



West Linn-Wilsonville School District

*How do we create learning communities
for the greatest thinkers and
most thoughtful people...for the world?*

Section 504 Handbook

Updated March 2013

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West Linn-Wilsonville School District
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INTRODUCTION

West Linn-Wilsonville School District has updated this Section 504 Handbook based upon information made available through Willamette Education Service District and the alterations to the Americans with Disabilities Act Amendments that occurred December 2008.

The West Linn-Wilsonville School District shall promote non-discrimination and an environment free of harassment based on an individual's race, color, religion, sex, sexual orientation, national origin, disability, or marital status or age, or because of the race, color, religion, sex, sexual orientation, national origin, disability, or marital status or age of any other persons with whom the individual associates.

West Linn-Wilsonville School District
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BACKGROUND AND OVERVIEW

Section 504 of the Rehabilitation Act was established in 1973. For many years, its main thrust has been in the area of employment for individuals with disabilities and for members of minority groups. However, within the last several years, the Office for Civil Rights (OCR), charged with enforcement of Section 504, has become proactive in the field of education of individuals with disabilities. Advocacy organizations and the legal system likewise have increasingly focused on Section 504's requirements to ensure that the education system provides the full range of special accommodations and services necessary for students with special needs to participate in and benefit from public education programs and activities. The information in this handbook focuses upon the instruction issues of Section 504 (Subpart D), and not upon employment practices.

Section 504 prohibits discrimination against persons with disabilities, including both students, district patrons and staff members, by school districts receiving federal financial assistance. This includes all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with a Free Appropriate Public Education (FAPE). These regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States.

All individuals who qualify for services under the Individuals with Disabilities Education Act (IDEA) are also protected by Section 504. However, all individuals who have been determined to be disabled under Section 504 may not qualify under the IDEA. These children require a response from the regular education staff and curriculum.

With respect to most students with disabilities, many aspects of the Section 504 regulation concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act and state law. In those areas, by fulfilling responsibilities under the IDEA and state law, a district is also meeting the standards of the Section 504 regulations; thus, precluding the need for a separate 504 Plan.

However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services, but who nevertheless qualify under Section 504, and to whom a district may therefore have responsibilities.

Eligibility Issues

The IDEA applies to students who have certain specified types of disabilities and who, because of one of those conditions, need special education (specially designed instruction). Section 504, on the other hand, protects all qualified students with disabilities, defined as those having any physical or mental impairment that substantially limits one or more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within one of the categories of eligibility under the IDEA, and even if they do not need to be in a special education program.

An example of a student who is protected by Section 504, but who may not be covered by the IDEA, is one who has juvenile rheumatoid arthritis and needs accommodations, but who does not need special education (specially-designed instruction). Likewise, some students with ADHD may also not meet the criteria for IDEA categories such as having a specific learning disability, other health impairment, or emotional disturbance. However, if their condition substantially limits their ability to perform a major life activity, they have a disability within the definition of Section 504 and must be provided with needed accommodations and supports to access their education.

If a district has reason to believe that, because of a disability as defined under Section 504, a student needs either special accommodations or related services in the regular setting in order to participate in the school program, the district must seek parental consent to evaluate the student. If the student is determined to have a disability under Section 504, then the district must seek parental consent for initial provision of 504 services. Then the district must develop and implement a plan for the delivery of all needed accommodations and supports. Again, these steps must be taken even though the student is not covered by the IDEA special education provisions and procedures.

Evaluation Process

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile rheumatoid arthritis, where the team suspects the student may be eligible for 504 protection, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. In the cases of students with ADHD, current

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psycho-educational evaluations may be used in combination with appropriate medical information. In other cases, additional testing may be necessary. The 504 team has the responsibility for determining what evaluation(s) are appropriate. In all cases "Parental Consent for Section 504 Evaluation" must be signed prior to any evaluations being started.

Accommodations and Supports

The determination of what accommodations and supports are needed must be made by a group of persons knowledgeable about the student, the evaluation data and the placement options. This group is known as the 504 Team. The team must always include the 504 Coordinator and a classroom teacher; the team may also include a school counselor, an administrator or a school nurse. A parent must always be invited to participate. The team should review the nature of the disability, how it affects the student's education, whether specialized services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

Section 504 Notice of Parent/Student Rights

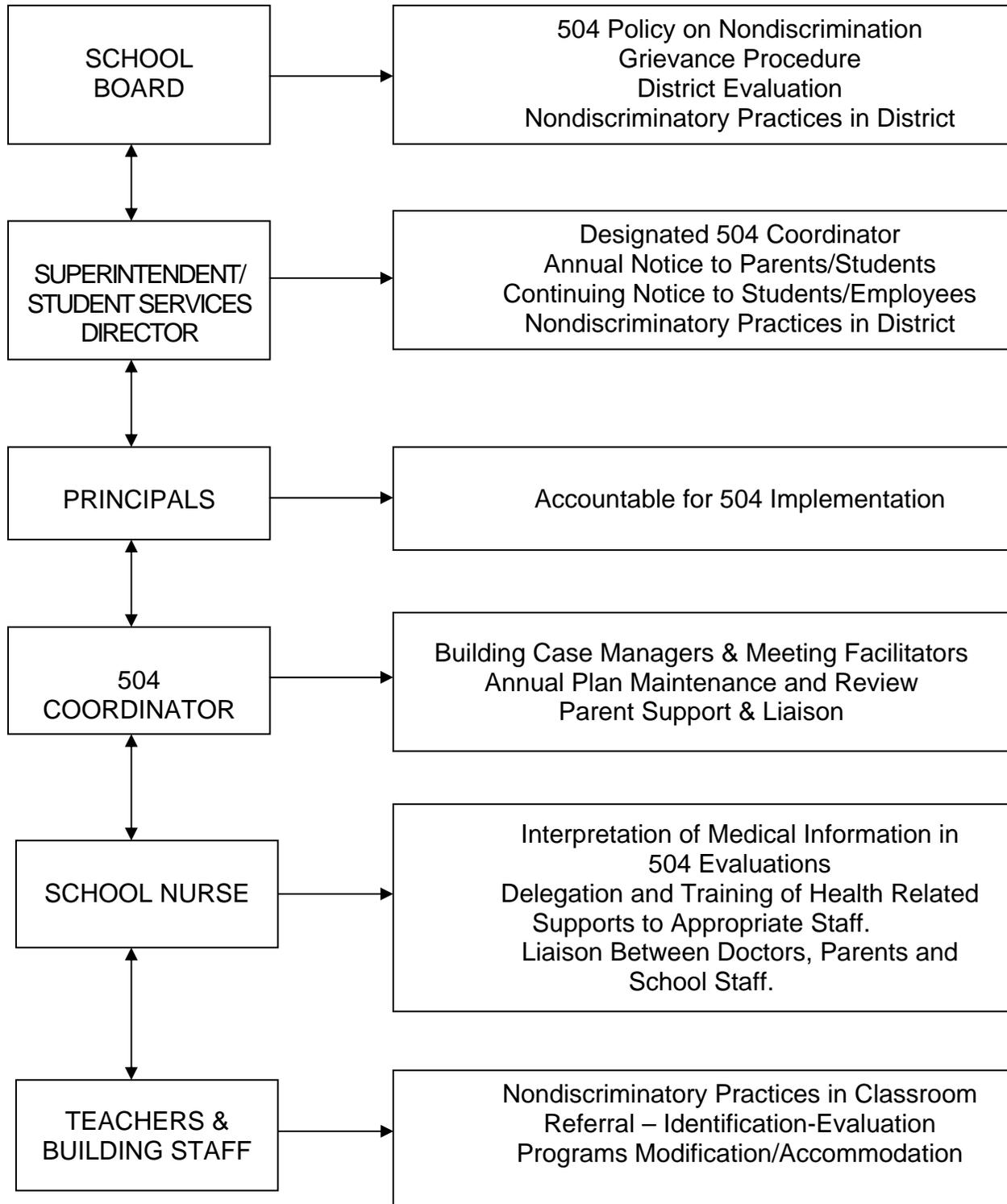
Under Section 504, the parent or guardian must be provided with Section 504 Notice of Parent/Student Rights and the Grievance Procedure affecting the identification, evaluation or placement of the student and is entitled to an impartial hearing if the parent disagrees with district decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing is available under OAR 581-015-2395.

Summary

It is important to keep in mind that students who have physical and/or mental impairments that substantially limit their ability to access and participate in the education program are entitled to rights (protection) under Section 504 whether or not they may not fall into IDEA categories and may not be covered by the laws surrounding IDEA.

It is also important to realize that Section 504 is not an aspect of "special education." Rather, it is a civil rights law and is the responsibility of the general public education system. As such, school building administrators and superintendents are responsible for its implementation within districts. Special education administrators are participants, but are not ultimately the responsible LEA administrators and IDEA funds may not be used for the expressed purpose of meeting only Section 504 requirements.

WEST LINN-WILSONVILLE SCHOOL DISTRICT ROLES OF SCHOOL PERSONNEL



GENERAL INFORMATION AND DEFINITIONS

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973 provides that:

“No otherwise qualified disabled individual in the United States . . . shall, solely by reason of 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” 29 USC § 794.

WHO IS CONSIDERED TO BE OTHERWISE QUALIFIED?

1. All students with disabilities who are entitled to attend school under state law.
2. Parents, guardians and school district patrons with a disability.
3. An employee with a disability who can, with or without reasonable accommodations, meet the essential requirements of the job.

WHAT IS A PROGRAM OR ACTIVITY?

The term includes all programs or activities of the Oregon Department of Education and all school districts receiving federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds (e.g., if a district contracts with an alternative education program, the alternative education program may not discriminate against persons with disabilities even though it may not receive any federal funds). 34 CFR § 104.3(f).

WHO IS AN INDIVIDUAL WITH A DISABILITY?

There are three ways that a person may qualify as an individual with disabilities under the regulations. A person is considered disabled under Section 504 if he/she:

1. Has a physical or mental impairment which substantially limits one or more major life activities (described on the following page). The term does not cover children disadvantaged by cultural, environmental or economic factors;
2. Has a record or history of such impairment. The term includes children who have been misclassified (e.g. a non-English-speaking student who was mistakenly classified as having an intellectual impairment); or
3. Is regarded as having such impairment. A person can be found eligible under this section if he/she:

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- a. Has a physical or mental impairment that does not substantially limit a major life activity, but is treated by the district as having such a limitation (e.g., a student who has scarring, a student who walks with a limp);
- b. Has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment (e.g., a student who has scarring or disfigurement); or
- c. Has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV virus, but has no physical effects from it).

Note: Students with a record of impairment or those regarded as having an impairment are protected against discrimination, but are not eligible for services.

Examples of other potentially disabling conditions under Section 504 if they substantially limit a major life activity may include:

1. Communicable diseases: AIDS, AIDS Related Complex (ARC) or asymptomatic carriers of the AIDS virus (HIV); tuberculosis;
2. Temporary disabilities: The factors to consider are the anticipated length of disability, the seriousness of the illness /injury and the needs of the student (e.g., students injured in accidents or suffering short-term illnesses);
3. Attention Deficit Disorder (ADHD);
4. Drug addicted or alcoholic students in recovery;
5. Chronic asthma and severe allergies;
6. Physical disabilities such as spina bifida, hemophilia and conditions requiring children to use crutches;
7. Diabetes; and/or
8. Any student currently or previously eligible under IDEA.

Note: Some of these conditions such as tuberculosis, diabetes and hemophilia may be severe enough to affect educational performance and therefore fall under the IDEA as well.

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WHAT ARE MAJOR LIFE ACTIVITIES?

Major life activities include walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, standing, working, sleeping, thinking, lifting, bending, caring for oneself and performing manual tasks. Major life activities also include bodily functions, such as respiratory system, neurological system, bowel and bladder systems, endocrine system, etc. The disabling condition need only substantially limit one major life activity for the student to be eligible.

IF A STUDENT IS DISABLED UNDER SECTION 504, WHAT ARE THE SCHOOL DISTRICT'S OBLIGATIONS?

The district must evaluate any student it knows or has reason to know has a disabling condition and because of that condition, the student may need accommodations or related services. The district must make accommodations to the student's program to assure that he/she is given an appropriate education. (Appropriate education is one designed to provide the student an equal opportunity to participate when compared to other nondisabled students.) The district is also obligated to provide notice to the parent whenever identification, evaluation or placement is an issue.

ASSUMING A STUDENT OR DISTRICT PATRON IS DISABLED UNDER SECTION 504, WHAT ARE SOME EXAMPLES OF POSSIBLE DISCRIMINATION THAT MAY OCCUR?

1. Failing to provide transportation to a student with asthma who lives six blocks from a school.
2. Refusing to provide OT, PT or speech therapy to a Section 504 student who needs it for educational purposes solely because he/she is not IDEA eligible.
3. Excluding all students with epilepsy from the swim team.
4. Only providing summer school or after school care for nondisabled students.
5. Requiring the parent of a student with a mobility related impairment to provide transportation to extracurricular activities when transportation is provided to nondisabled students.
6. Failing to provide alternative transportation to a student who acts out on the bus as a result of his/her disability.
7. Providing a shortened school day for students in a self-contained classroom because of transportation problems.
8. Segregating students with disabilities in basements, portable classrooms or separate wings.

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9. Failing to provide an interpreter for a parent with a hearing impairment for school initiated activities.
10. Applying the district's general disciplinary policies to a student with an emotional disturbance.
11. A school district has an affirmative obligation to ensure that its students do not attend school in an environment that is hostile to individuals with disabilities. Thus, when a student alleges that he/she is being harassed because of a disability or because he/she has a record of a disability or is regarded as having a disability, the district has a duty to investigate, take appropriate remedial action, and notify the complainant of the resolution of the complaint. Indeed, failure to investigate and resolve such complaints may result in monetary damages being assessed against the district.

WHAT ARE THE ACCESSIBILITY REQUIREMENTS OF SECTION 504?

Facilities constructed before June 3, 1977, need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to all persons with disabilities (including parents and the community). However, the student must be afforded an equal opportunity to enjoy the full range of services offered by the district. If a district modifies one of these buildings, it must make the modification accessible, to the maximum extent feasible. Buildings remodeled after June 3, 1977, must meet the full accessibility regulations in existence at that time. Buildings which began construction on or after January 26, 1992, must meet the ADA regulations for new construction.

WHO ENFORCES SECTION 504 AND THE ADA?

The U. S. Department of Education's Office for Civil Rights (OCR) is responsible for enforcing the provisions of Section 504 and the ADA as applied to publicly funded educational institutions. If an individual files a complaint against a school district, OCR will investigate the complaint under both Section 504 and the ADA. An aggrieved party may also file a court action. Under Oregon Law, an aggrieved student may file for a due process hearing before the Oregon Department of Education.

WHAT IS MEANT BY PROCEDURAL SAFEGUARDS?

Provide parents or guardians with:

1. Notice of Rights;
2. An opportunity to review relevant records;
3. An opportunity to file a grievance under the district grievance policy; and

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4. An impartial hearing. The Oregon Department of Education has an administrative rule for regulating due process hearings under Section 504 (see OAR 581-015-2395.). It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabilities.

Note: The Office for Civil Rights has interpreted Section 504 to require parent consent for initial evaluations and parent consent for initial provision of a Section 504 plan.

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WEST LINN-WILSONVILLE SCHOOL DISTRICT

OBLIGATIONS FOR ELEMENTARY AND SECONDARY EDUCATION

EDUCATIONAL SETTING

Districts must educate students with disabilities with non-disabled students to the maximum extent appropriate to the needs of the students with disabilities. In order to remove a student from the regular educational environment, the district must demonstrate that educating the student in the regular environment, with the use of supplementary aids and services, cannot be achieved satisfactorily. **34 CFR 104.34.**

Section 504 requires that persons with disabilities be provided educational opportunity as commensurate with non-disabled persons. Instruction must be designed to meet the needs of these students as adequately as the needs of non-disabled students are met. An individualized plan for accommodations and related services must be created for each student with disabilities

The IDEA, which covers a subset of students with disabilities who also need specially designed instruction, is guided by a principle known as FAPE, free appropriate public education. The Section 504 standard of what is appropriate differs from the IDEA "appropriate" standard which requires the district to design a program reasonably calculated to confer educational benefit. Section 504 requires that persons with disabilities be provided educational opportunity as commensurate with non-disabled persons. Section 504 does not require school districts to develop an Individualized Educational Program (IEP). However, the district should document what evaluations were performed and/or decisions made regarding each student considered under Section 504 using the appropriate district 504 forms.

The quality of educational services provided to students with disabilities must be equivalent to the services provided to non-disabled students. Teachers must be trained in the instruction of persons with the disability in question and appropriate materials and equipment must be available. 34 CFR 104, Appendix A (104.33(b)).

Note: A child does not have to need special education in order to be qualified under Section 504. 34 CFR 104.33 (a)(b).

TRANSPORTATION

If a district places a student in a program not operated by the district, the district must assure that adequate transportation to and from the program is provided at no greater cost than the parent would have paid to transport the child to the district-operated program. 34 CFR 104.33 (c)(2).

If a district provides transportation to all its students within a certain geographic area, the district may not discriminate in its provision of transportation to students with disabilities. 34 CFR 104.4B(1)(I).

If a district proposes to terminate a qualified student's bus transportation for inappropriate bus behavior, the district must first determine the relationship between the student's behavior and his/her disabling condition and provide the parent with notice of his/her rights. If the behavior is related to the disabling condition, the district may not terminate services, but must provide an alternative mode of transportation.

Note: The length of the bus ride for students with disabilities should not be longer than that of nondisabled students (unless necessary to access an appropriate educational program).

NONPUBLIC SCHOOL PLACEMENTS MADE BY PARENTS

If the district has made available a free appropriate public education to a student which conforms to the requirements of Section 504, but the parent chooses to place the child elsewhere, the district is not responsible for any costs incurred by the parent. 34 CFR 104.33 (c)(4).

EVALUATION PROCESS

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile rheumatoid arthritis, where the team suspects the student may be eligible for 504 protection, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. In the case of the student with ADHD, current

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psycho-educational evaluations may be used in combination with appropriate medical information. In other cases, additional testing may be necessary. The 504 team has the responsibility for determining what evaluation(s) are appropriate. In all cases "Parental Consent for Section 504 Evaluation" must be signed prior to any evaluations being started.

Note: There is no parental right to an independent evaluation under Section 504.

PLACEMENT PROCEDURES

In interpreting evaluation data and making placement decisions, the district must:

1. Draw upon information from a variety of sources; Examples- file review, observations, timed vs. untimed tests, work samples?
2. Ensure all information is documented and considered;
3. Ensure the placement decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options; and
4. Ensure the student is educated with his/her nondisabled peers to the extent appropriate, and that any facilities identifiable as being for persons with disabilities are comparable to facilities, services, and activities provided other students. 34 CFR 104.35(c).

REEVALUATIONS

Section 504 requires "periodic" reevaluations of the student's eligibility; the circumstances surrounding the individual student's needs and/or impairment may dictate the need for shorter or longer periods of time surrounding reevaluation. In general, the West Linn-Wilsonville School District will reevaluate the student's eligibility and the 504 Plan annually. Additionally, Section 504 requires an evaluation of the appropriateness of the 504 Plan before any significant change in placement. 34 CFR 104.35(d).

Examples of significant changes in placement which require reevaluation include:

1. Expulsion;
2. Serial suspensions which exceed ten (10) school days in a school year that are a pattern because of the total length, number and proximity of the suspensions.
3. Individual suspensions that exceed ten school days;
4. Transfer of a student to home instruction;

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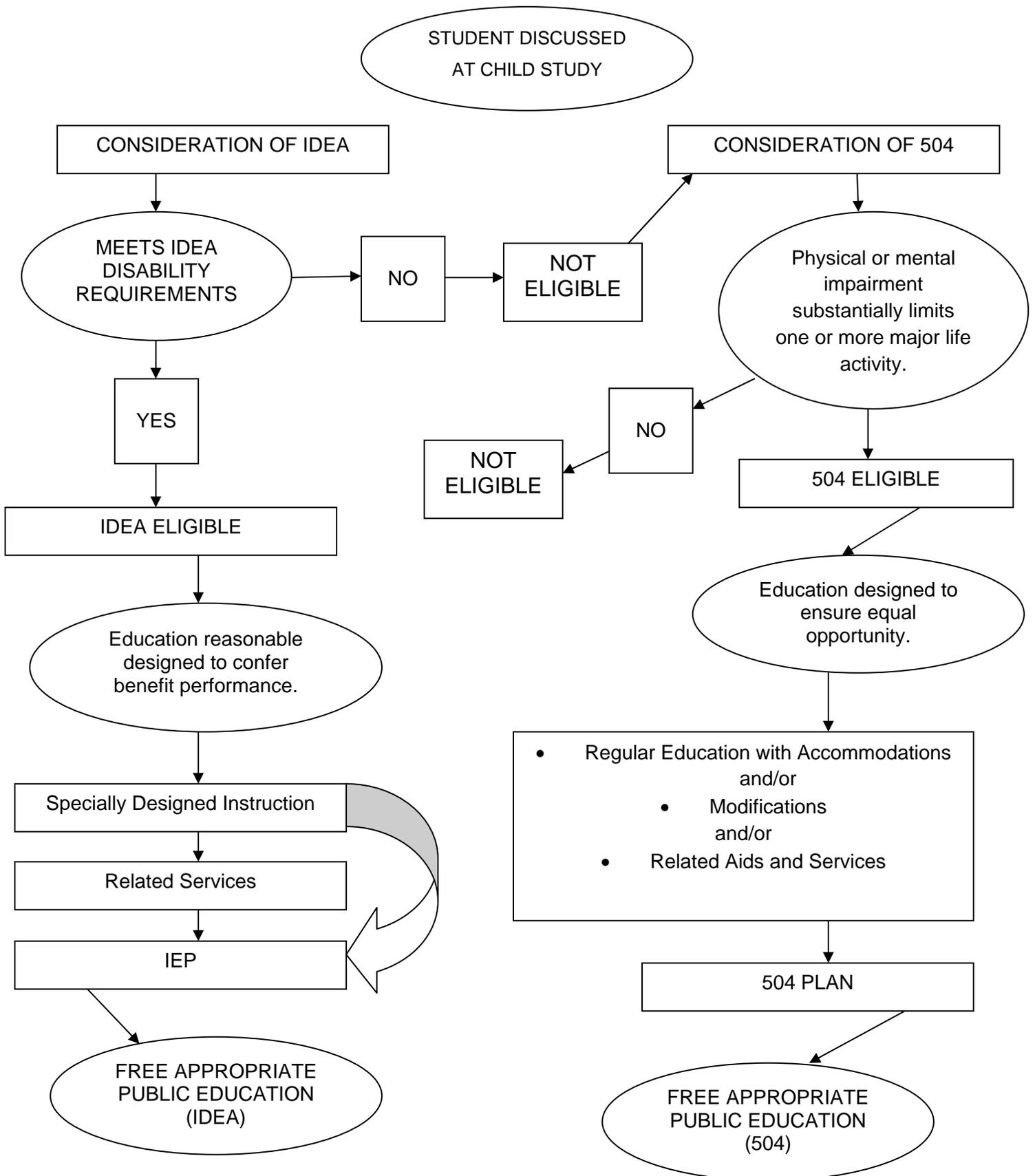
5. Significant change in the delivery of education (e.g., moving the student from regular education to the resource room).

NONACADEMIC SERVICES

Districts must provide equal opportunity to students in areas such as counseling, physical education and athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment of students. 34 CFR 104.37.

1. Counseling: Districts may not counsel students with disabling conditions toward more restrictive career objectives. 34 CFR 104.37(b).
2. Physical education and athletics: a district must provide equal opportunity for students with disabilities to participate. A district may offer these activities separately for students with disabilities only if necessary. The district may not deny a student with a disability the opportunity to compete in activities that are not separate. 34 CFR 104.37(c).

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IDEA & 504 FLOW CHART



PROCEDURAL REQUIREMENTS OF SECTION 504

1. The school's child study team is the first line of referral for concerns about student performance. The child study team communicates with parents about the specific concerns.
2. The child study team reviews the student's records and history, consults with the classroom teacher and other professionals as appropriate, and determines the student's current level of participation in academic and non-academic areas of the school program. It may recommend specific interventions in the regular classroom before referral to the Section 504 Team.
3. Given available information, the child study team determines whether it is appropriate to consider the student for referral for Section 504 evaluation.
4. Parents are invited to a meeting where the team determines if evaluation for 504 Plan is needed based on all pertinent information from within and outside of the district (e.g. teacher(s), parent(s), doctor(s), psychologist(s), etc.).
5. Section 504 Parental Consent to Evaluate form is completed by parent(s)/guardian(s) and parent(s)/guardian(s) are provided with a copy of Section 504 Notice of Parent/Student Rights.
6. If parents refuse Consent to Evaluate, the school's documentation of concerns and parent refusal become part of the student record. Staff proceed in a non-discriminatory manner but may not create an individualized 504 Plan for this student.
7. If parent(s)/guardian(s) Consent to Evaluate, evaluation is completed and a meeting to review results, establish eligibility, and create a 504 Plan (if necessary) is scheduled.
8. If parents do not choose to attend the meeting, the Section 504 Parental Consent to Evaluate form and Section 504 Notice of Parent/Student Rights may be sent to them.
9. Notice is provided to all 504 Team members of the 504 Eligibility Meeting.
10. The 504 Team consists of school/district staff knowledgeable about the student, about evaluation information and about appropriate accommodations, supports and placement this team must include the 504 Coordinator and a classroom teacher. Parents are invited to participate in 504 meetings for their child.
11. The 504 Team reviews all evaluation results and other pertinent information, determines eligibility and develops the 504 Plan with accommodations and/or supplementary aids or services to be provided to the student, if eligible.
 - a) If the student is determined to be not eligible for a 504 Plan, the parent should be offered a second copy the Notice of Parent/Student Rights and a copy of the Section 504 Plan (items 1 and 2 completed). The person who provides the notification of rights should initial the date line and file the 504 documentation in the cumulative file.
 - b) If the team determines the student is eligible for a 504 Plan, the parent should be offered a second copy of the Notice of Parent/Student Rights and asked to sign the Parent Consent to Initial Provision of 504 Services.

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12. The building administrator will designate a 504 Coordinator to serve as 504 Case Manager to monitor implementation of the plan and student participation and progress.
13. The 504 Plan and student eligibility is best reviewed annually. Reevaluation is required before a **significant** change in placement (e.g., expulsion, suspensions that exceed more than ten school days within a school year that are a pattern of removals, removal from a fully integrated curriculum to a resource room, and vice versa, and home instruction).
14. The 504 Coordinator is responsible for printing all pertinent 504 paperwork and including it in the student's cumulative file.

Note: Any student formerly eligible for special education under IDEA is automatically eligible for protection against discrimination under Section 504 as a person having a record of impairment. Students eligible under IDEA are also eligible under Section 504. Students who do not qualify for IDEA must be considered for eligibility under Section 504.

Note: Students with temporary medical conditions may qualify under 504 depending on the severity and anticipated duration of the condition (e.g. broken leg that fails to heal). Common temporary medical conditions are generally not included.

Note: Students with a record of impairment or those regarded as having impairment (see "General Information and Definitions") are protected from non-discrimination on that basis.

WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY & POSSIBLE SECTION 504 PROTECTION

1. When a student shows a pattern of not benefiting from the instruction being provided.
2. When a student returns to school after a serious illness or injury.
3. When a student is referred for special education evaluation but is determined not to do a special education evaluation under the IDEA.
4. When a student no longer qualifies under the IDEA.
5. When a student is evaluated and is found not to qualify for Special Education services under the IDEA.
6. When a student exhibits a chronic health condition.
7. When a student is identified as "at risk" or exhibits the potential for dropping out of school.
8. When substance abuse is an issue.
9. When a disability of any kind is suspected.
10. When a student is discharged from a hospital following a mental health related hospital stay and/or mental health evaluation.

WEST LINN-WILSONVILLE SCHOOL DISTRICT'S OBLIGATIONS TO STUDENTS WITH CHEMICAL DEPENDENCY

Section 504 as amended by the ADA Act (effective with the signing of the Americans with Disabilities Act, July 1990) provides that drug addiction and alcoholism are "physical or mental impairments" within the meaning of Section 504. Therefore, school-aged students with such conditions are considered "qualified disabled" persons so long as their impairment substantially limits one or more major life activities (e.g., walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks). Therefore:

STUDENTS WITH ALCOHOLISM, if considered disabled under 504 or under IDEA, are protected. If suspected:

1. Provide an evaluation;
2. If eligible, provide FAPE (Free Appropriate Public Education);
3. If eligible, provide reasonable accommodations;
4. Exercise nondiscrimination (under 504);
5. No medical services (only diagnostic assessments) are provided.

STUDENTS WHO ARE CURRENTLY USING DRUGS are not considered eligible if current users. Therefore,

1. No evaluation is required,
2. No accommodation is required, and
3. There is no right to special education/related services.

STUDENTS WHO ARE ADDICTED DRUGS AND ARE IN RECOVERY are entitled to 504 protections, if not currently using drugs and as long as they are considered "qualified disabled persons." If suspected:

1. Provide an evaluation;
2. If eligible, provide FAPE (Free Appropriate Public Education);
3. If eligible, provide reasonable accommodations;
4. Exercise nondiscrimination (under 504).

Note: Section 504 treats students who are current drug users and those who are current alcohol users differently. Current users of alcohol are protected by Section 504 (see above for procedures).

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in illegal use of drugs or using alcohol to the same extent it would take action against non-disabled students with some limitations.

**WEST LINN-WILSONVILLE SCHOOL DISTRICT
PARENT NOTICE & CONSENT TO EVALUATE
UNDER SECTION 504**

Date Initiated by District _____
Month Day Year

Dear _____:

This letter is to notify you of the district's intent to evaluate your child, _____ to determine eligibility for Section 504 adaptations, accommodations, and/or placement. The results will help ensure that your child receives a free, appropriate, public education.

Your child has been experiencing the following difficulties:

We intend to use the following screening tools, assessments and/or procedures:

You will be invited to a meeting to review the evaluation results and to determine if your child is eligible for a Section 504 plan.

Sincerely,

Signature _____

Title _____

Address _____

Phone _____

<i>I understand that the giving of consent is voluntary.</i>		
___ Consent to evaluate is given ___ Consent to evaluate is denied.		
_____ <i>Parent/Guardian Signature</i>	_____ <i>Date</i>	_____ <i>Phone number</i>

<input type="checkbox"/> <i>Section 504 Parent Rights are attached/enclosed.</i>
--

SECTION 504 INFORMATIONAL NOTICE

Section 504 is an Act that prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Act defines a person with a disability as anyone who:

- Has a mental or physical impairment which substantially limits one or more major life activities (Major life activities include walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, standing, working, sleeping, thinking, lifting, bending, caring for oneself and performing manual tasks. Major life activities also include bodily functions, such as respiratory system, neurological system, bowel and bladder systems, endocrine system, etc. The disabling condition need only substantially limit one major life activity for the student to be eligible.);
- Has a record of such impairment;
- Is regarded as having such impairment.

West Linn-Wilsonville School District recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against any person with a disability will knowingly be permitted in any of the programs and practices in the school system. The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child 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 school 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 educational records. This Act gives the parent or guardian the right to:

- Inspect and review his/her child's educational records;
- Make copies of these records;
- Receive a list of all individuals having access to those records;
- Ask for an explanation of any item in the records;
- Ask for an amendment to any report on the grounds that it is inaccurate, misleading, or violates the child's rights;
- A hearing on the issue if the school refuses to make the amendment.

If there are questions, please feel free to contact, **Jennifer Spencer-Iiams**

Section 504 Compliance Coordinator. Phone: 503-673-7026

WEST LINN-WILSONVILLE SCHOOL DISTRICT
Notice of Parent/Student Rights in Identification, Evaluation and
Placement

Please Keep This Explanation for Future Reference
(Section 504 of the Rehabilitation Act of 1973)

This document describes the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and 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 based on disability.
2. Have the school district advise you of your rights under federal law.¹
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Refuse consent for the initial evaluation and initial placement of your child.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the provision of regular education or special education and related aids and services that are designed to meet the individual needs of students with disabilities as adequately as the needs of non-disabled students are met.
6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. 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;
8. Have education and related aids and services provided to your child without cost except for those fees imposed on the parents/guardians of non-disabled students.
9. Have your child be given an equal opportunity to participate in non-academic 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.

¹ This document is your notice of rights under Section 504.

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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 you believe they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, you have the right to a hearing to challenge this refusal.
14. Request 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. Hearing requests must be made to the State Superintendent of Public Instruction, Oregon Department of Education, 255 Capitol Street, NE, Salem, Oregon 97310-0290, pursuant to OAR 581-15—109.
15. File a written grievance following the district's grievance or complaint procedure, or file a complaint with the U.S. Department of Education Office for Civil Rights (206-607-1600 or www.ed.gov/ocr).

The person in the West Linn-Wilsonville School District who is responsible for assuring that the district complies with Section 504 is: Jennifer Spencer-Iiams @ 503-673-7026.

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WEST LINN-WILSONVILLE SCHOOL DISTRICT

REQUEST FOR MEDICAL INFORMATION FOR SECTION 504 EVALUATION

Student's full name: _____ Date of Birth: _____

The above named student has been referred for potential eligibility under Section 504 due to a physical or mental impairment. Please complete the following information and return to the person indicated below. If the person indicated is not the student's parent, a Release of Information Consent form is attached. Thank you for your information and timeliness.

Medical Diagnosis & Information: _____ Date of Evaluation: _____

Name of Condition: _____

Description of how this condition generally manifests itself: _____

Description of how this condition manifests itself in this child: _____

Which major life activities are affected? (Circle any or all that apply):

Seeing	Hearing	Speaking	Thinking	Concentrating	Learning	Reading
Walking	Breathing	Lifting	Bending	Standing	Manual Tasks	Sleeping
Digestive Functioning	Bowel/Bladder Function	Endocrine Functioning	Neurological Functioning	Working	Self-Care	Other:

Please explain: _____

Accommodations are recommended for this child: _____

Recommended duration of time between review of eligibility and/or 504 Plan? _____

Additional Comments: _____

Signature of Physician Printed Name Date Phone #

Name of interviewer (if taken over the phone): _____ Date: _____

District Official Receiving Information (over the phone or by mail):

Name/Title

School

Address

Telephone #

504 Eligibility Meeting Checklists

Before the Meeting:

- Contact parents about the 504 process and explain the purpose of the 504 Eligibility Meeting and identify any questions or concerns.
- Obtain Parental Consent to Evaluate and provide with the Notice of Parent/Student Rights
- Coordinate evaluation (i.e. coordinate with other professionals such as Nurses, School Psychologists, etc; gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information provided by parents, etc.)
- Schedule meeting with participants, including parents.
- Develop meeting agenda.
- Arrange for any necessary interpreters or accommodations for meeting participants.
- Complete portions of the Section 504 form that can be completed before the meeting.
- Bring all current forms to the meeting.

During the Meeting:

- Introduce participants and their roles.
- Clarify purpose of meeting.
- Review agenda.
- Identify note-taker for meeting
- Facilitate student's input or participation.
- Lead group through agenda – do time-checks as needed.
- Determine eligibility
- If eligible, indicate in Section 1 of the Eligibility/Accommodation Plan and then, develop a 504 Plan with appropriate accommodations. Complete Parental Consent for Provision of 504 Services. Confirm parents have a copy of the Notice of Parent/Student Rights.
- Explain how and when parent and student will receive a copy of the 504 Plan and how accommodations will be communicated to teachers/staff
- If not eligible, indicate in Section 1 of the Eligibility/Accommodation Plan, and confirm that parents have a copy of the Notice of Parent/Student Rights.
- Thank everyone for participation and cooperation.

After the Meeting:

- Put in the cum file/ePEP: Meeting note and Eligibility/Accommodation Plan and Parental Consent for Provision of 504 Services.
- If parents did not receive documents at meeting, provide copies.
- Send copy of Eligibility/Accommodation Plan to Student Services (or contact if in ePEP).
- Be sure all teachers know and understand their responsibilities under the 504 plan.
- Calendar check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan.
- Calendar annual review date, and at least one month earlier to begin “before meeting” review process.

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504 Meeting Planner: Who to Invite?

When should the parent be invited? When should the student be invited?

- A parent, guardian, or person in parental relationship to the student should always be invited. The student should be included if at all possible.

When should the school counselor be included?

- When the counselor is the 504 case manager, or has personal or professional knowledge that would help the team make appropriate decisions for the student.

When should a general education teacher be included?

- When the student is participating in general education.

When should the school nurse be included?

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

When should the school psychologist be included?

- When the school psychologist was involved in a recent evaluation of the student.
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

When should the building administrator be included?

- When the parent is asking for unusual accommodations that raise concerns or fiscal considerations.
- When safety issues are involved.

When should a motor team (OT or PT) representative be included?

- When the student has a motor impairment and will likely need accommodations or supports for the motor impairment.
- When the OT or PT recently evaluated the student and identified motor needs.
- When the parent has requested motor team services or adaptations

When should the district 504 coordinator be included?

- When it appears that the student will need supports that will require allocation of district resources.
- When the team believes that using a district facilitator will help resolve or prevent conflict.
- When a team wants training, coaching or feedback on the 504 meeting process.

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WEST LINN-WILSONVILLE SCHOOL DISTRICT
PARENT NOTICE & CONSENT TO INITIAL PROVISION OF SERVICES
UNDER OF SECTION 504

Date Initiated by District _____
Month Day Year

Dear _____:

This letter is to notify you of the district's intent to provide services, accommodations and/or modifications for your child, _____ as deemed eligible under Section 504. The results will help ensure that your child receives a Free and Appropriate Public Education.

Your written consent is necessary because this is an initial provision services.

Attached is the "504 Eligibility/Accommodation Plan" that details the provisions deemed necessary to provide Free and Appropriate Public Education for _____.

Sincerely,

Signature _____

Title _____

Address _____

Phone _____

I understand that the giving of consent is voluntary.
___ Consent for provision of services is given ___ Consent for provision of services is denied.

Parent/Guardian Signature Date Phone number

Section 504 Parent Rights are attached/enclosed.

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WEST LINN-WILSONVILLE SCHOOL DISTRICT
SECTION 504

Eligibility Review, Accommodation/Related Services Plan

Student Name	(Last)	(First)	(Middle)	Date of Birth	Student No.
Today's Date			School		Grade

Section I. Eligibility

Note: To be completed for initial eligibility determination or annual review of eligibility.

1. The student has a physical or mental impairment. Yes No
 If Yes, what is the impairment? _____
Documentation: (e.g., physician's report, evaluation results describing impairment)

2. The student's impairment **substantially limits** a major life activity: (walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks) Yes No

Note: **Substantially limits** means the student is significantly restricted as to the condition, manner or duration under which he/she can perform a major life activity as compared to the average person. The 504 Team should consider the following factors in making its determination:

- A. The nature and severity of the impairment,
- B. The duration or expected duration of the impairment, and
- C. The permanent or long-term impact expected to result from this impairment.

Major Life Activity: (Check the appropriate box and describe substantial limitations.)

- | | | |
|--|--|---|
| <input type="checkbox"/> Caring for oneself | <input type="checkbox"/> Speaking | <input type="checkbox"/> READING |
| <input type="checkbox"/> Performing manual tasks | <input type="checkbox"/> Breathing | <input type="checkbox"/> CONCENTRATING |
| <input type="checkbox"/> STANDING | <input type="checkbox"/> SLEEPING | <input type="checkbox"/> THINKING |
| <input type="checkbox"/> Walking | <input type="checkbox"/> Learning | <input type="checkbox"/> BENDING |
| <input type="checkbox"/> Seeing | <input type="checkbox"/> Working | <input type="checkbox"/> RESPIRATORY SYSTEM |
| <input type="checkbox"/> NEUROLOGICAL SYSTEM | <input type="checkbox"/> BOWEL & BLADDER | <input type="checkbox"/> ENDOCRINE SYSTEM |
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Other: _____ | |

Description of Limitation(s): _____

3. **Determination**

a) The student is **eligible** for services/accommodations under Section 504.
Note: Questions one (1) and two (2) above must be answered "yes" for the student to be eligible.

b) The student is **ineligible** for services/accommodations under Section 504.

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4. Does the student need accommodations, services or supports to access the benefits of public education at a level similar to the average student? <input type="checkbox"/> yes <input type="checkbox"/> no			
Section II. 504 Accommodation/Related Services Plan			
Note: Complete this section annually for students eligible for 504 services.			
Student Name (Last)	(First)	(Middle)	Student No.
Date of Implementation		Date of Review	
Is additional information attached?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Specific Accommodations/Related Services Needed		Person(s) Responsible	Initials
1)			
2)			
3)			
4)			
Persons to be notified regarding plan:			
NOTES:			
Section III. Team Documentation			
Notification Statement: Receipt of this documentation satisfies parental right to notification of identification and placement under Section 504 of the Rehabilitation Act of 1973.			
For more information contact:			
Signature of Team Member		Title	

Parent Rights Attached: _____
Date
Initials

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**West Linn Wilsonville School District
 Procedure for Medical Issues**

When Student Registers

1. Student registers at home school and family reports a medical concern.
2. School office personal has parent sign a HIPPA release from for School Nurse to speak with doctor and has parent/guardian fill out Student Health Information Form (SHI)
3. School office personal faxes/scans a copy of SHI and HIPP form to District Nurse
4. District Nurse reviews medical concern, gathers info, and then proceeds to one of the options below.

District can only provide individualized health supports to students based on a <u>DOCTOR'S DIAGNOSIS</u>	<i>Health Information</i>	<i>Health Alert/Asthma Treatment Plan</i>	<i>Health Management Plan</i> (Bee allergy, etc)	<i>Health Management Plan Connected to 504 or IEP</i> (Diabetes, Seizures, Allergy that requires significant acc., etc)
Level of Severity	Mild	Moderate	Life Threatening	Substantially Limiting
Schoolmaster Documentation	Other Health Concern entered by school personnel	Red Cross and Alert entered by school personnel	Red Cross Alert entered by school personnel HMP	Red Cross Alert entered by school personnel 504 activated by health secretary IEP activated by SPED secretary
Communication to Staff	Health Protocols e-mailed to teachers and ERT. CMI (Confidential Medical Information) E-mailed to teachers.	Health protocol e-mailed to ERT and teachers	Health protocol e-mailed to ERT and teachers	Health protocol e-mailed to ERT and teachers Coordinators of co-curricular activities notified
Other Communication	If food related, Nutrition Services notified	If food related, Nutrition Services notified	If food related, Nutrition Services notified	Must be referenced as part of a 504 plan or IEP. If food related, Nutrition services notified.
Key Contact Person	WLWV District Nurse	WLWV District Nurse	WLWV District Nurse	WLWV District Nurse & 504/IEP casemanager
Required Frequency of Updates	Continue in place unless new information is obtained	Continue in place unless new information is obtained	Annually	Annually
Staff Training	Training offered to staff	Standard Protocol Training offered to staff	All staff that work with student are trained.	All staff that work with student are trained

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Procedure for Medical Issues

When Medical Concern Develops When Already Attending School

1. Parent or Staff report medical concern. If Parent delivers Doctor's note to school, immediately forward to School Nurse for processing.
2. School Office Staff contact parent to complete HSIF and sign HIPPA form and turn into School Nurse.
3. School Nurse or Health Assistant contact Doctor to verify situation.
4. School Nurse either dismisses health concern or proceeds to one of the options listed on "Procedures for Medical Issues" Chart.

Other Medical Training Information:

*Epi-Pen and Glucagon certified trainings are valid for 3 years, and can take the place of annual HMP trainings.

*Decisions on what staff must be trained for HMPs depend on the following factors:

1. Likelihood of interaction with the student
2. Frequency and severity of medical issue
3. Confidentiality issues

Final decisions on which staff need to be trained are always made by the School Nurse.

WEST LINN-WILSONVILLE SCHOOL DISTRICT DISCIPLINE OF STUDENTS WITH DISABILITIES PROCEDURAL REMINDERS FOR SECTION 504

SUSPENSION

1. In the case of a single suspension, provided the suspension is not more than ten (10) school days, a child with a disability is treated like other students.
2. If it is suspected, or reasonably suspected, that the misbehavior is caused by the disability, the 504 Team may meet to:
 - a. Review the 504 Plan to determine appropriateness and revise as needed; and
 - b. Discuss strategies to deal with misconduct;
3. Give parents a copy of the 504 plan, if revised.
4. If the student has been suspended for a total of more than ten school days in the school year and the suspensions are a “pattern” because of the type of incident, the proximity of days or the length of each suspension, the procedures below for expulsion should be followed.

Note: Regarding discipline of students eligible for special education, consult district discipline procedures.

EXPULSION (and **multiple** suspensions that are a total of more than ten school days and a “pattern”)

1. If the school district proposes to remove a student with a disability from school for more than ten (10) consecutive school days, it is considered a change in placement therefore Manifestation Determination procedures apply (see below).
2. If expulsion is being considered (or multiple suspensions that are a “pattern”), the school administrator shall convene the 504 Team immediately to determine if there is a nexus between the misconduct and the disability (504 Manifestation Determination).
 - a. Manifestation Determination Team must include:
 - i. Director or Assistant Director of Student Services
 - ii. Building 504 Coordinator
 - iii. Building Administrator
 - iv. Parents invited to attend
 - b. Use 504 Manifestation Determination form to document decision
 - c. The 504 team must review all relevant information, and gather any new information needed, to determine if the student’s behavior was directly caused by the student’s disability or directly resulted from a lack of implementation of the student’s 504 plan.

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- d. If the misconduct was disability caused, the student may not be expelled. The 504 Team shall:
 - (1) Hold a 504 meeting to review the 504 Plan and current placement to determine appropriateness;
 - (2) Discuss the following options:
 - Need for additional related services;
 - Need for a more intensive intervention plan in the student's current placement;
 - Need for additional consultation/evaluation; and/or
 - Need for special education and/or a more restrictive setting.
 - (3) Revise 504 Plan, if necessary and give parents a copy of the plan if revised.
 - b. If the 504 Team decides there is no causal relationship between the misbehavior and the disabling condition and the adaptations, accommodations, and placement are deemed appropriate, the recommendation for expulsion may proceed to the School Board's designee.
3. If the behavior is not a manifestation of the student's disability, the district will follow the same provisions for an expulsion hearing and offer of alternative education program(s) as for non-disabled students. The alternative education program(s) offered must be appropriate to the student.
 4. During the expulsion period, a member of the 504 Team may be assigned to monitor the delivery of services. Before the expulsion period is over, a meeting shall be convened to develop adjustments in the student's 504 Action Plan and to consider future disciplinary procedures for the student.

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<p>WEST LINN-WILSONVILLE SCHOOL DISTRICT 504 MANIFESTATION DETERMINATION FORM (USE FOR “504 ONLY” STUDENTS)</p>	<p>Date: ____/____/____</p>
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Student Name	(Last)	(First)	(Middle)	Date of Birth	Student No.
Today’s Date	School			Grade	

Manifestation Review

1. Behavior subject to disciplinary action:						
2. Student’s disability (504):						
3. Consideration of all relevant student information, including: <i>Check appropriate boxes</i>						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input type="checkbox"/> Evaluation and diagnostic results</td> <td style="width: 50%; border: none;"><input type="checkbox"/> Relevant information provided by the parent</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Observations of the student</td> <td style="border: none;"><input type="checkbox"/> Current 504 plan and placement</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> All relevant information in the student’s file</td> <td style="border: none;"><input type="checkbox"/> Other:</td> </tr> </table>	<input type="checkbox"/> Evaluation and diagnostic results	<input type="checkbox"/> Relevant information provided by the parent	<input type="checkbox"/> Observations of the student	<input type="checkbox"/> Current 504 plan and placement	<input type="checkbox"/> All relevant information in the student’s file	<input type="checkbox"/> Other:
<input type="checkbox"/> Evaluation and diagnostic results	<input type="checkbox"/> Relevant information provided by the parent					
<input type="checkbox"/> Observations of the student	<input type="checkbox"/> Current 504 plan and placement					
<input type="checkbox"/> All relevant information in the student’s file	<input type="checkbox"/> Other:					

Manifestation Determination

<i>For each statement answer “Yes” or “No”:</i>	<i>Check the appropriate box</i>
1. The conduct in question was the direct result of the district’s failure to implement the student’s 504 plan.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. The conduct in question was caused by or had a direct and substantial relationship to the student’s disability(ies).	<input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes	The conduct/behavior is a manifestation of the student’s disability. <i>Check “yes” if at least one answer to the above questions is Yes.</i>
<input type="checkbox"/> No	The conduct/behavior is not a manifestation of the student’s disability. <i>Check “no” if both answers to the above questions are No.</i>

Signature of Team Member	Title

Signature/Title: _____

Date: ____/____/____

TELEPHONE: _____

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COMMONLY ASKED
QUESTIONS AND ANSWERS

- 1. Q) If a child has been diagnosed with Attention Deficit Disorder and found to be ineligible for services under IDEA, is that child automatically eligible for protection from discrimination under Section 504?**

A) Neither IDEA or Section 504 allow for “automatic” eligibility. The question under Section 504 is whether the identified disability (ADD) results in a substantial limitation in a major life activity. Given this framework, it is indeed possible that students with a diagnosis of ADD will be treated differently, as all decisions must be made on an individual basis. Section 504 eligibility is not automatically given to a student who is referred for a special education (IDEA) evaluation and who is subsequently determined not to be IDEA-eligible.
- 2. Q) But when a child is released from special education under IDEA, don’t we have to continue services under a 504 Plan because the child “has a record of such impairment”?**

A) No. Eligibility procedures must still be implemented and the following question must still be answered in the affirmative, “Does the child have a disability that substantially limits a major life activity?” Review the Senior Staff Memo at 19 IDELR 894 (OCR 1992) for more information. When students are exited from Special Education Services and do not qualify under 504, they are still protected against discrimination.
- 3. Q) How should a district implement the phrase “is regarded as having such impairment”? Do we write a 504 Plan because someone thinks the child has a disability?**

A) No. These “regarded as” claims usually arise most frequently in issues of employment, and rarely in connection with elementary or secondary education. An OCR memo to Senior Staff, 19 IDELR 894 (OCR 1992) explains that this portion of the law is intended as a remedy for individuals who are not disabled, but have experienced negative actions (discrimination) taken against them. The individual actually has no disability, therefore there could be no other basis for protection from discrimination.
- 4. Q) If a child is eligible under IDEA, but the parent wants a Section 504 Plan instead of an IEP, must the district comply?**

A) The law is unclear about a district’s obligations under Section 504 when a parent refuses special education or revokes consent for special education. If this matter comes up, please inform the district’s Section 504 coordinator for consultation.

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5. Q) Do parents with disabilities have a right to accommodations while attending school events even though their child does not have a disability?

A) Yes, when accommodations are needed in order for them to participate in essential components of their child's educational program. For example, an interpreter might be needed during the awards night program when their child is receiving an award. Be aware that such services cannot be afforded through IDEA funds.

6. Q) What disciplinary requirements exist in Section 504?

A) Disciplinary action must not be taken against a student for misconduct that is a product of the disability. Therefore, when a student under a 504 plan is facing a possible expulsion or pattern of more than 10 days of suspension, the student's 504 Team should meet conduct a Manifestation Determination.

There is no requirement in Section 504 for the continuation of FAPE following the expulsion of a student.

7. Q) How should a local school district define the concept of "substantially limits?"

A) The phrase "substantially limits" is possibly the most critical part of Section 504 eligibility process. The actual presence of an identified disability is not sufficient, in and of itself, to qualify a student as eligible for protection under Section 504. Just as "adverse effect on educational performance" must be proven under IDEA, so must there be clear evidence of a "substantial limitation of a major life activity" under Section 504.

The intent of Section 504 is NOT to have every student who may have a disability qualify for Section 504 accommodations and protections. Only when the disability results in "substantial limitation in the performance of a major life activity" should the student be protected from discrimination due to this disability.

The Americans with Disabilities Act provides some assistance in interpreting the phrase "substantially limits". In that law, the impairment or disability must be substantial and somewhat unique, rather than commonplace, when compared to the average person in the general population (Sec 1630.2(j)(1)).

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Sample Accommodations/Modifications

Consider accommodations in terms of:

- Changes to presentation to student
- Changes in response from the student
- Changes in the environment
- Providing additional supports

<p>Pacing</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adjust time for completion of assignments <input type="checkbox"/> Allow frequent breaks, vary activities often <input type="checkbox"/> Adjust assignments requiring limited amount of time 	<p>Assignments</p> <ul style="list-style-type: none"> <input type="checkbox"/> Give directions in small units <input type="checkbox"/> Use written back-up for oral directions <input type="checkbox"/> Adjust reading level of assignment <input type="checkbox"/> Adjust length of assignment <input type="checkbox"/> Change format of assignment <input type="checkbox"/> Break assignment into a series of smaller assignments <input type="checkbox"/> Reduce paper and pencil tasks <input type="checkbox"/> Read directions/worksheets to student <input type="checkbox"/> Ask student to repeat directions before task <input type="checkbox"/> Record or type assignments <input type="checkbox"/> Maintain assignment notebook <input type="checkbox"/> Avoid penalizing for spelling errors <input type="checkbox"/> Block off or mask sections of work <input type="checkbox"/> Use highlighted texts <input type="checkbox"/> Accept homework papers dictated by the student and recorded by someone else <input type="checkbox"/> Allow use of computers, calculators, and word processors
<p>Environment</p> <ul style="list-style-type: none"> <input type="checkbox"/> Leave class for assistance <input type="checkbox"/> Preferential seating <input type="checkbox"/> Define limits (behavioral/physical) <input type="checkbox"/> Reduce/minimize distractions: <ul style="list-style-type: none"> <input type="checkbox"/> visual <input type="checkbox"/> auditory <input type="checkbox"/> Cooling off period <input type="checkbox"/> Provide consistent temperature <input type="checkbox"/> Adjust lighting <input type="checkbox"/> Adjust room temperature <input type="checkbox"/> Study carrels <input type="checkbox"/> Partitions <input type="checkbox"/> Stand-up desks <input type="checkbox"/> Reading corners <input type="checkbox"/> Use of headphones to reduce stimuli <input type="checkbox"/> Key rules posted in prominent place in classroom 	<p>Medication</p> <ul style="list-style-type: none"> <input type="checkbox"/> Monitor closely <input type="checkbox"/> Report effects to physician or parent <input type="checkbox"/> Provide time/space for medication admin <input type="checkbox"/> Training and implementation of health management protocols
<p>Presentation of Subject Matter</p> <ul style="list-style-type: none"> <input type="checkbox"/> Emphasize teaching <ul style="list-style-type: none"> <input type="checkbox"/> auditory <input type="checkbox"/> visual <input type="checkbox"/> tactile <input type="checkbox"/> multi <input type="checkbox"/> Individual/small group instruction <input type="checkbox"/> Utilize specialized curriculum <input type="checkbox"/> Tape lectures for replay <input type="checkbox"/> Present demonstration <input type="checkbox"/> Utilize manipulatives 	

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<ul style="list-style-type: none"> <input type="checkbox"/> Emphasize critical information/key concepts <input type="checkbox"/> Pre-teach vocabulary <input type="checkbox"/> Advanced organizers/study guides <input type="checkbox"/> Provide visual cues 	<p>Reinforcement and Motivations</p> <ul style="list-style-type: none"> <input type="checkbox"/> Use positive reinforcement <input type="checkbox"/> Use concrete reinforcers <input type="checkbox"/> Check often for understanding/review <input type="checkbox"/> Peer or cross-age tutoring <input type="checkbox"/> Request parent reinforcement <input type="checkbox"/> Have student repeat directions <input type="checkbox"/> Emphasize study/organizational skills <input type="checkbox"/> Repeated review/drill <input type="checkbox"/> Use positive behavior support strategies <input type="checkbox"/> Access to before or after school tutoring <input type="checkbox"/> Support for socialization skills <input type="checkbox"/> Provide student with a copy of class notes <input type="checkbox"/> Presentations to class
<p>Grading</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adjust weights of examinations <input type="checkbox"/> Credit alternative ways of showing learning <input type="checkbox"/> Credit for class participation <input type="checkbox"/> Other (specify): _____ 	<p>Testing Adaptations</p> <ul style="list-style-type: none"> <input type="checkbox"/> Oral tests <input type="checkbox"/> Digital assessments <input type="checkbox"/> Alternative format/projects <input type="checkbox"/> Reduced reading level <input type="checkbox"/> Provide extra test time <input type="checkbox"/> Portfolio
<p>Communication</p> <ul style="list-style-type: none"> <input type="checkbox"/> Home notes <input type="checkbox"/> Daily/weekly journal <input type="checkbox"/> Parent meetings 	<p>Self-Management</p> <ul style="list-style-type: none"> <input type="checkbox"/> Use of charting/graphing to evaluate self <input type="checkbox"/> Support for study skills <input type="checkbox"/> Homework organizer
<p>Assistive Technology</p> <ul style="list-style-type: none"> <input type="checkbox"/> Access to laptop <input type="checkbox"/> Use of a timer to provide visual support for pacing <input type="checkbox"/> Access to supportive software for writing, reading, etc. <input type="checkbox"/> Access to other supportive technology (i.e. FM system, ipad, etc) 	

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Discrimination Complaint Procedures

Employee Complaint

Employees who believe discrimination has occurred relative to equal educational opportunity for students shall present their grievances through the District's established procedures and in accordance with the negotiated agreements.

If the employee is not satisfied with the administrator's or supervisor's decision, the written complaint may be presented to the Title VI Coordinator who will investigate the matter and make a report to the complainant and the immediate supervisor within ten (10) working days. If not satisfied with the decision of the Title VI Coordinator, the complainant may then file an appeal with the Superintendent for a final decision.

Non-employee Complaint

The Title VI Coordinator also shall be notified of any complaint made by any person who is not an employee of the District, charging unfair discrimination relative to equal educational opportunity. The officer shall investigate the matter and make a report and recommendations to the Superintendent. A complaint form to be used for such complaints is included in this plan.

Appeal

Persons may, after exhausting local grievance procedures or 45 days, whichever occurs first, appeal in writing to the Superintendent of Public Instruction. The Superintendent shall review the District's procedures and findings of fact to determine if proper procedures were followed and what action if any shall be taken.

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**WEST LINN-WILSONVILLE SCHOOL DISTRICT
EQUAL EDUCATIONAL OPPORTUNITY
DISCRIMINATION COMPLAINT**

Person Filing Complaint

Date of Event

Street

City, State, Zip

Persons Involved:

I believe a discriminatory act occurred because of a student's:

Race Age
 National Origin Disability
 Religion Marital Status
 Sex Other
 Parental Status

Specific Complaint: (Please provide detailed information including the results of discussions with your supervisor or administrator.)

Remedy Requested:

Complaint form should be mailed or taken to the West Linn-Wilsonville School District Student Services Office, 22210, SW Stafford Road, Tualatin, OR, 97062.