

North Fayette Valley

Section 504 Handbook

Section 504

Section 504 is a federal 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.

“No otherwise qualified individual with a disability ... Shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance.” 29 U.S.C. § 794 (Labor)

Section 504 has three areas of emphasis: employment; facility and accessibility; and requirements for preschool, elementary, and secondary education programs and activities.

It must be emphasized that Section 504 falls under the responsibility of the general education program. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At each school, the responsibility for ensuring Section 504 compliance rests with the building principal or principal designee, and is under the authority of the district 504 Coordinator.

It is important to remember that Section 504 is unique and different from IDEA. It is not a program mandate; it is an antidiscrimination law. School districts need to provide students with qualifying disabilities a comparable opportunity, as compared to students without disabilities, to participate in school district activities, as well as receive school district benefits and services.

Definition of Disability According to Section 504

Section 504 protects persons from discrimination based upon their disability status. A person is considered to have a disability if he or she:

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

Section 504 definition of “Disability” is: a mental or physical impairment which substantially limits one or more of such person’s major life activities; has a record of such impairments; or is regarded as having such an impairment.

Section 504 definition of “Substantially Limits” is: a significant limitation must be present that may severely restrict the performance of a major life activity.

Section 504 definition of “Major Life Activity” includes, but not limited to, the following: self care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In general terms, this means that without accommodations and/or interventions, the student would not have a comparable opportunity to an appropriate education.

Note: Only physical and mental disabilities are included in this definition and covered by Section 504. Environmental, cultural, and economic disadvantage are not themselves covered. These include but are not limited to a child being homeless, ESL, migrant, living in poverty, attendance problems, divorce, cultural factors, transiency, death in the family, family crisis, or military deployment. They can contribute to qualifying a student but cannot stand alone.

Section 504 Process

The process for determination takes place at the local level and is similar to the child find process. At North Fayette Valley, the process for determination follows:

1. Attempts to assist and support a student who is struggling must first be attempted within the classroom with the teacher, or within the building working through the building administrator. Interventions, supports, and adjustments should be initiated to assist the student.
2. Should a student still need additional supports or accommodations, a teacher, administrator, other staff member, or parent can request a Section 504 determination. Parents need to make the request through the building administrator.
3. A meeting will be held with the building administrator within two weeks of the request and the following questions will be asked:
 - What is the nature of the student's disability?
 - Has the student has been evaluated for special education?
 - To what extent is the student limited in comparison to his/her peers?
4. The building administrator will take the request to the District 504 Team for consideration.
5. The District 504 Team will convene and determine eligibility within two weeks of the request from the building principal. The team may consult with parents, AEA personnel, medical professional, or other individual that may have useful information to assist in the process. Based on the information available, the team will make a determination of whether or not the student is eligible for a Section 504 plan.
 - If eligible, the District 504 Team will provide some recommendations for accommodations to the building administrator.
 - If not eligible, the building administrator will inform the parents of the district team's decision as well as the district's appeal process.

6. Should the student qualify for a Section 504 plan, the building administrator will work with the parents and members of the building team to identify appropriate accommodations. The administrator will see that a plan is drafted.
7. After the plan is drafted, it will be sent to the 504 Coordinator for review.
8. Once it is approved by the 504 Coordinator, the building administrator will get appropriate signatures and see that copies are provided to the parents as well as all of the student's teachers. The goal is to have the plan implemented within two weeks of a determination of eligibility.
9. An Annual Review of the plan will be conducted at the building level. During that meeting possible topics of conversation might include changes to the plan, the elimination of an accommodation that the student is not following, and a trial period for exiting the Section 504 plan.

District 504 Team

The District 504 team consists of the 504 Coordinator, school nurse, each building principal, and each building guidance counselor.

The District 504 team will review the initial request for a Section 504 plan and determine whether a student is eligible or ineligible. In order for a student to be eligible a majority of the team must agree.

The District 504 team will meet within two weeks of a request made by a building principal for an eligibility determination.

District 504 Coordinator

The District 504 Coordinator is appointed by the district superintendent. Responsibilities of the 504 Coordinator include:

- Maintain current copies of all Section 504 plans in the district.
- Support building level personnel on the development of Section 504 plans.
- Chair the District 504 Team.
- Attend building level Section 504 meetings upon request.
- Attend to and make decisions on appeals of District 504 Team decisions.
- Stay current on Section 504 practices and procedures.
- Serve as a resource to district personnel in matters relative to Section 504.

Section 504 Accommodations

A Section 504 plan will include accommodations designed to support the student. It is important to note that the student's academic program will not be modified, such as a reduction in the assignment or a lowering of performance expectations.

A Section 504 Plan will not be used to replace an IEP. Should a student be taken off an IEP, the supports should be taken away to determine whether the student can succeed independently. After a reasonable period of time (often 45 days) should a student experience difficulty or struggle, it is possible to create a Section 504 plan to accommodate the student.

The following is a list of possible services, strategies, and accommodations that could be used to meet the needs of a student. This is by no means a complete list, and in each case the accommodations should be based on the unique needs of the student by the Section 504 team.

- **Environmental Strategies**
 - Provide a structured learning environment.
 - Adjust class schedule.
 - Provide classroom aides and note takers.
 - Adjust nonacademic times such as lunch room and recess.
 - Adjust physical education expectations or programming.
 - Change student seating.
 - Provide use of a study carrel.
 - Alter location of personal or classroom supplies for easier access or to minimize distraction.
- **Organizational Strategies**
 - Adjust test delivery.
 - Use tape recorders
 - Use computer-aided instruction.
 - Use audiovisual equipment.
 - Select modified textbooks or workbooks.
 - Tailor homework assignments.
 - Use one-to-one tutorials.
 - Provide peer tutoring.
 - Set time expectations for assignments.
 - Provide tests in segments so that student finishes one segment before receiving the next part. Highlight main ideas and supporting details in the book.
- **Behavior Strategies**
 - Use behavioral management techniques.
 - Implement behavioral/academic contracts.
 - Use positive reinforcements (rewards).
 - Use negative reinforcements (consequences).
 - Confer with the student's parents and other teachers.
 - Establish a home/school communication system for behavior monitoring.
 - Post rules and consequences for classroom behavior.
 - Write a contract for student behavior.
 - Offer social reinforcers (e.g., praise) for appropriate behavior.

- Establish daily/weekly progress report for the student.
- Implement self-recording of behaviors.
- **Presentation Strategies**
 - Tape lessons for the student.
 - Provide photocopied material for extra practice (e.g., outlines, study guides).
 - Require fewer drill and practice activities.
 - Give both oral and visual instructions for assignments.
 - Vary the method of lesson presentation:
 - a. Lecture
 - b. Small groups
 - c. Large groups
 - d. Audio visuals (e.g., filmstrips, study prints)
 - e. Peer tutors or cross-age tutors (e.g., take notes, monitor assignments, read aloud, listen)
 - f. Demonstrations
 - g. Experiments
 - h. Simulations
 - i. Games
 - j. One-to-one instruction with other adult
 - Provide for oral testing.
 - Ask student to repeat directions/assignments to ensure understanding.
 - Arrange for a mentor to work with the student in his or her interest area or area of greatest strength.
- **Methodology Strategies**
 - Repeat and simplify instructions about in-class and homework assignments.
 - Supplement oral instructions with visual instructions.
 - Change instructional pace.
 - Change instructional methods.
 - Curriculum Strategies Assess whether student has the necessary prerequisite skills.
 - Determine whether materials are appropriate to the student's current interest and functioning levels.
 - Use supplementary materials.
 - Implement study skill strategies (survey, read, recite, review).
 - Introduce definition of new terms/vocabulary and review to check for understanding.
 - Limit amount of material presented on a single page.
 - Provide a sample or practice test.
 - Be aware of student's preferred learning style and provide appropriate instruction/materials.

Discipline and Section 504

A handicapped student may not be suspended for more than 10 days without a determination that the misconduct is not caused by their disability. The determination will be made by the District 504 Team. They will conduct a hearing, that will also serve as a reevaluation and will take into account any recent evaluation data.

Administration can initiate long-term suspensions when misconduct is not directly caused by the disability. Should the misconduct is directly caused by the disability, the District 504 Team may modify the current educational placement. If appropriate, an alternative educational placement may be considered.

Section 504 students who violate the district's Good Conduct Policy are not entitled to the manifestation determination process unless the code of conduct consequence is a change in educational placement. The same disciplinary measures should apply to Section 504 students that are applied to non-disabled students unless the disability directly influenced the student's violation. Determination of this "influence" will be decided by the Section 504 Team.

Appeal and Grievance Procedure

Appeal or grievances must be submitted to the Section 504 Coordinator within 5 days of the date the person filing the appeal or grievance becomes aware of the action or alleged action. A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. The Section 504 Coordinator shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will issue a written decision on the grievance no later than 20 days after its filing.

If the matter is not satisfactorily resolved by the Section 504 Coordinator, the person filing the appeal or grievance may submit a complaint in writing within 5 days of the Section 504 Coordinator's decision to the district superintendent.

If the matter is not satisfactorily resolved by the superintendent, the the person filing the appeal or grievance may ask to have the matter placed on the board agenda of the next regularly scheduled board meeting in compliance with board policy. This request must be done in writing and given to the Board Secretary within 5 days of the superintendent's decision.

Resources

[Parent's Guide to Section 504](#) -- Used to notify parents about Section 504 and their rights under the law.

[Section 504 Parent Notification Letter](#) -- Used to notify parents that an evaluation for a possible 504 plan is needed

[Section 504 Parent's Rights](#) -- Outlines the rights of students and parents and should accompany the parent notification letter

[Section 504 Procedures Checklist](#) -- Step-by-step guide walks through the 504 process.

[Section 504 Eligibility Determination Form](#) -- Forced response questions that will help make the determination of eligibility.

[Section 504 Teacher Input Form](#) -- Used to gather information about a student from his/her teacher(s).

[IASB Strategies for Developing Section 504 Accommodations](#) -- Resource information to use when working with a Section 504 case.

[Section 504 Annual Review](#)-- Resource for the District 504 Team to use to evaluate the Section 504 program.

[Section 504 Release of Information Form](#) -- Modify return information for each building.

[NFV District 504 Plan](#) -- Used at K-8 levels

[NFV High School 504 Plan](#) -- Used at high school level

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