



**Section 504 Procedures Manual  
and  
Parents Rights**

### **Purpose of Section 504**

Section 504 of the Rehabilitation Act of 1973, as amended, is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. This act requires that no qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activities, (i.e. self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, operation of a major bodily function, and communicating) shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by Lexington School District Four. An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

The determination of impact to one or more major life activity must be made without regard to any ameliorative effects of mitigating measures (i.e. medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies).

Lexington School District Four shall offer a free appropriate public education (FAPE) to each qualified student with a disability. Services provided to qualified students are not required to produce identical results or level of achievement with nondisabled peers. Services must be designed to offer an equal opportunity to gain the same benefit within the most integrated setting appropriate.

A student who is not disabled, but has a record of, or is regarded as, disabled is protected under Section 504 insofar as an alleged discriminatory action based on that history or perception. The fact that a student has a "record of, or is "regarded as" having an impairment is insufficient by itself to require reasonable accommodations.

## **ADMINISTRATIVE PROCEDURES**

### **SECTION 504 OF THE REHABILITATION ACT OF 1973**

#### **A. IDENTIFICATION AND REFERRAL PROCEDURES:**

Any student with a disability who needs or is believed to need accommodations, modifications, or services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certified school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate. At minimum, the committee must consist of at least one of the student's teachers and a principal or designee.

The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation is required and will inform the parents or guardian of this decision and of their procedural rights.

#### **B. EVALUATION:**

1. If a child needs or is believed to need special education, related services, and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973, the school district *must evaluate* the child.

2. Consent to evaluate must be signed and returned prior to the administration of any assessments.

3. The Section 504 evaluation:

- should be based on information from a variety of sources: e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community;
- should *document* and consider all available pertinent information: e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity;
- should be conducted by a *team or group of persons* including those who are knowledgeable about the child, the suspected handicapping condition, evaluation procedures, the meaning of evaluative data, and accommodation/placement options;
- should utilize assessment materials, tests, and/or evaluation procedures which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.

4. Section 504 evaluation procedures may include:

- review of school records,
- interviews with persons knowledgeable about the child's functioning,
- observations in the school, home or community environments,
- administration of educational, and/or
- psychological measures appropriate for assessing the presenting concern.

5. The parent/legal guardian *must be invited* to participate in the Section 504 Evaluation Meeting where the results of the evaluation, the determination of handicap, and possible accommodation/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.

6. In order to determine Section 504 eligibility during the evaluation meeting, the team should consider the following steps:

- ***Discuss evaluation material*** {which may include the following}:

- statements and information from teachers and other school staff members
- social and cultural background information
- assessment and/or testing information (e.g. behavioral observations, adaptive behavior, academic achievement, cognitive functioning)
- statements and information from physicians or other professionals
- statements and information from parent/legal guardian and/or persons in the community
- school attendance information

- ***Determine whether a physical or mental impairment can be identified***

- Does the student *currently have* a mental and/or physical impairment that can be verified by reference to documentation by a physician or other professional?

“Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

A *record* of an impairment of condition or being regarded as having an impairment (when in fact the student does not currently have an impairment) are important for purposes of ensuring that the school does not discriminate against the student on that basis, but would not lead to the creation of an accommodation plan for the student.

- **Determine whether the impairment or condition substantially limits one or more major life activities.**

- **“Substantial”** relates to the *limitation* of a major life activity, not the condition or handicap {e.g. a substantial limitation to learning}.
- **“Substantial”** is not defined, but has been interpreted to have the ordinary, dictionary meaning of the word. As compared to the average person in the general population, is the student substantially limited in the major life activity identified as impacted by the disability?

**Identify the major life activity that is affected by the student’s impairment:** For example, learning, breathing, speaking, seeing, hearing, walking, eating, caring for oneself, working, performing manual tasks, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating. This list is exemplary and not exhaustive. A major life activity also includes the operation of a major bodily function, including but not limited to functions of the immune, system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies and equipment, prosthetics, hearing aids or cochlear implants, mobility devices, assistive technology, reasonable accommodations, auxiliary aids and services, learned behavior or adaptive neurological modifications. Mitigating effects of ordinary eyeglasses or contact lenses may be considered in determining whether there exists a substantial limitation.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Close calls concerning whether a student has a disability or a substantial impairment should be resolved in favor of finding that the student has a disability and determining whether any accommodations are needed in the school setting as a result of that condition.

*Ask the question: "Is the student afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age-appropriate peers?"*

- **Determine whether the student qualifies as disabled under Section 504:**

- the student has a physical or mental impairment;
- the impairment *substantially limits* one or more major life activities for that person.

If the student is determined to be disabled under Section 504 and requires accommodations, modifications, or services to be provided with an equal educational opportunity, the 504 Team must develop a written **Section 504 Education Plan** which documents the regular education accommodations and/or services that will be provided in order to meet the educational needs of the disabled student.

Periodic **reevaluation** is required by Section 504 regulations. Reevaluation of the Section 504 Education Plan may be conducted upon significant change in placement or programs, change from one building to another, or from one grade level to another. However, Parents can request a meeting at anytime to discuss their child's 504 plan.

## **C. ACCOMMODATION PLAN**

The parents or guardian shall be invited to participate in a 504 Team meeting where accommodations, modifications and/or services for the student will be determined, and the parents shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a written plan describing the disability and the accommodations and modifications needed to provide the student with an educational opportunity equal to that provided to non-disabled students. The 504 Team should ask the question, "What reasonable accommodations, modifications and/or services are needed to ensure that the student with a qualifying disability under Section 504 receives an educational opportunity equal to that afforded to non-disabled students?" The plan will specify how the accommodations and modifications or services to be provided and by whom. In developing the plan, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.

The team may also determine that no accommodations and modifications, or services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no accommodations, modifications or services are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not handicapped to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the accommodations and modifications or services to be provided and the parents shall be notified of the safeguards available to them, including the right to an impartial hearing.

If a plan for providing accommodations, modifications, or services is developed, all school personnel who work with the student shall be informed of the plan and school personnel will be assigned to monitor student progress.

Accommodation plans may be developed for 1 to 3 years depending on a student's grade level and school they attend. However, Parents, or other members of the team may request a meeting to review the student's plan and recommend changes at any time. Plans developed for multiple years will be distributed to all staff members working with the student at the beginning of the school year with parents notified through appropriate means such as a Prior Written Notice (PWN).

#### **D. REVIEW OF THE STUDENT'S PROGRESS**

The 504 Team will monitor the progress of the student with a disability and the effectiveness of the student's education plan at least once every year to determine whether accommodations, modifications, or services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Any student who needs or is believed to need additional services beyond the scope of the Section 504 Student Accommodation Plan should be referred to the Student Intervention Team for consideration of additional evaluation(s), and/or eligibility for special education services.

#### **E. DISCIPLINE PROCEDURES**

The knowledgeable committee shall convene to assess whether the behavior requiring disciplinary action is related to a qualified student's disability when:

- A decision is made to remove a 504-qualified student from school for more than 10 consecutive school days in a school year.
- The 504-qualified student is subjected to a series of removals during a school year that accumulates to more than 10 school days.
- Parents should be notified with sufficient time to allow them the opportunity to attend. A copy of the *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards* shall be included with the meeting notification letter. The knowledgeable committee shall complete a *Manifestation Determination Review* and forward it to the Superintendent's Hearing Officer when there is a recommendation for expulsion or exclusion:
- If a student is qualified under Section 504 and there is a causal relationship between the disability and the behavior resulting in disciplinary action, the committee shall determine whether the student's educational program should be modified.
- If a student is qualified under Section 504 and there is no causal relationship between the disability and the behavior resulting in disciplinary action, the student may be disciplined in the same manner as a nondisabled student, including the cessation of services.
- If a student qualified under Section 504 is receiving disciplinary action based on the illegal use and/or possession of drugs or alcohol, and the individual is currently engaging in the illegal use of drugs or alcohol, a committee of knowledgeable persons is not required to convene, reevaluate the student, or determine whether there is a causal relationship between the behavior and the disability.

#### **F. TRANSFERS**

When a student transfers into a school and is qualified as disabled under Section 504, a knowledgeable committee in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The knowledgeable committee may decide to implement the plan as received, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to determine if the student continues to qualify as disabled under Section 504.

#### **G. PROCEDURAL SAFEGUARDS**

Parents/guardians should be provided notice of their rights under Section 504:

- When Parent/Guardian Notice of Initial Referral is delivered
- When eligibility is determined.
- When a plan is developed.
- Before there is a significant change in the plan for services.

You have the right to:

- Have your child take part in and receive benefits from public education without discrimination because of his/her handicapping condition.
- Have your child educated in facilities and receive services comparable to those provided non-handicapped students.
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
- Have an evaluation that draws on information from a variety of sources and by persons who know the student, the evaluation data and placement options.
- Be informed of any proposed actions related to eligibility and plan for services.
- Examine all relevant educational records and assessments relating to decisions regarding your child's identification, evaluation, educational program and placement.
- Receive all information in your native language and primary mode of communication.
- Periodic re-evaluations and an evaluation before any significant change in program/service modifications.
- File a grievance with the school district over an alleged violation of Section 504 regulations.
- Appeal a decision pertaining to identification, evaluation and education placement through a due process hearing.
- An impartial hearing if there is disagreement with the school district's proposed action not resolved through the initial hearing.
- Be represented by counsel in the impartial hearing process.
- Appeal the impartial hearing officer's decision.
- Obtain copies of educational records at reasonable cost unless the fee would effectively deny you access to the records.
- A response from the school district to reasonable requests for explanations and interpretations of your child's records.
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of the right to a hearing.

## **H. Grievance Procedures and Appeal Process**

It is against the law to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Any grievance alleging discrimination **must** be filed with the school-based 504 Chair or school principal within 30 business days of the alleged act of discrimination.

Every effort will be made to settle the complaint informally. Initial complaints can be lodged with the school-based 504 Chair or school principal.

If the parent (or student if 18 years or older) feels the complaint cannot be resolved through informal means, the parent or eligible student may file a grievance to appeal the decision made by the 504 committee.

The grievance should first be filed with the school-based 504 Chair or principal. The grievance should be submitted in writing stating the nature of the grievance. The principal and 504 Chair will meet with the parent/guardian within 10 business days of receipt of the grievance.

The Principal will provide a written response to the grievance within 10 business days of the meeting.

If the parent/guardian is dissatisfied with the Principal's response, the parent/guardian may appeal the decision to the district 504 Coordinator. This appeal must be made in writing within 10 business days of receipt of the Principal's response.

The district 504 Coordinator will review the written documents and may conduct a factual inquiry and hold a conference as necessary to make a determination of whether there was a violation of the student's civil rights. The

504 Coordinator will provide a written response within 10 business days of receiving the grievance unless additional time is necessary to complete any investigation.

If the parent/guardian is dissatisfied with the 504 Coordinator's response, the parent/guardian may appeal the decision to the Superintendent. This appeal must be made in writing within 10 business days of receiving the 504 Coordinator's response.

The Superintendent may review the written documents and respond or the Superintendent may schedule and hold a conference with the parent/guardian. The Superintendent will provide a written response with 10 business days after the conference.

The parent is not required to exhaust these grievance procedures before seeking a Section 504 impartial hearing. A parent may request an impartial hearing at any time. These procedures cannot be used to deny or delay a parent's right to a hearing.

A Section 504 impartial hearing is facilitated by the school district and the school district obtains the hearing officer to hear and decide the case. Employees, board members of the school district and those under contract by the school district are prohibited from serving as the hearing officer.

Section 504 regulations do not require that the selection of the hearing officer be a mutually agreed upon decision between the school district and the parents/guardians.

The Impartial Hearing Officer is a person familiar with the Section 504 process and fits the 504 requirements.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

### **District 504 Coordinator**

The person in this district who is responsible for assuring that the district is in compliance with 504 is:

Greg Feeback  
Director of Exceptional Children  
607 East Fifth Street  
Swansea, SC 290160  
(803)490-700 Ext. 10071  
[gfeedback@lexington4.net](mailto:gfeedback@lexington4.net)

*Lexington School District Four does not discriminate on the basis of race, color, national origin, gender, disability, sexual orientation or age in its programs or activities.*

Complaints about facilities or services offered by Lexington Four Schools should contain the following information (a sample form is included in the following section):

- Name(s) of person(s) or group making the complaint.
- Whether the person(s) represents an individual group.
- Whether the person(s) making the complaint has discussed the problem with the site administrator.
- A summary of the complaint and suggested solution(s).



## **H. PUBLIC NOTICE**

Lexington School District Four shall provide continuing notice to the public, and the staff and students that it does not discriminate on the basis of disability with regard to admission or access to, or treatment or employment in programs and activities of the Lexington Four Schools. Continuing notification may include the posting of notices, publication in local newspapers, placement of notices in school district publications and student/parent handbooks and distribution of memoranda or other written communication.

### **NOTICE OF NON DISCRIMINATION**

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with Lexington School District Four are hereby notified that this District does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access to, or treatment or employment in its programs and activities. Any person having inquiries concerning the Lexington School District Four compliance with the regulations implementing Section 504 is directed to contact:

Section 504 Coordinator/Director of Pupil Services who has been designated to coordinate the District's efforts to comply with the regulations implementing Section 504.

**SECTION 504 OF THE REHABILITATION ACT OF 1973**  
**COMPLAINTS ABOUT FACILITIES OR SERVICES**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

NAME OF STUDENT: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

PRIOR CONTACTS WITH THE 504 COORDINATOR, ADMINISTRATION OR TEACHER:

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

**STATEMENT OF COMPLAINT:**

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

**ACTION REQUESTED:**

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

SIGNATURE \_\_\_\_\_

SEND TO: Greg Feeback  
DIRECTOR OF Exceptional Children  
SECTION 504 COORDINATOR  
LEXINGTON SCHOOL DISTRICT FOUR  
607 EAST FIFTH STREET  
SWANSEA, SC 29160

**PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT  
UNDER**

**SECTION 504 OF THE REHABILITATION ACT OF 1973**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- Have your child take part in, and receive benefits, from public education programs without discrimination because of his/her disability;
- Have the school district advise you of your rights under federal law;
- Receive notice with respect to identification, evaluation, or placement of your child;
- Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
- Have your child educated in facilities and receive services comparable to those provided to non-disabled students;
- Have your child receive accommodations, modifications and/or related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
- Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
- Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
- Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
- Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
- File a grievance related to decision(s) or action(s) regarding your child's identification, evaluation, educational program or placement; grievance requests must be made to the Section 504 Coordinator.

- Request a due process hearing related to decisions or actions made by the Section 504 team. You and the student may take part in the hearing and have an attorney represent you. Hearing request must be made in writing to the 504 Coordinator.
- A hearing may only be requested within one year of the date the parents knew or should have known about the alleged actions or facts that forms the basis of the complaint.

The person in this district who is responsible for assuring that district complies with Section 504 is:

GREG FEEBACK  
DIRECTOR OF Exceptional Children  
SECTION 504 COORDINATOR  
LEXINGTON SCHOOL DISTRICT FOUR  
607 EAST FIFTH STREET  
SWANSEA, SC 29160

Please make all requests to utilize either the grievance procedure or the due process hearing procedure in writing to the above address.

Additional contacts:

Office of Exceptional Children  
State Department of Education  
Room 808  
1429 Senate Street  
Columbia, SC 29201-3799

Phone: (803) 734-8806  
Fax: (803) 734-4824

U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 877-521-2172