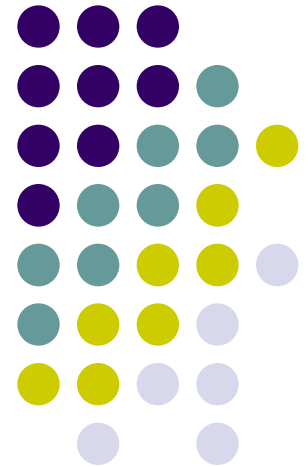


Section 504 Overview



Oct 1, 2018

Presented by:
Student Support Services Department

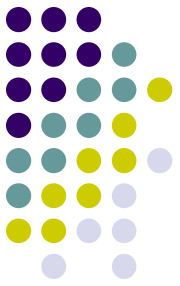
Introductions

What is your familiarity with 504 plans?



What is Section 504? 29 USC 794,34

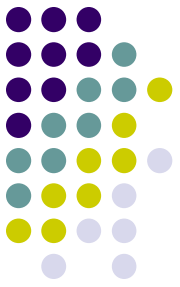
CFR 104.1



- A civil rights law that protects the rights of individuals with disabilities as adequately as compared to non-disabled peers
- Section 504 does not provide funds for a program (where an IEP may).

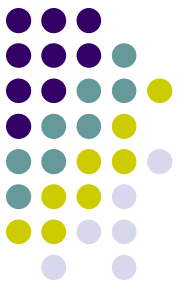
How does a student qualify?

34 CFR 104.3(j), 29 USC 706



ANSWER AFFIRMATIVELY TO THREE (3) QUESTIONS:

- 1) Does the student have a potentially limiting mental or physical **disability or impairment**?
- 2) Does the disability impair a **major life activity** (seeing, hearing, walking, breathing, working, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, learning)?
- 3) Is the degree of impairment **substantial**?



What is substantial?

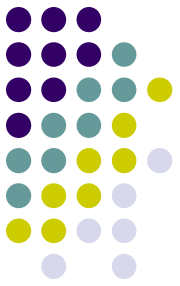
Compare to the average student

How does the impairment affect a major life activity compared to the average student of the same age/grade level in the general population?



Determining 504 Qualification

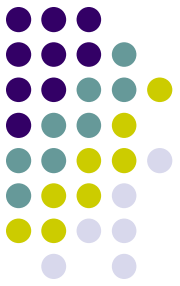
34 CFR 104.3(j), 29 USC 706



- If you answer “YES” to ALL 3 QUESTIONS, then the student qualifies.
- If you answer “NO” to ANY of the 3 questions, then the student does not qualify (but could still receive informal accommodations)
- You are not giving a diagnosis; you are making an educational decision.

Example

- 16 yr-old, ADHD diagnosis
- GPA 4.1 (w/ AP classes and a “zero period”)
- Varsity soccer
- Parents complain student spends a lot of time on homework and is “easily distracted.”



Should this
student qualify
under 504?

Example

- 16 yr-old, ADHD diagnosis
- GPA 4.1 (w/ AP classes and a “zero period”)
- Varsity soccer
- Parents complain that student spends a lot of time on homework and is “easily distracted.”

Take-away:

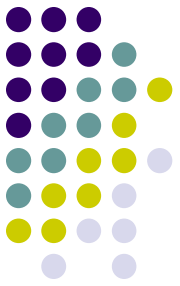
Not every student w/ADHD qualifies for a 504.

Qualify?

NO!!!

Student was able to “...access her education at least as well as most students in her school and is able to learn at a level that is at or above the average person in the general population”

Santa Rosa City Schools (3-6-13) Hearing Decision



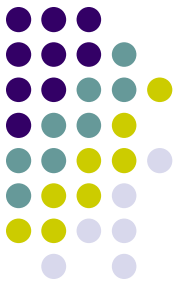
Example

-10th grade student w/ADHD
-504 Team considered the major life activity of “learning” and found that the student had good grades, though low in-class and standardized test scores and determined “**not eligible.**”

-Major Life Activities:

seeing, hearing, walking, breathing, working, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, learning

Agree?



Example

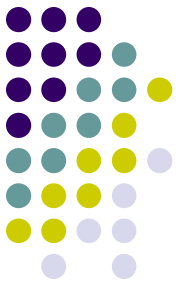
- 10th grade student w/ ADHD
- Major Life Activity = LEARNING
- 504 Team reviewed and found that the student had good grades, though low in-class and standardized test scores.

Take-away: You can't only look at classroom performance and grades.

Qualify!!! LEA should have qualified.

While grades should be considered, other aspects of student performance at school must also be considered (i.e. thinking, learning, etc.)

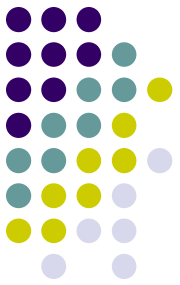
*Torrance Unified Sch. Dist. (OCR 1-31-12)
59 IDELR 16.*



Example

-8th grade student with
medical diagnosis of
Asperger Syndrome
-Asperger Syndrome is
considered a disability.

Should this student
qualify due to the
Asperger diagnosis?



Example

- 8th Grade Student with diagnosis of Asperger Syndrome
- Asperger Syndrome is considered a disability

Take-away:

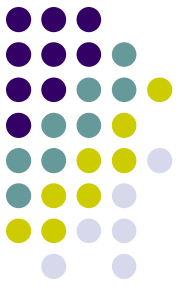
Just because a student has a diagnosis of Asperger's (or autism or anything else), it does not mean an automatic qualification.

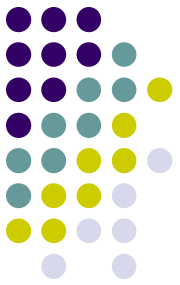
- Qualify?

Maybe

OCR upheld that a student with Asperger Syndrome was not substantially limited in any major life activity and, therefore the student did not qualify under Section 504.

*Ferguson-Florissant R-II Sch. Dist.
(OCR 2010) 07101085.*





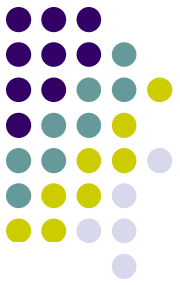
Medical Diagnosis?

- 504 evaluation is NOT a diagnosis.
- It is an educational decision made by a multi-disciplinary team, **not a decision by a doctor's note on a prescription form.**
- The TEAM recommends accommodations to ensure equal access to learning.

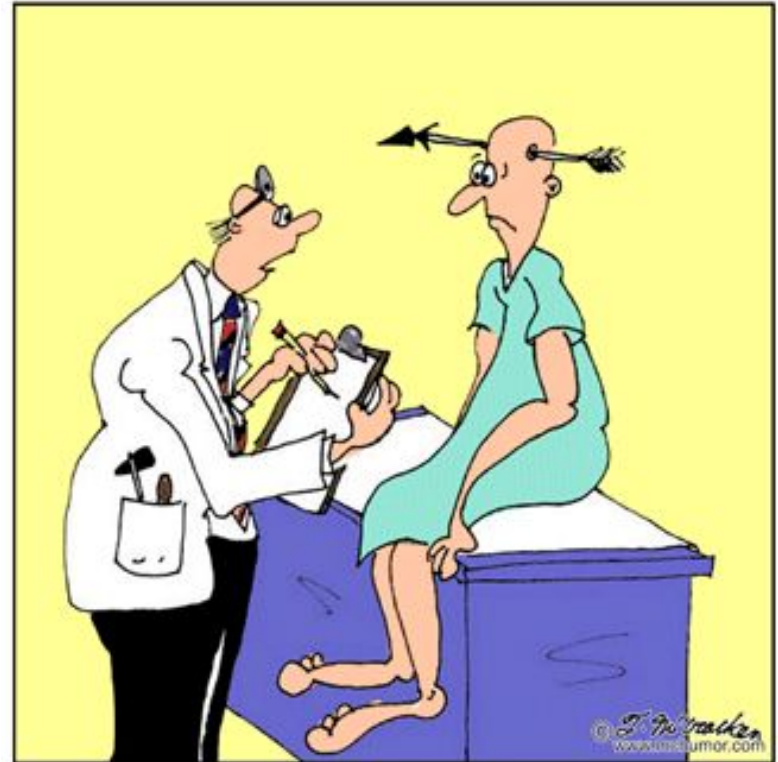


Medical Diagnosis

- Some medical conditions may be addressed without a 504, using an individualized healthcare plan provided by the school nurse.
- Always refer back to “The Three Questions!”

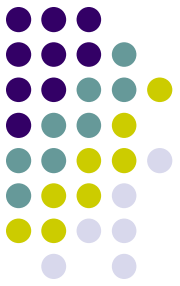


MCHUMOR by T. McCracken



“Off hand, I'd say you're suffering from an arrow through your head, but just to play it safe, I'm ordering a bunch of tests.”

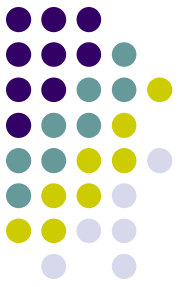
The 504 “Three Questions”



- 1) Does the student have a potentially limiting mental or physical **disability or impairment** (or record of, or regarded as such)?
- 2) Does the disability impair a **major life activity** (seeing, hearing, walking, breathing, working, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, learning)?
- 3) Is the degree of impairment **substantial**?



Examples of Disabilities That May Necessitate a 504 Plan

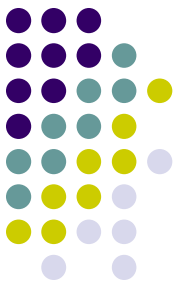


- Physical disabilities (hearing loss in one ear)
- Marginal special education categories (i.e. ADD/ADHD, Tourette Syndrome)
- Chronic health conditions (severe asthma, allergies, diabetes, epilepsy)
- Specialized health care services (oxygen administration)
- Others: obesity, emotional/ mental illness, chronic migraine headaches

The Referral Process

- Written request
- Written response by school; schedule date, request records from parent, provide procedural rights (NOT same as SPED rights)
- Data gathering
- Data review, as a team (refer to the 3 questions)
- 504 meeting
- Accommodation plan
- Review plan periodically (at least annually prior to the next grade level).
- Re-evaluate every 3 years (or sooner if appropriate).
- If the student does not qualify, consider an informal plan of accommodations.





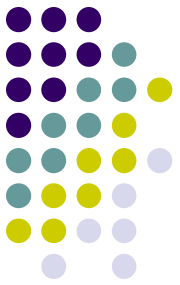
The 504 TEAM

- **Placement decisions MUST be made by a team.** 34 CFR 104.35 (c)
 - *Teacher(s)
 - *Administrator/
Designee
(504 case manager)
 - *Parent
 - Counselor
 - Psychologist
 - Nurse
 - Student (if appropriate)

**mandatory team members*

The 504 team often mirrors the Student Study Team (SST).





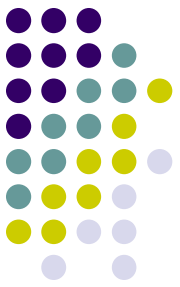
Initiating a Referral

- Teacher request
- Nurse request
- Parent request
- SST request



Written Request

34 CFR 104.35



- Indication of student's physical or mental impairment which may limit a major life activity (learning)
- Medical records/medical release (not required to have a medical diagnosis and parents not required to give medical background)
- Other records/info that may be helpful in the process
- Signed and dated





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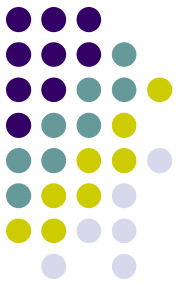
Notice of Meeting

- State purpose on notice:
 - 1) Determine impairment and develop an accommodation plan as appropriate.
 - 2) Review records, interview experts, collect new data.
- Distribute procedural safeguards with notice.

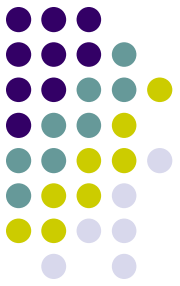
Procedural Safeguards

34 CFR 104.12

- Right to participate in education programs without discrimination
- Right to notice of an evaluation meeting
- Right to receive **reasonable** accommodations
- Free and appropriate public education (FAPE) in the least restrictive environment (LRE) as much as possible
- Decisions made as an interdisciplinary team
- Equal opportunity to participate in extracurricular activities
- Right to review student records and obtain copies
- Right to periodic reviews and reevaluations
- Right to appeal

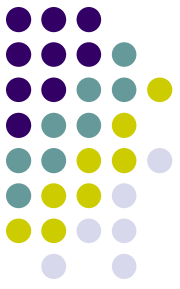


504 Team Meeting Agenda



- Reason for referral
- Teacher observations
- Achievement data
- Classroom interventions
- Health information
- Attendance record
- Evaluation determined by 3 questions
- Determination
- Appeal rights

What Data may be needed for the 504 evaluation?

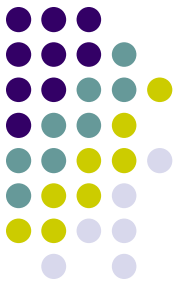


- Teacher observations/Cum
- Academic interventions
- Report cards
- Test scores
- Student work samples
- Medical reports
- SPED assessment if student did not qualify for an IEP



Accommodation Plan

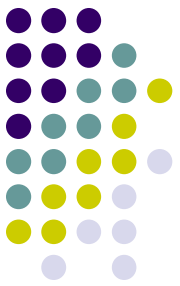
34 CFR 104.33



- Present levels of student performance
- The disabling condition and how was it determined
- **Major life activity/activities impaired** (seeing, hearing, walking, breathing, working, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking, learning)
- Accommodations needed (i.e. setting, materials, strategies)

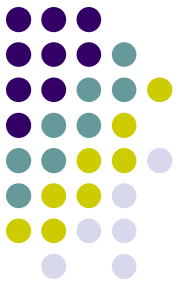
Accommodation Plan

34 CFR 104.33

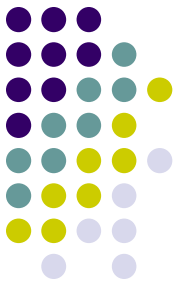


- The plan should provide a ***systematic approach*** to ensure that the student is receiving the necessary and appropriate accommodations.
- Ensure that all parties working with student are aware of the plan (*i.e. football coach must be given plan for asthmatic student w/accommodations for inhaler or oxygen treatment on sideline.*) You can be held personally liable if the coach isn't informed.

Accommodation Examples



- **Organization:** daily/ visual schedule, reward system, homework buddy
- **Environment:** cooperative learning group, study carrel, seated next to positive role model
- **Presentation:** oral and written directions, check for understanding, note taking
- **Assignments:** calculators, extra time, open book
- **Medical:** water at desk, extra travel time between classes, frequent bathroom breaks, allow to self-administer/carry meds (if appropriate)



Accommodation Plan

- Don't go overboard: 3-5 accommodations
- Describe the issue, accommodations, who's responsible, frequency, review date
- If/when there is no longer a need, the 504 team must meet to dismiss the student from the plan formally.

Questions?

(What's your familiarity now?)

