

ASTEC CHARTER SCHOOLS

PROCEDURES FOR

EDUCATIONAL SERVICES FOR STUDENTS UNDER SECTION 504

OF THE REHABILITATION ACT OF 1973

AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT

Adopted 11/1/2021

A. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act

Section 504 is a part of the Rehabilitation Act of 1973, a federal law. Section 504 states: “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of his or her disability, be excluded from the participation in, be denied of the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.” If a school receives any federal financial assistance, all programs or activities of the school are covered by Section 504. Because the District receives federal financial assistance, it must comply with the requirements of Section 504.

The Americans with Disabilities ACT (ADA) is a federal civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation and communication. The District must comply with the requirements of Title II of the ADA.

The purpose of these procedures is to provide information to school staff regarding their obligations under the Section 504 and Title II of the ADA. Sections 504 contains several subparts. These procedures address the requirements under the Subpart D of the Section 504 regulations, which covers preschool, elementary, and secondary education. These same obligations are found in the Title II of the ADA.

B. Comparison of the IDEA, Section 504 and Title II

Section 504, while intended to be consistent with the IDEA, is broader. Most is not all children and young adults who receive special education and related services under the IDEA are also considered qualified individuals with disabilities under Section 504 and Title II. However, all individuals who qualify for 504/Title II services may not qualify for special education under the IDEA.

The IDEA identifies as eligible only children and young adults who have specific types of disabilities and who, as a result, need special education and related services. The Section 504/Title II definition of an individual with disabilities is broader, including any person whose physical or mental impairment substantially limits one or more major life activities, including, but not limited to, learning, thinking, concentrating and reading. Section 504/Title II covers all school age children who meet this definition, even if they do not fall within an IDEA disability category and do not need special education.

C. Evaluation and Eligibility - Generally

- 1) Reasons to Consider Evaluation/Eligibility

The following are potential reasons to consider evaluations and eligibility for a child under Section 504/Title II:

- (a) When a child exhibits a consistent lack of educational progress (academic and/ behavioral);
- (b) When a child exhibits a pattern of behavior that interferes with the child's personal learning time;
- (c) When a child has a serious illness or injury;
- (d) When a child has a chronic health or medical condition;
- (e) When retention is being considered; and
- (f) At a parent request

A Section 504 team will also consider Section 504/Title II eligibility for any child or young adult who is evaluated or reevaluated for eligibility under the IDEA, but does not qualify for services under the IDEA.

2) Evaluation

The District will conduct an individual evaluation before taking any action with respect to the initial placement of a child who has a disability or before any significant change in the child's placement. The District will use tests and other evaluation materials that have been validated for the specific purpose for which they are used. The tests and other evaluation materials will include those tailored to assess the student's specific areas of educational need, not merely those designed to provide a single general intelligence quotient (IQ) score.

Trained personnel, including the assigned building psychologist, will administer the tests and other evaluation materials in the conformance with the instructions provided by their producer. The building psychologist will select and administer tests so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual or speaking skills, unless those skills are the factors the test purports to measure.

3) Eligibility

Section 504 and Title II define an individual with a disability as a person who

- (a) Has a physical or mental impairment that substantially limits one or more major life activities;
- (b) Has a record of such an impairment; or
- (c) Is regarded as having such an impairment

By law, the definition of disability is to be construed in favor of broad coverage of individuals, to the maximum extent permitted by Section 504 and Title II.

A person can qualify as an "individual with a disability" if the person has a record of a physical or mental impairment that substantially limits one or more major life activities or is regarded as having such an impairment (see (b) and (c) above). However, if a child does not have a current physical or mental impairment that substantially limits a major life activity, qualification under these alternative eligibility standards is insufficient to trigger the requirement that the District provide educational services or accommodations to that child.

The term "physical or mental impairment" means

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary, hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The phrase “physical or mental impairment” also includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The term “major life activities: includes, but is not limited to, functions 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 and working. A “major life activity” also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Unless the child’s physical or mental impairment substantially limits a major life activity, the individual does not qualify for services under Section 504/Title II. However, an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

For the purposes of educational services, a “qualified person with a disability” is a person with a disability who is

- (a) Of an age during which it is mandatory under Oklahoma law to provide such services to persons with disabilities
- (b) Of an age during which persons without disabilities are provided such services; or
- (c) A person for whom a state is required to provide a free appropriate public education under the IDEA

In interpreting evaluation data and making placement decisions, the 504 team will draw upon information from a variety of sources, including but not limited to aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior. The 504 team, which includes persons knowledgeable about the child, the meaning of the evaluation data and the placement options, will document and consider carefully information obtained from all such sources in making eligibility and placement decisions under the Section 504/Title II. The 504 team will document its eligibility decision on a Section 504/Title II Eligibility Determination form.

The 504 team determines whether an impairment substantially limits a major life activity without regard to the ameliorative effects of mitigating measures such as:

- (a) Medication, medical supplies, equipment, or appliances, low vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices,

- hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- (b) Use of assistive technology;
 - (c) Reasonable accommodations or auxiliary aids or services; or
 - (d) Learned behavioral or adaptive neurological modifications.

However, the 504 team will consider the ameliorative effects of mitigating measures of ordinary eyeglasses or contact lenses in determining whether an impairment substantially limits a major life activity.

When the 504 team determines that a student is eligible for educational services under Section 504/Title II, it will prepare a Section 504/Title II Plan documenting how the District will provide a free appropriate public education for that student. The Plan will identify the educational services, related services and supplementary aids and services needed to meet the student's services, related services and supplementary aids and services needed to meet the student's individual educational needs, the person(s) responsible for implementing each component of the Plan, the starting and ending dates for each component and a date, no less than annually, on which the 504 team will review the Plan.

4) Reevaluation

The 504 team will consider reevaluation at least every three years for each child for whom the District is providing FAPE under the Section 504/Title II. The 504 team will consider reevaluation more frequently if conditions warrant or if the child's parent or teacher requests a reevaluation. The 504 team will include the building psychologist in reevaluation decisions, and the building psychologist, with other trained personnel, will administer the tests and other evaluation instruments determined necessary to complete the reevaluation. Following reevaluation, the 504 team will document its eligibility decision on a Section 504/Title II Eligibility Determination form.

D) FAPE Under Section 504/Title II

The District will provide appropriate education and related aids and services free of charge to students with disabilities and their parents or guardians, except for fees equally imposed on nondisabled persons or their parents or guardians.

An appropriate education may comprise education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all or portions of the school day. Special education may include specially designed instructions in classrooms, at home, or in private or public institutions and may be accompanied by related services such as speech therapy, occupational and physical therapy, psychological counseling and medical diagnostic services necessary to the child's education.

The District will design education programs for student with disabilities to meet their individual needs to the same extent that the needs of nondisabled students are met. The District will provide the quality of education services to students with disabilities that equals the quality of services provided to nondisabled students. The District will also provide teachers for students with disabilities who are trained in the instructions of individuals with disabilities. Finally, the District will provide comparable facilities for students with disabilities and make appropriate materials and equipment available.

The standard for determining what is "appropriate" under Section 504/Title II differs from the IDEA "appropriate: standard, which requires the District to design a program reasonably calculated to confer educational benefit. An appropriate education under the Section 504/Title II requires that the services provided be effective and equal.

The District will not exclude students with disabilities from participating in nonacademic services and extracurricular activities on the basis of disability. The District will provide persons with disabilities an opportunity to participate in nonacademic services that is equal to that provided to persons without disabilities. These services may include physical education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, and referrals to agencies that provide assistance to persons with disabilities and employment of students.

E) Educational Services and Placement

The 504 team will place students with and without disabilities in the same setting, to the maximum extent appropriate to the educational needs of the student with disabilities. The 504 team shall place students in the regular education environment unless it demonstrates that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. Students with disabilities will participate with nondisabled students in both academic and nonacademic services, including meals, recess and physical education, to the maximum extent appropriate to their individual needs.

As necessary, the 504 team will identify and provide specific supplementary aids and services for students with disabilities to ensure an appropriate education setting. Supplementary aids may include, but are not limited to, interpreters for students who are deaf, readers for students who are blind and equipment to make physical accommodations for students with mobility impairments.

If the District places an individual with a disability in another school, it will take into account the proximity of the other school to the student's home.

If the District is unable to provide a free appropriate public education to a child itself, it may place the child with a disability in, or refer the child to, a program other than the one it operates. However, the District will remain responsible for ensuring that the education offered to the student is appropriate, as defined by law, and for coverage of financial obligations associated with the placement. The District will ensure that adequate transportation is provided to and from any program in which it places the student that is not operated by the District, at no greater personal or family cost than would be incurred if the student were placed in a District program.

F) Procedural Safeguards under Section 504/Title II

District staff will work together to ensure the procedural rights of children with disabilities are respected.

The District will use procedural safeguards regarding the identification, evaluation or educational placement of persons who, because of disability, need or are believed to need special instruction or related services. District personnel will notify parents or guardians of 504 team evaluation or placement actions, and parents or guardians will be allowed to examine the student's records.

District personnel will encourage parent participation throughout the Section 504/Title II process.

1) Confidential Files and File Transition

The school 504 coordinator or other designated school personnel will create a separate confidential file for each student evaluated under Section 504/Title II, in which all Section 504/Title II paperwork will be maintained. School 504 coordinators or other designated school personnel are responsible for transitioning the file to the appropriate school site as the student transitions within the District.

2) Information and Procedural Safeguards form

The school 504 coordinator or designee will provide parents or guardians with a copy of the Districts Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act Information and Procedural Safeguards form (Section 504/Title II procedural safeguards form) annually at the student's Section 504/Title II Plan meeting and when the District:

- (a) Seeks parent or guardian consent for Section 504/Title II evaluation or reevaluation;
- (b) Receives a complaint from the parent or guardian alleging failure to comply with Section 504 or Title II requirements;
- (c) Receives a request from the parent or guardian for a copy of the Section 504/Title II Information and Procedural Safeguards form; and
- (d) Takes any action with respect to the identification evaluation, or educational placement of the student.

3) Impartial Hearing and Appeal Process

The District will provide an impartial hearing by an objective, neutral hearing officer that will allow parents or guardians to challenge identification, evaluation and placement procedures and decisions. If parents or guardians disagree with District decisions, they will be afforded an impartial hearing, with an opportunity for participation and for representation by counsel. The District will make available an impartial administrative review procedure by an objective, neutral review officer to parents or guardians who want to challenge the hearing decision. If the parent or guardian wants to challenge the administrative review decision, he or she may file an action in state or federal court.

4) Office for Civil Rights

The office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 and Title II. The address of the Regional Office, which includes Oklahoma is: Office for Civil Rights, Region VII, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114.

5) Prohibition Against Retaliation

The District prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The District will take steps to prevent the alleged perpetrator or anyone else at the District from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the District will take strong responsive action.

G) District Procedure for Identifying Students Under the IDEA and Section 504/Title II

Initial Intervention Pre-Referral

- If a student is not progressing as expected, the teacher will inform the Intervention Team.
- The Intervention Team suggests intervention strategies to help correct the difficulties. The primary function of the Intervention Team is to offer assistance to teachers. Intervention strategies are documented on the appropriate documentation.
- The Intervention Team reconvenes after implementation of interventions. The Intervention Team will review the results of the interventions. If the interventions were not successful the Intervention Team should consider additional interventions or strategies.

Referral

- After multiple interventions have been unsuccessful, the Intervention Team may recommend a referral for a comprehensive evaluation under the IDEA or Section 504/Title II and initiate Review of Existing Data (Form 3) and Parent Consent (Form 4). In rare instances evaluation and eligibility under Section 504/Title II may be pursued at this point. (Must have approval of Director of Special Services)

Notification

- The Team notifies the parents or guardian, in writing, of the Team's reason and intent to conduct an evaluation using the appropriate Notification of Meeting form (IDEA or Section 504/Title II). The notice should include a description of the intent to determine if the student meets eligibility criteria under the IDEA or Section 504/Title II and a copy of the appropriate procedural safeguards form (Parents Rights in Special Education for IDEA and Information and Information and Procedural Safeguards form for Section 504/Title II).

Eligibility for Idea

- The Team meets with the parents or guardians and analyzes the evaluation data to determine if the student meets the eligibility criteria for special education and related services under the IDEA. Document the eligibility determination on the Multidisciplinary Evaluation and Eligibility Group Summary (Form 5).
- If the student meets eligibility criteria under the IDEA, the IEP team develops and writes an appropriate IEP.

Eligibility for Section 504

- If the student does not meet IDEA eligibility criteria, the Team will then consider eligibility under Section 504/Title II. Document the consideration for Section 504/Title II eligibility on the Section 504/Title II Eligibility Determination form.
- If the student does not meet eligibility criteria for Section 504/Title II, continue good teaching practices; the Team may document good teaching practices on the intervention plan.
- If the student does meet eligibility criteria for Section 504/Title II, the Team will develop and write a 504 Plan.
- The parent should be included in the eligibility process and in developing the 504 Plan.

Implementation/Review of IEP

- IEP's are implemented. Reports of Progress toward annual goals are reported quarterly.
- IEP's are reviewed annually. Review of Existing Data is conducted every three years.

Implementation/Review of 504 Plan

- The 504 Plan is implemented
- 504 Plans are reviewed periodically, but not less than annually. Reevaluation is conducted every three years.

H) Services and Accommodations Under Section 504/Title II

Services and accommodations can cover a wide range of environments and issues. The following examples can assist Section 504 teams in selecting appropriate services and accommodations for children who are eligible for Section 504 services. The specific services and accommodations a child will need depend upon the child's unique needs as identified during the evaluation process. The list is provided only as a starting point.

Environmental strategies may include:

- Provide a structured learning environment
- Adjust class schedules
- Provide classroom aides and note takers
- Modify nonacademic times such a lunch room and recess
- Modify physical education
- Change child's eating arrangements
- Provide use of a study carrel
- Alter location of personal or classroom supplies for easier access or to minimize distraction.

Organizational strategies may include:

- Modify test delivery
- Use tape recorders, computer-aided instruction and other audiovisual equipment
- Select modified textbooks or workbooks
- Tailor homework assignments
- Use of one-to-one tutorials
- Provide peer tutoring
- Set time expectations for assignments
- Provide tests in segments so that the child finishes one segment before receiving the next part
- Highlight main ideas and supporting details in the book

Behavior strategies may include:

- Use behavioral intervention techniques
- Implement behavioral/academic contracts
- Utilize positive reinforcements (rewards)
- Utilize negative reinforcements (consequences)
- Confer with the child's parents (and child as appropriate)
- Confer with the child's other teachers
- Establish a home/school communication system for behavior monitoring
- Post rules and consequences for classroom behavior
- Write a contract for child behavior
- Offer social reinforcers (i.e., praise) for appropriate behavior
- Establish daily/weekly progress report for the child
- Implement self-recording of behaviors

Presentation Strategies may include:

- Tape lessons so the child can listen to them again
- Provide photocopied material for extra practice (i.e., outlines, study guides)
- Require fewer drill and practice activities

- Give both oral and visual instructions for assignments
- Vary the method of lesson presentation:
 - Lecture
 - Small groups
 - Large groups
 - Use audio visuals (i.e., filmstrips, study prints)
 - Peer tutors or cross-age tutors (i.e., take notes, monitor assignments, read aloud, listen)
 - Demonstrations
 - Experiments
 - Simulations
 - Games
 - 1-to-1 instruction with other adult

- Provide for oral testing
- Ask child to repeat directions/assignments to ensure understanding
- Arrange for a mentor to work with child in the child's interest area or area of greatest strength

Methodology strategies may include:

- Repeat and simplify instructions about in-class and homework assignments
- Supplement oral instructions with visual instructions
- Change instructional pace
- Change instructional methods

Curriculum strategies may include:

- Change instructional materials
- Utilize supplementary materials
- Assess whether child has the necessary prerequisite skills. Determine whether materials are appropriate to the child's current interest and functioning levels.
- Implement study skill strategies (survey, read, recite, review). Introduce definition of new terms/vocabulary and review to check for understanding
- Limit amount of material presented on a single page
- Provide a sample or practice test
- Be aware of child's preferred learning style and provide appropriate instruction/materials.

The following list includes 100 frequently-used services and accommodations that teachers have found effective in working with students with disabilities:

- 1) Provide study carrels
- 2) Use room dividers
- 3) Provide headsets to muffle noise
- 4) Seat child away from doors/windows
- 5) Seat near model (child or teacher)
- 6) Provide time-out area
- 7) Rearrange child groups (according to instructional needs, role models, etc)
- 8) Group for cooperative learning

- 9) Vary working surface (e.g., floor or vertical surface such as blackboards)
- 10) Simplify/shorten directions
- 11) Give both oral and written directions
- 12) Have child repeat directions
- 13) Have child repeat lesson objective
- 14) Ask frequent questions
- 15) Change question level
- 16) Change response format (e.g., from verbal to physical; from saying to pointing)
- 17) Provide sequential directions (label as first, second, etc.)
- 18) Use manipulatives
- 19) Alter objective criterion level
- 20) Provide functional tasks (relate to child's environment)
- 21) Reduce number of items on a task
- 22) Highlight relevant words/features
- 23) Use rebus (picture) directions
- 24) Provide guided practice
- 25) Provide more practice trials
- 26) Increase allotted time
- 27) Use a strategy approach
- 28) Change reinforcers
- 29) Increase reinforcement frequency
- 30) Delay reinforcement
- 31) Increase wait time
- 32) Use firm-up activities
- 33) Use specific rather than general praise
- 34) Have a peer tutor program
- 35) Provide frequent review
- 36) Have a child summarize at end of lesson
- 37) Use self-correcting materials
- 38) Adapt test items for differing response modes
- 39) Provide mnemonic device
- 40) Provide tangible reinforcers
- 41) Use behavioral contracts
- 42) Establish routines for handing work in, heading papers, etc
- 43) Use timers to show allotted time
- 44) Teach self-monitoring
- 45) Provide visual cues (e.g., posters, desktop number lines, etc)
- 46) Block out extraneous stimuli on written material
- 47) Tape record directions
- 48) Tape record child responses
- 49) Use a study guide
- 50) Provide critical vocabulary list for content material
- 51) Provide essential fact list
- 52) Use clock faces to show classroom routine times

- 53) Use dotted lines to line up math problems or show margins
- 54) Provide transition directions
- 55) Assign only one task at a time
- 56) Provide discussion questions before reading
- 57) Use word markers to guide reading
- 58) Alter sequence of presentation
- 59) Enlarge or highlight key words on test items
- 60) Provide daily and weekly assignment sheets
- 61) Post daily/weekly schedule
- 62) Use graph paper for place value or when adding/subtracting two digit numbers
- 63) Provide anticipation cues
- 64) Establish rule and review frequently
- 65) Teach key direction words
- 66) Use distributed practice
- 67) Provide pencil grips
- 68) Tape paper to desk
- 69) Shorten project assignment into daily tasks
- 70) Segment directions
- 71) Number (order) assignments to be completed
- 72) Change far-point to near-point material for copying or review
- 73) Put desk close to blackboard
- 74) Incorporate currently popular themes/characters into assignments for motivation
- 75) Repeat major points
- 76) Use physical cues while speaking (e.g., 1, 2, 3, etc.)
- 77) Pause during speaking
- 78) Use verbal cues (e.g., "Don't write this down", "This is important")
- 79) Change tone of voice, whisper, etc
- 80) Use a honor system
- 81) Collect notebooks weekly (periodically) to review child notes
- 82) Reorganize tests to go from easy to hard
- 83) Color code place value tasks
- 84) Use self-teaching materials
- 85) Do only odd or even numbered items on a large task sheet
- 86) Use primary typewriter or large print to create written material
- 87) Provide organizers (e.g., cartons/bins) for desk material
- 88) Teach varied reading rates (e.g., scanning, skimming, etc.)
- 89) Provide content/lecture summaries
- 90) Use peer-mediated strategies (e.g., "buddy system")
- 91) Call child's name before asking a question
- 92) Use extra spaces between lines of print
- 93) Color code materials/directions
- 94) Use raised-line paper
- 95) Provided calculators
- 96) Circle math computation sign

- 97) Use hand signals to cue behavior (e.g., attention, responding)
- 98) Establish a rationale for learning
- 99) Use advance organizers
- 100) Help children to develop their own learning strategies

The following list includes conditions/diseases and possible accommodations for students determined to be eligible under Section 504/Title II. The specific services or accommodations a child will need depend upon the child's unique needs as identified during the evaluation process. These examples are provided only as reference.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

Example: The child frequently misses school and does not have the strength to attend a full day. This child may have an impairment that substantially limits the life activities of learning and caring for one's self.

POSSIBLE ACCOMMODATIONS:

- Apply universal precautions
- Administer medications, as prescribed
- Adjust attendance policies
- Adjusted schedule or shortened day
- Provide rest periods
- Adapt physical education curriculum
- Establish routine communication with health professionals, school nurse and home
- Develop health care and emergency plan
- Meet with doctor, parents, teachers and administrators
- Provide two way audio/video link between home and classroom
- Modify assignments and tests
- Provide an extra set of textbooks for home
- Provide staff training on confidentiality
- Provide education and support for peers regarding issues of death and dying
- Tape books or provide a personal reader
- Arrange for a support group
- Provide employment transitions for secondary children
- Develop supportive community attitudes regarding schools' need to provide education to children who are HIV positive or have AIDS
- Initiate a "Kids on the Block" AIDS program
- Video-tape classroom teacher
- Provide a peer support group to encourage communication
- Provide technology at home with possible link to the school

ALLERGIES

EXAMPLE: The child has severe allergic reactions to certain pollens and foods. The condition may be substantially limiting to the major life activity of breathing.

POSSIBLE ACCOMMODATIONS:

- Avoid the allergen, such as soap, weeds, pollen, specific food
- Train necessary persons: dietary personnel, peers, coaches, laundry for sports people (soap)
- Avoid using chalkboards
- Avoid using perfume and hairspray
- Provide clean rooms and avoid rooms with carpet
- Allow time for shots/clinic appointments
- Use air purifiers
- Adapt physical education curriculum during high pollen time
- Improve room ventilation (When remodeling has occurred and materials may cause an allergy)

ARTHRITIS

EXAMPLE: A child with arthritis may have persistent pain, tenderness or swelling in one or more joints. The condition may be substantially limiting to the major life activity of performing manual tasks.

POSSIBLE ACCOMMODATIONS:

- Provide a rest period during the day
- Accommodate for absences for doctor's appointments
- Provide assistive devices for writing (e.g. pencil grips, non-skid surfaces, computer, etc.)
- Modify physical education curriculum
- Administer medication, as prescribed
- Arrange for assistance with carrying books, lunch tray, etc
- Provide book caddy
- Implement movement plan to avoid stiffness
- Provide seating accommodations
- Allow extra time between classes
- Provide locker assistance
- Provide modified eating utensils
- Develop health care plan and emergency plan
- Provide break time for massage or exercises that may be needed
- Modify recess time
- Provide peer support groups
- Arrange for someone else to take notes
- Install handle style door knobs (openers)
- Record lectures/presentations
- Have teacher provide outlines of lecture/presentation
- Issue Velcro fasteners for bags, shoes, coats
- Provide a more comfortable style of desk
- Adjust attendance policy, if needed
- Provide a shortened school day
- Furnish a warmer room and seat child close to the heat source
- Modify curriculum for lab classes
- Supply an extra set of books for home use and keep a set at school
- Let child give reports orally rather in writing

- Assign someone to monitor plan
- Begin an awareness program for other children
- Monitor any special dietary considerations
- Modify the school curriculum , as necessary , i.e in the band assist in selecting instrument child can play
- Make any needed bathroom accommodations
- Accommodate for writing with a computer and note taking with a tape recorder

ASTHMA

EXAMPLE: A child has been diagnosed as having asthma. The condition may limit the major life activity of breathing.

POSSIBLE ACCOMMODATIONS:

- Modify activity level for recess, physical education, etc
- Provide inhalant therapy assistance
- Administer medication, as prescribed
- Remove allergens - e.g., hairspray, lotions, perfumes, pine trees, carpet
- Make field trips non-mandatory and supplement with videos, audios, movies, etc
- Provide education to peers/teachers/others (bus drivers, cafeteria personnel, etc.)
- Provide access to water, gum, etc
- Provide curriculum considerations (science class, physical education, etc.)
- Develop health care and emergency plan
- Have peers available to carry materials to and from classes and in cafeteria (e.g., lunch tray, books)
- Provide rest periods
- Make school health care needs known to appropriate staff
- Modify field trip experiences
- Arrange for access to wheelchair for transition purposes
- Have a locker location that is centralized and free of atmosphere changes
- Modify school day, if needed
- Modify attendance policies
- Modify certain learning activities

ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD)

EXAMPLE: The child does not meet eligibility requirements under IDEA as emotionally disturbed, learning disabled or other health impaired. The child has ADHD, and the condition may limit the major life activities of concentrating or learning.

POSSIBLE ACCOMMODATIONS:

- Adjust child seating
- Use simple, concise instructions
- Provide a peer tutor/helper
- Teach compensatory strategies

- Administer medication, as prescribed
- Staff monitor stress and fatigue; adjust activities
- Modify assignments
- Change instructional pace
- Provide supervision during transitions, disruptions, field trips
- Use study guides, organizing tools
- Modify testing procedures
- Initiate frequent parent communication
- Establish a school/home behavior intervention program
- Provide training for staff and parents
- Have the child use an organizer; train in organizational skills
- Establish a cue between teacher and child
- Assign chores/duties around room/school
- Modify environment to avoid distractions
- Have child work alone or in a study carrel
- Highlight required or important information/directions
- Place assignments or directions on tape for auditory learner
- Provide a checklist for child, parents, and/or teacher to record assignments or completed tasks
- Use a timer to assist child to focus on given task or number of problems in time allotted - *stress* they need to be done *correctly*
- Have child re-state or write directions/instructions
- Allow child to respond in variety of different modes, i.e may place answers for tests on tape instead of paper
- Give child opportunity to stand while working
- Provide additional supervision to and from school
- Modify child's work area with barriers
- Prescribe physical activity, exercise, etc
- Determine trigger points and prevent action leading to trigger points
- Provide a sociometric/sociogram design, such as circle of friends

Cancer

EXAMPLE: The condition may substantially limit the major life activity of caring for one's self.

POSSIBLE ACCOMMODATIONS:

- Apply universal precautions
- Adjust attendance policies
- Limit number of classes taken; accommodate scheduling (breaks, etc.)
- Send teacher/tutor to hospital for instructor, as appropriate
- Accommodate child's involvement in extracurricular activities
- Adjust activity level and expectations in classes based on physical limitations; modify activities that are too physically taxing
- Schedule daily monitoring or distribution of medications
- Provide appropriate assistive technology
- Provide dietary accommodations
- Shorten day, arrange for home tutoring following treatment
- Provide additional set of text and assignments to hospital school

- Tape lessons
- Modify schedule to include rest breaks
- Provide school counseling; establish peer support group
- Adapt physical education
- Provide access as needed to school health services
- Provide awareness training to staff and children
- Develop health care and emergency plan to deal with getting sick at school
- Offer counseling for death and dying
- Adapt work load
- Give child a separate bathroom
- Provide an interactive computer/modem
- Provide lessons using mastery learning techniques
- Modify requirements for graduation
- Provide teachers with counseling, emphasizing positive attitudes

CEREBRAL PALSY

EXAMPLE: The child has serious difficulties with fine and gross motor skills. The condition may substantially limit the major life activity of walking.

POSSIBLE ACCOMMODATIONS:

- Provide assistive technology device, such as a computer
- Arrange for use of ramps and elevators
- Allow for extra time between classes
- Assist with carrying books, lunch trays, etc
- Modify physical education curriculum
- Provide consultation from physical therapist
- Modify eating utensils
- Initiate an emergency health care plan
- Educate peers/staff

EPILEPSY

EXAMPLE: The child is on medication for seizure activity, but experiences several grand mal seizures each month. The condition may substantially limit the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- Train staff and children and prepare an emergency plan
- Monitor and/or distribute medications, as prescribed
- Change seating
- Provide rest time and academic considerations following seizure
- Arrange buddy system

- Provide an alternative recess
- Provide education for peers
- Plan for academic make-up work

LEUKEMIA

EXAMPLE: The child has recently been diagnosed with leukemia and requires frequent hospitalization. The condition may substantially limit the major life activities of learning and caring for one's self.

POSSIBLE ACCOMMODATIONS:

- Provide a teacher/tutor for instruction at the child's home
- Provide the child with a shortened school day, as needed
- Make needed accommodations during physical education/recess
- Provide rest times/areas
- Supply appropriate dietary options
- Furnish school counseling, as necessary

OBESITY

EXAMPLE: A child has an extreme eating disorder that may require special accommodations. Obesity may be considered a disability under Section 504/ADA when it substantially impairs the major life activities of walking, breathing or caring for one's self.

POSSIBLE ACCOMMODATIONS:

- Provide special modifications
- Make dietary modifications
- Adjust meal schedule
- Adapt physical education program
- Allow extra time to get to classes
- Adapt restrooms
- Begin a peer support group
- Ensure privacy for self-care
- Provide school counseling
- Provide for elevator privileges or other accommodations - for example, individuals in wheelchairs or with other disabilities that prevent them from using stairs.
- Arrange classroom furniture to provide room to negotiate and move around classroom seating
- Address busing concerns to ensure room on buses for seating
- Make any class location changes that may be needed

CONDUCT DISORDER

EXAMPLE: The child exhibits poor peer interactions, has no friends and isolates self from group activities. The condition may substantially limit the major life activity of learning.

POSSIBLE ACCOMMODATIONS:

- Teach cooperative learning strategies within the classroom
- Set up a behavior intervention plan
- Work with the family to implement home/school behavior intervention plan

- Provide school counseling
- Provide outings and real life experiences
- Arrange for small group situations
- Monitor case management with outside service providers
- Pair with peer/tutor or role model
- Provide peer support group
- Begin social skills instruction
- Monitor and/or administer needed medications

CHILD WITH SPECIAL HEALTH CARE NEEDS

EXAMPLE: The child has a special health care problem and requires clean intermittent catheterization twice each day. The condition may substantially limit the major life activity of caring for one's self.

POSSIBLE ACCOMMODATIONS:

- Apply universal precautions
- Provide trained personnel to perform special procedures
- Involve school nurse, parents, teachers, and staff
- Allow preferential seating
- Modify recess, physical education, and transportation
- Modify classroom environment
- Re-evaluate/update information periodically
- Develop health care and emergency plan
- If necessary, modify attendance policy
- Establish health alert - every staff member involved with this child is aware of the health problem and of proper procedures
- Provide a beeper/paging system for training personnel
- Arrange for trained personnel on school field trips

TEMPORARY DISABILITY

EXAMPLE: A child was in an automobile accident and will be homebound and/or hospitalized due physical injuries for a period of time. The child may be considered temporarily disabled under SECTION 504/Title II if any physical impairment substantially limits a major life activity.

TEMPORARY DISABILITY

EXAMPLE: A child was in an automobile accident and will be homebound and/or hospitalized due to physical injuries for a period of time. The child may be considered temporarily disabled under Section 504/Title II if any physical impairment substantially limits a major life activity.

POSSIBLE ACCOMMODATIONS:

- Provide duplicate sets of texts
- Provide assignments to hospital school
- Tape lessons
- Provide homebound instruction
- Schedule periodic home-school meetings
- Arrange for child to leave class early to get to next class
- Provide access to elevators
- Adapt physical education program
- Arrange for a friend to assist child in getting from class to class (support network)
- Organize school counseling - trauma from accident
- Arrange for peer notes
- Provide help with getting lunch tray
- Change seating arrangements to accommodate needs
- Modify completion of assignments
- Allow more time for test completion
- Allow shortened days; modify attendance policy
- Address needs for use of wheelchair at school
- Train staff and class and prepare an emergency care plan
- Provide peer assistance for social involvement (keep child informed of social activities)

TOURETTE'S SYNDROME

EXAMPLE: The child exhibits inappropriate gestures and sounds in the classroom and hallways. The condition may substantially limit the major life activities of concentrating and learning.

POSSIBLE ACCOMMODATIONS:

- Pair with a fellow child study
- Arrange for frequent parental interaction
- Medication administration, as prescribed
- Provide supervision for transition activities
- Modify assignments
- Provide alternative work space
- Initiate time out
- Cue child to inappropriate gesture/sound
- Provide peer in-service
- Furnish supervision if child moves to another environment while exhibiting inappropriate gesture/sound
- Train teachers about appropriate responses to child's inappropriate gestures/sounds
- Provide appropriate space for the child while an episode is underway
- Make other children aware of the child's condition and appropriate responses to gestures/sounds, with appropriate parental involvement

I) Discipline

The District will conduct an evaluation (manifestation determination) prior to a disciplinary removal that constitutes a significant change in placement of any student who is or is believed to be disabled and in need of special education and/or related aids and services under section 504/Title II, including those students in the process of being evaluated for eligibility

for special education and/or related aids and services. The purpose of the manifestation determination is to determine whether the misconduct in question was caused by, or was manifestation of, the student's disability.

The term "disciplinary removal" refers to every out-of-school suspension and any other disciplinary consequence that changes the student's educational placement. Those other disciplinary consequences could include placement in an in-school setting or even a suspension from school transportation.

A disciplinary removal is a "change of placement" when it exceeds ten (10) consecutive school days. In addition, a series of short-term removals form a pattern of exclusion. In ASTEC Charter School, when the student's short-term disciplinary removals exceed ten (10) cumulative school days over the school year, the district will conduct a manifestation determination.

It is imperative that the school personnel keep current and accurate records of the number of disciplinary removal days for each child with a disability. To do so, they must know whether or not the child is a child with a disability before imposing the discipline. It is equally imperative that school personnel share discipline information so that they do not unintentionally violate these policies and procedures. This problem arises most often when children with disabilities are subject to a series of short-term disciplinary removals over the school year. Without accurate record keeping and prompt sharing of information, school personnel might prematurely implement a removal that constitutes a "change of placement" for the student.

The manifestation determination meeting will be held within ten (10) school days of the date the disciplinary action was imposed.

Those involved in the manifestation determination meeting will be knowledgeable about the student and the meaning of the data being reviewed. Teachers, parents, health professionals, counselors and others can serve on the team that makes a manifestation determination provided they have knowledge of the of the student and the data being reviewed.

The Office for Civil Rights indicated that those making the manifestation determination must have available information that competent professionals would require when making such a decision. Examples might include attendance and academic records, psychological evaluation data, behavior plans, disciplinary records, staff observations and annotative records. The information considered must be sufficiently recent to provide an understanding of the student's current behavior.

If the consensus of the team is that the student's conduct is a manifestation of his or her disability, then the disciplinary proceeding will cease and review and update of the Section 504 Plan will occur.

If the team determines that they misconduct was not manifestation of the student's disability, then the District can impose whatever disciplinary action it would impose under the same circumstances if non-disabled student were the offender.

J) Common Questions and Answers

- 1) Q) When do the second and third prongs of the Section 504/Title II definition become relevant? (Second prong - has records of an impairment; third prong - is regarded as having an impairment)
- A) Section 504 eligibility teams use the first prong of the Section 504/Title II eligibility definition, which asks if the individual has a mental or physical impairment that substantially limits one or more of the person's major life

activities. The second and third prongs are intended for situations in which individuals are not currently disabled, but are treated by others as if they were. For example, a person with severe facial scarring may be denied a job because she is “regarded as” having a disability. A person with a history of mental illness may be denied admission to college because the “record” creates a negative perception. These individuals are not disabled, but are treated by others as if they were. It is the negative action taken based on the perception of the record that entitles a person to protection against discrimination.

2) Q) Are slow learners eligible for Section 504/Title II accommodation or services?

A) “Slow learning” is not a disability, any more than giftedness would be considered an impairment. However, the child could have some other physical or mental impairment that substantially limits a major life activity. For example, the student could be a slower learner who also has cancer. The student’s cancer could lead to a determination that the child meets eligibility criteria under the Section 504/Title II.

3) Q) When a child is determined no longer eligible for special education under Section 504, should the child be considered for Section 504/Title eligibility?

A) Yes. Section 504/Title II eligibility is a team decision and will depend on the unique needs of the child.

4) Q) Are children who do qualify under IDEA criteria automatically eligible for services under Section 504/Title II?

A) No. Under Section 504, an “individual with a disability” has a physical or mental impairment that substantially limits a major life activity. Thus, depending on the severity of their impairment, children who do not meet the criteria Under Part B of the IDEA may or may not fit within the Section 504/Title eligibility definition. It is not automatic.

5) Q) Are all children with ADHD eligible for services under Section 504/Title II?

A) No. Although some children who have been diagnosed with ADHD do qualify for such services, others do not. Children with ADHD will receive special education and related services under the IDEA if they have been determined to have a specific learning disability, other health impairment, emotional disturbance or to meet the eligibility criteria for some other IDEA disability category.

If the child’s ADHD substantially limits a major activity (such as learning, thinking or concentrating in the case of ADHD), then the child would qualify for services under Section 504/Title II.

6) Q) To what extent should parents be involved in the Section 504/Title II process?

A) It is always best practice to involve parents every step along the way in their child’s educational program. Parents should receive notice whenever school personnel seek to discuss Section 504/Title II evaluation, eligibility or service delivery. Written consent should be obtained before evaluations and before delivery. Written consent should be obtained before evaluations and before services begin. The parents should be invited to participate in all Section 504/Title II meetings regarding their child.

7) Q) Who pays the cost of Section 504/Title II services and accommodation?

A) Services and accommodations are the responsibility of the local school district. General education dollars are used to pay for Section 504/Title II services and accommodations.

8) Q) Are schools subject to Section 504/Title II also responsible for providing services to children in private schools?

A) If a school has made available a free appropriate public education to a child with a disability and the child’s parent or guardian chooses to place the child in a private school, Section 504/Title II do not require the school to provide services in the private school.

9) Q) Can a child be identified as IDEA eligible and receive some services under the IDEA and also be identified as an individual with a disability under Section 504/Title II and receive different assistance in the regular classroom under Section 504/Title II?

A) To be eligible for services under the IDEA, a child must be found to meet the eligibility criteria for one or more of the 13 disabilities categories specified *and* must be found to need special education. A child identified as IDEA eligible who is receiving services under the IDEA as part of a free appropriate public education could receive the same assistance under Section 504/Title II. The Section 504 regulations provide that implementation of an IEP developed in accordance with the IDEA is one means of meeting Sections 504's requirement for the provision of regular and special education and related aids and services designed to meet individual educational needs of persons with disabilities as adequately as the needs of persons without disabilities are met.

10) Q) If a child is identified under Section 504/Title II, and the parent decides to home school the child, is the public school responsible for providing services in the home for the child because the child resides within school boundaries?

A) No. When the school has offered an appropriate education, it is not responsible, under Section 504/Title II, for the provision of educational services to children not enrolled in the public school based on the parent's personal choice.

K) Contact Information

Persons with questions or concerns about the implementation of Section 504 or Title II in ASTEC CHarter Schools should contact:

DECISION MAKING ALGORITHM

The decision-making algorithm on the following page may be useful as the student, the student's family, and the school considers special education through the Other Health Impairment category. The algorithm contains simple, direct questions that may lead to a more detailed discussion with key stakeholders including the student and family. The service decision-making process may also require talking with general education teachers and other school personnel. Throughout this guide, talking with and establishing a good working relationship with the student's primary care physician and other healthcare specialists is encouraged. This collaboration is particularly important in the initial step of deciding how to serve a student with chronic health condition(s). Collaborating with healthcare providers is discussed in greater detail in the *Collaborating with Community Resources* section of this guide. Also, the Oklahoma State Department of Education, Special Education Services, [Policies and Procedures for Special Education in Oklahoma](#) manual provides the following guidance when the Individualized Education Program team is planning for services:

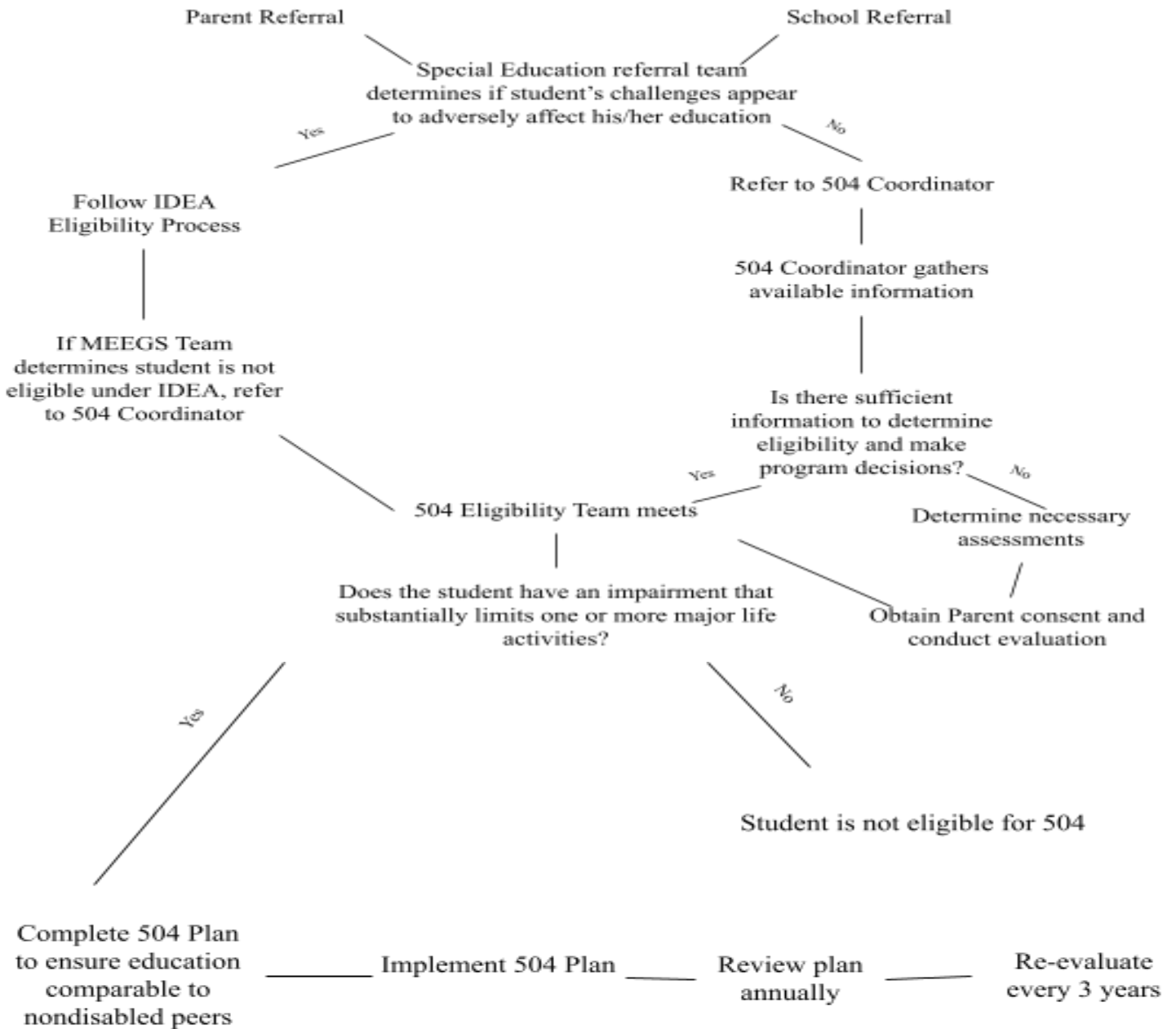
Adverse Effects on Educational Performance

Determination of adverse educational effects must reflect consideration of the effect of the child's disability on overall educational performance. It is not intended to imply that the child must be below grade level or must be failing in an academic area to be eligible for special education and related services. In addition, eligibility for and dismissal from special education and related services programs should be based on a sole criterion of educational deficits in basic academic performance, or achievement score (e.g., reading, mathematics, spelling). Consideration must be given to the factors and characteristics of the child's disability, as defined in the federal regulations.

Using this guidance coupled with the algorithm will support the team's decision-making process.

CONSIDERATION FOR SPECIAL EDUCATION PROGRAMMING BASED ON THE SEVERITY OF HEALTH CONDITION

504 Process Flow Chart



Invitation for Meeting must be provided to parent before all formal meetings

Procedural Safeguards and Written Notice to Parents must be provided to parent after:

- Parent Referral
- Parent Consent
- Eligibility Meeting
- 504 Plan Meeting
- Manifestation Determination

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CONSIDERATION FOR SPECIAL EDUCATION PROGRAMMING BASED ON THE SEVERITY OF HEALTH CONDITION

<i>How does the health condition affect the child’s functioning?</i>	<i>Is this health condition producing an adverse affect requiring special education?</i>
Level 1, Mild: Health condition does not interfere with day-to-day functioning and learning.	NO
Level 2, Mild/Moderate: Health condition does not interfere with learning but there is the possibility of unusual episodes or crises.	Possibly
Level 3, Moderate: Health condition either presents frequent crises or so limits the child’s opportunity to participate that learning is interrupted.	Yes
Level 4, Severe: Health condition is so severe that special medical attention is regularly needed. The child’s opportunity for activity is so limited that he/she may not be able to participate in a general classroom.	Yes

