



## **Section 504 of Rehabilitation Plan**

**Guidance, Policies and Procedures**

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**Orland Unified School District**  
**Section 504 of the Rehabilitation Act of 1973**  
**Overview**

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is Congress' directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states, "*No otherwise qualified individual with a disability ..., 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....*" Because the [INSERT NAME] School District is a recipient of federal funding, it is required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools.

Section 504 is a civil rights statute. At each school, the responsibility for ensuring Section 504 compliance rests with the District, the school's Section 504 Site Chairperson and the principal or assistant principal.

There are two main purposes to Section 504. The first purpose of Section 504 is to protect students from discrimination under federal law. Section 504 assures access to educational services and the learning process that is equal to that given to students who do not have disabilities. All students who have a physical or mental impairment which substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment, are protected from discrimination under Section 504.

The second purpose of Section 504 is to provide a free appropriate public education ("FAPE") to those students who (1) actually have a physical or mental impairment, (2) that substantially limits, (3) one or more major life activities. The provision of FAPE is accomplished through the creation and implementation of Section 504 Service Plan. Only those students who satisfy all three of these criteria are eligible for, and are provided, regular

or special education and related aids and services under Section 504 (in the form of a Section 504 Service Plan).

The purpose of this Section 504 Service Plan Handbook is to provide guidance for students who may be, or are, eligible for FAPE in the form of a Section 504 Service Plan. For information regarding a student's right to be protected from discrimination, including grievance procedures, please see District Board Policy 1312.3 (Uniform Complaint Procedures).

### **Frequently Asked Questions about Section 504 Service Plans**

#### **What criteria are used to determine whether a student is eligible for a Section 504 Service Plan?**

A student shall be eligible for a Section 504 Service Plan if they satisfy all of the following criteria:

##### **(1) Physical or Mental Impairment**

A student must actually have a mental or physical impairment. A physical or mental impairment means: 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional, and specific learning disabilities. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The law does not limit eligibility to specific diseases or categories of medical conditions.

##### **(2) Substantially Limits**

The student's physical or mental impairment must substantially limit one or more major life activities. Section 504 does not specifically define the term "substantially limits." It

is subject to interpretation on a case-by-case basis. Nevertheless, an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as: medication, medical supplies, equipment, or 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; or learned behavioral or adaptive neurological modifications. Thus, the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

### **(3) Major Life Activities**

Major life activities include, but are 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 working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Learning, reading, concentration, thinking, and communication are typically, but not always, the major life activities utilized to determine Section 504 eligibility in the schools.

### **How is a Section 504 Service Plan referral made?**

When a student is exhibiting academic, attendance, social and/or behavioral problems the student's school will convene a Student Success Team ("SST") meeting. The purpose of the

SST is to investigate the needs of the student. This preliminary investigation should result in a disposition including one of three things: regular education interventions (such as Response to Intervention), a referral to review Section 504 Service Plan eligibility, and/or a referral for a special education evaluation pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"). If it is determined that the student should go through Section 504 Service Plan Eligibility Review, then a Section 504 Service Plan Referral Form should be submitted to the school's Section 504 Site Chairperson.

A parent, guardian, teacher, counselor, related service provider, other school staff, and/or community agency may also directly initiate a Section 504 Service Plan referral without going through the SST process. The individual making the referral should complete the Section 504 Service Plan Student Referral Form and forward it to the Section 504 Site Chairperson.

### **What is the Section 504 Service Plan evaluation process?**

The District shall evaluate a student who, because of a disability, needs, or is believed to need, special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

When selecting tests and other evaluation materials, the District will ensure that they are: validated for the specific purpose for which they are used; administered by trained personnel in conformance with the instructions provided by their producer; tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; 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).

The District may administer and use formal and informal measures as deemed necessary. If the team is going to conduct formal assessment and/or observations in order to determine eligibility, then the team must obtain informed and written consent from the parent/guardian before the student is evaluated.

Once the evaluations are completed, the District will schedule a Section 504 Service Plan meeting to review the evaluations and the student's Section 504 Service Plan team will determine whether the student is eligible for a Service Plan under Section 504.

### **What is the process for reviewing Section 504 Service Plan eligibility?**

At the Section 504 Service Plan initial team meeting, the team will decide whether the student is eligible for a FAPE under Section 504 by deciding whether the student has a physical or mental impairment that substantially limits one or more major life activities. If the team determines that the student is eligible to receive a FAPE under Section 504, the team will develop a Section 504 Service Plan.

The Section 504 Service Plan team is made up of a group of persons knowledgeable about the student (including the student's parent), the meaning of the evaluation data being reviewed, and placement options. The Section 504 Service Plan team will generally include the parent/guardian and at least one of the student's general education teachers; and, may include: other teachers, individuals who can interpret the instructional implications of the assessment results, SST members, counselors, related service providers, the student, other school staff and administrators, and individuals who have knowledge or special expertise regarding the student.

The Section 504 Service Plan team, in deciding whether a student is eligible for a Section 504 Service Plan, will collect and carefully interpret evaluation data and in a making placement decision, the team will draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, District evaluations, medical records, letters from

doctors, health care plans, school records, school administration, school counselors, teachers and paraprofessionals that work with the student, the parent, and when appropriate, the student.

**How often should a Section 504 Service Plan be reviewed?**

The Section 504 Service Plan should be reviewed on an annual basis, at which time the parent/guardian should receive a copy of the District's notice of parent/guardian rights and procedural safeguards. Further, a re-evaluation of the student should occur at least every three years, or before any significant change in placement, including exiting the student from a Section 504 Service Plan.

**Are there situations when it is inappropriate to offer a Section 504 Service Plan?**

Eligibility for a Section 504 Service Plan is decided by evaluating the student and determining if the student has a physical or mental impairment that substantially limits one or more major life activities. If any of the three criteria is not met, then a Section 504 Service Plan will not be developed for the student. Keep in mind that while a Section 504 Service Plan might not be appropriate, other kinds of intervention plans may be appropriate. Some common misuses of a Section 504 Service Plan are outlined below:

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Service Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Service Plan solely because the parent/guardian wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).



- A student is placed on a Section 504 Service Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under the IDEA, but is automatically provided with a Section 504 Service Plan.
- A student is automatically placed on a Section 504 Service Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Service Plan as an alternative way to receive special education and related services because the parent/guardian refuses to “label” his/her child by including him/her in a special education program; this may also apply in cases where parent/guardian has revoked consent to special education.

**Are there any special rules regarding discipline and students with Section 504 Service Plans?**

In disciplinary situations, students who have a Section 504 Service Plan are entitled to certain procedural rights. After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal, child is entitled to a manifestation determination meeting within ten (10) school days of the District’s decision to change the student’s placement. The child’s parent/guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student’s cumulative and Section 504 Service Plan files, the Student’s Section 504 Service Plan, any teacher observations, and any relevant information provided by the parent/guardian) whether the student’s alleged behavior was a

manifestation of his/her disability by answering the inquiry required by the IDEA. As of the 2008-2009 school year, the questions are:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or,
- Whether the conduct in question was the direct result of District's failure to implement the student's current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the District may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities. If the student's behavior is determined to be a manifestation of his or her disability, the District must conduct a functional behavior assessment, and implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, the District will review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the District may determine, following assessment, that a change of placement is appropriate for the student. The District may proceed with this change of placement following notice to the parents; consent is not required for a change of placement pursuant to Section 504.

IDEA (IEP) versus Section 504 Accommodation Plan

Area	IDEA- Special Education	IDEA- Special Education	Section 504 Accommodation Plan (and Americans With Disabilities Act)
Legislation	Funding Act		Civil Rights Act
Coverage	Students ages 3 to 22 (or Grad with Diploma)		Students Kinder through Post-Secondary Employment
FAPE	Special Education & Related Services		Regular or Special Education & Related Services
Administration Agency	ED Office of Special Education Programs, Office of Administrative Hearings, CDE Special Education Office		Office of Civil Rights (OCR) CDE NOT involved
Eligibility Determination	2 Essential Elements: Identified Disability plus a need for specialized education		3 Essential Elements: Impairment, Impacts Major Life Activity, is Substantial
Purpose	Federal Funding Statute for financial support to states to ensure adequate and appropriate services		Broad civil rights law to protect individuals from discrimination in programs that receive federal financial assistance from USDE
Who is Protected??	All identified school-aged children who fit into one of 13 categories		Must meet definition of handicapped: physical or mental impairment that substantially limits major life activity. Can be “regarded as having” a disability. Major life activity includes: walking, seeing, hearing, speaking, breathing, working, learning, caring for self, performing manual tasks.
Responsible for FAPE?	Requires FAPE, including individually designed instruction. Requires written IEP. Defines appropriate education, requires educational benefit.		Requires FAPE, including individually designed instruction. Defines appropriate education as that of comparable to non-disabled peers, Related

	Required to provide related services if needed for student to benefit from SAI	services may be considered a reasonable accommodation.
Special Education vs. Regular Education	Only eligible if MDT determines the student meets eligibility and required SAI	Eligible so long as they meet the definition. Disability not required to impact educational performance or need SAI.
Funding	Federal Funding provided to States (approximately 10% of cost). States pass down these federal dollars and additional State Special Education Funds to SELPA	No Additional Funding. NO IDEA funds can be used for children eligible under Section 504.
Accessibility	Modifications required if needed to provide for FAPE	Building and Programming Accessibility requirements- "reasonable accommodation"
Procedural Safeguards	Parent/Guardian permission required. Requires PWN to evaluate, qualify and place	Parent/Guardian permission required. Does not require PWN but is considered best practice
Timelines	Comprehensive Evaluation in order to place. Informed consent is required. Must complete re-evaluation every 3 years. Provides for IEE at district expense if parent disagrees with evaluation	Evaluation conducted by MDT. Does not require informed consent, only notice. Follow 3-year re-evaluation cycle of IDEA. Re-evaluation is required before a significant change in placement. No provision for IEE.
Placements	Required to draw info from a variety of sources, assure info is documented and considered, eligibility decisions are made by a group, must ensure that the student is educated with peers in LRE IEP Meeting required before changes to placement	Required to draw info from a variety of sources, assure info is documented and considered, eligibility decisions are made by a group, must ensure that the student is educated with peers in LRE Meeting not required to change placement
Grievance	No grievance procedure or compliance officer	District responsible for Section 504 compliance and have a grievance procedure for parents,

			students and employees (Uniform Complaint Procedure)
Due Process	Impartial hearings for parent/guardian who disagrees. Specific requirements set forth, monitored by OAH	Impartial hearings for parent/guardian who disagrees. Parents must be able to participate and have counsel. Other details left to discretion of district (but must be clearly delineated)	Impartial hearings for parent/guardian who disagrees. Parents must be able to participate and have counsel. Other details left to discretion of district (but must be clearly delineated)
Exhaustion	Parents/Guardians must pursue OAH before asking for court action	Parents/Guardians must pursue OAH before asking for court action	Admin hearing not required. OCR involved or courts. Compensatory damages possible.

## Section 504 Basic Information

1. Section 504 is a Civil Rights Act which prohibits discrimination against individuals with disabilities who attend schools funded with public dollars. It is enforced by the US Department of Education, Office of Civil Rights.
2. To become eligible for services and protection, a student must be determined, as a result of evaluation, to have a physical or mental impairment that substantially limits one or major life activities.
3. A physical or mental impairment is described as any physiological disorder or condition, cosmetic disfigurement, or anatomic loss affecting one or more of the following basic systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
4. Section 504 defines major life activities as function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. For educational purposes, a student does not need impairments in just the area of learning to be eligible for a 504 plan. The school will consider all areas of need, including behavior, socialization and academics. A major life activity does not include attaining an SAT score sufficient to gain admission to college (per Montgomery County Public Schools, 40 IDELR 24, 2003).
5. Section 504 regulations do not define the word substantially. The OCR directs schools to make the decision of whether a particular impairment substantially limits a major life activity for a student on an individual basis. A physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity or educational impact is such that it results in a substantial limitation of one or more major life activities.

6. Schools are required to evaluate when: a student is referred to the child study team but is determined to be not eligible for services under IDEA, when it is determined that a special education evaluation is not warranted, when a student shows a pattern of not benefiting from the instruction provided, when a student returns to school after a serious injury or illness or when the student exhibits a chronic health condition.
7. Section 504 does not provide for an absolute right to an evaluation on demand. If a school district rejects a parent's request based on its belief that the child is not eligible, it must inform the parent of their right to challenge the district's decision to not evaluation (OCR 19 IDELR 1127).
8. School must formally evaluate students before determining their eligibility for services and deciding which services are appropriate. As a general rule, evaluation procedures are similar to those set out in IDEA, however, school districts may have a different evaluation process for Section 504. Section 504 requires that information from a variety of resources be considered and documented prior to placement.
9. Regulations require that decisions regarding eligibility, programs, related services, and accommodations be made by a group of professionals knowledgeable about the student, the meaning of the evaluation data and the placement options. Members of the team should include a general education teacher, a nurse, a counselor, and the parent. Other specialists shall be included as appropriate depending on the nature of the disability.
10. ADD/ADHD is a recognized impairment that can be the basis of eligibility for Section 504 or IDEA. A physician's diagnosis should be considered as one piece of evidence when evaluating the child.
11. Depending on the nature and severity of the condition, a student with an impairment who does not meet the standards for eligibility under IDEA may or may not fit within the Section 504 definition.
12. Students who are eligible for special education programs and related services under IDEA meet the definition of eligibility under Section 504. IDEA eligible students are entitled to additional protections and services offered under Section 504, such as the right to accessible facilities.

13. An IEP Is not required under Section 504 but best practice indicates that the district produce a written document to memorialize the agreed upon services and accommodations- typically called an accommodation plan.
14. Modifications typically identified as appropriate under Section 504 include modifying pacing, modifying the classroom environment, modifying the presentation of the subject matter, adjustments to grading or assignments and modifying testing techniques.
15. Section 504 students can be eligible for related services, such as physical therapy, as determined to be needed by the evaluation team. All students protected under Section 504 of the Rehabilitation Act are entitled to a Free and Appropriate Public Education, as determined by the 504 team at the site.
16. As a matter of law, Section 504 students are not serviced in special education classrooms, but in practice they may be. Section 504 does not explicitly condition entitlement to special education services. Regulatory and judicial guidance regarding this is minimal. There are no authoritative decisions reviewing whether a particular student was entitled to special education services under Section 504.
17. Teacher can NOT refuse to provide a service that school district agrees to provide as identified in the Section 504 Accommodation Plan. Teachers who refuse to perform an accommodation may find themselves can be held liable for compensatory damages and punitive damages for refusing to provide accommodations (See Doe v. Withes lawsuit).
18. All Schools who receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act.
19. Schools must make all programs accessible for students with disabilities, not necessarily all buildings.
20. There are no federal funds associated with serving Section 504 students.
21. Parents may file a written grievance, if dissatisfied, with the district's 504 Coordinator, request an impartial due process hearing or file a complaint with the US Office of Civil Rights.



## Section 504 Timelines

1. All Section 504 Accommodation Plans will be reviewed not less than annually. The meeting will be held prior to the previous meeting date. Complete evaluations are conducted every three years, if not before, to determine the continued level of impact upon life activity functioning.
2. Initial referrals for Section 504 Plans will be evaluated and meeting will be held within 60 calendar days of receipt of the referral.
3. All Accommodation Plans will be re-evaluated every year to determine continued eligibility and need for services, as well as appropriateness of accommodations. Re-evaluations will be conducted prior to change in educational placements, as well.
4. When a review meeting is requested by a caregiver or staff member, staff will ensure that the meeting is scheduled within two weeks of receipt of the request.
5. Students with a 504 Accommodation Plan are afforded the same procedural safeguards for discipline related to suspension and expulsion under federal guidelines of IDEIA 2004.

For further definition of procedures and safeguards related to Section 504, please see the Parent/Student Rights and Grievance Procedures.

**Orland Unified School District**  
**Section 504 of the Rehabilitation Act of 1973**  
**PARENT RIGHTS**

The Orland Unified School District does not discriminate on the basis of race, color, national origin, gender, sexual orientation, age or disability in admission or access to, or treatment or employment in its programs and activities.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities in any program receiving federal financial assistance. The Americans with Disabilities Act (ADA) applies to employers with 15 or more employees.

The definition of an individual with a disability under both laws is a person who has a mental or physical impairment which substantially limits one or more major life activities, such as seeing, hearing, speaking, breathing, learning or working; or has a record of such impairment; or is regarded as having an impairment.

The district will evaluate, identify and provide free appropriate education to all students who are individuals with disabilities under Section 504 of the ADA. Parents or guardians of these students are entitled to procedural safeguards, including individual notice and an impartial hearing.

The district will furnish auxiliary aids and services to students who have disabilities to the extent necessary for the student to receive a free and appropriate education. In addition, the district will make reasonable accommodations to ensure that disabled students benefit from extracurricular activities to the same degree as non-disabled peers.

**Parent/Student Rights**

The following is a description of the rights granted by federal law to students with disabilities. These laws are codified at 29 U.S.C. sections 706 (7) and section 794; 34 C.F.R. Part 104, 20 U.S.C. section 1232g and 34 C.F.R. Part 99. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping condition.
- Have the Orland Unified School District advise you of your rights under federal law.
- Receive notice with respect to identification, evaluation and placement of your child.
- Have your child receive a free, appropriate, public education (FAPE). This includes the right to be educated with non-handicapped students to the maximum extent possible.
- Have your child educated in facilities and receive services comparable to those provided non-handicapped students.
- Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.
- Have evaluation, educational and placement decisions made that are based upon a variety of information sources, and by persons who know the student and are familiar with the evaluation data and placement options.
- Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if your child were placed in a program within the school district.
- Have your child be given an equal opportunity to participate in non-academic and extra-curricular activities offered by the district.
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement.

- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- A response from the school district to reasonable requests for explanations and interpretations of any item in your student's records.
- Ask for an amendment or change to any report on the grounds that it is inaccurate, misleading or violates your child's rights.
- Receive periodic re-evaluations and evaluations before there is a significant change in your child's placement.
- Request mediation or an impartial due process hearing if you disagree with the school district's proposed action. As an active participant in this process, you also have the right to be represented by counsel in the impartial hearing process. You also have the right to appeal the impartial hearing officer's decision.

## **Grievance Procedures**

The Orland Unified School District is committed to providing equal access and a free and appropriate education for all students. Any alleged discriminatory practices within the scope of Section 504 or the Americans with Disabilities Act should be address through the grievance procedure as follows:

1. An individual who believes that he/she has a valid basis for grievance under Section 504 or under the ADA shall informally discuss the complaint with the district's Section 504 Coordinator. The coordinator will investigate and document the complaint (including the dates of meetings and outcomes) and give a written reply to the Complainant within five working days of meeting with the Complainant.
2. If the complaint is not satisfactorily resolved through Step 1, the Complainant should file a written grievance. In order to be processed, the written complaint must fully set forth the circumstances preceding the grievance and must be submitted to the Section 504 Coordinator for filing within five working days of the disposition of Step 1. Within five working days of receipt of the written complaint, the Section 504 Coordinator will appoint a hearing officer to resolve the grievance. The hearing officer will conduct a grievance hearing within 15 working days of his/her appointment. The parent(s) or guardians and/or student will be given a full and fair opportunity to present evidence related to the pending grievance. The parties are entitled to representation by advocates or legal counsel at their own expense. The hearing officer will present his/her written decision to the district Section 504 Coordinator and Complainant within 10 working days of completion of the hearing.
3. If the Complaint is not satisfactorily resolved through Step 2, the Complainant may file a written appeal to the Governing Board of Trustees. To be considered, the complaint must fully set forth the circumstances giving rise to the alleged grievance and must be filed with the Superintendent's Office within five working days of disposition of Step 2. The Governing Board will consider the written complaint and respond at its next regularly scheduled meeting provided the written complaint is received in the Superintendent's Office at least one week prior to the next scheduled meeting of the Governing Board. Within 10 working days of the board meeting, the Governing Board through the Superintendent's Office will issue a written disposition of the complaint (Entire Packet to the Board).
4. If the complaint is not satisfactorily resolved following Step 3, further appeal may be made to the United States Office for Civil Rights, Department of Education, Washington, DC, 20201 or a court of competent jurisdiction.
5. The OUSD takes all reports of bullying behavior seriously and responds to any allegations immediately. If you feel your child is being bullied because of their disabling condition, you can follow the Complaint Process (attached) for additional support to ensure that this behavior stops.

The Orland Unified School District's designated Section 504 Coordinator is listed below and has been directed to assist the district in complying with the regulations implementing Title VI, Title IX, the ADA and Section 504.

Jennifer L Cox  
 Senior Psychologist/Program Specialist  
 201 Mill Street  
 Orland, CA. 95963  
 (530) 865-7685

9-2016-JC

**Distrito Escolar Unificado de Orland**  
**Sección 504 del Acta de Rehabilitación de 1973**  
**DERECHOS DE PADRES**

El Distrito Escolar Unificado de Orland no discrimina en base a raza, color, origen de nacionalidad, género, orientación sexual, edad, o discapacidad en admisión o acceso a, o tratamiento o empleo en sus programas y actividades.

La Sección 504 del Acta de Rehabilitación de 1973 prohíbe discriminación en contra de individuos con discapacidades en cualquier programa recibiendo asistencia financiera federal. El Acta de Americanos con Discapacidades (ADA) aplica a empleadores con 15 o más empleados.

La definición de un individuo con discapacidad bajo ambas leyes es una persona que tiene un impedimento físico o mental que sustancialmente limita una o más actividades de vida mayores, tales como ver, oír, hablar, respirar, aprender o trabajar; o tiene un historial de tal impedimento; o considerado como que tiene un impedimento.

El distrito va a evaluar, identificar y proporcionar educación gratis y apropiada a todos los estudiantes que son individuos con discapacidades bajo la Sección 504 del ADA. Padres o guardianes de estos estudiantes tienen derecho al Aviso a Garantías Procesales, incluyendo notificación individual y una audiencia imparcial.

El distrito proporcionará recursos y servicios para estudiantes con discapacidades al alcance necesario para que el estudiante pueda recibir una educación gratis y apropiada. Además, el distrito hará acomodaciones razonables para asegurar que los estudiantes discapacitados se beneficien de actividades extracurriculares al mismo grado que sus compañeros sin discapacidades.

**Aviso a Garantías Procesales de Padres/Estudiantes**

Lo siguiente es una descripción de los derechos garantizados por ley federal a los estudiantes con discapacidades. Estas leyes están codificadas en 29 Código de Estados Unidos (U.S.C.) secciones 706 (7) y sección 794; 34 Código de Regulaciones Federales (C.F.R). Parte 104, 20 U.S.C. sección 1232g y 34 C.F.R. Parte 99. El intento de la ley es de mantenerlo completamente informado en cuestión a decisiones acerca de su hijo/a y de informarle de sus derechos si usted está en desacuerdo en cualquiera de estas decisiones.

Usted tiene el derecho a:

- Que su hijo/a forme parte de, y reciba beneficios de los programas de educación pública sin discriminación debido a su condición de discapacidad.
- Que el Distrito Escolar Unificado de Orland le informe de sus derechos bajo la ley federal.
- Que usted reciba la notificación con respecto a la identificación, evaluación y colocación de su hijo/a.
- Que su hijo/a reciba una educación pública, gratis, y apropiada (FAPE). Esto incluye el derecho a ser educado con estudiantes sin discapacidades al alcance máximo como sea posible.
- Que su hijo/a sea educado/a en instalaciones y reciba servicios comparables a esos proporcionados a estudiantes sin discapacidades.
- Que su hijo/a reciba educación especial y servicios relacionados si él/ella es encontrado a ser elegible bajo el Acta de Americanos con Discapacidades o Sección 504 del Acta de Rehabilitación de 1973.
- Que se tomen decisiones de colocación, educativas, y de evaluación que sean basadas sobre una variedad de fuentes, y por personas que conocen al estudiante y están familiarizadas con las opciones de colocación e información/data de evaluación.
- Que se le proporcione transportación a y de un ambiente de colocación alternativo sin ningún costo extra para usted más de lo que hubiera incurrido si su hijo/a fuera puesto en un programa dentro del distrito escolar.
- Que se le dé a su hijo/a oportunidades iguales a participar en actividades no académicas y extra-curriculares ofrecidas por el distrito.
- Examinar todos los records relevantes relacionados con las decisiones acerca de la identificación, evaluación, programa educativo y colocación de su hijo/a.
- Obtener copias de records educativos a un costo razonable a menos que el cobro pueda efectivamente negarle el acceso a los records.

- Una respuesta del distrito escolar a pedidos razonables de explicaciones e interpretaciones de cualquier artículo en los records de su hijo/a.
- Pedir una enmienda o cambio a cualquier reporte bajo el argumento de que es inexacto, engañoso, o viola los derechos de su hijo/a.
- Recibir re-evaluaciones periódicas y evaluaciones antes de un cambio significativo en la colocación de su hijo/a.
- Pedir mediación o una audiencia de un debido proceso imparcial si usted está en desacuerdo con la acción propuesta por el distrito escolar. Como participante activo en el proceso, usted también tiene el derecho de ser representado por abogado en el proceso de audiencia imparcial. Usted también tiene el derecho a apelar la decisión del oficial de la audiencia imparcial.

## Procedimientos de Quejas

El Distrito Escolar Unificado de Orland está comprometido a proporcionar acceso justo y educación gratis y apropiada a todos los estudiantes. Cualquier práctica discriminatoria presunta dentro del ámbito de la Sección 504 o Acta de Americanos con Discapacidades debe ser dirigida a través de los procedimientos de quejas de la siguiente forma:

1. Un individuo que cree que él/ella tiene una base válida para una queja bajo la Sección 504 o bajo la ADA debe discutir la queja informalmente con el Coordinador de la Sección 504 del distrito. El coordinador investigará y documentará la queja (incluyendo las fechas de las juntas y resultados) y dará una respuesta por escrito al Querellante dentro de 5 días laborales de la fecha de la junta con el Querellante.
2. Si la queja no es satisfactoriamente resuelta bajo el Paso 1, el Querellante debe entablar una queja por escrito. Para que pueda ser procesada, la queja por escrito debe describir completamente las circunstancias previas a la queja y debe ser sometida al Coordinador de la Sección 504 para ser archivada dentro de cinco días laborales de la disposición del Paso 1. Dentro de cinco días laborales de recibir la queja por escrito, el Coordinador de la Sección 504 asignará un oficial de audiencia para resolver la queja. El oficial de audiencia conducirá una audiencia de queja dentro de 15 días laborales de su asignación. A los padres o guardianes y/o estudiante se les dará una oportunidad completa y justa de presentar evidencia relacionada a la queja pendiente. Las partes tienen derecho a representación de defensores o abogados legales asumiendo los gastos de su propio bolsillo. El oficial de la audiencia presentará su decisión escrita al Coordinador de la Sección 504 y Querellante dentro de 10 días laborales del fin de la audiencia.
3. Si la Queja no está satisfactoriamente resuelta a través del Paso 2, el Querellante puede entablar una apelación por escrito al Consejo de Gobernación de Administración. Para ser considerada, la queja debe describir completamente las circunstancias que dieron pie a la queja que se alega y debe ser archivada con la Oficina del Superintendente dentro de cinco días laborales de la disposición del Paso 2. El Consejo de Gobernación de Administración considerará la queja escrita y responderá en su siguiente junta organizada regularmente provisto que la queja por escrito fue recibida en la Oficina del Superintendente por lo menos una semana antes de la próxima junta organizada del Consejo de Gobernación. Dentro de 10 días laborales de la junta del consejo, el Consejo de Gobernación a través de la Oficina del Superintendente expedirá una disposición escrita de la queja (Paquete Entero al Consejo).
4. Si la queja no está satisfactoriamente resuelta a través del Paso 3, una apelación más a fondo puede ser hecha a la Oficina de Derechos Civiles de los Estados Unidos, Departamento de Educación, Washington, DC, 20201 o una corte de jurisdicción competente.
5. OUSD toma todos los reportes de comportamiento abusivo (bullying) seriamente y responde a cualquier alegación inmediatamente. Si usted siente que su hijo/a esta siendo acosado por su condición de discapacidad, usted puede seguir el Procedimiento de Quejas (añadido) para apoyo adicional para asegurar que este comportamiento pare.

El Coordinador de la Sección 504 del Distrito Escolar Unificado de Orland esta enlistado abajo y ha sido dirigido a ayudar al distrito a cumplir con la implementación de regulaciones Titulo VI, Titulo IX, la ADA y Sección 504.

Jennifer L Cox  
 Psicóloga Superior/Especialista de Programas  
 201 Mill Street  
 Orland, CA. 95963  
 (530) 865-7685

## Bullying and Students with Disabilities

The Orland Unified School District is committed to creating a safe educational environment for all students and adults on campus. As a result, bullying behavior will not be tolerated. Each report of bullying will be responded to in a prompt manner. The district has adopted Board Policy 5131.2(a) that details the district policies related to bullying, bullying prevention, intervention and investigation of allegations.

The Orland Unified School District defines bullying as identified in Education Code 48900.

- (r) Engaged in an act of bullying. For purposes of this subdivision, the following terms have the following meanings:
- (1) "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
  - (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
  - (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
  - (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

The District will not permit bullying behavior that threatens others and is disruptive or has the potential to be disruptive to the educational environment, regardless of where the behavior occurred (for example, after school hours). In these situations, this behavior will be investigated as if it occurred as part of the educational program.

SUPPORT ACCOMMODATIONS	PRESENTATION OF MATERIALS/INSTRUCTION	SETTINGS
Check for understanding	Books on tape/cd	Access to study carrel
Repeat/Rephrase Instructions/Directions	Assignments modified for learning style	Free from distractions
Present one task at a time	Large print	Quiet environment
Preferential seating:	Closed caption	In a small group environment
Use of notebook/planner	ELD materials	Test administered or finished in alternate setting
Provided with progress reports	Manipulatives/ Study aids	Provide student with additional space
Supervision during unstructured time	Tests and assignments given orally	
Cue/Prompt/Reminder of rules, procedures	Directions given orally	
Offer choices	Questions on tests/assignments paraphrased	<b>ACCOMMODATIONS CAN:</b>
Note Taking assistance	Preview of tests/assignments	Change way info goes in
Access to computer	Tests/assignments given in smaller parts	Change amount or method of info coming out of student
Use of a scribe	Visual aids (cue cards, maps, posters, clues)	Change pacing of assignment input & output
Peer-tutor /staff assistance		Provide reminders of input/output
Home/school communication	<b>RESPONSE TO MATERIALS/INSTRUCTION</b>	Support/scaffold info coming in our out
	Reduced tasks required at completion	
<b>MEDICATION SUPPORT</b>	Use of notes for tests/assignments	
Reminder to take medication	Open book for tests/assignments	
Medication under supervision	Spelling errors don't impact grade	
	Special projects or alternate assignments	
<b>TIMING/SCHEDULING</b>	Use of calculator	
Extended time on tests	Proof-reader/re-do assignments/mechanics not graded in writing	
Tests/assignments given in short segments		
Extended time on assignments	Cues given prior to important information presented	

## CONDUCTING A SECTION 504 EVALUATION

Evaluation for Section 504 may encompass the following:

- Review of developmental, medical or educational history
- Formal and/or informal observations in at least two settings
- Behavioral and/or academic rating scales
- Charting of consistency of performance
- Individualized assessment procedures if appropriate
- Information must include student's classroom behavior, physical condition, social or cultural background, adaptive behavior, achievement levels or aptitude. If individual testing is warranted, the tests and material must be valid for the specific purpose for which they are used and are administered by trained personnel as instructed by their producer.
- If the limiting condition is primarily health-related, this evaluation will be conducted in collaboration with the school nurse to ensure that an appropriate healthcare procedure is written to address any medical emergencies that may arise.

The School team, in conjunction with parents, shall conduct evaluations under the following conditions:

- Prior to any significant change in placement
- More frequently if conditions warrant
- If the parent/guardian or teacher reasonably requests an evaluation



Date: \_\_\_\_\_

**CONSENT FOR EVALUATION FOR  
SECTION 504 ACCOMMODATION PLAN**

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Student: \_\_\_\_\_

Grade: \_\_\_\_\_ Counselor: \_\_\_\_\_

Initial Evaluation

Re-Evaluation

We, the legal guardians of the above student, **AGREE** with the staff at \_\_\_\_\_ School completing an evaluation for a Section 504 Accommodation Plan. We have received a copy of our Parent's Rights and Grievance Procedures.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

We, the legal guardians of the above student, **DO NOT AGREE** with the recommendation for an evaluation for a Section 504 Accommodation Plan. We have received a copy of the Parent's Rights and Grievance Procedures.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Fecha: \_\_\_\_\_

**CONSENTIMIENTO PARA UNA EVALUACIÓN PARA  
EL PLAN DE MODIFICACIÓN DE LA SECCIÓN 504**

Padre/Tutor: \_\_\_\_\_

Dirección: \_\_\_\_\_

Estudiante: \_\_\_\_\_

Grado: \_\_\_\_\_ Consejero/a: \_\_\_\_\_

Evaluación Inicial

Re-Evaluación

Nosotros, los tutores legales del estudiante mencionado arriba, **CONCORDAMOS** con el personal en \_\_\_\_\_ School que están completando una evaluación para un Plan de Modificación de la Sección 504. Hemos recibido una copia de nuestros Derechos de Padres y Procedimientos de Resolución de Conflictos.

Firmado: \_\_\_\_\_ Fecha: \_\_\_\_\_

Nosotros, los tutores legales del estudiante mencionado arriba, **NO CONCORDAMOS** con la recomendación para una evaluación para un Plan de Modificación de la Sección 504. Hemos recibido una copia de los Derechos de Padres y los Procedimientos de Resolución de Conflictos.

Firmado: \_\_\_\_\_ Fecha: \_\_\_\_\_

**Orland Unified School District**

**PRE-ASSESSMENT**  
**QUESTIONNAIRE**

How would you assess the student's academic ability compared to academic progress?

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Describe any behavior problems the student has exhibited that may affect academic progress.

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To what degree do you believe a disability may be affecting learning?

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What modifications or accommodations have you attempted to promote success at school?

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What new or additional modification or accommodations might be helpful to ensure progress and success in school? \_\_\_\_\_

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Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

# Orland Unified School District Section 504 Support Plan Meeting

Student: \_\_\_\_\_ School: \_\_\_\_\_  
 Parent/Guardian: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_

**Dear Parent/Guardian:**

A Section 504 Support Plan team meeting has been scheduled for your child. You are an important member of your child's Section 504 Support Plan team. Your participation in this team meeting is essential to the development of your child's educational program. We hope that you will join us for this meeting. You have the right to have your child participate in the meeting if you feel it would be helpful. You may bring someone such as a social worker, service provider, or friend with you to the meeting who has knowledge or special expertise regarding your child. If you have information you would like the team to consider during this meeting, please provide it to the District as soon as possible or during the meeting. If you need an interpreter for this meeting, please let us know in advance of this Section 504 meeting, so that the District can provide one for you.

The meeting has been scheduled for \_\_\_\_\_ at \_\_\_\_\_.  
(Date) (Time)

and will take place at \_\_\_\_\_.

The purpose of this meeting is (check all that are appropriate):

- To review initial Section 504 information and consider your child's eligibility for a Section 504 Service Plan..
- To conduct an annual review of your child's Section 504 Service Plan.
- To discuss possible changes in the Section 504 Service Plan.
- To conduct manifestation determination.
- Other: \_\_\_\_\_

The following people have been invited to attend your child's Section 504 Service Plan team meeting:

- |  |   |
|--|---|
| <input type="checkbox"/> Administrator/Designee:<br><input type="checkbox"/> District Section 504 Coordinator:<br><input type="checkbox"/> School Psychologist:<br><input type="checkbox"/> Other Service Provider/Assessor (Include Title):<br><input type="checkbox"/> Student:<br><input type="checkbox"/> Interpreter: | <input type="checkbox"/> General Education Teacher(s):<br><input type="checkbox"/> School Section 504 Site Chairperson:<br><input type="checkbox"/> Other Service Provider/Assessor (Include Title):<br><input type="checkbox"/> Other Service Provider/Assessor (Include Title):<br><input type="checkbox"/> Other (Include Title):<br><input type="checkbox"/> Other (Include Title): |
|--|---|

Please Check One and Return to the District as Soon as Possible:

- I plan to attend the meeting. I understand that you will proceed with this meeting without me if I do not contact you to reschedule the meeting.
- I would like the meeting rescheduled. I prefer to meet at (time) \_\_\_\_\_ (date) \_\_\_\_\_.
- I do not plan to attend the meeting; the District may proceed without me.
- I do not plan to attend the meeting and will be sending \_\_\_\_\_ as my representative.
- This meeting was arranged by telephone on (date) \_\_\_\_\_; I have waived my advance notice for the meeting.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

**Site Chairperson's Use Only**  
Results of attempts to contact (e.g., correspondence, phone calls, visits to home or place of employment)

  
  

<b>Response Record</b>	<b>Will Attend</b>
Other (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Telephone Call (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Telephone Call (date) _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

OUSD does not discriminate against any person on the basis of gender, race, color, religion, national origin, ethnic group, actual or perceived sexual orientation, marital or parental status, physical or mental disability. Complaints alleging noncompliance with this policy of nondiscrimination should be directed to Orland Unified School District office. A copy of the Uniform Complaint Policy is available at [www.orlandusd.net](http://www.orlandusd.net).

# Orland Unified School District

## Section 504 Evaluation

### CONFIDENTIAL

Instructions: A Section 504 evaluation is to be conducted by the Section 504 school-based team for non-special education students who may have disability and be eligible for accommodations under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability. The eligibility decisions must be based on information from a variety of sources, such as teacher reports, reports of physical or mental condition, observations, adaptive behavior, and aptitude and achievement testing. The Section 504 school-based team must be comprised of persons knowledgeable about the student, the meaning of the evaluation data and placement/accommodations options.

**Purpose of Meeting:**  Initial Evaluation  Review  Dismissal

**Student Name:** \_\_\_\_\_ **Grade:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**School:** \_\_\_\_\_ **Date of birth:** \_\_\_\_\_

**Case Manager:** \_\_\_\_\_

**Reason for Evaluation:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Data Reviewed:** In determining eligibility, the Section 504 school-based team will review various sources of available information (indicated below).

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Aptitude/achievement tests | <input type="checkbox"/> Health Records      | <input type="checkbox"/> IEP Team Evaluations     |
| <input type="checkbox"/> Report Cards               | <input type="checkbox"/> Educational Records | <input type="checkbox"/> Information from Parents |
| <input type="checkbox"/> Teacher Reports            | <input type="checkbox"/> Medical Reports     | <input type="checkbox"/> Observations             |
| <input type="checkbox"/> Psychological Reports      | <input type="checkbox"/> Student Attendance  | <input type="checkbox"/> Developmental Records    |
| <input type="checkbox"/> Other (Specify) _____      |  |   |

**Determination of a Physical or Mental Impairment** (According to Section 504, a student must have a physical or mental impairment that substantially limits a major life activity)

Check all that apply:

PHYSICAL IMPAIRMENT: The student has a  NO physical impairment  a physical impairment or condition  a cosmetic disfigurement  an anatomical loss.

If the impairment is physical, what body system is affected:

neurological  musculoskeletal  special sense organs  respiratory, including speech organs  
 cardiovascular  digestive  genito-urinary  hemic and lymphatic  skin  endocrine

Specify the impairment: \_\_\_\_\_

Medical Documentation provided by: \_\_\_\_\_

**MENTAL IMPAIRMENT:** The student has  NO Mental Impairment  organic brain syndrome  
 emotional or mental illness SPECIFY: \_\_\_\_\_

Medical Documentation Provided by: \_\_\_\_\_

**Major Life Activity/Activities Affected by the Impairment** Check all that apply:

If the student has been found to have either a physical or a mental impairment, check all the major life activities affected by the impairment:

learning  caring for oneself  performing manual tasks  walking  seeing  hearing  
 speaking  breathing  working  standing  lifting  bending  concentrating  thinking  
 communicating  NO major life activity is affected at this time.

Supporting Documentation Provided by: \_\_\_\_\_

**Substantial Limitation**

To find that a student who has a physical or mental impairment that affects a major life activity is eligible for services under Section 504, the school based team must find that the impairment "substantially limits" a major life activity. Section 504 requires that the team compare the student's performance on a major life activity to that of the average student in the general population. The student must be restricted as to the condition, manner, or duration under which he/she can perform a particular life activity as compared to the average student in the general population.

1. Is the student able to access educational programs and activities without accommodation?  
 Yes  No
2. Is the student unable to perform the life activity identified above?  Yes  No
3. Is the student restricted as to the condition, manner or duration under which he/she can perform the major life activity identified above?  Yes  No
4. Explain rationale

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Eligibility and Follow-Up**

\_\_ The student is found eligible for a Section 504 Accommodation Plan to help meet their needs.

\_\_ The student is NOT found eligible under Section 504 and the team makes recommendations to assist the student in other ways.

\_\_ The student DOES NOT CONTINUE to meet eligibility for Section 504 accommodations. The 504 plan is removed. The team makes recommendations to assist the student in other ways.

### **Recommended Accommodations:**

1.

2.

3.

4.

5.

6.

**Participating Members:**

**Name:**

**Title:**

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**Written parental consent prior to implementing a 504 Accommodation plan must be received. I have received a copy of the Section 504 Parents Rights and Safeguards. I agree with the accommodation plan as identified above.**

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**Name and Date**

\*Upon completion, send copies to district 504 coordinator, retain copy for case manager, send copies to all teachers.



# Orland Unified School District

## Evaluación de la Sección 504

### CONFIDENCIAL

Instrucciones: Una evaluación de la Sección 504 se tiene que llevar a cabo por el equipo con base escolar de la Sección 504 para los estudiantes que no están recibiendo los servicios de educación especial que quizás tengan una incapacidad y ser elegibles para las modificaciones bajo la Sección 504 del Acto de Rehabilitación de 1973, el cual prohíbe la discriminación sobre la base de una discapacidad. Las decisiones de elegibilidad se tienen que basar en la información de una variedad de fuentes, tal como los informes del maestro, informes de una condición física o mental, observaciones, comportamiento adaptativo, y aptitud y significado de los datos de evaluación y las opciones de colocación/modificaciones.

**Propósito de la Junta:**  Evaluación Inicial  Revisión/Salida

**Nombre del Estudiante:** \_\_\_\_\_ **Grado:** \_\_\_\_\_ **Fecha:** \_\_\_\_\_

**Escuela:** \_\_\_\_\_ **Fecha de Nacimiento:** \_\_\_\_\_

**Asesor del Caso:** \_\_\_\_\_

**Razón por la Evaluación:** \_\_\_\_\_

**Datos Revisados:** Al determinar la elegibilidad, el equipo con base escolar de la Sección 504 va a repasar varias fuentes de información disponible (indicado a continuación).

Examen de Logro/Aptitud  
IEP

Registros de Salud

Evaluaciones del Equipo

Tarjetas de Calificación

Registros Educativos

Información de los Padres

Informes del Maestro

Informes Médicos

Observaciones

Informes Psicológicos

Asistencia Estudiantil

Informes de Desarrollo

Otro (Especifique) \_\_\_\_\_

**Determinación de un Impedimento Físico o Mental** (De acuerdo con la Sección 504, un estudiante tiene que tener un impedimento físico o mental que sustancialmente limita una actividad de vida mayor)

Marque todo el que aplica:

**IMPEDIMENTO FÍSICO:** El estudiante tiene un  NINGÚN impedimento físico  una condición o impedimento físico  una deformidad cosmética  una pérdida anatómica.

Si el impedimento es físico, que sistema corporal es afectada:

neurológica  musculoesquelético  órganos de sentido especial  respiratorio, incluyendo órganos de habla  cardiovascular  digestivo  genito-urinario  hematológica y linfático  piel  endocrino

Especifique el Impedimento: \_\_\_\_\_

Documentación Médica proveída por: \_\_\_\_\_

**IMPEDIMENTO MENTAL:** El estudiante tiene  NINGÚN impedimento mental  síndrome de cerebro orgánico

enfermedad mental o emocional **ESPECIFIQUE:** \_\_\_\_\_

Documentación Médica proveída por: \_\_\_\_\_

**Actividad Mayor de Vida/Actividades Afectadas por el Impedimento** Marque todo el que aplica:

Si se ha determinado que el estudiante tiene un impedimento físico o mental, marque todas las actividades mayores de vida afectadas por este impedimento:

aprendizaje  cuidarse a si mismo  desempeña tareas manuales  caminar  ver  oír  
 habla  respiración  trabajar  estar parado  levantar  agacharse  concentración  
 pensar  comunicarse  Ninguna actividad mayor de vida ha sido afectada.

Documentación de Apoyo proveída por: \_\_\_\_\_

### **Limitación Sustancial**

Para determinar que un estudiante tiene un impedimento mental o físico que afecta una actividad mayor de vida es elegible para los servicios bajo la Sección 504, el equipo con base escolar tiene que determinar que el impedimento "sustancialmente limita" una actividad mayor de vida. La Sección 504 requiere que el equipo compare el rendimiento del estudiante en una actividad mayor de vida a la de un estudiante promedio en la población general. El estudiante tiene que ser restringido a la condición, manera, o duración bajo la cual él/ella puede desempeñar una actividad particular de vida en comparación a un estudiante promedio en la población general.

1. ¿El estudiante puede tener acceso a los programas educacionales y actividades sin modificaciones?  
 Sí  No
2. ¿El estudiante puede realizar la actividad de vida identificada arriba?  Sí  No
3. ¿El estudiante es restringido en cuanto a la condición, manera o duración bajo la cual él/ella puede desempeñar la actividad mayor de vida identificada arriba?  Sí  No

4. Explique su Lógica

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**Elegibilidad y Seguimiento**

\_\_\_ Se ha determinado que el estudiante es elegible para el Plan de Modificaciones de la Sección 504 para ayudar a cumplir con sus necesidades.

\_\_\_ Se ha determinado que el estudiante NO es elegible bajo la Sección 504 y el equipo ha recomendado ayudarle al estudiante de otra manera.

\_\_\_ El Estudiante NO CONTINUA siendo elegible para las modificaciones de la Sección 504. El Plan 504 ha sido removido. El equipo ha recomendado ayudarle al estudiante de otra manera.

**Modificaciones Recomendadas:**

1.

2.

3.

4.

5.

6.

**Miembros que Participaron:**

**Nombre:**

**Título:**

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**Antes de implementar el Plan de Modificaciones de la Sección 504 se tiene que recibir el consentimiento del padre por escrito. Yo he recibido una copia de las Salvaguardias y Derechos de Padres de la Sección 504. Estoy de acuerdo con el plan de modificaciones tal como se identifica arriba.**

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**Nombre y Fecha**

\*Upon completion, send copies to district 504 coordinator, retain copy for case manager, send copies to all teachers.

## SECTION 504 AUDIT TRAIL

<b>STUDENT:</b>	<b>CASE MANAGER:</b>	
<b>SCHOOL:</b>	<b>DATE REFERRED:</b>	<b>GRADE:</b>
<b><u>Required Steps</u></b>	<b><u>Date</u></b>	
	<b>Initiated</b>	<b>Accomplished</b>
Notify District Office of referral: -name of student -grade -school -parent name		
Section 504 Team meeting planned		
Section 504 Team Membership (Name and Title)		
A.	E.	
B.	F.	
C.	Other	
D.	Other	
1. Send Parent/Guardian packet containing: <ul style="list-style-type: none"> <li>• Parent Notification re: Assessment/Parental Consent Form</li> <li>• Checklist of Observable Behaviors (if needed)</li> <li>• Section 504 Parent/Student Rights</li> <li>• Self-addressed, stamped envelope</li> </ul>		
• Receipt of Parental Rights Form returned		
2. Gather evaluation data (item, date): <ul style="list-style-type: none"> <li>• Have teacher fill out Pre-assessment Questionnaire</li> </ul>		
3. Send parent notice of meeting		
4. Section 504 Team meeting held <ul style="list-style-type: none"> <li>• Parent/Student Rights Receipt signed</li> <li>• Student is <input type="checkbox"/> Eligible (504 Evaluation</li> <li>• <input type="checkbox"/> Not Eligible Summary)</li> <li>• Parents given copy of all forms</li> <li>• Parents given copy of grievance procedures</li> </ul>		
Section 504 Plan implemented		
5. Section 504 Plan Review/Re-evaluation		

**OUSD- Manifest Determination Findings**

Student: \_\_\_\_\_ DOB: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ School: \_\_\_\_\_

Grade: \_\_\_\_\_ SSID: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Date of 504 Review: \_\_\_\_\_ Date of last Eval: \_\_\_\_\_

Disability: \_\_\_\_\_ Education Setting: \_\_\_\_\_

Description of Behavior Resulting in Suspension: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Disciplinary Action: \_\_\_\_\_ Date of Action: \_\_\_\_\_

In determining whether a student's behavior was a manifestation of his/her disability, the manifestation determination team considered the following information in relation to the behavior subject to discipline:

Evaluation and Diagnostic Results

Observations of Student

Student Records, services, placement

Other \_\_\_\_\_

***The Manifestation Determination Team determined that, in relation to the behavior subject to disciplinary action:***

Yes  No The behavior was caused by or had a direct relationship to the disability of the student.

Yes  No The behavior was a direct result of the school's failure to implement the 504 Plan

**The Manifest Determination team decided that the student's behavior:**

**Was a manifestation of his/her disability** (requires a yes on any 1 of the above 2 questions). Further discipline proceedings may not occur at this time. Program recommendations must be attached.

**Was Not a manifestation of his/her disability** (requires a no on both of the above 2 questions). Proceed with disciplinary proceedings, all conditions have been met. (Behavior was not a manifestation of the student's disability, student understood the impact and consequences of behavior, student could control behavior, and services and supports were correct at the time of the incident).

Parent  Agrees  Disagrees with determination of the team.

Parent received a copy of Procedural Safeguards (Parent Rights)  Yes  No

Signature of Participants and Date:

_____	_____
_____	_____
_____	_____
_____	_____

## CONCLUSIONES DE LA DETERMINACIÓN DE MANIFESTACIÓN

Estudiante: \_\_\_\_\_ Fecha de Nacimiento: \_\_\_/\_\_\_/\_\_\_ Fecha: \_\_\_/\_\_\_/\_\_\_  
(Apellido) (Nombre)

Distrito de Residencia: \_\_\_\_\_ Escuela: \_\_\_\_\_

Maestro: \_\_\_\_\_ Grado: \_\_\_\_\_ Género:  M  F CSIS: \_\_\_\_\_

Padre/Encargado: \_\_\_\_\_ Teléfono: (C) \_\_\_\_\_ (T) \_\_\_\_\_ (C) \_\_\_\_\_

Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Zona Postal: \_\_\_\_\_

¿Esta el estudiante limitado en el dominio del Inglés?  Sí  No Idioma Materno: \_\_\_\_\_

Fecha del Actual IEP: \_\_\_\_\_ Fecha de la última evaluación: \_\_\_\_\_

Discapacidad: \_\_\_\_\_ Actual ajuste(s) educativo: \_\_\_\_\_

Descripción de comportamiento/acciones del estudiante resultando en este análisis:  
\_\_\_\_\_

Acción disciplinaria tomada/propuesta: \_\_\_\_\_ Fecha de decisión de acción disciplinaria: \_\_\_/\_\_\_/\_\_\_

En determinar si el comportamiento del estudiante fue una manifestación de su discapacidad, el equipo de determinación de manifestación consideró lo siguiente **con relación al comportamiento sujeto a disciplinar** (elija los puntos que le correspondan):

Evaluación y resultados de diagnósticos: Lista: \_\_\_\_\_

Observaciones del estudiante. Lista: \_\_\_\_\_

IEP del estudiante, servicios, y ajustes. Describir: \_\_\_\_\_

Otra información relevante. Lista: \_\_\_\_\_

**El equipo de Determinación de Manifestación determinó que, en relación al comportamiento sujeto a la acción disciplinaria:**

Sí  No  
relación a la

**El comportamiento fue causado por o tenía una relación directa y sustancial discapacidad.**

**Comentarios:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sí  No  
práctica el IEP.

**El comportamiento fue el resultado directo de una falla al poner en**

**Comentarios:** \_\_\_\_\_



**El equipo de Determinación de Manifestación decidió que el comportamiento del estudiante:**

**fue una manifestación de su discapacidad** (requiere un "sí" en cualquiera de los 2 puntos de arriba)

El procedimiento disciplinario puede no ocurrir en este momento.

Las recomendaciones programadas son: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**no fue una manifestación de su discapacidad** (requiere un "no" en ambos puntos de arriba)  
Siga con las medidas disciplinarias, todas las condiciones han sido cumplidas. (Comportamiento no manifestado de la discapacidad del estudiante, el estudiante entendió el impacto y las consecuencias del comportamiento, el estudiante podría controlar el comportamiento, y los servicios y el apoyo fueron los correctos en el momento del incidente)

Padre:  **está de acuerdo**  **en desacuerdo con la resolución del equipo de Determinación de Manifestación.**

**Comentarios:** \_\_\_\_\_

El padre recibió copia de los Procedimientos de Seguridad (Derechos de los Padres):  Sí  No

Fecha: \_\_/\_\_/\_\_

Firmas

\_\_\_\_\_  
Padre Fecha: \_\_/\_\_/\_\_

\_\_\_\_\_  
Padre Fecha: \_\_/\_\_/\_\_

\_\_\_\_\_  
Fecha: \_\_/\_\_/\_\_

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Título Fecha: \_\_/\_\_/\_\_

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Título Fecha: \_\_/\_\_/\_\_

\_\_\_\_\_  
Título Fecha: \_\_/\_\_/\_\_

**Determinación de Manifestación  
SUMARIO DEL REPORTE**

**CONFIDENCIAL**

*Fecha del Plan de Modificación de la Sección 504 Más Reciente:*                      *Fecha de la Evaluación:*

Estudiante:	Fecha de Nacimiento:
Escuela de Residencia:	Grado:
Escuela de Asistencia:	Género:
Padre/Tutor:	Lenguaje Primario:
Dirección:	¿Se Necesita Un Traductor?
Número Telefónico:	Colocación Actual:

*El propósito de la Determinación de Manifestación es revisar la relación entre la discapacidad del estudiante y el comportamiento que ahora está sujeto a acción disciplinaria y para ajustar el plan 504 del estudiante, si es conveniente.*

**Fechas de Cada una de las Siguietes:**

Primer Día de la Suspensión Actual  
Evaluación conducida de la Determinación de Manifestación  
Se le notifico al padre de la fecha y hora de la junta de Determinación de Manifestación.  
(Se incluyeron los Salvaguardias Procesales con el Avisto de la Junta).

**SUMARIO DE LA ALEGADA MALA CONDUCTA DEL ESTUDIANTE:**

**SUMARIO DEL HISTORIAL DE DISCIPLINA:**

*Año Actual:*

*Años Anteriores:*

Recomendaciones:

Detenciones:

Infracciones de Autobús:

Suspensión Interna:

Suspensiones:

Fechas de la Suspensión:

Total # de Días:

Expulsión(es):

Explicaciones:

**REVISIÓN EDUCATIVA ACTUAL:**

- ¿Qué Plan Educativa tenia este estudiante antes del incidente? (IEP/504)
- ¿La 504 era apropiada y se implemento tal como estaba escrita? (si no, mencione por qué)
- ¿Cuál es la discapacidad identificada?

- ¿El estudiante estaba progresando en el logro de sus metas año tras año antes de esta mala conducta?
- ¿Se ha llevado a cabo Una Evaluación de Comportamiento Funcional con un Plan de Apoyo de Comportamiento por la mala conducta resultando en este análisis?
- Según la revisión de los registros educativos, información relevante para cada área indicada a continuación:

Asistencia:

Salud:

Historial de Comportamiento:

**DETERMINACIÓN, EVALUACIONES e INFORMACIÓN DIAGNÓSTICA:**

Resultados Anteriores de la Evaluación Multi-Disciplinaria (incluya la destreza de lenguaje):

Retroalimentación del Maestro/a/Observaciones:

Observaciones del Examinador (si están disponibles):

Retroalimentación del Padre/Observaciones:

Otro:

**CONCLUSIONES DE LA REVISIÓN DE LA DETERMINACIÓN DE MANIFESTACIÓN:**

Los miembros relevantes del equipo 504 de base escolar, y otro personal calificado, el haber revisado y considerado la información relevante anteriormente mencionada van a hacer la determinación final sobre el comportamiento del estudiante, sin embargo, es la opinión de este examinador que la conducta en cuestión:

tuvo una relación directa y sustancial a la discapacidad del estudiante.  
era el resultado directo de la agencia local de educación por no implementar la 504.

Así que, el comportamiento en cuestión es determinado una manifestación de la discapacidad del estudiante.

**RECOMENDACIONES:**

**Según la Decisión del Equipo 504, En Relación al Comportamiento Sujeto a la Acción Disciplinaria:**

- Sí  No      El comportamiento fue causado por o tuvo una relación directa/sustancial a la discapacidad.
- Yes  No      El comportamiento era una resultado directo por no implementar el plan 504.

***Así que,***

- El comportamiento era una manifestación de su discapacidad. (es necesario un cambio en el programa)
- El comportamiento NO ERA una manifestación de su discapacidad. (proceder con los procedimientos de disciplina, todas las condiciones se han cumplido).
- El/los padre(s) ha recibido una copia de sus derechos/salvaguardias procesales.

Firmas:  
Nombre

Fecha

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# Behavior Support Plan

BSP Attaches to: 504 Plan \_\_\_\_ SST Plan \_\_\_\_

Date of Plan: \_\_\_\_\_ Date of Next Review: \_\_\_\_\_

Student: \_\_\_\_\_

- 1. Describe Behavior Impeding Learning (include frequency, intensity and duration), why it impedes learning and the stage of behavior (minor, moderate, severe, extreme).**

**Describe the specifics of the behavior. Frequency tells how often the behavior occurs (i.e., yells out profanity in class 6 times per period on average). Intensity describes how severe the behavior may be (bangs head against wall leaving bruising versus bangs fist against wall not leaving a mark). Duration tells you how long a behavior occurs- (i.e., pacing in the classroom non-stop for 6 minutes before getting to work). Not all behaviors have all three indicators so just choose the one that fits the behavior best. Depending on how much they are interfering with their learning or learning of others- you make a judgment call on severe it is. We typically do not write a plan unless the behavior is moderate.**

- 2. What are Predictors of the Behaviors? Predictors are situations where the behavior is likely to occur- time, place, people, subject area.**

**Tell when and where the behavior occurs. Is there a specific time or subject? Does it happen when medication is administered or not? Does it happen with one teacher vs. another? Does the student get in trouble with out with peers? Are there certain peers that cause issues more than others?**

**You want to look at the entire situation that is around the behavior to help answer this question.**

- 3. Describe what needs to be changed in the environment or curriculum so that the behavior will not occur again? (changes in time, space, materials, interactions)**

**What would help the behavior not occur again? Should we adjust schedule so that they leave at lunch or are supervised at lunch since that's when it occurs? Should we give them extra space at the back of the room in the classroom? Should we provide the student with somewhere to go when frustrated? Do we need to work on providing more visual supports so that they're not acting out in Math since they**

are always disruptive and struggling in that subject? Maybe we could change schedule so that they're not with the same group of peers all day long?

**4. Why does the team feel the behavior occurs (function)? (Do they get something, protest or avoid something?)**

**Why do you think the behavior occurs, based on the information you gathered? Make a professional guess about the behavior based on where it occurs, who it occurs with and then you can ask- Is the student getting something (attention, release of frustration, time away) or are they avoiding something (classwork, teasing, frustration)?**

**Example: Student uses profanity in Mr. Jones's class up to 6 times per period. No other issues noted in another class. Poor grade, no homework turned in. Seated next to students who do the same. You could make the judgment that he is avoiding work if it is too hard or gaining peer attention/acceptance by following their lead. The answer as to which it is would be to just try one and see what changes. Change work support- improves- it was to avoid work. If you change seating/class- improves- it was to gain peer attention/approval.**

**5. What does the team believe the student should do instead of the problem behavior?**

**What would you like him/her to do instead of the behavior you've identified? Be specific. Follow example from #4- We'd like the student to voice frustration to the teacher in a private or more appropriate way to get the help needed to do the work. OR- we'd like the student to follow the class rules that have been established about inappropriate language and gain peer attention during appropriate times.**

**6. Describe what teaching strategies and/or curriculum will be used to stop the behavior and teach an appropriate replacement behavior?**

**Kids don't come to school knowing how they need to behave appropriately and they don't have replacement behaviors that work for them or they'd use them. So, we must teach them what we want them to do instead. Follow example from above- teach the student how to ask for help from the teacher in private or in a more appropriate way OR teach the student the established rules and hold firm to those rules when broken, encourage the student to interact with peers during their break time.**

**You may need curriculum to teach this or not- depends on issue. For more difficult to solve behaviors or more disabled students- you need curriculum to help you.**

**For the others, just discuss it directly and specifically. Talk in terms of what you want the student to do, NOT what you don't want them to do.**

**7. How will the student be reinforced for using appropriate, replacement behaviors? (Include frequency and who will administer)**

**Ask the student what they would like to work towards and who could help keep them on track to get that if they don't use that behavior any longer. For some students, just someone checking in on whether or not they're using the strategies is enough to get them to stop doing behaviors or start doing what we want them to do. For others, they need to see the benefit- so show it to them visually.**

**8. What strategy will be used if the problem behavior occurs again? (include how staff will handle misbehavior)**

**You can talk here about what happens in the classroom in terms of warnings, sent to support staff, reminders, etc. When those fail, what's the next step? Ultimately, *school discipline procedures will occur if behavior is unsafe for self or others or if the behavior violates California Education Code.* However, you need to address, first, what we're going to do to encourage the student to use the replacement behavior first when it does occur but then when they don't respond, we follow our procedures for discipline as we would for all students.**

**9. Behavioral Goal: (By When, Who, Will do, for the purpose of, instead of, under what conditions, at what proficiency level and as measured by)**

**Be specific here- What do we want, by what time. So: By June, 2013, Johnny will ask for teacher help in private or using an appropriate strategy instead of cursing in class. He will reduce his use of profanity in class from 6 times per period to 1 time per period or following just one prompt from the teacher. Teacher will report to the parent or 504 coordinator if behavior does not improve to this level by June.**

**10. Manner and content of communications with home: (who, when, how, frequency, content and how can they respond?)**

**Who could contact family when behavior is improving? How often could that happen? Would email be okay? Note? What's best?**

**11. Who is responsible for monitoring this plan and connecting with others? How often?**

**504 coordinator would monitor this plan and it can occur how often the team determines. The more significant the behavior, the more closely it needs to be monitored. It can be as easy as an email every couple of weeks, coordinator monitoring discipline history, email from teacher when there's a problem, etc..**

**12. List Participants in completing this plan:**



# Behavior Support Plan

BSP Attaches to: 504 Plan \_\_\_\_ SST Plan \_\_\_\_

Date of Plan: \_\_\_\_\_ Date of Next Review: \_\_\_\_\_

Student: \_\_\_\_\_

<p><b>1. Describe Behavior Impeding Learning (include frequency, intensity and duration), why it impedes learning and the stage of behavior (minor, moderate, severe, extreme).</b></p>
<p><b>2. What are Predictors of the Behaviors? Predictors are situations where the behavior is likely to occur- time, place, people, subject area.</b></p>
<p><b>3. Describe what needs to be changed in the environment or curriculum so that the behavior will not occur again? (changes in time, space, materials, interactions)</b></p>
<p><b>4. Why does the team feel the behavior occurs (function)? (Do they get something, protest or avoid something?)</b></p>
<p><b>5. What does the team believe the student should do instead of the problem behavior?</b></p>
<p><b>6. Describe what teaching strategies and/or curriculum will be used to stop the behavior and teach an appropriate replacement behavior?</b></p>

<b>7. How will the student be reinforced for using appropriate, replacement behaviors? (Include frequency and who will administer)</b>
<b>8. What strategy will be used if the problem behavior occurs again? (include how staff will handle misbehavior)</b>
<b>9. Behavioral Goal: (By When, Who, Will do, for the purpose of, instead of, under what conditions, at what proficiency level and as measured by)</b>
<b>10. Manner and content of communications with home: (who, when, how, frequency, content and how can they respond?)</b>
<b>11. Who is responsible for monitoring this plan and connecting with others? How often?</b>
<b>12. List Participants in completing this plan:</b>

# Plan de Apoyo de Comportamiento

El BSP se Adjunta a: Plan 504 \_\_\_\_ Plan SST \_\_\_\_

Fecha del Plan: \_\_\_\_\_ Fecha de la Próxima Revisión: \_\_\_\_\_

Estudiante: \_\_\_\_\_

<p><b>1. Describa el Comportamiento que Impide el Aprendizaje (incluya la frecuencia, intensidad, y duración), por qué impide el aprendizaje y la etapa de comportamiento (menor, moderado, severo, extremo).</b></p>
<p><b>2. ¿Cuáles son los Vaticinadores del Comportamiento? Los vaticinadores son situaciones donde es probable que ocurra el comportamiento-horario, lugar, gente, área de materia.</b></p>
<p><b>3. Describa que se necesita cambiar en el ambiente o currículo para que no vuelva a ocurrir el comportamiento de nuevo. (cambios en el horario, espacio, materiales, interacciones)</b></p>
<p><b>4. ¿Por qué razón siente el equipo que ocurre el comportamiento (función)? (¿Obtienen algo, protestan, o evitan algo?)</b></p>
<p><b>5. ¿Qué cree el equipo que el estudiante debe hacer en vez de comportarse de manera problemática?</b></p>
<p><b>6. ¿Describa que estrategias de enseñanza y/o currículo se va a utilizar para parar el comportamiento y enseñarle un comportamiento apropiado?</b></p>

<b>7. ¿Cómo se va a reforzar al estudiante para usar un comportamiento sustituto apropiado? (Incluya la frecuencia y que lo va a administrar)</b>
<b>8. ¿Qué estrategia se va a utilizar si vuelve a ocurrir el comportamiento problemático de nuevo? (incluya como va a tratar el mal comportamiento)</b>
<b>9. Meta de Comportamiento: (Para Cuándo, Quién, Va a Hacer, para el propósito de, en vez de, bajo que condiciones, a que nivel de competencia y medida por)</b>
<b>10. Manera y contenido de comunicación con el hogar: (¿quién, cuándo, cómo, frecuencia, contenido y cómo pueden responder?)</b>
<b>11. ¿Quién es responsable por el monitoreo de este plan y en conectarse con otros? ¿Qué tan a menudo?</b>
<b>12. Anote los participantes que van a completar este plan:</b>

## Filing a Section 504 Complaint

### Initiating a Complaint Regarding Identification, Evaluation and Placement:

If you believe that the school or school staff have incorrectly applied the regulations of Section 504 of the Rehabilitation Act of 1973, pertaining to identification, evaluation and placement of your student (services) or Americans with Disabilities Act (1990) (access to facilities), you may file a complaint with the Oroville Union High School District Office. The complaint will be followed using the Uniform Complaint Procedures as adopted by the OUSD Board Policy.

The Orland Unified School District would like to have the opportunity to help you resolve these problems quickly. In order to receive a prompt response regarding your complaint, please contact the OUSD Director of Education:

Orland Unified School District  
Student and Family Resources Center  
201 Mill Street  
Orland, CA. 95963  
(530)865-7685

You are also able to file a complaint with the Office for Civil Rights. In order to file a complaint directly with the Office of Civil Rights, you can visit their website at:  
[www.ed.gov/about/offices/list/ocr/complaintprocess.html](http://www.ed.gov/about/offices/list/ocr/complaintprocess.html)

If you file a complaint with the Office for Civil Rights, you will need to include information regarding the person(s) or class of people injured by the alleged discriminatory act(s), name and location of the institution that committed the alleged discriminatory act and a ~~description of the discriminatory act in sufficient detail to enable the OCR to understand~~ what occurred, when it occurred and the basis for the alleged discrimination.

*NOTE: A recipient may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation or proceeding.*

### Requesting a Due Process Hearing with the School District

In addition to the grievance procedure required by Section 504, the US Department of Education has an administrative rule for regulating due process hearings under Section 504. You have the right to request a hearing regarding the identification, evaluation or educational placement of your student.

The impartial due process hearing is to resolve differences involving the education of students qualified under Section 504, when such differences cannot be resolved by a less formal process.

Due process is defined here as an opportunity to present objections and reasons for the objections to the decisions and/or procedures used by the SST/504 Team. A Section 504 due process hearing may be called at the request of the school, or a parent/guardian. If the school proposes to change your student's placement and you file a request for a hearing, the school is obligated to maintain your student's placement until administrative proceedings are completed. An impartial hearing officer presides over the due process hearing.

A request for due process hearing should be made to the Director of Education- as listed above.

A written or voice recording of the due process hearing will be on file at the district Educational Services office and will be available for review upon request to the parents or involved parties. Within 20 days of the receipt of the request for the hearing, the Educational Services Office will select an impartial hearing officer.

### **Due Process Hearing Participants' Rights**

Either party to the hearing may request the hearing officer grant a continuance. The continuance may be granted upon a showing of good cause or by agreement of the parties.

All parties to the hearing shall be afforded the following rights:

- The right to be accompanied and advised by counsel and by and by individuals with special knowledge or training relating to the problems of students who are qualified disabled within the definition of Section 504.
- The right to present evidence, documentary and testamentary.
- The right to question and cross-examine witnesses.
- The right to written findings of fact, conclusions of law and decisions prepared by the hearing officer.

Within 45 calendar days of the selection of the hearing officer, excluding days of any continuance, the hearing on the appeal shall be conducted and a written decision mailed to all parties. The written decision shall be in accordance with Section 504 and its regulations. The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a court of competent jurisdiction and the decision is stayed, revised or reversed by the court.