



Section 504 Evaluations & Eligibility

6.205.1p

Standard Operating Procedure Outline

<i>Category:</i>	Student Support Services	<i>Department:</i>	Section 504/Special Populations		
<i>Procedure:</i>	Section 504, ADA				
<i>Policy Reference #:</i>	1.802	<i>Version:</i>	1.0	<i>Date Revised:</i>	9.15.23

Operational Objective(s)

1. To assure compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and other federal and state non-discrimination laws and regulations pertaining to students with disabilities.
2. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794; 34 C.F.R. § 104) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 requires a school district to provide a Free and Appropriate Public Education (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met.
3. Students determined to have a physical or mental impairment(s) which substantially limits one or more major life activities (MLA) may be entitled to a 504 plan. A 504 plan is a written document that outlines the specific modifications, accommodations, and/or other related aids and services to be provided to the student for them to receive FAPE. Section 504 and the ADA also protect from discrimination students who have a record of having, or are regarded as having, a physical or mental impairment that substantially limits an MLA.

504 Coordinator:

Metropolitan Nashville Public Schools (MNPS) has designated the following employee to coordinate efforts to comply with and carry out the school district’s responsibilities under Section 504, including any investigation of any formal complaints alleging non-compliance with the Section 504:

Dr. Ashley Collins, Director Special Populations & Civil Rights
2601 Bransford Ave.
Nashville, TN 37204
629-910-6352
Specialpopulations@mnps.org

Procedure

Referral:

The request for Section 504 evaluation shall be made by a parent, teacher, or other school or district employee in writing or orally to the school-based Section 504 Coordinator. The party making the referral shall include the name of the student to be referred and any relevant information that may help the school understand the student's suspected disability. Upon receipt of the evaluation request, the school-based Section 504 Coordinator has ten calendar days to schedule a meeting with the appropriate Section 504 team. The team shall be comprised of qualified professionals who are knowledgeable about the student and the suspected disability including parent(s), the student (if appropriate), relevant school administrator(s), the school-based 504 coordinator, teacher(s), assessment specialist(s), and other team members as deemed necessary.

Note: medical documentation or diagnosis is not a prerequisite for an evaluation under Section 504 or for a 504 plan. If medical information is not provided, the evaluation must still be pursued and completed if the team has reason to suspect a disability. Medical information may be requested by the 504 team but is not required. Likewise, a doctor's statement alone is not sufficient for determining 504 eligibility.

Following this meeting, the team must decide whether to proceed with an evaluation under Section 504. If yes, the parents will receive written notice of their rights and procedural safeguards, as well as written consent for evaluation. If no, the parents will receive written notice of their rights and procedural safeguards, as well as written notice of the decision not to evaluate.

Evaluation Process:

To be eligible for a 504 plan, the Section 504 team must first determine through an evaluation that the student has a physical or mental impairment(s) that substantially limits one or more MLAs. An impairment is a disability under Section 504 if it substantially limits the ability of a student to perform an MLA as compared to most people in the general population. Whether an impairment substantially limits an MLA is to be determined without reference to the ameliorative effects of mitigating measures, with the exception of eyeglasses and contact lenses. Mitigating measures, include, but are not limited to:

- Medication, medical supplies, equipment, appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- Use of assistive technology;
- Reasonable accommodations or auxiliary aids or services;
- Learned behavioral or adaptive neurological modifications; or

- Psychotherapy, behavioral therapy, or physical therapy.

MLAs include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating, thinking, sleeping, eating, lifting, communicating, and the operation of major bodily function such as the immune system, normal cell growth, and digestive, bowel, and bladder functions. An impairment that is episodic or in remission (e.g., epilepsy, cancer, bipolar disorder, etc.) is a disability under Section 504 if it substantially limits an MLA for a student when active.

The 504 team evaluates the nature of the student's disability and the impact of the disability upon the student's access to the educational program based upon information from a variety of sources. Once written parental consent for an evaluation is obtained, the 504 team determines what assessments will be needed and what data will be collected, quantitative and/or qualitative, in order to determine if the student requires a 504 plan. Data may include medical diagnosis/records, recent evaluations/screenings, teacher observations, classroom observations, grades, assignment samples, or other information as determined appropriate by the 504 team. Note: a medical diagnosis of a disability does not automatically qualify a student for eligibility under Section 504.

Evaluations are to be completed within 60 calendar days. School breaks, even summer break, count toward the 60 calendar day timeline. If the 504 team finds the student eligible based on the results of the evaluation, the team may move forward with a 504 plan. If the 504 team finds the student ineligible based on the results of the evaluation, the team must provide the following items to the parent: a copy of the parent's rights and procedural safeguards, and a copy of the eligibility report and evaluation results, and recommendations on how to proceed.

The 504 Plan:

The 504 plan must be developed based on the individual student's educational needs and least restrictive environment considerations. The plan will document the team's decisions and will include the date, student information, modifications, accommodations, and/or other related aids and services. It must be signed by the members of the 504 team and copies must be provided to appropriate school personnel. Referrals, screening information, and 504 plans should be maintained in the student's educational record or cumulative record. If a student transfers to another school, the educational record including the 504 documents shall be forwarded to the new school.

Reviews and reevaluations:

A student's 504 plan must be reviewed annually by the 504 team. Once a student is determined eligible under Section 504, the student remains eligible until the 504 team reevaluates the student and determines that the student is no longer has a mental or physical impairment that substantially limits one or more MLA. If the student no longer meets eligibility requirements, the team must document this in writing. If the 504 team finds the student is no longer eligible based on the results of the reevaluation, the team must provide the following items to the parent: a copy of the parent's rights and procedural safeguards, and a copy of the eligibility report and reevaluation results, and recommendations on how to proceed.

The 504 team is required to conduct a reevaluation at least once every three years. A reevaluation may not occur more than once a year unless the parent and 504 team agree otherwise. In addition, a reevaluation must be conducted before any significant change in placement. Examples of “significant changes in placement” include: expulsion; an out-of-school suspension of more than 10 consecutive school days; or a series of suspensions which exceed 10 cumulative days (consideration must be given to the frequency of suspensions, the length of each and their proximity to one another). A reevaluation should also be considered when:

- Retention is considered;
- Student shows a pattern of not benefiting from instruction;
- The student moves from one educational setting/level to another;
- Additional information is gathered that affects the instructional program of the student;
- Circumstances change and eligibility is in question; and
- Chronic absences occur.

Procedural Safeguards:

Parents are entitled to certain procedural safeguards under Section 504. Notification to parents of these safeguards is required when the following occurs:

- Determination that the student qualifies under Section 504 or does not qualify under Section 504; or
- A significant change in placement.

These safeguards are a system of procedures established and implemented by the school district that provides the parent with notice, an opportunity to examine relevant records, an impartial hearing with parental participation and representation by counsel, if desired, and a hearing when there is a disagreement between the parents and the school district regarding the identification, evaluation or educational placement of the student.

Additional information regarding student rights under Section 504, including rights regarding discipline, may be found on the Tennessee Department of Education’s website [here](#).

Performance Measure/Accountability

Continuous evaluation of procedure to ensure efficiency and compliance with all regulations.

Maintenance Responsibility

The Director of Schools or their cabinet level designee is responsible for maintenance of this document and questions regarding this memo.