

Disciplinary Procedures For 504 Disabled Students

Long-term suspension or expulsion procedures to be followed for students qualified under Section 504.

- A suspension is automatically a “change in placement” if it is to exceed ten consecutive days. An expulsion is always a change in placement.
- For a series of suspensions, each of which is for ten days or fewer, the school 504 Team must determine whether these suspensions contribute to a “pattern of exclusion.” There is no automatic cut-off at which cumulative non-consecutive days of suspension constitute a change in placement. Rather, a case-by-case analysis must be made in which the school 504 Team should consider the following factors: the length of each suspension; the proximity of the suspensions to each other; and the total number of days in which the student has been excluded from school.
- If a child’s conduct endangers himself or others, the school administrator may use normal reasonable procedures in accordance with rules that are applied to all children, provided any resulting suspension does not exceed ten consecutive days or otherwise constitute a significant change in placement.
- If the school 504 Team determines that a suspension constitutes a significant change in placement, then the team must evaluate the student, in accordance with Section 504 procedures to determine whether the misconduct at issue was caused by the student’s disabling condition.
 - If the team determines that the misconduct was not caused by the student’s disabling condition, then the student may be suspended or expelled in the same manner as non-disabled students.
 - If the team determines that the student’s misconduct was caused by a disability, then Section 504 procedures must be followed to determine whether

the student’s current placement is appropriate and, to determine if the student’s 504 accommodations need to be revised.

- Even if a student’s misconduct was caused by a disabling condition, the student may be suspended:
 - 1) in a genuine emergency and 2) during a reasonable amount of time to revise the student’s educational program.

Grievance

- If the parent(s)/legal guardian(s) disagree with school decisions they may grieve the determination.
- Grievances must be filed with the Section 504 Coordinator in the SMCPSS’ Department of Student Services as soon as possible, within thirty (30) calendar days of the occurrence, except for extraordinary circumstances.
- A grievance must be in writing and at minimum contain (1) the nature of the grievance; (2) the facts upon which the grievance is based, including a list of all witnesses; (3) the remedy requested; and (4) the complainant’s signature and the date the grievance is filed. The written grievance must be filed with the Section 504 Coordinator in the SMCPSS’ Department of Student Services at the following address:

Section 504 Coordinator
St. Mary’s County Public Schools
23160 Moakley Street
Leonardtown, MD 20650

Non-Discrimination Statement

The St. Mary’s County Public School System does not discriminate on the basis of race, color, gender, age, national origin, marital status, sexual orientation, religion, or disability in matters affecting employment or providing access to programs. Inquiries related to this policy may be addressed to the Assistant Superintendent of Fiscal Services and Human Resources, St. Mary’s County Public Schools, 23160 Moakley Street, Suite 107, Leonardtown, Maryland 20650, 301-475-5511, ext. 32247.

St. Mary’s County Public Schools
DEPARTMENT OF STUDENT SERVICES

504

DISABLED STUDENTS UNDER SECTION 504 OF THE REHABILITATION ACT



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Section 504 Requirements

- Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against disabled persons, including students, by school districts receiving federal financial assistance.
- This law requires that every public school in the United States identify, evaluate, and provide appropriate services to those disabled as defined by Section 504. In addition, procedural safeguards must be provided to the parent(s)/legal guardian(s) of such identified students.
- The Office of Civil Rights in the U. S. Department of Education is responsible for enforcing Section 504.
- If the student is determined to be disabled, a 504 Plan is developed by the school-based team, outlining the reasonable accommodations to be provided in the regular education classroom.
- Inquiries concerning Section 504 procedures in the St. Mary's County Public Schools may be made to the Department of Student Services at 301-475-5511, ext. 32150.

Disability Qualifications

Students who are defined as disabled under Section 504 must meet one of the disability criteria described below:

- Has a physical or mental impairment which substantially limits one or more major life activities (including activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentration, thinking, and communicating); or

- Has a record or history of such an impairment (e.g., a student with cancer or in recovery); or
- Is regarded as having such an impairment (e.g., a student with scarring; a student who walks with a limp).

Examples of Physical and Mental Impairments That Qualify

- Any physiological disorder affecting one or more of the following body systems neurological; musculoskeletal; special sense organs; respiratory; speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine.
- Any mental, psychological, or physical impairment such as visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; hearing disease; diabetes; attention deficit disorder; drug addiction; emotional or mental illness; or alcoholism.

504 Identification and Evaluation

- The student is referred to the 504 Team who will review the case and determine eligibility under Section 504. Parent(s)/legal guardian(s) or a staff member may refer a student to the school team.
- Written documentation must be provided of the disabling condition (e.g., medical, psychological, agency reports).
- The team will provide written notification to the parent(s)/legal guardian(s) of the meeting.
- The parent(s)/legal guardian(s) should receive a copy of the Procedural Safeguards.

Eligibility Determination

Eligibility is determined from any one of the following:

- Verification from written documentation, medical, psychological, or agency reports; and,
- Gathered information such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, doctor's orders, emergency care plans, and adaptive behavior.

504 Accessibility Plan

- The 504 Plan is developed by the 504 Team.
- In the 504 Plan, the team will determine the types of reasonable accommodations, modifications, adaptations, interventions, aids, and services that are needed to meet the student's needs.
- The team will review the student's response to the effectiveness of the plan at least once annually, or more frequently, as needed. (Parent(s)/legal guardian(s) may request that a plan be reviewed.)
- If, at any time, the school team suspects that the student is in need of special education and related services, the team will refer the student to the Individualized Education Program (IEP) Team.