

Section 504



Initial Evaluation Procedures Best Practices

*This presentation is not intended to provide legal advice in any way. *

Guiding Questions for Section 504 Initial Evaluations

Does the student have a physical and/or mental impairment that substantially impacts a major life activity?

What materials (evaluations, assessments, student records, observations, interviews, etc...) does the Section 504 team need in order to answer the above question?



Outline of Process

Referral

Permission to Evaluate

Evaluation Period

Notice of Meeting

Eligibility Determination Meeting

Section 504 Plan Creation



Best Practices: Referral



- The Rtl/Section 504 Team and/or guardian who suspects a student that needs supports and/or accommodations may request a 504 evaluation.
- 504 team determines whether to proceed with a 504 evaluation. *(The decision to **not** conduct a 504 evaluation occurs only when the Section 504 Team has **no** reason to suspect that the student has a disability under Section 504. The team must document their decision in writing to the guardians.)*
- Consent for 504 Evaluation must be given by the guardian.
- Guardians should receive their Section 504 Procedural Safeguards and Rights.



Related Documents to the Initial Referral

- Section 504 Referral Form (can include permission to evaluate)
- Parent Consent Form for Initial Section 504 Evaluation
- Section 504 Parent Procedural Safeguards and Rights
- *Section 504 Written Notice of the Team's Decision of No Evaluation*





Best Practices: Evaluation Period

- Once parent consent to evaluate is received, the Section 504 Team and/or Coordinator collects a body of evidence that draws from a variety of sources and includes tests/evaluation materials tailored to evaluate specific areas of educational need.





Related Documents to Evaluation Period



Materials for evaluation can include medical documentation, student/teacher/parent interviews, student record reviews, standardized tests, along with any other appropriate materials.



Medical documentation is neither required in order to make an eligibility determination nor can it be the only piece of evaluation materials to be used in an evaluation. The Section 504 Coordinator and/or Team determines the appropriate materials to be used for the evaluation.



Best Practices during Evaluation Period/Prior to Eligibility Meeting



Notice of Meeting should be sent to the guardian for upcoming Eligibility Determination Meeting.



Notify the knowledgeable members of the Section 504 Committee of the meeting's time and date.



Best Practices: Eligibility Meeting

- Review and consider all the evaluation data and materials to determine if the student has a physical or mental impairment that substantially impacts a major life activity.
- Summarize the information gathered on the eligibility documentation as well as be clear in the documentation on what major life activity was substantially impacted by the specified impairment.





Some questions to consider while determining eligibility

Does the student have a physical or mental impairment?

What major life activities and/or bodily functions are affected?

Is there a substantial limitation on a major life activity? (As compared to the “average student” of same grade/age or as compared to “most students” of the same grade or age?)

Does the student need 504 services/accommodations in order for their educational needs to be met as adequately as those of non-disabled peers?

Is there a need for any more testing to determine the answers to the above questions?

Team should not consider the ameliorative effects (helpful or positive) of mitigating measures (except for ordinary eyeglasses or contact lenses).



Related Documents to the Eligibility Meeting

- Section 504 Evaluation/Eligibility Determination Form
- Section 504 Accommodation Plan
- Section 504 Parent Procedural Safeguards and Rights





Eligibility Pathways

- **If team determines student is Eligible:**
 - ensure the Section 504 Accommodation Plan has parental written consent for 504 services and the services/accommodations are matched to the student's disability need.
 - parents received a copy of the 504 Evaluation and the Section Accommodation Plan along with an offer of the procedural safeguards to ensure they have a copy.
- **If team determines that student is not suspected of having a disability:**
 - no further evaluation necessary.
 - ensure parents receive their procedural safeguards and written notification of the team decision.



General Considerations

- Provide notice of referral to parent within reasonable timeline
- Arrange for appropriate staff to attend an RTI/504 team meeting to review the evaluation request
- Obtain or direct staff to obtain parent consent for the Section 504 evaluation if appropriate
- Obtain or direct staff to obtain release of information (if considered necessary)
- Note: Parent release of medical or other records is not a condition for ineligibility, refusal of service, or renewal of service
- Provide notice to parent of due process rights (procedural safeguards) with consent
- Schedule and provide a notice of meeting to determine Section 504 eligibility and plan within a timely duration from the time of consent for evaluation
- Provide notice to parent of due process rights (procedural safeguards) at eligibility determination and Section 504 plan development/review
- Arrange for the provision of the supports, services, technology, and/or modifications as defined in the student Section 504 Plan



Templates and Resources

Section 504

The terms “504” and “Section 504” refer to Section 504 of the Rehabilitation Act of 1973, which protects people with disabilities against discrimination.

CSI serves as the AU responsible for ensuring charter school compliance with applicable 504 laws, including oversight of schools providing all supports as outlined in students’ 504 plans. Each school is required to have a Section 504 Coordinator, who is the building Principal or designee.

[Click here](#) for 504 CDE General Guidance.

Section 504 Templates (click to download):

- [504 Plan Template](#)
- [504 Referral Template](#)
- [504 Notice of Meeting Template](#)
- [504 Parent Rights Template](#)
- [504 Consent to Evaluate Template](#)
- [504 Evaluation of Eligibility Template](#)

<https://resources.csi.state.co.us/504/>

Have a
great day!

