



District Section 504/ADA Guidelines and Manual

Protection from Discrimination on the basis of
Disability and Learner Accommodations

PALADIN CAREER AND TECHNICAL HIGH SCHOOL
DISTRICT 4104

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TABLE OF CONTENTS

Area	Page(s)
Introduction	2
Overview of Section 504, ADA & IDEA Laws	3 - 4
District Policy	5
When a 504 Plan Should be Considered	6
Section 504/ADA Procedures	7 - 10
Section 504/ADA Forms	11 - 17
*Procedure Checklist	
*Request for Consideration for 504 Accommodations	
*Notice of Section 504 Team Meeting/Conference	
*504 Accommodation Team Meeting/Conference Summary	
*Consent to Release/Exchange Private Data	
*Parent/Learner Rights Under Section 504	
*Section 504 Plan	
Grievance Process	18
Section 504 and Disciplinary Action/ Manifestation Determination Process	19
Examples of Learner Accommodations	20 - 23
Questions and Answers	24 - 28
Non-discrimination of individuals with disabilities 29	
Policy 521: Student Disability Non-Discrimination	30

INTRODUCTION

The Paladin Career and Technical High School (School or District) supports the aims of Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) by committing to protect individuals from discrimination on the basis of disability and providing necessary accommodations and services for learners who are educated in our school district. With your assistance, these aims will become a reality.

The District is responsible to respond in a timely manner to requests for consideration of accommodations or services under either Section 504 or ADA legislation. Section 504 Plans will be developed by pertinent district staff together with parents/guardians and, as appropriate, the learner.

These guidelines provide information and direction by which requests for accommodations for learners with disabilities can be addressed within the District.

The District's team of persons knowledgeable of the Section 504/ADA process and about the learner shall consider a learner's needs for accommodations. Parents/guardians and adult students must be invited to take part in this process. The team's responsibility is to gather and review information and concerns related to the learner and to determine what, if any, reasonable accommodations are required under Section 504/ADA.

For further information, contact the District's 504/ADA Coordinator, Tyler Small, at 763-786-4799, ext. 111, or email tyler.small@paladincareertech.com.

OVERVIEW OF SECTION 504 & ADA

The goal of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Americans with Disabilities Act of 1990 (ADA) is to end discrimination against people with disabilities and to bring them into the social and economic mainstream of American life.

Section 504 prohibits discrimination against individuals with a disability in programs receiving federal financial assistance. Initially, its main thrust was in employment of individuals with disabilities. The U.S. Department of Education The U.S. Department of Education Office for Civil Rights (OCR) enforces Section 504's requirements to ensure that the education system provides the full range of special accommodations and services necessary for learners with disabilities to learn and to participate in school district sponsored programs and activities free from discrimination based on disability. On September 25, 2009, the President signed the Americans with Disabilities Act Amendments Act of 2008 (ADAAA or the Act). The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of ADA. The Act provides guidance as to what is a major life activity and it lowers the threshold for how limiting a condition must be to be in order to be eligible for coverage. Further, it clarifies that the determination of whether an impairment substantially limits a major life activity must be made without regard to the use of mitigating measures. The compliance requirement of Section 504 is twofold: (1) to prohibit discrimination and, (2) to provide accommodations as necessary.

Section 504 and the Individuals with Disabilities Education Act (IDEA) overlap and differ. The U.S. Department of Education regulations for Section 504 require learners with disabilities be provided a free appropriate education. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Learners considered disabled under IDEA also are protected under Section 504/ADA. A district may meet some of its obligations under Section 504/ADA by complying with the IDEA insofar as it relates to evaluation and placement decisions. Under the Section 504 regulations, one way to meet Section 504 requirements for a free appropriate public education is to implement an individualized educational program.

All individuals who are disabled under Section 504/ADA may not be disabled under IDEA. An example of such an individual is one who has juvenile arthritis. This learner has a health impairment, but may not be covered by IDEA if she/he is not eligible to receive special education. The learner could qualify as disabled under Section 504/ADA if the impairment substantially limits a major life activity or his/her ability to participate in or receive the benefits of the school's educational aids, benefits, or services including, but not limited to, extra-curricular or after school activities. The learner may need accommodations to benefit from the educational program or to have reasonable access to other district-sponsored programs. Services may include, but are not limited to, providing a typing course and use of a typewriter/word processor to improve writing speed or reduce the pain of writing. ADA protections are designed to provide individuals with disabilities an education comparable to that of non-disabled peers. In contrast, IDEA requires services reasonably calculated to confer educational benefit on an individual basis.

In summary, some learners with physical or mental conditions that substantially limit their ability to participate in education or a major life activity are entitled to rights (protection) under Section 504/ADA even though they may not qualify as disabled under IDEA.

DISTRICT POLICY

EQUAL EMPLOYMENT/NON-DISCRIMINATION POLICY

The Paladin Career and Technical High School does not discriminate on the basis of race, color, creed, religion, sex, national origin, age, marital status, disability, familiar status, status with regard to public assistance or sexual orientation in its programs, activities or employment policies and practices, and provides equal access to the Boy Scouts and other designated youth groups as required by State and Federal Law.

The District will provide equal educational opportunity for all learners and will identify, consider requests for reasonable accommodations, and provide an appropriate public education to learners who are disabled within the definition of Section 504.

The District will provide a means for the prompt and equitable resolution of complaints alleging discrimination or any action prohibited by District policy or State and Federal Law.

Individuals who need auxiliary aides for effective communications or who need publications in alternate formats (such as Braille, large print, audio tape) are invited to make their needs known to District ADA/504 Coordinator 763-786-4799. Persons who need to communicate via TDD can contact the District by calling 763-786-4799.

The following persons have been designated to handle inquiries regarding the School's non-discrimination policies:

Brandon Wait	Or:	Vikki Johnson
Executive Director		Student Support Services Coord./Title IX Coord.
763-786-4799		763-786-4799
brandon.wait@paladincareertech.com		vikki.johnson@paladincareertech.com

Legal References: Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
42 U.S.C. 12101 et seq. (Americans with Disabilities Act)
20 U.S.C. 1681 et seq. (Title IX of the Education Amendments of 1972)

<p>Federal Office for Civil Rights, Region V U.S. Department of Education 500 West Madison Street, Ste 1475 Chicago, IL 60661 Phone: (312) 730-1560; TDD (312) 353-2541 Fax: (312) 730-1576 E-Mail: OCR.Chicago@ed.gov</p>	<p>State Equal Education Opportunity Minnesota Department of Education 1500 Highway 36 West Roseville, MN 55113-4266 Phone: (651) 582-8200</p>
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WHEN A 504 PLAN SHOULD BE CONSIDERED

A Team considers preparing a 504 Plan for a learner in one or more of the following circumstances:

- A parent or student requests accommodations;
- A student will experience discrimination based on disability if no accommodation is provided;
- Retention is being considered;
- A learner shows a pattern of not benefiting from the instruction being provided;
- A learner returns to school after a serious injury or illness, or following a hospitalization or treatment;
- A learner is evaluated and is found to have a disability but not to be eligible for special education services under IDEA;
- A learner is exited from special education services under IDEA;
- A learner exhibits a chronic health condition;
- A learner returns from chemical/drug treatment;
- A disability of any kind is suspected by student, parent or school staff;
- A Parent revokes consent to special education services under IDEA.

SECTION 504/ADA PROCEDURES

SECTION 504/ADA STANDARDS

A person is "disabled" within the meaning of Section 504/ADA if he/she:

- has a mental or physical impairment which substantially limits one or more major life activities,
- has a record of such impairment*, or
- is regarded as having such an impairment *

DEFINITION OF MAJOR LIFE ACTIVITY

The Amendments to the Americans with Disabilities Act expands upon the definition of "major life activity" that was originally found in federal regulations. Under the new law "major life activities" includes but is not limited to:

- Caring for one's self, performing manual tasks, seeing, hearing, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

An individual must be unable to perform, or be limited in the ability to perform, an activity compared to an average person in the general population. When a condition substantially limits a major life activity, an accommodation plan must be developed for that individual. Accommodations or services must be determined by a team knowledgeable about the learner and his/her disability.

SUBSTANTIALLY LIMITS...

Educators are also reminded that a substantial limitation may exist in spite of perceived academic success. Three factors to consider in determining whether a person's impairment substantially limits a major life activity:

- its nature and severity;
- how long it will last or is expected to last (expected duration greater than 6 months); and
- its permanent or long term impact, or expected impact.

MITIGATING MEASURES

The determination of whether an impairment substantially limits a major life activity must be made without regard to the use of mitigating measures. Educational teams must consider students as disabled regardless of the benefit they receive from medication, treatment, or assistive technology.

*individuals in this category are protected from discrimination, though not entitled to services or accommodations to the (historical or perceived) impairment.

MINOR IMPAIRMENTS

Minor impairments, having an actual expected duration of 6 months or less, do not give rise to an assertion that an individual has been "regarded as" disabled.

EPISODIC CONDITIONS

An "impairment that is episodic or in remission is a disability if, when active, the impairment would substantially limit a major life activity". If a substantial limitation exists, protections are granted under ADA.

PROTECTIONS FOR INDIVIDUALS "REGARDED AS DISABLED"

The ADA protects individuals regarded as disabled even if they are not actually disabled. A person can meet the definition of being "regarded as" disabled, whether or not the perceived impairment would actually result in a substantial limitation to a major life activity. In other words, in order for a person to qualify as "regarded as" disabled under the law the person only needs to establish that the school believed that the person had a physical or mental impairment regardless of the impairment's significance. The individual is protected from discrimination based on his/her perceived disability, though not entitled to services.

LEARNERS WHO MAY BE ELIGIBLE FOR PROTECTIONS AND/OR SERVICES

Learners who may require reasonable accommodations under Section 504/ADA include individuals with obvious or hidden disabilities, acute or chronic illness, episodic conditions, or those in treatment for drug or alcohol addiction.

The following is a list of some examples:

Addiction	Depression	Obesity
Allergy	Diabetes	Obsessive Compulsive Disorder
Arthritis	Epilepsy	Paralysis
Asthma	General Anxiety Disorder	Post-Traumatic Stress Disorder
Attention Deficit Disorder	Hearing Impairment	Schizophrenia
Attention Deficit-Hyperactivity Disorder (ADHD)	Heart Disease	Social Phobia
Bipolar Disorder	Limb Impairment	Other Areas as determined
	Low Vision	

RESOURCES TO SUPPORT A PLAN OF ACCOMMODATION

Many accommodations for disabilities are made using existing resources in the district. Examples include providing seating close to the front of a room, meeting with student support services professionals, or reassigning an event to a room near the main entrance.

Accommodations that require additional expenditures might include additional staffing, sign language interpreters, Braille materials, or modifications to a building.

The primary financial resource for Section 504/ADA-related expenditures is the building/program budget. If expenditures are necessary to reasonably accommodate the learner, contact the appropriate administrator for approval.

- For learners who are served by Special Education, funds may be available to support certain activities. Contact the Director of Special Education at 763-786-4799.

For more information, contact District's 504/ADA Coordinator, Tyler Small, at 763-786-4799, ext. 111.

Referrals may come to a school or program's problem solving or student assistance team from parents, staff, learners and/or community agencies. The team will implement procedural steps utilizing the forms listed below:

Request for Consideration of Section 504 Accommodations: This form is used to by the District's 504/ADA Coordinator to summarize verbal or written requests for accommodations and to document contact with parents and staff including the scheduling of a student assistance or problem-solving team meeting. Pertinent information about the request may be attached to this document.

Notice of Section 504 Team Meeting/Conference: The information on this form is compiled by the District's 504/ADA Coordinator to describe who will be present and when and where the meeting will be held to review the request and determine whether the learner has a mental or physical impairment and if the impairment substantially limits a major life activity. Members of the team include parent(s)/guardian(s), the learner and school staff. School team members must have knowledge about the learner, the disability, the Section 504/ADA process, and/or the ability to interpret available information/data.

Parent/Learner Rights: This information is sent to the parents/guardians when a meeting is scheduled to consider a request for accommodations under Section 504 along with the Notice of Section 504 Conference.

504 Accommodation Team Meeting/Conference Summary: This form summarizes the team meeting, listing the participants and describing the process of consideration for Section 504 accommodations. The information gathered here forms that basis of the written Plan of Accommodation, if there is one. The team's responsibility at the conference is to gather/review information and concerns related to the learner and to determine what, if any, reasonable accommodations under Section 504/ADA are required. The evaluation process consists of determining whether, and if so, how the learner's mental or physical disability substantially limits a major life activity. The team reviews existing information such as that contained in the learner's cumulative records, health records, teacher grade books, teacher reported observations, parent observations, learner input, outside evaluation reports, special education evaluations as well as any other pertinent data.

Consent to Release/Exchange Private Data: If the team determines that more information is needed, the parent(s)/guardian(s) may acquire additional data to share with the team, or the school staff may ask parents to sign a release/exchange of information form so they can consult with medical or other outside professionals familiar with the learner's mental or physical impairment. Parent consent is required in instances where the team recommends further evaluation or consideration for special education eligibility.

Section 504 Plan: This is the format to be used in describing what, if any, accommodations are required to afford the learner equal access to district programs and participation if the learner has an impairment which substantially limits a major life activity. The staff members responsible for implementation of the plan are also identified. The plan also describes what, if any, accommodations are necessary for participation in statewide and classroom testing. A copy of the Section 504 Plan is placed in the learner's cumulative file and copies are distributed to the parent/guardians and to staff responsible for implementing the accommodations.

PROCEDURAL CHECKLIST

1. Receive Request for Consideration of Accommodations under Section 504.
2. Summarize Request, attach information as needed.
3. Notify the District's 504/ADA Coordinator at 763-786-4799, others as necessary.
4. Set meeting time and prepare and send Notice of Team Meeting to parent(s), learner and others including Parent Rights list to parents. Use Release/Exchange of Private Data Consent Form if necessary to receive and review further data.
5. Conduct 504 Team Meeting/Conference and complete Meeting Summary Form.
6. Determine whether any accommodations are necessary and develop a Section 504 Plan, as necessary.
7. Distribute completed Section 504 Plan to parents and staff and file in cumulative record.
8. Notify Director of Internal Affairs so that data will be entered into student data system.
9. Implement the plan as written and review at least annually.
10. Questions or concerns about the 504 Procedures should be addressed to the District's 504/ADA Coordinator at 763-786-4799.

REQUEST FOR CONSIDERATION OF 504 ACCOMMODATIONS

A. Completed by person submitting referral

Section 504 of the Rehabilitation Act is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. Learners eligible for 504 accommodations are those who 1) have a physical or mental impairment, which substantially limits one or more major life activities, 2) have a record of such impairment or 3) are regarded as having such an impairment. If you feel the learner identified may qualify for protection under Section 504, please complete the following information.

Learner Name: _____ Grade: _____ Date: _____

School: _____ DOB: _____ Sex: M or F

Parent Name: _____ Primary Phone: _____

Name of person submitting referral: _____ Position: _____

Please indicate how the learner's disability substantially limits one or more of their life activities within the school environment. Include what difficulties the learner demonstrates, grades, test scores, health history, disciplinary referral history, and signs of possible impairment.

B. Section to be completed by the District's 504/ADA Coordinator

- Parents/Guardians are notified of request
Date of Discussion with parent/guardian _____
- A meeting is scheduled with parents and school 504 team members
Date of 504 _____
- Attach any documentation of the learner's mental or physical impairment

Administrator Signature: _____ Date: _____

NOTICE OF SECTION 504 TEAM MEETING/CONFERENCE

Learner Name: _____ Grade: _____
School: _____ DOB: _____
Date of Conference: _____ Time of Conference: _____
Conference Location: _____

The purpose of this meeting:

- Discuss requests for reasonable accommodations
- Review data to determine whether a student requires accommodations
- Develop accommodation plan
- Review accommodation plan
- Discuss misconduct as it relates to learner's disability
- Other: _____

The following individuals will be invited:

Name (s):

Title of Invited Team Members:

_____	_____
_____	_____
_____	_____
_____	_____

Please contact for further information:

_____ **District's 504/ADA Coordinator**

_____ **Phone**

Note to parent(s): If you want to invite additional people to participate in this meeting, you must notify them. If the time, date, or location is not convenient for you, please contact me as soon as possible so we can make other arrangements. If you do not attend this meeting, you will be notified before any significant changes are made regarding your child's education.

cc: Learner's Cumulative File
Parent(s)/Guardian(s)

504 ACCOMMODATION TEAM MEETING/CONFERENCE SUMMARY

Learner Name: _____ Grade: _____

School: _____ DOB: _____

Date of Conference: _____ Time of Conference: _____

Team Members

Name (s):

Title of Invited Team Members:

Variety of sources of evaluation information:

Please list the information reviewed and/or related to the learner to determine reasonable accommodations:

1. Specify the mental/physical impairment: _____

2. Please indicate how the learner's impairment substantially limits one major life activity:
(The term substantially limits means that the student is unable to perform, or is limited in the ability to perform, a major life activity.)

- | | | |
|---|--|--|
| <input type="checkbox"/> Caring for one's self | <input type="checkbox"/> Performing Manual Tasks | <input type="checkbox"/> Reading |
| <input type="checkbox"/> Sleeping | <input type="checkbox"/> Walking | <input type="checkbox"/> Working |
| <input type="checkbox"/> Bending | <input type="checkbox"/> Learning | <input type="checkbox"/> Hearing Respiratory |
| <input type="checkbox"/> Thinking | <input type="checkbox"/> Communicating | <input type="checkbox"/> Concentrating |
| <input type="checkbox"/> Functions of the Immune System | <input type="checkbox"/> Brain | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Neurological | <input type="checkbox"/> Seeing | _____ |
| <input type="checkbox"/> Endocrine | <input type="checkbox"/> Standing | _____ |
| | | _____ |

Outcome

The team's determination is the learner is NOT eligible for Section 504 accommodations.
Provide notice to parent's of their procedural right, including an impartial hearing

OR

The team's determination is to develop a 504 Plan, which includes reasonable accommodations.

cc: Learner's cumulative file and Parent/Guardian

CONSENT TO RELEASE/EXCHANGE PRIVATE DATA	
<i>This form releases the special education record of:</i>	Student's Full Name:
	Birth Date:
	Address: City: State and Zip:
	Telephone :
TO: Please check one:	
<input type="checkbox"/>	I request the release of my education records into my custody.
<input type="checkbox"/>	I authorize PCTHS to release my education records to my designee: Name: Relationship to Student: Address: Telephone:
Purpose for Request:	
Please mail this record to (if applicable):	
Name:	
Address:	City: State and Zip:
This authorization releases special education records following signature date. I understand that, upon release, PCTHS-District 4104 may not be held liable should any of this information become public. PCTHS-District 4104 will retain a permanent record of my name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed.	
Student Signature:	Date:
Designee Signature:	Date:

PARENT/LEARNER RIGHTS UNDER SECTION 504

Dear Parents or Guardians:

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

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability.
2. Have the school district advise you of your rights under this federal law;
3. Receive notice with respect to a school team's consideration for accommodations/services;
4. The right to reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities, so as to receive a Free Appropriate Public Education;
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have educational decisions made based upon a variety of information sources, and by a group of persons, including persons who know the learner, the data, and options for reasonable accommodations;
7. Examine all relevant records related to decisions regarding your child's identification, evaluation, educational program, and placement;
8. Obtain copies of records at a reasonable cost unless the fee would effectively deny you access to the records;
9. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
10. An impartial hearing if you disagree with the Section 504 team decision..

The person in this district who is responsible for assuring that the district complies with Section 504/ADA is: District's 504/ADA Coordinator at 763-786-4799.

SECTION 504 PLAN

Learner Name: _____ Grade: _____
School: _____ DOB: _____
Date Plan Begins: _____ Annual Review Date: _____

Describe how the identified disability substantially limits a major life activity:

Accommodations/ Actions	Staff Responsible

Participation in State & Local Standardized Testing:

_____ No Accommodations _____ Accommodations as defined above*

* Notify District's Section 504/ADA Coordinator *

Team Signatures	Position	Date

cc: Learner's Cumulative File
Parent/Guardian
District Section 504/ADA Coordinator

GRIEVANCE PROCESS

A parent/guardian may file a grievance with Paladin Career and Technical High School if the individual believes there has been a violation of Section 504/ADA.

Any grievance must be filed in writing within a reasonable period of time after the alleged violation occurred. The grievant must fully state the facts of the alleged violation and the remedy that is being sought.

Step One:

The grievance should be submitted to the Executive Director or District's 504/ADA Coordinator, who will investigate the circumstances of the alleged violation. A written summary of the findings of fact and conclusions will be completed within 10 (ten) school days of the grievance and sent to the grievant and to the District's 504/ADA Coordinator).

Step Two:

If the grievance is not resolved to the satisfaction of the grievant, he/she may appeal to the District's 504/ADA Coordinator within 5 (five) days of receipt of the report. The District Coordinator will conduct an investigation and within 10 (ten) school days of receipt of the appeal, the District's 504/ADA Coordinator will affirm, reverse, or modify the original report.

Step Three:

If the grievance is not resolved in Step Two to the satisfaction of the grievant, he/she may appeal to the School Board within 5 (five) days of the receipt of the District's 504/ADA Coordinator's report. The School Board will conduct an informal hearing in an open meeting to review the alleged violation. The School Board will give each party at least 5 (five) school days' notice of its meeting. It will affirm, reverse or modify the report issued by the District's 504/ADA Coordinator within 15 school days of receipt of the appeal. This procedure contains written assurance that complaints may be made without fear of reprisal.

Step Four:

If the grievance is not solved in Step Three to the satisfaction of the grievant, he/she may request an impartial due process hearing. The school district will appoint an impartial hearing Coordinator and follow state and federal rules for due process hearings.

The grievant may file a complaint with community, state or federal agencies at any time.

Federal Office for Civil Rights, Region V U.S. Department of Education 500 West Madison Street, Ste 1475 Chicago, IL 60661 Phone: (312) 730-1560; TDD (312) 353-2541 Fax: (312) 730-1576 Email: OCR.Chicago@ed.gov	State Equal Education Opportunity Minnesota Department of Education 1500 Highway 36 West Roseville, MN 55113-4266 Phone: (651) 582-8200
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SECTION 504 AND DISCIPLINARY ACTION/MANIFESTATION DETERMINATION PROCESS

When disciplinary action which will exclude the student from school for more than ten (10) consecutive school days or more than ten (10) days cumulatively in the same school year is planned for a student who is entitled to protections under Section 504 of the Rehabilitation Act of 1973, a team must consider the possible relationship between the student's identified disability and the behavior which was the cause of the disciplinary action.

Requirements under this provision of the law are similar to those of IDEA, but differ in some important ways. If the student has an Individualized Education Program (IEP), Special Education Due Process Procedures will be followed. If the student does not have an IEP, but does have a Section 504 Plan, a team of individuals knowledgeable about the student and the disability will meet with the parent to answer the following questions:

- Was the conduct in question a manifestation of the learner’s disability, i.e., caused by or did it have a direct and substantial relationship to, the student's disability?
- Would the conduct a direct result of the school’s failure to implement the student’s Section 504 Plan?
- If "yes", what alternative disciplinary action may be taken without grounds for a claim of discrimination on the basis of disability?

The team should also consider whether any changes should be made to the Section 504 Plan. The meeting discussion should be summarized in written form. The meeting is commonly referred to as a Manifestation Determination Meeting.

<p>Prior to Meeting:</p> <ul style="list-style-type: none"> * Notify and Invite Parent(s)/Guardian(s) & Student (when appropriate) to Attend the Manifestation Determination Meeting * Provide parent(s) guardian(s) with a Notice of Team Meeting and copy of their 504 Parental Rights <p>After the Meeting:</p> <ul style="list-style-type: none"> * Summarize results in written report * Modify Section 504 Plan if necessary 	<p>At the Meeting:</p> <ul style="list-style-type: none"> * Recommendation for major discipline? * Would the disciplinary action constitute a change in placement (10 day rule)? * The team must determine what data is necessary to determine whether- <ul style="list-style-type: none"> a. The conduct was caused by, or had a direct substantial relationship to, the student's identified or perceived disability; or b. The conduct in questions was the result of the school's failure to implement the student’s Section 504 Plan. * Should the student's program change? * If there is no link between the disability and the behavior, what modifications, if any, are necessary for disciplinary placement?
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Student data used in the manifestation determination meeting must be based on a variety of sources, and must be non-discriminatory and valid. Questions concerning possible disciplinary action and a student's rights to protection from discrimination should be directed to the District’s 504/ADA Coordinator.

EXAMPLES OF LEARNER ACCOMMODATIONS

The accommodations listed below are intended to be examples to use in developing a plan to address student needs. Some students may require additional accommodations or services not listed.

PHYSICAL ARRANGEMENT OF CLASSROOM:

- Seat student near the teacher
- Seat student near a positive role model
- Stand near the student when giving directions or presenting lessons
- Avoid distracting stimuli (air conditioner, high traffic area, etc.)
- Increase the distance between the desks
- Reduce visual distractions in the classroom
- Provide extra supplies of classroom materials (pencils, books) on hand
- Maintain adequate space between desks

LESSON PRESENTATION:

- Pair students to check work
- Write key points on the board
- Provide peer tutoring.
- Provide visual aids
- Provide peer note taker
- Make sure directions are understood
- Include a variety of activities during each lesson
- Break longer presentations into shorter segments
- Provide written outline
- Allow students to tape record lessons
- Have child review key points orally
- Teach through multi-sensory modes
- Use computer assisted instructions

ASSIGNMENTS/WORKSHEETS:

- Give extra time to complete tasks
- Simplify complex directions
- Hand worksheets out one at a time
- Reduce the reading level of the assignments
- Require fewer correct responses to achieve grade
- Allow student to tape record assignments/homework
- Provide a structured routine in written form
- Provide study skills training/learning strategies

- Give frequent short quizzes and avoid long tests
- Shorten assignments; break work into smaller segments
- Allow typewritten or computer printed assignments
- Use self-monitoring devices
- Reduce homework assignments so student only needs to demonstrate mastery of concept
- Not grade handwriting
- Highlight important textbook sessions
- Provide audiotapes of textbooks and have the student follow the text while listening
- Provide summaries of chapters or reading assignments
- Give the student a list of discussion questions before reading assignments
- Specify and list exactly what the student will need to learn to pass (Review Frequently)
- Number and sequence the steps in a task
- Provide visual aids
- Show a model of the end produce of directions
- Use Post-it notes to mark assignments in textbooks
- Place a ruler under sentences being read for better tracking
- Have student practice presenting in a small group before presenting to the class

TRANSITIONS:

- Alert student several minutes before a transition from one activity to another; give several reminders
- Provide additional time to complete a task
- Provide assistance when moving about the building

SPECIAL CONSIDERATIONS:

- Suggest parenting program(s)
- Monitor student closely on field trips
- In-service teacher(s) on child's specific needs
- Provide social skills group experiences
- Develop intervention strategies for transitional periods (e.g., cafeteria, physical education, etc)
- Alert bus driver
- Suggest agency involvement
- Provide group/individual counseling

ADAPTATION OF MATERIALS:

Provide the following:

- Reading materials at grade level
- Peer to read materials
- Peer to take notes
- Peer or small group discussion of materials
- Tape recording of required readings
- Highlighted materials for emphasis
- Altered format of materials
- Study aids/manipulative
- Outlines and study guides
- Graphic organizers

INSTRUCTIONAL ACCOMMODATIONS:

- Shortened, simplified instructions
- Repeated instructions
- Opportunity to repeat instructions
- Opportunity to write instructions
- Written instructions
- Visual Aids (pictures, flash cards, etc.)
- Auditory Aids (cues, tapes, etc.)
- Instructional Aids
- Multisensory information
- Extra time for oral response
- Extra time for written response
- "Over learning"
- Exams of reduced length
- Oral exams
- Open book exams
- Tests to be given by teacher assistant
- Written review for exams
- Preview of test questions
- Study carrel for independent work
- Frequent feedback
- Immediate feedback
- Checks for understanding
- Minimize auditory distractions
- Encouraged participation

BEHAVIOR MANAGEMENT:

- Clearly defined limits
- Frequent reminders of rules
- Frequent eye contact
- Private discussion regarding behavior
- Seating near the teacher
- Opportunity to help teacher
- Supervision during transition
- Ignore minor infractions
- Implementation of a behavior intervention plan that is positive and consistent with the student's ability and skills
- Positive reinforcement
- Emphasis on student's special talents
- Cues between teacher and student
- Arrange "check-in" time to organize day
- Minimize the use of punishment; provide positive as well as negative consequences
- Arrange for the student to leave the room voluntarily and go to a designated "safe place" when under high stress

GENERAL ACCOMMODATIONS:

- Structured learning environment.
- Computer-aided instruction.

QUESTIONS AND ANSWERS

What services are available for students with disabilities under Section 504?

Section 504 requires school districts to provide to students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a school district re-evaluates a student in accordance with the Section 504 regulatory provision at 34

C.F.R. 104.35 and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

Is every learner with an IEP (eligible under IDEA) also eligible for protection under Section 504?

Yes. OCR cannot conceive of any situation in which IDEA-eligible children would not also be entitled to the protection extended by Section 504 (Letter to Veir, 20 IDELR 864; OCR 1993). This does not mean that a Section 504 Plan should be developed in addition to the Individualized Education Program (IEP). Due process rights and protections under IDEA are designed to prevent discrimination due to a disability.

When a child is released from special education under IDEA, do we have to continue services under a 504 Plan because the child "has a record of such impairment"?

No. Consideration should be given for 504 eligibility for protection from discrimination, but eligibility for accommodations is not a foregone conclusion. The team still has to establish that the learner "has a disability that substantially limits a major life activity."

A student has a disability referenced in the IDEA, but does not require special education services. Is such a student eligible for services under Section 504?

The student may be eligible for services under Section 504. The school district must determine whether the student has an impairment which substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services, in addition to providing protections against discrimination.

Does Section 504 require extensive, formal evaluations to determine whether a student is

disabled under Section 504?

Only an "evaluation" sufficient to provide information to determine the existence of a disability under Section 504 is needed. An "evaluation" under Section 504 consists of a meeting of a problem solving/student assistance team to examine all existing data to determine whether it is sufficient to support determination that the student is/is not disabled under Section 504. Such a team includes the parent. At times, the evaluation consists primarily of reviewing information from outside agencies provided by the parent. Classroom observation data and student input are reviewed by the team to assist in making the determination of eligibility for accommodations.

Does OCR endorse a single formula or scale that measures substantial limitation?

No. The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. This is why it is critical to include team members who are knowledgeable about the student.

Are there any impairments which automatically mean that a student has a disability under Section 504?

No. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504. The nature and severity and impact of the impairment must be considered.

Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician's medical diagnosis may be considered among other sources in determining if a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. Section 504 regulations require school districts to draw upon a variety of sources.

Can a medical diagnosis suffice as an evaluation for the purpose of requiring a Section 504 Plan of Accommodation?

While other factors must be considered in developing a plan, it is rare that a physician's diagnosis of a mental or physical impairment would not be accepted by the team. The team still retains the responsibility; however, of determining to what extent the impairment limits a major life activity, if any.

Does every member of the 504 Team have to agree that a student is need of accommodation before a 504 Plan is written?

The team members should strive for consensus in decision making, but unanimity is not required for 504 Accommodation Plans.

What should a recipient school district do if a parent refuses to consent to an initial evaluation under the Individuals with Disabilities Education Act (IDEA), but demands a Section 504 plan for a student without further evaluation?

A school district must evaluate a student prior to providing services under Section 504. Section 504 requires informed parental permission for initial evaluations. If a parent refuses consent for an initial evaluation and a recipient school district suspects a student has a disability, the IDEA and Section 504 provide that school districts may use due process hearing procedures to seek to override the parents' denial of consent.

Does the district have to cease services if parents want the student "dismissed" from the Section 504 Plan?

Under Section 504, a school system does not need parental consent to begin or end the delivery of services pursuant to a Section 504 Plan. As a result, parents do not technically have the right to "withdraw" consent to the implementation of a 504 Plan. However, if parents insist that accommodations are not to be provided to the student, notice of any refusal to end the services must be provided to the parent, as well as a copy of the Parent Rights/Procedural Safeguards.

Do parents with disabilities have a right to accommodations even though their child does not have a disability?

Yes. When accommodations are needed in order for them to participate in essential components of their child's educational program. For example, an interpreter might be needed during the awards night program when their child is receiving an award. Be aware that such services cannot be afforded through IDEA funds.

Once a student receives an accommodation plan under Section 504, is there an annual or three year review requirement?

Periodic review is required. Reconsideration of appropriate accommodations should be considered by the team whenever a significant change in the learning environment occurs.

How often should a student's needs for accommodation be "re-evaluated"?

The Section 504 regulations require that re-evaluation of data/information be conducted periodically. Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement. OCR considers an exclusion from the educational program of more than 10 school days a significant change of placement. OCR would also consider transferring a student from one type of program to another or terminating or significantly reducing a related service a significant change in placement.

What is the receiving school district's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?

If a student with a disability transfers to a district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to "evaluate" the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student and/or what, if any, plan of accommodation is necessary.

Are current users of alcohol excluded from protection under Section 504?

No. Section 504's definition of a student with a disability does not exclude users of alcohol. However, Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities. However, students undergoing chemical treatment are entitled to protection from discrimination.

What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans? What are the consequences if the district fails to implement the plans?

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504 and may give rise to a complaint to OCR, a grievance entered with the District Administration, or civil litigation against the School District.

What procedural safeguards are required under Section 504?

School districts are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, notice of grievance process, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure.

Is there a transition requirement under Section 504?

No. However, it is strongly advised that a transition conference be held for all learners with disabilities prior to graduating from high school. It is advised that all schools inform learners with disabilities that they may be eligible for protections under Section 504 and the ADA.

Does the nature of services to which a student is entitled under Section 504 differ by educational level?

Yes. Public elementary and secondary recipients are required to provide a free appropriate public education to qualified students with disabilities. At the postsecondary level, the recipient is required to provide students with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in a school's program.

Are students identified by a school as disabled under Section 504 entitled to any special rules of discipline?

When a school has identified a student as disabled under Section 504, special rules of discipline apply. In general, the rules of discipline for students with disabilities under Section 504 are designed to prevent discrimination in the form of removing educational services solely on the basis of a student's disability. The Office for Civil Rights expects school based 504 Teams to ensure that no discrimination has occurred in the discipline process by conducting a proper manifestation determination when a student is going to be excluded from school for more than 10 school days consecutively or, generally, for more than 10 days cumulatively in the same school year if a change in placement occurs. Parents should be invited to the manifestation meeting and, after the meeting should be provided with copies of all documentation generated at the meeting along with a copy of their Parent Rights under Section 504. If the team finds the student's conduct was not a manifestation of the student's disability, the same disciplinary consequences that would apply to non-disabled student may be applied to the disabled student under Section 504, including an expulsion. However, if the 504 Team concludes that the student's behavior is a manifestation of the student' disability, it would be discrimination under Section 504 to

deny educational services to the student in the form of suspension, expulsion, or other removal that amounts to a change in placement for the student.

Adapted from Section 504 and the ADA: Promoting Student Access, A Resource Guide for Educators, 2nd edition, Council of Administrators of Special Education, Inc., 1999.

Resolutions in Special Education, Council of Administrators of Special Education, Inc., November 2007-February 2009.

Protecting Student with Disabilities, Frequently Asked Questions about Section 504 and the Education of Children with Disabilities, Office of Civil Rights, March 27, 2009.

NON-DISCRIMINATION OF INDIVIDUALS WITH DISABILITIES

It is the policy of the Paladin Career and Technical High School to provide a free and appropriate public education to all disabled students within its jurisdiction, regardless of the type of disability or its severity. Students who are handicapped consistent with the definitions set forth in Section 504 of the Rehabilitation Act of 1973 will be identified, evaluated, and provided with appropriate instruction and educational services.

Disabled persons shall have the following rights in accordance with Section 504:

1. Right to file a grievance with the district concerning allegations of violations of Section 504 regulations.
2. Right to an evaluation drawing upon different sources.
3. Right to be informed of any actions pertaining to eligibility and any proposed service plans.
4. Right to review any personal information in an understandable, accessible format.
5. Right to periodic evaluations.
6. Right to evaluation prior to any significant change in placement.
7. Right to contest the District's proposed actions through an impartial hearing.
8. Right to be represented by counsel in the impartial hearing.
9. Right to appeal the decision from any hearing.

POLICY 521: STUDENT DISABILITY NONDISCRIMINATION

I. PURPOSE

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973 (Section 504), need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

II. GENERAL STATEMENT OF POLICY

- A. Disabled students who meet the criteria of Paragraph C below are protected from discrimination on the basis of a disability.
- B. It is the responsibility of the school to identify and evaluate learners who, within the intent of Section 504, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.
- C. For this policy, a learner who is protected under Section 504 is one who:
 - 1. has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
 - 2. has a record of such impairment; or
 - 3. is regarded as having such impairment.
- D. Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

III. COORDINATOR

Persons who have questions, comments, or complaints should contact the executive director regarding grievances or hearing requests regarding disability issues. This person is the district's ADA/504 Compliance Coordinator at 763-786-4799.