

New Beginnings Schools Foundation

Section 504 Handbook

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What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is federal legislation designed protect the rights of individuals in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

Although federal funding accompanies this mandate, compliance is not optional. It is enforced by the Office of Civil Rights, a component of the U.S. Department of Education. Section 504 requires that school districts provide a free and appropriate education (FAPE) to qualified students in their jurisdictions who have a physical or mental impairment that substantially limits one or more major life activities.

Section 504 and Title II of the ADA

Section 504 and Title II of the Americans with Disabilities Act (ADA) have similar compliance standards. Title II extends the prohibitions against people with disabilities to the full range of state and local government services regardless of whether they receive federal financial assistance.

The ADA was amended by the Amendments Act of 2008 (ADAAA) and enlarged the definition of disability in both the ADAAA and Section 504. Specifically, the ADAAA changed the meaning of

- “substantially limits a major life activity” and
- “being regarded as” having an impairment.

These changes broadened the scope of who is considered disabled.

Definition of a Section 504 Disability

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.

Under Section 504, a student is considered to have a disability if he/she:

- (1) has a physical or mental impairment which substantially limits one or more of the student’s major life activities,
- (2) has a record of such an impairment, or
- (3) is regarded as having such an impairment.

Notably, eligibility for Section 504 accommodations is not based on clinical categories or based on state or federal laws such as the Individuals with Disabilities Education Act (IDEA).

Physical or Mental Impairment

Section 504 defines a physical or mental impairment as:

(1) 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, hemic and lymphatic; skin; and endocrine; or

(2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Any legitimately recognized physical or mental impairment that substantially limits at least one major life activity may qualify a student for services.

Although there is no published list of recognized disabilities under Section 504, some common disabilities include:

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

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 and may include conditions and diseases such as dyslexia, diabetes, allergies, and asthma.

Major Life Activities

As noted above, to qualify as a disability under Section 504, the disability must substantially limit one or more major life activity. This includes a wide variety of daily activities such as caring for oneself, eating, sleeping, standing, lifting, bending, reading, concentrating and thinking, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning (including social skills), and working.

Major bodily functions that are considered major life activities include functions of the immune system; normal cell growth; circulatory, digestive, endocrine, and bowel functions; and reproductive, bladder, neurological, brain, and respiratory systems.

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.” Now, the ameliorative effects of mitigating measures shall not be considered when determining if an individual is a person with a disability. That is, 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. The only exception to the mitigating measures analysis is the ameliorative effects of ordinary eyeglasses/contact lenses.

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
Reasonable accommodations, auxiliary aids and	Assistive technology
Hearing aids, cochlear implants, and/or hearing devices services	
Learned behavioral or adaptive neurological modifications	

“Substantially Limits”

Although, Section 504 does not provide a definition of “substantially limits,” the term generally refers to:

- (1) the inability to perform a major life activity that the average person in the general population can perform, or
- (2) 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) allows individual school districts to establish their own criteria for the “substantial limitation” of a life activity.

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.

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 may still be a disability if it substantially limits a major life activity when active.

Who should be considered for Section 504 eligibility?

The RTI team should refer a student for a Section 504 screening or evaluation:

- When a student is referred for an IDEA evaluation, but the team decides not to evaluate for special education services;
- When a student who has not been responsive to intervention is suspected of having any disability but 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 had formerly received Special Education services but is now declassified to No Exceptionality;
- When a student shows a pattern of not benefiting from instruction (repeated retentions);
- 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; or
- When a parent or teacher requests consideration for Section 504 services because of a suspected disability.

Note:

Students may be eligible for Section 504 services but not for services through the IDEA because its guidelines are more defined and more quantitative. (Refer to Louisiana Department of Education, Bulletin 1508, Pupil Appraisal Handbook).

However, 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 FAPE. These students must be placed in a regular education environment unless it has been demonstrated that they cannot be educated in that setting.

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 LEP presents with another disability such as ADHD or diabetes that could be supported and documented as “substantially limiting,” then the substantially limiting disability may justify the receipt of Section 504 services.

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).

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.

Eligibility Determinations

Eligibility for Section 504 services is very broad. It covers disabling conditions that are either not covered under IDEA or are not severe enough to qualify for IDEA services. Eligibility/Placement determination should be made by a group of persons knowledgeable about the student, evaluation data, and placement options. The eligibility/placement decision should never be made by a single individual.

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.

Placement for most students who are eligible for “Section 504 Only” services is in the regular education setting with accommodations.

Note:

The RTI Team 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 his or her potential, the perceived failure is not sufficient reason for referral and evaluation. For example, the child who is passing his classes without modifications is likely not in need of Section 504 or IDEA services. On the other hand, students with learning disabilities who pass from grade to grade but are functioning further and further below the standards for their chronological 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.

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.

Medical and Private Evaluations

The results of an outside independent evaluation may be considered when determining eligibility. However, eligibility/placement decisions may not be made on the basis of a medical report without considering all relevant data such as report cards, classroom observations, standardized test scores, behavior reports, teacher and/or parent interview, and other information that may indicate how the medical condition impacts the student at school.

For the purposes of Section 504 eligibility, 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 Section 504 to receive Section 504 accommodations. Note: Section 504 services are warranted when a medical report indicates a student suffers with anaphylaxis or life threatening allergies.

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 without medical documentary support. That 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 may not require parents to take their children to receive medical evaluations or medical care. A student 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 when the parents decide to obtain an independent 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.

Parental Involvement

Schools shall make every attempt to involve parents in decisions affecting their child, and be invited to all meetings concerning their child.

The Response to Intervention Team (RTI Team) is a group of knowledgeable people who meet to discuss students' academic problems. Parents are invited to attend the RTI Team

meetings to discuss any concerns/problems that their child is having in school.

The parent invitation to attend the RTI meeting shall be in writing. (Refer to Appendix – *Sample Letter*.) RTI decisions are documented on the 300R and the attending participants sign the 300R. (Refer to Appendix – *300R*.) The Documentation of Effort Form is used to document the attempts to include the parents in the decision making process of their child. This form is completed and maintained in the student’s folder. (Refer to Appendix – *Form 15*.) The steps in documenting the mailing of letters/forms by US mail and certified mail return receipt requested are: (1) write “Sent via US Mail and Certified Mail No. “ ” on top of the letter, (2) make a copy of documents and US mail envelope, and (3) place the copy in the student’s folder.

Parents’ attendance at scheduled Section 504 meetings is not required and the committee may proceed with decisions in the parents’ absence.

When the RTI/Section 504 committee’s decision is to conduct a Section 504 assessment, the parents must sign permission and receive a copy of Section 504 Rights and Grievance Procedures before the Section 504 team conducts an assessment. (Refer to Appendix – *Form 2* and Section 504 Rights and Grievance Procedures.) If the parent attends the RTI meeting, the receipt may be documented on the 300R at that time.

Note:

- Parents shall be given written and timely notification of Section 504 eligibility and placement committee meetings.
- Parent 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.

Requests for Section 504 screenings and/or evaluations of students should be granted when made by parents, teachers, or administrators.

If the request for an evaluation is denied, the Section 504 committee must document the reason for the decision and contact the New Beginnings Schools Foundation Section 504 Assistant Coordinator within 24 hours for review of the written documentation. A letter documenting the denial shall be sent to the parent within 10 days of the decision. Parents must also receive a copy of the Section 504 Rights and Grievance Procedures if the Section 504/RTI Team refuses to conduct an evaluation.

Assessment Procedures

The process begins when a teacher(s), parent, guardian, school based personnel or other interested individuals document their specific concerns on a 300R and submit it to the Section 504 chairperson. The RTI Team/Section 504 meeting should be scheduled within 10 business days from receipt of the initial concern. The RTI Team/Section 504

chairperson invites all relevant personnel and the student's parent to the RTI Team/Section 504 meeting to discuss the child's problems.

The most effective way to assess the impact of the student's 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.

The review will include but is not limited to:

- Sensory screening (conducted within 24 months)
- Medical/health history
- Cumulative record review
- Academic progress reports
- Standardized test scores
- Informal testing such as universal screenings
- Work samples
- Achievement motivation information
- Additional information from the parent
- Documentation of the use of specialized instructional interventions and strategies that are research based (RTI).

The RTI Team/Section 504 committee will review the data and may decide to conduct additional interventions and/or review the student's progress within the Response to Intervention (RTI) model.

If the decision is to conduct a Section 504 assessment, the 300R and all relevant data will be provided to the school's Section 504 committee if different from the RTI Team.

The RTI Team consists of the Section 504 chairperson and two other knowledgeable persons, one of which is the student's teacher. The parent is not a required member but should be invited to all meetings.

Parent permission (Refer to Appendix – *Form 2*) is required to start the Section 504 assessment and the parent must be given a copy of the Notice of Parent/Student Rights and Grievance Procedures (Refer to Appendix) as well as an explanation of the rights. The parent should be given prior notice of any meetings and post-meeting notice of what occurred (Refer to Appendix – *Form 14*).

After receiving parent permission, the Section 504 chairperson will send a copy of the Teacher Questionnaire (Refer to Appendix – *Form 3*), and the Determination for Related Disorders: General Screening (Refer to Appendix) to all relevant teachers.

Dyslexia

Students who are identified by the school's committee as having Characteristics of Dyslexia will typically meet Section 504 eligibility as a student with a disability. However, the Louisiana Dyslexia Law and Bulletin 1903 do not mandate that students automatically 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.)

If dyslexia is the suspected disability, the appropriate school site personnel should screen the student using the Determination for Dyslexia: Screening Instrument for the student's grade level. The Dyslexia Screening – Family History (Refer to Appendix) should also be completed by the parent.

Dyslexia Assessment as per Bulletin 1903:

- Referral to SAT/Section 504 Committee.
 - a) This written request (300R) marks the beginning of the 60 operational day timeline allowed to complete the assessment and program implementation.
 - b) The Section 504 committee consists of at least 3 members – The student's teacher and two other professionals knowledgeable of the student and/or his/her suspected condition.
- Parent permission is obtained and all rights of the parent must be explained.
- Assessment is conducted:
 - Review of data
 - Review/Assessment of cognitive abilities
 - Assessment of language skills
 - Assessment of mathematics skills
 - Review of general behavioral characteristics
 - Family interview

Determination of Eligibility for Dyslexia:

- The student has adequate intelligence.
- The student demonstrates at least five out of six of the following characteristics:
 - Lack of or limited phonological awareness
 - Common error patterns in reading and learning behaviors, such as:
 - a) reading, decoding inaccuracies in single words and nonsense words
 - b) slow reading rate
 - c) omissions of or substitutions of small words
 - d) reduced awareness of patterns in words
 - e) difficulties generalizing word and language patterns
- Language (oral or written, receptive or expressive) is simplistic or poor in relation to other abilities

- Errors in spontaneous spelling
- Spontaneous written language is very simple or poor in comparison to spoken language
- Spontaneous written language shows poor organization and mechanics
- Report is completed & signed by the 504 committee.
- IAP is developed and signed by the 504 committee.

The Section 504 committee will determine what additional data and the appropriate checklists, medical reports, teacher reports, need to be administered for review by the Section 504 committee. The information may include but is not limited to:

- Dyslexia assessment
- Dysgraphia checklist
- Dyscalculia checklist
- Attention Deficit Disorders Evaluation Scale -Hawthorne
- Emotional and Behavior Problem Scale - Hawthorne
- Medical documentation (when applicable)
- Private evaluations* (when available)
- Teacher Observations
- Review of evidence based interventions

* Private evaluations that are used as supporting data are valid for three (3) but no more than five (5) years.

Additional formal assessments can include, but are not limited to the following:

WRAT-4	Slosson-R	TOPA	DIBELS
OWLS	PALS	Conners'	TOWL-4
TOLD-4	KBIT II	GORT-4	Jordan - 2
DST	PIAT-R	Brown ADD Scales	
KTEA (Brief)	CTOPP	DRA	
Test of Reading Comprehension-3		Test of Problem Solving	
Hawthorne ADDES (3rd edition) & EBPS (2nd edition re-normed)			

The Flowchart of 504 Process for Dyslexia should be used if dyslexia is the suspected area of disability to comply with procedures defined in Bulletin 1903 Regulations for the Implementation of the Louisiana Law for the Education of Dyslexic Students. (Refer to the *New Beginnings School Foundation Dyslexia Handbook* for specific evaluation procedures.)

Multisensory Structured Language Program is routinely provided within the regular school day a minimum of 150 minutes per week. 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 shall be submitted to the New Beginnings Schools Foundation Section 504 Coordinator and to the New Beginnings Schools Foundation appropriate personnel.

Once the committee determines that the student has a disability, then it must determine whether there is a substantial limitation of one of the major life activities.

The results of the assessment are documented on the Determination of Eligibility - Section 504 Report (Refer to Appendix - *Form 4*). The student's Determination of Eligibility - 504 Report is good for 3 years.

After the Section 504 assessment has been completed, the parent is notified of the meeting to determine if the student is eligible under Section 504 and the need for accommodations. Written notice of invitation **shall be** sent to the parent timely. (Refer to Appendix - *Form 14*.)

If the committee determines that a student meets Section 504 eligibility, an Individual Accommodation Plan (IAP) (Refer to Appendix - *Form 4b*) shall be developed. Optimally, the student's IAP should be developed at this meeting by the Section 504 team. Students should receive the appropriate accommodations once the IAP has been developed.

Parents may sign the Determination of Eligibility - Section 504 report (Refer to Appendix - *Form 4*) and the IAP (Refer to Appendix - *Form 4b*) at this meeting. Although the parent is not required to be in attendance, the parent must receive copies of the aforementioned documents.

The parent must sign the Section 504 Decision and Receipt of Section 504 Rights (Refer to Appendix - *Form 5*) whenever eligibility and placement decisions are made by the committee.

A Behavior Intervention Plan (BIP) **may** also be developed for students who have reoccurring behavior problems.

For medical disabilities, an Individual Health Plan (IHP) is completed by the school nurse. The Checklist for Medical Disabilities (Refer to Appendix - *Form 12*) is also completed by the nurse, the parent and the Section 504 committee.

The parent receives a copy of all of these documents as well as the Decision and Receipt of 504 Rights (Refer to Appendix - *Form 5*) and Parent/Student Rights and Grievance Procedures (Refer to Appendix).

Parents must sign indicating that they have received their rights at least once per year. This can be documented on the appropriate form or on the IAP. When parents are not in attendance at the IAP meeting, the date they signed for receipt of their rights may be different from the date of the IAP meeting.

The New Beginnings Schools Foundation Section 504 Coordinator shall also maintain a current copy of all Determination of Eligibility - Section 504 Reports for public school students in the Network.

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.

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. All disability and support data, and any accommodation received by the student shall be documented on the IAP.

The student's accommodations shall 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 with those accommodations being 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)

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)

Time Demands (provide timelines for task completion, extended time, allow breaks between tasks, et al)

When developing an IAP:

- Identify the disability and document multiple sources (at least two) of support data on the IAP.
- Identify the academic areas and subjects in which accommodations are needed.
- Identify accommodations that will be routinely provided in the educational setting and are specific to the student's disability.
- Identify any other services or compensatory services that will be provided (e.g. MSL for Dyslexia).
- Check the appropriate standardized assessment to be administered.
- Identify any testing accommodation(s) required. These must be consistent with accommodations routinely provided in the educational setting.
- State a specific justification for the testing accommodation.
- Obtain required original signatures.
- Obtain the signatures of the School Test Coordinator and New Beginnings School Foundation Section 504 Coordinator if the student requires accommodations on statewide assessment.

- Document any unusual circumstances on the student’s IAP or complete a memorandum that is kept with the student’s Section 504 records.
- Provide parents with a copy of the Parent/Student Rights and Grievance Procedures and document this provision on the IAP.

IAPs may not be developed for the sole purpose of providing accommodations on statewide assessments.

Required signatures on an IAP:

- Student’s teacher
- Principal/Designee
- Section 504 Chairperson
- Parent (when possible)
- If the student needs accommodations for standardized assessment:
 - School Test Coordinator
 - New Beginnings Schools Foundation Section 504 Coordinator

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 attached to the IAP.

“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 may not be used on IAPs.

When parents believe that current accommodations have become insufficient to meet the needs of their child, they may request that the Section 504 Committee reconvene to discuss the parent’s concerns and possible changes to the student’s IAP. However, any change in accommodations need committee agreement and be based on observational data and support.

If subsequent changes to the IAP are recommended by committee members, the Section 504 committee should schedule a meeting to discuss the changes. Should the Section 504 committee agree that changes are necessary, a new IAP should be developed at that time.

IAPs must be updated on a yearly basis at the beginning of the school year to address the student’s current grade level, curriculum and state assessment or whenever adjustments or changes warrant it.

The New Beginnings School Foundation Section 504 Coordinator shall maintain a current copy of all IAPs for public school students in the Network.

Implementation of the IAP

When a student is eligible for Section 504 services, all of the student's teachers designated on the IAP shall be notified and provided with a copy of relevant data, including a list of accommodations. Teachers must be informed of any changes made whenever IAPs are updated or pertinent information is presented during reconvened meetings. Failure to implement accommodation plans with consistency is one of the primary legitimate compliance violations reported to both New Beginnings Schools Foundation and Office of Civil Rights.

The Compliance and Confidentiality form (Refer to Appendix – *Form 6*) is signed by all appropriate teachers and must be secured in a safe place. The student's teacher(s) are also provided with the BIP/IHP/Checklist of Medical Disabilities when appropriate. It is essential that teachers are provided with appropriate training as well as the documents.

A student's IAP accommodations should be part of the teacher's lesson plans. Periodic documented observations in the class by the Section 504 committee will help to guarantee that the accommodations are being implemented consistently and with fidelity. (A sample 504/IAP documentation checklist is available in the Appendix.)

When principals and/or the LEA Coordinators receive complaints that teachers allegedly have failed to provide the necessary and appropriate accommodations as expected or 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 and take necessary steps to insure compliance.

If a student refuses the accommodation(s) on his/her IAP, the **Student Accommodation Refusal Form** (Refer to Appendix – *Form 10*) is completed and signed by both the student and the parent. If the parents refuse accommodations for their child, the school must obtain this request in writing from the parents (Refer to Appendix – *Form 7d*).

IAP and Standardized Testing Accommodations

Students may receive standardized testing accommodations only if there is documentation that the same accommodations had been routinely provided to the student in the classroom during the prior academic school year.

In cases of newly drafted IAPs, accommodations should be documented and provided to students consistently for a minimum of 30 calendar days prior to the testing period. If an IAP has not been reported during the current academic year, an accommodation plan must be submitted to the Network office thirty (30) days prior to the administration of the retest for any student retaking any statewide assessment. For LEAP summer/fall remediation and retest, the IAP form must be forwarded to the student's remediation and testing site to ensure the student receives the appropriate accommodations for instruction and

assessment.

Deadlines for eligibility of newly identified students eligible to receive state testing accommodations are determined by the Louisiana State Department of Education and communicated to the schools by the New Beginnings Schools Foundation.

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). (Refer to Appendix – *TAP*). The TAP form is signed by the principal/designee, RTI Chairperson, and School Test Coordinator and submitted to the Network Test Coordinator. Discontinuation of the accommodations for a temporary injury is documented on the Exit Notification of Temporary Accommodation Plan. (Refer to Appendix – *Form 7c*.)

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. (Refer to Appendix – *Form 14*.)

The reevaluation shall consist of the collection and analysis of data through checklists, interviews, record reviews, etc. which supports the continuation of the identified disability that substantially limits one of the student's major life activities. This is documented on the Determination of Eligibility – Section 504 Report. (Refer to Appendix – *Form 4*.)

If the Section 504 committee, when reevaluating a student, determines that the student's mental or physical impairment no longer substantially limits either his/her ability to learn or any other major life activity, then 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 the Parent/Student Rights and Grievance Procedures.

When a student is no longer eligible under Section 504, the 504 Exit Notification form (Refer to Appendix – *Form 7*) is completed. 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 the Parent/Student Rights and Grievance Procedures. (Refer to Appendix.)

Beginning of the School Year

Registration forms for new and transfer students should be checked to determine if the student had an IAP or Section 504 report from the previous school. (Refer to Appendix – *Form 13*). If so, a copy of the IAP and/or last Section 504 report should be requested from the parent and/or previous school.

A Section 504 meeting should be scheduled as soon as the school receives the documents 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 IAPs 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 reports will expire during the school year, i.e. are or will be over 3 years old, should be conducted at this time.

Appropriate and relevant teachers shall be notified, trained, and provided with a copy of the IAP. Regular education teachers must implement the provisions of the Section 504 plan as indicated in the IAP (Refer to Appendix - *Form 6*).

Advanced Placement Programs

Students with disabilities are eligible to take accelerated programs such as advanced placement (AP) and international baccalaureate classes without forfeiting their right to services.

Individual Health Plan and 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. Documentation of medical accommodations is also made on the Section 504 Checklist for Students with Medical Disabilities. (Refer to Appendix – *Form 12*). The parent must sign this form and all relevant personnel must receive a copy.

Disability Harassment and Retaliation

Districts have an obligation to take sufficient action to prevent teacher and student harassment. 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.

Behavioral/Emotional Problems

It is appropriate for the Section 504 committee to consider adding a Behavior Intervention Plan (BIP) to the IAP for some qualified students. A BIP may be 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 is 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 Network's Discipline Procedures – Student Code of Conduct.)

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 RTI Team/Section 504 Committees to consider adding a Behavior Intervention Plan (BIP) to the IAP 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 reevaluation (Manifestation Determination Review). The school must convene a committee 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 may 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, and any other relevant information.

The Manifestation Determination Review determines 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. (Refer to Appendix – *Form 11*.) The parent must be given written notice 48 hours in advance to attend this meeting and a copy of Parent/Student Rights and Grievance Procedures.

If it is determined that the conduct in question was caused by or had a direct and substantial relationship to the student’s disability, then the behavior is related to the student’s disability. In that case, 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 they disagree with the committee’s finding.

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 if they disagree with the committee’s finding.

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. However, the school must then take immediate steps to remove the deficiencies in the provision of services.

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 the Parents’ Rights and Grievance Procedures, 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 Withdrawal form. The Receipt of Records form is used to document the receipt of Section 504 folders from another school.

Within a week of their completion, the following documents are to be submitted to the New Beginnings School Foundation Section 504 office for review:

- a. Updated IAPs – original documents
- b. Updated Section 504 reports (3 year reevaluation) – original documents
- c. New Section 504 students – their new original Section 504 report and new

- original IAP
- d. Exit Notification forms – *Form 7 or 7d*

Once the documents are reviewed and signed, the original documents are returned to the school and copies are kept on file in the Network office. Make copies of any documents sent to the Section 504 office and destroy/shred the copies when the originals are returned to the school.

Reminders

Parents are invited and given written notice to **all** Section 504 meetings. Parents also receive a copy of the Rights and Grievance Procedures at these meetings.

- Parents sign when in attendance:
 - 300R
 - Section 504 Report – *Form 4*
 - IAP - *Form 4b*

- Parents **must** sign:
 - Permission for evaluation – *Form 2*
 - Section 504 Decision and Receipt of Section 504 Rights – *Form 5*
 - 504 Exit Notification – *Form 7*
 - Section 504 Checklist for Students with Medical Disabilities – *Form 12*
 - Manifestation Determination Review Summary Form – *Form 11*
 - Student Accommodation Refusal – *Form 10*

- Parents receive copies of:
 - Invitation to SAT meeting & Invitation to Section 504 meetings
 - 300R
 - Parent Permission – *Form 2*
 - Section 504 Parent/Student Rights in the Identification, Evaluation and Placement and Grievance Procedures - *Form 2 R & G*
 - Notice of Section 504 Meeting – *Form 14*
 - Section 504 Report – *Form 4*
 - IAP – *Form 4b*
 - Section 504 Decision and Receipt of Section 504 Rights – *Form 5*
 - Exit Notification – *Form 7 or 7d*
 - Section 504 Checklist for Students with Medical Disabilities – *Form 12*
 - Student Accommodation Refusal - *Form 10*
 - Manifestation Determination Summary Form – *Form 11*

Resources

La. State Department of Education [504](#)

La State Department of Education – Bulletin 1903 Regulations and guidelines of Education of Dyslexic Students

<http://bese.louisiana.gov/documents-resources/policies-bulletins>

Office for Civil Rights

www.ed.gov/ocr

Contacts

NEW BEGINNINGS SCHOOL FOUNDATION Contact Information:

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Appendix

Sample letter – Invitation to SAT meeting Form

1 - ECS 300R

Form 2 – Parent Permission

Parent/Student Rights in the Identification, Evaluation and Placement Section 504 and Grievance Procedures

Form 3 – Teacher Information Questionnaire Determination of Related Disorders – General Screening

Form 4a – Determination of Eligibility - Section 504 Report Form 4b

– Individual Accommodation Plan (IAP)

Form 5 – Section 504 Decision and Receipt of Section 504 Rights Form 6 –

504 Accommodations Compliance and Confidentiality Form 7 – 504 Exit Notification

Form 7d – Removal from Section 504 Services by Parent

Form 8 - 504 Student Withdrawal Form – (moved out of parish/state) Form 9 –

Receipt of 504 Student Records

Form 10 – Section 504 Student Accommodation Refusal Form 11 -

Manifestation Determination Review Summary Form

Form 12 – Section 504 Checklist for Students with Medical Disabilities Form 13 –

New transfer to school – request to continue/discontinue 504 Form 14 – Notice of Section 504 Meeting

Form 15 – Parent Participation – Documentation of Effort Form Section

504 Folder Checklist

Definitions of Dysgraphia – Dyscalculia – ADD/ADHD – Dyslexia Flowchart of 504 Process for Dyslexia

Dyslexia Assessment

Dyslexia Screening – Family History

Dyslexia Assessment - Determination of Eligibility

Multisensory Structured Language Programs for Students with Dyslexia

Dyscalculia Checklist

Dysgraphia Checklist

Suggested Accommodations for Students with Characteristics of Dyscalculia Suggested

Accommodations for Students with Characteristics of Dysgraphia Temporary

Accommodation Plan (TAP)

Form 7c – Exit Notification of TAP Cheat Sheet

for IAP test accommodations 504/IAP

Documentation checklist