

# URBANDALE COMMUNITY SCHOOL DISTRICT

**Dr. Doug Stilwell, Superintendent of Schools**



*Mission: "Teaching All - Reaching All"*

*Vision: "Urbandale will be a school district that brings learning to life for everyone"*

## **Section 504 of the Rehabilitation act of 1973 and Americans with Disabilities Act**

### **Procedure Manual Updated March 2014**

#### **Committee Members**

Brenda Auxier-Mailey, Director of Student Services - District Coordinator of Section 504

Carly Fritz, Rolling Green Elementary Counselor - Building Coordinator of Section 504

Carrie Laizure, Urbandale Middle School Counselor - Building Coordinator of Section 504

Brenda Ness, Urbandale High School Nurse

Julia Taylor, Rolling Green, Elementary Principal

Lora Trenary, Olmsted Elementary Counselor - Building Coordinator of Section 504

Monty Willyard, Urbandale High School Outreach Coordinator - Building Coordinator of Section 504

Dania Wilson, Urbandale High School, Dean of Students

*No student enrolled in the Urbandale Community School District shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in the District's programs on the basis of race, color, creed, sex, religion, marital status (for program), ethnic background, national origin, disability, sexual orientation, gender identity, age (for employment) or socio-economic background (for program). The policy of the District shall be to provide educational programs and opportunities for students as needed on the basis of individual interests, values, abilities and potential. If you have questions please contact the district office at 11152 Aurora Ave, Urbandale, IA or call 515.457.5000. The district's Equity Coordinators are Brenda Auxier-Mailey, Director of Student Services and Mark Lane, Director of Human Resources.*

## Section 504 Table of Contents

Purpose of Section 504 Procedure Manual .....	4
Section 504 District Contacts.....	4
What is Section 504?.....	4
Section 504 Definition of Disability .....	4
Definition of Mental and Physical Impairment	
Definition of Major Life Activity	
Students Who Have a Disability But Do Not Need Accommodations	
Mitigating Measures	
Episodic Conditions or Conditions that are in Remission	
Substantially Limits and ADA Amendments Act of 2008	
Section 504 Definition of Appropriate Education .....	6
Section 504 Eligibility .....	6
Section 504 Protocol .....	6
Section 504 or Special Education .....	8
Section 504 and Individual Health Plans .....	9
Section 504 Evaluations.....	10
Section 504 Decision Makers .....	10
Parent Information .....	10
Support for Accommodation Request (SAR) Form	
Section 504 Parental and Student Rights	
Grievance Procedures	
Extracurricular Sports and Activities.....	11
Discipline .....	11
Suspension/Placement	
Substance Abuse	

## Appendices

Section 504 Referral Process Flow Chart .....	A
Section 504 Building Coordinator Procedures Checklist .....	B

Parent Consent to Initial Section 504 Evaluation .....	C
Consent to Obtain and Release Information .....	D
Optional Parent Questionnaire .....	E
Section 504 Teacher Input Form.....	F
Sampler Classroom and Facility Accommodations .....	G
Section 504 Notification Letter to Parents .....	H
Section 504 Eligibility Determination .....	I
Urbandale Community School District-Section 504 Student Accommodation Form.....	J
Support For Accommodation Request.....	K
Section 504 Student and Parent Rights .....	L
Grievance Procedures for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.....	M
Additional Section 504 Resources .....	N

## **Purpose of Section 504 Procedure Manual**

The purpose of the Urbandale Community School District Section 504 Procedure Manual is to provide community members, parents, students and school staff with information regarding Section 504. The content of the procedure manual is intended to inform the reader of procedures and services.

## **Section 504 District Contacts**

To determine Section 504 eligibility, a team of qualified adults will be formed to facilitate the process and ensure procedural integrity. Section 504 is a district responsibility; however Heartland Area Education Agency staff may participate at the request of the district if the AEA possesses expertise that is needed by the team.

The Urbandale Community School District has identified Section 504 Coordinators in each building. The Section 504 Coordinators are responsible for the coordination of 504 activities at the building level including the maintenance and accuracy of records, staff communication/education at the building level, plan implementation, transition within and between buildings, and coordination of annual reviews. The Director of Student Services is the contact person responsible for overseeing the district 504 program and ensuring that the district is appropriately identifying and serving students who are eligible for Section 504 services. Parents inquiring about Section 504 should first contact the building at the numbers below.

<b>Building</b>	<b>Coordinator of Section 504</b>	<b>Phone Number</b>
Jensen Elementary	Building Counselor	457-5100
Karen Acres Elementary	Building Counselor	457-5700
Olmsted Elementary	Building Counselor	457-5800
Rolling Green Elementary	Building Counselor	457-5900
Valerius Elementary	Building Counselor	457-6500
Webster Elementary	Building Counselor	331-8600
Urbandale Middle School	Building Counselors	457-6600
Urbandale High School	Outreach Coordinator	457-6800
Metro West Learning Academy	Program Counselor	727-6301
District Coordinator of Section 504	Director of Student Services	457-5000

## **What is Section 504?**

Section 504 is a federal civil rights law passed in 1973 that protects the rights of persons with qualifying disabilities. This law directs that recipients of federal funds are to make programs and activities accessible to all persons with disabilities. Section 504 has three areas of emphasis; employment; facility accessibility; and requirements for preschool, elementary, secondary, and post secondary education programs/activities. This document focuses on the requirements associated with preschool through secondary education programs and activities.

## **Section 504 Definition of Disability**

Section 504 of the Rehabilitation Act of 1973 protects persons from discrimination based on their disability status. A person is considered to have a disability, within the definition of Section 504, if he or she:

- Has a **mental or physical impairment** which substantially limits one or more of the individual's **major life activities**;
- Has a record of such impairments; or
- Is regarded as having such an impairment

#### Definition of Mental and Physical Impairment

A mental or physical impairment is defined as:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.
2. Any mental or physical disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. Examples provided in this list are not exhaustive. The final determination as to whether or not a condition is considered an impairment is left to the discretion of the student's 504 team. A medical diagnosis is not required.

#### Definition of Major Life Activity

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The ADA Amendments Act of 2008 expanded these functions and includes a *non-exhaustive* list of major activities such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of major bodily functions such as immunity, normal cell growth, elimination, digestion, and endocrine functions. School staff should consider possible 504 evaluations for any health condition that substantially impacts even one major life activity or major bodily function.

#### Students Who Have a Disability But Do Not Need Accommodations

The Urbandale Community School District may conduct a 504 evaluation and determine that while a student meets the Section 504 disability definition they do not need accommodations nor an accommodation plan. At this point, the student is eligible for 504 protections but, at this time, is not in need of a 504 plan. Annually, the building Section 504 Coordinator will monitor the need for a plan.

#### Mitigating Measures

The 2008 Amendments to the ADA made clear that mitigating measures, with the exception of corrective lenses, could not be considered during the evaluation process. Examples of mitigating measures include, but are not limited to, medication, medical equipment and devices, prosthetic limbs, low vision devices, accommodations and behavioral modifications. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility. To determine eligibility for a student who is successfully using mitigating measures, an evaluation should focus on how the student performed major life activities/major bodily functions *without* the use of mitigating measures.

#### Episodic Conditions or Conditions that are in Remission

A disability is considered an impairment that is episodic or in remission. Examples may include depression and bi-polar disorders; juvenile rheumatoid arthritis; inflammatory bowel disease; and cancer.

### Substantially Limits and ADA Amendments Act of 2008

The ADA Amendment Act of 2008 broadened 504 eligibility and lowered the bar for showing the impairment substantially limits either a major life activity or major bodily function. The 2008 changes specified the impairment does not need to prevent nor severely or significantly restrict a major activity to be considered substantially limiting. A substantial limitation is the inability to perform a major life activity or major bodily function when compared to how the person in the general population performs the same major life activity or major bodily function. The determination of a substantial limitation is made on a student-by-student basis.

### **Section 504 Definition of Appropriate Education**

A free appropriate education is one provided by a public school that

1. is designed to meet the individual educational needs of person with a disability as adequately as the needs are met of persons without disabilities,
2. is based upon adherence to evaluation, placement and procedural safeguard requirements of the Act.

### **Section 504 Eligibility**

A student qualifies for and is entitled to receive a free appropriate public education under Section 504 when a student has a physical or mental impairment that substantially limits one or more major life activities. The definition of impairment under Section 504 is wide open; any physical or mental impairment can qualify a student, as long as it substantially limits one or more of their major life activities in a way that requires the provision of accommodations or services in the school setting so that a student's needs can be met as adequately as those of his or her peers.

Generally the Section 504 child-find and eligibility process identify students who have a disability that impacts their functioning in the school setting to the point of needing an individualized and systematic plan of accommodation and services. The law provides no guarantee of achievement or performance, but rather the law ensures provision of accommodations and services that will enable the student to have an equal opportunity, and which will be developed in accordance with certain procedural steps and safeguards.

It must be understood that a medical concern or disability, in and of itself does not qualify a student for an accommodation plan or service; the condition must substantially limit one or more major life activities. A physician's diagnosis does not automatically make a student eligible for Section 504.

For additional information see:

Section 504 Referral Process Flow Chart (Appendix A)

Section 504 Building Coordinator Procedures Checklist (Appendix B)

### **Section 504 Protocol**

Upon parental request or teacher/staff concern, the Section 504 team will convene and begin the process defined below.

#### Step 1 – Defining the Disability

- The Section 504 Building Coordinator obtains written parental consent to begin the 504 evaluation process using the Parent Consent form (see Appendix C).

- When available, obtain copies of psychological evaluation, physician's report or other documentation from the parents.
- For medical or mental health conditions, consult with the school nurse, prior to meeting with the parent, to determine what information may already be available in the nurse's office and what additional information may be needed. Provide the parent the Consent to Obtain and Release Information form (Appendix D) to talk with identified medical or mental health providers who could provide the team with the necessary information.
- Consideration should be given to having the school nurse conduct a health screening on all students evaluated for Section 504 eligibility.
- Once filled out all original and supporting documents should be filed in the student's Section 504 folder. Section 504 folders will be located in an area designated by the Section 504 representative in each school building.

#### Step 2 – Collection of Information to Document Section 504 Eligibility

- School personnel will begin gathering evidence/data to determine the impact of the child's disability on his/hers school functioning. This could include information not only on how the student is functioning during the school day but also on the bus and during extracurricular activities outside of the traditional school day.  
See optional forms:  
Parent Questionnaire (Appendix E)  
Section 504 Teacher Input Form (Appendix F)  
Sample Classroom and Facility Accommodations (Appendix G)
- The Section 504 Building Coordinator will set up a Section 504 meeting and send the Section 504 Notification Letter (Appendix H) to the parent.
- The 504 team will use the Section 504 Eligibility Determination form (Appendix I) as a guide during this process. All sections of this document must be thoroughly completed.

#### Step 3 – Eligibility Determination

- Based on a comprehensive review of the student's data, the team will meet to determine if the student qualifies for protections under Section 504. Eligibility is discussed in greater detail on page 6 under Section 504 Eligibility. This should be documented on the Section 504 Eligibility Determination form (Appendix I).
- The evaluation must include multiple sources of information and be completed within 60 days from the time signed consent is obtained.
- Section 504 teams are to make eligibility decisions based upon information collected and not on unsubstantiated statements. For example if a parent indicates their child has been diagnosed with ADHD, ODD, and OCD but the medical record only notes ADHD, the team cannot consider the other reported diagnoses as a basis for determining Section 504 eligibility.
- Section 504 teams must ensure that the Section 504 Eligibility Determination form is thoroughly completed and indicates data reviewed, decision made concerning eligibility, and lists appropriate signatures.
- It is not required that a copy of the eligibility worksheet be provided to parents but it may be provided.

#### Step 4 – Determining Need for an Accommodation Plan

- If the student is found eligible and will not require an accommodation plan then the parent must be informed of this decision and the eligibility is noted in PowerSchool. Each following year information must be reviewed to determine if an accommodation plan is now required.

- If the student is found eligible and will require accommodations to compensate for the disability, the team will write a Section 504 Accommodation Plan (Appendix J).
- All accommodations listed in the accommodation plan must be consistent with and result from the impaired major life activity.
- Accommodations should be stated in concrete terms and identify person responsible for the accommodation.
- A staff member must be designated to oversee implementation of the accommodation plan, serve as contact person, and communicate with the parent.
- Building contact person must ensure that appropriate school staff members are made aware of contents of the accommodation plan.
- The 504 team must ensure that implementation is monitored and if accommodations are not providing access, ensure that the Section 504 team is reconvened.
- The District must ensure accurate accounting to DE for all Section 504 Eligible students. Building Coordinators will send a copy of the Student 504 Accommodation Plan to the Student Services Administrative Assistant.
- Student Services will mark 504 in PowerSchool.
- All original and supporting documents will be filed in the student's cumulative folder.

#### Step 5 -- Annual Review and Three Year Reevaluation

- All accommodation plans for students who are Section 504 eligible will be reviewed and updated on an annual basis. Parents/guardians will be notified when the annual review is due and the Section 504 Building Coordinator will schedule a meeting to include the parent either in person, by phone or email. If after repeated documented attempts to identify an agreeable meeting date and when within 5 days of the annual meeting due date, the meeting can be held without the parent and the parent then notified in writing of any decisions made.
- Every three years a Section 504 Eligibility Determination form will be filled out on all students with an Accommodation Plan to ensure continued eligibility for accommodations. Note on this form that a three-year reevaluation is being conducted and the decision made as a result of the reevaluation pertaining to the students continued eligibility under Section 504.
- Each Section 504 Building Coordinator will ensure that accommodation plan reviews occur on an annual basis as well as ensure that three-year reevaluations are conducted.
- At the end of each school year, the Section 504 Building Coordinator will insure that information on students who will be transitioning to a different school building is provided to the student's new Section 504 Building Coordinator.

#### Step 6—Reporting To Director of Student Services

- Upon completion of writing the Section 504 Plan, Building Coordinators should submit a copy of the plan to Student Services Administrator's Assistant. Students who are identified as qualifying under Section 504 are reported annually to the Iowa Department of Education.

### **Section 504 or Special Education?**

Some students will qualify for special education services under the Individuals With Disabilities Education Act and are also protected from discrimination by Section 504. In this case there is no need to write two separate plans, the IEP can be written to cover everything. In addition, some students may be protected by Section 504, but do not qualify for special education. These children are eligible for accommodations to give them a comparable opportunity to access education and are also protected by procedural safeguards.



## Comparison of Section 504 and Special Education

	<b>Section 504</b>	<b>Special Education</b>
Type	A Civil Rights Act	An Education Act
Funding	Local Funding	State – Federal – Local Funding
Administration	Section 504 Coordinator	Special Education Director
Provides	Accommodations Services	Specialized Instruction Accommodations and Services Program modifications
Disabilities	Physical or Mental Impairment	13 Federal Disabilities
Parents	Should be involved in all team meetings but may proceed if absent	Must be involved in all team meetings
Procedural Safeguards	Notice to parents is required	Parent consent and notice required for initial evaluation and placement
Evaluation and Eligibility	Parental consent for evaluation is necessary before it can be determined if a child is eligible for Section 504	Disability suspect may precede evaluation and parents must sign consent for placement and evaluations.

## Section 504 and Individual Health Plans (IHP)

The federal Office of Civil Rights has made clear that a district may not forego evaluating a student with asthma, food allergies, diabetes, or other health issues for Section 504 based on the fact that the student has an Individual Health Plan at school. If a district has reason to suspect that any student has a disability and may need special education or related services it must determine eligibility under Section 504 and provide procedural safeguards.

## Comparison of Section 504 and Individual Health Plans

<b>Section 504</b>	<b>Individual Health Plan</b>
Provides services, learning modifications or accommodations to students determined to be eligible	Provides health services to reach “desired” medical outcomes
Under the umbrella of federal civil rights law	Under the umbrella of Iowa law
A whole school process	A school nursing process
Eligibility is determined by the presence of a disability that substantially impacts school success.	Eligibility is determined by the presence of a condition that requires routine nursing services
Serves general education student with mental or physical disabilities not included in special education	Serves both general education and special education student
Services are derived from a plan that is of contractual status	Services are derived from a written plan

## **Section 504 Evaluations**

Section 504 requires that eligibility determinations be made based upon a careful review of information from a variety of sources. Information provided by parents must be considered in the evaluation process along with other information supplied by the school district. Examples may include (*This is not an exhaustive list.*):

Medical records	Scholastic record
Report cards	Work samples
Assessment results	Psychological evaluation
Norm-referenced assessments	Curriculum-based assessments
Academic & behavioral interventions	Social and health history
Information provided by parent	Teacher anecdotal note
Behavioral assessment	Student/teacher/parent interview data
School health office records	Attendance records
Standardized testing results	

## **Section 504 Decision Makers**

Section 504 guidelines indicate decisions should be made by a team composed of individuals who are:

1. knowledgeable of the student;
2. knowledgeable about the meaning of assessment data and;
3. knowledgeable of placement options and able to commit district resources.

Parents should be invited to participate in this process. The Office of Civil Rights has ruled that parents have a special knowledge of their child's impairment and are uniquely positioned to provide information about the student. If a parent is scheduled to attend and does not appear at the meeting the team may proceed and notify the parent in writing regarding any decisions made. The student may also choose to be involved in the process, depending upon the age of the child, the nature of the disability, and the surrounding circumstances. Other individuals may participate on the team as necessary.

## **Parent Information**

*A Guide to Section 504 of the Rehabilitation Act is available through Heartland AEA at:*  
[http://www.heartlandaea.org/media/cms/AEA504prnt\\_D1B76A44B43A8.pdf](http://www.heartlandaea.org/media/cms/AEA504prnt_D1B76A44B43A8.pdf).

### Support for Accommodation Request (SAR) Form

Students who receive Section 504 services, graduate from high school, and go on to an institution of higher learning may need accommodations at that setting. The Support for Accommodation Request (SAR) form (Appendix K) has been developed as a tool for summarizing documentation from a student's secondary school experience. School staff can use this form to summarize relevant and useful information from a variety of sources (accommodation plans, assessments, reevaluations, high school records). The SAR can be used as the basis for verifying eligibility and supporting requests for accommodations, academic adjustments, and/or auxiliary aids at the post-secondary level. Completing this form can be very helpful to students as they transition to post-secondary educational setting.

### Section 504 Parental and Student Rights

Parents of students with disabilities have specific rights (see Section 504 Student and Parent Rights,

Appendix L). They have the right to receive notice prior to the evaluation and placement of their child. They have the right to examine, copy and request amendments to the student's educational record. If a parent is dissatisfied with the evaluation or placement of their child, they have a right to appeal the school district's decision through the grievance process or with a more formal, impartial hearing.

#### Grievance Procedures (Appendix M)

Grievance procedures are outlined in board policy 602 and 229. Links to the policies and appropriate forms are below:

Board Policy 602 <http://www.urbandaleschools.com/policy.php?policySubID=13&policyID=361>

Board Policy 229 <http://www.urbandaleschools.com/policy.php?policySubID=2&policyID=167>

#### Complaint Forms Board Policy 545A &B

<http://www.urbandaleschools.com/policy.php?policySubID=12&policyID=354>

<http://www.urbandaleschools.com/uploads/board/545-ExhB.pdf>

#### Summary of Disposition Board Policy 545C

[http://www.urbandaleschools.com/uploads/board/545\\_ex\\_c\\_revised\\_urbandale\\_csd.pdf](http://www.urbandaleschools.com/uploads/board/545_ex_c_revised_urbandale_csd.pdf)

### **Extracurricular Sports & Activities**

A school district that offers extracurricular activities and sports must do so in such manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means districts must make reasonable modifications and provide accommodations that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program. A school district may adopt bona fide safety standards needed to implement its extracurricular athletic program or activity. A school district, however, must consider whether safe participation by any particular student with a disability can be assured through reasonable modifications or the provision of accommodations.

### **Discipline**

Students who are eligible for Section 504 accommodations and services are held to a similar standard, with regard to discipline, as students eligible under IDEA. A student who is currently receiving Section 504 accommodations must undergo a process similar to a manifestation determination before disciplinary consequences are assigned. In disciplining a student:

- The administrator will determine whether the student committed the infraction of which the student is accused;
- For suspensions beyond 10 days the student's 504 team will determine whether the behavior was caused by the disability (manifestation determination).

#### Suspension/Placement

A disabled student may not be suspended for more than ten days without a manifestation determination. The student's 504 team must make the determination of the relationship between the misconduct and the disability. If the team determines the behavior was not caused by the disability, the student may be disciplined in the same manner as students who do not qualify under Section 504.

The student's team may modify the current educational placement when the misconduct is directly caused by the disability. If appropriate, an alternative educational placement may be considered.

Substance Abuse

Students with substance abuse violations are excluded from the definition of handicapped under Section 504 and ADA. Therefore, current drug or alcohol offenders are subject to the same disciplinary action to the extent applied to non-handicapped students for a similar code of conduct infraction.