

Section 504/ADA Procedures Manual



Wilson County Schools does not discriminate on the basis of race, color, national origin, sex or disability in admission to, access to and treatment in its programs and activities.
Wilson County Schools is an equal opportunity employer.

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Wilson County Schools
Section 504/ADA

The Wilson County Schools is committed to providing students with disabilities who attend our schools with the opportunity to participate in and benefit from our educational system. The following is the official written policy for compliance with Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act (ADA).

I. DEFINITIONS APPLICABLE TO SECTION 504/ADA POLICY

A. The law:

“No otherwise qualified individual with handicaps in the United States shall, solely by reason of her or his handicap, as defined in section 706(8) of this title, 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service.” (29 U.S.C. Sec. 794)

B. Disabled (handicapped) student: This term under Section 504/ADA means a student who:

1. Has a physical or mental impairment that substantially limits one or more major life activities;
2. Has a record of having an impairment that substantially limits one or more major life activities;¹ or
3. Is regarded as having an impairment that substantially limits one or more major life activities.¹

C. Major life activities: This term means life functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, ADD/ADHD, and working.

¹ Please note, as explained in an Office of Civil Rights (OCR) senior staff memorandum dated August 3, 1992 (19IDELR 894).

“The use of these prongs of the definition of handicapped person [‘has a record of’ and ‘is regarded as having a disability’] arises most often in the area of employment, and sometimes in the area of post-secondary education. It is rare for these prongs to be used in elementary and secondary student cases as they cannot be the basis upon which the requirement for [Free Appropriate Public Education] is triggered. Logically, since the student is not, in fact, mentally or physically handicapped, there can be no need for special education or related aids and services.”

D. Physical or mental impairment: This term means (A) 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; genitourinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

E. Mitigating measures: This term refers to devices or practices that a person uses to correct for or reduce the effects of that person's mental or physical impairment such as medication, medical supplies, appliances, low-vision devices, prosthetics, hearing aids and mobility devices.

Exclusions:

Section 504/ADA specifically excludes the following physical and/or mental impairments from qualifying a student as disabled: substance abuse disorders resulting from illegal use of drugs, kleptomania, pyromania, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairment, or other sexual disorders/differences.

II. NONDISCRIMINATION POLICY IN THE PROVISIONS OF EDUCATIONAL PROGRAMS AND SERVICES TO OTHERWISE QUALIFIED STUDENTS WITH DISABILITIES

In compliance with its obligations under both Section 504 and the ADA, the Wilson County Schools does not discriminate against otherwise qualified students with disabilities in the provision of its educational programs and activities. The school system will make reasonable modifications to its programs and activities to accommodate otherwise qualified students with disabilities, unless such modifications would impose an undue burden on the operation of the particular program, or would alter the fundamental nature or purpose of the program.

In addition to its provision of educational services, the school system will not discriminate against otherwise qualified students with disabilities in its provision of non-educational programs, services and activities such as counseling, athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment.

The Wilson County Schools will provide a free appropriate public education to otherwise qualified students with disabilities who attend its schools. Instruction will be individually designed to meet the individualized educational needs of these students. The school system will seek to assure that the educational services provided to otherwise qualified students with disabilities are reasonably calculated to afford such students an equal opportunity to achieve educational benefit as is provided to students with disabilities.

The school system's Section 504/ADA Coordinator is the Executive Director of Student Services, 117 North Tarboro Street, Wilson County Schools, phone 252-399-7762.

A. Least Restrictive Environment

The Wilson County Schools will educate otherwise qualified students with disabilities with students without disabilities to the maximum extent appropriate. Otherwise qualified students with disabilities will be removed from the regular educational environment only when the district determines that educating the student in the regular environment with the use of formalized classroom modifications, supplementary aids and/or services cannot be achieved satisfactorily.

A student identified as having a disability may not be suspended for more than ten days without a manifestation determination review to determine if the conduct in question had a direct or causal relationship to the student's disability. Schools should use the 504 Manifestation Determination form found in the appendix A of this manual to document manifestation determination hearings. A 504 student cannot be long-term suspended if the misconduct was directly caused by the disability.

B. Eligibility Determination

The Wilson County Schools System will evaluate any student suspected of qualifying as a disabled student under Section 504/ADA and document the results of the evaluation in writing. The school will request and will keep on file relevant and current medical information provided by the student's parents and/or physician, psychologist, psychiatrist or other professional in order to make needed adjustments or modifications for the student. Students who are eligible for formalized modifications will be reevaluated as conditions warrant.

C. Development of Section 504/ADA Plan

The determination of formalized Section 504/ADA modifications to the student's educational program will be made in writing at a meeting held by a group knowledgeable about the student before changes are made in the student's program.

D. Personnel Training

The Wilson County Schools will provide in-service training and consultation to staff on the education of persons with disabilities, as necessary.

E. Transportation of Otherwise Qualified Students with Disabilities

The Wilson County Schools will not discriminate in its provision of transportation to otherwise qualified students with disabilities. However, if the school system has made available a free appropriate education to a student that conforms to the requirements of Section 504/ADA, but the parent chooses to place the student elsewhere, the district will not pay for any costs incurred in transporting the student to that program.

F. Notice to Parent or Guardian of Actions Affecting Identification, Evaluation or Placement

The Wilson County Schools will notify the parent or guardian of a student suspected of being an otherwise qualified disabled student of his/her rights to initiate the grievance procedure and/or obtain an impartial hearing if the parent or guardian disagrees with any action regarding identification, evaluation, and/or placement of a student suspected of being disabled under Section 504/ADA. When a referral is made, the parent will be given a copy of the *Section 504/ADA, Student and Parents' Rights* document. (Appendix C)

G. Search and Serve Effort Under 504/ADA

In order not to duplicate efforts, attempts to locate and identify all qualified persons with disabilities residing in the district who are not presently receiving a public education, whether they are disabled pursuant to IDEA, 504/ADA, or both, will be made under the district's IDEA/child search and serve efforts.

III. SECTION 504/ADA PROCEDURES FOR DEVELOPING PLANS FOR QUALIFIED STUDENTS WITH DISABILITIES

A. Referral

Referrals may be made by parents, teachers or other knowledgeable professionals by a written referral made through the 504 school contact to appropriate school system staff who are knowledgeable in the area of the concern (e.g., physical therapist, occupational therapist). **Prior to completing the written referral, school staff are encouraged to contact appropriate Related Services specialist(s) to seek input and guidance regarding the need for referral.**

Note: If the student is suspected of having a disability in the area of learning, the IDEA procedure for special education is followed.

B. Assessment

School staff who perform assessments will review existing pertinent information and determine whether additional assessments are needed. If individual evaluation is needed, written parental consent is obtained and a copy of the Section 504/ADA Student and Parents' Rights documents are sent. Evaluations are then performed and the disability documented in writing.

Reevaluations are not required at specific intervals; however, assessments will be updated as needed to ensure that eligibility and accommodation planning is based on information that defines the student's disability accurately and reflects the student's current strengths and needs. At least every three years appropriate school staff should determine whether updated evaluations are needed. Copies of evaluations that may have been performed by other agencies or professionals will be requested.

School staff who perform evaluations will complete reevaluations at school. When a reevaluation is needed, parents will be sent prior notice and a copy of parent rights. Reevaluation findings will be documented in writing.

C. Eligibility Determination

Multiple sources should be considered in determining eligibility and the needs of the student such as scholastic record, report cards, work samples, state assessment results, psychological evaluations, social and health history, information provided by parents, teacher feedback, etc. Upon completion of evaluations for 504/ADA eligibility, appropriate school system staff will meet and determine whether the child has a physical or mental impairment that substantially limits a major life activity at school. If the committee formed for the purpose of determining eligibility finds that the student has a physical or mental impairment that substantially limits one or more major life activities, the student shall be found to be an eligible disabled student under Section 504/ADA. **The corrective effects of mitigating measures cannot be considered in determining whether or not a person is disabled** (e.g. medication, medical supplies, appliances, low-vision devices, prosthetics, hearing aids, mobility devices, etc.).

Note: Parents and students, where appropriate, shall be given reasonable notice of meetings and the opportunity to be involved in the committee process.

D. Written Notification

The Section 504/ADA committee shall provide written notification to a student's parents or guardians of any decision by the Section 504/ADA committee as to eligibility under Section 504/ADA. The *Section 504/ADA, Student and Parents' Rights* document will be sent to the parents if not sent previously.

E. 504 Plan

For students determined to be eligible under Section 504/ADA, the committee will develop a Section 504/ADA Plan based on information gained from a variety of sources. If the parent is not present at the meeting, the parent's signature is not required prior to implementation of the plan. One copy of the plan will be given to the parent and one copy will be located in the student's cumulative record for use by the staff. The district Section 504 Coordinator/Executive Director of Student Services will be provided a list of students with 504 plans within the first thirty days of the beginning of the school year using the Wilson County Schools 504 Plans Documentation Form (Appendix A). The district Section 504 Coordinator/Executive Director of Student Services will also be notified within five school days of newly developed 504 plans using the same form.

F. Review of Plan

The 504 Plan will specify a review date, at least annually, determined by the committee. A new plan will be developed at the review meeting.

IV. SECTION 504/ADA GRIEVANCE PROCEDURE

A “grievance” is a complaint by a student entitled to an education within the district or a parent of such a student. The district has designed this grievance procedure as a means of reaching, at the lowest possible administrative level, a fair and equitable settlement of differences and issues relating to possible discrimination under the Rehabilitation Act of 1973 (Section 504) and/or the Americans with Disabilities Act. These laws prohibit a public agency like Wilson County Schools from discriminating in its provision of its programs or activities against a qualified disabled person solely by reason of the person’s disability.

The 504 appeals procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, educational services, or educational program of students who, because of disability, need or are believed to need Section 504 plans and are not eligible under the IDEA, except in the case of long term suspension where the provisions of Board Policy No. 6500 apply. A student, parent, or guardian may initiate the procedure when they believe that a violation, misapplication, or misinterpretation of board policy, or state or federal law or regulation has occurred.

Questions about particular Section 504 issues may be directed to the following individuals:

For grievances related to a student’s program:
Assistant Superintendent for Instructional Services
Phone 252-399-7761

For grievances related to facilities:
Assistant Superintendent for Administrative Services
Phone 252-399-7741

For employee grievances related to disabilities:
Assistant Superintendent for Human Resources
Phone 252-399-7751

For questions related to Section 504 student evaluations and accommodation plans:
Executive Director of Student Services
Phone 252-399-7762

Grievance Procedure

STEP I - Principal Conference: A student, parent, or guardian wishing to invoke the 504 appeals process shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The request shall fully describe the grievance. The following additional guidelines shall be observed in Step I:

- A. A grievance shall be filed as soon as possible but not longer than thirty days after disclosure of the facts giving rise to the grievance.

- B. The principal shall grant the conference within five school days following receipt of the request. The principal will state in writing his/her position on the question to the individual within five school days following the conference.
- C. Only the parent, guardian, or someone acting in *loco parentis* shall be permitted to join or represent the student in the conference with the principal.

STEP II - Appeal to the Superintendent: If the grievance is not resolved at Step I, the student, parent, or guardian may appeal the principal's decision in writing to the superintendent or designee. The appeal must be made within five school days following receipt of the principal's decision. A written response shall be made to the student, parent, guardian, and principal from the superintendent or designee within ten school days following the review.

STEP III - Appeal for a Section 504 Due-Process Hearing: If the grievance is not resolved at Step II, an appeal may be made for an independent hearing. The appeal must be made in writing within ten school days following the written response from the superintendent in Step II. Upon receipt of the request for a hearing, the superintendent or designee will arrange for an independent hearing officer to hear the case. The individual is entitled to have his/her parent/guardian participate in the hearing and be represented by counsel if so desired. The hearing officer will inform the parent/guardian of the decision within thirty days of the hearing.

STEP IV - Appeal to Federal Court: If the grievance is not resolved at Step III, there is the right to appeal to federal court regarding the decision of the hearing officer.

APPENDIX A

WILSON COUNTY SCHOOLS

SECTION 504/ADA

FORMS

**WILSON COUNTY SCHOOLS
SECTION 504/ADA REFERRAL FORM
(Do not use if IDEA process followed)**

Student _____ **ID#** _____ **DOB** _____

School _____ **Grade** _____ **Teacher** _____

The above named student is suspected of having a disability that may require program modifications/accommodations or related services. Review of existing records, case discussion and/or further assessment is needed. The area of concern/need is checked below.

NOTE: If the student is suspected of having a disability in the area of learning, the IDEA procedure for special education referral should be initiated.

- _____Hearing (Contact: speech therapist)
 - _____Vision (Contact: lead teacher for visually impaired)
 - _____Mobility/Posture (Contact: school physical therapist)
 - _____Use of hands (Contact: school occupational therapist)
 - _____Other (specify) (Contact: staff with knowledge in area of concern)
- _____

Describe the student's mental or physical impairment if it has been determined:

Describe the reason for the referral for assistance/assessment:

Referral sent to (see above contacts): _____ Date _____

Signatures of Referring Person(s)

Signature	Position	Telephone	Date
-----------	----------	-----------	------

Signature	Position	Telephone	Date
-----------	----------	-----------	------

Original: Cumulative folder
Yellow Copy: Evaluator/Service Provider

**WILSON COUNTY SCHOOLS
 PARENT CONSENT FOR EVALUATION
 SECTION 504/ADA
 (Do not use if IDEA process followed)**

Date Sent: _____

Date Returned: _____

Student _____ ID# _____ DOB _____

School _____ Grade _____ Teacher _____

Dear Parent:

After reviewing your child's school records and information from the teachers, an assessment is recommended to provide additional information about your child's needs at school and to determine whether your child is eligible for services as a student with a disability under Section 504/ADA. The assessment results will be shared with you and used to determine the most appropriate way to meet your child's needs. For additional information, please contact _____ at _____. A copy of your rights as a parent is enclosed.

Sincerely,

Name

Position

Please sign A or B and return to: _____

A. YES, I give my permission for my child to receive assessment services. I have received a copy of parents' rights.

 Signature Date Relationship to Child

B. NO, I do not give my permission for my child to receive assessment services. I have received a copy of parents' rights.

 Signature Date Relationship to Child

Original: Parent
 Yellow Copy: Cumulative Folder
 Pink Copy: Evaluator/Service Provider

**WILSON COUNTY SCHOOLS
PARENTAL NOTICE OF SECTION 504
ELIGIBILITY AND PLANNING MEETING**

Date Sent: _____

Student _____ **ID#** _____ **DOB** _____

School _____ **Grade** _____ **Teacher** _____

Dear Parent or Guardian:

You are invited to attend a meeting to discuss _____'s
(Name of Student)
individual needs, to help determine if accommodations/services are necessary, and to develop
a plan, if needed. The meeting is scheduled for _____ at _____.
(Time/Date) (Location)

You are encouraged to attend this meeting. Your input is valued and appreciated.

If you have any questions please contact _____ at _____.
(Name) (Phone #)

Sincerely,

(Name)

(Position)

Original: Parent
Yellow Copy: Cumulative folder

**WILSON COUNTY SCHOOLS
SECTION 504 ELIGIBILITY**

INSTRUCTIONS

- A. In the spaces provided, enter the student’s identifying information.
- B. **Evaluation Information:** The purpose of this section is to document the consideration of information from a variety of sources as is required by legislation. A check mark is entered in the block beside each type of information considered by the team. A copy of all information should be placed in the student’s 504 folder or cumulative folder.
- C. **Eligibility Analysis:** Using the information from a variety of sources, the 504 team will answer questions and provide descriptions about the presence of a mental or physical impairment.
1. The 504 team must first establish whether there is a mental or physical impairment. A “yes” answer requires the team to indicate the data that identifies the impairment. If there is not an impairment, the team answers “no” and proceeds to the Eligibility Determination section.
 2. The 504 team must consider and indicate whether economic or environmental (CEE) factors account for the student’s inadequate performance. Section 504 does not cover limitations of Major Life Activity/ Major Bodily Function (MLA/MBF) caused by CEE; however the team may want to refer such a student to the school intervention team.
 3. The 504 team describes the impairment and determines whether or not the impairment is temporary, episodic, intermittent or in remission by checking “yes” or “no”. A “yes” answer is followed by a description of the impairment.
 4. The 504 team will answer “yes” or “not” to whether or not the impairment substantially limits a MLA/MBF. If “no”, proceed to the Eligibility Determination section. If “yes”, (1) indicate the MLA/MBF. (2) describe how and to what degree the MLA/MBF is limited and (3) indicate whether the impairment is negligible, mild/moderate, substantial or severe.
 5. The 504 team must consider whether or not the student is substantially limited in a MLA/MBF. If “yes”, proceed to the Eligibility Determination section. If “no”, then the team should consider whether or not the lack of a substantial limitation is due to the corrective effects of any mitigating measure(s) the student may be using (1) indicating the mitigating measure, (2) describing the extent of the limitation prior to use of mitigating measures and (3) indicating whether the impairment is negligible, mild/moderate, substantial or severe.
- D. **Eligibility Determination:** The 504 team will choose the appropriate eligibility option based on the evaluation information. Students who are struggling, but deemed to not have a substantial impairment may need to be referred to the school intervention team. Students with a temporary transitory impairment that does not meet the criteria for 504 may still be eligible for a temporary EEOP if they have a substantial impairment expected to last no more than six months such as a broken arm, a fractured knee, an appendectomy, etc. Minor,

short-term illnesses such as the flu, laryngitis, etc., do not meet the criteria for a transitory impairment. If a student has a substantial impairment that is being effectively addressed by a mitigating measure (medication, etc.), he/she may be identified as 504 eligible, but not need an EEOP. If it is determined that the student is Section 504 eligible, the team develops an EEOP.

- E. **Team Signatures/Titles:** Each individual participating in the eligibility determination process must sign the eligibility document, indicate their position (teacher, parent, etc.) and indicate the date. If the eligibility determination required two or more meetings, indicate in meeting notes that certain individuals attended earlier meetings, but did not participate in the meeting at which eligibility decision was made.
- F. **Parental Notice:** After an eligibility decision has been reached, provide the parent(s) with an opportunity to sign the completed Notice of Eligibility form, provide the parent(s) with a copy of the completed Section 504 Eligibility document and the *Parent's Notice of Section 504 Rights*, dating when provided. If the parent(s) elect(s) to not sign or is/are not present to sign the document, note such at the bottom of the document and date when the *Parent's Notice of Section 504 Rights* was provided.

GENERAL INFORMATION

In order to qualify as having a disability in learning under Section 504, a student must 1) have a physical or mental impairment that 2) substantially limits his learning. If a student is in need of specially designed instruction because his handicapping condition is interfering with his learning, the student should be referred for evaluation, identification and placement as a special needs student under the IDEA. According to a Joint Policy Memorandum from the US Department of Education issued in 1991, it is possible that a student who does not qualify as disabled under IDEA may still qualify as disabled in his/her learning under Section 504. Following this reasoning, if a student has a physical or mental impairment that is significantly limiting his learning, does not require specially designed instruction to benefit educationally, but does require reasonable but substantial modifications of the regular education classroom or curriculum in order to have the same access to an education as non-handicapped students, then he/she is entitled to a Section 504 plan. If a student has a physical or mental impairment, but does not need modifications to the regular classroom or curriculum greater than what is normally provided to students, then he is not entitled to have a Section 504 plan.

Federal law and regulations do not define the term "substantially limits." The Office for Civil Rights has issued an opinion letter, which leaves to the local school district the determination of whether a particular impairment substantially limits a major life activity. OCR has made it clear, however, that simply having a diagnosis of ADD or ADHD does not in itself establish that a student is disabled under Section 504.

**WILSON COUNTY SCHOOLS
SECTION 504 ELIGIBILITY**

Name _____ School _____

Student ID# _____ DOB _____ Grade _____

Evaluation Information (Check boxes that apply; 34 CFR G.S.104.35(c))

- | | | |
|--|---|---|
| <input type="checkbox"/> *Psychological Evaluation
or (*either required*) | <input type="checkbox"/> Scholastic Record (required) | <input type="checkbox"/> Teacher input (required) |
| <input type="checkbox"/> *Physician's Report | <input type="checkbox"/> CHART (if available) | <input type="checkbox"/> Work Samples |
| <input type="checkbox"/> Report Card (required) | <input type="checkbox"/> Standardized Test Results | <input type="checkbox"/> Parent Information) |
| <input type="checkbox"/> Social/Developmental History | <input type="checkbox"/> Discipline History | <input type="checkbox"/> Observation data |
| <input type="checkbox"/> Curriculum-based assessments | <input type="checkbox"/> Other _____ | |

(Copies of checked evaluations, reports, etc. are maintained in the student's Section 504 folder)

Eligibility Analysis

1. **Does the student have a mental or physical impairment?** (check one) **No** (if "no", go to Eligibility Determination section) **Yes** (if "yes", identify the impairment and supporting data)

2. **Does culture, economics or environment (CEE) account for limitations in a Major Life Activity/ Major Bodily Function (MLA/MBF)?** (check one)
 No (if "no", go to next item) **Yes** (if "yes", describe why CEE limits a MLA/BF and go to Eligibility Determination section) _____

3. **Describe the impairment(s)** _____

- A. **Is the impairment temporary** (less than 6 months)?* **No** **Yes** (if "yes", describe frequency, intensity or expected duration; consider if transitory instead of 504) _____

- B. **Is the impairment episodic, intermittent or in remission?** **No** **Yes** (if "yes", describe frequency, intensity or expected duration) _____

4. **Does the impairment limit a MLA/MBF?** **No** (if "no", go to Eligibility Determination section)
 Yes (If "yes", complete the Student Learning Questionnaire and then answer the following:)
 Describe how and the degree to which the impairment limits MLA/MBF (check one) _____

- | | | | |
|-------------------------------------|--|--------------------------------------|---------------------------------|
| <input type="checkbox"/> Negligible | <input type="checkbox"/> Mild/Moderate | <input type="checkbox"/> Substantial | <input type="checkbox"/> Severe |
|-------------------------------------|--|--------------------------------------|---------------------------------|

5. In terms of frequency, intensity and duration, does the impairment, when in an active state, substantially limit a MLA/MBF when compared to how the average, non-disabled student performs the same MLA?? (check one)

No (if "no", respond to the following:) Yes (if "yes", go to Eligibility Determination section)

A. Is the student using any measures or modifications (mitigating measures) to reduce or control the effect of the impairment? No Yes (if "yes", describe mitigating measures)

B. Describe the extent to which a MLA/BF most likely would be limited if the student was not using a mitigating measure (check one) _____

Negligible Mild/Moderate Substantial Severe

C. Summarize supporting evaluation information _____

Eligibility Determination

Based on analysis of the evaluation data, does the student have a disability that substantially limits a major life activity?

_____ No, the student is not eligible

_____ If not eligible due to the impairment being of too short duration, does this student meet the criteria for a transitory impairment (not 504)?

_____ No, there is no substantial impairment

_____ Yes, the substantial impairment is expected to be for less than 6 months. Although the student does not qualify for a Section 504 EEOP, a temporary EEOP will be implemented to meet his/her temporary needs.*

_____ Yes, the student is Section 504 eligible but does not require an Equal Education Opportunity Plan (EEOP) since current educational practices are meeting his/her needs because (1) of the corrective effects of mitigating measures or (2) the impairment is episodic or in remission.

_____ Yes, the student is Section 504 eligible and requires an EEOP.

**An impairment is transitory if it has an actual or expected duration of 6 months or less with no substantial long-term effects. Examples of transitory impairments are things such as a broken arm, a fractured knee, an appendectomy, etc. Minor, short-term illnesses such as the flu, laryngitis, etc. do not meet the criteria for a transitory impairment.*

Team Signatures/Titles	Date

Copy of this Section 504 Eligibility document and the Parent's Notice of Section 504 Rights provided to the parent/guardian	
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**WILSON COUNTY SCHOOLS
STUDENT LEARNING QUESTIONNAIRE**

Name _____ **School** _____

Student ID# _____ **DOB** _____ **Grade** _____

Listed below are a number of factors that should be considered in determining whether a student's physical or mental impairment substantially limits his learning. Generally, there must be multiple indicators of difficulty to show a substantial limitation.

1. Has the student demonstrated a consistent need for substantially more time to complete homework assignments than is required by non-handicapped students?
YES _____ **NO** _____
2. Has the student demonstrated a consistent need for substantially more time to complete in-school assignments than is required by non-handicapped students?
YES _____ **NO** _____
3. Is modified testing consistently necessary for the student to be able to demonstrate knowledge?
YES _____ **NO** _____
4. Does the student exhibit frequent behaviors (drowsiness, impulsivity, inattentiveness, aggressiveness, etc.) associated with an identified physical or mental impairment and do these behaviors significantly interfere with school performance? (If "Yes", describe)
YES _____ **NO** _____
5. Does the student exhibit significant difficulty with planning, organization and execution of school-related activities and assignments?
YES _____ **NO** _____
6. Is the student chronically absent or tardy for reasons related to a diagnosed physical or mental impairment and are such absences or tardiness interfering with his school performance?
YES _____ **NO** _____
7. Has the student experienced a steady decline in academic performance for which there is no known cause other than the diagnosed physical or mental impairment?
YES _____ **NO** _____
8. Has the student experienced a steady increase in disciplinary interventions for, which there is no known cause other than the diagnosed condition?
YES _____ **NO** _____
9. After at least two intervention strategies have been implemented in regular education, does the student still exhibit significant learning difficulties?
YES _____ **NO** _____
10. Are there other indicators that this student's physical or mental impairment substantially limits his learning? (If "Yes", describe) **YES** _____ **NO** _____

**WILSON COUNTY SCHOOLS
EQUAL EDUCATION OPPORTUNITY PLAN**

INSTRUCTIONS

- A. In the spaces provided, enter the student's identifying information.
- B. Check whether the EEOP is for a Section 504 eligible student or a temporary plan for a student with a transitory impairment expected to last no more than six months such as a broken arm, a fractured knee, an appendectomy, etc
- C. **School and Classroom Accommodations:** Based on data collected in the Student Learning Questionnaire and evaluation of needs, determine and document specific accommodations the student requires in order to have an equal opportunity to benefit from classroom instruction, programs and activities, etc. Also indicate where the accommodation will take place (classroom, bus, physical education, etc.) and who will be responsible.
- D. **State and Local Option Testing:** Based on information collected in the Student Learning Questionnaire and evaluation of needs, the 504 team will indicate accommodations for state and local testing. Keep in mind that state assessment rules typically require that accommodations be routinely used in the instructional program prior to state standardized testing as a condition for them to be used on state assessments.
- E. **Team Signatures/Title:** Each individual participating in the eligibility determination process must sign the EEOP, indicate their position (teacher, parent, etc.) and indicate the date. If the development of the EEOP required two or more meetings, indicate in meeting notes that certain individuals attended earlier meetings, but did not participate in the meeting at which the EEOP was finalized.
- F. **Parental Notice:** After the EEOP details are documented, provide the parent(s) with an opportunity to sign the completed EEOP, provide the parent(s) with a copy of the completed EEOP document and the *Parent's Notice of Section 504 Rights*, dating when provided. If the parent(s) elect(s) to not sign or is/are not present to sign the document, note such at the bottom of the document and date when the *Parent's Notice of Section 504 Rights* was provided.
- G. **Reviews:** Section 504 does not require an annual review; however, it is a best practice and expectation in Wilson County Schools for the EEOP to be reviewed at least annually and more often if needed. At the conclusion of the annual review, meeting participants should initial and date the spaces provided.
- H. **Copies:** Make sure the student's teachers receive a copy of the EEOP so accommodations can be implemented.

WILSON COUNTY SCHOOLS Equal Education Opportunity Plan

Name _____ Disability _____ School _____

Student ID# _____ DOB _____ Grade _____

Teacher(s) _____

Check one:

	This student has been found to be Section 504 eligible and requires the following accommodations based on evaluation information that is documented on the Section 504 Eligibility form.
	This student has been found to have a transitory impairment and requires the following temporary accommodations based on evaluation information that is documented on the Section 504 Eligibility form.

School and Classroom Accommodations (use an additional page as needed)

(facility accessibility, teaching strategies, organization, transportation, health/safety, related services, etc.)

Check here to indicate there are attachments

Accommodation	Setting	Individual Responsible
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

State and Local Option Testing (*Check all applicable*)

Before implementing accommodations on state and local option assessments, the accommodations must have been routinely used in the instructional program.

<input type="checkbox"/> Braille/Braille Writer <input type="checkbox"/> Large Print <input type="checkbox"/> Crammer-Abacus <input type="checkbox"/> Dictation to Scribe <input type="checkbox"/> Interpreter/Transliterators <input type="checkbox"/> Magnification Devices <input type="checkbox"/> Keyboarding Devices	<input type="checkbox"/> Student Reads Test Aloud to Self <input type="checkbox"/> Administrator Reads Test Aloud <input type="checkbox"/> Assistive Technology Devices. Specify: _____ <input type="checkbox"/> Multiple Testing Sessions. Specify: _____ <input type="checkbox"/> Extended Time. Specify: _____ <input type="checkbox"/> Separate Room Testing. Specify: _____ <input type="checkbox"/> Special NCDPI Approved. Specify: _____	<input type="checkbox"/> Marks in Test Book <input type="checkbox"/> Hospital/Home Testing
--	--	---

Team Signatures	Title/Position	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Parental Notice

I participated in the development of this EEOP and have received a copy of the *Section 504/ADA Student and Parents' Rights*.

Parent Signature	Date
_____	_____

If parent was not present, document the date *Section 504/ADA, Student and Parents' Rights* was sent to the parent.

Review(s)

(Reviews should be done at least annually)

EEOP Changes (Use separate page if necessary)	Setting	Individual Responsible
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Initial/date Initial/date Initial/date Initial/date Initial/date Parent Initial/date*

EEOP Changes (Use separate page if necessary)	Setting	Individual Responsible
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Initial/date Initial/date Initial/date Initial/date Initial/date Parent Initial/date*

*** I participated in the development of this EEOP and have received a copy of the *Section 504/ADA Student and Parents' Rights*.**

- Copies: Parent(s)
- Teachers
- Cumulative folder

**WILSON COUNTY SCHOOLS
PRIOR NOTICE OF REEVALUATION
SECTION 504/ADA**

Date Sent: _____

Student _____ **ID#** _____ **DOB** _____

School _____ **Grade** _____ **Teacher** _____

Dear Parent:

A reassessment of your child's strengths and needs is planned in order to provide updated information for program and service planning. The assessment results will be shared with you and used to determine the most appropriate way to meet your child's needs. For additional information please contact _____ at _____.
A copy of information regarding your rights as a parent is enclosed.

Sincerely,

Name

Position

Original: Parent
Yellow Copy: Cumulative folder
Pink Copy: Evaluation Provider

**WILSON COUNTY SCHOOLS
504 PLANS DOCUMENTATION FORM**

Use this form to maintain a list of students identified as 504 eligible. Submit to the Executive Director of Student Services when students are added or deleted.

School	Student	Race/ Ethnicity	Sex	Date ID'd	Reason for Need of 504 Plan/Diagnosis	Modifications/Special Notes

**WILSON COUNTY SCHOOLS
504 MANIFESTATION DETERMINATION**

Student Name: _____ **Date of Birth:** _____ **Date:** _____

School Name: _____ **Grade Level:** _____

Area of Disability: _____ **Current Educational Setting:** (school, homebound, etc.) _____

Data being considered (check each one that applies):

- 504 EEOP Dates: _____
- Assessment/evaluations Dates: _____
- Medical information, including diagnosis and medication Dates: _____
- Interviews conducted Dates: _____
- Direct observations Dates: _____
- Discipline reports for the current school year Dates: _____
- Functional Behavioral Assessment (attach) Dates: _____
- Behavioral Intervention Plan (attach) Dates: _____
- Other (Specify): _____

History of disciplinary actions during current school year: _____

Number of incidents: _____ Dates: _____

Number of administrative assignments of in-school suspensions: _____ Total # of actual days: _____

Number of administrative assignments of out-of-school suspensions: _____ Total # of actual days: _____

Longest # of consecutive days suspended: _____ days

Current Disciplinary Incident: _____

Was a weapon involved? _____

Were drugs involved? _____

Did serious bodily injury occur? _____

Summarize the administrative authority's written findings:

Summarize the available information from persons who observed the code of conduct violation when it occurred:

Implementation of 504 EEOP:

Describe how the academic and behavioral goals on the child's 504 EEOP are being implemented:

Describe how the accommodations, modifications and/or supplementary services in the child's 504 EEOP are being Implemented:

Student Name: _____ Date of Birth: _____ Date: _____
 School Name: _____ Grade Level: _____
 Area of Disability: _____ Current Educational Setting: (school, homebound, etc.) _____

Consider the following questions prior to reaching a decision about the behavior being a manifestation of the disability:

Does the child have a behavior intervention plan (BIP) based on a functional behavioral assessment? Summarize the BIP.

Explain how and when the interventions and/or plans were revised if they were not effective? List dates these occurred:

Did behavior patterns change over time, e.g., increase in frequency, duration and/or intensity? If so, please explain.

Has this behavior or similar behaviors associated with the disability been exhibited in the past? If so, describe the pattern of behavior.

Describe the information that is being considered from evaluations and additional diagnostic procedures.

Describe the relevant information provided by the parents.

List and summarize other agency involvement with the child. _____

ASSESSMENT OF MANIFESTATION DETERMINATION:

- 1. Based on the above factors, was the conduct in question caused by the child’s disability? YES NO
- 2. Based on the above factors, did the conduct in question have a direct or substantial relationship to the child’s disability? YES NO
- 3. Was the conduct in question the direct result of the school district’s failure to implement the 504 EEOP? YES NO

The violation of the student code of conduct if a manifestation of the student’s disability. YES NO

If ALL the Assessment of Manifestation questions have an answer of “NO”, the discipline procedure for students who do not have a disability can be used.

IF ANY of the Assessment of Manifestation questions has an answer of “YES”, the manifestation team has decided that the behavior is a manifestation of the student’s disability and the behavior did not have to do with weapons, drugs, or serious bodily injury. The student must remain in the educational placement indicated on the 504 EEOP unless the parent and LEA agree to a change of placement at a 504 EEOP team meeting. The student may NOT be disciplined using procedures applicable to nondisabled students. The manifestation team should review the student’s 504 EEOP for implementation, and review the functional behavioral assessment and behavioral intervention/support plan. If no behavior intervention plan exists, the 504 EEOP team should be convened to conduct a functional behavioral assessment and create a behavior intervention plan.

COMMITTEE PARTICIPANT NAMES	Position	Date
	LEA Representative	
	504 Chairperson	
	Parent	
	Other Relevant Member Title:	
	Other Relevant Member Title:	
	Other Relevant Member Title:	
	Other Relevant Member Title:	

APPENDIX B

SECTION 504/ADA SUGGESTED CLASSROOM STRATEGIES AND MODIFICATIONS

WHEN YOU SEE THIS BEHAVIOR	TRY THIS TEACHING STRATEGY (APPROPRIATE FOR ANY STUDENT)	TRY THESE REASONABLE BUT SUBSTANTIAL ACCOMMODATIONS FOR SELECTED STUDENTS
1. Difficulty following a plan (has high aspirations, but lacks follow-through); sets out to “get straight A’s, ends up with F’s (sets unrealistic goals).	<ul style="list-style-type: none"> Assist student in setting long-range goals; break the goal into realistic parts. 	<ul style="list-style-type: none"> Use a questioning strategy with the student; ask, “What do you need to be able to do this?” Keep asking that question until the student has reached an obtainable goal. Have student set clear timelines of what he/she needs to do to accomplish each step (monitor student progress frequently). Provide a calendar for student with timelines and due dates.
2. Difficulty sequencing and completing steps to accomplish specific tasks (e.g. writing a book report, term paper, organized paragraphs, division problem etc.)	<ul style="list-style-type: none"> Break up task into workable and obtainable steps. Provide examples and specific steps to accomplish task. Provide a rubric. 	<ul style="list-style-type: none"> Break task into workable and obtainable steps and provide feedback at the completion of each step.
3. Shifting from one uncompleted activity to another without closure	<ul style="list-style-type: none"> Define the requirements of a completed activity (e.g. your math is finished when all six problems do not begin on the next task until it is finished). 	<ul style="list-style-type: none"> Assist the student when moving from one activity to another. Provide a “To Do” list and check at completion of each item.
4. Difficulty following through on instructions from others	<ul style="list-style-type: none"> Gain student’s attention before giving directions. Use alerting cues. Accompany oral directions with written directions Place general methods of operation and expectations on charts displayed around the room and/or on sheets to be included in student’s notebook. 	<ul style="list-style-type: none"> Give one direction at a time. Quietly repeat directions to the students after they have been given to the rest of the class. Check for understanding by having the student repeat the directions.
5. Difficulty sustaining effort and accuracy over time.		<ul style="list-style-type: none"> Adjust assignment length and strive for quality (rather than quantity). Increase the frequency of positive reinforcements (catch the student doing it right and let him know it).
6. Difficulty completing Assignments	<ul style="list-style-type: none"> List and/or post (and say) steps necessary to complete assignments. Provide the assignments into manageable sections with specific due dates and check for completion. 	<ul style="list-style-type: none"> Make frequent checks prior to due dates for work/assignment completion Arrange for the student to have a “study buddy” with phone number in each subject area. Sign student’s assignment notebook.
7. Difficulty with any task that requires memory.	<ul style="list-style-type: none"> Teach memory techniques as a study strategy (e.g. mnemonics, visualization oral rehearsal, numerous repetitions). Visual posting of academic information around room. 	<ul style="list-style-type: none"> Combine seeing, saying, writing and doing; students may need to sub-vocalize to remember. Provide word banks. Cue student to use specific memory strategies. Have student use note cards Have student use a tape recorder.

WHEN YOU SEE THIS BEHAVIOR	TRY THIS TEACHING STRATEGY (APPROPRIATE FOR ANY STUDENT)	TRY THESE REASONABLE BUT SUBSTANTIAL ACCOMMODATIONS FOR SELECTED STUDENTS
8. Difficulty with test taking	<ul style="list-style-type: none"> • Teach test-taking skills and strategies • Use clear, readable and uncluttered test forms and allow ample space for student response. 	<ul style="list-style-type: none"> • Allow extra for testing. • Allow student to be tested orally. • Consider having lined answer spaces for essay or short answer tests. • Use alternative assessment (observation, projects, interview). • Allow student to write answers on test. • Allow student a brief meditation time.
9. Confusion from non-verbal cues (misreads body language, etc.).		<ul style="list-style-type: none"> • Directly teach (tell the student) what nonverbal cues means. Model and have student practice reading cues in a safe setting.
10. Confusion from written material, (difficulty finding main idea from a paragraph, attributes greater importance to minor details).	<ul style="list-style-type: none"> • Teach outlining main-idea / details concepts. 	<ul style="list-style-type: none"> • Provide student with a copy of reading material with main ideas under lined or highlighted. • Provide an outline of important points from reading material. • Provide tape of text/chapter. • Provide notes with blanks.
11. Confusion from spoken material, lectures, A.V. material (difficulty finding main idea from presentation, attributes greater importance to minor details).	<ul style="list-style-type: none"> • Teach and emphasize key words (the following ...the most important point..., etc). 	<ul style="list-style-type: none"> • Provide student with a copy of presentation notes. • Allow peers to share carbon-copy notes from presentation (have student compare own notes with copy of peer's notes). • Provide framed outlines of presentations (introducing visual and auditory cues to important information). • Tape recorders for lectures with teacher's approval.
12. Difficulty sustaining attention to tasks or other activities (easily distracted by extraneous stimuli).	<ul style="list-style-type: none"> • Use physical proximity and touch. 	<ul style="list-style-type: none"> • Reward attention. Break up activities into small units. Reward for timely accomplishments. • Use earphones and/or study carrels, quiet place, or preferential seating.
13. Frequent messiness or sloppiness.	<ul style="list-style-type: none"> • Teach organizational skills. Be sure students has daily, weekly and/or monthly assignments sheets; list of materials needed daily; and consistent way for students to turn in and receive back papers; reduce distractions. • Give reward points for notebook checks and proper paper format. • Provide clear copies of worksheets and handouts and consistent format for worksheets. Establish a daily routine, provide models for what you want the student to do. • Be willing to repeat expectations. • Post notebook Table of Contents in a visible spot. 	<ul style="list-style-type: none"> • Arrange for a peer to help him/her with organization. • Assist student to keep materials in a specific place (e.g. pencils and pens in pouch).

WHEN YOU SEE THIS BEHAVIOR	TRY THIS TEACHING STRATEGY (APPROPRIATE FOR ANY STUDENT)	TRY THESE REASONABLE BUT SUBSTANTIAL ACCOMMODATIONS FOR SELECTED STUDENTS
14. Poor handwriting (often mixing cursive with manuscript and capitals with lower-case letters).	<ul style="list-style-type: none"> • Allow for use of a computer or typewriter for homework assignments. • Allow student to mix cursive and manuscript for in-class products(accept any method of production). 	<ul style="list-style-type: none"> • All for a scribe and grade for content not handwriting. • Consider alternative methods for student response (e.g. tape recorder, oral reports etc.).
15. Difficulty with fluency in handwriting e.g. good letter/ word production but very slow and laborious.	<ul style="list-style-type: none"> • Adapt amount of required written response. 	<ul style="list-style-type: none"> • Allow for shorter assignments(quality vs. quantity). • Allow alternate method of production (computer, scribe, oral presentation, etc.).
16. Poorly developed study skills.	<ul style="list-style-type: none"> • Teach study skills specific to the area-organization (e.g. assignment calendar), textbook reading, note taking (finding main idea/detail, mapping, outlining, skimming, summarizing). 	<ul style="list-style-type: none"> • Cue students to use specific study skills. • Check understanding and usage of study skills.
17. Poor self monitoring (careless errors in spelling, arithmetic, reading).	<ul style="list-style-type: none"> • Teach specific methods of self monitoring (e.g. stop-look-listen, COPS proofreading strategy). • Have student proofread finished work when it is cold. 	<ul style="list-style-type: none"> • Help student work at a reasonable pace. • Mark careless errors with a dot for student to go back and self-correct. • Cue student to monitor their work. • Allow for peer review.
18. Low fluency of production of written material (takes hours on a 10 minute assignment).	<ul style="list-style-type: none"> • Reduce amount of writing involved in assignment. 	<ul style="list-style-type: none"> • Allow for alternative method for completing assignment (oral presentations, taped reports, visual presentations, graphs, maps, pictures, etc. with reduced written requirements). • All for alternative method of writing (e.g. typewriter, computer, cursive or printing, or a scribe). • Provide a supervised study area.
19. Apparent inattention (underactive, daydreaming, not there).	<ul style="list-style-type: none"> • Get student’s attention before giving directions (tell student how to pay attention: look at me while I talk, watch my eyes while I speak). • Actively involve students in lesson (e.g. cooperative learning). • Use “non-lyrical” music during independent seat work. 	<ul style="list-style-type: none"> • Ask student to repeat directions. • Cue student individually with prearranged signal to gain attention.
20. Inappropriate seeking of attention (clowns around, exhibits loud excessive or exaggerated movement as attention seeking behavior, interrupts, interferes in other children’s activities, needles others).	<ul style="list-style-type: none"> • Catch the student when behaving appropriately and reinforce with praise or positive signal. • Proximity control. 	<ul style="list-style-type: none"> • Show student (model) how to gain other’s attention appropriately. • Provide an opportunity for student to be involved in lesson (note taking, transparency controller...). • Surround student with other students that are high achievers of opposite sex. • Use of time out/provide a “thinking chair.”
21. Frequent excessive talking.	<ul style="list-style-type: none"> • Make sure student is called when it is appropriate and reinforce listening. • Provide an activity within the lesson which allows talking. 	<ul style="list-style-type: none"> • Teach student hand signals and use to tell student when and when not to talk. • Ask student to record each time he/she is talking at an inappropriate time.

WHEN YOU SEE THIS BEHAVIOR	TRY THIS TEACHING STRATEGY (APPROPRIATE FOR ANY STUDENT)	TRY THESE REASONABLE BUT SUBSTANTIAL ACCOMMODATIONS FOR SELECTED STUDENTS
22. Difficulty participating in class without being interruptive; difficulty working quietly.	<ul style="list-style-type: none"> Reward appropriate behavior (catch student "being good") 	<ul style="list-style-type: none"> Seat student in close proximity to the teacher. Use study carrel if appropriate. Cue student individually with prearranged signal or tangible objects (tokens). Ask student to record the number of interruptions.
23. Difficulty making transitions (from activity to activity or class to class); take an excessive amount of time to find pencil, gives up, refuses to leave previous task; appears agitated during change.	<ul style="list-style-type: none"> Give advance warning of when a transition is going to take place (now we are completing the worksheet, next we will...) and the expectations for the transition (and you will need...). Have specific locations for all materials (pencil pouches, tabs in note books, etc.). Establish a daily routine and give warning when deviating. 	<ul style="list-style-type: none"> Specifically say and display lists of materials needed until a routine is established. Arrange for an organized helper (peer).
24. Difficulty remaining seated or in a particular position when required to.		<ul style="list-style-type: none"> Give student frequent opportunities to get up and move around. Allow space for movement. Allow student to sit differently in on task.
25. Frequent fidgeting with hands, feet or objects; squirming in seat.		<ul style="list-style-type: none"> Break tasks down to small increments and give frequent positive reinforcements for accomplishment (this type of behavior is often due to frustration). Allow alternative movement when possible. Provide an appropriate object to fidget with as long as student remains on task. Allow student to stand up as long as he/she is not distracting others.
26. Inappropriate responses in class often blurting out answers given to questions before they have been completed.	<ul style="list-style-type: none"> State behavior that you do want instead of behavior you do not want (tell the student how you expect him to behave). 	<ul style="list-style-type: none"> Break tasks down to small increments and give frequent positive reinforcements for accomplishment (this type behavior is often due to frustration). Allow alternative movement when possible. Provide an appropriate object to fidget with as long as student remains on task. Allow student to stand up as long as he/she is not distracting others.
27. Agitation under pressure and competition (athletic or academics).	<ul style="list-style-type: none"> Stress effort and enjoyment for self, rather than competition with others. Minimize timed activities; structure class for effort and cooperation. 	<ul style="list-style-type: none"> Teach student how to "self-talk". Provide a meditation card.

WHEN YOU SEE THIS BEHAVIOR	TRY THIS TEACHING STRATEGY (APPROPRIATE FOR ANY STUDENT)	TRY THESE REASONABLE BUT SUBSTANTIAL ACCOMMODATIONS FOR SELECTED STUDENTS
28. Inappropriate behaviors in team or large group sport or athletic activity (difficulty waiting turn in games or group situations).	<ul style="list-style-type: none"> Stress effort and enjoyment for self, rather than competition with others. Minimize timed activities; structure class for effort and cooperation. 	<ul style="list-style-type: none"> Teach student how to “self-talk”. Provide a meditation card.
29. Inappropriate behaviors in a team or large group sport or athletic activity (difficulty waiting turn in games or group situations).	<ul style="list-style-type: none"> Teach behaviors necessary to function in a group. 	<ul style="list-style-type: none"> Give the student a responsible job (e.g. team captain, care and distribution of the balls, score keeping, etc.); consider leadership role. Have student in close proximity to teacher.
30. Frequent involvement in physically dangerous activities without considering possible consequences.	<ul style="list-style-type: none"> Anticipate dangerous situations and plan for in advance. Stress Stop-Look-Listen. Teach appropriate adult-student interaction 	<ul style="list-style-type: none"> Pair with responsible peer (rotate responsible students so that they don’t wear out!) Proximity control and cue student to possible danger. Provide positive attention. Talk with student individually about the inappropriate behavior (What am I doing?, A better way of getting what you need or want is...) Allow student to identify in writing the problem behavior, expected behavior, and a plan for improving behaviors.
31. Frequent self –put-downs, poor personal care and posture, negative comments about self and others, low self-esteem.	<ul style="list-style-type: none"> Structure for success. Allow opportunities for the student to show his/her strength. Give positive recognition 	<ul style="list-style-type: none"> Train student for self-monitoring, reinforce improvements, teach self-questioning strategies (What you are doing is....., How is that going to affect others?).
32. Difficulty using unstructured time-recess, hallways, lunchroom, locker room, library ,assembly.	<ul style="list-style-type: none"> Provide student with a definite purpose during unstructured activities. (The purpose of going to the library is to check out...the purpose of...is) 	<ul style="list-style-type: none"> Provide an alternate time to transition (1 min. early/1 min. late). Use of a peer or adult monitor
33. Losing things necessary for task or activities at school or at home (e.g. pencils, books, assignments before, during and after completion of a given task).	<ul style="list-style-type: none"> Teach students organization. Frequently monitor notebook and dividers, pencil pouch, locker, bag, desks. Provide positive reinforcement for good organization. Provide student with a list of needed materials and their locations. 	<ul style="list-style-type: none"> Frequently monitor notebook and dividers, pencil pouch, locker, book bag, desks. Provide more than one copy of assignment to student. Provide them with the necessary tools for an in-class assignment.
34. Poor use of time (sitting, staring off into space, doodling, not working on task at hand.	<ul style="list-style-type: none"> Teach reminder cues (a gentle touch on the <u>shoulder</u>, hand signal, etc.). Tell the student your expectations of what paying attention looks like (you look like you are paying attention when...). Proximity control. 	<ul style="list-style-type: none"> Give student a time limit for a small unit of work with positive reinforcement for accurate completion. Use a contract, timer, etc. for self-monitoring.

APPENDIX C

SECTION 504/ADA

STUDENT AND PARENTS' RIGHTS

The following is a description of student and parent rights under Section 504 of the Rehabilitation Act of 1973. The law requires that you be kept fully informed concerning decisions about your child and that you be informed of your rights if you disagree with any of these decisions:

I. Parents' Rights

You 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 school district advise you as to your rights under federal law;
3. Receive notice with respect to evaluation, identification, or placement of your child;
4. Have your child receive a free appropriate public education, including being educated with other nondisabled students to the maximum extent appropriate and having the school 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 evaluation, identification, and placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options;
7. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district;
8. Examine all relevant records relating to decisions regarding your child's evaluation, identification, educational program or placement;
9. Obtain copies of educational records at a reasonable cost;
10. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;

11. 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 and receive notification and advice about your right to hearing if the school district refuses this request; and
12. Request mediation or a grievance hearing related to decisions regarding your child's evaluation, identification, educational plan or placement as described in Section II below in which you and your child may take part and have an attorney represent you.

The 504 appeals procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, educational services, or educational program of students who, because of disability, need or are believed to need Section 504 plans and are not eligible under the IDEA, except in the case of long-term suspension where the provisions of Board Policy No. 6500 apply.

Questions about particular Section 504 issues may be directed to the following individuals:

For grievances related to a student's program:
Assistant Superintendent for Instructional Services
Phone 252-399-7761

For grievances related to facilities:
Assistant Superintendent for Administrative Services
Phone 252-399-7741

For employee grievances related to disabilities:
Assistant Superintendent for Human Resources
Phone 252-399-7751

For questions related to Section 504 student evaluations and accommodation plans:
Executive Director of Student Services
Phone 252-399-7762

APPENDIX D

I. Comparison of IDEA and Section 504

IDEA	SECTION 504
PURPOSE	
Provides federal funding to assist in state and local efforts to provide appropriate services for disabled children. Imposes affirmative duties on school districts in exchange for the receipt of these funds.	Is a non-discrimination law that prohibits recipients of federal funds from denying otherwise qualified persons with disabilities participation in or the benefits of its programs and activities.
FUNDING	
Provides funding toward cost of services for eligible students.	Does not provide funding. IDEA funds may not be used to serve students who are eligible only under Section 504
CHILD FIND ACTIVITIES	
Requires effort to identify, locate and evaluate all children who are in need of special education and related services.	Requires annual effort to identify and locate every qualified disabled person residing in the district who is not receiving a public education and notification to handicapped persons and their parents of this duty. Must evaluate persons who need or are believed to need special education or related services.
ELIGIBILITY	
School-aged children who: (1) have one or more of the categorical disabilities set forth the regulations; and (2) require special education services to benefit from education.	School-aged children who meet the Definition of “handicapped individual,” i.e., an individual: (1) with a physical or mental impairment that substantially limits a major life activity; (2) with a record of such impairment; or (3) who is regarded having such an impairment. Major life activities include, e.g., walking, talking, caring for oneself, performing manual tasks, hearing, seeing, breathing, working and learning. No requirement that disability affect educational performance, or that the student needs special education.

GUARANTEE / DEFINITION OF FAPE

Eligible students are entitled to a free appropriate education (FAPE), which consists of *special education and related services* that are individually designed to meet the student's unique needs and are delivered in accordance with an individualized education program (IEP).

“Appropriate education” is one that is designed to provide “educational benefit” and is generally considered a floor of opportunity.

“Special education” is specially designed instruction which adapts content, methodology, or delivery of instruction to address the unique needs of the child and to ensure access to the general curriculum.

Related services must be provided if necessary for student to benefit from special education.

Requires a written IEP document with elaborate content requirements developed by specific participants at an IEP meeting.

Eligible students are entitled to a free appropriate public education (FAPE), which consists of *regular or special education and related aids and services* that are designed to meet the student's individual needs as *adequately as the individual needs of non-disabled students are met*.

“Appropriate education” means comparable to the education provided to nondisabled students. This may require accommodations of the student's disability, including provision of related services, whether or not the student receives special education.

Requires a plan; an IEP developed under IDEA will suffice, but is not strictly necessary. Does not specify who must develop the plan. (It would be prudent; however, to document that a group of individuals knowledgeable of the child developed the plan).

SCOPE

Focus is on academic arena, although this may change somewhat with new requirement that extracurricular activities be included in IEPs.

Protections against discrimination extend to nonacademic and extracurricular services and activities, including meals, recess, physical recreational activities, transportation, health, services, groups, clubs, and employment of students.

School districts must ensure that disabled students participate with nondisabled students in nonacademic and extracurricular services and activities “to the maximum extent appropriate to the needs of the child.”

Disabled students must be given an “*equal opportunity for participation*” in these services. Prohibits discrimination in school district sponsored before- and after- school child care programs, athletics, and field trips. May require provision of aide or other accommodations to enable disabled children to participate in these services or activities.

ACCESSIBILITY

Requires that modifications be made if necessary to provide access to a free appropriate education.

Requires that programs and activities, when viewed in their entirety, be readily accessible to disabled individuals. Requires that reasonable accommodations be made.

EVALUATION PROCEDURES

A full comprehensive evaluation is necessary before initial placement. Evaluation must assess all areas of suspected disability and must use validated tests and materials tailored to assess specific areas of educational need and which accurately reflect the factor they purport to measure.

Pre-placement evaluation necessary. Evaluation must use validated tests and materials tailored to assess specific areas educational need and which accurately reflect the factor they purport to measure.

Requires informed consent before evaluation is conducted.

Under OCR interpretation, parental consent is required for initial evaluation. *See letter to Durham, 27 IDEIR 380 (OCR 1997).*

REEVALUATION

Reevaluation is required at least once every three years, but this need not include new testing if no additional data is needed to determine continuing disability and the parents do not request such testing. Parental consent is required for new testing as part of a reevaluation.

Requires periodic reevaluations. IDEA schedule is sufficient. Parental consent is not required.

Reevaluation is not required before a significant change in placement.

Reevaluation is required before a significant change in placement, but not clear what must comprise the reevaluation.

INDEPENDENT EVALUATIONS

Provides for independent educational evaluation at school district expense if parent disagrees with district's evaluation and hearing officer concurs.

No provision for independent evaluation at school district expense. District should consider results of independent evaluations, however.

PLACEMENT PROCEDURES / LEAST RESTRICTIVE ENVIRONMENT

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

- (1) draw on information from a variety of sources;
- (2) ensure that such information is documented and considered;
- (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- (4) ensure that to the maximum extent appropriate, children with disabilities are educated with nondisabled peers and that removal from the regular classroom occurs only when education of the child in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Placement must be as close as possible to the child's home.

Same, with these exceptions:

Least restrictive environment obligation also requires that facilities for persons with disabilities be comparable to those given to others.

Proximity to home must be considered (only) when a child is placed in a program other than the regular educational setting environment.

An IEP review meeting is required before any change in placement.

Reevaluation is required before a significant change in placement, but not clear what must comprise the reevaluation.

Parents must take part in all eligibility placement decisions.

No explicit requirement that parents participate in eligibility or placement decisions.

NOTICE

Parents must be given written notice detailing LEA’s decision when LEA proposes or refuses to initiate or change student’s identification, evaluation or placement, or the provision of FAPE. Notice must include a statement of parents’ rights and instructions for filing a complaint.

Procedural safeguards notice required: (1) upon initial referral; (2) with notice of IEP meeting; (3) upon reevaluation; (4) upon request for due process hearing.

Must provide notice as part of procedural safeguards. Compliance with IDEA procedural requirements is recommended by OCR as a model for complying with Section 504 requirements.

Does not specify when notice must be given. Recommended best practice would include: (1) upon initial referral; (2) following determination of eligibility/ineligibility; (3) upon change to or refusal to change the 504 plan; (4) upon reevaluation.

DUE PROCESS

Must provide an impartial hearing for disagreements over identification, evaluation, or placement of a student. Statute sets out specific requirements: parental notice to school district, qualifications of hearing officer, and disclosure of evaluations and other evidence prior to the hearing, 45-day time line.

Parents have right to be accompanied and advised by counsel and by individuals with special knowledge of the problems of disabled children. Allows cross examination of witnesses.

Decision of hearing officer may be appealed to state review officer. Requirements for conduct of the appeal are delineated in statute.

Must provide an impartial hearing for disagreements over identification, evaluation, or placement of a student. Details of hearing are left to discretion school district. No timeline in statute.

Parents have right to participate and have counsel, but no provision for cross examination.

There must be a review procedure, the details of which are left to the discretion of the school district.

STAY PUT PROVISIONS

If parents request a due process hearing, student's placement may not be changed without parental consent during the pendency of the proceedings.

Does not have an explicit "stay put provision." However, in OCR's view, fair due process procedures would include waiting for results of proceedings before making change. *See Letter to Zirkel, 22 IDELR 667 (OCR 1995).*

In case of a dangerous weapon or drugs, school may unilaterally change placement to alternative placement for up to 45 days. If student presents a danger to self or others, school district may seek judicial order to change placement.

DISCIPLINE

Contains elaborate discipline scheme, including:

Discrimination on basis of disability is prohibited. This may include punishment for behavior caused by disability

Parents must be notified immediately when decision is made to take disciplinary action that would result in a change of placement for more than 10 days. Must provide notice of procedural rights.

Manifestation determination must be held within 10 days of decision to take disciplinary action that may result in suspension for more than 10 days in a school year.

Manifestation determination is required before any significant change in placement, including suspensions for more than 10 days or expulsion.

Students may not be suspended for more than 10 days in a school year (exceptions specified in current IDEA regulations) or expelled for misconduct that is a manifestation of their disability.

Suspension for more than 10 days at time or expulsion for misbehavior that is manifestation of the disability is prohibited.

Per OCR policy, series of short-term suspensions may be a change in placement and may require manifestation determination prior to imposing further suspension.

**CONTINUATION OF SERVICES
DURING PERIODS OF SUSPENSION OR EXPULSION**

Services must continue to students who are suspended or expelled. Under proposed regulations, no services necessary during the first 10 days of suspension in a school year.

Educational services need not continue during periods of suspension or expulsion.

OTHER PROCEDURAL SAFEGUARDS

No requirement for grievance procedure or compliance officer.

Requires LEAs to provide a grievance procedure for parents, students, and employees. Also must designate employee to be responsible for assuring compliance with Section 504. This information must be available to students, parents, employees and the general public.

LEA must provide opportunity for mediation of disputes.

No mediation requirement.

Does not expressly protect against retaliation for exercise of rights under IDEA.

Protects exercise of rights under Section 504 by prohibiting retaliation.

Requires notice to students, parents, and employees that LEA does not discriminate on the basis of handicap, using methods such as posting of notices, publication in newspapers, magazines, and/or LEA publications, and distribution of memoranda or other written communications.

Recruiting materials and informational publications provided to parents, students or employees must include statement of nondiscrimination policy.

ADMINISTRATIVE COMPLAINTS

Parents may file a complaint with DPI, complaints generally must be resolved within 60 days.

Parents may use grievance procedure provide by district.

May also file a petition with the Office of Administrative Hearings seeking a due process hearing. Petition must be file within 60 days of written notice of school district's disputed decision/action, but time limit applies only if parent is advised of same in the notice. Decision of hearing officer must be rendered within 45 days of filing, unless extension of time granted for good cause.

May also file complaint with U.S. Office Civil Rights (OCR) within 180 days of the alleged violation.

CIVIL ACTIONS IN COURT

After exhausting administrative process, aggrieved party may file civil action in state or federal district court. Attorneys' fees traditionally available only through federal court action. Proposed regulations provide that states may authorize hearing officers to award fees.

Parent my file complaint directly in federal court. No exhaustion requirement unless parent is seeking relief that also could be; obtained under IDEA. Attorney's fees available in court action

REMEDIES FOR VIOLATION

Compensatory education; reimbursement for tuition, private evaluations, related therapies (e.g., speech, OT, PT), and counseling services. Monetary damages not available.

Same as under IDEA, plus monetary damages. Requires a showing of bad faith gross misjudgment, or intentional discrimination by school officials to award damages.

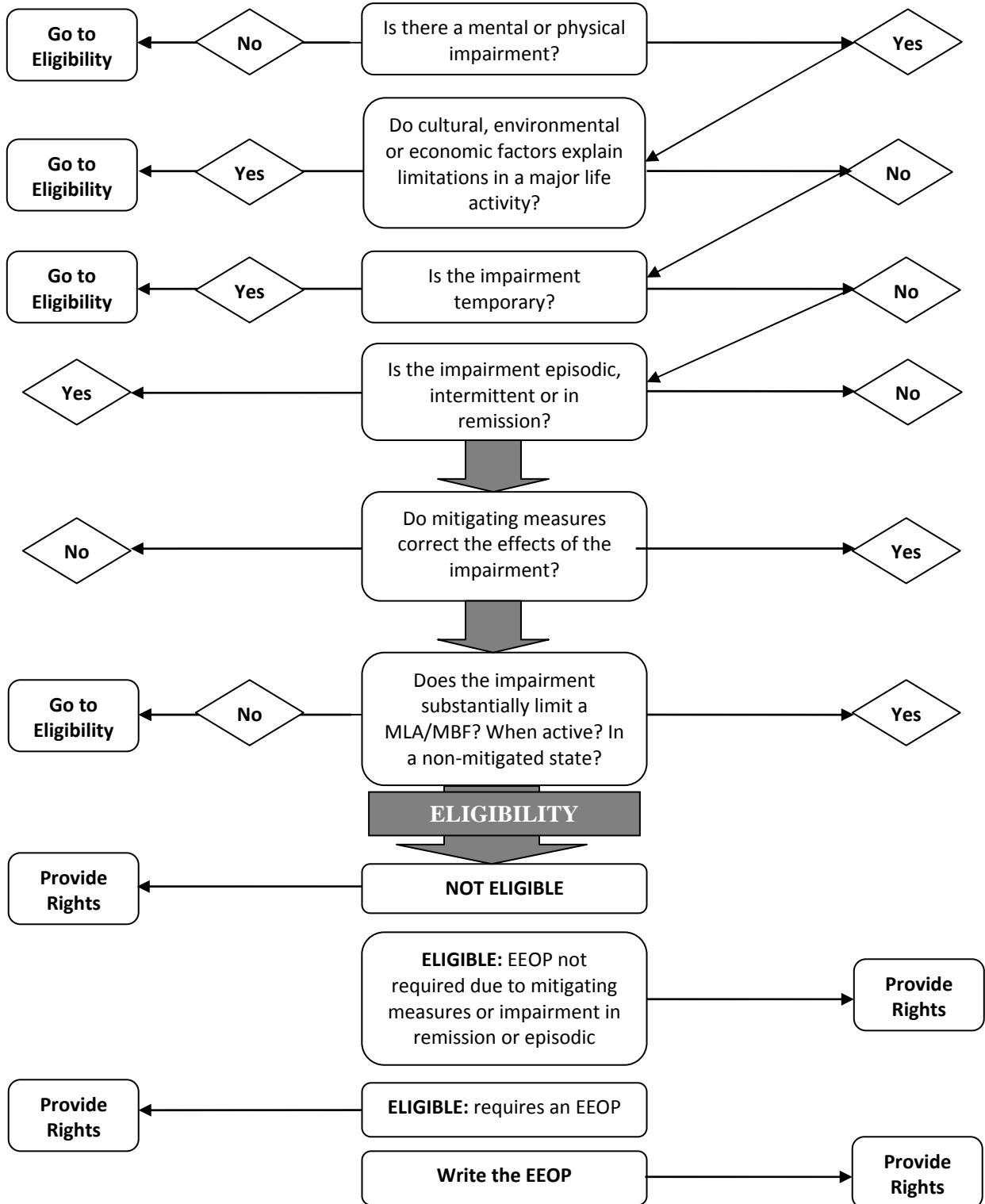
One lower court has ordered an award of damages *against a regular education teacher* who refused to implement an IEP for a student with learning disabilities.

OCR may terminate federal funding.

APPENDIX E

SECTION 504 ELIGIBILITY DECISION CHART

A student is provided pre-referral interventions. When interventions are not successful, an evaluation based on information from a variety of sources may be conducted. In many cases, special education is ruled-out before referring for 504 eligibility and the development of an EEOP.



APPENDIX F

SECTION 504/ADA QUESTIONS AND ANSWERS

II. When is a 504 Plan Necessary for a Student with a Disability in Learning?

This section considers the limited questions of eligibility for Section 504 plans when the student has a disability in *learning*.

A. Comparison of Relevant Regulations Under Section 504 IDEA

IDEA	SECTION 504
34 C.F.R. § 300.7 “Child with a disability means a child evaluated as having mental retardation, [or falling into one of fourteen other specific disability life categories], and who because of that impairment needs special education and related services.”	34 C.F.R. § 104.3(j) “Handicapped Persons” means any person who has a physical or mental impairment which substantially limits one or more major life activities.
34 C.F.R. § 300.11 “Free appropriate public education means special education and related services that...are provided in conformity with an [IEP].”	34 C.F.R. § 104.33 Free Appropriate Public Education “is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons...”
34 C.F.R. § 300.125 Child Find LEA must identify and evaluate “all children with disabilities... and who are in need of special education and related services...”	34 C.F.R. § 104.35 Pre-placement Evaluation School must evaluate “any person who, because of handicap, needs or is believed to need special education or related services...”
34 C.F.R. § 300.550 Least Restrictive Environment Schools shall ensure that “to the maximum extent appropriate, children with disabilities... are educated with children who are nondisabled and that... removal of children with disabilities from the regular educational environment occurs only if...education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.”	34 C.F.R. § 104.34 Educational setting Schools shall educate handicapped persons “with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person [and] shall place a handicapped person in the regular educational environment... unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.”

B. Determining Eligibility Under IDEA/Section 504

The following questions should be considered in determining whether a student with a learning impairment is eligible for services under IDEA and/or Section 504:

1. **Does the student have a physical or mental impairment that substantially limits learning?**
In order to qualify as having a disability in learning under Section 504, a student must have a physical or mental impairment that substantially limits his/her learning.
2. **Does the student need special education and related services?**
If a student is in need of “specially designed instruction” because his/her handicapping condition is interfering with his learning, the student should be referred for evaluation, identification and placement as a special needs student under the IDEA.
3. **Does the student need more than standard modifications of the regular education classroom or curriculum?**
If a student has a handicapping condition that is significantly impairing his learning, does not require specially designed instruction to benefit but does require reasonable but substantial modifications of the regular education classroom or curriculum in order to have the same access to an education as non-handicapped students, then he/she is entitled to a Section 504 plan educationally regular education an education as non-plan.
4. **Will standard modifications in the regular classroom give the child equal access to an education?**
If a student has a physical or mental impairment, but does not need modifications to the regular classroom or curriculum greater than what is normally provided to all students, then he is not substantially limited by his impairment and is not entitled to have a Section 504 plan.

C. Determining a “Substantial Limitation on Learning”

1. Federal law and regulations do not define the term “substantially limits.” The Office for Civil Rights has issued an opinion letter which leaves to the local school district the determination of whether a particular impairment substantially limits a major life activity such as learning. OCR has made it clear, however, that simply having a diagnosis of ADD does not in itself establish that a student is disabled under Section 504.
2. Listed below are a number of factors that should be considered in determining whether a student’s physical or mental impairment substantially limits his learning. Generally, there must be multiple indicators of difficulty to show a substantial limitation.
 - a. Has the student demonstrated a consistent need for **substantially** more time to complete homework assignments than is required by non-handicapped students?

- b. Has the student demonstrated a consistent need for **substantially** more time to complete in-school assignments than is required by non-handicapped students?
- c. Is modified testing **consistently** necessary for the student to be able to demonstrate knowledge?
- d. Does the student exhibit frequent behaviors, such as drowsiness, impulsivity, inattentiveness, or aggressiveness, associated with an identified physical or mental impairment or is medication taken to address the condition and do these behaviors significantly interfere with school performance? (Describe the behaviors and how they interfere with school performance.)
- e. Does the student exhibit **significant** difficulty with planning, organization and execution of school-related activities and assignments?
- f. Is the student chronically absent or tardy for reasons related to a diagnosed physical or mental impairment and are such absences or tardies interfering with his school performance?
- g. Has the student experienced a steady decline in academic performance for which there is no known cause other than the diagnosed physical or mental impairment?
- h. Has the student experienced a steady increase in disciplinary interventions for which there is no known cause other than the diagnosed condition?
- i. After at least two intervention strategies have been implemented in regular education, does the student still exhibit significant learning difficulties?
- j. Are there other indicators that this student's physical or mental impairment substantially limits his learning?

APPENDIX G

Responsibilities School Section 504 Contact

- Provides annual 504 overview for faculty members
- Serves as the school's point of contact for Section 504 inquiries and referrals.
- Convenes the Section 504 team when needed
- Invites teachers, school nurses, parents and others to 504 meetings as applicable
- Works with the principal and faculty to ensure 504 accommodations are implemented
- Consults with the district 504 coordinator for clarification and understanding of 504 requirements
- Submits the 504 Plans Documentation Form report to the district 504 coordinator as needed
- Ensures 504 referral, evaluation and placement procedures are followed
- Notifies the principal and the district 504 coordinator of unresolved issues

Responsibilities District 504 Coordinator

- Ensures compliance with Section 504 requirements
- Establishes and monitors the Section 504 referral, identification and placement process
- Maintains written procedures for addressing student Section 504 needs
- Ensures the availability of a Section 504 grievance process
- Conducts staff training for School Section 504 Contacts
- Collaborates with district and school personnel to promote Section 504 understanding and compliance
- Maintains Section 504 referral data
- Serves as district liaison with the state and other related agency 504 contacts
- Keeps Senior Staff aware of unresolved issues