

Lamesa ISD

***Section 504 of the Rehabilitation Act
Handbook***

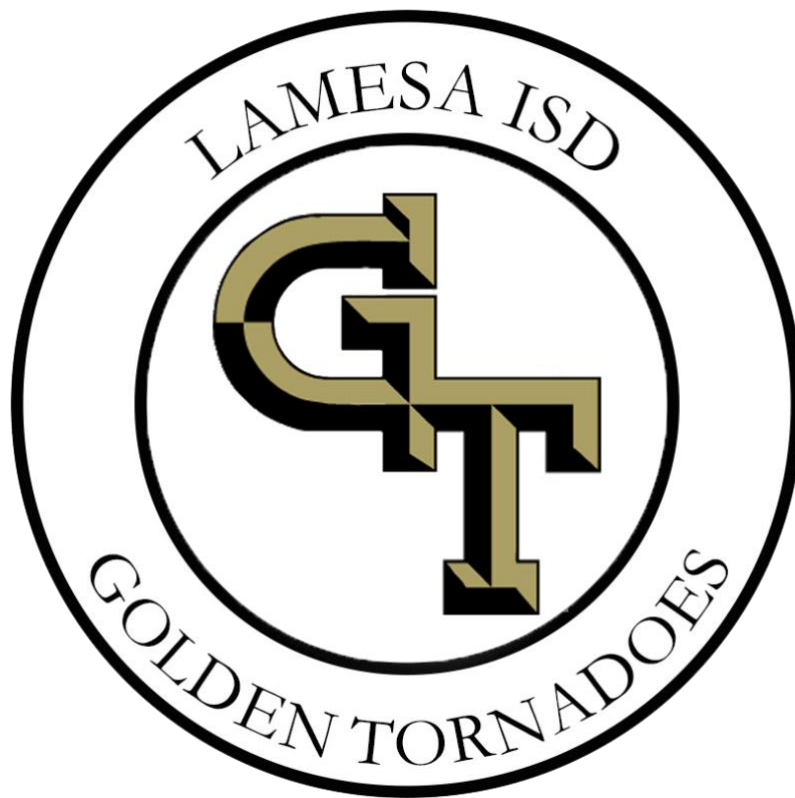


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Section 504 Overview

Section 504 of the Rehabilitation Act is a federal civil rights law passed in 1973 that protects the rights of persons with qualifying disabilities. This law directs that recipients of federal funds are to make programs and activities accessible to all persons with disabilities. Section 504 has three areas of emphasis: employment, facility accessibility, and requirements for preschool, elementary, secondary, and post-secondary education programs/activities. This document focuses on the requirements associated with preschool through secondary education programs and activities. Section 504 of the Rehabilitation Act of 1973 protects persons from discrimination based on their disability status. A person is considered to have a disability, within the definition of Section 504, if he or she:

- Has a mental or physical impairment which substantially limits one or more of the individual's major life activities;
- Has a record of such impairments; or
- Is regarded as having such an impairment

Mental and Physical Impairment

A mental or physical impairment is defined as:

1. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
2. any mental or physical disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Examples provided in this list are not exhaustive.

The final determination as to whether or not a condition is considered an impairment is left to the discretion of the student's 504 team. A medical diagnosis is not required.

Major life activity

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The ADA Amendments Act of 2008 includes a non-exhaustive list of major activities such as: caring for one's self, forming manual tasks, seeing, hearing, eating, sleeping walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions such as immunity, normal cell growth,

elimination, digestion, and endocrine functions. School staff should consider possible 504 evaluations for any health condition that substantially impacts even one major life activity or major bodily function.

Substantially Limits and ADA Amendments Act of 2008

The ADA Amendment Act of 2008 broadened 504 eligibility and lowered the bar for demonstrating that an impairment substantially limits either a major life activity or major bodily function. The 2008 changes specified that an impairment need not prevent or severely or significantly restrict a major activity to be considered substantially limiting. In order to determine impact, the comparison is with how a typical peer performs the same major life activity or bodily function. The determination of a substantial limitation is made on a student-by-student basis by the 504 team.

Eligibility

Eligibility is determined when the student's physical or mental impairment meets the federal criteria of "substantially limits a major life activity." The presence of the disability is not sufficient, in and of itself, to qualify a student as eligible; nor is a medical diagnosis. When a child is determined eligible, Section 504 ensures that accommodations and services are provided to remove barriers and allow equitable access. The law also provides guidance regarding procedural steps and safeguards.

Students who have a disability but do not need accommodations

A district may conduct a 504 evaluation and determine that while a student meets the Section 504 disability definition they do not need accommodations and an accommodation plan. For example this could happen if a high school student is diagnosed with a food allergy that substantially limits the major life activity of eating and the function of the digestive system. However, based on the Section 504 evaluation, it could be determined that the student does not need accommodations as a result of the disability because the only symptoms of exposure are mild abdominal pain and an exacerbation of his eczema. Also, the student may choose to bring lunch from home. This student could fully participate in the school's regular physical education program and in extracurricular sports; not need help administering topical medicine; and not require any modifications to the school's policies, practices, or procedures. In this situation the school district is not obligated to provide the student with any additional services. The student is still a person with a disability and therefore remains protected by the general nondiscrimination provisions of Section 504. This student would be marked as qualifying for Section 504 in Skyward and SuccessEd, but would not need an accommodation plan.

Mitigating Measures

The 2008 Amendments to the ADA made clear that mitigating measures, with the exception of corrective lenses, could not be considered during the evaluation process. Examples of mitigating measures include but are not limited to: medication, medical equipment and devices, prosthetic limbs, low vision devices, accommodations, an individual health plan (IHP) and behavioral modifications. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility. To determine eligibility for a student who is successfully using mitigating measures, an evaluation should focus on how the student performed major life activities/major bodily functions without the use of mitigating measures.

Episodic conditions or conditions that are in remission

An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active. Examples may include depression and bi-polar disorders; juvenile rheumatoid arthritis; inflammatory bowel disease; etc.

Section 504 and Individual Health Plans (IHP)

The federal Office of Civil Rights stated that a district may not forego evaluating a student with asthma, food allergies, diabetes, or other health issues for Section 504 based on the fact that the student has an Individual Health Plan at school.

Extracurricular Sports & Activities

A school district that offers extracurricular activities and sports must do so in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means districts must make reasonable modifications and provide accommodations that are needed to ensure an equal opportunity to participate. (It is understood that the term “reasonable” is vague; hence each situation will need to be reviewed on a case-by-case basis by the district administration in collaboration with the student and his or her parents. Likewise, the student must have the skill and abilities needed (or be able to develop such skills and abilities) in order to reasonably participate.

Failing Grades

A 504 Plan does not ensure a passing grade: it is possible that a student with a 504 Plan could still fail a class. Providing necessary accommodations and services simply removes barriers to access. The student must still complete assigned work and the quality of that work must be sufficient to earn a passing grade. In cases where a student is failing a class, school officials should make sure all parts of the 504 Plan are in place and being actively implemented by school officials. The team may also want to reconvene to determine whether the current plan needs revision.

Section 504 District Contacts

Each Lamesa ISD school building will identify a Section 504 Campus Coordinator for their building. This person is responsible for the coordination of all 504 activities at the building level to include maintenance and accuracy of records, staff communication/education, plan implementation, transition within and between buildings, and coordination of annual reviews. The district contact person is responsible for overseeing the district 504 program and ensuring the district is appropriately identifying and serving students who are eligible for Section 504 services.

Section 504 Campus Coordinators

South Elementary

North Elementary

Lamesa Middle School

Lamesa High School

Shelley Mann

Bayli Wright

Brad Froman

Inquiries concerning the school district's compliance with Section 504 regulations or the Americans with Disabilities Act regulations pertaining to services provided to students should be directed to the District 504 Coordinator.

Section 504 District Coordinator

The following individual has been designated to coordinate the school district's efforts to comply with these Section 504/ADA regulations:

Douglas Morris
Director of Federal and Special Programs
212 N. Houston
Lamesa, Texas 79331
806-872-5461

Evaluations

Section 504 requires that eligibility determinations be made based upon a careful review of information from a variety of sources. Information provided by parents must be considered in the evaluation process along with other information supplied by the school district. Relevant information used for an evaluation may include: (This is not an exhaustive list.)

- Information gathered from school records, observations, interviews, medical or hospital records, rating scales, permanent products that the student has produced and curriculum-based measurement probes.
- Interviews with the student's teacher(s), parents and medical or mental health professionals who have evaluated the student.
- Educational records and permanent products such as standardized test scores, attendance records, disciplinary records, health records, hearing or vision screening results, samples of daily work or the teacher's grade book.
- Direct observations of the student.

Decision Makers

Section 504 guidelines indicate that decisions should be made by an educational team. This team is to be composed of individuals who are:

1. Knowledgeable of the student
2. Knowledgeable about the meaning of assessment data and
3. Knowledgeable of placement options and able to commit district resources.

While one individual can fulfill more than one of these roles, there must be more than one school staff member at Section 504 meetings. Depending on the nature of the suspected disability, a team could consist of the 504 Campus Coordinator, school nurse, and a general education teacher. However these three individuals are not all required to be in attendance. Other individuals may participate on the team as necessary. Parents should also be invited to participate in this process. OCR has ruled that parents have a special knowledge of their child's impairment and are uniquely positioned to provide information about the student. If a parent is scheduled to attend and does not appear at the meeting, the team may proceed and notify the parent in writing regarding any decisions made. The student may also choose to be involved in the process, depending upon the age of the child, the nature of the disability, and the surrounding circumstances.

Section 504 Protocols

Upon parental request or teacher/staff concern (R.I.S.K. Team process), the 504 team will convene and begin the process defined below. It is important that this process be completed in a timely manner. No more than 60 days should transpire from the time the parent/guardian signs consent to when the evaluation is completed.

Step 1 – Defining the Disability

- Upon parental request or teacher/staff concern (R.I.S.K. Team process), the Section 504 building lead will begin the process of verifying and defining the child's disability. A meeting may be held with the parent to complete this initial step. The Section 504 building lead obtains written parental consent to begin the 504 evaluation process using the Parent Consent form.
- When available, obtain copies of psychological evaluation, physician's report or other evaluations from the parents.
- For medical or mental health conditions, consult with the school nurse, prior to meeting with the parent, to determine what information may already be available in the nurse's office and what additional information may be needed. Obtain consent for release of information to talk with identified medical or mental health providers that could provide the team with the necessary information. ***If a parent declines this request, the evaluation will still proceed.***
- Consideration should be given to having the school nurse conduct a health screening on all students evaluated for Section 504 eligibility and serve as a member of the 504 eligibility team for students with health concerns.
- Once filled out, all original and supporting documents should be filed in the student's Section 504 folder and entered into SuccessEd. Section 504 folders will be located in an area designated by the Section 504 Campus Coordinator in each school building.

Step 2 – Collection of Information to Document Section 504 Eligibility

- School personnel will begin gathering evidence/data (see Teacher Input form in SuccessEd) to determine the impact of the child's disability on their school functioning. This could include information not only on how the student is functioning during the school day, but also on the bus and during extracurricular activities outside of the traditional school day.
- The Notice of Release of Confidential Information form included in SuccessEd should be used to communicate directly with outside providers.
- The 504 team will use the Section 504 Evaluation Process in SuccessEd as a guide during this process. All sections of this document must be thoroughly completed.

Step 3 – Eligibility Determination

- Based on a comprehensive review of the student's data, the 504 team will meet to determine if the student qualifies for protections under Section 504. This should be

documented on the Section 504 Eligibility Evaluation form and documented in SuccessEd.

- The evaluation must include multiple sources of information and be completed within 60 days from the time signed consent is obtained.
- Section 504 teams are to make eligibility decisions based upon information which they possess and not on unsubstantiated statements. For example, if a parent indicates their child has been diagnosed with ADHD, ODD, and OCD but the medical record only notes ADHD, the team cannot consider the other reported diagnoses as a basis for determining Section 504 eligibility.
- Section 504 teams must ensure that the Section 504 Eligibility Evaluation form is thoroughly completed and indicates data reviewed, the decision made concerning eligibility, and include parent or guardian signatures.

Step 4 – Determining Need for an Accommodation Plan

- There is a possibility of five decisions that can be made based on the information presented:
 - The student does not qualify for Section 504 eligibility and remains in the general education setting with no additional support.
 - The student does not qualify but continues with general education intervention.
 - The student is eligible for Section 504 protections but is not in need of a plan at this time.
 - The student is eligible for Section 504 and is in need of accommodations; the Section 504 Student Services Plan form in SuccessEd will be completed.
 - The student does have a disability and are suspected of needing specialized instruction: hence they should be referred for a “disability suspect” determination through the Special Education Department.
- All accommodations listed in the accommodation plan must be consistent with and result from the impaired major life activity.
- Accommodations should be stated in concrete terms and identify persons responsible.
- A staff member must be designated to oversee implementation of the accommodation plan, serve as contact person, and communicate with the parent.
- The 504 Campus Coordinator must ensure that appropriate school staff members are made aware of the contents of the accommodation plan.
- The 504 team must ensure that implementation is monitored and if accommodations are not obtaining desired results, ensure that the Section 504 team is reconvened.

- The District must ensure accurate accounting to TEA for all Section 504 Eligible students. The 504 Campus Coordinator will note in Skyward that each identified student has a Section 504 plan.
- The Section 504 Accommodation plan must also be completed in SuccessEd.
- All original and supporting documents will be filed in the student's Section 504 folder as well as in SuccessEd.

Step 5 —Reporting Through Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) and SuccessEd

- Students who are identified as qualifying under Section 504 are reported annually to TEA. This information is pulled from Skyward. All students who qualify under Section 504 must have this indicated in Skyward.
- Copies of the student's Section 504 Student Services Plan should be completed in SuccessEd so that it is available for administrative purposes as well as to ensure it is readily available to individuals who may have responsibilities for implementing it.

Annual Reviews

All accommodation plans for students who are Section 504 eligible will be reviewed and updated on an annual basis.

The Section 504 Campus Coordinator, or designee, is responsible to advocate for students as they move to a new grade level and/or a new campus. The 504 campus Coordinator will meet with the appropriate staff to share 504 plans and the names of eligible students who are not in need of a plan.

- ___ Review 504 Accommodation Plan and edit if needed
- ___ Provide parents with copy of parental rights
- ___ Provide parent and teacher(s) with copy of current plan

Three Year Re-evaluations

Every three years, a Section 504 Evaluation form will be filled out to ensure continued eligibility for accommodations. Note on this form that a three-year re-evaluation is being conducted and the decision made, as a result of the re-evaluation, pertaining to the student's continued eligibility under Section 504. Parents/guardians will be notified when the three year re-evaluation is due and the 504 Campus Coordinator will schedule a meeting to include the parent either in person or by phone. If after repeated documented attempts to identify an agreeable meeting date and, when within 5 days of the meeting due

date, the meeting can be held without the parent and the parent then notified in writing of any decisions made.

- Request/obtain relevant information from parents (see the Parent Information Form in SuccessEd). As necessary, obtain signed parental consent for release of information.
- Collect data from appropriate sources (60 days from date of meeting)
 - Parent Interview
 - Student Interview
 - Teacher Input
 - School Nurse
 - School Records
 - Outside Sources (Physician, Counselor, Psychologist)
 - Other _____
- Once evaluation data has been collected, notify parents, and schedule a meeting to discuss the evaluation results and determine continued 504 eligibility. The team decision is documented in SuccessEd.
- If the student is determined to be ineligible for 504 protections, the parent is notified and the parent rights are provided.
- If the student is eligible for continued 504 protections, the Section 504 Accommodations Plan is developed or modified at the meeting. Implementation typically begins immediately. Ensure that all individuals responsible for implementation of the plan are notified of their specific responsibilities.
 - ___ Write 504 Student Accommodation plan
 - ___ Send copy of finalized plan to parent
 - ___ Complete new accommodation plan in SuccessEd

Section 504 and Discipline

Students who are eligible for Section 504 accommodations and services are held to a similar standard, with regard to discipline, as students eligible under IDEA. A student who is currently receiving Section 504 accommodations must undergo a process similar to a manifestation determination before disciplinary consequences are assigned. In disciplining a student:

- The administrator will determine whether the student committed the infraction of which the student is accused;
- For change of placement beyond 10 days, the student's 504 team will determine whether the behavior was caused by the disability (manifestation determination).

Suspension/Placement

A disabled student may not have their educational placement changed for more than ten days without a manifestation determination. The student's 504 team must make the determination of the relationship between the misconduct and the disability. If the team determines the behavior was not caused by the disability, the student may be disciplined in the same manner as students who do not qualify under Section 504. [Note: No compensatory educational services are required during an educational change of placement.] The student's team may modify the current educational placement when the misconduct is directly caused by the disability. If appropriate, an alternative educational placement may be considered.

Substance Abuse

Students with substance abuse violations are excluded from the definition of handicapped under Section 504 and ADA. Therefore, current drug or alcohol offenders are subject to the same disciplinary action to the extent applied to nonhandicapped students for a similar code of conduct infraction.

Parental and Student Rights

Parents and students have specific rights under Section 504. The district must inform parents and students of these rights. Parents and/or students have the following rights:

1. Ensure participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
2. Receipt of free educational services to the extent they are provided students without disabilities;
3. Receipt of information about your child and your child's educational programs and activities in your native language;
4. Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
5. Inspect and review your child's educational records including a right to a copy of those records for a reasonable fee.
6. Ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate. Should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
7. A hearing before an impartial hearing officer if you disagree with your child's evaluation or placement. You have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.
8. File a complaint with the U.S. Department of Education, Office of Civil Rights:

Sample Classroom and Facility Accommodations

The following classroom/facility accommodations are examples of ways in which Section 504 disabilities may be successfully accommodated within the regular classroom.

Pacing

Adjust for completion of assignments
Allow frequent breaks
Vary activity often
Omit assignments requiring copying in timed situation

Assignments

Give directions in small, distinct steps
Allow copying from paper/book
Use written back-up for oral directions
Lower reading level of assignment
Adjust length of assignment
Break assignment into a series of smaller tasks
Reduce paper and pencil tasks
Read directions/worksheets to students
Avoid penalizing for spelling errors
Adapt worksheets, packets
Give oral/visual cues or prompts
Record or type assignment
Maintain assignment notebook

Environment

Leave class for Content Mastery/Resource assistance
Reduced assignments
Preferential seating
Alter physical room arrangement
Define limits (physical/behavior)
Cooling off period and location

Presentation of Subject Matter

Copy notes of other students or teachers
Note taking assistance
Pre-teach content
Check often for understanding/review
Provide visual on key points
Record lectures for replay
Advanced organizers/graphic organizers
Have student repeat directions

Utilize manipulative/"hands on" activities
Make/use vocabulary files
Emphasize critical information
Pre-teach vocabulary
Present demonstration
Emphasize teaching approach (Auditory
Visual Tactile)

Reinforcement and Follow Through

Use of positive reinforcement
Use concrete reinforcement
Request parent reinforcement
Peer tutoring
Teach study skills
Use study sheets to organize material
Reinforce long-term assignment
Repeated review/drill
Use behavioral contracts/check cards
Weekly progress reports
Before or after school tutoring
Conference with student

Testing Adaptations

Highlighted text/study guides
Use supplementary materials
Verbal responses
Type handwritten teacher material
Modify format
Use of laminated materials
Read test to student
Use of adapted or simplified texts
Reduce reading level
Use of calculator/computer
Write test item response for student
Braille texts
Adjust time for test completion
Large print books
Short answer/multiple choice
Credit for projects
Modify weights of examinations
Shorten length

To complete an Initial Section 504 Evaluation in SuccessED use the following forms:

Initial Section 504 Evaluation

- ***Notice and Consent for Initial Section 504 Evaluation*** (must obtain parent signature)
- ***Notice of Release/Consent to Request Confidential Information*** (if obtaining information from an outside source, for example: doctor or psychologist) (parent signature required)
- ***Parent Input*** (Print and give to parent to complete, upload into student History)
- ***Teacher Input*** (Print and give to teachers to complete, upload into student History)
- ***Health Screening for Hearing and Vision*** (Form **not** in SuccessED, Print and give to Nurse, upload to student History)
- ***Referral Information*** (completed if information not obtained from a RISK meeting in Eduphoria)

Notice of Section 504 Meeting (Once data collection and student information is gathered to conduct the Section 504 evaluation, schedule the meeting and notify the parent.)

Section 504 Evaluation

- Initial (complete form)

Section 504 Student Service Plan (complete form if accommodations are needed, print and disseminate to teachers and obtain teacher signatures)

Parent Consent for Section 504 Services (If possible complete at meeting to obtain parent signature. If the parent does not attend the meeting, send in mail.)

Notice of Section 504 Evaluation Results (complete and mail copies of Completed Evaluation, Consent for Section 504 Services, Section 504 Student Services Plan, and Parent Notice of Rights)

To complete a Section 504 Re-Evaluation in SuccessED use the following forms:

Section 504 Re-Evaluation (Completed every three years)

- ***Notice of Release/Consent to Request Confidential Information*** (if obtaining new information from an outside source, for example: doctor or psychologist) (parent signature required)
- ***Parent Input*** (Print and give to parent to complete, upload into student History)
- ***Teacher Input*** (Print and give to teachers to complete, upload into student History)
- ***Health Screening for Hearing and Vision*** (Form **not** in SuccessED, Print and give to Nurse, upload to student History)

Notice of Section 504 Meeting (Once data collection and student information is gathered to conduct the Section 504 evaluation, schedule the meeting and notify the parent.)

Section 504 Evaluation

- Re-Evaluation (complete form)

Section 504 Student Service Plan (complete form if accommodations are needed, print and disseminate to teachers and obtain teacher signatures)

Parent Consent for Section 504 Services (If possible complete at meeting to obtain parent signature. If the parent does not attend the meeting, send in mail.)

Notice of Section 504 Evaluation Results (complete and mail copies of Completed Evaluation, Consent for Section 504 Services, Section 504 Student Services Plan, and Parent Notice of Rights)

To complete a Section 504 Annual Review or Review (as needed) in SuccessED use the following forms:

Section 504 Annual Review

Notice of Section 504 Meeting (Once data collection and student information is gathered to conduct the Section 504 evaluation, schedule the meeting and notify the parent.)

Section 504 Evaluation

- Annual Review (complete form)

Section 504 Student Service Plan (complete form if accommodations are needed, print and disseminate to teachers and obtain teacher signatures)

Parent Consent for Section 504 Services (If possible complete at meeting to obtain parent signature. If the parent does not attend the meeting, send in mail.)

Notice of Section 504 Evaluation Results (complete and mail copies of Completed Evaluation, Consent for Section 504 Services, Section 504 Student Services Plan, and Parent Notice of Rights)

To complete a Section 504 Manifestation Determination in SuccessED use the following forms:

Notice of Section 504 Meeting (Normally completed by phone and not completed in SuccessED)

Section 504 Evaluation

- Manifestation Determination (complete form, be sure to include how the parent was notified of meeting)

Notice of Section 504 Manifestation Determination Evaluation Results (complete and mail copies of Completed Manifestation Determination, Section 504 Student Services Plan (if updated, and Parent Notice of Rights)

To complete a Section 504 Snapshot for Annual Review in SuccessED use the following forms:

Section 504 Snapshot for Annual Review (complete form and contact parent by phone, print and mail letter)

