

What is the discipline process for students with Section 504 accommodations?

When a student violates the LCPS Student Code of Conduct and is suspended for more than ten (10) consecutive school days, the 504 committee must meet and hold a Manifestation Determination Review (MDR) meeting to determine whether or not the infraction is related to the student's disability. A student who is currently engaging in the use of illegal drugs or alcohol and is being disciplined for use or possession of illegal drugs or alcohol is not entitled to a Manifestation Determination Review.

Are there procedural safeguards?

Yes. Procedural safeguards include:

- ◆ Notice of the meeting, including purpose, date, time, location, and attendees
- ◆ The opportunity to inspect and review all educational records
- ◆ The option of an impartial hearing
- ◆ A review procedure for appealing impartial hearing decisions

Inquiries regarding Section 504 may be directed to the Eligibility Coordinators

Loudoun County Public Schools



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Differences Between Individuals with Disabilities Education Act (IDEA) and Section 504

	<i>IDEA</i>	<i>Section 504</i>
Primary Focus	Educational <i>benefit</i>	Equal <i>access</i>
Who is Eligible	Identified disabling conditions defined Adversely effects educational performance Need for specially designed instruction	No eligibility "categories" Students with physical or mental impairments that substantially limit a major life activity
Purpose of Plan	Goals and objectives outlined for the student (i.e. what the <i>student</i> will do)	Individual accommodations provided to the eligible student to ensure equal access to participate
Consent	Parent consent is <i>required</i> for eligibility, initial services, and change in placement	Parent consent is <i>required</i> prior to a Section 504 evaluation Parent consent is <i>not required</i> to implement, revise, or discontinue a Section 504 Plan
Regulations	IDEA – many specifics	Office of Civil Rights (OCR) – few specifics
Parent Participation	Procedural rights to participate	Best practice is to invite parent participation
Procedural Safeguards	Due process rights	LCPS has established grievance procedures
Stay Put	Last agreed-upon placement	No stay-put provisions
Funding	All states receive funding	No funding
Monitoring	The Virginia Department of Education (VDOE) is required to develop regulations and to monitor the provision of special education United States Department of Education (USDOE) oversees and enforces implementation	VDOE has no responsibility for or jurisdiction over implementation of Section 504 Plans OCR, a component of USDOE, enforces Section 504

Loudoun County Public Schools

Section 504 of the Rehabilitation Act of 1973



"A Climate for Success"

Frequently Asked Questions?

The purpose of Section 504 of the Rehabilitation Act of 1973 and the conforming Americans with Disabilities Amendments Act of 2008 is to eliminate discrimination, on the basis of a disability, in any program or activity receiving Federal financial assistance.

According to this regulation, no qualified disabled student shall, on the basis of disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity offered by Loudoun County Public Schools (LCPS).

Who is eligible under Section 504?

A child is eligible under Section 504 if he/she has a documented physical or mental impairment, which substantially limits one or more major life activities without considering the corrective effects of mitigating devices, medication and interventions.

How do I initiate Section 504 eligibility?

Referrals shall be made to the principal or designee, and may be in oral, written, or electronic form. The referral should include the reasons for referral and efforts that have been made to address the concerns. LCPS has established a child study team to review requests for a child suspected of having a disability.

Does Section 504 eligibility occur only after an evaluation?

Yes, however, the term "evaluation" does not necessarily mean formal tests/assessments. The evaluation is the process of gathering information from a variety of sources to help the eligibility committee make a placement decision. In some cases formal tests/assessments may be required prior to making a determination.

What are the timelines for Section 504 eligibility?

The Child Study Team shall meet within ten (10) business days following the receipt of the initial referral. If the student is referred to eligibility, the eligibility coordinator shall ensure that the decision regarding eligibility is generally made within 65 business days of receipt of the referral for eligibility.

What happens if a child is eligible to receive Section 504 accommodations?

A Section 504 Plan is developed to document accommodations that are necessary for that student to have equal access to programs and activities offered by LCPS. The plan is not required to produce the identical result or level of achievement for disabled and nondisabled students, but must afford disabled students equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.

How often is a Section 504 Plan reviewed?

The plan must be reviewed and written at least annually.

What happens if a child no longer requires accommodations in the school setting?

The Section 504 committee, after a review of records, can determine that a student is no longer in need of Section 504 accommodations or eligible under Section 504.

What is the procedure for students who transfer to LCPS with a current Section 504 Plan?

The 504 committee will review the existing Section 504 Plan and supporting documentation to determine whether the plan is appropriate and review the student's status as a qualified disabled student. The 504 committee may decide to write a LCPS Section 504 Plan, refer the student for evaluation to determine the student's status consistent with the *Referral* section or terminate services under Section 504.

Are students who have an Individual Health Care Plan (IHCP) eligible for a Section 504 Plan?

An Individual Health Care Plan is provided as a separate plan to address medical needs/emergencies. A student with an IHCP may qualify under Section 504 if the medical condition substantially limits a major life activity and requires individual educational accommodations through a Section 504 Plan, the purpose of which is to provide access to the activities and programs offered by Loudoun County Public Schools.