

Information and Criteria for Services
Under Section 504 of The Rehabilitation Act of 1973

In an effort to comply with procedural requirements of Section 504 of the Rehabilitation Act of 1973, it is the intent of the Alva Independent School District to not discriminate on the basis of disability and to ensure that students, who are disabled, within the definition of Section 504, are identified, evaluated and provided with appropriate educational services.

Law

The pertinent part of Section 504 reads as follows:

"No otherwise qualified handicapped individual in the United States, as defined in section 706 (6) of this title, shall, solely by reason of his handicap, 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 U.S.C.794 The Rehabilitation Act of 1973).

NOTE: Section 504 was only recently amended to substitute "individual with disabilities" for "handicapped."

Section 504 is a Civil Rights Act. It prohibits recipients of federal funds from discriminating against "otherwise qualified individuals."

"Section 504 recognizes that appropriate education might be provided through the provision of regular education or related aids and services WITHOUT AN IEP."

- I. There is a population of disabled persons who are not eligible for special education under IDEA-B who are still in need of protection against discrimination because of a disability as defined under Section 504; and
- II. There is an obligation imposed on recipients to provide services (evaluations, regular education, reasonable accommodations, related services and related aids) regardless of eligibility for special education under IDEA-B."

Under Section 504, an LEA must provide a free appropriate public education (FAPE) to each qualified disabled child. (SEC.504:104.33)

District #001, Woods County, Oklahoma

page 1 of 7

A student may be disabled within the meaning of Section 504, and therefore entitled to regular or special education and related aids and services under the Section 504 regulation even though the student may not be eligible for special education and related services under Part IDEA-B. United States Department of Education, Office of Special Education and Rehabilitative Services. (Memorandum-Clarification of Policy within General and/or Special Education. September 16, 1991., Washington D.C.)

"All individuals who are disabled under the Individuals with Disabilities Education Act (IDEA) are also considered to be handicapped and therefore protected, under Section 504. However, all individuals who have been determined to be handicapped under Section 504 may not be disabled under IDEA. These children require a response from the regular education staff and curriculum." (Student Access - Section 504 of the Rehabilitation Act of 1973. Council of Administrators of Special Education, Inc.)

The evaluation must be sufficient to accurately and completely assess the nature and extend of the disability, and the recommended services. Evaluations which are more limited than a comprehensive special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might include a review of the current medical records, grades, school performance, level of pain, endurance and certainly observation in the present environment.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The team shall "draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior." (Sec. 504;104.35 (c) The information obtained from all sources is to be documented and carefully considered; along with, all placement options. The group 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.

- I. Some students who have physical or mental impairments that limit their ability to access and participate in the education program are entitled to rights (protection) under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.
- II. These students require an evaluation and determination of qualification for Section 504 by a group of knowledgeable persons who understand the evaluation components and options of service.

District #001, Woods County, Oklahoma

page 2 of 7

It is also important to realize that Section 504 is not an aspect of "special education." Rather, it is a responsibility of the comprehensive general public education system. As such, building administrators and superintendents of schools are responsible for its implementation within districts. Special education administrators and participants are not ultimately the responsible LEA administrators." (ibid.)

To qualify for services under Section 504 of the Rehabilitation Act of 1973, the following conditions must be documented:

- I. The student must have a documented physical or mental impairment, (This should include a diagnosis of either a physical or mental impairment made by a professional qualified to make a diagnosis of the impairment.), have a documented record of such impairment, or is regarded as having an impairment; and
- II. The student's physical or mental impairment must substantially limit participation in one or more major life activities listed under Section 504 regulations; and
- III. The student has documentation which will attest to a pattern of not benefiting from instruction due to the physical or mental impairment which substantially limits participation in one or more of the major life activities; and/or

NOTE: ANY STUDENT WHO MEETS ELIGIBILITY UNDER IDEA-B WILL MEET 504 QUALIFICATIONS; HOWEVER, THERE WILL BE ONLY ONE INDIVIDUAL EDUCATION PLAN--ALL ACCOMMODATIONS FOR THE STUDENT WILL BE LISTED ON THE IEP.

THERE ARE SEVERAL CLASSIFICATIONS OF STUDENTS WHO HAVE PHYSICAL OR MENTAL IMPAIRMENTS:

- I. Students with a physical or mental impairment who need no additional services to benefit from instruction; (NO SERVICES REQUIRED)
- II. Students with a physical or mental impairment who need reasonable accommodations, supplementary or related services to benefit from instruction, but are not in need of specially designed instruction to meet their unique needs; and (DEGREE OF SEVERITY WILL DICTATE NEED FOR "504 ACCOMMODATION PLAN")
- III. Students with a physical or mental impairment who need specially designed instruction because they cannot achieve benefit from education without it. (MAY BE ELIGIBLE

FOR SPECIAL EDUCATION)

District #001, Woods County, Oklahoma

page 3 of 7

Procedures to be Used When a Child is Suspected of Having a Disabling Impairment Under the Guidelines
(Section 504 of the Rehabilitation Act of 1973)

- I. If a student is suspected of having disabling impairment and has never been "identified" before as having been disabled:
 - A. Follow all Alva REFERRAL guidelines. INTERVENTION will be documented on Form 3;. All possible accommodations and aids should be tried for the student **IN THE REGULAR CLASSROOM BEFORE A STUDENT IS REFERRED FOR EVALUATION.**
 - B. If local school personnel can document that intervention has not been successful and a disability is suspected, a REFERRAL for psycho-educational testing may be completed. A psychometrist or psychologist will be assigned to help the school in planning the formal testing. All components of the evaluation will be necessary.
 - C. After testing, this student's evaluation will be handled by the eligibility/IEP team in a manner consistent with state and Alva School District guidelines. The evaluation should be multi-disciplinary in nature. All proper paper work shall be done by the appropriately constituted team.
 - D. If the student does not meet eligibility for IDEA services, the team may then consider if the student has an impairment that substantially limits learning. If this can be documented, the student may require an "Accommodation Plan" under 504.
 - E. The proper paperwork for the "Accommodation Plan" will be completed by the team (a group of persons knowledgeable about the child, the meaning of the evaluation data and the placement options). The team should design an accommodation plan which addresses the individual needs of the student as adequately as needs of non-disabled students are met.

THE ACCOMMODATION PLAN NEED ONLY BE REWRITTEN EVERY 3 YEARS, UNLESS IT IS DOCUMENTED THAT A CHANGE IS NECESSARY. THE PLAN IS REVIEWED EACH YEAR.

- II. If parents bring "other agency" reports--medical, or otherwise, which purports a child to have a disabling impairment:

District #001, Woods County, Oklahoma

page 4 of 7

- A. Send these reports to the office of the DIRECTOR OF SPECIAL EDUCATION.
 A determination will be made regarding whether the report constitutes a comprehensive evaluation as indicated in Sec.504:104.35.

Regulations under Section 504 say, "In interpreting evaluation data and in making placement decision, a recipient shall draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior."

- I. The School Psychometrist's review will be sent back to the school with the indication that the evaluation is complete enough to be acted upon by the team or indicating that more information will be needed.
- II. If more information is needed, begin with step I.B above and complete the necessary steps. The referral may indicate that supplemental information is needed.

FOR STUDENTS WHO QUALIFY UNDER 504, THE SERVICE HINGES ON "EQUAL ACCESS" TO THE OPPORTUNITY FOR EDUCATION.

FOR MOST STUDENTS, MAKING REASONABLE ACCOMMODATIONS DOES NOT CALL FOR INVOKING A FORMAL REFERRAL AND "PLAN OF ACCOMMODATION". THE SEVERITY OF THE AFFECT ON THE EDUCATIONAL PROCESS DETERMINES THE NEED FOR SUCH A "PLAN." MOST STUDENTS' NEEDS CAN BE REASONABLY MET, AND SHOULD BE, BY TEACHERS MAKING MINOR ADJUSTMENTS.

- III. If a student moves into the district with an IEP, follow established guidelines.
- IV. If a student moves into the district with a "504 Accommodation Plan," follow guidelines established for a student who moves in with an IEP: that is;
- A. Appropriate teams review records,
- B. Complete Alva 504 paperwork.
- V. Each "504 Accommodation Plan" will be reviewed yearly--on or before the anniversary date of the writing of the plan.

District #001, Woods County, Oklahoma

page 5 of 7

- VI. The student's plan may be terminated upon documentation of evaluation that indicated the student's status has changed and accommodations are no longer needed to ensure that the student's education is as adequate as that of non-disabled students. THE TEAM SHALL COMPLETE ALVA'S FORM F504 TO TERMINATE SERVICES.
- VII. A copy of all completed forms will be sent to the office of the DIRECTOR OF SPECIAL EDUCATION. FORMS ARE CONFIDENTIAL.

Parent/Student Rights

In Identification, Evaluation and Placement (Section 504 of the Rehabilitation Act of 1973)

The following is a description of 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 to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- I. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disabling conditions;
- II. Have the school district advise you of your rights under federal law;
- III. Receive notice with respect to identification, evaluation or placement of your child;
- IV. 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 right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
- V. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
- VI. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or Section 504 of the Rehabilitation Act;
- VII. 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;

District #001, Woods County, Oklahoma

page 6 of 7

- VIII. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
- IX. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
- X. Examine all relevant records relating to decision regarding your child's identification, evaluation, educational program and placement;
- XI. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
- XII. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
- XIII. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
- XIV. Request mediation or impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement.

The person in this district who is responsible for assuring that the district complies with Section 504 is the Superintendent of the Alva School District, phone (580) 327-4823.

Adopted: February 05, 1996

Revised:

Legal Reference: Rehabilitation Act of 1973, Section 504

Cross Reference:

District #001, Woods County, Oklahoma

page 7 of 7