

Section 504 Handbook



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Section 504 Handbook

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Section 504

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. It is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. "No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied, the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 504 and Title II of the Americans with Disabilities Act (ADA) have similar compliance standards.

Section 504 prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination against people with disabilities by public entities, including public elementary and secondary schools and state colleges and universities. The ADA Amendments Act of 2008 became effective January 1, 2009. The definition of disability in both laws was affected by the ADA Amendments Act of 2008. The ADA Amendments Act retained the elements of the term 'disability', indicating it should be construed broadly, but changed the meaning of:

- "substantially limits a major life activity," and
- "being regarded as" having an impairment.

Key Definitions

Section 504 disability-

A student is considered to have a disability if the student:

- has a physical or mental impairment which substantially limits one or more of the student's major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

Eligibility is based on the definition of a disability as defined in Section 504. It is not based on clinical categories or based on state or federal laws like those that govern Individuals with Disabilities Education Act (IDEA). Schools may not require a parent to provide medical documentation in order to be considered for evaluation for eligibility under Section 504.

Physical or Mental Impairment-

Any physical 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.

Section 504 protects the rights not only of an individual with visible disabilities, but also those with disabilities that may not be apparent. Hidden disabilities are physical or mental impairments that are not readily apparent to others. They include such conditions and diseases as dyslexia, diabetes, allergies, and asthma. Any legitimately recognized physical or mental impairment that substantially limits at least one major life activity may qualify a student for services. Some common disabilities are listed below, however, there is no published list of "recognized" or "approved" disabilities under Section 504.

ADHD/ADD, Dyslexia/Dyscalculia/Dysgraphia, Academic Disabilities (not to the level of a Specific Learning Disability), Diabetes, Asthma, Eye Abnormalities, Anxiety Disorders, Broken Extremities, AIDS, Cancer, Chronic Fatigue Syndrome, Other chronic medical or psychological conditions (not to the level of an Other Health Impairment), Chronic chemical sensitivities or allergies.

“Substantially Limits”-

The statute does not provide a definition of “substantially limits”. Generally, substantial limitation refers to: the inability to perform a major life activity that the average person in the general population can perform, or significant restriction or limitation as to the condition, manner, or duration, under which an individual can perform a particular major life activity as compared to the condition, manner, or duration, under which the average person in the general population can perform the same major life activity.

The Office of Civil Rights (OCR) has allowed individual school districts to establish their own criteria for “substantial limitation” of a life activity. Therefore, ‘substantial limitation’ should be understood to mean that the disability significantly impacts the student at school, depriving him or her of an equal opportunity to participate in, or benefit from the school’s programs and activities. A variety of sources should be used as support data to justify “substantial limitation” of a major life activity. The determination of “substantial limitation” of a major life activity should be the consensus of a group of persons knowledgeable about the student, the evaluation data, and the placement options. ‘Substantial limitation’ should be understood to mean that the disability significantly impacts the student at school, depriving him or her of an equal opportunity to participate in, or benefit from the school’s programs and activities.

When examining whether the impact of a disability substantially limits a major life activity, the focus should be on the elements of that activity that are of central importance to most people. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when it is active.

Major Life Activities-

Major life activities include a wide variety of daily activities, including “functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning (including social skills), and working.” The ADA Amendments Act also includes a non-exhaustive list of major life activities. The list is divided into two categories: general and major bodily functions. The Amendments Act’s non-exhaustive list of general major life activities includes all activities in the Section 504 regulations and the following: eating, communicating, sleeping, reading, standing, concentrating, lifting, thinking, bending.

The Amendments Act’s non-exhaustive list of major bodily functions is as follows: functions of the immune system, normal cell growth, circulatory system, digestive system, endocrine system, bowel, reproductive system, bladder, neurological system and brain, respiratory system.

Mitigating Measures

Prior to the Amendments Act, the Section 504 committee was required to consider the effects of “mitigating measures” such as medication and corrective eyeglasses, when determining whether an individual was “substantially limited in a major life activity.”

Under the ADA Amendments Act of 2008 the “ameliorative effects of mitigating measures” must not be considered when determining if an individual is a person with a disability. (e.g., Committees should determine whether students with social/emotional impairments or mental illness have a disability according to Section 504, without considering any medication used to treat or manage that condition.) However, the ameliorative effects of ordinary eyeglasses/contact lenses shall be considered in determining if an impairment substantially limits a major life activity.

With the ADA Amendments Act, students may now be determined to be eligible for Section 504 services, but currently not in need of accommodations. Some examples of mitigating measures include:

- Medication
- Prosthetic limbs and devices
- Medical devices, equipment, or appliances

- Mobility devices
- Low vision devices (other than eyeglasses or contact lenses)
- Oxygen therapy
- Assistive technology
- Learned behavioral or adaptive neurological modifications
- Hearing aids, cochlear implants, and/or hearing devices
- Reasonable accommodations, auxiliary aids, and services

Who should be considered for Section 504 eligibility?

The School Building Level Committee (SBLC)/504 Committee should consider making a referral for a Section 504 screening or evaluation when the following situations occur:

- When a student is referred for an IDEA evaluation, but the team makes the decision not to evaluate for special education services.
- When a student who has not been responsive to intervention is suspected of having any disability but is not expected to meet qualifying criteria under IDEA guidelines.
- When a student has been evaluated for IDEA services and does not qualify but a disability that is substantially limiting is nonetheless evident.
- When a student who may have formerly received Special Education services and has now been declassified to No Exceptionality.
- When a student shows a pattern of not benefiting from instruction (repeated retentions, academic regression).
- When a student exhibits recurrent behavior problems, has been expelled, or has a pattern of suspensions for disruptive behavior.
- When a student is considered to be socially maladjusted.
- When a student has a chronic health condition.
- When a student has a history of substance abuse.
- When a student returns to school after a serious injury or illness or while the student is being served by homebound instruction services.
- When a student becomes pregnant.
- When a student has a short-term illness or injury that may be substantially limiting and may require accommodations in the educational setting for a period over 6 months.
- When a parent or teacher requests consideration for Section 504 services because of a suspected disability.

Note: There are more opportunities for students to become eligible for Section 504 services than for services through the IDEA because IDEA guidelines are more defined and more quantitative. (Refer to Louisiana Department of Education, Bulletin 1508, Pupil Appraisal Handbook).

In accordance with Section 504 regulations, a student with HIV or AIDS is considered to be a student with a disability and is entitled to a free and appropriate public education (FAPE). These students must be placed in a regular education environment unless it has been demonstrated that they cannot be educated in that setting.

Special Cases/Exceptions

Limited English Proficient (LEP) Students/English Language Learners (ELL)

Limited English Proficiency is not considered a disability under Section 504. If, for example, a student who exhibits Limited English Proficiency presents with another disability such as ADHD or diabetes that could be supported and documented as “substantially limiting”,

then the substantially limiting disability could justify the student receiving Section 504 services. See the LEP Handbook for more information about serving students with Limited English Proficiency.

Special Education Students with Disabilities

An Individualized Accommodation Plan (IAP) should not be used for students with disabilities who receive Special Education Services, including students with Speech or Language Impairments. Instructional and test accommodations for these students should be documented on their Individualized Educational Plan (IEP). These students are protected under Section 504.

Students with a Gifted and/or Talented Exceptionality

Gifted and/or Talented only students with a "qualified disability" under Section 504 must have a Section 504 report and the IAP should be attached to their IEP. The student's case manager (service provider with IEP authority) should be given a copy of the student's IAP.

Eligibility Determinations

Eligibility for Section 504 is very broad and covers many different types of disabling conditions not covered under IDEA or those that are not severe enough to qualify for IDEA. Eligibility/Placement determination should be made by a group of persons knowledgeable about the student, evaluation data, and placement options. Thus, the team will be a 'fluid' one. Note: The eligibility/placement decision should never be made by a single individual, not even the principal or the 504 Coordinator. Under both federal laws (IDEA and Section 504), the mere existence of a disability does not create program eligibility. Instead the disability must rise to a particular level of severity or impact on the student's performance at school.

The most effective way to assess the impact of a disability on educational performance is to use a wide variety of evidence. National percentiles, summative assessments, and teacher observations should be used to support data based decisions. Documented scientifically based interventions should also be reviewed and analyzed by the Section 504 committee. Section 504 services for most students are provided in the form of accommodations often made in the regular education setting. Academic accommodations should typically be provided inside the student's regular classroom(s) with few exceptions.

Section 504 services are not meant to be used as a tool for assisting students in reaching their highest potential, improving students' overall weak performance, helping students make "better grades" or helping students to "pass the Louisiana Educational Assessment Program (LEAP) test". The primary purposes are to prevent discrimination and provide access. The SBLC/504 Committee should focus on providing the student with equity, not advantage when determining eligibility for services. Section 504 does not require a public school district to provide students with disabilities with potential-maximizing education, only reasonable accommodations that give those students the same access to the benefit of a public education as all other students. "While parents may honestly believe that a child is not performing to their potential, that failure is not sufficient reason for referral and evaluation" As a result where the child is already passing his classes (without modifications) he is likely receiving educational benefit and is in no need of Section 504 or IDEA services. "By definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn..." Students with learning disabilities who pass from grade to grade while functioning further and further below standards for their age, arguably are not succeeding in regular education.

Please note that a physical or medical condition may substantially limit one or more of the major life activities without negatively affecting a student's academic performance.

With the ADA Amendments Act, students may now be determined to be eligible for Section 504 services, but currently not in need of accommodations. All students who are determined to be eligible for services should have this documented on an IAP, even if no accommodations are currently needed. Once determined eligible (within a three year evaluation period), committees may reconvene at any point if it appears that a data-driven decision supporting the need for accommodations should be considered. If accommodations are

needed, a new IAP reflecting the appropriate accommodations should be developed. Appropriate annual reviews and three year reevaluations should also be conducted for these students.

Initial Evaluation for 504 Eligibility Flowchart

To determine eligibility:

1. SBLC committee determines that student should be evaluated for 504 eligibility.
2. Schedule meeting with parent to obtain consent for 504 evaluation.
3. Distribute forms to appropriate informant:
 - Parent/Family
 - Notice of Parent and Student Rights (keep for their own records)
 - Family Survey
 - Checklists for suspected disabilities
 - ADD/ADHD
 - Dyslexia
 - Dyscalculia
 - Dysgraphia
 - Health (use the Family Survey information)
 - Teacher(s)
 - Checklists for suspected disabilities - remember to inform teachers that mitigating factors must not be considered
 - ADD/ADHD
 - Dyslexia
 - Dyscalculia
 - Dysgraphia
 - Health (use the Family Survey information)
4. Use the 504 Eligibility Matrix to determine if the student meets the criteria for any suspected disability then refer for additional screeners. Once the information from the additional screeners are returned check the appropriate section of the 504 Handbook for more details.
5. Schedule an eligibility meeting (may coincide with SBLC or RTI meeting) with all informants (teachers, parents/family) using the SBLC invitation form.
6. At the meeting, fill in the Eligibility Determination Form and 504 Student Tracking Form.

If eligible:

(at eligibility meeting)

1. Complete the IAP form to determine the accommodations for the eligible student. Obtain all signatures.

(after the eligibility meeting)

2. Start a 504 folder. Use the 504 Student Tracking Form as the cover sheet.
3. Distribute IAP and Acknowledgement of 504 Form to anyone who instructs the student.
4. File signed Acknowledgment of 504 Forms with the student's IAP and supporting eligibility documentation (from steps 1 - 6 above).
5. Ensure that the student is marked as 504 in PowerSchool.
6. Record eligibility and IAP dates on any electronic trackers or rosters you maintain.

If ineligible:

1. Ensure that the parent has a copy of eligibility paperwork.
2. If the parent requests a Due Process hearing, encourage the parent to contact the Director of Student Support Services as outlined in the [Notice of Parent and Student Rights](#).

3. Inform the SBLC team of the student's ineligibility at the next meeting.
4. File the [504 Student Tracking Form](#) and supporting eligibility documentation (from steps 1 - 6 at top) in the student's cumulative folder in main office.

Medical and Private Evaluations

The results of an outside independent evaluation may be one of many sources to consider. The Section 504 committee must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the student's learning process must be considered. Eligibility/placement decisions should not be made on the basis of a medical report without the consideration of other data such as:

- Report cards;
- Classroom observations;
- Standardized test scores;
- Behavior reports;
- Teacher and/or parent interview; or
- Other information that may indicate how the medical condition impacts the student at school.

When documentation is made available, a psychological/medical evaluation or physician's statement of such conditions should not serve as the sole determinant of eligibility. For the purposes of Section 504 eligibility, existence of a disability must be accompanied by evidence of substantial limitation. If there is no presence of a physical or mental disability that substantially limits one or more of the major life activities, then the student is not a qualified individual under the Section 504 mandate and the student should not receive Section 504 accommodations.

A medical report is not required for all conditions. If there is sufficient school documentation and observation data supporting the existence of characteristics of certain conditions (e.g., ADHD or Dyslexia), a student may be determined eligible by the committee. Eligibility may be based on data that indicate the presence of characteristics of the student's suspected disability that cause substantial limitation (i.e., characteristics of dyslexia, characteristics of ADHD) as observed and documented in the educational setting. Schools should not require parents to take their children to receive medical evaluations or medical care unless the school is prepared to pay the cost of those services. Students may not be refused Section 504 services because of the parent's refusal/delay to take the student to visit a doctor for the problematic condition. Even if the parents decide on their own to obtain a medical or private evaluation, the Section 504 committee should request permission to start the school based assessment prior to the receipt of the private evaluation.

Eligibility decisions are at the discretion of the Section 504 Committee. A Section 504 assessment must be conducted to determine if the student has a disability that substantially limits a major life activity. However, Section 504 services are warranted when a medical report is provided to the Section 504 Committee that indicates a student suffers with anaphylaxis or life-threatening allergies.

Parental Involvement

It is recommended that schools make every attempt to involve families in decisions affecting their child. Parents must be invited to all meetings concerning their child. The SBLC is a group of knowledgeable people who meet to discuss students' academic and behavioral problems. Parents are invited to attend the SBLC meetings to discuss any concerns/problems that their child is having in school. The invitation to attend the SBLC meeting must be made in writing. SBLC decisions are documented on the tracker and agenda notes.

Parents' attendance at scheduled Section 504 meetings is not required and the committee may proceed with decisions in the parents' absence. However, multiple attempts to involve parents should be documented and maintained in the student's record. When the

SBLC/Section 504 committee's decision is to conduct a Section 504 assessment then the parents must sign permission and receive a copy of their rights before the Section 504 team conducts an assessment.

Parents should be given written and timely notification of Section 504 eligibility and placement committee meetings. Consent must be obtained prior to assessment. Parents have the right to review educational records, obtain copies, and request reasonable amendments to the record. Parents have the right to appeal evaluation and placement decisions through an impartial hearing. It is advised that requests for Section 504 screenings and/or evaluations of students be granted when made by parents, teachers, or administrators.

If the request for an evaluation is denied, the Section 504 committee must be able to show that there was no reason to suspect that the student may have a disability. Written documentation must be provided supporting the decision that there was no reason to suspect that the student may have a disability. The school must immediately (within 24 hours) contact the Director 504 Coordinator to review the written documentation so a letter can be sent to the parent within 10 days of this decision. Parents must receive a copy of their rights whenever the SBLC/504 Team refuses to conduct an evaluation. When the parent is in attendance at the SBLC meeting, the receipt of a copy of their rights is documented on the agenda. Again, it is strongly advised by the district office that requests for Section 504 screenings and/or evaluations of students be granted when made by parents, teachers, or administrators.

The steps in documenting the involvement of families are:

1. Document phone call.
2. Send home a copy of invitation to the SBLC meeting with student (maintain copy).
3. Send home a second copy of the invitation to the SBLC meeting via US mail (maintain copy).
4. Send home a third copy of the invitation to the SBLC meeting via certified US mail return receipt requested (maintain copy of invitation and receipts).

Eligibility Procedures

Upon referral for evaluation from the SBLC, the 504 Coordinator will use the Initial 504 Evaluation for Eligibility Steps to ensure that the student is properly evaluate for eligibility. This process ensures the involvement of team members such as parents, teachers, and other qualified individuals to determine if the student has a suspected disability that substantially limits a major life activity. The decision concerning eligibility must be made by a group of individuals who are knowledgeable about the student, the student's disability, evaluation data, and placement options. The students' eligibility/ineligibility should be documented using the Eligibility Determination form. If a student is determined to be eligible, an IAP should be developed.

Individual Accommodation Plan (IAP)

Once the committee determines that a student meets Section 504 eligibility, an Individual Accommodation Plan (IAP) must be developed. The IAP must be used for the purpose of providing documentation of accommodations on a written plan for students who need Section 504 accommodations and who may or may not need standardized testing accommodations.

Parents must be invited to all IAP meetings. Students should promptly begin receiving the appropriate accommodations once the IAP has been developed. Every child who is eligible for Section 504 services must have a current IAP on file even if testing or classroom accommodations are not necessary.

The disability, support data, and any protections received by the student must be documented on the IAP. The student's accommodations should be specific to the student's disability. The IAP must indicate accommodations that will be routinely provided in the classroom setting. Also, the IAP should show consistency between standardized test accommodations needed and those accommodations routinely provided in the classroom.

IAP accommodations typically are grouped by:

- Environment (small group, preferential seating, minimize distractions, allow student to move, et al);
- Instructional Strategies (test read aloud, verbal and visual cues to reinforce instruction, copies of notes to accompany instruction, break tasks into less complex chunks, et al); and
- Materials (alter format, change font, enlarge print, increase white space on page, lineless paper, special writing utensils, use of highlighters, use of electronic speller, et al).

When developing an IAP:

1. Identify the disability and document multiple sources (at least 2) of support data on the IAP.
2. Identify the academic areas and subjects in which accommodations are needed.
3. Identify accommodations that will be routinely provided in the educational setting and are specific to the student's disability.
4. Identify any other services or compensatory services that will be provided (e.g. MSL for Dyslexia).
5. Check the appropriate standardized assessment to be administered.
6. Identify any testing accommodations required. These must be consistent with accommodations routinely provided in the educational setting.
7. State a specific justification for the testing accommodation.
8. Obtain required original signatures (Required signatures on an IAP: Student's teacher, Principal/Designee, Section 504 Coordinator, and School Test Coordinator if student requires accommodations for statewide testing)
9. Document any unusual circumstances on the student's IAP or complete a memorandum that is kept with the student's Section 504 records.
10. Provide parents with a copy of the Parent/Student Rights and Grievance Procedures and document this provision on the IAP.

IAP's must not be developed for the sole purpose of providing accommodations on statewide assessments. Upon agreement to conditions of the IAP, all committee members present at the meeting should sign the IAP.

If a committee member(s) does not agree, he/she may indicate with a note and signature on the IAP or with a memorandum for the record that is later attached to the IAP.

If changes to the content of an IAP are advised, the Section 504 committee should schedule a meeting to reconvene and discuss the necessary changes. Should the committee agree that changes are needed, a new IAP should be developed at that time. "Who-what-where-when" should be specified on the IAP if an accommodation is not to be implemented on a consistent basis. In other words, an accommodation can be indicated 'as needed' only when those conditions are specified. A minor mistake on the IAP may be changed by placing a single line through the error, correcting the error, and then placing the committee member's initials near the error. White-out or correction fluid shall not be used on IAP's.

When parents or teachers judge that current accommodations are no longer sufficient to meet the needs of their child, they may request that the Section 504 Committee reconvene to discuss possible changes to the student's IAP. However, any change in accommodations should be a committee agreement and be based on observational data and support. Discussion of the parent's concerns should be addressed and documented through meeting notes.

IAP's must be updated on a yearly basis. This will occur at the beginning of the school year to address the student's current grade level, curriculum and statewide assessment and whenever adjustments or changes warrant it.

Implementation of the IAP

The IAP should be used to address accommodations given during regular instruction for informal and formal in-class assessments. Justification statements must reflect the need for accommodations on statewide assessments and be reflective of accommodations

implemented on a routine basis in the educational setting. Accommodations must be justified, and the relationship between the accommodation and disability must be established. There must be evidence that accommodations are routinely provided in a reasonable amount of time (30 days) prior to standardized assessment, in order to ensure that accommodations do not compromise the validity of the assessment.

A student's IAP accommodations should be part of the teacher's lesson plans and periodic observations in the class by the Section 504 Coordinator will help to guarantee that the accommodations are being implemented consistently and with fidelity. The use of the Acknowledgement of the Receipt of an IAP is used to ensure teachers have been made aware of a student's accommodations. The willful refusal to comply with a child's Section 504 Individual Accommodation Plan (IAP) can potentially result in personal liability for actual and punitive damages. In the case of *Doe vs. Withers*, 20 IDELR 422 (W. Va. Cir. Ct. 1993), a history teacher who adamantly refused to provide oral testing for a student with a disability in his class was sanctioned with a \$15,000.00 personal judgment.

When principals and/or the 504 Coordinators receive complaints that teachers allegedly fail to provide the necessary and appropriate accommodations as expected or have allegedly disregarded specific provisions on a student's plan, the administrator should meet with the staff member as soon as possible to stress the importance of the employee's compliance as well as to engage in any other actions that may appropriately address the issue of compliance.

IAP and Standardized Testing Accommodations

The standardized assessment that the student is expected to take during the current IAP cycle should be checked on the form. All accommodations that will be received by the student during the standardized assessment period should be checked or noted, and an appropriate justification for the accommodation should be listed in the designated space on the form. There are various instructional accommodations that, if listed as testing accommodations, may constitute test security violations (i.e., peer assistance, guided help, tutor), or subvert the purpose of the test.

Note: Accommodations provided to individual students during standardized assessments should be routinely (i.e. daily) provided to them during instructional time as documented on the first page of the IAP. Any test security violations may result in the student's test being voided. Schools must focus on providing educationally sound accommodations for regular classroom instruction and testing situations. IAPs must not be developed for the sole purpose of providing accommodations on statewide assessments with the exception of the use of a Temporary Accommodation Plan for a sudden physical injury or illness (see next section).

Temporary Accommodation Plan

Broken thumbs, wrists, hands and other temporary injuries or illnesses should not to be documented on the Section 504 IAP. Only disabilities with an expected duration of six (6) months or longer are considered a disability under Section 504. Temporary disabilities may receive accommodations during the standardized assessments when documented using the Louisiana Department of Education Temporary Accommodation Plan (TAP).

The TAP form is signed by the principal/designee, SBLC Chairperson/504 Coordinator, and School Test Coordinator and submitted to the District Test Coordinator. Discontinuation of the accommodations for a temporary injury is documented on the Exit Notification of Temporary Accommodation Plan. The student should not be marked in PowerSchool as 504.

Reevaluations

A reevaluation is conducted every three years, when there is a change/addition of a student's disability, when there is a change in placement, or when it is suspected that the student is no longer eligible under Section 504 as having a disability. Parents are provided notification when a student requires a reevaluation and permission should be obtained. Re-evaluation procedures are outlined in the 504 Re-evaluation Steps document.

The reevaluation shall consist of the collection and analysis of data through checklists, interviews, record reviews, etc. which support the continuation of the identified disability that substantially limits one of the student's major life activities. This is documented on the Eligibility

Determination form. If the Section 504 committee reevaluates a student in accordance with the Section 504 regulatory provision 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. If upon reevaluation the student is found to no longer be eligible as having a disability under Section 504 or no longer requires accommodations on an IAP, the parent must be given prior written notice of the meeting(s) along with a copy of their rights. When a student is no longer eligible under Section 504 the 504 Student Tracker is updated. The form must be signed by the parent, the parent is given a copy, and a copy must be included in the student's Section 504 folder. The parent is also given a copy of their rights.

Beginning of the School Year and District Calendar

504 Coordinators should refer to the District Calendar of Events for guidance. Registration forms for new and transfer students should be checked to determine if the student had an IAP, Section 504 report, etc., from the previous school. A copy of the IAP and/or last Section 504 report should be requested from the parent and/or previous school and a Section 504 meeting should be scheduled once these documents have been received by the school. The purpose of the meeting is to review the IAP and to determine if the accommodations remain appropriate. If the records are incomplete, then an assessment should be conducted to determine eligibility and/or revision of the IAP. The student should continue to receive the accommodations on the IAP until the assessment has been completed. In addition, existing IAP's for students' who have a current Section 504 report (within 3 years) should be updated to address the student's current grade level, curriculum and LEAP assessment and whenever adjustments or changes warrant it. Also, reevaluations for students whose Section 504 eligibility will expire during the school year (over 3 years old) should be conducted at this time.

Individual Health Plan & Checklist for Students with Medical Disabilities

Individualized Healthcare Plans (IHPs) must be attached to the IAP for further verification of students who receive Section 504 accommodations and who need specific medical procedures conducted during statewide assessment. Data listed on IHPs should be used as part of the Section 504 data-based decision-making process.

Students with medical disabilities often require special accommodations. The nurse may develop an Individualized Health Plan which is attached to the student's IAP.

Disability Harassment and Retaliation

Once the administration is made aware of instances of harassment or retaliation on the basis of disability, either by a staff member or peer, immediate action must be taken to stop such actions, prevent similar instances from occurring, and address the specific problems associated with the behaviors. Retaliation for reporting of such harassment is not tolerated and will be investigated.

Behavioral/Emotional Problems

It is appropriate for the Section 504 committee to consider adding a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP) to the IAP for some qualified students. A FBA/BIP is required for students who exhibit recurrent behavior difficulties. When a BIP is in place, it is imperative that all aspects of the plan be implemented. A copy of the BIP should be attached to the student's IAP.

Discipline

A Section 504 student has the same procedural safeguards as a student who has been identified under IDEA. (Please refer to the Student Handbook) A school may suspend a qualified student provided that the school follows procedures for ensuring the student receives FAPE. In the student's current placement, a qualified student may be suspended for no more than 10 consecutive days or a series of suspensions that creates a pattern of exclusion totaling 10 school days before a significant change of placement occurs. It is often appropriate for the SBLC team/Section 504 Committee to consider adding a Behavior Intervention Plan (BIP) to the Individual Accommodation Plan for some qualified students. When a BIP is in place, it is imperative that the plan be shared and implemented with

all appropriate school personnel.

Before a significant change in a student's placement, the school must conduct a Manifestation Determination Review. The school must convene a group of people that meets Section 504 requirements to determine whether the misconduct is a direct manifestation of the student's disability. The decision must be based upon evaluation procedures that conform to Section 504 regulations.

Documentation of parent notification of the meeting must be kept in the student's folder. This documentation shall include the dates and methods of notifying the parent. Various methods to notify the parent include: sending a notice by the student (have student sign receipt of notice), certified mail, regular mail, email, and phone contact(s).

The committee reviews and considers all relevant data which include the student's Section 504 report(s), current IAP, Functional Behavioral Assessment (FBA), Behavior Intervention Plan (BIP), cumulative and Section 504 folders, interviews from teachers, parents, and students, discipline record, social/cultural background, etc. The Manifestation Determination Review meeting must be held to determine if the behavior for which the disciplinary action is being taken is a manifestation of the student's disability. The decision of the MDR committee is documented on the Manifestation Determination Review Form. The parent must be given written notice (48 hours in advance) to attend this meeting along with a copy of their rights.

After the data is reviewed, the Manifestation Determination Committee determines if the conduct in question was caused by or had a direct and substantial relationship to the student's disability. If so, then the behavior is related to the student's disability. If the misconduct is a direct manifestation of the student's disability, the student may not be suspended and an appropriate educational program must be developed. Parents have a right to request a due process hearing. If the misconduct is not a direct manifestation of the student's disability, the student may be excluded from school in the same manner that similarly situated students without disabilities are excluded. Again, the parents have a right to request a due process hearing. However, if the conduct in question was a result of the school's failure to implement the student's Behavior Intervention Plan, then the conduct must be determined not to be related to the student's disability.

An exception to Section 504 states that schools may take disciplinary action in situations where Section 504 students are "currently engaging (in) the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against non-disabled students."

Records

All Section 504 documentation is maintained in the student's Section 504 folder. These records must be maintained in a secure and confidential manner. As listed in Notice of Parent and Student Rights, the parent has the right to examine all relevant records, obtain copies of the educational records, request explanations and interpretations of the records, and request reasonable amendments of the records. When a student transfers to another school, the student's Section 504 folder should be sent to the receiving school and documented on the 504 Student Tracking form. The 504 Student Tracking form is also used to document the receipt of Section 504 folders from another school.

Resources

[Guide to Dyslexia from the Louisiana Department of Education](#)

[Placement of School Children with AIDS](#)

[Placement in Elementary and Secondary Schools and Section 504 and Title II of ADA](#)

[The Civil Rights of Students with Hidden Disabilities](#)

[Free and Appropriate Public Education for Students with Disabilities: Requirements under Section 504](#)

[Section 504 and Extracurricular Sports](#)

[FAQs about the ADA Amendments of 2008](#)

For more information, you can also contact:

Office for Civil Rights Regional Office - U.S. Department of Education

1999 Bryan Street, Suite 1620

Dallas, TX 75201-6810

Telephone: (214) 661-9600

Fax: (214) 661-9587

Email: OCR.Dallas@ed.gov

Appendix

Bulletin 1903 Regulations for the Implementation of the Louisiana Law for the Education of Dyslexic Students

Louisiana state law defines dyslexia as a “language processing disorder which may be manifested by difficulty processing expressive or receptive, oral or written language despite adequate intelligence, education exposure, and cultural opportunity.” Specific manifestations may occur in one or more areas, including difficulty with the alphabet, reading, comprehension, writing, and spelling. Please also refer to A Guide to Dyslexia in Louisiana.

Students who are identified by the school's committee as having Characteristics of Dyslexia typically meet Section 504 eligibility as a student with a disability. However, the Louisiana Dyslexia Law and Bulletin 1903 do not mandate that students qualify for Section 504 accommodations if they are identified with Characteristics of Dyslexia (i.e. in limited cases, a student may meet Bulletin 1903 criteria, but not Section 504 or vice versa. The two provisions are not dependent on each other.)

According to Bulletin 1903, 150 minutes per week of instruction in a Multi-Sensory Language (MSL) program must be provided to students identified with characteristics of dyslexia. See list of state approved MLS programs.

The parent may sign a waiver exempting the student from participating in the MSL program at the high school level. A copy of the signed waiver should be submitted to the 504 Coordinator and to the Director of RTI.

Dyslexia Assessment as per Bulletin 1903:

1. Referral to SAT/SBLC from the teacher or parent marks the beginning of the 60 operational day timeline allowed to complete the assessment and program implementation.
2. The SAT/SBLC consists of at least 3 members –the student's teacher and 2 other professional persons knowledgeable of the student and/or suspected condition.
3. Parent permission is obtained and all rights of the parent must be explained.
4. Evaluation is conducted using the Dyslexia checklist, Eligibility Matrix, and additional screeners.
5. Eligibility report is completed & signed by the Section 504 committee.
6. IAP is developed and signed by the Section 504 committee.
7. Multisensory Structured Language Program is routinely provided within the regular school day a minimum of 150 minutes per week

Calendar of Events

504 Coordinator

Month	Activity
August/ September	<ul style="list-style-type: none"> ● Print report to identify students marked in PowerSchool as already receiving 504 services (Search -> select 504 – YES -> Download); ● Identify incoming students who have 504s by reviewing enrollment paperwork or through FOA records requests; ● Disseminate all IAPs (for new students and returning students) and Acknowledgement of 504 Services; ● Secure and file signed Acknowledgement of 504 Services from each teacher along with IAP; ● Submit a report of students receiving 504 services and their accommodations for testing to the School-based Test Coordinator; ● During a faculty meeting, introduce yourself and share general 504 information.
October	<ul style="list-style-type: none"> ● Continue to request records for incoming students to determine if any new student previously had a 504 plan on file; ● Update report of students receiving 504 services to the School-based Test Coordinator.
January	<ul style="list-style-type: none"> ● Any student who will be receiving accommodations on state-wide testing must be confirmed and the exact accommodations they are to receive must be in place; ● If IAPs were updated or students were deemed eligible/no longer eligible for 504 services since the October report was submitted to the School-based Testing Coordinator – submit an updated report of students receiving 504 services and their accommodations to the School-based Test Coordinator.
May	<ul style="list-style-type: none"> ● Review IAPs of students to be transitioned to a new school. If the IAP or evaluation date will expire prior to the upcoming September, rescreen and/or update the IAP. File 504 folders in the cumulative folder prior to the last day of school before the summer break for FOA to respond to Record's Requests.
As necessary	<ul style="list-style-type: none"> ● Screen Students for 504 Eligibility; <ul style="list-style-type: none"> ○ Follow the procedures described within the 504 Handbook. ● Provide Support to teachers; ● Share the IAP and coach teachers on implementing accommodations; ● Update IAPs; ● For annual renewal of IAPs- disseminate the IAP and the IAP Review – Teacher Survey; ● Update the IAPs based on teacher input; ● Disseminate updated IAPs to teachers; ● Secure and file updated Acknowledgement of 504 Services and IAP form from each teacher; ● Verify currency of data entered into PowerSchool