



PULLMAN PUBLIC SCHOOLS

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# SECTION 504 MANUAL

2024-2025 ACADEMIC YEAR

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## **MISSION STATEMENT**

*Ensuring learning while challenging and supporting each student to achieve full potential*

## **VISION STATEMENT**

The Pullman School District mission provides a clear and shared focus among all stakeholders. This common understanding underscores our vision that we each have a stake in student learning and achievement.

To fulfill this vision, the District targets its human and fiscal resources toward continuous improvement. Excellence, measured by results, is evident in all we do and is inclusive of work, programs, and facilities.

## **COMMITMENTS**

We communicate our vision and mission statements actively to all stakeholders to develop common beliefs and values.

We expect and help everyone to achieve by fostering learning that is challenging and that develops a lifelong passion for learning.

We support a well-coordinated instructional program with effective instruction and administrative leadership.

We share the responsibility for effective collaboration, communication, and teamwork among students, staff, parents, and community.

We coordinate curriculum, instruction, and assessment to create instructional programs that will meet or exceed state standards.

We review data continually to adjust and implement appropriate instruction for individuals.

*We promote, provide for, and expect family and community involvement.*

## INTRODUCTION

This manual describes the requirements of Section 504 of the Rehabilitation Act of 1973 as it applies to a public school district's duty to provide a free appropriate public education (FAPE) to students with disabilities. This manual is designed to assist parents and educators in understanding what Section 504 is, what it requires in terms of FAPE, and how it should be implemented.

## OVERVIEW OF SECTION 504 REQUIREMENTS

### WHAT IS SECTION 504?

Section 504 is a federal civil rights law that is designed to eliminate disability discrimination in programs and activities that receive federal funds. Since all public-school districts receive federal funds, all public-school districts must comply with Section 504. Under Section 504, denying a student with disabilities a free appropriate public education constitutes disability discrimination.

### WHO IS A STUDENT WHO QUALIFIES FOR A 504 PLAN?

A school-aged student is a student with disabilities under Section 504 for purposes of FAPE if the student:

- Has a physical or mental impairment;

Physical or mental impairment means any physiological or psychological disorder or condition. The definition of physical or mental impairment under Section 504 is broad, and includes students with life-threatening health conditions (conditions that will put a student in danger of death during the school day if a medication or treatment order and a nursing plan are not in place), and is not limited to any specific diseases or categories of medical conditions.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. A physical or mental impairment may be 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; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

- That substantially limits;

There is no single formula or scale that measures substantial limitation. A physical or mental impairment substantially limits a major life activity for a student if the impairment substantially limits the student's ability to perform a major life activity as compared to the students without disabilities' age/grade peers.

As a general rule, a student with a physical or mental impairment who is able to participate in or benefit from a district's education program, (e.g. attend school, advance from grade to grade, and meet the standards of personal independence and social responsibility expected of his or her age and cultural group) without the provision of special education or related aids or services, is not a student with disabilities under Section 504 for purposes of FAPE.

- One or more major life activities

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Major life activities also include other general activities such as eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. In addition, major life activities include major bodily functions such as the

functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The above list of major life activities is not exhaustive; a major life activity or function not specifically listed above may be a major life activity. For example, the ability to meet the standards of personal independence and social responsibility expected of one's age and cultural group is a major life activity for a school-aged student. In addition, the ability to participate in and benefit from school is a major life activity for a school-aged student.

#### **WHAT IS A FREE AND APPROPRIATE PUBLIC EDUCATION UNDER SECTION 504?**

A free appropriate public education, referred to as FAPE, is an education that is designed to meet a student with disabilities' individual educational needs and is based upon procedures that satisfy Section 504's identification, evaluation, placement, and due process requirements. An appropriate education can consist of education in regular classes, education in regular classes with related aids or services, special education, or a combination of such services.

The definition of related aids and services under Section 504 is broad and includes any service that a student needs to participate in and benefit from a district's education program. Related aids and services include but are not limited to the following: school health services; counseling; environmental, instructional and behavioral accommodations; and transportation.

#### **WHAT DOES 'APPROPRIATE' MEAN?**

"Appropriate" means designed to meet the individual educational needs of a student with disabilities as adequately as the needs of students without disabilities are met. It does not mean that a district must maximize a student with disabilities' potential or provide "the best" education program that it can design for a student with disabilities. It means that a district must provide sufficient individualized services to enable a student with disabilities to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).

#### **WHO CAN REFER A STUDENT FOR A SECTION 504 EVALUATION?**

Any person can refer a student for evaluation under Section 504. Parents, guardians, and school staff should refer a student for evaluation if they know or suspect that, due to a disability, the student needs special education or related aids or services to participate in or benefit from a district's education program.

#### **WHAT SHOULD A DISTRICT DO WHEN IT RECEIVES A SECTION 504 REFERRAL?**

After receiving a Section 504 referral, a district should decide whether to evaluate the student and must notify the student's parent or guardian, in writing of the decision. As a general rule, a district should evaluate a referred student if the district knows or suspects that the student, because of a disability, is not attending school, advancing from grade to grade, meeting the standards of personal independence or social responsibility expected of his or her age or cultural group, or otherwise needs special education or related aids or services to participate in or benefit from the district's education program.

## **WHAT IS AN EVALUATION UNDER SECTION 504?**

Evaluations under Section 504 are individually designed. A Section 504 evaluation may be broad (including aptitude and achievement data, medical and psychological data, social and cultural information, and more) or narrow (medical data). A Section 504 evaluation may be conducted by a district or conducted by an outside agency and reviewed by a district. It is the responsibility of a district to determine the scope of each student's Section 504 evaluation. As a general rule, the scope of a student's Section 504 evaluation should be broad enough to enable the district to determine whether a student is disabled under Section 504 and, if so, what special education and related aids and services the student needs to participate in and benefit from the district's education program.

## **WHAT PLACEMENT PROCEDURES DOES A SECTION 504 REQUIRE?**

Placement under Section 504 means services - the regular or special education and related aids and services that a student needs to receive a Free and Appropriate Public Education (FAPE). Placement decisions under Section 504 must be documented, based upon a student's evaluated needs, and made by persons knowledgeable about the student who are able to interpret the student's evaluation data and placement options. In addition, placement decisions must ensure that student with disabilities are educated in the least restrictive appropriate placement.

## **WHAT DUE PROCESS RIGHTS DO PARENTS AND GUARDIANS HAVE UNDER SECTION 504?**

Section 504 gives parents and guardians the right to challenge district decisions regarding the identification, evaluation and educational placement of their child. Under Section 504, a district must notify a student's parent or guardian before it takes any action regarding the identification, evaluation, or placement of their child and provide the parent or guardian an opportunity to challenge the action if they disagree. "Any action" includes a decision not to evaluate a student and denial of placement. The minimum necessary due process rights include: prior notice of any action; a right to inspect records; an impartial hearing with a right to representation by counsel; and a review procedure.

## **MUST CONSENT BE GIVEN PRIOR TO INITIAL EVALUATIONS AND INITIAL PLACEMENT UNDER SECTION 504?**

*Yes.* Under Section 504, a district must obtain parent or guardian consent in two circumstances: before a child's initial evaluation (the first time a child is evaluated by any district) and before a child's initial placement (the first time a child is placed on a Section 504 Plan in any district). If a parent or guardian refuses to consent to either initial evaluation or initial placement, a district may, but is not required to, initiate a Section 504 due process hearing to override the refusal to consent. A district must notify a parent or guardian, but need not obtain consent before it re-evaluates or significantly changes a student's placement.

## **WHAT IS A SECTION 504 PLAN?**

A Section 504 plan is a written plan that describes the educational and related aids and services that a district determines a student with disabilities needs to receive a FAPE. The content of a Section 504

Plan is fluid and may change within a school year or between school years as a student's needs and services change. A district must provide the services identified in a student's Section 504 plan.

For a student whose only disability is a life-threatening health condition, an individual health plan or an emergency or nursing care plan may serve as the student's Section 504 plan. The process that a district follows to develop an individual health plan or an emergency or nursing care plan to meet the needs of a student with disabilities must be based on evaluation and placement procedures that satisfy the requirements of Section 504 and must provide procedural due process to the student's parent or guardian.

### **WHAT IS A SECTION 504 TEAM?**

A Section 504 team makes decisions regarding the evaluation and placement of students under Section 504. For example, a Section 504 team determines the scope of Section 504 evaluations, decides which students are disabled under Section 504, develops Section 504 Plans, and makes "manifestation determinations" for purposes of disciplinary exclusion from school. A district may have a district-level Section 504 team that makes district-level Section 504 decisions, building-level Section 504 teams that make building-level Section 504 decisions, or a combination of both district-level and building-level Section 504 teams.

### **WHO SHOULD BE ON THE SECTION 504 TEAM?**

The membership of a Section 504 team will vary depending upon the needs of each student. For example, a nurse may be on the Section 504 team of a student with a life-threatening health condition, and a psychologist may be on the Section 504 team of a student with a behavioral disorder. The composition of a Section 504 team is fluid and may change within a school year or between school years as a student's needs and services change. A Section 504 team must consist of at least two people and must include persons knowledgeable about the student, and their academic performance and/or health related needs and placement options.

### **HOW IS SECTION 504 ENFORCED?**

The U.S. Department of Education enforces Section 504 through the Office for Civil Rights (OCR). OCR investigates individual complaints of disability discrimination, including complaints that a district is denying a student with disabilities FAPE. OCR also provides training and technical assistance to state education agencies, educational service districts, schools districts, and parents. OCR's focus is on the process a district follows to identify, evaluate, and provide an educational placement to a student with disabilities, and to provide procedural due process to the student's parent or guardian. Except in extraordinary circumstances, OCR will not review the result of individual placement and other educational decisions, as long as a district complies with Section 504's procedural requirements regarding identification, evaluation, placement, and due process. The proper forum for pure educational disputes, in which a district has followed the correct process to make an educational decision but the parents or guardian disagree with the result of the decision, is a Section 504 due process hearing.

## WHO CONDUCTS A SECTION 504 DUE PROCESS HEARING?

A district should select a hearing officer who is impartial (e.g., has no professional or personal interest that would bias his or her judgment of the case) and has some training in Section 504 and how it applies to FAPE.

## THE BOTTOM LINE

Once a district has determined that a student is a student with disabilities under Section 504 for purposes of FAPE, the district must provide whatever services it decides the student needs to participate in and benefit from the district's education program. As a general rule, a district is under no obligation to provide a service that a student's parent or guardian or doctor requests unless, in the 504 team's determination, the student needs the service to participate in and benefit from its education program.

## IDEA AND SECTION 504

### -A Comparison-

<b><u>COMPONENT</u></b>	<b><u>IDEA</u></b>	<b><u>SECTION 504</u></b>
WHAT IS IT?	A federal funding law and regulation	A federal civil rights law and regulation
WHAT IS IT'S PURPOSE?	To provide federal funds to state education agencies and districts to educate students with disabilities.	To eliminate disability discrimination in all programs and activities that receive federal funds.
WHO IS A "STUDENT WITH DISABILITIES"?	Both regulations provide protections to "students with disabilities" but each regulation defines "students with disabilities" differently. Section 504 defines "students with disabilities" more broadly than does IDEA. Defines a student with disabilities as a child aged 3-21 who has one or more of 14 specific disabilities (i.e., autism, deaf-blindness, developmental delay, deafness, emotional behavioral disability, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment, including blindness) and, due to disability, needs special education.	Defines a student with disabilities as a school-aged child who has a physical or mental impairment that substantially limits one or more major life activities. The terms "physical or mental impairment," "substantially limits," and "major life activities" are to be interpreted broadly.

WHAT IS A "FREE APPROPRIATE PUBLIC EDUCATION" (FAPE)?	<p>Both regulations require a district to provide FAPE to each student with disabilities in its jurisdiction but each regulation defines FAPE differently. Section 504 defines FAPE more broadly than does IDEA.</p> <p>Defines FAPE as special education and related services.</p> <p>Students can receive related services under IDEA only if they need related services to benefit from special education.</p> <p>Defines FAPE as regular or special education and related aids and services that are designed to meet a student's individual educational needs and are based upon procedures that satisfy required evaluation, placement, and due process procedures. Students can receive related aids and services under Section 504 even if they are not provided any special education.</p>
WHAT DOES "APPROPRIATE" MEAN?	<p>Both regulations interpret "appropriate" to mean designed to meet the individual educational needs of a student with disabilities. An appropriate education provides a student with disabilities sufficient individualized services to enable the student to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).</p>
HOW IS FAPE DELIVERED?	<p>Both regulations require that FAPE be delivered through an individualized education program. Section 504 defines individual education program with less specificity than does IDEA.</p> <p>Requires a written individual education program (IEP) with specific content developed by specific participants at an IEP meeting.</p> <p>Requires a documented placement decision, commonly called a Section 504 Plan, developed by a group of persons knowledgeable about the student, the meaning of the student's evaluation data, and placement options.</p>
WHO CAN REFER A STUDENT FOR EVALUATION?	<p>Both regulations contain a child find component, and allow any person (e.g., parents, guardians, school staff, etc.) to refer a student for evaluation.</p>
WHAT SHOULD A DISTRICT DO WITH A REFERRAL?	<p>Both regulations require a district to decide whether to evaluate a referred student and to notify a student's parent or guardian of its decision. As a general rule, under both regulations, a district should evaluate a referred student if it knows or suspects that the student, because of disability, needs special education or related aids or services to participate in or benefit from the district's education program.</p>
WHAT EVALUATION PROCEDURES ARE REQUIRED?	<p>Both regulations require that tests and other evaluation materials:</p> <ul style="list-style-type: none"> <li>a) be validated for the specific purpose for which they are used;</li> <li>b) be administered by trained personnel in conformance with the instructions provided by their producer;</li> <li>c) include those tailored to assess specific areas of educational need; and</li> </ul>

d) be selected and administered to assure that the test results accurately reflect whatever factors the tests purport to measure. Requires that re-evaluations be conducted at least every 3 years.	Requires periodic re-evaluations. The IDEA schedule satisfies Section 504.
Provides for independent educational evaluations at district expense if a parent or guardian disagrees with a district's evaluation and either the district or a hearing officer agrees.	Does not provide for independent educational evaluations at district expense. However, a district must carefully consider any such evaluations presented.

#### WHAT PLACEMENT PROCEDURES ARE REQUIRED?

Both regulations require that, when interpreting evaluation data and making a placement decision, a district must:	
a) draw upon information from a variety of sources;	
b) assure that all information is documented and considered;	
c) ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement option; and	
d) ensure that the student is educated with his/her students without disabilities peers to the maximum extent appropriate (i.e. in the least restrictive appropriate environment).	
Requires an IEP meeting before any change in placement.	Requires a re-evaluation before any "significant change in placement."

#### IS PARENT OR GUARDIAN CONSENT EVER REQUIRED?

Both regulations require a parent or guardian to consent prior to a student's initial evaluation and initial placement. IDEA alone requires consent prior to reevaluations. Under IDEA parents can revoke consent for placement at any time.	
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#### WHAT DUE PROCESS RIGHTS DO PARENTS AND GUARDIANS HAVE?

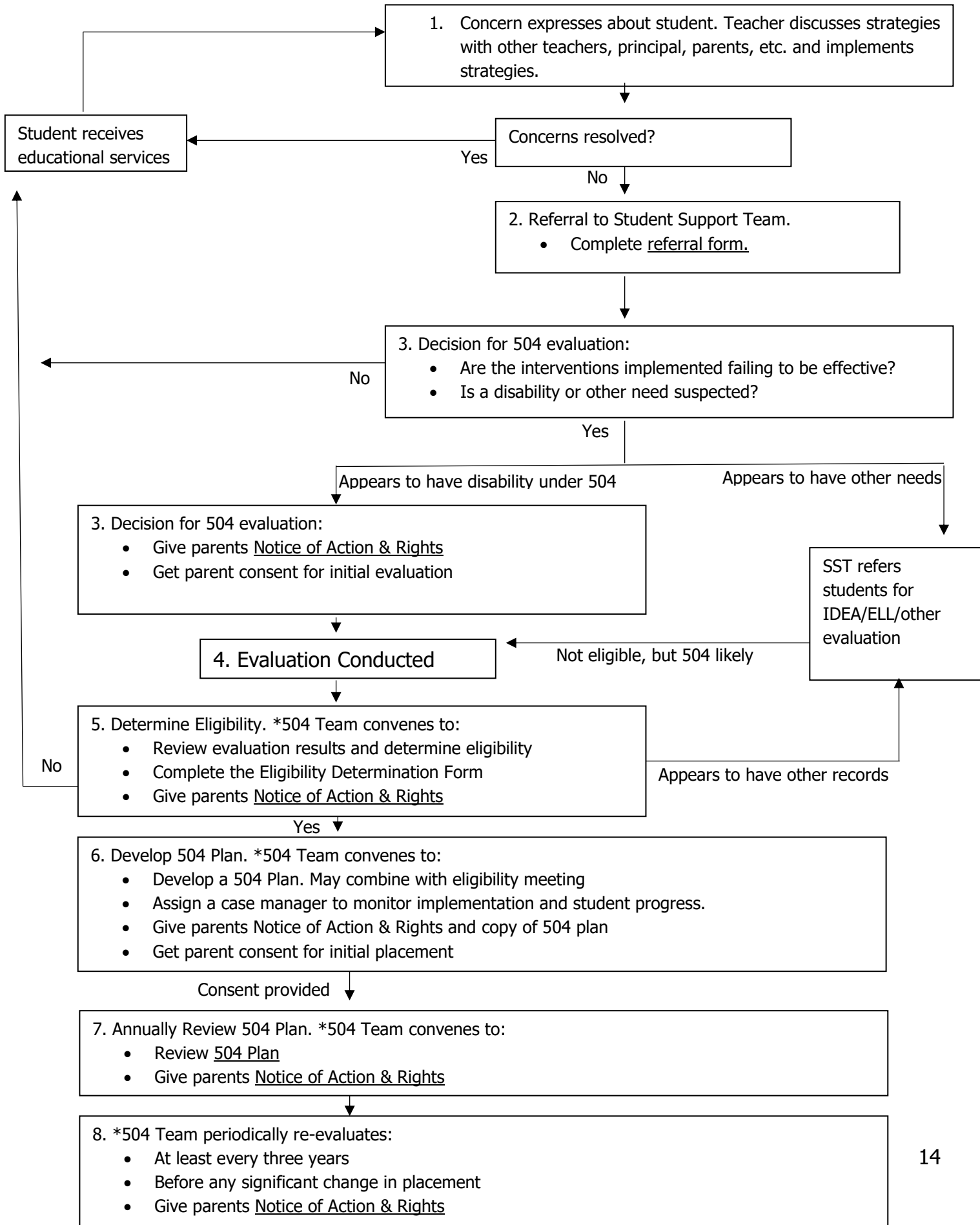
Both regulations require a district to notify a student's parent or guardian before the district takes any action regarding the identification, evaluation or placement of their child. IDEA procedures satisfy Section 504. "Any action" includes a decision not to evaluate a student and denial of placement.	
Requires written prior notice and specific content to be included in the notice.	Allows oral prior notice, but a district is wise to provide notice in writing.

#### WHAT KIND OF GRIEVANCE PROCEDURE IS REQUIRED?

Requires each state education agency (OSPI) to have a special education grievance procedure, commonly called a citizen complaint procedure.	Requires each district to have an internal Section 504 grievance procedure for parents and guardians, students, and employees.
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WHAT KIND OF HEARING PROCEDURE IS REQUIRED?	Both regulations require a district to provide an impartial due process hearing procedure for parents or guardians who disagree with the identification, evaluation, or placement of their child.	
WHO CONDUCTS A DUE PROCESS HEARING?	Requires each state education agency (OSPI) to conduct such hearings through a state office of hearings.	Allows either state education agencies or districts to conduct such hearings (in WA, districts conduct such hearings).
HOW IS IT ENFORCED?	<p>Enforced by the U.S. Department of Education, Office of Special Education Programs (OSEP).</p> <p>Each state education agency (OSPI) monitors compliance through complaint investigations and compliance reviews. OSEP monitors compliance through compliance reviews.</p>	<p>Enforced by the U.S. Department of Education, Office for Civil Rights (OCR).</p> <p>OCR monitors compliance through complaint investigations and compliance reviews. The state education agency (OSPI) has FAPE oversight responsibilities. OSPI's FAPE oversight responsibilities require it to take action to correct a situation where it has caused a district to violate Section 504 (for example, through a State policy), and where it has knowledge of repeated, class (not individual) violations of Section 504 by a district.</p>

## SECTION 504 PROCESS FLOW CHART



## SECTION 504 PROCEDURES

### 1. Concern

A student, parent, teacher, counselor, or administrator has a concern that a student may need support. Strategies are developed and implemented to address the concern.

### 2. Refer Student to the Student Intervention Team (SIT)

If the strategies are not successful, the concerned individual should complete the SIT referral form. The referral form documents the original concern, the strategies implemented to address the concern and the outcome of the strategies.

### 3. Decision to Evaluate

The SIT reviews the referral, the student's file, and consults with teachers, parent or guardian, the student (if appropriate), and others who have relevant information. The SIT decides whether to evaluate the student under Section 504.

If the SIT believes that the student may be eligible under IDEA, or may be an English language learner or have other needs, the SIT refers the student for evaluation under those processes.

If the student appears to have a disability under 504, the school psychologist or counselor gives the parents a Notice of Action and Rights and refers the student for evaluation. The parent or guardian must provide consent prior to this initial evaluation.

If the SIT decides the student does not appear to have a disability, the school psychologist or counselor suggests other strategies for resolving the concern and gives the parents a Notice of Action and Rights.

### 4. Evaluation

Once the parents have provided consent for evaluation, at least one expert in the area of the student's suspected disability evaluates the student. The parents may also choose to have their own expert evaluate the student in addition to the district's expert, at their own expense. *The district has 35 school days to complete the initial evaluation.*

### 5. Eligibility Decision

A 504 Team is convened to review the evaluation data and decide if the student is eligible under Section 504. At that time, the 504 Team fills out the Section 504 Eligibility Determination Form. The 504 Team must include persons knowledgeable about the student, the evaluation data, and placement options. In making its eligibility decision, the 504 Team must consider information from a variety of sources, including any relevant information submitted by the parents. The student is eligible if the student has an impairment that

substantially limits a major life activity. The 504 Team can also refer the student for IDEA, ELL, or other evaluation if appropriate.

If the 504 Team determines that the student is eligible under 504, the school psychologist or counselor gives the parents a Notice of Action and Rights and the 504 Team convenes to develop a 504 Plan.

If the 504 Team decides that the student is not eligible, the 504 Team gives the parents a Notice of Action and Rights and suggests other strategies for resolving the underlying concern.

## **6. Develop a 504 Plan**

Once a student is found eligible under Section 504, the 504 Team convenes to develop a 504 Plan; the 504 Plan can be developed at the same time that eligibility is established if the 504 Team wishes. *If the team determines the plan will be completed at a later date the team has 35 calendar days to create the plan.* The 504 Plan describes the student's needs and what services or modifications will be provided to address the student's needs. The 504 Team gives the parents a Notice of Action and Rights and a copy of the 504 Plan. The district must receive consent from the parents for initial placement.

## **7. Review Plan**

The 504 Team will convene annually to review the 504 Plan to ensure that the 504 Plan is meeting the student's needs. If the 504 Team decides that the 504 Plan needs to be modified, the 504 Team gives the parents a Notice of Action and Rights.

## **8. Reevaluation**

The 504 Team must periodically reevaluate the student to determine if the student is still eligible or if the student has additional needs. Before a reevaluation, the 504 Team gives the parent a Notice of Action and Rights. Reevaluations must occur at least every three years or before any significant change in placement. Changes in placement include the discontinuation of services, changes of services, and long-term suspensions and expulsions.

## **Discipline Procedures**

Section 504 protects student with disabilities from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504 and IDEA apply to the disciplinary removal of a student with disabilities in a similar manner. Before a district can implement a disciplinary action that constitutes a "significant change in placement," it must evaluate the student to determine whether the student's misconduct is either related to his or her disability or due to an inappropriate placement. This type of evaluation is commonly called a "manifestation determination."

**Significant change in placement for disciplinary purposes means disciplinary actions that create a pattern of exclusion from school (e.g., cumulative short-term suspensions that are each 10 school days or fewer in duration that create a pattern of exclusion due to the length of each suspension, the proximity in time of the suspensions, the total amount of time the student was excluded from school, and the similarities of the behaviors that led to the suspensions).**

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

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

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

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

This determination must be based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. District staff does not need to use all of the sources of information listed above in every instance. The point of the requirement is to ensure that more than one source of information is used in making such a placement decision. In addition, the district should examine the kinds of educational placements that previously have been tried with the student and determine whether a placement more restrictive than the current placement would control the student’s behavior. As a general rule, a district should not long-term suspend or expel a student without first attempting to control the student’s behavior by placing the student in a more restrictive educational placement unless it has a legitimate reason for rejecting a more restrictive placement as a viable placement option.

**\*If a student with disabilities receives discipline that requires a manifestation meeting, the meeting must be conducted as soon as possible to determine if the action was part of the student’s disability. This meeting will be conducted by the 504-case manager and at minimum will have the parent and a district representative present.**

If a student with disabilities’ misconduct is a manifestation of his or her disability, a district cannot implement a disciplinary action that constitutes a significant change in the student’s placement. If a student with disabilities’ misconduct is not a manifestation of his or her disability, a district can discipline the student in the same manner that it disciplines students without disabilities for the same misconduct. Unlike IDEA, Section 504 provides no discipline protections for drug or alcohol related behaviors at school or school related activities.

## SECTION 504 PROCESS

Student referred to 504 Team by staff member, parent/guardian, student, etc.

504 Team will determine whether or not to refer the student for a 504 evaluation:  
TEAM INCLUDES: At least one person who understands the student (parent(s), teacher(s), counselor) and someone who understands the disability and the resources available.  
TEAM COLLECTS: Copy of diagnosis, if appropriate, and data/input from teachers/parents/staff to include: attendance, grades, testing, discipline, observations, and any other relevant information.

**\* 504 Team will make the decision to evaluate or not and parent consent to evaluate, if appropriate, received within 25 days from the date the referral was received**

<p>504 Team decides NOT to conduct a 504-evaluation based on:</p> <ul style="list-style-type: none"><li>• Student does not have a diagnosis and/or</li><li>• The 504 Team is certain they have all of the data/input needed to determine that an evaluation is not warranted</li></ul> <p>Parent/guardian/adult student will be given:</p> <ul style="list-style-type: none"><li>• PWN of the team's decision (located in the GT tab in IEP Online)</li><li>• 504 Procedural Safeguards</li></ul>	<p>504 Team decides to conduct a 504-evaluation based on:</p> <ul style="list-style-type: none"><li>• Student has a diagnosis and/or</li><li>• The 504 Team has sufficient evidence to suspect a disability</li></ul> <p>Parent/guardian/adult student will be given:</p> <ul style="list-style-type: none"><li>• Paperwork to give consent to evaluate</li><li>• 504 Procedural Safeguards</li></ul>
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**\*The evaluation begins upon receiving parent/guardian/adult student written consent to evaluate.**

504 Team gathers any additional information needed to determine the student's eligibility for a 504 plan  
504 Team will meet to consider all of the information collected including: diagnosis, if appropriate, data/input from teachers, parent/guardians, and other staff along with any other relevant information.  
504 Team will determine whether or not the student meets the following qualifications:

- Has a disability under Section 504
- The disability substantially limits a major life activity, and
- The student requires accommodations

**\*The evaluation will be completed within 35 school days**

<p><b>Decision: student does not meet qualifications for a 504 plan.</b></p> <p>Parent/guardian/adult student will be given:</p> <ul style="list-style-type: none"> <li>• PWN of the team's decision</li> <li>• 504 Procedural Safeguards</li> </ul>	<p><b>Decision: student has a disability that entitles student to protections under Section 504 but student does not require accommodations at this time.</b></p> <p>Parent/guardian/adult student will be given:</p> <ul style="list-style-type: none"> <li>• <b>Evaluation report documenting student does not qualify for a 504 plan</b></li> <li>• <b>PWN of the team's decision</b></li> <li>• <b>504 Procedural Safeguards</b></li> </ul>	<p><b>Decision: student meets all qualifications and requires a 504 plan. Team writes and implements a 504 plan.</b></p> <p>Parent/guardian/ adult student will be given:</p> <ul style="list-style-type: none"> <li>• <b>Section 504 plan including all needed accommodation</b></li> <li>• <b>504 Procedural Safeguards</b></li> <li>• <b>District isolation and restraint policy</b></li> <li>• <b>PWN prior to plan being implemented</b></li> </ul> <p><i><b>Team leader will get parent consent to implement 504 plan</b></i></p>
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**\*Team writes plan within 30 calendar days of accepted evaluation**

<ul style="list-style-type: none"> <li>• The Section 504 Team annually reviews the 504 plans of all qualifying students. A re-evaluation, consisting of a review of existing records as well as any additional relevant information, will be conducted every 3 years.</li> <li>• Whenever the team decides to revise the 504 Plan, the parent/guardian/adult student must receive a revised copy of the plan, PWN and 504 Procedural Safeguards.</li> <li>• Parents/guardians/adult students may request a meeting to review and/or revise a 504 plan at any time.</li> <li>• A copy of the Section 504 Plan should be placed in the student cumulative student file, original consent for evaluation, signed initial plan, and plan sent to 504 coordinator</li> </ul>
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## SECTION 504 FREQUENTLY ASKED QUESTIONS

### What is "discrimination" under Section 504?

Discrimination occurs when a district, based on student's disability:

- Denies a student with disabilities the opportunity to participate in or benefit from an aid, benefit, or service which is afforded to students without disabilities (e.g., denies credit to a student whose absenteeism is related to his disability, expels a student for behavior related to his disability, fails to dispense medication, or provide an individual health plan or nursing care plan to a student with disabilities who cannot attend school without such services);

- Fails to afford a student with disabilities an opportunity to participate in or benefit from an aid, benefit, or service that is equal to that afforded to student without disabilities (e.g., conditions a student with disabilities' participation in a field trip on the student's parent or guardian attending the trip, refuses to allow an otherwise qualified student with disabilities to try out for an interscholastic athletic team);
- Fails to provide aids, benefits, or services to a student with disabilities that are as effective as those provided to students without disabilities (e.g., fails to provide a student with disabilities necessary environmental, instructional or behavioral accommodations or another related aid or service, fails to provide a student with disabilities necessary study skills instruction or another special education service);
- Provides different or separate aids, benefits or services than are provided to students without disabilities unless there is a legitimate, nondiscriminatory reason for doing so (e.g. requires all students with disabilities to use special education transportation, segregates all students with disabilities in portable classrooms, requires all students with disabilities to use a different recess period);
- Denies a student with disabilities the opportunity to participate in programs or activities that are not separate or different unless there is a legitimate and nondiscriminatory reason for doing so (e.g., denies all students with disabilities the opportunity to eat meals in the school cafeteria, prohibits all students with disabilities from participating in full day kindergarten, refuses to allow any student with disabilities to enroll in regular physical education classes);
- Denies a student with disabilities the opportunity to participate as a member of a planning or advisory board (e.g., denies students with disabilities the opportunity to participate in student government);
- Otherwise limits a student with disabilities in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others (e.g., denies all students with disabilities admission under school choice);
- Aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability (e.g., sponsors a non-district organization that excludes students with disabilities); and
- Selects the site or location of a facility that has the effect of excluding students with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity (e.g., selects an inaccessible facility in which to hold school plays, concerts, or athletic competitions).

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

Treating a student differently, based on disability, is "legitimate and nondiscriminatory" under Section 504 if doing so is: 1) based on a legally sufficient reason (e.g., doing so is educationally justified); and 2) supported by the facts (e.g., based on the student's education records and other information). For example, it is legitimate and nondiscriminatory to deny a student with disabilities enrollment in a general education class, based on the student's disability, if: 1) even with the provision of related

aids and services, the student would be unable to participate in or benefit from the class; and 2) the student's education records and other information support the reason.

### **When does an impairment "substantially limit" a student's major life activity?**

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

- a student with a diagnosed learning disability whose academic performance is within norm for his age/grade is not substantially limited in the major life activity of learning;
- a student with ADHD who is not removed from school for disciplinary reasons more than 10 school days in a school year is not substantially limited in the major life activity of behavior;
- a student with a food allergy who is not in danger of having an anaphylactic reaction during the school day is not substantially limited in the major life activity of breathing; and
- a student with a hearing impairment who has sufficient residual hearing to participate in and benefit from school without related aids or services is not substantially limited in the major life activity of hearing.

### **Is a district required to provide FAPE to a student who "has a record of disability" or is "regarded as disabled?"**

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

### **What are "related aids and services" under Section 504?**

"Related aids and services" means any service that a student with disabilities needs to participate in or benefit from a district's education program (e.g., if, without a specific related aid or service, a student with disabilities is unable to participate in or benefit from a district's education program, the aid or service in question is a necessary related aid or service for the student). In contrast to IDEA, under which students are eligible to receive related services if and only if they need related services to benefit from special education, students are eligible to receive related aids or services under Section 504 even if they are not provided any special education. Related aids and services include but are not limited to:

- school health services
- counseling services
- environmental, instructional, and behavioral accommodations
- transportation services
- speech-language services

- audiology services
- physical and occupational therapy services
- orientation and mobility services
- provision of a modified schedule, grading system, or curriculum

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

A “significant change in placement” means a significant change in the type or amount of educational or related aids or services that a district provides to a student with disabilities. A “significant change in placement” may include but is not limited to:

- initiating or terminating a service
- significantly increasing or decreasing the amount of a service
- disciplinary actions that exclude a student from the school day
- disciplinary actions that create a pattern of exclusion from school (e.g., cumulative short-term suspensions that are each 10 school days or fewer in duration that create a pattern of exclusion due to the length of each suspension, the proximity in time of the suspensions, the total amount of time the student was excluded from school, and the similarities of the behaviors that led to the suspensions)

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

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

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

*Maybe.* A student who is drug addicted but is in recovery and is not currently engaging in the illegal use of drugs, may qualify as a student with disabilities under Section 504 if the student’s drug addiction substantially limits the student’s ability to perform a major life activity. Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district’s education program. A student who is drug addicted and is currently engaging in the illegal use of drugs, however, is excluded from the definition of a student with disabilities under Section 504. A district is under no obligation to evaluate such a student under Section 504 regardless of the educational impact the drug addiction is having on the student. A district may treat such a student in the same manner as it treats students without disabilities.

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

*Yes.* A student who is addicted to alcohol, regardless of whether the student is currently using alcohol or is in recovery, may qualify as a student with disabilities under Section 504 if the student’s

alcoholism is substantially limiting the student's ability to perform a major life activity (e.g., to learn or attend school). Such a student may need a modified schedule, school counseling, or another type of special education or related aid or service to participate in or benefit from the district's education program.

**Does Section 504 protect a student with disabilities who engages in drug or alcohol related misconduct at school?**

*No.* A district may discipline a student with disabilities for the illegal use or possession of drugs or alcohol at school or at a school-sponsored function in the same manner and to the same extent as it disciplines students without disabilities. The procedures at 34 CFR 104.35 (regarding manifestation determinations) and 104.36 (regarding procedural safeguards) are not required for such disciplinary actions. The parent or guardian of the student with disabilities may challenge the regular education issues raised by the disciplinary action (e.g., whether the student did what he was charged with doing) at a regular education discipline hearing, but does not have a right to challenge the disciplinary action under Section 504. For example, the parent has no right to challenge the disciplinary action by asserting that the student's drug or alcohol-related misconduct was disability-related.

**Can "social maladjustment" be a disability under Section 504?**

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

**Is "specific learning disability" defined the same under Section 504 as it is under IDEA?**

*Yes.* "Specific learning disability" is a legal term of art defined by IDEA. To be eligible under IDEA as having a specific learning disability, a student must have a severe discrepancy (as defined by state law) between intellectual ability and achievement. Section 504 interprets the term as it is used in IDEA.

**Can a district require a parent to provide a medical diagnosis before it will initiate an evaluation of a student under Section 504?**

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

**Does a student with a medical diagnosis automatically qualify as a student with disabilities under Section 504?**

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

**Does a student with a "life threatening health condition," as defined by state law, automatically qualify as a student with disabilities under Section 504?**

*Yes.* Because state law, SHB 2834, defines "life threatening health condition" as a health condition that puts a student in danger of death during the school day if a medication or treatment order and a nursing care plan are not in place, by definition, a student with a "life threatening health condition" has a physical or mental impairment that substantially limits a major life activity, and qualifies as a student with disabilities under Section 504.

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

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

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

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

**Can a district limit its duty to provide FAPE to a student with disabilities based on cost?**

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

**Can a district refuse to provide special education services to a student with disabilities because the student doesn't meet the eligibility criteria under IDEA?**

*No.* A district cannot refuse to provide special education services to a student with disabilities who needs special education services simply because the student doesn't meet the eligibility criteria under

the IDEA. However, as a practical matter, the only students with disabilities who are likely to need special education services are students who are eligible for special education under IDEA.

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

*Maybe.* If a district chooses to participate in school choice, it must consider and act up on requests for admission under school choice in a manner that affords students with disabilities an equal opportunity to be admitted as compared to students without disabilities. As a general rule, a district cannot deny a student with disabilities admission under school choice unless it has a legitimate, nondiscriminatory reason for doing so (e.g., the grade level or school that the student needs is at capacity). A resident district's refusal to release special education funds for a student is not a legitimate reason to reject a student with disabilities under school choice.

### **Can a district place a student with disabilities on a shortened school day?**

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

### **Can a district exclude a student with disabilities from a field trip?**

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

- the student needs a school health service (e.g., the administration of medication or the assistance of a school nurse) during the field trip; or
- the student's parent or guardian is unable to attend the field trip, unless the participation of the parents or guardians of students without disabilities is required.

### **Is a student with disabilities entitled to extended school year (ESY) services?**

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

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

**Is a district required to waive uniform age-eligibility requirement to enable a student with disabilities to participate in interscholastic athletics?**

*Maybe.* This issue arises when a student is retained early in his or her school career for disability-related reasons and “ages out” of interscholastic athletic competition while in high school. As a general rule, a district can impose uniform age-eligibility requirements to participate in interscholastic athletics as long as it does so for students with or without disabilities alike. On the other hand, a district may be required to waive such eligibility requirements for interscholastic athletics if a student with disabilities “ages out” of athletic eligibility because a district’s denial of FAPE caused the student’s retention.

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

*Maybe.* This issue arises when a student with disabilities is denied participation in extracurricular activities because he or she hasn’t met the minimum grade/credit hour requirements for eligibility. As a general rule, a district can impose minimum grade/credit eligibility requirements to participate in extracurricular activities as long as it does so for students with or without disabilities alike. On the other hand, a district may be required to waive such eligibility requirements for extracurricular activities if a student with disabilities can establish that a district’s denial of FAPE caused the student’s low grades/credit hours. In addition, a district may choose to waive such eligibility requirements if a student needs to participate in extracurricular activities to receive FAPE.

**Is a district required to modify the curriculum in a general education class to accommodate a student with disabilities?**

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

**Is a district required to modify the grading system in a general education class to accommodate a student with disabilities?**

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

**Can a district indicate on a student with disabilities' transcript that it provided the student a modified curriculum or grading system in a general education class?**

*Yes.* A district can indicate on a student with disabilities' transcript that it provided the student a modified curriculum or grading system in a general education class if it has a legitimate, nondiscriminatory reason for doing so. For example, it is not discriminatory for a district to indicate on a student's transcript the nature of the curriculum or grading system provided to the student if the district does so for students with or without disabilities alike.

**Can a district provide a modified diploma to a student with disabilities?**

*Yes.* As a general rule, a district can impose minimum requirements to receive a regular diploma as long as it does so for students with or without disabilities alike. For example, a district can provide a modified diploma to a student with disabilities because the student has not met the established minimum requirements for receipt of a regular diploma. If a student does not graduate with a regular diploma, the student is eligible to receive FAPE until the age of 21.

**RESOURCES ON SECTION 504**

US Department of Education, Office for Civil Rights: [www.ed.gov/ocr](http://www.ed.gov/ocr)

Sound Options Mediation: [www.somtg.com](http://www.somtg.com)

Office of the Superintendent of Public Instruction (OSPI): [www.k12.wa.us](http://www.k12.wa.us)

Special Education: [www.k12.wa.us/specialed](http://www.k12.wa.us/specialed)

Health Services: [www.k12.wa.us/LearnTeachSupp/healthservices](http://www.k12.wa.us/LearnTeachSupp/healthservices)

LRP Special Education Connection: [www.specialedconnection.com](http://www.specialedconnection.com)

Parents are Vital in Education (PAVE): [www.washingtonpave.org](http://www.washingtonpave.org)

Educational Service Districts:

Puget Sound ESD: [www.psesd.wednet.edu](http://www.psesd.wednet.edu)

Northwest ESD: [www.esd189.org](http://www.esd189.org)

North Central ESD: [www.ncesd.org](http://www.ncesd.org)

Olympic ESD: [www.oesd.wednet.edu](http://www.oesd.wednet.edu)

ESD 113: [www.esd113.k12.wa.us](http://www.esd113.k12.wa.us)

ESD 112: [www.esd112.wednet.edu](http://www.esd112.wednet.edu)

ESD 105: [www.esd105.wednet.edu](http://www.esd105.wednet.edu)

ESD 123: [www.esd123.wednet.edu](http://www.esd123.wednet.edu)

ESD 101: [www.esd101.net](http://www.esd101.net)

Council of Educators for Students with Disabilities: [www.504idea.org](http://www.504idea.org)

Gorn, Susan. What Do I Do When...The Answer Book on Section 504. LRP 1998

## APPENDIX A

### **Policy 2162: Section 504 Compliance**

It is the policy of the Pullman School District to provide a free and appropriate public education to each student within its jurisdiction, including students with disabilities, regardless of the nature or severity of the disability.

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services.

## APPENDIX B

### Working with Parent Concerns and Complaints Under Section 504 of the Rehabilitation Act of 1973

The best solutions to parent concerns often occur at the school level. Therefore, the District encourages parents to attempt to resolve concerns by working with the building principal, building Section 504 coordinator, and other appropriate staff to reach a joint resolution of the issue. However, if a parent is unable to resolve the issue at the building level, a parent may file a formal complaint under Section 504 through the following process:

Parent completes and submits a Section 504 Complaint Form to the District Section 504 coordinator. The Section 504 Complaint Form is available at each school's office. The complaint should be as detailed as possible and describes why the parent believes that their concerns raise an issue under Section 504.



The District Section 504 coordinator will investigate of the allegations(s). If the District Section 504 coordinator is the subject of the complaint, the Superintendent will appoint an impartial investigator. The parent and the District staff will have an opportunity to provide evidence, including documents and witnesses.



The District Section 504 coordinator will issue a written decision about the complaint within 30 calendar days of receipt of the complaint, and provide a copy of the decision to the parent. The written decision will contain suggested resolutions to the parents' concerns.



If the parent is not satisfied with the resolution of his/her complaint, the parent may request a review of the complaint by the Superintendent. The Superintendent will respond to the parent's request for review within 10 days of receiving the request.



If the parent is still dissatisfied after the Superintendent's review, or at any time during the District's complaint resolution process, the parent may file a complaint by writing to: U.S. Department of Education, Office for Civil Rights 915 Second Avenue, Room 3310, Seattle, WA 98174-1099 or 206-607-1600 or [www.ed.gov/ocr](http://www.ed.gov/ocr)

## Section 504 Complaint Form

Date\_\_\_\_\_ Your School\_\_\_\_\_

Your Name\_\_\_\_\_ Your Phone\_\_\_\_\_

Your Address\_\_\_\_\_

Person discriminated against/relationship to you\_\_\_\_\_

Please describe your concerns and why you believe they raise an issue under Section 504. Include a description of what happened, when and where it happened, and who was involved. (Feel free to attach additional pages if necessary)

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Explain the steps you have already taken to resolve the issue, if any.

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Describe what resolution to your concerns you would like to see.

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*PLEASE ATTACH ANY DOCUMENTS OR OTHER INFORMATION YOU THINK WILL HELP WITH THE INVESTIGATION OF YOUR COMPLAINT.*

## **Section 504 Impartial Hearing Procedure**

1. The parent requests an impartial hearing by filing a written request with district 504 Coordinator. The district 504 Coordinator is Assistant Superintendent, Dr. Roberta Kramer.
2. The 504 Coordinator arranges for an impartial hearing officer. A list of possible hearing officers may be obtained from Puget Sound ESD, 425.917.7814.
3. Either the 504 Coordinator or the hearing officer gives notice of the time and place of the hearing at least 10 calendar days before the hearing. Either party may request that the hearing be rescheduled.
4. The hearing officer holds a telephone conference with the parties to clarify the issues at least 7 calendar days before the hearing.
5. The parties will provide any documents or other evidence they plan to present at the hearing to the other party and the hearing officer at least 5 business days before the hearing.
6. Both parties have the right to accompanied and advised by counsel or other representative. The parents have the right to open the hearing to the public.
7. The parties will not communicate with the hearing officer about any issue of fact or law unless the other party has notice and opportunity to participate in the communication.
8. The parents present their arguments and evidence first, followed by the school district.
9. The hearing will be recorded by mechanical device or by certified court reporters. The parties have the right to request a verbatim record of the hearing.
10. The hearing officer will issue a decision in writing after considering the whole record, but not more than 45 calendar days after the district received the hearing request.

## APPENDIX C

### Section 504 Building Designee Job Description

#### Duties and Responsibilities:

- Maintains compliant building records and documentation for all eligible students and provides copies to the District Section 504 coordinator.
- Ensures the implementation of Section 504 procedures in the building.
  - Coordinates referrals
  - Determines appropriate 504 team composition
  - Facilitates evaluation/eligibility determination
  - Provides notices and consents
  - Develops 504 plans
  - Monitors the implementation of 504 plans
  - Schedules annual reviews of each 504 student
  - Assures that 504 plans move with the student to the next level or new school
- Serves as a daily resource to the building administrators, teachers, and community members regarding section 504 issues.
- Advises the school administrator regarding discipline issues and procedures for Section 504 eligible students being considered for suspension or expulsion.
- Serves as a liaison between the school building and other District staff regarding Section 504 issues.
- Attends periodic District Section 504 training meetings.

## APPENDIX D

### Section 504 Forms

**\*\*The following Section 504 forms are provided for informational purposes only. Section 504 forms are to be completed in IEP Online at <https://xeponline.wa-k12.net/>. Please contact the Instructional Programs office at [SpecialServices@psd267.org](mailto:SpecialServices@psd267.org) or by phone at (509) 332-3144.\*\***

## Sample Section 504 Referral and Recommendations

Student ID:  
WA SSID:  
Date of Birth:

**Pullman School District**  
240 SE Dexter  
Pullman, WA 99163  
509-332-3144

### Guidance Team Record

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Student's Name: \_\_\_\_\_ Student No: \_\_\_\_\_  
*First Middle Last*

Date of Request: \_\_\_\_\_ Primary Language: \_\_\_\_\_ Age: \_\_\_\_\_ Sex: \_\_\_\_\_

Parent Notification: By Whom: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Home Address: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ School: \_\_\_\_\_ Grade: \_\_\_\_\_

Teacher: \_\_\_\_\_ Classroom: \_\_\_\_\_

Guidance Team Meeting Date: \_\_\_\_\_

- I. Reason for Request (attach copy of the interim reports and current report card)
- II. Description of specific strategies and interventions used to date and the effectiveness of each on student's achievement and/or adjustment (include input from parents and those persons who have worked with the student)
- III. Present instruction levels:  
Reading:  
  
Math:  
  
Written Language:  
  
Strengths:  
  
Needs:  
  
Other Considerations:

-----**This portion completed by G.T.**-----

- IV. G.T. Recommendation: \_\_\_\_\_
- V. Individual responsible for parent notification (if not present at meeting): \_\_\_\_\_
- VI. Individual designated to inform requesting source (if not present at meeting): \_\_\_\_\_
- VII. Projected date of review: \_\_\_\_\_ Case Manager: \_\_\_\_\_

## Sample Notice of Action/Consent

Student ID:  
WA SSID:  
Date of Birth:

Pullman School District  
240 SE Dexter  
Pullman, WA 99163  
509-332-3144

### Section 504 – Notification Consent

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Dear Parent(s)/Guardian(s),

We are notifying you that your child, \_\_\_\_\_ requires a section 504 evaluation. The parent/adult student or school may invite individuals who have knowledge or special expertise regarding the student, including related services personnel to participate as a member of the section 504 team.

I have also been provided the Notice of Procedural Safeguards for Section 504 Students and Their Families that summarize protections for students who may require section 504.

- ☐ I give consent for my child to be evaluated
- ☐ I refuse consent for my child to be evaluated

Comments:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian/Surrogate/Adult Student

\_\_\_\_\_  
Date

Please return this form to \_\_\_\_\_.

### Section 504 – Notice of Action/Consent

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Parent Consent (Only required for initial placement)

\_\_\_ Yes, I do consent for initial placement for my child for a Section 504 plan.

\_\_\_ No, I do not consent for initial placement for my child for a Section 504 plan.

Signature: \_\_\_\_\_  
(parent/adult student/guardian)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
(parent/adult student/guardian)

Date: \_\_\_\_\_

Section 504 Coordinator: \_\_\_\_\_

Telephone: \_\_\_\_\_

Copies to:

- 1) Parents/adult student/guardian
- 2) School Section 504 file
- 3) District Section 504 coordinator

## Section 504 Notice of Parent/Guardian and Student Rights

This is a notice of your rights under Section 504. These rights are designed to keep you fully informed about the district's decisions about your child and to inform you of your rights if you disagree with any of those decisions.

You have the right to:

- Have your child participate in and benefit from the district's education program without discrimination based on disability.
- An explanation of your and your child's rights under Section 504.
- Receive notice before the district takes any action regarding the identification, evaluation, or placement of your child.
- Refuse consent for the initial evaluation and initial placement of your child.
- Have your child receive a free appropriate public education. This includes your child's right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the district provide related aids and services to allow your child an equal opportunity to participate in school activities.
- Have your child educated in facilities and receive services comparable to those provided to nonstudents with disabilities.
- Have your child receive special education services if she/he needs such services.
- Have evaluation, educational, and placement decisions for your child based upon information from a variety of sources, by a group of persons who know your child, your child's evaluation data, and placement options
- Have your child be provided an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
- Have educational and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of children without disabilities.
- Examine your child's education records and obtain a copy of such records at a reasonable cost unless the fee would effectively deny you access to the records.
- A response to your reasonable requests for explanations and interpretations of your child's education records.
- Request the district to amend your child's education records if you believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the district refuses this request, you have the right to challenge such refusal.
- Request mediation or an impartial due process hearing to challenge actions regarding your child's identification, evaluation, or placement. You and your child may take part in the hearing and have an attorney represent you. Hearing requests can be made to the district's 504 coordinator.
- Ask for payment of reasonable attorney's fees if you are successful on your claim.
- File a local grievance or a complaint with the U.S. Department of Education Office for Civil Rights or file a complaint in federal court.

**The person in this district who is responsible for ensuring that the district complies with Section 504 is: Director of Special Programs, Dom Ventresco.**

## Section 504 Evaluation and Eligibility Report

Student ID:  
WA SSID:  
Date of Birth  
509-332-3144

Pullman School District  
240 SE Dexter  
Pullman, WA 99163

### Section 504 – Eligibility Determination

Meeting Date: \_\_\_\_\_

Student: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Areas of Evaluation:

Specify the mental or physical impairment:

(as recognized in DSM-IV or other respected source if not excluded under 504/ADA). If none, the student does not qualify for 504 eligibility.

Check the major life activity: ☐ Seeing ☐ Hearing ☐ Walking ☐ Learning ☐ Other

Specify Other:

Major Life Activity Impacted:

Place an "X" on the following scale to indicate the specific degree that the impairment limits the major life activity:

-Make sure the team focuses on the major life activity as a whole (e.g., learning), not in a particular class (e.g., math) or for a particular sub-area (e.g., socialization).

-Discount from the analysis sub-par performance due to the other factors, such as normal moods, lack of motivation, and immediate situation or environment.

-Use the average student in the general population as the frame of the reference for purpose of comparison.

For an "X" at 4 or above, fill in specific information evaluated by the team that justifies the rating:

5. ☐ Extremely \_\_\_\_\_
4. ☐ Substantially \_\_\_\_\_
3. ☐ Moderately \_\_\_\_\_
2. ☐ Mildly \_\_\_\_\_
1. Negligibly \_\_\_\_\_

### Eligibility Determination.

Check the appropriate box.

- ☐ Eligible The student has physical or mental disability that substantially limits (level "4" or above on the scale) one or more major life activities. Provide a copy of this page and a copy of Parent/Student Rights. If the team combines the eligibility determination with developing an Accommodation Plan provide parent with copy of the accommodation plan as well.
- ☐ Not Eligible The student either has a physical or mental disability that does not substantially limit one or more major life activities or has no physical or mental disability. Provide a copy of this page and of Parent/Student Rights.
- ☐ Exited The student is no longer eligible for 504 services because:
- ☐ no longer meets eligibility
  - ☐ graduated on:
  - ☐ other, please specify: \_\_\_\_\_

Provide parents with a copy of this page, and Parent/Student Rights. Make a note in the student's folder if they were exited from 504.

## Sample Section 504 Plan

Student ID:  
WA SSID:  
Date of Birth:

Pullman School District  
240 SE Dexter  
Pullman, WA 99163  
509-332-3144

### Section 504 – Accommodation Plan

Student's Name: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Student ID Number: \_\_\_\_\_ School: \_\_\_\_\_ Grade: \_\_\_\_\_

(A person with a disability means any person who has a physical or mental impairment which substantially limits one or more major life activities. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning or working.)

Explanation of Major Life Activity Impacted:

Description of Accommodations: The specific accommodations that are necessary for the child to have an opportunity commensurate with non-disabled students (at about the same age) in this district, e.g., instructional, environmental/accessibility, behavioral/Social, assessment/testing:

Accommodations	Frequency	Location	Duration m/d/y to m/d/y
			to
			to
			to

Implementation Date: \_\_\_\_\_ Review Date: \_\_\_\_\_

#### Signatures:

The list below indicates that the individual participated in the development of this 504 plan.

Annual Review	Date	Signature

WA SSID:  
Date of Birth:

240 SE Dexter  
Pullman, WA 99163  
509-332-3144

## Disciplinary Manifestation Determination

This document is used for the purpose of establishing a relationship between disability and behavior. It should be used when considering long-term suspension or expulsion for a special education student. It is NOT to determine discipline.

Please check each item as reviewed and answer all questions:

1. Present Student Status: ☐ IEP ☐ 504 ☐ Referral
2. Does this student have an identified disability? ☐ Yes ☐ In process  
Disability: \_\_\_\_\_
3. What is the nature of the student's disability?
4. Has this student been suspended previously this year? ☐ Yes ☐ No  
If Yes, how many days prior to this offense? \_\_\_\_\_
5. What is the behavior for which disciplinary action is being proposed?

What is the normal disciplinary action that is applied when this behavior is displayed by non-disabled persons?

6. The team considered and reviewed all relevant student information in this action?  
☐ Evaluation and diagnostic results  
☐ Observations  
☐ IEP and Placement
  1. Has a functional Behavioral Analysis been completed? ☐ Yes ☐ No Date Completed: \_\_\_\_\_
  2. Is there a Behavior Intervention Plan as part of the IEP? ☐ Yes ☐ No
  3. If yes, what is being addressed on the Behavior Intervention Plan? *(must align with targeted behaviors)*
  4. Has this student been on Home placement per the Behavioral Plan? ☐ Yes ☐ No  
If Yes, how many days prior to this offense? \_\_\_\_\_
- ☐ Relevant information provided by parent(s).
7. Did the conduct in question have a direct and substantial relationship to the child's disability? ☐ Yes ☐ No
8. Was the conduct in question a direct result of the school district's failure to implement the IEP? ☐ Yes ☐ No  
*Note: If either 7 or 8 is "Yes", the behavior must be considered a manifestation of the student's disability. If both 7 and 8 are "No", the normal disciplinary action may be applied.*

Check one:

☐ The conduct in question WAS a manifestation of the student's disability. *The IEP team must conduct a functional behavioral assessment, unless one was conducted prior to the behavior incident, and develop and implement a behavioral intervention plan. If a behavioral intervention plan has already been developed, the IEP team must review the plan and modify if necessary.*

☐ The conduct in question WAS NOT a manifestation of the student's disability. *Disciplinary action(s) that apply to students without disabilities may be taken, but the school district must continue to provide a FAPE to enable the student to continue to participate in the general education curriculum and to progress toward meeting their IEP goals. If necessary, the district should also conduct a function behavioral assessment and develop/implement a behavioral intervention plan that is designed to address the behavior violation so that it does not, or is less likely to, recur.*

Actions and Rationale:

## APPENDIX E

### Accommodations Examples for Specific Disabilities

Here are some examples of accommodations and services that might be considered for specific disability profiles. Please keep in mind that these examples are not intended to be all-inclusive or mandatory. Do not use these examples as a “checklist” as accommodations are to be made on a case-by-case basis specific to individual need. Please also remember that the mere presence of these conditions does not automatically qualify a student for a Section 504 plan. The disability must significantly limit one or more life functions before a 504 plan is to be considered. Additionally, this disability must impact the student so that he or she is not afforded access and benefit of programs and services equal to that of students without disabilities.

#### ALLERGIES

EXAMPLE: The student has severe allergic reactions to certain pollens and foods. For purposes of this example the condition substantially limits the major life activity of breathing and may interfere with the student's ability to get to school or participate once there.

##### Possible Accommodations and Services:

- Avoid allergy-causing substances: soap, weeds, pollen, food
- In-service necessary persons: dietary people, peers, coaches, laundry service people, etc.
- Allow time for shots/clinic appointments
- Adapt physical education curriculum during high pollen time
- Improve room ventilation (i.e., when remodeling has occurred and materials may cause an allergy)
- Develop health care and/or emergency plans
- Address pets/animals in the classroom
- Involve school health consultant in school related health issues
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

#### Arthritis

EXAMPLE: A student with severe arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain may require a modified physical education program. For purposes of this example, the condition substantially limits the major life activity of learning.

##### Possible Accommodations and Services:

- Provide a rest period during the day
- Accommodate for absences for doctors' appointments
- Provide assistive devices for writing (e.g., pencil grips, non-skid surface, typewriter/computer, etc.)
- Adapt physical education curriculum
- Administer medication following medication administration protocols

- Train student for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Arrange for assistance with carrying books, lunch tray, etc.
- Provide book caddy
- Implement movement plan to avoid stiffness
- Provide seating accommodations
- Allow extra time between classes
- Provide locker assistance
- Provide modified eating utensils
- Develop health care plan and emergency plan
- Provide for accommodations for writing tasks: a note taker, a computer or tape recorder for note-taking
- Make available access to wheelchair/ramps and school van for transportation
- Provide more time for massage or exercises
- Adjust recess time
- Provide peer support groups
- Arrange for instructional aide support
- Install handle style door knobs (openers)
- Record lectures/presentations
- Have teachers provide outlines of presentations
- Issue Velcro fasteners for bags
- Obtain padded chairs
- Provide a more comfortable style of desk
- Adjust attendance policy, if needed
- Provide a shorter school day
- Furnish a warmer room and sit student close to the heat
- Adapt curriculum for lab classes
- Supply an extra set of books for home use and keep a set at school
- Let student give reports orally rather than in writing
- Provide an awareness program for staff and students
- Monitor any special dietary considerations
- Involve school health consultants in school health related issues
- Provide post-secondary or vocational transition planning

## Asthma

EXAMPLE: A student has been diagnosed as having severe asthma. The doctor has advised the student not to participate in physical activity outdoors. For purposes of this example, the disability limits the major life activity of breathing.

### **Possible Accommodations and Services:**

- Adapt activity level for recess, physical education, etc.
- Provide inhalant therapy assistance
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects Remove allergens (e.g., hair spray, lotions, perfumes, paint, latex)
- Make field trips that might aggravate the condition non-mandatory and supplement with videos, audiotapes, movies, etc.

- Accommodate medical absence by providing makeup work, etc.
- Adjust for administration of medications
- Provide access to water, gum, etc.
- Adapt curriculum expectations when needed (i.e., science class, physical education, etc.)
- Develop health care and emergency plans
- Have peers available to carry materials to and from classes (e.g., lunch tray, books)
- Provide rest periods
- Make health care needs known to appropriate staff
- Provide indoor space for before and after school activities
- Have a locker location which is centralized and free of atmosphere changes
- Adapt attendance policies, school day duration, or 180-day requirement, if needed
- Place student in most easily controlled environment

### **Attention Deficit Disorder (ADD) & Attention Deficit Hyperactive Disorder (ADHD)**

EXAMPLE: The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled, or other health impaired. A doctor regards the student as having ADD, and for purposes of this example, the disability limits the major life activity of learning. The student, because of his disability, is unable to participate in the school's programs to the same degree as students without disabilities and therefore is substantially limited by the disability.

#### **Possible Accommodations and Services:**

- Seat the student away from distractions and in close proximity to the teacher
- State classroom rules, post in an obvious location, and enforce consistently
- Use simple, concise instructions with concrete steps
- Provide seating options
- Tolerate (understand the need) excessive movement
- Provide a peer tutor/helper
- Teach compensatory strategies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Monitor for stress and fatigue; adjust activities
- Adjust assignments to match attention span, etc.
- Vary instructional pace
- Vary instructional activities frequently
- Provide supervision during transitions, disruptions, field trips
- Model the use of study guides, organizing tools
- Accommodate testing procedures; lengthy tests might be broken down into several shorter administrations
- Provide counseling and prompt feedback on both successes and areas needing improvement  
Initiate frequent parent communication
- Establish a school/home behavior management program

- Provide training for staff
- Have the student use an organizer; train in organizational skills
- Establish a nonverbal cue between teacher and student for behavior monitoring
- Assign chores/duties around room/school
- Adapt environment to avoid distractions
- Reinforce appropriate behavior
- Have child work alone or in a study carrel during high stress times
- Highlight required or important information/directions
- Provide a checklist for student, parents, and/or teacher to record assignments of completed tasks
- Use a timer to assist student to focus on given task or number of problems in time allotted; stress that problems need to be done correctly.
- Have student restate or write directions/instructions
- Allow student to respond in variety of different modes (i.e., may place answers for tests on tape instead of paper)
- Give student opportunity to stand/move while working
- Provide additional supervision to and from school
- Adapt student's work area to help screen out distracting stimuli
- Grade for content integrity not just neatness/presentation
- Schedule subjects which require greater concentration early in the day
- Supply small rewards to promote behavior change
- Avoid withholding physical activity as a negative reinforcer
- Allow for periodic, frequent physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points
- Provide for socialization opportunities, such as circle of friends

## **Bipolar Disorder**

EXAMPLE: The student was diagnosed as having a bipolar disorder, however the severity (frequency, intensity, duration considerations) of the condition did not qualify the student for IDEA. A properly convened 504 committee determined that the condition did significantly impair the major life activity of learning and fashioned a 504 plan for the student.

### **Possible Accommodations and Services:**

- Break down assignments into manageable parts with clear and simple directions, given one at a time
- Provide clear preparation for transitions
- Monitor clarity of understanding and alertness
- Allow most difficult subjects at times when student is most alert
- Provide extra time on tests, class work, and homework if needed
- Strategies in place for unpredictable mood swings
- Provide appropriate staff with training on bipolar disorder.

- Create awareness by staff of potential victimization from other students Implement a crisis intervention plan for extreme cases where student gets out of control and may do something impulsive or dangerous
- Provide positive praise and redirection
- Report any suicidal comments to counselor/psychologist immediately
- Consider home instruction for times when the student's mood disorder makes it impossible for him to attend school for an extended period

## **Cancer**

**EXAMPLE:** A student with a long-term medical problem may require special accommodations. Such a condition as cancer may substantially limit the major life activities of learning and caring for oneself. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.

### **Possible Accommodations and Services:**

- Adjust attendance policies
- Limit numbers of classes taken; accommodate scheduling needs (breaks, etc.)
- Send teacher/tutor to hospital, as appropriate
- Take whatever steps are necessary to accommodate student's involvement in extra-curricular activities if they are otherwise qualified
- Adjust activity level and expectations in classes based on physical limitations; don't require activities that are too physically taxing
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Provide appropriate assistive technology
- Provide dietary accommodations
- Provide a private area in which to rest
- Shorten school day
- Arrange for home tutoring following treatment
- Send additional set of texts and assignments to hospital schools
- Tape lessons. Accept the fact that the lessons and content-area tests may not be appropriate; the student is learning many life lessons through this experience
- Adjust schedule to include rest breaks
- Provide counseling; establish peer group support
- Provide access to school health services
- Provide awareness training to appropriate staff and students
- Develop health care emergency plan to deal with getting sick at school
- Offer counseling for death and dying to peers/teachers/staff
- Furnish a peer tutor
- Provide student with a student buddy for participation in sports
- Initiate a free pass system from the classroom
- Provide lessons using mastery learning techniques
- Provide individual school counseling
- Begin friendship groups for the student

- Provide teachers with counseling, emphasizing positive attitudes
- Have a health plan for care of mediport/any other intravenous lines and medical needs
- Plan ongoing communication about school events
- Notify parents of communicable diseases in school
- Designate a person in school to function as liaison with parents as a means of updating changing health status

## **Cerebral Palsy**

EXAMPLE: The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. For purposes of this example, the condition substantially limits the major life activity of walking. Cognitive skills are intact.

### **Possible Accommodations and Services:**

- Provide assistive technology devices
- Arrange for use of ramps and elevators
- Allow for extra time between classes
- Assist with carrying books, lunch trays, etc.
- Adapt physical education curriculum
- Provide for physical therapy as appropriate. Such therapy needs to relate directly to "life skills"
- Train for proper dispensing of medications; monitor and/or distributed medications; monitor for side effects
- Adapt eating utensils
- Initiate a health care plan that also addresses emergency situations
- Train paraprofessionals in the case of this student (i.e. feeding, diapering, transporting to and from the wheelchair)
- Adapt assignments
- Educate peers/staff with parent/student permission
- Ensure that programs conducted in the basement or on second or third floor levels are accessible
- Ensure that bathroom facilities, sinks and water fountains are readily accessible.
- Provide post-secondary or vocational transition planning.

## **Chronic Infectious Diseases**

(i.e., Acquired Immune Deficiency Syndrome (AIDS))

EXAMPLE: The student frequently misses school and does not have the strength to attend a full day. For purposes of this example, the student has a record of a disability, which substantially limits the major life activities of learning. Please review applicable District policies.

- In-service staff and students about the disease, how it is transmitted and how it is treated (Consult appropriate District policies)
- Apply universal precautions

- Administer medications following medication administration protocols, train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Adjust attendance policies
- Adjust schedule or shorten day
- Provide rest periods
- Adapt physical education curriculum
- Establish routine communication with health professionals, area nurse, and home
- Develop health-care and emergency plan
- Consult with doctor, parents, teachers, area nurse, and administrators
- Train appropriate teachers on medical/emergency procedures
- Provide two-way audio/video link between home and classroom via computer, etc.
- Arrange for an adult tutor at school or home
- Adapt assignments and tests
- Provide an extra set of textbooks for home
- Provide staff training on confidentiality
- Provide education and support for peers regarding issues of death and dying
- Provide transportation to and from school if needed as a related service
- Tape books or provide a personal reader
- Arrange to communicate with a home computer with e-mail
- Notify parents of communicable disease in the classroom
- Arrange for participation in a support group
- Provide for post-secondary employment transitions for secondary students
- Foster supportive community attitudes regarding the District's need to provide education to HIV positive/AIDS students
- Develop and promote a nondiscriminatory classroom climate and supportive student attitudes
- Promote the most supportive, least restrictive educational program
- Videotape classroom teaching
- Provide a peer support group to encourage communication
- Involve school health consultant in school-related health issues

## **Cystic Fibrosis**

EXAMPLE: This student is a new enrollee at your school and has an extensive medical history. He has significant difficulty breathing and will often be absent due to respiratory infection. While medical needs can be easily documented on a health plan, his educational needs also need to be accommodated. For purposes of this example, learning is the major life activity that is substantially impaired.

### **Possible Accommodations and Services:**

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Create a health care plan for management of acute and chronic phases

- Promote good communication between parents, hospital, home, and school on school assignments
- Shorten the school day
- Adapt physical education activities
- Apply universal precautions, correct disposal of fluids
- Recognize need for privacy for “good coughing”

Educate staff and peers

## **Deaf/Hearing Impairment**

**EXAMPLE:** A student was diagnosed with a substantial hearing impairment at a very early age. Therefore, he has both a hearing loss and a mild speech impediment. He compensates through both lip reading and sign language. Academic abilities test in the average range.

### **Possible Accommodations and Services:**

Allow for written direction/instructions in addition to oral presentation

- Ensure delivery of instruction facing the student to allow lip reading
- Provide visual information as primary mode of instruction
- Allow for provision of interpreter services
- Install acoustical tile, carpeting
- Seat in a location with minimal background noise
- Provide paper and pencil/pen to write/draw requests when needed
- Facilitate acquisition of Telecommunications Device(s) for the Deaf (TDDs) and related assistive technology
- Allow for extra time between classes
- Provide post-secondary or vocational transition planning

## **Diabetes**

**EXAMPLE:** A sixth grader with juvenile diabetes requires accommodation to maintain optimal blood sugar. His mom provides the crackers and juice to be used at "break" time and before physical education class. She asks that teachers remind him to eat at a certain time of the morning if he does not pay attention to the beeper on his watch. The youngster is very self sufficient; while he is able to monitor his own blood sugar now, he prefers to do this privately. Therefore, mom asks that the equipment and a notebook/log be stored in a nearby file cabinet and the youngster be allowed to go into the hall with the equipment to check his blood sugar twice a day. She also asks that his teacher allow him to use the bathroom as needed.

### **Possible Accommodations and Services:**

- Health care plan for management of condition in the school setting and in emergencies
- Educate staff to signs/symptoms of insulin reaction/hypoglycemia; hunger, shakiness, sweateness, change in face color, disorientation, drowsiness
- Do not leave the child alone if he/she is feeling ill; walk to the office or clinic with the student.
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects; communicate systematically and frequently with parents

- Adapt physical education activities
- Store equipment and documentation in a readily accessible location for student, parent, and area nurse or clinic aid
- Accommodate food access/meal schedules rigorously
- Allow access to bathroom facilities

## **Drugs & Alcohol**

**EXAMPLE:** The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for oneself. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not using drugs or alcohol, he or she could qualify for accommodations or services under Section 504.

### **Possible Accommodations and Services:**

- Provide copies of any classroom texts, materials and assignments to treatment facility
- Arrange for periodic home-school contacts
- Establish daily/weekly assignments monitoring system
- Communicate with treatment facility; pursue transition services available through the treatment facility
- Provide/arrange for counseling
- Establish peer support group
- Dismiss from school for treatment without punitive measures
- Ensure strong link with school counselor
- Arrange for access to treatment at private or public facilities.
- Integrate a student assistance program into the classroom
- Provide post-secondary or vocational transition planning
- Provide ongoing support around chemical dependency in conjunction with other agencies
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects

## **Emotionally Disturbed**

**EXAMPLE:** An emotionally disturbed student may need an adjusted class schedule to allow time for regular counseling or therapy. For purposes of this example, the condition substantially limits the individual's major life activity of learning.

### **Possible Accommodations and Services:**

- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Maintain weekly/daily journals for self-recording of behavior
- Establish home-school communication system
- Schedule periodic meetings with home and treatment specialists
- Provide carry-over of treatment plans into school environment
- Assist with inter-agency referrals

- Utilize behavior management programs Develop contracts for student behavior
- Post rules for classroom behaviors; teach expectations
- Provide counseling, social skills instruction
- Reinforce replacement behaviors
- Educate other students/staff/school personnel
- Foster carryover of treatment plans to home environment
- Reinforce positive behavior
- Schedule shorter study/work periods according to attention span capabilities
- Be consistent in setting expectations and following up on reinforcements/consequences
- Provide post-secondary or vocational transition planning

### **Encopresis/Enuresis**

EXAMPLE: A student who will urinate or defecate in clothes. Not to be confused with physical incontinence, but only to a needed behavior change (i.e. toilet training, bowel/bladder retraining).

#### **Possible Accommodations:**

- Maintain calm responses
- Have a change of clothes available at school in the clinic or alternative location
- Plan a consistent response to events; send student to clinic or alternative location for clean-up and change of clothes; while wearing latex/rubber gloves, place soiled clothes in a plastic bag; call parent and make arrangements for soiled items to be returned home
- Observe for consistent trigger events
- Support bowel/bladder retraining program that is recommended by the physician

### **Epilepsy**

EXAMPLE: The student is on medication for seizure activity, but experiences several petit mal seizures each month. This condition substantially limits the major life activity of learning.

#### **Possible Accommodations and Services:**

- Call parent and document the characteristics of each seizure
- Assess breathing after seizure
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Train staff and students and prepare an emergency plan
- Anticipate recovery process should a seizure occur. Move seating/clear space during seizure. Do not insert objects into the student's mouth during seizure; administer no fluids if student is unconscious. Turn the unconscious student on his or her side to avoid aspiration of vomit. Provide rest time and return to academic considerations following seizure.
- Arrange a buddy system, especially for field trips
- Avoid portable chalk boards or furniture that would topple over easily
- Provide an alternative recess, adapt activities such as climbing and/or swimming
- Plan for academic make-up work

- Alter door openings to allow access from the outside (i.e., bathroom stall doors that swing both ways)
- Observe for consistent triggers (e.g., smells, bright light, perfume, hair spray)
- Provide post-secondary or vocational transition planning

## **Hearing Impairment**

EXAMPLE: A parent is hearing impaired and requests, access to school sponsored activities. The District makes accommodations by providing interpreter services for the parent to participate effectively in school-sponsored events or meetings about the student.

### **Possible Accommodations and Services:**

- Provide an interpreter for those school events where accommodations may be necessary/are requested
- Make alternative arrangements for home-school contacts/communication
- Assist with locating peer or support groups
- Use written notes for communication
- Arrange with phone company for assistive devices on public phones
- Provide information on assistive technology; acquire assistive equipment for school use
- Provide in-house TDD or relay services to receive/communicate efficiently
- Provide post-secondary or vocational transition planning

## **Learning Disabilities**

Individual profiles of learning strengths and weaknesses will vary. THE EXAMPLE: The student has a learning disability that impacts her ability to read. She has more difficulty with word decoding and spelling than reading comprehension. Thus, completing reading tasks is difficult and slow. She is currently a student receiving special education services.

### **Possible Accommodations and Services:**

- Provide lower-readability materials covering course context
- Provide extended time on tests
- Arrange for student/volunteer readers
- Provide information on accessing materials through recordings for the Blind and Dyslexic (i.e., books on tape)
- Allow access to spell checkers and/or word processing
- Provide information on accommodations for college-entrance/qualifying exams (i.e., PSAT)
- Written directions in addition to oral
- Clearly sequenced instruction
- Visual graphs/charts/diagrams to support instruction
- Provision of computer access
- Seating toward the instructor
- Support/suggestions relative to post-secondary/career options
- Support in the use of organizational/time-management strategies
- Support in the use of strategies to assist memory and problem-solving

- Use of multi-sensory instructional methods (i.e., visual graphs and charts to accompany oral presentation)
- Provide post-secondary or vocational transition planning

## **Leukemia**

**EXAMPLE:** The student has recently been diagnosed with leukemia and requires frequent hospitalization. The condition substantially limits the major life activity of learning and caring for oneself.

### **Possible Accommodations and Services:**

- Involve area nurse in assessing current limitations and development of health plan
- Provide homebound instruction if needed
- Provide the student with an adjusted school day
- Make needed accommodations during physical education/recess
- Provide rest periods
- Have medical services and medication available at school. Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Support the proper diet as per physical recommendation
- With parent/student permission, have area nurse to educate teachers/staff/peers
- Notify parents of existing communicable diseases at school (i.e., chicken pox, flu, strep throat, etc.)
- Consult with medical staff about individual needs and/or concomitant factors

## **Orthopedically Impaired**

**EXAMPLE:** The student has limited mobility and uses a wheelchair. This condition substantially limits the major life activity of walking.

### **Possible Accommodations and Services:**

- Develop a health care and emergency plan
- Implement an adaptive physical education program
- Provide physical therapy at school
- Correct problems with physical accessibility of facilities/pathways between buildings
- Provide extra time to get to class
- Supply a set of textbooks for home
- Provide a copy of class notes from a peer
- Practice emergency exit from school building
- Ensure that access to programs held in the basement or on second or third floors is handicapped accessible
- Ensure that bathroom facilities, water fountains, sinks, etc. are readily accessible
- Provide post-secondary or vocational transition planning

## **Student with Special Health Care Needs**

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

### **Possible Accommodations and Services:**

- Apply universal precautions
- Provide trained personnel to perform special medical procedures. Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- Provide student with private location and time to perform procedures
- Involve area nurse, parents, teachers, and staff in periodic review
- Allow preferential seating as indicated by need
- Adapt recess, physical education, and transportation
- Adjust classroom environment
- Develop health care and emergency plan
- If necessary, adapt attendance policy
- Establish health alert system whereby every staff member involved with this student is aware of the health problem and of proper procedures
- Provide a beeper/paging system for trained personnel
- Make available homebound services/instruction if needed
- Provide school counseling
- Arrange for in-service to other students and staff with parent/student permission
- Provide post-secondary or vocational transition planning

## **Temporarily Disabled**

EXAMPLE: A student was in an automobile accident and will be homebound and/or hospitalized for an extensive period. The student is considered temporarily disabled under Section 504 and should receive accommodations if this disability substantially limits a major life activity for the period of time it does so.

### **Possible Accommodations and Services:**

- Provide duplicate sets of texts
- Provide assignments to hospital school
- Tape lessons
- Provide homebound instruction
- Schedule periodic home-school meetings
- Arrange for student to leave class early to get to next class
- Provide access to elevators
- Excuse from or adapt physical education program
- Arrange for a friend to assist student in getting from class to class, provide help with getting lunch tray
- Establish a student support network

- Provide a cordless telephone/beeper/pager
- Provide an interactive system -- computer, e-mail, TV
- Arrange for peer notes
- Change seating arrangements to accommodate needs
- Adapt assignments depending on disability
- Allow more time for test completion
- Allow shortened days; adjust attendance policy
- In-service staff and class and prepare an emergency care plan
- Consider scheduling for more accessible classroom locations
- Test verbally
- Provide peer assistance for social involvement (i.e., to keep child informed of social activities)
- Furnish life-skill assistance
- Provide area nurse services

### **Tourette's Syndrome**

EXAMPLE: The student exhibits inappropriate gestures and sounds in the classroom and hallways. The condition is substantially limiting in the major life activities of learning and caring for oneself.

#### **Possible Accommodations and Services:**

- Provide student with a means of catching up on missed lessons
- Pair with a fellow student for study if indicated
- Educate other students about associated outbursts/gestures/tics
- Arrange for frequent parental interaction if indicated
- Monitor administration/side effects of medication
- Implement a behavior management program if indicated; cue student about inappropriate behaviors
- Provide supervision for transition activities, during periods of "acting out"
- Provide alternative/larger work space or appropriate space for the child to act out if indicated
- Adapt assignments if indicated
- Provide peer/teacher in-service with parent/student permission
- Provide post-secondary or vocational transition planning

### **Traumatic Brain Injury**

EXAMPLE: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The student does not qualify for special education under IDEA. The condition is substantially limiting to the major life activities of learning and performing manual tasks

#### **Possible Accommodations and Services:**

- Provide extended school year/time
- Furnish memory/organizational aids

- Provide alternative testing
- Initiate tutoring programs
- Arrange an emergency plan
- Monitor for seizure activity
- In-service staff and peers with student/parent permission
- Monitor fatigue/mental exhaustion
- Provide frequent short breaks during periods of intense concentration
- Shorten the instructional day if indicated
- Provide strategies for organizing/sequencing tasks
- Provide post-secondary or vocational transition planning

## **Tuberculosis**

EXAMPLE: The student is suspected of having active tuberculosis and must stay home until diagnostic tests are completed. The disease is no longer infectious, but the student is still weak. The condition is substantially limiting to the major life activity of learning.

### **Possible Accommodations and Services:**

- Provide home tutor, as necessary
- In-service staff on the need for confidentiality to limit the stigmatization of him or her
- Have the medical evaluator provide feedback to staff
- Train for proper dispensing of medications; monitor and/or distribute medications; monitor for side effects
- In-service staff and students about the disease, how it is transmitted, and how it is treated
- Work with community agency or health department to provide medication and health education materials
- Work with community agency or health department to test students and staff for exposure and/or infection and to determine when the student can return to school
- Provide therapy and dispense medications if student is diagnosed with active TB; observed for side effects; arrange for parents to give medication on holidays and weekends

## **Visual Impairment**

EXAMPLE: A student has a progressive medical disorder, which results in increasing loss of visual acuity. He now requires both enhanced lighting and enlarged print materials in order to read.

### **Possible Accommodations and Services:**

- Preferential seating
- Adaptations to the physical environment (i.e., consistent room arrangement, removal of obstacles to path of entry)
- Copies of text/reading materials for adaptation
- Modified writing tools (i.e., dark felt tip pens)
- Perkins Braille
- Slate and stylus

- Raised lines on writing paper
- Dark lined writing paper
- Lighting aids
- Low vision devices including magnifiers, monocular glass, closed-circuit TV
- Desktop slantboard
- Enlarged print materials; textbooks, workbooks, worksheets
- Braille textbooks/reading materials
- Books on tape
- Audiotape recorder, tapes and organizational location (headphones if needed)
- Oral instead of written tests
- Standardized tests (i.e., CAT, SAT) in large print or Braille
- Tactile maps
- Computer with enlarged print screen/adaptations
- Speech synthesizer for input and output
- Screen reading device
- Optical Character Recognition System Scanner
- Mobility devices (i.e., white cane)
- Abacus

### **Weight: Diagnosis of Obesity, Anorexia, and Bulimia**

EXAMPLE: A student has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs a major life activity or is regarded by others as doing so.

#### **Possible Accommodations and Services:**

- Provide special seating modifications
- Make dietary modifications per physician recommendation
- Adapt physical education program per physician recommendation
- Allow extra time to get to classes
- Adapt rest rooms
- Provide opportunities for socialization and peer counseling/interaction
- Ensure privacy for self-care
- Provide counseling involving the area nurse
- Provide for elevator privileges per physician's recommendation
- Arrange for counselor/area nurse to supervise peer counseling to deal with esteem issues, peer attitudes, teasing, etc.
- Address busing concerns to ensure room on buses for seating
- Arrange to provide opportunities for the individual to participate in intramural and extra-curricular events
- Make any class location changes that may be needed

Resource:

Jefferson Country Colorado School District

## Classroom & Facility Accommodations

As local districts develop policies and procedures for guiding the referral and identification of students determined to be disabled under Section 504, it is critical that information concerning this law and its impact on local school districts be shared with principals and building-level staff. The intent of Section 504 is to “accommodate” for differences within the regular education environment. For this to be accomplished, all staff must be provided with awareness activities and given specific information concerning the district’s procedures for dealing with Section 504 referrals.

As individual students are identified, the classroom teacher may need specific training in the area of the identified disability (e.g., training from the school nurse on a danger signs of an impending asthma attack, training from a physical therapist on correct positioning of a wheelchair-using student at this/her desk, etc.) The following classroom/facility accommodations are presented as examples of ways in which Section 504 disabilities may be successfully addressed within the regular education environment.

The following information provides examples of ways in which the needs of children with disabilities (or Section 504 disabilities) may be accommodated in the regular classroom environment.

AREA OF CONCERN	ACCOMMODATIONS
Parent/student/teacher communications	<ul style="list-style-type: none"> <li>• Develop a daily/weekly journal</li> <li>• Develop parent/student/school contacts</li> <li>• Schedule periodic parent/teacher meetings</li> <li>• Provide parents with duplicate set of texts</li> </ul>
Staff Communications	<ul style="list-style-type: none"> <li>• Identify resource staff</li> <li>• Network with other staff</li> <li>• Schedule building team meetings</li> <li>• Maintain ongoing communication with building principal</li> </ul>
School/community/agency communications	<ul style="list-style-type: none"> <li>• Identify and communicate with appropriate personnel working with student</li> <li>• Assist in agency referrals</li> <li>• Provide appropriate carryover in the school environment</li> </ul>
Instructional day	<ul style="list-style-type: none"> <li>• Allow student more time to pass in hallways</li> <li>• Modify class schedule</li> </ul>
Modification of classroom/building climate to accommodate student needs	<ul style="list-style-type: none"> <li>• Plan for evacuation for wheelchair-using students</li> <li>• Schedule classes in accessible areas</li> </ul>
Building health/safety procedures	<ul style="list-style-type: none"> <li>• Administer medication</li> <li>• Apply universal</li> <li>• Precautions</li> <li>• Accommodate special diets</li> </ul>
Difficulty sequencing and completing steps to accomplish specific tasks (e.g., organized paragraphs, division problems, etc.)	<ul style="list-style-type: none"> <li>• Break up task into workable and obtainable steps</li> <li>• Provide examples and specific steps to accomplish task</li> </ul>

Shifting from one uncompleted activity to another without closure	<ul style="list-style-type: none"> <li>Define the requirements of a completed activity (e.g., Your math is finished when all 6 problems are complete and corrected; Do not begin on the next task until it is finished).</li> </ul>
Difficulty following through on instructions from others	<ul style="list-style-type: none"> <li>Gain student's attention before giving directions. Use alerting cues. Accompany oral directions with written directions</li> <li>Give one direction at a time. Quietly repeat directions to the student after they have been given to the rest of the class. Check for understanding by having the student repeat the directions</li> <li>Place general methods of operation and expectations on charts displayed around the room and/or on sheets to be included in student's notebook\</li> </ul>
Difficulty prioritizing from most to least important	<p>Prioritize assignments and activities.</p> <p>Provide a model to help students. Post the model and refer to it often.</p>
Difficulty sustaining effort and accuracy over time	<p>Reduce assignment length and strive for quality (rather than quantity).</p> <p>Increase the frequency of positive reinforcement (catch the student doing it right and let him know it).</p>
Difficulty completing assignments	<p>List and/or post (and say) all steps necessary to complete each assignment.</p> <p>Reduce the assignment into manageable sections with specific due dates</p> <p>Make frequent checks for work/assignment completion.</p> <p>Arrange for the student to have a "study buddy" with phone number in each subject area.</p>
Difficulty with any task that requires memory	<p>Combine seeing, saying, writing and doing--student may need to subvocalize to remember.</p> <p>Teach memory techniques as a study strategy (e.g., mnemonics, visualization, oral rehearsal, numerous repetitions).</p>
Difficulty with test taking	<p>Allow extra time for resting, teach test-taking skills and strategies, and allow student to be tested orally.</p> <p>Use clear, readable and uncluttered test forms. Use test format that the student is most comfortable with. Allow ample space for student response. Consider having lined answer spaces for essay or short answer questions.</p>
Confusion from non-verbal cues (misreads body language, etc.)	<p>Directly teach (tell the student) what nonverbal cues mean.</p> <p>Model and have student practice reading cues in a safe setting.</p>
Confusion from written material (difficulty finding main idea from a paragraph, attributes greater importance to minor details)	<p>Provide student with copy of reading material with main ideas underlined or highlighted.</p> <p>Provide an outline of important points from reading material.</p> <p>Teach outlining, main idea/details concepts.</p>

	Provide tape of text/chapter
Confusion from spoken material, lectures and audio-visual material (difficulty finding main idea from presentation, attributes greater importance to minor details)	<p>Provide student with a copy of presentation notes.</p> <p>Allow peers to share notes from presentation (have student compare own notes with copy of peer's notes).</p> <p>Provide framed outlines of presentations (introducing visual and auditory cues to important information).</p> <p>Encourage use of tape recorder.</p> <p>Teach and emphasize key words (the following... the most important point. etc.).</p>
Difficulty sustaining attention to tasks or other activities (easily distracted by extraneous stimuli)	<p>Reward attention. Break up activities into small units.</p> <p>Reward for timely accomplishments.</p> <p>Use physical proximity and touch. Use earphones and/or study carrels, quiet place, or preferential seating.</p>
Frequent messiness or sloppiness	<ul style="list-style-type: none"> <li>• Teach organizational skills. Be sure student has daily, weekly and/or monthly assignment sheets, list of materials needed daily, and consistent format for papers. Have a consistent way for students to turn in and receive back papers, reduce distractions.</li> <li>• Give reward points for notebook checks and proper paper format.</li> <li>• Provide clear copies of worksheets and handouts and consistent format for worksheets. Establish a daily routine; provide what you want the student to do.</li> <li>• Arrange for a peer who will help with organization.</li> <li>• Assist student to keep materials in a specific place (e.g., pencils and pens in pouch).</li> <li>• Be willing to repeat expectations.</li> </ul>
Poor handwriting (often mixing cursive and manuscript and capitals with lower-case letters)	<ul style="list-style-type: none"> <li>• Allow for a scribe and grade for content, not handwriting.</li> <li>• Allow for use of a computer or typewriter.</li> <li>• Consider alternative methods for student response (e.g., tape recorder, oral reports, etc.).</li> <li>• Don't penalize student for mixing cursive and manuscript (accept any method of production).</li> </ul>
Difficulty with fluency in handwriting (e.g., good letter/word production but very slow and laborious)	<ul style="list-style-type: none"> <li>• Allow for shorter assignments (quality vs. quantity)</li> <li>• Allow alternate method of production (computer, scribe, oral presentation, etc.).</li> </ul>
Poorly developed study skills	<ul style="list-style-type: none"> <li>• Teach study skills specific to the subject area – organization (e.g., assignment calendar), textbook reading, note taking (finding main idea/detail, mapping, outlining, skimming, summarizing).</li> </ul>

Poor self-monitoring (careless errors in spelling arithmetic, reading)	<ul style="list-style-type: none"> <li>• Teach specific methods of self-monitoring (e.g., Stop-Look-Listen).</li> <li>• Have student proofread work when it is cold.</li> </ul>
Low fluency or production of written material (takes hours on a 10-minute assignment)	<ul style="list-style-type: none"> <li>• Allow for alternative method for completing assignment (oral presentation, taped report, visual presentation, graphs, maps pictures, etc.) with reduced written requirement.</li> <li>• Allow for alternative method of writing (e.g., typewriter, computer, cursive or printing, or a scribe).</li> </ul>
Apparent inattention (underachieve, daydreaming, not there)	<ul style="list-style-type: none"> <li>• Get student's attention before giving directions, tell student how to pay attention, (Look at me while I talk; watch my eyes while I speak.) Ask student to repeat directions.</li> <li>• Attempt to actively involve student in lesson (e.g., cooperative learning).</li> </ul>
Difficulty participating in class without being interruptive, difficulty working quietly	<ul style="list-style-type: none"> <li>• Seat student in close proximity to the teacher.</li> <li>• Reward appropriate behavior (catch student at "being good").</li> <li>• Use study carrel if appropriate.</li> </ul>
Inappropriate seeking of attention (clowns around, exhibits loud excessive or exaggerated movement as attention-seeking behavior, interrupts, butts into other children's activities, needles others)	<ul style="list-style-type: none"> <li>• Show student (model) how to gain other's attention appropriately.</li> <li>• Catch the student when appropriate and reinforce.</li> </ul>
Frequent excessive talking	<ul style="list-style-type: none"> <li>• Teach student hand signals and use to tell student when and when not to talk.</li> <li>• Make sure student is called upon when it is appropriate and reinforce listening.</li> </ul>
Difficulty making transitions (from activity to activity or class to class); takes an excessive amount of time to "find pencil," gives up, refuses to leave previous task; appears agitated during change	<ul style="list-style-type: none"> <li>• Program student for transitions. Give advance warning of when a transition is going to take place (Now we are completing the worksheet, next we will) and the expectation for the transition (and you will need).</li> <li>• Specifically say and display lists of materials needed until a routine is possible. List steps necessary to complete each assignment.</li> <li>• Have specific locations for all materials (pencil pouches, tabs in notebooks, etc.).</li> <li>• Arrange for an organized helper (peer).</li> </ul>

Difficulty remaining seated or in a particular position when required to	<ul style="list-style-type: none"> <li>• Give student opportunities to get up and move around. Allow space for movement.</li> </ul>
Frequent fidgeting with hands, feet or objects; squirming in seat	<ul style="list-style-type: none"> <li>• Break tasks down into small increments and give frequent positive reinforcement for accomplishments (this type of behavior is often due to frustration).</li> <li>• Allow alternative movement when possible.</li> </ul>
Inappropriate responses in class often blurted out; answers given to questions before they have been completed	<ul style="list-style-type: none"> <li>• Seat student in close proximity to teacher so that visual and physical monitoring of student behavior can be done by the teacher.</li> <li>• State behavior that you do want (tell the student how you expect him to behave).</li> </ul>
Agitation under pressure and competition (athletic or academic)	<ul style="list-style-type: none"> <li>• Stress effort and enjoyment for self, rather than competition with others.</li> <li>• Minimize timed activities; structure class for team effort and cooperation.</li> </ul>
Inappropriate behaviors in a team or large group sport or athletic activity (difficulty waiting turn in games or group situations)	<ul style="list-style-type: none"> <li>• Give the student a responsible job (e.g., team captain, care and distribution of the balls, scorekeeping, etc.); consider leadership role.</li> <li>• Have student in close proximity to teacher.</li> </ul>
Frequent involvement in physically dangerous activities without considering possible consequences	<ul style="list-style-type: none"> <li>• Anticipate dangerous situations and plan for in advance.</li> <li>• Stress Stop-Look-Listen.</li> <li>• Pair with responsible peer. (Rotate responsible students so that they don't wear out!)</li> </ul>
Poor adult interactions Defies authority Sucks up Hangs on	<ul style="list-style-type: none"> <li>• Provide positive attention.</li> <li>• Talk with student individually about the inappropriate behavior (What you are doing is..., A better way of getting what you want or need is...).</li> </ul>
Frequent self-putdowns, poor personal care and posture, negative comments about self and others, low self-esteem	<ul style="list-style-type: none"> <li>• Structure for success.</li> <li>• Train student for self-monitoring, reinforce improvements, teach self-questioning strategies (What am I doing? How is that going to affect others?)</li> <li>• Allow opportunities for the student to show his strength.</li> <li>• Give positive recognition.</li> </ul>
Difficulty using unstructured time – recess, hallways, lunchroom, locker room library, assembly	<ul style="list-style-type: none"> <li>• Provide student with a definite purpose during unstructured activities (The purpose of going to the library is to check out..., the purpose of...is...).</li> <li>• Encourage group games and participation (organized school clubs and activities).</li> </ul>
Losing things necessary for task or activities at school or at home (e.g., pencils, books, assignments before, during and	<ul style="list-style-type: none"> <li>• Help student organize. Frequently monitor notebook and dividers, pencil pouch, locker, book bag, desks. A place for everything and everything in its place.</li> <li>• Provide positive reinforcement for good organization.</li> </ul>

after completion of a given task)	<ul style="list-style-type: none"> <li>• Provide student with a list of needed materials and their locations.</li> </ul>
Poor use of time (sitting, staring off into space, doodling, not working on task at hand)	<ul style="list-style-type: none"> <li>• Teach reminder cues (a gentle touch on the shoulder, hand signal, etc.).</li> <li>• Tell the student your expectation of what paying attention looks like: (You look like you are paying attention when...).</li> <li>• Give the student a time limit for a small unit of work with positive reinforcement for accurate completion.</li> <li>• Use a contact, timer, etc., for self-monitoring.</li> </ul>

Resource:

Anchorage School District – *Attention Deficit Disorders, Suggested Classroom Accommodations for Specific Behaviors*

# PULLMAN SCHOOL DISTRICT BOARD POLICY AND ADMINISTRATIVE PROCEDURES

## Policy 2162 & Procedure 2162P: Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973

### Pullman School District Board Policy

2162

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#### INSTRUCTION

#### **Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973**

The Pullman School District Board of Directors has the intent to ensure that students with disabilities within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be a qualified disabled person under this law even though they are not eligible for services pursuant to the Individuals with Disabilities Education Act (IDEA).

Section 504 is a civil rights law which protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. A child is a “qualified disabled person” under Section 504 if he or she (1) has a physical or mental impairment that substantially limits one or more major life activities (such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working), has a record of such an impairment, or is regarded as having such an impairment; and (2) is between the ages of 3 to 21 years old.

The superintendent will establish procedures to ensure that students who are disabled within the definition of Section 504 are educated in full compliance with the law.

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#### **Cross Reference:**

Board Policy 2161	Education of Students with Disabilities
Board Policy 3210	Nondiscrimination
Board Policy 3200	Students Rights and Responsibilities
Board Policy 3247	Required Notification of Isolation or Restraint of Students with IEPs or Section 504 Plans

#### **Legal References:**

42 USC 12212	Section 512 Americans With Disabilities Act of 199034 CFR Part 104 Section 504 of the Rehabilitation Act of 1973
45 CFT Part 99	Family Education and Privacy Act
RCW 28A.600.485	Restraint of students with individualized education programs or plans developed under section 504 of the rehabilitation act of 1973 – Procedures – Definitions.
RCW 28A.600.486	District policy on use of isolation or restraint – Notice to parents and guardians of children who have individualized education programs or plans developed under section 504 of the rehabilitation act of 1973.

#### **Management Resources:**

Policy Alert, June 2014

**Adoption:** February 11, 2004

Revised: August 8, 2012

Revised: March 25, 2015

Revised: January 10, 2018

**INSTRUCTION****Education of Students With Disabilities  
Under Section 504 of the Rehabilitation Act of 1973****I. Free Appropriate Public Education**

The district will provide a free appropriate public education to school-age children with disabilities in the district's jurisdiction.

**II. Child Find**

The district will annually undertake to identify and locate every qualified disabled student residing in the district's jurisdiction who is not receiving a public education and take appropriate steps to notify disabled children and their parents or guardians of the district's responsibilities under Section 504.

**III. Equal Educational Opportunity**

The district will provide students with disabilities an equal opportunity to participate in and benefit from the educational services it provides to non-disabled students. The teachers of disabled students will meet comparable standards for certification that teachers of non-disabled students meet. Facilities will be of comparable quality and appropriate materials and equipment will be available.

**IV. Confidentiality of Information**

The confidentiality of student records will be maintained throughout the period of time when such records are collected, stored, disclosed or destroyed by the district.

**V. Parent Involvement**

- A. **Initial Evaluation.** The district will obtain the consent of parents or guardians before conducting an initial evaluation of a student. The district will notify parents or guardians of the evaluation results.
- B. **Initial Placement.** The district will notify parents or guardians before initially placing a disabled student.
- C. **Significant Change in Placement.** The district will notify parents or guardians before implementing a significant change in the student's placement.
- D. **Right to Challenge.** The district will notify parents or guardians of their right to review and challenge the district's program and placement decisions if they disagree with them.
- E. **Meetings.** Section 504 does not give parents or guardians the right to participate in a meeting during which their child's program is designed and placement is determined, as does the IDEA. However, this practice is recommended.

**VI. Participation in the Least Restrictive Environment**

- A. **Academic setting.** To the maximum extent appropriate, the district will educate disabled students with non-disabled students. In order to remove a child from the regular educational environment, the district must demonstrate that education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily for the disabled student. Whenever the district places a student in a setting other than the regular education environment, it will take into account the proximity of the alternate setting to the student's home.
- B. **Non-academic setting.** In providing or arranging for the provision of non-academic and extra-curricular services and activities, including meals, recess periods and the services and activities, the district will ensure that disabled students participate with non-disabled students in such activities and services to the maximum extent appropriate.

**VII. Referral and Screening****A. Referral**

If a student, parent or guardian, teacher, counselor or administrator believe they are observing in a student substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment, the concerned individual should complete a referral form. Referral forms are available on the district website and in each school's office. Completed forms can be submitted to school or district personnel.

**B. Screening**

A designated building team will review referrals to determine if an evaluation is appropriate. If an evaluation appears to be necessary, the district will obtain written consent from parents or guardians to perform an evaluation and/or gather additional information and will provide parents with a written statement of their rights under Section 504. If the building team determines that an evaluation is not necessary, it will provide written notice to parents/guardians, and forward the results of the screening to the source of the referral.

**VIII. Evaluations****A. Significant Change in Placement.**

If a student is believed to be disabled and needs, or is believed to need, special education or related services, the district will evaluate the student prior to placement and before any subsequent “significant change in that placement.” An evaluation need not include formal or written assessments but may involve, in appropriate circumstances, a review and consideration of existing information.

Examples of significant changes in placement include:

1. Expulsion;
2. Suspensions which exceed ten consecutive days in a school year;
3. Cumulative short-term suspensions which create a pattern of exclusion;
4. Transferring a student to home instruction;
5. Graduation from high school; and/or
6. Significantly changing the composition of the student’s class.

**B. Tests and Evaluation Materials**

The district will establish procedures for evaluation and placement which assure that tests and other evaluation materials:

1. Have been validated and are administered by trained personnel;
2. Are tailored to assess educational need and are not merely based on IQ scores; and
3. Reflect aptitude or achievement or whatever else the tests purport to measure and do not reflect the student’s impaired sensory, manual or speaking skills (unless the test is designed to measure these particular deficits).

**C. Mitigating Measures**

The determination of whether a student is substantially limited in one or more major life activities will be made without regard to any ameliorative effects of mitigating measures which include, but are not limited to: medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications. However, ameliorative effects of mitigating measures may be relevant as to whether a student needs any specific accommodation or a 504 accommodation plan.

Low vision devices do not include ordinary eyeglasses or contact lenses. The ameliorative effects of ordinary eyeglasses or contact lenses may be considered in determining whether the impairment substantially limits a major life activity.

**D. Temporary Impairments**

A student with a temporary impairment falls within the scope of Section 504 if the temporary impairment is severe enough that it substantially limits one or more of the student’s major life activities. A temporary impairment is one with an actual or expected duration of six months or less. For example, pregnancy is not generally regarded as a disability under Section 504; however, if a student was put on bed rest or otherwise limited due to pregnancy complications, this would be a temporary impairment that would qualify the student as disabled under Section 504.

A student with an episodic impairment or a disease in remission qualifies as disabled under Section 504 if the impairment would substantially limit a major life activity when active (i.g. a student whose cancer is in remission).

**IX. Placement Procedures**

The Section 504 team will convene to review all evaluation results, determine eligibility as a student with a disability under Section 504 and document the meeting in writing. The team composition may vary according to the needs of the student.

In interpreting evaluation data and in making placement decisions, the district will (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior; (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered; (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placements options; and (4) ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.

Parents and guardians of students who have a plan developed under Section 504 will be provided a copy of the district policy (*see Policy 3246*) on the use of isolation and restraint at the time that the plan is created.

If the district affords a free appropriate education to a student but the parent chooses to place the child elsewhere, the district is not responsible to pay for the out-of-district placement.

**X. Reevaluations**

The district will provide for periodic reevaluation of disabled students. No time frame is specified in Section 504; however, re-evaluating students every three years in accordance with the requirements of the IDEA will satisfy Section 504 requirements as well. A reevaluation is also required before any "significant change of placement," as defined above in Part "VIII."

**XI. Programming to Meet Individual Needs**

The district recognizes that to be appropriate, educational programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of non-disabled students are met. A documented procedure, such as the development of an individualized accommodation plan by a knowledgeable team of educational professionals, may be appropriate.

**XII. Non-Academic Services**

The district will provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreation athletics, transportation, health services, recreational activities, interest groups or clubs sponsored by the district, referrals to agencies which provide assistance to disabled persons and employment of students, including both employment by the district and assistance in making available outside employment. The district will observe reasonable health and safety standards for all students.

A. **Counseling Services.** In providing personal, academic or vocational counseling, guidance or placement services to its students, the district will provide these services without discrimination on the basis of disability. The district will ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are non-disabled students with similar interests and abilities.

B. **Physical Education and Athletics.** In providing physical education courses and athletics and similar programs and activities to any of its students, the district will not discriminate on the basis of disability. If the district offers physical education courses and operates or supports interscholastic, club or intramural athletics, it will provide an equal opportunity for qualified students with disabilities to participate in these activities consistent with their abilities and needs.

**XIII. Preschool and Adult Education Programs**

In the operation of preschool education, or day care program or activity, or an adult education program or activity, the district will not, on the basis of disability, exclude qualified students with disabilities from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

**XIV. Disciplinary Exclusion****A. Exclusions**

Students with disabilities are protected from being improperly excluded from school for disciplinary reasons. Certain disciplinary exclusions of disabled students from school constitute a significant change in the student's educational placement. A disciplinary change in the student's educational placement occurs if the student has been suspended for more than ten consecutive days or if the disciplinary exclusions constitute a "pattern of exclusion" (defined below). Such disciplinary exclusions, which are

change of placement, cannot be implemented unless the district first determines that the student's misconduct which led to the disciplinary exclusion was not a manifestation of the student's disability.

**B. Manifestation Determinations**

If a disciplinary exclusion (suspension or expulsion) which constitutes a change in placement is implemented, the school principal or educational staff person responsible for the imposition of discipline must ensure that a group of qualified professionals (the student's Section 504 team) determine whether or not the misconduct is a manifestation of the student's disability.

The misconduct is considered a manifestation of the disability if the conduct was caused by, or had a direct and substantial relationship to the student's disability. This manifestation determination will take into account the student's current evaluation and individualized accommodation plan under Section 504.

Under Section 504, there is no obligation to provide educational services during periods of long-term suspension or expulsion when the student's misconduct has been properly determined not to be disability-related. However, Washington state law requires the district to provide educational services to all students during a period of suspension or expulsion (See Policy/Procedure 3241).

If a student's misconduct is determined to be a manifestation of their disability, procedures in letter C below will be instituted in lieu of either long-term suspension or expulsion.

**C. Conduct That is a Manifestation of a Disability**

When a student has engaged in misconduct which is a manifestation of their disability, expulsion and/or long term suspension should not be imposed if it would result in a change in educational placement (a disciplinary exclusion from school of over ten consecutive days or exclusions which constitute a pattern of exclusion).

Days will be measured cumulatively over the period of the entire school year, with any short term suspensions as counting toward the cumulative total.

When a student's misconduct is related to a disability, additional evaluations and/or a change of placement should be considered. In this circumstance, the Section 504 team will meet to determine if there is a need for further evaluation or a change of program. If further evaluation is recommended, it will be conducted as soon as reasonably possible.

- D. Pattern of Exclusion.** Suspension or emergency removal of a disabled student may occur, without the need to determine if there is a causal connection with the disability, if the suspension or emergency removal is ten consecutive days or less, or if more than 10 cumulative days is not a pattern of exclusion. A pattern of exclusion occurs if:

1. The removal is for more than ten school days in a year; and
2. The student's behavior is substantially similar to the behavior that he/she was previously removed for.
3. Additional factors to consider are the length of each removal (the total amount of time the student has been removed, and the proximity of the removals to one another), and the school must determine on a case-by-case basis whether a pattern of removals is significant enough to constitute a change in placement.

**E. Right to Challenge**

Students and their parent/guardian will be notified of the results of the manifestation decision and of their right under the law to challenge this decision.

**F. Drugs or Alcohol**

Students who are considered disabled under Section 504 are subject to the same disciplinary processes and results as non-disabled students for misconduct regarding the use, sale or possession of drugs or alcohol at school.

**XV. Restraint or Isolation**

Restraint or isolation of students who have a Section 504 plan will be authorized only under the limited circumstances specified in Policy/Procedure 3246 and each incident will require reporting and parent/guardian notification as specified in that policy and procedure.

## **XVI. Transportation**

If the district places a student in a program not operated by the district, the district will assure that adequate transportation to and from the program is provided at no cost to the parent.

Because the district provides transportation to all its students within a certain geographic area, it will not discriminate in its provision of transportation to students with disabilities.

If the district proposes to terminate a qualified disabled student's bus transportation for inappropriate bus behavior, the district will first determine the relationship between the student's behavior and their disabling condition. The parent or guardian will be provided with notice of the results of such determinations and of their right to challenge such determinations.

## **XVII. Procedural Requirements**

The district will ensure compliance with the requirements of Section 504 by doing the following:

### **A. Assurance**

Provide written assurance of non-discrimination whenever the district receives federal money;

### **B. Designation of Employee**

Designate an employee to coordinate the district's Section 504 compliance activities. The Section 504 coordinator for the district is the assistant superintendent;

### **C. Grievance Procedures**

Provide grievance procedures to resolve complaints of discrimination. Students, parents or employees are entitled to file grievances. The grievance procedures for the district are set out in the Procedure for Policy 3210, Nondiscrimination;

### **D. Notice**

Provide notice to students, parents/guardians, employees, unions and professional organizations of the district's nondiscrimination policy in admission and access to programs and activities, and in treatment and employment. Notice will also specify the Section 504 coordinator for the district;

### **E. Locate**

Annually undertake to identify and locate all Section 504 qualified disabled children in the district's jurisdiction who are not receiving a public education;

### **F. Annual Notification**

Annually take appropriate steps to notify disabled persons and their parents/guardians of the district's responsibilities under Section 504; and

### **G. Procedural Safeguards**

Establish and implement procedural safeguards to be provided to parents/guardians with respect to actions regarding the identification, evaluation or educational placement of persons who, because of disability, need, or are believed to need, special instruction or related services. Procedural safeguards will include:

1. Notice of parental/guardian rights;
2. An opportunity for parents/guardians to examine relevant records;
3. An impartial hearing, initiated by either the parents/guardian or the district, with opportunity for participation by the student's parents/guardians and representation by legal counsel; and
4. A review procedure.

## **XVIII. Appropriate Funding**

The district recognizes that the regular education funding of the district is the funding source for serving students who are qualified as disabled under Section 504 only. However, if students are dual identified as Section 504 and IDEA eligible, state and federal special education funds can be used. The district will not use money appropriated by the IDEA to serve students found disabled under Section 504 but not the IDEA. The district may use the IDEA money to evaluate a student if the district believes that the student may also be eligible under the IDEA.

## **XIX. Accessibility**

- A. Facilities that were constructed prior to June 3, 1977 need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to persons with disabilities.
- B. Facility alterations commenced after June 3, 1977 that affect or could affect the facility's usability must be accomplished so that, to the maximum extent feasible, the altered portion of the facility is readily accessible and usable by persons with disabilities.
- C. A district can redesign equipment, reassign classes or other services to accessible buildings, assign aides to students, deliver services at alternate accessible sites or alter existing facilities. So long as there are other methods which are as effective in achieving compliance, a district need not undertake structural changes to a building.
- D. District recognition of the meaning of the phrase "to the maximum extent feasible." This provision covers the instance where occasionally the nature of an existing facility is such as to make it impractical or prohibitively expensive to renovate in a manner that results in it being entirely barrier-free. However, in all of these instances, the alteration should provide the maximum amount of physical accessibility feasible.

## **XX. Special Considerations for ADD/ADHD Students**

Section 504 obligations apply to all students with disabilities, including students with attention deficit disorder (ADD) or attention-deficit/hyperactivity disorder (ADHD). Under federal guidance, there are three different types of ADHD, which are categorized depending upon which symptoms are the strongest: (1) predominately inattentive type; (2) predominately hyperactive-impulsive type; and (3) combined type (where symptoms of the first two types are equally present). See U.S. Department of Education, Office for Civil Rights, *Students with ADHD and Section 504: A Resource Guide* (July 2016) (available on the Office for Civil Rights' website at <http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/disability.html>).

## **XXI. Due Process Hearing or Mediation Requests**

Due process hearing or mediation requests must be made directly to the district Section 504 compliance officer.

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