

## What are common accommodations/services?

Accommodations and services are intended to give the student an equal opportunity to participate in the general education program. Examples include extra time on tests and/or a reduced-distraction environment in which to take them, extra time on homework assignments, preferential seating, note taking assistance, written instructions for homework, assignments broken into smaller tasks, adaptive technology and classroom equipment (e.g., word processors), textbooks and other written material in alternate formats, extra time to get to classes, or services such as sign language interpreters, transportation, or health-related services. Depending on the nature of the disability, a student covered by Section 504 might need testing accommodations.

## Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed.

## What is the Section 504 process?

- A situation is recognized that calls for consideration of a referral. Typically a student has been identified for the referral process through the SAT (Student Assistance Team), considered as a result of IDEA action, by the school nurse for health or medical issues, or by direct parent request.
- Parent is notified of referral and Section 504 meeting and provided Parent Rights.
- A meeting is held to discuss referral and determine need for additional evaluation. If it is determined that further evaluation is needed, the parent is asked to give permission using the Parent Permission Form for Section 504 Evaluation. If permission is denied, the meeting/process will come to an end.
- When evaluation is completed (within 50 school days), a meeting is held to discuss the evaluation results and determine Section 504 eligibility. If the student is eligible under Section 504, the Section 504 Accommodation Plan is developed at the meeting; implementation begins immediately.
- The Section 504 Accommodation Plan is reviewed at least annually. A reevaluation is conducted at least every three years, or whenever there is a question of continued eligibility or a change in placement.

## Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

## What are procedural safeguards?

In Scottsbluff Public Schools, parents/guardians have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program;
- Consent to the initial assessment and initial placement of their child;
- Have an assessment that considers information from a variety of sources;
- Have a committee knowledgeable about their child, the nature of the suspected disability, and assessment procedures that determine eligibility;
- Examine all relevant records of their child, challenge that information and consent to the release of information;
- Periodic reassessments, including a reassessment before any significant change in placement;
- Have their child educated in the least restrictive environment
- Appeal a decision to the Section 504 Compliance Committee;
- Request an impartial hearing over disagreements and be represented by counsel in the hearing;
- Appeal the impartial hearing officer's decision to court;
- File a complaint with the Office for Civil Rights; and,
- A review within 10 days of any disciplinary action that results in a change of placement.

## Statement of Non-Discrimination

The Scottsbluff Public School District does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following people have been designated to handle inquiries regarding the non-discrimination policies:

Dr. Andrew Dick, Superintendent or  
Dr. Wendy Kemling, Executive Director of Student Services  
1722 1st Ave. Scottsbluff, NE 69361  
308-635-6200

For further information on notice of non-discrimination, visit  
U.S. Department of Education Office for Civil Rights

Office for Civil Rights Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Kansas City Office Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)



# SECTION 504

## An Informational Guide for Families



**Scottsbluff Public Schools**  
**District 504 Coordinator**

**Dr. Wendy Kemling**

**308-635-6200**

**[wkemling@sbps.net](mailto:wkemling@sbps.net)**

## What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent American with Disabilities Amendments Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities.

In essence, Section 504 was enacted to “level the playing field” –to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

## How does Section 504 define “disability?”

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria:

- Have a physical or mental impairment, which substantially limits one or more major life activities,
- Have a record of such an impairment, or
- Are regarded as having such impairment.

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list. Additionally, determination in favor of a disability should not demand extensive analysis. The impairment does not have to impact the child’s learning.

## What is a physical or mental impairment?

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

## What are “major life activities?”

Caring for oneself, Performing manual tasks, Seeing, Hearing, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working. This list is not exhaustive.

## What is a “substantial limitation?”

Neither Section 504 nor its regulations define the term “substantial limitation.” OCR has ruled that the phrase is to be defined by the school district consistent with the intent and language of the ADA AA. The ADA AA clarifies that the definition of “substantial limitation,” and all aspects of the definition of “disability,” shall be construed in favor of broad coverage; that “substantial limitation” should be interpreted loosely.

## Does Section 504 require assessment?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing.” Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations. Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc. If the committee determines that individually administered, formal testing is necessary, parental consent is required prior to administering such tests to the student. Testing should be specific to the concern; thus, in many cases, a Section 504 formal assessment is narrower in scope than an IDEA assessment.

## Does SBPS consider private evaluations submitted by parents?

Yes. All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

## Can a student have a disability under Section 504 if (s)he is doing well academically?

Yes. A student might be getting good grades and otherwise be doing reasonably well in class despite his/her disability. The student may only be doing well because of the extraordinary effort and time (s)he spends on schoolwork or an unusual amount of help provided by his parents/guardians.

## When does a student qualify under Section 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis. The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access and benefit from programs and activities offered by the district. If the student is eligible and receiving special education and related services, the student is eligible under Section 504; however, the student’s IEP satisfies the district’s Section 504 obligations.

## What is the Section 504 Committee?

Each school has a committee which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the committee makes decisions particular to an individual student, persons who are knowledgeable about the student, who have expertise in the area of suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child’s general education teacher, specialists, or other personnel deemed appropriate by the principal. The committee’s purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.

## What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program. A 504 plan is not the same as an Individualized Education Plan.