

CHOCTAW TRIBAL SCHOOLS

504 POLICY

WHAT IS SECTION 504?

Section 504 is the part of the Rehabilitation Act of 1973, which applies to persons with disabilities. It is a civil rights act that states that no otherwise qualified individual with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.

Original concerns regarding issues of “access” for persons with disabilities centered around physical access – ramps, curb cuts, elevators, restrooms, etc. Within the last several years the Office of Civil Rights has become active in broadening the definition of “access” to include the implementation of special accommodations in the classroom in order to allow a disabled student to benefit from his or her education.

HOW DOES SECTION 504 DEFINE “DISABILITY” AS IT APPLIES TO EDUCATION?

A Person who qualifies for a 504 plan has a mental or physical impairment which substantially limits one or more of a person’s major life activities. Common examples include such things as communicable diseases (HIV, TB), medical conditions (Attention Deficit Hyperactivity Disorder, asthma, allergies, diabetes, heart disease, seizure disorders, traumatic brain injury, etc.), temporary medical conditions due to illness or accident, and psychological disorders.

WHAT IS A MAJOR LIFE ACTIVITY?

This includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. At school “learning” is frequently identified as the area of difficulty.

HOW DO WE KNOW IF A STUDENT IS ELIGIBLE FOR A 504 PLAN?

The System has reason to believe that because of a disability as defined under Section 504, a student needs special accommodations or services in the regular classroom in order to participate in the school program, the System must evaluate the student. This is not necessarily the same as an evaluation for Special Education. Staff may use existing information such as grades, attendance reports, cumulative folder information, observation, and formal or informal test information. Information about current classroom functioning is critical. Parents may provide information from private doctors, therapist, etc.

Please be aware that the student must have *an identifiable disability* of some sort – while good teaching practice says you may provide some different sort of instruction for slow learners, for example, they do not qualify for formal 504 plans. In addition, please be aware that choosing to ignore or not identify a student who needs a 504 plan does not relieve the System of its responsibility to provide access.

AND WHY DO I HAVE TO GO TO THIS MEETING?

Section 504 falls under the responsibility of the regular education program. School staff and parents need to work in collaboration to help guarantee that the student is provided with the necessary and reasonable accommodation and/or services.

At a “504 meeting” teachers and other school staff along with parents and students develop a plan that outlines the accommodations that meet the unique needs of that particular student. *The student’s regular education teachers will be legally responsible for implementing the plan.*

WHAT DOES MAKING ACCOMODATIONS MEAN?

Accommodations are adjustments or modifications made by the classroom teachers and other school staff to help students benefit from their educational program to the same degree that non-disabled students benefit. Examples of common reasonable accommodations are attached. It is important that the plan specify a limited number of accommodations that are necessary at this point in time to place the student at an equal starting level with the non-disabled student. The plan should be reviewed periodically to evaluate its appropriateness.

CHOCTAW TRIBAL SCHOOLS SYSTEM SECTION 504 RESOURCE GUIDE

The Section 504 Resource Guide is provided to assist the Choctaw Tribal Schools in understanding and implementing Section 504.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a Congress's directive to schools receiving any federal funding to eliminate discrimination based on disability from all aspects of school operation. It states: "No otherwise qualified individual with a disability shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Since Choctaw Tribal School System is a recipient of federal dollars, we are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by our schools.

Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of regular education staff and administration to implement those practices and procedures necessary for a school to fulfill this law's requirements. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At each school, the responsibility for insuring Section 504 compliance rests with the building principal or principal's designee. Please note that when working with disabled students, Section 504 serves the same purpose as ADA (Americans with Disabilities Act).

Helpful Link: the Council of Educators for Students with Disabilities, Inc. has a web site that provides helpful information about Section 504. It has information about the history and purpose of Section 504. One especially helpful section is the Question and Answer site it provides. *www2.ed.gov

IDENTIFYING STUDENTS FOR SECTION 504 ELIGIBILITY

What criteria are used to determine 504 eligibility?

Like other students, those students with a 504 eligible disability are entitled to a free appropriate public education. As appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the student. Section 504 focuses on assuring access to educational services and the learning process that is equal to that given students who do not have disabilities.

For a student to qualify for Section 504 protection the student must meet three criteria. The three criteria are (1) A mental or physical impairment (or has a record of an impairment or is regarded as having an impairment), (2) which substantially limits, (3) one or more major life activities. It is important to understand that **all three criteria must apply** to a student before that student is eligible for Section 504 protection. In addition, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. Here is additional detail on each of the three criteria.

(1) Mental or physical impairment (a) has a record of such an impairment or (b) is regarded as having an impairment: This might include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems. Additionally this can include any mental or psychological disorder. This criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way so that the range of diseases or medical conditions that might be considered for Section 504 eligibility is not limited. The Section 504 regulatory provision at 34C.F.R 104.3 (j)2(i) defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(a)Has a record of such an impairment” means that a person has a history of, or has been misclassified (by a recipient of federal funding) as having a mental or physical impairment that substantially limits one or more major life activities.

(b)Is regarded as having an impairment means that an individual has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient (of federal funds) as constituting such a limitation; or has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment.

Thus, in the case of “has a record of” and “is regarded as having” individuals receive Section 504 protection, not necessarily because they have a qualifying disability, but to protect them from being injured by the prejudice or stereotypic attitudes of others. Schools have no obligation to identify those students or provide them with a Section 504 plan. However, schools are prohibited from discriminating against them in all programs and activities.

(2)Substantially limits:

Section 504 does not specifically define the term “substantially limits”. The basis for evaluating this criterion is on the impact a disability has on one or more of a student’s major life activities. It is vital to understand that for a student to qualify, the impairment must impose an important and material limitation of one or more major life activities at the current time. The eligibility team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. **The condition must present a barrier to the student’s ability to access the same educational opportunities as that afforded a non-disabled student or a substantial limitation does not exist.** The team may consider the manner, conditions, and duration in which a student performs the task in comparison to how non-disabled students perform the same task.

(3)Major life activities:

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, hearing, seeing speaking, breathing, learning, and working.

How is a Section 504 student review request made?

A parent, guardian, teacher, student study team, counselors, related service providers, other school staff and administration, and/or community agencies can initiate a Section 504 review request. Please advise someone want a student review to use the Section 504 Student Review Request Form and forward it to the school principal.

What is the process for reviewing Section 504 eligibility?

The system expectation is that every school in the Choctaw Tribal School System convenes a support Team (or similar group) whose purpose is to investigate the needs of students who demonstrate a pattern of academic failure or other significant needs. The Support Team (S-Team) conducts a preliminary review to determine the nature of the student’s need. If it is determined that the student should go through a 504 eligibility meeting then appropriate staff meet and conduct the meeting.

As mentioned above, a student is eligible for Section 504 protection when it is determined that he or she has a physical or mental impairment that substantially limits one or more major life activities. A properly concerned eligibility team will include individuals knowledgeable about the needs of the student, the data being reviewed and appropriate accommodation options. This team can include parents/guardians, teachers, Support Team members, counselors, related service providers, other school staff and administrators, and staff from community agencies. Parents/guardians should be included in this process whenever possible. The team’s role is to review the nature of the student’s impairment determining how it affects educational access. If the team determines that the impairment does limit a major life function then the team will construct a Section 504 plan that outlines the necessary student accommodations.

Parent Notice: Section 504 Student Eligibility Meeting

The Section 504 eligibility team at (school) _____ is in the process

of planning an eligibility meeting for your child. The purpose of this meeting is to determine whether (student name) _____ is eligible for accommodations that will better insure his/her access to services, programs, and/or school activities. The following concern(s) has prompted our staff to organize this meeting. _____

Students are eligible for this kind of support if they have a disability or handicap that substantially limits one or more major life activities and impacts their ability to access the program. Section 504 is part of the Rehabilitation Act of 1973. This civil rights law guarantees that students with a qualifying disability are provided the same access (both physical and academic) to public school services, programs, and activities as non-disabled students. We will be reviewing the following information in order to determine if your child is eligible for accommodations under Section 504. _____

Meeting details:

Date _____ Time _____

Location _____

Eligibility team members _____

Review meeting type: Initial _____ Yearly _____ Other _____

The eligibility team would ask that you participate in this session as part of the eligibility team.

Please indicate if it will be possible for you to do so on the bottom portion of this form. Sign and return this form to your student's school. If you should have questions or need more information please contact

(name) _____

At (phone) _____

I will participate in the meeting described above. Yes _____ No _____

Parent Signature _____ Date _____

*Section 504 appendix: Student Study Team Process
July 2001*

Parent/Student Rights under Section 504

Parents have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.

2. Have the District advise you as to your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. 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 District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your child receive special education and related services if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to receive reasonable accommodations under Section 504 of the Rehabilitation Act.
7. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.
8. Have transportation provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
9. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school District through the provision of reasonable accommodations.
10. Examine all relevant records relating to decisions regarding your child's identification, eligibility, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Receive a response from the District to reasonable requests for explanations and interpretations of your child's records.
13. 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 district refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request impartial due process hearing related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
15. File a complaint with the District when you believe your child's rights have been violated.

If you have questions concerning Section 504 you may call or write the Choctaw Tribal Schools' Section 504 Coordinator:

Karla Weir, Occupational Training Center, (601) 6637813

CHOCTAW TRIBAL SCHOOLS SECTION 504 REFERRAL

Student _____ **Date** _____

School _____ **Date of Birth** _____

Teacher _____ **Grade** _____

Parent _____ Phone _____

Address _____

Referred by _____

1. Reason for referral:

2. Accommodations and interventions attempted by the Building Level Team:

3. Has the student ever been referred, evaluated, and/or received services from special education?

YES _____ NO _____ If yes, explain:

4. Referral action:

Building Level Team Member _____ **Date** _____

Section 504 Coordinator _____ **Date** _____

**GUIDELINES FOR EDUCATORS
SECTION 504 TEAM MEETING SUMMARY**

Student _____ Grade _____

School _____ Birthdate _____

Address _____ Phone _____

Case Manager _____ Date _____

PARTICIPANTS – Staff knowledgeable about the student, disability, and the results of the evaluation data.

SUMMARY OF EVALUATION DATA – Information from a variety of sources, including, as relevant, aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

Determination of Whether the Student has a Disability Under Section 504

_____ The student does not have a physical or mental impairment which substantially limits on or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing speaking, breathing, learning, and working.

_____ The student has a physical or mental impairment which substantially limits one or more major life activities, such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The Section 504 eligibility team at (school) _____ is in the process of planning an eligibility meeting for your child. The purpose of this meeting is to determine whether (student name) _____ is eligible for accommodations that will better insure

*Section 504 Appendix: Student Study Team Process
July 2001*

Guidelines for Educators

**Section 504
STUDENT ACCOMMODATION AND SERVICE PLAN**

Student _____ Date _____

Case Manager _____

Explanation of Section 504 Eligibility _____

Check each area where special accommodation/services will help the student meet success at school.

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Seating | <input type="checkbox"/> Note Taking | <input type="checkbox"/> Reading |
| <input type="checkbox"/> Writing | <input type="checkbox"/> Spelling | <input type="checkbox"/> Vocabulary |
| <input type="checkbox"/> Space | <input type="checkbox"/> Organization | <input type="checkbox"/> Math |
| <input type="checkbox"/> Physical Education | <input type="checkbox"/> Assistive Devices | <input type="checkbox"/> Test Taking |
| <input type="checkbox"/> Problem Solving | <input type="checkbox"/> Time | <input type="checkbox"/> Memory |
| <input type="checkbox"/> Communication | <input type="checkbox"/> Interpersonal Skills | <input type="checkbox"/> Homework |
| <input type="checkbox"/> Assignment Completion | <input type="checkbox"/> Listening | <input type="checkbox"/> Other _____ |

ACCOMMODATIONS AND SERVICES

1. _____

2. _____

3. _____

**SECTION 504
STUDENT ACCOMMODATION AND SERVICE PLAN**

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

Section 504 Committee	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have reviewed this accommodation plan and have received a copy of my Section 504 rights.

_____ **Parent Signature** _____ **Date**

Review Date: _____

Case Manager: _____

Section 504 Plan Termination form

Student Name _____ Student I.D. _____

School _____ Grade _____

Date _____

In the space below, briefly describe the reason for terminating the student's 504 plan referencing the three qualifying criteria listed below.

- A physical or mental impairment (has a history of having a physical or mental impairment)
- That **substantially** limits
- One or more major life activities

The following eligibility team has determined that the 504-accommodation plan currently in place for the above named student is no longer needed. (Please have the building principal or building 504 coordinator or designee sign off on each Section 504 Termination Form.)

Signatures and titles of participants:

Building principal, building 504 coordinator
or designee signature:

Parent/guardian signature

I understand that, if I disagree with the content of this termination form, I have the right to ask for a Section 504 review meeting by filing a written request with the school principal, building 504 coordinator or designee.

**Attach this completed form to the front of the student Section 504 Accommodation Plan.
Both terminated and active Section 504 Accommodations plans are to be maintained in the student cumulative file.**

*Section 504 Appendix: Student Study Team Process
July 2001*