

# **United Township High School**

## **Section 504 & American with Disabilities Act**

**Desk Reference  
2012-2013**

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## PART ONE

### What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is Congress's directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. 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." Since United Township High School is a recipient of federal dollars, we are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by our schools.

Section 504 is a civil rights statute and *not a special education statute*. Therefore, it is the responsibility of regular education staff and administration to implement those practices and procedures necessary for a school to fulfill this law's requirements. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. The responsibility for insuring Section 504 compliance rests with the principal or principal's designee. Please note that when working with disabled students, Section 504 serves the same purpose as ADA (Americans with Disabilities Act).

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### Identifying Students for Section 504 Eligibility

- What criteria are used to determine 504 eligibility?
- How is a Section 504 student review request made?
- What is the process for reviewing Section 504 eligibility?
- When it is inappropriate to offer a Section 504 accommodation plan?

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### What criteria are used to determine 504 eligibility?

Like other students, those students with a 504 eligible disability are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on assuring access to educational services and the learning process that is equal to that given students who do not have disabilities.

*For a student to qualify for Section 504 protection the student must meet three criteria.* The three criteria are **(1) A mental or physical impairment (or has a record of an impairment or is regarded as having an impairment), (2) which substantially limits, (3) one or more major life activities.** It is important to understand that all three criteria must apply to a student before that student is eligible for Section 504 protection. In addition, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. Here is additional detail on each of the three criteria.

**(1) Mental or physical impairment (a) has a record of such an impairment, or (b) is regarded as having an impairment:** This might include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Additionally, this can include any mental or psychological disorder. This criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way so that the range of diseases or medical conditions that might be considered for Section 504 eligibility is not limited.

(a) "Has a record of such an impairment" means that a person has a history of, or has been misclassified (by a recipient of federal funding) as having a mental or physical impairment that substantially limits one or more major life activities.

(b) "Is regarded as having an impairment" means that an individual has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a recipient (of federal funds) as constituting such a limitation; or has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment.

Thus, in the case of "has a record of" and "is regarded as having" individuals receive Section 504 protection, not necessarily because they have a qualifying disability, but to protect them from being injured by the prejudice or stereotypical attitudes of others. Schools have no obligation to identify these students or provide them with a Section 504 plan. However, schools are prohibited from discriminating against them in all programs and activities.

**(2) Substantially limits:**

Section 504 does not specifically define the term "substantially limits". The basis for evaluating this criterion is on the impact a disability has on one or more of a student's major life activities. It is vital to understand that for a student to qualify the impairment must impose an important and material limitation to one or more major life activities at the current time. The Problem Solving Team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student's ability to access the same educational opportunities as that afforded a non-disabled student or a substantial limitation does not exist. The team may also consider what factors have been taken to mitigate the impairment and its actual impact on the student on a day-by-day basis. The team may consider the manner, conditions, and duration in which a student performs the task in comparison to how non-disabled students perform the same task.

**(3) Major life activities:**

Major life activities include but are not limited to caring for oneself, performing manual tasks walking, hearing, seeing, speaking, breathing, learning, and working.

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**How is a Section 504 student review request made?**

A parent, guardian, teacher, counselors, the problem solving team or any other school staff and administration, and/or community agencies can initiate a Section 504 review request. Please advise someone wanting a student review to use the Section 504 Student Review Request Form and forward it to the school principal or 504 coordinator.

Please keep in mind that a number of intervention plans are used with UTHS students. Each has a specific purpose. While 504 plans provide students with access accommodations, others like individual health plans are also useful for certain student interventions. Part of the 504 Team discussion should include identifying the planning format and process that best supports student need and aligns available school resources.

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**What is the process for reviewing Section 504 eligibility?**

The System expectation is that the 504 Team investigates the needs of students who demonstrate a pattern of academic failure or other significant needs. The Problem Solving Team conducts a preliminary review to determine the nature of the student's need. If it is determined that the student should go through a 504 eligibility meeting then appropriate staff will meet.

Parents/guardians should be included in this process whenever possible. The team's role is to review the nature of the student's impairment determining how it affects educational access. If the team determines that the impairment does limit a major life function then the team will construct a Section 504 plan that outlines the necessary student accommodations.

Section 504 eligibility meetings are not intended to be as comprehensive as a special education evaluation. However, in every case the problem solving team needs to investigate the specific concern that triggered the student review request. Information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, review requests, cumulative file information, psychological evaluations, medical information observations, and standardized testing information. The problem solving team may administer and use other formal and informal measures as deemed necessary.

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### **Are there situations when it is inappropriate to NOT offer a Section 504 accommodation plan?**

Yes! Eligibility for 504 is always decided by evaluating and determining that all three criteria are present. The student must have a mental or physical impairment. That mental or physical impairment must be substantially limiting. The impairment must substantially limit one or more major life activities. If any of the three criteria is missing or if there is no impact on the student's access to school programs or services because of the disability do not create a 504 plan for the student. Keep in mind that while a 504 plan might not be appropriate; other kinds of accommodation plans may be appropriate, such as RTI.

Here are some of the common misuses of the 504 review request process.

1. A parent and/or doctor, presents the school with a disability diagnosis and a 504 plan is written without first determining if the disability causes significant impairment of a major life activity. A student is placed on a 504 plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g. ACT, SAT).
2. A student fails to qualify for special education support and is automatically signed up for a 504 accommodation plan without first qualifying them based on Section 504 criteria.
3. A student is automatically placed on a 504 plan when the student no longer qualifies for special education services without first qualifying them based on Section 504 criteria, which are different.
4. A student is placed on a 504 plan as an alternative way to receive special education services because the parent refuses to "label" a student by including them in a special education program.

### **Design and Implementation of a 504 Plan**

- Where will accommodations be provided for students and what are some examples of possible accommodations?
- How are 504 accommodations and related services documented and reviewed?

### **Where will accommodations be provided for students and what are some examples of possible accommodations?**

Section 504 requires that a student with a disability be educated with non-disabled students to the maximum extent appropriate. As with IDEA, this is considered educating the student in the least restrictive environment. Implementation of most Section 504 student accommodations occurs within the regular classroom. Accommodations generally are those minor adjustments to things like seating arrangement, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities. An example could be moving the student to a position in the room that best supports his or her ability to attend to schoolwork. Accommodations might involve the use of special visual aids, large print, or using video recordings. Allowing a student additional time to complete a specific kind of task is also an accommodation. Countless accommodations exist that can support a student's equal access to educational opportunities. It is the job of the 504 Team to identify those accommodations that best support the access needs of a 504 eligible student.

### **How are 504 accommodations and related services documented and reviewed?**

If the 504 Team determines that a student has a Section 504 disability, the team's second responsibility is to identify student needs and the services and/or accommodations the student will receive. Documentation of the plan's details is in the Section 504 Accommodation Plan. This plan provides a summary of accommodations that a student needs in order to have equal access to the learning process, or to other programs, activities, and services. This document should be kept in the student's cumulative file. The 504 Team should review active Section 504 Accommodation Plans yearly with more frequent reviews occurring when needed. The purpose of a review is to add, subtract and/or modify student accommodations as needed.

# PART TWO

## Disciplining a 504 Disabled Student

- Does UTHS need to conduct a manifestation meeting when considering the expulsion or long term suspension of a student with a Section 504 plan?
  - Who makes the manifestation determination for a student on a 504 plan and what information is included in this process?
  - How does UTHS proceed with drug and alcohol offenses that involve students who are on a Section 504 plan?
  - Is a manifestation meeting necessary if a 504 student is cited for “exchange”?
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### **Does a school need to conduct a manifestation meeting when considering the expulsion or long term suspension of a student with a Section 504 plan?**

Yes. Similar to suspension or expulsion of a student having a disability under IDEA (special education) it is necessary to conduct a manifestation determination meeting for a Section 504 disabled student when:

The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the misconduct is the disability identified in the student’s 504 plan.

A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a 504 plan total more than 10 days, it must be determined if a significant placement change has occurred. This is done on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion then this constitutes a change in placement and school personnel must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion. These include length of each suspension, the proximity of the suspension to one another, nature of the misconduct, and the total amount of time the student is excluded from school.

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### **Who makes the manifestation determination for a student on a 504 plan and what information is included in this process?**

Those involved in a manifestation determination meeting need to be knowledgeable about the student and the meaning of the data being reviewed. When possible, it is a plus to convene those individuals who designed the student’s 504 plan. When this is not possible teachers, parents, health professionals, counselors, etc. can serve on the team that makes a manifestation determination provided they have knowledge of the student and the data being reviewed. Those responsible for school disciplinary procedures, such as the school principal or school board officials cannot make the determination. However, it is appropriate for the administrator responsible for school discipline to present pertinent student information to the team making the manifestation determination.

The Office of Civil Rights indicates that those making the manifestation determination must have available information that competent professionals would require when making such a decision. Examples might include attendance and academic records, psychological evaluation data, behavior plans, discipline records, staff observations, anecdotal records, etc. It is important that the information considered is recent enough to afford an understanding of the student’s current behavior.

Those making the manifestation determination must decide whether the current educational placement is correct. Two questions are to be answered in determining plan appropriateness. **1) Are the accommodations in the student’s 504 plan appropriate as they relate to the current misconduct? 2) Were the accommodations in place at the time of the alleged infraction?** If the majority/consensus is that the plan is not appropriate as it relates to the current misconduct or that it was not substantially complied with, then the suspension/expulsion proceeding cease and a review and update of the current plan is to occur.

If the plan is determined to be both appropriate and in place, the team will next consider if the misconduct is the result of the student’s disability. This is done by considering the following questions:

### **Does the student’s disability impact his or her ability to control the behavior?**

Does the disability impair the student’s ability to understand the impact and consequences of the behavior? If it is determined that the misconduct is not caused by the disability, then the System can impose whatever long-term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. However, if it is determined that the misconduct is caused by the disability the student may not be further removed from his or her program.

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### **How does a school proceed with drug and alcohol offenses that involve students who are on a Section 504 plan?**

A student currently engaged in the illegal use of drugs or alcohol is not protected under Section 504 when the disciplinary actions of the school staff are based on that student’s current use of illegal drugs or alcohol. UTHS may take disciplinary action against a student with a 504 disability that is currently engaged in the use of alcohol or illegal drugs to the same extent that it takes disciplinary action against persons not having disabilities. Additionally, the procedural protections normally in place when a 504 student has a discipline related placement change do not apply when the misconduct involves the current use of illegal drugs or alcohol.

Drug possession is another matter. When the misconduct of a 504-disabled student centers on possession of illegal drugs and not use of illegal drugs then a manifestation determination must occur. If it is determined that the drug possession is not a manifestation of the disability then the student can be disciplined to the same extent as if a non-disabled student was the offender.

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### **Is a manifestation meeting necessary if a 504 student is cited for “exchange”?**

The meaning of “exchange” is:

1. “Passing” or “transferring” of drugs or alcohol to another person or receiving of drugs or alcohol from another person for any purpose, even if the students are not using the drugs or alcohol.
2. It may also mean the “purchase” of drugs or alcohol from another student.

Since exchange includes a number of possible scenarios, it is important to examine the specific circumstances that place the 504 student’s violation within the category of exchange. If those circumstances include the use of drugs then Section 504 protection, including due process protection, does not apply. However, if the student’s role in an exchange violation does not involve drug use then a manifestation determination is necessary.

### **Terminating a 504 Plan**

#### **How is a 504 plan terminated and what is done with terminated 504 plans?**

The first step in terminating a student’s 504 plan is for the 504 Team to review current student need and determine that the plan is no longer needed to provide the student equal access. Once this is determined the team should complete a Section 504 Plan termination form. This completed form should be attached to the front of the accommodation plan. Like active plans, a terminated plan should be kept in the student cumulative file. Like other educational documents, terminated plans are maintained in the student cumulative file to support the future efforts of staff that might need to consider some type of intervention for the student.

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### **504 Procedural Safeguards and Parent/Student Rights**

#### **Is UTHS required to provide parents with prior notice of a Section 504 eligibility meeting? Must UTHS secure parental consent before conducting an initial student review?**

Current Office of Civil Rights (OCR) guidelines require that parents receive prior notice of a Section 504 eligibility meeting. However, it is not necessary to secure their consent in order to conduct an initial eligibility review meeting. Parent permission is to be secured before administering any diagnostic evaluations designed to determine 504 eligibility.

Yearly or other plan reviews do not have these requirements. It is vital that the document providing prior notice explains the action the system proposes to take and the reasons why it has decided to proceed in that fashion.

# PART THREE

## Examples of Program Accommodations and Adjustments

This part contains possible examples of 504 accommodations. This is intended to be a staff document. The following examples are not offered as check lists and should never be considered as all-inclusive or mandatory listings. Rather the following are examples intended to serve as “starters” for the 504 Problem Solving Team designing accommodation plans that meet a student’s specific need(s). The best 504 plans incorporate teacher expertise and available regular education resources. The Problem Solving Team process involves identifying the resources they (and outside agencies) have to support various student needs. The team also decides the accommodations that will best support a particular student. The following examples are organized into two groups. The first group includes general environmental, organizational, behavioral, presentation, and assessment strategies. The second group includes possible examples of accommodations that might be valuable when dealing with specific disability profiles.

- **General Accommodations**
- **Environmental Strategies**
- **Organizational Strategies**
- **Behavioral Strategies**
- **Presentation Strategies**
- **Evaluation Methods**

### Accommodation Examples for Specific Disabilities

Allergies  
Arthritis  
Asthma  
ADD/ADHD  
Bipolar  
Cancer  
Cerebral Palsy  
AIDS  
Cystic Fibrosis  
Deaf/Hearing Impairment  
Diabetes  
Drugs/alcohol  
Emotionally Disturbed  
Epilepsy  
Hearing Impairment  
Learning Disability  
Leukemia  
Orthopedically Impaired  
Temporarily Disabled  
Tourette's Syndrome  
Traumatic Brain Injury  
Tuberculosis  
Visual Impairment  
Weight (obesity, anorexia, bulimia)

### General Accommodations

General program accommodations/adjustments or services are always made on a case-by-case basis and individualized. Accommodations are to be reasonable. Accommodations are intended to provide persons with disabilities compensation for their functional limitation(s) due to a mental or physical impairment. Where Section 504 is concerned, accommodations are made to bring a student with a disability to the same starting point as a non-disabled student. Consequently, the accommodations defined in a Section 504 plan are those interventions that are over and above the accommodations available to all students.

## **Environmental Strategies**

- Provide a structured learning environment
- Make separate "space" for different types of tasks
- Possible adapting of non-academic times such as lunch, recess, and physical education
- Change student seating
- Utilize a study carrel
- Alter location or personal or classroom supplies for easier access or to minimize distraction

## **Organizational Strategies**

- Model and reinforce organizational systems (i.e. color-coding)
- Write out homework assignments, check student's recording of assignments
- Tailor homework assignments toward student strengths
- Set time expectations for assignments
- Provide clues such as clock faces indicating beginning and ending times

## **Behavioral Strategies**

- Use behavioral management techniques consistently within a classroom and across classes
- Implement behavioral/academic contracts
- Utilize positive verbal and/or nonverbal reinforcements
- Utilize logical consequences
- Confer with the student's parents (and student as appropriate)
- Establish a home/school communication system for behavior monitoring
- Post rules and consequences for classroom behavior
- Put student on daily/weekly progress report/contract
- Reinforce self-monitoring and self-recording of behaviors

## **Presentation Strategies**

- Tape lessons so the student can listen to them again; allow students to tape lessons
- Use computer-aided instruction and other audiovisual equipment
- Select alternative textbooks, workbooks, or provide books on tape
- Highlight main ideas and supporting details in the book
- Provide copied material for extra practice (i.e. outlines, study guides)
- Prioritize drill and practice activities for saliency
- Vary the method of lesson presentation using multi-sensory techniques:
  - a) lecture plus overhead/board demonstration support
  - b) small groups required to produce a written product
  - c) large groups required to demonstrate a process
  - d) audio-visual (i.e. filmstrips, study prints) methods
  - e) peer tutors or cross-age tutors
  - f) demonstrations, simulations
  - g) experiments
  - h) games
- 1-to-1 instruction with other available adults
- Ask student to repeat/paraphrase context to check understanding
- Arrange for a mentor to work with student in his or her interest area or area of greatest strength
- Provide peer tutoring
- Simplify and repeat instructions about in-class and homework assignments
- Vary instructional pace
- Reinforce the use of compensatory strategies, i.e. pencil grip, mnemonic devices, "spell check"
- Vary kind of instructional materials used

- Assess whether student has the necessary prerequisite skills. Determine whether materials are appropriate to the student's current functioning levels
- Reinforce study skill strategies (survey, read, recite, review)
- Introduce definition of new terms/vocabulary and review to check for understanding
- Be aware of student's preferred learning style and provide matching instruction materials

### **Evaluation Methods**

- Limit amount of material presented on a single page
  - Provide a sample or practice test
  - Provide for oral testing
  - Provide tests in segments so that student hands in one segment before receiving the next part
  - Provide personal copy of test tools and allow for color-coding/highlighting
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### **Accommodation Examples for Specific Disabilities**

Here are some examples of accommodations and services that might be considered for specific disability profiles. Please keep in mind that these examples are not intended to be all-inclusive or mandatory. Do not use these examples as a “checklist” as accommodations are to be made on a case-by-case basis specific to individual need. Please also remember that the mere presence of these conditions does not automatically qualify a student for a Section 504 plan. The disability must significantly limit one or more life functions before a 504 plan is to be considered. Additionally, this disability must impact the student so that he or she is not afforded access and benefit of programs and services equal to that of non-disabled students.

#### **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 performing manual tasks.

#### **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 caddie

- 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
- Provide post-secondary or vocational transition planning

### **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) and Attention Deficit Hyperactive Disorder (ADHD)**

EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other 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. The student, because of his disability, is unable to participate in the school's programs to the same degree as students without disabilities and therefore is substantially limited by the disability.

#### **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
- 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 reinforcement
- 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 was diagnosed as having a bipolar disorder. However the severity (frequency, intensity, duration considerations) of the condition did not qualify the student for IDEA. A properly convened 504 committee determined 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.
- 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
- 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. For purposes of this example, the condition substantially limits the major life activity of walking. Cognitive skills are intact.

#### **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.
- Provide post-secondary or vocational transition planning.

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

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 and working. Please review applicable District policies.

#### **Possible Accommodations and Services:**

- In-service staff and students about the disease, how it is transmitted and how it is treated. (Consult appropriate District policies)
- 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
- Provide for post-secondary employment transitions for secondary students
- Foster supportive community attitudes regarding the school'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
- Videotape classroom teaching
- Provide a peer support group to encourage communication
- Involve school health consultant in school-related health issues

### **Cystic Fibrosis**

EXAMPLE: This student is a new enrollee at your school and 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

### **Deaf/Hearing Impairment**

EXAMPLE: A student was diagnosed with a substantial hearing impairment at a very early age. Therefore, he has both a hearing loss and a mild speech impediment. 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
- Allow for extra time between classes
- Provide post-secondary or vocational transition planning

### **Diabetes**

EXAMPLE: A ninth 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 student 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 the nurses office and her son be allowed to go to the office with the equipment to check his blood sugar twice a day. She also asks that his teacher 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 nurses office 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 nurse
- 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.
- 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

**Emotionally Disturbed**

EXAMPLE: An emotionally disturbed student 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
- 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
- Reinforce positive behavior
- Schedule shorter study/work periods according to attention span capabilities
- Be consistent in setting expectations and following up on reinforcements/consequences
- Provide post-secondary or vocational transition planning

## **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 activity for units such as climbing and/or swimming
- Plan for academic make-up work
- Observe for consistent triggers (e.g. smells, bright light, perfume, hair spray)
- Provide post-secondary or vocational transition planning

## **Hearing Impairment**

EXAMPLE: A parent is hearing impaired and requests, access to school sponsored activities. The District makes accommodations by providing interpreter services for the parent to participate effectively in school-sponsored events or meetings about the student.

### **Possible Accommodations and Services:**

- Provide an interpreter for those school events where accommodations may be necessary/are requested
- Make alternative arrangements for home-school contacts/communication
- Assist with locating peer or support groups
- Use written notes for communication
- Arrange with phone company for assistive devices on public phones
- Provide information on assistive technology; acquire assistive equipment for school use
- Provide post-secondary or vocational transition planning

## **Learning Disabilities**

Individual profiles of learning strengths and weaknesses will vary. THE 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. She is currently a student receiving special education services.

### **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 materials through recordings for the Blind and Dyslexic (i.e. books on tape)
- Allow access to spell checkers and/or word processing
- Provide information on accommodations for college-entrance/qualifying exams
- 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)
- Provide post-secondary or vocational transition planning

### **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 nurse in assessing current limitations and development of health plan
- Provide homebound instruction if needed
- Provide the student with an adjusted school day
- Make needed accommodations during physical education
- 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 nurse educate teachers/staff/peers
- Notify parents of existing communicable diseases at school (i.e. chicken pox, flu, strep throat, etc.)

### **Orthopedically Impaired**

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 on second is handicapped accessible
- Ensure that bathroom facilities, water fountains, sinks, etc. are readily accessible
- Provide post-secondary or vocational transition planning

### **Temporarily Disabled**

EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for an extensive period. The student is considered temporarily disabled under Section 504 and should receive accommodations if this disability substantially limits a major life activity for the period of time it does so.

#### **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 lunch tray
- Change seating arrangements to accommodate needs
- Adapt assignments depending on disability
- Allow more time for test completion
- Allow shortened days; adjust attendance policy
- Switch programs /classes to an accessible classroom on the main floor
- Test verbally
- 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
- Provide post-secondary or vocational transition planning

### **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
- Provide post-secondary or vocational transition planning

### **Tuberculosis**

EXAMPLE: The student is suspected of having active tuberculosis and must stay home until diagnostic tests are completed. The disease is no longer infectious, but the student is still weak. The condition is substantially limiting to the major life activity of learning.

**Possible Accommodations and Services:**

- Provide home tutor, as necessary
- In-service staff on the need for confidentiality to limit the stigmatization of him or her
- Have the medical evaluator provide feedback to staff
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- In-service staff and students about the disease, how it is transmitted and how it is treated
- Work with community agency or health department to provide medication and health education materials
- Work with community agency or health department to test students and staff for exposure and/or infection and to determine when the student can return to school
- Provide therapy and dispense medications if student is diagnosed with active TB; observed for side effects; arrange for parents to give medication on holidays and weekends

**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)
- Slate and stylus
- Raised lines on writing paper
- Dark lined writing paper
- Lighting aids
- Low vision devices including magnifiers, monocular glass, closed-circuit TV
- 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
- Computer with enlarged print screen/adaptations

**Weight: Diagnosis of Obesity, Anorexia, and 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 nurse
- Provide for elevator privileges per physician's recommendation
- Arrange for counselor/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

# PART FOUR

## District 504 Forms and Support Documents



# UNITED TOWNSHIP HIGH SCHOOL

## NOTICE OF SECTION 504 CONFERENCE

Date: \_\_\_\_\_

Student: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Dear \_\_\_\_\_,

In order to discuss the educational needs of your child, you are invited to attend a conference at

\_\_\_\_\_ scheduled for \_\_\_\_\_.

Location

Date and Time

A. The purpose of this meeting: *(check all that apply)*

- |  |   |
|--|---|
| <input type="checkbox"/> Discuss results of Section 504 evaluation/<br>Section 504 eligibility | <input type="checkbox"/> Discuss misconduct/infraction of<br>school rules as it relates to disability |
| <input type="checkbox"/> Review progress   | <input type="checkbox"/> Other (specify) _____  |
| <input type="checkbox"/> Review of Section 504 plan  | _____   |
|  | _____   |

The invited individual and their titles are listed below.

_____	_____
_____	_____
_____	_____
_____	_____

If you have any questions, please contact me.

Sincerely,

Mark Pustelnik  
United Township High School  
Assistant Principal  
Section 504 and RTI Coordinator

# United Township High School

## 504 Eligibility Determination

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_

Conference Participants:


➤ **Section 504 Evaluation** (check one):       **Initial Evaluation**       **Re-Evaluation**

➤ **The Section 504 Team has reviewed and considered the following information:** (check all that apply)

<input type="checkbox"/> Psychological/Psycho-Ed Evaluation*	<input type="checkbox"/> Teacher/administrator input	<input type="checkbox"/> Grade Reports
<input type="checkbox"/> Medical Report	<input type="checkbox"/> Parent Input	<input type="checkbox"/> Disciplinary Record
<input type="checkbox"/> School Social Work Assessment	<input type="checkbox"/> Student Work/Anecdotal Records	<input type="checkbox"/> Attendance Record
<input type="checkbox"/> OT/PT/SL Screening/Evaluation	<input type="checkbox"/> Standardized Test Data	<input type="checkbox"/> Academic/Behavioral Interventions
<input type="checkbox"/> School Health Information Health Plan (Attach Plan)		<input type="checkbox"/> Environmental/Cultural/Economic Factors**

\*Required, if physical or mental impairment impacts learning.

\*\*Conditions resulting from these factors are not necessarily disabilities.

➤ **Specify the student's physical or mental impairment:** \_\_\_\_\_

*(A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems. A mental impairment is any mental or psychological disorder. Physical or mental impairments are to be diagnosed by professional persons holding state license or certified through the Department of Education)*

➤ **Is the impairment temporary (with an actual or expected duration):**       **Yes**

**No**

If yes, explain: \_\_\_\_\_

*(A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. Note that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.)*

➤ **List the major life activity(ies) impacted by the physical or mental impairment:**

\_\_\_\_\_

➤ **If seeing is listed above, is there a mitigating measure of ordinary eyeglasses or contact lenses?**

**No**

**Yes**

**Describe:** \_\_\_\_\_

➤ **If yes, does this mitigating measure correct or reduce the effects of the physical impairment?**

**No**

**Yes**

**Describe:** \_\_\_\_\_

- Identify the referral issues or concerns noted by the parent and student, and/or staff:

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- Does the physical or mental impairment substantially limit the major life activity?

A student is *substantially limited* when he or she is significantly limited as to the condition, manner, or duration under which he or she can perform a particular major life activity as compared to the condition, manner, and duration under which the average student in the general population can perform that same major life activity.

Yes                       No

- Describe the impact, if any, that the physical or mental impairment has on a major life activity (without regard to any mitigating measures, i.e. medication): *(If the impairment is episodic or in remission, describe the impact that the impairment has on a major life activity as if the episode is occurring or the illness is in full force)*

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- The Section 504 Team has reviewed all available information and concludes the following:

<input type="checkbox"/> The student’s impairment <b><u>does not substantially limit</u></b> a major life activity. The student <b><u>does not meet</u></b> Section 504 eligibility criteria.  <input type="checkbox"/> Reevaluation complete. The student’s impairment <b><u>no longer substantially limits</u></b> a major life activity. The student <b><u>meets Section 504 dismissal</u></b> criteria.	<input type="checkbox"/> The student’s impairment <b><u>substantially limits</u></b> a major life activity. The student <b><u>meets</u></b> Section 504 eligibility criteria.  <input type="checkbox"/> Reevaluation complete. The student’s impairment <b><u>continues to substantially limit</u></b> a major life activity. The student <b><u>continues to meet</u></b> Section 504 eligibility criteria. <ul style="list-style-type: none"> <li><input type="checkbox"/> Continue present services with no changes</li> <li><input type="checkbox"/> Modify the present program (see attached addendum or new plan)</li> </ul>
---	---

- If eligibility criteria are met for Section 504, complete Section 504 Plan.
- If eligibility criteria for Section 504 are not met, identify any regular education interventions and strategies that may assist the student and/or refer them to the Problem Solving Team.

☞ *Parent and student, as appropriate, have been provided with a copy of Section 504 Eligibility Determination and Parent/Student Rights.*

Parent/Student Signature \_\_\_\_\_ [or] Date copies provided via U.S. Mail \_\_\_\_\_

# UNITED TOWNSHIP HIGH SCHOOL

## SECTION 504 PLAN

Student Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

Initial Referral Date \_\_\_\_\_ Date of Conference \_\_\_\_\_ Re-evaluation Date \_\_\_\_\_

Participants' Names:


- The following accommodations and/or health plan have been agreed upon by school staff, parent(s) and student as being necessary for the student to have an equal educational opportunity.

Date(s) Accommodations Started	Substantial Limitation as evidenced by:	Academic/School Accommodation:	Identify Person Responsible**

- Section 504 Re-evaluation Dates: Anytime the student's progress indicates a need to modify accommodations, and/or before any significant change in placement occurs.

Current Date	Anticipated Review/Evaluation Date	Signature of Parent and/or student, as appropriate	Date copies provided via U.S. Mail

- I have received a copy of Section 504 Rights and Procedures.
- I have received a copy of the Section 504 Plan
- I give consent for my child to receive Section 504 Accommodations
- I do NOT give consent for my child to receive Section 504 Accommodations

Parent Signature - \_\_\_\_\_ Date - \_\_\_\_\_

\_\_\_\_\_

# UNITED TOWNSHIP HIGH SCHOOL

## SECTION 504

### MANIFESTATION DETERMINATION

*(Complete when determining whether a student's behavior was a manifestation of his/her disability)*

Student Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_

Home School \_\_\_\_\_ Initial Referral Date \_\_\_\_\_

Placement \_\_\_\_\_ Date of Conference \_\_\_\_\_

Disability for which the student has a Section 504 Plan: \_\_\_\_\_

Participants' Names:

_____	_____
_____	_____
_____	_____
_____	_____

Incident(s) that Resulted in Disciplinary Action:

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The Student's Section 504 Plan and Placement (include a review of all relevant information in the child's file, including the child's Section 504 Plan):

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Observations of the Student (include a review of staff observations regarding the student's behavior):

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Information Provided by the Parents (include a review of any relevant information provided by the parent(s)):

**Based upon the above information, the team has determined that:**

- Yes    No   The conduct was caused by or had a direct and substantial relationship to the student's disability.
- Yes    No   The conduct was the direct result of the school district's failure to implement the Section 504 Plan.

**If "Yes" to either of the above, the behavior must be considered a manifestation of the student's disability.**

**Check the appropriate box:**

- The student's behavior **WAS NOT** a manifestation of her/his disability. The relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner in which they are applied to students without disabilities. If the district initiates disciplinary procedures applicable to all students, the district shall ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
- The student's behavior **WAS** a manifestation of her/his disability. The team must review and revise the student's Section 504 Plan as appropriate and the district must take appropriate action. A functional behavior analysis will or has been completed. The behavior management plan shall be completed or modified/reviewed as required to address behavior.

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Additional Notes/Comments:

# United Township High School

## SECTION 504

### Parent's Guide – Legal Rights

Section 504 — just what exactly is it? You've probably heard about it, but every school district addresses Section 504 in a different manner. Some districts have even been heard to say, “We don't do that in this district.” But in fact, compliance to Section 504, which is a federal statute, is not optional. This article attempts to answer basic questions pertaining to the implementation of Section 504 in public school systems.

**What is Section 504?** Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

**Section 504 states that:** “No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, 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...”.

**Who is covered under Section 504?** To be covered under Section 504, a student must be “qualified”, which roughly equates to being between 3 and 22 years of age, depending on the program, as well as state and federal law, and must have a disability.

**Who is an “individual with a disability”?** As defined by federal law: “An individual with a disability means any person who: (1) has a mental or physical impairment that substantially limits one or more major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment”.

**What is an “impairment” as used under the Section 504 definition?** An impairment as used in Section 504 may include any disability, long-term illness, or various disorder that “substantially” reduces or lessens a student's ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. “It should be emphasized that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities”.

Many students have conditions or disorders that are not readily apparent to others. They may include conditions such as specific learning disabilities, diabetes, epilepsy and allergies. Hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious, but if they substantially limit that child's ability to receive an appropriate education as defined by Section 504, they may be considered to have an “impairment” under Section 504 standards. As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of non-disabled students (The Civil Rights of Students with Hidden Disabilities under Section 504 of the Rehabilitation Act of 1973). The definition does not set forth a list of specific diseases, conditions or

disorders that constitute impairments because of the difficulty of ensuring the comprehensiveness of any such list. While the definition of a disabled person also includes specific limitations on what persons are classified as disabled under the regulations, it also specifies that only physical and mental impairments are included, thus “environmental, cultural and economic disadvantage are not in themselves covered”.

**What are "major life activities"?** Major life activities include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others and working. As of January 1, 2009 with the reauthorization of the Americans with Disabilities Amendment Act, this list has been expanded to also include the life activities of reading, concentrating, standing, lifting, bending, etc. This may include individuals with AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, behavior disorders and temporary disabilities (e.g., broken writing arm, broken leg, etc.). Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activity while they are active. Students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504.

**What does “substantially limits” mean?** Substantially limits is not defined in the federal regulations. However, in a letter from the Office for Civil Rights (OCR), they state, “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.” New guidance from the Americans with Disabilities Amendment Act states that Section 504 standards must conform with the ADA and is “intended to afford a broad scope of protection to eligible persons.” In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology or accommodations.

**Who can refer a child for consideration for evaluation under Section 504?** Anyone can refer a child for evaluation under Section 504. However, while anyone can make a referral, such as parents or a doctor, OCR has stated in a staff memorandum that “the school district must also have reason to believe that the child is in need of services under Section 504 due to a disability” (OCR Memorandum, April 29, 1993). Therefore, a school district does not have to refer or evaluate a child under Section 504 solely upon parental demand. The key to a referral is whether the school district staff suspects that the child is suffering from a mental or physical impairment that substantially limits a major life activity and is in need of either regular education with supplementary services or special education and related services. If a parent requests a referral for evaluation, and the school district refuses, the school district must provide the parent with notice of their procedural rights under Section 504.

**Who decides whether a student is qualified and eligible for services under Section 504?** According to the federal regulations: “...placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities”.

Unlike Special Education, the federal regulations for Section 504 do not require or even mention that parents are to be a part of the decision-making committee. The decision to include parents in the decision-making committee is a determination that is made by each school district and should be spelled out in the district’s procedures for implementing Section 504. Parents should at least be asked and encouraged to contribute any information that they may have (e.g., doctor’s reports, outside testing reports, etc.) that would be helpful to the Section 504 committee in making their determination of what the child may need. Schools are expected to make sound educational decisions as to what the child needs in order to receive an appropriate education.

**What information is used in doing an evaluation under Section 504?** Under Section 504, no formalized testing is required. The 504 Team should look at grades over the past several years, teacher's reports, information from parents or other agencies, state assessment scores or other school administered tests, observations, discipline reports, attendance records, health records and adaptive behavior information. Schools must consider a variety of sources. A single source of information (such as a doctor's report) cannot be the only information considered. Schools must be able to assure that all information submitted is documented and considered.

**Can my child be placed under Section 504 without my knowledge? No.** Parents must always be given notice before their child is evaluated and/or placed under Section 504. Parents must also be given a copy of their child's Section 504 accommodation plan if the committee determines that the child is eligible under Section 504.

**What types of accommodations will my child receive if determined eligible under Section 504?** Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

**Accommodations that may be used, but are not limited to, include:**

- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note taking
- Frequent feedback
- Extra set of textbooks for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral tests
- Individual contracts

**Will my child still be in the regular classroom or will he be in a "special class"?** A Section 504 eligible child will always be in the regular classroom unless (according to federal regulations): "... the student with a disability is so disruptive in a regular classroom that the education of other students is significantly impaired, then the needs of the student with a disability cannot be met in that environment. Therefore, regular placement would not be appropriate to his or her needs and would not be required by §104.34" (34 C.F.R. §104.34, Appendix A, #24).

**Can my child still be disciplined under Section 504? Yes.** Children under Section 504 are still expected to follow the district's student code of conduct. However, when disciplining a child under Section 504, schools must consider the relationship between the disability and the misbehavior if the child is going to be removed from the regular setting for longer than 10 days. This does not mean that a student with a disability cannot be sent to a discipline center or that they cannot go to in-school suspension, or be suspended from school for three days. Very strict guidelines exist for schools in discipline issues with students who have a disability under Section 504. Your campus or district 504 coordinator can assist you in this area should you have additional questions concerning the discipline of students with disabilities. Children having disabilities with behavioral components should have individual discipline plans as well as behavior intervention plans.

**If I disagree with the school's evaluation, will the school district pay for an outside independent evaluation?** Under Section 504, schools are not required to pay for an outside independent evaluation. If a parent disagrees with the school's evaluation decision, they may request a due process hearing or file a complaint with the Office for Civil Rights.

**How often will my child be re-evaluated?** While there are no specific time lines on this issue, students must be re-evaluated at least every three years or whenever there is going to be a "significant change in placement." The 504 Team should re-evaluate your child's plan every year to make sure that his or her accommodation plan is appropriate based on their current schedule and individual needs. The accommodation plan may be revised at any time during the school year if needed.

**Will my child still be able to participate in nonacademic services? Yes.** Districts must provide equal opportunity in areas such as counseling, physical education and/or athletics, transportation, health services, recreational activities, and special interest groups or clubs. However, the "no pass, no play" standard used for students in most states also applies to students under Section 504.

**What are my rights as a parent under Section 504? As a parent or legal guardian, you have the right to:**

1. Receive notice regarding the identification, evaluation and/or placement of your child;
2. Examine relevant records pertaining to your child;
3. Request an impartial hearing with respect to the district's actions regarding the identification evaluation, or placement of your child, with an opportunity for the parent/guardian to participate in the hearing, to have representation by an attorney, and have a review procedure;
4. File a complaint with the school 504 Coordinator, who will investigate the allegations regarding Section 504 matters other than your child's identification, evaluation and placement.
5. File a complaint with the appropriate regional Office for Civil Rights. For additional information, contact: U.S. Department of Education, Washington, D.C. 20202-1100  
(800) 421-3481  
[www.ed.gov/ocr](http://www.ed.gov/ocr)  
E-mail: [ocr@ed.gov](mailto:ocr@ed.gov)