

# **Preston Public Schools**

*Section 504*

*Of the*

*Rehabilitation Act of 1973*

**and the**

*Americans with Disabilities Act Amendments Act  
of 2008*

## **Staff Manual**

# Table of Contents

<b>Section I</b>	<b>Page</b>
Introduction	3
Definition	3
Identification of Students Eligible Under Section 504	3-5
Evaluation	6
Review and Reevaluation	7
Responsibilities at A Glance	7
Eligibility	8
Accommodations	8-9
Notice	9
Procedural Safeguards	9
Closure to Section 504	9
Section 504 Coordinator/Contact	10
Overview of the Referral Process & IDEA/504 Flowchart	11-12
Comparisons of Section 504, ADA and IDEA Eligibility	13
OCR Decisions of Section 504 that Everyone Should Know	13-14
Frequently Asked Questions	15-16
Parent Rights Under Section 504 (English)	17-18
Parent Rights Under Section 504 (Spanish)	19-20
 <b>Section II</b>	
Procedures	21-22
Key Points	23
Administrative Procedures/Section 504 of the Rehabilitation Act of 1973	24-29
Top 25 504 Errors	30-31
What is the Difference Among Accommodations, Modifications, & Interventions?	31-33
 <b>Section III</b>	
Forms	34-41
 <b>Section IV</b>	
Index of Terminology	42-43
 <b>Section V</b>	
Professional Development	

## **Introduction**

Section 504 of the Rehabilitation Act of 1973 is a basic civil rights law that prohibits discrimination on the basis of an individual's disability. It applies to students, as well as employees and the parents of students who attend public schools. It requires that individuals with disabilities be afforded equal access to equitable opportunities to participate in the programs and services offered by the school to the population at large. It is important to realize **that Section 504 is NOT an aspect of "special education"; rather it is a responsibility of the general public education system.**

In order to fulfill its obligation under Section 504, the Preston Public Schools recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will be permitted in any of the programs and practices of the Preston Public Schools.

The Preston Public Schools has specific responsibilities under the Rehabilitation Act of 1973 and the revised Rehabilitation Act of 2008, which include identifying, evaluating and, if a student is determined to be eligible under Section 504, affording access to appropriate educational accommodations.

## **Definition**

In 1973 when the Rehabilitation Act was passed, little was being done on a federal level to ensure that disabled individuals had equal access to federally funded programs. The single paragraph we now refer to as Section 504 of the Rehabilitation Act provides that:

“No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program of activity conducted by an Executive agency or by the United States Postal Service...”

### **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; genitourinary; 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 Code of Federal Regulations Part 104.3)

## **IDENTIFICATION OF STUDENTS ELIGIBLE UNDER SECTION 504**

Students who qualify for services under Section 504 may not be as easy to identify as those who qualify for special education services. Many students may go through school with a disability, yet never need an

accommodation. The parents may, and should be encouraged to, inform the school district when their child has a disability. In many cases, a student's disability will be disclosed in the student's health history.

It is not uncommon for a school district to receive a doctor's letter stating that a student has a disability and needs certain accommodations. The doctor's letter may even state what accommodations should be made.

**While the school district should consider the doctor's recommendation it is important to remember they are only recommendations.**

While it is the doctor's responsibility to give a medical diagnosis, it is the school district's responsibility to evaluate the student's needs using multiple sources of data and to develop and implement any necessary accommodations for the student. The school district is better equipped to determine what accommodations should be made since they have, or have access to, appropriate professional expertise needed to write accommodation plans.

Congress responded to the constrictions of the 1973 Act by passing the Americans with Disabilities Act Amendments Act of 2008, which included a conforming amendment (a legislative procedure used to make an old law be consistent with the new law) to Section 504. The ADAAA became effective on January 1, 2009.

The ADAAA did not change the basic definition of disability, but rather the manner in which the definition is to be interpreted. The ADAAA continues to define disability as an individual:

1. With a physical or mental impairment that substantially limits one or more major life activities;
2. Who has a record of such an impairment; or
3. Who is regarded as having such impairment.

### **Significant Changes Made by ADAAA**

#### **Expanded list of major life activities**

**Before ADAAA:** The definition of major life activities included but was not limited to: caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing, learning, and working.

**Now:** The following activities are currently listed: eating, sleeping, walking, standing, lifting, bending, reading, concentrating, thinking, and communicating. While the list of major life activities has been expanded, it remains "illustrative." In other words, the list is not intended to be all inclusive and an activity not listed may be covered. In addition, the legislation clarified that an impairment substantially limiting one major life activity does not need to limit others to be considered a disability. For example, a student will be considered to have a disability if his or her impairment substantially limits reading even if it does not substantially limit learning. under the ADA simply because he or she managed their own adaptive strategies or received informal or undocumented accommodations.

#### **Substantially limits a major life activity or activities**

**Before ADAAA:** The Supreme Court rulings had resulted in a narrow interpretation of “substantially limits,” both in scope and conditions on which the determination was made.

**Now:** While the ADAAA did not change the term “substantially limits,” the new law clearly establishes that the term is to be interpreted broadly and inclusively. The law clarifies that the measurement for impairments that are episodic or in remission must be considered at the time they are active. For example, whether or not a student with a condition such as depression, diabetes, asthma, or anxiety that is in remission is “substantially limited” would need to be determined when the student’s condition is active. Also, Congress clarified that the decision of whether an individual has a disability should not entail an extensive analysis and that it should be expansive.

*It is considered in Connecticut that it is best practice to mirror the rigor of IDEA by providing extensive medical information, curriculum based information and at least one standardized measure in determining eligibility*

### **Removes consideration of mitigating measures**

**Before ADAAA:** Several Supreme Court decisions in 1999 established that the decision of whether an individual has a disability under the ADA must take into account the effects, both positive and negative, of any “mitigating measures” used by that individual.

**Now:** The ADAAA requires the “substantially limits” decision to be made without regard to any impact or ameliorative effects of mitigating measures. For example, schools can no longer consider the effect of medication on a student with AD/HD, asthma, diabetes, etc.

In addition, the ADAAA provides an expansive list of mitigating measures. Such measures include but are not limited to: medication, medical supplies, equipment or appliances, low-vision devices (except eyeglasses or contact lenses), hearing aids, cochlear implants, assistive technology, learned behavioral or adaptive neurological modifications, and reasonable accommodations.

## **Impact of Significant Changes**

### **Elementary and Secondary Schools**

Without question, the expanded list of major life activities — now including reading, concentrating, and thinking, in addition to learning — provides a basis for more students to be considered for eligibility under Section 504. Additionally, the clear and concise language regarding mitigating measures and the expansive list of measures included in the ADAAA provides a different framework for eligibility decisions. Since most Section 504 plans are currently being provided for students with AD/HD, many more students may be eligible when the effects of medication are not part of the consideration of “substantially limits.” The same is true for the change clarifying that the impact of an impairment is to be measured at the time the impairment is active.

## **Identification**

It is important to remember that there are two factors used to identify a Section 504 eligible disability. The disability must be a “physical or mental impairment” and one which “substantially limits one or more major life activities.” For example, a student with limited English proficiency may have a communication problem, but that is not a physical or mental impairment. Therefore, limited English proficiency is not a disability qualifying for Section 504 accommodations and services. That does not mean the student does not qualify for special services, but rather the student does not qualify under Section 504 and does not need a

written accommodation plan. **Qualifying disabilities under Section 504 are generally permanent disabilities. [Normal pregnancies, broken limbs, conditions less than 6 months duration, etc., are not generally considered disabilities but under the new broader definition should be considered].**

## Evaluation

Once a student is suspected of having a disability covered under Section 504 and a referral for services has been made using the *Section 504 Referral Form*, the school must conduct an evaluation to determine:

1. If the student is eligible; and
2. What accommodations would be required to ensure a free appropriate public education?

When a decision is made to conduct an evaluation, the evaluation process should provide information related to the Section 504 definition criteria. These two questions are the essence of determining eligibility:

1. Is a physical or mental impairment present?
2. Does the impairment result in a substantial limitation of a major life activity?

The District requires that parents' consent be obtained prior to initial evaluation.

**“Evaluation” does not necessarily mean “test”.** Under Section 504, evaluation means gathering data or information from a variety of sources so that the team can make the required determinations. Since Section 504 does not have specific or highly technical eligibility criteria, formal testing may not be required to determine eligibility. For example, common sources of evaluation data for Section 504 eligibility are the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, teacher progress reports, etc.

*Connecticut considers best practice to include at least one standardized test measure and to “dig deep” when seeking medical information. This is Preston Public Schools practice as well. (As of 11/2019 we are administering the STAR and DIBELS 2 as well as Smarter Balance and the Connecticut Alternative Assessment.)*

Evaluation requirements of Section 504 are similar to those set forth in the ***Individual with Disabilities Education Act*** (IDEA). The US Department of Education, Office of Civil Rights (OCR) requires that procedures used for evaluation must ensure that test and other evaluation materials:

- ❖ Have been validated for the specific purpose for which they are used, and are administered by trained personnel in conformance with the instructions provided by their producer;
- ❖ Include materials tailored to assess specific areas of educational need and not merely materials that are designed to provide a single, general intelligence quotient; and
- ❖ Are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Unlike IDEA, which requires a comprehensive evaluation, **Section 504 only requires that the evaluation be focused on suspected areas of need but should include the other areas.** Therefore, a student who appears to be having problems with mobility has to be evaluated in that area but may have more curriculum based measures and one standardized test in other areas. Section 504 also does not require that the evaluations be conducted by a team as is required by IDEA. However, Section 504 regulations do require that, in the interpretations of evaluation data and subsequent placement decisions, schools:

- ❖ Draw upon information from a variety of sources, to include at least one academic standardized measure;
- ❖ Establish procedures to ensure that information obtained from all such sources is documented and carefully considered; and
- ❖ Ensure that decisions about the student are made by a group of persons, including persons familiar with the student, knowledgeable of the evaluation data, and aware of the placement options (34 C.F.R. 104.35)

### Review and Reevaluation

In Preston, the accommodation plan must be reviewed every year or earlier if necessary. While 504 is the ultimate responsibility of the Building Principal, the Principal may designate a Principal.

Section 504 requires that students be reevaluated periodically, and before a significant change of placement (i.e. a transition from elementary to middle school). A complete reevaluation of the disability must be reviewed in depth every three years.

### Roles and Responsibilities at A Glance

	<b>Elementary Schools</b>	<b>Middle School</b>	<b>High Schools</b>
<b>Principal</b> Maintains primary database of students & dates when annual and triennial reviews are due; Sends required transfer notice to the appropriate staff if the student exits the school	Principals	Principal	Director of Special Education
<b>Case Manager</b> Provides &/or monitors accommodation/health plan; informs the Principal when an annual review or triennial review is due; primary contact for families & staff; initiates the referral/completes paperwork from the meeting	Whoever provides the primary accommodation; Nurse, PPS staff	Whoever provides the primary accommodation; Nurse; PPS staff;	Guidance Counselors or other designated staff
<b>Supporting Staff</b> Distribution of required documents; sets up the 504 meetings by scheduling w/parents and staff; sends out the meeting notices; assists w/maintenance of the database; copies & distributes as requested	Secretary	Secretary	Secretary

--	--	--	--

## Eligibility

To meet eligibility in Section 504 a student must have an impairment that results in a substantial limitation. Substantially limits a major life activity is subjective, since Section 504 does not provide operational criteria of substantial limitation. **School personnel collectively must use their professional judgment to make this determination.**

In Preston, we record eligibility on the *Section 504-Student Eligibility Determination Worksheet*. In addition, we do not require parental consent using the *Notice and Consent to Provide Section 504 Accommodations/Services* form.

## Accommodations

Individual plans for students served through Section 504 generally focus on the accommodations that are necessary to enable a student to receive a free appropriate public education. Students with disabilities under Section 504 are required to receive an education that is as beneficial to them as the education received by non-disabled students. The nature of the disability will dictate the specific contents of a student's plan. The plan is oriented towards "accommodations" to access their education.

An employee with a disability may request an accommodation using the *Section 504/ADA-Employee Request for Accommodation* form.

The *Section 504 Meeting Summary/Section 504 Plan* is used to record the major life activity impacted, a description of the impairment, a summary of the actions taken, and the 504 plan.

With prior parental notification and consent, an *Agreement to Change Section 504 Plan Without Convening a Section 504 Meeting* form can be used when minor changes are needed and agreed to prior to making the change.

Should a student be facing an accumulation of suspensions or an expulsion, a 504 meeting must be convened and a *Section 504 Worksheet for Manifestation Determination* must be conducted.

The Office of Civil Rights describes the following as simple examples of accommodations that would be appropriate for some students:

- ❖ A student with a long term, debilitating medical problem such as cancer, kidney disease, or diabetes may be given special consideration to accommodate the student's needs. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.
- ❖ A student with a motor problem or impaired vision that affects the ability to take notes in class may need a tape recorder.
- ❖ A student with a chronic medical problem such as kidney or liver disease may have difficulty in walking distances or climbing stairs. Under Section 504, this student may require handicapped parking,



sufficient time between classes, or other considerations to conserve the student's energy for academic pursuits.

- ❖ A student with diabetes, which adversely affects the body's ability to manufacture insulin, may need a class schedule that will accommodate the student's special needs.
- ❖ An emotionally or mentally ill student may need an adjusted class schedule to allow time for regular counseling or therapy.
- ❖ A student with epilepsy who has no control over seizures, and whose seizures are stimulated by stress or tension, may need accommodations for such stressful activities.
- ❖ A student with arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain may require accommodations to access the physical education program.

### **Notice**

Section 504 requires that notice be given to the parent or guardian with respect to identification, evaluation, and/or placement. While written notice is not required, using best professional practice, the Preston Public Schools will provide the parent/guardian with a written Parent Notice. Also, while not required under Section 504, parental consent will be obtained prior to initial evaluation using the Notice and *Consent to Conduct a Section 504 Evaluation/Re-evaluation* form.

### **Procedural Safeguards**

In complying with Section 504, it is important to remember that parents and students have specific rights, and the school district must be careful to neither deprive parents or students of these rights nor infringe upon them. Copies of these rights must be provided at least annually and will be provided by each student's case manager with the *Section 504 Meeting Notice*.

The parents have a right to be notified in writing of any decisions made by the school district concerning the identification, evaluation or educational placement of students pursuant to Section 504. While parental consent is not mentioned in Section 504, it is preferable to seek parental support for the evaluation of the student as well as for implementation of the accommodation plan. The parents have a right to examine, copy and request amendments to the student's educational records. The parents have a right to an impartial hearing regarding school district decisions. A *Section 504 Request For Mediation/Hearing* form is in the appendix. It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation or educational placement of persons with disabling conditions. If the district proposes to change the student's placement and the parent files a request for a hearing, the district is obligated to maintain the student's placement until administrative proceedings are completed. The parents have a right to further review the impartial hearing officer's decision.

### **Closure to Section 504**

At such time, when a student might no longer need Section 504 accommodations, the student's team should meet to make that determination and document its decision. The team should also notify the parents, if the parents did not attend the meeting. Records of the student's prior accommodations should be kept in accordance with the district's records retention procedures.

## **Section 504 Coordinator/Contact for 2020-2021**

The Preston Public Schools Section 504 Coordinator is the person who is responsible for ensuring that the district complies with Section 504.

**Ann Perzan**  
**Director of Special Education**  
**Preston Board of Education**

325 Shetucket Tpke Preston, CT 06365

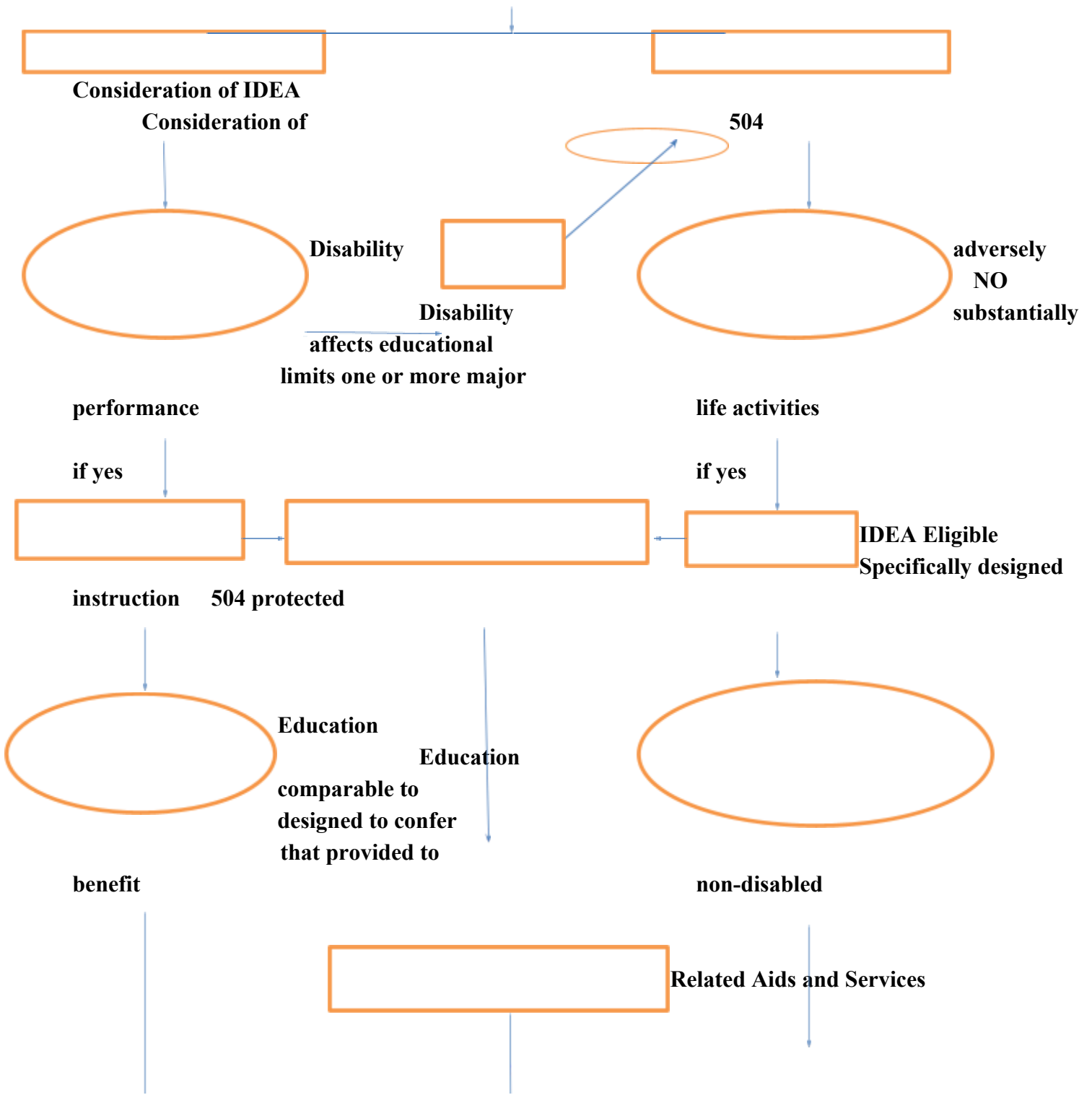
Phone (860) 887-3113

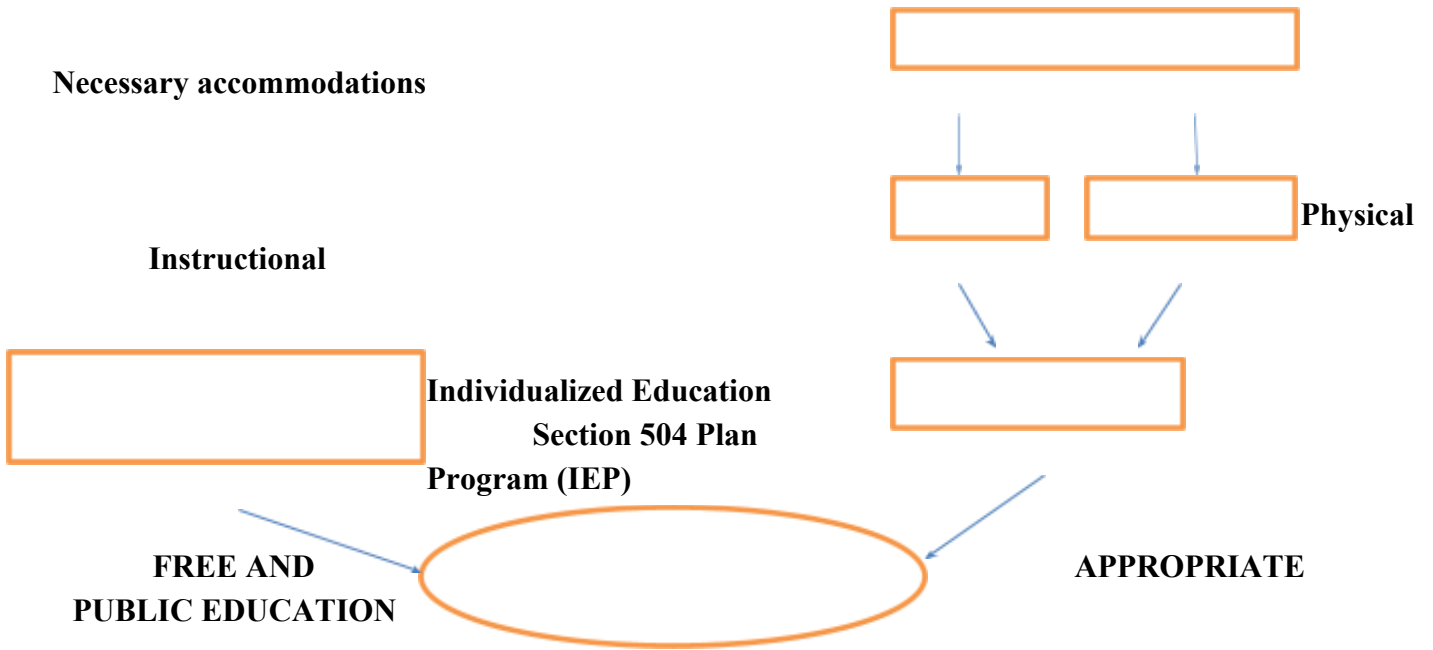
Fax (860) 889-5478

# OVERVIEW OF THE REFERRAL PROCESS

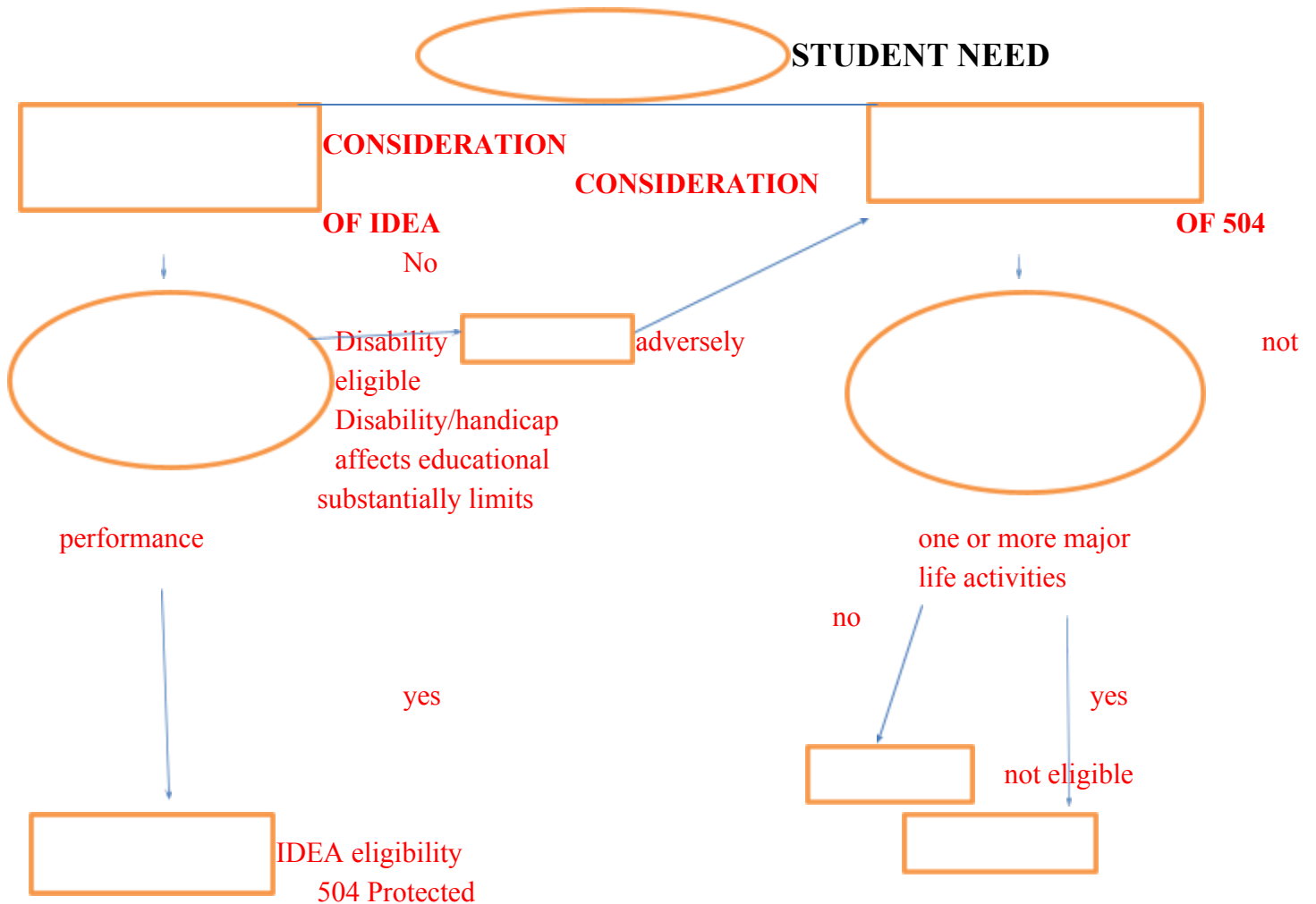
STUDENT NEED

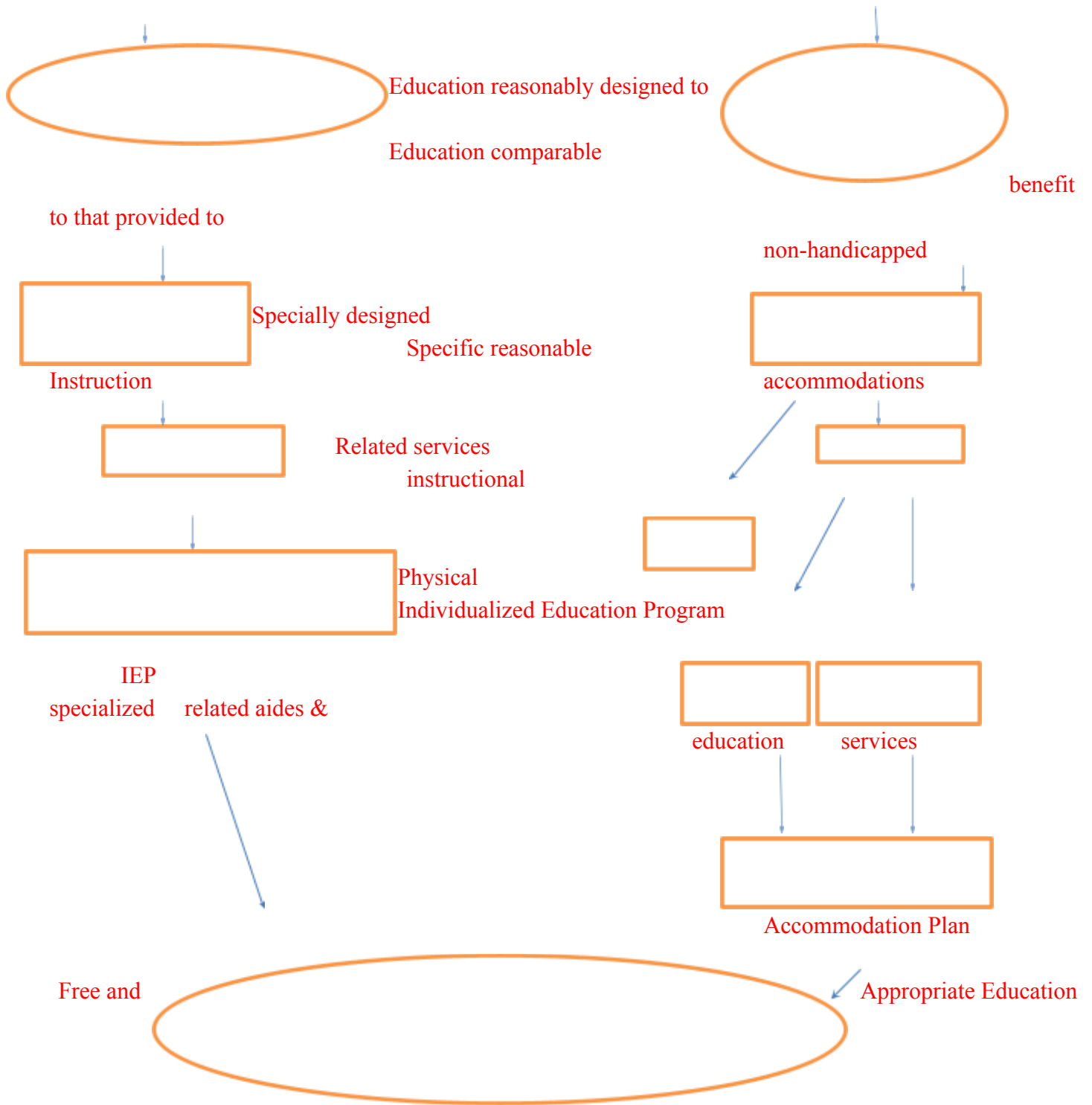
STUDENT NEED





### IDEA/504 FLOW CHART





### Comparison of Section 504, ADA and IDEA Eligibility

**Section 504** identifies all school-age children as disabled who meet the definition. The child has a physical or mental impairment that substantially limits a major life activity. Major life activities included walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing tasks. The condition need only substantially limit one major life activity in order for the student to be eligible.

**ADA** identifies all individuals who have or have had physical or mental impairments that substantially limit a major life activity, or are regarded as disabled by others. Major life activities include, but are not limited to, walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing tasks. The condition need only substantially limit one major life activity in order for the student to be eligible.

**IDEA** identifies all school-age children who qualify for special education services under one or more of 13 categories of disabilities. The categories of disabilities include autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment and other health impairment (i.e. ADD, a heart condition).

### **OCR (Office of Civil Rights) Decisions Affecting Section 504 that Everyone Should Know**

The following is a synopsis of six decisions by OCR which, in addition to working knowledge of the regulations, are essential to a practical understanding of Section 504.

#### **1. Do all eligible 504 students get services? NO**

*OCR Senior Staff Memo, 19 IDELR 894 (OCR 1992)*

Educators frequently ask how to go about creating a placement for a student eligible because they have a record of disability or are regarded as having a disability. OCR's answer is that these students don't get and don't need 504 services. "Logically, since the student is not, in fact, mentally or physically handicapped, there can be no need for special education and related aids and services." Consequently, the District has no duty to refer, evaluate, or place students who are regarded as disabled or have a record of disability. The only duty as to these students is to not discriminate against them on the basis of the history of impairment or the District's perception that the student is impaired.

It is the procedure in Preston to insure that the discussion takes place at the initial meeting when reviewing the referral.

#### **2. Does the major life activity impaired need to be learning? NO**

*Letter to McKethan, 23 IDELR 504 (OCR 1994)*

"Students may have a disability that in no way affects their ability to learn, yet they may need extra help of some kind from the system to access learning. For instance, a student may have severe asthma (affecting the major life activity of breathing) that requires regular medication and regular use of an inhaler while in school. Without regular administration of the medication, an inhaler, the student cannot remain in school."

A school team may determine the student as eligible under Section 504 and require a health care plan and emergency care plan only.

#### **3. Is the public school required to provide 504 services to a student placed in private school by his parent? NO**

*Letter to Veir, 20 IDELR 864 (OCR 1993)*

Once the District has offered the student a free appropriate public education, it has no duty to provide “educational services to students not enrolled in the public school program based on the personal choice of the parent or guardian.”

**4. Is there a right to evaluation on demand under 504? NO**

*Letter to Mentink, 19 IDELR 1127 (OCR 1993)*

**5. Is every student with ADD “substantially impaired?” NO**

*Jefferson Parish (LA) Public Schools, 16 EHLR 755 (OCR 1990)*

While parents may honestly believe that a student is not performing to his or her potential, maximizing potential is not sufficient reason for referral and evaluation. Here, OCR finds no duty to qualify a student under 504 despite his or her having ADD since the student had acceptable behavior and was doing average work in all of his/her classes.

Medication is a mitigating factor and cannot influence the eligibility decision.

**6. What can I do with transcripts, grade reports and diploma? IT DEPENDS**

*Letter to Runkel, 25 IDELR 387 (OCR 1996)*

OCR articulates a variety of rules regarding grades and honors.

1. Eligibility for honor roll and academic awards cannot be decided automatically on the basis of disability status under IDEA or 504.
2. Notations on permanent transcripts are only appropriate to indicate modified curriculum (reduced mastery criteria or modified essential elements), not to designate instructional delivery modification.
3. Graduating students with disabilities cannot be excluded from the general graduation ceremonies.

## **Frequently Asked Questions**

1. Are students who are covered under IDEA always eligible for Section 504 protection?

**YES. . Students who qualify for special education services under the Individuals with Disabilities Education Act (IDEA) are considered students with disabilities under Section 504.**

2. Are students who are covered under Section 504 always eligible for IDEA services?

**NO. Common examples of students who do not qualify for special education services but may qualify under Section 504 are those with asthma or juvenile arthritis. Although such students may need some accommodations in their educational programs, i.e. adjustment of physical education requirements, they do not need special education instructional service.**

3. Are schools responsible for referring students suspected of being eligible for Section 504?

**YES. A referral for possible 504 eligibility must be initiated by a parent, guardian, teacher, or other appropriate school personnel if a student is believed to be in need of services under Section 504.**

4. Do schools have to evaluate students who are referred for Section 504?

**NO. If the school does not believe that the student is eligible, then an evaluation is not required. However, if this decision is made, the student's parents must be informed of their due process rights to appeal.**

5. Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

**NO. A physician's diagnosis should be considered as one piece of evidence when evaluating the student. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.**

6. Do students with disabilities have to be included in all school activities?

**YES. Students with disabilities must be given the opportunity to participate in all activities that the school makes available for other students. They cannot be denied participation because of a disability.**

7. Do schools have to make all of their buildings accessible to students with disabilities?

**NO. Schools are required to make all programs accessible for students with disabilities, not all buildings.**

8. What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protection?

**Parents can file a complaint with the US Department of Education, Office for Civil Rights, requesting an impartial due process hearing, or file suit in federal court.**

9. Is there any extra federal funding for schools to use to provide appropriate services under Section 504?

**NO. There are no federal funds associated with servicing Section 504 students.**

10. Can schools use any tests that they want when evaluating students for Section 504 services?

**NO. While Section 504 is not specific about how to evaluate students for services, it does require that schools obtain information from a variety of sources and requires that nondiscrimination testing methods be used when students are evaluated using test instruments.**

11. Are eligibility guidelines for Section 504 specified?

**NO. The eligibility requirements for Section 504 are rather vague. Basically, a student is eligible for services and protections if the student has a disability, as defined in the act. This means that a substantial limitation must occur in a basic life activity.**

12. Can students who are served under Section 504 be expelled from school?



**YES. Expulsion is considered a major change of placement. Section 504 requires an evaluation before any change of placement. The determination should also be made regarding the relationship of the inappropriate behavior and the disability.**

**A manifestation determination must be conducted at a Section 504 meeting prior to making the expulsion decision.**

**PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 and SECTION 504 OF THE REHABILITATION ACT OF 2008**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

**You have the right to:**

1. Have your child take part in, and receive benefits, from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to non-disabled students;
6. Have your child receive accommodations, modifications and/or related services if he/she is found to be eligible under Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the District;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, education program, and placement;
11. Obtain copies of your child's educational records at a reasonable cost unless the fee would effectively deny you access to the records;

12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refused this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. File a grievance related to decision(s) or action(s) regarding your child's identification, evaluation, educational program or placement; grievance requests must be made to the Section 504 Coordinator.
15. Request a due process hearing related to decisions or actions made by the Section 504 team. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the 504 Coordinator within 20 calendar days of the parent's receipt of notice of the 504 Team's decision and the right to file for an impartial hearing.

The person in this district who is responsible for assuring that the district complies with Section 504 is:

Raymond Bernier

Preston Veterans Memorial School

325 Shetucket Tpke Preston, CT 06365

Phone (860) 887-3113

Fax (860) 889-5478

Ivy Davis-Tomczuk, Ed.D.

Preston Plains Middle School

1 Route 164

Preston, CT

Phone 860-889-3831

Fax 860-204-0126

Please make all requests to utilize either the grievance procedure or the due process hearing procedure in writing to the above address

OR

**Office of Civil Rights**

**US Department of Education  
5 Post Office Square  
8<sup>th</sup> Floor, Suite 900  
Boston, MA 02109-3921  
617-289-0111 Phone  
617-289-0150 Fax  
877-521-2172 TDD**

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

**DERECHOS EN LA EVALUACIÓN, IDENTIFICACIÓN Y UBICACIÓN DE PADRES/ESTUDIANTES BAJO LA SECCIÓN 504 EN EL ACTO DE REHABILITACIÓN DE 1973 y LA SECCIÓN 504 EN EL ACTO DE REHABILITACIÓN DE 2008**

La siguiente es una descripción de los derechos dados por la ley federal a los estudiantes con incapacidades. Esta ley es para informar a los padres sobre las decisiones de sus hijos/as, y para saber si están en desacuerdo con las decisiones.

**Tienes el derecho a:**

1. Su hijo/a puede recibir beneficios de programas de la educación pública sin discriminación.
2. La escuela les puede dar aviso de sus derechos bajo la ley federal.
3. Recibir con respeto, noticias sobre la identificación, evaluación y ubicación de su hijo/a.
4. Su hijo/a puede recibir gratis la educación apropiada. Esto incluye el derecho a recibir educación con estudiantes sin incapacidad a la magnitud apropiada. También incluye el derecho a tener acomodación para que pueda estudiar con igualdad de oportunidad en la escuela.
5. Tener servicios comparables al proporcionado a los estudiantes sin incapacidades.

6. Tener acomodaciones, modificaciones y servicios apropiados debajo la Sección 504 del Acto de Rehabilitación.
7. Tener evaluaciones y tomar decisiones adecuadas sobre la educación y ubicación de su hijo/a basadas en una variedad de Fuentes de información y hechas por personas que conozcan muy bien al estudiante, y también los datos que se están evaluando y las diferentes opciones de ubicación.
8. Tener transportación disponible para llevar y traer a su hijo/a a un lugar alternative, porque es posible que el estudiante puede estar en un programa controlado por un distrito.
9. Su hijo/a tiene el derecho a participar en las actividades ofrecidas por el distrito.
10. Deben examiner todos los datos sobre la identificación, evaluación y ubicación de la educación en el programa.
11. Deben tener copias de los archivos de la escuela. El costo no debe ser un inconveniente para recibir esos datos.
12. Recibir una explicación e interpretación de los archivos de su hijo/a.
13. Si los archivos están equivocados, puedes solicitar una forma de corrección porque si la información es incorrecta, es una violación de los derechos de su hijo/a. Si la escuela no acepta la forma de corrección, deben notificar con tiempo y tienes el derecho a un juicio.
14. Archivar una queja relacionada con las decisiones o acciones que tengan que ver con la identificación, evaluación, programa educativo o nivel en que han colocado a de su hija(o); la queja debe enviarse al coordinador de la Sección 504.
15. Solicitud de fecha para una audiencia relacionada con decisiones o acciones hechas por el equipo de la Sección 504. Usted y el estudiante pueden participar en la audiencia y tener un abogado que los represente. La petición de una audiencia debe solicitarse al Coordinador de la Sección 504, dentro de los primeros veinte días de haber recibido la notificación del equipo 504 y el permiso para archivar una audiencia imparcial.

La persona encargada de que el distrito cumpla con la Sección 504 es:

Raymond Bernier

Preston Veterans Memorial School

325 Shetucket Tpke Preston, CT 06365

Phone (860) 887-3113 Fax (860) 889-5478

Ivy Davis-Tomczuk, Ed.D.

Preston Plains Middle School

1 Route 164

Preston, CT

Phone 860-889-3831

Fax 860-204-0126

Por favor envíe por escrito la solicitud para usar el procedimiento de queja o el de audiencia a la siguiente dirección.

OR

**Office of Civil Rights  
US Department of Education  
5 Post Office Square  
8<sup>th</sup> Floor, Suite 900  
Boston, MA 02203  
617-289-0111 Phone  
617-289-0150 Fax  
877-521-2172 TDD**

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

<http://diccionario.reverso.net/ingles-espanol/queja%20process>

**SECTION II**

**Preston Board of Education**  
**Section 504 Procedures and Forms**

1. Concerns are brought by parent, teacher, nurse, or other staff to the Student Study Team/Data or other source.
  
2. Implementation of strategies
  - Intervention Plan – attach
  - Behavior Intervention Plan – attach
  - Health Care Plan and /or Emergency Plan - attach
  - Other \_\_\_\_\_ - attach
  
3. A referral is made and the meeting is set
  - *Section 504 Meeting Notice – (include Parent Rights Under Section 504) Section 504 Referral form*
  
4. The referral meeting is held
  - *Section 504 Meeting/Summary/Section 504 Plan*
  - *Notice and Consent to Conduct a Section 504 of Evaluation /Re-Evaluation*
  
5. Evaluations are completed or evidence gathered to include curriculum based measures and at least one standardized measure; evaluation must include the area of disability as well. This is where you “dig deep” and be sure you have comprehensive medical information. (Responsibility of the general education teacher and any other appropriate staff such as the nurse.) Evaluation is done at least every 3 years.
  
6. Team meeting to determine eligibility
  - *Section 504 Meeting Notice – (include Parent Rights Under Section 504)*
  - *Section 504 Meeting/Summary/Section 504 Plan (Plan done annually)*
  - *Section 504 – Student Eligibility Determination Worksheet*
  - *Language and Communication Plan (done annually)*
  - Parent does not sign any consent to provide services form
  
7. Copy of 504 Forms:
  - a. Parent
  - b. 504 file
  - c. Cumulative folder
  - d. 504 Coordinator- Special Education Office
  - e. Other (as appropriate)
    - i. Nurse (\*)

- ii. Social Worker (\*)
- iii. School Psychologist (\*)
- iv. Teacher (\*)
- v. Other (\*)

**\*Read and Sign Sheets must be attached to the 504 Plan for distribution.**

7. Under “Special Programs” in PowerSchool, use 504 dropdown to identify students as having a 504 plan.
8. When the student moves from the elementary to the middle school, the 504 folder will be sent to receiving school, separate from the cumulative folder but attached to it. (Refer to Item 10, a and b)
  - a. Communication between the case manager and receiving school must be done.
9. If student moves to another district:
  - a. Copy of 504 folder is sent to new district
  - b. 504 folder put in cumulative folder
  - c. Communication between the case manager and receiving school is best practice
10. Transitions from a Preston Veterans Memorial School to Preston Preston Plains Middle School, or to a High School:
  - a. A master list from sending schools of all students with 504 Plans will be sent to receiving school.
  - b. Sending Building 504 Coordinator and Case Manager will communicate with receiving Building 504 Coordinator and Case Manager regarding individual students and their 504 Plans.
  - c. Receiving Principal will enter the student as having a 504 Plan by using “Special Programs” on PowerSchool.
  - d. A meeting with members of the 504 teams from sending and receiving schools must be held at the end of the school year to plan for transition to the next level. Each school team will determine the most efficient procedure.
11. When a student with a 504 plan enters from another district, the Building 504 Coordinator will review the plan. If the plan can be implemented as written, the plan will be shared with appropriate staff for implementation. A 504 meeting will be convened within 6-8 weeks (sooner if necessary) to evaluate the plan.
12. If the 504 plan cannot be implemented as written, requires clarification or requires an initial meeting to discuss student individual needs, a 504 meeting will be held to begin the process as outlined in #3-#7.

**Section 504  
Key Points**

1. Section 504 is not special education.  
Section 504 is civil rights legislation.  
Section 504 is access/equity for students with disabilities.
2. Broad definition of disability:  
“Any physical or mental impairment that substantially limits one or more major life activity”
3. District is required to:
  - a. Respond to a referral by conducting a 504 Referral meeting
  - b. Evaluate student who may need special accommodations or related services to access the curriculum
  - c. Document outcome of evaluations and decisions regarding eligibility
  - d. Develop and implement written plan for eligible students
  - e. Periodically review plan (at least annually)
  - f. Re-evaluate at least once every three years
4. All special education students are covered by Section 504; not all Section 504 students are eligible for special education.
5. Complaints are investigated by the Office of Civil Rights.

References:

<http://www.ed.gov/policy/rights/guid/ocr/disability.html>

*The Americans with Disabilities Act Amendments of 2008*

<http://www.ed.gov/about/offices/list/ocr/504faq.html>

*Frequently Asked Questions about Section 504 & the Education of Children with Disabilities*



**Administrative Procedures**  
**Section 504 of the Rehabilitation Act of 1973**

**A. IDENTIFICATION AND REFERRAL PROCEDURES:**

Any student with a disability who needs or is believed to need accommodations, modifications, or services not available through existing programs in order to receive a free appropriate education may be referred by a parent, teacher or other certified school employee to the 504 Team for identification and evaluation of the student's individual educational needs.

The 504 Team will be composed of persons knowledgeable about the student (unless the student is new to the district), the student's school history, the student's individual needs, the meaning of the evaluation data, and the placement options. The 504 Coordinator will monitor the composition of the 504 Team to ensure that qualified personnel participate.

The 504 Team will consider the referral and, based upon a review of the student's existing records, including academic, social and behavioral records, make a decision as to whether an evaluation is required, and will inform the parent or guardian of this decision and of their procedural rights. It is best practice to have the parent present at the referral meeting as the parent *must* sign consent for evaluations.

**B. EVALUATION:**

1. If a child needs or is believed to need special education, related services and/or supplemental aids under Section 504 of the Rehabilitation Act of 1973 and 2008, the school district must evaluate the child.
2. Notification of the parent/legal guardian is required each time the Section 504 Team evaluates or reevaluates for student's eligibility for accommodations. The person responsible for the Section 504 referral should communicate in-person or by telephone with the parent/guardian in addition to sending the Notice of 504 Meeting and a copy of Rights Under Section 504.

**Note:** Written consent from the parent/legal guardian is required if individual testing (psychological, medical, psychiatric, etc.) is to be part of the Section 504 evaluation process.

3. The Section 504 evaluation (initially and at least once every three years):
  - Should be based on information from a variety of sources and *must* be comprehensive: e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community;
  - Should *document* and consider all available pertinent information: e.g. records, assessment data, medical reports related to the suspected physical or mental impairment which may be substantially limiting a major life activity;

- Should be conducted by a *team or group of persons* including those who are knowledgeable about the child, the suspected handicapping condition, evaluation procedures, the meaning of evaluative data, and accommodation/placement options;
- Should 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.

4. Section 504 evaluation procedures may include:

- Review of school record
- Interviews with persons knowledgeable about the child's functioning
- Observations in the school, home or community environments
- Administration of educational testing, and/or
- Individual testing measures appropriate for assessing the presenting concern (*must have one standardized measure eg. STAR, DIBELS2, SBA, CTAA*)

5. The parent/legal guardian *must be invited* to participate in the Section 504 Meeting where the results of the evaluation, the determination of disability and possible accommodations/services will be discussed. Every effort should be made to hold this meeting at a time when the parent/legal guardian is able to attend.

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

- ***Discuss evaluation material (which may include the following):***

- Statements and information from teachers and other school
- Social and cultural background information
- Assessment and/or testing information (e.g. behavioral observations, adaptive behavior, academic achievement, cognitive functioning)
- Statements (written) and information from health care providers, physicians or other professionals
- Statements (written) and information from parent/legal guardian and /or persons in the community
- School attendance information

- ***Determine whether a physical or mental impairment can be identified***

- Does the student *currently have* a mental and/or physical impairment that can be verified by reference to documentation by a Health Care Provider or other professional?

- Determine whether the impairment or condition substantially limits one or more major life activity.

“***Substantial***” relates to the *limitation* of a major life activity, not the condition or handicap (e.g. a substantial limitation to learning). In determining the existence of a substantial impairment, compare the functioning of the student with the impairment to the functioning of the average student of the same age or grade in the general population. There must be a substantial difference in functioning between the student with the impairment and the non-impaired population.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies and equipment, prosthetics, hearing aids or cochlear implants, mobility devices, assistive technology, reasonable accommodations, auxiliary aids and services, learned behavior or adaptive neurological modifications. Mitigating effects of ordinary eyeglasses or contact lenses may be considered in determining whether there exists a substantial limitation.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Close calls concerning whether a student has a disability or a substantial impairment should be resolved in favor of finding that the student has a disability and determining whether any accommodations are needed in the school setting as a result of that condition.

***Identify the major life activity that is affected by the student’s impairment:*** For example, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, breathing, speaking, seeing, hearing, walking. This list is exemplary and not exhaustive. A major life activity also includes the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

*Ask the question: “Is the student afforded an equal opportunity to participate and/or benefit from education when compared to nondisabled, age-appropriate peers?”*

***Determine whether the student qualifies as disabled under Section 504:***

- The student has a record of a physical or mental impairment;
- The impairment substantially limits one or more major life activities for that person.

7. If the student is determined to be disabled under Section 504 and requires accommodations, modifications, or services to be provided with an equal educational opportunity, the 504 Team must develop a written **Section 504 Plan** which documents the regular education

accommodations and/or services that will be provided in order to meet the educational needs of the disabled student.

8. Periodic **review** is required by Section 504 regulations. Review of the Section 504 Education Plan is done once per year, upon significant change in school placement or program or when plan needs to be modified.
9. Reevaluation of 504 eligibility is done every three years.

### **C. ACCOMMODATION PLAN**

The parents or guardian shall be invited to participate in the 504 Team Meeting where accommodations, modifications and/or services for the student will be determined, and the parents shall be given an opportunity to examine all relevant records concerning the student.

The 504 Team will develop a written plan describing the disability and the accommodations and modifications needed to provide the student with an educational opportunity equal to that provided to non-disabled students. The 504 Team should ask the question, "What reasonable accommodations, modifications and/or services are needed to ensure that the student with a qualifying disability under Section 504 receives an educational opportunity equal to that afforded to non-disabled students?" The plan will specify how the accommodations and modifications or services are to be provided and by whom. In developing the plan, the 504 Team shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.

The team may also determine that no accommodations, modifications or services are appropriate. If so, the record of the 504 Team proceedings will reflect the identification of the student as an individual with a disability and will state the basis for the decision that no accommodations, modifications or services are presently needed.

A student with a disability shall be placed in the regular education environment of the District with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with the disability shall be educated with those who are not handicapped to the maximum extent appropriate to the individual needs of the student.

The 504 Team shall notify the parents or guardian in writing of its final decision concerning the accommodations and modifications or services to be provided and the parents shall be notified of the safeguards available to them, including the right to an impartial hearing.

If a plan for providing accommodations, modifications or services is developed, all school personnel who work with the student shall be informed of the plan and a case manager will be assigned to monitor student progress.

### **D. REVIEW OF THE STUDENT'S PROGRESS**

The 504 Team will monitor the progress of the student with a disability and the effectiveness of the student's plan at least once every year to determine whether accommodations, modifications or services are appropriate and necessary, and that the disabled student's needs are being met as adequately as the needs of non-disabled students.

Any student who needs or is believed to need special education services beyond the scope of the Section 504 Student Accommodation Plan should be referred to the Planning and Placement Team for consideration of additional evaluation(s), and/or eligibility for special education services.

#### **E. PROCEDURAL SAFEGUARDS**

The parents or guardian shall be notified that they may examine relevant educational records concerning their child.

The parents or guardian shall have the right to an impartial hearing (Section 504 due process hearing) with opportunity for participation by the parents or guardian and their counsel regarding all decisions made by the 504 Team.

A request for a Section 504 due process hearing shall be made in writing by the parent or guardian within twenty (20) calendar days of the parents' receipt of notice of the 504 Team's decision and their right to file for an impartial hearing.

Upon receipt of a parent's request for Section 504 due process hearing, the school district shall appoint an impartial hearing officer and schedule a due process hearing within twenty (20) calendar days.

The request shall be made in writing to: Raymond Bernier or Ivy Davis-Tomczuk.

The school district will appoint an impartial hearing officer. The Section 504 Coordinator may suggest that the grievance procedure be attempted prior to Section 504 due process hearing being held.

#### **F. DESIGNATION OF RESPONSIBLE EMPLOYEE**

The Superintendent shall designate a Coordinator to coordinate the District's efforts to comply with Section 504.

Currently, the Section 504 Coordinator is the Director of Pupil Services and Special Education.

#### **G. GRIEVANCE PROCEDURE**

Complaints about facilities or services offered by the Preston Public Schools may be filed with the 504 Coordinator. A *Section 504 Discrimination Complaint Form* is provided for this purpose.

The following information is required when completing a complaint:

- Name(s) of person(s) or group making the complaint
- Whether the person(s) represents an individual or group
- Whether the person(s) making the complaint has discussed the problem with the site administrator
  - A summary of the complaint and suggested solution(s).
  - Assistance with complaints is available upon request to the 504 Coordinator.

Processing of the Complaint:

The complaint shall be presented in writing, with a suggested solution, to the Section 504 Coordinator. If assistance is needed in writing the complaint, the complainant may seek assistance from the Section 504 Coordinator. The Section 504 Coordinator will have THIRTY (30) school days, unless further time is required, to mail a response to the complainant. The Section 504 Coordinator should interview the complainant and consider all documents offered before rendering a response.

If the issues in the complaint relate to provisions of a free and appropriate public education for an individual student, the student may be referred to a Section 504 Team or Planning and Placement Team at any point during the processing of the complaint.

## **H. PUBLIC NOTICE**

### **NOTICE OF NON DISCRIMINATION**

STATEMENT OF NON-DISCRIMINATION --The Preston Board of Education is an affirmative action/equal opportunity employer, and it does not discriminate on the basis of race, color, religious creed, age, marital status, civil union, military or veteran status, national origin, sex, ancestry, sexual orientation, gender identity or expression, or past or present physical or mental disability in any of its education programs, activities, or employment policies. All educational programs and offerings, including vocational education and extracurricular activities, subscribe to this policy. Any person having questions concerning the Preston Board of Education compliance with the regulations implementing Section 504 is directed to contact:

Raymond Bernier

Preston Veterans Memorial School

325 Shetucket Tpke Preston, CT 06365

Phone (860) 887-3113 Fax (860) 889-5478

Ivy Davis-Tomczuk, Ed.D.

Preston Plains Middle School

1 Route 164

Preston, CT

Phone 860-889-3831

Fax 860-204-0126

Who has been designated to coordinate the District's efforts to comply with the regulations implementing Section 504.

OR

Office of Civil Rights

US Department of Education

5 Post Office Square

8<sup>th</sup> Floor, Suite 900

Boston, MA 02109-3921

617-289-0111 Phone

617-289-0150 Fax

877-521-2172 TDD

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

## TOP 25 504 ERRORS

### A. Eligibility

1. Ignoring the cause and focusing on the symptoms: When schools forget the “physical or mental impairment” requirement.
2. Accepting the argument that disability=eligibility: When schools ignore the substantial limitation requirement.
3. I have a doctor’s note so s/he qualifies for/requires a 504 plan.
4. Relying exclusively on the parent for data about the disability.
5. His parents don’t want special education (even though he’s eligible and we’ve offered an IEP), so we’ll give him a Section 504 instead.
6. Psychic Hotline Eligibility: “He’s going to have trouble when he moves up to the next school, so let’s make him eligible now.”
7. Misunderstanding prongs two and three of Section 504 eligibility.
8. “Don’t worry...the parents will advise if there is a problem.”
9. Where is the educational need? – Creating eligibility where the impairment does not impact on the student’s ability to access the school’s programs and activities.
10. Failure to remove mitigating circumstances when considering eligibility.
11. Failure to dismiss when eligibility goes away.
12. Does the student with a disability need special education and related services? – When the 504 student or the IDEA student is in the wrong program.

### B. Implementation

13. Too many accommodations
14. What accommodation plan? Was that in the plan?
15. A team member vetoed the accommodation plan.



16. Student served by 504 Committee and IEP Team at the same time in the same way.
17. “We have to give him passing grades if he’s a 504 student.”
18. “Nobody told us about non-discrimination.”
19. “We don’t do 504 here.”
20. Forgetting the importance of process to OCR.
21. Utilizing the IDEA Notice of Rights for parents of 504 students.
22. The 504 non-discrimination duty extends to eligible employees, parents and folks in the community.

### C. Discipline

23. No behavior management plan for a student with behavioral troubles.
24. Failure to perform a manifestation determination for the 504 student.
25. “I thought you were keeping track of removal days.”
26. Forgetting the current drug- and alcohol-use exception.
27. Mistaken assumption that state law or local policy requiring zero tolerance overrules federal law.

Adapted from 2003 LRP Publications: The Top Section 504 Errors: Expert Guidance to Avoid 25 Common

## Compliance Mistakes

**Accommodation vs. Modification:** Accommodations are not the same as modification. Accommodations are intended to lessen the effects of a student’s disability; they are not meant to reduce learning expectations.

### What is the Difference Among Accommodations, Modifications and Interventions?

**Accommodation:** a change to instruction, materials, assessment, organization of content, and/or tasks that supports *how* a student learns. This allows for access to the general education curriculum without changing the content standard or performance expectations and creates an *equal opportunity* to demonstrate knowledge and skills.

Many accommodations are part of effective instruction. All accommodations should be embedded as much as possible within the context of the general education curriculum and the classroom routing. However, there are some students who *must* have a ramp to enter. All students can benefit from advanced organizers, but certain students *must* have them in order to comprehend the text. Great classroom instruction does not make the accommodation apparent. To any observer it looks like an effective teaching practice embedded within the instruction of the content.

Examples:

- Student listens to audiotape of the science textbook
- A designated note taker is provided for the student, except where handwriting is part of the standard or learning objective.

**Modification:** a change to the general education curriculum in terms of the content standard or performance expectations that directly affect *what* the student learns and the degree to which the student is expected to demonstrate mastery. There are two kinds of modifications:

- Change in the amount of concepts or performance expectations within the grade level standard

- Change in level of content standard

We should consider changing the amount that needs to be learned before changing their level of what is expected to be learned. Modifications are typically reserved for students with Individualized Education Plans (IEPs), but also may be considered for English Language Learners and Gifted and Talented students, as needed. Any modification decreases the chances of success on SATs or SBAC889 due to reduced exposure to the general education curriculum.

Examples:

- Decrease in number of *required* math facts, vocabulary or spelling words
- Student learns the names and location on a map of 10 states (or countries in a continent), while the other students learn them all

**Intervention:** strategic, purposeful adult actions that prevent learning difficulties and accelerate, and/or enrich student learning. These adult actions are designed to explicitly provide/teach students a skill or learning strategy in order to *reduce significantly* the difference between what they currently can do and what they are expected to do. (Adapted from Brown-Chidsey & Steege, 2005)

An intervention can be planned by using a standard treatment protocol or by using problem-solving logic. Student progress is monitored to provide evidence of effectiveness. Depending on the school level and the tier, an intervention can be administered by a classroom teacher, a specialist, or an external interventionist.

Examples:

- Explicit instruction in concepts and skills (e.g. sound letter correspondence, decoding, magnitude, subtraction with re-grouping)
  - Explicit instruction in note taking or writing strategy

**SECTION III**

**READ & SIGN/504 PLAN**

**(To be certain everyone has received the student's plan)**

**DATE:**

**FROM:**

**RE: 504 Plan for** \_\_\_\_\_

\_\_\_\_\_  
**Teacher's Signature**

\_\_\_\_\_  
**Date Received**

\_\_\_\_\_  
**Teacher's Signature**

\_\_\_\_\_  
**Date Received**

\_\_\_\_\_  
**Teacher's Signature**

\_\_\_\_\_  
**Date Received**

---

Teacher's Signature

---

Date Received

---

Teacher's Signature

---

Date Received

## Section IV

### Index of Terminology

#### **Accommodations**

Accommodations are tools and procedures that provide equal access to instruction and assessment for students with disabilities. They are provided to “level the playing field.” Without accommodations, students with disabilities may not be able to access grade-level instruction and participate fully on assessments. Accommodations are not intended to reduce learning expectations.

**Equal access:** equal opportunity of a qualified person with a disability to participate in or benefit from educational aid, benefits, or services

**Free appropriate public education (FAPE):** a term used in the elementary and secondary school context; for purposes of Section 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based upon adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards

**IDEA:** is an acronym for the [Individuals with Disabilities Education Act](#), our nation’s special education law. IDEA was first passed in 1975, where it was called the Education for All Handicapped Children’s Act. Every few years, the law has been revised (a process called *reauthorization*). The most current version of IDEA is [Public Law 108-446](#), passed in 2004 and called the “Individuals with Disabilities Education Improvement Act of 2004.” It’s still most commonly referred to as IDEA, or IDEA 2004 (to distinguish it from other reauthorizations). [Final regulations for IDEA 2004](#) were published in 2006.

**Individualized education program:** *Individualized education program* or *IEP* means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with §§300.320 through 300.324.

**Placement**: a term used in the elementary and secondary school context; refers to regular and/or special educational program in which a student receives educational and/or related services

**Reasonable accommodation**: a term used in the employment context to refer to modifications or adjustments employers make to a job application process, the work environment, the manner or circumstances under which the position held or desired is customarily performed, or that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment; this term is sometimes used incorrectly to refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context

**Reasonable modifications**: under a regulatory provision implementing Title II of the ADA, public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity

**Related services**: a term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation

### **Specially Designed Instruction**

IDEA defines specially designed instruction as “adapting, as appropriate to the child’s needs, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability; to ensure access of the child to the general education curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.”