

## Section 504 In-Depth Overview & Updates

2023-24

### Welcome!

**Table Tent Name Tags:** 

**FRONT** 

District

Name

Yrs experience w/ 504s



**BACK** 

-

Something I want to get out of this training is...

### Meet the Presenter

#### Marinda Peters, PhD - Civil Rights Specialist:

Title VI, Section 504 and Title II of the ADA

17 years in public education

15 as a professional school counselor & 504 coordinator

Masters in Counseling Psychology

PhD in Counseling



Who's in the room?

### **About ODE**

- The Oregon Department of Education works in partnership with school districts, education service districts and community partners to foster equity and excellence for every learner;
- Together, we serve over 560,907\* K-12 students and support 75,807\* school employees, including teachers, administrators and classified staff;
- We believe every student should have access to a high-quality, well-rounded learning experience; and
- We work to ensure every student in Oregon graduates with a plan for their future.

<sup>\*</sup>Data from October 2021

### Norms

#### **In-Person Training**

Table tent name-tags

Ask general and relevant questions as they arise

Specific questions can be addressed afterwards or in a separate meeting

Take care of yourself and your learning

Biologically break as needed

### Norms

#### **Virtual Training**

If possible, change your name to the one you would like me to use

Use webinar etiquette. Mute when not speaking. Hand or chat to instigate general and relevant questions

Specific questions can be addressed afterwards or in a separate meeting

Take care of yourself and your learning

Biologically break as needed

## **Topics Covered**

#### Using a case example we will discuss:

- Who is protected under Section 504
- Obligations of the district for nondiscrimination
- The evaluation process
- FAPE, 504 plans, and accommodations
- Abbreviated school day placements under SB 819
- Supporting 504 coordinators and case managers
- Responding to disability-based harassment
- Preparing students for postsecondary education

<u>Discussion Prompts</u> <u>The Scenario</u>

This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

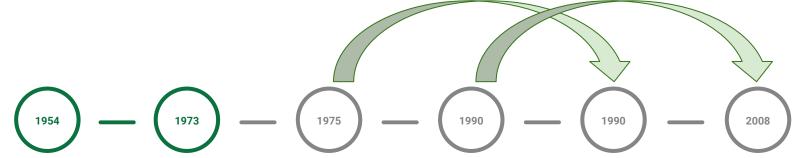
ODE is available to support with individual technical assistance following this training.

## Discrimination in Oregon

"Discrimination" means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity

OAR 581-021-0045

## Disability Educational Civil Rights Timeline



#### Brown vs Board of Education

School segregation is abolished, and public schools are given permission to educate children with significant intellectual disabilities

### Section 504 of the Rehabilitation Act

Forbids discrimination based on disability and requires school districts to provide FAPE

Regulations signed in 1977

#### Education for Handicapped Children Act

Provides formula grant and guarantees FAPE and LRE to students with disabilities to improve outcomes

#### American with Disabilities Act

Provides civil rights protections to folks with disabilities. Law provides disability rights in most areas of civil life

# Individuals with Disabilities Education Act (IDEA)

Renames the EHCA and issues new and revised regulations

### ADA Amendments Act (ADAAA)

Amended the ADA and broadened the scope and definition of disability

Effective Jan 1, 2009

## Section 504: Federal Civil Rights Law

#### Section 504 of the Rehabilitation Act of 1973

Federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . . " 34 CFR 104.4

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability 34 CFR 104.33



## Institutions Responsible for Section 504

#### Any institution receiving federal funds, like:

- Public schools
- Public charter schools
- Magnet programs
- After school programs
- Athletics (OSAA)
- Nutrition Services
- Transportation/bus services
- Colleges and universities



### When 504 Protections are in Place

Protections are in place in <u>academic and</u> <u>nonacademic</u> settings (34 CFR 104.34)

#### For example:

- Class time
- AP and advanced courses
- Breakfast/Lunch
- Free time
- After school activities
- Athletic events
- Field trips
- School events



A school/district cannot deny access of benefit from any part of the student's "education"

## 504 Protections & Obligations

504 Coordinator and discrimination complaint procedures 34 CFR 104.7

Required notice of this information 34 CFR 104.8

Locating all students with a disability not receiving a FAPE 34 CFR 104.32

Evaluation and placement procedures 34 CFR 104.35

Access to a FAPE through a 504 plan, if needed 34 CFR 104.33

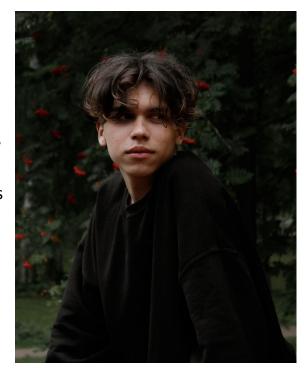
Parent/student rights and procedural safeguards 34 CFR 104.36

Prohibition of school exclusion due to disability-based behaviors (MDR) (OCR, 2022 p. 14)

Required process for district response to disability-based harassment (OCR, 2014)

### Scenario: Chaz

Chaz is an 8th grade student in Walowahlowah Middle School. He experienced a significant traumatic brain injury the summer before from a dirt bike crash. He has since developed chronic migraines and insomnia. He has become more irritable and seems to "overreact" to typical redirections from his teachers or goofy remarks from his peers. Chaz has had good attendance despite his headaches, but he often complains of feeling unwell and asks to leave the classroom frequently. He is sometimes spotted talking to friends in the hallway or taking long bathroom breaks to and from the health room. When confronted about "skipping" class, Chaz reacts by raising his voice and challenging the teacher's authority. Chaz has been sent to detention multiple times for "skipping", noncompliance, and disrespect. Because of the district's progressive discipline policy, the detentions will soon become out-of-school suspensions. Chaz's mom calls the school because she is worried about the possibility of him being suspended. Chaz is on an intra-district transfer, the suspension would be a violation of his contract, and he would be required to return to his neighborhood school, which is far from where Chaz's mom works as a caretaker. He would have to take the bus home and remain home alone most evenings. The principal and AP agreed to meet with Chaz's mom to discuss the situation.



### Discussion 1

#### Think-Pair-Share

What do you notice in this scenario?

How does this relate to Section 504?

### **Students Protected Under Section 504**

#### A student determined to:

- Have a physical or mental impairment
- That substantially limits
- One or more major life activities

OR... Have a record of such an impairment

OR... Be regarded as having such an impairment

34 CFR 104.3(j)

**Discussion:** How is this different from special education?

The impairment can be temporary (case-by-case); episodic, in remission, and mitigating measures cannot be considered when determining the level of impairment (except regular eye glasses)

## Defining Substantial Limitation & Impairment

#### **Substantial**

Condition under which an an individual can perform a major life activity as compared to the average person in the general population who can perform the same activity

Consider time/effort it takes to perform the MLA

#### **Impairment & MLAs**

Non-exhaustive

Do not need to be "educational" activities

What about grades?
Does that determine substantial limitation?

### Child Find

#### The process of locating and identifying students with disabilities

- Anyone can refer a student for consideration under Section 504
- District annually identify & locate students all Section 504 qualified children who are not receiving FAPE and take appropriate steps to notify guardians
  - This includes any student within the attendance area
- Follow a process/procedure for determining if evaluation is needed
- Rule out special education/need for SDI

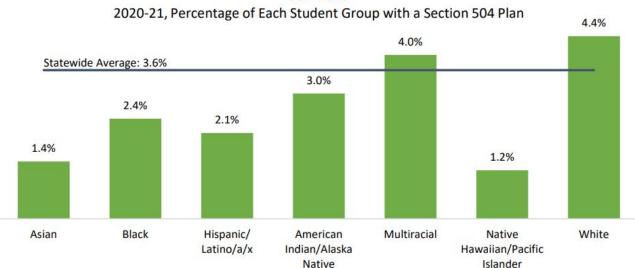
It is also the responsibility of the district to identify if transfer students are eligible under Section 504. More than 50% of students in the state of Oregon lose eligibility at transfer. **WHY?** 

Districts often fall short when they rely on parent referral/request for 504 evaluation. The result? An imbalance of which students are served/protected under Section 504.

## Child Find, Disability, & Race/Ethnicity in Oregon

ODE, 2022

### White and Multiracial Students are Overrepresented Among Students with Section 504 Plans



What about EL students

### Chaz cont....

Chaz and his mom have a meeting with the principal and assistant principal. They discuss his behavior and the strategies the has school implemented to support him. Chaz's mom said she heard from a friend that he could be put on a 504 plan. The principal stated that, while it is true that students can be evaluated for Section 504 eligibility, Chaz wouldn't qualify because he is at grade level in all subjects. Additionally, teachers are already providing accommodations such as breaks, text to speech when he has a headache, and behavior interventions. There is nothing that a 504 plan could provide him that the teachers are not already doing. However, they would modify the discipline policy and not suspend him this time around.



Photo by Daniil Onischenko on Unsplash

### Discussion 2

#### **Popcorn response:**

What is accurate or inaccurate about what the principal said?

#### **Popcorn response:**

What could the administrators have done when Chaz's mom requested a 504 plan?

## Roles & Responsibilities

### District 504 Coordinator

oversight Ensures nondiscrimination policy, receives complaints, establishes process & procedure, supports building coordinators and teams, provides/ensures training

## 504 Case Manager (building coordinator)

students w/disabilities, pre-referral, referral, consent to evaluate, evaluation, eligibility, generation of plan, dissemination of information, documentation

#### The 504 Team

+

#### **TEAM-BASED DECISION**

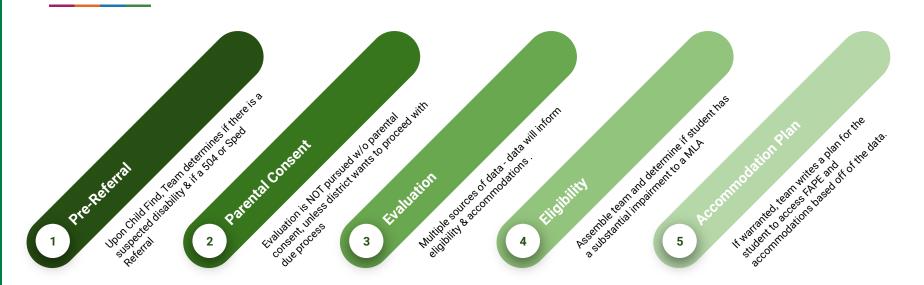
MAKING Knowledgeable of the student, knowledgeable of the eval data, knowledgeable of the environment/placement. Assures no <u>unilateral</u> decisions are made

#### Discussion: Who could those people be? Is the team stagnant?

#### **School /District & Associated Staff**

**IMPLEMENTATION** Responsible for accommodations as written (different staff may have different responsibilities) & nondiscrimination

### The Evaluation Process



How long should this take? Section 504 doesn't indicate a timeline. Rely on rules of IDEA (60 school days) - unless it is not timely enough Re-Evaluation: every 3 years and at change of placement (including at day 10 of school exclusion)

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#### **Best Practices in Evaluations**

#### Secure multiple sources of information:

- Academic records/hx File Review
- Standardized test scores
- Previous SpEd evaluations
- Psych reports
- Vision/hearing test results
- Attendance
- Behavior records
- Teacher input or work samples
- Observation
- FBA
- Parent input
- Relevant cultural information
- HMP
- Medical/mental health information (although a dx is not required)

## OCR's 2022 Guidance on Student Discipline

<u>Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section</u> 504 of the Rehabilitation Act of 1973 (July 2022). *U.S. Department of Education Office for Civil Rights*.

#### **Some Highlights**

- Students with behavioral needs should be identified and evaluated for Section 504

- FBAs may be a necessary component of a 504 evaluation
  BIPs (BSPs) may need to be incorporated into a 504 plan
  Students with disability-based behaviors have rights to academic, nonacademic and extracurricular activities
- Short non-consecutive school removals constitute a significant change of placement, require a manifestation determination, and may require additional services or change of educational setting to ensure FAPE
- If a student's behavior is NOT based on disability the district may discipline the same as a student w/o disability
- Informal exclusions may violate Section 504 (shortening school day, require parent to attend class/field trip, requiring online learning)
- Modifications to discipline policy may be warranted to avoid disability discrimination (esp as it relates to SROs etc)

## Manifestation Determination Review (MDR)

Section 504 prohibits districts from disciplining student more harshly than non-disabled students on the basis of disability.

Students identified with a disability may not be expelled, suspended for more than 10 consecutive days, or 10 cumulative days for misconduct that was a <u>manifestation of the student's disability</u> (Sending a student home even if it isn't documented as a suspension is *still* school exclusion.)

Best practice: if a 504 student is getting close to 10 days of exclusion a manifestation meeting should be held

#### **MANIFESTATION DETERMINATION**

Just as in special education, a manifestation determination is REQUIRED.

- Team is assembled, including parent
- Documentation
- Consider FBA/BSP
- Consider revision to the accommodation plan Oregon Department of Education

## Examples of disability discrimination:

An elementary student is on the autism spectrum and becomes overwhelmed with sensory stimuli including loud sounds. When the student is overstimulated, he rocks, yells, cries and covers his ears. Because of this, his teacher has him sit and complete worksheets in the focus room during whole-school assemblies and other large-group activities. The student does not attend those activities all year.

A local district has 6 elementary schools plus a public charter elementary school. The school's charter does not provide access to district staff, including a school nurse. When families of students with medical conditions (insulin dependent diabetes, seizure disorders, etc.) apply to attend the school, school officials inform them that they do not have the staffing necessary to support their child's medical needs. Students with medical conditions requiring nursing services do not enroll at the charter school.

### Chaz cont....

The principal consulted with the district's 504 coordinator and found out that there did not need to be an educational impact for a student to qualify under Section 504. The principal notified the building 504 case manager, Ms. Apoyo who brought the case to the pre-referral team. The team agreed that a 504 evaluation was warranted and Ms. Apoyo received written consent from Chaz's mom to evaluate. After collecting data, the 504 team met with Chaz's mom, determined him to be eligible under Section 504, and wrote a 504 plan with accommodations. After the 504 plan was in effect, Chaz yelled profanities at his science teacher, Mr. Bunsen, when he wrote Chaz up for leaving his class for 20 minutes during a "bathroom" break". The principal suspended Chaz for his disrespectful behavior toward Mr. Bunsen and is now ready to have the conversation with his mom and the 504 team regarding his intra-district transfer.



### Discussion 3

#### Take a risk and share out!

What is the obligation of the 504 team, now that there could be a change of placement due to Chaz's behavior?

### **FAPE**

#### **FAPE** means "free appropriate public education"

- Both section 504 and IDEA require districts to provide FAPE
- Education a related services must be provided w/o cost to the student & family
- "Appropriate" means providing regular or special education and relates aids and services that are designed to meet the *individual* needs of disabled students as adequately as non-disabled students
- The services must be *necessary*
- Often provided by a 504 plan

### Accommodations that Provide FAPE

They are regular or special education related aids and services

Accommodations allow equal access to educational benefit

They are **necessary** 

**Team**-based decisions with input from various sources and stakeholders

**Data**-informed

They are monitored

They may be a **modification** of school/district policy

### Modification vs Accommodation

**Modification:** changes **WHAT** is taught and expected to be learned and can lead to a modified diploma in Oregon

**Accommodation**: changes *HOW* something is taught and how a student demonstrates proficiency in the grade-level curriculum

Pop qui: Is the use of a calculator a modification or accommodation?

# Oregon is Local Control State. What Does that Mean for Section 504?

Federal law mandates 504 regulations. OCR has oversight.

State and federal law mandate nondiscrimination

Local policies and procedures are used to implement the laws

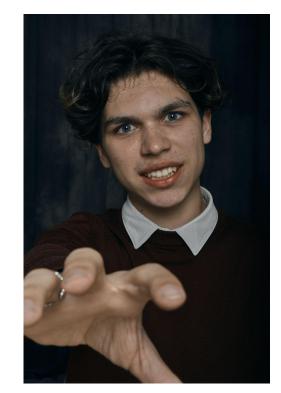
ODE does not mandate specific forms but provides guidance and technical assistance

Your local district, which is governed by the school board, should adopt manuals or procedures to assure compliance with the law. 504 coordinators often are charged with overseeing that duty.

Be sure to get legal counsel for any questions regarding the legality of your processes or procedures or if you seek to change those that are already adopted.

### Chaz cont....

The 504 team decided to conduct a Manifestation Determination Review (MDR) prior to a placement decision to move Chaz to his resident school. The team determined that his behavior is a symptom of his traumatic brain injury and most likely to occur when his 504 plan is not followed with fidelity. As such, the team did not want discriminate against a student with disability-related behaviors, and suggested that he remain at Walowahlowah Middle School. As part of the MDR, it was discovered that an FBA and subsequent BIP was warranted. The FBA uncovered that science class was consistently a setting event: Mr. Bunsen did not follow the 504 plan with fidelity, and the relationship between Chaz and Mr. Bunsen was ruptured. Because Walowahlowah has only one teacher per subject area, the 504 team had to think of creative solutions to make sure Chaz has equal access to educational benefit. Ms. Apoyo suggested that Chaz use the curriculum Mr. Bunsen posted on his Canvas page, and he complete his work during his science period in the library under the supervision of the library aide for the remainder of the semester. Chaz, Chaz's mom, and the 504 team agreed that was a reasonable accommodation.



### Discussion 4

#### **Community Circle-**

#### **Sentence frame prompts:**

- A concern I have about this accommodation is...
- This accommodation could provide a FAPE because...
- Something that stands out to me in this part of the scenario is...



# Abbreviated School Day Programs

## **Setting the Stage**

Students & Families

### **Equal Access & Disability Civil Rights**

- All students have the right to a full school day
- Removal from school is neither a support nor a service

### **School District**

### Investigation

If Department of Education receives a complaint or otherwise has cause to believe a school district is not in compliance

### **Enforcement**

- Compensatory education
- Withholding of state school funds
- Superintendent TSPC discipline

# Student With A Disability

### **Student with a Disability under SB 819**

A student who is eligible for special education and related services, as provided by ORS chapter 343;

A student who has a disability under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and is eligible for a 504 Plan; or

A student who has not been determined to be eligible for special education and related services, as provided by ORS chapter 343, or to be eligible for a 504 Plan, but for whom a request or referral for evaluation for eligibility determination has been made but not yet completed.

## Abbreviated School Day Program: SB 819's Language

"Fraction of an hour" = minute

Abbreviated school day program means an education program:

• In which a school district restricts access for a student with a disability to hours of instruction or educational services to less than the number of hours of instruction or educational services that are provided to the majority of other students who are in the same grade within the student's resident school district; and

**Meaningful access** means access to full-time, quality instruction or educational services that is delivered by:

- A qualified licensed teacher; or
- Qualified classified staff who are under the direct supervision of a qualified licensed teacher; and
- *Synchronous*, unless the instruction or educational services are provided by a virtual public charter school in compliance with ORS chapter 338.

Results in a student with a disability having an abbreviated school day for more than 10 school days per school year.

## Parent Notification & Consent

Parent must be notified of the right of their child to have access to a full school day prior to meeting about an ASDP

Parent must give active, informed, and written consent to the ASDP which is reviewed at regular intervals

Parent can revoke consent at any time in writing, and the student must be reinstated to a full school day within 5 school days\*

## Factors That May Not Influence Abbreviated School Days

# A school district may not consider, recommend or implement an abbreviated school day program due to:

Lack of staffing, personnel, nursing services, instructional assistants

Convenience for the district, its systems or policies

Transportation: staffing, scheduling (no early pick up or drop off times allowed)

...any illness that would not typically have the same effect for the majority of other students who are in the same grade within the student's resident school district.

School districts must provide transportation as outlined in each student's IEP/504 Plan.

## Could These be ASDPs for Students on 504 Plans?

A kindergarten student with a 504 plan for oppositional defiant disorder experiences sensory overload by lunch time. This student currently attends school half-day. The hope is to use a step up plan and have him attend full day before the end of the school year.

A 7th grade student with a 504 plan to accommodate their severe anxiety has a "slow start" to the school day written into their plan. They are not assigned a first period, and instead begin their day in the office conference room. There they complete homework and read. The school secretary supervises them from her desk

A sophomore in high school is on the autism spectrum and has a 504 plan. He excels in his academics and wants to take Mandarin Chinese but the school doesn't offer it. The school allows him to take an asynchronous course during 8th period in the library.

A jun or in high sc. pol har a 504 plan for A and is credit eficant. She enrolls i a mannet program vhich or rs smaller cohort-sty classes. Because statents are bussed from II over he district, stulents ttending the program ave a school day is 2 minutes shorter that the majority of junion in the district.

# Common Questions about Application

ODE has received questions about "schools of choice" and the terms "placement" or "placed" and if it impacts the requirements of SB 819.

- SB 819 defines "Abbreviated School Day" as any school day during which a student with a disability receives instruction or educational services for fewer hours than the majority of other students who are in the same grade within the student's resident school district.
- Districts are required to ensure that students have "Meaningful Access" to full-time, quality instruction or educational services that is: (a) delivered by: (A) a qualified licensed teacher; or (B) qualified classified staff who are under the direct supervision of a qualified licensed teacher; and (b) synchronous, unless the instruction or educational services are provided by a virtual public charter school in compliance with ORS chapter 338.

To ensure compliance of SB 819, **ODE suggests applying these requirements to all schools and programs, unless explicitly exempted. ODE recommends working with your legal counsel** to determine how SB 819 may apply to your specific circumstances.

Note: **An ASDP is ALWAYS by parent choice** due to the provision of informed and written consent. There is nothing in the bill that calls out parent choice in any other way.

## **Ensuring Nondiscrimination when Applying SB 819**

Denying a student with a disability access to a program/school/class, etc. on the basis of their disability could be **discrimination**.

To universally decide that no student with a disability can participate in a program because it fits the ASDP definition under SB 819 may be against federal and state civil rights laws and districts' nondiscrimination policies.

This includes access to (but not limited to) public charter schools, hybrid classes, programs of study, electives, and rights enjoyed by nondisabled peers.

A discrimination complaint may be filed at the local level and appealed at the state level. Complainants can also file at the federal level with the US DOE Office for Civil Rights (OCR)

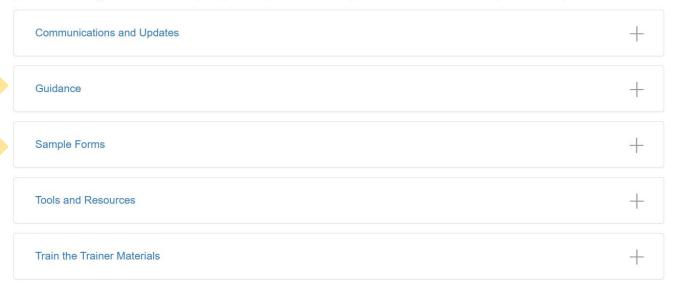


# SB 819 Compliant Meetings

### **ASDP Webpage**

### Guidance and Implementation

As school districts and programs prepare to implement SB 819, we are committed to providing ongoing support and resources. Below, you'll find links to guidance documents, sample forms, communications, and tools to assist with the implementation process.



If you have questions about SB 819 or need assistance with implementing its requirements, please reach out to us at <a href="mailto:oDE.SB819Questions@ode.oregon.gov">oDE.SB819Questions@ode.oregon.gov</a>. Staff within the Office of Enhancing Student Opportunities and ODE's Civil Rights team will monitor and reply to these emails. Additionally, questions received there may be used for development of FAQs, which will be posted here.

Please note that the information provided here is ODE's interpretation based on the current understanding of SB 819 and may be subject to change as the bill progresses through the legislative process. ODE cannot and does not provide legal advice. ODE recommends that school districts and programs work with counsel where legal advice related to implementation of SB 819 is required.

### Sample Forms



- Superintendent Review Placement on an Abbreviated School Day Program Sample Form
- Acknowledgement of Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program
- Information to Consider About Possible Continued Placement on an Abbreviated School Day Program
- Information to Consider About Possible Initial Placement on an Abbreviated School Day Program
- Informed and Written Consent for Extending Abbreviated School Day Program Meeting Timeline
- Informed and Written Consent for Placement on an Abbreviated School Day Program
- Notice and Acknowledgement of Information Prior to Initial Consideration of an Abbreviated School Day Program
- Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program
   Sample Form
- 504 Plan Supplement Individualized Learning Goals
- Information to Consider About possible Placement on an ASDP in a School or Program that Operates on a Different Schedule
- Written Consent for Extending Timeline to Return to a Full School Day

# Requirements for Abbreviated School Day IEP and 504 Meetings

### **Three Meeting Types**

- Initial placement on Abbreviated School Day Program
- ✓ The first review meeting held between 25-35 days after initial placement
- Subsequent review meetings at specified intervals
- We need to make sure that everyone is trained in the specific requirements of ASDP meetings and how they apply to the different contexts of 504
- Special attention should be paid to 504 teams as these processes are a significant departure from their previous processes.
- At-a-Glance flowcharts are a helpful tool in this process.

### SB 819 Abbreviated School Day Program (ASDP) Program Meeting Requirements

Note: These are general steps for a training overview. Please fully review SB 819 and ODE guidance for comprehensive step by step requirements

## Initial placement on abbreviated school day program Document reasonable efforts to provide meaningful access to the same number of hours of instruction and educational services 2. Obtain <u>signed acknowledgement</u> prior to discussion of ASDP

- Ensure required parent participation
- Hold 504 Meeting
- 504 Team recommends ASDP
- Document required elements for initial placement on ASDP
- Obtain parent consent

### First review meeting held between 25-35 calendar days after initial placement

- 1. Before the meeting send written notice of students rights as outlined in SB 819 alongside the meeting notice
- Obtain signed acknowledgement
- Ensure required parent participation
- Review the placement including required elements of SB 819
- Obtain parent consent
- Document required elements for the ASDP review meeting
- With parent consent determine the ASDP meeting cadence in alignment with SB 819 requirements

## Subsequent review meetings no less frequently than 30 calendar

(up to every year with parent consent)

- 1. Schedule the next review meeting no later than the timeframe of which the parent consented
- Before the meeting send written notice of students rights as outlined in SB 819 alongside the meeting notice
- Obtain signed acknowledgement
- Ensure required parent participation
- Review the placement including required elements of SB 819
- Obtain parent consent
- Document required elements for the review meeting
- With parent consent determine the ASDP meeting cadence in alignment with SB 819 requirements

Oregon Department of Education

# Suggested Procedures for Initial Meeting



### Oregon Department of Education

### At-a-Glance Suggested Meeting Procedures for Initial Meeting to Consider Placement on an Abbreviated School Day Program

### Prior to Meeting

District documents efforts to maintain the student in a full school day program.

Meeting invitation is provided with sufficient advance notice for the student's parent or foster parent to physically attend and meaningfully participate in a meeting of the IEP or 504 Team at which the abbreviated school day program placement

will be discussed.

### **During the Meeting**

#### IEP or 504 team convenes meeting.

Prior to the discussion of possibility of abbreviated school day program placement, district reviews required information about parent or foster parent SB 819 rights as a discussion of rights for all children, not as a discussion about this individual student or their needs. District receives parent or foster parent's **signed**acknowledgement of this information.

IEP or 504 team discusses student's educational program and any appropriate revisions to IEP or 504 plan. If abbreviated school day is recommended, the team considers whether abbreviated school day program is appropriate and should:

- Discuss and complete Information to Consider About Possible Initial Abbreviated School Day Program Placement;
- Update student's IEP or 504 plan, as applicable;
- Discuss information in the form, the IEP/504 plan and any other student or family circumstances relevant to the placement discussion;
- Review exclusionary reasons and ensure any recommended placement would not be due to those factors;
- Determine whether to recommend abbreviated school day program placed on the child's needs as discussed above and not due to any of the prohibited reasons.

IEP or 504 Team discusses and documents specific provisions of abbreviated day school program summary form and in student's IEP or 504 plan as applicable.

District provides written notice documenting consent or refusal and seeks parent's informed and written consent for placement on abbreviated school day program. For students with IEP's, requirement for written notice may be able to be met by meeting requirements for Prior Written Notice under IDEA.

- If the parent or foster parent provides informed and written consent, the school district can implement the abbreviated school day program.
- If the parent or foster parent denies consent, the IEP or 504 Team must develop an IEP or 504 Plan that enables meaningful access to the same number of hours of instruction and educational services as the majority of other students who are in the same grade within the resident school district.

### After the Meeting

Conduct an IEP team meeting no fewer than 25 and no more than 35 calendar days after the initial placement on an abbreviated school day program.

Report status of all students on abbreviated school day to ODE.

### Exclusionary Factors include lack of:

- (i) Licensed or classified staff:
- (ii) Availability of training;
- (iii) Accessible facilities; and
- (iv) Related services, including nursing services and transportation services.

### SB 819 Summary Requirements:

- How the program will be designed to support the student's return to a fullday program
- How the program will be designed on make progress toward the student's IEP goals and progress in the curriculum.
- Number of L. Consection and educational services to be provided to the student on the abbreviated day program.
- How progress toward IEP goals and general curriculum will be measured,
- Date the student is expected to return to full-day program.

For more complete information, please see Oregon Department of Education's full SB 819 Implementation Guidance document.

Oregon Department of Education

### **Prior to the Meeting**



District documents efforts to maintain the student in a full school day program.



Meeting invitation is provided with sufficient advance note for the student's parent or foster parent to physically attend and meaningfully participate in a meeting of the IEP or 504 team at which the abbreviated school day program placement will be discussed.

### Evidence can be:

- Data on student performance
- Careful and thoughtful adjustments to enable the student to remain in a full day program
- Communications informing the parents of ongoing efforts

### **During the Meeting**

### 504 team convenes meeting.

Prior to the discussion of possibility of abbreviated school day program placement, district reviews required information about parent or foster parent SB 819 rights as a discussion for all children, not as a discussion about this individual student or their needs. District receives parent or foster parent's **signed acknowledgement** of this information.

### **Acknowledgement Components:**

- The student's right to have meaningful access within the student's resident school district;
- The prohibition on the school district to unilaterally place a student with a disability on an abbreviated school day program; and,
- The parent or foster parent's right, any time, to withdraw consent for an abbreviated school day program placement or to request a meeting of the student's 504 team.

504 team discusses student's educational program and any appropriate revisions 504 plan. If abbreviated school day is recommended, the team considers whether abbreviated school day program is appropriate and should:

Document <u>Information to Consider About Possible Initial Abbreviated School Day Program Placement</u>

- Update student's 504 plan, as applicable;
- Discuss information in the form, the 504 plan and any other student or family circumstances relevant to the placement discussion;
- Review exclusionary reasons and ensure any recommended placement would not be due to those factors;
- Determine whether to recommend abbreviated school day program placed on the child's needs as discussed above and not due to any of the prohibited reasons.

504 Team discusses and documents specific provisions of abbreviated day school program summary form and in student's 504 plan as applicable

A school district may not provide an abbreviated school day program to a student with a disability unless all of the following are satisfied:

- How the abbreviated school day program will be designed to support the student's return to a school day program that is not an abbreviated school day program; and
- How the abbreviated school day program will be designed to make progress toward the student's individualized learning goals and progress in the general curriculum;
- The number of hours of instruction and educational services to be provided to the student while the student is placed on the abbreviated school day program;
- How the student's progress toward the student's individualized learning goals and progress in the general curriculum will be measured; and
- The date by which the student is expected to return to a school day program that is not an abbreviated school day program.

# Individualized Learning Goals

SB819 directs the district to consider two questions about "individualized learning goals". **Individual learning goals are not defined in the statute**.

- Districts should document the specific plans for instruction and educational services within the abbreviated school day program that is selected to support the individual student's progress.
- Districts should document the measurement of the individual student learning plans and progress in the general curriculum.

ODE has created a <u>form for documentation</u> to facilitate that process.

However, due to the individualized nature of the students' needs districts may decide to seek advice from legal counsel regarding the completion of the documentation as necessary.

## Supplemental Document for ILGs

It may be that not all students on a 504 plan need individualized learning goals. (Examples?)

Note, some students who **DO** need individualized learning goals may need SDI

2.	What is the student's present levels of performance (include, as appropriate, academic, and behavioral data)?
3.	What type of individualized learning goals does the student need?  ☐ Academic Goals ☐ Behavior Goals ☐ The student does not require learning goals ☐ Other (describe):
4.	Describe the team's rationale if the student <b>DOES NOT</b> need individualized learning goals.
5.	If the student <b>DOES</b> need individualized learning goals, describe why those goals are not being addressed through an IEP.  The student was evaluated/re-evaluated for an IEP and did not qualify.  The student is currently being evaluated for eligibility under the IDEA.  The parent declined an evaluation or services offered by the IEP team.  The student's disability does not fit into one of the 12 disability categories of the IDEA.  Other (describe):

6. If the student **DOES** need individualized learning goals that do not necessitate an IEP, describe the student's individualized learning goals and how progress toward those goals and progress in the

general curriculum will be measured.

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### **Obtaining Consent**

- If the parent or foster parent provides informed and written consent, the school district can implement the abbreviated school day program.
- If the parent or foster parent **denies consent**, the 504 team must develop a 504 plan that **enables meaningful access** to the same number of hours of instruction and educational services as the majority of other students who are in the same grade within the resident school district.

### **After the Meeting**

Conduct a 504 team meeting no fewer than 25 and no more than 35 calendar days after the initial placement on an abbreviated school day program.

# Suggested Procedures for 25-35 Day Follow-Up Meeting



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### At-a-Glance Suggested Procedures for 25-35 Calendar Day Follow-Up Meeting to Abbreviated School Day Placement

### **Prior to Meeting**

### District Sends \*Written Statement Informing the Parent of:

- Student's right to same number of hours of instruction/educational services as same grade in resident district
- Prohibition of district to unilaterally place student on abbreviated school day program.
- Right to withdraw consent for abbreviated day placement and request IEP meeting.

\* ODE has a sample form titled Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program that districts have the option to use. It is recommended this statement/form be sent home alongside a meeting invitation that is sent early enough to ensure the parent or foster parent is afforded the opportunity to meaningfully participate in the meeting.

For more complete information, please see Oregon Department of Education's full SB 819 Implementation Guidance document.

### **During the Meeting**

#### IEP or 504 Team convenes meeting.

District documents parent receipt of rights under SB 819, reviews these rights and reminds parent or foster parent that these rights all apply to their child who is currently placed on an abbreviated school day program.

IEP Team reviews student's current progress on abbreviated day school program.

IEP Team considers at least one reasonable alternative placement that includes appropriate supports for the student that could enable the student to have meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district.

## Does the IEP or 504 team recommend continuing abbreviated school day placement?

If NO, or parent consent is not obtained, IEP or 504 team develops IEP or 504 Plan that enables meaningful access and returns the student to full-time placement within five school days after making decision.

District completes Prior Written Notice summarizing decisions and changes to be made to student's program.

### If YES, consider whether number of hours of instruction and educational services should be increased.

IEP or 504 team fully discusses provisions of abbreviated school day program with parent or foster parent and ensures summary of related documentation is included in Information to Consider About Possible Continued Placement on an Abbreviated School Day Program form and in student's IEP/504 plan as applicable.

### After the Meeting

Ensure that a follow-up meeting to review the placement is held within 30 calendar days or consistent with another schedule for which they have written consent from the parent or foster parent and that meets the requirements of SB 819.

### **Up to every year**

District provides Prior Written Notice documenting the proposal **and**District obtains parent or foster parent's informed and written consent for placement on an abbreviated school day program.

### District updates the IEP or 504 Plan. Updates must include:

- An update of reasons the student was placed on abbreviated school day program; and
- A detailed description of other reasonable options that were considered and documentation of why each option considered was not implemented.

District works with the parent or foster parent to determine the appropriate timeline for the next meeting.

Oregon Department of Education

# SB 819 Abbreviated School Day Program (ASDP) Meeting Requirements Before the 25-35 Day Follow-Up Meeting Requirements

### **Prior to Meeting**

# District Sends Written Statement Informing the Parent of:

- Student's right to same number of hours of instruction/educational services as same grade in resident district.
- Prohibition of district to unilaterally place student on abbreviated school day program.
- Right to withdraw consent for abbreviated day placement and request 504 meeting.

# SB 819 Abbreviated School Day Program (ASDP) Meeting Requirements **During the 25-35 Day Follow-Up Meeting Requirements**

### **Key Required Steps at the 25-35 Day Follow-Up Meeting:**

<u>Information to Consider About Possible Continued Placement on an Abbreviated School Day Program</u>

- a. Obtain from the **parent or foster parent a signed acknowledgement** that the parent or foster parent received the information described above.
- b. **Review the student's progress** on the abbreviated school day program;
- c. Consider at least one reasonable alternative placement that includes appropriate supports for the student and that could enable the student to have meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district; and
- d. If the 504 plan team recommends continuing the abbreviated school day placement, consider whether the number of hours of instruction and educational services should be increased.

# SB 819 Abbreviated School Day Program (ASDP) Meeting Requirements **During the 25-35 Day Follow-Up Meeting Requirements**

504 team reviews student's current progress on abbreviated school day program.

Review **progress on individualized learning goals** and progress in the general education curriculum

# Suggested Procedures for 30 Day Review Meeting

Or up to every year

Same as 25-35 day process except timeline

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## Oregon Department of Education At-a-Glance Suggested Procedures for 30-Day Meeting for Regular Review of Placement on an Abbreviated School Day Program

### **Prior to Meeting**

District sends meeting invitation to review continued placement on abbreviated school day in sufficient time so that meeting is held within 30 calendar days of prior meeting or consistent with another schedule for which written consent has been obtained from the parents that meets requirements of \$B 819.

### District Sends \*Written Statement Informing the Parent of:

- Student's right to same number of hours of instruction/educational services as same grade in resident district.
- Prohibition of school district to unilaterally place student on abbreviated school day program.
- Right to withdraw consent for abbreviated day placement and request IEP meeting.
- \* ODE has provided a sample form titled Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program that districts can use for this purpose

District completes Prior
Written Notice
summarizing decisions
and changes to be
made to student's
program.

For more complete information, please see Oregon Department of Education's full SB 819 Implementation Guidance document.

### **During the Meeting**

#### IEP or 504 Team convenes meeting.

IEP Team reviews the Notice of Required Information Prior to Required Meetings to Review Placement on an Abbreviated School Day Program components and reminds parent or foster parent that these rights apply to their child who is currently placed on an abbreviated school day program. Parent or foster parent can revoke consent and school district ensures meaningful access to full school day program. District obtains signed acknowledgement that parent or foster parent received document information.

IEP or 504 team reviews student's progress on IEP goals (for students with an IEP) and progress in the general education curriculum.

IEP Team considers at least one reasonable alternative placement that includes appropriate supports for the student that could enable the student to have meaningful access to the same number of hours of instruction and educational services that are provided to the majority of other students who are in the same grade within the student's resident school district.

### Does the IEP or 504 Team recommend continuing abbreviated school day placement?

If NO, or parent consent is not obtained, IEP or 504 Plan that enables meaningful access to the same number of hours of instruction and educational services as the majority of other students in the same grade within the resident school district and returns the student to full-time placement within five school days after making decision.

If YES, consider whether number of hours of instruction and educational services should be increased.

IEP or 504 team discusses provisions of abbreviated school day program with parent or foster parent and ensures summary of related documentation is included in Information to Consider About Possible Continued Placement on an Abbreviated School Day Program form and IEP/504 plan.

### After the Meeting

Ensure that next follow-up meeting to review the placement is held within 30 calendar days or consistent with another schedule for which they have written consent from the parent or foster parent and that meets the requi

### Up to every year

Discuss and document steps school or program will provide to help return student to a full school day program (ODE suggestion).

District provides Prior Written Notice documenting proposal and seeks parent's informed and written consent for placement on continued abbreviated school day program.

District updates the IEP or 504 Plan. Updates must include:

- An update of reasons the student continues to be placed on abbreviated school day program; and
- A detailed description of other reasonable options that were considered and documentation of why each option considered was not implemented.

District works with the parent or foster parent to determine the appropriate timeline for the next meeting.

## Meeting Frequency

Initial abbreviated school day program placement 504 team meeting with prior notification of student's right to access a full school day program No fewer than 25 calendar days and no more than 35 calendar days after the initial placement on the abbreviated school day program.

No less frequently than once every 30 calendar days thereafter

OR with parent written consent, up to once every year

If meeting less frequently than every 30 days, 504 team meeting must be held within 14 calendar days of a parent or foster parent requesting a meeting

## Chaz cont....

In alignment with SB 819 and with parent consent, the 504 team put Chaz in an abbreviated school day program which allowed him to complete his science standards in an asynchronous format. Chaz's mom requested an ASDP review meeting before the end of each grading period to review his progress (every 6 weeks). Ms. Apoyo, the 504 case manager is overwhelmed with school counseling duties including Tier 1 SEL supports, Tier 2 small groups, college and career readiness lessons, suicide risk assessments and support plans, running the GSA, supporting the AVID class, forecasting, schedule changes, and running the Care Team; as well as case managing 24 other students on 504 plans. She comes to the principal and expresses her desire to extend the review meetings to every year.



## Discussion 5

### Vote:

Can the meetings be extended?

### Pinky-partner:

What could the principal do to support the school counselor/504 case manager?

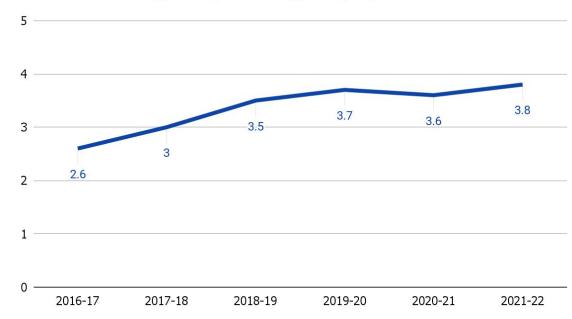
# Rates of 504 Eligibility

Rates range from 0% to 20% depending on the district.

Nationally, rates have been rising since 2009

Proposed <u>rule update</u> <u>expected soon</u>.

### Rate of 504 Eligibility in Oregon (%)



# Why an Increase in 504 Eligibility?

### National trend

ADAA broadened the definition of disability (2008)

OCR Dear Colleague letters and associated guidance

ADHD (2016), behavior disorders (2022), Long-COVID (2021), and others

Increase rate of diagnosis

- For example: A March report found 1 in 36 children age 8 were diagnosed with ASD in 2020. That ratio was at 1 in 150 two decades prior (CDC). Rates of diabetes is on the rise (SEARCH for Diabetes in Youth Study).

Pre-COVID increase in mental health-related concerns in youth

Depressive symptoms increased 40% over 10 yrs prior to pandemic (APA)

Pandemic and post-pandemic increases in mental health diagnoses

- Eating disorders (ASN)
- 25% increase in anxiety and depression worldwide (WHO)

# What SB 819 & Increase in 504 Plans Mean for 504 Coordinators and Case Managers

Who are our 504 district coordinators? Generally, student services directors, COSAs, or administrators-other duties as assigned. (Coordinators are required by law)

Who are our 504 case managers? Generally, school counselors or building-level administrators (Not required by law, but often bear the administrative brunt)

**Discussion:** What other responsibilities do these educators have?

Supporting these educators may be integral in ensuring that education and civil rights laws are not inadvertently violated.

## **How Could Districts Support?**

# Other ideas?

### **Spread out Responsibilities**

- Distribute responsibility with more coordinators/case managers
- Allocate FTE for 504/SB 819 implementation
- Options for extended contracts
- Unburden them from other responsibilities (duties/supervision, team leading, committees, master schedule, data collection, etc.)

### **Increase Support**

- Allocate administrative/secretarial support for paperwork, meeting scheduling, etc
- Give them time (PD days, late start, etc.)
- Provide adequate 504 training
- Make sure 504 processes are sound and seamless. 504 Manual?
- Educate <u>all staff</u> on their responsibilities
- Enforce the 504 <u>team</u>
- Engage/educate the school board and advocate for more resources

# Section 504 and Funding

Section 504 is disability civil rights law, not a formula grant

Processes and procedures mandated by Section 504 and now SB 819 are funded through general funds

Aids and services provided in 504 plans are funded through general funds

Staff charged with Section 504 facilitation and administration are normally paid though general funds

SB 819 adds a layer of coordination, facilitation, and administration that goes beyond Section 504 federal law

Creative funding structures and out-of-the-box solutions may be necessary

# **School Medicaid Update**: Billing for Section 504 Services

- The Oregon Health Authority (OHA) and the Oregon Department of Education (ODE) are pleased to announce the Centers for Medicare and Medicaid (CMS) approval of the Oregon State Plan Amendment (SPA) that will expand School Medicaid to allow school districts to seek School Medicaid reimbursement for eligible school health services identified in Section 504 plans.
- The OHA and ODE will work to update state rule, policy, and systems over the next year and estimate that school districts will be able to bill for eligible health services pursuant to a Section 504 plan by the 2024-2025 school year.

### **Examples of Billable Services**

Services must be provided by, or under the supervision of, medically-qualified staff within their scope of practice, and may include:

- Nursing services provided by a Registered Nurse, Licensed Practical Nurse, or via delegation
- Nurse Practitioner Services
- Audiology Services/Speech Language Pathology Services
- Behavioral/Mental Health Services
- Nutritional Health Services
- Occupational Therapy Services
- Personal Care Services
- Physical Therapy Services
- Physician Services
- Respiratory Therapy Services

### The MAC Survey

Medicaid Administrative Claiming Survey - All districts can be doing this.

Reinvest money into health and social services

May not pay for all 504-specific staff but can pay for aids and services necessary for students on 504 plans

#### For example:

- School nursing FTE
- Mental health specialist FTE
- Devices or tools to aid students with health/mental health condition

### IHPs vs 504s

#### **IHP**

Outlines plans of **action** or delegated **procedures** to address <u>continuity of care or emergency response</u> related to the student's medical condition in the school setting.

May include accommodations, does not replace a 504

Addresses: Trained/Designated staff and/or delegated caregivers.

#### 504

Addresses **accommodations** the student needs to <u>access their educational</u> <u>environment</u> relative to the major life activity or major bodily function their medical condition impacts.

May not include nursing procedures

Addresses: All staff

### Chaz cont....

Chaz spent his science period every day in the library, completing assignments asynchronously through the Canvas platform and Q&A through email or chat with Mr. Bunsen. His behavior improved significantly and he maintains a high B in the class. Peers on the wrestling team, who used to be friends with Chaz, observe him working on his own in the library. Several have come up to him and ask him if the dirt bike accident made him the "r word". Each time he is asked that, Chaz becomes agitated and responds by cussing at them. The students find this funny and they tell other students to call Chaz the "r word". The library aide has observed some of these interactions. At first, she ignored them - but because of Chaz's reactions she has begun talking to him about the names he is being called. She tells Chaz he is a smart kid and encourages Chaz to not let other people control his emotions. The library aide also notices that Chaz has begun to sit in a more secluded area of the library, often with his hood up and back turned.



### Discussion 6

#### Jot down:

What stands out to you in this part of the scenario?

What should the library aide do?

Who should be involved in a response?

### **Bullying or Discriminatory Harassment?**

When bullying or harassment is based on a protected class, it's important to treat it as discrimination. You'll want to overlap your bullying, discrimination, and/or bias incident response policies.

#### Why is this so important?

- Students who experience discrimination are entitled to state and federal civil rights protections.
- Correctly identifying discrimination helps you track larger patterns and uncover whether there are any cultural, systemic, or institutional issues.
- Comprehensively identifying the dynamics of the situation helps to address remedies and accountability in ways that make a difference.

### **Discriminatory Harassment**

Oregon\* defines harassment in ORS 339.351 as conduct that:

- Substantially interferes with a student's educational benefits, opportunities, or performance;
- Takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop;
- Has the effect of:
  - Physically harming a student or damaging a student's property
  - Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
  - Creating a **hostile environment**, including interfering with the psychological well-being of a student;

Harassment does not have to include intent to harm, be directed at a specific person, or involve repeated incidents.

**Discriminatory harassment** is harassment based on a person's **protected class identity**.

<sup>\*</sup>specific federal laws may have a slightly different definition

### Disability-Based Harassment

Districts are required to respond to disability-based harassment that limits a student's ability to participate in or benefit from the recipient's education programs and activities (i.e., creates a hostile environment).

When a district knows or <u>reasonably should know</u> of possible disability harassment, it must take immediate and appropriate steps to investigate. If a hostile environment exists, the district must take prompt and effective steps to:

- end the harassment,
- eliminate the hostile environment,
- prevent its recurrence, and, as appropriate,
- remedy its effects.

OCR would find a disability-based harassment violation under Section 504 and Title II when:

- a student is bullied based on a disability;
- 2. the bullying is sufficiently serious to create a hostile environment;
- 3. school officials know or should know about the bullying;
- 4. the school does not respond appropriately

### **Staff Training**

#### All staff should be trained on:

- Disability-based discrimination
- Disability-based harassment
- How/when to intervene
- To whom to report (504 coordinator for an investigation)

#### All staff, means all staff:

- Licensed
- Classified
- Secretarial
- Bus drivers
- Nutrition services

#### Think-Pair-Share:

What are are the training protocol on this topic in your school/district? Do all staff have access to the training?



# **Complaint Processes**

### Levels of Complaint

#### **Local Complaint**

District/school process and appeals as outlined in board policy

#### **US Dept of Ed OCR**

Can be filed at any time; must be within 180 days of last discriminatory instance.

#### **ODE Appeal**

ODE can accept appeals of discrimination that have exhausted the local complaint process.

### **Local Complaint Procedures**

Board Policy AC - Board Policy on Nondiscrimination

Board Policy AC-AR Discrimination Complaint OR Board Policy KL Public Complaints

- · Offers steps and timeline
  - Building level or program response
  - Superintendent response
  - School board final decision

#### **Best practices:**

- Offer a digital and print complaint form in the languages of families in the district
- Make policies and procedures easy to find on website
- Make policies and procedures easily searchable by keywords

### When can ODE take an appeal?

In order for the department to accept complaint on appeal, complainant must first exhaust the district's complaint process - i.e., have received a final decision from the district. A decision is a final decision if:

Complainant exhausts the districts complaint process.

Complainant has not received a written answer from the district at any step in the local district process within 30 days from the date on which they filed the complaint at that step in the process.

90 days have passed since the complainant filed the original complaint.

### Chaz cont....

The library aide reported the harassment to Ms. Apoyo and she involved the district 504 coordinator, who completed an investigation. Upon the completion of the investigation, a comprehensive support plan was put in place. The harassment did not continue. Discriminatory harassment lessons were added to the advisory curriculum and all students were taught what discriminatory harassment is and how to report it.

Chaz completed his 8th grade year. He enrolled at the local high school and the 504 team held a meeting prior to school starting to re-evaluate his needs with current data and to ensure that his plan was revised for the new placement. He no longer needed an ASDP and he attended high school full time, with an effective 504 plan in place. Chaz is prepared to graduate on-time with a regular diploma and is excited to attend Orygun Community College in the fall. The school counselor scheduled a meeting with Chaz to ensure that his college entrance and financial aid requirements had been submitted.



### Discussion 7

Yay, Chaz!

#### **Sentence frame share out:**

One thing the the school/team can do support Chaz's transition to college is...

### College Board

#### SAT, PSAT, AP

- Must have a documented disability from a credentialed diagnostician
- Demonstrates a need for accommodation
- Similar accommodations are documented for school tests
- Temporary conditions usually require a postponed test date

#### What does that mean for 504s?

- Answers the question "our teachers already provide accommodations so why write it on a plan?"
- Accommodations as written set precedent for College Board
- Waiting to determine eligibility for students could put them at a disadvantage
- Not communicating with parents the benefit of a diagnosis/medical statement outside of the pK-12 system could put the student at a disadvantage

### Nature of Services at Postsecondary Level

#### Postsecondary schools are NOT required to:

- Provide FAPF
- Identify students who may have a disability (Child Find) Modify essential requirements of a class/test

#### They are required to:

- Appropriate academic *adjustments*
- Comparable, convenient, and accessible housing at no additional cost
- Not deny admission because of a disability
- Not charge students for academic adjustments
- Publish grievance procedures

#### For students to receive academic adjustments, the student:

- Must notify the school of their disability
- May be required to provide documentation of a current disability (diagnosis from a qualified diagnostician) Previous 504 plan probably won't suffice Pay for their own evaluation if a diagnosis is not current/documented
- Request an academic adjustment as soon as possible.

### Important Updates

Minor revision of the state 504 manual

Proposed rule update coming soon

More training opportunities:

- Monthly webinars
- Open office hours
- Listserv with updates



## Questions?

### Reach Out & Stay Informed

ODE SB 819 Questions Email: <a href="mailto:ODE.SB819Questions@ode.oregon.gov">ODE.SB819Questions@ode.oregon.gov</a>

SB 819 ODE Website - Includes Implementing SB 819 - Guidance for School Districts and Programs

Marinda Peters: marinda.peters@ode.oregon.gov

- Section 504 virtual or in-person trainings available upon request
- Monthly webinars
- Monthly open office hours
- Technical assistance

504 Coordinator & Case Manager GovDelivery Listserv