



# **Section 504 Procedural Manual**

**2019-2020 School Year**





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## **INTRODUCTION**

### **Section 504 of the Rehabilitation Act of 1973 (Section 504)**

The purpose of Section 504 of the Rehabilitation Act of 1973 (Section 504) as it applies to Chicago Public Schools students is to (1) eliminate discrimination on the basis of disability in any program or activity provided by school districts and other providers that receive federal financial assistance, and (2) ensure that students who are Section 504-eligible have equal opportunities to participate in the district's educational activities and programs which are equivalent to those of their nondisabled peers. Unlike the Individuals with Disabilities Education Act (IDEA), Section 504 does not limit coverage to certain specific categories of disabilities and no categorical labels are necessary. Instead, a student with a disability under Section 504 is defined as one who (1) has a physical or mental health impairment that substantially limits a major life activity, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Section 504 protects all students with identified impairments that substantially limit a major life activity, even if the student does not require a Section 504 Plan at school or during school events. (See Eligibility Determination). A student qualifies for a Section 504 Plan if he or she requires accommodations, related services (except for speech therapy) and/or other supports to access, participate in, and derive benefits from the general education program as adequately as nondisabled students (Section 504's definition of a free appropriate public education (FAPE)). Academic accommodations included on a Section 504 Plan are provided by the general education teacher in the student's general education classroom. Section 504 and its implementing regulations provide students with disabilities and their parents/guardians with procedural safeguards regarding the identification, evaluation, and educational placement of and the provision of a FAPE to students with disabilities. Essential to these procedural safeguards is the involvement of parents/guardians.

### **Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) of 1990 provides protection from discrimination in employment, public education, transportation, and public accommodations. The ADA provides civil rights protections for our students to ensure equal access to education. Compliance with the requirements of Section 504 will ensure compliance with the ADA.

### **Individuals with Disabilities Education Act (IDEA)**

Under the IDEA and its related federal and Illinois regulations which govern special education, students with disabilities have a right to receive a free appropriate public education (FAPE) in the least restrictive environment (LRE). The IDEA defines students with disabilities as students, ages 3 through 21 (day before the 22nd birthday), who have been identified with one of the disabling



conditions identified in the statute which adversely affect educational performance and requires special education. The IDEA and its implementing regulations provide students with disabilities and their parents/guardians with procedural safeguards regarding the identification, evaluation, and educational placement of and the provision of a FAPE to students with disabilities. Essential to these procedural safeguards is the involvement of parents/guardians.

***NOTE:*** *This Procedural Manual is intended to provide guidance specifically related to Section 504. The IDEA Procedural Manual can be found at <https://cps.edu/diverselearners/Pages/PoliciesAndProcedures.aspx>.*



## ROLES AND RESPONSIBILITIES

The following staff positions represent the Chicago Public Schools (CPS) support network responsible for students with disabilities who qualify under Section 504. While individual responsibilities may differ, all are aligned in their mission to help students achieve success in the classroom and in life.

### Principal

As the instructional leader of a school, the principal is responsible for ensuring that all applicable federal and state laws are complied with so that students with disabilities have access to the age/grade-appropriate general education curriculum and all program options available at the school. The principal must oversee and ensure the implementation each Section 504 Plan. The principal supervises all staff assigned to the school, including the coordination of services between the general education teacher and related service providers. The Principal must ensure that all staff are aware of the Section 504 procedural safeguards and parental rights. The principal must also ensure that the Section 504 Coordinator has the time necessary to carry out his/her responsibilities.

***NOTE:*** *If the principal delegates his/her administrative duties related to Section 504 to the assistant principal, the following list of responsibilities also applies to him/her. "School Administrator" refers to either the principal or assistant principal.*

With regards to students who have Section 504 Plans, a principal's responsibilities include, but are not limited to:

- Ensuring that the school identifies a Section 504 Coordinator;
- Designating an individual(s) to be responsible for completing all necessary Section 504 notices and paperwork;
- Ensuring that Section 504 Plans are finalized in Student Services Management (SSM) at the Section 504 meeting;
- Ensuring that students with disabilities who qualify under Section 504 have access to all the school's curricular areas, non-academic areas and extracurricular activities;
- Ensuring that general education teachers have copies of current Section 504 Plans for all students with disabilities they teach;
- Ensuring that paraprofessionals' schedules match students' Section 504 Plans;
- Ensuring that general educators have uploaded the appropriate data for team consideration of paraprofessional and/or transportation needs;
- Making the necessary arrangements for staff to attend Section 504 meetings;
- Ensuring that all pre-conference activities are completed in accordance with required timelines;
- Ensuring that parents/guardians have access to school personnel who can answer questions related to their child's Section 504 Plan and are involved in developing their child's Section 504 Plan; and



- Providing Section 504 professional development opportunities for general education teachers and paraprofessionals, as necessary.

## District Section 504 Compliance Manager

CPS has a District Section 504 Compliance Manager who ensures schools are complying with Section 504 and implementing the *Section 504 Procedural Manual*. Principals, local school Section 504 coordinators, ODLSS District Representatives, teachers, related service providers, and parents can contact the District Section 504 Compliance Manager regarding any questions or concerns at [Section504@cps.edu](mailto:Section504@cps.edu).

The District Section 504 Compliance Manager is responsible for:

- Providing administrative support and technical assistance to school administrators, general educators and school teams in the areas of CPS policy, Section 504, its implementing regulations, and the ADA;
- Providing training to local school staff regarding Section 504 and the CPS Section 504 Procedural Manual;
- Approving or denying all service animal requests for students;
- Investigating and responding to complaints filed pursuant to Section 504/ADA laws regarding students, including complaints initiated by the United States Department of Education's Office for Civil Rights (OCR);
- Assisting in monitoring Section 504 Plans to ensure compliance with federal regulations and CPS policies and procedures;
- Troubleshooting major Section 504 issues regarding all students who qualify under Section 504 ;
- Participating as part of the District, Network and School teams to review data and engage in strategic discussions and follow-up activities as needed;
- Overseeing the CPS Section 504 mediation, hearing and complaint processes; and
- Overseeing corrective action plans that may be ordered by OCR.

## Local School Section 504 Coordinator

Each local school principal must ensure a staff person has been identified to serve as the local Section 504 coordinator at Section 504 meetings. The school's case manager/local school district representative for Individualized Education Program (IEP) meetings should also serve as the Section 504 Coordinator.

Local school Section 504 Coordinators are responsible for:

- Coordinating all referrals for an initial Section 504 Plan evaluation to ensure that all required components are addressed and that the process is completed within 60 calendar



days after receiving signed parental consent, including but not limited to, referrals for assistive technology (AT) evaluations or functional behavioral assessments (FBAs);

- Ensuring that all parental notices and consents are processed and that they are placed in student temporary files;
- Convening and chairing Section 504 meetings;
- Arranging all Section 504 related services for a student within the school in accordance with the student's Section 504 Plan and coordinating all aspects of the Section 504 referral and evaluation process;
- Finalizing each student's Section 504 Plan in SSM at the meeting and providing the student's parents/guardians with a copy; and
- Ensuring that all relevant student data is entered into SSM in a timely manner.

Prior to a Section 504 meeting, the Section 504 Coordinator is responsible for:

- Determining the date, time, and location of the Section 504 meeting by coordinating with parents/guardians and other necessary team members;
- Preparing and sending written Parent/Guardian Notification of Conference at least ten calendar days prior to the meeting;
- Determining which Section 504 team member(s) will review previous evaluation reports at the annual review meeting;
- Preparing an agenda for the meeting;
- Arranging accommodations for parents/guardians as necessary (e.g., interpreter); and
- Upon request from parents/guardians, provide a copy of draft Section 504 materials three days prior to the meeting.

At the Section 504 meeting, the local school Section 504 Coordinator is the chairperson for the conference and is responsible for:

- Starting the meeting with introductions of all Section 504 team members and ensuring that all required participants are present;
- Conducting the meeting by following an agenda and a process based on the purpose of the conference;
- Ensuring that the parents/guardians either have a paper copy of the draft Section 504 Plan or that the electronic Section 504 Plan is projected during the meeting to enable meaningful parental participation;
- Facilitating the completion of the Section 504 Plan;
- When applicable, uploading into SSM any physician orders and emergency action plans used to develop individualized health care plans and attaching it to the student's Section 504 Plan; and
- Distributing copies of the completed Section 504 Plan to parents/guardians, teachers and related service providers at the end of the Section 504 meeting.
- Provide a copy of the procedural safeguards to parents.



Following the Section 504 meeting, the local school Section 504 Coordinator is responsible for:

- Informing all staff involved in the implementation of the Section 504 Plan of their responsibilities to implement the Section 504 Plan as written;
- Monitoring to ensure that all services delineated in the Section 504 Plan are delivered;
- Ensuring all teachers and related service staff who have a responsibility for the education of the student have access to the Section 504 Plan; and
- Coordinating all meetings related to Section 504.

## ODLSS District Representative

The Office of Diverse Learner Supports and Services (ODLSS) District Representative is responsible for providing oversight and guidance to networks, schools, and Section 504 teams to develop Section 504 Plans that meet legal requirements.

The ODLSS District Representative's responsibilities regarding students with Section 504 Plans, include but are not limited to:

- Conducting observations and walk-throughs as needed to assist in monitoring and developing Section 504 Plans;
- Attend Section 504 Meetings upon school staff or parent request or at the direction of the District Section 504 Coordinator;
- Troubleshooting major Section 504 issues to ensure all students with disabilities are receiving a FAPE; and.
- Consistently maintaining quality interactions with teachers, students, parents/guardians, and the larger community.

## General Education Teacher and/or Related Service Provider

***NOTE:*** *Special education teachers and speech pathologists are NEVER direct service providers on a Section 504 Plan.*

Prior to the Section 504 meeting, the general education teacher and/or related service provider(s) are responsible for:

- Reviewing the current Section 504 Plan to determine the need for related services and/or accommodations or, if this is a conference to determine eligibility, compiling data and anecdotal records, samples of student work, and other information relevant to determine the student's need for related services, and/or academic accommodations;
- Compiling data and other information about the student's educational needs;
- Identifying classroom management strategies that have been successful with the student;
- Suggesting positive intervention strategies for improving the student's behavior, accommodations, and supports for school personnel that may be necessary for the student to benefit from his/her education;
- Compiling data on students' attendance and class participation;



- If necessary, compiling data regarding the need for paraprofessional support and/or transportation and uploading the data; and
- Conferring with other educators and parents/guardians as needed.

During the Section 504 meeting, the general education teacher and/or related service provider(s) are responsible for:

- Sharing information on functional performance in relationship to the general education curriculum;
- Describing strategies that have been utilized with the student, as well as other relevant information regarding the student, such as attendance;
- Describing student's behavior and interactions with peers in the general education environment;
- Sharing information regarding the effect of accommodations provided for the student in the general education classroom during the previous school year;
- Explaining the recommendations for proposed accommodations and making recommendations for continuation of those or other accommodations;
- After a Section 504 team discussion, finalizing academic accommodations, testing accommodations, related services, behavior, transportation and professional supports; and
- Finalizing their evaluation reports by the conclusion of the meeting.

Following the Section 504 Plan meeting, the general education teacher and/or related service provider(s) are responsible for:

- Implementing the Section 504 Plan;
- Reviewing the Section 504 Plan and understanding responsibilities for implementation;
- Communicating with other service providers and other educators, on a regular basis;
- Documenting service delivery;
- Establishing and maintaining effective and positive communication with parents/guardians; and
- Informing the local school Section 504 Coordinator when there is a need for a new Section 504 Plan.

## Paraprofessional

Students with Section 504 Plans may need the support of a paraprofessional during the school day and/or at school activities. Paraprofessionals servicing students with Section 504 Plans are responsible for:

- Collecting qualitative and/or quantitative data as directed by the teacher;
- Under the direction of the teacher, implementing academic accommodations and/or behavioral strategies;
- Assisting with the personal care needs (e.g., toileting) as identified in the student's Section 504 Plan;
- Providing feedback to the teacher about accommodations or behavioral strategies used in the classroom;



- Observing students and sharing information about student behaviors outside of the classroom;
- Assisting the teacher in gathering documentation, such as assessment data, work samples, observations and reports from other staff;
- Facilitating communication with linguistically and culturally diverse parents/guardians;
- Collaborating and communicating with appropriate school personnel about the needs of students with disabilities;
- Employing techniques, interventions, and accommodations to meet the students' individual needs under the direction of licensed school personnel;
- Supporting students in the use of technology in the classroom;
- Working with a variety of students who may have diverse learning needs;
- Providing input to the teacher regarding the student's response to strategies that have been used in instruction or behavior management;
- Maintaining and protecting students' rights to confidentiality; and
- Documenting service delivery.

## Parent/Guardian

For Section 504 purposes, a "parent" is a:

- Natural or adoptive parent;
- Legal guardian;
- Foster parent;
- Person acting in the place of a parent, such as a grandparent or step-parent, with whom a student actually lives.

Parents/guardians are members of the Section 504 team and should be encouraged to actively participate in the discussion and decision-making during all Section 504 meetings.

Prior to the Section 504 meeting, parents/guardians are encouraged to:

- Communicate with school personnel to determine a mutually convenient date and time for the Section 504 meeting;
- Review the current Section 504 Plan;
- Review the most recent progress reports from teachers; and
- Notify the local school Section 504 Coordinator if they need additional information (e.g., evaluation reports, previous Section 504 Plans or other records or reports, procedural safeguards, etc.), or any special accommodations (e.g., request to record the Section 504 meeting due to parent/guardian disability).

During the Section 504 meeting, parents/guardians should:

- Share the student's strengths and challenges, including the types of activities the student enjoys at home, at school, and in the community;
- Explain the types of rewards and discipline strategies that are effective at home;
- Share relevant information about the student's medical and personal care needs;



- Ask Section 504 team members to clarify, explain or give examples for any information presented that may be unclear;
- Identify accommodations which have been successful and those which have not.
- Ask questions to clarify any reports or information regarding the student's progress in school (e.g. classwork, behavior and community activities, as appropriate); and
- Ask the local school Section 504 Coordinator to review or explain parent/guardian procedural safeguards, if necessary.

Following the Section 504 meeting, parents/guardians should be encouraged to:

- Review the Section 504 Plan to assure that all decisions made at the conference are documented; and
- Establish and maintain communication with teachers and related service providers.

## Student

Students ages 14 and older and those in high school **should** attend Section 504 meetings and should be included on the Notice of Conference prior to the Section 504 meetings. Students do not need to stay for the whole meeting, but they are encouraged to express their point of view regarding their needs. However, until the student turns 18 years of age, the parent/guardian will make the final determination as to whether the student will attend the meeting.

**NOTE:** *Nothing precludes a student from attending the meeting prior to high school.*

Under Section 504, an adult student is a student who is 18 years of age or older who has not been judged incapacitated by a court of law. The education rights are transferred to the student at the age of 18. An adult student assumes and is entitled to exercise all Section 504 rights, duties, and/or responsibilities that were previously held by his/her parent/guardian.

Prior to the Section 504 meeting, the student should be encouraged to:

- Think about school activities he/she enjoys and activities he/she would like to pursue;
- Think about any concerns or questions with his/her parents/guardians or teachers; and
- Identify accommodations which have been helpful and those which were not useful.

During the Section 504 meeting, the student should:

- Identify his/her own strengths and interests, including the types of activities he/she enjoys at home and in the community;
- Identify which of the academic and behavioral accommodations and interventions provided in class that are the most helpful and the least helpful;
- Ask Section 504 team members to clarify, explain or give examples for any information presented that may be unclear;
- Ask questions to clarify any reports or information regarding his/her performance in class, behavior and community activities, as appropriate; and



- Ask the Section 504 Coordinator to review or explain procedural safeguards, if necessary.

Following the Section 504 meeting, the student is encouraged to:

- Cooperate with teachers, paraprofessionals, related service providers, and parents/guardians in order to improve achievement;
- Tell parents/guardians and teachers about problems encountered and request assistance, as necessary; and
- Indicate to parents/guardians and teachers which accommodations are helpful or not helpful.



## EVALUATION PROCESS

Section 504 requires the Chicago Public Schools to locate, evaluate and determine whether a student requires accommodations and/or other supports in order to access his/her education, making them eligible for a Section 504 Plan. A student should be referred for an evaluation for accommodation or services under Section 504 if 1) it is suspected that he/she has a mental or physical impairment that limits a major life activity, and 2) needs reasonable accommodations, aids, or educational services in order to access the general education curriculum as adequately as their nondisabled peers.

### Referrals for a Section 504 Evaluation

The following persons can make a request for a Section 504 evaluation:

- CPS school personnel
- Parent(s)/guardian(s) of the student; or
- An employee of the Illinois State Board of Education (ISBE) or another State agency

All requests for a Section 504 evaluation must be submitted to the principal or the local school Section 504 Coordinator in writing and be signed and dated. The request should include 1) an explanation of the educational and/or medical concerns that suggest the need to evaluate the student under Section 504, and 2) any supporting documentation, including any medical or outside evaluation report provided by the parent/guardian. When a request is submitted in compliance with all requirements, a response must be provided to the parent/guardian within 14 school days of its receipt.

### CPS Staff Referrals

CPS staff may refer an evaluation under Section 504 for a student by completing in SSM a *Request for Section 504 Plan* to document the basis for the request and providing the local school Section 504 Coordinator with notice that the request has been completed. Documentation to support the request must include the following:

- A description of the health/medical information, academic concerns, and/or behavioral issues that suggests the need to evaluate the student under Section 504;
- A summary of any information of any medical or outside evaluation provided by the parent/guardian; and
- Current information about the student, including grades, attendance, suspensions, academic performance, behavior and classroom participation.

**NOTE:** *If school personnel are provided with evidence that a student has a chronic medical condition, they must submit a request for a Section 504 evaluation even if the parent does not submit a signed written request and send parents/guardians the Consent for Initial 504 Eligibility Evaluation form.*



If a student is evaluated to determine eligibility for special education (for an IEP) and it is determined that the student either (1) does not have one of the 13 disabling conditions enumerated under IDEA, or (2) does not require direct services from a special education teacher or a speech pathologist but has a mental or physical impairment which substantially limits a major life activity and may require accommodations and/or other supports, then the Section 504 eligibility process should be started and the IDEA evaluation data already collected may serve as the Section 504 evaluation data if the team is in agreement that no additional data or other information is needed.

## Parent/Guardian Referrals

Referrals from parents/guardians should provide supporting documentation and an explanation of the concern and/or suspected disability. If the request does not include the basis for the concern, the local school Section 504 Coordinator should request the parent/guardian to provide the omitted information. If the student is enrolled in the school, then the school should review the student's records and gather information from any CPS personnel who have worked with the student. The local school Section 504 Coordinator should enter the parent/guardian request into SSM using the *Request for Section 504 Plan* form. If the parent/guardian requires assistance in completing the request for a Section 504 evaluation, the local school Section 504 Coordinator should provide assistance.

## Referrals of Non-Attending Students

Referrals for Section 504 evaluations must be submitted directly to ODLSS by email to [privateschoolevals@cps.edu](mailto:privateschoolevals@cps.edu) if the student attends a private school in the City of Chicago or lives in the city and is home schooled (i.e., the student is not enrolled in CPS or a CPS charter/contract school). The parent/guardian must register the child as a non-attending student by completing the form that will be sent by the private school evaluation team.

## Determining Need for a Section 504 Evaluation

Upon receipt of the finalized *Request for Section 504 Plan*, the school must review the request, including all the supporting information that has been provided, and conduct preliminary procedures. Preliminary procedures may include observations of the student, consultation with the teacher or other individual making the request, and/or a conference with the student to determine if an evaluation is warranted. Parental consent is not required for preliminary procedures. Under Section 504, the District must obtain consent from the parent/guardian before a student's initial evaluation.

## Referral/Evaluation Request Denied

If it is determined that the Section 504 evaluation is not warranted, the local school Section 504 Coordinator should notify the parent/guardian of this decision in writing and include the *Notice of*



*Procedural Safeguards and Rights Pursuant to Section 504 of the Rehabilitation Act of 1973.* If a request is denied, the team must include an explanation of why the determination was made.

## Referral/Evaluation Request Approved

If it is determined that a Section 504 evaluation is warranted after the review of the request and preliminary procedures, the local school Section 504 Coordinator must notify the parent/guardian of this decision within 14 school days of the school's receipt of the request by sending the *Consent for an Initial 504 Eligibility Evaluation* and *Notice of Procedural Safeguards and Rights Pursuant to Section 504 of the Rehabilitation Act of 1973*. The evaluations and initial eligibility meeting must be completed in **60 calendar** days.

**NOTE:** *The evaluation process may not always involve individually administered tests by school personnel; all necessary data and other relevant information may already be available for review by the Section 504 Team.*

## Assessment Components

Evaluators must ensure that their assessments are selected and administered in a nondiscriminatory manner. Assessments should:

- Include information from a variety of sources;

**NOTE:** A medical diagnosis from a physician or other qualified professional alone is not sufficient.

- Document the date of the assessment, the sources and assessment methods that were used, and the information and results that were obtained;
- Be administered in the child's native language or use whichever mode of communication is most likely to yield accurate information regarding the child's knowledge and abilities;
  - A qualified bilingual specialist or interpreter should assist the evaluator with language and testing;
- Use clear language that both staff and parents/guardians can easily understand (i.e., it should avoid jargon);
- Analyze data, interpret results, and compare any prior assessment results;
- Include recommendations for incorporating curricular accommodations and related services, if needed.
- Document whether any assessment component could not be completed. State what components are missing and why they were not completed. This information is needed so that the team of evaluators can assess how these variances affect the validity and reliability of the information reported and determine whether additional assessments are needed.
- Indicate whether the assessment was conducted under nonstandard conditions and describe how and the extent to which it varied from standard conditions. (For example, the use of a translator when a qualified bilingual professional is not available creates a nonstandard condition.)



All test protocols (e.g.: consumable test booklets, behavior rating scales, drawings, etc.) must be placed in a sealed envelope and kept in the student's temporary record in a secure and locked location. When a parent/guardian requests a student's educational records, and the records include test protocols with a student's name, or other personally identifiable information, contact the Law Department at (773) 553-1700 for guidance regarding the parent/guardian's right to access the test protocol.

When the parent/guardian has provided a private evaluation report, the appropriate related service provider (e.g., school psychologist if the report was from a clinical psychologist, the nurse if the report is from the student's physician) must review the private evaluation and participate in the Section 504 meeting. If the private evaluation report indicates that the student may need direct services from a special education teacher or a speech pathologist then an IDEA full and individual evaluation should be initiated.

When the Section 504 clinician reports are completed, the local school Section 504 Coordinator should send a *Parent/Guardian Notice of Conference for 504* to the parent/guardian 10 calendar days prior to the meeting and no later than 60 calendar days after receipt of written parental consent, notifying the parent/guardian of the date, time and purpose of the meeting.



## SECTION 504 MEETING

The local school Section 504 Coordinator must provide the parents/guardians with written notice of a Section 504 meeting at least 10 calendar days before the Section 504 meeting. The notice of conference should indicate whether the Section 504 meeting is for (1) initial eligibility/Section 504 Plan development; (2) Section 504 Plan development; and/or (3) re-eligibility/Section 504 Plan development. The parent/guardian may agree, in writing, to waive the right to 10 calendar day notice.

At the Section 504 meeting, the parent/guardian must be given either a paper copy of the draft 504 eligibility materials, and where applicable, Section 504 Plan or they must be projected to enable meaningful parent/guardian participation.

All data, evaluations and progress monitoring should be shared at the meeting and any of parent/guardian questions should be answered to the best of the team's ability. Not all sections in the Section 504 Plan apply to all students.

If the parent/guardian does not attend the scheduled meeting, the meeting must be rescheduled at least once. If the parent/guardian does not attend the second scheduled meeting, the Section 504 team may proceed without them **unless** the parent/guardian has requested another meeting date. The team may proceed on the third meeting date even if the parent/guardian does not attend or requests a fourth meeting date.

***NOTE:*** Ten-calendar-day notice must be given for each continued meeting date unless the parent/guardian waives in writing the 10-calendar-day notification period.

Section 504 team members may participate in the conference by telephone or other means if they cannot attend in person. In this case, the mode of participation is documented on the Section 504 plan.

Section 504 meetings may not be recorded unless all Section 504 team members agree. However, if a Section 504 team member (including the parent/guardian) has a disability and provides a written statement from a doctor describing the disability and why the Section 504 team member needs the meeting recorded as an accommodation for the disability, the request will be considered. The request to record must be submitted to the CPS Talent, Office, Americans with Disabilities Act and Compliance Department. If the CPS Talent Department determines recording of the meeting is a reasonable accommodation, the Section 504 meeting must be recorded even if all team members do not agree. The doctor's report, at a minimum, must identify the person's disability and explain why the disability results in the need for recording the meeting. The local school Section 504 Coordinator should ensure that two recordings are made so that one can be put into the student's temporary folder and maintained by CPS.



## Participants

The local school Section 504 Coordinator convenes a Section 504 team based on the student's presenting problem(s) and the suspected disability area(s). Pursuant to Section 504, the following are required Section 504 team participants:

- Local school Section 504 Coordinator;
- The student's parent(s)/guardian(s);
- General education teacher;
  - The general education teacher should be a teacher who is, or may be, responsible for implementing a portion of the Section 504 Plan, so that the teacher can participate in discussions on how best to accommodate the student.
- Related service provider(s) when the reason for the Section 504 request is in his/her area of expertise;
- Every CPS staff person involved in conducting an assessment; and
- The student, if 14 or older, or if the parent/guardian chooses to have the child participate at any age.

The Section 504 team may also include:

- At the discretion of the parent/guardian or CPS personnel, other individuals having knowledge or special expertise regarding the child;
- A qualified bilingual specialist or bilingual teacher, if the student is an English Learner (EL), or if the presence of such a person is needed to assist the other participants in understanding the child's language and cultural factors as they relate to instructional needs;
- A person knowledgeable about positive behavior strategies, if the child's behavior impedes his/her learning or the learning of others; and
- A sign language interpreter for individuals who are deaf or hard of hearing, or an interpreter for those who have limited English proficiency.



## ELIGIBILITY DETERMINATION

The initial evaluation must be completed and the Section 504 Team must determine Section 504 eligibility within 60 calendar days after the date that the parent/guardian provides written consent to evaluate the student. When there are fewer than 60 calendar days left in the school year, and the parent/guardian has provided written consent, the school should attempt to complete the evaluation, eligibility determination and the Section 504 Plan (if the student is eligible) by the end of the school year. If the school is unable to complete eligibility, then the Section 504 eligibility and plan, if found eligible, must be completed no later than **September 30th** of the next school year.

The 60-calendar-day time frame does not apply if the parent/guardian repeatedly fails or refuses to produce his/her child for the evaluation. The team should still attempt to hold the meeting within the 60 calendar days and the reason(s) why the evaluation could not be completed should be documented within the Section 504 Plan eligibility section.

**NOTE:** During an initial Section 504 evaluation, a team may decide during the course of gathering information that an IDEA full individual evaluation is warranted to determine whether the student qualifies for an IEP. If the team suspects the student qualifies under the IDEA, they must comply with all IDEA procedural safeguards and obtain signed written parental consent via the assessment planning process. If a student with one of the 14 IDEA specific disabilities and requires special education services and related services through direct support from a special education teacher and/or a speech pathologist, the student **MUST** be on an IEP. If a student with an IDEA disability requires **ONLY** related service support and no direct support from a special education teacher, they **MUST** be on a Section 504 Plan.

At every Section 504 meeting, eligibility should be discussed. Parent/guardians are encouraged to bring updated medical information and/or evaluation reports annually to help the team determine whether the student still requires a Section 504 Plan but it is not required and the team can determine eligibility based on the previous medical or evaluation information. However, new medical information and/or evaluation reports are required every three years. The purpose of the re-evaluation is to determine whether the student continues to qualify for Section 504 services and accommodations because the student continues to have a mental or physical impairment that substantially limits a major life activity.

The nature and extent of the information needed to make a Section 504 eligibility decision is determined on a case-by-case basis by a group of persons knowledgeable about the student and the meaning of evaluation data.

A medical diagnosis is not necessary to determine that a student is eligible, however, there must be adequate documentation that the student has a mental or physical impairment in order to be eligible as a person with a disability under Section 504. Likewise, a medical diagnosis or a letter



from a physician or other qualified professional does not automatically qualify a student for a Section 504 Plan.

The Section 504 team meets to review the evaluation results to determine whether the student qualifies for a Section 504 Plan. The team will determine:

- Whether the student has a mental or physical impairment;
- Whether the impairment substantially limits one or more major life activities; and
- Whether the substantial limitation caused by the mental or physical impairment results in the student's need for accommodations and/or other supports during the school day or school activities.

If the team answers "no" to either of the first two questions, the student does not qualify under Section 504. If the team answers "yes" to both of the first two questions, the student is eligible for protection from discrimination under Section 504. The team will then answer the third question to determine whether a Section 504 Plan needs to be developed to identify accommodations and/or other supports necessary during school and at school activities.

If the team answers "yes" to the third question, the team should proceed to develop the Section 504 Plan (see below pg. 28). If the team answers "no" to the third question, the student is protected from discrimination under Section 504, but does not require accommodations and/or other supports during the school day or at school activities; therefore, no Section 504 Plan will be developed. Even without the Section 504 Plan, the student is protected from discrimination based on his/her disability and must have access to all school-related activities. If during the school year, the student needs reasonable accommodations and/or other supports to obtain access to school and/or school activities, a Section 504 meeting should be convened to discuss the possibility of a Section 504 Plan. These students who are eligible under Section 504 but a plan was not developed will appear on the school's tracking form and an annual Section 504 meeting is required to determine if Section 504 services are necessary for the student to access the school and/or school activities.

***NOTE:*** A student who has a mental or physical impairment that substantially limits a major life activity (i.e. the first two questions are answered "yes") but it has no impact during the school day (i.e. the third question is answered "no") is still afforded Section 504 procedural safeguards in disciplinary situations. See pages 51-53)

Section 504 eligibility is determined through a consensus of the Section 504 Team. Consensus is defined as a general agreement, not necessarily unanimous agreement. It is a judgment arrived at by most of those involved. If the parents/guardians do not agree with the eligibility determination or proposed Section 504 Plan, they have the right to seek resolution of any disagreements as outlined in the procedural safeguards described on pages 57-58.



## Step One: Determine whether the student has a mental and/or physical impairment.

A mental or physical impairment is defined as 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;
- endocrine; or
- any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**NOTE:** Section 504 covers students with all the IDEA disabilities, e.g. specific learning disabilities, intellectual impairment, traumatic brain injury. If a student has a disability covered by the IDEA and requires specialized instruction from a special education teacher, the student **MUST** be on an IEP. Special education teachers **CANNOT** provide direct services to students on Section 504 Plans because this support should be provided within an IEP.

This definition of physical or mental impairment under Section 504 is broad, and is not limited to any specific diseases or categories of mental or physical conditions. Examples of mental or physical impairments most prevalent on Section 504 Plans in schools are asthma, allergies, diabetes, epilepsy, attention deficit disorder/attention deficit hyperactivity disorder (ADD/ADHD), anxiety, depression, and cerebral palsy.

Section 504 excludes from the definition of a student with a disability and from Section 504 protection, any student who is currently engaging in the illegal use of drugs. However, former users or those participating in drug rehabilitation programs may be considered individuals with disabilities and might qualify under Section 504.

Section 504's definition of a student with a disability does not exclude users of alcohol. However, Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.



## Step Two: Determine whether the mental and/or physical impairment substantially limits one or more major life activities.

Major life activities are defined to include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. This term also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, as well as digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

In considering whether an impairment substantially limits a major life activity, the Section 504 Team should consider: (1) the nature and severity of the impairment, (2) the duration or expected duration of the impairment, and (3) the actual or expected impact of the impairment. There is no single formula or scale that measures substantial limitation, and an impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting. A comparative analysis can help the Section 504 Team establish a substantial limitation, such as comparing how a student with an impairment performs a major life activity to how a student without a disability performs the same major life activity. This determination must be made on a case-by-case basis.

Conditions that are episodic or in remission still might qualify, as long as they substantially limit a major life activity when active. Additionally, the fact that an impairment is in remission is irrelevant. An impairment is a disability if, when active, it does or would substantially limit a major life activity. For example, a student with bipolar disorder would be covered if, during manic or depressive episodes, the student is substantially limited in a major life activity (e.g., thinking, concentrating, neurological function, or brain function). Further, if the student needs accommodations and/or other supports at school as a result, he/she would be entitled to a Section 504 Plan.

**NOTE:** *Learning is only one of the major life activities. For example, a student may be substantially limited in his/her concentrating, thinking, breathing, communicating, lifting, etc. due to his/her mental or physical impairment.*

### Temporary Impairments

A temporary impairment does not constitute an impairment under Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time, generally six (6) months or more. When deciding whether a temporary impairment warrants a Section 504 Plan, the Section 504 Team, on a case-by-case basis, must take into consideration the duration or expected duration of the impairment and the extent to which it actually limits a major life activity.

For example, a student who breaks a leg and requires the use of crutches to get around until the cast is removed in three (3) months may not qualify for a Section 504 Plan, taking into



consideration the severity, the duration and the impact on his/her school environment, if the student is able to move throughout the building and participate in his/her classes. However, if a student breaks his/her writing hand and is in a cast for three (3) months, the duration of the injury may be less important if it occurs at a time when there is high stakes testing that includes a written portion. In that case, the inability to use his/her writing hand could substantially limit a major life activity (e.g., performing manual tasks, such as writing).

## Mitigating Measures

When determining whether an impairment is substantially limiting, the Team may not consider the positive (or ameliorative) effects of any mitigating measures that the student is using.

***NOTE:** Mitigating measures include, but are not limited to, medication, medical supplies, equipment or appliances, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations or auxiliary aids or services, and learned behavioral or adaptive neurological accommodations. The only exception is ordinary eyeglasses or contact lenses to fully correct visual acuity or eliminate refractive error.*

In other words, when completing step two, the 504 Team should make its determination as if the student were not using any mitigating measures. If a student's disability substantially limits a major life activity without ameliorative effects of mitigating measures, then the student is a qualified person with a disability under Section 504.

***NOTE:** Typical supports or interventions provided by the general education teacher to any student in the classroom, whether or not the student has a disability, are not considered "mitigating measures."*

## Step Three: Determine whether the substantial limitation caused by the mental or physical impairment results in the student's need for accommodations and/or other supports during the school day or school activities.

If the Section 504 Team determines that a student has a mental or physical impairment that substantially limits a major life activity, the team must next determine whether the substantial limitation caused by the mental or physical impairment results in the student's need for accommodations and/or other supports during the school day or school activities.

While the Section 504 Team **does not** consider mitigating measures in step two, the Team **does** consider the effect of mitigating measures in step three. Therefore, if the impairment is well-controlled by virtue of some mitigating measure, such as medication, then the student may not need a Section 504 Plan while in school, even though the student is considered disabled and entitled to protection from discrimination under the law.



If the substantial limitation caused by the mental or physical impairment does not result in a need for accommodations and/or other supports during school or at school activities, then the student is NOT eligible for a Section 504 Plan. If there is a need for accommodations and/or supports, then the Section 504 team should identify the student's specific needs and proceed to drafting the student's Section 504 Plan to determine the appropriate accommodations and/or other supports to address those needs. For example, if a student's ADHD substantially limits his/her ability to be attentive or to focus (which is considered a major life activity), but he/she is on medication and does not need any accommodations and/or supports to improve attention or focus at school, then a Section 504 Plan is not warranted; however, if there is a need for accommodations and/or other supports to improve the student's attention or focus at school, even while on medication, then a Section 504 Plan is necessary.

## **Parent/Guardian Consent for Initial Services**

Schools are required to obtain informed written parental consent before the initial provision of Section 504 Plan services to a student. This consent is only required once. Consent is not required for future changes to a student's Section 504 Plan.



## DEVELOPING SECTION 504 PLAN

The Section 504 Plan is a written document required for each student who is eligible to receive accommodations and/or other supports under Section 504. It is provided to a student when the school determines that the student has a physical or mental impairment and needs accommodations and/or other supports at school or school activity because of the substantial limitation on a major life activity caused by the impairment. A Section 504 Plan identifies a student's unique needs and how a school will strategically address those needs in order for the student to participate in and benefit from the District's education programs and activities.

- The Section 504 Plan is a document that describes in writing the academic and behavioral support, health/medical support, related services, and/or transportation needs that the Section 504 Team determines the student needs in order to receive FAPE and access his/her education and school activities.
- Section 504 Plans are flexible and may change within a school year or between school years as a student's needs change.
- The Section 504 Plan must be sufficiently detailed to allow the general education teachers and related service providers to address the individual needs of the student and should outline the specific accommodations and/or other supports to be provided to the student to ensure access to his/her education and school activities.

## ACADEMIC SUPPORT

Each school must ensure that students with disabilities have an equal opportunity to participate in academic, non-academic and extracurricular activities with non-disabled peers. The Section 504 Team must determine and document the supports required to enable the student to participate in all these programs and school activities.

The Section 504 Team identifies the needs stemming directly or indirectly from the student's disability and the area(s) in which the student requires supports in order to provide the student with access to the general education curriculum. The Section 504 Team should consider each subject area in which the student's disability affects his/her ability to learn or participate and determine whether academic supports are necessary in order for the student to access the curriculum. All academic supports must be provided in the student's general education classroom. Consultation between the general education teacher and/or related service provider(s) should be considered, along with consultation with the special education teacher or speech pathologist.

An accommodation changes how the student accesses information and demonstrates learning. Students with accommodations are expected to meet learning targets for the class. Example accommodations include: preferential seating; visual schedules; access to a calculator, motor breaks, extra time on tests, and daily check-in/check-out. An accommodation should be included on a Section 504 Plan only if it is necessary for the student to access his/her education. The



purpose of an accommodation is to mitigate the impact of the student's disability. The test is not what might be beneficial but what is necessary.

Non-academic and extracurricular activities in which the student will or may participate should be discussed by the Section 504 Team, including any supports or accommodations needed in order to participate in the activities. Extracurricular support should not be limited to students who are currently participating in extracurricular activities; it should also be discussed for all students who may participate. However, if a student cannot participate safely and effectively or the student's participation will pose a risk of harm or injury, even with accommodations and/or other supports, the Section 504 Team, including the parent/guardian, may determine the student will be excluded from participation. Schools can impose eligibility requirements to participate in extracurricular activities as long as they are neutral on their face with respect to disability, essential to the activity in question, and applied equally to both students with and without disabilities.

Generally, schools may not exclude a student with a disability from participating in a field trip, for which the student is otherwise eligible to attend unless the school has a legitimate, nondiscriminatory justification for excluding the student. Any decision to exclude a student with a disability from participating in such a field trip must be based upon procedures that satisfy the evaluation, placement, and/or due process requirements of Section 504. For example, if the student's disability needs a nurse accompany the student on field trips, then the school **MUST** have procedures in place to ensure that a nurse is available to accompany the student on every field trip (e.g., advance notice of all planned field trips). It is not permissible under Section 504 to exclude a student with a disability from a field trip because:

- The student needs related aids or services (e.g., the administration of medication or the assistance of a school nurse) to participate in the field trip; and/or
- The student's parent/guardian is unable to attend the field trip, unless the participation of the parent/guardian of non-disabled students is required.

If the student is in a grade which has a standard field trip (e.g., 8th grade trip to Washington D.C.), there should be a discussion regarding what accommodations and/or other supports, if any, are needed to allow the student to participate. Students with disabilities are to be included in all age/grade appropriate field trips unless the Section 504 Team, including the parent/guardian, determines that it is not appropriate even with accommodations and/or other supports. A school may never refuse to integrate students with disabilities in lunch, field trips, assemblies and recess, based on administrative convenience or scheduling; any decisions to exclude a student from participating in such activities should be made by the Section 504 Team, including the parent/guardian, on an individualized basis with a focus on the student's needs and safety.

Section 504 Plans do not modify a school's standard grading criteria or the Chicago Public Schools' promotion policy criteria. Therefore, students on Section 504 Plans will be graded using the school's standard grading criteria and are expected to meet the Chicago Public Schools' promotion criteria.



The Section 504 team should determine if the student requires accommodations when taking classroom and standardized tests. If the team determines that the student requires testing accommodations, they must click “yes” to the question “Does the student require testing accommodations?” This will allow the team to choose what testing accommodations the student requires. If a student does not have a disability-based need (i.e., academic, medical, or other) for testing accommodations, then testing accommodations are not necessary.

Three criteria are essential when considering any classroom assessment accommodations:

1. The accommodation provides the student the same opportunities in the testing situation as those students who receive no accommodation;
2. The purpose of the test is not compromised by the accommodation (example: reading a decoding test to a student would compromise the purpose of the decoding assessment); and
3. Test validity is not compromised by the accommodation.

Accommodations can be organized into six categories: setting, presentation, timing, response scheduling and other. They must accurately reflect a student’s knowledge and skills and not his/her disability when taking assessments.

All students with disabilities on Section 504 Plans must be allowed to participate in the District (NWEA) and State (IAR/ACCESS) assessments at the age/grade appropriate level. If an identified classroom testing accommodation is not permitted on the District or State assessments because the accommodation invalidates the assessment, the student will not be allowed that accommodation during District/State testing.

***NOTE:*** *Students can only receive testing accommodations for District/State assessments in subject areas for which they receive classroom testing accommodations.*

## RELATED SERVICE PROVIDERS

“Related services” refers to developmental, corrective, and other supportive services required to assist a student with a disability to access the District’s education programs and activities. A student on a Section 504 plan can receive the following related services: audiology services, interpreting services, psychological services, physical and occupational therapy, counseling services, orientation and mobility services, transportation and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent/guardian counseling and training. A related service is necessary if the student would not be able to access his/her education without one.

Related Service Providers (RSPs) are specialists who work directly with students and school personnel to improve educational outcomes by helping students to benefit from their education and increase their access to the curriculum and learning environment. RSPs collaborate and consult with teachers, school staff, and families to provide instructional strategies, behavioral



interventions, and classroom management skills. They also provide a variety of prevention and intervention services, as well as direct services and supports. These services should be described in sufficient detail to inform the student, parents/guardians, and staff of the direct services being provided, including, frequency, duration, and location(s).

When an RSP supports an English Learner's continued academic development, the RSP must be able to speak with the student in his/her native language if necessary to effectively communicate.

- To the maximum extent, monolingual RSPs provide services to English Learners in a classroom with a bilingual/ESL-endorsed teacher; or
- In limited circumstances when providing services in a separate environment, the monolingual RSP may be assisted by a:
  - Bilingual/ESL teaching assistant; or
  - Bilingual/ESL-endorsed teacher providing consultation

If the Section 504 team determines that a student needs direct related services, the team should next consider whether there is also a need for an RSP to consult with the classroom teacher(s), paraprofessional(s), and/or others in order to enhance development and generalization of the skill being addressed through direct service delivery.

When a student with disabilities needs related services, the Section 504 team determines whether the related service will be provided in the general education classroom, in a separate location, or in a combination of these locations. The first option considered should be a general education environment. Services provided in a general education setting may meet the needs of students by providing access for all learners to the general education curriculum, promoting their relationships with general education peers, and eliminating additional transitions during the school day whenever practicable. However, location of the services is based on the student's individual needs and on the most appropriate environment for skill acquisition. The location for related services may change over time in response to student performance, as determined by the Section 504 team.

**NOTE:** *Related services logs of students who receive related services must be made available to the parents/guardians at the annual 504 meeting, and a copy of the related services logs must be provided at any time upon the parent/guardian request.*

### **Determining Need for School Audiology Services**

An audiologist helps students with audiological deficits to communicate and connect more effectively with others at school and in school-related settings. A school audiologist conducts audiological evaluations for students with known or suspected hearing loss/disorders and/or central auditory processing disorders (CAPD). The audiologist also makes recommendations for goals, service delivery, and/or accommodations for students with hearing loss/disorders and/or CAPD to support them in school and school-related settings.



A Section 504 team may decide that a student with disabilities needs school audiology services only if BOTH of the following guiding principles are met:

**Guideline 1: Hearing Loss/Disorder and/or CAPD**

The student must have a hearing loss or disorder, and/or a central auditory processing disorder.

**Guideline 2: Audiology Services are Necessary for the Student to Access the District's Programs and Activities:**

To determine whether the student needs audiology services to benefit from his/her education, discuss and document ALL of the following factors. Audiology services:

- Are required and would go beyond that which is normally available to all students;
- Would support:
  - Further functional change in hearing function, and/or
  - Hearing amplification and/or auditory processing in order to access education and to participate successfully throughout the day;
- Would not be contraindicated due to medical/physical, psychological, or other circumstances that warrant discontinuation of services temporarily or permanently;
- Are needed to meet all targeted hearing supports, if any; and
- Are necessary for the student's educational performance and cannot be directly provided by any other school personnel.

**Determining Need for School Social Work and/or School Psychological Services**

School social workers promote academic and social/emotional development by providing a wide array of services to support the social, emotional and behavioral needs of all students. They provide services to students both in general and special education programs, using individual, group and classroom settings. School social workers support improved educational outcomes through:

- implementation of multi-tiered systems of support (MTSS), utilizing evidenced-based interventions;
- development and implementation of intervention and prevention programs that assist in the reduction of at-risk behavior in students; and
- participation on problem-solving teams in the school environment to support student success.

They foster a positive and safe learning environment by facilitating the development of students' prosocial, decision-making and self-management skills. School social workers act as a liaison between home, school and the community through collaboration with teachers, parents/guardians and community agencies.

School psychologists serve as members of interdisciplinary teams to address the needs of all students, including involvement in MTSS. They are an integral part of the MTSS, from system-wide program design, consultation, data collection and analysis, to specific assessment and



intervention efforts with individual students. School psychologists support a students' ability to learn and a teacher's ability to teach. They use their expertise in mental health, learning, and behaviors to help students succeed academically, socially, behaviorally, and emotionally. School psychologists partner with families, teachers, school administrators, and other professionals to create safe, healthy, and supportive learning environments.

A Section 504 team may decide that a student with disabilities needs school social work and/or psychological services only if documentation shows that **BOTH** of the following guiding principles are met:

**Guideline 1: Student Demonstrates Social, Emotional, or Adaptive Skill Deficits and/or Behavior that Impedes His/Her Learning or that of Others**

School social work or psychological services should be considered if a student has an ongoing or recurring need. For example, the student:

- Exhibits difficulty developing and/or sustaining appropriate social relationships with peers and/or authority figures;
- Requires support to identify, manage, and regulate feelings/emotions;
- Needs assistance resolving conflicts effectively with peers and/or adults;
- Struggles with responsible decision-making and anticipating the consequences of his/her own behavioral choices;
- Displays difficulty with knowledge and awareness of his/her own personality/character;
- Struggles with self-management and taking responsibility for his/her own actions, behaviors, and well-being;
- Requires assistance with organization, time management, and planning skills; or
- Employs ineffective problem solving and coping strategies in response to stressful situations.

**Guideline 2: Social Work and/or Psychological Services are Necessary for the Student to Benefit from His/Her Education**

**ALL** of the following guidelines must be discussed and documented. The social work and/or psychological services:

- Are required and go beyond that which is normally available to all students (e.g., tiered supports);
- Will support development or improvement of a student's social/emotional skills in order to access education and participate successfully throughout the day; and
- Are necessary for the student's educational and/or functional performance and cannot be directly provided by any other school personnel.

**Determining Need for Occupational Therapy Services**

The role of the occupational therapist includes providing diagnostic and therapeutic services to students, and collaborating with and supporting parents/guardians and school support staff. Occupational therapists work with members of the school-based team to break down barriers to



the students' learning environment so that the students can access their education. Occupational therapists support both academic and functional outcomes, including social skills, math, reading, writing, behavior management, recess, participation in sports, self-help skills, pre-vocational/vocational participation, and more. They can also help students access their curricular and extracurricular activities through supports, designing and planning, and other methods. Additionally they play a critical role in training parents/guardians, staff members, and caregivers on educating students with diverse learning needs.

A Section 504 team may decide that a student with disabilities needs school occupational therapy (OT) services only if documentation shows that the following guiding principle is met:

### **Guideline 1: Motor or Sensory Impairment/Deficit**

The student has a sensory or motor impairment/deficit in at least **ONE** of the following areas:

#### **A. Motor Impairment/Deficit**

The student:

- Has difficulty planning and producing voluntary movement;
- Does not reach for objects with intention;
- Has difficulty grading force and timing movement;
- Has difficulty demonstrating age-appropriate grasp and release;
- Has difficulty carrying objects; or
- Has difficulty initiating and completing activities of daily living, such as:
  - Arrival/departure;
  - Clothing management;
  - Feeding/eating; or
  - Other (must be specified).

#### **B. Sensory Impairment/Deficit**

The student:

- Has extensive difficulty interpreting and integrating sensory input; or
- Has delays in developing an integrated perception of the world and/or delayed motor exploration of surroundings and objects.

### **Determining Need for Physical Therapy Services**

School-based physical therapists evaluate and facilitate the development of functional gross motor movement skills so that students can access and participate in the educational environment and benefit from their education. The physical therapist is responsible for evaluations and participating in team decisions about eligibility and intervention. Physical therapy (PT) interventions are designed to enable the student to move throughout the school environment,



participate in classroom activities, maintain and change positions in the classroom, and use stairs, restrooms, the cafeteria and other school facilities.

A Section 504 team may only determine that a student with disabilities needs school PT services if documentation shows that **BOTH** of the following guiding principles are met:

### **Guideline 1: Physical Impairment**

The student has a physical impairment in at least ONE of the following areas:

#### **A. Posture and Positioning**

The student:

- Needs assistance to participate in activities and routines due to poor postural control; or
- Needs assistance to sustain proper positioning.

#### **B. Safe Transfers and Functional Mobility/Movement**

The student:

- Needs assistance to keep up with peers due to poor speed and endurance;
- Has limited wheelchair skills;
- Needs assistance to safely transfer; or
- Needs assistance walking safely in the school and/or community-based instructional sites.

#### **C. Gross Motor Activities and Routines**

The student needs assistance participating in age-appropriate motor activities and routines, such as:

- Motor groups,
- Physical education,
- Recreation with peers.

#### **D. Gross Motor Self-Care**

The student:

- Needs assistance participating safely and/or independently at mealtime (e.g. navigating the lunchroom, carrying a lunch tray);
- Needs assistance participating safely and/or independently in entrance/exit routine due to mobility, transfers and/or balance concerns;



- Needs assistance participating safely and/or independently in toileting routine due to mobility, transfers and/or balance concerns; or
- Needs assistance to safely and/or independently manage classroom materials and personal belongings due to mobility, transfers and/or balance concerns.

## **Guideline 2: PT Services are Necessary for the Student to Access the District's Programs and Activities**

**ALL** of the following must be discussed and documented. The physical therapy services:

- 
- Are necessary for the student to use adaptive devices or assistive technology and access his/her education;
- Are necessary for the student's motor skill function to improve;
- Address the student's ability to independently transfer and take care of personal care needs throughout the school day; and
- Are necessary for the student's functional performance and cannot be directly provided by any other school personnel.

Physical therapists may evaluate without physician's prescription document (PPD) but may not provide PT services under a Section 504 Plan without a current PPD on file.

## **HEALTH MEDICAL SUPPORT**

An essential role of a nurse in a school is to work in collaboration with the teaching, counseling and administrative staff to remove physical and mental health barriers to learning and to promote student health, thereby increasing instructional time and improving academic outcomes and functional performance. While many of these activities have previously fallen exclusively onto teaching and support staff, the availability of a nurse in school ensures comprehensive delivery of care and allows the faculty and staff more time for other duties. Nurses in schools provide first aid, emergency care identification and chronic condition case management to students.

A certified school nurse or health service nurse is required to participate at a Section 504 meeting in order to complete the health/medical support section of the Section 504 Plan.

A Section 504 team may only decide that a student with disabilities needs school nursing services if BOTH of the following guiding principles are met:

### **Guideline 1: Health Condition/Impairment**

The student has a health condition/impairment in at least **ONE** of the following areas:

- A. Chronic Health Condition:** The student has an ongoing or recurring health issue, such as, but not limited to:
- Asthma;



- Allergies;
- Diabetes (Type 1 or 2);
- Seizure Disorder;
- Sickle Cell Disease;
- Cardiomyopathy;
- Hemophilia;
- Cerebral Palsy; or
- Spina Bifida

- B. The healthcare provider has **prescribed medication and/or a treatment procedure** to control a condition, prevent illness, or restore health.
- C. The student has **impaired mobility, chronic or temporary**, which requires planning and accommodations in the school environment to assure the student's safety and comfort.

## **Guideline 2: Nursing Services are Necessary for the Student to Access the District's Programs and Activities**

**ALL** of the following guidelines must be discussed and documented. The nursing services:

- Are required and go beyond that which is normally available to all students;
- Will support:
  - The student's ability to self-manage a condition (monitoring of direct services by the school nurse) and safely participate in the educational program to his/her level of safety and ability; or
  - Daily functioning such as breathing, nutrition, urination, elimination, pain management, skin integrity, physiological balance, etc.
  -
- Assist with medication per physician or healthcare provider documentation; and
- Are necessary for the student's educational and/or functional performance and cannot be directly provided by any other school personnel.

## **Individual Health Care Plan for Diabetes, Asthma, Food/Non-Food Allergies, and Other Health Conditions**

A health care plan must be created as part of a Section 504 Plan for students who have diabetes, asthma, and food/non-food allergies. Other conditions such as seizures, are episodic and may also require an Individual Health Care Plan that is also part of the student's Section 504 Plan. The health care plan must be updated at least annually when the Section 504 Plan is annually reviewed or as soon as practicable when the school receives updated medical information. When a health care plan is developed, a copy must be provided to the student's parents/guardians, and all staff members, including substitutes when applicable, that interact with the student on a regular basis. These staff members may include, but are not limited to: teachers, substitute teachers, paraprofessionals, regular volunteers, administration, lunchroom aides, coaches, recess coordinators, and bus aides. Training for school staff on the health care plan in the student's



Section 504 Plan on how to keep the student safe at school and during school activities might also be necessary and should be included in the health care plan.

All health care plans should include a description of the child's symptoms, accommodations and/or supports needed in the educational setting to address the symptoms, what medications the student takes, and a plan for emergencies. The prevention of symptoms should include steps to keep the child healthy in the long term, and to prevent the child from exposure to triggers that could lead to emergencies. The emergency plan should contain emergency contacts, information on how to immediately treat symptoms when the child has been exposed to triggers, and descriptions of situations that require calling 911 and hospitalization.

**NOTE:** *Again, when in doubt how to respond to a medical emergency, always call 911.*

The health care plan in the student's Section 504 Plan should also include procedures to be followed during and in preparation for field trips, school parties, extra-curricular activities and all emergency drills and actual emergencies (including loss of power, fire and tornado drills, active shooter drills, lock-down situations, etc.). For example, it may be necessary to have non-perishable food on hand in case of a drill that would interrupt a student's usual eating schedule.

Additionally, the health care plan must indicate the name of the student's medication, the dosage, route and frequency, expiration date, parent consent, doctor authorization, and any special instructions necessary for taking the medication. It must also state whether the student self-administers the medication or staff will have to administer the medication. The health care plan should also indicate where the medication (including emergency medication) is located. This information should be taken verbatim from the completed physician's order forms and/or emergency action plan. Finally, the plan should describe any side effects that the student may experience when taking the medication and how to respond if they occur.

**NOTE:** *All physician orders and emergency action plans must be uploaded and attached to the Section 504 Plan.*

## **DIABETES CARE PLAN**

### **Medications**

The Diabetes Care Plan/Section 504 Plan should note what kind of device is used to deliver insulin to the student—a syringe, insulin pen, insulin pump, or something else; note what kind of insulin therapy is used at school, and how it is implemented. If the student uses a Continuous Glucose Monitor ("CGM"), what kind of care does it need? The DCP/504 Plan should also explain where the student's insulin and equipment should be stored. If the student uses syringes or lancets, make sure the plan includes how to properly dispose of them.



## Accommodations

The Diabetes Care Plan/Section 504 Plan should also describe what accommodations and/or other supports a student will receive on a typical school day, during extracurricular activities, during field trips, and on the bus. For example, what kind of snacks, drinks, or equipment should be kept on hand in the event of hypoglycemia or hyperglycemia? What are the student's personal food-sharing rules? When and how often do glucose levels need to be checked, and where does the student prefer to be tested? (The side of the fingertip, or somewhere else?) The school should also take into consideration the extent to which the student is independent and can check his or her own glucose levels. Does the student need supervision? It is important to recognize the student's self-management strengths and weaknesses.

The DCP/Section 504 Plan should also note whether the student's diabetes is impairing or interfering with his or her school performance. If so, which activities are impaired? What other accommodations may be necessary?

When developing all Diabetes Care Plans/Section 504 Plans, the Section 504 Team is required to identify a Delegated Care Aide for each student with diabetes to help that student manage his or her diabetes when the school nurse is not in the building or unavailable. "Delegated Care Aide" means a school employee who has agreed to receive training in diabetes care and assist students in implementing their Diabetes Care Plan. The parent/guardian must authorize the use of a Delegated Care Aide for his/her child, and the parent/guardian and CPS must agree to the staff member who volunteered to act the student's Delegated Care Aide. The Section 504 Team must complete the *Diabetes Delegated Care Aide Form*, on which the parent/guardian indicates his/her agreement to the Delegated Care Aide. For more information about training Delegated Care Aides, see the District's [Diabetes Management Policy, Section 704.11](#).

## Safety Procedures

Finally, the Diabetes Care Plan should outline what steps to follow in case of an emergency. The plan should describe the student's symptoms of hypoglycemia and hyperglycemia and how to prevent them from occurring. Some symptoms may include, but are not limited to, dry mouth, extreme thirst, nausea or vomiting, severe abdominal pain, heavy breathing or shortness of breath, chest pain, increasing sleepiness or lethargy, and a depressed level of consciousness, or unconsciousness, among other symptoms. The plan should indicate the student's target blood sugar range, as well as what is considered low, high, and extremely high. What foods or drinks should the student have on hand to treat hypoglycemia? What other steps should be taken in the event of an emergency? The DCP/504 Plan should also include emergency contacts in addition to 911. After handling an emergency, always contact a student's parent/guardian to inform them of its occurrence and complete an incident report.

**NOTE:** *Again, when in doubt how to respond to a medical emergency, always call 911.*



For more information about managing diabetes, see the District's [Diabetes Management Policy, Section 704.11](#).

## **ASTHMA ACTION PLAN**

### **Medication**

The Asthma Action Plan should indicate when the student should use an inhaler, how often, where the inhaler should be kept (e.g. in his/her pocket, backpack, desk), and whether the teacher or another adult should have an extra inhaler kept in a safe locked place.

### **Accommodations**

The Asthma Action Plan should describe what kind of accommodations a student should receive on a regular school day, during extracurricular activities, field trips, and bus rides. Accommodations should consider how best to prevent acute episodes as well as long term care and prevention. Prevention measures might include good ventilation, dust control, and humidity control.

Note whether the student's asthma is in any way impairing or interfering with his or her school performance. If so, which activities are impaired? In particular, do adjustments need to be made to the student's physical education classes?

### **Safety Procedures**

Finally, the Asthma Action Plan should outline what steps to take in an emergency. The Plan should include emergency contacts in addition to 911. The Plan should describe what might trigger a student's asthma attack. Common asthma triggers include allergens (like pollen, animal dander, mold, etc.), physical exercise (particularly in cold weather), respiratory infections, and other irritants (like cold air, perfume, chalk dust, etc.). The Plan should also describe the student's symptoms in an asthma attack. Common symptoms include, but are not limited to, excessive coughing, shortness of breath, wheezing, chest tightness, nostrils flaring, hunched-over shoulders, and abnormal anxiety or fear.

In addition to the administration of medication and contacting emergency contacts, the Asthma Action Plan should outline any other necessary steps to take in the case of an emergency. After handling an emergency, always contact a student's parent/guardian to inform them of its occurrence.

**NOTE:** Again, when in doubt how to respond to a medical emergency, always call 911.

See the District's [Asthma Management Policy, Section 704.10](#).



## INDIVIDUAL HEALTH PLAN FOR FOOD/NON-FOOD ALLERGIES

### Medication

The Individual Health Plan for Food/Non Food Allergies should indicate whether the student requires an EpiPen or any other medications. If the student has an EpiPen, the plan should indicate where the student keeps the EpiPen (e.g., in his/her pocket, backpack, desk, etc.).

### Accommodations

The Individual Health Plan for Food/Non-Food Allergies should include a list of all the student's allergies and how to prevent the student from having an allergic reaction. Some of the most common food allergies are peanuts, tree nuts (walnuts, cashews, pecans, hazelnuts, almonds, etc.), milk, eggs, fish, shellfish, soy, and wheat, among others. Accommodations can include, but are not limited to, putting in place personal food sharing rules for the student to ensure that he or she does not eat anything that would cause a reaction; identifying substitute foods often prescribed by the student's physician, and/or identifying measures that can be put in place to prevent reactions from occurring, including keeping the student's eating, work and play areas clean.

**NOTE:** Lesson plans or art projects should not include food to which the student is allergic. Class rewards should also not include food.

### Safety Procedures

The Individual Health Plan for Food/Non-Food Allergies should include what to do in an emergency. The Individual Health Plan for Food/Non-Food Allergies should detail the symptoms of a student's anaphylactic shock. The Individual Health Plan for Food/Non-Food Allergies should describe what to do if the student goes into anaphylactic shock, where the District-issued EpiPens are kept, and how to use an EpiPen if necessary (as well as how to dispose of a used EpiPen).

In addition to the administration of medication and contacting emergency contacts, the Individual Health Plan for Food/Non-Food Allergies should outline any other necessary steps to take in the case of an emergency. After handling an emergency, always contact a student's parent/guardian to inform them of its occurrence.

**NOTE:** Again, when in doubt how to respond to a medical emergency, always call 911.

See the District's [Food Allergy Management Policy, Section 704.8](#).

## HEALTH CARE PLAN FOR OTHER HEALTH CONDITIONS

Health conditions that may require a Health Care Plan

- can include, but are not limited to:
  - Multiple sclerosis
  - HIV/AIDS



- Chronic fatigue syndrome
- Migraines
- Chronic pain
- Seizures (including, beginning July 1, 2020 all required components for a Seizure Action Plan under the new Seizure Smart School Act; more information on these requirements will be forthcoming in SSM)

The Health/Medical section of the Section 504 Plan allows the team to create a Health Care Plan for conditions other than asthma, diabetes and allergies. If a student has an episodic condition that requires medication during the school day, the team may want to develop a Health Care Plan. The Health Care Plan should describe what types of medication are required during the school day, whether the student can self-administer, where the medication is stored, and any side effects from the medication. The Health Care Plan should also detail any accommodations needed during the school day, school activities, field trips and on the bus. Finally, the Health Care Plan should outline what steps should be taken in an emergency. After handling an emergency, always contact a student's parent/guardian to inform them of its occurrence. And again, when in doubt, always call 911.

## BEHAVIORAL SUPPORTS

The Section 504 Team must consider whether the student's behavior impedes his/her learning or that of others. If it does, positive behavioral interventions, strategies, and supports, or a formal functional behavioral assessment (FBA) should be initiated and a behavior intervention plan (BIP) developed. Prior to conducting the FBA, parental consent must be obtained via a separate FBA Consent form.

A FBA is a problem-solving process for analyzing student problem behavior(s). It is designed to help teams select positive and appropriate interventions that directly address problem behavior; its focus is on identifying significant, student-specific, social, affective, cognitive, and/or environmental factors across school settings and associated with the occurrence and nonoccurrence of specific behaviors. The broad perspective offers a better understanding of the purpose behind the student's behavior and an effective plan for addressing it.

### A FBA:

- Involves a systematic process for identifying target behavior(s) and gathering information about when, where, and why a behavior is occurring, which leads to the development of the BIP;
- Is designed to help determine the antecedents and consequences of target behavior(s), as well as the communicative and functional intent of such behaviors;
- Leads to more specific and effective behavioral interventions; and
- Summarizes prior interventions implemented and indicates which prior interventions were successful and which were not.



A BIP must:

- Summarize the findings of the FBA;
- Describe the behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
- Identify the measurable behavioral changes expected and methods of evaluation;
- Include a schedule for a review of the interventions' effectiveness; and
- Include provisions for communicating with the parents/guardians about their child's behavior and coordinating school-based and home-based interventions.

**NOTE:** For additional support regarding FBA/BIPs, email [sbss@cps.edu](mailto:sbss@cps.edu).

## PARAPROFESSIONAL SUPPORTS<sup>1</sup>

In addition to the classroom teacher or Related Service Providers, paraprofessionals may be needed to provide a student with support for personal care, or for medical, academic, behavioral, social, communication or other issues at school, and/or at school-sponsored activities or events. Any member of the Section 504 team, including the parents/guardians, may initiate a request for paraprofessional support to be discussed at the Section 504 meeting and for data to be gathered to support this discussion.

If the data, other relevant information collected, and Section 504 team discussion support a need for paraprofessional support, the team must then specify on the Section 504 Plan (i) when, where, and for what tasks or activities paraprofessional support is needed; (ii) if the paraprofessional will be shared or dedicated per task/activity; and (iii) any training or other supports that should be provided to the paraprofessional. The Section 504 team must also develop a Student Independence Paraprofessional Plan in which the team identifies strategies to promote independence as well as to fade the student's need for paraprofessional support across all relevant settings.

A Section 504 team may decide that the student needs paraprofessional support only if documentation shows that at least **ONE** of the following guiding principles has been met based on data and other relevant information.

### **Guideline 1: Personal Care or Medical Condition**

The student's teacher and Related Service Provider provide documentation of the student's potential or continuing need for assistance, extending beyond that which is expected for same age peers, in at least **ONE** of the following specific area(s) of support:

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<sup>1</sup> For additional information regarding criteria to determine if a student requires paraprofessional support, see the <https://cps.edu/diverselearners/Pages/PoliciesAndProcedures.aspx>.



- A. **Toileting/Hygiene:** The student requires direct services from an adult for moving, transferring, positioning, initiating or completing toileting/diapering/hygiene activities, such as:
- Cueing and supervising the completion of toileting;
  - Diapering or toileting when, for example, the student is:
    - Not toilet trained;
    - Trained, but requires lifting onto toilet; and/or
    - Not independent with tasks related to personal hygiene.
- B. **Mobility:** The student requires direct services from an adult to be mobile or maintain mobility in activities, such as:
- Moving from sitting to a standing position and/or standing position to sitting;
  - Walking;
  - Range of motion; and/or
  - Mobility and/or mobility training as needed when, for example, the student:
    - Is in a wheelchair and unable to navigate independently;
    - Uses a walker or wears orthotics but is unable to navigate independently; and/or
    - Is blind or visually impaired and unable to navigate independently.
- C. **Lifting/positioning:** The student requires direct services from an adult for lifting/positioning in activities, such as:
- Cueing the student to adjust his/her positioning to prevent stiff muscles/sores;
  - Assisting the student to adjust his/her positioning to prevent stiff muscles/sores; and/or
  - Moving the student from one position to another.
- D. **Feeding:** The student requires direct services from an adult for feeding activities, such as:
- Cueing and supervision of eating; or
  - Feeding when, for example, the student:
    - Is unable to feed self;
    - Requires prompting to feed self; and/or
    - Requires assistance with food preparation.
- E. **Monitoring and Documenting Medical Conditions:** The student requires direct services from an adult for monitoring or documenting medical or health conditions, such as:
- Asthma;
  - Diabetes;
  - Seizure disorder; or
  - Other medical conditions.



- F. **Dressing:** The student requires direct services from an adult for dressing activities, such as:
- Dressing when, for example, the student is unable to:
    - Put on or take off own clothing, coat, shoes or boots, etc.;
    - Put on or take off orthotics; and/or
    - Button or secure buttons, snaps, or zippers.
- G. **Other Daily Living Skills:** The student requires direct services from an adult for other activities of daily living not listed above.

### **Guideline 2: Academic Support**

Prior to considering a student's need for paraprofessional support based on Guideline 2, the student's teacher and/or Related Service Provider should collect qualitative and quantitative data for each subject area (e.g., English/Language Arts, Reading, Math, Science, etc.) in which a paraprofessional may be required in the general education setting.

The student's teacher or RSP, including bilingual-endorsed personnel for an EL student, provide documentation of the student's potential or continuing need for assistance in at least ONE of the following specific area(s) of support:

- Reinforce instruction that teacher has already provided;
- Review of directions;
- Support initiation and/or completion of tasks;
- Scribing when necessary;
- Proximity prompting;
- Verbal prompting;
- Visual prompting;
- Gestural prompting; and/or
- Physical prompting.

### **Guideline 3: Behavior, including Safety and Social Supports**

If paraprofessional support may be required for both academic and behavior reasons within the general education classroom setting, the qualitative and quantitative data described in Guideline 2 should also include behavior data.

If paraprofessional support is only being considered for behavior reasons, and not academic reasons, the student's teacher and/or Related Service Provider should collect qualitative and quantitative data documenting the student's potential or continuing need for assistance in at least **ONE** of the following specific area(s) of support:

- Safety supervision—transition assistance within the classroom;
- Student leaves assigned area without permission;
- Reinforce behavioral, interpersonal, and social communication skills;



- Support student attention, impulsivity, difficulty initiating or completing tasks, disruptive behaviors and inability to manage materials and/or
- Modeling skills necessary to join, leave, and comment in a social conversation and encourage student to imitate that behavior.

## TRANSPORTATION<sup>2</sup>

The Section 504 team is responsible for determining if transportation to and from school or school activities is required to assist a student with a disability to benefit from his/her education, and how the transportation services should be implemented. The Section 504 Plan should describe the transportation services to be provided, including transportation to enable a student with disabilities to participate in nonacademic and extracurricular activities in the manner necessary to afford the student an equal opportunity for participation in those services and activities to the maximum extent appropriate for the needs of that student.

When the Section 504 team determines that a student needs transportation services, the parent/guardian must decide whether to accept or decline the services. The parent/guardian's decision must be reflected on the Section 504 Plan. If the parent/guardian provides notice (oral or written) to the Section 504 Coordinator after the Section 504 meeting that he/she has changed his/her mind, a Section 504 meeting must be held to remove transportation and to reflect the parent/guardian's new decision.

If the parent/guardian accepts transportation services, the Section 504 team then determines whether the student needs any accommodations (e.g., support of a nurse, specialized equipment, aide) while traveling on the bus. The Section 504 team must also decide whether the student needs transportation for the life of the Section 504 Plan, only this school year, or only the next school year.

### Guidelines for Determining Need for Transportation as a Related Service

When determining whether a student needs transportation as a related service, the Section 504 team should provide the applicable justification for why the student cannot self-transport using these guiding questions:

1. In what way do non-disabled students of similar age and grade travel to and from school?
2. In what way does the student's identified disability impede traveling to school in the same manner as his/her non-disabled peers?
3. Does the student's identified disability impede traveling safely and independently during non-school hours such as weeknights or weekends?

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<sup>2</sup> For additional information regarding criteria to determine whether a student requires transportation as a related service, see the <https://cps.edu/diverselearners/Pages/PoliciesAndProcedures.aspx>.



4. Does the student have needs related to his/her identified disability that require specialized transportation?

A Section 504 team may only decide that a student with disabilities needs transportation services if documentation shows that at least **ONE** of the following guiding principles is met:

**GUIDELINE 1: STUDENT IN NEIGHBORHOOD (ZONED) SCHOOL OR SCHOOL OF CHOICE**

Parents/guardians may apply to schools of choice as an alternative to having their children attend the neighborhood school (i.e., zoned school). When the parent/guardian of a student with a disability chooses to send his/her child to a school of choice (e.g., magnet school, selective enrollment school, charter school, another school that is not the student's neighborhood school, etc.), it is presumed that the student will not receive transportation as a related service. Distance between the home and school of choice, on its own, is not the basis for FAPE-based transportation unless one of the four guidelines or other special circumstances exist (and are documented) supporting the need of an individual student with a disability, as determined by the Section 504 team.

If a student is attending a charter school, the ODLSS District Representative is part of the Section 504 team and acts as the Section 504 Coordinator at the meeting unless he or she delegates the role to the local school Section 504 Coordinator.

A student who attends his/her neighborhood school or school of choice and who has a disability that prevents him/her travelling to school in a manner comparable to same-aged peers without disabilities is eligible for CPS-provided transportation when at least **ONE** of the following factors are discussed and documented:

**A. The student has a physical or orthopedic condition and, as documented on the Section 504 Plan:**

- Uses a wheelchair to ambulate;
- Uses a walker to ambulate;
- Wears orthotics and is unable to walk the distance from home to school; or
- Has displayed significant limitations with endurance due to the physical or orthopedic condition when transitioning, when moving throughout the school building, or when participating in P.E. or recess.

**B. The student has a chronic or persistent medical condition and, as documented on the Section 504 Plan:**

- Requires monitoring by a nurse;
- Requires monitoring by a delegated care aide or other adult other than a nurse;



- Relies on specialized medical equipment (e.g., oxygen tank, tracheotomy tube, catheter, etc.) that is not readily transportable in a non-adapted or standard vehicle;
- Requires limited exposure to environmental elements (e.g., extreme temperatures, extreme pollen levels, extended exposure to sun); or
- Is otherwise unable to walk the distance from home to school.

**C. The student demonstrates a pattern of behavior that is dangerous to the student or others while traveling to and from school and requires constant adult supervision, as documented on the Section 504 Plan.**

**D. The student has a sensory, communication, hearing and/or vision condition and, as documented on the Section 504 Plan:**

- Is unable to assess risk or advocate for his/her personal safety;
- Lacks the ability to navigate an established route to and from school; or
- Reacts to unwanted stimuli or attention from others in a manner that is dangerous.

#### **GUIDELINE 2: ODLSS-ASSIGNED SCHOOL**

A student who attends an ODLSS-assigned school is presumed to qualify for transportation services when **ALL** of the following are met:

- A. ODLSS personnel assign a student to an ADA accessible school that the student would not otherwise have attended.**
- B. The assigned school is not located closer to the student's home than his/her zoned school.**

***NOTE:** If the assigned school is located closer to the student's home than his/her zoned school, the Section 504 team should revisit the student's need for transportation under Guidelines 1 or 4.*

#### **GUIDELINE 3: STUDENTS SIX YEARS OF AGE OR YOUNGER**

The nature of the student's disability prevents the student from traveling to and from school in a manner comparable to similarly aged students without disabilities. Students age six or younger generally do not have the developmental capacity to travel to school safely without a parent/guardian or caregiver. It is expected that students with disabilities in this age group will travel to and from school with their parents/guardians or caregivers unless the Section 504 team determines otherwise based on Guidelines 1, 2, or 4.

#### **GUIDELINE 4: SPECIAL CIRCUMSTANCES**

The student has a special circumstance documented and requires transportation services.



The following requirements apply to the Section 504 team's determination that one or more of the below services, accommodations or specialized equipment is required for the student to travel safely to and from school.

Identified Need	Personnel Required	Action to be Taken
Bus Aide	Section 504 Team	Document the information supporting need for bus aide, such as the student: <ul style="list-style-type: none"> <li>• Uses a wheelchair or walker to ambulate;</li> <li>• Has a documented medical condition that requires constant monitoring by a delegated care aide or another adult other than a nurse;</li> <li>• Has demonstrated a pattern of behavior that is considered dangerous to self or others while traveling to and from school and/or requires adult supervision;</li> <li>• Requires a car seat, harness, use of a wheelchair lift; or</li> <li>• Travels with oxygen as required by a doctor's order.</li> </ul>
Nurse on the Bus	CPS nurse	Participate and review documentation of the student's medical need.
Air Conditioning	CPS nurse	Participate and review documentation of the student's medical need.
Presence of Adult at Drop-Off Location Not Required <sup>3</sup>	Parent/guardian	Document in writing the preference for a student who is in the 6th grade or higher.
	504 Team	Approve documentation showing that, in light of factors such as the student's age and his/her disability, the student has demonstrated the necessary maturity and ability to be dropped off without a receiving adult.
Other (Medical)	School nurse	Review the documented basis of student need and note agreement with recommendation of other team members.

<sup>3</sup> When a student receives Section 504 required transportation services, the student's parents/guardians are expected to meet the bus at the curb for pick-up/drop-off.



## SECTION 504 MEETING NOTES PAGE

Section 504 meeting notes are to be used to record relevant discussions which occurred during the 504 meeting that were NOT memorialized in the Section 504 Plan, such as any parental requests that were discussed but not accepted by consensus of the Section 504 team. In this example, the Section 504 notes should include an explanation as to why the team decided the requested service was not appropriate and/or not needed to provide the student with equal educational opportunities. Section 504 meeting notes are not mandatory but highly recommended in order to fully capture the team's discussion and decision-making process.

Well-drafted Section 504 notes will help to establish procedural compliance, show meaningful parental participation, and document when several options were discussed and considered.

### Changes to the 504 Plan

If changes to sections of the Section 504 Plan are needed during the school year or after an annual Section 504 meeting, the Section 504 team will need to reconvene. Section 504 Plans cannot be revised in the SSM system so an entirely new Section 504 Plan will have to be created. The local school Section 504 Coordinator must ensure that a Section 504 meeting is scheduled and the parent/guardian is sent the *Notice of Conference* form with at least 10-calendar-day notice, unless the parent/guardian has waived the 10-calendar-day notice in writing.

***NOTE:*** A parent may participate in a Section 504 Meeting via the telephone if unable to participate in person. A parent may also waive the 10-calendar-day notice.



## DISCIPLINARY REMOVAL OF STUDENT FROM CURRENT SETTING

The United States Department of Education's Office for Civil Rights (OCR) has indicated that the discipline-related procedural safeguards for students with disabilities under the IDEA also apply to students with disabilities who are protected by Section 504. This includes students on Section 504 Plans and also students who have a mental or physical disability that substantially limits a major life activity but that impairment does not result in a need for accommodations and/or other supports so the team did not develop a Section 504 Plan, i.e., the first two eligibility questions were answered "yes" but the third question was answered "no."

If a request is made for a Section 504 evaluation during the time the student is subject to disciplinary removal, the evaluation must be conducted in an expedited manner.

Suspension days that were issued during the current school year prior to the school officials having knowledge that the student has a disability must be counted when considering whether the 10-day limit per school year has been reached.

### Short-Term Removal (Out-of-School-Suspension)

School officials may suspend students with disabilities for a total of up to 10 consecutive or cumulative school days in one school year in the same manner as their nondisabled peers.

***NOTE:*** Section 504 allows schools to take disciplinary action against students protected under Section 504 who use drugs or alcohol in violation of the Student Code of Conduct (SCC) to the same extent as nondisabled students. Therefore, a manifestation determination review (MDR) and other special education disciplinary procedures do not apply for these SCC violations.

If a suspension is issued that results in more than 10 cumulative or consecutive suspension days in the school year, the school must perform the following:

- Provide the parent/guardian with a copy of the Misconduct Report and the Section 504 Procedural Safeguards;
- Schedule a Section 504 meeting within ten school days of the date that the school notifies the parent/guardian of the suspension. The purpose of the meeting is to (1) conduct a manifestation determination review, (2) if the conduct is a manifestation of the student's disability, review the student's current FBA and BIP, or to initiate a FBA and develop a BIP if none exists, and (3) review the student's Section 504 Plan and placement to determine if revisions are needed.



## In-School Suspension

In-school suspensions are not included in the 10-day limit on disciplinary removals if the student receives his/her Section 504 services during any such in-school suspension. If the Section 504 services are not provided, the in-school suspension day counts towards the 10-day limit.

## Suspension from the Bus

Suspensions from the bus may count toward the 10-day maximum if the student's Section 504 Plan includes transportation and the student is unable to get to school as a result of the bus suspension.

## Manifestation Determination Review (MDR) Conference

A manifestation determination review (MDR) must be conducted by the Section 504 team when:

- A student with a disability has been suspended in excess of 10 days during the school year and there has been a pattern of removals, as determined by the ODLSS Department of Due Process and Mediation in consultation with school personnel; or
- School officials initiate a referral for expulsion, including referrals requesting emergency assignment to an Interim Alternative Education Setting (IAES) pursuant to the SCC.

## MDR Process Checklist

- Provide written notice to the parent/guardian of the disciplinary action.
- Schedule the MDR conference, which must be held within 10 school days of the date of the decision to refer for expulsion or to request an emergency assignment to an interim alternative educational setting or as directed by the ODLSS Department of Due Process and Mediation. If the MDR is being held to determine whether the student can be issued a short-term suspension in excess of 10 school days, he/she must be allowed to attend class until a determination is made.
- Provide the parent/guardian written notice at least 3 school days prior to the MDR being held, using the *Section 504 Parent/Guardian Notification of Conference* in SSM. Indicate the purpose of this conference as:
  - Consider relatedness of disability to disciplinary code violation(s);
  - Consider whether the student needs an FBA; and
  - Review a need to create or revise a BIP for the student
- Provide parent/guardian/surrogate with a written copy of the *Section 504 Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*.
- Conduct the MDR conference.
- The parent/guardian, local school Section 504 Coordinator, general education teacher/Related Service Provider (whoever is appropriate based on the need for the Section 504 Plan), and any other relevant members of the Section 504 team must be



present for and participate in the MDR. The “relevant members of the team” are determined by the parent/guardian and District Representative. At the MDR conference, the Section 504 team must:

- Determine whether the misconduct is related to the student’s disability by reviewing all current and relevant information, including evaluation and diagnostic results, information from the parent/guardian, observations of the student, and the student’s Section 504 Plan. The behavior is a manifestation of the student’s disability if:
  - the conduct in question is caused by the student’s disability or has a direct and substantial relationship to the student’s disability; and/or
  - the conduct in question is the direct result of the school’s failure to implement the student’s Section 504 Plan.
- The Section 504 team reviews, and revises if necessary, the student’s existing BIP or initiates an FBA/BIP to address the misconduct. The FBA/BIP must address the behavior(s) which led to the disciplinary action.

***NOTE:** If the parent/guardian does not show up for the MDR meeting, the school may proceed with the meeting if the parent/guardian was provided proper notification of the meeting. Parents/guardians are able to participate in the MDR meeting via telephone if unable to attend in-person.*

**The Section 504 team must provide a written narrative substantiating its determination.**

If the student’s behavior is not a manifestation of the disability, school officials may implement the SCC.

If the student’s behavior is a manifestation of the disability, a disciplinary change in placement (e.g. expulsion) cannot occur. The Section 504 team should also consider whether there is a need for a new Section 504 Plan or if the student should be referred for a full individual evaluation under the IDEA.

All MDRs are subject to legal review by the Law Department before an expulsion hearing is conducted.



## Anti-Bullying Requirements

According to the U.S. Department of Education, Office of Special Education and Rehabilitative Services, bullying of a student with a disability may result in denial of FAPE if as a result, he/she is not receiving educational opportunities equivalent to non-disabled peers.

If a student with disabilities is the victim of bullying, a Section 504 meeting should be scheduled to determine if the student's needs have changed as a result of the bullying. For example, if the student's disability affects social skill development or makes the student vulnerable to bullying, the Section 504 team should consider whether the Section 504 Plan needs to be revised to include accommodations or support from a related service provider to develop the student's skills and proficiencies to avoid and respond to bullying.

If the student who engaged in bullying behavior is a student with a disability, the school should also convene the Section 504 team to determine if an evaluation under the IDEA is warranted or additional supports and services are needed to address the inappropriate behavior. The team should also consider examining the environment in which the bullying occurred to determine if changes to the environment are warranted. For example, the Section 504 team should consider a FBA/BIP for the student or review a current BIP and revise if necessary. The team should also consider the need for a safety plan for all parties involved.



## **SECTION 504 PROCEDURAL SAFEGUARDS**

Parents/guardians receive a copy of their procedural safeguards at least once a year, except that a copy must also be provided:

- When there has been an initial request for a Section 504 evaluation;
- Upon a disciplinary removal that constitutes a change in placement; and
- When a parent/guardian requests an impartial Section 504 hearing.

Parents/guardians must be provided a copy of the procedural safeguards upon request even if the school has already provided them a copy within the year.

### **Parent/Guardian Consent**

Schools are required to obtain informed written parental consent to conduct an initial Section 504 evaluation and before the initial provision of Section 504 Plan services to a student. This consent is only required once. Consent is not required for future changes to a student's Section 504 Plan. However, parents/guardians are members of the Section 504 Team and should be encouraged to actively participate in the discussion and decision making process during all Section 504 Meetings.

### **Revocation of Consent**

Parents/guardians may revoke consent for a Section 504 Plan services at any time. The parent/guardian must put in writing their intent to revoke consent for a Section 504 Plan and submit it to the local school Section 504 Coordinator. Upon receipt, the local school Section 504 Coordinator will upload the written revocation to SSM and submit a response in writing to the parent/guardian. This response should state that the school is confirming that the parent/guardian is revoking consent and the student will no longer be receiving the accommodations listed on his/her Section 504 Plan. It should include a copy of the Section 504 Procedural Safeguards

The local school Section 504 Coordinator must notify the District Section 504 Compliance Manager of the parent/guardian's intent to revoke.

### **Parentally-Placed Private School Students with Disabilities**

For students whose parents/guardians have placed them in a private not-for-profit elementary or secondary school, the ODLSS City-wide Assessment Team will assess the student for Section 504 eligibility, and if eligible, develop a Section 504 Plan for the student to present to his/her private school. The City-wide Assessment Team can be reached at [privateschoolevals@cps.edu](mailto:privateschoolevals@cps.edu).



## Students with Disabilities Transferring from Other School Districts

When a student transfers in from another school district with a Section 504 Plan, the receiving school should review the plan and any supporting documentation. If the school, including persons knowledgeable of Section 504, determine that the plan is appropriate and the school can implement as written, the school can accept the other school district's Section 504 Plan. The out-of-district Section 504 Plan must be uploaded into the student's SSM file. If the school determines that the out-of-district Section 504 Plan is inappropriate or cannot be implemented, the school must begin the initial Section 504 eligibility process described above on pages 22 to 27.

## Confidentiality of Personally Identifiable Information

The records of students with disabilities shall be maintained in confidentiality in accordance with the requirements of the *Family Educational Rights and Privacy Act (FERPA)*, the *Illinois School Student Records Act*, the *Illinois School Code*, the *Illinois Mental Health and Developmental Disabilities Confidentiality Act* and, where applicable, implementing regulations.

CPS has adopted a *Policy on Parent and Student Rights of Access to and Confidentiality of Student Records* and a *Policy on Student Records Retention*. Records of students with disabilities are covered by these policies.

Each local school principal ensures that the privacy rights of students with disabilities are enforced. Under no circumstances may a student be identified publicly as having a disability. Care must be taken so that no list identifying students as having a disability or containing other personally identifiable information about students is posted on whiteboards, bulletin boards or on paper in public places. For example, this would include a schedule of evaluations or Section 504 meetings that contains student names, student ID numbers, or other personally identifiable information about students.

Each principal designates one or more employees to serve as records custodian. Consistent with Board Policy, each records custodian assumes responsibility for ensuring the confidentiality of any personally identifiable information and shall:

- Respond within 10 business days to any request for inspection and review of an education record, including a request for a copy of an education record;
- Respond to any request for an explanation or interpretation of an education record;
- Respond to any request to amend an education record;
- Respond to any request to disclose or release personally identifiable information;
- Respond to any request to destroy an education record;
- Keep a record of parties obtaining access to education records, including the name of the party, the date access took place, and the purpose of the authorized use;
- Maintain, for public inspection, a current listing of names and positions of the employees who may have access to personally identifiable information;



- Provide a parent/guardian, upon request, a list of the types and locations of education records collected, maintained, or used by the school district;
- Ensure that confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages is protected; and
- Ensure that each person collecting or using personally identifiable information shall receive training or instruction regarding the policies and procedures governing confidentiality of personally identifiable information.

The records custodian makes certain that all student records, including records for students with disabilities, are maintained in a central and secure location. No original records may be removed from the property of CPS.

Each school will maintain a record of “requests to review and disclosure of student records.” The record of requests to review and disclosure of student records must contain: the name of the student; the name of the person making the request; the purpose of the request; the date of the request; the date of the review; and the name of the school official with whom the review was made. A notation indicating that a student’s record has been reviewed must be filed in the student’s cumulative folder.

All test protocols (consumable test booklets, behavior rating scales, drawings, etc.) must be placed in a sealed envelope and kept in the student’s temporary record that is in a secure and locked location. When a parent/guardian requests a student’s educational records and a test protocol includes a student’s name and/or work, contact the Law Department at (773) 553-1700 for guidance regarding the parent/guardian’s right to access the test protocol.

## **CPS Section 504 Complaint Resolution Options**

If parent/guardian disagrees with a determination by their child’s school regarding (a) their child’s identification, evaluation, or educational placement; (b) the implementation of their child’s Section 504 Plan; (c) the resolution of an accommodation request on behalf of their child; or (d) an adverse result at a manifestation determination review, they may appeal the determination by requesting an informal reconsideration by ODLSS, mediation or a Section 504 Hearing.

Parent/guardian may also submit a written complaint on behalf of students or expected District students alleging discrimination regarding (a) intentional, unequal or adverse treatment on the basis of a disability; (b) retaliation or harassment on the basis of a disability; or (c) any other type of disability-based discrimination. Written complaints of discrimination should be sent to Chicago Public Schools, ODLSS, either by U.S. mail to 42 W. Madison, 3rd Floor, Chicago, IL 60602; email [section504@cps.edu](mailto:section504@cps.edu) or calling 773/553-1800.



## **Request for Reconsideration**

A parent/guardian must submit a written request for reconsideration to the Chicago Public Schools, ODLSS, either by U.S. mail to 42 W. Madison, 3rd Floor, Chicago, IL 60602; email [section504@cps.edu](mailto:section504@cps.edu) or calling 773/553-1800. The request should identify the student, the school, and the exact area of disagreement, such as identification, evaluation, accommodations, implementation, etc.

Once a request for reconsideration is received, ODLSS will complete its reconsideration and issue a written determination within thirty (30) calendar days of receipt of the written request. If the parent/guardian disagrees with the ODLSS reconsideration determination, the parent/guardian may request a Section 504 hearing from ODLSS or chose to file a complaint with the U.S. Department of Education Office for Civil Rights.

A request for reconsideration is optional and is not a required procedure prior to requesting mediation, a Section 504 hearing, or filing a complaint of discrimination with CPS or the Office for Civil Rights.

## **Request for Section 504 Mediation**

A parent/guardian should submit a written request to the Chicago Public Schools, ODLSS, either by U.S. mail to 42 W. Madison, 3rd Floor, Chicago, IL 60602; email [section504@cps.edu](mailto:section504@cps.edu) or calling 773/553-1800. The request should indicate whether the request is for mediation, identify the student, the school, and the disagreement, such as identification, evaluation, accommodations, implementation, etc.

If the parent/guardian has requested mediation, the District will select a neutral mediator to conduct the mediation.

A request for a mediation is optional and is not a required procedure prior to requesting reconsideration, or Section 504 hearing, or filing a complaint of discrimination with CPS or the Office for Civil Rights.

## **Request for Section 504 Hearing**

A parent/guardian should submit a written request for a Section 504 hearing to the Board of Education of the City of Chicago Law Department, 1 North Dearborn, Suite 900, Chicago, IL 60602. The request should identify the student, the school, and the disagreement, such as identification, evaluation, accommodations, implementation, etc.

Section 504 hearings are conducted before an impartial hearing officer appointed by the Chicago Public Schools. CPS will appoint an impartial hearing officer within ten (10) calendar days of receipt of the parent's written request.



Prior to a Section 504 hearing commencing, the parent has the right to: prior notice of the date/time of the hearing, to inspect the student's records, and to representation by counsel (at their own expense), if they choose. The appointed hearing officer will conduct an initial conference call with both parties to schedule the hearing date. This call will occur within fifteen (15) calendar days of the date of the hearing officer's appointment. All documents to be used during the hearing and witnesses to be presented at the hearing must be disclosed to the other side at least five (5) days prior to the first day of the hearing. The hearing must take place within forty-five (45) calendar days of the date of the hearing officer's appointment, unless the hearing officer agrees to extend the hearing beyond the forty-five (45) days at the request of one of the parties.

The parent/guardians and District will have an equal amount of time to present their positions to the impartial hearing officer, including closing arguments. The parent/guardian will present its case first and the District will follow. Both parties have the right to dispute the introduction of any evidence at the hearing and witnesses that have not been disclosed to the other party at least five (5) days before the hearing. Both parties have the right to present evidence, including the opinions of qualified experts, to confront and cross-examine all witnesses, and to compel the attendance of school personnel. Parent/guardian who are a party to the hearing have the right to have the student who is the subject present at the hearing.

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but, in all cases, the hearing officer shall issue a written opinion within ten (10) calendar days of the close of the hearing. The hearing officer's written opinion must address and rule on all issues raised by the parties, indicating what corrective action, if any, the District must take.

If a parent/guardian is dissatisfied with any Section 504 hearing decision, he/she may submit a complaint to the United States Department of Education Office for Civil Rights. (See page 60)

A request for a Section 504 hearing is optional and is not a required procedure prior to requesting reconsideration, or mediation, or filing a complaint of discrimination with CPS or the Office for Civil Rights.

### **CPS Section 504 Complaint Process**

A request for a CPS complaint process is optional and is not a required procedure prior to requesting reconsideration, a mediation, a 504 hearing, or filing a complaint of discrimination with the Office for Civil Rights.



## **Section 504 – United States Department of Education Office for Civil Rights (“OCR”) Complaint Process**

If a parent/guardian of a student with disabilities is dissatisfied with any Section 504 hearing decision or final determination of an accommodation request or complaint, they may submit a complaint to the United States Department of Education, Office for Civil Rights (OCR), John C. Kluczynski Building, 230 South Dearborn Street, Floor 37, Chicago, Illinois 60604. A school cannot insist that parent/guardian utilize the District’s complaint process prior to filing a complaint with OCR. A parent/guardian may utilize any of the complaint resolution procedures they deem appropriate to their needs.

OCR enforces civil rights law prohibiting discrimination in education programs on the basis of race, color national origin, disability, and age.



## Service Animals

If a student with a disability requests the use of a service animal at school, school activities, and/or on the bus to/from school, the parent/guardian must complete the *Service Animal Request* form found in SSM outside of the Section 504 Plan process.

A service animal is a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

**NOTE:** *Emotional support animals, comfort animals, and therapy dogs are **NOT** service animals under the ADA and are not allowed in any CPS school, on Board property or at Board events. Other species of animals, whether wild or domestic, trained or untrained, are also not considered service animals.*

A parent/guardian of a student with disabilities (or the student him/herself if he/she is 18 years or older) who wishes for his/her child with a disability to have the use of a service animal provided by the family during school hours and/or at school activities must contact the Principal. The request must be memorialized on the *Service Animal Request* form found in SSM.

**Prior** to the service animal entering the school building or attending a school activity, the school's Section 504 Coordinator must meet with the parents/guardians and complete the *Service Animal Accommodation* form found in SSM.

As part of the *Service Animal Request* form and *Service Animal Accommodation* form, the parent/guardian must identify the work or task the service animal will be performing for the student during school and/or at school activities. The work or tasks performed by a service animal must be directly related to the student's disability. Examples of work or tasks include, but are not limited to:

- assisting students who are blind or have low vision with navigation and other tasks;
- alerting students who are deaf or hard of hearing to the presence of people or sounds;
- pulling a wheelchair;
- assisting a student during a seizure;
- alerting a student to low blood sugar level;
- alerting students to the presence of allergens;
- alerting staff when a student with disabilities is in distress;
- retrieving items, such as books, school supplies or medicine;
- providing physical support and assistance with balance and stability to students with mobility disabilities; or
- preventing or interrupting impulsive or destructive behaviors, including retrieving students who elope.

Work or task does **NOT** include providing therapeutic benefits to the student through support and companionship.

If any accommodations are needed to assist the student in handling the service animal during school hours and at school activities, these accommodations must be listed on the *Service Animal*



*Accommodation* form. Such accommodations may include, but are not limited to, allowing the student certain time during the school day to take the service animal outside to allow the animal to relieve itself, identifying how/where/when the student will feed the service animal, etc. If the student's age and/or disability makes it impossible for the student to act as the dog's handler, this should be noted as an accommodation and identify the person who will act as handler. The adult handler will be expected to comply with the Board's Volunteer Policy, including successfully completing a background check.

***NOTE:*** *A Board employee should **NEVER** be identified as the dog's handler.*

The Principal must ensure that all necessary school personnel have access to and/or copies of the *Service Animal Accommodation* form. The Principal, as appropriate, should also ensure that other members of the school community are made aware of the presence of the service animal.

***NOTE:*** *Service animals do not have to be hypoallergenic. If another student is allergic to dogs and the presence of the service animal is affecting him/her in school, the allergic student may require additional evaluations or accommodations. If the allergic student is already on an IEP or Section 504 Plan, his/her plan should be revised to address any accommodations needed because of the presence of the service animal. If the allergic student is not on an IEP or Section 504 Plan, a Section 504 evaluation should be considered to determine if the student qualifies under Section 504 for accommodations during school because of the presence of the service animal.*

See the Board's *Guidelines Regarding Service Animals in the Chicago Public Schools (CPS)* for more information about service animals.

<https://cps.edu/diverselearners/Pages/PoliciesAndProcedures.aspx>.



## APPENDIX

### IDEA vs. Section 504

IDEA	Section 504
14 specific disability categories	Mental or physical impairment
Ages 3 to 21, inclusive	Birth to death
FAPE Eligibility – adversely affects educational performance and results in need for special education and related services	FAPE Eligibility – substantially limits major life activity and results in the need for accommodations and/or other supports
FAPE –IEP that is reasonably calculated to confer educational benefit based on student’s unique needs/circumstances	FAPE – Section 504 Plan that meets the needs of student with disabilities as adequately as the needs of nondisabled students
LRE - continuum of placement options (general education classroom, separate classroom, separate school, residential)	LRE - Accommodations and/or other supports provided in general education environment
ALL IDEA-eligible students are also eligible for protection from discrimination under Section 504	Students who are eligible for FAPE under Section 504 are NOT necessarily eligible under IDEA
Statute authorizes Federal funds for implementation	Statute does not authorize Federal funds for implementation



## Section 504 Timelines - Quick Reference

- **Referral Decision:** Within 14 school days of receipt of a referral, the local school Section 504 coordinator with other school personnel must determine whether an evaluation is warranted and provide the parent/guardian with a written response.
- **Initial Evaluation:** Completed within 60 calendar days after the date parent/guardian signed written consent.
- **Re-Evaluation:** At every Section 504 meeting, eligibility is reviewed, but reevaluations must be conducted periodically, but CPS mandates a reevaluation at least every 3 years.
- **Conference Notice:** At least 10 calendar days prior to meeting.
- **Parent/Guardian Requests Section 504 Prior to Annual Date:** Within 10 calendar days after receipt of the request , must send either Conference Notification scheduling the Section 504 meeting or written explanation as to why no 504 meeting is necessary.



## **OTHER RESOURCES**

[Chicago Public Schools Section 504 Procedural Safeguards](#)

[Frequently Asked Questions About Section 504 and the Education of Children with Disabilities \(OCR 9/25/18\)](#)

[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools \(OCR\) 12/16\)](#)