

Section 504 Guidance Manual

A Guide for CSI Schools

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This document is not intended to provide legal advice in any way.

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Section 1: Overview

Section 504 of the Rehabilitation Act of 1973 is an unfunded Federal law that prohibits discrimination based on disability in any program or activity operated by recipients of federal funds. Students eligible for services under Section 504 have a mental or physical impairment that *substantially* limits major life activities. Common impairments that may require a school to consider Section 504 eligibility for a student may include diabetes, ADHD, or other physical disabilities. Students eligible to receive services or accommodations under Section 504 must have a Section 504 plan that documents the student's impairment, significant limitations on a major life activity, and the accommodations and individuals responsible for delivering services.

Each CSI school is required to have a Section 504 Coordinator. The school leader may designate any staff member to be the Section 504 Coordinator, except a staff member who is fully funded using special education dollars. The main responsibilities of a 504 Coordinator are – screening and identifying eligible students, processing relevant forms and paperwork, ensuring all accommodations and/or services are being provided, attending annual training, conducting parent meetings, reporting, and maintaining records.

Federal Program

[Section 504](#) of the Rehabilitation Act of 1973 ensures that if a child's impairments or conditions substantially limit their ability to learn in school or to engage in other major life activities, they are protected under Federal law. Examples of the types of discrimination prohibited include inequitable access to educational programs and facilities, denial of a free appropriate public education for elementary and secondary students, and refusal to implement or inappropriate implementation of academic adjustments in higher education.

Section 504's eligibility criteria varies from the Individuals with Disabilities Education Improvement Act (IDEA 2004). Section 504's emphasis is on ensuring student's needs are adequately met and the student is provided "meaningful access" within the educational setting. IDEA emphasizes that a student receive "meaningful benefit" within the educational setting. Students may not meet the criteria for eligibility under IDEA, yet may under section 504. The processes and procedures used under section 504 and individualized educational plans **possess some similarities; however, they are not identical.**

State Program

As the Local Education Agency, the Charter School Institute is the agency that oversees school compliance with Section 504. Colorado Department of Education defers to the Office of Civil Rights regarding section 504 inquiries and questions. CDE does require schools to submit reports regarding students who participate in 504 processes.

Finance

Section 504 is unfunded.

Section 2: What is Section 504?



Background Information

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as “Section 504,” is a federal statute that prohibits discrimination against persons on the basis of their disability by institutions that receive financial federal assistance, including all public schools. It states:

No otherwise qualified individual with a disability shall solely by reason of her or his 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’s purpose is, among other things, to assure that students with a disability have educational opportunities and benefits equal to those provided to non-disabled students. An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having an impairment. If a student qualifies under Section 504, charter schools must provide such accommodations, services and supports as are necessary to ensure that the student has equal access to the services, programs, and activities offered by the school.

Section 504 Eligibility Protections

To be protected under Section 504 and entitled to a Section 504 plan, a student must:

- (1) have a physical or mental impairment that
- (2) substantially limits
- (3) one or more major life activities.

Physical or Mental Impairment:

- The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. A physical or mental impairment is:
 - 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
 - any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- **IMPORTANT:** *A student with a particular impairment or medical diagnosis is not necessarily “disabled” under Section 504. The impairment or diagnosed condition must substantially limit one or more major life activities. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student’s ability to learn or other major life activity, or only results in some minor limitation in that regard.*

Substantially limits:

- The term “substantially limits” is not defined in the law or in any published guidance. Generally, “substantially limits” is interpreted as significantly restricted as to the condition, manner, duration under which the student can perform a major life activity as compared to the average student of approximately the same age. Said another way, the student’s impairment must have an impact that makes the student’s abilities significantly different and outside the range of average students of approximately the same age.
- **Indicators of a substantial limitation** could include the following, if, as compared to most students, the student in question demonstrates: a consistent need for more time; a consistent need for testing accommodations; frequent behaviors associated with identified physical/mental impairment that interfere with school performance; significant difficulty with planning, organization, and execution of activities and assignments; chronic absences or tardiness related to a physical or mental impairment; classroom interventions do not alleviate difficulties; or a steady decline in academic performance.
- **Case Law for “Substantially Limits”:** The United States Court of Appeals for the Tenth Circuit has considered an impairment substantially limiting if “the individual is unable to perform the activity or is significantly restricted in the ability to perform the major life activity compared to the general population.” *Lusk v. Ryder Integrated Logistics*, 238 F.3d 1237, 1240 (10th Cir. 2001) (addressing the parallel substantial limitation requirement in the Americans with Disabilities Act). Thus, in determining whether an impairment is substantially limiting, courts look to: (1) “the nature and severity of the impairment, (2) the duration or expected duration of the impairment, and (3) the permanent or long term impact resulting from the impairment.” *Id.* To demonstrate that a student’s impairment is substantially limiting, a student must “advance individualized evidence that a limitation is substantial in the context of the major life activity as a whole.” *Ellenberg v. New Mexico Military Institute*, 572 F.3d 815, 821 (10th Cir. 2009).
- *With the exception of corrective eyeglasses and contact lenses, the 504 Team may not consider the ameliorative effects of any mitigating measures taken to overcome the impairment, such as medication, equipment, hearing aids, or assistive technology. The Team must make the eligibility determination based on the disability, without considering what may already be in place to help the student overcome the effects of the disability.*

Major Life Activities:

- Include functions such as:
 - caring for one’s self
 - performing manual tasks
 - walking
 - seeing
 - hearing
 - speaking
 - breathing
 - learning
 - working
 - concentrating
 - reading
 - operation of major bodily functions, including immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive
- *Note: This list is not exhaustive, meaning other major life activities could qualify.*

Section 504 Protections and Americans with Disabilities Act (ADA)

Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This resource guide uses only the term “Section 504,” but acknowledges that qualified students with disabilities have similar rights under the ADA to those under Section 504.

Section 504 and the Individuals with Disabilities Education Act (IDEA)

Section 504 is a federal anti-discrimination law that prohibits public agencies from discriminating against students with disabilities. Section 504 has considerable overlap with IDEA in the special education context, but there are significant differences between the two statutes and how they operate.

Under IDEA, only children who have certain specific types of disabilities and who, because of those conditions, need special education and related services, are eligible for services. The Section 504 definition of a disability is much broader, including any physical or mental impairment that substantially limits one or more major life activity, including, but not limited to, learning. Section 504 covers all children who meet this definition, even if they do not fall within a special education category and do not need special education services under the IDEA.

Like IDEA, Section 504 requires schools to provide a free appropriate public education to “qualified students with disabilities”; however, unlike IDEA, Section 504 does not provide funding. For this and other reasons, the vast majority of students with disabilities who require special education or related services are served under IDEA, while Section 504 most frequently provides protections for students who require only accommodations. Historically, Section 504 has been viewed as something of a fallback statute that covers students who don’t quite meet eligibility for special education and related services under IDEA, but that is not an accurate reading of Section 504 or its requirements. Instead, teams need to consider individual students’ eligibility in accordance with an established standard as will be discussed in more detail in this guidance.

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA), 20 USC 1400, is a qualified student with a disability under Section 504. The converse, however, is not true: a qualified student with a disability under Section 504 is not necessarily eligible for services under the IDEA. Under IDEA, only children who have certain specific types of disabilities and who, because of those conditions, need special education and related services, are eligible for services. The Section 504 definition of a disability is much broader, including any physical or mental impairment that substantially limits one or more major life activity, including, but not limited to, learning. Section 504 covers all children who meet this definition, even if they do not fall within a special education category and do not need special education services under the IDEA.

If a student is determined eligible under Section 504, he/she is entitled to receive a free appropriate public education, which typically is provided by a Section 504 Student Accommodation Plan. This plan may include regular and special education, as determined necessary for the student, even if they do not qualify for services under the IDEA.

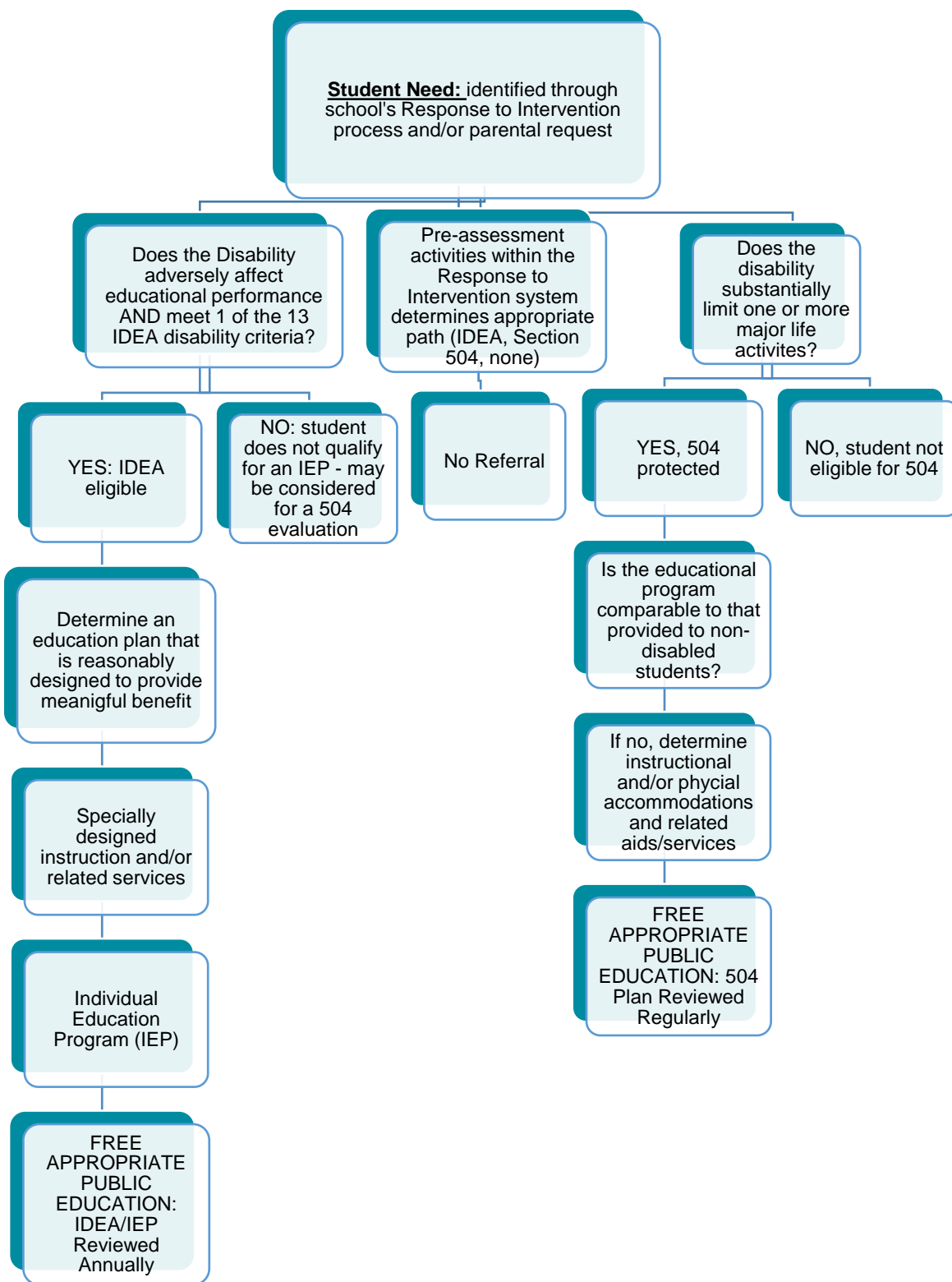
If a student with a disability is receiving special education services in accordance with IDEA,

then the student is adequately accommodated for the purposes of Section 504. For this reason, it is generally not necessary or appropriate to provide a student with a disability eligible under IDEA with a Section 504 Student Accommodation Plan since compliance with IDEA is compliance with Section 504.

However, if a student is determined not to be eligible under IDEA, the evaluation team may want to consider whether the student would, nevertheless, qualify for accommodations under Section 504.

IDEA	Section 504
The student must have a disability that falls within one or more specific categories of qualifying conditions (i.e., autism, specific learning disability, speech or language impairment, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, deafness, mental retardation, deaf blindness, multiple disabilities, orthopedic impairment, and other health impairments).	The student must have a physical or mental impairment that substantially limits a major life activity (e.g., walking, seeing, hearing, speaking, breathing, learning, working, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks). A "major life activity" also includes the operation of a major bodily function, such as the immune system, digestive, neurological, circulatory, or reproductive systems.
The student's disability must adversely affect educational performance.	The disability must "substantially limit" one or more major life activities.
Evaluation*	
Full and individual evaluation, including various mandated evaluators depending on suspected disability/eligibility area, as required by IDEA and state regulations. A team, including the parent, will review evaluation data and determine eligibility under special education.	Evaluation using relevant information from a variety of sources. Decision by a team of knowledgeable persons. Team can include the parent(s), classroom teacher, etc.
Parent consent required for initial. Notice provided and consent sought for reevaluations.	Parent notice of evaluation required. Parent consent required for initial evaluation.
Annual review of student's IEP. Mandatory reevaluation every three years.	Regular review of plan required, or more frequently if needed. Regular reevaluation required (typically every three years) or prior to any "significant change in placement."
Independent evaluation at school expense if parents disagree with first evaluation.	No provision for independent evaluation at school's expense.

Response to Intervention Process (IDEA and Section 504 Flowchart)



CSI Grievance Processes

All CSI schools are required to have a school grievance policy that incorporates due process standards and that provides for the prompt and equitable resolution of complaints relating to Section 504. Because CSI has a Grievance Policy (see below) that sets forth specific requirements for each CSI school's grievance policy, your school likely already has a thorough grievance process that can be utilized in the case of Section 504-related complaints. If you would like a sample school grievance policy, please contact CSI.

Pursuant to the CSI Grievance Policy, to the extent possible, grievances should be resolved at the school-level; however, the grievance process is structured to allow families to appeal grievances to CSI after exhaustion of the school-level process. In addition, to ensure that students' rights are protected, CSI reserves the right to intervene prior to full exhaustion of the school-level process for any 504-related issue. CSI contact information should be included in your school's grievance policy and is also included in the policy listed below.

Finally, the Office for Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance. While we strongly encourage parents and guardians to contact their student's school or CSI's 504/ADA Compliance Officer first so that we can address any concerns directly, parents and guardians always have the right to file a complaint with the OCR.

Charter School Institute 504/ADA Compliance:

Colorado Charter School Institute
1580 Logan Street
Denver, CO 80203
(303) 866-3299

The Regional Office for Civil Rights:

Office of Civil Rights, Region VIII
U.S. Department of Education
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
(303) 844-5695

School Level Procedures

The School's Grievance Policy shall:

1. Provide a tiered approach to handling grievances whereby the grievant shall first attempt to resolve the issues at the lowest level. If the issue is not resolved to the satisfaction of the grievant, the grievant may then begin an appeal process to the supervisor next in line. This tiered approach shall generally describe the following succession: Section 504 Coordinator > School Leader > School Board > Institute Executive Director.
2. Provide a clear process for appealing a decision to the next level(s) of review, which process shall include:
 - a) The timeframes for a response once a complaint is filed; and
 - b) Any requirements that the complaint be in writing and/or the location of any complaint forms made available by the school.

3. Provide a clear opportunity for the grievant to comment on his/her perception of the treatment or service level received from the Institute School.
4. Provide for a clear opportunity for the Institute School to comment on its perception of the incident and the steps taken to try and resolve the issue(s).
5. Provide information for where contact information can be located for each of the levels of review.
 - a) In order to facilitate the Institute School's Grievance Policy and increase transparency, each Institute School shall post, on its website, a calendar reflecting the Institute School Board's meeting schedule and contact information for the Board of the Institute School. At a minimum, this contact information shall include an email address and/or mailing address for the Board or Board chair.
 - b) Additionally, the Grievance Policy shall include the general contact information for the Institute (e.g., the CSI main line 303.866.3299 or CSI_Info@CSI.state.co.us).

In following the Institute School's Grievance Policy, each party must consider the following with regard to conflict resolution:

1. Recognize that the Institute does not have authority to intervene in many school level disputes.
2. Address the issue at the appropriate level and proceed with the Grievance Policy that the School has in place.
3. Recognize that the grievance process may differ depending on the nature and severity of the issue involved.
4. Grievants should have appropriate access to and familiarity with the Board of the Institute School.
5. **If the concern involves a student with an IEP or 504 Plan, the Institute School shall inform the Institute staff person responsible for exceptional students and follow all State and Federal rules including any Institute and/or Institute-approved grievance procedures that aligned with state and federal law.**
6. If the concern involves a student safety issue, the Institute School shall immediately notify the Institute's Executive Director.
7. The Institute may intervene prior to full exhaustion of the school's grievance process when the issue involves a contract violation, safety issue, a student with an IEP or 504 Plan, or any other material violation of state or federal laws or regulations.
8. Decisions will not be overturned at a higher level of authority unless there are compelling grounds that an Institute School discriminated against a protected class, violated its contract with the Institute, failed to follow its own policies, Institute policies or requirements, or violated any other state or federal law, rule, or policy.
9. Recognize that where the complaint involves the School Leader, the Institute School's Board Chair will be contacted where appropriate.

10. The Institute School's grievance process shall appropriately account for language barriers and provide accommodations to and equal access for families where English is their second language.

Institute Level Procedures

If a grievant has followed the Institute School's Grievance Policy and procedures, and wishes to pursue a concern because it has not been resolved to his or her satisfaction, the Institute will guide the grievant to follow the Institute Grievance procedures, which will at a minimum include the following:

1. The grievant must submit the concern in a written format to the Institute Executive Director within five business days after receiving the written decision of the Institute School's Board.
2. The Institute's Executive Director or designee will make the school aware of the concern and determine if any violation of law, rule, policy, or the charter contract has been committed.
3. After review, and to the extent practicable, the Institute's Executive Director will publish his/her conclusions in writing within 15 calendar days of receipt of the written concern.
4. Decisions will not be overturned by the Institute Executive Director unless there are compelling grounds that an Institute School discriminated against a protected class, violated its contract with the Institute, failed to follow its own policies, Institute policies or requirements, or violated any other state or federal law, rule, or policy.
5. If, after review, the Institute Executive Director concludes that a violation has occurred, the Institute's Executive Director will inform the Institute School administration in writing of the violation and direct that the Institute School resolve the situation with the grievant. The Institute may implement procedures in line with the Institute's School Compliance Policy and take any actions provided for in law, policy or contract to resolve the issue.
6. The decision of the Institute Executive Director is final.

Legal References: C.R.S. § 22-30.5-505(3)(a). State charter school institute - institute board - appointment - powers and duties – rules.

Section 2: Section 504 Evaluation Process

The Section 504 process generally consists of four steps: referral, evaluation, eligibility determination, and if appropriate the Section 504 Plan.

Best Practices for Initial Section 504 Referral:

- Provide notice of referral to parent within reasonable timeline
- Arrange for appropriate staff to attend a team meeting to review the evaluation request
- Obtain or direct staff to obtain parent consent for the Section 504 evaluation
- Obtain or direct staff to obtain release of information
- Note: Parent release of medical or other records is not a condition for ineligibility, refusal of service, or renewal of service
- Provide notice to parent of due process rights with consent
- Schedule a meeting to determine Section 504 eligibility and plan within a timely duration from the time of consent for evaluation
- Provide notice to parent of due process rights at eligibility determination and Section 504 plan development/review
- Arrange for the provision of the supports, services, technology, or modifications as defined in the student Section 504 Plan

The Section 504 Process

Purpose	Steps/Procedure	Possible Documents to Be Used
Referral for Section 504 Evaluation	<ul style="list-style-type: none"> • The Rtl Team and/or guardian who suspects a student that needs supports and/or accommodations may request a 504 evaluation. • 504 team determines whether or not to proceed with 504 evaluation. *(The decision to not conduct a 504 evaluation occurs only when the Section 504 Team has no reason to suspect that the student has a disability under Section 504.)* • Consent for 504 Evaluation must be given by the guardian. • Guardians should receive their Section 504 Procedural Safeguards and Rights. 	<ul style="list-style-type: none"> • Section 504 Referral Form • Consent for Initial Section 504 Evaluation • Section 504 Parent Procedural Safeguards and Rights • *Section 504 Written Notice of the Team's Decision of No Evaluation*
Evaluation Period	<p>Prior to Meeting:</p> <ul style="list-style-type: none"> • If team received permission to evaluate, Section 504 Team and/or Coordinator collects a body of evidence that draws from a variety of sources and includes tests/evaluation materials tailored to evaluate specific areas of educational need. • Notice of Meeting sent to the guardian for upcoming Eligibility Determination Meeting. • Determine the knowledgeable members that will make up the Section 504 Committee members. 	<p>Prior to Meeting:</p> <ul style="list-style-type: none"> • Materials for evaluation, which can include medical documentation, student/teacher/parent interviews, student record reviews, standardized tests, along with any other appropriate materials. • Notice of Meeting

<p>Eligibility Determination Meeting and/or Periodic Re-evaluation</p>	<p>At the Meeting: Review and consider all the evaluation data and materials to determine if the student has physical or mental impairment that substantially impacts a major life activity.</p> <p>Complete Section 504 Initial Evaluation & Periodic Re-Evaluation</p> <ul style="list-style-type: none"> Review and consider all evaluation data to include 504 Referral Do you need additional data/testing? <p>Determine eligibility (3 questions)</p> <ul style="list-style-type: none"> Physical or mental impairment? Major life activities and bodily functions affected? Substantial limitation on major life activity as compared to the “average student” of same grade or age or as compared to “most students” of the same grade or age? Do not consider the ameliorative effects (helpful or positive) of mitigating measures (except for ordinary eyeglasses or contact lenses). Ensure episodic or in remission impairments do not exclude eligibility when active. Does student need 504 services in order for educational needs to be met as adequately as those of non-disabled peers? <p>If student is Eligible, make sure the Section 504 Accommodation Plan has parental written consent for 504 services and the services/accommodations are matched to the student’s disability need.*</p> <ul style="list-style-type: none"> Parents should receive a copy of the 504 Accommodation Plan along with an offer of the Procedural Safeguards to ensure they have a copy since the initial evaluation. <p>If student is not suspected of having a disability, no further evaluation at this time.</p> <p>Annual Reviews to the Section 504 plans should occur regularly to review the plan to ensure the accommodations/services are still appropriate for the student.</p> <p>Periodic re-evaluations should occur consistently and procedures that follow IDEA guidelines for re-evaluations (every 3 years) is one means of meeting this requirement.</p>	<p>At the Meeting:</p> <ul style="list-style-type: none"> Section 504 Evaluation/Eligibility Form Section 504 Accommodation Plan Section 504 Parent Procedural Safeguards and Rights
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**The school's Section 504 Team must include individuals knowledgeable about the student and the interpretation of evaluation data. This team can include the parent/guardian, student,*

*teachers, counselors and other school staff members, and staff members of community agencies as agreed upon by the parent. The parent/guardian should be included in this process whenever possible. The parent/guardian must be provided with a meaningful opportunity to provide input even if they are not in attendance at a meeting.**

Annual Review Best Practices

- Schedule and hold the meeting prior to the meeting date on the 504 Accommodation plan.
- Provide notice to parent of the upcoming Section 504 and provide a copy of the Parent/Student Rights and Procedural Safeguards under Section 504.
- Arrange for the appropriate staff to attend the Section 504 meeting
- Collect progress monitoring data regarding student overall progress from various sources, including opportunities for guardian input within the process
- Collect progress monitoring data regarding effectiveness and appropriateness of current supports/services.
- At the meeting, review student progress and revise the *Section 504 Student Accommodation Plan* as appropriate to the supports, services, and modifications required to prevent discrimination and create access to participate as non-disabled peers.

Note: During an Annual Review meeting the team may make a determination that the *student no longer needs or qualifies for a Section 504 Accommodation Plan*. Such a decision must be made based on the information from multiple sources and must be clearly documented. Two questions to consider and document when making this decision:

- Does the student have a disability that substantially limits one or more major life activities?
- Are the accommodations/services being provided still needed in order for the student to have their individual educational needs met as adequately as the needs of their non-handicapped peers?
- What information are you using to demonstrate that the student no longer has a disability that substantially limits a major life activity?

Section 3: Section 504 Accommodation Plans

Determining Appropriate Accommodations

The Section 504 Student Accommodation Plan documents the specific accommodations and supports that the student needs to ***ensure that the individual needs of the student are met as adequately as the needs of non-disabled students***. The Section 504 Student Accommodation Plan should be designed to provide appropriate supports (e.g., to “level the playing field”) needed by the student to address his/her disability, **not to** provide all of the supports needed to maximize the student’s potential. The need for accommodations should be documented in the student’s records.

The 504 Team should make an individual determination of the student’s educational needs and the accommodations required. A Section 504 Student Accommodation Plan must be implemented in the least restrictive environment. The plan should focus on providing accommodations that provide equal access. Questions the team might consider while identifying appropriate accommodations:

- What do we know about this student’s condition?
- How does the condition manifest across different environments?
- How does the evaluation data support the student’s disability and known struggles?
- To gain equitable educational access, what barriers need to be removed?
- What’s working?

Section 504 places different responsibilities on public agencies than it does on postsecondary institutions. At the postsecondary level, institutions are only required to provide students with appropriate academic adjustments and auxiliary aids and services and are not required to make adjustments that would impose an undue burden. Public agencies, which includes schools, have a bigger obligation to provide a free appropriate public education to qualified students with disabilities. OCR has routinely said there is no “reasonableness” limitation on what public agencies must provide. Public agencies must individualize accommodations to meet the needs of the particular student and provide the student with a disability an equal opportunity to benefit from public education. This does not mean a student must receive every accommodation he/she requests, but rather must receive those accommodations that are necessary to prevent discrimination on the basis of disability. Cost alone will not be a reason to deny a student an accommodation. Under Section 504, modifications or accommodations can be simple, like providing a rest period during the day for students with chronic illnesses that impact the student’s stamina or energy levels, accommodating for absences for doctor’s appointments, allowing a student to take or be administered medications, recording lectures or classes, modifying testing procedures, or allowing a student to have a special seating assignment. Finally, Section 504 is not designed for advantage, but access.

Section 504 Accommodations and/or Services

The Section 504 regulations require a public agency to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the public agency’s jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled

students are met. Since the Section 504 regulations specifically recognize that one way to meet Section 504's requirements for a free appropriate public education is to implement an IEP and IDEA brings funding, students who require significant services should meet eligibility for and be served through IDEA's IEP process.

Section 504 Eligible Students Who Do Not Require a Plan

Not all students who are determined to have a disability under Section 504 require an accommodation plan. When the 504 Team is considering whether a student has a disability under Section 504, the team cannot consider any **mitigating measures** (i.e., medication, assistive devices such as hearing aids, or other individual supports) used by the student. The one exception is for ordinary eyeglasses or contact lenses. In some cases, a student may not need a Section 504 Student Accommodation Plan if the mitigating measures allow the student to access his/her education. If the team determines that an eligible student requires accommodations and/or related aids or services, a Section 504 Student Accommodation Plan should be written. If the team determines that a student does not require any accommodations and/or related aids or services, the eligibility meeting minutes should state that no aids or services are needed at this time. The student is still protected by Section 504 from discrimination based on his/her disability and retains the protection of Section 504. If the mitigating measure is removed or is no longer effective, the Team should reconvene and determine if a Section 504 Student Accommodation Plan is now required.

Section 504 Transfer Student Best Practices

- Assemble a team of persons knowledgeable about the data, options and appropriateness of the plan.
- Provide the parent notice of the Section 504 Review meeting.
- Provide the parent notice of due process rights.
- Review the existing Section 504 Plan and supporting documentation from the previous district.
- If the team agrees with the Section 504 Plan, implement the plan as written.
- If the team questions the plan, the school must conduct an evaluation to determine the appropriate educational program for the student.

Section 4: Discipline

Guidelines for When Students with Disabilities are Being Disciplined

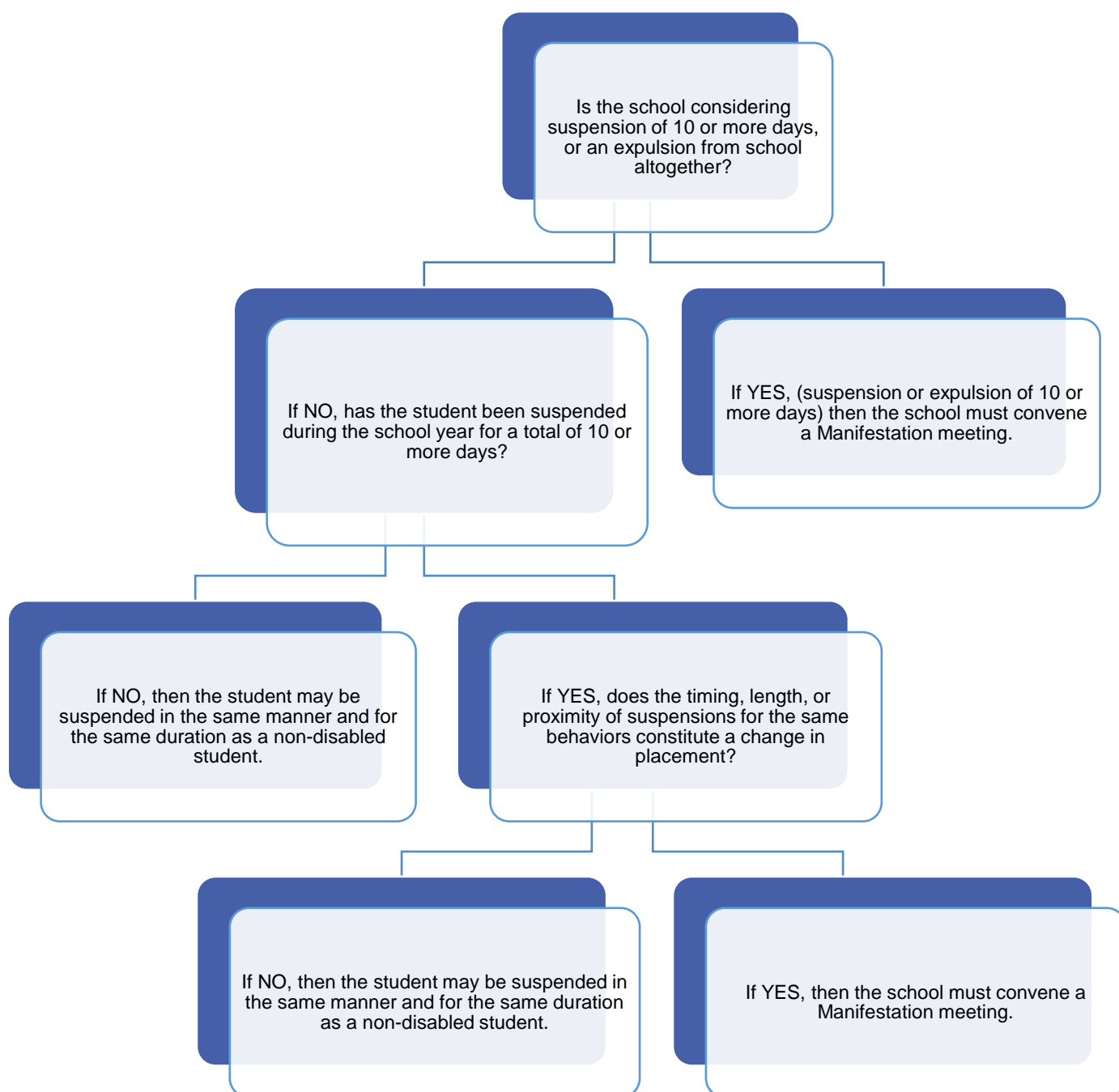
Generally, suspension and expulsion of students with disabilities have been treated the same way under both the IDEA and Section 504. The Office for Civil Rights maintains that the same protections available to students classified as disabled under the IDEA are available to students classified as disabled under Section 504, with the exception of students who are disabled solely by virtue of alcoholism or drug addiction, because Section 504 allows public agencies to discipline all students with disabilities who are current drug users for use or possession of drugs in violation of the agency's disciplinary code.

NOTE: Unlike the IDEA, Section 504 does not include an explicit stay-put provision guaranteeing the student will remain in his current educational placement pending the resolution of due process disputes between parents and schools.

Because a suspension or expulsion may be a "significant change in placement" under Section 504, proper procedures may include a manifestation determination and team-based decision as to whether or not the student's misconduct was a manifestation of their disability or a result of the school's failure to implement part of their plan.

Manifestation Meeting Guidelines

Discipline Procedures for a Student with Disabilities *(For a student who has been suspended {in and/or out of school} for a total of 10 or more days.)*



How are manifestation determinations made for students who are protected by Section 504?

In a Manifestation Meeting, the Section 504 team must consider whether the conduct was (1) caused by or had a direct and substantial relationship to the student's disability, or (2) was a direct result of the public agency's failure to implement the child's Section 504 plan?

- a. If YES TO EITHER QUESTION, then the behavior was a manifestation and the public agency may not change the child's placement unless the parents agree to the change, the conduct involved the current use of alcohol or illegal drugs, or the conduct involved dangerous weapons or serious bodily injury.
- b. If NO, then the behavior was not a manifestation and the child may be suspended or expelled in the same manner and for the same duration as a nondisabled student. The child should then be offered alternative services as required by Colorado law.

BEST PRACTICES: MANIFESTATION DETERMINATION

Track the number of student removals from school

Plan Manifestation Determination Review meeting at 10 removals

Provide notice to parent of meeting to discuss Manifestation Determination

Provide parent notice of due process rights

Arrange for the appropriate staff to conduct the evaluation and collect relevant data

Obtain or direct staff to obtain release of information, if needed

Note: *Parent release of medical or other records is not a condition for refusal of service or renewal of service*

Arrange for the appropriate staff to participate in the Manifestation Determination meeting

If disability is related to behavior, consider referral for special education evaluation under IDEA

If disability is related to the behavior, FAPE must be continued during period of suspension/expulsion, similar to the requirements of IDEA. Make arrangements to continue supports and services

If disability is not related to behavior, proceed to implement punishment and sanctions in the same manner as for non-disabled students and in accordance with School Code of Conduct and State School Code

Section 5: Frequently Asked Questions

- 1. Does the school district receive federal funds to help implement Section 504/ADA services?**
 - a. Federal funds are not available for Section 504/ADA.*
- 2. Can a student qualify for both Section 504/ADA services and special education services?**
 - a. Yes, a student could receive special education services in certain areas and also need adjustments for other needs. For example, an eligible learning disabled student under IDEA might also be in a wheelchair. The physical disability could fall under Section 504/ADA and require adjustments. The student's IEP should address all of the student's needs.*
- 3. Who is primarily responsible for implementing Section 504/ADA?**
 - a. Section 504/ADA is a general education responsibility and should be directed by the school district's 504/ADA coordinator.*
- 4. What role does the parent play in the 504/ADA process?**
 - a. A parent is the expert regarding their child. Schools and parents should work together in partnership, sharing expertise and responsibility.*
- 5. Can a student who does not require accommodations and does well academically still be protected under section 504?**
 - a. Yes, an individual may not need special education and related services under Section 504 to be considered an individual with a disability. However, a student with a disability may achieve a high level of academic success but may nevertheless be substantially limited in a major life activity due to the student's impairment because of the additional time or effort the student must spend to read, write, learn, or other major life activity compared to others.*
 - b. School staff should note, in particular, that a student may have a disability and be eligible for Section 504 services even if his or her disability does not limit the major life activity of learning. Therefore, rather than considering only how an impairment affects a student's ability to learn, school staff must also consider how the impairment affects any major life activity of the student and, if necessary, assess what is needed to ensure that students have an equal opportunity to participate in the school's programs.*
- 6. Is a school obligated to do a 504 evaluation based on a parent request?**
 - a. A school must evaluate a student if it has reason to believe the student has a disability and the student needs special education or related services as a result of that disability, even if the student only exhibits behavioral (and not academic) challenges.*
 - b. If the school does not agree to evaluate the student, the school must inform the parent of their decision and the guardian's right to challenge the school's decision through due process.*
- 7. How does a school to determine if a student needs a 504 plan or a health care plan?**
 - a. The decision for eligibility under Section 504 should be conducted on a case by case for each individual student. Health care plans cannot serve as a substitute*

for a 504 evaluation and a school should consider if certain students require a 504.

8. Does a medical diagnosis from an outside medical professional automatically qualify a student for a 504 plan?

- a. Similar to a parent request, a school must evaluate a student if it has reason to believe the student has a disability.*
- b. A medical diagnosis should only be one element of the evaluation body of evidence that needs to:*
 - o Consist of more than IQ tests.*
 - o Measure specific areas of educational need. These could include speech processing, inability to concentrate, and behavioral concerns.*
 - o Tests and other evaluation materials are validated for the specific purpose for which they are used*
 - o Administered by trained personnel.*
 - o Tests are selected and administered to the student in a manner that best ensures that the test results accurately reflect the student's aptitude or achievement or other factor being measured, rather than reflect the student's disability, except where those are the factors being measured.*

9. What if there is disagreement on the 504 team when making an eligibility decision?

- a. Try taking preventative measures prior to the official eligibility meeting. Be sure to inform all team members about what the evaluation process entails, what materials and information you will be gathering to make the decision, make sure all members are informed on how the eligibility decision is made, and do not be afraid to pause within a meeting or reschedule if people need an emotional break.*
- b. If a guardian ultimately does not agree with any decisions regarding the identification, evaluation, or educational placement of his or her child, the parent may seek to go through the grievance process. It is essential for the school's 504 Coordinator to be proactive in helping all team members understand the 504 processes as well as ensure the guardian receives their procedural rights.*

10. Can a parent refuse or deny consent for an evaluation?

- a. Yes, a parent may refuse consent for an evaluation. However, if a school suspects the student has a disability, schools may use their due process hearing procedures to seek to override the parents' denial of consent.*

11. Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

- a. Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a recipient school district re-evaluates a student in accordance with the Section 504 regulatory provision at 34 C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.*

Appendix A: CSI's 504 Plan Review

The Office of Civil Rights (OCR) and the United States Department of Education has established guidance related to the various elements of Section 504 processes. The Section 504 Plan Review completed by the Charter School Institute each year takes into account the different elements set out by OCR, US Dept. of Education, and various related case law in the creation of the review questions. The information below connects the legal guidance to the 504 Review that is conducted annually. The 504 Plan Review questions are updated regularly as information becomes available.

REFERRAL

Related Legal Guidance Questions:

What are the procedural requirements for a student to be referred for a 504?

The US Department of Education *Parent and Educator Resource Guide to Section Public Elementary and Secondary Schools* states that a key feature of FAPE under Section 504 include: a system of procedural safeguards (that is designed to inform parents of a school district's actions or decisions and to provide parents with a process for challenging those actions or decisions) that include notice; and an opportunity for parents to review their child's records; an impartial due process hearing (with an opportunity for participation by the student's parents or guardians and representation by counsel); and a review procedure.

How well does your school's 504 referral process follow the procedural safeguards?

- Did the school inform parents of the school's action to refer their student to a 504 evaluation?
- How have you documented this process?
- Did the parent have an opportunity to contribute to that decision?

Best Practice Questions to Consider:

- What information did you use to determine to move forward with the evaluation determination?
- How did the school try to accommodate or support the student prior to suspecting the student had a major life activity that was substantially limiting?
- Where is this information being collected and who is responsible for putting it all together?

EVALUATION:

Related Legal Guidance Questions:

What students are protected under Section 504?

The Office of Civil Rights asserts that: to be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment. Section 504 requires that school districts provide a free appropriate public

education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

What are the procedural requirements for a student to be evaluated?

The US Department of Education *Parent and Educator Resource Guide to Section Public Elementary and Secondary Schools* states that a key feature of FAPE under Section 504 include: a system of procedural safeguards (that is designed to inform parents of a school district's actions or decisions and to provide parents with a process for challenging those actions or decisions) that include notice; and an opportunity for parents to review their child's records; an impartial due process hearing (with an opportunity for participation by the student's parents or guardians and representation by counsel); and a review procedure.

Does a school need to obtain parental consent prior to conducting an initial evaluation?

Yes. OCR has interpreted Section 504 to require schools to obtain parental permission for initial evaluations. If a district suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the IDEA and Section 504 provide that schools may use due process hearing procedures to seek to override the parents' denial of consent for an initial evaluation.

What is a school's responsibility under Section 504 to provide information to parents and students about its evaluation and placement process?

The Office of Civil Rights in *Protecting Students with Disabilities: Frequently Asked Questions* writes Section 504 requires schools to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

How much is enough information to document that a student has a disability?

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504.

How does your school's 504 evaluation process follow the procedural safeguards?

- Did the school notify parents about the eligibility meeting to provide an opportunity for them to review their student's records?

- Is the school's Section 504 team made up of multi-disciplinary knowledgeable members that will understand the evaluation data, placement options, and the student?
- Was the evaluation materials from a variety of sources so that the possibility of error was minimized?
- Were these materials tailored to the evaluation of specific areas of need and not those merely designed to provide a single intelligent quotient?
- How did the school document the information obtained from the evaluation materials and demonstrate the consideration of all the significant factors related to the student's needs? Did the school provide a summary of evaluation that captured the results from all the different sources?
- Did the school identify that the identified area of need or difficulty represents a substantial limitation on a major life activity?
- Was the student determined to be protected under Section 504?
- Was the guardian offered the opportunity to participate in the decision making process and notified of their rights?

SECTION 504 ACCOMMODATION/SERVICE PLAN:

Related Legal Guidance Questions:

Is there any kind of written documentation of the services or programming provided under Section 504?

Technically, Section 504 would permit informal or verbal programs, assuming the other procedural requirements of the regulations are met. (Although this is difficult to prove without written documentation.)

To demonstrate compliance with the law, any such plan should address the following five topics: 1.) the nature of the student's disability and the major life activity it limits; 2.) the basis for determining the disability; 3.) the educational impact of the disability; 4.) necessary accommodations; and 5.) placement in the least restrictive environment.

What can a school do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?

Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, school districts should consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement? If so, what is the appropriate process to be used? Or is it appropriate to keep the same Section 504 plan in place indefinitely after a student has been identified?

OCR states that periodic re-evaluation is required. This may be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant,

or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and public agency agree otherwise).

What is a school's responsibility under Section 504 to provide information to parents and students about its evaluation and placement process?

OCR asserts that Section 504 requires districts to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

How does your school's 504 Accommodation plan process follow the legal guidelines?

- Does the school's 504 plan clearly explain the services and accommodations for the student and their duration?
- Do the services and accommodations listed on the 504 plan address the student's identified major life activities that are substantially limited and the student's area of needs?
- Were the services and accommodations on the plan determined by a multi-disciplinary committee?
- Was parent permission for services obtained prior to services being provided?
- Has the parent received their procedural safeguards? How was this documented?
- Did the periodic review occur at least annually and the date of the next review listed?

Appendix B: Sample Accommodations

Sample Accommodations: Environmental, Organizational, Behavioral, Presentation, and Evaluation

(Accommodations categorized according to contextual need)

Environmental	Organizational	Behavioral	Presentation	Evaluation
Provide a structured learning environment	Model and reinforce organization systems (for example, color-coding, folder system)	Use behavioral support techniques consistently within a classroom and across classes	Recorded lessons so the student can listen to them again; allow students to record lessons	Limit the amount of material presented on a single page
Adapt non-academic times such as lunch, recess and physical education	Record homework assignments for the student	Implement behavioral/academic contracts	Select alternative textbooks, workbooks or provide text-to-voice software	Provide a sample or practice test
Change student seating location	Check student's recording of assignment	Utilize positive verbal and/or nonverbal reinforcement	Highlight main ideas and supporting details in the book/ use post-its or highlighting tape	Provide for oral testing
Utilize a study carrel	Tailor homework assignments toward student strengths	Utilize logical or natural consequences	Provide copied material for extra practice (for example, outlines or study guides)	Provide tests in segments so that the student hands in one segment before receiving the next
Alter location of personal/classroom supplies for easier access or to minimize distraction	Set time expectations for assignments	Model and reinforce self-monitoring and self-recording of behaviors	Vary the method of lesson presentation using multi-sensory techniques: -Lecture plus board demonstration support -Small groups required to	Provide personal copy of the test tools and allow for color-coding/highlighting

			produce a written product -Large groups required to demonstrate a process -Peer tutors Demonstrations -Experiments -Games	
		Create partnership with the student's parents to establish communication for behavior monitoring	Ask student to repeat/paraphrase context to check understanding	
		Put student on a daily/weekly progress report or contract	Arrange for a mentor to work with the student in his/her interest area or area of greatest strength	
		Explicitly teach rules and consequences for classroom behavior	Be aware of the student's preferred learning style and needs, differentiating instruction to match	

Sample Accommodations According to Disability

The following lists are not exhaustive of the accommodations that students with disabilities may require and some accommodations and services may not be appropriate for all students with the identified disability. These are possible options that school 504 Teams may consider when developing an appropriate 504 plan for a student, taking their individual needs and the least restrictive environment into consideration.

Click on a topic to be taken to that section.

Allergies	Arthritis
Asthma	Attention Deficit Disorder (ADD) & Attention Deficit Hyperactive Disorder (ADHD)

Bipolar Disorder	Cancer
Cerebral Palsy	Chronic Infectious Diseases (i.e. Acquired Immune Deficiency Syndrome)
Cystic Fibrosis	Deaf/Hearing Impairment
Diabetes	Drugs and Alcohol
Emotional Impairment (Depression)	Encopresis/Enuresis
Epilepsy	Learning Disability
Leukemia	Physical Impairment
Special Health Care Needs	Temporarily Disabled
Tourette's syndrome	Traumatic Brain Injury
Visual Impairment	Weight: Diagnosis of Obesity, Anorexia, or Bulimia

Allergies

EXAMPLE: The student has severe allergic reactions to certain pollens and foods. For purposes of this example the condition substantially limits the major life activity of breathing and may interfere with the student's ability to get to school or participate once there.

Possible Accommodations and Services:

- Avoid allergy-causing substances: soap, weeds, pollen, food
- In-service necessary persons: dietary people, peers, coaches, laundry service people, etc.
- Allow time for shots/clinic appointments
- Use air purifiers
- Adapt physical education curriculum during high pollen time
- Improve room ventilation (i.e. when remodeling has occurred and materials may cause an allergy)
- Develop health care and/or emergency plans
- Address pets/animals in the classroom
- Involve school health consultant in school related health issues
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

Arthritis

EXAMPLE: A student with severe 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. For purposes of this example, the condition substantially limits the major life activity of learning.

Possible Accommodations and Services:

- Provide a rest period during the day
- Accommodate for absences for doctors' appointments
- Provide assistive devices for writing (e.g. pencil grips, non-skid surface, typewriter/computer, etc.)
- Adapt physical education curriculum
- Administer medication following medication administration protocols
- Train student for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- 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
- Provide for accommodations for writing tasks; a note taker, a computer or tape recorder for note-taking
- Make available access to wheelchair/ramps and school van for transportation
- Provide more time for massage or exercises
- Adjust recess time
- Provide peer support groups
- Arrange for instructional aide support
- Install handle style door knobs (openers)
- Record lectures/presentations
- Have teachers provide outlines of presentations
- Issue Velcro fasteners for bags
- Obtain padded chairs
- 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
- Adapt curriculum for lab classes
- Supply an extra set of books for home use and keep a set at school
- Let student give reports orally rather than in writing
- Provide an awareness program for staff and students
- Monitor any special dietary considerations
- Involve school health consultants in school health related issues

Asthma

EXAMPLE: A student has been diagnosed as having severe asthma. The doctor has advised the student not to participate in physical activity outdoors. For purposes of this example, the disability limits the major life activity of breathing.

Possible Accommodations and Services:

- Adapt activity level for recess, physical education, etc.
- Provide inhalant therapy assistance
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Remove allergens (e.g. hair spray, lotions, perfumes, paint, latex)
- Make field trips that might aggravate the condition non-mandatory and supplement with videos, audiotapes, movies, etc.
- Accommodate medical absence by providing makeup work, etc.
- Adjust for administration of medications
- Provide access to water, gum, etc.
- Adapt curriculum expectations when needed (i.e. science class, physical education, etc.)
- Develop health care and emergency plans
- Have peers available to carry materials to and from classes (e.g. lunch tray, books)
- Provide rest periods
- Make health care needs known to appropriate staff
- Provide indoor space for before and after school activities
- Have a locker location which is centralized and free of atmosphere changes
- Adapt attendance policies, school day duration, or 180-day requirement, if needed
- Place student in most easily controlled environment

Attention Deficit Disorder (ADD) & Attention Deficit Hyperactive Disorder (ADHD)

EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally impaired, learning disabled or otherwise health impaired. A doctor regards the student as having ADD, and for purposes of this example, the disability limits the major life activity of learning because the student is unable to participate in the school's programs to the same degree as students without disabilities.

Possible Accommodations and Services:

- Seat the student away from distractions and in close proximity to the teacher
- State classroom rules, post in an obvious location and enforce consistently
- Use simple, concise instructions with concrete steps
- Provide seating options
- Tolerate (understand the need) excessive movement
- Provide a peer tutor/helper
- Teach compensatory strategies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Monitor for stress and fatigue; adjust activities
- Adjust assignments to match attention span, etc.
- Vary instructional pace
- Vary instructional activities frequently
- Provide supervision during transitions, disruptions, field trips
- Model the use of study guides, organizing tools
- Accommodate testing procedures; lengthy tests might be broken down into several shorter administrations
- Provide counseling and prompt feedback on both successes and areas needing improvement
- Initiate frequent parent communication

- Establish a school/home behavior management program
- Provide training for staff
- Have the student use an organizer; train in organizational skills
- Establish a nonverbal cue between teacher and student for behavior monitoring
- Assign chores/duties around room/school
- Adapt environment to avoid distractions
- Reinforce appropriate behavior
- Have child work alone or in a study carrel during high stress times
- Highlight required or important information/directions
- Provide a checklist for student, parents, and/or teacher to record assignments of completed tasks
- Use a timer to assist student to focus on given task or number of problems in time allotted. Stress that problems need to be done correctly.
- Have student restate or write directions/instructions
- Allow student to respond in variety of different modes (i.e. may place answers for tests on tape instead of paper)
- Give student opportunity to stand/move while working
- Provide additional supervision to and from school
- Adapt student's work area to help screen out distracting stimuli
- Grade for content integrity, and not just neatness/presentation
- Schedule subjects which require greater concentration early in the day
- Supply small rewards to promote behavior change
- Avoid withholding physical activity as a negative reinforcer
- Allow for periodic, frequent physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points
- Provide for socialization opportunities, such as circle of friends

Bipolar Disorder

EXAMPLE: The student is diagnosed as having a bipolar disorder, however, the severity (frequency, intensity, duration considerations) of the condition does not qualify the student for IDEA. A properly convened 504 team determines that the condition did significantly impair the major life activity of learning and fashioned a 504 plan for the student. Here are some possible accommodations for this scenario.

Possible Accommodations and Services:

- Break down assignments into manageable parts with clear and simple directions, given one at a time.
- Plan advanced preparation for transitions.
- Monitor clarity of understanding and alertness.
- Allow most difficult subjects at times when student is most alert.
- Provide extra time on tests, class work, and homework if needed.
- Strategies in place for unpredictable mood swings.
- Provide appropriate staff with training on bipolar disorder.
- Create awareness by staff of potential victimization from other students.
- Implement a crisis intervention plan for extreme cases where student gets out of control and may do something impulsive or dangerous.
- Provide positive praise and redirection.

- Report any suicidal comments to counselor/psychologist immediately.
- Consider home instruction for times when the student's mood disorder makes it impossible for him to attend school for an extended period.

Cancer

EXAMPLE: A student with a long-term medical problem may require special accommodations. Such a condition as cancer may substantially limit the major life activities of learning and caring for oneself. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy

Possible Accommodations and Services:

- Adjust attendance policies
- Limit numbers of classes taken; accommodate scheduling needs (breaks, etc.)
- Send teacher/tutor to hospital, as appropriate
- Take whatever steps are necessary to accommodate student's involvement in extra-curricular activities if they are otherwise qualified
- Adjust activity level and expectations in classes based on physical limitations; don't require activities that are too physically taxing
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Provide appropriate assistive technology
- Provide dietary accommodations
- Provide a private area in which to rest
- Shorten school day
- Arrange for home tutoring following treatment
- Send additional set of texts and assignments to hospital schools
- Tape lessons. Accept the fact that the lessons and content-area tests may not be appropriate; the student is learning many life lessons through this experience.
- Adjust schedule to include rest breaks
- Provide counseling; establish peer group support
- Adapt physical education
- Provide access to school health services
- Provide awareness training to appropriate staff and students
- Develop health care emergency plan to deal with getting sick at school
- Offer counseling for death and dying to peers/teachers/staff
- Furnish a peer tutor
- Provide student with a student buddy for participation in sports
- Initiate a free pass system from the classroom
- Provide lessons using mastery learning techniques
- Provide individual school counseling
- Begin friendship groups for the student
- Provide teachers with counseling, emphasizing positive attitudes
- Have a health plan for care of mediport/any other intravenous lines and medical needs
- Plan ongoing communication about school events
- Notify parents of communicable diseases in school
- Designate a person in school to function as liaison with parents as a means

of updating changing health status

Cerebral Palsy

EXAMPLE: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are intact. For purposes of this example, the condition substantially limits the major life activity of walking.

Possible Accommodations and Services:

- Provide assistive technology devices
- Arrange for use of ramps and elevators
- Allow for extra time between classes
- Assist with carrying books, lunch trays, etc.
- Adapt physical education curriculum
- Provide for physical therapy as appropriate. Such therapy needs to relate directly to "life skills."
- Train for proper dispensing of medications; monitor and/or distributed medications; monitor for side effects
- Adapt eating utensils
- Initiate a health care plan that also addresses emergency situations
- Train paraprofessionals in the case of this student (i.e. feeding, diapering, transporting to and from the wheelchair)
- Adapt assignments
- Educate peers/staff with parent/student permission
- Ensure that programs conducted in the basement or on second or third floor levels are accessible
- Ensure that bathroom facilities, sinks and water fountains are readily accessible

Chronic Infectious Diseases (i.e. Acquired Immune Deficiency Syndrome)

EXAMPLE: The student frequently misses school and does not have the strength to attend a full day. For purposes of this example, the student has a record of a disability, which substantially limits the major life activities of learning.

Possible Accommodations and Services:

- In-service staff and students about the disease, how it is transmitted and how it is treated. (Consult appropriate CSI policies prior to using this accommodation; you must be extremely careful regarding confidentiality.)
- Apply universal precautions
- Administer medications following medication administration protocols, train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Adjust attendance policies
- Adjust schedule or shorten day
- Provide rest periods
- Adapt physical education curriculum
- Establish routine communication with health professionals, area nurse, and home
- Develop health-care and emergency plan
- Consult with doctor, parents, teachers, area nurse and administrators
- Train appropriate teachers on medical/emergency procedures

- Provide two-way audio/video link between home and classroom via computer, etc.
- Arrange for an adult tutor at school or home
- Adapt 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 if needed as a related service
- Tape books or provide a personal reader
- Arrange to communicate with a home computer with e-mail
- Notify parents of communicable disease in the classroom
- Arrange for participation in a support group
- Provide for post-secondary employment transitions for secondary students
- Foster supportive community attitudes regarding the District's need to provide education to HIV positive/AIDS students
- Develop and promote a nondiscriminatory classroom climate and supportive student attitudes
- Promote the most supportive, least restrictive educational program
- Initiate a "Kids on the Block" AIDS program
- Videotape classroom teaching
- Provide a peer support group to encourage communication
- Involve school health consultant in school-related health issues

Cystic Fibrosis

EXAMPLE: The student has an extensive medical history. He has significant difficulty breathing and will often be absent due to respiratory infection. While medical needs can be easily documented on a health plan, his educational needs also need to be accommodated. For purposes of this example, learning is the major life activity that is substantially impaired.

Possible Accommodations and Services:

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Create a health care plan for management of acute and chronic phases
- Promote good communication between parents, hospital, home and school on school assignments
- Shorten the school day
- Adapt physical education activities
- Apply universal precautions, correct disposal of fluids
- Recognize need for privacy for "good coughing"
- Educate staff and peers about this disease

Deaf/Hearing Impairment

EXAMPLE: A student was diagnosed with a substantial hearing impairment at a very early age. Currently he has a mild speech impairment in addition to the hearing loss. He compensates through both lip reading and sign language. Academic abilities test in the average range.

Possible Accommodations and Services:

- Allow for written direction/instructions in addition to oral presentation
- Ensure delivery of instruction facing the student to allow lip reading
- Provide visual information as primary mode of instruction
- Allow for provision of interpreter services
- Install acoustical tile, carpeting
- Seat in a location with minimal background noise
- Provide paper and pencil/pen to write/draw requests when needed
- Facilitate acquisition of assistive technology
- Allow for extra time between classes

Diabetes

EXAMPLE: A sixth grader with juvenile diabetes requires accommodation to maintain optimal blood sugar. His mom provides the crackers and juice to be used at "break" time and before physical education class. She asks that teachers remind him to eat at a certain time of the morning if he does not pay attention to the beeper on his watch. The youngster is very self-sufficient; while he is able to monitor his own blood sugar now, he prefers to do this privately. Therefore, mom asks that the equipment and a notebook/log be stored in a nearby file cabinet and the youngster be allowed to go into the hall with the equipment to check his blood sugar twice a day. She also asks that his teachers allow him to use the bathroom as needed.

Possible Accommodations and Services:

- Health care plan for management of condition in the school setting and in emergencies
- Educate staff to signs/symptoms of insulin reaction/hypoglycemia; hunger, shakiness, sweatiness, change in face color, disorientation, drowsiness
- Do not leave the child alone if he/she is feeling poorly; walk to the office or clinic with the student.
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects; communicate systematically and frequently with parents
- Adapt physical education activities
- Store equipment and documentation in a readily accessible location for student, parent and area nurse or clinic aid
- Accommodate food access/meal schedules rigorously
- Allow access to bathroom facilities

Drugs and Alcohol

EXAMPLE: The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for oneself. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not using drugs or alcohol, he or she could qualify for accommodations or services under Section 504.

Possible Accommodations and Services:

- Provide copies of texts and assignments to treatment facility
- Arrange for periodic home-school contacts
- Establish daily/weekly assignments monitoring system
- Communicate with treatment facility; pursue transition services available through the

treatment facility

- Provide/arrange for counseling
- Establish peer support group
- Dismiss from school for treatment without punitive measures
- Ensure strong link with school counselor
- Arrange for access to treatment at private or public facilities.
- Integrate a student assistance program into the classroom
- In-service faculty/staff with parent/student permission
- Provide post-secondary or vocational transition planning
- Provide ongoing support around chemical dependency in conjunction with other agencies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

Emotional Impairment (Depression)

EXAMPLE: A student with an emotional impairment may need an adjusted class schedule to allow time for regular counseling or therapy. For purposes of this example, the condition substantially limits the individual's major life activity of learning

Possible Accommodations and Services:

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Maintain weekly/daily journals for self-recording of behavior
- Establish home-school communication system
- Schedule periodic meetings with home and treatment specialists
- Provide carry-over of treatment plans into school environment
- Assist with inter-agency referrals
- Utilize behavior management programs
- Develop contracts for student behavior
- Post rules for classroom behaviors; teach expectations
- Provide counseling, social skills instruction
- Reinforce replacement behaviors
- Educate other students/staff/school personnel
- Foster carryover of treatment plans to home environment
- Reinforce positive behavior
- Schedule shorter study/work periods according to attention span capabilities
- Be consistent in setting expectations and following up on reinforcements/consequences

Encopresis/Enuresis

EXAMPLE: A student urinates or defecates in clothes. This is not to be confused with physical incontinence; it is a needed behavior change (i.e. toilet training, bowel/bladder retraining)

Possible Accommodations:

- Maintain low key responses
- Have a change of clothes available at school in the clinic or alternative location
- Plan a consistent response to events; send student to clinic or alternative location for clean-up and change of clothes; while wearing latex/rubber gloves, place soiled

clothes in a plastic bag; call parent and make arrangements for soiled items to be returned home

- Observe for consistent trigger events
- Support bowel/bladder retraining program that is recommended by the physician

Epilepsy

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

Possible Accommodations and Services:

- Call parent and document the characteristics of each seizure
- Assess breathing after seizure
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Train staff and students and prepare an emergency plan
- Anticipate recovery process should a seizure occur. Move seating/clear space during seizure. Do not insert objects into the student's mouth during seizure; administer no fluids if student is unconscious. Turn the unconscious student on his or her side to avoid aspiration of vomit. Provide rest time and return to academic considerations following seizure. Arrange a buddy system, especially for field trips
- Avoid portable chalk boards or furniture that would topple over easily
- Provide an alternative recess, adapt activities such as climbing and/or swimming
- Plan for academic make-up work
- Alter door openings to allow access from the outside (i.e. bathroom stall doors that swing both ways)
- Observe for consistent triggers (e.g. smells, bright light, perfume, hair spray)

Learning Disability

EXAMPLE: The student has a learning disability that impacts her ability to read. She has more difficulty with word decoding and spelling than reading comprehension. Thus, completing reading tasks is difficult and slow.

Possible Accommodations and Services:

- Provide lower-readability materials covering course context
- Provide extended time on tests
- Arrange for student/volunteer readers
- Provide information on accessing reading materials on tape or electronically
- Allow access to spell checkers and/or word processing
- Provide information on accommodations for college-entrance/qualifying exams (i.e. PSAT)
- Written directions in addition to oral
- Clearly sequenced instruction
- Visual graphs/charts/diagrams to support instruction
- Provision of computer access
- Seating toward the instructor

- Support/suggestions relative to post-secondary/career options
- Support in the use of organizational/time-management strategies
- Support in the use of strategies to assist memory and problem-solving
- Use of multi-sensory instructional methods (i.e. visual graphs and charts to accompany oral presentation)

Leukemia

EXAMPLE: The student has recently been diagnosed with leukemia and requires frequent hospitalization. The condition substantially limits the major life activity of learning and caring for oneself.

Possible Accommodations and Services:

- Involve area nurse in assessing current limitations and development of healthplan
- Provide homebound instruction if needed
- Provide the student with an adjusted school day
- Make needed accommodations during physical education/recess
- Provide rest periods
- Have medical services and medication available at school. Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Support the proper diet as per physical recommendation
- With parent/student permission, have area nurse to educate teachers/staff/peers
- Notify parents of existing communicable diseases at school (i.e. chicken pox, flu, strep throat, etc.)
- Consult with medical staff about individual needs and/or concomitant factors

Physical Impairment

EXAMPLE: The student has limited mobility and uses a wheelchair. This condition substantially limits the major life activity of walking.

Possible Accommodations and Services

- Develop a health care and emergency plan
- Implement an adaptive physical education program
- Provide physical therapy at school
- Correct problems with physical accessibility of facilities/pathways between buildings
- 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
- Ensure that access to programs held in the basement or on second or third floors is handicapped accessible
- Ensure that bathroom facilities, water fountains, sinks, etc. are readily accessible

Special Health Care Needs

EXAMPLE: The student has a special health care problem and requires clean intermittent catheterization (CIC) twice each day. This procedure empties the bladder and helps prevent

urinary tract infections and possible wetting. The condition is substantially limiting in the major life activity of caring for oneself.

Possible Accommodations and Services:

- Apply universal precautions
- Provide trained personnel to perform CIC
- Provide student with private location and time to perform procedures
- Involve area nurse, parents, teachers, and staff in periodic review
- Allow preferential seating as indicated by need
- Adapt recess, physical education, and transportation
- Adjust classroom environment
- Develop health care and emergency plan
- If necessary, adapt attendance policy
- Establish health alert system whereby 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 if needed
- Provide school counseling
- Arrange for in-service to other students and staff with parent/student permission

Temporarily Disabled

EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for an extensive period. The student should receive accommodations if this disability substantially limits a major life activity for a lengthy period of time.

Possible Accommodations and Services:

- 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, provide help with getting lunchtray
- Establish a student support network
- Provide a cordless telephone/beeper/pager
- Provide an interactive system -- computer, e-mail, TV
- Arrange for peer notes
- Change seating arrangements to accommodate needs
- Adapt assignments depending on disability
- Allow more time for test completion
- Allow shortened days; adjust attendance policy
- In-service staff and class and prepare an emergency care plan
- Switch programs /classes to an accessible classroom on the main floor
- Test verbally

- Provide peer assistance for social involvement (i.e. to keep child 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 condition is substantially limiting in the major life activities of learning and caring for oneself.

Possible Accommodations and Services:

- Provide student with a means of catching up on missed lessons
- Pair with a fellow student for study if indicated
- Educate other students about associated outbursts/gestures/tics
- Arrange for frequent parental interaction if indicated
- Monitor administration/side effects of medication
- Implement a behavior management program if indicated; cue student about inappropriate behaviors
- Provide supervision for transition activities, during periods of "acting out"
- Provide alternative/larger work space or appropriate space for the child to act out if indicated
- Teach compensatory strategies
- Adapt assignments if indicated
- Provide peer/teacher in-service with parent/student permission

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 student does not qualify for special education under IDEA. The condition is substantially limiting to the major life activities of learning and performing manual tasks.

Possible Accommodations and Services:

- Provide extended school year/time
- Furnish memory/organizational aids
- Provide alternative testing
- Initiate tutoring programs
- Arrange an emergency plan
- Monitor for seizure activity
- In-service staff and peers with student/parent permission
- Monitor fatigue/mental exhaustion
- Provide frequent short breaks during periods of intense concentration
- Shorten the instructional day if indicated
- Provide strategies for organizing/sequencing tasks

Visual Impairment

EXAMPLE: A student has a progressive medical disorder, which results in increasing loss of visual acuity. He now requires both enhanced lighting and enlarged print materials in

order to read.

Possible Accommodations and Services:

- Preferential seating
- Adaptations to the physical environment (i.e. consistent room arrangement, removal of obstacles to path of entry)
- Copies of text/reading materials for adaptation
- Modified writing tools (i.e. dark felt tip pens)
- Perkins Braille
- Slate and stylus
- Raised lines on writing paper
- Dark lined writing paper
- Lighting aids
- Low vision devices including magnifiers, monocular glass, closed-circuit TV
- Desktop slantboard
- Enlarged print materials; textbooks, workbooks, worksheets
- Braille textbooks/reading materials
- Books on tape
- Audiotape recorder, tapes and organizational location (headphones if needed)
- Oral instead of written tests
- Standardized tests (i.e. CAT, SAT) in large print or Braille
- Tactile maps
- Computer with enlarged print screen/adaptations
- Speech synthesizer for input and output
- Screen reading device
- Optical Character Recognition System Scanner
- Mobility devices (i.e. white cane)
- Abacus

Weight: Diagnosis of Obesity, Anorexia, or Bulimia

EXAMPLE: A student has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs a major life activity or is regarded by others as doing so.

Possible Accommodations and Services:

- Provide special seating modifications
- Make dietary modifications per physician recommendation
- Adapt physical education program per physician recommendation
- Allow extra time to get to classes
- Educate peers
- Adapt rest rooms
- Provide opportunities for socialization and peer counseling/interaction
- Ensure privacy for self-care
- Provide counseling involving the area nurse
- Provide for elevator privileges per physician's recommendation
- Arrange for counselor/area nurse to supervise peer counseling to deal with esteem issues, 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 and extra-curricular events
- Make any class location changes that may be needed

Sample Form: Consent to Evaluate 504 Accommodation Plan

STUDENT NAME: _____ DOB: __/__/__ AGE: _____

SCHOOL: _____

GRADE: _____

PARENT(S) NAME: _____

PARENT HOME PHONE: _____ OTHER PHONE: _____

MAILING ADDRESS: _____

Section 504 of the Rehabilitation Act of 1973 is a federal law which prohibits discrimination against persons with disabilities. For a student to qualify for Section 504 protection, the student must: (1) have a mental or physical impairment (2) which substantially limits (3) one or more major life activities. Your child has been referred for an evaluation to determine eligibility under the provisions of Section 504. The referral for this evaluation was made due to the concerns described below:

The proposed evaluation may include review of student records, observations of the student in the classroom or other school areas, student interviews, parent interviews, requests for medical or other evaluation records, and the collection of classroom assessment data. These evaluation activities may be conducted by the classroom teacher, counselor, or relevant staff, such as the school nurse. Additional evaluation activities are listed:

Evaluation Activity

Possible Personnel

I understand that the evaluation will be conducted within 30 school days of receipt of parent consent and that a Section 504 meeting will be held to discuss the evaluation results, eligibility, and any educational program recommendations. I can revoke my consent at any time. I understand the reason(s) for the referral and the description of the evaluation process and have checked the box below:

- ☐ Permission is voluntarily given to conduct the evaluation process.
- ☐ Permission is denied.

PARENT NOTIFICATION OF RIGHTS

- ☐ I have received a written copy of the Parent Notification of Rights under Section 504 of the Rehabilitation Act.

Parent/Guardian Signature

Date

Sample Form: Notice of Meeting

Dear Parent(s)/Guardian(s):

This letter is to make you aware of the need to consider whether your child, due to a possible disability, is entitled to certain protections under Section 504 of the Rehabilitation Act of 1973, and/or of the need to review your child's educational program. We are planning a conference as follows:

Student's Name: _____ **Grade:** _____ **School:** _____

Meeting Location: _____ **Meeting Date/Time:** _____

The purpose of this conference will be:

___ Review of Services: To review and discuss your child's present educational status/504 Plan.

___ Consent to Evaluate: To discuss a referral of your child for possible Section 504 eligibility.

___ Initial 504 Plan: To make a determination regarding 504 eligibility and education program.

___ Three-Year Reevaluation: To discuss the possible need to evaluate/reevaluate your child.

___ Manifestation Determination: To review if behavior is due to disability.

___ To discuss at your request: _____

___ Other: _____

The following persons have been invited to attend this meeting:

Name
Title

Name
Title

Name
Title

Name
Title

Enclosed please find a copy of your rights under Section 504. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

School 504 Coordinator

Date

Telephone

Sample Form: 504 Accommodation Plan

MEETING DATE: __/__/__

PREVIOUS DATE: __/__/__

STUDENT: _____ DOB: __/__/__ GRADE: _____

PARENT(S): _____ PHONE: _____ EMAIL: _____

HOME ADDRESS: _____

MEETING PURPOSE

___ Initial ___ Annual Review ___ Re-evaluation

PARENT CONTACT

The parent(s)/guardian(s) were contacted by the school to ensure that they would have an opportunity to attend this meeting, to explain the purpose of the meeting and the role of the participants.

MEETING PARTICIPANTS IN ATTENDANCE

Signatures of the following individuals indicate attendance at this meeting.

Name

Title

Name

Title

Name

Title

Name

Title

Name

Title

MEETING SUMMARY

All information referenced in this meeting must be documented and attached to this report.

1. Review of student progress and current supports:

2. Describe how the identified disability significantly limits a major life activity.

ELIGIBILITY

☐ Yes ☐ No Student meets Section 504 eligibility criteria

PLAN OF SUPPORTS AND SERVICES

Accommodation/Support/Service	By Whom	Setting/Location/How Often

*Attach appropriate Health Plan, Behavior Intervention Plan, or other documents, as appropriate.

PARTICIPATION IN STATEWIDE ASSESSMENTS

Accommodation(s) needed: ☐ Yes ☐ No

List Accommodation(s): _____

Date Section 504 Plan will begin: ____/____/____

Anticipated duration of the Section 504 Plan before next review: ☐ One Year ☐ Other

Parent grants permission for school to provide supports and services according to the reviewed plan and has received their Parent and Student Safeguards.

Parent Signature: _____

Sample Form: Parental/Student Rights

You have the right to: Have your child take part in, and receive benefits from, public education programs without discrimination because of your child's disability.

1. Have School Name advise you of your rights under federal law.
2. Receive notice with respect to identification, evaluation, or placement of your child.
3. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the School make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
4. Have your child receive services and be educated in facilities that are comparable to those provided to students without disabilities.
5. Have your child receive an individualized evaluation and receive special education and related services if your child is found eligible under Section 504.
6. Have evaluation, eligibility, educational, and placement decisions made based on a variety of information sources and by persons who know your child and who are knowledgeable about the evaluation data and placement options.
7. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if your child were placed in a program operated by the School District.
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the School District.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, and placement. Obtain copies of educational records at a reasonable cost on the same terms as records are provided students without a disability, unless 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 child's records.
11. Request amendment of your child'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 child. If the School refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.
12. File a local grievance in accordance with School and Institute policy.
13. Request an impartial hearing related to decisions regarding your child's identification, eligibility, and educational program or placement with opportunity for participation by the person's parents or guardian and representation by counsel, and a review procedure. This is provided in the local grievance procedure.

School 504 Coordinator Contact Info: _____

Date Guardian Received: _____