



Poway Unified School District

Section 504 Procedures, Identification, Evaluation, and Education

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1. **Purpose of Section 504**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is an anti-discrimination statute that prohibits discrimination against individuals with disabilities. Specifically, Section 504 reads: "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . ." (29 U.S.C. § 794(a).) The District is a recipient of federal financial assistance, and thus, is subject to Section 504. This law also provides that identified individuals with disabilities will be placed in the least restrictive educational environment. (34 C.F.R. § 104.34(a); District's Parent Notifications).

2. **Definitions**

Disability: A student with a disability under Section 504 is one who:

- a. has a physical or mental impairment that substantially limits one or more major life activities;
- b. has a record of such impairment; or
- c. is regarded as having such an impairment.

Only students who satisfy the first definition of disability, above, under Section 504 are entitled to a Free Appropriate Public Education ("FAPE") under Section 504.

- Students who satisfy only the second or third definitions are entitled to be free from discrimination, but are not entitled to a FAPE under Section 504.
- An individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

Free and Appropriate Public Education (FAPE): the provision of regular or special education and related aids and services designed to meet individual educational needs of disabled persons as adequately as the needs of non- disabled persons are met. 34 C.F.R. § 104.33(b).

Physical or mental impairment: (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, genitor- 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.

Examples of physical or mental impairments include, but are not limited to: mobility impairments, medical conditions such as epilepsy, hemophilia, diabetes, AIDS, arthritis, allergies/asthma, tuberculosis, cancer, spina bifida, cerebral palsy, and ADHD.

**An impairment alone is insufficient to qualify a student as Section 504 disabled. Such impairment must substantially limit at least one major life activity.

Substantially Limits: The term “substantially limits” is not defined under Section 504. However, pursuant to the 2008 Americans with Disabilities Amendments Act (“ADAAA”), it means something less than “significantly restricted.” However, an impairment that substantially limits one major life activity does not have to also limit other major life activities. Also, an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Major Life Activities: Major life activities are functions including but not limited to: caring for one’s self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and operation of a bodily function. Section 504 teams may determine that another activity not listed herein is a major life activity for that student.

Mitigating Measures: The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures including but not limited to:

1. Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eye glasses or contact lenses)¹, prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
2. Use of assistive technology;
3. Reasonable accommodations or auxiliary aids or services; or
4. Learned behavioral or adaptive neurological modifications.

The term “auxiliary aides and services” includes:

1. Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
2. Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;
3. Acquisition or modification of equipment or devices; and
4. Other similar services and actions.

3. **Before the Meeting**

- Determine purpose of the meeting
 - Initial Evaluation
 - Annual Review
 - Triennial Review

¹ Ordinary eyeglasses or contact lenses are an exception to this rule. Thus, if a student’s vision or any other major life activity while using ordinary eyeglasses or contact lenses is not substantially limited, he or she would not qualify as a student with a disability under Section 504 on that basis.

4. Initial Referral Procedures

- a. The District must evaluate any student who it suspects has a disability that would result in eligibility under Section 504.
- b. Each school within the District shall designate a school site Section 504 Coordinator to be responsible for implementing referral and assessment procedures.
- c. A student may be referred by a parent/guardian, teacher, or other school employee for consideration as to whether the student should be assessed to determine if he or she qualifies as a student with a disability under Section 504.

Within 15 calendar days of a written or verbal referral, the school site Section 504 Coordinator shall give Parent **District Form P (Request for Parent Consent), Form A (Parent Referral Form)**, and a copy of the District's Section 504 Rights and Complaint Procedures. Also, ask the staff members to complete **District Form B (Staff Referral/Feedback Form)** and return Forms to the school site Section 504 Coordinator.

- d. **The District has an affirmative responsibility to ensure that students are evaluated if there is reason to suspect that they may qualify under Section 504. This is commonly referred to as the District's "child find" obligation.** Therefore, it is important that students who are or may be disabled are referred to the Section 504 school site coordinator so that the assessment process may be initiated as appropriate. Some examples of students who should be considered for referral include the following:
 - A student with medical conditions such as severe asthma, diabetes, AIDS, or heart disease;
 - A student who uses a wheelchair or other mobility device on a non-temporary basis;
 - A student with a degenerative neurological disorder, a student who is missing a limb, or a student with other impaired manual skills;
 - A student with poor or failing grades over a lengthy period of time;
 - A student with frequent referrals for behavioral problems.

5. Initial Assessment Procedures

1. Review of Existing Data

- a. Upon receipt of the referral form (**District Form P, A and B**), and within 15 school days, the school site Section 504 Coordinator shall schedule a Section 504 meeting (**District Form C**), **Section 504 Meeting Notice Form**, and convene a multidisciplinary team composed of the student's parents/guardians, or other individuals holding educational decision making rights, and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, and the options for placement, services, and/or accommodations. The purpose of this meeting will be to determine what formal assessments, if any, are needed in all suspected areas of disability to evaluate whether the student is a student with a disability under Section 504. Parents/Guardians must be invited to attend and encouraged to attend, but the team may convene without them, if they refuse to participate. Email may be utilized to convey information. Include the **District's Section 504 Rights and Complaint Procedures** with the **Form C-Meeting Notice to parents/guardians**.
- b. The site 504 Coordinator/Designee may want to create a 504 Folder (optional) for each individual case.
- c. During the meeting, again, provide the parent with the **District's Section 504 Rights and Complaint Procedures**.
- d. The decision regarding what formal assessments, if any, shall be undertaken and shall be based on a review of the student's school records (including academic, social, and behavioral records), any relevant medical records, and the student's needs. The school site Section 504 Coordinator with multidisciplinary team may complete **District Form D, Review of Existing Data Form**, to document the data reviewed.
- e. In some instances, this review of existing data, alone, will be sufficient for the Student's Section 504 multidisciplinary team to move forward and make an eligibility determination. The team should complete **District Form F, Eligibility Determination Form**, to document its eligibility determination.
- f. The completed **District Form F-Eligibility Determination Form** (documenting any eligibility determination), should be given to parent/guardian within a reasonable time, not to exceed 10 school days, after the Section 504 meeting, along with another copy of the **Section 504 Rights and Complaint Procedures**.

2. **Formal Assessments**

- a. In the event the Section 504 multidisciplinary team determines that additional formal assessment or information is needed, a formal assessment plan (**District Form E, Formal Assessment Form**) shall be presented to parent/guardian, and written parental/guardian consent shall be obtained for any formal assessments determined necessary for the student. If the parent/guardian refuses to provide such consent, the student shall be considered to be non-disabled under Section 504 and shall remain a regular education student. The District may, but is not required to, utilize the due process procedures identified in the District's **Section 504 Rights and Complaint Procedures** to obtain consent to an initial evaluation.
- Parent/guardian must provide consent to the entire assessment plan and may not select only some of the requested assessments or areas of assessment.
 - However, a parent/guardian may request modification to the assessment plan. If such a request is made, the 504 Coordinator shall send a Notice of Action (**District Form I, Notice of Action Form**), within 10 school days, agreeing or disagreeing with the proposed modification, and notifying the parent/guardian of his/her right to file a request for due process hearing if he/she disagrees with the District's response. If the modification is agreed upon, and new, clean copy of (**District Form F, Eligibility Determination Form**) shall be prepared within 5 school days for parent/guardian consent.
 - As part of the District's formal assessment, and within the assessment plan, the parent/guardian may be asked to provide a written release to speak with and/or obtain information from a relevant physician, psychologist, or other health care providers (**District Form L, Release of Information Form**). If such information is necessary to complete the assessment process, and parent/guardian withholds such consent, the District shall treat such refusal as a refusal to consent to the initial evaluation, and the student shall be considered to be non-disabled under Section 504 and shall remain a general education student.
 - A release of information for medical information may only be sought through an assessment plan from student's "relevant" medical providers. A "relevant" provider is defined as those providers whose diagnoses or recommendations Parents/guardian(s) have previously provided or referenced in conjunction with a request for a 504 evaluation.
 - The information that can be obtained when a release of information for medical information is sought through an assessment plan is limited to only that which is necessary to 1) confirm the existence of a mental/physical impairment; 2) determine which major life activities are impacted; 3) determine the degree of limitation such an impairment causes upon those major life activities; and/or 4) Clarify recommended school based services and/or accommodations, and the rationale for such recommendations.

- b. For students requiring additional formal assessment in order to make an eligibility determination, the District shall ensure, in accordance with 34 C.F.R. § 100.35, that:
- Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
 - Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
 - Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- c. The assessment of the student, whether through a review of existing data alone, or through formal assessment, must be sufficient for the Section 504 Team to accurately and completely describe: (a) the nature and extent of the disabilities; (b) the student's special needs; and (c) what regular or special education and/or related aids and services are appropriate to ensure that the student receives a free appropriate public education. All significant factors relating to the learning process for that student, including adaptive behavior and cultural and language background, must be considered. The above-listed areas of description must be included in the report of assessment results.
- d. The formal assessment may include, but is not limited to: classroom and playground observation, performance-based testing, academic assessment information and data offered by the student's teachers and parent/guardian (e.g. rating scales). In addition, if a release of information with a medical provider is insufficient, or there are no current medical providers, and a medical evaluation is necessary in order to determine eligibility, such evaluation shall be provided at no cost to the parent.
- e. Within 60 calendar days, not including school holidays or school vacations, of receipt of consent to the assessment plan (**District Form E, Formal Assessment Form**), the school site Section 504 Coordinator shall schedule a Section 504 team meeting to review and consider the results of those assessments. (Again, the Section 504 Team will be composed of the student's parents/guardians, or other individuals holding educational decision making rights, and other persons knowledgeable about the student (such as the student's regular education teachers), the student's school history, the student's individual needs (such as a person knowledgeable about the student's disabling condition), the meaning of evaluation data, and the options for placement, services, and/or accommodations.)
- f. Considering the results of the formal assessments and the information obtained through the review of existing data, the Section 504 multidisciplinary team shall then make an eligibility determination utilizing **District Form F, Eligibility Determination Form**.
- g. Within a reasonable amount of time after the Section 504 meeting, not to exceed 10 school days, parent/guardian shall be provided with a copy of the completed **District Form F, Eligibility Determination Form**, along with another copy of the **Section 504 Rights and Complaint Procedures**.

6. **Section 504 Plan—Provision of a FAPE**

- a. On the same day as, or within 10 school days of, a determination of eligibility under Section 504, the Student's Section 504 multidisciplinary team shall determine what, if any, accommodations, regular or special education, and/or related services are necessary to ensure that the student's individual educational needs are met as adequately as the needs of non-disabled students, utilizing **District Form G, Section 504 Plan**.
- b. For each identified disabled student, the Section 504 Team will develop a Section 504 Plan describing the student's disability and the accommodations/ modifications, regular or special education and/or related aids and services needed. The Section 504 Plan will specify how the special education and/or related aids and services will be provided to the disabled student, the frequency and duration, and by whom. The Section 504 Plan will also identify the person responsible for ensuring that all the components of the Section 504 Plan are implemented.
- c. Behavior: The Section 504 multidisciplinary team should also consider whether the student's Section 504 disability substantially impairs the student's behavior. If so, the team may consider conducting a functional behavior assessment ("FBA"), and/or address the behavior in the Section 504 Plan by providing accommodations, special education services, and/or a behavior plan.
- d. The student's teacher and any other staff who are to provide services to the student or who are to make accommodations/modifications in the classroom for the student shall be informed of the services or accommodations/modifications necessary for the student and, if appropriate, shall be provided a copy of the Section 504 Plan. A copy of the Section 504 Plan shall be kept in the student's cumulative file in a manner that limits access to those persons involved in the Section 504 process and/or the provision of services and modifications.
- e. If the Section 504 Team determines that the student is disabled, but that no special education, related services or accommodations are necessary for the student, the Section 504 Plan shall reflect the identification of the student as a disabled person under Section 504 and shall state the basis for the decision that no special services are presently needed.
- f. The disabled student shall be placed in the regular education environment unless it is demonstrated that the student's needs cannot be met in the regular education environment with supplementary aids and services. The disabled student shall be educated with students who are not disabled to the maximum extent appropriate to his/her individual needs.
- g. The referral, assessment, evaluation, and placement process will be completed within a reasonable time and generally shall be completed within a reasonable time in accordance with above referenced timelines from the receipt of the parents' consent to the evaluation.

- h. Through **District Form I, Notice of Action Form**, the parent/guardian shall be notified in writing of the Section 504 multidisciplinary team's decision concerning the student's identification as a person with a Section 504 disability, and the educational program and services. If a parent/guardian makes a request that the team or District refuses with respect to the provision of a FAPE, the District should also provide the parent/guardian with a **Form I, Notice of Action Form** refusing the request and noting the relevant rationale. A copy of the **Section 504 Rights and Complaint Procedures** must accompany any **District Form H, Student Behavior Support Plan** sent to the parent/guardian.
- i. Parent/guardian consent is required for initial placement of a student under Section 504.
- j. The Section 504 Plan shall include a schedule for yearly review of the student's Section 504 Plan, and indicate that this review may occur sooner at the request of the parent/guardian or school staff.
- k. The Section 504 Plan must contain a statement that all provisions of the Section 504 plan must be followed by all District staff, including teachers and administrative staff, even if those provisions are different from normal District procedures concerning in-home teaching services, tardies, make-up work, etc.

7. Annual Review of Student's Section 504 Plan, Needs, and Eligibility

- a. The Section 504 Team shall monitor the progress of the disabled student and the effectiveness of the student's Section 504 Plan. According to the review schedule set out in the student's Section 504 Plan, the Section 504 Team shall, at least on a yearly basis, convene to determine whether the designated services and accommodations continue to be appropriate. Parent/guardian should be invited to attend these meetings but they may be conducted in parent/guardian absence if they refuse to attend.

A suggested practice follows:

- o 504 Designee will:
- o Email the parents as follows:

It is time to review your student's Section 504 Plan. PUSD's Section 504 procedures & forms are being updated throughout the district. New procedures allow families the option to meet in person with the team to review the 504 plan or in lieu of a meeting, update documentation when families & teachers agree the accommodations in place are appropriately meeting the student's needs.

I have attached the current 504 Plan for your review. I have updated the grade and dates to reflect the current school year. Teachers received this document at the beginning of the term and have been implementing the existing accommodations.

*Please review the current plan, initial next to your preference on the **Form J – Parent Review Form in Lieu of Meeting**, provide appropriate signatures, and return. If there are no changes, please also provide appropriate signatures on your child's **Section 504 Plan-Form G**. Both documents can be returned to me via email, regular mail, or dropped off at the school.*

- Attach/provide to parent current 504 plan
- Attach/provide to parent Form J – Parent Review Form in Lieu of Meeting
- Attach/provide to parent Parent/Guardian Rights and Appeal Procedures for Section 504

- b. During the meeting, make sure parents receive a copy of the District's Section 504 Rights and Appeals.

8. Triennial Review of Student's Section 504 Plan, Needs, and Eligibility

- A re-evaluation of the student's eligibility and needs shall be conducted at least on a triennial basis, and may be comprised of just a review of existing data, and a consideration as to whether additional assessment or other information is needed, utilizing **District Form D, Review of Existing Data Form**. Such re-evaluations comprised of only a review of existing data do not require parental consent.
- Do **not** utilize the **District Form J and K, In Lieu of Meeting Forms**. This is not an option for triennial reviews.
- During the meeting, provide parents with the District's **Section 504 Rights and Complaint Procedures**.
- If the Student's Section 504 multidisciplinary team determines that the Student requires formal assessment as part of the re-evaluation, Parental consent must be obtained to do an assessment plan. If the parent/guardian refuses to consent to a re-evaluation assessment plan, per guidance from the Office of Civil Rights, the District must initiate due process procedures to obtain parental consent for re-evaluation.
- **Consent to Changes to an Existing Section 504 Plan:** Parent/guardian consent is not necessary to implement any proposed changes to an existing Section 504 Plan. However, if such proposed changes constitute a significant change of placement, a re-evaluation should be conducted prior to implementing such changes, and parent consent must be obtained for the re-evaluation if formal assessments are included. While parent/guardian consent is not required prior to implementing changes to a Section 504 plan, the parent/guardian must be given written notice of the proposed changes (utilizing **District Form I-Notice of Action Form** along with the **Section 504 Rights and Complaint Procedures**) to allow them to file a request for a due process hearing to challenge the changes.

9. After the Initial, Annual, or Triennial Meeting

- a. Distribute copies of the **District's Form F-Section 504 Eligibility Determination Form** (if applicable) and **Form G-Section 504 Plan** to:
 - Parent/guardian
 - Current teachers
 - The student's cumulative file
 - Attach a copy of the 504 Plan to the Documents tab in Synergy
 - Add a new record in Synergy 504 tab for 504 meeting
- b. If the student was not eligible or no longer qualifies, send home the **Form I-Notice of Action Form**. Distribute the form to:
 - Parent/guardian
 - The student's cumulative file
 - Attach a copy to the Documents tab in Synergy
 - Add a new record in Synergy 504 tab

10. Change of Placement Procedures

- A re-evaluation must also occur before any subsequent significant change in placement. Some examples of a significant change of placement include, but are not limited to:
- Disciplinary sanctions are imposed including when:
 - A student receives a long-term suspension or removal (see Paragraph G, below); or
 - A student is subject to a series of short-term suspensions that, together, create a pattern of exclusion (see Paragraph G, below)
- Removal of eligibility is being proposed; or
- A student graduates with a regular diploma.

Stay-Put: There is no explicit stay-put requirement under Section 504. However, the Office for Civil Rights has indicated that where a parent has filed a request for an impartial hearing to challenge a proposed change, a "fair" due process system would allow the student to "stay-put" with his/her current placement/accommodations pending the outcome of the hearing. The District should consult with legal counsel when this issue arises.

11. Discipline Procedures

- a. There is no explicit manifestation determination requirement under Section 504. However, the Office for Civil Rights has indicated that a manifestation determination similar to those conducted under the IDEA will fulfill the District's obligation to "re- evaluate" a student before a significant change of placement, including long-term disciplinary removals or a pattern or removals.
- b. For out of school suspensions of greater than 10 consecutive days or those cumulative short-term out of school suspensions that constitute a pattern of exclusion, the student's Section 504 multidisciplinary team shall conduct a manifestation determination within 10 days of the date of the decision to change the student's placement through a disciplinary removal. The parent shall be invited to attend, but is not a mandatory participant. The team should complete **District Form M, Manifestation Determination Form**, during the manifestation determination meeting.
- c. If the team determines that the behavior in question is not a manifestation of the student's disability, the student may be treated the same as nondisabled students and may be suspended and/or expelled in accordance with the District's policies and procedures. In this circumstance, no services are required during the period of suspension/expulsion, unless such services are provided to nondisabled students during suspension/expulsion.
- d. If the team determines that the behavior in question is a manifestation of the student's disability, the student may not be further suspended or expelled for the offense in question, and the team should discuss: (a) whether a change of placement, additional services and/or accommodations are necessary; (b) whether the student requires a functional behavioral analysis and/or behavior plan; and (c) whether the student should be referred for an evaluation pursuant to the IDEA.
- e. **Caveat:** A student who is otherwise eligible under Section 504, but is currently engaged in the illegal **use** (not possession only) of drugs or alcohol and is being disciplined for such use is not entitled to a manifestation determination and may be disciplined as if he or she were a nondisabled student.

12. Transfer Procedures

- a. **Internal/Intradistrict Transfers:** When Section 504 students transition from school to school within the District, each school site Section 504 Coordinator shall contact the receiving school's site Section 504 Coordinator to discuss whether a re-evaluation is necessary and/or whether the student's Section 504 Plan should be revised to address the changing educational environment. If so, the student's Section 504 multidisciplinary team shall be convened to address these issues and to discuss the educational impact of the transfer.
- b. **External/Interdistrict Transfers:** When Section 504 students transition in from another school district, the District shall request records from the sending school district, including copies of any 504 evaluations, eligibility determinations and 504 Plans for any student who transfers into the District with an existing 504 Plan. Upon receipt of such records, the school site Section 504 Coordinator shall determine whether to initiate a re-evaluation. In all cases of external transfers, a Section 504 multidisciplinary team should be convened within 30 school days of receipt of the student's prior Section 504 Plan to discuss any necessary changes. Any existing Section 504 Plan from another school district must be implemented until the District convenes its own Section 504 meeting.

13. Transitory and Minor Impairments

- a. As noted above, those impairments that are **both** transitory (having an actual or expected duration of 6 months or less) AND minor, do not constitute a disability under Section 504. The District may voluntarily accommodate a student's transitory and minor impairment without the student being "regarded as" having a disability under Section 504. Should the District wish to do this, the school team should utilize **District Form O, Transitory and Minor Impairment Accommodation Form**, to document such voluntary services and/or accommodations.

14. Home Instruction

- a. In considering the needs of students with chronic illnesses or with medical conditions that are reasonably likely to require hospitalization and/or extended absences, or for students who otherwise have a Section 504 Plan and require a temporary home instruction due to an unrelated transitory and minor impairment, Section 504 teams should consider whether In-Home Teaching Services should be included in the students' Section 504 Plans to support the instructional goals and objectives of the student while attending school or when unable to attend school.
- b. General information about In-Home Teaching:
 1. With In-Home Teaching Services, the in-home teacher works directly with the student in the home environment, providing specific course and/or grade level instruction and assessment pursuant to the objectives of the Section 504 Plan.
 2. In-home teaching is designed to keep the student connected to their neighborhood school or to provide on-going instruction during a medical doctor's-diagnosed times of physical or mental illness, which preclude the student from physically attending their neighborhood school program. Thus, the student remains academically connected to the neighborhood school via the in-home teacher(s) and the in-home teacher remains a critical connection between student-home-parents-&-school.
 3. The school site Section 504 coordinator and the student's school site teacher(s) work in concert with the In-Home Teacher, guiding the instructional activities by providing materials (e.g. instructional scope and sequence, applicable textbooks, supplementary books/materials, project overviews, quizzes or tests) as are required for the student to complete their work.
 4. In-home teaching services are generally provided only within the boundaries of the District. The circumstances of students with disabilities who attend District schools on inter-district permits will be reviewed by Section 504 teams on a case-by-case basis to ensure that such students are not subjected to discrimination on the basis of disability.
- c. When creating a Section 504 Plan that includes In-Home Teaching components, teams should consider the following issues:
 1. The duration and frequency of in-home teaching and instruction provided to a Section 504 eligible student. When determining the appropriate duration and frequency, Section 504 teams should consider medical doctors' orders and the student's educational needs.
 2. The in-home teacher should hold a valid California teaching credential. Additionally, if the disabled student requires specialized subject-area instruction, the in-home services provider should have sufficient knowledge and experience to provide instruction in those areas.
 3. Expected duties to be performed by in-home teacher will be specific to the needs of the disabled student.
 4. The Section 504 Plan should contain provisions for the student's return to school, including, as applicable:
 - i. Designation of the staff member (likely the school site Section 504 Coordinator) to be responsible for coordinating make-up work;
 - ii. Provisions for a meeting between the school site Section 504 Coordinator, school staff, teachers, and parents to plan for the student's return to school.

- d. The Section 504 Plan shall address other issues that may arise with respect to students with chronic illnesses, including but not limited to: tardiness; restroom use; administration of medications; and procedures for making up work missed due to short-term absences because of disability-related illnesses or medical appointments.
- e. A copy of all Section 504 plans providing for In-Home Teaching Services must be forwarded to the In-Home Teaching Services Office within 5 school days after they are completed.
- f. If a parent/guardian requests In-Home Teaching for a Section 504 disabled student:
 1. The school site Section 504 Coordinator will have parent/guardian complete the "Request for In-Home Teaching" form.
 2. The form will remain in the student's Section 504 plan folder until the extended absence is about to begin, or its dates can reasonably be predicted.
 3. When the extended absence is impending, the parents/guardians will notify the school site Section 504 Coordinator as soon as possible and provide the fax number of the student's medical doctor.
 4. The school site Section 504 Plan Coordinator will then fax the "Request for In-Home Teaching" form to the student's doctor.
 - i. The form includes written notification from the medical doctor treating the student and supporting the student's absence from school.
 - ii. The medical doctor must be licensed in California.
 - iii. The medical doctor must designate the anticipated period of student absence and the medical reason for the absence.
 5. The "Request for In-Home Teaching" form, signed by the doctor, is to be returned to the school site Section 504 Coordinator as soon as practicable.
 6. Following receipt of the Request for In-Home Teaching form signed by doctor, the student's Section 504 team shall meet to review the circumstances, medical information and parent request to determine whether the student should be permitted to receive in home instruction.
 7. If so, the Section 504 team shall also review and revise the student's Section 504 Plan, as necessary, to provide appropriate accommodations, if any, during the period of in-home teaching and to indicate that the student's placement shall be in-home teaching.
 8. The school site Section 504 Coordinator shall then forward the "Request for In-Home Teaching" form and the revised Section 504 Plan to the In-Home Teaching Services Coordinator to begin the search for an in-home teacher. The in-home teacher shall be determined within 5 school days if possible. The in-home teacher shall initiate and make contact with the disabled student's parent(s) or guardian(s) within 5 school days of receipt of the "Request for In-Home Teaching" form by the In-Home Teaching Services Office.
 9. It is the parent's responsibility to provide the physician's written release to the In-Home Teaching Office when the student can return to school. This written release also includes any limitations or accommodations that student will require upon return to school, which will be considered by the student's Section 504 team if necessary.

10. All provisions of a Section 504 Plan must be followed by all District staff, including in-home teachers and administrative staff, even if those provisions are different from normal District procedures concerning in-home services, tardies, make-up work, etc.
11. All disagreements about In-Home Teaching Services should be addressed as soon as possible by convening a Section 504 plan meeting.

15. Section 504 Due Process Appeal Procedures

- a. The District has designated the following person as its Section 504 Compliance Officer:

James Dayhoff
15250 Avenue of Science
San Diego, CA 92128-3406
858-521-2840
jdayhoff@powayusd.com

The Section 504 Compliance Officer is responsible for coordinating the District's compliance with Section 504, including addressing complaints regarding the identification, evaluation, or educational placement of a student with a disability under Section 504 and complaints alleging discrimination or harassment of a student based on his/her actual or perceived disability.

- b. Parents/guardians shall be notified in writing of final District decisions regarding the identification, evaluation, or educational placement of students with disabilities or suspected disabilities, along with the **Section 504 Rights and Complaint Procedures**. This notice and the Safeguards will also be provided to students who are entitled to these rights at age 18.
- c. If a parent/guardian disagrees with the identification, evaluation, or educational placement of a student with a disability under Section 504, he/she may utilize **District Form N, Notice of Appeal**, but are not required to do so as long as the written request provides all relevant information indicated above.
- d. Procedures for resolving differences shall be followed as indicated in the **PUSD Section 504 Rights and Complaint Procedures** (Pink Brochure).