

_____ School District

Section 504 and Americans With Disabilities Policy/Plan

NOTICE OF NONDISCRIMINATION

It is the policy of the School District that no person shall, on the basis of race, sex, color, national origin, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.

August, 2009

(Cornbelt Cooperative Document)

DEFINITIONS:

-The following definitions will be used in this policy.

ACCOMMODATIONS — Adaptations made by classroom teacher(s) and other school staff to enable the students to benefit from their educational program. In some cases, a Section 504 plan should be developed outlining accommodations.

ADA ACCESSIBILITY GUIDELINES (ADAAG) — Standards used to meet Section 504/ADA accessibility requirements for the design, construction, and alteration of buildings.

AMERICANS WITH DISABILITIES ACT (ADA) — A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

BARRIER-FREE ENVIRONMENT — A school environment that contains no obstacles to accessibility and usability by students and other individuals with disabilities. Barriers can be physical and nonphysical.

CONSENT — Written parent permission before initial evaluation and initial education placement.

CONTAGIOUS DISEASES PROTECTED UNDER 504 — Contagious diseases are those that can be transmitted from person to person. Examples are diseases such as AIDS, HIV, and tuberculosis.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE) — Related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of nondisabled persons are met.

INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT, (IDEA) — Federal special education law and regulations.

MAJOR LIFE ACTIVITY — Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

OFFICE FOR CIVIL RIGHTS (OCR) — This federal agency has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are 10 regional offices located throughout the United States.

PHYSICAL OR MENTAL IMPAIRMENT — (1) 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; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.

PROGRAM ACCESSIBILITY — The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only where program accessibility cannot be achieved effectively through other means.

PROGRAM OR ACTIVITY — In the context of Section 504/ADA, this includes all operations of State and local agencies that receive federal funds. This includes colleges, universities, and/or school districts.

PUBLIC ENTITY — Any school, organization, agency, or office that receives federal funding and is therefore, obligated to follow Section 504/ADA requirements.

PUBLIC NOTICE — The school is required to provide public notice and internal notice (i.e., to staff, individuals with disabilities, and students) stating it does not discriminate on the basis of a disability.

QUALIFIED STUDENT — Any student who has a physical or mental impairment that substantially limits one or more major life activities and impacts education.

STUDENT ASSISTANCE TEAM — A group of school staff knowledgeable about the student who work together recommending accommodations to help the student succeed in his/her general education program. This is sometimes referred to as a pre-referral process. Every effort should be made to keep the student in the general education program. A referral is made for an evaluation after all efforts have failed.

SECTION 504 — The Vocational Rehabilitation Act of 1973 that guarantees specific rights in federally funded programs and activities to people who qualify as disabled. Section 504 states, “No otherwise qualified disabled individual in the United States... shall, solely by reason of a 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.”

SECTION 504/ADA COORDINATOR — The school employing 15 or more persons must assign a person to coordinate compliance with Section 504 regulations. It is recommended that all schools appoint a 504/ADA coordinator. It is recommended that the same individual serve as the Americans with Disabilities Act Coordinator and be a general educator.

SECTION 504 CASE MANAGER — This is usually the primary school staff member providing accommodations for a specific student. Case managers could include counselors, school nurses, and general education teachers. The case manager maintains the Section 504 student file.

SELF-EVALUATION — The Americans with Disabilities Act requires that federal fund recipients evaluate their programs, physical accessibility, and employment practices to determine the extent to which programs and activities require modification to ensure full participation by students with disabilities. These evaluations should be revisited annually by the Section 504/ADA Coordinator.

TITLE I (NCLBA) — Provides financial assistance to States and eligible agencies to deliver supplemental services to at-risk students.

TRANSITION PLAN — If a school determines that structural modifications are necessary to meet Section 504/ADA program accessibility requirements, the school must develop a plan specifying the steps necessary to complete such changes and the time frame for completion.

PROCEDURAL REQUIREMENTS

PROCEDURAL REQUIREMENTS OF SECTION 504/ADA

To be in compliance with Section 504/ADA, the district has policies and procedures in place for the following:

1. Provide **written assurance** of nondiscrimination whenever the school receives federal money.
2. Designate an **employee to coordinate compliance** with Section 504/ADA (if there are more than 15 employees).
3. Provide **grievance procedures** to resolve complaints of discrimination (if more than 15 employees).
4. Provide **notice to students and parents**. A separate notice should be available for employees, unions, and professional organizations of nondiscrimination in admission or access to, treatment at, and employment in its programs or activities (if more than 15 employees). Notice must be included in student/parent handbook.
5. The school will **Identify and locate qualified students with disabilities** within their jurisdiction.
6. **Annually notify persons with disabilities** and their parents or guardians of the school's responsibilities under Section 504/ADA. [34 CFR § 104.32(b)]
7. Provide parents or guardians with **procedural safeguards**:
 - a. Notice of their rights
 - b. An opportunity to review relevant records
 - c. An impartial hearing. It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of individuals with disabilities.
 - d. Review of procedures. Compliance with the procedural safeguards under special education is one way of meeting these requirements.
8. **Conduct a self-evaluation** of the school facilities, programs, and policies to ensure that discrimination is not taking place.

PROCEDURES FOR COMPLYING WITH SECTION 504/ADA.

PROCEDURE ONE: WRITTEN ASSURANCE OF NONDISCRIMINATION

Whenever a school applies for State or federal monies, it must assure that it does not discriminate on the basis of race, sex, color, national origin, age, or disability. This requirement is done routinely by all schools.

PROCEDURE TWO: SECTION 504 COORDINATOR

The general provisions of Section 504/ADA, together with other federal nondiscrimination laws, require the designation of a person to coordinate the school's efforts to comply with these laws. Coordination activities could include some or all of the following:

Suggested Responsibilities of the Section 504/ADA Coordinator

- Ensure nondiscriminatory educational practices.
- Establish and monitor a Section 504/ADA referral/identification/review process.
- Maintain data on Section 504/ADA referrals.
- Conduct staff and parent awareness and training activities concerning Section 504/ADA requirements.
- Implement Section 504/ADA grievance procedures.
- Monitor Section 504/ADA budget.
- Consult with the Special Education Coordinator.
- Serve as a school liaison with the State Section 504/ADA Coordinator.
- Serve as the school liaison with the regional Office for Civil Rights.

The Section 504/ADA Coordinator will be an employee of the school. A general education staff member or school counselor who is knowledgeable about federal laws and regulations will be selected.

PROCEDURE THREE: SCHOOL GRIEVANCE PROCEDURES

Section I

If any person believes that the school or any of the school's staff have inadequately applied the regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, or (4) the Americans with Disabilities Act, he/she may bring forward a grievance to the school's Section 504/ADA coordinator. It should be understood by the individual(s) involved that a complaint can be made to the Office for Civil Rights without going through the school's grievance procedures. The grievance procedures are to provide for a prompt and equitable resolution of a complaint.

Section II

The school 504 coordinator, on request, will provide a copy of the school's grievance procedure and investigate all complaints in accordance with this procedure. The grievance procedure should include a statement that a copy of each of the acts and the regulations on which this notice is based may be found in the coordinator's office.

The person who believes he/she may have been discriminated against based on disability shall discuss the grievance and give the completed grievance form to the school Section 504/ADA coordinator who shall in turn investigate the complaint and reply with an answer to the complainant.

Step 1

A written grievance form signed by complainant shall be submitted to the school Section 504/ADA Coordinator. The coordinator shall further investigate the matters of grievance and reply in writing to the complainant within 10 business days.

Step 2

If the complainant wishes to appeal the decision of the school Section 504/ADA Coordinator, he/she may submit a signed statement of appeal to the district administrator within 10 business days after receipt of the coordinator's response. The coordinator and superintendent cannot be the same individual. The superintendent shall meet with all parties involved, formulate a conclusion, and respond in writing to the complainant within 10 business days.

Step 3

If the complainant remains unsatisfied, he/she may appeal through a signed written statement to the school board of education within 10 business days of his/her receipt of the district's response in Step Two. In an attempt to resolve the grievance, the board shall meet with the concerned parties and their representative within 15 days of the receipt of such an appeal. A copy of the board's disposition of the appeal shall be sent to each concerned party within 10 business days of this meeting.

Step 4

The complainant may file a complaint with the Office for Civil Rights at any time before or during the grievance procedures.

SECTION 504/ADA SCHOOL GRIEVANCE FORM

Date: _____

Name: _____ Title: _____

Student: _____

Address: _____

Phone: _____

1. Summary of school grievance—What is the problem?

2. How can the problem be resolved?

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

If others are affected by the possible violation, please give their names and/or positions:

Signature of Parent

Date

Signature of Section 504 Coordinator

Date

MEDIATION

Mediation to resolve differences is not a requirement under Section 504, but strongly suggested to resolve conflicts between parents and school staff. Most of the time parents and school staff agree upon issues regarding evaluation, eligibility, program and placement of children with disabilities. However, there are times when disagreement occurs.

Conflict is often inevitable, but it need not produce negative results. If the parent and school are unable to resolve a conflict concerning a child with a disability, then mediation is an available option to a long and expensive due process hearing.

The mediator is a neutral third party and, therefore, has no power to make a decision regarding the dispute. He or she will listen to the views of each party and will assist in developing an acceptable solution to the problem. The mediator has been trained to handle special education and Section 504 disputes.

Mediation is completely voluntary. It should not interfere with any procedural safeguards, including a voluntary request for a due process hearing or filing a grievance with the school or a complaint with OCR. Mediation in Section 504/ADA is a process to assist parents and schools in resolving disagreements regarding a child with disabilities education program.

A trained mediator works with both parties to guide them toward a mutually satisfactory solution in the best interest of the child. This occurs at a non-adversative meeting, which is more structured than a parent-school conference, but less formal than a due process hearing.

Mediation is a voluntary process. It is optional for both parties. The mediation session is completely confidential and encourages open communication.

If you have any questions after reviewing these materials, please do not hesitate to contact the school Section 504/ADA coordinator or the South Dakota Department of Education. Parents and schools are encouraged to try mediation before relying on more formal procedures such as the grievance procedures, complaints to OCR or due process hearings.

PROCEDURE FOUR: GENERAL NOTICE TO STUDENTS, PARENTS, EMPLOYEES, AND OTHER INDIVIDUALS

SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT

NOTICE OF NON-DISCRIMINATION:

Applicants for admission and employment, students, parents, persons with disabilities, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the _____ are hereby notified that this school does not discriminate on the basis of race, sex, color, national origin, age, or disability in admission or access to, or treatment or employment in, its programs and activities. Any person having inquiries concerning the school's compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA), or Section 504 is directed to contact

who has been designated by the school to coordinate efforts to comply with the regulations regarding nondiscrimination.

Recommendations for notice dissemination

- Staff, parent, and student handouts • Included on professional contracts
- Letterheads • Included on job announcements
- Staff workrooms • Annual mailing to staff
- Bulletin boards • School Web site

PROCEDURE FIVE: LOCATE AND IDENTIFY

The school shall maintain a continual program to find unserved students who might qualify for special education or Section 504/ADA services. To encourage the use of services and ongoing assistance at the earliest age possible, the following methods could be used to identify unserved students:

- Utilize the existing special education student find process; just add Section 504 language to the school's notice and announcements.
- A series of spot announcements on all local news media.
- A series of posters to be placed in post offices, city hall, schools, and other public buildings.
- Distribution of a referral form to such public and private agents as hospital administrators, public health officers, social welfare offices, private medical practitioners, public nursery schools, and/or childcare and Head Start directors. Referrals should be made to the district special education coordinator, or Section 504/ADA Coordinator, for appropriate action.

The district has the option to combine the special education and Section 504 Child Find procedures. Costs should be shared between special and general education budgets.

PROCEDURE SIX: ANNUAL NOTICE TO INDIVIDUALS WITH DISABILITIES AND PARENTS:

ANNUAL PUBLIC NOTICE:

PROGRAMS FOR STUDENTS WITH DISABILITIES UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibits discrimination against persons with a disability in any program receiving federal financial assistance. Section 504/ADA defines a person with a disability as anyone who

Has a mental or physical impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The school has the responsibility to provide adjustments, modifications, and necessary services to eligible individuals with disabilities.

The school acknowledges its responsibility under Section 504/ADA to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability shall knowingly be permitted in any program or practice in the school.

***Recommendations for notice placement**

- Staff, parent, and student handouts • Professional contracts
- Letterheads • Job announcements
- Staff workrooms • Annual mailing to staff
- Bulletin boards

Recommendations for notice dissemination

- Upon referral to parents • Bulletin boards
- School Web site • Included on professional contracts
- Letterheads • Included on job announcements
- Staff workrooms • Annual mailing to staff

PROCEDURE SEVEN: PARENTAL RIGHTS AFFORDED BY SECTION 504 OF THE REHABILITATION ACT OF 1973

The following is a description of parent rights granted under federal law. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to the following:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Have the school advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, program, or placement of your child.
4. Be involved before the initial evaluation and placement for services for your child. Written consent is not required; however, encouraging your involvement and support before the initial evaluation and placement services is a priority.
5. Have your student receive a free appropriate public education that is the provision of related aid and/or specialized services, including the services of special educators and related professionals when the child does not otherwise qualify for special education. Related aids or services must be designed to meet the individual educational needs of your child as adequately as the needs of students without disabilities are met. This includes the right to be educated with non-disabled students and the opportunity to participate in school and school-related activities to the maximum extent appropriate.
6. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
7. Have your child evaluated for eligibility under the Individuals with Disabilities Education Act (IDEA), and if found eligible, receive special education and related services.
8. Have identification, evaluation, educational, and placement decisions made based on a variety of information sources and by individuals who know your child, the disability, evaluation data, and placement options.
9. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. File a local grievance with your school if you feel your child is being discriminated against because of his or her disability.
12. Request the assistance of a mediator to help resolve issues with the school.
13. Request a due process hearing to help resolve issues with the school.
14. File a formal complaint with the regional Office for Civil Rights.

PROCEDURE EIGHT: SELF-EVALUATION

A self-evaluation to determine possible discrimination involving school facilities, programs, activities, and policies is a requirement of both Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Any school that employs 15 or more employees shall conduct such an evaluation and develop a transition plan that outlines how the school will eliminate any form of discrimination.

The self-study should be on file and available for public inspection.

The following are key considerations when conducting the self-evaluation:

- Evaluate facilities, programs, and policies.
- Involve other individuals, including persons with disabilities.
- Develop a Section 504/ADA transition plan that outlines any modifications that will be necessary. This plan identifies facilities, programs, and policies that could be discriminatory and how the school intends to solve the problems.
- Modify any policies, facilities, or practices that do not meet the requirements of Section 504 or ADA, after consultation with others, including persons with disabilities.
- Take appropriate remedial steps to eliminate the effects of any discrimination resulting from policies and practices.
- Keep a copy of the self-evaluation on file for public inspection.
- Conduct periodic reevaluations as needed.
- Ensure all new policies are nondiscriminatory.
- Ensure all new facilities are accessible for individuals with disabilities.

The district may request comprehensive instructions and forms to conduct a self assessment from the Office for Civil Rights.

SECTION 504 ELIGIBILITY CRITERIA

A person may be considered disabled under the definition of Section 504/ADA if the individual meets the following requirements:

1. Has a mental or physical impairment that substantially limits one or more of such person's major life activities:
“Major life activities” include functions such as • caring for one's self • performing manual tasks • walking • hearing • seeing • breathing • speaking • working • learning • reading • concentrating • thinking • communicating • eating • sleeping • standing • lifting • bending.
2. Has a record of such an impairment.
3. Is regarded as having such an impairment.

The second and third prongs of the definition only become a factor if discrimination has occurred because of the “record” or “history” or is regarded as having an impairment

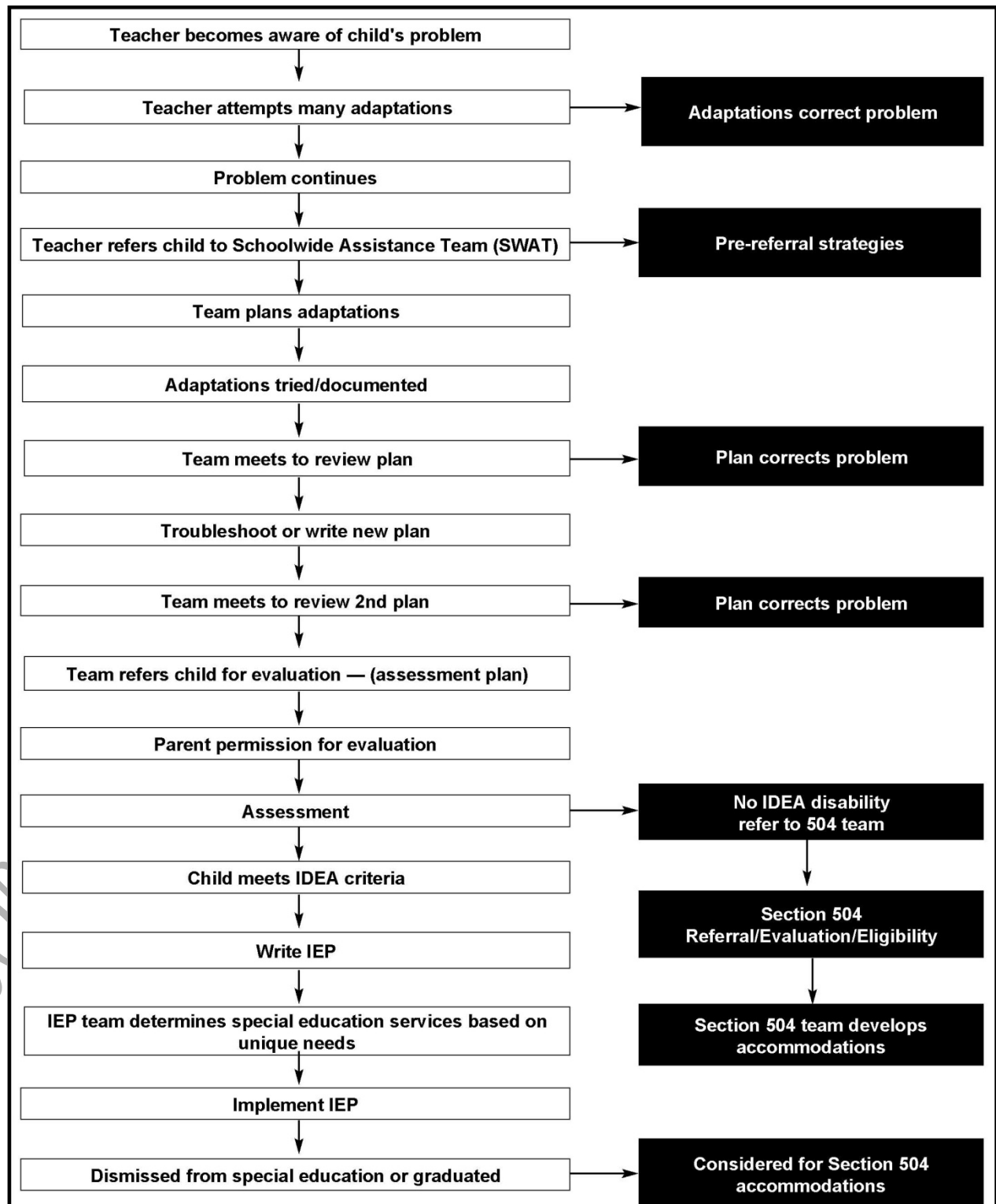
If the school has reason to suspect that because of a disability, a student needs special accommodations in the general educational environment in order to have equally effective participation in the school program, the school must notify the parent of an individual evaluation, evaluate the student, and develop and implement a plan for the delivery of all necessary educational accommodations.

Requirements for the evaluation and placement process are determined by the type of disability suspected and the type of services needed by the student. The evaluation must be sufficient to assess the nature and extent of the educational impact of the disability so that appropriate educational services can be determined. The team knowledgeable about the student makes the decision based on evaluation data. Identification of services needed must be made by a group of persons knowledgeable about the student.

Decisions about Section 504/ADA eligibility must be documented in the student's Section 504/ADA file and reviewed at least yearly and whenever any member of the team feels it is necessary. A case manager should be assigned to complete and manage each Section 504/ADA student file. A student's program must be provided in the least restrictive environment, most likely the general education classroom.

Under Section 504/ADA, parents or guardians must be provided with notice of any action that changes the identification, evaluation program, or placement of their student. Written consent would be considered a **best practice**. The parents should be included in the evaluation, eligibility, and placement process. Parents or guardians have the right to file a grievance, request mediation, ask for a due process hearing, or call the Office for Civil Rights if they disagree with the school.

PROCESS FOR DETERMINING ELIGIBILITY AND SERVICES FOR SPECIAL EDUCATION/SECTION 504



RED FLAGS FOR CONSIDERING POSSIBLE ELIGIBILITY AND ACCOMMODATIONS UNDER SECTION 504/ADA

1. When a **parent** frequently expresses a concern about the student's performance
2. When **suspension or expulsion** is being considered for any student
3. When **retention** is being considered
4. When a student shows a pattern of **not benefiting from classroom instruction**
5. When a student returns to school after a **serious illness or injury**
6. When a student is **referred for evaluation**, but it is determined not to do an evaluation under the **IDEA**
7. When a student is evaluated and **does not qualify for special education** services under the **IDEA**
8. When a student **exhibits a chronic health condition**
9. When a student has been identified as having **attention deficit disorder (ADD)** or **attention deficit hyperactivity disorder (ADHD)**
10. When a student is identified as “**at risk**” or exhibits the potential for dropping out of school
11. When a **disability** of any kind is known or suspected

SECTION 504 PROCESS

SCHOOL DISTRICT PROCESS FOR DETERMINING SECTION 504 SERVICES

STEP 1—GENERAL EDUCATION INTERVENTIONS

- a) If a student experiences educational difficulties, a Student Assistance Team meets to discuss the concerns.
- b) The team suggests intervention strategies to help correct the difficulties. The primary function of the team is to offer assistance to teachers.
- c) If the strategies are unsuccessful, the team can make a referral for evaluation to Section 504/ADA, special education, or Title I.

STEP 2 —REFERRAL

- a) Referrals are accepted from parents and/or the Student Assistance Team.
- b) The presenting problem(s) and previous remedies are considered and reviewed. The summary should include all current information and recommendations.

STEP 3 —NOTIFICATION

The school notifies the parents or guardians, in writing, of the school's reason and intent to conduct an evaluation. The notice should include a description of the evaluation and of procedural safeguards.

STEP 4 —WRITTEN CONSENT

Even though Section 504/ADA does not require written consent before the initial evaluation, consent should always be considered a **best practice**.

STEP 5—EVALUATION

The school evaluates a student suspected of having a disability before making an initial provision for services or any subsequent, significant change in his or her services.

STEP 6 —ELIGIBILITY

Section 504/ADA Team—a recommended strategy is to use the student assistance team as the Section 504/ADA Team. The team meets and analyzes the evaluation data to determine if the individual has a mental or physical impairment that substantially impairs a major life activity and impacts education.

STEP 7 —WRITTEN CONSENT

Even though Section 504/ADA does not require written consent before the initial service, consent should always be considered a **best practice**.

STEP 8 —SERVICES

The Section 504 Team develops an accommodation plan to be implemented in the general education environment.

STEP 9 —IMPLEMENTATION

- a) The school staff makes the necessary accommodations/services to allow for the student's disability. Parents should be consulted and given opportunity for input regarding the accommodations.
- b) The accommodations and/or services are implemented.

STEP 10 —REVIEW

Each student's accommodations and/or services are reviewed periodically.

District 504/ADA Forms

—PUBLIC NOTICE FOR PARENTS—PAGE 22

—SECTION 504 REFERRAL—PAGE 23

—NOTICE TO PARENTS—PAGE 24

—SECTION 504 PARENT RIGHTS—PAGES 25-26

—SECTION 504 EVALUATION PROCEDURES—PAGE 27

—STUDENT ACCOMMODATION PLAN—PAGE 28-29

—SCHOOL INDIVIDUALIZED HEALTH CARE PLAN—PAGE 30

—EMERGENCY PLAN—PAGE 31

—SECTION 504 REVIEW OF SERVICES—PAGE 32

PUBLIC NOTICE FORM FOR SECTION 504/ADA

Section 504 is an Act that prohibits discrimination against persons with a disability in any program that receives federal financial assistance. The Act defines a person with a disability as anyone who

Has a mental or physical impairment that substantially limits one or more major life activities (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).

In order to fulfill its obligations under Section 504/ADA, the school recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system.

The school has specific responsibilities under the Act, which include the responsibility to identify, evaluate and, if the student is determined to be eligible under Section 504/ADA, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the school, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to educational records. This Act gives the parent or guardian the right to do the following:

- Inspect and review his/her student's educational records.
 - Make copies of these records.
 - Receive a list of all individuals having access to those records.
 - Ask for an explanation of any item in the records.
 - Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the student's rights.
 - Request a hearing on the issue if the school refuses to make the amendment.
- If there are questions, please feel free to contact

Section 504/ADA Coordinator

Phone

SECTION 504 REFERRAL FORM

Student: _____ Date: _____

School: _____ Date of Birth: _____

Teacher: _____ Grade: _____

Parent: _____ Phone: _____

Address: _____

Referred by: _____

Position: _____

1. Reason for referral:

2. Accommodations and interventions attempted:

3. Has the student ever been referred, evaluated, and/or received services from special education? _____ YES _____ NO If yes, explain: _____

4. Referral action:

Signature of Section 504 Coordinator

Date

SECTION 504 MEETING NOTICE TO PARENTS

Student: _____ Date: _____
School: _____

Dear Parent or Guardian:

This letter is to inform you that we have some concerns about your student's progress at school. We have attempted some interventions with your student. They include those listed below:

We would like to arrange a meeting to discuss eligibility for further accommodations/ services in order to ensure that your student is afforded an appropriate education. We have scheduled a meeting on

_____. This meeting will be held at _____ to discuss your student's educational needs. We would very much appreciate your participation.

If you have any questions, or if this meeting time is not convenient for you, please call me at _____. We will discuss your questions or arrange a mutually convenient meeting time.

Sincerely,

Name

Position

SECTION 504 PARENT RIGHTS

School: _____ Date: _____

The intent of this notice is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any of these decisions.

If your student is eligible for Section 504 services, you have the right to the following actions:

1. Have your student take part in and receive benefits from public education programs without discrimination based on a disability.
2. Receive written notice with respect to identification, evaluation, or placement of your student.
3. Have your student receive a free and appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate.
4. Have your student educated in facilities and receive services comparable to those provided students without disabilities.
5. Have evaluation, educational, and placement decisions made based on a variety of information sources and by individuals who know your student, the evaluation data, and placement options.
6. If eligible, have your student receive accommodations under Section 504 of the Rehabilitation Act of 1973.
7. Give your student an equal opportunity to participate in appropriate nonacademic and extracurricular activities offered by the school.
8. Examine all relevant records relating to decisions regarding your student's identification, evaluation, educational program, and placement.
9. Obtain copies of educational records at a reasonable cost if the fee would effectively deny you access to the records.
10. Receive a response from the school to reasonable requests for explanations and interpretations of your student's records.
11. Request amendment of your student's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your student. If the school refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.

12. Request mediation or an impartial due process hearing related to decisions regarding your student's identification, evaluation, educational program, or placement. You and your student may take part in the hearing and have an attorney represent you.

13. File a local grievance or complaint.

The person at the school who is responsible for Section 504/ADA compliance is

Section 504 Coordinator

Telephone Number

CONSENT FOR EVALUATION:

The school is requesting your consent to conduct the following evaluation procedure:

Evaluation Procedures

Person Responsible

_____	_____
_____	_____
_____	_____
_____	_____

I give written consent to have my student evaluated for possible Section 504 eligibility.

Parent Signature

Date

SECTION 504 EVALUATION PROCEDURES

If the school suspects a student has a disability, then parental notice is given and an individual evaluation is conducted. The following are some considerations for meeting 504 evaluation requirements:

1. The evaluation team must be knowledgeable about the student and disability and be familiar with the evaluation data and placement options.
2. Each evaluation should be tailored to the specific needs of the student.
3. The parents need to be notified before the evaluation is conducted. Consent is not required, but it is considered **best practice**.
4. Tests and other evaluation materials should be validated for the specific purpose for which they are used and administered by trained personnel in conformance with the instructions provided by their producer.
5. Tests and other evaluation materials include those tailored to assess specific areas of educational need.
6. Tests are selected to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the results accurately reflect whatever the test is designed to measure.
7. In interpreting evaluation data and in making placement or accommodation decisions, a school should draw on information from a variety of sources, including aptitude and achievement tests, interest inventories, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.
8. A reevaluation should be conducted before making any significant change in placement. A reevaluation procedure consistent with the Individuals with Disabilities Education Act is one means of meeting this requirement.

The school may refuse to conduct an evaluation, but it has the obligation to inform the parents of the reasons for the refusal and their right to file a grievance, contact the Office for Civil Rights, or request a due process hearing.

SECTION 504 STUDENT ACCOMMODATION PLAN

Student _____ Date _____

School _____ DOB _____

Review Date _____ Case Manager _____

Part 1: Justification for services

1. The student has a physical or mental impairment that substantially limits one or more of his/her major life activities.

☐ YES ☐ NO

<input type="checkbox"/> caring for one's self	<input type="checkbox"/> hearing	<input type="checkbox"/> thinking
<input type="checkbox"/> performing manual tasks	<input type="checkbox"/> speaking	<input type="checkbox"/> communicating
<input type="checkbox"/> walking	<input type="checkbox"/> working	<input type="checkbox"/> eating
<input type="checkbox"/> seeing	<input type="checkbox"/> learning	<input type="checkbox"/> sleeping
<input type="checkbox"/> breathing	<input type="checkbox"/> reading	<input type="checkbox"/> concentrating
<input type="checkbox"/> standing	<input type="checkbox"/> lifting	<input type="checkbox"/> bending

2. Is the student eligible for Section 504 accommodations?

☐ YES ☐ NO

3. Briefly document the basis for determining the disability.

4. Major Life Activities Impacted.

5. Describe areas of need and action to be taken. _____

Part II—Required Accommodations

Accommodations and services

Area of difficulty : _____
Accommodations: _____

Evaluation: _____

Area of difficulty : _____
Accommodations: _____

Evaluation: _____

Area of difficulty : _____
Accommodations: _____

Evaluation: _____

Area of difficulty : _____
Accommodations: _____

Evaluation: _____

I give permission for my student to receive the above mentioned services.

Parent

Date

Section 504 Committee Members

Position

SCHOOL INDIVIDUALIZED HEALTH CARE PLAN

Student _____ Effective Date _____

Parent _____ School _____

Physician _____ Nurse _____
_____ Special Education _____ Section 504 _____ General Education

1. Brief Description of Condition:

2. Concerns:

3. Goal:

4. Intervention and Procedures:

5. Necessary Staff Training:

I have read and approve of the above health care plan for:

_____ Date: _____

Parent

Physician

Nurse who provides
services in the school

EMERGENCY CARE PLAN

Date: _____
Student: _____
School: _____ Birth date: _____ Grade: _____
Preferred Hospital in Case of Emergency _____
Phone: _____
Parent/Guardian: _____ Phone:(h) _____ Phone:(w) _____
Physician: _____ Phone: _____
Medical Condition: _____
Treatment Program: _____

Signs of Emergency: _____

Actions to take during emergency: _____

If an emergency occurs and is life-threatening, immediately call A 911.or designated emergency number. _____

- a. State who you are b. State where you are. c. State problem
- d. Stay with student or designate another adult to do so.
- e. Call or designate someone to call the hospital.

The following staff members are trained to deal with an emergency and to initiate the appropriate procedures:

I approve the above Emergency Care Plan and request school personnel to follow the above plan in the event of an emergency involving my child. I will notify the school immediately if my child's health status changes or if there is a change or cancellation of this Emergency Care Plan.

In consideration of this authorization made at our request, the undersigned agrees to indemnify, defend, and save harmless the School Board, the individual members thereof and any officials or employees involved in the rendering of care in accord with the above Emergency Care Plan from any claims or liability for injury or damages, including but not limited to costs and reasonable attorney's fees, caused or claimed to be caused or to result from the administration of care in accord with the above Emergency Care Plan.

Parent/Guardian: _____ Date: _____
Address: _____

SECTION 504 REVIEW OF SERVICES

Student _____ Date _____
Case Manager _____

Purpose of meeting: It is necessary to periodically review the student's progress under Section 504 services and make recommendations to continue, modify, or terminate the program(s). (504 plan should be reviewed once each year.)

Discussion of progress _____

Recommendation

- ☐ Continue present services with no changes.
- ☐ Modify the present program (see attached).
- ☐ Conduct additional evaluations.
- ☐ Exit from program based on the following evaluation results.

Discussion of recommendations _____

The following members of the Section 504 Committee agree with the recommendations:

Signatures

_____ Parent	_____ Counselor
_____ Classroom Teacher	_____ Nurse
_____ School Principal	_____ Other

EXAMPLES OF ELIGIBLE 504 STUDENTS

Accommodations are determined by the Section 504 team and based upon the student's unique needs.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

EXAMPLE: The student frequently misses school and does not have the strength to attend a full day. This student has a record of a disability that substantially limits the life activities of learning and working.

POSSIBLE ACCOMMODATIONS:

- ☐ Apply universal precautions.
- ☐ Administer medications as prescribed.
- ☐ Adjust attendance policies.
- ☐ Adjust schedule or shorten day.
- ☐ Provide rest periods.
- ☐ Adapt physical education curriculum.
- ☐ Establish routine communication with health professionals, school nurse, and home.
- ☐ Develop health care and emergency plan.
- ☐ Meet with doctor, parents, teachers, and administrators.
- ☐ Provide two-way audio/video link between home and classroom.
- ☐ Arrange for an adult tutor at school or home.
- ☐ Modify assignments and tests.
- ☐ Provide an extra set of textbooks for home.
- ☐ Provide staff training on confidentiality.
- ☐ Provide education and support for peers regarding issues of death and dying.
- ☐ Provide transportation to and from school.
- ☐ Tape books or provide a personal reader.
- ☐ Provide a home computer with e-mail.
- ☐ Arrange for a support group.
- ☐ Provide employment transitions for secondary students.
- ☐ Develop supportive community attitudes regarding the school districts' need to educate students who are HIV/AIDS positive.
- ☐ Develop and promote nondiscriminatory classroom climate and supportive student attitudes.
- ☐ Promote the most supportive, least restrictive educational program for students with AIDS.
- ☐ Video-tape classroom teacher.
- ☐ Provide a peer support group to encourage communication.
- ☐ Furnish home and hospital care for extended periods of illness.
- ☐ Provide technology at home with a possible link to the school.

ALLERGIES

EXAMPLE: The student has severe allergic reactions to certain pollens and foods. The student is substantially limited to the major life activity of breathing.

POSSIBLE ACCOMMODATIONS:

- ☐ Avoid allergy-causing substances: soap, weeds, pollen, and food.
- ☐ In-service necessary persons: dietary people, peers, coaches, laundry for sports people (soap).
- ☐ Allow time for shots/clinic appointments.
- ☐ Use air purifiers.
- ☐ Adapt physical education curriculum during high pollen time.
- ☐ Improve room ventilation (when remodeling has occurred and materials may cause an allergy).

ARTHRITIS

EXAMPLE: A student with arthritis may have persistent pain, tenderness, or swelling in one or more joints. A student experiencing arthritic pain may require a modified physical education program. The student is substantially limited in the major life activity of walking and performing manual tasks.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide a rest period during the day.
- ☐ Accommodate for absences for doctor's appointments.
- ☐ Provide assistive devices for writing (e.g., pencil grips, non-skid surface, typewriter/computer, etc.).
- ☐ Modify physical education curriculum.
- ☐ Administer medication as prescribed.
- ☐ Arrange for assistance with carrying books, lunch tray, etc.
- ☐ Provide book caddy.
- ☐ Implement movement plan to avoid stiffness.
- ☐ Provide seating accommodations.
- ☐ Allow extra time between classes.
- ☐ Provide locker assistance.
- ☐ Provide modified eating utensils.
- ☐ Develop health care plan and emergency plan.
- ☐ Accommodate for writing with a computer and note-taking with a tape recorder.
- ☐ Make available access to wheelchair/ramps and school van for transportation.
- ☐ Modify recess time.
- ☐ Provide peer support groups.
- ☐ Arrange for instructional aide support.
- ☐ Arrange for someone else to take notes.
- ☐ Install handle style doorknobs (openers).

- ☐ Record lectures/presentations.
- ☐ Have teacher provide outlines of presentation.
- ☐ Issue Velcro fasteners for bags, shoes, and coats.
- ☐ Provide a more comfortable style of desk.
- ☐ Adjust attendance policy, if needed.
- ☐ Provide a shorter school day.
- ☐ Furnish a warmer room and sit student close to the heat.
- ☐ Modify curriculum for the lab classes.
- ☐ Supply an extra set of books for home use and keep a set at school.
- ☐ Let student give reports in oral form rather than written.
- ☐ Assign someone to monitor plan.
- ☐ Begin an awareness program for other students.
- ☐ Monitor any special dietary considerations.
- ☐ Provide individual school counseling.
- ☐ Make any needed bathroom accommodations.

ASTHMA

EXAMPLE: A student has been diagnosed as having asthma. The disability limits the major life activity of breathing.

POSSIBLE ACCOMMODATIONS:

- ☐ Modify activity level for recess, physical education, etc.
- ☐ Use air purifier or inhalants.
- ☐ Provide inhalant therapy assistance.
- ☐ Administer medication as prescribed.
- ☐ Provide homebound instruction.
- ☐ Remove allergens—e.g., hairspray, lotions, perfumes, pine trees, carpet.
- ☐ Make field trips non-mandatory and supplement with videos, audios, movies, etc.
- ☐ Accommodate medical absence; arrange transportation to home/clinic.
- ☐ Provide education to peers/teachers/others (bus drivers, cooks, etc.).
- ☐ Provide access to water, gum, etc.
- ☐ Provide curriculum considerations (science class, physical education, etc.)
- ☐ Develop health care and emergency plan.
- ☐ Provide easy compensation if individual misses an excessive amount of school.
- ☐ Have peers available to carry materials to and from classes (e.g., lunch tray, books).
- ☐ Provide rest periods.
- ☐ Make school health care needs known to appropriate staff.
- ☐ Modify field trip experiences.
- ☐ Provide indoor space for before and after school.
- ☐ Arrange for access to wheelchair for transition purposes.

- ☐ Have a locker location that is centralized and free of atmosphere changes.
- ☐ Reimburse parent for transportation costs or provide alternate transportation to and from school.
- ☐ Modify attendance policies.
- ☐ Modify certain learning activities.

ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)

EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled, or other health impaired. The student is diagnosed as having ADD by a doctor, and the disability limits the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- ☐ Adjust student seating.
- ☐ Use simple, concise instructions.
- ☐ Provide a peer tutor/helper.
- ☐ Teach compensatory strategies.
- ☐ Administer medication as prescribed.
- ☐ Monitor stress and fatigue; adjust activities.
- ☐ Modify assignments.
- ☐ Change instructional pace.
- ☐ Provide supervision during transitions, disruptions, and field trips.
- ☐ Use study guides, organizing tools.
- ☐ Modify testing procedures.
- ☐ Provide school counseling.
- ☐ Initiate frequent parent communication.
- ☐ Establish a school/home behavior management program.
- ☐ Provide training for staff and parents.
- ☐ Have the student use an organizer—train in organizational skills.
- ☐ Establish a cue between teacher and student.
- ☐ Assign chores/duties around room/school.
- ☐ Modify environment to avoid distractions.
- ☐ Have student work alone or in a study carrel.
- ☐ Highlight required or important information/directions.
- ☐ Place assignments, directions on tape for auditory learner.
- ☐ Provide a checklist for student, parents, and/or teacher to record assignments or completed tasks.
- ☐ Use a timer to assist student to focus on given task or number of problems in time allotted—*stress* they need to be done correctly.
- ☐ Have student re-state or write directions/instructions.
- ☐ Allow student to respond in variety of different modes, e.g., may place answers for tests on tape instead of paper.
- ☐ Provide additional supervision to and from school.
- ☐ Modify student's work area with barriers.

- ☐ In-service other students and staff about ADD/ADHD.
- ☐ Supply treats and rewards to promote behavior change.
- ☐ Prescribe physical activity, exercise, etc.
- ☐ Determine trigger points and prevent action leading to trigger points.
- ☐ Provide a sociometric/sociogram design, such as circle of friends.

CANCER

EXAMPLE: The student has been diagnosed with cancer. The condition has become substantially limiting to the major life activities of learning and caring for one's self.

POSSIBLE ACCOMMODATIONS:

- ☐ Apply universal precautions.
- ☐ Adjust attendance policies.
- ☐ Limit number of classes taken; accommodate scheduling (breaks, etc.).
- ☐ Send teacher/tutor to hospital, as appropriate.
- ☐ Take whatever steps are necessary to accommodate student's involvement in extracurricular activities.
- ☐ Adjust activity level and expectations in classes based on physical limitations; don't require activities that are too physically taxing.
- ☐ Schedule daily monitoring or distribution of medications.
- ☐ Provide appropriate assistive technology.
- ☐ Have accommodations available for transportation to and from school and extracurricular activities.
- ☐ Provide dietary accommodations.
- ☐ Shorten day, arrange for home tutoring following treatment.
- ☐ Provide additional set of texts and assignments to hospital school.
- ☐ Tape lessons.
- ☐ Modify schedule to include rest breaks.
- ☐ Provide counseling; establish peer support group.
- ☐ Adapt physical education.
- ☐ Provide access as needed to school health services.
- ☐ Provide awareness training to staff and other students about cancer.
- ☐ Develop health care emergency plan to deal with getting sick at school.
- ☐ Furnish a peer tutor.
- ☐ Modify workload.
- ☐ Provide a separate bathroom.
- ☐ Provide an interactive computer/modem.
- ☐ Set up crisis teams.
- ☐ Instigate a free pass system from the classroom.
- ☐ Adjust the proficiency requirement.
- ☐ Provide individual school counseling.
- ☐ Begin friendship groups.
- ☐ Waive requirements for graduation.
- ☐ Provide teachers with counseling, emphasizing positive attitudes.

CEREBRAL PALSY

EXAMPLE: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are very good. The impairment substantially limits the major life activity of walking.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide assistive technology devices (computer).
- ☐ Arrange for use of ramps and elevators.
- ☐ Allow for extra time between classes.
- ☐ Assist with carrying books, lunch trays, etc.
- ☐ Modify physical education curriculum.
- ☐ Monitor medication administration.
- ☐ Modify eating utensils.
- ☐ Initiate an emergency health care plan.
- ☐ Educate peers/staff about cerebral palsy.

EPILEPSY

EXAMPLE: The student is on medication for seizure activity but experiences several grand mal seizures each month. The condition substantially limits the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- ☐ Train staff and students and prepare an emergency plan.
- ☐ Provide medical monitoring.
- ☐ Monitor and/or distribute medications.
- ☐ Change seating.
- ☐ Provide rest time and academic considerations following seizure.
- ☐ Arrange buddy system.
- ☐ Avoid using chalkboards.
- ☐ Provide an alternative recess.
- ☐ Provide clean rooms and avoid rooms with carpet.
- ☐ Provide education for peers and staff about epilepsy.
- ☐ Plan for academic make-up work so individual can catch up with peers.

OBESITY

EXAMPLE: A student has an eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs the major life activity of walking.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide special seating modifications.
- ☐ Make dietary modifications.
- ☐ Adjust meal schedule.
- ☐ Adapt physical education program.
- ☐ Allow extra time to get to classes.
- ☐ Educate peers about eating disorders.
- ☐ Adapt restrooms.
- ☐ Begin a peer support group.
- ☐ Allow more passing time.
- ☐ Ensure privacy for self-care.
- ☐ Provide school counseling.
- ☐ Provide for elevator privileges or other accommodations—for example, individuals in wheelchairs or with other disabilities that prevent them from using stairs.
- ☐ Arrange classroom furniture to provide room to negotiate and move around classroom seating.
- ☐ Arrange for peer counseling/helping to deal with esteem issues; also peer attitudes, teasing, etc.
- ☐ Address busing concerns to ensure room on buses for seating.
- ☐ Arrange to provide opportunities for the individual to participate in intramural events.
- ☐ Provide proper and safe transportation to and from school.
- ☐ Make any class location changes that may be needed.
- ☐ Promote out-of-school support.
- ☐ Adjust attendance policy.
- ☐ Obtain homebound services.

ORTHOPEDICALLY IMPAIRED

EXAMPLE: The student has limited mobility and is confined to a wheelchair. The impairment substantially limits the major life activity of walking and caring for one's self.

POSSIBLE ACCOMMODATIONS:

- ☐ Develop a health care and emergency plan.
- ☐ Implement an adaptive physical education program.
- ☐ Provide physical therapy at school.
- ☐ Check facilities regarding physical accessibility.
- ☐ Provide extra time to get to class.
- ☐ Supply a set of textbooks for home.
- ☐ Provide a copy of class notes from a peer.
- ☐ Practice emergency exit from school building.

PARENT WITH HEARING IMPAIRMENT

EXAMPLE: A parent is hearing impaired and requests access to school-sponsored activities.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide an interpreter for all school events of expected participation.
- ☐ Make arrangements for home-school contacts/communication.
- ☐ Assist with locating peer or support groups.
- ☐ Use written notes for communication.
- ☐ Provide information on assistive technology.

CONDUCT DISORDER

EXAMPLE: The student exhibits poor peer interactions, has no friends, violates school rules, and isolates himself from group activities. The condition substantially limits the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- ☐ Teach cooperative learning strategies within the classroom.
- ☐ Work with the family to implement home/school behavior plan.
- ☐ Provide school counseling.
- ☐ Set up a behavior management plan.
- ☐ Provide outings and real life experiences.
- ☐ Arrange for small group situations.
- ☐ Furnish a big brother/sister program.
- ☐ Provide extracurricular activities that interest the student.
- ☐ Monitor case management with human service.
- ☐ Pair with peer/tutor or role model.
- ☐ Provide peer support groups.
- ☐ Begin social skills instruction.
- ☐ Monitor and/or administer needed medications.

STUDENT WITH SPECIAL HEALTH CARE NEEDS

EXAMPLE: The student has a special health care problem and requires clean intermittent catheterization twice each day. The impairment substantially limits the major life activity of caring for one's self.

POSSIBLE ACCOMMODATIONS:

- ☐ Apply universal precautions.
- ☐ Provide trained personnel to perform special procedures.
- ☐ Provide student with private location and time to perform procedures.
- ☐ Involve school nurse, parents, teachers, and staff.

- ☐ Allow preferential seating.
- ☐ Modify recess/PE/transportation.
- ☐ Modify classroom environment.
- ☐ Reevaluate/update periodically.
- ☐ Develop health care and emergency plan.
- ☐ If necessary, modify attendance policy.
- ☐ Establish health alert—every staff member involved with this student is aware of the health problem and of proper procedures.
- ☐ Provide a beeper/paging system for trained personnel.
- ☐ Make available homebound services/instruction.
- ☐ Begin a disability awareness program upon parent or student request.
- ☐ Provide school counseling.
- ☐ Arrange for trained personnel on school field trips.

TEMPORARILY DISABLED

EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for a period of time. The student is considered temporarily disabled and is substantially limited in the major life activity of walking.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide duplicate sets of texts.
- ☐ Provide assignments to hospital school.
- ☐ Tape lessons.
- ☐ Provide homebound instruction.
- ☐ Schedule periodic home-school meetings.
- ☐ Arrange for student to leave class early to get to next class.
- ☐ Provide access to elevators.
- ☐ Excuse from or adapt physical education program.
- ☐ Arrange for a friend to assist student in getting from class to class (support network).
- ☐ Provide a cordless telephone/beeper.
- ☐ Provide an interactive system—computer, e-mail, TV.
- ☐ Organize school counseling—trauma from accident.
- ☐ Provide physical therapy as necessary.
- ☐ Arrange for a tutor.
- ☐ Make transportation available.
- ☐ Arrange for proper medication.
- ☐ Arrange for peer notes.
- ☐ Provide help with getting lunch tray.
- ☐ Change seating arrangements to accommodate needs.
- ☐ Modify assignments depending on disability.
- ☐ Modify completion of assignment.
- ☐ Allow more time for test completion.
- ☐ Allow shortened days; adjust attendance policy.

- ☐ Address special accommodations of a wheelchair.
- ☐ In-service staff and class and prepare an emergency care plan.
- ☐ Switch classrooms to main floor.
- ☐ Test verbally.
- ☐ Provide peer assistance for social involvement (keep student informed of social activities).
- ☐ Furnish life-skill assistance.

TOURETTE'S SYNDROME

EXAMPLE: The student exhibits inappropriate gestures and sounds in the classroom and hallways. The impairment substantially limits the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- ☐ Pair with a neighboring student to prevent tardiness or absenteeism.
- ☐ Provide student with a means of catching up on missed lessons.
- ☐ Pair with a fellow student for study.
- ☐ Educate other students about associated outbursts.
- ☐ Arrange for frequent parental interaction.
- ☐ Administer medication as permitted.
- ☐ Begin a chip system.
- ☐ Provide supervision for transition activities.
- ☐ Modify assignments.
- ☐ Provide alternative workspace.
- ☐ Initiate time out.
- ☐ Cue student of inappropriate behavior.
- ☐ Provide peer in-service.
- ☐ Furnish supervision while student is acting out.
- ☐ In-service teachers about different discipline procedures.
- ☐ Provide appropriate space for the student to act out episode.

TRAUMATIC BRAIN INJURY

EXAMPLE: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The condition substantially limits the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- ☐ Provide extended school year/time.
- ☐ Furnish memory/organizational aids.
- ☐ Provide alternative testing.
- ☐ Initiate tutoring programs.
- ☐ Develop an emergency plan.
- ☐ In-service staff and peers about TB

QUESTIONS AND ANSWERS

SECTION 504

FREQUENTLY ASKED QUESTIONS

The following questions are frequently asked regarding Section 504 school issues. These opinions do not necessarily reflect the position of the Office for Civil Rights or the U.S. Department of Education.

1. Are all schools required to adhere to Section 504?

Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

2. Are schools required to have a Section 504 coordinator?

Yes. If the school employs 15 or more employees, they must designate a person to coordinate 504 services and protections.

3. Are students who are covered under IDEA always eligible for Section 504 protections?

Yes. A student who receives special education could have their civil rights violated, although the student's disability must still substantially limit one or more major life activities.

4. Are students who are covered under Section 504 always eligible for IDEA services?

No. A student must be evaluated and found to be eligible for special education services.

5. How are students determined to be eligible for accommodations under Section 504?

Basically, a student is eligible for services and protections if the student has a disability that is substantially limiting and impacts a major life activity.

6. Where are most students who are eligible for Section 504 accommodations served?

Most students who are eligible for Section 504 are primarily served in general education classrooms with proper accommodations developed by the Section 504 team.

7. What are some examples of students not eligible for Section 504 accommodations?

Some examples could include

- Students with limited English proficiency
- Students who are pregnant
- Slow learners
- Students using drugs and/or alcohol

The exception to the above would be if the student has a mental or physical impairment that substantially limits a major life activity and impacts education. For example, the slow learner could have a physical impairment and might qualify for Section 504 accommodations.

8. What is the purpose of Prong 2: Record of an Impairment, and Prong 3: Regarded as Having an Impairment of the Section 504 definition?

The second and third prongs of the definition are used to bring to our attention the fact that we should not discriminate against a person with a disability because of their record or our perception of them. Only Prong 1 is used to determine eligibility, namely the student must have a mental or physical impairment that substantially limits a major life activity and impacts education. Eligibility is determined by a team knowledgeable about the student, including the parent.

9. Do schools have to evaluate students for possible Section 504 eligibility?

Yes. Schools do have to evaluate students before determining their eligibility for services and before deciding which educational accommodations are appropriate.

10. Do schools have to develop an IEP on students who are Section 504 eligible only?

No. An IEP is not required; however, it is suggested that schools develop a written 504 accommodation plan for the student.

11. Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

A physician's diagnosis should be considered as one piece of documentation when evaluating the student. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504 accommodations.

12. Do schools have to reevaluate students who are receiving Section 504 services and protections?

Schools are required to *periodically* evaluate students. Unlike IDEA, which requires a reevaluation every three years, Section 504 does not specify a time period.

13. Must schools get permission from parents before providing Section 504 services?

Schools are required to notify parents of an evaluation of the student for possible eligibility under Section 504.

14. Do schools have to label a student with a clinical category before providing protections under Section 504?

Unlike IDEA, Section 504 does not require a specific label before eligibility is established and accommodations are provided. It must be demonstrated that a physical or mental impairment exists that substantially limits a major life activity and impacts education.

15. Do students with disabilities have to be included in all school activities?

Yes. Students with disabilities must be given the opportunity to participate in activities that the school makes available for other students. They cannot be denied participation in extracurricular activities because of a disability.

16. Do schools have to make all of their buildings accessible to students with disabilities?

Programs and services must be readily accessible and useable for students with disabilities.

17. What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?

Parents should try to resolve differences with the school through open communication. A parent could even ask if mediation services are available. A parent does have the right to file a complaint with the U.S. Office for Civil Rights or request an impartial due process hearing if they believe their student's civil rights are being violated.

18. Can students served under Section 504 receive related services, such as a health care procedure?

If a team determines through evaluation that a student has a mental or physical impairment that substantially limits a major life activity and impacts education, a related service situation might apply in certain cases.

19. Is there any federal funding for schools to use to provide accommodations under Section 504?

No. There are no federal funds associated with serving eligible Section 504 students. Any costs for accommodations should be paid through the general education budget.

20. Can students who are eligible for Section 504, but not IDEA, be served in special education classrooms?

This would be a very rare situation. If a student is so severe they need to be served in a special education classroom, then maybe IDEA eligibility should be revisited.

21. If a student can be served under either special education or Section 504, which should the school attempt to use to serve the student?

The decision needs to be made by a team, including the parent. The student must meet the eligibility criteria, regardless of whether it is IDEA or Section 504.

22. Is Section 504 age-specific, like IDEA, which only deals with students through a certain age?

No. Section 504 also applies to post-secondary programs that receive federal funding.

23. Can schools use any tests that they want when evaluating students for Section 504 services?

While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscriminatory teaching methods be used when students are evaluated using test instruments.

24. Who is responsible to implement Section 504 services?

Section 504 is a general education management responsibility.

25. *What would be the 504 documentation for a child with a special health care need?*

An individualized health care plan and/or emergency plan. The school nurse should be involved.

26. *Do Section 504 records fall under FERPA protection?*

Yes, Section 504 records are school records and are protected by the Family Educational Rights and Privacy Act (FERPA).