advocate or professional outside of FFA. Referrals may also be addressed to the coordinator/special education 504 coordinator by teachers and other school staff who suspect a handicapping condition which requires accommodations. When a referral is received, the parent/guardian will be provided with written notice that the student is being considered and with parent/guardian/student rights summarizing procedural safeguards. Further information may be requested of the parent/guardian if necessary.

Parents/guardians having any questions or concerns regarding Section 504 are invited to contact the school coordinator, nurse, and/or the special education teacher/coordinator of 504.

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## Identification and Evaluation Procedures

**Family Foundations Academy Charter has a responsibility to identify and evaluate those children who are believed to qualify as disabled under Section 504.**

### 1. Referral:

When there is reason to suspect that a student has a disability and is in need of accommodations within the general education classroom, a referral can be made to the 504 section/special education team. Referrals can be made either orally or in writing; both types of referrals need to be documented on a Teacher Input/Student *Referral* form. If parents make a referral to a teacher, they should be directed to the coordinator or designee selected to receive referrals. Whether provided orally or in writing, the date the referral is received must be noted.

### 2. Section 504/Special Education Team:

The Section 504/Special Education Team must convene within 30 business days following the receipt of a referral. The date the referral was received and the date on which the Section 504/Special Education Team convened are logged on the Section 504 history form.

For all referrals, the team must consist of the following members, at a minimum:

- Director or designee
- School Psychologist
- Special education coordinator/teacher
- General education teacher
- School Nurse

The parents must be invited to Section 504/Special Education team meeting orally, and in writing. The parents must be notified of the meeting early enough to ensure they have an opportunity to participate; however, the meeting must be held within 30 business days of the referral date.

During the meeting, the Section 504/Special Education team should review information from a variety of sources. The information reviewed should pertain to the student's functioning in the school environment, and should include, as available: 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 other specialty reports; and parent information. Following this review, the Section 504/Special Education team may:

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- Determine that an evaluation is not warranted at this time.
- Refer the student to another resource
- Determine there is a need for an evaluation for special education services under the Individuals with Disabilities Education Act (IDEA). In this case, the Section 504/Special Education team shall proceed in accordance with the FFA's Referral, Evaluation, and Eligibility Procedures manual. (All documentation must be recorded on the Section 504 Eligibility Determination form.
- Determine whether the student qualifies as disabled under Section 504 of the Americans with Disabilities Act (ADA) Amendments Act of 2008.

### 3. **Making Initial Qualification Decisions:**

If, upon review of the *Referral* form and available information, Section 504/Special Education team determines that there is insufficient evidence to suspect that a disability warrants an evaluation for special education under IDEA, but considers qualification as disabled under Section 504, the team will record in their minutes to indicate the decision not to evaluate for special education eligibility. The Section 504 Eligibility Determination form reflect "Do not conduct evaluation" and "Pursue the following action" with annotation that the committee will consider qualification under Section 504.

If the Section 504/Special Education Team determines that individual assessments should be conducted in order to determine qualification under 504, the *Report (Determination Form)* will reflect "Do not conduct evaluation" and "Pursue the following action" with notes indicating that the committee recommends individual assessments for the purpose of determining qualification under 504. The *Section 504 Notification (Parent Consent) Letter to Parents* along with a copy of Section 504 Student and Parental Rights shall be completed and signed by the parent prior to the administration of any assessments. Upon completion of assessments, the Section 504/Special Education Team will reconvene and consider qualification under 504.

### 4. **The Section 504/Special Education Team shall complete a Section 504 Qualification form for students being considered as disabled under Section 504.**

*The information listed on this form must document:*

- Concerns leading to the referral.
- Identification 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

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endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability.

- The major life activity impacted by the impairment(s):

“Major life activity” includes but is not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

\* A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

\* An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

- Description of the impact of the student’s impairment on the identified major life activity:

\*An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

\* Individuals being considered for qualification under Section 504 should not be penalized because they manage their own adaptive strategies or receive accommodations (including informal or undocumented ones) that have lessened the deleterious impact of the disability.

\*The determination of impact to one or more major life activities must be made without regard to any ameliorative effects of mitigating measures which include, but are not limited to: medication, medical supplies, equipment, low-vision devices\*, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

- Information provided and considered by the committee.
- The team determination of qualification.
- A list of the committee members participating in the determination.

A copy of this form, along with the Meeting minutes report and the *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards* shall be provided to the parent.

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## 5. 504 Plans

The 504 plan is a statement of the required accommodations and services that Family Foundation Charter School will provide to a student. If the student qualifies as disabled under Section 504, The Special Education/Section 504 team shall develop a 504 plan. Typically, the knowledgeable team is comprised of staff members who work directly with, or supervise the student in the educational setting.



## Team Members and 504 Plans

### 1. Committee Membership:

The team members must include:

- Coordinator or designee.
- Teacher(s) who are, or will be, working with the student

(Whenever possible, the team should include those persons who will be responsible for implementing the proposed accommodations).

Other team members, such as the school psychologist, school nurse, and/or counselor, may be included as appropriate to the needs of the student.

**Family Foundations Academy is not required to include the parent in the development of the 504 plan, but it is best practice to invite the parent to participate and provide input.**

### 2. Plan Development:

The Section 504 plan and special education team reviews the specific needs of the student in the educational setting and completes a *504 Plan* form.

Accommodations necessary to provide the student an equal opportunity to access programs and activities and to demonstrate achievement are included in the 504 plan.

The reasonable accommodations shall:

- ***Reflect the unique needs of the student.***
- ***Relate directly to the area of impairment.***
- ***Address only what is necessary to ensure that the student has the opportunity to access programs and activities in the school setting.***
- ***Be specific enough in description to clearly indicate when and where the accommodation(s) will be provided during the school day.***

The focus is on reasonable accommodations

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The Section 504/Special Education Team shall determine whether the student that qualifies as disabled under Section 504 requires classroom testing accommodations, and whether those accommodations should be provided for any state and school wide assessments. These decisions shall be recorded on the appropriate *504 Plan Accommodations* form. Testing accommodations should be consistent with the classroom instruction accommodations that are already part of the student's 504 plan. If the Section 504/Special Education Team determines that there is currently no specific educational impact that requires accommodations, this should be noted on the *504 Plan*. This decision should be reviewed if concerns are noted by either the parent or school staff members.

A copy of the 504 plan shall be provided to the parent following its completion. Parental consent is not required prior to the provision of accommodations for a student.

The Coordinator/Student Support Supervisor is responsible for adherence to the overall procedures and implementation of a 504 plan.

Each individual working with or supervising the student shall be provided a copy of the 504 plan and will comply with the applicable components. The plan remains in effect as specified until either a new plan is developed, or the team determines through reevaluation that the student no longer qualifies as disabled under Section 504.

### **3. Plan Review and Revision:**

The Coordinator or designee is responsible for ensuring that 504 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 and to make any needed modifications. The participants in the annual meeting should be those individuals relevant to the discussion of the student's accommodations. At minimum, the committee must consist of at least one of the student's teachers and a Coordinator or designee. It is best practice to invite the parent(s) to the annual plan review. If the previous 504 plan remains appropriate, a new *504 Plan* form does not need to be completed in its entirety. Demographic information, dates, and committee member signatures are required, along with a statement that the previous plan, dated XX/XX/XXXX, remains appropriate and should continue to be implemented as written.

If the team determines that the existing plan requires modification, a new *504 Plan* form must be completed.

### **4. Discipline Procedures:**

The Section 504/Special Education Team shall convene to assess whether the behavior requiring disciplinary action is related to a qualified student's disability when:

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- The 504-qualified student is subjected to a series of removals during a school year that accumulates to more than 10 school days. While not required, it is best practice to invite the parent to participate and provide input at the causal hearing. Parents should be notified with sufficient time to allow them the opportunity to attend. A copy of the *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards* shall be included with the meeting notification letter.

### *Suspensions Totaling Ten Days or Fewer*

In any disciplinary case deemed to warrant suspension for not more than 10 consecutive school days or when the total for the school year is less than 10 days, a student with disabilities may be suspended in accordance with the procedures in the Code of Student Conduct.

### *Suspensions Totaling More Than Ten Days*

In suspension cases involving over 10 total days for the year, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is **removed** from the child's files. The 504 Plan should be reviewed at this time to determine if the Plan is appropriate.

## **5. Transfers:**

When a student transfers into a school and is qualified as disabled under Section 504, the Section 504/Special Education team in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The team may decide to implement the plan as received, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to consider if the student no longer qualifies as disabled under Section 504.

## **6. Reevaluation**

The Section 504/Special Education team shall conduct a reevaluation of each student's qualification as disabled under Section 504:

- Every three years.
- More frequently if conditions warrant.

The date of the student's initial or most recent reevaluation of qualification as disabled under Section 504 is documented on the 504 plan. The reevaluation date is then calculated by adding three years to the initial or most recent reevaluation review date. Prior to the reevaluation review date, information should be collected

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from teachers and other school staff members who work with the student for review at the reevaluation meeting.

The *Teacher Input form/Questionnaire* can be used to collect this information.

The team shall convene a reevaluation meeting with the purpose of reviewing evaluation information and determining if the student continues to qualify as disabled under Section 504. If it is determined that additional individual assessments are needed in order to determine if the student continues to qualify, the *Parent Consent for Assessment* form shall be completed and signed by the parent prior to the administration of any assessments. Upon completion of assessments, the team will reconvene and consider continued qualification under 504. The knowledgeable committee shall complete a *Section 504 Qualification Criteria* form using all available information in order to determine if the student continues to qualify as disabled under Section 504.

## **7. Records**

Forms documenting the referral, evaluation, qualification, and accommodation plan of a student under Section 504 should be maintained in the student's scholastic record. If a student transfers to another public school, the file is to be forwarded to the new school in accordance with regulations (release of record form/request for record form). The student's parent or guardian may examine their child's educational record upon request.

The Coordinator or designee is responsible for keeping a record of those students for whom a 504 plan has been developed, along with the anticipated review date for each student's 504 plan, and the date of each student's reevaluation. The date of the 504 plan shall be entered in FFA's E-school and DELSIS portal or any subsequent school-based information system, for each qualified student. This information shall be reviewed and updated at the beginning of each school year.

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## 504 Fact Sheet

**Section 504 is designed to eliminate discrimination against any student with a disability in any program offered by the school division.**

### **Who is Covered:**

Any student who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more of life's major activities.

### **What is Required:**

Qualifying students must have an opportunity to access all activities and programs, and cannot be denied participation because of their disability.

Qualifying students with a disability must be offered a free appropriate public education (FAPE). FAPE is the provision of reasonable accommodations, adaptations, or modifications to the environment or activity that allows the student equal opportunity to participate.

Accommodations must be designed to offer equal opportunity to gain the same benefit as non-disabled peers, within the most integrated setting appropriate, but are not expected to produce identical results or the same level of achievement.

Transfers: If a student that is disabled under Section 504 transfers schools, a knowledgeable committee at the receiving school should convene and review the 504 plan to determine if it is appropriate for the current educational environment.

### **Qualifying Factors:**

The Section 504/Special Education Team determines initial Section 504 qualification.

The Section 504/Special Education Team must identify the presence of a physical or mental impairment and the major life activity limited by the impairment.

Current illegal use of drugs or alcohol is not an impairment protected under Section 504.

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### **The Plan:**

- ▮ The Section 504/Special Education Team composed minimally of the Co- Director or designee and a teacher of the student develops the 504 Plan for qualified students.
- ▮ The parent is invited, but does not have to attend or approve of the plan.
- ▮ The 504 Plan should reflect the unique needs of the student and relate directly to the impairment. Only the accommodations necessary for the student to have an equal opportunity to access programs and activities should be included.
- ▮ The team must meet at least once a year to review the 504 Plan.
- ▮ The team determines if the student no longer qualifies as disabled under Section 504.

### **Disciplinary Protections:**

- ▮ If there is no causality, the student may be disciplined in the same manner as a non-disabled student, including cessation of educational services.
- ▮ Causality determination is not required if the student is engaging in the illegal use of drugs or alcohol, and is being disciplined for the use or possession of illegal drugs or alcohol.

### **Procedural Safeguards:**

- ▮ Parents and qualified students are entitled to certain procedural safeguards.
  - ▮ Inquiries may be directed to Due Process and Eligibility. No qualified student with a disability at Family Foundations Academy Charter 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 a student's parent(s) or guardian prior to evaluation, reevaluation, and/or significant change in placement.
    - Decisions regarding the identification, evaluation, and accommodations and/or modifications for a student qualified under Section 504 shall be made by a committee of individuals who are knowledgeable about the student.
    - The parent(s) or guardian shall have the opportunity to examine the student's educational record.
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- An evaluation 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 and/or formal assessments. If formal assessments 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. Assessments shall be fair and nondiscriminatory and, if requested by the local screening committee or 504 knowledgeable committee, shall be provided at no cost to the parent. Parental consent shall be obtained prior to the initiation of assessments.
  
- The student shall be re-evaluated prior to reconsideration of qualification as a student with a disability under Section 504.
  
- The student's parent(s) or guardian shall have the opportunity to appeal decisions concerning the student's identification, evaluation, accommodations and/or modifications, or causality determination in a discipline case. The parent(s) or guardian may request an administrative review, mediation, and/or impartial hearing.

Compliance with Section 504 is coordinated by the Co- Director or designee (302-324-8901 Ext: 224) when it concerns access to facilities, Due Process and Eligibility section, when it concerns student programs and activities.

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## IDEA and 504 Brief Overview of Differences

<b>IDEA</b>	<b>504</b>
<b>Primary Focus</b>	
Educational <i>benefit</i>	Equal access for students with disabilities
<b>Purpose of the Plan</b>	
Goals and objectives outlined for the <b>student</b> . (What the <i>student</i> will do.)	Reasonable accommodations provided to the eligible student by the <b>teacher(s) or relevant school staff members</b> . (What the <i>teacher</i> or staff member will do.)
<b>Consent</b>	
Parent consent required for eligibility, for initial services, change in placement.	Parent consent is not required. Parents are invited to participate.
<b>Regulations</b>	
IDEA—many specifics	OCR – few specifics
<b>Parent Participation</b>	
Procedural rights to participate	Best practice to invite parent participation
<b>Due Process</b>	
Due process rights	Right to an Impartial Hearing
<b>Stay Put</b>	
Last agreed-upon placement	No stay-put provisions
<b>Funding</b>	
All states receiving funding	No funding
<b>Monitoring</b>	
DEDOE is required to develop regulations and to monitor the provision of special education. USDOE oversees implementation	DEDOE has no responsibility for—or jurisdiction over—LEA's implementation of 504 Plans. OCR oversees implementation



## Section 504 Plan Referral Checklist

Student: \_\_\_\_\_ Coordinator: \_\_\_\_\_

Grade: \_\_\_\_\_ Date of Birth \_\_\_\_\_ Date of Referral: \_\_\_\_\_

Date of Initial 504 Plan: \_\_\_\_\_

*\* Indicates forms which need to be mailed to parents prior to the meeting*

Section 504 Referral	Form 1	Original in file:	_____ Yes _____ No
*Assessment Checklist	Form 2	Original in file:	_____ Yes _____ No
*Charter Policy Statement	Form 3	Original to Parent:	_____ Yes _____ No
*Procedural Safeguards	Form 4	Original to Parent:	_____ Yes _____ No
*Receipt of Rights	Form 5	Signed by Parent:	_____ Yes _____ No
*Consent to Assess/	Form 6	Signed by Parent:	_____ Yes _____ No
*Release of Information	Form 7	Signed by Parent:	_____ Yes _____ No
*Letter of Invitation	Form 8	Sent to Parent:	_____ Yes _____ No
*Invitation Response	Form 9	Signed by Parent:	_____ Yes _____ No
Documentation of Handicapping Condition		Original Documentation:	_____ Yes _____ No
504 Eligibility Review	Form 10	Signed by Parent:	_____ Yes _____ No
Section 504 Plan	Form 11	Signed by Parent:	_____ Yes _____ No
Parental Consent	Form 12	Signed by Parent:	_____ Yes _____ No
504 Conference Minutes	Form 13	Signed by Parent:	_____ Yes _____ No
504 Follow-up Letter	Form 14	Sent to Parent:	_____ Yes _____ No
Data Distribution	Form 15	Original in File:	_____ Yes _____ No
Teacher Observations Input	Form 16	Originals in File:	_____ Yes _____ No
** Behavior Plan (provide if needed)		Originals in File:	_____ Yes _____ No

\*\*E-school Updated if approved \_\_\_\_\_ Yes \_\_\_\_\_ No

\*\*Supporting Documentation: \_\_\_\_\_ Standardized Test Scores \_\_\_\_\_ Grades \_\_\_\_\_ Attendance \_\_\_\_\_  
 \_\_\_\_\_ Discipline



**Section 504 Eligibility Determination**

Eligibility Meeting Date \_\_\_\_\_ Student Name \_\_\_\_\_  
 DOB \_\_\_\_\_ Gender \_\_\_\_\_ Grade \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

**Evaluation Information Considered and Impact of Disability on Major Life Activity**

Physical or Mental Impairment	Major Life Activity Impacted	Data Considered (list date created, source and attach)	Level of limitation (NA, mild moderate, substantial)

**Actions to be Taken:**

- The student has a physical or mental impairment that significantly impacts a major life activity
  - A Section 504 Accommodation Plan will be written
  - A Section 504 Accommodation Plan is not needed at this time
- The student does not have a physical or mental disability that significantly limits one or more major life activities.
- No further action is needed at this time.
- An individual health plan will address the student's need for health services.
- The team recommends in addition to a Section 504 Plan that further evaluation for possible IDEA eligibility be pursued.

**Eligibility Determination Team Members**

Name and Title	Required team members
	Member knowledgeable about the student (parent or staff member)
	Member knowledgeable about the meaning of evaluation data
	Member who can allocate charter resources
	Other team members





## Section 504 Student and Parental Rights

As a parent you have the right to the following:

- Participation of your child in school programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
  - Receipt of free educational services to the extent they are provided students without disabilities;
  - Receipt of information about your child and your child's educational programs and activities in your native language;
  - Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
  - Inspect and review your child's educational records; you also have a right to ask the school to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
  - A hearing if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing
-



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- Participation of your child in school programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
  - Receipt of free educational services to the extent they are provided students without disabilities;
  - Receipt of information about your child and your child's educational programs and activities in your native language;
  - Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
  - Inspect and review your child's educational records; you also have a right to ask the school to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
  - A hearing if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing
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**SPECIAL EDUCATION/SECTION 504  
AUTHORIZATION FOR RELEASE OF CONFIDENTIAL RECORDS**

Student name: \_\_\_\_\_ Date: \_\_\_\_\_

Student \_\_\_\_\_ DOB: \_\_\_\_\_

School: **Family Foundations Academy Charter**

I hereby authorize the release of records:

From: \_\_\_\_\_

To: (Name of agency/person) \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

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

Describe the records to be disclosed:

The reason for disclosing the record(s) is:

\_\_\_\_\_



### Parental Consent for Section 504 Services (Implementation)

Date \_\_\_\_\_

Your child, \_\_\_\_\_, has been determined eligible for Section 504 services as a student with a disability. According to the assessed data and medical documentation your child's disability is \_\_\_\_\_.

Parents and students have specific rights under Section 504 of the Rehabilitation Act of 1973. These rights are summarized on the back of this form.

**Please check one of the responses below:**

\_\_\_\_\_ I **give permission** for the Section 504 services for my child as described and I understand my rights under state and federal law.

\_\_\_\_\_ I do **NOT** give permission for the Section 504 services for my child as described and I understand my rights under state and federal law.

Signature: \_\_\_\_\_

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

I am the (check one)

\_\_\_\_\_ Parent

\_\_\_\_\_ Legal Guardian

Return to:

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NOTICE OF MEETING-SECTION 504

Date \_\_\_\_\_

Dear \_\_\_\_\_,

You are urged to attend and participate in a meeting concerning \_\_\_\_\_,

(Student Name)

which is scheduled for \_\_\_\_\_, \_\_\_\_\_,

(Date)

(Time)

\_\_\_\_\_  
(Location)

If this date or time is not convenient, please call to arrange a mutually convenient time and location for this meeting.

**The purpose of this meeting is to:**

- \_\_\_\_ Review the results of recent evaluations of eligibility under Section 504
- \_\_\_\_ Develop an Accommodation Plan under Section 504
- \_\_\_\_ Determine educational placement under Section 504
- \_\_\_\_ Discuss possible changes in accommodations under Section 504
- \_\_\_\_ Conduct periodic review of needs under Section 504
- \_\_\_\_ Discuss re-evaluation under Section 504
- \_\_\_\_ Other \_\_\_\_\_

The following people have been asked to attend this meeting:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you wish any other individual(s) to attend this meeting with you, please notify the school at least 48 hours prior to the meeting. You have previously received a copy of the Parent/Student Rights. If you desire another copy, please advise.

Sincerely,

Name	Position	Telephone

I will \_\_\_\_\_ or will not \_\_\_\_\_ be able to attend this meeting as schedule above.

\_\_\_\_\_  
Parent/Guardian Signature & Date





**Section 504 Accommodation Plan**

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

Student ID#: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

Describe the nature of the concern: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe the basis for the determination of the disability (if any): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe how the disability affects a major life activity: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

The Child Study Team/Intervention Assistance Team has reviewed the files of the above named student and they conclude that he/she **meets /does not meet** the classification as a qualified disabled individual under Section 504 of the Rehabilitation Act of 1973. In accordance with the Section guidelines, the school has agreed to make reasonable accommodations and address the student's individual needs by:

**Physical arrangement of room:**

- seating student near the teacher
- seating student near a positive role model
- standing near the student when giving directions or presenting lessons
- avoiding distracting stimuli (air conditioner, high traffic area, etc.)
- increasing the distance between the desks
- additional accommodations: \_\_\_\_\_

**Lesson presentation:**

- Pairing students to check work
- providing written outline
- writing key points on the board
- allowing student to tape record lessons

\_\_\_\_\_



- providing peer tutor
- providing visual aids
- providing peer note taker
- making sure directions are understood
- including a variety of activities during each lesson
- breaking longer presentations into shorter segments
- additional accommodations: \_\_\_\_\_
- having child review key points orally
- teaching through multi-sensory modes
- using computer-assisted instruction

**Assignments/worksheets:**

- giving extra time to complete tasks
- simplifying complex directions
- handing worksheets out one at a time
- reducing the reading level of the assignments
- requiring fewer correct responses to achieve grade
- allowing student to tape record assignments/homework
- providing a structured routine in written form
- providing study skills training/learning strategies
- giving frequent short quizzes and avoiding long tests
- shortening assignments; breaking work into smaller segments
- allowing typewritten or computer printed assignments
- additional accommodations: \_\_\_\_\_
- using self-monitoring devices
- reducing homework assignments
- not grading homework

**Test taking:**

- administer test in small group (also DCAS)
- giving exam orally
- giving take home tests
- Re-presenting or re-reading direction for subtests
- Refocusing attention to test (also DCAS)
- allowing student to give test answers on tape recorder
- giving frequent short quizzes, not long exams
- using more objective items (fewer essay response)
- additional accommodations: \_\_\_\_\_
- allowing extra time for exam
- reading test item to student

**Organization:**

- providing peer assistance with organizational skills
  - assigning volunteer homework buddy
  - allowing student to have an extra set of books at home
-



- sending daily/weekly progress reports home
- developing a reward system for in-schoolwork and homework completion
- providing student with a homework assignment notebook
- additional accommodations: \_\_\_\_\_

**Behaviors:**

- |  |   |
|--|---|
| <input type="checkbox"/> praising specific behaviors   | <input type="checkbox"/> allowing legitimate movement       |
| <input type="checkbox"/> using self-monitoring strategies  | <input type="checkbox"/> contracting with the student       |
| <input type="checkbox"/> giving extra privileges and rewards                                       | <input type="checkbox"/> increasing the immediacy of awards |
| <input type="checkbox"/> keeping classroom rules simple and clear                                  | <input type="checkbox"/> implementing time-out procedures   |
| <input type="checkbox"/> making "prudent use" of negative consequences                             |   |
| <input type="checkbox"/> allowing for short breaks between assignments                             |   |
| <input type="checkbox"/> curing student to stay on task (nonverbal signal)                         |   |
| <input type="checkbox"/> marking student's correct answers, not his mistakes                       |   |
| <input type="checkbox"/> implementing a classroom behavior management system                       |   |
| <input type="checkbox"/> allowing student time out of seat to run errands, etc.                    |   |
| <input type="checkbox"/> ignoring inappropriate behaviors not drastically outside classroom limits |   |
| <input type="checkbox"/> additional accommodations: _____  |   |

**Medication:**

Name of physician: \_\_\_\_\_ phone: \_\_\_\_\_

Medication: \_\_\_\_\_ schedule: \_\_\_\_\_

Monitoring of medication(s): daily \_\_\_\_\_ weekly \_\_\_\_\_ as needed basis \_\_\_\_\_

Administered by: \_\_\_\_\_

**Special considerations:**

- suggesting parenting program(s)
- alerting bus driver
- monitoring student closely on field trip
- suggesting agency involvement
- in serving teacher(s) on child's handicap
- providing group/individual counseling
- providing social skills group experiences
- developing intervention strategies for transitional periods (e.g., cafeteria, physical education, etc.)

**Comments:** \_\_\_\_\_

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FFA Elementary School  
170 Lukens Dr.  
New Castle, DE 19720  
Principal: Ms. Rachel Valentin

FFA Middle School  
1101 Delaware Street  
New Castle, DE 19720  
Principal: Dr. Laretha Odumosu

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**Participants:**

Name

Title

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Case manager's signature: \_\_\_\_\_

\_\_\_\_\_



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## Section 504 Conference Minutes

\_\_\_\_\_  
(Date)

Name: \_\_\_\_\_ Grade: \_\_\_\_ School: \_\_\_\_\_

### INFORMATION REVIEWED:

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### RECOMMENDATIONS:

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Signature / Position

Signature / Position

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## Section 504 Follow-up Notice of Conference Results

(Follow-up Letter)

\_\_\_\_\_  
(Date)

\_\_\_Initial Referral \_\_\_Eligibility Determination \_\_\_Review/Revise \_\_\_Reassessment

Dear Parent, \_\_\_\_\_

I am sorry you were unable to attend the Section 504 conference on \_\_\_\_\_  
at your child's school regarding the Section 504 Accommodation Referral/Plan for your  
child, \_\_\_\_\_.

During the conference, the Section 504 team reviewed information gathered that was  
relevant to your child's needs. A copy of the conference results is enclosed. Please read the  
information carefully. If you have questions concerning this information, please call me at

\_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Section 504 School Coordinator



**DOCUMENTATION OF "ISS AS AN INTERVENTION"**

Student Name: \_\_\_\_\_

Intervention Date: \_\_\_\_\_ Grade: \_\_\_\_\_

504 Case Manager: \_\_\_\_\_

Daily Schedule	Teacher Signature	Time In	Time Out	Description of Services

Use one form per day of "ISS as an Intervention."

Completed form maintained in Section 504 file.

Use back or additional pages if needed.





### Section 504 Teacher Input Form

<b>Student Name:</b>		<b>Elem/Middle</b>	<b>Grade:</b>	
<b>Teacher Name:</b>		<b>Subject:</b>	<b>Due Date:</b>	

*This student is being evaluated (re-evaluated) for eligibility for Section 504. The information you provide will be used as part of this process and will be shared with the parent.*

1. What is the student's current grade in your class (MS) or in each subject (Elem.)?
  2. Please check all the factors that may account for the student's current grade and write in numbers where applicable:
    - Missing assignments
    - Late assignments
    - Incomplete or illegible assignments
    - Failure to participate in class
    - Other *(Please describe.)*
  3. What strengths does this student display in your classroom? What challenges does this student present in your classroom?
  4. Have you made any informal accommodations or modifications for this student such as extending timelines, preferential seating, or adjusting expectations? *(If yes please list below and tell whether or not it was effective.)*
  5. Have you been in contact with this parent/guardian during the current school year? How often and what has been your primary means of communication *(e-mail, phone, conference)*?
  6. Any additional information or comments? *(Please use additional pages as necessary.)*
-



## Teacher Notification/504 Plan

From: \_\_\_\_\_

RE: Student with 504 Accommodation Plan

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

This note is to advise you that you have the following student(s) with a 504 Accommodation Plan.

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Although it is not special education, the plan is just as legally binding.

I will stop by and review your student's 504 within ten days of the creation of the plan. The 504 plan is to be reviewed every year by the team, which includes parent/guardian, principal, classroom teacher, special area teacher(s) involved with the student and the site 504 coordinator.

I will be scheduling such a review meeting, if necessary, as soon as possible. At that time, the plan will be reviewed and revised if necessary, to best meet the student's needs.

Thank you for your support of your students.

Special Education Team/Student Support Team

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# Section 504

## *PARENT GUIDE*

### *Rehabilitation Act*

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## 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, 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 appropriate services to disabled individuals as defined by Section 504. In addition, procedural safeguards must be provided to the parents/guardians of identified students. The Office of Civil Rights and/or U.S. Department of Education is responsible for enforcing Section 504.

## 504 Section

### Who Is Eligible?

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*
- has a record of such an impairment; or is regarded as having such an impairment

### Major Life Activities

*Major Life Activities* include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sleeping, concentrating, reading, communicating, bending and major bodily functions (immune, digestive, respiratory, circulatory, endocrine, neurological, brain and reproductive systems, bowel and bladder functions, and normal cell growth).

### Substantial Limitation

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, and includes impairments that are episodic or in remission. A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. School teams and parents who feel a student may meet the criteria for Section 504 eligibility may request that the student be brought up for review at a team meeting.

### How is a child identified and evaluated?

The student is referred to the 504 Team (members of the team vary based on need), who will review the information and determine eligibility under Section 504. A parent or staff member

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may refer a student to the 504 team. Written documentation must be provided of the disability (e.g., medical, psychological, agency reports)

Eligibility is determined by:

- Input referenced from written documentation from medical, psychological, or outside agency reports; or
  - Evaluation in which appropriate information is gathered (such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, nursing assessment, occupational or physical therapist assessment, doctor's orders, emergency care plans, and adaptive behavior assessment);
- and
- Determination that the disability substantially limits a major life skill (breathing, walking, learning, etc.).

### **What is a 504 Plan?**

Students who meet the eligibility guidelines for Section 504 will have a 504 Plan developed for use in the general education classroom. The plan specifies the nature of the impairment, the major life activity affected by the impairment, and the accommodations necessary to provide access based on the student's needs. The plan also includes individual staff members responsible for implementing the accommodations.

Accommodations should be specific to the individual with regard to his/her impairment and its effect on the major life activity. 504 Plans should not include accommodations typically provided to general education students.

The team will review the student's 504 Plan on a periodic basis to ensure its effectiveness. A parent may request at any time that a plan be reviewed and/or revised as needed. If a parent or the school team suspects that the student is in need of special education and related services, the team will schedule an IEP (Individualized Education Program) meeting.

### **What are the disciplinary procedures for 504 disabled students?**

#### *Suspensions Totaling Ten Days or Fewer*

In any disciplinary case deemed to warrant suspension for not more than 10 consecutive school days or when the total for the school year is less than 10 days, a student with disabilities may be suspended in accordance with the procedures in the Code of Student Conduct.

#### *Suspensions Totaling More Than Ten Days*

In suspension cases involving over 10 total days for the year, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular

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procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is **removed** from the child's files. The 504 Plan should be reviewed at this time to determine if the plan is appropriate.

### **What if I disagree with the school's decision?**

If the parent/guardian disagrees with school decisions, he/she has the right to an appeal hearing. Appeal requests are made in writing to the Director of School

Jennifer Cipolla  
Family Foundations Academy Charter  
1101 Delaware Street  
New Castle, Delaware  
302-324-8901 Ext 224



## Summary of Legal Rights for Parents

As a parent you have the right to the following:

- Participation of your child in school programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- Receipt of free educational services to the extent they are provided students without disabilities;
- Receipt of information about your child and your child's educational programs and activities in your native language;
- Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- Inspect and review your child's educational records; you also have a right to ask the school to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
- A hearing if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing

## Who do I contact if I need more information?

If you have more questions, contact the school-based 504 facilitator in your child's school. If you need further assistance, contact:

Family Foundations Academy/504 Plan Coordinator  
1101 Delaware Street  
New Castle, Delaware 19802  
302-324-8901

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