

**PROCEDURES FOR PROVIDING
ACCOMMODATIONS AND SERVICES TO STUDENTS UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

I. PURPOSE

The purpose of these procedures is to ensure that:

No qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

II. DEFINITIONS UNDER SECTION 504

A. Disabled person - A disabled person is any person who:

1. Has a physical or mental impairment which substantially limits one or more major life activities.
2. Has a record of such impairment.
3. Is regarded as having such impairment.
4. It should be emphasized that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities.
5. Has an impairment that is episodic or in remission that would substantially limit a major life activity when active.
6. Does not have an impairment that is transitory and minor such as impairment with an actual or expected duration of six months or less (e.g., broken limb).

B. Physical or Mental impairment - A physical or mental impairment is:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, including special sense organs; musculoskeletal; respiratory, including speech organs; cardiovascular; digestive; genito-urinary; reproductive; dermatologic; endocrine; lymphatic; hematologic; and immunologic.
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

C. Major life activities - A major life activity includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

D. Has a record of such an impairment - Has a record of such an impairment means has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

E. Is regarded as having an impairment - Is regarded as having an impairment means:

1. Has been subjected to an action resulting in discrimination because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 2. Does not have a diagnosed physical or mental impairment but is treated by the school system as having such impairment.
- F. Qualified disabled person means:
1. With respect to employment a disabled person with reasonable accommodation can perform the essential functions of the job in question.
 2. With respect to public preschool, elementary, secondary, or adult educational services, a disabled person (i) of an age during which nondisabled persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to disabled person, or (iii) to whom a state is required to provide a free appropriate public education (FAPE) under the Individuals with Disabilities Educational Act (IDEA) formerly Education of Handicapped Act.
 3. With respect to postsecondary and vocational education services, a disabled person who meets the academic and technical standards requisite to admission or participation in the recipient's education program or activity.
 4. With respect to other services, a disabled person who meets the essential eligibility requirements of the receipt of such services.
- G. Disability – Disability means any condition or characteristic that renders a person disabled as defined above.
- H. Mitigating measure - A mitigating measure is any device or practice that a person uses to correct or lessen the effect of that person's physical or mental impairment, such as medication, medical supplies, appliances, low-vision devices, prosthetics, hearing aids, and mobility devices. Mitigating measures also include the use of assistive technology, reasonable accommodations, auxiliary aids or services, or learned behavioral or adaptive neurological modifications. Ordinary eyeglasses and contact lenses are excluded.
- I. Free Appropriate Public Education - A free appropriate public education is the provision of general or special education and related aids and services that are designed to meet the individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met.

III. EVALUATION

- A. Students who are disabled or are suspected of being disabled under Section 504 are evaluated by the Student Support Team (SST).

Examples follow of students who may be disabled under Section 504:

1. Students with Attention Deficit Hyperactivity Disorder (ADHD).
2. Students with spinal cord injuries.
3. Students with diabetes.
4. Students with chronic lung diseases, such as asthma.
5. Students with sickle cell disease.
6. Students who have severe emotional disorders.

7. Students who are participating or have completed a supervised drug rehabilitation program and are no longer using drugs.
- B. Students who are disabled or suspected of being disabled under Individuals with Disabilities Education Act are evaluated by the Individualized Education Plan Team, as outlined in Public Law 94-142, the Code of Maryland 13A.05.01, and the BCPS' IDEA Procedures.
- C. A student who is currently engaging in the illegal use, possession, or distribution of controlled dangerous substances cannot be determined to be disabled under Section 504.
- D. The SST will review relevant medical or psychological assessment reports to determine a diagnosed physical or mental impairment.
- E. The SST will review all relevant developmental and educational information to determine if the physical or mental impairment substantially limits one or more major life activities, including:
 1. Student records pertaining to the developmental history of the diagnosed impairment.
 2. Standardized assessments such as achievement tests, MSA, functional tests.
 3. Classroom assessments such as report card grades, benchmark assessments, informal assessments, chapter tests, or quizzes.
 4. Teacher reports regarding pattern of student performance and behavior.
 5. Information from parents/guardians.
- F. In some cases, additional assessment and/or testing may be required. The assessment procedures must ensure that:
 1. Tests and other assessment materials have been validated for the specific purpose for which they are used and are administered by qualified personnel.
 2. Tests and other assessment materials provide information specific to physical or mental impairments and the extent of limitation of the diagnosed impairment on a major life activity.
 3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the tests purport to measure).
- G. The determination of substantial limitation must be made without considering the impact of mitigating measures.
- H. The SST will complete the Student Eligibility form in TIENET for students being considered as disabled under Section 504. Team discussions regarding the determination of eligibility and the development of the 504 Plan should be documented through the Student Support Team Summary form in TIENET.

IV. DEVELOPMENT AND IMPLEMENTATION OF 504 PLANS

- A. Written 504 Plans are required for all students who are disabled under Section 504. 504 Plans include accommodations and services specific to the physical or mental impairment and the limitation to the major life activity. These accommodations and

services are necessary to provide equal access to the general education program and ensure FAPE. 504 Plans are to be created in TIENET using the 504 Plan form.

1. 504 Plans describe instructional accommodations, testing accommodations, instructional materials, physical facilities accommodations, and/or necessary related services that will be implemented.
 2. 504 Plans specify where the accommodations/services will be provided within the general education setting and the staff member(s) and case manager who are responsible for implementation and monitoring.
 3. The SST chairperson should contact the director of Student Support Services for direction regarding any accommodations or services that may be needed and are beyond the school's fiscal and/or physical resources before writing the 504 Plan.
- B. An Individualized Education Program is developed for a student with disability under the Individuals with Disabilities Education Act that results in an adverse educational impact and requires specially designed instruction and related services. Students with IDEA disabilities receive 504 accommodations and services within the IEP document.

V. PARENTAL NOTIFICATION

A parent/guardian should be notified in writing regarding the evaluation, determination of eligibility, and development of 504 Plans by the Student Support Team through the Parent/Guardian Notification of Student Support Team Meeting form and the Student Support Team Summary form.

VI. REEVALUATION

- A. The Student Support Team should review and discuss a 504 Plan whenever significant changes in a student's program occur such as progression to middle school or high school, or if there are changes in the student's physical or mental impairment. Case managers should review 504 Plans annually with teaching staff and refer to the Student Support Team for further review if there are significant concerns raised by a parent/guardian or school staff.
- B. Eligibility forms for students identified with disabilities under Section 504, including the documentation of the student's physical or mental impairment, do not need to be updated annually unless there is new information regarding eligibility.
- C. A student's 504 Plan remains in effect until the Student Support Team determines the student is no longer eligible under Section 504. The Student Support Team should document the new information used in making this decision and dismiss the 504 Plan. A parent/guardian should be notified in writing regarding any decision by the Student Support Team through the Student Support Team Summary form.

VII. CASE MANAGEMENT

- A. The classroom teacher or the staff member closest to the accommodations in need is responsible for serving as the student's case manager or primary contact person. Generally, the classroom teacher is the case manager. School counselors can be

- assigned as case managers for students with 504 Plans who have emotional/behavioral disabilities and related accommodations. School counselors should not be assigned as case managers for students with 504 Plans that primarily include academic instructional accommodations. School nurses may be assigned as case managers for students with medical or physical disabilities and related accommodations. Itinerant teachers or other staff who are not in the school building on a consistent basis should not be designated as a case manager for a student with a 504 Plan.
- B. Administrator/Designee – The Student Support Team chairperson manages the Student Support Team and coordinates identification, development, implementation, review, and monitoring of 504 Plans. The SST chairperson will:
1. Chair and manage the SST process to determine student eligibility for a 504 Plan.
 2. Chair and manage the SST process to develop, implement, review, and monitor 504 Plans.
 3. Identify students with active 504 Plans at the beginning of the year and as new students enroll.
 4. Identify case managers or primary contact persons for all students with 504 Plans.
 5. Provide classroom teachers and school staff with current copies of 504 Plans.
 6. Consult with parents/guardians, teachers, and school staff as needed.
 7. Coordinate implementation and documentation of 504 Plans by teachers and school staff through assigned case managers.
 8. Coordinate appropriate testing accommodations and support during standardized testing.
 9. Coordinate annual review of 504 Plans through the grade level, departmental, or interdisciplinary meetings or through the Student Support Team as appropriate.
 10. Schedule a Student Support Team meeting when a parent/guardian and/or teacher/staff member report concerns that cannot be resolved through individual consultation with a SST member or during grade-level/teacher-level meetings.
- C. Case Manager – The case manager is the primary contact person for monitoring a student with a 504 Plan. The case manager will:
1. Assist the SST chairperson in providing classroom teachers and school staff with current copies of 504 Plans.
 2. Consult with parents/guardians, classroom teachers, special area teachers, and school staff as needed.
 3. Notify the SST chairperson of any issues regarding the student's progress and/or 504 Plan in a timely manner.
 4. Monitor the implementation and documentation of 504 Plans by teachers and school staff across all settings.
 - a. Documentation of accommodations can include notes or other written records in lesson plans, grade books, logs, seating charts, student work, or other means.
 - b. Documentation can include refusal to use accommodations, information about increasing/decreasing need for accommodations, or other information for revising 504 Plans.
 - c. Documentation should include meetings with students or parents/guardians that pertain to 504 Plans.

VIII. FIELD TRIPS

Students disabled under Section 504 will participate in field trips, to the maximum extent appropriate to their individual needs, by making advance arrangements for the field trips in such a manner as to allow the students an equal opportunity to participate.

IX. DUE PROCESS SAFEGUARDS

A parent/guardian may initiate a local due process hearing concerning the identification, evaluation, and educational placement or program of a student identified as disabled or suspected of being disabled under Section 504 of the Rehabilitation Act of 1973.

- A. A parent/guardian may request a local level 504 due process hearing if he/she disagrees with actions regarding the evaluation of a student who is believed to have a disability under Section 504 or the implementation of the 504 Plan. Written request for a hearing should be directed to the 504 coordinator, the executive director of the Department of Student Support Services.

The 504 coordinator will consult with the parent/guardian and local school personnel to determine whether an agreement can be reached. If no agreement is reached, alternative methods of dispute resolution, such as mediation, may be explored.

Should attempts at agreement fail, a hearing date will be established within a reasonable time upon receipt of the parent's/guardian's request.

- B. The hearing will be held by an impartial hearing officer. The county maintains a list of ten trained hearing officers and the impartial hearing officer is selected from the approved list. The hearing officer is not an employee of Baltimore County.

The hearing will be held and a decision will be rendered within a reasonable time after the request for a hearing is received.

As part of the hearing process, a parent/guardian has a right to:

1. Inspect, at reasonable times, all educational records relating to the student and the proposed action.
2. Request that the hearing be open to the public.
3. Have the student, who is the subject of the hearing, present.
4. Be accompanied and advised by counsel and by individuals knowledgeable about disabled children.
5. Present competent and relevant evidence, both in documentary and witness form.
6. Question and cross-examine witnesses.
7. Prohibit the introduction of any evidence into the hearing that has not been made available to all parties at least five (5) days before the hearing.
8. Have an interpreter present at the hearing if English is not the primary language and/or have special means of communication provided if a disability makes this necessary.
9. Receive a written or taped record of the hearing if a decision is appealed further.

10. Require the attendance and testimony of employees of the local education agency who have knowledge pertinent to the hearing.
- C. The independent hearing officer will:
1. Be the sole and complete authority for the running of the hearing.
 2. Conduct the hearing to ensure that the due process rights of all parties are protected and enforced in compliance with these Rules of Procedure and Section 504 of the Rehabilitation Act of 1973.
 3. Have the right to be assisted by a legal advisor.
 4. Not allow outside communications, other than that allowed in Section A, to take place between the independent hearing officer and the parties.
- D. Prehearing Duties and Rights
1. Exchange of Evidence - Five days before the hearing, each party will provide to the other party and the hearing officer:
 - a. Documents – A copy of each document or other writing which the party intends to introduce into evidence at the hearing.
 - b. Witnesses – A list of the witnesses (names and titles) the party intends to call to testify at the hearing.
 - c. Any other evidence which the party intends to introduce at the hearing. (This does not include the expected testimony of witnesses.)
 2. Stipulations – The parties will confer, prior to the hearing, in a good-faith attempt to stipulate facts, to introduce evidence, and to discuss any other matters for the purpose of expediting the hearing and reducing the hearing costs.
- E. Conduct of Hearing
- The hearing will be conducted in the following manner unless changes or modifications are made by the hearing officer or by mutual agreement of the parties with the consent of the hearing officer.
1. A general opening statement will be made by the hearing officer and will include an identification of the case, delineation of the issue(s) to be decided, and a reading of the application for Impartial Due Process Hearing.
 2. All persons present will be identified for the record. (Thereafter, persons who enter the hearing will be identified for the record.)
 3. The hearing officer will give each of the parties the opportunity to:
 - a. Ask any questions about the procedure to be followed at the hearing.
 - b. Raise any preliminary matters to be decided by the hearing officer.
 - c. Stipulate or agree that certain matters are not in dispute.
 - d. Place documents into evidence or object to documents being entered into evidence because of irrelevancy, incompetency, or noncompliance with a five-day rule.
 4. The party proposing the action will make a brief opening statement unless the party waives this right. (The party proposing the action is the party who proposed a change from the last agreed upon action.)
- F. Decision
- The decision will be presented in writing by the hearing officer. This decision will be based on Section 504 of the Rehabilitation Act of 1973, identified, and agreed upon issues. The testimony and documented information on the record of the hearing will:

1. Include a statement of findings and conclusions upon which the decision is based.
 2. Include a statement regarding the right to appeal the decision.
- G. Applicable Laws, Rules, and Regulations
- The following documents may be utilized when preparing for a due process hearing:
1. The Rehabilitation Act of 1973, Public Law 93-112, 29 United States Code 706, et. seq.
 2. Rules and Regulations Implementing Section 504 of the Rehabilitation Act of 1973.
 3. Family Educational Rights and Privacy Act, Protection of the Rights and Privacy of Parents and Students, Public Law 93-380, 20 United States Code 1232.

X. SUSPENSION PROCEDURES

If a student is determined to be disabled under Section 504 of the Rehabilitation Act of 1973, any action with respect to the suspension or expulsion of this student shall conform to the Board of Education Policies and Superintendent's Rules 5150, 5160, Pupil Services Procedures, PS 127, PS 128, and BCPS' IDEA Procedures.

Suspensions or expulsions of students disabled under Section 504 are processed through the Student Support Team. The purpose of the Student Support Team in disciplinary situations is to determine whether the student's behavior is a manifestation of the student's physical or mental impairment and resulting disability under Section 504. The school nurse and the school psychologist are critical team members in terms of guiding the team to a consensus for manifestation determination. (See BCPS' IDEA Procedures, Disciplining Students with Disabilities for detailed information).

A student who is participating in or who has completed a supervised drug rehabilitation program and who is not currently engaged in the use, possession, or distribution of drugs may be considered disabled under Section 504. Similarly, a student who is erroneously regarded as engaging in the use, possession, or distribution of controlled substances but is not engaging in such use may be considered disabled under Section 504.

Students who are currently engaging in the illegal use, possession, or distribution of controlled substances may not be considered to be disabled under Section 504. Baltimore County Public Schools may take disciplinary action, including expulsion, to the same extent that such disciplinary action is taken in reference to nondisabled students.

XI. DEPARTMENT OF FACILITIES PROCEDURES

- A. A summary of our revised 504 transition plan for the removal of architectural barriers through the Department of Facilities is as follows:
1. The Baltimore County Public Schools have developed a cluster concept to provide program accessibility, through the removal of architectural barriers, to the disabled. All existing Baltimore County Public Schools have been evaluated and grouped. A school within each cluster has been identified as the accessible facility at which parking, a barrier-free entrance, lavatory facilities, and appropriate

interior modifications, such as ramps and lifts, are provided to ensure interior access. Wherever possible, access will also be provided to offices and public assembly areas in other facilities administered by the Baltimore County Public Schools.

2. All plans for new construction and major renovation are reviewed within the Department of Facilities to ensure that such projects will provide complete program access for all disabled individuals at project completion.
3. As our program progresses and more facilities are renovated, the size of each cluster will shrink. We are committed to the goal of eliminating architectural barriers in our school system in order to provide an appropriate education to all children within the bounds of the least restrictive environment.
4. Our school system works in a spirit of cooperation with the Baltimore County Coalition for Handicapped Persons, other governmental agencies, and citizen groups to resolve individual needs, while continuing to promote our self-evaluation and facility renovations.

B. Definitions under Section 504

All definitions included in the section 504 Baltimore County Public Schools proposed procedures for providing accommodations to students under section 504 of the Rehabilitation Act of 1973 shall apply.

C. Program Evaluation, Reevaluation, Client Placement, and Due Process Procedures Under Section 504

All related procedures included in the section 504 Baltimore County Public Schools proposed procedures for providing accommodations to students under Section 504 of the Rehabilitation Act of 1973 shall apply.

XII. ADMINISTRATIVE RESPONSIBILITIES FOR MANAGEMENT OF THE 504 TRANSITION PLAN FOR THE REMOVAL OF ARCHITECTURAL BARRIERS AND OTHER SERVICES PROVIDED BY THE DEPARTMENT OF FACILITIES

The function of these procedures will be to establish guidelines for managing the impact of activities of the Department of Facilities that may affect the presentation of program to occupants with a disabling condition receiving services at facilities managed by the Department of Facilities.

A. Responsibilities of the Department of Facilities are:

1. To proceed in an orderly fashion toward the eventual removal of architectural barriers from all existing facilities administered by the Baltimore County Public Schools. This is intended to include management of the 504 Transition Plan and the prioritization of all additional requests for building and site modifications.
2. Capital improvements.
3. To provide appropriate documentation for the acquisition of operational and capital funding for the purpose of more aggressively removing architectural and other barriers to the disabled.
4. To seek local funding and supplementary funding actively from appropriate private and governmental agencies.

5. To establish procedures by which scheduled maintenance can occur within buildings administered by the Baltimore County Public Schools without restriction of program accessibility to occupants having a disabling condition as defined above.
 6. To assist administrators in other departments in coordinating a response to client, citizen, and other interested parties evoking due process procedures for 504 complaints by:
 - a. Responding in a timely fashion to all communication from instructional, building, other BCPS administrative personnel, clients, citizens, and other interested groups.
 - b. Maintaining the appropriate level of communication with the 504 coordinator, Department of Student Support Services, the Office of Special Education, the Department of Human Resources, and other interested departments.
 - c. Maintaining documentation detailing procedures for the scheduled maintenance activities which may impact on building occupants with a disabling condition.
 - d. Maintaining detailed file recording appropriate information relevant to the department's 504 activity. This shall include the publishing of the Annual Disablement Access Report.
 - e. Overseeing the completion of modifications to, or activities with, facilities originated as part of the 504 Transition Plan and/or due process procedures
- B. Responsibilities of Building Administrators**
1. To notify the administrator responsible for Disabled Access, Department of Facilities (as outlined in the Facilities Manual) of any preconceived need for the removal of architectural barriers. It is important that intra-school organization be maximized to avoid negative impact on student access to program.
 2. To advise the administrator responsible for Disabled Access of any potential client dissatisfaction with the accessibility and/or maintenance activity at any administered site. (All information pursuant to the problem should be transmitted as soon as possible.)
- C. Interdepartmental Responsibilities**
1. To ensure that before any disabled child is mainstreamed into a regular educational program, the providing facility is an accessible cluster school.
 2. To make every attempt to locate special programs in accessible facilities.
 3. To advise the administrator responsible for Disabled Access as soon as possible of any potential conflict resulting from the assignment of a disabled student or special program.

XIII. DEPARTMENT OF HUMAN RESOURCES

Baltimore County Public Schools strive to be an equal opportunity, equal access employer. Baltimore County Public Schools does not discriminate on the basis of race, sex, religion, national or ethnic origin, sexual orientation, marital status, veteran status, or disabling conditions, or any characteristics.

The Equal Employment Opportunity (EEO) Officer oversees that due process standards are maintained. The EEO officer shall ensure that each complaint is dispatched in a prompt and equitable manner.

The Department of Human Resources shall ensure that all selection criteria are job related. The Department of Professional Development shall develop inservice seminars to assist with implementation of the procedures related to Section 504 of the Rehabilitation Act of 1973.

The Office of Communications shall ensure that appropriate notification is given stating that BCPS does not discriminate in admission or access to, or treatment or employment in, its program and activities.

XIV. DUE PROCESS FOR BALTIMORE COUNTY PUBLIC SCHOOLS' EMPLOYEES

- A. An employee who feels that his/her rights have been violated with respect to Section 504 of the Rehabilitation Act of 1973 may choose to file a complaint with the Maryland Commission on Human Relations or the Equal Employment Opportunity Commission. An internal assessment of the complaint will be made by the EEO officer which could involve:
1. Review of complainant's personnel application or personnel file.
 2. Interviews with appropriate employees (supervisors, director of personnel, specialists, etc.).
 3. Liaison efforts with EEOC, MCHR, and regulatory agencies toward pre-investigation resolution.
 4. The EEO officer, director of personnel, and county attorney preparing for review a written report of findings, activity in the case, and progress.
 5. The EEO officer with the investigating agency representative coordinating onsite investigations (review and duplication of files, personnel records, etc.) to include:
 - a. Arranging on-site visits, space, availability of records for review, personnel requested for interviews, and duplication of records.
 - b. Arranging other on-site assistance for the investigating agency's representative.
 - c. If a pre-settlement conference is conducted by the Equal Employment Opportunity Commission and Maryland Commission on Human Relations, the EEO officer, attends the pre-settlement conference..
 6. Findings of "probable cause" (to believe discrimination occurred) by the investigating agency allowing for the period of ten duty days for conciliation settlement with the complainant. Upon such findings the activity of the case will be referred to the county solicitor for legal consideration and recommendation of the next action of appropriate follow-up.
 7. During subsequent activity in the case (pending actions, litigation, etc.) one copy of all related correspondence should be duplicated and forwarded to the EEO officer for storage in the official EEO files.
- B. An employee may choose an informal process (appealing directly to the EEO officer) rather than file a complaint with either of the two government agencies.

1. The EEO officer will conduct an interview with the complainant and obtain a chronology of the employee's complaint-related experiences.
2. An investigation of the complaint will be conducted which will involve:
 - a. Review of personnel folder.
 - b. Interviews with personnel and other witnesses.
 - c. Review of relevant documents.
3. If deemed necessary, the EEO officer will request additional information or input from other appropriate personnel.
4. A written report will be prepared.
5. The EEO officer will review the evidence gathered during the investigation and make recommendations for resolution.
6. Copies of related correspondence will be distributed to persons directly involved and to the official EEO files.

XV. Administrative Responsibilities for the EEO Officer

The EEO officer will provide assistance to administrators in the other divisions by:

1. Coordinating a response to clients, citizens, employees, and other interested parties involving due process for complaints related to Section 504.
2. Responding to all inquiries in a timely fashion.
3. Maintaining communication with the other divisions and interested parties.
4. Maintaining documentation detailing procedural duties of the Office of Equal Employment Opportunity for employees/students with disabilities.

BALTIMORE COUNTY PUBLIC SCHOOLS
REHABILITATION ACT OF 1973: SECTION 504
NOTICE OF PARENT/GUARDIAN AND STUDENT RIGHTS

Under Section 504

The Rehabilitation Act of 1973, commonly referred to as §504, is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under §504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

Dual Eligibility: Many students will be eligible for educational services under both §504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under §504. A *Parents Rights Handbook* prepared by the Maryland State Department of Education is available at your child's school and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights ensured by §504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for §504 as set out in 34 CFR Part 104 provide parents/guardians and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under §504. (The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled students are met. 34 CFR 104.33.
3. Your child has the right to free educational services except for those fees that are imposed on nondisabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34.
5. Your child has a right to facilities, services, and activities that are comparable to those provided for nondisabled students. 34 CFR 104.34.
6. Your child has a right to an evaluation prior to an initial §504 placement and any subsequent significant change in placement. 34 CFR 104.35.
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal

reports, and Maryland School Assessment, Alternate Maryland School Assessment, and Maryland High School Assessments scores. 34 CFR 104.35.

8. Placement decisions must be made by a group of persons (i.e., the §504 committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
9. If eligible under §504, your child has a right to periodic reevaluations to determine whether there has been a change in educational needs. 34 CFR 104.35.
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine relevant records. You have the right to obtain copies at a reasonable cost unless the fee would effectively deny you access to the records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
13. If you wish to challenge the actions of the district's §504 committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's §504 coordinator, the executive director of Student Support Services, 9610 Pulaski Park Drive, Suite 219, Baltimore, MD. 21220, 410-887-4360, within 30 calendar days from the time you received written notice of the §504 committee's action(s). A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
15. On §504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's §504 coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You also have a right to file a complaint with the Office of Civil Rights. The address of the Regional Office which covers Maryland is:

Office for Civil Rights, Philadelphia Office
U.S. Department of Education
Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107 (215) 656-8541
FAX number (215) 656-8605; TDD (215) 656-8604

If there are questions, please feel free to contact the executive director of Student Support Services for Baltimore County Public Schools at 410-887-4360.

Approved: 08/2005
REVISED: _____