

**I. Policy Statement**

The Board of Education of Howard County is committed to providing quality education for all students. In compliance with Section 504 of the Rehabilitation Act of 1973, henceforth referred to as Section 504, no qualified student with a disability will be discriminated or retaliated against and/or denied an educational benefit or opportunity on the basis of a disability. The Board recognizes its responsibility to assure that all qualified students will receive a free, appropriate public education as well as appropriate access to all activities sponsored by the Howard County Public School System (HCPSS).

**II. Purpose**

The purpose of this policy is to establish standards and procedures for compliance with Section 504 and subsequent amendments for eligible students.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. 504 Plan – A written document developed for an eligible student that allows the student to receive a free and appropriate public education in the least restrictive environment.
- B. 504 Team – A group of individuals possessing knowledge of a student, the student’s evaluation data, placement options, Section 504, and this policy. The team may consist of the student’s parent, the student him/herself, the student’s teacher, the school counselor, the case manager, the principal/designee, and the school-based professional qualified to interpret the implications of evaluations.
- C. Accommodation – A strategy, service, or facility modification that allows a student to access academic, nonacademic, and extracurricular activities comparable to peers without disabilities.
- D. Case Manager – An individual appointed by the principal of the school who will handle administrative responsibilities related to the student’s 504 Plan.
- E. Child Find Process – Procedures under which school system employees must identify and locate all children with disabilities.

- F. Discrimination – Conduct related to an individual’s physical or mental disability when the conduct creates an intimidating, hostile, or offensive working or educational environment; or substantially interferes with an individual’s work or education; or otherwise is sufficiently serious to limit an individual’s employment opportunities; or to limit a student’s ability to participate in or benefit from an educational program.
- G. Employees – Individuals who receive all or part of their financial income from the HCPSS.
- H. Extracurricular Activities – HCPSS-sponsored activities available to students beyond the regular school day, which are voluntary and not required for the satisfactory completion of a particular class.
- I. Free Appropriate Public Education (FAPE) – Provision of regular or special education and related aids and services designed to meet a student’s individual educational needs.
- J. Least Restrictive Environment – The educational setting in which a student eligible for a 504 Plan can be educated with non-disabled peers to the maximum extent appropriate.
- K. Major Life Activity – Functions such as caring for oneself, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, speaking, reading, concentrating, thinking, communicating, learning, working, eating, sleeping, breathing, and operating major bodily functions.
- L. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
  - 1. Biological Parent – A natural parent whose parental rights have not been terminated.
  - 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
  - 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
  - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
  - 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article 7-101 (c) (Informal Kinship Care).

- 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article 5-507.
  
- M. Physical or Mental Impairment – Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, or any mental or psychological disorder in accordance with Section 504 regulation, 34CFR§104(3)(j)(2)(i).
  
- N. Placement – Services that a student with a disability will receive in order to obtain a FAPE.
  
- O. Reasonable Modifications – Alteration of policies, practices and procedures for a student to avoid discrimination on the basis of his/her disability without fundamentally altering the nature of the curriculum, service, program or activity.
  
- P. Retaliation – The act or process of threatening or otherwise penalizing a person for:
  - 1. His/her disability.
  - 2. His/her child’s disability or advocating for or on behalf of a student with a disability.
  - 3. Reporting an alleged violation of policy.
  - 4. Participating in an investigation of an alleged violation.
  
- Q. “Substantially Limits” – A term that refers to an individual who is limited in performing a major life activity (condition, manner or duration) compared to a typical student in the general population.
  
- R. Temporary Impairment –Substantial limitation, actual or expected, of one or more major life activities of an individual for an extended period of time; such as a broken limb that will eventually heal.
  
- S. Undue Hardship –An action requiring significant difficulty or expense.

#### **IV. Standards**

- A. The HCPSS will ensure that all students eligible for 504 Plans receive a FAPE in the least restrictive environment.
  
- B. The following students with disabilities are protected from discriminatory practices:
  - 1. Students who have a physical or mental impairment which substantially limits one or more major life activities.
  
  - 2. Students who have a record of such an impairment.

3. Students who are regarded by HCPSS as having such an impairment.

Students with a physical or mental impairment may be eligible for accommodations and reasonable modifications under Section 504, only if their impairment substantially limits one or more major life activities.

- C. A student with a temporary impairment will be eligible for a 504 Plan if the temporary impairment is of such a severity that it results in a substantial limitation of one or more major life activities for an extended period of time. In determining eligibility for a student who may have a temporary impairment, the 504 Team will consider on a case-by-case basis, if a temporary impairment is substantial enough to be a disability taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected student.
- D. The HCPSS Child Find process will be used to identify students with disabilities who are eligible for services under Section 504.
- E. HCPSS obligations under Section 504 will be disseminated to HCPSS employees at the beginning of each school year through appropriate HCPSS publications and professional learning as appropriate.
- F. A parent may request an eligibility determination for his/her child by submitting a request to the school-based members of the 504 Team.
- G. Any HCPSS school-based employee may refer a student attending the employee's school assignment to the school-based members of the 504 Team.
- H. The 504 Team will make the determination as to whether a referred student is a student eligible for a 504 Plan.
- I. For every student eligible for a 504 Plan, the 504 Team will develop a written 504 Plan which will include accommodations and/or reasonable modifications.
- J. Employees will implement the 504 Plan as written by the 504 Team.
- K. A student eligible for a 504 Plan will have the same opportunity to participate in extracurricular activities as any other student, consistent with section V of the implementation procedures of this policy.
- L. The HCPSS will assure that no student protected under Section 504 or his/her parents will be retaliated against on the basis of the student's disability.
- M. All records relating to a student's 504 Plan will be maintained in compliance with the Family Educational Rights and Privacy Act (FERPA).

- N. If a student's parent or eligible student is dissatisfied with a decision of the 504 Team relating to identification, evaluation, or educational placement he or she may:
1. Request a review of the decision by submitting a written request to the HCPSS Section 504 Coordinator;
  2. Request a hearing before an impartial hearing officer. The Superintendent/Designee will appoint the impartial hearing officer. The hearing will be held at no cost to the parent or student.
- O. If the parent or eligible student believes the student has been discriminated against on the basis of disability in violation of Section 504, he or she may file a complaint, with the Office for Civil Rights of the U.S. Department of Education.
- P. Accommodations and/or reasonable modifications may not impose an undue hardship on the educational institution or materially alter or change the nature of the academic or nonacademic program.

#### **V. Responsibilities**

- A. The Superintendent/Designee will disseminate information regarding 504 compliance to appropriate school-based personnel.
- B. The Superintendent/Designee will investigate and make decisions regarding any alleged violations of this policy.
- C. The Superintendent/Designee will ensure that annual Section 504 professional development will be provided to appropriate employees.
- D. Principals will ensure that all students with 504 Plans receive the accommodations and/or modifications specified in their 504 Plans.

#### **VI. Delegation of Authority**

The Superintendent is authorized to develop appropriate procedures to implement this policy.

#### **VII. References**

- A. Legal  
Americans With Disabilities Act, Title II, 42 U.S.C. §12115 et seq.  
42 U.S.C. §12134  
Americans With Disabilities Amendments Act of 2008, 42 U.S.C. §12101 et seq.  
Family Education Rights and Privacy Act, 20 U.S.C. §1232g et seq.  
Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.  
Rehabilitation Act of 1973, 29 U.S.C. §794 et seq.  
28 C.F.R. §§35.101-35.190

34 C.F.R. §§104.1-104.61  
34 C.F.R. §§99.1-99.67

- B. Other Board Policies
  - Policy 1010 Discrimination
  - Policy 9050 Student Records
  - Policy 9070 Academic Eligibility for High School Extracurricular Activities
  - Policy 9200 Student Discipline
- C. Relevant Data Sources
- D. Other
  - HCPSS Notice of Procedural Safeguards under Section 504 of the Rehabilitation Act of 1973
  - HCPSS Procedures and Guidelines for Implementing Section 504 of the Rehabilitation Act of 1973
  - HCPSS Student Code of Conduct

### **VIII. History**

ADOPTED: October 14, 1999

REVIEWED:

MODIFIED:

REVISED: February 10, 2011  
April 14, 2016

EFFECTIVE: July 1, 2016

**REHABILITATION ACT OF 1973**  
**COMPLIANCE: SECTION 504**

Effective: July 1, 2016

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**I. Definitions**

Within the context of these implementation procedures, the following definitions apply:

- A. Assessments/Testing – Psychological, educational, speech, language, or other professionally administered instruments considered by the 504 Team in making eligibility, accommodation, or reasonable modification determinations.
- B. Mitigating Measures – Devices or practices that a student uses to correct or reduce the effect of his/her mental or physical impairment.

**II. Referral, Evaluation, and Eligibility**

- A. A referral/request for services for a student will be delivered to the 504 Team. Upon receiving a referral, the team will review information from a variety of sources and determine whether the student is eligible for a 504 Plan or whether additional information, such as assessments/testing, is necessary.
- B. Parents will be provided notification of the time and place of all 504 Team meetings concerning their child. They will also be provided a copy of the HCPSS Notice of Procedural Safeguards Under Section 504 of the Rehabilitation Act of 1973 prior to or at the 504 Team meeting.
- C. If a 504 Team determines assessments/testing are necessary, parental consent will be obtained.
- D. If parental consent is obtained, all assessments/testing should be completed within guidelines established by the HCPSS Procedures and Guidelines for Implementing Section 504 of the Rehabilitation Act of 1973.
- E. HCPSS will provide any assessments/testing deemed appropriate by the 504 Team.
- F. The HCPSS will consider any private evaluations submitted by the parents that are provided in whole to the 504 Team.
- G. The benefits of mitigating measures, with the exception of ordinary eyeglasses and contact lenses, will not be considered when determining whether an impairment substantially limits a major life activity. If the Section 504 Team

determines a student has a disability, then the student's use of mitigating measures may be considered in determining whether or not the student requires a 504 Plan.

- H. If a student meets eligibility requirements for a 504 Plan, the 504 Team will develop the 504 Plan. The accommodations and/or reasonable modifications of that 504 Plan should be designed to afford the student with a disability the opportunity to receive the benefits from programs and activities to the same extent as a typical student in the general population.
- I. Meetings of the 504 Team will take place either to review 504 Plans or to determine eligibility for students. Minutes will be kept for each 504 Team meeting. Minutes will include:
  - 1. Name of student
  - 2. Date of meeting
  - 3. Names of participants and their titles
  - 4. Statement that parent received the Notice of Procedural Safeguards
  - 5. Names of assessments/test/recommendations/other data reviewed
  - 6. Team decision on 504 eligibility and reason for decision.

### **III. Implementation and Review**

Implementation and distribution of a 504 plan will be in compliance with HCPSS Procedures and Guidelines for Implementing Section 504 of the Rehabilitation Act of 1973.

- A. After a 504 Plan has been approved, a timely implementation date will be chosen by the 504 Team.
- B. The 504 Plan will be accessible to appropriate employees who provide services to the student.
- C. The administrator/designee will ensure that all substitute teachers, both long- and short-term, receive appropriate information regarding their students' 504 Plans.
- D. 504 Plans will be reviewed at least annually to determine whether the plan, accommodations, and/or the reasonable modifications remain appropriate.
- E. Within three years of the initial evaluation or most recent reevaluation meeting, the 504 Team will conduct a reevaluation to determine whether or not the student remains eligible with a qualified disability.



**IV. Discipline of 504 Eligible Students**

A student with or eligible for a 504 Plan should be disciplined consistent with the appropriate provisions of HCPSS Policy 9200 Student Discipline and the HCPSS Student Code of Conduct.

**V. Extracurricular Activities**

- A. A student eligible for a 504 Plan will have the same opportunity to participate in extracurricular activities as any HCPSS student.
- B. The 504 Plan may include accommodations and/or reasonable modifications for the student to access extracurricular activities, as necessary.
- C. A high school student eligible for a 504 Plan must meet the academic eligibility requirements consistent with the appropriate provisions of HCPSS Policy 9070 Academic Eligibility For High School Extracurricular Activities.

**VI. School-Based Directives**

In order to ensure compliance with this policy and federal law The Department of Special Education and Student Services will review, maintain, and update the HCPSS Procedures and Guidelines for Implementing Section 504 of the Rehabilitation Act of 1973. These procedures and guidelines provide guidance on 504 procedures for school-based employees and families.

**VII. Designation of HCPSS 504 Coordinator**

The HCPSS 504 Coordinator is the Instructional Facilitator for Psychological Services or designee.

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