

## **Purpose of Section 504 Handbook**

The purpose of the Allamakee Community School District Section 504 Handbook is to provide community members, parents, administrators, building Section 504 coordinators, teachers, and students with information regarding Section 504. The contents of the handbook are intended to inform the reader of program procedures and services.

## **Federal Section 504 Policy Statement**

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial funds. Section 504 provides: “No otherwise qualified individual with a disability in the United States...shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...” The Section 504 regulation from the United States Department of Education requires a school district to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual needs.

The Allamakee Community School District has the responsibility to identify and evaluate students with disabilities, and if a student is determined to be eligible under Section 504, to afford access to appropriate educational services.

If the parent or guardian disagrees with the determination made by the professional staff of the District, he/she has a right to a hearing with an impartial hearing officer.

The Family Educational Rights and Privacy Act (FERPA) also specifies rights related to education records. The Act gives the parent/guardian the right to: 1) inspect and review his/her child’s educational records; 2) make copies of these records; 3) receive a list of the individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child’s rights; and 6) a hearing on the issue if the school refuses to make the amendment. Certain of these rights transfer to the student when the student reaches age 18.

If there are questions, please feel free to contact Joseph Griffith, Special Education Administrator for the Allamakee Community School District at 1059 3rd Avenue N.W. Waukon, Iowa 52172. Phone is 563-568-3409.

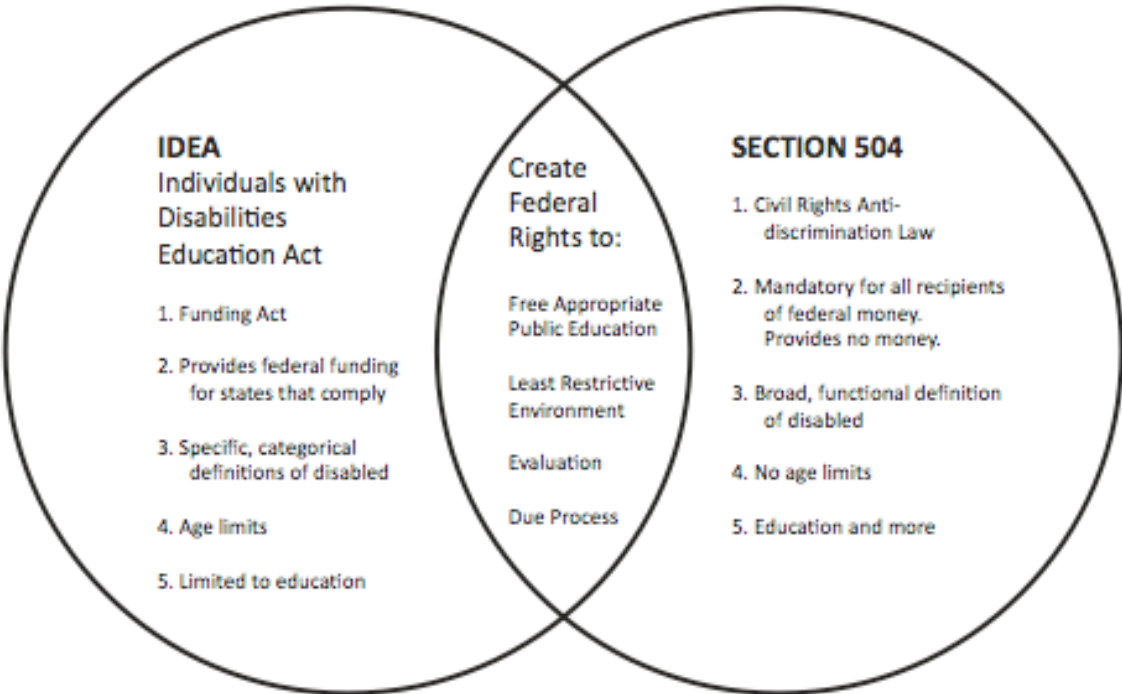
## What is Section 504?

Section 504 is a federal civil rights law that protects the rights of persons with qualifying disabilities. It requires that recipients of federal funds make their programs and activities accessible to all persons with disabilities.

Section 504 has three areas of emphasis: employment, facility accessibility, and requirements for preschool, elementary and secondary education programs/activities. This booklet focuses solely on students.

## Special Education or Section 504?

Some students will qualify for special education services under the Individuals With Disabilities Education Act. These students are also protected from discrimination by Section 504. In addition, some students may be protected by Section 504, but NOT qualify for special education. These children are eligible for accommodations to give them a comparable opportunity to access education and are also protected by procedural safeguards.



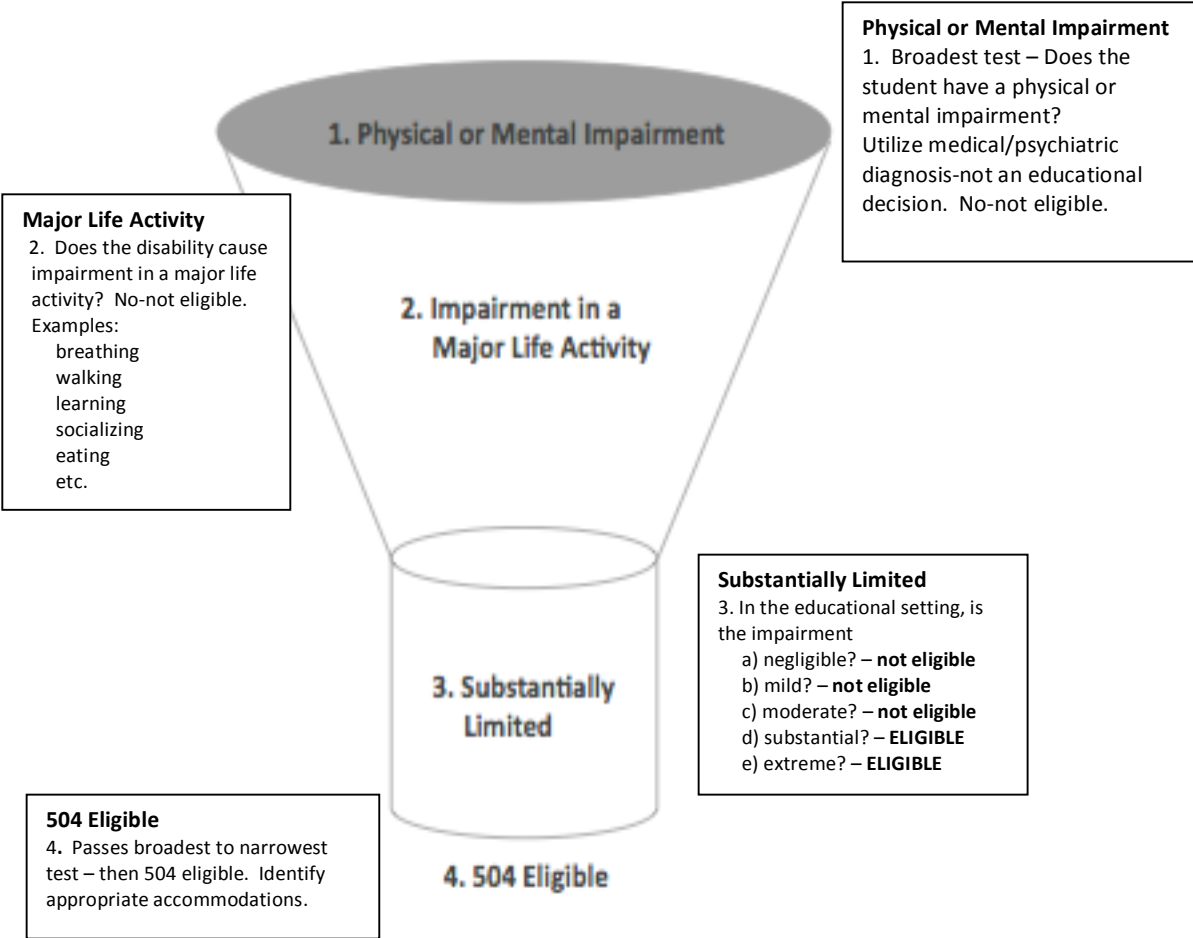
## How Does Section 504 Define “Disability”?

**Section 504 protects individuals from discrimination based upon their disability status.**

A person is considered to have a disability within the definition of Section 504 if he or she *“has a mental or physical impairment that substantially limits one or more of such person’s major life activities.”*

*“Major life activities”* include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning including social-emotional functioning, and working. When a condition does not **substantially** limit a major life activity, the individual does not qualify under Section 504. See 504 *Funnel* flow chart below for one example of eligibility determination.

### Section 504 Funnel for Determining Eligibility



ADD, ADHD, arthritis, or any other disability, in and of itself does not qualify a student for an accommodation plan or service. The condition must substantially limit one or more major life activities, such as learning. A physician’s diagnosis does not automatically qualify a student for an accommodation plan or service.

## Identification of Students Eligible Under Section 504

Many students go through school with a disability, yet never need an accommodation. Often, school districts become aware of students with a Section 504-qualifying disability the same way they identify students needing special education services--observation or notification. Parents and guardians may, and should be encouraged to, inform the school district when their child has a disability.

### Evaluation

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It is the responsibility of a local school district team to evaluate a student and determine if the student is protected under Section 504.

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In assessing whether a student has a Section 504-qualifying disability, information should be gathered from multiple sources to better understand the disability and needs of the student. Relevant information could include:

- Communication from health care professionals;
- Information gathered from school records, observations, and student work;
- Interviews, medical or hospital records, rating scales;
- Interviews with the student's teacher(s), parents, health providers or mental health professionals who have evaluated the student;
- Direct observations of the student.

Understanding how a student functions in different settings can be important in formulating ideas for accommodations and services.

Section 504 states that a team of people must make the decision whether or not a student is 504-eligible. The team must include persons knowledgeable about:

- The student,
- The meaning of the evaluation assessment data, and
- Placement options.

The evaluation must be sufficient to accurately assess the nature and extent of the disability and its effect on major life activities and to identify accommodations in the educational setting.

## What Does "Accommodation" Mean?

Courts have required accommodations which achieve "meaningful equal opportunity". Accommodations need to take into account both the functional limitation of the individual and the alternative methods of performing tasks or activities to participate without jeopardizing outcome. Adjustments in academic requirements and expectations may be necessary to accommodate the needs of an individual student with a disability to enable him/her to participate in the general education program.

- Accommodations must be individualized.
- Accommodations should be designed to meet the individual educational needs of students with disabilities as adequately as the needs of other students.
- Accommodations must allow the student to have access to participate in educational activities.
- Modifications can be made to general education programs or the provision of different programs may be necessary.

## **School District's Responsibility**

Once a student has been identified as being eligible for accommodations under Section 504, school staff and parents need to work in collaboration to identify appropriate accommodations and /or services. The school district must also complete periodic re-evaluations for student determined eligible under Section 504. The guiding force in determining appropriate accommodations is the educational need of the student.

## **Health Professionals' Responsibilities**

Health professionals may be called upon to assist the 504 team. A physician's medical diagnosis may be considered, among other sources, in evaluating a student with a disability or believed to have a disability which substantially limits a major life activity. Other sources must also be considered. A medical diagnosis of an illness does not automatically qualify a student for services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or on other major life activities. The weight of the medical information is determined by the 504 team given the student's individual circumstances.

Health professionals may provide the following assistance:

- Sharing information with the school;
- Describing the student's disability and possible implication in the school setting;
- Describing how the student's disability might affect a major life activity;
- Making recommendations to the school team for areas or activities that might need support or accommodation;
- Outlining emergency medical protocols;
- Sharing medication administration, post-medical care and other protocols;
- Communicating regarding the student's ability for self-care;
- Being available as a resource.

## **Student Records**

Sometimes it is necessary to obtain medical information to address a child's needs at school. Because student and patient records are confidential, schools and healthcare providers must obtain a written release from parents/guardians before sharing information. Such a release must be very specific, requesting only information that is actually related to a diagnosis or may contribute to a better understanding of the student's needs in the school setting.

Healthcare professionals wanting information from school records should ask the parents to release that information. A copy of the release should then be forwarded to the school.

## **Procedural Safeguards**

Parents of students with disabilities have specific rights. They have the right to receive notice prior to the evaluation and placement of their child. They have the right to examine, copy, and request amendments to the student's educational record. If a parent is dissatisfied with the evaluation or placement of their child, they have a right to appeal the school's decision through the grievance process or through a more formal, impartial hearing.

## SECTION 504 PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION AND PLACEMENT

*The following is a description of the rights granted under Section 504 to students 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 federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school related activities;
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities;
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
7. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. File a 504 grievance if you have a disagreement with the school;
15. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you;
16. File a complaint with the Regional Office for Civil Rights.