

**BIG PICTURE EDUCATIONAL  
ACADEMY**

**SECTION 504  
PROCEDURAL HANDBOOK**

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## **I. INTRODUCTION**

### **A. What Is Section 504?**

Section 504 of the Rehabilitation Act of 1973 is a federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any federal department or agency. These organizations and employers include school districts and other public educational entities.

Section 504 forbids organizations from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services. In the school setting, Section 504 guarantees disabled students a right to a free appropriate public education.

### **B. What Is The Individuals With Disabilities Education Act?**

The Individuals with Disabilities Education Act (IDEA), which was most recently reauthorized in 2004, is the federal statute that guarantees students with a disability a free appropriate public education made up of special education and related services that are designed to meet each student's unique needs. The IDEA sets forth procedural and substantive requirements that LEA's must follow.

### **C. Who Is Protected Under The IDEA?**

The IDEA applies to any public school district or public agency responsible for providing special education or related services to disabled students. To be protected by the IDEA, a student must meet the eligibility criteria set forth under state and federal law. He or she must also require special education and related services. Under the IDEA and state law, children with disabilities have the right to a free appropriate public education (20 USC § 1400 et. seq.; Cal. Educ. Code § 56000.) A "child with a disability" is a child with mental retardation, a hearing impairment, a speech or language impairment, a visual impairment (including blindness), emotional disturbance, orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services which cannot be provided with modification of the regular school program. (20 USC § 1401(3)(A); 34 CFR § 300.8(a); Cal. Educ. Code § 56026(a) and (b).)

**D. Who Is Protected Under Section 504 And The ADA?**

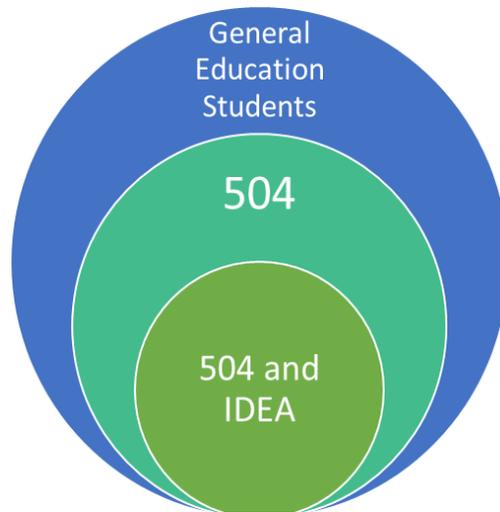
Section 504 and the Americans with Disabilities Act (ADA) protect qualified individuals with disabilities. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities.<sup>1</sup> People who have a history of, or who are regarded as having, a physical or mental impairment that substantially limits one or more major life activities are also covered, although to a lesser extent.

“Major life activities” as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. However, it should be remembered that this is a non-exhaustive list.

Per the ADA Amendments Act and OCR's interpretation of the non-exhaustive list, other functions can be major life activities for purposes of Section 504. Per OCR's written guidance: “In the Amendments Act, Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. The Section 504 regulatory provision, though not as comprehensive as the Amendments Act, is still valid – the Section 504 regulatory provision’s list of examples of major life activities is not exclusive, and an activity or function not specifically listed in the Section 504 regulatory provision could nonetheless be a major life activity.”

Whether a particular condition renders a student an individual with a disability within the meaning of Section 504 or the ADA, requires a case-by-case determination.

**E. How do Section 504 and IDEA interact?**



This diagram illustrates how Section 504 and IDEA apply to LEAs. Generally, for students who qualify for IDEA, all section 504 provisions are included in any services, accommodations or modifications provided through their IEP. For students who do not qualify for services under IDEA, a separate committee, plan and process must be convened and followed. There are exceptions for students who are eligible for IDEA and not receiving services.

<sup>1</sup>Section 504 does not define the term “substantial limitation.” For further guidance, please refer to Section V, (Frequently Asked Questions), Question 3, “When does an impairment “substantially limit” a student’s major life activity?”

**F. IDEA and Section 504: A Brief Overview of Differences**

	<b>IDEA</b>	<b>504</b>
<b>Primary Purpose</b>	Educational benefit	Equal access for students with disabilities
<b>Who is covered</b>	Handicapping conditions defined Those with impairments that adversely affect educational performance and require special education and related services	No eligibility categories Those with impairments that substantially limit a major life activity
<b>Purpose of the Plan</b>	Goals and objectives outlined for the student (what the student will do)	Accommodations, modifications, and/or services provided to the eligible student by the teacher(s) or relevant school staff members (what the teacher or staff member will do)
<b>Consent</b>	Parent/Guardian/Adult Student consent is required for eligibility, initial services, and changes in placement.	Parent/Guardian/Adult Student consent is required for initial Section 504 evaluations and any formal assessments. Parent/Guardian/Adult Student s are invited to participate in the evaluation meeting and in the development of the plan.
<b>Regulation</b>	Regulations IDEA – many specifics	OCR (Office for Civil Rights) – few specifics
<b>Participation</b>	Procedural rights to participate	Invite Parent/Guardian/Adult Student participation; procedural rights to notice of all meetings
<b>Due Process</b>	Due process rights	Right to an impartial hearing
<b>Stay put</b>	Last agreed upon placement	No stay put provisions
<b>Funding</b>	All states receive federal funding	No federal funding
<b>Monitoring</b>	California Department of Education is required to develop regulations and to monitor the provision of special education. United States Department of Education (USDOE) oversees implementation.	VDOE and OCR monitor and oversee the school division’s implementation of 504 plans. OCR oversees implementation.

## OVERVIEW OF SECTION 504

### F. Requirements

#### 1. Nondiscrimination

##### a. School Districts May Not:

- Refuse to allow a person with a disability to participate in or benefit from their services, programs, or activities because the person has a disability.
- Apply eligibility criteria for participation in programs, activities and services that screen out or tend to screen out individuals with disabilities, unless they can establish that such criteria are necessary for the provision of services, programs or activities.
- Provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.

##### b. School Districts Must:

- Provide services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.
- Make reasonable modifications in their policies, practices and procedures to avoid discrimination on the basis of disability, unless they can demonstrate that a modification would fundamentally alter the nature of their service, program or activity.
- Ensure that individuals with disabilities are not excluded from services, programs and activities because buildings are inaccessible.
- Provide auxiliary aids to individuals with disabilities, at no additional cost, where necessary to ensure effective communication with individuals with hearing, vision or speech impairments. (Auxiliary aids can include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for the deaf [TDDs],

videotext displays, readers, taped texts, Braille materials and large print materials.)

## **2. Free Appropriate Public Education**

The federal regulations that implement Section 504 require a recipient that operates an elementary or secondary education program, such as the District, to provide a free appropriate public education (FAPE) to each qualified individual with a disability in its jurisdiction (34 CFR 104.33(a).) A FAPE is defined by 34 CFR § 104.33(b)(1), as “the provision of regular or special education and related aids and services that are designed to meet the needs of individuals with disabilities as adequately as the needs of individuals without disabilities are met.”

### **G. Child Find**

Section 504 requires school districts to annually “undertake to identify and locate every qualified individual with a disability residing in their jurisdiction who is not receiving a public education. (34 CFR § 104.32.) Schools must conduct an evaluation of any student “who, because of handicap, needs or is believed to need special education and related services.” (34 CFR § 104.35(a).)

This obligation extends to privately enrolled students and also to those children residing in hospitals and universities. Homeless children within District boundaries are also included in Section 504’s child find scope.

### **1. Red Flags For Considering Possible Supports Under Section 504/ADA**

- When a Parent/Guardian/Adult Student frequently expresses a concern about their child’s performance.
- When a suspension or expulsion is being considered for any student.
- When retention is being considered for any student.
- When a student shows a pattern of not benefiting from instruction.
- When a student returns to school after a serious illness or injury.
- When a student is referred for evaluation, but it is determined not to do an evaluation under the IDEA.
- When a student is evaluated and does not qualify for special education services under the IDEA.

- When a student exhibits a chronic health condition.
- When a student has been identified as having attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD).
- When a student is identified as “at risk” or exhibits the potential for dropping out of school.
- When substance abuse is an issue. The individual must have stopped using the substance and should either be in rehabilitation or have gone through the rehabilitation process.
- When a disability of any kind is known or suspected.
- When a new building or remodeling is being considered and a student is known to have extreme sensitivity to chemicals.
- When a student has a Parent/Guardian/Adult Student with a disability.

## **H. Referrals**

### **1. Who Can Refer?**

A school district, a private or public agency or institution or a Parent/Guardian/Adult Student may initiate a referral for a pre-placement evaluation, the same as under IDEA. Although Section 504 regulations do not address when, or whether, school districts must obtain prior Parent/Guardian/Adult Student consent for initial evaluations, OCR has concluded such consent is necessary.<sup>2</sup>

Regarding persons who may initiate a referral for a pre-placement evaluation, Section 504 does not specify who may make these referrals. Looking to special education law for guidance, the Education Code states that school districts are required to have “identification procedures” that include “systematic methods of utilizing referrals of pupils from teachers, Parent/Guardian/Adult Student s, agencies, appropriate professional persons, and from other members of the public.” (Cal. Educ. Code § 56302.) “Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with modification of the regular instructional program.” (Cal. Educ. Code § 56302.)

Additionally, Education Code section 56029 defines a “referral for assessment” as “any written request for assessment to identify an individual with exceptional needs made by... (a) a Parent/Guardian/Adult Student or guardian of the individual, (b) a teacher or other service provider of the individual, (c) a foster Parent of the individual,

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<sup>2</sup> *Letter to Durham*, 27 IDELR 380 (OCR 1997). See also OCR Senior Staff Memorandum, 19 IDELR 892 (OCR 1992).

consistent with the limitations contained in federal law.” Although referrals from persons other than listed above do not fit the statutory definition of “referral for assessment,” the information from such referrals may trigger the District’s obligation to initiate child find by inquiring into the basis for the referral and making a school-based referral if necessary.

## **2. The Referral Process**

Any student believed by a Parent/Guardian/Adult Student or school professional to have a handicap that substantially limits a major life activity, such as learning, is to be referred to a Section 504 Coordinator, who will start the process to determine eligibility under Section 504. The Section 504 Team will be composed of persons knowledgeable about the student’s individual needs, the student’s school history, the meaning of evaluation data and placement options.

The Section 504 Team will consider the referral. After reviewing the student’s school records (including academic, social, and behavioral records), identifying the current strategies in place and the student’s needs, the Section 504 Team will make a determination as to whether or not additional evaluation is required.

If additional evaluation is needed, it will be conducted pursuant to Section 104.35(b), Title 34 of the Code of Federal Regulations. Students requiring further evaluation will be referred to the appropriate evaluation staff. A decision will then be made regarding eligibility under Section 504.

### **Inappropriate Referrals for Section 504**

Some common misuses of a Section 504 Service Plan are outlined below:

- A Parent/Guardian/Adult Student /guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Service Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Service Plan in response to challenges the student may encounter (but is not currently encountering) in the future, or in the next grade span.
- A student is placed on a Section 504 Service Plan solely because the Parent/Guardian/Adult Student /guardian wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).

- A student is placed on a Section 504 Service Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under the IDEA but is automatically provided with a Section 504 Service Plan.
- A student is automatically placed on a Section 504 Service Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.
- A student is placed on a Section 504 Service Plan as an alternative way to receive special education and related services because the Parent/Guardian/Adult Student refuses to “label” his/her child by including him/her in a special education program; this may also apply in cases where Parent/Guardian/Adult Student /guardian has revoked consent to special education.

## **I. Evaluation Process**

Notification to the Parent/Guardian/Adult Student /legal guardian is required for a Section 504 evaluation or re-evaluation. The Section 504 Site Coordinator or his/her designee shall send the Parent/Guardian/Adult Student or legal guardian a copy of the Referral for Consideration of Section 504 Eligibility, the Notice of Meeting, Consent for Section 504 Evaluation, and Notice of Parent/Guardian/Adult Student /Student Rights.

### **1. The Section 504 Evaluation**

The Section 504 evaluation should be individualized to consider each student’s individual needs. It should:

- Be based on information from a variety of sources, e.g., teacher(s), other school staff members, Parent/Guardian/Adult Student, physician, nurse, other professionals, or persons in the community.

- Document and consider all available pertinent information, such as records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting major life activity.
- Be conducted by a team or group of persons including those who are knowledgeable about the child, the suspected handicapping condition, evaluative procedures, the meaning of evaluative data, and placement options.
- Utilize assessment materials, tests, and/or evaluation procedures which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.

The Section 504 evaluation procedures may include:

- A review of school records.
- Interviews/notes from persons knowledgeable about the child's functioning.
- Observations in the school, home, or community environments.
- Administration by a school psychologist of educational and/or psychological measures appropriate for assessing the presenting concern.

The Parent/Guardian/Adult Student must be invited to participate in a Section 504 Team meeting where the results of the evaluation, the determination of handicap, and possible accommodations, services, and other necessary supports will be discussed. Every effort should be made to hold this meeting at a time when the Parent/Guardian/Adult Student /legal guardian is able to attend.

## **J. Eligibility**

### **1. Definitions**

*Individual with a disability.* Section 504 and the ADA protect *qualified individuals with disabilities*. For purposes of Big Picture Educational Academy educational programs, an *individual with a disability (also defined as a “handicapped person” under federal regulations)* means a person who has a physical or mental impairment that substantially limits one or more major life activities (34 CFR § 104.3(j).)

**Physical or mental impairment** means (A) 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, genitor- urinary; hemic and lymphatic; skin; and endocrine; or (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (34 CFR § 104.3(j)(2)(i).)

**Major life activities** means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. (34 CFR §104.3(j)(2)(ii).) Please see the description under Paragraph 2 of Page 2 for a further discussion of when a function might be considered a major life activity.

**Substantial Impairment.** Interestingly, neither the Section 504 statute nor its implementing regulations provide a definition for the term “substantial limitation.” For further guidance, please refer to Section V, (Frequently Asked Questions), Question 3, “When does an impairment “substantially limit” a student’s major life activity?”

- *Practice Tip:* Always remember, whether a particular condition constitutes a disability within the meaning of Section 504 or the ADA, requires a case-by-case determination.

## **2. Scope of 504 Protections**

Students who have an **actual physical or mental impairment that currently substantially limits a major life activity** are protected against discrimination based on their disability. These students are eligible for a free appropriate public education under Section 504.

Students who have a “**record of such an impairment**” or who are “**regarded as having an impairment**” are also protected by Section 504. However, although such students are protected against discrimination under Section 504, they are not entitled to a FAPE. The District’s duty to a student who “has a record of a disability” or is “regarded as disabled” is to protect the student from discrimination. (For example, it would be discriminatory for a school district to prohibit a student who has a record of drug addiction but is not currently engaging in the illegal use of drugs from participating in an interscholastic athletic team, based on the student’s “record of disability”.)

## **3. Eligibility Determinations At The Section 504 Evaluation Meeting**

In order to determine Section 504 eligibility during the evaluation meeting, the Section 504 team should consider the following steps:

- a. **Discuss evaluation information described in Section II, D, 1 above. Such information may include the following:**
  - Statements and information from teachers and other school staff members.

- Social and cultural background information.
  - Assessment and/or testing information (e.g., behavioral observations, adaptive behavior, academic achievement, cognitive functioning).
  - Statements and information from physicians or other professionals.
  - Statements and information from Parent/Guardian/Adult Student /legal guardian and/or persons in the community.
  - School attendance information.
- b. Determine whether a physical or mental impairment can be identified.**
- Does the student currently have a mental and/or physical impairment?
- c. Determine whether the impairment or condition substantially limits one or more major life activities.**
- *Practice Tip:* While the term “substantial limitation” is not defined in Section 504, remember that “substantial” relates to the limitation of a major life activity, not the condition or handicap (e.g., a substantial limitation to learning).
- d. Conclusion: Determine whether the student qualifies as disabled under Section 504:**
- The impairment substantially limits one or more major life activities for that person.

If the student is determined to be an individual with a disability under Section 504, the Section 504 Team must develop a written Section 504 Plan which documents the regular or special education and/or related aids and services that will be provided to meet the educational needs of the disabled student, as adequately as the needs of non-handicapped persons are met.

## **K. Section 504 Plan**

### **1. How Does The Disability Impact The Student's Learning?**

The Section 504 Team should consider the impact of the impairment on the student's learning and/or educational program. Areas of possible impact might include the following:

- Grades.
  - Accessibility to all aspects of the curriculum (e.g. participation in physical education classes).
  - Academic productivity and performance.
  - Social/interpersonal relationships.
  - Behavior/emotional status.
  - Extracurricular activities.
- *Practice Tip:* Ask the question: “Is the student afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age-appropriate peers?”

### **2. Development of A Section 504 Plan**

For a student who has been identified as disabled within the meaning of Section 504, the Section 504 Team is responsible for determining what the student requires in order to receive an appropriate education. The Section 504 Team will develop a Section 504 Plan which will document the disability and the supports needed.

- *Practice Tip: Remember, the federal regulations state that for Section 504-eligible students, the provision of an appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met (34 CFR § 104.33(b)(i)). The Office for Civil Rights takes the position that a school district cannot refuse to provide special education services to a disabled student who needs special education services simply because the student doesn't meet the eligibility criteria under the IDEA. However, as a practical matter, disabled students who are likely to need special education services are students who are eligible for special education under the IDEA.*

In developing the Section 504 Plan, the Section 504 Team must consider all available, relevant information drawing upon a variety of sources. This may include,

but is not limited to, comprehensive assessments conducted by the District's professional staff.

The Parent/Guardian/Adult Student must be invited to participate in the Section 504 Team meeting where the Section 504 Plan for the student will be developed. They also must be given an opportunity to examine all relevant records.

A copy of the Section 504 Plan must be maintained in the student's cumulative file. The student's teacher, instructional assistant and other school employees who provide services to the student shall be informed of the Section 504 Plan for the student.

If the Section 504 Team determines the development of a Section 504 Plan is not necessary, the Section 504 Team will document the basis for the decision that no accommodations, aids and/or services (regular and/or special education) are currently needed.

### **3. Implementation**

Once a Section 504 Plan is developed, it must be shared with all members of the student's educational team for implementation. Each of the student's teachers and service providers should have a copy of the Section 504 Plan, and any other persons responsible for the student's education on a temporary basis (such as substitute teachers) should have access to a copy of the 504 Plan as well.

#### **L. Monitoring and Review of Student Progress**

##### **1. When Must the Student Be Reevaluated?**

The Section 504 Team will periodically monitor the progress of the disabled student and the effectiveness of the student's Section 504 Plan. It is the general practice of the Big Picture Educational Academy to review Section 504 Plans on an annual basis; however, every case is treated individually. The Section 504 Team will review whether the Section 504 Plan continues to be appropriate and necessary to ensure the disabled student's needs are being met.

Prior to any significant change in the Section 504 Plan, an updated evaluation of the student's needs will be conducted. Reevaluations are considered just as important as the pre-placement evaluation in the overall scheme of the evaluation process. The student's education needs may change frequently throughout the course of his educational career, and the reevaluation requirement exists to assess evolving needs.

##### **2. Frequency Of Reevaluations**

###### **a. Students must be reevaluated prior to a significant change in placement. (34 CFR § 104.35(a).) Some examples of changes in placement might include:**

- When a student has a change of program or placement.

- When a student transfers to a new school and his environment changes.
  - When a student's behavior or grades shift dramatically.
  - When a Section 504 team reviews a student's Section 504 Plan because he has improved so much, he may no longer require services.
  - When a student is disciplined for more than 10 consecutive school days or is subject to a pattern of disciplinary removals each of less than 10 school days that results in a change of placement. (See Section II, H, below.)
- b. Students receiving services under Section 504 should be reevaluated periodically. (34 CFR § 104.35(d).)**
- A reevaluation procedure that is consistent with the requirements of the IDEA is one way of meeting this requirement. However, although the IDEA requires reevaluations at least every three years, it is recommended that Section 504 Teams review Section 504 Plans annually. If additional assessment is required annually given the student's disability-related needs, those assessments should be conducted.
  - A reevaluation should occur in any area where a disability is suspected. (See *West Contra Costa (CA) Unified Sch. Dist.*, 42 IDELR 121 (OCR 2004).)
- c. If the public agency determines that the educational or related service's needs, including improved academic achievement and functional performance of the child warrant a reevaluation; or**
- d. If the child's Parent/Guardian/Adult Student or teacher requests a reevaluation.**

**M. Discipline Actions for Students with 504 plans**

Different rules and limitations apply to disciplinary actions taken against students with disabilities than apply to actions against nondisabled students. As a rule, the procedural protections available to students classified as disabled under the IDEA are available to students classified as disabled under Section 504. One example of an exception is students who are disabled solely by virtue of alcoholism or drug addiction are not afforded these same protections.

School personnel may also consider any unique circumstances on a case-by-case basis when determining whether a change in placement (in this context a disciplinary removal) is appropriate for a child with a disability who violates a code of student conduct. This change of placement may be to an appropriate interim alternative education setting, another setting, or suspension for not more than ten (10) consecutive school days. Additionally, removals of not more than ten (10) consecutive school days in the same school year for separate incidents of misconduct may be made.

### **1. Manifest Determination**

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal, child is entitled to a manifestation determination meeting within ten (10) school days of the District's decision to change the student's placement. The child's Parent/Guardian/Adult Student /guardian must be invited to participate as a member of this manifestation determination meeting. At this meeting, the team will determine (based upon a review of all relevant information in the student's cumulative and Section 504 Service Plan files, the Student's Section 504 9 Service Plan, any teacher observations, and any relevant information provided by the Parent/Guardian/Adult Student /guardian) whether the student's alleged behavior was a manifestation of his/her disability by answering the inquiry required by the IDEA. The questions are:

- Whether the conduct in question was caused by, or had a direct and substantial relationship to the student's disability; or,
- Whether the conduct in question was the direct result of District's failure to implement the student's current Section 504 Service Plan.

If the team answers yes to either question, the alleged misconduct shall be determined to be a manifestation of the student's disability. However, if the team answers no to both questions, the alleged misconduct shall be determined not to be a manifestation of the student's disability and the District may take disciplinary action against the student, such as expulsion, in the same manner as it would with a child without disabilities. If the student's behavior is determined to be a manifestation of his or her disability, the District must conduct a functional behavior assessment, and implement a behavioral support plan for the student. In this situation, if a behavioral support plan has already been developed, the District will review the plan and modify it as necessary to address the behavior in question. However, regardless of whether a student's behavior was a manifestation of the student's disability, the District may determine, following assessment, that a change of placement is appropriate for the student. The District may proceed with this change of placement following notice to the Parent/Guardian/Adult Student s; consent is not required for a change of placement pursuant to Section 504.

## 2. Students Who Are Drug Users

Section 504 allows school districts to discipline all students with disabilities who are current drug users for use or possession of drugs in violation of the school district's disciplinary code. 29 USC 705(20)(C)(iv). Because a BPEA student who is currently using illegal drugs is not considered a student with a disability under Section 504, the student can be disciplined under our District's regular code of student conduct, even with a drug addiction.

In OCR Staff Memorandum, 17 IDELR 609 (OCR 1991), the agency stated that the "clear implication" from the legislative history is that an individual who is currently engaging in the illegal use of drugs loses his right to educational services (under Section 504), even if he is otherwise disabled." (*See also Suspension of Handicapped Students*, 307 IDELR 07 (OCR 1989) and *Long-Term Suspension or Expulsion of Handicapped Students*, 307 IDELR 05 (OCR 1988).)

## **II. BPEA PROCEDURES**

### **A. Responsibility of District Personnel**

All school sites and programs within the Big Picture Educational Academy are responsible for compliance with all section 504 regulations. District and school site personnel work together to assure that barriers to education are removed for all students with disabilities.

#### **1. DISTRICT STUDENT SERVICES DIRECTOR RESPONSIBILITIES**

- Facilitates the implementation of the School Board of Education's approved Section 504/ADA policy.
- Develops, continually revises, and ensures the implementation of consistent Section 504 procedures.
- Provides ongoing training and support to staff regarding Section 504 and the implementation of the Section 504 procedures.
- Collects and maintains all Section 504 data (Section 504 plans, lists of eligible students, discipline records) for future reference.
- Continually monitors the reduction of architecture barriers for individuals with disabilities.
- Facilitates the provision of reasonable accommodations for employees with disabilities.
- Serves as a daily resource to district administrators, building level teams and community members regarding Section 504/ADA issues.
- Coordinates Section 504 /ADA grievance procedures.
- Serves as the district's liaison to the Office for Civil Rights. (OCR complaint resolution and corrective action plan implementation).
- Advises the leadership team and school board regarding Section 504/ADA compliance issues and needs.
- Advises the school administrator regarding discipline issues and procedures for Section 504 eligible students being considered for suspension or expulsion.

## **2. SECTION 504 COORDINATOR RESPONSIBILITIES**

- Maintains compliant building records and documentation for all eligible students and provides copies to the county Section 504 coordinator.
- Ensures the implementation of Section 504 procedures in the building.
- Determines appropriate Section 504 team composition.
- Facilitates evaluation/eligibility determination.
- Monitors the implementation of Section 504 plans.
- Serves as a daily resource to the building administrators, teachers, and community members regarding Section 504 issues.
- Assures that Section 504 plans move with the student to the next level or new school.
- Serves as a liaison between the school building and staff regarding Section 504 issues.
- Preliminary develops Section 504 plans through the district 504 program.
- Coordinates referrals.
- Provides notices and obtains consents when necessary.
- Monitors the implementation of Section 504 plans and update the Coordinator of any issues.
- Schedules annual reviews of each Section 504 student.
- Attends periodic Section 504 training meetings.

## COMPLAINT PROCEDURES

### A. Overview

Complaints regarding discrimination based on a person's disability may be handled in a number of ways through different public agencies, depending upon the nature of the discrimination and the remedy requested. The following sections describe the options available to address disability discrimination against students.

### B. District Nondiscrimination Grievance Procedure

As required by California law, the District follows the Uniform Complaint Procedures set forth in Administrative Regulation 1312.3 when addressing complaints alleging unlawful discrimination based on actual or perceived ancestry, color, ethnic group identification, national origin, race, religion, sex, gender (including sexual harassment), sexual orientation, or physical and/or mental disability in any program or activity that receives or benefits from state financial assistance. The District also follows Uniform Complaint Procedures when addressing complaints alleging failure to comply with state or federal law when addressing complaints regarding adult basic education, consolidated categorical aid programs, migrant education, vocational education, childcare and development programs, child nutrition programs, and special education programs.

The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

#### 1. **Complaint Procedures**

Any individual, public agency or organization may file a written complaint of alleged noncompliance. The address to use in submitting all complaints is Big Picture Educational Academy 5735 47<sup>th</sup> Avenue, Sacramento, California 95824.

##### a. **Filing of a Complaint**

The complaint shall be presented to the Human Resources. The Human Resources will receive and investigate complaints and ensure district compliance with the law. The Human Resources will also assist complainants in understanding that they may pursue other remedies including actions before civil court or other public agencies. (T5 CCR 4621, 4622)

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall help him/her to file the complaint.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to

unlawful discrimination. The complaint must be initiated no later than six (6) months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630.)

**b. Mediation**

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential material.

If any mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint. The use of mediation shall not extend the District's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (T5 CCR 4631)

**c. Investigation of Complaint**

The compliance officer shall make all reasonable efforts to hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint.

The compliance officer shall hold an investigative meeting upon receipt of the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to present information relevant to the complaint. (Title 5, Section 4631)

Complaints alleging discrimination based upon one of the protected categories listed above shall be investigated in a manner designed to respect the confidentiality of the parties and facts. Participants in a complaint or investigation process are required to maintain appropriate confidentiality and to abide by specific directives from administrators regarding confidentiality.

To ensure that all pertinent facts are made available, the compliance officer and the complainant may ask other individuals to attend this meeting and provide additional information.

**d. Response**

Unless the parties otherwise agree in writing, within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant, a written report of the District's investigation and decision, as described in Step 5 below.

**e. Final Written Decision**

The report of the District’s decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant’s primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

**f. Appeals**

If dissatisfied with the district’s decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district’s decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (T5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district’s decision and must include a copy of the locally filed complaint and the district’s decision. (T5 CCR 4652)

**C. Office for Civil Rights Complaint**

**1. Who May File a Complaint with OCR?**

Any individual who believes that he or she or a specific individual or class of individuals has been subjected to discrimination on the basis of disability, in a program or activity conducted by a covered entity, (“Complainant”) may file a complaint with the Office for Civil Rights (OCR). Complaints must be filed within 180 days from the date of the alleged discrimination. OCR may extend the 180-day deadline if a Complainant can show “good cause.”

The Complainant must include the following information in his/her written complaint:

- His/her name, address, and telephone number.
- The name and address of the entity the Complainant believes discriminated against him/her.
- How, why, and when the Complainant believes he/she was discriminated against.

- Any other relevant information.

Complainants may also request a Discrimination Complaint Form from an OCR Regional or Headquarters office. Complaints must be signed by the Complainant or an authorized representative.

Complainants are to send their complaint to the Regional Manager at the appropriate OCR Regional Office, or to the address located below.

Office for Civil Rights, Fresno  
U.S. Department of Education  
4499 E. Kings Canyon Road,  
Fresno, CA 93703  
(559) 454-2996

Upon receipt, OCR will review the information provided. If OCR determines it does not have the authority to investigate the complaint, it will, if possible, refer it to an appropriate agency. Complaints alleging employment discrimination on the basis of disability against a single individual may be referred to the U. S. Equal Employment Opportunity Commission for processing.

### **III. OTHER: SECTION 504 TERMS**

**ACCOMMODATIONS** – Adjustments or modifications made by the district, classroom teachers, and other school staff to enable the students to benefit from their educational program. Accommodations may include support of a physical, instruction, or social/emotional nature.

**STUDENT STUDY TEAM (SST)** – A committee composed of persons knowledgeable about the student’s individual needs, that student’s school history, the meaning of evaluation data, and the accommodation options available. The SST convenes to assist and support classroom teachers in addressing individual learning needs of their students. The SST will be utilized to gather, review, and provide evaluative procedures. Additional persons (e.g. school nurse, consultants, social worker, and teachers with specialized training) may be used on an ad hoc basis. Student Study Team may also be referred to as School Site Committee (SSC) or Student Success Team.

**DISABILITY** – Under Section 504, a disability status is considered if a person: 1) has a mental or physical impairment which substantially limits one or more of such person’s major life activities; 2) has a record of such impairments; or 3) is regarded as having such an impairment.

**EVALUATION** – A 504 evaluation must cover the area(s) of concern and be completed within thirty (30) days from the date of referral. Evaluation and test materials used must be chosen to assess specific areas of the student’s need and only trained persons may administer those tests or evaluations. Much of the information may be available in the student’s cumulative file. Need for special education and all medical conditions must be considered. While medical records can be provided by the Parent/Guardian/Adult Student, it is not mandated the district obtain doctor’s input, and is an option of the Parent/Guardian/Adult Student s/guardians to hire a physician to determine a medical condition (e.g. vision, ADD/ADHD, substance abuse, etc.)

**REFERRAL** – A student may be referred for Section 504 consideration by a Parent/Guardian/Adult Student /guardian, a teacher or other certificated staff member, by the student, or by a community agency not connected with the school district.

**REVIEW/RE-EVALUATION** –The student’s progress should be reviewed periodically by the appropriate school staff and Parent/Guardian/Adult Student /guardian, and modified annually or more often, as needed.

**SELF-EVALUATION** –Section 504 requires that federal recipients evaluate their programs, physical accessibility, and employment practices to determine the extent to which current policies and procedures require modification to ensure full participation by students with disabilities. These evaluations should be conducted on a periodic basis.

**STUDENT NEED** –The area(s) of concern, because of handicap, that substantially limit(s) student’s access to a free, appropriate public education, whether it be special education or related services.

**SUBSTANTIALLY LIMITS** – It is generally accepted that without modifications and/or interventions the student would not be afforded an equal opportunity to an appropriate education. A substantial limitation, therefore, serves as a barrier preventing equal access to a major life activity (e.g. learning).

**TRANSITION** – If a district determines that structural modifications are necessary to meet Section 504 program accessibility requirements, the district shall develop a plan setting forth the steps necessary to complete such changes and the time frame for completion. The document containing these steps, and district’s schedule for making the structural changes to facilities, is termed a transition plan. This document is different from the transition plan which is part of the IEP for students covered by IDEA.

#### **IV. FREQUENTLY ASKED QUESTIONS**

##### **1. What is “discrimination” under Section 504?**

Discrimination occurs when a district, *based on disability*:

- denies a disabled student the opportunity to participate in or benefit from an aid, benefit, or service which is afforded to non-disabled students (e.g., denies credit to a student whose absenteeism is related to his disability, expels a student for behavior related to his disability, fails to dispense medication, or provide an individual health plan or nursing care plan to a disabled student who cannot attend school without such services);
- fails to afford a disabled student an opportunity to participate in or benefit from an aid, benefit, or service that is equal to that afforded to non-disabled students (e.g., conditions a disabled student’s participation in a field trip on the student’s Parent/Guardian/Adult Student or guardian attending the trip, refuses to allow an otherwise qualified disabled student to try out for an interscholastic athletic team);
- fails to provide aids, benefits, or services to a disabled student that are as effective as those provided to non-disabled students (e.g., fails to provide a disabled student necessary environmental, instructional or behavioral accommodations or another related aid or service, fails to provide a disabled student necessary study skills instruction or another special education service);
- provides different or separate aids, benefits or services than are provided to non-disabled students unless there is a legitimate, nondiscriminatory reason for doing so (e.g. requires all disabled students to use special education transportation, segregates all disabled students in portable classrooms, requires all disabled students to use a different recess period);
- denies a disabled student the opportunity to participate in programs or activities that are not separate or different unless there is a legitimate and nondiscriminatory reason for doing so (e.g., denies all disabled students the opportunity to eat meals in the school cafeteria, prohibits all disabled students from participating in full day kindergarten, refuses to allow any disabled students to enroll in regular physical education classes);

- denies a disabled student the opportunity to participate as a member of a planning or advisory board (e.g., denies disabled students the opportunity to participate in student government);
- otherwise limits a disabled student in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others (e.g., denies all disabled students admission under school choice);
- aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability (e.g., sponsors a non-district organization that excludes disabled students); and
- selects the site or location of a facility that has the effect of excluding disabled students from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity (e.g., selects an inaccessible facility in which to hold school plays, concerts, or athletic competitions).

**2. What is a “legitimate and nondiscriminatory” reason to treat a student differently, based on disability, under Section 504?**

Treating a student differently, based on disability, is “legitimate and nondiscriminatory” under Section 504 if doing so is: (1) based on a legally sufficient reason (e.g., doing so is educationally justified); and (2) supported by the facts (e.g., based on the student’s education records and other information). For example, it is legitimate and nondiscriminatory to deny a disabled student enrollment in a general education class, based on the student’s disability, if: (1) even with the provision of related aids and services, the student would be unable to participate in or benefit from the class; and (2) the student’s education records and other information support the reason.

**3. When does an impairment “substantially limit” a student’s major life activity?**

Though Section 504 does not define the term “substantially limit,” the term should be interpreted to mean an important and material limitation. For example:

- A student with a diagnosed learning disability whose academic performance is within the norm for his age/grade is not substantially limited in the major life activity of learning;
- A student with ADHD whose behavior is within the norm for his age/grade and who is not removed from school for

disciplinary reasons more than 10 school days in a school year is likely not substantially limited in the major life activity of behavior;

- A student with a food allergy who is not in danger of having an anaphylactic reaction during the school day is likely not substantially limited in the major life activity of breathing; and
- A student with a hearing impairment who has sufficient residual hearing to participate in and benefit from school without related aids or services is not substantially limited in the major life activity of hearing.

**4. Is a school district required to provide FAPE to a student who “has a record of disability” or is “regarded as disabled”?**

*No.* A district is required to provide FAPE to those students who have a physical or mental impairment that currently substantially limits a major life activity. The fact that a student “has a record of disability” or is “regarded as disabled” does not trigger a district’s duty to provide FAPE. A district’s duty to a student who “has a record of a disability” or is “regarded as disabled” is to protect the student from discrimination (e.g., it would be discriminatory for a district to prohibit a student who has a record of drug addiction, but is not currently engaging in the illegal use of drugs, from participating in an interscholastic athletic team, based on the student’s “record of disability”).

**5. What is a “significant change in placement” under Section 504?**

A “significant change in placement” means a significant change in the type or amount of educational or related aids or services that a district provides to a disabled student. For example:

- Initiating or terminating a service;
- Significantly increasing or decreasing the amount of a service;
- Disciplinary actions that exclude a student from school for more than 10 consecutive school days in a school year;
- Disciplinary actions that create a pattern of exclusion from school (e.g., cumulative short-term suspensions that are each 10 school days or fewer in duration that create a pattern of exclusion due to the length of each suspension, the proximity in time of the suspensions, the total amount of time the

student was excluded from school, and the similarities of the behaviors that led to the suspensions);

- Removal from a comprehensive school setting to home and hospital instruction or independent study.

#### **6. Can a temporary health condition be a disability under Section 504?**

*Maybe.* A student with a temporary health condition whose condition is so severe that it substantially limits one or more of the student's major life activities for an extended period of time may qualify as a disabled student under Section 504. For example, though pregnancy is not generally considered a disability under Section 504, a district may determine that a pregnant student, who cannot attend school for several months due to pregnancy-related complications, is disabled under Section 504.

#### **7. Can drug addiction be a disability under Section 504?**

*Maybe.* A student who is drug addicted but is in recovery and is not currently engaging in the illegal use of drugs, may qualify as a disabled student under Section 504 if the student's drug addiction substantially limits the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district's education program. A student who is drug addicted and is currently engaging in the illegal use of drugs, however, is excluded from the definition of a disabled student under Section 504. A district is under no obligation to evaluate such a student under Section 504 regardless of the educational impact the drug addiction is having on the student. A district may treat such a student in the same manner as it treats non-disabled students.

#### **8. Can alcoholism be a disability under Section 504?**

*Yes.* A student who is addicted to alcohol, regardless of whether the student is currently using alcohol or is in recovery, may qualify as a disabled student under Section 504 if the student's alcoholism is substantially limiting the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district's education program.

#### **9. Does Section 504 protect a disabled student who is a current user and engages in drug or alcohol related misconduct at school?**

*No.* A district may discipline a disabled student for the illegal use or possession of drugs or alcohol at school or at a school-sponsored function in the same manner and to the same extent as it disciplines non-disabled students if the disabled student is a current user. The procedures at 34 CFR 104.35 (regarding manifestation determinations) and 104.36 (regarding procedural safeguards) are not required for such disciplinary actions. The Parent/Guardian/Adult Student or guardian of the disabled student may challenge the regular education issues raised by the disciplinary action (e.g., whether the student did

what he was charged with doing) at a regular education discipline hearing, but does not have a right to challenge the disciplinary action under Section 504. For example, the Parent/Guardian/Adult Student has no right to challenge the disciplinary action by asserting that the student's drug or alcohol-related misconduct was disability-related.

**10. Can “social maladjustment” be a disability under Section 504?**

*Maybe.* A student with a “social maladjustment” (e.g., diagnosed conduct disorder or oppositional defiance disorder) may qualify as a disabled student under Section 504 if the student's condition substantially limits the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need medication administration, school counseling, a behavioral intervention plan, or another type of special education or related aid or service to participate in or benefit from the district's education program.

**11. Is “specific learning disability” defined the same under Section 504 as it is under IDEA?**

*Yes.* OCR will interpret the term “specific learning disability” as it is used in federal and state law.

**12. Can a district require a Parent/Guardian/Adult Student to provide a medical diagnosis before it will initiate an evaluation of a student under Section 504?**

*No.* Under Section 504, a district must evaluate a student if the district knows or suspects that the student, because of a disability, needs special education or related aids or services, regardless of whether the student has a medical diagnosis. A district may provide a student medical diagnostic services, as a related service, if the district believes that it needs a medical diagnosis to determine whether a student has a medical condition.

**13. Does a student with a medical diagnosis automatically qualify as a disabled student under Section 504?**

*No.* Not every medical diagnosis will substantially limit a student's ability to perform a major life activity. However, if a medical diagnosis does substantially limit a student's ability to perform a major life activity (e.g., to learn or attend school), the student may qualify as a disabled student under Section 504. Such a student may need an individual health plan, an emergency care plan, or another type of special education or related aid or service documented in a Section 504 plan to participate in or benefit from the district's education program.

**14. Does a student with a “life threatening health condition,” as defined by state law, automatically qualify as a disabled student under Section 504?**

*Yes.* Because state law, SHB 2834, defines “life threatening health condition” as a health condition that puts a student in danger of death during the school day if a

medication or treatment order and a nursing care plan are not in place, by definition, a student with a “life threatening health condition” has a physical or mental impairment that substantially limits a major life activity, and qualifies as a disabled student under Section 504.

**15. What should trigger an initial evaluation under Section 504?**

A district should evaluate a student if the district knows or suspects that, *due to a disability*, the student needs special education or related aids or services to participate in or benefit from the district’s education program.

For example, the following situations may trigger an initial evaluation under Section 504:

- A student failing to achieve passing grades;
- A student failing to advance from grade to grade;
- A student being chronically absent from school;
- A student returning to school after a serious illness or injury;
- A student returning to school after alcohol or drug treatment;
- A student being diagnosed with a “life threatening health condition”;
- A student being expelled from school.

**16. Can a district limit its duty to provide FAPE to a disabled student based on cost?**

*No.* As a general rule, a district’s FAPE obligation under Section 504 is not subject to cost considerations. For example, a district generally may not refuse to provide necessary special education or related aids or services to a disabled student because doing so would cause the district a financial hardship.

**17. Can a district refuse to provide special education services to a disabled student because the student doesn’t meet the eligibility criteria under IDEA?**

*No.* A district cannot outright refuse to provide special education services to a disabled student who needs special education services simply because the student doesn’t meet the eligibility criteria under the IDEA. The federal regulations state that for Section 504 eligible students, the provision of an *appropriate education* is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met (34 CFR section 104.33(b)(i)). However, as a practical matter, disabled students who are likely to need special education services are students who are eligible for special education under the IDEA.

**18. Can a district deny a disabled student admission under school choice?**

*Maybe.* If a district chooses to participate in school choice, it must consider and act upon requests for admission under school choice in a manner that affords disabled students an equal opportunity to be admitted as compared to non-disabled students. As a general rule, a district cannot deny a disabled student admission under school choice unless it has a legitimate, nondiscriminatory reason for doing so (e.g., the grade level or

school that the student needs is at capacity). A resident district's refusal to release special education funds for a student is not a legitimate reason to reject a disabled student under school choice.

**19. Can a district place a disabled student on a shortened school day?**

*Maybe.* As a general rule, a district cannot limit the length of a disabled student's school day unless it has a legitimate, nondiscriminatory reason for doing so (e.g., a shortened school day is necessary to provide a particular student FAPE). In general, transportation difficulties, staff shortages, and other administrative concerns are not legitimate reasons to place a disabled student on a shortened school day.

**20. Can a district exclude a disabled student from a field trip?**

*Maybe.* As a general rule, a district cannot exclude a disabled student from participating in a field trip for which the student is otherwise eligible to attend unless the district has a legitimate, nondiscriminatory reason for doing so (e.g., it is not medically or behaviorally safe to include the student). It is not a legitimate reason to exclude a disabled student from a field trip because:

- The student needs a school health service (e.g. the administration of medication or the assistance of a school nurse) during the field trip; or
- The student's Parent/Guardian/Adult Student or guardian is unable to attend the field trip, unless the participation of the Parent/Guardian/Adult Student s or guardians of non-disabled students is required.

**21. Is a disabled student entitled to extended school year (ESY) services?**

*Maybe.* As a general rule, a district must provide ESY services to a disabled student if:

- The student's ability to perform a critical skill would substantially regress during a normal school break and the student would not recoup the lost skill within a reasonable period of time; or
- For one or more other reasons, the interruption of instruction on a critical skill during a normal school break would prevent the student from benefiting from his or her education program during the regular school year.

**22. How does Section 504 apply to the disciplinary removal of a disabled student from school?**

Section 504 protects disabled students from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504

and IDEA apply to the disciplinary removal of disabled students in a similar manner. Before a district can implement a disciplinary action that constitutes a “significant change in placement” (Refer to “What is a ‘significant change in placement’ under Section 504?”), it must evaluate the student to determine whether the student’s misconduct is either related to his or her disability or due to an inappropriate placement. This type of evaluation is commonly called a “manifestation determination” (Refer to “What is a ‘manifestation determination’ under Section 504?”). If a disabled student’s misconduct is a manifestation of his or her disability, a district cannot implement a disciplinary action that constitutes a significant change in the student’s placement. If a disabled student’s misconduct is not a manifestation of his or her disability, a district can discipline the student in the same manner that it disciplines non-disabled students for the same misconduct. Under Section 504, unlike IDEA, a district does not have to provide a disabled student educational services during the period of time the student is properly removed from school for disciplinary reasons, unless it does so for nondisabled students removed from school.

### **23. What is a “manifestation determination” under Section 504?**

A “manifestation determination” is an evaluation that answers two questions:

- Is the misconduct in question related to the student’s disability?

This determination must be based upon evaluation data related to behavior, and must be recent enough to afford an understanding of the student’s current behavior. Misconduct is a manifestation of a disability if it “arises from the disability,” “is caused by the disability,” “has a direct and substantial relationship to the disability,” or if the disability significantly impairs the student’s behavioral controls. Misconduct is not a manifestation of a disability if it bears only a weak relationship to the student’s disability. A determination that a student knows the difference between right and wrong does not constitute a determination that the student’s misconduct was or was not a manifestation of the disability. In addition, a district cannot make a categorical determination that misconduct is or is not a manifestation of a disability based on a student’s IDEA eligibility label.

- Is the misconduct in question due to an inappropriate placement?

This determination must be based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. District staff does not need to use all of the sources of information listed above in every instance. The point of the requirement is to ensure that more than one source of information is used in making such a placement decision. In addition, the district should examine the kinds of educational placements that previously have been tried with the student and determine whether a placement more restrictive than the current placement would control the student’s behavior. As a general rule, a district should not long-term suspend or expel a

student without first attempting to control the student's behavior by placing the student in a more restrictive educational placement unless it has a legitimate reason for rejecting a more restrictive placement as a viable placement option.

**24. Is a district required to waive uniform age-eligibility requirements to enable a disabled student to participate in interscholastic athletics?**

*Maybe.* This issue arises when a student is retained early in his or her school career for disability-related reasons and "ages out" of interscholastic athletic competition while in high school. As a general rule, a district can impose uniform age-eligibility requirements to participate in interscholastic athletics as long as it does so for disabled and non-disabled students alike. On the other hand, a district may be required to waive such eligibility requirements for interscholastic athletics if a disabled student "ages out" of athletic eligibility because a district's denial of FAPE caused the student's retention.

**25. Is a district required to waive minimum grade/credit hour eligibility requirements to enable a student to participate in extracurricular activities?**

*Maybe.* This issue arises when a disabled student is denied participation in extracurricular activities because he or she hasn't met the minimum grade/credit hour requirements for eligibility. As a general rule, a district can impose minimum grade/credit eligibility requirements to participate in extracurricular activities as long as it does so for disabled and non-disabled students alike. On the other hand, a district may be required to waive such eligibility requirements for extracurricular activities if a disabled student can establish that a district's denial of FAPE caused the student's low grades/credit hours. In addition, a district may choose to waive such eligibility requirements if a student needs to participate in extracurricular activities to receive FAPE.

**26. Is a district required to modify the curriculum in a general education class to accommodate a disabled student?**

*Maybe.* A district must modify the curriculum in a general education class if a disabled student needs a modified curriculum to participate in or benefit from the class and the necessary modification does not fundamentally alter the nature of the class. A district is under no obligation to provide a curriculum modification that would result in a class that is fundamentally different in nature. For example, if a student is enrolled in a lab science class and the student cannot complete the lab requirement due to disability-related absences, the district is under no obligation to modify the class by waiving the lab requirement. The decision of whether a disabled student needs a modified curriculum is a placement decision under Section 504.

**27. Is a district required to modify the grading system in a general education class to accommodate a disabled student?**

*Maybe.* A district must modify the grading system in a general education class if doing so is necessary to provide a disabled student an equally effective system to assess the student's performance in the class. The decision of whether a disabled student needs a modified grading system is a placement decision under Section 504.

**28. Can a district indicate on a disabled student's transcript that it provided the student a modified curriculum or grading system in a general education class?**

*Yes.* A district can indicate on a disabled student's transcript that it provided the student a modified curriculum or grading system in a general education class if it has a legitimate, nondiscriminatory reason for doing so. For example, it is not discriminatory for a district to indicate on a student's transcript the nature of the curriculum or grading system provided to the student if the district does so for disabled and non-disabled students alike.

**29. Can a district provide a modified diploma to a disabled student?**

*Yes.* As a general rule, a district can impose minimum requirements to receive a regular diploma as long as it does so for disabled and non-disabled students alike. For example, a district can provide a modified diploma to a disabled student because the student has not met the established minimum requirements for receipt of a regular diploma. If a student does not graduate with a regular diploma, the student is eligible to receive FAPE until the age of 21.

## **APPENDIX A**

When developing a Section 504 Plan, the Section 504 Team shall take into consideration the unique needs of a particular student. These are identified through the evaluation process and Section 504 Team discussion.

The following information is provided to help Section 504 Teams consider and discuss what may be appropriate for a particular student. These lists are not exhaustive, nor are they intended to be interpreted as required for any particular student. The Section 504 Team must consider each student on a case-by-case basis.

### **I. GENERAL STRATEGIES/SERVICES TO CONSIDER**

#### **Environmental Strategies/Services**

- Provide a structured learning environment.
- Adjust class schedule.
- Provide classroom aides and note takers.
- Modify nonacademic times such as lunch room and recess.
- Modify physical education.
- Change student seating.
- Provide use of a study carrel.
- Alter location of personal or classroom supplies for easier access or to minimize distraction.
- Use room dividers.
- Provide headsets to muffle noise.
- Seat child away from doors/windows.
- Seat near model (student or teacher).
- Provide time-out area.
- Rearrange student groups (according to instructional needs, role models, etc.).
- Provide functional tasks (relate to child's environment).
- Put desk close to blackboard.

- Leave class for resource support/learning center (specific to site resources).

### **Organizational Strategies/Services**

- Modify test delivery.
- Use tape recorders, computer-aided instruction, and other audiovisual equipment.
- Select modified textbooks or workbooks.
- Tailor homework assignments.
- Use of one-to-one tutorials.
- Provide peer tutoring.
- Set time expectations for assignments.
- Provide tests in segments so that student finishes one segment before receiving the next part.
- Highlight main ideas and supporting details in the book.
- Have a peer tutor program.
- Establish routines for handing work in, heading papers, etc.
- Use clock faces to show classroom routine times.
- Use dotted lines to line up math problems or show margins.
- Assign only one task at a time.
- Provide daily and weekly assignment sheets/planner/homework assignment notebook.
- Post daily/weekly schedule.
- Use graph paper for place value or when adding/subtracting two-digit numbers.
- Provide pencil grips.
- Tape paper to desk.
- Number (order) assignments to be completed.

- Collect notebooks weekly (periodically) to review student notes.
- Color code place value tasks.
- Provide organizers (e.g., cartons/bins) for desk material.
- Provide content/lecture summaries.
- Use extra spaces between lines of print.
- Use raised-line paper.
- Use advance organizers.
- Involve a "services coordinator".
- Provide student with an extra set of books for home use.

### **Behavior Strategies/Services**

- Use behavioral management techniques.
- Implement behavioral/academic contracts.
- Utilize positive reinforcements (rewards).
- Utilize negative reinforcements (consequences).
- Confer with the student's Parent/Guardian/Adult Student s and other teachers.
- Establish a home/school communication system for behavior monitoring.
- Post expectations, rules and consequences for classroom behavior.
- Write a contract for student behavior.
- Offer social reinforcers (i.e., praise) for appropriate behavior.
- Establish daily/weekly progress report for the student (behavior and/or academic).
- Implement self-recording of behaviors.
- Change reinforcers.
- Increase reinforcement frequency.

- Delay reinforcement.
- Use specific rather than general praise.
- Provide tangible reinforcers.
- Teach self-monitoring.
- Establish rules and review frequently.
- Use an honor system.
- Use peer-mediated strategies (e.g., "buddy system").
- Adjust class schedules.
- Allow for short breaks.
- Allow legitimate movement.

### **Presentation Strategies/Services**

- Tape lectures/lessons for the student.
- Provide photocopied material for extra practice (i.e., outlines, study guides).
- Require fewer drill and practice activities.
- Give both oral and visual (written) instructions for assignments.
- Vary the method of lesson presentation:
  - a. Lecture
  - b. Small groups
  - c. Large groups
  - d. Use audio visuals (i.e., filmstrips, study prints)
  - e. Peer tutors or cross-age tutors (i.e., take notes, monitor assignments, read aloud, listen)
  - f. Demonstrations
  - g. Experiments

- h. Simulations
  - i. Games
  - j. One-to-one instruction with other adult
- Provide for oral testing.
  - Ask student to repeat directions/assignments/lesson objective(s) to ensure understanding.
  - Arrange for a mentor to work with student in his or her interest area or area of greatest strength.
  - Group for cooperative learning.
  - Provide peer tutoring.
  - Vary working surface (e.g., floor or vertical surface such as blackboards).
  - Simplify/shorten directions.
  - Ask frequent questions.
  - Change question level.
  - Provide sequential directions (label as first, second, etc.).
  - Use manipulatives.
  - Highlight relevant words/features.
  - Use rebus (picture) directions.
  - Provide visual cues (e.g., posters, desktop number lines, etc.).
  - Block out extraneous stimuli on written material.
  - Tape record directions.
  - Tape record student responses.
  - Use a study guide.
  - Provide transition directions.
  - Provide discussion questions before reading.

- Use word markers to guide reading.
- Alter sequence of presentation.
- Enlarge or highlight key words on test items.
- Provide anticipation cues.
- Segment directions.
- Change far-point to near-point material for copying or review.
- Repeat major points.
- Use physical cues while speaking (e.g., 1, 2, 3, etc.).
- Pause during speaking.
- Use verbal cues (e.g., "Don't write this down," "This is important").
- Change tone of voice, whisper, etc.
- Use a primary typewriter or large print to create written material.
- Call student's name before asking a question.
- Color code materials/directions.
- Use hand signals to cue behavior (e.g., attention, responding).
- Repeat and simplify instructions about in-class and homework assignments.
- Pre-teach material, concepts, vocabulary, etc.

### **Methodology Strategies/Services**

- Repeat and simplify instructions about in-class and homework assignments.
- Supplement oral instructions with visual instructions.
- Change instructional pace.
- Change instructional methods.
- Change response format (e.g., from verbal to physical, from saying to pointing).

- Provide guided practice.
- Provide more practice trials.
- Increase allocated time.
- Increase wait-time.
- Use physical warm-up exercises.
- Provide frequent review.
- Have student summarize at end of lesson.
- Use self-correcting materials.
- Provide mnemonic devices.
- Use timers to show allocated time.
- Teach key direction words.
- Use distributed practice.
- Reorganize tests to go from easy to hard.
- Provide calculators.
- Establish a rationale for learning.
- Help students develop their own learning strategies.
- Modify test delivery.
- Use one-to-one tutorials.
- Utilize classroom aides and note takers.
- Possible modification of nonacademic times such as lunchroom, recess, and physical education.
- Change instructional pace.
- Change instructional methods.
- Change instructional materials.
- Provide graphic organizers.

## **Curriculum Strategies/Services**

- Assess whether student has the necessary prerequisite skills. Determine whether materials are appropriate to the student's current interest and functioning levels.
- Implement study skill strategies (survey, read, recite, review). Introduce definition of new terms/vocabulary and review to check for understanding.
- Limit amount of material presented on a single page.
- Provide a sample or practice test.
- Be aware of student's preferred learning style and provide appropriate instruction/materials.
- Alter objective criterion level.
- Utilize supplementary materials.
- Reduce number of items on a task.
- Adapt test items for differing response modes.
- Provide critical vocabulary list for content material.
- Provide essential fact list.
- Shorten project assignment into daily tasks.
- Incorporate currently popular themes/characters into assignments for motivation.
- Use self-teaching materials.
- Do only odd or even numbered items on a large task sheet.
- Teach varied reading rates (e.g., scanning, skimming, etc.).
- Circle math computation sign.
- Tailor homework assignments.
- Utilize supplementary materials.
- Modify grading (i.e. avoid penalizing for spelling, grade only on modified work load, avoid penalties for handwriting or submitting typed assignments instead of writing, provide credit based on student's oral participation in class).

## **II. EXAMPLES OF PARTICULAR DISABILITIES AND POSSIBLE SERVICES TO CONSIDER**

The components of a Section 504 Plan will be based upon the unique needs identified during the evaluation process. The following examples are provided to help Section 504 Teams consider supports and services that may be applicable to a particular student. Again, these lists are not exhaustive, nor are they intended to be interpreted as required for any particular student. They are provided here to help Section 504 Teams start the discussion process.

## **ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

*Example: The student frequently misses school and does not have the strength to attend a full day due to complications from AIDS. This student has a disability that substantially limits the life activities of learning and caring for one's self.*

### **Possible Supports and Services:**

- Develop health care and emergency plan.
- Apply universal precautions.
- Administer medications, if necessary.
- Adjust attendance policies.
- Adjusted schedule or shortened day.
- Provide rest periods.
- Adapt physical education curriculum.
- Establish routine communication with health professionals, school nurse, and home.
- Meet with doctor, Parent/Guardian/Adult Student s, teachers, and administrators.
- Provide two way audio/video-link between home and classroom.
- Arrange for an adult tutor at school or home.
- Modify assignments and tests.

## **ALLERGIES**

*Example: The student has severe allergic reactions to certain pollens and foods, which a Section 504 Team has determined is substantially limiting to the major life activity of breathing for the student.*

### **Possible Supports and Services:**

- Avoid allergy causing substance: soap, weeds, perfumes, pollen, and food.
- Provide clean rooms and avoid rooms with carpet.
- Allow time for shots/clinic appointments.
- Use air purifiers.
- Adapt physical education curriculum during high pollen time.
- Consider improving room ventilation if remodeling has occurred and materials may cause an allergy.
- Provide education and support for peers regarding issues of death and dying.
- Tape books or provide a personal reader.
- Provide a home computer with e-mail.
- Arrange for a support group.
- Develop and promote nondiscriminatory classroom climate and supportive student attitudes.
- Initiate a "Kids on the Block" disability awareness program.
- Videotape classroom teacher.
- Provide a peer support group to encourage communication.
- Furnish homebound services for extended periods of illness.

## **ARTHRITIS**

*Example: A student with arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain that is substantially limiting to the major life activity of performing manual tasks may require a modified physical education program.*

### **Possible Supports and Services:**

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

- Record lectures/presentations.
- Have teacher provide outlines of presentation.
- Issue Velcro fasteners for bags, shoes, coats.
- Obtain padded chairs.
- Provide a more comfortable style of desk.
- Adjust attendance policy, if needed.
- Furnish a warmer room and sit student close to the heat.
- Supply an extra set of books for home use and keep a set at school.
- Let student give reports orally rather than written.
- Modify the school curriculum, as necessary, i.e., in band, assist in selecting instrument student can play.
- Make any needed bathroom accommodations.
- Accommodate for writing with a computer and note-taking with a tape recorder.

## **ASTHMA**

*Example: A student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. The disability limits the major life activity of breathing.*

### **Possible Supports and Services:**

- Develop health care and emergency plan.
- Modify activity level for recess, physical education, etc.
- Use air purifier or inhalants.
- Remove allergens (e.g., hairspray, lotions, perfumes).
- Accommodate medical absence; arrange transportation to home/clinic.
- Provide education to peers/teachers/others (bus drivers, cooks, etc.).
- Provide access to water, gum, etc.
- Provide compensation if the student misses an excessive amount of school.
- Have peers available to carry materials to and from classes (e.g., lunch tray, books).
- Provide rest periods.
- Make school health care needs known to appropriate staff.
- Modify field trip experiences.
- Provide indoor space before and after school.
- Arrange for access to wheelchair for transition purposes.
- Have a locker location that is centralized and free of atmosphere changes.
- Modify attendance policies.
- Modify certain learning activities.

## **ATTENTION DEFICIT DISORDER (ADD) AND ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)**

*Example: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. The student has been diagnosed as having ADD (or ADHD) by a doctor and the Section 504 Team determines the condition substantially limits the major life activity of learning or other major life activity.*

### **Possible Supports and Services:**

- Adjust student seating.
- Use simple, concise instructions.
- Provide a peer tutor/helper.
- Administer medication, if necessary.
- Modify assignments.
- Change instructional pace.
- Provide supervision during transitions, disruptions, field trips.
- Use study guides, organizing tools.
- Modify testing procedures.
- Initiate frequent Parent/Guardian/Adult Student communication.
- Establish a school/home behavior management program.
- Provide training for staff and Parent/Guardian/Adult Student s.
- Have the student use an organizer-train in organizational skills.
- Establish a cue between teacher and student.
- Assign chores/duties around room/school.
- Modify environment to avoid distractions.
- Have child work in a study carrel.
- Highlight required or important information/directions.
- Place assignments/directions on tape for auditory learner.

- Provide a checklist for student, Parent/Guardian/Adult Student s, and/or teacher to record assignments or completed tasks.
- Use a timer to assist student to focus on given task or number of problems in time allotted - stress they need to be done correctly.
- Have student restate or write directions/instructions.
- Allow student to respond in a variety of different modes (i.e., may place answers for tests on tape instead of paper).
- Give student opportunity to stand while working.
- Provide extra set of textbooks for home.

## **CANCER**

*Example: A student with cancer whose condition is determined by a Section 504 Team to be substantially limiting to the major life activity of caring for one's self or learning may need a class schedule that allows for rest and recuperation following chemotherapy.*

### **Possible Supports and Services:**

- Develop health care and emergency plan.
- Provide school nursing services.
- Apply universal precautions.
- Adjust attendance policies.
- Limit number of classes taken; accommodate scheduling (breaks, etc.).
- Provide homebound services as appropriate.
- Accommodate student's involvement in extracurricular activities.
- Adjust activity level and expectations in classes based on physical limitations.
- Schedule daily monitoring and distribution of medications.
- Provide appropriate assistance technology.
- Provide dietary accommodations.
- Shorten day; arrange for home tutoring following treatment.
- Provide additional supervision to and from school.
- Modify student's work area with barriers.
- Prescribe physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points.
- Provide additional set of texts and assignments to hospital school.
- Tape lessons.
- Modify schedule to include rest breaks.
- Provide counseling; establish peer support group.

- Adapt physical education.
- Provide access as needed to school health services.
- Provide awareness training to staff and students.
- Offer school counseling on death and dying.
- Furnish a peer tutor.
- Adapt work load.
- Provide student with a separate bathroom.
- Provide an interactive computer/modem.
- Set up crisis teams.
- Instigate a free pass system from the classroom.
- Modify requirements for graduation.

## **CEREBRAL PALSY**

*Example: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. Cognitive skills are very good, but the Section 504 Team determines condition is substantially limiting to the major life activity of walking.*

### **Possible Supports and Services:**

- Develop health care and emergency plan.
- Provide assistive technology devices.
- Arrange for use of ramps and elevators.
- Monitor and/or administer needed medications, as prescribed.
- Teach appropriate social skills.
- Assist with carrying books, lunch trays, etc.
- Modify physical education curriculum.
- Provide for physical therapy.
- Monitor medication administration.
- Modify eating utensils.
- Educate peers/staff.

## **CYSTIC FIBROSIS**

*Example: The student has been diagnosed with Cystic Fibrosis since the age of two. She is frequently absent due to lung infections, doctor's visits and occasional hospitalizations. The condition substantially limits the major life activities of breathing and learning.*

### **Possible Supports and Services:**

- Do not have the student suppress coughs. CF is not contagious, and the cough is the body's defense system against chronic infection that healthy children ward off automatically.
- Have tissues available.
- Allow some extra time to get assignments done on bad days.
- Provide tutoring.
- Allow the student to leave the class at any time to visit the restroom.
- Allow student to take her enzymes at lunch time and with all snacks.
- Allow student to eat a high-energy candy bar or a special protein milk shake during recess.
- Modify physical education activities to account for fatigue.
- Send home assignments or have Parent/Guardian/Adult Student pick them up. If hospitalization will be required, and there is advanced notifications, conference with him/her beforehand to help keep up with work while he/she is away.
- Maintain confidentiality.

## **DIABETES**

*Example: A second grade student has recently been diagnosed with diabetes. The student cannot give his/her own injections and cannot calculate the amount of insulin needed to be given. The major life activity is caring for one's self.*

### **Possible Supports and Services:**

- A credentialed school nurse will develop an emergency care plan.
- The student's teacher and support staff will be trained on identification and treatment of high and low blood sugars and the administration of glucagon each year. This training includes any staff involved in extracurricular activities the student participates in-this includes a before or after school program.
- At least two people at the school with current CPR certification will have glucagon administration training.
- The student will have access to glucometer at all times-it should not be locked up.
- The student can check glucose where they wish as long as they maintain universal precautions.
- Insulin will be administered by a licensed nurse.
- Parent/Guardian/Adult Student s will provide the needed supplies for student and maintain at least a three day supply at all times.
- Student will be allowed to eat snacks and drink water at any time of the day to maintain normal glucose levels.
- Nutrition Services will provide carbohydrate counts on foods provided by Nutrition Services.
- Student will eat lunch at the same time every day.
- Glucose levels and insulin administration will be communicated with Parent/Guardian/Adult Student s on a regular basis.
- Student will have free use of bathroom.
- A buddy will be provided anytime the student leaves the classroom.
- The teacher will keep a copy of the emergency health care plan in the substitute teacher communication folder.
- Extra adult support with knowledge of diabetes - Parent/Guardian/Adult Student , other family member of school nurse - will be arranged for field trips.

- Transportation to a school with a full time nurse will be arranged for a student who needs more care than his/her home school can provide.
- Student will get extra time to complete work if missed classroom time is due to diabetes care or absences related to diabetes.
- Student will get flexible testing schedule to take exams when blood sugar is over 300.
- Maintain confidentiality.

## **DRUGS AND ALCOHOL REHABILITATION**

*Example: The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for one's self. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not currently using drugs or alcohol, he/she could qualify for supports/services under Section 504 if the Section 504 Team determines the condition is substantially limiting to the major life activity of learning.*

### **Possible Supports and Services:**

- Provide texts and assignments to treatment facility.
- Arrange for periodic home-school contacts.
- Establish daily/weekly journal.
- Communicate with treatment facility.
- Provide/arrange for school counseling.
- Establish peer support group.
- Dismiss from school to attend treatment program.
- In-service staff.

## **EPILEPSY**

*Example: The student is on medication for seizure activity, but experiences several grand mal seizures each month. The condition is substantially limiting to the major life activity of learning.*

### **Possible Supports and Services:**

- Train staff and students and prepare a health care and emergency plan.
- Monitor and/or distribute medications, if necessary.

## **FOOD ALLERGY**

*Example: Student is severely allergic to peanuts. If the student ingests peanuts, his/her airway could swell up and he/she could die. The student has an epi-pen in case of accidental ingestion of peanuts.*

### **Possible Supports and Services:**

- An emergency care plan will be developed by a credentialed school nurse.
- The school nurse will provide annual training to the student's teacher(s) and support staff about food allergies and how to administer an epi-pen. At least two people at the school with current CPR certification will have epi-pen training.
- A letter will go home with the students in the classroom asking the Parent/Guardian/Adult Student s not to send food for the classroom that could contain food allergen.
- Alternative food will be provided that does not contain the student's allergen if food is served in the classroom that contains the student's allergen. The students in the classroom who handle the food with the allergen will wash their hands with soap and water after eating.
- A table will be set aside in the cafeteria that is peanut-free. That table needs to be washed with a separate cloth that is **not** used to wash other tables.
- The Parent/Guardian/Adult Student s will provide the school with a diet prescription signed by the doctor on a yearly basis at the beginning of the school year.
- The Parent/Guardian/Adult Student s will have the physician complete an authorization for an epi-pen to be given by school staff on an annual basis at the beginning of the school year.
- The student's epi-pen will go with him/her on field trips

## **OBESITY**

*Example: Obesity may be considered a disability under Section 504/ADA when it substantially impairs major life activities such as walking and breathing.*

### **Possible Supports and Services:**

- Provide special seating modifications.
- Make dietary modifications.
- Adjust meals schedule.
- Adapt physical education program.
- Allow extra time to get to classes.
- Begin a peer support group.
- Allow more passing time.
- Ensure privacy for self-care.
- Provide school counseling.
- Provide for elevator privileges.
- Adjust seating to avoid injury.
- Provide rest time and academic considerations following seizure.
- Arrange buddy system.
- Provide an alternative recess.
- Provide education for peers.
- In-service staff.
- Arrange classroom furniture to provide room to negotiate and move around classroom seating.
- Address busing concerns to ensure room on buses for seating.
- Arrange to provide opportunities for the individual to participate in intramural events.
- Make any class location changes that may be needed.

## **ORTHOPEDICALLY IMPAIRED**

*Example: The student has limited mobility and uses a wheelchair. The condition is substantially limiting to the major life activity of walking.*

### **Possible Supports and Services:**

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

## **PREGNANCY**

*Example: A student in 12th grade delivered a baby in February. Physical complications of the birth prevented the student from returning to school for two weeks and resulted in several physical limitations after she returned to school. She has good grades and has kept up with graduation credit requirements. The Section 504 Team has determined the condition is substantially limiting to the major life activity of learning.*

### **Possible Supports and Services:**

- Provide home instruction.
- Allow time to seek appropriate health services/time with school nurse.
- Modify academic schedule as needed.
- Modify curriculum as needed (physical education/extracurricular activities).
- Arrange for more comfortable seating.
- Arrange for make-up work and extend time lines for assignments.
- May need to adapt physical education.
- Provide access to school counseling/social work.

## **SICKLE CELL ANEMIA**

*Example: The student has been diagnosed with Sickle Cell Disease and has had several hospitalizations during the course of the last few years due to Sickle Cell Crisis. The condition substantially limits the major life activities of learning, caring for self, performing manual tasks, walking and breathing.*

### **Possible Supports and Services:**

- Development of an emergency care plan by credentialed school nurse.
- Allow student to keep a water bottle in the classroom.
- When drinking extra fluids, allow the student to go to the bathroom when he/she expresses the need to go.
- Have student's temperature taken when not feeling well. Contact Parent/Guardian/Adult Student if student has a temperature reading of 101.5° or greater.
- Provide the Parent/Guardian/Adult Student with current and make up homework.
- Provide tutorial help.
- Adopt flexible testing schedule.
- Excuse the student from participation in the ongoing instructional activities and allow student to have a suitable rest period or quiet time within the classroom and to return to work when able.
- Encourage participation in gym exercises with the provision that the student be permitted to stop when tired without any embarrassing focus on him.
- If the Parent/Guardian/Adult Student prefers for the student to be excused from participation, permission should be given without prejudice, and appropriate use of the time should be arranged.
- Yearly updates from physician.
- Have student remain inside during recess when it is excessively hot or cold.
- Maintain confidentiality.

## **STUDENT WITH SPECIAL HEALTH CARE NEEDS**

*Example: The student has a special health care problem and requires clean intermittent catheterization twice each day. This procedure empties the bladder and helps prevent urinary tract infections and possible wetting. The school is required to provide trained personnel to perform the procedure, or to provide the student a private location to perform the procedure. The condition is substantially limiting to the major life activity of caring for one's self.*

### **Possible Supports and Services:**

- Apply universal precautions.
- Provide trained personnel to perform special procedures.
- Provide student with private location and time to perform procedures.
- Involve school nurse, Parent/Guardian/Adult Student s, teachers, and staff.
- Allow preferential seating.
- Modify recess, physical education, and transportation.
- Modify classroom environment.
- Re-evaluate/update periodically.
- Develop a health care and emergency plan.
- If necessary, modify attendance policy.
- Establish health alert—every staff member involved with this student is aware of the health problem and of proper procedures.
- Provide a beeper/paging system for trained personnel.
- Arrange for trained personnel on school field trips.

## **TEMPORARILY DISABLED STUDENT**

*Example: A student was in an automobile accident and will be homebound and/or hospitalized for a period of time. The student is considered temporarily disabled under Section 504/ADA and should receive supports if his/her Section 504 Team determines the temporary disability substantially limits a major life activity.*

### **Possible Supports 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.
- Adapt physical education program.
- Arrange for a friend to assist student in getting from class to class (support network).
- Provide an interactive system—computer, e-mail.
- Organize school counseling—trauma from accident.
- Arrange for peer notes.
- Provide help with getting lunch tray.
- Change seating arrangements to accommodate needs.
- Modify assignments depending on disability.
- Allow more time for test completion, or change in testing delivery (i.e. test verbally).
- Allow shortened days; adjust attendance policy.
- Address special accommodations of a wheelchair.
- In-service staff and class and prepare a health care and emergency plan.
- Provide peer assistance for social involvement (keep child informed of social activities).

## **TOURETTE'S SYNDROME**

*Example: The student exhibits inappropriate gestures and sounds in the classroom and hallways, and the Section 504 Team determines the condition is substantially limiting to the major life activity of learning.*

### **Possible Supports and Services:**

- Pair with a fellow student for study.
- Educate other students about associated outbursts.
- Arrange for frequent Parent/Guardian/Adult Student al interaction.
- Medication administration, if necessary.
- Provide supervision for transition activities.
- Provide alternative work space.
- Initiate time-out.
- Provide peer in-service.
- Provide appropriate space for the child to act out episode.
- Provide peer in-service.
- Provide appropriate space for the child to act out episode.

## **TRAUMATIC BRAIN INJURY**

*Example: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The Section 504 Team determines the condition is substantially limiting to the major life activities of learning, performing manual tasks, and/or caring for one's self.*

### **Possible Accommodations:**

- Provide extended school year/time.
- Furnish memory/organizational aids.
- Provide alternative testing.
- Initiate tutoring programs.
- Arrange for a health care and emergency plan.
- In-service staff and peers.

## **TUBERCULOSIS**

*Example: The student contracted tuberculosis two years ago and has been under treatment. The disease is no longer infectious, but the student is still weak. The Section 504 Team determines the condition is substantially limiting to the major life activity of caring for one's self.*

### **Possible Services:**

- Adjust length of school day.
- Provide home tutor, as necessary.
- In-service staff on problems that might arise with the student.
- Have the medical evaluator provide feedback to staff.
- Monitor the student's behavior and report changes to nurse immediately.
- Encourage student to stay in school as much as possible, as illness permits.
- Provide an alternative place for recess during cold weather.
- Have student evaluated periodically.
- In-service students.