

WORTH COUNTY SCHOOLS SECTION 504 PROCEDURES

WHAT IS SECTION 504?

- ▶ “No otherwise qualified handicapped individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

ADAAA OF 2008

- ▶ Amendment to the American with Disabilities Act (ADA) of 1990
 - ▶ ADA of 1990 defined disability
- ▶ Broadened the scope of individuals protected under Section 504

DEFINITION OF DISABILITY

- ▶ An impairment which limits one or more major life activities
- ▶ Record of such impairment
- ▶ Regarded as having such an impairment

WHAT IS AN IMPAIRMENT?

- ▶ OCR: Any physiological condition that affects a bodily system, or any mental or psychological disorder.

QUESTION 1:

Does an individual qualify for protection under Section 504 because a physiological condition or a mental or psychological disorder exists?

ANSWER TO QUESTION 1:

No. The impairment must also cause a substantial limitation of a major life activity.

MAJOR LIFE ACTIVITIES INCLUDE:

- ▶ Breathing
- ▶ Thinking
- ▶ Concentrating
- ▶ Learning
- ▶ Working
- ▶ Reading
- ▶ Walking
- ▶ Seeing
- ▶ Hearing
- ▶ Speaking
- ▶ Performing manual tasks

MAJOR LIFE ACTIVITIES ALSO INCLUDE OPERATION OF “MAJOR BODILY FUNCTIONS” SUCH AS:

- ▶ Digestive
- ▶ Bowel
- ▶ Bladder
- ▶ Neurological
- ▶ Brain
- ▶ Respiratory
- ▶ Circulatory
- ▶ Endocrine
- ▶ Normal cell growth

SUBSTANTIAL LIMITATION

- ▶ Not defined by Section 504
- ▶ OCR: “does not mean severe restriction or inability in performing major life activity”
- ▶ OCR: “Look to condition, manner, duration”

MITIGATING MEASURES

- ▶ With the exception of ordinary eyeglasses or contacts, they should not be considered when determining substantial limitation
- ▶ Examples: prosthetics, hearing aids, cochlear implants, medication, low vision devices, mobility devices, assistive technology, physical therapy, etc.

WORTH COUNTY SCHOOLS SECTION 504 PROCEDURAL HANDBOOK

CHANGE IN 504 VOCABULARY

- ▶ Evaluation and Disability Determination (DD) Meeting instead of Eligibility Meeting

EVALUATION & DD MEETING

- ▶ Parental Consent for Evaluation p.40
- ▶ Notice of Rights p.42
- ▶ Procedural Safeguards p.43
- ▶ Parent Invitation p.41
- ▶ Meetings must be scheduled within 30 calendar days
- ▶ School psychologist should be invited & school nurse if applicable

QUESTION 2:

Do all students protected under Section 504 need an Individual Accommodation Plan (IAP)?

ANSWER TO QUESTION 2:

No. Mitigating measures CAN be taken into consideration when determining if accommodations are needed to provide equal access to education.

All students that meet the requirements of the ADA definition of a disability are PROTECTED under Section 504. However, they all may not need an IAP. They all are guaranteed protection not accommodations. Refer to p.7 and p.24 in the procedural handbook.

ACCOMMODATIONS

- ▶ Accommodation is NOT synonymous with Modification
- ▶ Specific not General
- ▶ Provide Equity
- ▶ Levels the playing field
- ▶ Reduce or eliminate effects of disability that hinder equal access
- ▶ GaDOE Accommodations Manual p.15

DISCIPLINE AND 504 STUDENTS

- ▶ ISS is not a change in placement **IF** the educational program and accommodations are being provided.
- ▶ Manifestation Determination Meeting is required when student is removed for six or seven days.

OCR RESOLUTION AGREEMENT

- ▶ Training by OCR
- ▶ Notice of Students and Parents Rights p.42
- ▶ Procedural Safeguards p.43-45
- ▶ Complaint Form p.46
- ▶ Impartial Hearing Request p.47

HORSES IN THE CLASSROOM



School 504 Coordinators Training Friday, July 20 9:00 AM