

Sanders Unified School District SY 2023-2024



SECTION 504 &



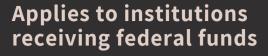
PRESENTED BY SHANICEY PINTO















HISTORICAL INFORMATION

Prohibits
discrimination by
protecting the civil
rights of persons with
disabilities



There is no funding for civil rights statutes





Monitored by the office for Civil Rights (OCR)



"No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, or be subjected to discrimination under any program or activity receiving Federal financial assistance..." 29 U.S.C § 794(a)



THE
PARAGRAPH
KNOWN AS
SSECTION
504



SUBPART D OF SECTION 504

- Section 504 regulations are found at 34 CFR 104
- Children with disabilities may not be categorically excluded from participation in noneducational programs such as after-school care and summer programs
- Regulations that apply to preschools, elementary, secondary, and adult education programs and includes requirements for:
- 1. Location and notification
- 2. FAPE and LRE
- 3. Procedural Safeguards
- 4. Equal opportunity to participate in non-academic services and activities
- School districts must provide nonacademic and extracurricular services and activities in the same manner as is necessary to afford students with disabilities an equal opportunity for participation in such:
 - Counseling services
 - Transportation
 - Health services
 - Recreational activities
 - Special interest groups or club
 - Physical athletics

IF STUDENT: (CRITERIA)	STUDENT IS ELIGIBLE FOR:	
Has a physical or mental impairment that substantially limits one or more major life activities; or	Protection from discrimination, including reasonable modification of policies, practices, or procedures	+FAPE in the LRE if the student needs special education or related aids and services
Has a record of such impairment; or	Protection from discrimination, including reasonable modification of policies, practices, or procedures	
Is regarded as having such an impairment.	Protection from discrimination	

\$504 ELIGIBILITY HAS 3 PRONGS

NOTE IMPAIRMENTS MAY BE EPISODIC, SEASONAL, OR IN REMISSION



1. A PHYSICAL OR MENTAL IMPAIRMENT



2. THAT POSES A SUBSTANTIAL LIMITATION

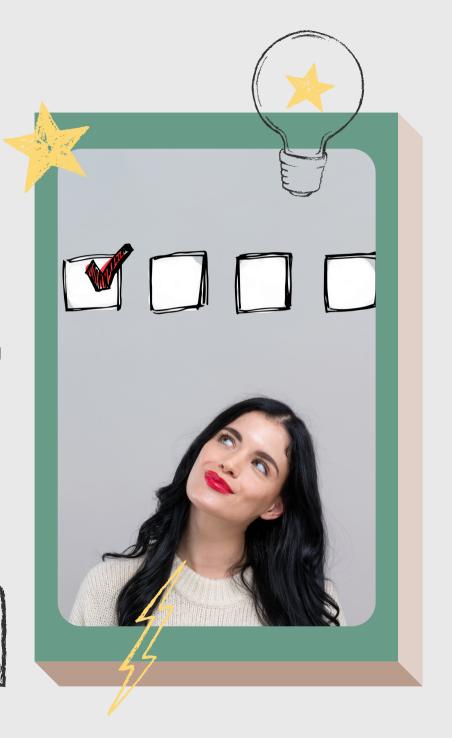


3. ON A MAJOR LIFE ACTIVITY

- LEARNING
- PARTICIPATING
- ACCESSING

ELIGIBILITY

Physical or Mental Impairment 34 C.F.R. 5104.3(j)(2)(i). (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; lymphatic; skin and endocrine; or (B) any mental or psychological disorder, such as cognitive delays, organic brain syndrome, emotional or mental illness, and specific learning disabilities."





IMPAIRMENT CLASSIFICATIONS

Specific physical or mental impairments are not listed in the regulations because of the difficulty of ensuring the comprehensiveness of any such list

- For example: Student has a major migraine disorder that impairs the student's concentration and attendance.
- Student has a rare disease or medical condition



SUBSTANTIALITY



SECTION 504 DOES NOT SPECIFICALLY DEFINE THE TERM "SUBSTANTIALITY LIMITS."

- THE BASIS FOR EVALUATING THIS CRITERION IS THE IMPACT THE IMPAIRMENT HAS ON ONE OR MORE OF A STUDENT'S MAJOR LIFE ACTIVITIES.
- THE IMPAIRMENT NEED NOT SEVERELY OR SIGNIFICANTLY RESTRICT A MAJOR LIFE ACTIVITY TO BE CONSIDERED SUBSTANTIALLY LIMITING.
- THE 2008 AMENDMENTS ACT INTENTIONALLY MADE ELIGIBILITY MUCH BROADER.
- MAY NOT CONSIDER MITIGATING MEASURES (I.E. MEDICATION, PROSTHETIC DEVICE, MOBILITY DEVICE, ETC.)



MAJOR LIFE ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO:

- CARING FOR ONESELF
- PERFORMING MANUAL TASKS
- WORKING
- WALKING
- HEARING
- SEEING
- EATING
- SLEEPING
- SPEAKING
- BREATHING
- STANDING
- LIFTING
- CONCENTRATING
- COMMUNICATING
- LEARNING
- READING
- THINKING

FUNCTION OF A 504 PLAN IN SCHOOL



§504 protects an individual's civil rights.

A 504 plan allows a student the right to an equal opportunity to participate in the academic and extracurricular activities that other students participate in.



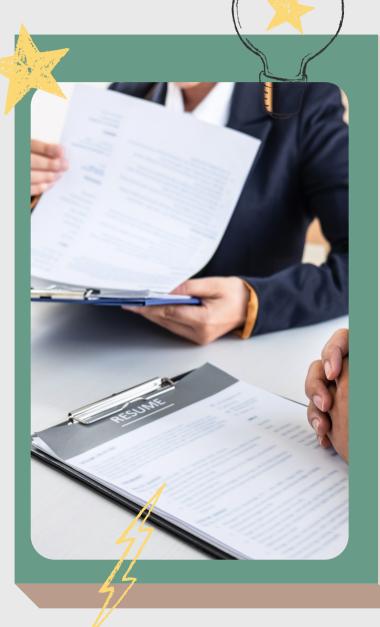


WHO SHOULD BE CONSIDERED FOR A 504 PLAN?

• Students needing accommodations or modifications to access the general curriculum

• Students needing accommodations or modifications to participate in the activities their peers do

- Students with <u>health forms that reflect medical</u> <u>conditions</u>
- Students who are <u>frequently absent due to</u> <u>medical appointments</u>
- Students who have informal health plans
- Students who are <u>taking regular medication at</u> <u>school</u>





THE 504 PROCESS

- I. Make a referral
- 2. Inform parents
- 3. Gather information
- 4. Conduct evaluation
- 5. Determine eligibility
- 6. Create the plan
- 7. Distribute the plan to everyone it pertains to
- 8. Monitor the plan's progress
- 9. Review and revise the plan



WHO CAN MAKE A REFERRAL?

Any parent, guardian, teacher, counselor or other school staff member who believes that a student needs accommodations for a qualifying disability can request a Section 504 evaluation.

- The referring person completes the Section 504 Evaluation Referral form and forwards it to the 504 School Coordinator.
- School Coordinator sends Parent Consent: Section 504 Evaluation to parent/guardian.
- School Coordinator begins use of 504 Evaluation/Placement Checklist

CAN be verbal or written

At least 3 persons who are knowledgeable about the needs of the student.

- School Coordinator (mandatory)
- Regular education teacher (mandatory)
- Parent/guardian (make every attempt possible)
- Referral source
- School nurse/health aide
- Specialists
- As-needed participants
- The child (when appropriate)



REQUIRED MEMBERS OF THE 504 TEAM





- A doctor's note on a prescription pad - "Needs 504 Plan" - is not enough
- An evaluation must exist/be performed to determine eligibility
- The evaluation must be performed by a group of qualified persons who are knowledgeable about the child
- May include: parent, doctor, school staff, outside experts





EVALUATION DATA TO BE CONSIDERED



- Test scores
- Disciplinary referrals
- Medical documentation
- Attendance records
- Therapist/psychologist
- Parent input
- Observations from campus staff
- School nurse log
- Other data
 - Consider all school environments







MORE ON EVALUATION DATA

The data must enable the team to answer the following identification questions:

- I. Is there a physical or mental impairment?
- 2. What major life activity does it affect?
- 3. Does it substantially limit the performance of that major life activity (or would it do so if not for "mitigating measures")?
- 4. There must be some evaluation data to support the existence of a physical or mental impairment.
 - a. For example: parents saying the child is bipolar is not evaluation data.
- 5. Get a release to obtain medical records and communicate with the child's physician.
- 6. Remember: Congress wants a simple, common-sense approach—not an extensive and detailed analysis of "impairment." But you have to have some data from some qualified person—often a doctor, so seek parental consent to release/exchange confidential information with the child's physician.



- Doctor input is very important, but itself cannot establish eligibility.
- Some notes speak for itself...
 - Asthma
 - Allergies
 - ADHD
 - Epilepsy
- But if the note also recommends educational services, then it does not speak for itself.

WHAT
ABOUT A
DOCTOR'S
NOTE?

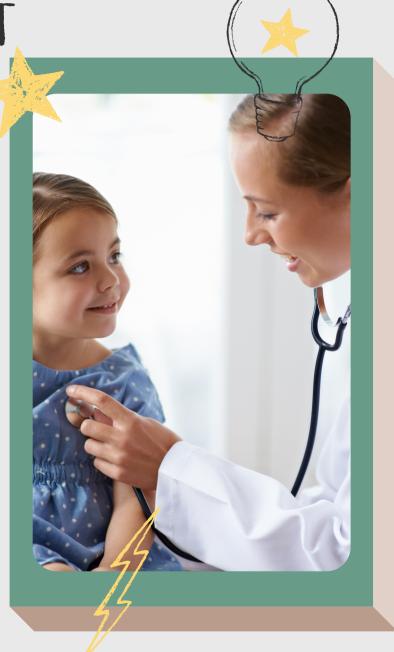
A WORD ABOUT MEDICAL DIAGNOSES

- A MEDICAL DIAGNOSIS IS NOT SUFFICIENT
- A PRESCRIPTION FOR A 504 PLAN IS NOT SUFFICIENT
- A MEDICAL DIAGNOSIS IS NOT REQUIRED
- SEEK PERMISSION TO SHARE INFORMATION WITH THE DOCTOR
- REQUEST A MEDICAL CERTIFICATION (BUT CAN'T REQUIRE)
- EXPLAIN TO PARENTS THAT A TEAM MAKES THE ELIGIBILITY DETERMINATION BASED ON A PREPONDERANCE OF INFORMATION FROM A VARIETY OF SOURCES
 - **TEAMS DON'T DIAGNOSE, BUT SAY ELIGIBLE**
 - P. 5 OF THE ADA AMENDMENTS ACT FAQ: "THE NATURE OF MANY IMPAIRMENTS IS SUCH THAT IN VIRTUALLY EVERY CASE, A DETERMINATION IN FAVOR OF DISABILITY WILL BE MADE."

MEDICAL ASSESSMENT

• There is nothing in Section 504 that requires a medical assessment to determine a disability.

- If a district determines that a medical assessment is necessary, the "district must ensure that the student receives this assessment at no cost to the student's parents."
- If a district believes a medical assessment is necessary and the parent volunteers to pay for a private assessment, the district must make it clear that the parent has a choice and can choose to accept a schoolfurnished assessment.





SO WHAT IF ADDITIONAL DATA IS NEEDED?

- If additional data is needed to determine eligibility, a plan to collect the data is put into place and a follow up meeting date is set to review new data and determine eligibility. (Within 60 calendar days)
- Obtain parent consent using Parent Consent: Section 504 Evaluation form.

Provide Parent's Rights and Safeguards Under Section 504 to parent/guardian.



IDENTIFY FIRST PLAN SECOND



- Section 504 Committee should address IDENTIFICATION first. Does the student meet the definition of an individual with a disability?
 - A physical or mental impairment that substantially limits one or more major life activities of such individual;
 - A record of such an impairment; or
 - Being regarded as having such an impairment.
- If IDENTIFIED, the team should then consider a plan.



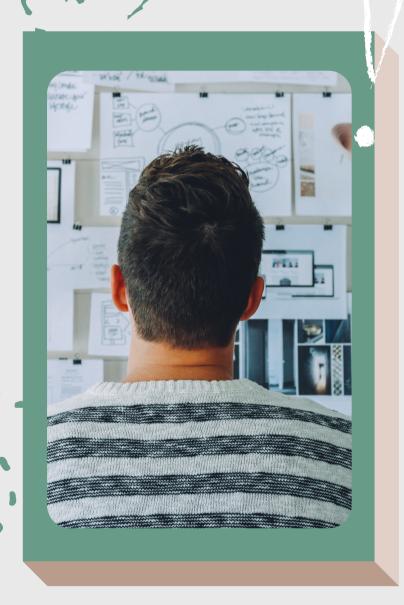
504 PLANS

Included in the 504

- Student's disability and the resulting problem
- Accommodations that will be used
- Any modifications of procedures or policies needed
- Any related services to be provided
- Indicate person responsible for implementing the accommodation
- Indicate the team leader who is the case manager

Use the Section 504 Student Accommodation Plan document

504 PLANS CONTINUED...



Three Types of Plans

- Some students will require a plan of accommodation or services on a DAILY, or at least REGULAR basis.
- Some will need a CONTINGENCY or EMERGENCY plan because the impairment is episodic or in remission.
- Some will only need a MONITOR and REVIEW plan.



ACCOMMODATIONS

- Adjusted seating
- Extended time
- Note-taking (recorded, partially completed)
- Alternative format (large print, audio format)
- Medical pass
- Assistive technology
- Modified schedule
- Use of a timer or checklist
- Counseling
- Extra time between classes
- Rest breaks
- Transportation

ACCOMMODATIONS: DO'S AND DON'TS



- Provide accommodations to minimize the impact of the impairment
- Do change how student gains access
- Do change how student demonstrates proficiency

DON'T CHANGE THE CONTENT
OF THE MATERIAL
DON'T CHANGE THE LEVEL
OF PROFICIENCY NEEDED
FOR MASTERY





WHO SHOULD
HAVE A COPY OF
THE PLAN?



Each teacher serving the student (don't forget special area teachers!)



Other school staff who will need to implement provisions of the Plan (bus drivers, lunch aides, cafeteria staff, nurse, etc)





Student if able to understand and self-advocate

The Section \$504 FAPE requires the school to meet the educational needs of the student with disability as adequately as it meets the needs of his non-disabled peers.

Eligible students are entitled to receive an education comparable to those without impairments.

We must focus on access and equality of opportunity.



ACCESS TO GRADE LEVEL CURRICULUM



What's the Expectation With Respect to Grade-level Curriculum?

- I.Students with a 504 plan are expected to master the grade level curriculum.
- 2. Section §504 is not a statute of reduced expectations.







EXAMPLES

Ol Adam

02 Rebecca

03 Ginny

04 Billy



- Adam has just been referred to MTSS.
- Mom brings us an ADHD diagnosis from the doctor.
- MTSS meets to come up with a hypothesis. There is no obvious disability or serious and urgent problem warranting a referral for special education.
- Adam has been provided Layer I interventions.
- MTSS refers for Section 504 evaluation.
- MTSS/Section 504 Committee is concerned about the MAJOR LIFE ACTIVITY of "concentrating" and "learning."
- We have data to support his PHYSICAL OR MENTAL IMPAIRMENT.
- We have evidence of some degree of impairment since he was referred to MTSS.
- The Section 504 Committee will have to consider the degree of impairment (mild, moderate, substantial).
- This consideration must be without regard to the positive effects of mitigating measures, including medication.
- If Adam is substantially limited, he should be identified as a student with a disability under Section 504.
- POLL: What type of plan will Adam need?:
- A. Regular/daily
- B. Emergency/contingent
- C. Monitor/review



REBECCA

- Rebecca has been diagnosed with a seizure disorder, but has not had a seizure at school for three years.
- Many MAJOR LIFE ACTIVITIES are implicated but only when the impairment is active.
- POLL:What type of plan will Rebecca need?:
- A. Regular/daily
- B. Emergency/contingent
- C. Monitor/review



- Ginny has ADHD and had major problems in school until she got on medication.
- She is now doing very well, but parents want her eligible under Section 504.
- Ginny should be IDENTIFIED because without the mitigating measures, she would be substantially limited in a MAJOR LIFE ACTIVITY.
- POLL: What type of plan will Ginny need?:
- A. Regular/daily
- B. Emergency/contingent
- C. Monitor/review

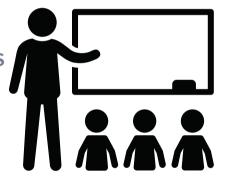


- Billy has had Tier 3 interventions for over a year to address his needs in the area of reading.
- The MTSS plan has been implemented with fidelity and periodically adjusted, and we are not seeing an adequate rate of progress.
- The MTSS reconvenes to consider Billy and develop a new hypothesis.
- Do we suspect a disability and a need for "specially designed instruction?"
- Yes.
- Billy has been unresponsive to Tier 3 interventions based on progress monitoring data.
- Refer for a Special Education evaluation to determine Special Education eligibility.
- If Billy qualifies for Special Education, he will get an IEP.

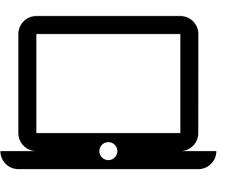
MAINLY IN GENERAL CLASSROOMS WITH ACCOMMODATIONS



ALTERNATIVE CLASSROOMS TO REDUCE NUMBERS AND ANXIETY AND ALLOW STUDENT TO FOCUS



COMPUTER-BASED
PROGRAMMING TO REDUCE
SOCIAL DEMANDS OR TO
WORK AT OWN PACE (MUST
BE GENERAL CURRICULUM)



LEAST RESTRICTIVE ENVIRONMENT

NOTE IF THE STUDENT IN A
DIFFERENT ENVIRONMENT DUE TO
THE NEED FOR SPECIALIZED
INSTRUCTION, THE TEAM SHOULD
CONSIDER A SPECIAL EDUCATION
EVALUATION

RELATED SERVICES



- Schools must provide related services, as necessary, to students who are identified for Section 504. (See 34 CFR 104.33(b).
- The only "service" a student identified under Section 504 may need is a related service
- Service to a student with a disability to benefit from and/or access a school's education program
- School health services
- Counseling/social work services
- Transportation
- Audiology services
- Speech-language services
- Physical and occupational therapy
- Psychological/behavioral services
- Assistive technology device and/or service
- Orientation and mobility





HOW ARE RELATED SERVICES DELIVERED?

- Two kinds of service delivery
- Direct-hands on, face-to-face with the service provider; individual or small group sessions
- Indirect-teaching, on-going training, and/or consulting with school staff/parents to carry out and monitor therapeutic activities
- The 504 Team determines frequency, duration, and location of the related services. A student might receive both direct and indirect services.



WHEN TO REVIEW THE 504 PLAN

- At least once each year
- If classes that are changed or added may have impact on the plan's appropriateness or effectiveness
- If the impairment changes significantly
- If the building/class location changes and this impacts student access
- If the curriculum changes
- Conduct a re-evaluation every three years



STUDENTS WHO TRANSFERRED

- Review the plan
- Request official records
- Implement the plan and collect data during the 45 day screening period
- By the end of the 45 days, have a 504 team meeting to review the plan and data
- Revise the plan as needed and put on our district's paperwork



COMPLAINT PROCEDURES • Refer the parent to the Executive



- Involve school administrator and team leader; work with the parent to develop a mutually acceptable resolution
- Director of Learning Support Services
- Provide a 504 Complaint Form to the parent
- Mediation
- Due Process Hearing



DISCIPLINE



- School discipline procedures apply
- Conduct a Manifestation Determination whenever the student is subject to out of school suspension for 10 consecutive days or more OR if they are subject to a series of suspensions that total more than 10 days
- Review all data, evals, medical reports
- Is the plan appropriate and being properly implemented?
- Is the behavior a result of or manifestation of the child's disability?
- Complete the 504 Manifestation Determination form

Must include the principal and school psychologist in this meeting





- A student may not be removed on a long term basis for behavior that is related to the disability
- Modify the plan
- Conduct an FBA
- Develop a BIP
- Due process procedures do not apply when student engages in illegal drug or alcohol use at school
- If expelled, the district has no obligation to provide post-expulsion services





STRATEGIC COMMUNICATION

- Inform your staff about Section 504
- Uninformed personnel are the seeds of conflict, mistrust, frustration and anger
- Avoid misleading parents
- When parents are not accurately informed it makes school personnel appear incompetent and can damage relationships
- Teach your staff to say, "I will alert the school's 504 Coordinator. She/he will contact you to explain the process and provide you with further information."
- Direct staff not to make promises



