



To: All Administrators, Teachers, and Section 504 Coordinators

From: Dr. Clayton Wilcox, Superintendent

Thru: Dr. Marion Bish, Executive Director Student Services
Cynthia Vines, 504 Compliance Specialist

Date: August 31, 2017

Re: Section 504 Requirements and Disability-based Harassment Notice

This memo serves as a reminder of the District's obligations under Section 504 of the Rehabilitation Act of 1973. Under Section 504, CMS is required to:

- Evaluate any student who needs or is believed to need special education or related services due to a disability. CMS must conduct an evaluation before initially placing the student in regular or special education and any subsequent significant change in placement.
- Seek written consent of parents or guardians who request special education services or related services due to a disability, or if a student needs or is believed to need special education or related services due to a disability.
- Implement Section 504 plans, including students who have transferred from other schools.
- Conduct a manifestation determination review for a student with a disability before any significant change in placement for disciplinary reasons and to determine whether the misconduct is a manifestation of the student's disability. In the event that CMS believes that a student may be eligible under Section 504, an eligibility determination should be made prior to disciplinary action that will result in a change in placement.
- Respond promptly and effectively to disability-based harassment that it knows or reasonably should know about. In the event that an investigation reveals that discriminatory harassment has occurred, CMS must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

In addition:

It is the policy of the Charlotte-Mecklenburg Board of Education to maintain learning environments that are free from harassment or bullying, including harassment based on an individual's physical, mental, developmental, or sensory disability. Section 504 of the Rehabilitation Act of 1973 requires the District to respond promptly and effectively to disability-based harassment that it knows or reasonably should know about.

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As set forth in Board Policy Regulation JICK-R, any person observing harassment or bullying behavior or with reliable information that a student has been the target of bullying shall report the event to an authority at the school or worksite. District employees should also fill out the "Intimidation, Bullying, and/or Threats Administrative Report Form," which is available at each school and in the "Forms" section of the Code of Student Conduct.

If an investigation reveals that disability-based harassment has occurred, the District must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

CC: Dr. Clayton Wilcox, Superintendent