



# Section 504

**Handbook**

**Student Services Department**

*Revised 8.2015*

## Introduction

The School District of Washington, in accordance with federal law Section 504 of the Rehabilitation Act, provides services to eligible students designed to eliminate discrimination on the basis of disability. An individual who has an impairment, record of an impairment, or is regarded as having an impairment that substantially limits one or more major life activities such as caring for oneself, performing manual tasks, walking, hearing, seeing, speaking, learning, breathing, or other major life activity may be eligible for services. Services are designed to prevent exclusion from academic and non academic activities on the basis of disability as well as ensure a free and appropriate public education is provided. Eligibility and services are determined by a multidisciplinary team of individuals lead by the school guidance counselor.

## Eligibility Indicators

Similar to the Individuals with Disabilities Act (IDEA), a process for determining eligibility must take place in order to determine the nature and severity of the student's individual impairment and subsequent educational needs. Upon referral, within no more than 30 days, a multidisciplinary team will be convened by the District in order to review all pertinent information. If the multidisciplinary team believes that additional evaluation information is necessary as part of the 504 eligibility, that assessment will be provided at no cost to the parent. Unlike IDEA however, Section 504 does not provide for an independent educational evaluation (at no cost to the parent) should the parent disagree with the results. If additional assessment is needed, parental consent is required in order to conduct that assessment and the assessment process will be concluded for eligibility determination within no more than 60 days from the date of parental consent. If the parent refuses written consent to additional evaluation, the District will consider the student nondisabled and he/she will remain in regular education. The District is not obligated to evaluate or identify a student as 504 eligible simply at a parent's request if the District does not suspect that the student has 504 eligible impairment.

When determining eligibility under Section 504, the multidisciplinary team must conclude that the impairment is considered "severe" in comparison to students of the same age and/or grade level peers. This comparison should be determined based on the average student and not the student's own level of personal potential. The impairment must also be considered severe without medication, medical supplies, or equipment even if the student is currently using mitigating measures that lessen the severity of the impairment. Examples of mitigating measures include: medications such stimulants or insulin, medical supplies and equipment such as an insulin pump, prosthetics, cochlear implants, or augmentative communication devices. Severe impairments that are episodic or in remission are also subject to eligibility with a plan that addresses the impairment when it is active.

A student is not eligible solely because they have a doctor or psychologist diagnosed impairment. The student is not eligible if a multidisciplinary team determines the impairment minor or moderate or uses the individuals' potential as the determining factor of severity as the basis for eligibility. Limitations that are considered temporary or transitory (typically within six months or less) or those difficulties with the primary factor due to environmental, cultural, or economic disadvantage are not subject to eligibility.

## **Section 504 Plans**

Upon determining eligibility, the multidisciplinary team will convene to develop a service plan within 30 days of the eligibility determination. The assembled team must consider the total program including academic, nonacademic, and extra -curricular activities. The developed plan is designed to be comparable to nondisabled peers with respect to reasonable accommodations within the educational environment. Instructional (related) services such as transportation services, health services, counseling services, physical/motor services, and speech/language services may be considered.

## **Beyond Initial Eligibility**

Eligibility will be considered at least every three years to determine the nature and severity of the impairment over time. Information may exist to complete a review of data or additional information may be needed. Section 504 plans will be reviewed at least annually or more in the event of an eligibility evaluation/review.

## **Student Records**

Records related to Section 504 eligibility and plans will be maintained within the District student information system (Lumen). Similar to IDEA, all pertinent staff working with an eligible student will need to have access to the current 504 records.

## Fidelity Indicators for Implementation

- ✓ Notice of Meeting and appropriate parental rights documents were provided at least 10 days prior to any scheduled meetings **-OR-** documentation that the parents waived the 10 day meeting notice.
- ✓ Pertinent information was reviewed to determine student eligibility in accordance with the following timelines:
  - Within 30 days of the initial 504 referral
  - Within 3 years of the most recent eligibility determination
  - Within 30 days of notice of a change in status of a current impairment
  - If additional assessment was required, within 60 days of the date of parental consent to obtain further evaluation information
- ✓ If additional assessment is needed to determine eligibility, parental consent is required and should be documented (Notice of Action forms). Other consent items include revocation of consent and/or initial placement along with significant changes in the student's placement and/or eligibility status.
- ✓ Severe and substantial limitations caused by the impairment are determined and documented through the evaluation process (eligibility forms).
  - Multiple data points congruent with the suspected and/or defined impairment (grades, state/district assessments, classroom assessments compared to the average, progress points, attendance records, discipline records, etc.)
  - Data points are compared to the average student population documenting that the individual is significantly unable or limited to perform due to the disability
  - The impact of the disability(ies)
    - Severely impacting in nature (HIV, Profound hearing loss, blindness)
    - Severely impacting due to the frequency and/or long term impact without modifications to the environment
    - Severely impacting due to the effect of combined disabilities
  - Episodic, remission, or mitigating factors are considered and the disability is considered severe in impact when the condition is active, heightened, or without mitigating measures.
- ✓ Section 504 Plan is developed within 30 days of the eligibility determination and appropriate Notice of Meeting was provided (see first indicator).
- ✓ The total program is considered with respect to academic, nonacademic, and extra-curricular activities and all modifications and/or services are determined "reasonable" in nature compared to nondisabled peers.
  - Instructional services (direct) may be considered with respect to those classified as related services (health, counseling, physical/motor, speech/language, transportation)
- ✓ Section 504 Plans are reviewed annually (on or before the date of the most recent plan)
- ✓ Eligibility is reviewed every three years (on or before the date of the most recent determination)