

Guidelines for Compliance with Section 504 of the Rehabilitation Act of 1973

I. Introduction

Section 504 of the Rehabilitation Act of 1973 is the portion of the Act originally authorized under Public Law 93-112 that states, "No otherwise qualified individual with a handicap in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, or denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

II. Key Terms and Concepts taken from the Rehabilitation Act of 1973, Section 504

A.) INTENT

Qualified handicapped individuals cannot be excluded from participation in school activities solely because of their disability. This includes, but is not limited to, extracurricular activities, vocational programs, or instructional courses.

B.) QUALIFIED HANDICAPPED INDIVIDUAL

Section 504 broadens the definition of a handicapped individual as described in P.L. 94-142. A "qualified handicapped individual" under §504 is any person who: (1) has a physical or mental impairment which substantially limits one or more major life activities: (2) has a record of such an impairment: and (3) is regarded as having such an impairment.

C.) PHYSICAL OR MENTAL IMPAIRMENT

It is important to note the breadth and scope of the term physical or mental impairment as included in the definition of §504. (a) "Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, lymphatic, and endocrine systems, or (b) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability.

D.) MAJOR LIFE ACTIVITIES

Major life activities include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

E.) RECORD OF IMPAIRMENT

Record of impairment may mean having a history of, or be misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

F.) REGARDED AS HAVING AN IMPAIRMENT

Regarded as having an impairment refers to being treated differently by others because the individual is perceived as handicapped. This includes a person who has a disability but the disability does not substantially limit major life activities. It also includes an individual who does not have a disability but is treated as if he/she does.

G.) QUALIFIED

A "qualified" handicapped person for public preschool, elementary, secondary or adult education services is one who: (1) is of an age during which nonhandicapped persons are provided such services; (2) is of an age during which it is mandatory under state law to provide such services to handicapped persons; or (3) is a resident of a state that is required to provide a free and appropriate public education under the formerly known P.L. 94-142, currently the Individuals with Disabilities Education Act (IDEA).

H.) CONDITIONS

Conditions which may be handicapping and may be included under §504 include, but are not limited to the following:

AIDS	Obesity
Allergies	Pregnancy with medical problems
Asthma	Schizophrenia
Recovering Chemical Dependency	Retinitis-Pigmentosa
Attention Deficit Disorder with or without Hyperactivity (ADD or ADHD)	Temporary conditions
Congenital defects	Tourette's Syndrome
Diabetes	Tuberculosis
The Formerly Handicapped	Dwarfism
Hepatitis B	Epilepsy
Hemophilia	Communicable diseases

III. SCHOOL BOARD POLICY

A.) NON-DISCRIMINATION ON THE BASIS OF HANDICAP

No otherwise qualified handicapped person shall, solely by reason of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity. For purposes of this policy, a qualified person shall be one who satisfies the definition set forth in §504 of the Rehabilitation Act of 1973 and its implementing regulations. The School District of Bonduel will identify, evaluate and provide a free and appropriate public education to each handicapped student within its district boundaries. The §504 Coordinator will insure due process rights will be offered to all students eligible for services.

B.) REFERRAL PROCESS

Efforts will be made annually to locate and identify qualified persons with disabilities residing in the School District of Bonduel who are not presently receiving a public education as well as those who are. Notice of the availability of services and types and location of services will be sent to private schools within the district and made public via newsletters, newspaper announcements, and posted on the district's web page.

Section 504 addresses the needs of children who are substantially limited in the classroom because of disabilities, not for other reasons (e.g. family problems, Limited English Proficiency, low socioeconomic status, etc.). Referrals are made when the *school* believes that the child might be in need of §504 because of a disability that substantially limits his/her learning. Section 504 referrals may be made by classroom teachers, other school personnel, parents, outside agencies, or the students themselves. The district does not have to refer a child to §504 simply because a parent requests a referral.

Section 504 referrals must be made through the Pupil Services Office, either verbally or in writing. The Building Consultation team will determine what action, if any, is required in response to the referral.

C.) INITIAL BUILDING CONSULTATION TEAM SCREENING

During the Building Consultation Team meeting, the committee will determine if the child's needs should be further reviewed through an evaluation under the Individuals with Disabilities Education Act (IDEA), a Non-Children with Disabilities (Non-CWD) evaluation, or if the child's needs can be met through regular education programming with modifications and/or supports.

D.) SECTION §504 REFERRAL UNDER IDEA

If it is determined that a student needs an evaluation under the Individuals with Disabilities Education Act (IDEA), a formal special education referral will be initiated. The referral must document that a student's parents have been notified regarding the referral and must identify at least three interventions that have been

attempted to assist the student over a period of time and have proven to not be sufficient meeting the student's educational needs.

All students who are thought to have a disability under Section 504 of the Rehabilitation Act shall receive a comprehensive evaluation under the Individuals with Disabilities Education Act (IDEA) process first to identify whether or not a student meets criteria under any of the special education categories that have been identified by the State of Wisconsin. All IDEA policies and procedures will be applied to such referrals.

Students must be identified as having an educational disability or impairment under IDEA before a §504 Individual Accommodation Plan may be considered. Once it is identified that a disability or impairment exists that significantly impacts one's educational performance, then the Individualized Education Program (IEP) Team must determine whether or not the student needs special education (specialized instruction) in order to meet his/her educational needs. If it is determined that a student needs special education, an Individualized Education Program plan will be developed. If it is determined that a student *does not need* special education, a Section 504 plan may be appropriate.

E.) SECTION 504 ACCOMMODATION PLAN GUIDELINES

Once eligibility for §504 services is established through the completion of the IDEA process an Individual Accommodation Plan (IAP) meeting will be initiated by the Pupil Services Office. The following process must be followed:

- A formal invitation to a §504 must be sent, in writing to the following individuals: The building principal, all of the student's teachers, any BCT member who is deemed appropriate, parents, the individual student as deemed appropriate, and other individuals at the discretion of the parent or agency.
- The IAP Team will document the student's eligibility to receive §504 services on the Eligibility Determination form using existing evaluation data gathered from the evaluation that was conducted under IDEA.
- The IAP Team will identify and document the necessary accommodations and or other support services on the Section 504 Individual Accommodation Plan form. The IAP Team will also determine what types of accommodations may be necessary regarding state and district-wide assessments.
- Parent(s)/Guardian(s) will be notified and provided with a written copy of their procedural rights under §504.
- Parent(s)/Guardian(s) must provide a written signature indicating that they have been notified of their procedural rights under §504 and agree to the contents of the §504 plan.

- Copies of the completed IAP will be disseminated to all members of the IAP Team.

F.) RECONVENING OF SECTION 504 MEETINGS

The Individual Accommodation Plan will be reviewed and revised by the IAP Team at least annually. Parents or school staff may request an IAP Team meeting, either verbally or in writing, at any time during the school year.

At least every three years, the student will be re-evaluated through the IDEA process to determine progress and obtain current data related to the student's disability and to determine if additional special education supports are needed.

Policy Adopted: October 28, 2002

School District of Bonduel
Section 504/ADA

ELIGIBILITY DETERMINATION

Child's Name: _____ Birthdate: _____

Eligibility Team Members

Variety of sources of evaluation information (indicate each one used):

_____ adaptive and/or achievement tests _____ teacher recommendations
_____ adaptive behavior _____ others (specify): _____

1. Specify the mental or physical *impairment*: _____
(as recognized in DSM-IV or other respected source if not excluded under 504/ADA, e.g. illegal drug use.)
2. Check the *major life* activity: ___ seeing ___ hearing ___ walking ___ learning
(if "other", specify) ___ other _____
3. Place an "X" on the following scale to indicate the specific degree that the impairment (in #1) *limits* the major life activity (in # 2):

- Make sure the team focuses on the major life activity as a whole (e.g. learning), not in a particular class (e.g. math) or for a particular sub-area (e.g. socialization).
- Discount from the analysis sub-par performance due to other factors, such as normal moods, lack of motivation, and the immediate situation or environment. Conversely, make an educated estimate without the mitigation of medication.
- Use the average student in the general population as the frame of reference for purpose of comparison.*

For an "X" at 4.0 or above, fill in specific information evaluated by the team that justifies the rating.

5	_____	Extremely	_____
	_____		_____
4	_____	Substantially	_____
	_____		_____
3	_____	Moderately	_____
	_____		_____
2	_____	Mildly	_____
	_____		_____
1	_____	Negligibly	_____

4. If the team's determination for #3 was less than "4", provide notice to the parents of their procedural rights, including an impartial hearing. If the team's determination was a "4" or above, the team should determine and list on the accommodation plan the specific accommodations that are *necessary* for the child to have an opportunity *commensurate* with nondisabled students (at about the same age) in this district.

SECTION 504/INDIVIDUAL ACCOMMODATION PLAN

Student's Name: _____ Birthdate: _____

Intervention Date: _____ Expiration/Review Date: _____

Listed below are accommodations and/or related services that are specifically necessitated by the student's substantial impairment, i.e. disability, and that are required for the student to have an opportunity commensurate with his/her nondisabled peers in the school district..

REQUIRED ACCOMMODATIONS/SERVICES

PARTICIPATION IN STATEWIDE ASSESSMENTS:

3rd grade reading test - Yes Alternate Student is not a 3rd grader

Describe any necessary accommodations. If using an alternate assessment, describe why the statewide assessment is not appropriate for the student and tell how the student will be assessed:

WSAS: 4th ___ 8th ___ 10th ___ Student is not a 4th, 8th or 10th grader

Check all that apply: reading/language arts writing science math social studies

Describe any necessary accommodations:

Check areas where an alternate assessment will be given:

reading/language arts writing science math social studies

Also, describe why the statewide assessment is not appropriate for the student and how the student will be assessed.

PARTICIPATION IN DISTRICTWIDE ASSESSMENTS Yes No Student is not in the grade where assessment is given.

If yes, list assessment(s) and necessary accommodations, if any:

If no, state why the assessment is not appropriate for the student and tell how the student will be assessed:

I hereby acknowledge having been notified of my procedural rights under Section 504/ADA and agree to the contents of this plan.

(Parent's Signature)

(Date)

NOTICE OF RIGHTS FOR DISABLED STUDENTS AND THEIR PARENTS UNDER §504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, commonly known in the schools as "Section 504," is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under §504, a student is considered "disabled" if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District's §504/Pupil Services Office and they will assist you in understanding your rights.
2. Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
3. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, etc. [34 CFR 104.35].
8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].

-continued, see reverse side -

RIGHTS

AND PARENT
STUDENT

SECTION 504



9. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].
10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504). [34 CFR 104.36].
12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
13. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District Administrator at the address below:

Dr. Peter Behnke, District Administrator, • P.O. Box 310 • Bonduel WI 54107 • Phone: 715-758-4860

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.
14. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
15. With respect to other issues surrounding your child's education that do not specifically involve identification, evaluation, or placement, you have a right to present a grievance or complaint to the District's §504 Coordinator (or their designee), who will then investigate the situation, taking into account the nature of the complaint and all necessary factors, in an effort to arrive at a fair and speedy resolution.
16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education.