



# **The IEP & Section 504**

Guidance for West Virginia Schools and Districts

Office of Special Programs  
West Virginia Department of Education

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# Introduction

Section 504 of the Rehabilitation Act of 1973 continues to be a topic of interest for parents and counties in West Virginia. Many questions have arisen regarding the relationship between the Americans with Disabilities Act of 2008 (ADA), Section 504 and the Individuals with Disabilities Education Act (IDEA). School administrators have asked for examples of Section 504 that meet the requirements of the law and can be efficiently and effectively implemented.

To address these requests, the West Virginia Department of Education, Office of Special Programs has developed this document to assist counties and parents in serving their general education students with disabilities in a way that assures a quality education that is in compliance with state and federal laws. This document includes a parent and educator guide to Section 504, highlights the major differences between Section 504 and the IDEA, provides sample policies and procedures including forms, detailed frequently asked questions (FAQ) and sample accommodations for use by counties in West Virginia.

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# **A Parent and Educator Guide to Section 504 Plans and Referrals**

This document describes the requirements of Section 504 of the Rehabilitation Act of 1973 as it applies to a public school and is designed to assist parents and educators to understand what Section 504 and how it should be implemented.

## **What is Section 504?**

Section 504 refers to a portion of the federal Rehabilitation Act of 1973 that states “No otherwise qualified individual with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” In plain English, that means that no student in West Virginia public schools may be kept from participating in any school program or activity solely because of his/her disability and that student may not be discriminated against at school or at school activities because of his/her disability.

Because it is a civil rights statute not a special education statute, county school systems receive no additional funding for providing Section 504 compliance or accommodations. Although §504 borrows language from the federal special education statutes (IDEA) and the federal Americans with Disabilities Act (ADA), its focus is on regular education students who may be subject to discrimination at school because of a disability or perceived disability.

## **Who is responsible for Section 504 compliance?**

Most school systems have at least one Section 504 coordinator. A current list is attached. On a building level, the principal or his/her designee is responsible for compliance. Any questions and all Section 504 plans are directed to the appropriate county coordinator.

## **Who is eligible for a Section 504 plan?**

Any regular education student<sup>1</sup> is eligible for §504 protections if he/she meets three (3) qualifications:

1. Having a mental or physical impairment (or having a record of such an impairment or being regarded as having such an impairment);
2. That substantially limits (the limitation must impose an important and material limitation and it must be expected to continue for a while); and
3. A major life activity (included are caring for oneself, sleeping, standing, walking, lifting, bending, hearing seeing, speaking, working, breathing, reading, thinking, communicating, attending school, etc.).

<sup>1</sup> Students found eligible for special education and related services do not usually have a separate §504 plan but plans addressing the prevention of discrimination should be contained within the accommodation sections of the student's Individual Education Plan (IEP).

## **Which students are not eligible for Section 504 plans?**

Generally, students eligible for and receiving special education and related services receive their accommodations through an IEP and therefore have no need for Section 504 plan. There are exceptions to this, however, particularly as to students who are eligible but are not receiving services for a variety of reasons.

Students who do not have a disability, or have no record of having a disability, or are not regarded as having a disability are not eligible for Section 504 plans. Students who have a disability that does not substantially limit a major life activity are also not eligible for Section 504 plans.

The interpretation of “student with a disability” under Section 504 was broadened by the ADA, which became effective on January 1, 2009.

Congress amended the ADA in 2008 in the following specific ways to create “clear, strong, consistent, enforceable standards” to broaden who qualifies as a “disabled person” under the ADA.

The changes include:

1. Interpret the term “physical or mental impairment” broadly: The term “physical or mental impairment” is not limited to any specific diseases or categories of medical conditions;
2. Interpret the term “substantially limits” broadly: An impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered “substantially limiting.” Compare a student to his or her non-disabled age/grade peers to determine whether an impairment substantially limits a major life activity for the student;
3. Interpret the term “major life activities” broadly: Just about any activity that is of importance to a school-aged student’s daily life now qualifies as a “major life activity” under Section 504 and an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability under Section 504 or the ADA;
4. Disregard mitigating measures used by a student: Mitigating measures used by a student with a disability to manage his or her impairment or lessen the impact of his or her impairment (e.g. medication, medical devices, related aids and services, etc.) should be disregarded when determining whether a student’s impairment constitutes a disability under Section 504 or the ADA;
5. Consider whether a temporary impairment is a disability: A temporary impairment (with an actual or expected duration of six months or less) is a disability under Section 504 and the ADA if it is severe enough that it substantially limits a major life activity for a student. The duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity for a student should be the key considerations; and
6. Consider whether an impairment that is episodic or in remission is a disability: An impairment that is episodic or in remission (e.g. epilepsy, cancer, bipolar disorder, etc.) is a disability under Section 504 and the ADA if it substantially limits a major life activity for a student when active.

## **Must parents or guardians consent prior to initial evaluations and initial placements under Section 504?**

Yes. Under Section 504, a county must obtain parent or guardian consent in two circumstances: before a child's initial evaluation (the first time a child is evaluated by any county) and before a child's initial placement (the first time a child is placed on a Section 504 Plan in any county). If a parent or guardian refuses consent to initial evaluation or initial placement, a county may, but is not required to, initiate a Section 504 due process hearing to override the refusal to consent. A county must notify a parent or guardian, but need not obtain consent, before it reevaluates or significantly changes a student's placement.

## **What Is a Section 504 team?**

A Section 504 team makes decisions regarding the evaluation of students under Section 504. For example, a Section 504 team may determine the scope of Section 504 evaluations, decide which students are disabled under Section 504, develop Section 504 Plans, and make "manifestation determinations" for purposes of disciplinary exclusion from school. A county may have a county-level Section 504 team that makes county-level Section 504 decisions, building-level Section 504 teams that make building-level Section 504 decisions or a combination of both county-level and building-level Section 504 teams.

## **Who can request a Section 504 evaluation?**

Any parent or guardian, teacher, counselor, related service provider, school staff, administration, and/or community agency or representative can request a Section 504 evaluation request.

Sometimes the request is couched as a request for a health plan or other intervention plan but generally since Section 504 is a civil rights statute (not an education statute) it is up to the school personnel to determine whether a Section 504 plan is necessary to stand alone or be part of another intervention plan.

## **What is the Section 504 evaluation/review process?**

The initial request goes to the principal or his/her designee who convenes the Student Assistance Team (SAT) that conducts the initial review. If the SAT determines that the student could benefit from a Section 504 eligibility review, then the principal or designee convenes a Section 504 Team.

## **How is Section 504 Enforced?**

The U.S. Department of Education enforces Section 504 through the Office for Civil Rights (OCR). OCR investigates individual complaints of disability discrimination, including complaints that a county is denying a student with a disability Free Appropriate Public Education (FAPE). OCR also provides training and technical assistance to state education agencies, local educational agencies, educational service supports and parents. OCR's focus is on the process a county follows to identify, evaluate, and provide an educational placement to a student with a disability, and to provide procedural due process to the student's parent or guardian. Except in extraordinary circumstances, OCR will not review the result of individual placement and other educational decisions, as long as a county

complies with Section 504's procedural requirements regarding identification, evaluation, placement and due process. The proper forum for pure educational disputes, in which a county has followed the correct process to make an educational decision but the parents or guardian disagree with the result of the decision, is a Section 504 due process hearing.

### **Who should be on a Section 504 team?**

The members of the Section 504 team should include people who know the student, who can interpret the collected data and understand the appropriate accommodation options. Parents or guardians, teachers, SAT members, counselors, related service providers, staff, administrators and/or staff from community agencies should participate. Information to consider should usually include grades, attendance reports, behavior plans, review requests, psychological evaluations, medical information, and standardized testing information; and the team can administer other formal or informal as necessary.

Meetings are to investigate the specific concern that triggered the review request but are not intended to be as comprehensive as a special education evaluation. The team must determine whether or not the student meets the three (3) criteria.

### **What should a Section 504 plan contain?**

Once the team determines that the student meets the criteria, the team is responsible for crafting a Section 504 plan. The goal is to insure that the student is educated with his non-disabled peers to the maximum extent appropriate for the student - in IDEA and Section 504 terms, educating the student in the least restrictive environment (LRE).

Accommodations usually are minor adjustments in the regular classroom such as the seating arrangements, lesson presentation and assignments to provide the student with equal access to learning opportunities.

The team must identify the student's needs and accommodations and document them on the Section 504 plan.

### **Where should the plan be kept and how often should it be reviewed?**

The plan should be reviewed annually or more often as needed to add, subtract and/or modify accommodations. The plan is kept at the school in the student's cumulative file with a copy sent to the county coordinator.

### **Does a Section 504 plan student receive different discipline for violating school rules?**

Sometimes. A student with a Section 504 plan or in the process of going through a Section 504 review MUST have a manifestation determination before imposition of a suspension or expulsion exceeding ten (10) consecutive days and must have one if a series of suspensions total more than ten (10) days and demonstrate a pattern. The OCR considers the series a pattern of exclusion based on the nature of the misconduct, the length of each suspension and the total time the student is excluded

from school; it requires that the team making the manifestation determination have recent information to understand the student's behavior to answer the required questions: Are the accommodations in the student's Section 504 plan appropriate as they relate to the current misconduct and were the accommodations in place at the time of the alleged misconduct?

If the plan is appropriate and in place, the team then determines whether the student's disability impacts his/her ability to control the behavior and whether the disability impairs the student's ability to understand the consequences of the behavior. If so, then the student may not be further removed from his/her program. If not, the student goes through the normal disciplinary process.

### **Does a Section 504 plan protect a student who is engaged in the illegal use of drugs and/or alcohol?**

No. The procedural protections normally in place do not apply when the misconduct involves the use of illegal drugs or alcohol.

However, if the misconduct is drug possession (not use) then a manifestation determination is required.

### **How is a Section 504 plan terminated?**

When the team meets to review current student needs, it may determine that a plan is no longer needed to provide the student equal access. The team should complete the Annual Review form and attach it to the front of the Section 504 plan. Terminated plans should be kept in the student's cumulative file, and a copy must be sent to the county coordinator.

### **Are there procedural safeguards and parent/student rights?**

Yes. The OCR guidelines require that parents receive prior notice of a Section 504 eligibility meeting. It is not legally required to obtain parent consent to conduct the initial eligibility review meeting but it is good practice to include them; parent consent must be obtained for any diagnostic testing.

Parents must be provided with a list of parent/student rights under Section 504 before the initial review is done.

The school may (but is not required to) initiate a Section 504 due process hearing to obtain consent if a parent refuses to consent.

The school must give notice to the parent if it re-evaluates or changes the student's Section 504 plan but does not need to obtain consent.

### **Who Conducts a Section 504 Due Process Hearing?**

A county should select a hearing officer who is impartial (e.g., has no professional or personal interest that would bias his or her judgment of the case) and has some training in Section 504 and how it applies to FAPE.

### **Who conducts a Section 504 Due Process Hearing?**

The West Virginia Department of Education, Office of Special Programs maintains a list of qualified impartial hearing officers with experience in Section 504 disputes. The county should contact the Office for the list and employ the hearing officer to conduct the hearing.

### **Conclusion**

Once a county has determined that a student is a student with a disability under Section 504, the county must provide whatever services it decides the student needs to participate in and benefit from the county's education program. As a general rule, a county is under no obligation to provide a service that a student's parent or guardian or doctor requests unless, in the county's determination, the student needs the service to participate in and benefit from its education program.

# IDEA and SECTION 504 -A COMPARISON-

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
WHAT IS IT?	A federal funding law and regulation.	A federal civil rights law and regulation.
WHAT IS ITS PURPOSE?	To provide federal funds to state education agencies and counties to educate a student with disabilities.	To eliminate disability discrimination in all programs and activities that receives federal funds.
WHO IS A "STUDENT WITH A DISABILITY"?	Both regulations provide protections to "students with disabilities" but each regulation defines "student with a disability" differently. Section 504 defines "student with a disability" more broadly than does IDEA.	
	Defines student with a disability as a child aged 3-21 who has one or more of 13 specific disabilities (i.e., autism, deaf-blindness, deafness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment, including blindness) and who needs special education due to a disability.	Defines student with a disability as a school-aged child who has a physical or mental impairment that substantially limits a major life activity (e.g., walking, seeing, hearing, speaking, breathing, learning, attending school, caring for one's self, performing manual tasks, and behavior) and who needs special accommodations or related aids or services due to disability.
WHAT IS A "FREE APPROPRIATE PUBLIC EDUCATION" (FAPE)?	Both regulations require a county to provide FAPE to each student in its jurisdiction but each regulation defines FAPE differently. Section 504 defines FAPE more broadly than does IDEA.	
	Defines FAPE as special education and related services. Students can receive related services under IDEA only if they need them to benefit from special education.	Defines FAPE as regular or special education and related aids and services. Students can receive related aids and services under Section 504 even if they are not provided any special education.
WHAT DOES "APPROPRIATE" MEAN?	Both regulations interpret "appropriate" to mean sufficient individualized services to enable a student with a disability to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).	

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
HOW IS FAPE DELIVERED?	Both regulations require that FAPE be delivered through an individualized education program. Section 504 defines an individual education program with less specificity than does IDEA.	
	Requires a written individual education plan (IEP) with specific content developed by specific participants at an IEP meeting.	Requires a documented Section 504 plan developed by a group of persons knowledgeable about the student, the meaning of the student's evaluation data, and placement options.
WHO CAN REFER A STUDENT FOR EVALUATION?	Both regulations contain a child find component and allow any person (e.g., parents, guardians, school staff, etc.) to refer a student for evaluation.	
WHAT SHOULD A COUNTY DO WITH A REFERRAL?	Both regulations require a county to decide whether to evaluate a referred student and to notify a student's parent or guardian of its decision. As a general rule, under both regulations, a county should evaluate a referred student if it knows or suspects that the student is a "student with a disability."	
WHAT EVALUATION PROCEDURES ARE REQUIRED?	Both regulations require that tests and other evaluation materials: <ul style="list-style-type: none"> <li>• be validated for the specific purpose for which they are used;</li> <li>• be administered by trained personnel in conformance with the instructions provided by their producer;</li> <li>• include those tailored to assess specific areas of educational need; and be selected and administered to assure that the test results accurately reflect whatever factors the tests are designed to measure.</li> </ul>	
	Requires that re-evaluations be conducted at least every three years.	A student's Section 504 team meets annually to review the student's Section 504 plan to ensure that it is meeting the student's needs. Re-evaluations must occur at least every three years and before any significant change in a student's placement. Significant changes in placement include initiating or discontinuing a service, significantly increasing or decreasing the amount of a service, and removing certain disciplinary from school (e.g. long-term suspensions and expulsions).
	Provides for independent educational evaluations at county expense if a parent or guardian disagrees with a county's evaluation and either the county or a hearing officer agrees.	Does not provide for independent educational evaluations at county expense. However, a county must carefully consider any such evaluations presented.

<b>COMPONENT</b>	<b>IDEA</b>	<b>SECTION 504</b>
WHAT PLACEMENT PROCEDURES ARE REQUIRED?	Both regulations require that, when interpreting evaluation data and making a placement decision, a county must: <ul style="list-style-type: none"> <li>• draw upon information from a variety of sources;</li> <li>• assure that all information is documented and considered;</li> <li>• ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data and placement option; and</li> <li>• ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (i.e. in the least restrictive environment).</li> </ul>	
	Requires an IEP meeting before any change in placement.	Requires a re-evaluation before any "significant change in placement."
IS PARENT OR GUARDIAN CONSENT EVER REQUIRED?	Both regulations require a parent or guardian to consent to a student's initial evaluation and initial placement. IDEA alone requires consent prior to re-evaluations.	
WHAT DUE PROCESS RIGHTS DO PARENTS AND GUARDIANS HAVE?	Both regulations require a county to notify a student's parent or guardian before the county takes any action regarding the identification, evaluation or placement of the child. IDEA procedures satisfy Section 504.	
	Requires prior written notice and specific content to be included in the notice.	Allows prior oral notice, but a county is wise to provide notice in writing.
WHAT KIND OF GRIEVANCE PROCEDURE IS REQUIRED?	Requires each state education agency to have a special education grievance procedure, commonly called a citizen complaint procedure.	Requires each county to have an internal Section 504 grievance procedure for parents and guardians, students and employees.
WHAT KIND OF HEARING PROCEDURE IS REQUIRED?	Both regulations require a county to provide an impartial due process hearing procedure for parents or guardians who disagree with the identification, evaluation or placement of their child.	
WHO CONDUCTS A DUE PROCESS HEARING?	Requires each state education agency to conduct such hearings through a state office of hearings.	Allows either state education agencies or counties to conduct such hearings.
HOW IS IT ENFORCED?	Enforced by the U.S. Department of Education, Office of Special Education Programs (OSEP).	Enforced by the U.S. Department of Education, Office for Civil Rights (OCR).
	Each state education agency monitors compliance through complaint investigations and compliance reviews.	OCR monitors compliance through complaint investigations. The state education agency has no monitoring, complaint resolution or funding involvement.

# Section 504 Frequently Asked Questions (FAQ)

## What is “discrimination” under Section 504?

Discrimination occurs when a county, based on disability:

- denies a student with a disability the opportunity to participate in or benefit from an aid, benefit or service which is afforded to students without disabilities (e.g., denies credit to a student whose absenteeism is related to his/her disability, expels a student for behavior related to his/her disability, or fails to dispense medication or provide an individual health plan or nursing care plan to a student with a disability who cannot attend school without such services);
- fails to afford a student with a disability an opportunity to participate in or benefit from an aid, benefit or service that is equal to that afforded to students without disabilities (e.g., conditions a student with a disability's participation in a field trip on the student's parent or guardian attending the trip or refuses to allow an otherwise qualified student with a disability to try out for an interscholastic athletic team);
- fails to provide aids, benefits or services to a student with a disability that are as effective as those provided to students without disabilities (e.g., fails to provide a student with a disability necessary environmental, instructional or behavioral accommodations or another related aid or service, or fails to provide a student with a disability necessary study skills instruction or another special education service);
- provides different or separate aids, benefits or services than are provided to students without disabilities unless there is a legitimate, nondiscriminatory reason for doing so (e.g., requires all student with a disability to use special education transportation, segregates all student with a disability in portable classrooms, or requires all students with a disability to use a different recess period);
- denies a student with a disability the opportunity to participate in programs or activities that are not separate or different unless there is a legitimate and nondiscriminatory reason for doing so (e.g., denies all students with a disability the opportunity to eat meals in the school cafeteria, prohibits all students with a disability from participating in full day kindergarten, or refuses to allow any student with a disability to enroll in regular physical education classes);
- denies a student with a disability the opportunity to participate as a member of a planning or advisory board (e.g., denies student with a disability the opportunity to participate in student government);
- otherwise limits a student with a disability in the enjoyment of any right, privilege, advantage or opportunity enjoyed by others (e.g., denies all students with a disabilities admission under school choice);
- aids or perpetuates discrimination by providing significant assistance to an agency, organization or person that discriminates on the basis of disability (e.g., sponsors a non-county organization that excludes students with disabilities); and
- selects the site or location of a facility that has the effect of excluding students with disabilities from, denying them the benefits of or otherwise subjecting them to discrimination under any program or activity (e.g., selects an inaccessible facility in which to hold school plays, concerts or athletic competitions).

**When does an impairment “substantially limit” a student’s major life activity?**

There is no single formula or scale that measures substantial limitation. A physical or mental impairment substantially limits a major life activity for a student if the impairment substantially limits the student’s ability to perform a major life activity as compared to the student’s non-disabled age/grade peers. An impairment need not prevent or significantly/severely restrict, a student in performing a major life activity to be considered substantially limiting.

**Can a county consider “mitigating measures” used by a student when determining whether an impairment constitutes a disability for a student?**

No. When determining whether an impairment constitutes a disability for a student, counties should disregard the positive effects of any mitigating measures that the student uses. Mitigating measures include: medication; medical supplies; equipment or appliances; low-vision devices (other than ordinary eyeglasses or contact lenses); prosthetics; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; environmental or instructional accommodations; other related aids or services; learned behavior or adaptive neurological modifications, etc.

**Does a county need to develop a Section 504 plan for every student who has a disability?**

No. A county does not need to develop a Section 504 plan for every student who has a disability. A county needs to develop a Section 504 plan for those students who, because of disability, need accommodations or some other type of related aids or services to participate in or benefit from the county’s education program.

**Is a county required to develop a Section 504 plan for a student who “has a record of disability” or is “regarded as disabled?”**

Yes. A county is required to develop a Section 504 plan for those students who have a physical or mental impairment that currently substantially limits a major life activity. The fact that a student “has a record of disability” or is “regarded as disabled” does not trigger a county’s duty to provide a Section 504 plan. A county’s duty to a student who “has a record of a disability” or is “regarded as disabled” is to protect the student from discrimination (e.g., it would be discriminatory for a county to prohibit a student who has a record of drug addiction, but is not currently engaging in the illegal use of drugs, from participating in an interscholastic athletic team, based on the student’s “record of disability”).

**Does the language of the law still include “reasonable” accommodations for PreK-12 education? If so, please define “reasonable.”**

Reasonable accommodation is a Section 504 term related to employment not PreK-12 education. A county is required to provide whatever services it determines a student with a disability needs to participate in and benefit from its education program, regardless of the cost of such services.

**Is a county that operates a public education universal PreK Program required to provide Section 504 services to students with a disability participating in the program?**

Yes. A county that operates a public general education preschool program may not exclude qualified students with disabilities from participating in the program (on the basis of disability), and must take into account the needs of student with a disability in determining aids, benefits or services to be provided under the program.

**Can a temporary health condition be a disability under Section 504?**

Yes, under certain circumstances. A temporary impairment constitutes a disability under Section 504 if its severity is such that it substantially limits one or more major life activities for a student for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity for a student.

For example, though pregnancy is not considered a disability under Section 504, a county may determine that a pregnant student, who cannot attend school for several months due to pregnancy-related complications is disabled under Section 504. Other examples may include concussions, lupus, cancer including remission and exacerbation, juvenile arthritis, crohn's disease, etc.

**Can an impairment that is episodic or in remission be a disability under Section 504 for purposes of FAPE?**

Yes, under certain circumstances. An impairment that is episodic or in remission constitutes a disability under Section 504 if it would substantially limit a major life activity when active (out of remission). For example, a county may determine that a student with epilepsy, major depression, juvenile arthritis, post-traumatic stress disorder, cancer or students that have other impairments that are episodic or in remission is disabled under Section 504.

**Can drug addiction be a disability under Section 504?**

Yes. A student who has a drug addiction, regardless of whether the student is currently using or is in recovery, may qualify as a student with a disability under Section 504 if the student's drug addiction substantially limits the student's ability to perform a major life activity. Such a student may need a modified schedule, school counseling or another type of special accommodation, related aid or service to participate in or benefit from the county's education program.

**Can alcoholism be a disability under Section 504?**

Yes. A student who is addicted to alcohol, regardless of whether the student is currently using alcohol or is in recovery, may qualify as a student with a disability under Section 504 if the student's alcoholism substantially limits the student's ability to perform a major life activity. Such a student may need a modified schedule, school counseling, or another type of special accommodation, related aid or service to participate in or benefit from the county's education program.

**Does Section 504 protect a student with a disability who engages in drug or alcohol related misconduct at school?**

No. A county may discipline a student with a disability for the illegal use or possession of drugs or alcohol at school or at a school-sponsored function in the same manner and to the same extent as it disciplines students without disabilities. The procedures at 34 CFR 104.35 (regarding manifestation determinations) and 104.36 (regarding procedural safeguards) are not required for such disciplinary actions. West Virginia Code Sections §18A-5-1 and 5-1a and West Virginia Board of Education Policy 4373 provide guidance for disciplinary action in schools. The parent or guardian of the student with a disability may challenge the appropriateness of general education issues raised by the disciplinary action (e.g., whether the student committed the alleged misconduct) at a general education discipline hearing, but does not have a right to challenge the disciplinary action under Section 504. For example, the parent has no right to challenge the disciplinary action by asserting that the student's drug or alcohol-related misconduct was disability-related.

**Can “social maladjustment” be a disability under Section 504?**

Yes, under certain circumstances. A student with a “social maladjustment” (e.g., conduct disorder or oppositional defiance disorder) may qualify as a student with a disability under Section 504 if the student's condition substantially limits the student's ability to perform a major life activity. Such a student may need medication administration, school counseling, a behavioral intervention plan, or another type of special accommodation or related aid or service to participate in or benefit from the county's education program.

**May a county require a parent to provide a medical diagnosis before it will initiate an evaluation of a student under Section 504?**

No. Under Section 504, a county must evaluate a student if the county knows or suspects that the student, because of a disability, needs special accommodation or related aids or services to participate in or benefit from its education program, regardless of whether the student has a medical diagnosis. A county may provide a student medical diagnostic services, as a related service, if the county believes that it needs a medical diagnosis to determine whether a student has a medical condition. However, the parent/guardian must consent to such services.

**Does a student with a medical diagnosis automatically qualify as a student with a disability under Section 504?**

No. Not every medical diagnosis will substantially limit a student's ability to perform a major life activity. However, if a medical diagnosis does substantially limit a student's ability to perform a major life activity, the student may qualify as a student with a disability under Section 504. Such a student may need an individual health plan, an emergency or nursing care plan, or another type of special accommodation, related aid or service to participate in or benefit from the county's education program.

**Would a high school student with a serious illness who qualifies for home/hospital instruction on an intermittent basis throughout the school year require a Section 504 plan?**

Yes. An impairment that is episodic or in remission constitutes a disability under Section 504 if it substantially limits a major life activity for the student active. If it is foreseeable that a student's illness would require home/hospital instruction throughout a school year on an intermittent basis, the county should develop a Section 504 plan for the student that includes home/hospital instruction (WVBE Policy 2510).

**Must a school county obtain parental consent prior to conducting an initial evaluation?**

Yes. Section 504 requires county to obtain parental permission for initial evaluations. If a county suspects a student needs or is believed to need accommodations or related services and parental consent is withheld, Section 504 provides that counties may use Section 504 due process hearing procedures to seek to override the parents' denial of consent for an initial evaluation.

**What can a school county do if a parent withholds consent for initial placement under Section 504 after a student is determined eligible for services?**

Section 504 neither prohibits nor requires a school county to initiate a due process hearing to override a parental refusal to consent with respect to the initial provision of special accommodations and related aids or services. Nonetheless, a county should be guided by the fact that IDEA no longer permits a county to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

**How much is enough information to document that a student has a disability under Section 504?**

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee should include persons knowledgeable about the student, the meaning of the evaluation data and the placement options. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504.

The committee members must determine if they have enough information to make a knowledgeable decision as to whether the student has a disability. Section 504 requires that county draw from a variety of sources in the evaluation process to minimize the possibility of error. The information obtained from all such sources must be documented, and all significant factors related to the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, teacher, school nurse or counselor recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons.

**Is educational testing required as a part of a Section 504 evaluation?**

No, except under certain circumstances. Evaluations under Section 504 are individually designed. A Section 504 evaluation may be broad (including educational testing) or narrow (limited to medical data). It is the responsibility of the county to determine the scope of each student's Section 504 evaluation. A general education Student Assistance Team (SAT) plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. Counties may vary in how they address performance problems of general education students.

Counties should utilize the Student Assistance Team (SAT) at individual schools (W.Va. Code §18-2E-10 and WVBE Policy 2510). These teams are designed to provide general education classroom teachers with instructional support and strategies for helping students in need of assistance. These teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The team usually records its ideas in a written regular education intervention plan. The team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The team then follows up with the responsible teacher(s) to determine whether the student's performance or behavior has improved. In addition to SAT, a county may use other general education support services/programs, including before-school and after-school programs, tutoring programs and mentoring programs.

**Can an Individualized Health Care (IHCP)/emergency care plan serve as a Section 504 plan?**

No. An IHCP/ emergency care plan can only serve as a Section 504 plan for a student, if the county used its Section 504 process to develop and implement the IHCP/emergency care plan (for example, the county needs to base the student's IHCP/emergency care plan on evaluation data and provide the student's parent/guardian notice of their procedural safeguards and obtain consent).

**If a student is on an IEP and has a tube feeding procedure, should he/she also be on a Section 504 plan?**

No. If a student eligible under IDEA were to have an IEP, any related services and aids to a tube feeding procedure must be included on the student's IEP.

**If a student has a peanut allergy, would the county be required, by Section 504, to provide the student with a peanut free diet when ordered by a physician?**

Yes, if the special dietary form is completed by the student's physician. If a school provides food services (e.g. breakfast and lunch) to its general student population, it needs to provide food services to students with disabilities that are designed to meet their disability-related needs. Severe, life-threatening allergies (anaphylactic reactions) may be a disability under Section 504.

**Should students re-entering school after a concussion have Section 504 plans?**

Yes, under certain circumstances. A student with a concussion should have a Section 504 plan if the county, in consultation with the student's medical provider, determines that the student's concussion is a disability and that the student needs special accommodations or related aids or services during the school day to participate in or benefit from the county's education program.

**May a county limit its duty to provide FAPE to a student with a disability based on cost?**

No. As a general rule, a county's FAPE obligation under Section 504 is not subject to cost considerations. A county may not refuse to provide necessary special accommodations or related aids or services to a student with a disability because doing so would cause the county a financial hardship.

**May a county refuse to provide special accommodation services to a student with a disability because the student doesn't meet the eligibility criteria under IDEA?**

No. A county cannot refuse to provide special accommodation services to a student with a disability who needs special accommodation services simply because the student doesn't meet the eligibility criteria under the IDEA.

**May a county place a student with a disability on a shortened school day?**

Yes, with written documentation from the student's primary care physician and approval by the Section 504 team. As a general rule, a student with a disability has the right to the same length school day that a county provides to the student's nondisabled age/grade peers. Before shortening the length of a student with a disability's school day, a county must determine, through evaluation and placement procedures that satisfy the evaluation and placement requirements meet his/her individual educational needs.

Any determination to provide a student with a disability a shortened school day must be based on current evaluation data documenting that shortening the student's school day is necessary. It would violate Section 504 for a county to base a determination to provide a student with a disability a shortened school day on factors such as the category of the student's disability, severity of disability, availability of special accommodations or related services, configuration of the county's service delivery system, availability of space, administrative convenience or any factor unrelated to the student's individual educational needs.

**May a county exclude a student with a disability from a field trip?**

No, except in limited circumstances. As a general rule, a county cannot exclude a student with a disability from participating in a field trip for which the student is otherwise eligible to attend unless the county has a legitimate, nondiscriminatory justification for excluding the student. Any decision to exclude a student with a disability from participating in such a field trip is a placement decision and must be based upon procedures that satisfy the evaluation, placement and due process requirements of Section 504. It is not permissible under Section 504 to exclude a student with a disability from a

field trip because: the student needs related aids or services (e.g. the administration of medication or the assistance of a school nurse) to participate in the field trip; or the student's parent or guardian is unable to attend the field trip.

The planning of field trips should be done in advance to allow needed accommodations to be secured for students with disabilities. The appropriate staff such as the school nurse should be informed of all field trips including out-of-state for the school nurse to review and possibly request permission to practice nursing care outside of West Virginia because school nurses are not licensed to practice in other states. The county is encouraged to plan far in advance with the school nurse to provide equality for all students to attend field trips.

### **Is a student with a disability entitled to extended school year (ESY) services under Section 504?**

A county must provide ESY services to a student with a disability under Section 504 if the county determines that the student needs ESY services to receive FAPE.

### **Is a student with a disability entitled to transition services under Section 504?**

A county must provide transition services to a student with a disability under Section 504 if the county determines that the student needs transition services to receive FAPE.

### **What is a “manifestation determination” under Section 504?**

A “manifestation determination” is an evaluation that answers two questions:

1. Is the misconduct in question the direct result of the county's failure to implement the Section 504 plan? This determination must be based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, relevant information provided by the parents/guardians, physical condition, social or cultural background and adaptive behavior. County staff does not need to use all of the sources of information listed above in every instance. The point of the requirement is to ensure that more than one source of information is used in making such a placement decision. In addition, the county should examine the kinds of educational placements that previously have been tried with the student and determine whether a placement more restrictive than the current placement would manage the student's behavior. As a general rule, a county should not suspend a student long-term or expel a student without first attempting to manage the student's behavior by placing the student in a more restrictive educational placement unless it has a legitimate reason for rejecting a more restrictive placement as a viable placement option. The school system should always work with the 504 team and parents/guardians to link the student to appropriate community resources.
2. Is the misconduct in question related to the student's disability? This determination must be based upon evaluation data related to behavior and must be recent enough to afford an understanding of the student's current behavior. Misconduct is a manifestation of a disability if it “is caused by the disability,” or “has a direct and substantial relationship to the disability”. Misconduct is not a manifestation of a disability if it bears only a weak relationship to the student's disability. A determination that a student knows the difference between right and wrong does not constitute a determination that the student's misconduct was or was not a manifestation of the disability. In addition, a county cannot make a categorical determination that misconduct is or is not a manifestation of a disability based on a student's IDEA eligibility label.

**Is a county required to modify an eligibility requirement to enable a student with a disability to participate in an extracurricular activity?**

Yes, under certain circumstances. A county must provide students with disabilities an equal opportunity to participate in extracurricular activities. This issue arises when a student with a disability is denied participation in extracurricular activities because he/she hasn't met the requirements for participation. As a general rule, a county can impose eligibility requirements to participate in extracurricular activities as long as they are neutral with respect to disability, essential to the activity in question and applied equally to both students with disabilities and students without disabilities. A county may be required to modify an eligibility requirement if the requirement discriminates against the student in question based on disability and modification of the requirement would not fundamentally alter the nature of the activity in question.

For example, a county may establish a grade/credit eligibility requirement for participation in an extracurricular activity. If a student with a disability wants to participate in the activity and the county determines that the student is unable to satisfy the eligibility requirement because of his/her disability, the county must modify the requirement to enable the student to participate unless doing so would fundamentally alter the nature of the activity. If the county refuses to allow the student to participate in the activity because making the modification would fundamentally alter the nature of the activity, the county must make a Section 504 due process procedure available to the student to challenge his/her exclusion from the activity on the basis of disability.

A county may also choose to modify an eligibility requirement to enable a student with a disability to participate in an extracurricular activity if a county determines that a student with a disability needs to participate in the activity to receive FAPE.

**If a county has reasonable cause to believe that a student with a disability is ineligible to participate in or continue in an interscholastic athletic activity under the rules and regulations of the West Virginia Secondary Schools Athletic Commission (WVSSAC), does the county have an independent responsibility under Section 504 to ensure that applying the WVSSAC rule or regulation in question to the student does not subject the student to discrimination on the basis of disability?**

Yes, under certain circumstances. If a county has information that a WVSSAC rule or regulation as applied to a specific student may subject the student to discrimination on the basis of disability, it must take reasonable steps to ensure that application of the rule or regulation does not discriminate against the student on the basis of disability. For example: Make an initial determination about whether application of the rule or regulation to the student subjects the student to discrimination on the basis of disability; If the county's initial determination is YES, the county must assist the student to appeal the ineligibility through WVSSAC's several levels of appeal, unless the county becomes persuaded during an appeal that applying the rule to the student does not discriminate against the student on the basis of disability; If the county's initial determination is NO, the county must provide the student and his/her parent or guardian an internal Section 504 due process procedure to promptly and equitably resolve the matter.

**Is a county required to modify the curriculum in a general education class to accommodate a student with a disability?**

No, except under certain circumstances. A county must modify the curriculum in a general education class if a student with a disability needs a modified curriculum to participate in or benefit from the class and the necessary modification does not fundamentally alter the nature of the class. A county is under no obligation to provide a curriculum modification that would result in a class that is fundamentally different in nature. For example, if a student is enrolled in a lab science class and the student cannot complete the lab requirement due to disability-related absences, the county is under no obligation to modify the class by waiving the lab requirement if doing so would fundamentally alter the nature of the class.

**May a report card for a student with a disability identify special accommodations or related aids or services being provided to the student or otherwise indicate that the student has a disability?**

Yes. Report cards are provided to parents to indicate their child's progress or level of achievement in specific classes, course content, or curriculum. Consistent with this purpose, it is permissible under Section 504 for a report card to indicate that a student is receiving accommodations or related services, as long as the report card informs parents about their child's progress or level of achievement in specific classes, course content, or curriculum. For instance, a report card for a student with a disability may refer to an IEP or a Section 504 Plan in order to report on the student's progress on the specific goals in the IEP or Section 504 plan.

**May special notations, including asterisks or other symbols, appear on a report card for student with a disability who received accommodation in general education classes?**

Yes. Accommodations are generally understood to include aids or adjustments that are part of an IEP or Section 504 Plan that enable the student with a disability to learn and demonstrate what the student knows. In general, accommodations do not affect course content or curriculum. Examples may include sign language interpreters in the classroom, the provision of materials in alternate formats, or extra time on tests. Accordingly, to the extent that the use of notations, asterisks, symbols, or other coding on a report card to indicate that a student with a disability received accommodations is part of the information given to parents about their child's progress or level of achievement in specific classes, course content, curriculum, the IEP or Section 504 Plan, it is permissible under Section 504.

**May a transcript for a student with a disability indicate that the student has a disability, has been enrolled in a special education program or has received special accommodations services?**

No. Section 504 prohibits unnecessary disclosure of disability status to third parties. A student's transcript generally is intended to inform postsecondary institutions or prospective employers of a student's academic credentials and achievements. Information that a student has a disability, or has received special education or related services due to having a disability, does not constitute information about the student's academic credentials and achievements. Notations that are used exclusively to identify a student as having a disability or identify education programs for students with disabilities unnecessarily discloses the student's disability status to a third party. Identifying programs as being only for students with disabilities also would be viewed as unnecessary disclosure of disability status. Therefore, it would be a violation of Section 504 for a student's transcript to indicate that a student has received special accommodations or a related service or that the student has a disability.

**May special notations, including asterisks or other symbols, appear on a transcript for a student with a disability who received accommodations in general education classes?**

In general, no. Because the use of accommodations generally does not reflect a student's academic credentials and achievement, but does identify the student as having a disability, it would be a violation of Section 504 for a student's transcript to indicate that the student received accommodations in any classes. For example, a notation indicating the use of Braille materials is not related to whether that student mastered all the tenth grade objectives for her literature class. The only purpose of such a notation is to identify that student as having a visual impairment. Because accommodations are generally understood to include aids and adjustments to enable a student with a disability to learn and demonstrate knowledge, this notation would identify the student as having a disability and therefore would unnecessarily disclose the student's disability status to third parties.

## Resources on Section 504

US Department of Education, Office for Civil Rights: [www.ed.gov/ocr](http://www.ed.gov/ocr)

The OCR office for West Virginia is located at:  
Philadelphia Office  
Office for Civil Rights  
U.S. Department of Education  
The Wanamaker Building  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323  
Telephone: 215-656-8541  
FAX: 215-656-8605; TDD: 800-877-8339  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

The OCR National Headquarters is located at:  
U.S. Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education  
Bldg.  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481  
FAX: 202-453-6012; TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

West Virginia Department of Education: <http://wvde.state.wv.us/>

Office of Special Programs (OSP): <http://wvde.state.wv.us/osp/>

Health Services: <http://wvde.state.wv.us/healthyschools/>

Parent Education Resource Centers: <http://wvde.state.wv.us/osp/perc.html>

LRP Special Education Connection: [www.specialedconnection.com](http://www.specialedconnection.com)

Council of Educators for Students with Disabilities: [www.504idea.org](http://www.504idea.org)

### **Regional Educational Service Agencies (RESA):**

RESA 1: <http://resa1.k12.wv.us/>  
*McDowell, Mercer, Monroe, Raleigh, Summers, Wyoming*

RESA 2: <http://resa2.k12.wv.us/>  
*Cabell, Lincoln, Logan, Mason, Mingo, Wayne*

RESA 3: <http://resa3.k12.wv.us/>  
*Boone, Clay, Kanawha, Putnam*

RESA 4: <http://resa4.k12.wv.us/>  
*Braxton, Fayette, Greenbrier, Nicholas, Pocahontas, Webster*

RESA 5: <http://resa5.k12.wv.us/>  
*Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt, Wood*

RESA 6: <http://resa6.k12.wv.us/>  
*Brooke, Hancock, Marshall, Ohio, Wetzel*

RESA 7: <http://resa7.k12.wv.us/>  
*Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, Upshur*

RESA 8: <http://resa8.k12.wv.us/>  
*Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton*

## **Working with Parent Concerns and Complaints Under Section 504 of the Rehabilitation Act of 1973**

The best solutions to parent concerns often occur at the school level. Therefore, the county encourages parents to attempt to resolve concerns by working with the building principal, building Section 504 coordinator, and other appropriate staff to reach a joint resolution of the issue. However, regardless of whether a parent attempts to resolve the issue at the building level, a parent may file a formal complaint under Section 504 through the following process:

Parent completes and submits a Section 504 Complaint Form to the county Section 504 coordinator. The Section 504 Complaint Form is available at each school's office. The complaint should be as detailed as possible and describe why the parent believes that his/her concerns raise an issue under Section 504.

The county Section 504 coordinator will conduct an investigation of the allegations(s). If the county Section 504 coordinator is the subject of the complaint, the Superintendent will appoint an impartial investigator. The parent and the county staff will have an opportunity to provide evidence, including documents and witnesses.

The county Section 504 coordinator will issue a written decision about the complaint within 30 business days of receipt of the complaint, and provide a copy of the decision to the parent. The written decision will contain suggested resolutions to the parents' concerns.

If the parent is not satisfied with the resolution of his/her complaint, the parent may request a review of the complaint by the Superintendent. The Superintendent will respond to the parent's request for review within 10 business days of receiving the request.

If the parent is still dissatisfied after the Superintendent's review, or at any time during the county's complaint resolution process, the parent may file a complaint by writing to: U.S. Department of Education, Office for Civil Rights U.S. Department of Education, The Wanamaker Building, 100 Penn Square, East, Suite 515, Philadelphia, PA 19017-3323m 215-656-8541 or [www.ed.gov/ocr](http://www.ed.gov/ocr).

# **SAMPLE Section 504 Complaint Form**

Your School \_\_\_\_\_

Your Name \_\_\_\_\_ Your Phone \_\_\_\_\_

Your Address \_\_\_\_\_

\_\_\_\_\_

Person discriminated against/relationship to you \_\_\_\_\_

Please describe your concerns and why you believe they raise an issue under Section 504. Include a description of what happened, when and where it happened, and who was involved. (Feel free to attach additional pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explain the steps you have already taken to resolve the issue, if any.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe what resolution to your concerns you would like to see.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach any documents or other information you think will help with the investigation of your complaint.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Copies are to be made for the Student Record, Parent, and County Coordinator*

# **SAMPLE**

## **Section 504 Impartial Hearing Procedures**

1. The parent requests an impartial hearing by filing a written request with county Section 504 Coordinator. The county Section 504 coordinator is: \_\_\_\_\_
2. The Section 504 coordinator arranges for an impartial hearing officer.
3. Either the Section 504 Coordinator or the hearing officer gives notice of the time and place of the hearing at least fifteen (15) business days before the hearing. Either party may request that the hearing be rescheduled.
4. The hearing officer holds a telephone conference with the parties to clarify the issues at least fifteen (15) business days before the hearing.
5. The parties will provide any documents or other evidence they plan to present at the hearing to the other party and the hearing officer at least fifteen (15) business days before the hearing.
6. Both parties have the right to be accompanied and advised by counsel or other representative. The parents have the right to open the hearing to the public.
7. The parties will not communicate with the hearing officer about any issue of fact or law unless the other party has notice and opportunity to participate in the communication.
8. The parents present their arguments and evidence first, followed by the county.
9. The hearing will be recorded by mechanical device or by a certified court reporter. The parties have the right to request a verbatim record of the hearing.
10. The hearing officer will issue a decision in writing after considering the whole record, but not more than forty-five (45) business days after the county received the hearing request.

# **SAMPLE**

## **Section 504 Coordinator Job Description**

### **Duties and Responsibilities:**

- Facilitates the implementation of the School Board of Education's approved Section 504/ADA policy.
- Develops, continually revises and ensures the implementation of consistent Section 504 procedures.
- Provides ongoing training and support to county staff regarding Section 504 and the implementation of the Section 504 procedures.
- Collects and maintains all Section 504 data (Section 504 plans, lists of eligible students, discipline records) for future reference.
- Continually monitors the reduction of architecture barriers for individuals with disabilities.
- Facilitates the provision of reasonable accommodations for county employees with disabilities.
- Serves as a daily resource to county administrators, building level teams and community members regarding Section 504/ADA issues.
- Coordinates Section 504 /ADA grievance procedures.
- Serves as the county's liaison to the Office for Civil Rights. (OCR complaint resolution and corrective action plan implementation).
- Advises the county superintendent and school board regarding Section 504/ADA compliance issues and needs.

# **SAMPLE**

## **Section 504 Building Designee**

### **Job Description**

#### **Duties and Responsibilities:**

- Maintains compliant building records and documentation for all eligible students and provides copies to the county Section 504 coordinator.
- Ensures the implementation of Section 504 procedures in the building.
- Coordinates referrals.
- Determines appropriate Section 504 team composition.
- Facilitates evaluation/eligibility determination.
- Provides notices and obtains consents when necessary.
- Develops Section 504 plans.
- Monitors the implementation of Section 504 plans.
- Schedules annual reviews of each Section 504 student.
- Assures that Section 504 plans move with the student to the next level or new school.
- Serves as a daily resource to the building administrators, teachers, and community members regarding Section 504 issues.
- Advises the school administrator regarding discipline issues and procedures for Section 504 eligible students being considered for suspension or expulsion.
- Serves as a liaison between the school building and other county staff regarding Section 504 issues.
- Attends periodic county Section 504 training meetings.

# **SAMPLE**

## **Section 504 Referral and Recommendations**

Referral Date: \_\_\_\_\_ WVEIS #: \_\_\_\_\_

Sex: \_\_\_\_\_ DOB: \_\_\_\_\_ Age: \_\_\_\_\_

Student: \_\_\_\_\_  
Last First M.I.

Address: \_\_\_\_\_  
Street City State Zip

Parent/Guardian/Surrogate: \_\_\_\_\_

School: \_\_\_\_\_ Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_

Telephone: \_\_\_\_\_  
Home Mother's Work Father's Work

English Proficient: YES  NO  Home Language: \_\_\_\_\_

Screened by English as Second Language (ESL): YES  NO

Referral made by: \_\_\_\_\_ Position: \_\_\_\_\_

This referral and function of the 504 team have been discussed with the  
Parent/Guardian/Surrogate: YES  NO  Date: \_\_\_\_\_

Description of Teacher/School/Parent concern(s):  
\_\_\_\_\_  
\_\_\_\_\_

Provide information to substantiate concern(s) (i.e., pre-referral data, disciplinary information, screening instruments, observations, anecdotal data, reports, examples of student's work):  
\_\_\_\_\_  
\_\_\_\_\_

Describe interventions already used in attempting to resolve concern(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**To be Completed by the 504 Team**

Date of 504 Team Meeting: \_\_\_\_\_

Recommendations:

- Refer for Comprehensive Evaluation under IDEA
- Screen by ESL
- Screen/evaluate for Section 504 eligibility
- Other (Specify):

504 team member responsible to inform Parent/Guardian/Surrogate of recommendations:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

**Sample Notice of Action/Consent**

To: \_\_\_\_\_ Date: \_\_\_\_\_

Parent       Adult Student       Guardian

Student's name: \_\_\_\_\_ DOB: \_\_\_\_\_

WVEIS #: \_\_\_\_\_

**I. Notice of Action - The purpose of this written notice is to inform you that we are:**

Proposing to:      initiate       refuse       change   
   a/an

Mark all items below that apply:

- evaluation       504 plan       disciplinary action
- eligibility       reevaluation       other \_\_\_\_\_

Description of the proposed or refused action:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason why we are proposing or refusing to take action is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 504 coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

**II. Parent Consent (Only required for initial evaluation and initial placement.)**

- Yes, I do consent to an initial evaluation for my child.
- No, I do not consent to an initial evaluation for my child.
  
- Yes, I do consent for initial placement for my child for a 504 plan.
- No, I do not consent for initial placement for my child for a 504 plan.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(parent/adult student/guardian)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(parent/adult student/guardian)

Section 504 Coordinator: \_\_\_\_\_ Telephone: \_\_\_\_\_

- Copies to:
- 1) Adult student/parent(s)/guardian(s)
  - 2) School 504 file
  - 3) District 504 coordinator

# **SAMPLE Notice of Parental Rights Section 504**

The following is a description of students and parent rights granted by federal law. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

## **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 school advise you as to your rights under federal law.
3. Receive notice with the respect to identification, evaluation, program or placement of your child.
4. Be involved before the initial evaluation and placement for services for your child. Written consent is required; however, encouraging your involvement and support before the initial evaluation and placement for services for your child is a priority.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities.
6. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
7. Have your child receive special education and related services if he/she 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.
8. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data and placement options.
9. 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 County.
10. Give your child an equal opportunity to participate in nonacademic and extracurricular activities offered by the county through the provision of reasonable accommodations.
11. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement.
12. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
13. Receive a response from the county to reasonable requests for explanations and interpretations of your child's records.



# SAMPLE

## Section 504 Eligibility Determination Form

Student: \_\_\_\_\_ Grade: \_\_\_\_\_ WVEIS#: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_ Teacher: \_\_\_\_\_

The 504/SAT members have reviewed and carefully considered the following data from a variety of sources: *(check all that apply)*

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Psychological Evaluation | <input type="checkbox"/> Parent Information     | <input type="checkbox"/> Physician's Report                    |
| <input type="checkbox"/> Physician's Report       | <input type="checkbox"/> School Health Plan     | <input type="checkbox"/> Administrator's Observation           |
| <input type="checkbox"/> Attendance Records       | <input type="checkbox"/> Counselor Observations | <input type="checkbox"/> Standardized Tests and/or Other Tests |
| <input type="checkbox"/> Discipline Records       | <input type="checkbox"/> Work Samples/Portfolio | <input type="checkbox"/> Teacher Recommendations               |
| <input type="checkbox"/> Grade Reports            | <input type="checkbox"/> Other <i>(specify)</i> |  |

Based on the evaluative data gathered from a variety of sources, the 504/SAT answered the following questions to determine eligibility:

(1) Yes  No  Does the student have a mental or physical impairment? If yes, describe:

---



---

(2) Yes  No  Does the physical or mental impairment affect one or more major life activities? If yes, indicate below:

- |   |                                   |  |  |
|---|-----------------------------------|--|--|
| <input type="checkbox"/> Seeing                 | <input type="checkbox"/> Hearing  | <input type="checkbox"/> Concentrating | <input type="checkbox"/> Caring for oneself          |
| <input type="checkbox"/> Breathing              | <input type="checkbox"/> Walking  | <input type="checkbox"/> Speaking      | <input type="checkbox"/> Communicating               |
| <input type="checkbox"/> Eating                 | <input type="checkbox"/> Learning | <input type="checkbox"/> Working       | <input type="checkbox"/> Sleeping                    |
| <input type="checkbox"/> Thinking               | <input type="checkbox"/> Lifting  | <input type="checkbox"/> Reading       | <input type="checkbox"/> Operation of a bodily fluid |
| <input type="checkbox"/> Helping                | <input type="checkbox"/> Bending  | <input type="checkbox"/> Standing      | <input type="checkbox"/> Digestive functions         |
| <input type="checkbox"/> Other <i>(Specify)</i> |                                   |  |  |

(3) Yes  No  Does the physical or mental impairment substantially limit\* a major life activity? If yes, describe the limitation:

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(4) Yes  No  Does the student need Section 504 Services in order for his/her educational needs to be met as adequately as those of non-disabled peers?

*\*Note: Substantially limit means the student is unable to perform a major life activity that the average student of approximately same age can perform OR significantly restricted as to the condition, manner, duration under which a particular life activity is performed as compared to the average student of approximately the same age. If all four (4) answers above are YES, the student is eligible for FAPE (Free Appropriate Public Education) under Section 504, and a 504/Individualized Service Plan (ISP) should be developed. If any answer is NO, the student is not eligible.*

The 504/SAT analysis of the eligibility criteria indicates:

- The student is eligible under Section 504 and will receive a 504 plan.
- The student remains eligible under Section 504 and will receive an updated 504 plan.
- The student will be referred for Special Education and their 504 plan will continue during the assessment process.
- The student is not eligible for services under Section 504. He/she will be exited from the program and will continue to receive general education.

Eligibility Team Member:

_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Signature	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Signature	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Signature	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Signature	Title	Agree	Disagree
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
Signature	Title	Agree	Disagree

*Copies are to be made for the Student Record, County Coordinator, and Parent(s)*

# **SAMPLE**

## **Section 504 Manifestation Report**

This form should be used whenever long term suspension or expulsion is being considered as a consequence for serious misbehavior purportedly committed by a student with an identified Section 504 disability. The process is twofold: 1) review the appropriateness of the Section 504 plan and if it was implemented and 2) determine if the student's misbehavior was a manifestation of his/her Section 504 disability.

Student: \_\_\_\_\_ Birth Date: \_\_\_\_\_ WVEIS#: \_\_\_\_\_

Meeting Date: \_\_\_\_\_ School: \_\_\_\_\_

Disability: \_\_\_\_\_

### **Part 1**

Describe the alleged incident/behavior that initiated this meeting:

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Was the conduct in question the direct result of the county's failure to implement the student's Section 504 plan?      Yes         No  

Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?      Yes         No  

If the answer to either of the above questions is yes, then the behavior is a manifestation of the disability.

Signature of participants:

_____ Name	_____ Date

*Copies are to be made for Student Record, Parent, and County Coordinator*

# Examples of Accommodations for Specific Disabilities

Here are some examples of accommodations and services that might be considered for specific disability profiles. Please keep in mind that these examples are not intended to be all-inclusive or mandatory. Do not use these examples as a “checklist,” because accommodations are to be made on a case-by-case basis specific to individual need. Please also remember that the mere presence of these conditions does not automatically qualify a student for a Section 504 plan. The disability must significantly limit one or more life functions before a Section 504 plan is to be considered. Additionally, this disability must impact the student so that he/she is not afforded access and benefit of programs and services equal to that of a student without disabilities.

## **Example for Severe Allergies:**

The student has severe allergic reactions to certain pollens or foods. For purposes of this example the condition substantially limits the major life activity of breathing and may interfere with the student's ability to get to school or participate once there.

## **Possible Accommodations and Services:**

- Ensure student avoids allergy-causing substances: soap, weeds, pollen, food. Note: Unless student has an inhalation food allergy, which is rare, food products should not be removed from school, e.g., Peanut Free Schools
- In-service for necessary school personnel: teachers, classroom aides, food service personnel, bus driver, peers, etc.
- Accommodate for absences for doctors' appointments
- Provide dietary accommodations as needed
- Review breakfast and lunch in the classroom strategies as a concern for high incidence of exposure to food allergens in a contained area where the student learns most of the day
- Adapt physical education curriculum during high pollen time
- Improve room ventilation (i.e., when remodeling has occurred and materials may cause an allergy)
- Develop individualized health care and/or emergency plans
- Address pets/animals in the classroom
- Involve certified school nurse-RN in school related health issues and field trips
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects

## **Example for Arthritis:**

A student with severe arthritis may have persistent pain, tenderness or swelling in one or more joints. A student experiencing arthritic pain may require a shortened school day, modified schedule and/or modified physical education program. For purposes of this example, the condition substantially limits the major life activity of learning.

**Possible Accommodations and Services:**

- Provide a rest period during the day
- Accommodate for absences for doctors' appointments
- Provide assistive devices for writing (e.g., pencil grips, non-skid surface, computer, etc.)
- Adapt physical education curriculum
- Provide locker assistance
- Provide modified eating utensils
- Develop individualized health care plan and emergency plan
- Provide for accommodations for writing tasks: a note taker, a computer or recording device for note-taking
- Make available access to wheelchair/ramps and school van for transportation
- Provide more time for massage or exercises
- Adjust recess time
- Provide peer support groups
- Arrange for instructional aide support
- Install handle style door knobs (openers)
- Record lectures/presentations
- Have teachers provide outlines of presentations
- Issue Velcro fasteners for bags
- Obtain padded chairs
- Provide a more comfortable style of desk
- Adjust attendance policy, if needed
- Provide a shorter school day
- Furnish a warmer room and sit student close to the heat
- Adapt curriculum for lab classes
- Supply an extra set of books for home use and keep a set at school
- Let student give reports orally rather than in writing
- Provide an awareness program for staff and students
- Monitor any special dietary considerations
- Involve certified school nurse-RN in school health related issues
- Provide post-secondary or vocational transition planning

**Example for Asthma:**

A student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. For purposes of this example, the disability limits the major life activity of breathing.

**Possible Accommodations and Services:**

- Adapt activity level for recess, physical education, etc.
- Provide inhalant therapy assistance (metered dose inhaler or Nebulizer)
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Minimize environmental allergens (e.g., hair spray, candles, lotions, perfumes, paint, latex)
- Make field trips that might aggravate the condition non-mandatory and supplement with videos, audio recordings, movies, etc.
- Accommodate for absences for doctors' appointments

- Adjust for administration of medications
- Provide access to water, gum, etc.
- Adapt curriculum expectations when needed (i.e., science class, physical education, etc.)
- Develop individualized health care and emergency plans
- Have peers available to carry materials to and from classes (e.g., lunch tray, books)
- Provide rest periods
- Make health care needs known to appropriate staff
- Provide indoor space for before and after school activities as applicable in the event of inclement weather
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects

**Example for Attention Deficit Disorder (ADD) and Attention Deficit Hyperactivity Disorder (ADHD):**

The student does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. A doctor regards the student as having ADD and for purposes of this example, the disability limits the major life activity of learning. The student, because of his/her disability, is unable to participate in the school's programs to the same degree as students without disabilities and therefore is substantially limited by the disability.

**Possible Accommodations and Services:**

- Seat the student away from distractions and in close proximity to the teacher
- State classroom rules in a positive manner (i.e. "It is important for students to remain in their seats during class"), post in an obvious location and enforce consistently
- Use simple, concise instructions with concrete steps
- Provide seating options
- Tolerate (understand the need) excessive movement (kinetic learners and active learners)
- Provide a peer tutor/helper
- Teach compensatory strategies
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Monitor for stress and fatigue; adjust activities
- Adjust assignments to match attention span, etc.
- Vary instructional pace
- Vary instructional activities frequently
- Provide supervision during transitions, disruptions, field trips
- Model the use of study guides and organizing tools
- Accommodate testing procedures; lengthy tests might be broken down into several shorter administrations
- Provide counseling and prompt feedback on both successes and areas needing improvement
- Initiate frequent parent/guardian communication (i.e. student caught doing something good today, use positive comments about the student instead of only reporting poor behavior outcomes)
- Establish a school/home behavior management program
- Provide training for staff

- Have the student use an organizer; train in organizational skills
- Establish a nonverbal cue between teacher and student for behavior monitoring
- Assign chores/duties around room/school
- Adapt environment to avoid distractions
- Reinforce appropriate behavior
- Have child work alone or in a study carrel during high stress times
- Highlight required or important information/directions
- Provide a checklist for student, parents and/or teacher to record assignments of completed tasks
- Use a timer to assist student to focus on given task or number of problems in time allotted; stress that problems need to be done correctly
- Have student restate or write directions/instructions
- Allow student to respond in variety of different modes (i.e., may record answers instead of paper)
- Give student opportunity to stand/move while working
- Provide additional supervision to and from school
- Adapt student's work area to help screen out distracting stimuli
- Grade for content integrity not just neatness/presentation
- Schedule subjects which require greater concentration early in the day
- Supply small rewards to promote behavior change (i.e. PBIS programs)
- Avoid withholding physical activity or using as a negative reinforce/punishment
- Allow for periodic, frequent physical activity, exercise, etc.
- Determine trigger points and prevent action leading to trigger points
- Provide for socialization opportunities, such as circle of friends

### **Example of Bipolar Disorder:**

The student has been diagnosed as having a bipolar disorder; however the severity (frequency, intensity, duration considerations) of the condition does not qualify the student for IDEA. A properly convened Section 504 committee has determined that the condition does significantly impair the major life activity of learning and has created a Section 504 plan for the student.

### **Possible Accommodations and Services:**

- Break down assignments into manageable parts with clear and simple directions, given one at a time
- Monitor clarity of understanding and alertness in a private, positive and non-confrontational manner
- Allow most difficult subjects at times when student is most alert
- Provide extra time on tests, class work and homework if needed
- Put strategies in place for unpredictable mood swings such as time-out in school counselor, school nurse or principal's office or in a quiet area of the room to gather thoughts and compose self
- Provide appropriate staff with training on bipolar disorder
- Create awareness by staff of potential victimization from other students

- Implement a crisis intervention plan for extreme cases where student gets out of control and may do something impulsive or dangerous
- Provide positive praise and redirection
- Report any suicidal comments to principal, parent, school counselor and/or psychologist immediately
- Consider home instruction for times when the student's mood disorder makes it impossible for him to attend school for an extended period
- Assist student and family with community services/supports as needed

### **Example for Cancer:**

A student with a long-term medical problem may require special accommodations. Such a condition as cancer may substantially limit the major life activities of learning and caring for oneself. For example, a student with cancer may need a class schedule that allows for rest and recuperation following chemotherapy.

### **Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Be cognizant of immunocompromised status, because student may not be able to attend school especially during heightened cold and flu seasons or outbreaks of communicable diseases/viruses
- Limit numbers of classes taken; accommodate scheduling needs (breaks, etc.)
- Send teacher/tutor to hospital, as appropriate
- Take whatever steps are necessary to accommodate student's involvement in extra-curricular activities if he/she is otherwise qualified
- Adjust activity level and expectations in classes based on physical limitations; don't require activities that are too physically taxing (i.e. modification in physical education classes)
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Monitor for stress and fatigue; adjust activities
- Provide appropriate assistive technology
- Provide dietary accommodations
- Provide a private area in which to rest
- Shorten school day as recommended by medical provider
- Send additional set of texts and assignments to hospital schools
- Tape lessons
- Accept the fact that the lessons and content-area tests may not be appropriate; the student is learning many life lessons through this experience
- Adjust schedule to include rest breaks
- Provide counseling; establish peer group support
- Adapt physical education
- Provide access to school nursing services
- Provide awareness training to appropriate staff and students
- Develop individualized health care/emergency plan to deal with getting sick at school
- Offer counseling for death and dying to peers/teachers/staff
- Furnish a peer tutor

- Provide student with a student buddy for participation in sports
- Initiate a free pass system from the classroom
- Provide lessons using mastery learning techniques
- Provide individual school counseling
- Begin friendship groups for the student
- Provide teachers with counseling, emphasizing positive attitudes
- Plan ongoing communication about school events
- Notify parents of communicable diseases in school
- Designate a person in school to function as liaison with parents as a means of updating changing health status

### **Example for Cerebral Palsy:**

The student has serious difficulties with fine and gross motor skills. A wheelchair is used for mobility. For purposes of this example, the condition substantially limits the major life activity of walking. Cognitive skills are intact.

### **Possible Accommodations and Services:**

- Provide assistive technology devices
- Arrange for use of ramps and elevators
- Allow for extra time between classes
- Assist with carrying books, lunch trays, etc.
- Adapt physical education curriculum
- Provide for physical therapy as appropriate
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Adapt eating utensils
- Initiate an individualized health care/emergency plan as needed
- Train paraprofessionals in the case of this student (i.e., feeding, diapering, transporting to and from the wheelchair)
- Adapt assignments
- Educate peers/staff with the parent/student permission
- Ensure that programs conducted in the basement or on second or third floor levels are accessible
- Ensure that bathroom facilities, sinks and water fountains are readily accessible.
- Provide post-secondary or vocational transition planning.

### **Example for Chronic infectious Diseases, e.g., Hepatitis, Tuberculosis, Acquired Immune Deficiency Syndrome (AIDS):**

The student frequently misses school and does not have the strength to attend a full day. For purposes of this example, the student has a record of a disability, which substantially limits the major life activities of learning. Please review applicable county policies.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Be cognizant of immunocompromised status as student may not be able to attend school especially during heightened cold and flu seasons or outbreaks of communicable diseases/viruses
- In-servicing of staff about the disease should not be done related to an individual student but as an ongoing staff development requirement as noted in W.Va. Code §18-5-15d and WVBE Policy 2423, keeping in mind the strict confidentiality and "need to know" basis of this sensitive issue. Many school personnel and teachers will not need to know the student's medical diagnoses.
- Apply standard universal precautions as always for any student and staff member
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Adjust schedule or shorten day as directed by medical provider
- Provide rest periods
- Adapt physical education curriculum
- Establish routine communication with parent/guardian and medical providers through the certified school nurse-RN
- Develop individualized health-care/emergency plan
- Arrange for an adult tutor at school or home
- Adapt assignments and tests
- Provide an extra set of textbooks for home
- Provide staff training on confidentiality as required by Family Educational Rights and Privacy Act
- Provide assistive technology as needed
- Arrange for participation in a support group
- Provide for post-secondary employment transitions for secondary students
- Promote the most supportive, least restrictive educational program (students with HIV/AIDS do not need to use separate restrooms, dining areas or water fountains, first aid kits and gloves should not be placed beside the student's desk, consult the certified school nurse-RN for education on the transmission of disease to prevent discrimination)
- Assist student and family with community services/supports as needed

**Example for Cystic Fibrosis:**

This student is a new enrollee at your school and has an extensive medical history. He/she has significant difficulty breathing and will often be absent due to respiratory infections. While medical needs can be easily documented on an individualized health care plan, his/her educational needs also need to be accommodated. For purposes of this example, learning is the major life activity that is substantially impaired.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Be cognizant of immunocompromised status as student may not be able to attend school especially during heightened cold and flu seasons or outbreaks of communicable diseases/viruses

- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications, monitoring and/or emergent care and monitoring for side effects
- Create an individualized health care plan for management of acute and chronic phases
- When it is known that students with CF attend the same school, place them in separate classrooms unless they are siblings
- Assign each student with CF a specific drinking fountain to use and provide medications in different locations within the same building
- Utilize the Guidelines for Management of CF at
- Assign the students with CF tables, lockers, etc., as far away from the other student with CF's assigned table or locker as possible..."
- Promote good communication between parents, hospital, home and school on school assignments
- Shorten the school day as directed by medical provider
- Adapt physical education activities
- Apply standard universal precautions, correct disposal of fluids
- Recognize need for privacy for chest vest, chest percussion and postural drainage and "good coughing"
- Educate staff and peers
- Assist student and family with community services/supports as needed
- Guidelines for CF can be found at  
<http://www.cff.org/UploadedFiles/LivingWithCF/AtSchool/IPC-Schools-and-CF.pdf>.

### **Example for Deaf/Hard of Hearing/Hearing Impairment:**

A student was diagnosed with a substantial hearing impairment. Therefore, he/she has both a hearing loss and a mild speech impediment. He compensates through both lip reading and sign language. Academic abilities test in the average range.

### **Possible Accommodations and Services:**

- Allow for written direction/instructions in addition to oral presentation
- Ensure delivery of instruction facing the student to allow lip reading
- Provide visual information as primary mode of instruction
- Allow for provision of certified sign language interpreter services
- Seat in a location with minimal background noise
- Provide assistive technology to write/draw requests when needed
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

### **Example for Deafness/Hard of Hearing/Hearing Impairment during Co-Curricular/ Extracurricular Activities:**

A parent is hearing impaired and requests, access to school sponsored activities including co-curricular and extracurricular events. The District makes accommodations by providing certified educational interpreter services for the student to participate effectively in co-curricular and extracurricular events.

**Possible Accommodations and Services:**

- Provide a certified educational interpreter for those extracurricular school events where accommodations may be necessary/are requested
- Make alternative arrangements for home-school contacts/communication if parents/guardians are also deaf or hard of hearing
- Assist with locating peer or support groups
- Provide information on assistive technology; acquire assistive equipment
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

**Example for Diabetes:**

A sixth grader with juvenile diabetes (Type I-insulin dependent) requires accommodation to maintain optimal blood sugar. His/her mom provides the crackers and juice to be used at “break” time and before physical education class. He/she asks that teachers remind him to eat at a certain time of the morning if he does not pay attention to the beeper on his/her watch. The youngster is very self-sufficient; while he is able to monitor his/her own blood sugar now, he prefers to do this privately. Therefore, mom asks that the equipment and a notebook/log be stored in a nearby file cabinet and the youngster be allowed to go into the hall with the equipment to check his/her blood sugar twice a day. She also asks that his/her teacher allow him to use the bathroom as needed.

**Possible Accommodations and Services:**

- Refer to the individualized health care/emergency plan for management of condition in the school setting and in emergencies
- Educate staff and management of diabetes including signs/symptoms of insulin reaction of hypoglycemia and hyperglycemia (W.Va. Code §18-2K-1)
- Do not leave the child alone if he/she is feeling poorly; walk to the office or certified school nurse-RN or designated contact with the student
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications (Glucagon, glucose tablets), monitoring and/or emergent care and monitoring for side effects. Please note: the administration of insulin may not be delegated to non-licensed school personnel (teachers, aides and secretaries. Only nurses (RN and LPN) may administer insulin.
- Adapt physical education activities as needed
- Store equipment and documentation in a readily accessible location for student, parent, certified school nurse-RN and designated contact
- Accommodate food access/meal schedules rigorously through physician signed Special Dietary Form. Noting menu analysis, weights and measures of meals are usually completed by the food service staff and carbohydrate counting is under the direction of the certified school-nurse-RN or designated contact. The certified school nurse-RN is itinerate and often travels to multiple schools to administer insulin dosage to students making him/her unable to assess the amount of food consumed or search for carbohydrate measures.
- Allow access to water and fluids during classroom time and throughout the school day
- Allow access to bathroom facilities during classroom time and throughout the school day
- Accommodate blood sugar testing and insulin administration as needed, including location which may be in the classroom or in a private area pending preference of the student and parent/guardian. W.Va. §18-2K-1 allows administration of insulin in classrooms and encourages self-management.
- Assist student and family with community services/supports as needed

**Example for Drugs and Alcohol:**

The student has used drugs and alcohol for many years. This problem has affected the major life activities of learning and caring for self. The student is presently not using drugs or alcohol and is in a rehabilitation program. If the student is not using drugs or alcohol, he/she could qualify for accommodations or services under Section 504.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Provide copies of texts and assignments to treatment facility
- Arrange for periodic home-school contacts
- Establish daily/weekly assignments monitoring system
- Communicate with treatment facility; pursue transition services available through the treatment facility
- Provide/arrange for counseling
- Establish peer support group
- Ensure strong link with school counselor and faculty member
- Provide post-secondary or vocational transition planning
- Provide ongoing support around chemical dependency in conjunction with other agencies
- Training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper administration of medications

**Example for Emotionally Disturbed:**

An emotionally disturbed student may need an adjusted class schedule to allow time for regular counseling or therapy. For purposes of this example, the condition substantially limits the individual's major life activity of learning.

**Possible Accommodations and Services:**

- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Maintain weekly/daily journals for self-recording of behavior
- Establish home-school communication system
- Schedule periodic meetings with home and treatment specialists
- Provide carry-over of treatment plans into school environment (from school to home and home to school)
- Assist with inter-agency referrals
- Utilize behavior management programs
- Develop contracts for student behavior
- Reinforce positive behavior
- Reinforce replacement behaviors
- Post rules for classroom behaviors; teach expectations
- Provide counseling, social skills instruction
- Schedule shorter study/work periods according to attention span capabilities
- Be consistent in setting expectations and following up on reinforcements/consequences
- Provide post-secondary or vocational transition planning
- Be cognizant of strict confidentiality defined by Family Educational Rights and Privacy Act
- Assist student and family with community services/supports as needed

**Example of Encopresis/Enuresis:**

Elimination disorder(s) which manifest as a student who urinates or defecates in their clothes for longer than three months. The child will hold their feces without defecating. Not to be confused with physical incontinence, but only to a needed behavior change (i.e. toilet training, bowel/bladder retraining).

**Possible Accommodations:**

- Maintain low key responses
- Have a change of clothes available at school in the clinic or alternative location
- Plan a consistent response to events; send student to private restroom, school nurses office or alternative location for clean-up and change of clothes; have student change clothes and place soiled clothes in a plastic bag; call parent and make arrangements for soiled items to be returned home
- Utilize good standard universal precautions when handling body substances
- Observe for consistent trigger events
- Support bowel/bladder retraining program as recommended by the physician/medical provider
- Accommodate special diets through physician signed Special Dietary Form
- Refer to the individualized health care/emergency plan for management of condition in the school setting and in emergencies
- Assist student and family with community services/supports as needed

**Example for Seizures:**

The student is on medication for seizure activity but experiences several petit mal seizures each month. This condition substantially limits the major life activity of learning.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Refer to the individualized health care/emergency plan for management of condition in the school setting and in emergencies
- Inform the school nurse and parent of the characteristics of each seizure
- Assess breathing, postictal state after seizure
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Train staff and students
- Anticipate recovery process should a seizure occur. Move seating/clear space during seizure. Do not insert objects into the student's mouth during seizure; administer no fluids if student is unconscious. Turn the unconscious student on his/her side to avoid aspiration of vomit. Provide rest time and return to academic considerations following seizure.
- Arrange a buddy system, especially for field trips
- Avoid portable chalk boards or furniture that would topple over easily
- Provide an alternative recess, adapt activities such as climbing and/or swimming
- Plan for academic make-up work
- Observe for consistent triggers/auras (e.g., smells, bright light, perfume, hair spray)
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

**Example for Learning Disabilities:**

The student has a learning disability that impacts her ability to read. She has more difficulty with word decoding and spelling than reading comprehension. Thus, completing reading tasks is difficult and slow. She is currently a student receiving special accommodations. Please Note: Individual profiles of learning strengths and weaknesses will vary.

**Possible Accommodations and Services:**

- Provide lower-readability materials covering course context
- Provide extended time on tests
- Provide information on accessible instructional materials
- Allow access to spell checkers and/or word processing or computer
- Provide information on accommodations for college-entrance/qualifying exams (i.e., PSAT)
- Provide oral instructions
- Clearly sequenced instruction
- Visual graphs/charts/diagrams to support instruction
- Seating toward the instructor
- Support/suggestions relative to post-secondary/career options
- Support in the use of organizational/time-management strategies
- Support in the use of strategies to assist memory and problem-solving
- Use of multi-sensory instructional methods (i.e., visual graphs and charts to accompany oral presentation)
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

**Example for Leukemia:**

The student has recently been diagnosed with leukemia and requires frequent hospitalization. The condition substantially limits the major life activity of learning and caring for the student.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Involve certified school nurse-RN in assessing current limitations and development of individualized health care plan
- Provide home/hospital instruction as directed by medical provider
- Provide the student with a shortened school day as directed by the medical provider
- Make needed accommodations during physical education/recess
- Provide rest periods
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Accommodate special diets through physician signed Special Dietary Form
- Notify parents of existing communicable diseases at school (i.e., chicken pox, flu, strep throat, etc.)

**Example for Orthopedically Impaired:**

The student has limited mobility and uses a wheelchair. This condition substantially limits the major life activity of walking.

**Possible Accommodations and Services:**

- Involve certified school nurse-RN in assessing current limitations and development of individualized health care plan
- Implement an adaptive physical education program
- Ensure and modify as appropriate physical accessibility of facilities/pathways between buildings
- Provide extra time to get to class
- Adapt recess, physical education and transportation
- Supply a set of textbooks for home
- Provide a copy of class notes from a peer
- Practice emergency exit from school building (this does not include assigning a student or staff person to carry the student with limited mobility down the steps during an emergency situation). An evacuation chair or similar device is an acceptable solution to evacuate the student from locations involving stairs.
- Ensure that access to programs held in the basement or on second or third floors is handicapped accessible or the class is moved to an accessible location
- Ensure that bathroom facilities, water fountains, sinks, etc. are readily accessible
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

**Example for Student with Special Health Care Needs:**

The student has a special health care problem and requires clean intermittent catheterization twice each day. This procedure empties the bladder and helps prevent urinary tract infections and possible wetting. The school is required to provide trained personnel under the delegation of the certified school nurse-RN to perform the procedure or to provide the student a private location and accommodations to perform the procedure. The condition is substantially limiting in the major life activity of caring for oneself.

**Possible Accommodations and Services:**

- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Apply standard universal standard precautions
- Provide student with private location and time to perform procedures
- Involve certified school nurse-RN, parents, teachers and staff in periodic review
- Allow preferential seating as indicated by need
- Adapt recess, physical education and transportation
- Adjust classroom environment
- Develop health care and emergency plan
- If necessary, adapt attendance policy
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

**Example for Temporarily Disabled:**

A student was in an automobile accident and will be homebound and/or hospitalized for an extensive period. The student is considered temporarily disabled under Section 504 and should receive accommodations if this disability substantially limits a major life activity for the period of time it does so.

**Possible Accommodations and Services:**

- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Involve certified school nurse-RN in assessing current limitations and development of individualized health care plan
- Provide home/hospital instruction as directed by medical provider
- Provide the student with a shortened school day as directed by the medical provider
- Make needed accommodations during physical education/recess
- Provide rest periods
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Provide duplicate sets of texts
- Arrange for student to leave class early to get to next class
- Provide access to elevators
- Arrange for a friend to assist student in getting from class to class, provide help with getting lunch tray
- Establish a student support network
- Arrange for peer notes
- Change seating arrangements to accommodate needs
- Adapt assignments depending on disability
- Allow more time for test completion
- Practice emergency exit from school building (this does not include assigning a student or staff person to carry the student with limited mobility down the steps during an emergency situation). An evacuation chair or similar device is an acceptable solution to evacuate the student from locations involving stairs.
- Ensure that access to programs held in the basement or on second or third floors is handicapped accessible or the class is moved to an accessible location
- Provide peer assistance for social involvement (i.e., to keep child informed of social activities)
- Assist student and family with community services/supports as needed

**Example for Tourette's Syndrome:**

The student exhibits inappropriate gestures and sounds in the classroom and hallways. The condition is substantially limiting in the major life activities of learning and caring for oneself.

**Possible Accommodations and Services:**

- Provide student with a means of catching up on missed lessons
- Pair with a fellow student for study if indicated
- Contact Tourette's Syndrome Association to access educational opportunities
- Provide training by the certified school nurse-RN to willing teachers, classroom aides and secretaries for proper care and administration of medications as ordered
- Arrange for frequent parental interaction if indicated
- Teach compensatory strategies
- Adapt assignments if indicated
- Provide peer/teacher in-service with parent/student permission
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

- Example for Traumatic Brain Injury: The student sustained a brain injury in an automobile accident. Many academic and motor skills have been lost from the injury. The student does not qualify for special education under IDEA. The condition is substantially limiting to the major life activities of learning and performing manual tasks.
- Accommodate for absences for doctors' appointments including extended absences or home/hospital instruction
- Involve certified school nurse-RN in assessing current limitations and development of individualized health care plan
- Provide extended school year/time
- Furnish memory/organizational aids
- Provide alternative testing
- Initiate tutoring programs
- Arrange an emergency plan
- Monitor for seizure activity
- Monitor fatigue/mental exhaustion and offer a quiet place to rest as needed
- Provide frequent short breaks during periods of intense concentration
- Shorten the instructional day as directed by the medical provider
- Provide strategies for organizing/sequencing tasks
- Provide post-secondary or vocational transition planning
- Assist student and family with community services/supports as needed

### **Example for Visual Impairment:**

A student has a progressive medical disorder, which results in increasing loss of visual acuity. He now requires both enhanced lighting and enlarged print materials in order to read.

### **Possible Accommodations and Services:**

- Provide information on accessible instructional materials through Bookshare and or Learning Ally
- Allow access to spell checkers and/or word processing or computer
- Provide oral instructions
- Clearly sequenced instruction
- Preferential seating
- Adaptations to the physical environment (i.e., consistent room arrangement, removal of obstacles to path of entry)
- Modified writing tools (i.e., dark felt tip pens)
- Perkins Braille
- Slate and stylus
- Raised lines on writing paper
- Dark lined writing paper
- Lighting aids
- Low vision devices including magnifiers, monocular glass, closed-circuit TV
- Desktop slantboard
- Enlarged print materials; textbooks, workbooks, worksheets
- Braille textbooks/reading materials
- Books on tape
- Audiotape recorder, tapes and organizational location (headphones if needed)
- Oral instead of written tests

- Standardized tests (i.e., CAT, SAT) in large print or Braille
- Tactile maps
- Computer with enlarged print screen/adaptations
- Speech synthesizer for input and output
- Screen reading device
- Optical Character Recognition System Scanner
- Mobility devices (i.e., white cane)
- Abacus
- Assist student and family with community services/supports as needed

**Example for Weight - Diagnosis of Obesity, Anorexia and Bulimia:**

A student has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504 where it substantially impairs a major life activity or is regarded by others as doing so.

**Possible Accommodations and Services:**

- Provide special seating modifications
- Make dietary modifications per physician recommendation through physician signed Special Dietary Form.
- Adapt physical education program as directed by the medical provider
- Allow extra time to get to classes
- Adapt restrooms
- Provide opportunities for socialization and peer counseling/interaction
- Ensure privacy for self-care
- Provide counseling as needed to deal with esteem issues, peer attitudes, teasing, etc.
- Address busing concerns to ensure room on buses for seating
- Make any class location changes that may be needed
- Assist student and family with community services/supports as needed

# Classroom and Facility Accommodations

As local districts develop policies and procedures for guiding the referral and identification of students determined to be disabled under Section 504, it is critical that information concerning this law and its impact on local school districts be shared with principals and building-level staff. The intent of Section 504 is to “accommodate” for differences within the regular education environment. For this to be accomplished, all staff must be provided with awareness activities and given specific information concerning the district’s procedures for dealing with Section 504 referrals.

As individual students are identified, the classroom teacher may need specific training in the area of the identified disability (e.g., training from the school nurse on a danger signs of an impending asthma attack, training from a physical therapist on correct positioning of a wheelchair-using student at this/her desk, etc.). The following classroom/facility accommodations are presented as examples of ways in which Section 504 disabilities may be successfully addressed within the regular education environment.

The following information provides examples of ways in which the needs of children with disabilities (or Section 504 disabilities) may be accommodated in the regular classroom environment.

<b>Area of Concern</b>	<b>Accommodations</b>
Parent/student/teacher communications	Develop a daily/weekly journal. Develop parent/student/school contacts. Schedule periodic parent/teacher meetings. Provide parents with duplicate set of texts.
Staff Communications	Identify resource staff. Network with other staff. Schedule building team meetings. Maintain ongoing communication with building principal.
School/community/agency communication	Identify and communicate with appropriate personnel working with student. Assist in agency referrals. Provide appropriate carryover in the school environment.
Instructional day	Allow student more time to pass in hallways. Modify class schedule.
Modification of classroom/building climate to accommodate student needs	Plan for evacuation for wheelchair-using students. Schedule classes in accessible areas.
Building health/safety procedures	Administer medication. Apply universal precautions. Accommodate special diets.
Difficulty sequencing and completing steps to accomplish specific tasks (e.g., organized paragraphs, division problems, etc.)	Break up task into workable and obtainable steps. Provide examples and specific steps to accomplish task.

<b>Area of Concern</b>	<b>Accommodations</b>
Shifting from one uncompleted activity to another without closure	Define the requirements of a completed activity (e.g., Your math is finished when all 6 problems are complete and corrected; Do not begin on the next task until it is finished).
Difficulty following through on instructions from others	Gain student's attention before giving directions. Use alerting cues. Accompany oral directions with written directions. Give one direction at a time. Quietly repeat directions to the student after they have been given to the rest of the class. Check for understanding by having the student repeat the 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.
Difficulty prioritizing from most to least important	Prioritize assignments and activities. Provide a model to help students. Post the model and refer to it often.
Difficulty sustaining effort and accuracy over time	Reduce assignment length and strive for quality (rather than quantity). Increase the frequency of positive reinforcement (catch the student doing it right and let him know it).
Difficulty completing assignments	List and/or post (and say) all steps necessary to complete each assignment. Reduce the assignment into manageable sections with specific due dates. Make frequent checks for work/assignment completion. Arrange for the student to have a "study buddy" with phone number in each subject area.
Difficulty with any task that requires memory	Combine seeing, saying, writing and doing--student may need to subvocalize to remember. Teach memory techniques as a study strategy (e.g., mnemonics, visualization, oral rehearsal, numerous repetitions).
Difficulty with test taking	Allow extra time for resting, teach test-taking skills and strategies, and allow student to be tested orally. Use clear, readable and uncluttered test forms. Use test format that the student is most comfortable with. Allow ample space for student response. Consider having lined answer spaces for essay or short answer questions.
Confusion from non-verbal cues (misreads body language, etc.)	Directly teach (tell the student) what nonverbal cues mean. Model and have student practice reading cues in a safe setting.
Confusion from written material (difficulty finding main idea from a paragraph, attributes greater importance to minor details)	Provide student with copy of reading material with main ideas underlined or highlighted. Provide an outline of important points from reading material. Teach outlining, main idea/details concepts. Provide tape of text/chapter.

<b>Area of Concern</b>	<b>Accommodations</b>
Confusion from spoken material, lectures and audio-visual material (difficulty finding main idea from presentation, attributes greater importance to minor details)	Provide student with a copy of presentation notes. Allow peers to share 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). Encourage use of tape recorder. Teach and emphasize key words (the following... the most important point. etc.).
Difficulty sustaining attention to tasks or other activities (easily distracted by extraneous stimuli)	Reward attention. Break up activities into small units. Reward for timely accomplishments. Use physical proximity and touch. Use earphones and/or study carrels, quiet place, or preferential seating.
Frequent messiness or sloppiness	Teach organizational skills. Be sure student has daily, weekly and/or monthly assignment sheets, list of materials needed daily, and consistent format for papers. Have a 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 what you want the student to do. Arrange for a peer who will help with organization. Assist student to keep materials in a specific place (e.g., pencils and pens in pouch). Be willing to repeat expectations.
Poor handwriting (often mixing cursive and manuscript and capitals with lower-case letters)	Allow for a scribe and grade for content, not handwriting. Allow for use of a computer or typewriter. Consider alternative methods for student response (e.g., tape recorder, oral reports, etc.). Don't penalize student for mixing cursive and manuscript (accept any method of production).
Difficulty with fluency in handwriting (e.g., good letter/word production but very slow and laborious)	Allow for shorter assignments (quality vs. quantity) Allow alternate method of production (computer, scribe, oral presentation, etc.).
Poorly developed study skills	Teach study skills specific to the subject area – organization (e.g., assignment calendar), textbook reading, note taking (finding main idea/detail, mapping, outlining, skimming, summarizing).
Poor self-monitoring (careless errors in spelling arithmetic, reading)	Teach specific methods of self-monitoring (e.g., Stop-Look-Listen). Have student proofread work when it is cold.

<b>Area of Concern</b>	<b>Accommodations</b>
Low fluency or production of written material (takes hours on a 10 minute assignment)	Allow for alternative method for completing assignment (oral presentation, taped report, visual presentation, graphs, maps pictures, etc.) with reduced written requirement. Allow for alternative method of writing (e.g., typewriter, computer, cursive or printing, or a scribe).
Apparent inattention (underachieve, daydreaming, not there)	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.) Ask student to repeat directions. Attempt to actively involve student in lesson (e.g., cooperative learning).
Difficulty participating in class without being interruptive, difficulty working quietly	Seat student in close proximity to the teacher. Reward appropriate behavior (catch student at "being good"). Use study carrel if appropriate.
Inappropriate seeking of attention (clowns around, exhibits loud excessive or exaggerated movement as attention-seeking behavior, interrupts, butts into other children's activities, needles others)	Show student (model) how to gain other's attention appropriately. Catch the student when appropriate and reinforce.
Frequent excessive talking	Teach student hand signals and use to tell student when and when not to talk. Make sure student is called upon when it is appropriate and reinforce listening.
Difficulty making transitions (from activity to activity or class to class); takes an excessive amount of time to "find pencil," gives up, refuses to leave previous task; appears agitated during change	Program student for transitions. Give advance warning of when a transition is going to take place (Now we are completing the worksheet, next we will) and the expectation for the transition (and you will need). Specifically say and display lists of materials needed until a routine is possible. List steps necessary to complete each assignment. Have specific locations for all materials (pencil pouches, tabs in notebooks, etc.). Arrange for an organized helper (peer).
Difficulty remaining seated or in a particular position	Give student opportunities to get up and move around. Allow space for movement.
Frequent fidgeting with hands, feet or objects; squirming in seat	Break tasks down into small increments and give frequent positive reinforcement for accomplishments (this type of behavior is often due to frustration). Allow alternative movement when possible.

<b>Area of Concern</b>	<b>Accommodations</b>
Inappropriate responses in class often blurted out; answers given to questions before they have been completed	Seat student in close proximity to teacher so that visual and physical monitoring of student behavior can be done by the teacher. State behavior that you do want (tell the student how you expect him to behave).
Agitation under pressure and competition (athletic or academic)	Stress effort and enjoyment for self, rather than competition with others. Minimize timed activities; structure class for team effort and cooperation.
Inappropriate behaviors in a team or large group sport or athletic activity (difficulty waiting turn in games or group situations)	Find the student a responsible job (e.g., team captain, care and distribution of the balls, scorekeeping, etc.); consider leadership role. Have student in close proximity to teacher.
Frequent involvement in physically dangerous activities without considering possible consequences	Anticipate dangerous situations and plan for in advance. Stress Stop-Look-Listen. Pair with responsible peer. (Rotate responsible students so that they don't wear out!)
Poor adult interactions Defies authority Sucks up Hangs on	Provide positive attention. Talk with student individually about the inappropriate behavior (What you are doing is..., A better way of getting what you want or need is...).
Frequent self-putdowns, poor personal care and posture, negative comments about self and others, low self-esteem	Structure for success. Train student for self-monitoring, reinforce improvements, teach self-questioning strategies (What am I doing? How is that going to affect others?) Allow opportunities for the student to show his/her strength. Give positive recognition.
Difficulty using unstructured time – recess, hallways, lunchroom, locker room library, assembly	Provide student with a definite purpose during unstructured activities (The purpose of going to the library is to check out..., the purpose of...is...). Encourage group games and participation (organized school clubs and activities).
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)	Help student organize. Frequently monitor notebook and dividers, pencil pouch, locker, book bag, desks. A place for everything and everything in its place. Provide positive reinforcement for good organization. Provide student with a list of needed materials and their locations.

<b>Area of Concern</b>	<b>Accommodations</b>
Poor use of time (sitting, staring off into space, doodling, not working on task at hand)	Teach reminder cues (a gentle touch on the shoulder, hand signal, etc.). Tell the student your expectation of what paying attention looks like: (You look like you are paying attention when...). Give the student a time limit for a small unit of work with positive reinforcement for accurate completion. Use a contact, timer, etc., for self-monitoring.

Resource:

Anchorage School District – *Attention Deficit Disorders, Suggested Classroom Accommodations for Specific Behaviors*

# RESOURCES

## **Center for Excellence in Disabilities (CED)**

For nearly 30 years, the Center has worked with consumers, state, local and federal agencies to realize opportunities and tackle and overcome challenges for people with developmental and other disabilities of all ages. CED is West Virginia's only federally designated Center for Excellence in Disabilities providing resources and supports in all fifty-five counties of the state.

Center for Excellence in Disabilities West Virginia University 959 Hartman Run Road Morgantown, WV 26505 Phone: 304-293-4692 (888) 829-9426 or TTY: (800) 518-1448 Email: [cedcontact@hsc.wvu.edu](mailto:cedcontact@hsc.wvu.edu)  
<http://www.cedwvu.org/>

## **Education & Early Intervention**

WV Birth to Three

Telephone: (304) 356-4365 350 Capitol Street, Room 427

In WV: (800) 642-8522 Charleston, WV 25301-3714

Fax: (304) 558-2183 E-mail: [dhhrwvbt@wv.gov](mailto:dhhrwvbt@wv.gov)

<http://www.wvdhhr.org/birth23/>

WV Birth to Three directs the coordination of the statewide system of early intervention services for families with children age birth to three that have developmental delays.

Office of Special Programs

West Virginia Department of Education 1900 Kanawha Boulevard East

Charleston, WV 25305

In WV: 1-800-642-8541

304-558-2696

Fax: 304-588-3741

[wvosp@access.k12.wv.us](mailto:wvosp@access.k12.wv.us)

<http://wvde.state.wv.us/osp/>

## **Family Support**

Association-Retarded Citizens

523 24Th St Dunbar, WV 25064 304-768-2345

The ARC promotes the education, health, self-sufficiency, self-advocacy, inclusion and choices of individuals with developmental disabilities and their families.

Legal Aid FAST Program

922 Quarrier Street

4th Floor

Charleston, WV 25301

Toll Free 1-866-255-4370

304-343-4481

[www.lawv.net](http://www.lawv.net)

The FAST program provides direct legal and advocacy support services to families with students who have a mental health diagnosis or a serious emotional disturbance.

WV Parent Training and Information  
371 Broaddus Avenue Clarksburg, WV 26301  
Tel: (304) 624-1436  
In WV: 1-800-281-1436 Fax: (304) 624-1438

<http://wvpti.org>

WVPTI provides training, technical assistance, information and referral to parents and other professionals on appropriate educational services for students with special needs.

WV Developmental Disabilities Council  
110 Stockton Street Charleston, WV 25387  
304-558-0416 (Voice) 304-558-2376 (TDD) 304-558-0941 (Fax)

<http://www.ddc.wv.gov>

[dhhrwvddc@wv.gov](mailto:dhhrwvddc@wv.gov)

Working to assure that West Virginians with developmental disabilities receive the services, supports and other forms of assistance they need to exercise self-determination and achieve independence, productivity, integration and inclusion in the community.

Division of Vocational Rehabilitation (DVR)  
West Virginia Division of Rehabilitation Services State Capitol P. O. Box 50890 Charleston, WV 25305-0890

In WV: 1-800-642-8207 (voice/TDD).

In the Kanawha Valley, call 304-766-4600.

<http://www.wvdrs.org/index.cfm>

DVR is a statewide employment resource for businesses and people with disabilities. The mission of DVR is to enable individuals with disabilities to obtain and keep employment.

National Institute on Mental Health  
<http://www.nimh.nih.gov/index.shtml>

WV Department of Health and Human Resources  
Children with Special Health Care Needs Assessment Unit  
350 Capitol Street  
Room 427  
Charleston, WV 25305  
Phone: 304-558-5388  
Fax: 304-558-8468

# GLOSSARY

**Accommodations** - modifications or adjustments to the tasks, environment or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program or a job. Below is a listing of some reasonable accommodations; however, the list is not conclusive:

- Accommodations
- Qualified interpreters
- assistive listening systems
- captioning
- qualified readers
- audio recordings
- taped texts
- Braille materials
- large print materials
- materials on computer disk
- Allow for verbal responses
- Allow for answers to be dictated to a scribe
- Allow the use of a tape recorder to capture responses
- Permit responses to be given via computer
- Provide preferential seating
- Provide special lighting or acoustics
- Provide a space with minimal distractions
- Administer a test in small group setting
- Administer a test in private room or alternative test site
- Administer a test in several timed sessions or over several days
- Allow subtests to be taken in a different order
- Administer a test at a specific time of day
- rescheduling classes to an accessible location
- Allow frequent breaks
- Extend allotted time for a test
- allowing service animals in the classroom
- providing students with a syllabus prior to the beginning of class
- clearly communicating course requirements, assignments, due dates, grading criteria both orally and in written form
- providing written outlines or summaries of class lectures, or integrating this information into comments at the beginning and end of class
- Allowing students to use note takers or tape record lectures.

**Annual Review** – A student's Section 504 team meets annually to review the student's Section 504 Plan to ensure that it is meeting the student's needs. If the Section 504 team decides that the student's Section 504 plan needs to be revised, the Section 504 team provides the parent or guardian Notice of Action/Consent and Notice of Rights and a copy of the student's revised Section 504 plan.

**Appropriate** - designed to meet the individual educational needs of a student with a disability as adequately as the needs of student without a disability are met. It means that a district must provide sufficient individualized services to enable a student with a disability to receive educational benefit (i.e., not maximum benefit, not minimal benefit, some benefit).

**Assistive technology** - any device or service that is used to increase, maintain, or improve the functional capabilities of a child with a disability

**Attention** - The ability to concentrate as needed

**Attention deficit/hyperactivity disorder (ADHD)** - Any of a range of behavioral disorders in children characterized by symptoms that include poor concentration, an inability to focus on tasks, difficulty in paying attention, and impulsivity. A person can be predominantly inattentive (often referred to as ADD), predominantly hyperactive-impulsive, or a combination of these two.

**Auditory processing** - How the brain processes and interprets what is heard through the ear

**Cognition** - Conscious mental activity, including thinking, perceiving, reasoning, and learning

**Collaboration** - Working together for a common goal

**Communication** - The deliberate conveying of information to another person

**Communication disorder** - Stuttering, impaired articulation, language or voice impairment that adversely affects a child's educational performance.

**Data** - A well-developed assessment plan and a properly executed functional behavioral assessment should identify the contextual factors that contribute to behavior. Determining the specific contextual factors for a behavior is accomplished by collecting information on the various conditions under which a student is most and least likely to be a successful learner. Information collected both indirectly and directly, allows school personnel to predict the circumstances under which the problem behavior is likely and not likely to occur. This information collection becomes the data upon which decisions can be based.

**Data based decision** - making Instructional decisions based on student performance data

**Data collection** - Any method of recording behavioral data for subsequent analysis

**Discrimination**- Section 504 forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services. It defines the rights of individuals with disabilities to participate in, and have access to, program benefits and services.

**Empirically supportive intervention** - Educational practices/instructional strategies supported by relevant scientific research studies or research-based "best practice".

**Evidence-based practice** - Educational practices/instructional strategies supported by relevant scientific research studies or research-based “best practice”.

**Evaluation** - A Section 504 evaluation may be broad (including aptitude and achievement data, medical and psychological data, social and cultural information, and more) or narrow (medical data).

**FAPE (free appropriate public education)** - regular or special education and related aids and services. Students can receive related aids and services under Section 504 even if they are not provided any special education.

**Generalization** - Transferring a skill/behavior into other environments

**Graphic organizer** - Strategy for graphically representing concepts and providing links among concepts.

**IDEA** – Individuals with Disabilities Education Improvement Act of 2004 Original passage in 1975; latest reauthorization 2004; federal statute relative to education and services to students with disabilities ages 3 through 21

**IHCP (Individualized Health Care Plan)** - a written document developed by the certified school nurse which includes a nursing diagnosis, is individualized to the student’s health needs and consists of specific goals and interventions delineating the school nursing actions, delegated procedures and student’s role in self-care.

**Intervention** - Specialized activities that target students’ individual needs to develop their knowledge or skills in their area of weakness.

**Least Restrictive Environment (LRE)** - A student who has a disability should have the opportunity to be educated with non-disabled peers, to the greatest extent possible.

**Major life activities** – interpreted broadly is just about any activity that is of importance to a school-aged student’s daily life now qualifies as a “major life activity” under Section 504 and an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability under Section 504 or the ADA.

**Mitigating Measures** - Mitigating measures used by a student with a disability to manage his/her impairment or lessen the impact of his/her impairment (e.g. medication, medical devices, related aids and services, etc.).

**Modifications** – a change in the type and amount of work expected of students.

**Placement decisions** - must be documented, based upon a student’s evaluated needs, and made by persons knowledgeable about the student, the meaning of the student’s evaluation data, and placement options.

**Positive Behavior Interventions and Supports (PBIS)** - Evidence-based practices embedded in the school curriculum/culture/expectations that have a prevention focus; teaching, practice, and demonstration of pro-social behaviors. A decision making framework that guides the selection, integration, and implementation of the best evidence practices for improving important academic and behavior outcomes for all students. Services are often organized within a three-tiered approach including universal, targeted and tertiary prevention

**Related services** - Related Services are defined as transportation and such developmental, corrective, and other supportive services as are required to assist an eligible exceptional student to benefit from education as defined in WVBE Policy 2419: Regulations for the Education of Exceptional Students (W.Va.126CSR16) (hereinafter Policy 2419).

**SAT (Student Assistance Team)** – A trained school-based team which provides a formalized process for the review of student needs and complements the work of instruction and intervention teams.

**Scaffolding** - Adjusting the level of support provided based on the child’s level of comfort and competence. This can include supports in the form of modeling, prompts, direct explanations, and targeted questions.

**Section 504** - Section 504 is a federal civil rights law that is designed to eliminate disability discrimination in programs and activities that receive federal funds.

**Section 504 plan** - is an official written document that describes the educational and related aids and services that a district determines a student with a disability needs to receive a FAPE. The content of a Section 504 Plan is fluid and may change within a school year or between school years as a student’s needs and services change. A district must provide the services identified in a student’s Section 504 plan.

**Section 504 team** - makes decisions regarding the evaluation and placement of students under Section 504. For example, a Section 504 team determines the scope of Section 504 evaluations, decides which students are disabled under Section 504, develops Section 504 plans, and makes “manifestation determinations” for purposes of disciplinary exclusion from school. A district may have a district-level Section 504 team that makes district-level Section 504 decisions, building-level Section 504 teams that make building-level Section 504 decisions or a combination of both district-level and building-level Section 504 teams.

**Section 504 team members** – Members of a Section 504 team will vary depending upon the needs of each student. For example, a nurse may be on the Section 504 team of a student with a life threatening health condition, and a psychologist may be on the Section 504 team of a student with a behavioral disorder. The composition of a Section 504 team is fluid and may change within a school year or between school years as a student’s needs and services change. A Section 504 team must consist of at least two people and must include persons knowledgeable about the student, the meaning of the student’s current evaluation data, and placement options.

**Substantial limitations** – interpreted broadly an impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered “substantially limiting.” Compare a student to his/her non-disabled age/grade peers to determine whether an impairment substantially limits a major life activity for the student.

**Temporary impairment** - is a disability under Section 504 and the ADA if it is severe enough that it substantially limits a major life activity for a student. The duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity for a student should be the key considerations (with an actual or expected duration of six months or less)  
Placement– the regular or special education and related aids and services that a student needs to receive FAPE.







Michael J. Martirano, Ed.D.  
State Superintendent of Schools