

MYTHS AND REALITIES

MYTH #1: A student diagnosed with ADHD who is making B's and C's but could do better with an accommodation should be placed on a Section 504 Plan.

Reality: A physical or mental impairment that substantially limits a student's ability to learn in comparison to the average student population is a disability under Section 504. The argument that a student who is passing but "could do better" is not sufficient for Section 504 eligibility with respect to the major life activity of "learning."

MYTH #2: If a parent does not attend a 504 team meeting, the school cannot proceed with the meeting.

Reality: Section 504 does not require that parents be members of a 504 assessment team. However, most school districts find it beneficial that parents be included in the 504 meetings. In addition, it is within the school district's discretion to determine how parents are invited to meetings, how many attempts should be made to ensure their attendance at 504 Team meetings, etc.

MYTH #3: A student with a 504 Plan automatically gets an accommodation (such as extra test time) on standardized tests like ITBS and ITED.

REALITY: No, not automatically. A 504 Plan MUST already be in place with specific accommodations that are regularly and routinely used with the students in order for those accommodations to be used during administration of ITBS and ITED.

MYTH #4: Every member of the 504 Team must agree that a student is eligible under Section 504 before the student may be deemed eligible.

REALITY: Though team members should strive for consensus in decision-making under Section 504, unanimity is not required for 504 eligibility. Each school district must define its procedure for resolving disagreements between school team members and/or parents on eligibility and accommodations to

MYTH #5: If the parents do not agree with a 504 eligibility decision, the student cannot be placed on a Section 504 Plan. If a parent requests that a student be made eligible under Section 504, the parental request must be granted.

REALITY: Best practice dictates that parents be invited to 504 eligibility and placement meetings and be a participant in such meetings. PVCSD promotes parental involvement in the 504 assessment process. However, parental consent is not needed for 504 eligibility and the provision of accommodations to a student. If a student is deemed eligible, the school district must only provide notice to the parents, along with a copy of Procedural Safeguards/Parent Rights under Section 504. If the parent disagrees with any action regarding the identification, evaluation, or educational placement, including a decision that the student is not eligible under Section 504, the parents have the right to initiate an impartial hearing under Section 504.

MYTH #6: A diagnosis or recommendation from a specialist or outside evaluator/expert guarantees eligibility for a Section 504 Plan.

REALITY: Documentation of the disability, doctor's referrals, notes, etc. are taken into consideration as part of the evaluation process. Eligibility is based upon multiple sources of data and the team determines the potential impact of the disability in the classroom.

Notice of nondiscrimination - It is the policy of the Pleasant Valley Community School District to not discriminate in its educational activities on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or age.

The district requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The district is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, disability, or age. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Inquiries concerning the application of federal and state nondiscrimination statutes and the implementing regulations to the district may be referred to Stephanie Judkins, who has been designated by the district as Educational Equity Coordinator, or to the Director of the Office for Civil Rights, Department of HEW, Washington, D.C. Mr. Brian Strusz's office is at Pleasant Valley Administration Center, 525 Belmont Road, Bettendorf, IA 52722; telephone (563) 332-5550.

Resources for this pamphlet:

- United States Code, Title 29, Chapter 16, Section 794 (Section 504)
- Section 504: 21 Myths & Realities for School Personnel
- Iowa Association of School Boards (2011), Section 504 Manual: A Guide to Understanding the Rehabilitation Act of 1973 as it Applies to Students, 6000 Grand Avenue, Des Moines, Iowa 50312

Pleasant Valley Community School District



STUDENT ACCOMMODATIONS

A PARENT'S GUIDE TO SECTION 504

FACTS & MYTHS ABOUT ACCOMMODATIONS FOR STUDENTS WITH A QUALIFYING MENTAL OR PHYSICAL DISABILITY

GENERAL BACKGROUND OF SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a broad anti-discrimination, civil rights statute that protects the rights of individuals in programs and activities that receive federal financial assistance from the US Department of Education.

WHO IS PROTECTED?

Section 504 protects persons from discrimination based upon their disability status. An individual with a disability means any person who:

- has a mental or physical impairment which substantially limits one or more major life activities
- has a record of such an impairment; or
- is regarded as having such an impairment

If there is a reason to believe that, because of a qualifying disability, a student needs reasonable accommodations or services; the school district must evaluate the student and develop and implement an accommodation plan for the delivery of any needed services. Requirements for the Section 504 evaluation and placement process are determined by the type of disability believed to be present and the type of services the student may need. While a 504 evaluation may include formal assessment, it is not required. However, the evaluation must be sufficient to accurately assess the nature and extent of the disability, its effect on major life activities, impact in the school setting, and recommended services. Only when the disability substantially limits the student in a major life activity are they considered eligible under Section 504 for accommodation.

WHAT ARE THE STEPS TO BEGIN THE 504 PROCESS?

A. Referral Form is completed and filed with the principal/designee of the school. The referral can be completed by the guardian(s)/parent(s), teacher, counselor, or principal/designee. Any documentation of the disability, i.e., doctor's referral, notes, reasons for the referral, etc., will help expedite the process.

B. A letter will be sent to the parent(s)/guardian(s) informing them of receipt of the referral and inviting them to attend an evaluation conference.

C. At the evaluation conference, four potential decisions (or combinations of the four) can be made based upon the documentation and information presented:

1. The student does not qualify for accommodations
2. A student qualifies for a supplemental plan and a plan including appropriate accommodations will be written and implemented
3. The student qualifies for a Section 504 Plan including appropriate accommodations will be written and implemented.

D. Placement Procedures

When interpreting evaluation data and making placement decisions, the following is required:

1. Information from a variety of sources will be used. Under Section 504, no formalized testing is required. The team should look at grades over the past several years, teachers reports, information from parents or other agencies, state assessment scores or other school administered tests, observations, discipline reports, attendance records, health records, and adaptive behavior information. Schools must consider a variety of sources. A single source of information (such as a doctor's report) cannot be the only information considered. Schools must be able to assure that all information submitted is documented and considered.
2. The eligibility decision will be made by a group of persons including those who are knowledgeable about the child, the meaning of evaluation data, and placement/accommodation options.

E. Transition Conference To help ensure continuity of services for students with Section 504 Plans as they move from grade to grade and building to building a transition team will meet prior to the end of the school year. An internal grievance procedure has been established to resolve complaints regarding Section 504 Plan, processes, or placements.

WHAT TYPES OF ACCOMMODATIONS WILL MY CHILD RECEIVE IF DETERMINED ELIGIBLE UNDER SECTION 504?

Each child's needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of grades such as A's or B's or even that the student will not fail. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

Accommodations that may be used, but are not limited to, include:

- Highlighted textbooks
- Extended time on tests or assignments
- Peer assistance with note-taking
- Frequent feedback
- Extra set of textbooks for home use
- Computer aided instruction
- Enlarged print
- Positive reinforcements
- Behavior intervention plans
- Rearranging class schedules
- Visual aids
- Preferred seating assignments
- Taping lectures
- Oral testing
- Individual contracts

WILL MY CHILD STILL BE IN THE REGULAR CLASSROOM OR IN A "SPECIAL CLASS"?

A Section 504 eligible student will be in the general education classroom.

WHAT ARE MY RIGHTS AS A PARENT UNDER SECTION 504?

As a parent or legal guardian, you have the right to:

1. Receive notice regarding the identification, evaluation, and/or placement of your child;
2. Examine relevant records pertaining to your child;
3. Request an impartial hearing with respect to the district's actions regarding the identification, evaluation, or placement of your child, with an opportunity for the parent/guardian to participate in the hearing and to have representation by an attorney.
4. File a complaint with your school district Section 504 Coordinator, who will investigate the allegations regarding Section 504 matters.
5. File a complaint with the appropriate regional Office for Civil Rights.

Additional 504 information for Pleasant Valley Community Schools can be found at www.pleasval.k12.ia.us