Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students and/or employees with disabilities. This guide provides information on Section 504 and the obligations of Portland Public Schools.
Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. All individuals and groups shall be treated with fairness in all activities, programs and operations, without regard to age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation.

Portland Public Schools Board of Education
Policy 1.80.020-P

For more information contact:
Student Services Department
Phone: 503.916.5460

<table>
<thead>
<tr>
<th>Question/Issue</th>
<th>Contact</th>
<th>Contact Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>For questions regarding 504 planning and eligibility</td>
<td>Tammy Jackson, Director Student Services</td>
<td><a href="mailto:tjackson@pps.net">tjackson@pps.net</a> 503.916.5460</td>
</tr>
<tr>
<td>To update Synergy (add or remove 504 flag)</td>
<td>Student Services</td>
<td><a href="mailto:Studentservices@pps.net">Studentservices@pps.net</a> 503.916.5460</td>
</tr>
<tr>
<td>To refer a parent who has questions about special education</td>
<td>Nicole Sisk Community and Family Coordinator, Special Education</td>
<td><a href="mailto:nsisk@pps.net">nsisk@pps.net</a> 503.916.3723</td>
</tr>
<tr>
<td>For Section 504 student compliance issues</td>
<td>Brian Baker Legal Counsel Special Education &amp; 504</td>
<td><a href="mailto:bbaker3@pps.net">bbaker3@pps.net</a> 503.916.3282</td>
</tr>
<tr>
<td>ADA/504 facilities issues</td>
<td>Facilities</td>
<td>503-916-3401</td>
</tr>
<tr>
<td>Human Resources – employee accommodations</td>
<td>Siobhan Murphy Coordinator, Labor and Employee Relations Human Resources</td>
<td><a href="mailto:smurhphy2@pps.net">smurhphy2@pps.net</a> 503.916.3550</td>
</tr>
<tr>
<td>ADA/504 Nurtition Issues</td>
<td>Whitney Ellersick Assistant Director Nutrition Services</td>
<td><a href="mailto:Wellersi@pps.net">Wellersi@pps.net</a> 503.916.3365</td>
</tr>
</tbody>
</table>
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PORTLAND PUBLIC SCHOOLS  
SECTION 504 HANDBOOK  

INTRODUCTION  

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination against individuals with disabilities. Section 504 regulations require school districts to provide appropriate education to students with disabilities under Section 504.  


The information in this manual includes the changes resulting from the Americans with Disabilities Act Amendments of 2008, and reflects the Portland Public Schools’ ongoing commitment to educating ALL children in accordance with our Mission and Core Values.
QUICK GUIDE

Procedures for Serving Students with Disabilities under Section 504

1. COORDINATION AND ARTICULATION
   Each principal identifies a Building Section 504 Coordinator at the beginning of each school year.

   The Building 504 Coordinator identifies a 504 Case Manager for each student to oversee the implementation of the student’s 504 plan.

2. CONCERN
   A parent or school personnel brings a concern to the School Team (Individual Student Problem-Solving Team, Student Intervention Team, BSC, SST, Care Team, CST).
   The district must find students who may qualify for services under Section 504. This is accomplished by informing school personnel of the characteristics of disabilities, their effects, and the procedures for making referrals.

   Each school in the district has a School Team. Any teacher, counselor or other school personnel, or a student’s parent, may bring a concern to the school’s team, including concerns about students with possible disabilities. Parents are invited to participate in 504 meetings.

   The School Team meets to act on the concern.
   The School Team meets to review the written concern, along with any accompanying evaluations, reports or other written materials.

   If the School Team determines there is a significant possibility that the student would qualify as disabled under the Individuals with Disabilities Education Act (IDEA) or Section 504, the School Team will make a referral to the special education or 504 team, as appropriate, for consideration of a formal evaluation, and forward all relevant documentation. (In some situations, the School Team may act as the 504 team for the student if appropriate participants are present.)

   504 vs. special education referral.
   In cases where the student may qualify under one of the IDEA disability categories, the student should go through the special education “child find” process. If the concerns are solely related to medical or health issues (with no or negligible impact on behavior or learning), the referral may go directly to the 504 team.

3. EVALUATION, ELIGIBILITY, AND 504 PLAN
   All 504 decision-making must be by a knowledgeable team.
   The 504 team must include:
   - Someone who is knowledgeable about the student;
   - Someone who is knowledgeable about the evaluation data; and
   - Someone who is knowledgeable about the accommodations/placement options.

   Typically the team includes a principal or assistant principal, a school counselor and the student’s teacher, along with the parent. The team composition will vary according to the concern/needs of
the student. For a child with health concerns, the team should include a school nurse. The 504 coordinator for the building (in consultation with the principal or other building administrator if the 504 coordinator is not a building administrator) determines the appropriate individuals to comprise the team in a specific situation. **When it appears the student will need supports that will require an allocation of district resources, the District 504 Coordinator must be consulted before the meeting and may need to attend the meeting.**

**The 504 team reviews current information and evaluates as needed.**

The 504 team considers the student’s need for a 504 evaluation and what new assessment is needed, if any. An evaluation should be conducted if there is information indicating that the student has a mental or physical impairment that is affecting a major life activity (such as learning, concentrating, thinking, speaking, breathing, sleeping, other bodily functions, walking, hearing, seeing, etc.)

- NEW: The Student Services Medical Statement or Health Assessment Statement included in this Manual and posted on the PPS 504 forms page must be used for any new 504 eligibility that is based on a medical/health condition (including mental health conditions) unless the information on that form is already available through existing information.

The evaluation process begins with a review of existing information. For students with learning or behavior problems, typically a special education assessment will be completed first. If the student is found not eligible for special education, but there is an indication that the student has a mental or physical impairment that may substantially limit a major life activity, Section 504 eligibility should be considered. The Section 504 team begins by reviewing the evaluation results along with the student’s files, current teacher report of classroom performance, and other information from the parents.

If, after reviewing this information, the 504 team concludes that further evaluation is needed, the team gets written parental consent on the 504 Prior Notice/Parent Consent to Evaluate form. Once the parent gives written consent, the Section 504 team completes the evaluation.

If the parent does not attend the 504 meeting, the Notice/Consent may be sent home. If it is not returned, concerted efforts should be made to obtain it. No initial individual evaluation may occur without written consent.

If the team suspects that the student has a mental or physical impairment, the team may ask the parent to provide a Medical or Health Assessment Statement. If the team suspects a physical or mental impairment and the parent does not have access to a physician or health care provider, the district has a responsibility to assist the parent to obtain this information if needed to determine whether the student is eligible under Section 504. Please contact the District 504 Coordinator in this circumstance.

If the 504 team does not suspect a disability after a careful team review of all existing information about the student, the 504 coordinator gives the parents written notice of that decision, along with a copy of the Section 504 Notice of Parent/Student Rights in Identification, Evaluation, and Placement.
The 504 team determines disability and need for a 504 plan.
The 504 case manager arranges a meeting time with the parent to share the evaluation data and
determine eligibility/non-eligibility. The 504 case manager may send a written meeting notice to
the parent as a reminder of the meeting time and location.

The Section 504 team meets to review the evaluation results and to complete the Section 504
Eligibility Determination Report. (This may be done at the first meeting if no additional assessment
is needed to determine eligibility and need for a 504 plan.)

Based on the information from the evaluation and any information from the parents, the 504 team
decides:
1. whether the student has a disability under Section 504, and
2. whether, as a result of that disability, the student needs a 504 Student Accommodation
   Plan.

The 504 team develops a Section 504 Accommodation Plan.
If the student needs a 504 Student Accommodation plan, the team develops the plan for the
student on the Section 504 Student Accommodation Plan form. The district’s expectation is that
504 plans will be written up at the meeting or, if not possible, within a few days of the meeting. For
more information on Accommodations, see PPS 504 website.

Steps to 504 Accommodation Plan:
1. Gather appropriate 504 team. See 504 Meeting Planner: Who to Invite.
2. Review student’s educational history, prior evaluations and present status.
3. Review any new evaluations.
4. Review what prompted 504 consideration at the present time.
5. Determine whether student has a mental or physical impairment under Section 504.
6. If yes, determine whether impairment substantially limits a major life activity.

   Major life activities include hearing, seeing, breathing, learning, walking, speaking, thinking,
   concentrating, reading, bodily functions (neurological, respiratory, endocrine, bowel/bladder, etc.)
   A substantial limitation means that the student is restricted as to the condition, manner or duration
   in performing the major life activity as compared to an average student.
   Do not consider medication or assistive devices when determining whether there is a substantial
   limitation.
7. If yes, determine whether student needs accommodations, services or supports to access the
   benefits of public education at a level similar to the average student. (May consider medication
   or assistive devices when determining whether accommodations, services or supports are
   needed.) If yes, develop a 504 Student Accommodation Plan. For more information on
   Accommodations, see PPS 504 website.

Give parents a copy of the 504 documents.
The school’s 504 coordinator gives the parents a copy of the written evaluation and the Section 504
Eligibility Determination Report, Section 504 Student Accommodation Plan, and the Section 504
notice of rights.
4. **CUMULATIVE FILE**
   All 504 documents for a student must be placed in the student’s cum file. The 504 case manager may retain copies of the documents for everyday access.

5. **SYNERGY REPORTING**
   The 504 case manager sends a copy of the student’s accommodation plan electronically (scanned on printer) to the Student Services email address: studentservices@pps.net. Staff in Student Services Department will enable the alert identifying that the student has a Section 504 Plan.

6. **IMPLEMENTATION**
   The 504 case manager is responsible for informing the student’s teachers about the accommodations on the student’s 504 plan. Any new teachers must be notified when there is a schedule change. In addition, 504 plans should be maintained in each teacher’s sub file so sub teachers are informed of needed accommodations. Other staff may need to be informed of the 504 plan depending on the provisions in the plan. The 504 case manager should periodically check in with the student and the student’s teachers to ensure the plan is being implemented. Any concerns about implementation should be brought to the attention of the building 504 coordinator, building administrator or district 504 coordinator, as appropriate.

7. **PERIODIC RE-EVALUATION**
   Each student’s Section 504 Plan must be re-evaluated periodically and before any significant change in placement or circumstances. The 504 plan should be reviewed annually unless the team sets a different timeline for review. As part of this reevaluation, the 504 team should address, as appropriate:
   - the need for additional evaluation information;
   - the student’s continued eligibility under Section 504; and
   - the content of the Section 504 Plan.
   A significant change in placement includes:
   - expulsion;
   - suspensions of more than 10 days in a row or more than 10 days in a school year if the removals are a “pattern” (see directions to Manifestation Determination form (PPS 504-5); and
   - moving a student to an alternative education setting to address needs arising from the disability.

   A reevaluation under Section 504 does not require consent but does require notice. However, Oregon law requires parent consent before conducting an intelligence test or a test of personality, including behavior checklists.

   If the plan is continued as is without changes (or with minor edits), the team may just make the minor edits and add the review date and team members participating in the review to the bottom of the previous plan. If there are substantial changes, the team should write a new plan. See 504 Action Form (new).

   Section 504 plans must be submitted each year to Student Services (see #5 above)
Written Concern to School Team

School Team acts on concern - may refer to SPED or 504 team for further action.

SPED team evaluation & planning process:

Follow SPED procedures; if ineligible, may refer back for 504 consideration.

504 team evaluation and planning process:

Identify 504 case manager; get parent consent for 504 evaluation and statement of parent rights; get written parent consent for access to outside records as needed.

Complete 504 evaluation and get any relevant outside records with parent consent.

Hold 504 team meeting to decide if student has disability under 504 (physical or mental impairment that substantially limits basic life activity); give parents a copy of all evaluation documents.

If no suspicion of physical or mental impairment:

Give written notice & parent rights - may refer back to the school team.

If no parent consent after concerted efforts:

If no suspicion of physical or mental impairment:

If no, do not write plan. Give parents copy of eligibility document. Student still protected from discrimination on basis of disability.

If yes, write 504 plan, give copy to parents, implement, review periodically.

Submit 504 plan to Student Services upon eligibility and changes to student’s 504 status, implementation of 504 plan.

Annual review of 504 plan. Submit updated plan to Student Services.
## General Overview of Section 504 Process

<table>
<thead>
<tr>
<th>Referral to School Team</th>
<th>Parent/guardian or teacher suspects a disability</th>
<th>Parent/guardian or teacher contacts building 504 coordinator to initiate referral</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information gathering</td>
<td>Building 504 coordinator/case manager gathers and reviews information</td>
<td>Building 504 coordinator/case manager contacts parents/guardians about next steps</td>
</tr>
<tr>
<td>504 review of information</td>
<td>Student intervention team/BSC/504 team meets to review information about student’s disability &amp; impact</td>
<td>Continue information gathering/request parent/guardian consent for 504 evaluation if information insufficient</td>
</tr>
<tr>
<td>504 determination</td>
<td>504 team meets to determine 504 eligibility</td>
<td>Student eligible</td>
</tr>
<tr>
<td>504 plan</td>
<td>504 plan written if accommodations needed</td>
<td>Parent/guardian consent (for initial)</td>
</tr>
<tr>
<td>504 review</td>
<td>Implement plan</td>
<td>Review plan at least annually</td>
</tr>
</tbody>
</table>

PPS 504 Manual – Program/Building Section 504 Procedures 2016
Role of Building 504 Coordinator – coordinates 504 services in the school or program
- Provides accurate data to Student Services to update Synergy, and periodically checks Synergy 504 report for accuracy.
- Participates in district-wide training on Section 504 implementation.
- May acts as 504 Case Manager for individual.
- Acts as contact person in school when questions arise about 504 issues.
- Participates and meets with other School Team members.
- Ensures that staff are using current Section 504 forms and following current procedures.
- Coordinates transition of 504 students transferring into and out of the school.

Role of 504 Case Manager - coordinates 504 process for individual students
- Schedules meetings & sends notices, including periodic reviews as indicated on plan.
- Gathers necessary information for meetings.
- Writes up 504 documents.
- Provides copies of documents to parents and puts in student’s cumulative file.
- Provides information to all teachers that need to know about 504 plan contents, including when the student’s schedule or classes change.
- Verifies implementation of 504 plan and is available to problem-solve when issues or concerns arise.
- Schedules periodic review at least annually (unless a different timeline is in the plan) or sooner if needed, and before any significant change in placement.
- Primary contact for student and family concerns.

Role of PPS Student Services and District 504 Coordinator – coordinates 504 implementation in the district
- Ensures that 504 forms and procedures comply with 504 requirements.
- Collaborates with legal counsel on providing training for building 504 coordinators, case managers, and others annually and as needed.
- Provides technical assistance and problem-solving on an as needed basis.
- Acts as liaison with Student Services IT to ensure 504 student data is accurate.
- Addresses systemic issues related to Section 504 compliance.
- Provides accurate, accessible information about 504 to PPS community.
- Participates in decision-making when district resources are under consideration.
Directions for Printing Synergy Report of 504 Students by School

Synergy Reference Guide
Student Programs: Section 504

This guide explains how to view a Section 504 student program assignment, and how to generate a list of students with a Section 504 Plan.

### View a Program to a Student

<table>
<thead>
<tr>
<th>Step</th>
<th>Instructions</th>
</tr>
</thead>
</table>
| Step 1 | Go to: Synergy SIS > Student > Student  
  a. Enter search criteria -- it can be a combination of fields (i.e. Last Name, First Name, or Student ID).  
  b. Click Find, or Enter on your keyboard. |
| Step 2 | If the student is assigned to a program, a notification icon appears at the top right corner of the screen.  
  Click on the icon to view the program type.  
  Click OK to close the message. |

### Generate a Section 504 Student Report

<table>
<thead>
<tr>
<th>Step</th>
<th>Instructions</th>
</tr>
</thead>
</table>
| Step 1 | Go to: Synergy SIS > Student Programs > Reports > List  
  > PGM401 - Need List  
  Under the Options tab > Need, click on the Section 504 checkbox. |
| Step 2 | To change the file type output, click on the Sort / Output tab.  
  Choose desired File Type (PDF, Excel, etc.) |
| Step 3 | To schedule a job so the report is emailed to you (or another person within the district), click on the Advanced tab.  
  - Schedule Task: Select desired frequency (Once, Daily, Weekly or Monthly). Depending on the frequency selected, input desired settings.  
  - Under Notification, input the email address (i.e. test@pps.net).  
  NOTE: Do not use External Interface |
| Step 4 | Click Print to generate the report. |
504 Meeting Checklists

**Before the Meeting:**
- Contact parents new to the 504 process to explain the purpose of the meeting and identify any questions and concerns.
- Schedule meeting with participants, including parents.
- Send meeting notice reminding parent of date, time and location of meeting. (optional)
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda.
- Arrange for any necessary interpreters or accommodations for meeting participants.
- Complete portions of the Section 504 Eligibility Determination Report that can be completed before the meeting.
- Bring all current forms to the meeting.

**During the Meeting:**
- Introduce participants and their roles.
- Clarify purpose of meeting.
- Review agenda.
- Identify note-taker for meeting (if using one).
- Facilitate student’s input or participation.
- Lead group through agenda – do time-checks as needed.
- Complete Section 504 Eligibility Determination Report (if new to 504).
- Complete Section 504 Student Accommodation Plan (if needed), or revise as needed.
- Complete Section 504 Student Action Form (if applicable).
- Provide copies of all documents to parents or inform them of how they will get a copy.
- Provide Statement of Parent Rights to parent (keep signed copy for Cum File).
- Thank everyone for participation and cooperation.

**After the Meeting:**
- If using meeting notes, review and put final copy in cum file, along with a copy of the eligibility and 504 plan.
- If parents did not receive documents at meeting, provide copies.
- Maintain copy of all 504 documents in student’s cum file.
- Send 504 plan electronically to studentservices@pps.net.
- Be sure all teachers know and understand their responsibilities under the 504 plan.
- Calendar check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan.
- Calendar annual review date, and at least one month earlier to begin “before meeting” review process.
504 Meeting Planner: Who to Invite?

When should the parent be invited?
• A parent, guardian, or person in parental relationship to the student should always be invited.

When should the school counselor be included?
• When the counselor is the building 504 coordinator, the 504 case manager, or has knowledge/experience that would help the team make appropriate decisions for the student.

When should a general education teacher be included?
• When the student is participating in general education.

When should the school nurse be included?
• When there are medical or health issues involved.
• When the parent is asking for health related accommodations at school.
• When the team will be reviewing reports from a medical doctor or other health practitioner.

When should the school psychologist be included?
• When the school psychologist was involved in a recent evaluation of the student.
• When the school psychologist’s expertise is necessary for the team to make appropriate decisions for the student.

When should the building administrator be included?
• When the building administrator is the 504 coordinator for the school.
• When the parent is asking for unusual accommodations that raise concerns or fiscal considerations.
• When safety issues are involved.
• When special transportation is likely to be needed.

When should a motor team (OT or PT) representative be included?
• When the student has a motor impairment and will likely need accommodations or supports for the motor impairment.
• When the OT or PT recently evaluated the student and identified motor needs.
• When the parent has requested motor team services or adaptations

When should the District 504 Program Coordinator be included?
• When it appears that the student will need supports that will require allocation of district resources.
• When the team believes that using a district facilitator will help resolve or prevent conflict.
• When a team wants training, coaching or feedback on the 504 meeting process.
504 Evaluation Guidelines

The student’s 504 team decides what assessments are needed to determine whether a student has a disability under Section 504. See table below for recommended evaluation procedures. Students who are suspected of having a disability under the IDEA should be evaluated for special education eligibility before consideration of a disability under Section 504.

<table>
<thead>
<tr>
<th>Suspected Condition</th>
<th>Evaluation for Disability Determination</th>
</tr>
</thead>
</table>
| Health condition, e.g. asthma, cancer, epilepsy, diabetes, hepatitis, etc.         | Student Services Medical or Health Assessment Statement including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND

A school nursing assessment.

(Rule out Other Health Impairment if suspected.)                                                                                                                                                                                                 |
| Chronic physical conditions, such as cerebral palsy, spina bifida, hearing or vision impairments | Student Services Medical or Health Assessment Statement including a diagnosis of the condition by a physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, AND

An evaluation conducted by the school district or Columbia Regional Program (if needed).

(Rule out Other Health Impairment, Orthopedic Impairment, Vision Impairment, or Hearing Impairment, if suspected.)                                                                                                                                                                                                 |
| Psychological conditions, such as ADD/ADHD, depression, obsessive-compulsive disorder, post-traumatic stress disorder, etc. | Student Services Medical or Health Assessment Statement including a diagnosis of the condition by a psychiatrist or other physician licensed by the State Board of Medical Examiners, or a Physician’s Assistant or Nurse Practitioner acting within the scope of his or her license**, or Licensed Mental Health Professional within the scope of their license, AND

As needed, an evaluation by a school psychologist including a review of information submitted by the parent and new measures, as needed, such as behavior rating scales, structured observations, and interviews.

(Rule out Emotional Disturbance or Other Health Impairment, if suspected.)                                                                                                                                                                                                 |
| Learning disorder (e.g. dyslexia)                                                  | Individual assessments as needed. (Rule out Specific Learning Disabilities, if suspected.)                                                                                                                                               |
SECTION 504: A-Z TOPICAL GUIDE

Accessibility
Facilities constructed prior to June 3, 1977, need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to all persons with disabilities (including parents and the community). However, the student must be afforded an equal opportunity to enjoy the full range of services offered by the district. If a district modifies one of these buildings, it must make the modification accessible, to the maximum extent feasible. Buildings constructed after June 3, 1977, and January 26, 1992, must meet the full accessibility regulations in existence at that time. Buildings which began construction on or after January 26, 1992, must meet the ADA regulations for new construction. The district will provide an accessible school assignment for students who are unable to access their neighborhood school because the neighborhood school is not accessible. Contact the District 504 Coordinator for more information.

Accommodation Plan
The purpose of a Section 504 Student Accommodation Plan is to “level the playing field” for the student.

Students with disabilities under Section 504 who typically would need a 504 Student Accommodation Plan include, for example:

a. Students who have documented, frequent, repeated seizures or asthma attacks (even with medication) that prevent them from accessing the curriculum sufficiently to keep up with the class.

b. Students who have to leave class frequently to receive treatment, and who develop academic deficits or are unable to complete work.

c. Students whose medication makes it very difficult for them to remain alert or concentrate.

d. Students with a disability under Section 504 who need an individual health management plan to be safe at school, on field trips, etc.

e. Students whose health needs are so severe that, if they do not receive appropriate 504 accommodations, they will die or be seriously impaired by lack of treatment. This includes students with severe food allergies or diabetes.

f. Students who need physical accommodations, extra time, or assistive devices to access the curriculum or educational environment.

g. Students who need a service to attend or participate safely, such as an escort in crowded environments, or special warm up exercises before participating in physical education.

h. Students who are unable to attend school regularly due to the effects of the disability.

i. Students who have a learning disorder and need accommodations to access their education but don’t need specially designed instruction so are not eligible for special education services under the IDEA.
Students who **typically would not** need a 504 Student Accommodation Plan include, for example:

a. Students whose only need is medication administered similarly to other students who take medication at school.
b. Students whose conditions do not require individualization beyond *standard* first aid or emergency procedures.
c. Students who do not require an ongoing individualized plan in order to attend, access or participate in school safely.
d. Students who can access the school environment and instruction with accommodations that are available to all students.
e. Students who can access their education with a personal assistive device, such as a hearing aid, glasses, or wheelchair, without other accommodations.
f. Students whose conditions are effectively managed by taking medication outside of school who do not need accommodations to access school or instruction.
g. Students who have a temporary condition such as a broken arm or mononucleosis, whose needs can be met for a short period of time with standard accommodations.

If the team decides that a student with a disability under Section 504 does NOT need a 504 plan of accommodation, the team should periodically review this decision; the student may need a plan at some point in the future due to changing circumstances.

**Accommodations vs. Modifications**

504 plans are about providing access to general education. 504 plans should not result in a modification of state standards.

a. An “**accommodation**” changes *how* something is done but does not change the learning standard for the student. Students with accommodations are expected to meet learning targets for the class. Typical accommodations include:
   - Preferential seating;
   - Visual prompts, visual schedules, visual formats;
   - Braille or large print materials;
   - Access to keyboard, calculator, voice-activated writing program;
   - Frequent breaks, motor breaks, sensory diet, etc.;
   - Extra time on tests or assignments, assignments shortened to demonstrate learning objectives;
   - Daily check in/checkout.

b. A “**modification**” changes the *what*. Students with modified coursework are not expected to meet learning targets for the class. Typical modifications include:
   - Alternate curriculum that is below grade level expectations (*different learning objectives*);
   - Alternate assignments that are below grade level expectations (*different learning objectives*);
   - Grading based on effort (*different learning objectives*).
Typically, students who need modifications also need specially designed instruction and would meet the criteria for special education eligibility.

**When an accommodation is needed**
An accommodation should only be included in a 504 plan if it is necessary for the student to access his or her education. The purpose of an accommodation is to “level the playing field”, i.e. to ameliorate the impact of the student’s disability. The test is not what might be “beneficial” but what is demonstrated to be necessary (in reference to an average student in the general population – see Disability Definition below.) Almost every accommodation results in the student being treated differently that other students, so only those that are necessary are justified (to be considered least restrictive). At least yearly, the accommodations must be reviewed to determine what is still needed. This review process should include input from the student, parent and teacher(s).

**Accommodation vs. Specially Designed Instruction**
An accommodation changes how something is done. It might require very brief instruction to the student. For example, if the accommodation is “access to noise-cancelling headphones” for a student with ADHD or a sensory integration disorder who needs this to be able to focus in a noisy room, the teacher would need to instruct the student on where to find the headphones, when they can be used, how to put them away, and who to go to if there is a problem.

Specially-designed instruction is ongoing instruction to teach a specific skill or skill set that is typically not a part of the general curriculum at the student’s grade level. This could include academic instruction, social skills instruction, executive functioning instruction, communication skills, motor skills, etc.

Section 504 is primarily about providing access to general education. Students with disabilities who need specially designed instruction should be considered for special education eligibility.

**Charter School Students**
Charter schools have a responsibility to comply with all civil rights laws, including Section 504 of the Rehabilitation Act. If the team does not suspect that a student has a disability under the IDEA, but there is an indication that the student has a physical or mental impairment that substantially limits a major life activity, the charter school is responsible for providing an assessment of the student. If the student is a “504 only” student, the charter school is responsible for developing and implementing the 504 student accommodation plan. Charter school staff may participate in district 504 training opportunities. Charter schools may contact the PPS Student Services Director at 503.916.5460 for more information.

**Child Find**
A staff person should refer a student to the 504 process when the staff person has reason to believe that a student has a mental or physical impairment that substantially limits a major life activity. Factors that may suggest the presence of a disability include:
- A known mental health or addiction diagnosis;
- Grades dropping with other indicators of possible disability;
Substantial behavioral referrals, interventions, and out of classroom consequences for misconduct;
Hospitalization;
Inpatient or outpatient mental health or addiction treatment;
Chronic illness or physical condition;
Inability to attend school based on illness or mental health condition;
Determination that a student does not qualify (or continue to qualify) for special education but evaluation indicates a mental or physical impairment;
Parent concern with other indicators of possible disability;
History of disability or “at risk” designation with other indicators of present concern.

Complaints
Complaint AD (Procedures)
PPS Ombudsman - Please contact the District Ombudsman at 503.916.3045 with any questions or concerns.

Disability Definition
A student is considered disabled under Section 504 if the student:

a. Has a physical or mental impairment/disability which substantially limits one or more major life activities (see the following list). The term does not cover children disadvantaged by cultural, environmental or economic factors;
b. Has a record or history of such an impairment; or
c. Is regarded as having such an impairment.

Students in all three categories are protected from discrimination under Section 504. Only students in the first category will potentially need a 504 Student Accommodation Plan.

<table>
<thead>
<tr>
<th></th>
<th>Protected from Discrimination</th>
<th>FAPE Requirements (504 Accommodation Plan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student has a mental or physical impairment</td>
<td>YES</td>
<td>YES, if needed</td>
</tr>
<tr>
<td>Student has a history of such an impairment</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Student is regarded as having such an impairment</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

Examples of physical or mental impairments include:

- Health conditions such as asthma, allergies, diabetes, epilepsy;
- Communicable diseases such as AIDS, tuberculosis, hepatitis;
- Psychological conditions such as Attention Deficit/Hyperactivity Disorder (AD/HD), depression, obsessive-compulsive disorder; and
- Physical disabilities such as spina bifida, hemophilia, juvenile rheumatoid arthritis, cerebral palsy, hearing or vision impairments.
The disabling condition need only substantially limit one major life activity in order for the student to be considered to have a disability under Section 504.

Temporary disabilities may be considered an impairment depending on the anticipated length of the condition, the seriousness of the illness/injury, and the impact on the student’s education or access to school.

**Major Life Activities**
Major life activities are activities that the average person in the general population can perform with little or no difficulty. Major life activities include (but are not limited to) functions such as: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include major bodily functions, including: functions of the immune system; normal cell growth; digestive, bowel and bladder functioning; neurological and brain functioning; and respiratory, circulatory, endocrine, and reproductive functioning.

Major life activities do not include activities that require special skill or ability such as playing a sport, speaking another language or playing a musical instrument.

Major life activities do not include splinter skills within a major life activity.

Examples:

- Phonemic awareness is a specific skill within the major life activity of reading. A student who has an impairment in phonemic awareness but who is meeting benchmarks in reading would not meet the requirement for a substantial limitation in a major life activity in reading. So while they may have an impairment in phonemic awareness, they are still meeting grade level standards in reading commensurate with peers.

- A student who struggles with algebra would not meet the requirement for a substantial limitation in learning if the student’s learning in other areas is not also impaired.

- A student with average visual acuity who has a deficit in a specific type of ocular functioning (as indicated on a functional vision assessment) would not have a substantial limitation in the major life activity of vision if the student has adequate vision to navigate school and community settings.

- A student who has anxiety about public speaking does not have a substantial limitation in the area of speaking if they are able to communicate verbally in a range of settings (home, school, community).

This is true even if a splinter skill is a learning target within a learning standard. Not being able to meet a specific learning standard is not a basis for finding that student has a disability.

**Substantial Limitation**
A substantial limitation generally means that the student is restricted as to the conditions, manner or duration under which the student can perform the activity in comparison to most people.

Examples:
• A student with **asthma** is substantially limited in the major life activity of *breathing* if the asthma (without medication) restricts the student’s manner of breathing or conditions related to breathing in comparison to most people.

• A student with **severe allergies** is substantially limited in the major life activities of *breathing* or *digestion* if the allergies (without medication) restrict the student’s manner of breathing or digestion (or conditions for breathing or digestion) in comparison to most people.

• A student with **diabetes** is substantially limited in the major life activity of *functioning of the endocrine system* if the diabetes (without medication) restricts the student’s endocrine functioning in comparison to most people.

• A student with a **hearing impairment** is substantially limited in the major life activity of *hearing*, if the student’s hearing (without hearing aids or other assistive devices or accommodations) is restricted as to the conditions in which the student can hear in comparison to most people.

• A student with **AD/HD** is substantially limited in the major life activity of *concentrating* or *thinking* if the student’s AD/HD (without medication or accommodations) restricts the student’s ability to concentrate for the duration expected of most people of the student’s age or impairs the student’s thinking unless certain explicit conditions are present that are not typically present in the school setting.

*Comparison Group for making the determination of “substantial limitation”*

In determining whether a student has a substantial limitation, the point of comparison is to an average student in the general population, not to the student’s ability, the expectations of family or community, or the specific class or school. “Average student in the general population” is a broader norm group reference. On many standardized assessments, students are considered to be in the average range with a Standard Score of 85 or above, or at the 16%tile or above. This should not be interpreted as a cut score, but as a frame of reference for considering evaluation information.

*Episodic Conditions*

Some conditions, such as seizures, allergies, and irritable bowel syndrome, are episodic. The 504 team should consider these conditions as being active when making a disability determination. The same is true for conditions that may be in remission such as leukemia.

*Discipline Protections*

Students with disabilities under Section 504 have discipline protections that are similar to those for special education students, but they are not identical. See the Section 504 Manifestation Determination form and Directions. Like with all students, a 504 student who is engaging in behavior that is resulting in suspensions (or expulsion) should be considered for a functional behavior assessment/behavior intervention plan.

*504 Provisions that are Similar to IDEA:*

a. Section 504 students may not be expelled for conduct that is a manifestation of their disability. This means that a 504 manifestation determination meeting must be completed before the student is expelled, and if the behavior is related, the student may not be expelled.
b. Section 504 students may not be suspended for more than 10 cumulative days in a school year for conduct that is a manifestation of their disability. This means that a 504 manifestation determination meeting must be completed before the student reaches “day 11”, and if the behavior is related, the student may not be suspended.

c. Like special education, there is an exception for suspensions that are “not a pattern”. “Pattern” is determined based on a consideration of how many days the student has already been suspended, how close together the suspensions are, and how long each suspension was for. In special education, PPS has provided a framework for determining pattern. This guideline indicates this exception would only apply if the pending suspension would not result in 18 or more days of suspension and the student has not already had 5 or more days of exclusionary discipline in the last six weeks. If this is the case, the student may be suspended without a manifestation determination.

504 Provisions that are Different from IDEA:

a. Section 504 does not provide for immediate removals of up to 45 school days for serious bodily injury or for drug or weapon violations.

b. Section 504 does not require interim alternative educational services unless such services are provided for nondisabled students under the same circumstances.

c. Section 504 discipline protections do not apply to 504 students (so a manifestation determination meeting is not required) if:
   --the student uses or possesses illegal drugs or alcohol in violation of school policy;
   --the student is “currently engaging in the illegal use of drugs or in the use of alcohol”;
   --the discipline is the same type of discipline that would apply to nondisabled students under the circumstance.
   “Currently engaging” does not require that the specific violation be one of “use” but does require a credible basis for a belief that the student use is a current and ongoing problem. Examples of credible evidence include: a student’s confession, a drug-alcohol evaluation, a juvenile report, etc.

Discrimination

Section 504 prohibits disability-based discrimination. Discrimination may potentially result from actions or a failure to act. Here are some examples of circumstances that could be considered discrimination:

- Not providing transportation to a student with asthma who lives six blocks from a school but cannot walk to school due to the asthma;
- Refusing to provide OT, PT or speech therapy consultation for a Section 504 student who needs it for educational purposes solely because the student is not IDEA eligible;
- Excluding all students with epilepsy from a school sports team;
- Only providing summer school or after school care for non-disabled students;
- Requiring the parent of a student with a mobility impairment to provide transportation to extracurricular activities when transportation is provided to non-disabled students;
- Not providing alternative transportation to a student who acts out on the bus as a result of the student’s disability;
- Providing a shortened school day for students in a special class because of transportation scheduling problems;
- Segregating students with disabilities in basements, portable classrooms or separate wings;
• Not providing an interpreter for a parent with a hearing impairment for school initiated activities;
• Expelling a student with a disability for misconduct that is a manifestation of the student’s disability;
• Not fully investigating and resolving complaints of disability harassment;
• Excluding a student with a disability from a field trip or other school function on the basis of disability;
• Not fully implementing a student’s 504 plan.

Enforcement
Each recipient of federal funds, including Portland Public Schools, has a responsibility to ensure the provisions of Section 504 and the ADA are implemented in the recipient’s district. Every 504 coordinator, building principal, school administrator and employee has a responsibility to understand and implement the protections of Section 504 with consistency and integrity. The Section 504 Program Coordinator for PPS has a responsibility to provide training and supports to assist the district in its implementation of this important federal law.

The U.S. Department of Education’s Office for Civil Rights (OCR) is responsible for enforcing the provisions of Section 504 and the ADA as applied to publicly funded educational institutions. If an individual files a complaint against a school district, OCR will investigate the complaint under both Section 504 and the ADA. An aggrieved party may also file a court action.

Evaluation
A school district must evaluate a student under Section 504 if the team suspects that the student has a mental or physical impairment that substantially limits a major life activity.

A 504 evaluation requires the same type of protections as a special education evaluation. These rules are designed to ensure that the evaluation is unbiased and fair to the individual.

<table>
<thead>
<tr>
<th>Evaluation Standards</th>
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</thead>
<tbody>
<tr>
<td>Evaluation procedures must meet these criteria:</td>
</tr>
<tr>
<td>• Be validated for the specific purpose for which they are being used.</td>
</tr>
<tr>
<td>• Be tailored to assess educational need, not just IQ or another noneducational characteristic.</td>
</tr>
<tr>
<td>• Reflect aptitude or achievement, or whatever the test is supposed to measure, rather than the student’s impaired sensory, manual or speaking skills, unless it is a test of those particular skills.</td>
</tr>
</tbody>
</table>

Parent refusal of consent to evaluate
If a parent refuses consent for a 504 evaluation, ask the parent to check the box on the consent form stating that “consent to evaluate is denied.” If the parent refuses to indicate this on the form, write a statement in the student’s file documenting the parent’s refusal with your signature and date. Document all attempts you make to get parent consent. Give the parents a copy of the
document stating they have refused evaluation, along with a copy of the Parent Rights statement. Please consult Special Education/504 Legal Counsel if you are in this situation.

If a parent refuses consent for a 504 evaluation that is necessary to determine whether the student has a disability under Section 504, the district cannot develop an appropriate 504 plan and the student would continue to be treated as a nondisabled student.

**Exiting from a 504 Plan**
A student should be exited from a 504 plan if: (a) the student no longer has a qualifying impairment; or (b) the student no longer needs accommodations to access the general education program or facilities. The decision should be made by a team based on current data and/or current medical statements. The school must give written notice to the parent that the student is being exited from a 504 plan, along with the copy of parent rights under Section 504.

A student may also be exited from a 504 plan if a parent/adult student revokes consent for the 504 plan. The school should also give written notice under this circumstance, but no 504 meeting is required.

Last, a student is exited from a 504 plan if the student becomes eligible for special education and the parent gives consent for special education services. In this circumstance, the student’s accommodations are incorporated into the student’s IEP.

The Section 504 Action Form, in the forms section, is used in all of these situations.

**Health Protocol vs. 504 Plan**
Does every student with an individual health protocol need a 504 plan? No. A 504 plan is required for students who have a mental or physical impairment that “substantially limits” a major life activity and who, on that basis, need accommodations in the educational environment or during school functions to access their education.

Some students may have individual health protocols for conditions that are not substantially limiting, such as allergies or asthma that are minor in intensity/impact. These students would not meet the “substantially limiting” criteria.

Some students may have health protocols that require standard procedures that are not “individualized”, such as implementation of standard medication administration protocols or standard first aid or standard epi-pen procedures. Implementation of these standard procedures would not be considered individual accommodations that would indicate the need for a 504 plan.

**Home Instruction**
A student with disabilities under Section 504 must be educated with nondisabled students “to the maximum extent appropriate” to the needs of the disabled student. A student should only be removed from a regular education setting if the education of that student in a regular education setting with supplementary aids and services cannot be achieved satisfactorily.
A 504 team may determine that a student with disabilities needs home instruction for medical reasons to access education. Home instruction is usually a short-term placement. **The District 504 Coordinator must be consulted before the 504 meeting if home instruction is under consideration, and may attend the meeting.** Home instruction should only be used in very limited circumstances when the student’s disability prevents him/her from attending school. In most situations, the attending school 504 Case Coordinator continues as Case Manager for the student and the attending school teachers continue to provide instructional materials for the student while home instruction is implemented. In most cases, the 504 case manager will need to arrange for a teacher from the attending school to provide the home instruction. Please consult with the District 504 Coordinator as soon as possible in this situation.

Students on home instruction continued to be enrolled in their school, and are cross-enrolled to home instruction. Teachers from the building who are working as home instructors for a student turn in their home instruction hours to the school secretary for two purposes: (1) so hours of instruction can be recorded; and (2) so the secretary can be sure the teacher is properly compensated for the additional hours worked. (When a teacher who is not on school staff is providing the home instruction, please confirm with Student Services who will be entering the hours of instruction and the hours worked information.) Secretaries are asked to send a PPS Student Attendance Log for each student served to SIS support (sis@pps.net) at the end of each pay period (the 15th of each month).

**IEP Refusal/Revocation and Request for 504 Plan**
Sometimes a parent may revoke consent (or refuse consent) for special education services (IEP) and request a 504 plan instead. On a case-by-case basis, the team may consider whether the student is eligible for a Section 504 plan. This means that the team would review all the information and determine whether the student meets 504 eligibility criteria. If yes, the team would then determine whether the student needs a plan of accommodations to access their education. If so, a 504 plan is written for the student. If the student is unsuccessful with the 504 plan, the 504 team should meet to review the plan. The team may decide that the student’s IEP IS the only way a student’s needs may be met at school, and the 504 team may offer the IEP as the means of compliance with Section 504. Please consult Special Education/504 Legal Counsel if you are in this situation.

**Private School Students**
School districts are not responsible for writing 504 plans for private school students. Only private schools that receive federal funds are covered by Section 504. Each private school that receives federal funds is considered a “recipient” and has its own responsibility for compliance under Section 504. Parents of private school children who want 504 services should contact the private school.

**Resolving Conflicts**
At a 504 meeting, parents and staff discuss and try to come to consensus on the 504 eligibility and 504 plan for a student. If, after good faith discussion, there is a disagreement, the district makes the final decision about a student’s eligibility, need for a 504 Student Accommodation Plan, and accommodations to be provided. In difficult situations, team could decide to get more information and hold a second meeting. The 504 coordinator or case manager should contact the district’s 504
Coordinator for guidance in these circumstances. The district 504 program Coordinator may assist the team by facilitating team meetings.

Parents may file a complaint with the district, which may be appealed to the Oregon Department of Education (ODE). Parents may also request a due process hearing with ODE, or file a complaint with the US Department of Education’s Office for Civil Rights.

**Student Records (Section 504)**
Section 504 records are maintained in each student’s cum file located in the attending school office. These records must be maintained for five years from the creation of the document.

Section 504 case managers must also email a copy of all current 504 records to Student Services at studentservices@pps.net. Student Services will add or remove the 504 flag in Synergy that alerts staff that the student has a 504 plan.

**Temporary Medical Conditions (NEW)**
A temporary medical condition is an illness or injury that is expected to last more than 2 weeks but not more than six months. For students with temporary medical conditions, a request may be made to Student Services for additional supports (see forms). In addition, the Student Services Medical Statement or Health Assessment Statement included in this manual must be submitted for a temporary medical condition (unless the information on that form is readily available through existing information).

<table>
<thead>
<tr>
<th>Examples of temporary medical condition</th>
<th>Examples that are NOT temporary medical condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Broken bones</td>
<td>• Colds, flu, Strep throat etc.</td>
</tr>
<tr>
<td>• Recovery from surgery</td>
<td>• Strains &amp; sprains</td>
</tr>
<tr>
<td>• Extended illnesses such as mono</td>
<td>• Anxiety and other mental health conditions</td>
</tr>
</tbody>
</table>

For temporary medical conditions, who determines what accommodations are needed? A school team, including school nurse, in consultation with outside medical provider (with parent consent).

What happens if temporary medical condition lasts longer than expected? Temporary supports will not be provided beyond six months. Students should be referred for 504 or special education consideration at any point the team suspects that the student has a chronic condition that is likely to require accommodations, supports or services for an extended period of time.

What is the expectation for students who are out of school for illnesses or injuries that are not considered temporary medical conditions? The expectation is that schools will make homework available for pick up by the family and that teachers will help the student with catch up once the student returns to school.

**Transfer Students**
When a student moves into PPS with a 504 plan from another school district, that 504 plan is considered to be in effect and must be implemented until the new school meets to review and, if appropriate, revise the plan. The expectation is that this meeting will happen within the first four weeks of the student’s attendance in PPS. (Best practice would be to include a review of the 504 plan in the enrollment process.)

The team may use the Section 504 Action Form to:

a. Adopt the out of district 504 plan (“Continuation of 504 plan”);

b. Modify the out of district 504 plan (“Revision of 504 plan”) or

c. Discontinue the out of district 504 plan (“Termination of 504 plan”).

See Section 504 Action Form & Directions for more detailed information.

**Transportation**

Section 504 requires transportation be provided for students with a disability who need special transportation to access their education for disability-related reasons.

To be eligible for special transportation, the student’s disability must limit the student’s ability to get to/from school with regular transportation or an existing bus stop. The student’s 504 plan must indicate that the student needs special transportation to access his or her education. The 504 team should consider short-term impairments on a case-by-case basis to determine whether the condition substantially limits a major life activity.

**PROCEDURE FOR PROCESSING SECTION 504 TRANSPORTATION REQUESTS:**

1. Based on parent or staff member request, 504 team determines if special transportation is necessary. School nurse gathers information for team regarding any medically related transportation needs. (School nurse will get written parent consent from the parent before contacting any medical provider of the student.) Building administrator will participate as part of 504 team when a 504 transportation decision is made.

2. Principal submits a TD-6 General Education Transportation Request.

3. 504 Case Manager provides Transportation with the following:
   - Copy of Section 504 plan that includes transportation;
   - Emergency contact information;
   - Anticipated duration for transportation; and
   - Any special needs, such as wheelchair accessibility.

Questions may be directed to the Transportation Office at 503-916-6901.
Section 504 Forms and Manuals

Guide for Parents and Teachers: An introductory explanation of Section 504 in a Q & A format (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Notice of Parent/Student Rights (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Prior Notice/Parent Consent to Evaluate (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Section 504 Meeting Notice (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Section 504 Eligibility Determination Report (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Section 504 Student Accommodation Plan (pdf) Schools: scan completed form and email to studentservices@pps.net
English | Chinese | Russian | Somali | Spanish | Vietnamese

Section 504 Manifestation Determination (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Medical or Health Assessment Statement (WORD fillable)
English

Release of Information (pdf)
English | Chinese | Russian | Somali | Spanish | Vietnamese

Section 504 Action Form (WORD fillable): Continuation, Revision, Termination
English

Afterschool Accommodation Request (pdf)
English

Temporary Medical Condition Accommodation Request (WORD fillable)
English

School Coordinators

Staff Specific Forms
504 Accommodation Plan (WORD fillable/expandable) Schools: scan completed form and email to studentservices@pps.net
Eligibility Determination Report (WORD fillable)
Manifest Determination (WORD fillable)
504 Writing/Request Payment Form (pdf)
Home Instruction Log (pdf)
Resources

Accessibility – PPS

Ada Assessments by School (2009-with applicable 2013 revisions)

Nutrition Services – PPS

Allergy and Special Diet Information – includes District Directive on Life Threatening Allergies, Quick Guide for Medical Substitutions, and form for requesting food substitutions

Allergy and Carb Counts – provides menu information with carbohydrate counts and major allergens (milk, eggs, tree nuts, peanuts, wheat/gluten, and soybeans).

Section 504 – PPS

504 Coordinators listed by school.

PPS 504 Information - Includes links to state and federal regulations and other information, district 504 forms and manuals, 504 coordinators by school, and other resources.

PPS 504 Resources – Includes PPS 504 Manual, links to 504 forms (in English, Spanish, Vietnamese, Chinese, Russian, and Somali), and a Section 504 Guide for Parents and Teachers (same languages)

Temporary Medical Conditions

Student Services – studentservices@pps.net or 503.916.5460