



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

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Section 504 Implementation Guidance

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I. Introduction

A. Purpose

This implementation guidance has been developed to ensure that all school-based 504 coordinators are able to uphold the responsibilities of the role and maintain compliance with the procedures of DCPS' Section 504 Program, as detailed in the [DCPS Section 504 Policy](#). Questions about this implementation guidance should be directed to 504@k12.dc.gov.

B. Background and Federal Law

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that protects individuals with disabilities from discrimination in any program or activity that receives federal funding. The core of Section 504 is short; it states:

*No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*¹

Fundamentally, Section 504 is an anti-discrimination statute. In the public-school context, Section 504 guarantees students with disabilities the right to full participation and access to a free appropriate public education (FAPE). Schools must provide the accommodations and services that are necessary to give eligible students an equal opportunity to participate in and benefit from the general education curriculum and other opportunities for learning. In other words, the goal of Section 504 is to provide a level playing field for students with disabilities.

The Americans with Disabilities Act, sometimes referred to as Section 504's sister statute, contains similar disability protections as Section 504, but expands these protections beyond programs or activities receiving federal funding. Importantly, these two laws use the same eligibility standards and, in most cases, require the same legal obligations. When the ADA was amended in 2008, an additional provision was included to require the same eligibility standards that were being added to the ADA be applied to Section 504.² Taken together, these two laws and their accompanying regulations form the framework for applying Section 504 in public schools.

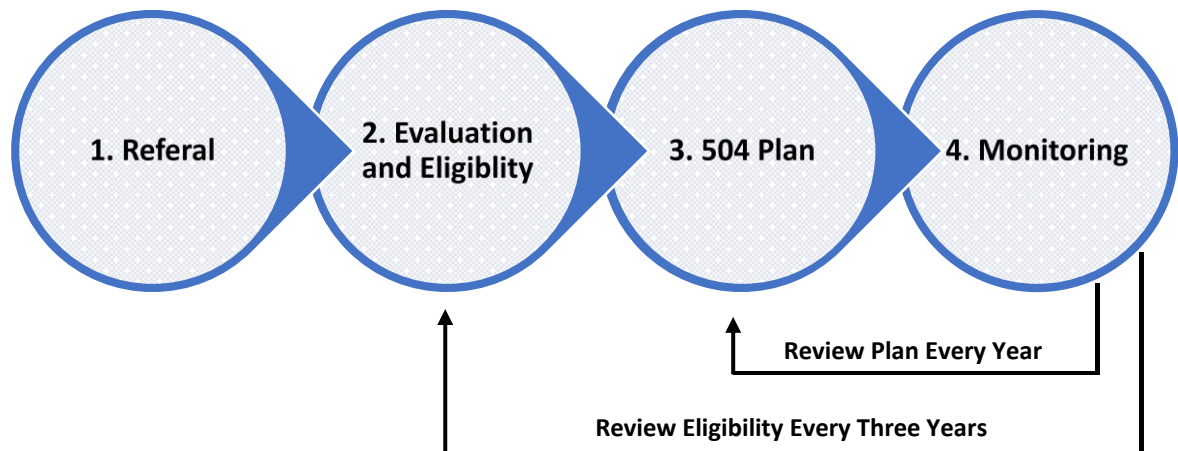
C. Section 504 in DCPS

The District of Columbia Public Schools (DCPS) Section 504 Program provides accommodations and related services so that students with disabilities can access the general education curriculum and other activities to the same extent as their non-disabled peers. At DCPS, the 504 process works in four main stages. First, the school receives a referral for 504 services. After receiving the referral, school-based 504 team meets to review the available data and documentation to determine whether the student meets the eligibility requirements under Section 504. If the student is found eligible, the 504 team develops a 504 plan, including the accommodations and related services that the student will need to ensure equal access to the general education curriculum and other educational activities. Finally, the 504 team

¹ 29 U.S.C. § 794.

² 29 U.S.C. § 705(20)(B).

reconvenes annually to review the 504 plan and once every three years to review the eligibility determination.



Every DCPS school has at least one 504 coordinator who is designated by the school principal to serve as the school's main point of contact for questions from students, parents/guardians, and school staff regarding accommodations and services under Section 504. The 504 coordinator must lead the 504 team through each of the four steps of the 504 process. This process must always be followed with fidelity for every student who is referred to Section 504 or who already has a DCPS 504 plan.

II. General 504 Process Guidelines

Free and Appropriate Public Education (FAPE)

DCPS is required to provide FAPE to qualified students with disabilities. For purposes of Section 504, an appropriate education refers to the provision of general or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based on adherence to procedures that satisfy the Section 504 requirements regarding educational setting, evaluation and placement, and procedural safeguards.³

Required 504 Team Members

Section 504 requires that at least one person fulfilling each of the following three categories is present at each meeting related to Section 504 for the meeting to be a valid 504 meeting:

a) Individual Knowledgeable about the Student

In most cases, this person should be the parent/guardian. However, another individual may fulfill this role if the parent/guardian is unable to attend. Teachers are often able to serve as the individual knowledgeable about the student, if they have known the student for some length of time. For example, in September, the teacher is probably not knowledgeable about the student yet, but last school year's teacher may be able to fulfill this role.

b) Individual Knowledgeable about the Evaluation Data

This person is someone who can interpret medical documentation and/or any evaluative or other school data. Depending on the student's physical or mental impairment, the school social worker, school psychologist, or relevant related service provider may be able to interpret the evaluation documentation. For students with a chronic medical condition, the school nurse should attend all 504 meetings to fulfill this role by interpreting any medical documentation. The role may also be fulfilled by teachers or administrators who can interpret the school data.

c) Individual Knowledgeable about the Accommodations and Placement

This role is fulfilled by a school staff member who can speak to available accommodations and supports, the general education curriculum, classroom environment, and/or the larger school environment.⁴

Participation in a meeting may occur in person or via phone or virtual meeting platform.

Eligibility Under Section 504

A student is considered to be an individual with disabilities, if they have (1) a physical or mental impairment that substantially limits one or more major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.⁵ However, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections

³ 34 C.F.R. §104.33(b)(1).

⁴ 34 C.F.R. § 104.35(c).

⁵ 34 C.F.R. § 104.3(j)(1).

that require the provision of FAPE. Students who either “have a record of disability” or who are “regarded as having a disability” are protected from discrimination under Section 504.⁶

IDEA Eligibility and Section 504

For students who are found eligible for special education under the IDEA, Section 504’s FAPE requirements are satisfied through the creation of an Individualized Education Program (IEP).⁷ Students who require accommodations and supports for a medical condition/physical or mental impairment typically provided through a 504 plan cannot have both an IEP and a concurrent 504 plan. Instead, such students should receive all necessary accommodations and modifications through their IEP. Any accommodations or supports that would typically be provided through a 504 plan should be included in and implemented through the IEP. Prior to convening the initial 504 eligibility meeting for a student, the 504 coordinator should first ensure the student does not have an IEP before proceeding with the 504 process.

Least Restrictive Environment

The least restrictive environment (LRE) is the setting that allows the student with a disability the maximum exposure to their nondisabled peers while still allowing them to receive an appropriate education.⁸ Section 504 presumes a general education classroom placement for the student. While this presumption also exists under IDEA, it is even stronger under Section 504 since disabilities encountered in 504-only students do not have comparable educational or academic impact. A placement other than the general education classroom is only appropriate if the student cannot be educated satisfactorily in the general education classroom with supplementary aids and services.⁹ If this is the case, the student should be referred for special education evaluation.

Procedural Safeguards

The 504 coordinator should provide the parent/guardian with a printed copy of the *Notice of Parent/Guardian and Student Rights* at the beginning of every meeting related to Section 504. Parents/guardians have the right to receive notice of decisions about their child with respect to the identification, evaluation, educational program, or placement of the child. Parental consent is required prior to initial student evaluation procedures.¹⁰

⁶ U.S. Department of Education Office for Civil Rights, *Protecting Students with Disabilities*, available at <https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

⁷ 34 C.F.R. §104.33(b)(2).

⁸ 34 C.F.R. § 104.34(a).

⁹ 34 C.F.R. § 104.34(a).

¹⁰ U.S. Department of Education Office for Civil Rights, *Protecting Students with Disabilities*, available at <https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

III. The 504 Process: Referral

A referral is the first step in the Section 504 process. Through a referral, the school is made aware that the student has a diagnosed or suspected disability and may need additional support. Any person associated with the student may submit a referral, including the student's parent/guardian, a teacher, the school nurse, or another school staff member.

Those referring a student are not required to use the words "referral" or "Section 504." Any reference by a parent/guardian or any other individual knowledgeable about the student to Section 504 or a diagnosed or suspected disability shall be considered as a referral to Section 504. This referral may occur verbally or in writing to any member of the school staff.

School staff, including the 504 coordinator must document the referral in writing at the time of the referral. If a staff member other than the 504 coordinator receives a referral, they must immediately notify the 504 coordinator of the referral. The 504 coordinator is responsible for logging all referrals in the 504 Referral event in Frontline within three (3) school days.¹¹ The 504 coordinator should then organize an eligibility determination meeting within fifteen (15) school days of the date of the referral.

A. Child Find

While parents or guardians may refer their children to a school's 504 coordinator, DCPS cannot wait until eligible students are identified and referred by their parents/guardians. Rather, under Section 504, districts have an **affirmative obligation to annually identify and evaluate every qualified individual with a disability in the district who is not being provided with an appropriate education**. The duty to evaluate under Section 504 is triggered by the school's suspicion that the student has a disability and is in need of services.¹² In other words, students should be referred if they are believed to be eligible under Section 504 (i.e., have a physical or mental impairment that substantially limits one or more major life activities) *and* need, or are believed to need, accommodations or services. This requirement mirrors the IDEA's "child find" provision.

Students with Diabetes and Other Medical Plans

All students with diabetes should automatically be referred to Section 504. Students with other medical plans, such as anaphylaxis action plans, should be referred to Section 504 if they require accommodations or services during the school day, including regular or intensive medical treatment. Additionally, students with medical conditions that cause them to miss school regularly or put them at risk of a health emergency should also be referred.

To facilitate this process, 504 coordinators should partner with their school's nurse to identify students with medical conditions who should be evaluated for Section 504 eligibility. At the beginning of the year, the 504 coordinator should meet with the school nurse to review student health plans and identify students with medical conditions who should be evaluated for Section 504 eligibility. The coordinator should discuss the referral procedure so the nurse knows when to refer a student and should check in periodically throughout the year for new developments.

¹¹ Frontline/Accelify is the database of record for Section 504 in DCPS. For access to Frontline or questions about using the database, please email 504@k12.dc.gov.

¹² 34 C.F.R. § 104.35(a).

Students with Documented or Suspected Mental Health Impairments

Students should be referred if school staff receive an evaluation, such as a psychological assessment, that diagnoses a student with a mental health impairment and recommends accommodations or services. Students should also be referred if teacher observations or other student data lead staff to suspect that a student has a disability. Possible signs include a decline in academic performance, disruptive behavior, or frequent absences. Any of these issues could be caused by a number of factors, so the 504 coordinator should work with the school mental health team to help identify when these issues may be related to a mental health impairment.

Students who are Ineligible for an IEP

Students who go through the special education eligibility process and are determined to be ineligible for an Individualized Education Program (IEP) may be eligible to receive services under Section 504. While not guaranteed to be eligible, these students who have documented disabilities and who require accommodations or services should be referred for 504 evaluation.

Students who are Exited from Special Education

Similarly, students who are exited from special education may require accommodations or services to support their transition to the general education setting. While not guaranteed to be eligible, these students should be considered for referral to the 504 process.

IV. The 504 Process: 504 Evaluation and Eligibility Determination

A student is eligible under Section 504 if the 504 team determines they have 1) a physical or mental impairment that 2) substantially limits one or more major life activities.¹³ The eligibility determination must be held within fifteen (15) school days of the receipt of the referral.

A. Eligibility Meeting Preparation and Format

The 504 eligibility meeting should follow the following format:

1. Prior to the meeting, the 504 coordinator should collect all applicable school data and documentation. The 504 coordinator should send the [504 Consent for Evaluation Form](#) to the parent/guardian with the meeting invitation and ask the parent/guardian to provide any relevant documentation on the student's disability. The 504 coordinator should then invite the student's teachers and any other necessary school staff to the meeting, and provide all teachers with a copy of the [Teacher Report Form](#) so that their observations can be represented at the meeting if they are unable to attend in person.
2. The 504 coordinator begins the meeting by confirming the parent/guardian has signed the [504 Consent for Evaluation Form](#). Please note: the 504 team may *not* proceed with the eligibility meeting if signed parental consent has not been obtained.
3. The 504 coordinator then leads introductions and documents all the meeting participants, including those who are participating by phone or virtual platform.
4. After documenting the meeting participants, the 504 coordinator ensures that at least one person is present for each of the three required participant categories and that there is sufficient data and documentation available to determine eligibility. If each of these categories is not represented or there is not enough information to determine eligibility, then the meeting must be adjourned and reconvened at a time when these criteria are met. This eligibility continuation meeting must be held no later than twenty (20) school days from the date of the first eligibility determination meeting.
5. The 504 coordinator provides the parent/guardian with the [Notice of Parent/Guardian and Student Rights](#) (also available in the District Attachments section in Frontline).
6. The 504 team determines whether the student has a physical or mental impairment. The 504 coordinator leads the team through the eligibility determination form. The 504 team considers the student's ability to complete each of the major life activities, grounding their reasons for degree of limitation in the available documentation and data. The team should consider the entire list of major life activities during this stage of the eligibility meeting.
7. If the student is found eligible, then the meeting continues and the 504 team develops the 504 plan. If it is not possible to continue the meeting at that time, then the 504 team must reconvene within five (5) school days to complete the 504 plan.
8. The meeting notes should include references to all pieces of data that the team considered during the eligibility determination. These notes and the medical documentation should be uploaded in the Eligibility Meeting event in the Meeting Notes/Contact Log section.

¹³ 34 C.F.R. § 104.3(j)(1)(i).

Screening Questions

At the start of the meeting, the team must determine whether the available data and documentation is sufficient to make an eligibility determination. If the team determines that additional information is needed, then the meeting should be postponed for a maximum of twenty (20) school days from the date of the first eligibility meeting to allow the 504 team to gather the necessary information. If after the initial twenty (20) day extension, the parent/guardian requests additional time to provide relevant data or documentation, then the meeting may be postponed for an additional fifteen (15) school days.

The Office for Civil Rights' guidance clarifies that the determination of whether a student has a disability under Section 504 need not demand extensive analysis. However, if the 504 team determines that a medical assessment or formal diagnosis is necessary to conduct a 504 evaluation, DCPS must ensure that the student receives this assessment at no cost to the student's family.¹⁴

The team must also determine whether the correct participants are present in order for the meeting to be a valid 504 team meeting (see required 504 team members above). If the correct participants are not all present, then the meeting should be postponed for a maximum of twenty (20) school days from the date of the first eligibility meeting. The meeting should be reconvened at a time when all of the necessary participants are able to attend. If the team determines that all of the necessary documentation is available and all of the correct participants are present, then the meeting will continue to the eligibility determination.

Supporting Documentation

During the eligibility process, the 504 team must ground all decision-making in objective data **drawn from a variety of sources** (e.g., grades, attendance, standardized test scores, teacher/staff reports, evaluations, health/medical records) so that the possibility of error is minimized. Information from all sources must be documented and considered, although the weight given to each is determined by the 504 team and the student's individual circumstance. No single source of information, including a medical diagnosis, is sufficient as an evaluation to determine eligibility. A physician can diagnose the physical or mental impairment; however, the 504 team makes the determination as to whether the impairment meets the eligibility standard of substantial limitation.

The observations of a student's teachers can be particularly important in determining eligibility as they often have the best sense of how the student's disability impacts them in the school setting. Teacher/staff reports may occur in person, via telephone, or in writing. For written testimonials, the 504 coordinator should request that teachers fill out the Teacher Report Form. Any written testimonials should be uploaded to the Meeting Notes and Other Attachments section in Frontline.

B. 504 Eligibility Determination

Physical or Mental Impairment

Most often, a student is considered to have a physical or mental impairment if the school receives documentation from a medical professional stating that the student has or is receiving treatment for an

¹⁴ U.S. Department of Education Office for Civil Rights, *Dear Colleague Letter and Resource Guide on Students with ADHD*, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>.

impairment or condition.¹⁵ This medical documentation may take many forms, including medical action plans, short notes from the medical professional, as well as long, formal diagnoses. Any documentation from a medical professional should be accepted as evidence that the student has a physical or mental impairment.

If the school is not in receipt of medical documentation and the school has reason to suspect that a student may have a physical or mental impairment, then the school should proceed with the 504 eligibility determination process even if the parent/guardian does not provide the requested documentation. Note, medical documentation is not required to establish that a student has a physical or mental impairment.

The 504 coordinator should list in the meeting notes all documentation that the 504 team considers in the eligibility determination process. The meeting notes and any supporting documentation should be uploaded to the *Meeting Notes and Other Attachments* section in Frontline. If a parent/guardian does not provide medical documentation, and the school does not suspect the student has a physical or mental impairment, then the 504 team may request consent to talk directly with the student's physician or mental health clinician.

Substantial Limitation of a Major Life Activity

An impairment in and of itself is not a disability; the impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504. If the 504 team establishes that the student has a documented or suspected physical or mental impairment, it then reviews all the available data and documentation to determine the extent to which an impairment limits the student's ability to complete the major life activities. When making this determination, the 504 team should compare the student's ability to the ability of the average student of the same age in the general population. The comparison is not to the student's potential or to the abilities of other students in the same school, as this may result in over- or under-identification depending on the population within the school.

Under the ADAAA of 2008, consideration of a substantial limitation should be "broadly interpreted."¹⁶ For this reason, the 504 team should interpret "close calls" in favor of broad coverage. The identified physical or mental impairment must substantially limit the student, but it does not have to prevent or severely restrict the student from performing the major life activity.

The 504 team must consider the extent to which each of the following major life activities is limited by the student's disability. In the school setting, a major life activity is any activity important in daily life or necessary for the student to access the education, opportunities for learning, and school activities that are accessed by other students in the school. The list of major life activities found in the DCPS Section 504 Eligibility form is drawn from the ADAAA.¹⁷ Working definitions of these activities can be found below.

- **Bending** refers to the student's physical ability to bend.
- **Breathing** refers to the student's physical ability to breathe.

¹⁵ Medical professionals may include medical doctors, nurse practitioners, physician assistants, mental health clinicians, etc.

¹⁶ 42 U.S.C. § 12102(4)(A).

¹⁷ 42 U.S.C. § 12102(2).

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- **Caring for Oneself** refers to the student’s physical ability to perform hygienic activities, as well as the mental and emotional capacity to carry out such activities.
 - Examples of hygienic activities include the ability to use the bathroom and ability to change clothing for physical education class.
 - **Concentrating** refers to the student’s ability to focus on assigned tasks.
 - **Communicating** refers to the student’s ability to express oneself and/or the student’s ability to process and understand the information presented from others.
 - **Eating** refers to the student’s physical ability to eat. Additionally, the major life activity of “eating” may be limited by a student’s lack of appetite due to medication.
 - **Hearing** refers to the student’s physical ability to hear.
 - **Learning** refers to the student’s ability to learn and/or complete the other tasks necessary to learn, such as processing information. If a student has a substantial or severe limitation on learning, the school should consider referring the student to the special education eligibility process to most appropriately meet the needs of the student.
 - **Lifting** refers to the student’s physical ability to lift items.
 - **Operation of a Major Bodily Function** refers to functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. This major life activity refers to the student’s body’s ability to carry out major bodily functions. Students with chronic medical conditions, such as diabetes or sickle cell disorder, have a substantial or severe limitation on the operation of a major bodily function.
 - **Performing Manual Tasks** refers to the student’s physical ability to perform tasks and/or the student’s mental or emotional capacity to complete manual tasks.
 - Examples of manual tasks include the ability to use classroom equipment/tools, etc.
 - **Reading** refers to the student’s ability to read text.
 - **Seeing** refers to the student’s ability to see. For students who wear glasses or contact lenses, the limitation on seeing should be considered when the student is wearing glasses/contact lenses.
 - **Sleeping** refers to the student’s ability to get sleep at appropriate times and to remain awake at appropriate times.
 - **Speaking** refers to the student’s physical ability to make sounds with his/her vocal cords (as opposed to communicating, discussed above).
 - **Standing** refers to the student’s physical ability to stand.
 - **Thinking** refers to the student’s mental capacity to think, reason, process, etc.
 - **Walking** refers to the student’s physical ability to walk.
 - **Working** refers to the student’s ability to complete manual work.

It should be noted that the above list is not exhaustive, and the 504 team may consider other activities that are necessary for daily life or to access their education, opportunities for learning, and school activities. Further, while learning is the primary emphasis in schools, a student does not need to be substantially limited in the major life activity of learning to be eligible under Section 504. A student may have a disability that in no way affects their ability to learn, yet the student may need extra support of some kind to access general education curriculum or other educational activities.

Mitigating Measures

When determining the degree to which a major life activity is limited, the 504 team should not consider the student's abilities with the use of mitigating measures. A mitigating measure is a compensatory method, such as a medication, assistive device, or service, that is used to eliminate or reduce the effects of an impairment. This means that if a student is on medication for their condition, the team must consider the student's ability to complete the major life activities when the student is not on medication. The only exception to this is normal glasses and contact lenses. If a student wears normal glasses or contact lenses, then the team should consider the student's ability to see when the student is wearing the glasses or contact lenses.¹⁸

In such cases, the 504 team should review past data such as teacher comments, information from the student's physician, and information from the parent to make an educated estimate of the student's abilities without the effects of mitigating measures. A review of such data may reveal the student's major life activities are still only mildly limited without the impact of mitigating measures; therefore, not meeting the requirement of substantial limitation. On the other hand, the 504 team may determine the data do indicate an impairment that substantially limits one or more major life activities.

Schools may not require students to utilize mitigating measures. For example, schools may not pressure families to utilize medication if the family chooses not to. When determining limitations on major life activities, the 504 team may also consider the side effects of any mitigating measures. For example, if a student is on a medication that affects their ability to sleep, the student's major life activity of sleeping may have a substantial limitation.

It is important to note that while the beneficial effects of mitigating measures cannot be considered in making the disability determination, such effects should be considered when determining whether a student needs accommodations or services in their 504 plan. A student may be found eligible but may not require accommodations or services because their needs are being met as adequately as those of nondisabled peers based upon the positive effect(s) of the mitigating measures currently in use.

Additional Physical or Mental Impairments

The entire 504 eligibility determination process must be completed for each physical or mental impairment that a student has. For example, if a student is found eligible for Section 504 because of a diagnosis of diabetes and the parent/guardian later brings in documentation that the student has ADHD, the 504 coordinator must reconvene an eligibility determination meeting to determine whether the student's ADHD substantially limits one or more major life activities. If so, then the 504 team should continue to update the 504 plan to include accommodations that address the limitations caused by ADHD.

¹⁸ 42 U.S.C. § 12102(4)(E).

Temporary Injuries and Episodic Impairments

Section 504 protections apply to students with disabilities, not temporary injuries. In general, if a condition will resolve itself in six (6) months or less, then the student has a temporary injury, not a disability. In some cases, temporary injuries are so severe as to substantially limit one or more major life activities. This determination must be made on a case-by-case basis by the 504 team.¹⁹ If the 504 team determines a substantial limitation of a temporary injury and writes a 504 plan for the student, then the 504 team must reconvene an eligibility review meeting and find the student ineligible when the temporary injury is resolved. This should occur as soon as possible after the injury is resolved, and the 504 team should not wait for the annual review or triennial eligibility determination review dates.

For episodic impairments, in which the student has periods of good health and then periods of symptoms of the condition, the 504 team should consider whether the condition is likely to recur. Information from previous episodes should be used to determine the extent to which it limits a major life activity. Finally, the 504 plan should include accommodations on an as-needed basis, with notes about the time of year when the condition is likely to reoccur, if applicable.

Technically Eligible Students

The 504 team should consider eligibility under Section 504 independently from the perceived need for accommodations or services. Some students may meet the 504 eligibility criteria but not need any accommodations or services if they already have equal access to the curriculum. On the other hand, some students may be struggling in school due to circumstances unrelated to a disability (such as language barriers) and would not meet the eligibility criteria of being a student with a disability under Section 504. For these students, other supports available to general education students, such as the Multi-Tiered Systems of Support (MTSS) process, may be appropriate.

In cases where students meet the disability criteria but are currently not in need of accommodations or services through a 504 plan, the student would still be covered by Section 504's antidiscrimination protections. Further, the 504 team should reconvene annually to review whether the student may need accommodations or services.

Denying an Eligibility Referral

When a school receives a 504 referral, the 504 coordinator should follow the 504 eligibility determination process detailed herein. However, if a student has recently been determined ineligible for Section 504, then the school may explain the denial of the referral for this reason and provide the parent/guardian with a copy of the *Notice of Parent/Guardian and Student Rights*, which is available for download from the District Attachments section of the Frontline homepage.

If new documentation has been provided to the school since the ineligibility determination or if the school has documentation of a change in the student's ability to access parts of the school day, then the school should proceed with re-visiting the eligibility determination within 15 school days from the date of the request.

¹⁹ U.S. Department of Education Office for Civil Rights, *Protecting Students with Disabilities*, available at <https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

V. The 504 Process: 504 Plan Development

After determining that the student is eligible under Section 504, the 504 team should proceed to write the 504 plan. The 504 plan consists of the accommodations and related services that a student requires to be able to access the general education curriculum, opportunities for learning, and school activities to the same extent as their non-disabled peers. Accommodations may include classroom accommodations, standardized testing accommodations, transportation, assistive technology, and modified behavior management plans. The team should come to a consensus to determine the specific accommodations. Each accommodation should directly address a specific substantial limitation that the student experiences due to their disability. Students may also receive related services through their plans if the related service provider, as the individual knowledgeable about the relevant evaluation data, advises the 504 team that service is necessary for them to access the general education curriculum.

Once the plan has been developed, the 504 coordinator distributes a copy of it (either via hard-copy or electronically) within five school days of completion to every adult in the school building who regularly interacts with the student and the student's parent/guardian. School staff should begin implementing the 504 plan immediately upon receipt.

The 504 plan is a binding legal document, and all accommodations and related services contained in the plan must be provided by DCPS as written. No individual staff member has discretion or authority to alter or otherwise interpret the 504 plan or deny any accommodations granted to the student. As a result, great care should be taken to ensure its appropriate creation.

A. Meeting Format

The meeting should follow the below format.

The 504 Coordinator:

1. Begins the meeting by leading introductions and documenting all the meeting participants, including those who are participating by phone or through a virtual platform. Meeting participants should be documented in the Meeting Summary form in the 504 Plan event in Frontline.
2. After documenting the meeting participants, the 504 coordinator ensures that at least one person is present for each of the three required participant categories. If neither of these categories is not represented, then the meeting must be adjourned and reconvened at a time when all categories of participants can be present.
3. Provides the parent/guardian with the [Notice of Parent/Guardian and Student Rights](#) (also available in the District Attachments section in Frontline).
4. Leads the team through the 504 Plan form.

Once complete, the 504 coordinator distributes a copy of the 504 plan to the student's parent/guardian and to all adults in the school building who regularly work with the student. This distribution should occur within five (5) school days of completion of the 504 plan.

B. Classroom and In-School Accommodations

Students may receive classroom and in-school accommodations through a 504 plan. Accommodations are strategies that allow the student to access the general education curriculum without altering the expectations or content of the curriculum. **Care should be taken to ensure that the curriculum is not being modified**, as this would constitute special education, which is not available through a 504 plan. If a student requires special education, then the student should be referred to the special education eligibility process to determine if they are eligible to receive an individualized education program (IEP).

The particular accommodations a student should receive as part of their 504 Plan is a matter of individualized evaluation and data-based decision making by the 504 team. The 504 team should first review all available data and documentation to determine how the student's disability substantially limits their ability to access the curriculum throughout each part of the school day, including classroom instruction, non-academic periods, and overall physical access to the school building. The 504 team must then use the data and documentation to determine which accommodations are necessary to provide a level of access to the programs commensurate to that provided to students without disabilities.

The team should ground these decisions in objective data using the information and documentation considered during the eligibility determination process. In cases where an accommodation is requested without adequate data to support the need for the accommodation, the 504 team may agree to collect the necessary data and convene again to determine the need for the accommodation based on a review of data within twenty (20) school days.

Only the accommodations that are necessary for the student to have equal access the general education curriculum should be provided. Remember: Section 504 does not require a school to provide the accommodations and services that maximize the potential of students with disabilities. Rather, it seeks to ensure that students with disabilities have the same access to the benefits of a public education as all other students.

Recommendations from Medical Professionals

The recommendations of medical professionals should be considered as one piece of data that the team determining appropriate accommodations. However, the 504 team is ultimately responsible for developing the 504 plan.

Guidance on Common 504 Accommodations

Extended Time

When adding extended time for assignments or for classroom tests/quizzes into a student's 504 plan, specify the amount of time (e.g., 50% extended time). **504 coordinators should also explicitly write into the 504 plan the last date that assignments will be accepted for each advisory** to avoid the delay of grades entered into Aspen.

Make-up Work

In general, students with 504 plans should follow the school's normal policy for completing and submitting make-up work following absences. In some cases, students may have disabilities that result in frequent absences. If a student requires a plan for make-up work that is different from the normal school policy, then these accommodations should be included in the 504 plan. Such accommodations may include submitting work electronically. If a student is being accommodated with extended time to turn in missed assignments, then the time should be explained in detail within the 504 plan (e.g., for each day of absence, the student will have one additional day to turn in missed assignments).

Preferential Seating

When specifying the area for a student's seating in the classroom, use the term "preferential seating." Because classrooms are organized in different ways, seating at the front of the room is not always the best option. "Preferential seating" allows for more flexibility for the student to sit in the most appropriate setting (e.g., away from distractions, near the teacher, near positive peer influences). The 504 plan should then specify which of these settings "preferential seating" means for the particular student.

Physical Education

It is always the goal that students are able to fully participate in physical education (PE) class. DCPS provides comprehensive, progressive studies in PE through high-quality instruction rooted in research-based best practices. Each program provides students with necessary skills to engage in a lifetime of wellness and physical activity. The goal of physical education is to develop physically literate students who have the skills, knowledge, and confidence to enjoy a lifetime of healthful physical activity.

Students with physical disabilities may need accommodations to be able to participate in PE class. The 504 coordinator may request that an adapted PE teacher consults with the school's general education PE teacher in order to recommend some strategies and accommodations to ensure that the student can participate in PE class.

Denying Requests from Parents/Guardians

At times, a parent/guardian may request accommodations that the other members of the 504 team determine to be unnecessary or inappropriate for the student's needs. **Financial or staff capacity constraints may not be considered in determining whether an accommodation should be included on a 504 plan.** The team should discuss how accommodations already in the plan address the parent's/guardian's concern or consider alternative accommodations that address the same area of substantial limitation that school staff can provide more effectively or with greater fidelity.

C. Related Services

Related services under Section 504 may be considered when a student does not display evidence of a disability under IDEA that requires special education. First, the student must go through the 504 eligibility determination process. If the student is found eligible under Section 504, the 504 team may consider adding a related service to the 504 plan if they believe the service is necessary to ensure equal access and the same educational opportunities as those provided to their nondisabled peers. Available services include, but are not limited to, Behavior Support Services, Occupational Therapy, Physical Therapy, Speech-Language Pathology, and Audiology. If the 504 team is considering adding a related service to a 504 plan, then that related service provider *must* be present at the meeting as they are the individual knowledgeable about their evaluation data.

Ordering Related Service Evaluations

If the 504 team suspects that a student may require a related service, or if a parent/guardian requests a related service, then the following process should be followed.

1. The 504 coordinator in collaboration with the 504 team (including the relevant related service provider) meets to discuss the referral and the current existing data.

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2. If the related service provider and 504 team determine that additional information is needed in order to determine eligibility for the related service, then the referral request and all relevant assessments should be documented in Frontline. The determination of whether additional information is needed should rely heavily on the expertise of the related service provider.
 3. All relevant assessments that were ordered must be completed within the DCPS eligibility timeline process by all relevant providers. Related service providers will follow their disciplinary guidelines for obtaining consent for completing assessments.

Note: If the timeline for the completion of the assessment extends beyond the timeframe of the 504 eligibility determination process or the timeframe for writing the 504 plan, then the 504 Team should proceed to complete all other parts of the 504 eligibility determination and/or 504 plan without this information and reconvene to discuss the addition of the related service(s) when the assessment results are available.

Including a Related Service on a 504 Plan

If the student is eligible to receive the related service, then the related service provider will provide the 504 coordinator with the goals, amount of time, and frequency of the related service to be included in the student's 504 plan. All of this information must be documented in the "Related Services" and "Related Services Goals" forms in the 504 Plan event in Frontline. The related service provider should then maintain service trackers per instruction from the related service program manager.

D. Standardized Testing Accommodations

Students may receive any of the accessibility features, administrative considerations, and/or accommodations designated for DC CAPE in the [OSSE Testing Accommodation Guide](#). These accommodations should also be provided on all other district standardized assessments. Any feature, consideration, or accommodation must be included in the 504 plan, even if it is available to all students, in order to ensure that the student receives it during testing. In general, the accommodations that a student receives for standardized tests should be similar to the accommodations that the student receives throughout the school day. Adding accommodations that a student is not used to receiving may add confusion and increase stress.

1. Documenting Standardized Testing Accommodations

All standardized testing accommodations must be documented in the Testing Accommodations form in the 504 Plan event in Frontline.

2. College Board Assessments

It is the responsibility of the DCPS school to submit any accommodations that the student receives on District-Wide Assessments to the College Board. The College Board individually governs accommodations that are provided during its assessments, including PSAT, SAT, and AP exams. In order to receive accommodations on any College Board assessment, the College Board's Services for Students with Disabilities (SSD) must approve the accommodations. Each DCPS school that provides College Board exams has an assigned SSD coordinator. The 504 coordinator should work with the school's SSD coordinator to ensure that the application is submitted to College Board for all students with 504 plans that include testing accommodations. The SSD coordinator is responsible for obtaining written consent from the parent/guardian to complete the College Board accommodations application process. The 504 coordinator provides the SSD coordinator with all relevant documentation, such as the 504 plan and

medical documentation. The SSD coordinator should ensure that the accommodation application is submitted to College Board before the applicable deadlines. Applications received after the deadlines are not guaranteed to be reviewed prior to testing day. Additionally, the SSD coordinator should work with the College Board testing coordinator to ensure that students approved for testing accommodations receive the appropriate testing materials and test under the specific conditions outlined in the approval notice. The 504 coordinator should also contact the SSD coordinator to coordinate support for students applying for accommodations on the ACT.

E. Transportation

Under Section 504, a student with a disability may be eligible for transportation services if, due to the student's disability, transportation is necessary for the student to access school. Transportation services are provided and managed by the Office of the State Superintendent of Education (OSSE). The determination of whether a student is eligible to receive transportation services is a 504 team decision.

There are two categories under which students with 504 plans may be found eligible to receive transportation in DCPS:

Category 1: Students with Physical Disabilities and/or Chronic Medical Conditions

A student with a physical disability and/or a chronic medical condition may be eligible to receive transportation services. A student is only eligible to receive transportation in this category if the student has a physical disability and/or chronic medical condition that prevents the student from traveling between home and school in a standard or non-adapted vehicle.

Category 2: Students Who Require Structured Transportation Supports (STS)

A student with a disability that requires the student to have structured transportation supports to travel to school may be eligible to receive transportation services. Structured Transportation Supports refers to non-medical accommodations and/or assistance that address safety concerns such as unsafe behaviors, compromised decision making, or impaired navigation resulting from the child's disability.

Completing the Transportation Worksheets

Students must first be found eligible for Section 504 before a team can consider eligibility for transportation. In order to determine if a student is eligible to receive transportation on a 504 plan, the 504 team must complete the Section 504 Transportation Worksheets form in the 504 Plan event in Frontline. Eligibility for transportation is determined solely by the answers to the questions on the worksheet. The 504 Team should determine as a team the answer to each question based on the available documentation. Once completed, the completed Section 504 Transportation worksheet to the Central Services Section 504 and Student Accommodations Team at 504@k12.dc.gov.

F. Assistive Technology

Assistive technology (AT) is any item, piece of equipment, software program, or product system that is used to increase student access to the curriculum and educational environment. If a student with a disability requires AT to access the curriculum, educational environment, and school activities, they may be eligible to receive AT provided by DCPS through their 504 plan. The student's 504 team will make this decision in collaboration with the Central Services AT Team (AT Team).

AT should be considered and discussed for all students with 504 plans during the initial creation and annual review of their 504 plan. During these meetings, the 504 team should discuss whether the student is functioning independently with regards to their physical access, communication, and learning; if current classroom supports or previously considered AT meets the student's needs; and if the student may benefit from AT not previously considered in one or more of the areas of need.

To submit your collaboration request to the AT Team and receive Assistive Technology for your 504 student, you **must** request access to the AT Portal in Quickbase. Please contact the AT Team at dcps.assistivetech@k12.dc.gov for access.

G. Other 504 Plan Guidelines

Students with Diabetes

All students with diabetes must be referred to Section 504. For a student with diabetes, the 504 coordinator must complete the Diabetes Addendum form in the 504 Plan event in Frontline.

As with any referral to the Section 504 Program, a student's parent/guardian may decline to have their student placed in the program. If a parent/guardian declines to have their student placed in the Section 504 Program, the school nurse will continue to implement the student's existing medical orders for medication or treatment. The parent/guardian should check "no" on the Parent/Guardian Consent for Placement and sign this document if they do not wish for the student to have a 504 plan. This documentation must be provided to the DCPS Central Services Section 504 and Student Accommodations Team via Frontline.

Transfer Students

When students transfer between DCPS schools, the 504 documentation will automatically be moved to the current school in Frontline. The receiving school must implement the existing 504 plan. If the receiving school determines that changes to the 504 plan are necessary, then the 504 coordinator should organize a meeting to review the 504 plan.

DCPS does not currently share a 504 plan management system with charter schools, private schools, or schools in other states. If a student transfers from a non-DCPS school, then the entire DCPS 504 process must be completed. The notification that a student had a 504 plan previously should be considered the referral. If the 504 plan from the previous school is provided, then this document may be used as one of the sources of data that the 504 team considers when determining eligibility. The school should implement relevant parts of the existing 504 plan while the eligibility determination process is being completed. The 504 Team may also consider the accommodations that the student was receiving at the previous school when developing the DCPS 504 plan.

Extracurricular and Afterschool

Students with a qualified disability must be afforded an equal opportunity to participate in extracurricular activities and athletics as non-disabled peers. Students who qualify under Section 504 should receive any accommodations they need to participate in DCPS-run or DCPS-sponsored extracurricular and non-instructional activities, provided that the accommodations do not substantially alter the program or provide undue hardship. This includes athletics, clubs, and school events.

Graduation Ceremonies

Students must be able to participate in graduation ceremonies regardless of disability status. The school should communicate with event organizers early in order to ensure that all necessary accommodations are put in place so that the student can participate. This may include ensuring that the stage is physically accessible, allowing additional time for students with physical impairments to move across the stage, using an FM system, etc.

Field Trips & Travel

All students should have the opportunity to participate in field trips. Because field trips are important learning opportunities and part of the general education curriculum, students with 504 plans cannot be denied access to field trips due to their disabilities. Students with 504 plans must be provided equal opportunity for participation, including transportation to and from the field trip site(s) and all planned educational and recreational activities that take place at the field trip site(s).

It is the responsibility of the trip planner—not the 504 coordinator or the parent/guardian—to ensure that all students receive all of the applicable accommodations on the field trip. The 504 coordinator should assist this process by providing copies of the 504 plan to the trip planner. Trip sponsors should make every effort to enable full participation and to mitigate factors that could discourage participation, such as cost and accessibility. As part of the planning and implementation process, trip sponsors should discuss field trip accessibility with the 504 coordinator if any student participants have a 504 plan. If necessary, accommodations should be discussed. It is the responsibility of the school to ensure that all accommodations normally provided to a student are made available during a field trip, including medication administration. If medication administration is needed, trip sponsors must identify a trained staff member to participate in the field trip. Participating students' 504 plans should be available provided to any staff coordinating and/or participating in the field trip.

DCPS expects that all qualified students will be included on all field trips, including international trips. A trip sponsor is responsible for ensuring that the field trip is fully accessible to all eligible students prior to communicating trip details to students and parents/guardians. For more information, please consult the [Field Trips and Student Travel Policy](#).

Building Accessibility

All efforts should be made to accommodate students in the school in which they enroll through basic accessibility strategies, such as moving their classrooms to accessible floors. If a student with a physical disability is enrolled at a school that has not been modernized and is not accessible, then the student may need to be placed at an accessible school building. In these cases, the 504 coordinator should contact the Central Services Section 504 and Student Accommodations Team at 504@k12.dc.gov.

H. Distributing the 504 Plan

Once the plan has been developed, the 504 coordinator distributes a copy of it electronically or via hard copy within five (5) school days of completion to every adult in the school building who regularly interacts with the student and to the student's parent/guardian. School staff should begin implementing the 504 plan immediately upon receipt.

If the parent's/guardian's preferred correspondence language²⁰ meets the covered language threshold²¹ under the DC Language Access Act, the student's 504 plan must be translated into the parent's/guardian's preferred language in a timely manner and the Central Services 504 Team will assist the school-based 504 team in coordinating required translations. For parents/guardians who do not speak one of the covered languages, translation of the 504 plan will be provided upon request, as capacity allows. For more information about language access, please visit <https://dcps.dc.gov/page/language-access-families>.

I. Transitioning 504 Plans to College and Career

All post-secondary schools that receive federal funding, regardless of whether they are private or public, are also covered under Section 504 and must make their programs accessible to qualified students with disabilities. However, postsecondary schools are not required to provide FAPE to students eligible under Section 504. Instead, they are only required to provide appropriate academic adjustments as necessary to ensure that they do not discriminate on the basis of disability. As a result, 504 plans do not transfer directly to the postsecondary setting, and a student with a disability must visit the disability support office or their campus' designated ADA point of contact to request the accommodations they require. Postsecondary institutions may also require more documentation to support the need for accommodations and services than is required by DCPS, including a medical diagnosis. To help students with their post-high school transition, provide them with a copy of their current 504 plan prior to graduating. Students can then provide the disability support office with a copy of their 504 plan as part of the documentation in support of their request for accommodations and services.

²⁰ Information about a parent's/guardian's preferred language for correspondence can be found in the student's Aspen record under the "Student" tab.

²¹ Currently, Amharic, Chinese, and Spanish meet the threshold for covered languages.

VI. The 504 Process: Monitoring, Review, and Reevaluation

The 504 coordinator must organize a 504 team meeting at least once each year to review the 504 plan and at least once every three years to review the 504 eligibility determination.

A. Annual Review of 504 Plan

The annual review of the 504 plan requires that the 504 coordinator organize a meeting with all necessary members of the 504 team. This meeting may occur as soon as desired but must occur no later than one year minus one day from the date of the initial 504 plan or from the date of the last annual review.

During the annual meeting, the team will review each part of the student's 504 plan to evaluate the appropriateness of the current services and accommodations. The purpose of the annual review is to determine if the services and accommodations in the student's current 504 plan continue to be appropriate. Any accommodations that are no longer necessary should be removed from the 504 plan. All decisions to remove, add, or update accommodations should be based on the available data and documentation and explained in the meeting notes. If the student currently receives related services or the 504 team may consider adding them, the relevant related service provider should attend the meeting to help guide the 504 team in determining whether the student continues to be eligible for the service, and if so, to update the prescription and goals.

The meeting should follow the same format as outlined in the 504 Plan Development section above. In Frontline, documentation should occur in the 504 Annual Review event, with all requirements the same as outlined in the 504 Plan Development section above.

B. Triennial Review of the 504 Eligibility Determination

The 504 team must review the student's eligibility under Section 504 triennially. This meeting should be held no later than three years minus one day from the date of the most recent 504 eligibility determination. Reviews of the eligibility determination may be conducted as early as desired. At the triennial review meeting, the 504 team will consider the available documentation to determine if the student continues to meet the criteria under Section 504 of being an individual with a physical or mental impairment that substantially limits a major life activity. The 504 team should request updated medical documentation prior to the triennial review meeting. However, the 504 team should proceed with the eligibility redetermination process even if the parent/guardian does not provide the requested documentation.

This meeting should follow the same format as outlined in the Eligibility Determination section above, with the 504 team completing the entire 504 Eligibility form.

In Frontline, documentation should occur in the 504 Triennial Re-evaluation event, with all requirements the same as outlined in the Eligibility Determination section above.

C. Other Required 504 Meetings

Significant Change in Placement

School administration should notify the 504 coordinator when a significant change in placement occurs for a student with a 504 plan, and the 504 coordinator should organize a meeting to review the student's 504 plan as soon as possible. This 504 meeting should be documented in Frontline using the 504 Revision Meeting event. Examples of significant changes in placement include when a student transfers to a new school with a dramatically different environment or when the student receives a suspension for ten (10) cumulative or consecutive school days.

Meeting Requests

504 coordinators must respond to all meeting requests and schedule meetings to review the 504 plan as within fifteen (15) school days after the request occurs. These meetings must be documented in Frontline using the 504 Revision Meeting event. An interim progress review meeting may be held any time the 504 team needs to evaluate the appropriateness of services or accommodations currently provided in a student's 504 plan. The student's parent, the student, the 504 coordinator, or teacher(s) may request such a meeting at any time. The 504 team completes the Section 504 Plan form to document the discussion and decisions of the 504 Team.

Expired 504 Plans

If the 504 plan expires before the 504 team holds the annual review, then the accommodations and related services in the 504 plan should continue to be provided until the 504 team updates the 504 plan.

Expired 504 Eligibility Determinations

If the 504 eligibility determination expires before the 504 team meets to review the determination, then the student should be considered eligible and continue to receive accommodations and related services until the 504 team meets to review the eligibility determination.

D. Exiting a Student from 504 Placement

There are only three situations when a student should be exited from Section 504: the student is found ineligible at the Triennial Review meeting, the parent/guardian revokes consent for 504 placement, or the student is found eligible for special education. Note: students who graduate or transfer to another school should not be exited from Section 504 in Frontline. There is a daily data feed from Aspen to Frontline, so a student's enrollment status will update automatically in Frontline after it is changed in Aspen.

Student Found Ineligible at Triennial Review

If the reevaluation determination is that the student's physical or mental impairment does not "substantially limit" a major life activity, then the student is no longer eligible for a 504 plan. In such cases, the decisions of the 504 team are documented in the meeting notes section. If a student is found ineligible at the triennial review, then the 504 coordinator should document this ineligibility in the 504 Triennial Re-Evaluation event in Frontline. After finding the student ineligible using this form, the 504 Exit event should be completed in order to formally exit the student from 504 placement.

Revocation of Parental Consent

A parent/guardian has the right to revoke consent for 504 placement at any time. In order to do so, the parent/guardian should check "no" and sign the Parent/Guardian Revocation of Consent for Placement

form. The 504 coordinator should then complete the 504 Exit event in Frontline and upload the signed Parent/Guardian Revocation of Consent for Placement form documenting the revocation to this section of the event.

Student Becomes Eligible for Special Education

A student may not have an IEP and a 504 plan at the same time. If a student with a 504 plan becomes eligible for special education, then the 504 coordinator should use the 504 Exit event in Frontline to formally exit the student from 504 placement.

VIII. Roles and Responsibilities

A. Central Services Section 504 and Student Accommodations Team

The Central Services Section 504 and Student Accommodations Team has staff members dedicated to supporting schools in the development and implementation of 504 plans. This team also monitors compliance and communicates with schools on a monthly basis to provide targeted supports to ensure continued compliance with the law. School personnel may contact the team for support at any time at 504@k12.dc.gov.

When requested, the Central Services Section 504 and Student Accommodations Team endeavors to be available to attend 504 meetings that involve extenuating circumstances. While it is the responsibility of the school-based 504 coordinator to lead all meetings and complete the 504 process, the Central Services Section 504 and Student Accommodations Team may attend meetings when the school and parent/guardian are experiencing difficulty with agreeing on the appropriateness of a 504 plan, when the parent/guardian has legal counsel present, when a new 504 coordinator is leading their first meeting, and when requested due to other extenuating circumstances. Schools and parents/guardians may request the support of the team and/or the team's attendance at a meeting by emailing 504@k12.dc.gov.

B. School Principal

1. Designation of Coordinator

The designation of a school-based 504 coordinator is the responsibility of the school principal. The Central Services Section 504 and Student Accommodations Team will contact all school principals prior to the beginning of each school year in order for this designation to occur. If the designated 504 coordinator leaves the school for any reason during the school year, it is the responsibility of the school principal to notify the Central Services Section 504 and Student Accommodations Team and designate a new 504 coordinator. If at any point a 504 coordinator is not designated, the school principal will assume the role until a new designation is made.

2. Monitoring of 504 Plan Implementation

As the instructional leader in the school building, the school principal (or other administrative designee) is responsible for monitoring the implementation of the 504 plan. Students with 504 plans are general education students, and the monitoring of the implementation of the plans should occur by the same individual who oversees all general education instruction. It is not the responsibility of the 504 coordinator to monitor 504 plan implementation.

C. School-Based 504 Coordinator

The 504 coordinator is responsible for serving as the school's main point of contact for questions from students, parents/guardians, and school staff regarding accommodations and related services under Section 504. The coordinator also manages the Section 504 process, which includes the following:

a) *Referral*

- Receiving referrals for students who may be eligible under Section 504.

b) *Eligibility*

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- Organizing and hosting an eligibility determination meeting to determine whether students are eligible under Section 504.
 - Gathering the relevant documents (outside medical information, grades, teacher reports, etc.) needed to make an eligibility determination.
 - Working with related service providers and the Central Services to arrange for DCPS evaluations, as needed.
 - Completing the 504 Eligibility event and submitting the completed event, meeting notes, and other attachments to the Central Services Section 504 and Student Accommodations Team via Frontline.

c) Annual 504 Plan

- Organizing and hosting an annual meeting for each eligible student to review the student's 504 plan and make revisions as necessary.
- Working with related services providers and other teams from Central Services to arrange for transportation, assistive technology, testing accommodations, and additional accommodations or services as required by students' 504 plans.
- Completing the 504 plan event and submitting the completed event, meeting notes, and other attachments to the Central Services Section 504 and Student Accommodations Team via Frontline.

d) Student Discipline

- Organizing and hosting a manifestation review meeting when a student with a 504 plan is suspended for more than 10 days.
- Completing the 504 Manifestation Determination Meeting event in Frontline and submitting the paperwork to the school designee responsible for the *Student Behavior Tracker*.

e) Parent/Guardian or Student Grievances

- Working with the school principal or other administrator to facilitate resolutions to parent/guardian or student complaints regarding accommodations or services under Section 504.

f) Timeliness

- Ensuring that all meetings are held within the applicable timelines.
- Ensuring that all documents are created and submitted via Frontline to the Central Services Section 504 and Student Accommodations Team within the applicable timelines.

D. Other 504 Team Members

Common 504 Team Members

a) Parent/Guardian

Schools should endeavor to include the parent/guardian in the 504 Process whenever possible, particularly given their knowledge of the student and the need for their consent to begin the evaluation process during the eligibility meeting. If the 504 coordinator experiences difficulty in soliciting a response to a meeting invitation from the parent/guardian, the 504 coordinator should attempt to

contact the parent/guardian on three separate days via three separate means of communication (e.g., via email, via phone call, and via in-person conversation during student drop-off/pick-up). Each of these contact attempts should be documented in Frontline using the Meeting Invitation form and the Distribution Manager associated with the appropriate event.

If the parent/guardian is still unresponsive after three attempts, then the 504 coordinator should proceed to schedule a meeting at a time that is convenient for the school and alert the parent/guardian of this meeting time. The meeting should continue without the parent/guardian if another individual who is knowledgeable about the student is present. After the meeting the 504 coordinator should send the parent/guardian any meeting documents, relevant meeting documents (such as an updated 504 plan), and a copy of the *Notice of Parent/Guardian and Student Rights*.

b) Administrative Team Member

While not required, it is strongly recommended that an administrator participates in 504 meetings in order to ensure that the school will be able to provide all the accommodations that the 504 team writes into the 504 plan. Not only does the presence of an administrator signal to school staff the importance of the student's 504 plan, but it also ensures that the school team can answer all questions with authority and offer assurance that all discussed accommodations will be provided.

c) Legal Counsel

Parents/guardians have the right to bring legal counsel with them to 504 meetings. The school should contact the DCPS Office of General Counsel (OGC) if a family is being represented by their own legal counsel. If the family brings counsel with them to the 504 meeting without first notifying the school, the meeting should be adjourned, and the school should immediately notify OGC and the Central Services 504 Team before attempting to reschedule the meeting.

d) School Nurse

Often, student disabilities require medical management during the school day. The school should contact the school nurse a week in advance, if possible, to invite the nurse to participate in a 504 meeting.

Student Participation

As much as possible, and as appropriate, students should be active members of the 504 process. Student participation and the development of self-advocacy skills becomes increasingly important as students reach high school. When students move to college or career, they will be responsible for notifying the college/their employer of their disability and asking for accommodations. Additionally, students are often the experts on what accommodations will and will not work for them, as well as any accommodations that they will accept. [The Student-Led 504 Meeting Guidance](#) details the ways that students may participate in the 504 process.

Situationally Required Members of the 504 Team

The relevant related service provider *must* attend the meeting if the 504 team is considering writing a related service into the 504 plan. If the related service provider is not present at the meeting, then the 504 team should complete all other parts of the 504 plan and reconvene later to update the 504 plan by completing Related Services and Related Services Goals section when the related service provider can be present at the meeting. Similarly, if the accommodations will include medical management by the nurse, the meeting must be held when the school nurse can be present at the meeting.

IX. Student Discipline

A. Manifestation Determination Review

School administrators may apply short-term disciplinary removals of students with disabilities or students suspected of having disabilities provided that that discipline does not discriminate against the student on the basis of their disability. If a student with a disability violates a rule requiring removal of that student for more than ten (10) days, or if a student with a disability or suspected disability accumulates more than ten (10) suspension days in the school year, then a Manifestation Determination Review (MDR) meeting must be held before the eleventh day of suspension may proceed. The purpose of an MDR is to determine if the conduct in question was caused by, or had a direct substantial relationship to, the student's disability and/or was a direct result of the district's failure to implement the 504 plan. The United States Department of Education Office for Civil Rights interprets the Section 504 regulations to require an MDR prior to any removal beyond ten school days as this constitutes a change in placement for the student.

The school staff member at the school who is responsible for maintaining the Student Behavior Tracker (SBT) should alert the 504 coordinator when an MDR meeting is required for a student with a 504 plan. If at the MDR meeting, the 504 team determines the student's behavior was a manifestation of the student's disability or the result of the district's failure to properly implement the 504 plan, then the student will not be suspended, and the 504 plan should be revised. If the behavior is not determined to be a result of the student's disability, then the suspension may proceed.

Upon notification, the 504 coordinator should organize the MDR meeting as soon as possible. For documentation purposes, the Meeting Invitation form must be filled out in Frontline in the 504 Manifestation Determination Meeting event. The 504 coordinator may choose to send the PDF of this document to the parent/guardian (via email or hard copy), or the invitation may occur via another method. The 504 Meeting Summary form must be used to document the meeting participants, as well as to ensure that all three required categories of participants are present. The 504 Team should walk through the Manifestation Determination Worksheet form, which will determine whether the behavior was a manifestation of the student's disability. Meeting notes should be uploaded in the 504 Manifestation Determination Meeting event in the Meeting Notes and Other Attachments tab.

B. Emergency Suspensions

A student with a disability may be suspended prior to an MDR if they are creating an emergency situation in the school. For an emergency condition to exist, the student's infraction **must** meet at least one of the following criteria:

- (1) The student carries a weapon to school or to a school function;
- (2) The student knowingly possesses or uses illegal drugs or solicits the sale of a controlled substance while at school or at a school function; or
- (3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of DCPS.

The student should be returned to school as soon as the emergency need has passed. Suspension days from an emergency suspension must be counted as suspension days for determining whether an MDR must occur. If the emergency suspension results in the student being suspended for more than ten (10)

cumulative or consecutive school days in the year, then an MDR must be held within ten (10) days of the emergency suspension. A student should not miss school days because he/she is waiting for the MDR following an emergency suspension.

X. Dispute Resolution and Complaints

In the event that disagreements or disputes arise throughout the 504 process, various methods of reporting and resolving those disputes are available, including informal resolutions with the Central Services 504 Team or school administrators, the DCPS grievance process, the Section 504 impartial hearing process, or a complaint to the U.S. Department of Education's Office for Civil Rights.

School-based 504 coordinators and other school staff should always reach out to the Central Services 504 Team for assistance in support when complex or contentious cases arise. The Central Services 504 Team will ensure that all procedures were followed appropriately and help mediate and advise on any disputes. This involvement can often help prevent these situations from escalating to other dispute resolutions methods discussed below and will help ensure the DCPS is following its own 504 procedures and all applicable law and regulations.

A. Preventative Steps

If a parent/guardian expresses that they are considering filing a grievance or requesting an impartial hearing, it is best to first attempt to resolve the concerns at the school-level. The 504 coordinator should organize a 504 team meeting as soon as possible in order to address the parent's/guardian's concerns and endeavor to come to a mutually agreeable solution. School administration is strongly encouraged to attend these meetings. It is often best to review the entire 504 plan at meetings in order to ensure that all of the parent's/guardian's concerns are addressed and to remind both the parent/guardian and school staff of all of the accommodations that the student is currently receiving. **Schools are not required to include all of the accommodations that parents/guardians request.** If the school believes that an accommodation is unnecessary, the 504 coordinator should explain the rationale and share the data and documentation that informed the determination with the parent/guardian. If the parent/guardian requests a modification or other change that is outside of the scope of a 504 plan, the school should clarify the difference between accommodations and modifications and explain to the parent/guardian what accommodations the student is/will be receiving in order to address the same concern.

The Central Services Section 504 and Student Accommodations Team is available to provide support to schools in these situations. Please email us at 504@k12.dc.gov.

B. DCPS Grievance Process

If a parent/guardian, student, or school visitor believes that he/she has been subjected to discrimination related to a disability or has a complaint related to the Section 504 process, they may file a grievance. Each school has a designated Grievance Point of Contact; schools should make every attempt to resolve grievances on the school level. If a grievance is filed related to Section 504, then the DCPS Comprehensive Alternative Resolution & Equity Team (CARE) will alert the Central Services Section 504 and Student Accommodations Team and the school-based grievance point of contact. The Central Services Section 504 and Student Accommodations Team will connect with the 504 coordinator in order to ensure that the coordinator is supported in the process. A 504 meeting will be organized in order to address the concern. The 504 coordinator should complete the regular documentation in Frontline. The school-based grievance point of contact will complete the required documentation for the grievance process.

C. Section 504 Impartial Hearing Process

A parent/guardian, adult student, or DCPS may also request an impartial hearing to resolve differences involving the identification, evaluation, and placement of students with disabilities entitled to protection under Section 504. The hearing request must be made within one (1) year of the date the parent/guardian knew or should have known about the alleged facts that form the basis of the request.

Within fifteen (15) business days of receiving a hearing request with all of the required information,²² DCPS will appoint a Hearing Officer to preside over the Impartial Hearing and ultimately issue a decision that follows these Procedures, Section 504 of the Rehabilitation Act of 1973 and its corresponding regulations, D.C. Municipal Regulations, and other applicable federal or D.C. statutes and regulations.

For more information, please consult [Procedures for Impartial Hearings under Section 504](#).

D. Remedies

In situations in which Section 504 services and accommodations are not properly administered and DCPS determines that there has been a denial of FAPE, DCPS may determine that it is appropriate to provide additional services to a 504 student in lieu of missed services. The Central Services Section 504 and Student Accommodations Team, in consultation with the relevant school staff and other DCPS teams, will make this determination on a case-by-case basis given information about the student's disability and its impact on their time in school, their 504 plan, and the services and accommodations that may not have been properly administered, among other relevant data sources. For a student to be considered for such additional services, school-based 504 coordinators or other relevant parties *must* contact the Central Services Section 504 and Student Accommodations Team so it can review the necessary information and make a determination about eligibility for additional services.

E. U.S. Department of Education Office for Civil Rights

An important responsibility of the Office for Civil Rights (OCR) is to eliminate discrimination on the basis of disability against students with disabilities. OCR receives numerous complaints and inquiries in the area of elementary and secondary education involving Section 504 of the Rehabilitation Act. Most of these concern identification of students who are protected by Section 504 and the means to obtain an appropriate education for such students.

OCR enforces Section 504 in programs and activities that receive Federal financial assistance from the Department of Education. Recipients of this Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies. The regulations implementing Section 504 in the context of educational institutions appear at 34 CFR § 104.

Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions so long as the school district complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such students, and due process. OCR will examine procedures by which school districts identify and evaluate students with disabilities and the procedural safeguards which those school districts provide students.

²² See the above section on "Requesting a Hearing" for a list of all required information.

OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services.