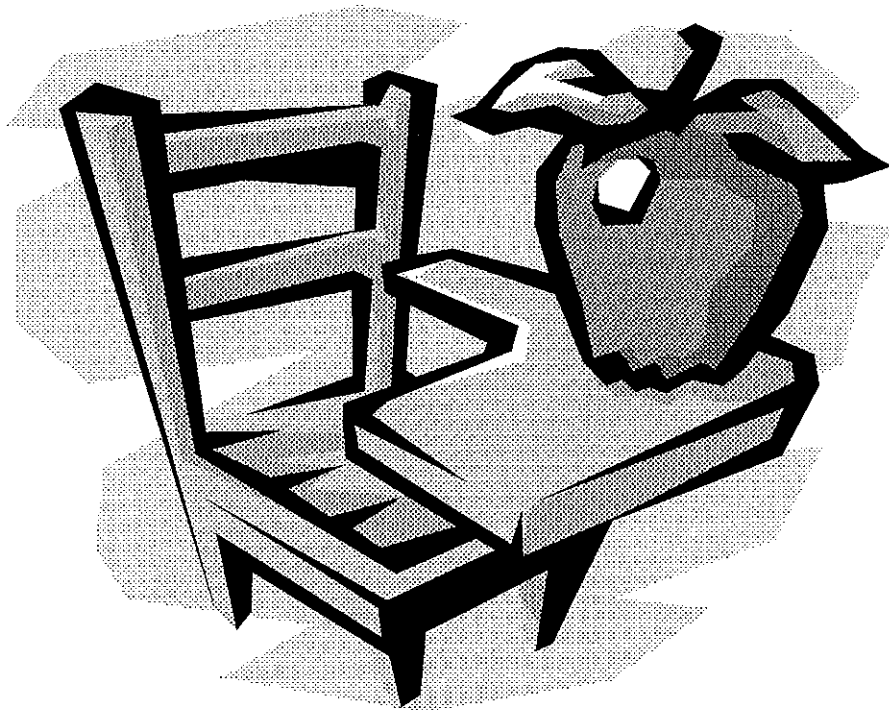


MOUNTAIN GROVE R-3  
SCHOOL DISTRICT

SPECIAL EDUCATION  
AND  
SECTION 504

TEACHER HANDBOOK



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## **MOUNTAIN GROVE R-3 SCHOOLS** **SPECIAL EDUCATION HANDBOOK**

IDEA (PL 94-142) establishes the requirements for a child to be identified as having a disability and requiring special education and/or related services. There are 13 categories for which a child can qualify for special education services.

- Autism
- Deaf/Blind
- Emotional Disturbance
- Hearing Impairment and Deafness
- Mental Retardation/Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment
- Learning Disability
- Speech or Language Impairment (Sound System Disorder, Voice Disorder, Fluency Disorder, and Language Impairment)
- Traumatic Brain Injury
- Vision Impairment (includes Blindness)
- Young Child with Developmental Delay (early childhood, non-categorical)

Each category has specific requirements that must be met for a child to be identified as having that disability. If a qualifying disability cannot be found, then the child is not eligible for special education services. If a disability is identified, then a second question must be answered before a child can receive services: *Does the student need special education services to receive a free appropriate public education?* If the answer to this is “no”, then the child is not eligible for special education. If the answer is “yes”, then the child is found eligible for special education services. The child must meet both criteria: have one of the 13 disabilities and need special education services.

### **Frequently Asked Questions**

#### **1. Can a student get special ed services for math when he/she did not qualify with a deficit in math?**

Yes. Diagnosis does not determine services. The evaluation process is simply to answer the two required questions: Does the child have one of the 13 disabilities? and Does the child need special education services? The IEP determines services. Whatever information is put into the present level of performance as being concerns and areas of weakness can get special education services. For instance, if a child has a reading problem which may affect his/her ability to be successful in math, then he/she can get special education services to address math even though math did not show up as a deficit area in the evaluation.

## **2. Do I, or parents, have to sign the IEP?**

No. Signatures are not required on an IEP. A list of participants is all that is required. Parents must sign permission to evaluate and permission for initial placement. The multidisciplinary team only signs an evaluation report for Learning Disabled students.

## **3. Do all special ed students have to take state and district assessments?**

Yes, unless they are significantly cognitively impaired. These students are required to take the MAP-A, an alternative assessment that is based on proficiency of identified tasks, level of functioning, and the IEP. Currently, districts are limited to 1% of the district tested population as being eligible to take the MAP-A. MAP-A students must have benchmarks in their IEP goals.

## **4. Who is required to be involved in the IEP meeting?**

Four roles must be satisfied for conducting an IEP Team meeting by district personnel. They include a Local Educational Agency (LEA) representative which is a person who can commit district resources to the implementation of the IEP, regular education teacher, special education teacher, and a person who can interpret evaluation results. One person can satisfy or serve in more than one role. The parent/guardian is a member of the team and any student age 14 and older can be a member of the team.

### **Things to Do**

1. Become informed about a special education student in your classroom. Talk to parents and other professionals who have knowledge of the child.
2. **READ** the IEP!!!! The most important parts to read are the present level of performance, services, and accommodations. The goals can give you information on what is being targeted in special education services which you can support in your classroom.
3. Read the evaluation report. This will give you scores and information that may not be in the IEP.
4. Be sure you are implementing the accommodations specified in the IEP. You are legally liable for implementing those accommodations.
5. Keep the special education teacher of the student informed, both the good and the bad. Too often special education only hears the bad or when a student is having problems.
6. Be creative and flexible in your teaching. Regular education students often benefit as well from things you do differently to address a special education need.

### **“Red Flag” Suspicions**

There are signs and symptoms that may indicate that a student may have a qualifying disability. Some are obvious, and some are not.

1. The “deer in the headlight” look that the student has no clue what you are trying to tell them, even when you make it a one step direction. If this is a common response, it can indicate a possible language disorder or mental retardation.
2. The student who has difficulty with self care, seems to live in a world of their own, and has extreme difficulty with anything academic can be signs of mental retardation.
3. Listen carefully for sound errors in speech. These are usually obvious, but do not ignore them. Sound system errors can have lasting and damaging effects on reading skill development. The earlier that sound system errors are corrected, the better. Anything identified after second grade is extremely difficult to remediate.
4. A student who is very good in some subjects and very poor in others can indicate a Learning Disability. These kids are obviously bright, but have extremes in their strengths and weaknesses. It is very common for LD students to be very auditory learners. LD students can amaze you with the things they know, but then have real difficulties with reading, writing, and/or math.
5. Behavioral issues with students can indicate three areas of concern: Learning Disability, Emotional Disturbance, or Language Impairment. Sometimes an LD student will act out because of frustration, not wanting anyone to know that there is an academic problem, or to gain attention. Emotionally Disturbed students have abnormal responses to peers, adults, authority, and consequences. Language impaired kids do not comprehend and cannot appropriately communicate. A student who is a trouble maker will most likely not qualify for services. Usually an educational impact cannot be proved (the student is still learning commensurate with ability and/or peers even though he/she may not do the homework).
6. Students that have no auditory memory can indicate a receptive language disorder. If you read a story to the student and he/she can not answer any comprehension questions, even at the concrete level, there may be a receptive language problem.
7. The student that has problems labeling and coming up with the vocabulary to describe something can indicate an expressive language disorder. These kids seem to go “around the world” in trying to tell you something or describe something, but never come up with a label for it. “You know, that thing that .....” is a common part of their language patterns.
8. A student who stutters is a fluency issue and needs referral. A student who has extremes in pitch or volume indicates a voice issue and needs referral.
9. A Language Impairment can be present in students who have a difficult time retelling a story or providing a personal narration; use simple sentence structures, do not or cannot elaborate; omit important vocabulary/language structures; give an unrelated response to a conversational

question (What did you do last night? "I like bananas."); or get too close, speak too loudly, and have difficulty conversing with peers.

### **"What Can I Do?"**

Before making a referral, carefully evaluate whether or not you have tried everything you know to be educationally sound to make the student successful. We refer to these as accommodations or interventions.

- ❖ preferential seating
- ❖ frequent checking for understanding
- ❖ study guides as needed depending on content of subject matter
- ❖ frequent breaks
- ❖ presentation of information in different modalities (verbal, written, demonstration, modeling, etc.)
- ❖ access to nurse for medications and/or treatment
- ❖ progress reports to parents
- ❖ parent - teacher conferences and contacts
- ❖ give oral cues or prompts
- ❖ maintain assignment notebook or agenda
- ❖ assistance in writing down assignments
- ❖ use positive and/or concrete reinforcers
- ❖ repeated review and practice
- ❖ shortened assignments
- ❖ extended time to complete assignments or tests
- ❖ allow to redo assignments or tests
- ❖ peer helpers
- ❖ small group or individual instruction
- ❖ remedial program assistance
- ❖ frequent reminders of rules
- ❖ intervention by counselor or principal
- ❖ communication and networking with all staff regarding the mutual student
- ❖ use study carrel or isolation from others if appropriate
- ❖ frequent checks for work/assignment completion
- ❖ teaching appropriate study and organizational strategies/skills
- ❖ classroom expectations are clear and posted in the room
- ❖ teaching test taking skills
- ❖ oral reading of tests, dictated tests
- ❖ modified materials, highlighted texts, assistance with notetaking, copies of notes
- ❖ before or after school tutoring
- ❖ behavior management contract

## DISTRICT PROCESS

It is difficult to qualify for special education services. Before you think about making a special education referral, ask yourself, "Is this student *significantly* below expected levels?" The student's grades need to reflect a significant problem. When you suspect that a student in your class may have a disability that will qualify him/her for special education services, follow the steps below:

First, make sure you have given the student ample time to adjust and you have good information that something is wrong. Talk to the previous teacher about your concern. Review the child's permanent record.

Conduct a parent conference to share your concerns and get their input about you completing a referral for special education evaluation. No referral will be processed unless the parent has been contacted first.

Talk to your building counselor and get a Care/Intervention Team referral packet to complete. Parents are to complete part of the information. Complete the packet and return to your building counselor.

The building counselor will convene a Care/Intervention Team meeting to go over your referral information. They will ask for you to meet with them to discuss the referral and see if there are other interventions that can be tried before sending the referral to special education. You will be asked to implement these strategies and document their success.

After suggested interventions have been tried, the Care/Intervention Team will then make a decision as to whether or not to continue the referral process. If the referral is to be sent to special education for evaluation, you will be asked to complete the Special Education Referral form.

Upon receiving the referral, special education will continue the process and obtain permission from parents to evaluate. When the evaluation is complete, you will be informed of the results.

You will be invited to attend a staffing/IEP meeting (if the student is eligible) where the evaluation results will be discussed, IEP developed, and parents give consent for placement.

OR

If the student is not eligible, you will be invited to a staffing with parents where the results of the evaluation are discussed and notice of ineligibility is provided to parents.

## FORMS AND DOCUMENTS (Where do I find it?)

All **current** special education records (IEP, evaluation report, notices, etc.) are kept in the **bright yellow folder** imbedded in each special education student's permanent record. Any student that has been evaluated for special education services and did not qualify will also have a yellow folder in their file. Older special education records are still in the permanent record, just not in the yellow folder. If you "educationally touch" the child, you have permission to have access to those records by FERPA regulations. You do not have to have parent permission or need to sign the access sheet to view the file.

### IEP Parts for Regular Education Professionals

Copy of this document provided to parent/guardian (within 20 days) on      /      /     

#### Mountain Grove RIII School District Individual Educational Plan

From 5/11/2006 to 5/11/2007

Dates of IEP: Conference: 5/10/2006      Initiation Date: 5/11/2006      Annual Review: 05/10/07  
 Student: \_\_\_\_\_      Birthdate: \_\_\_\_\_      Address: \_\_\_\_\_  
 Student ID: \_\_\_\_\_      Age: 7.5      Grade: 1      Mountain Grove, MO 65711

Educational Decision Maker: _____		Email: _____	
Address: _____		Home Phone: _____	
Location for Provision of Services: Elementary School		Home School: Elementary School	
Primary Language or Communication Mode: English		Case Manager phone number: 417-926-3177 ext 4	
IEP Case Manager: _____		Date of most recent evaluation/reevaluation: 5/10/2005	
IEP Type: Annual IEP		Projected date for next triennial evaluation: 5/10/2006	
Disability: _____		Primary Disability Area: _____	
Emotionally Disturbed: _____		Yes _____ No _____	
Special Education Services:	Notes	Frequency	Mic/Wk Location Begin* End*
Specialized Ed.		170 minutes	850 Special Ed Classroom 05/11/06 05/11/07
Related Services:	Notes	Frequency	Mic/Wk Location Begin* End*
Adaptive PE		2-30 minute sessions	60 Special Ed Classroom 05/11/06 05/11/07
Occupational Therapy		2-30 minute sessions	60 Special Ed Classroom 05/11/06 05/11/07
*Dates are same as initiation and annual review date indicated above unless otherwise noted.			
Date Range	School	Mic/Wk in Reg Class	Mic/Wk outside Reg Class Total Mic/Wk % Outside
05/11/06 - 05/11/07	Elementary School	850	970 1950 49%

Participants in IEP Meeting and Role(s)  
 Signatures are not required. If a signature is used, it only indicates attendance, not agreement.

Name	Role
_____	Occupational Therapist
_____	Aud. Principal
_____	Counselor
_____	Principal
_____	Resource Teacher
_____	Regular Educator
_____	Individual to Interpret Instructional Implications of Evaluation Results
_____	Special Programs Director - LGA

#### 1. Present Level of Academic Achievement and Functional Performance

Summary of present evaluation:

According to the current evaluation information, observation, and parent/teacher report, there are no concerns in the areas of vision or hearing. No concerns are noted in speech and language. Articulation and language are appropriate for age and culture. No concerns are noted in social/emotional or adaptive behavior.

There are no concerns in motor, but there are concerns in the area of Health. \_\_\_\_\_ has been diagnosed as ADHD and takes medication administered at home. (P24/yn)

Cognitive test results according to the WISC-III (3-25-03) indicated a full scale score of 79 with a 2 point difference between the performance and verbal scores in favor of the verbal. No concerns are noted in this area. \_\_\_\_\_ qualifies for special services under that category of CR1, because of his diagnosis of ADHD.

Changes in child since prior IEP:

During his 7th grade year \_\_\_\_\_ has participated in the Accelerated Reader Program in reading. His beginning STAR Test reading range was 3.3-5.2. When given the test at the end of the school year this level had risen to 4.1-5.3. He has achieved his point goal of 10 points for each of the quarters of the school year. During the 4th quarter he was able to read books independently on an average level of 4.2 and pass tests over those books with 74% accuracy. He often reads chapter books and is able to retain the information to pass tests within his reading range. \_\_\_\_\_ is able to use decoding skills to read unknown words. He was able to read correctly all 1000 words contained on a list of the 1000 most commonly used words in the English language.

In the area of written expression, \_\_\_\_\_ has worked in the 4th grade spelling book. He is able to complete spelling units in this level accurately. He has also been successful in passing spelling tests over words in the spelling unit given orally. \_\_\_\_\_ is able to write a sentence with a beginning capital and end punctuation. His sentences are often short, but contain small details. \_\_\_\_\_ handwriting is often large.

In the area of mathematics \_\_\_\_\_ has participated in the Accelerated Math program. He has worked in the 3rd grade library over various objectives. \_\_\_\_\_ has mastered 109 objectives over the course of the school year. During the 4th quarter he was able to master 25 objectives over various skills and concepts with an average of 87% on practices and 81% on tests. \_\_\_\_\_ is able to multiply a 3-digit number by a 1-digit number accurately. \_\_\_\_\_ has had to make corrections to Accelerated Math assignments from time to time, but often understands where he has made careless mistakes quickly and can correct his mistakes easily.

How child's disability affects involvement:

\_\_\_\_\_ is diagnosed as having ADHD. He has received services in the areas of reading, written expression and math. \_\_\_\_\_ experiences difficulties in any class where skills in these areas are involved. He is unable to be successful in the regular classroom in these areas even with modifications/accommodations. \_\_\_\_\_ continues to require the services of the special education teacher in these areas to be able to progress and be successful.

Assessment performance results:

The most current districtwide testing (Spring 06) indicated scores as follows: Total Reading 3.9, Reading Vocabulary 4.2, Reading Comprehension 3.6, Total Math 4.1, Language 4.6, Science 4.4, Social Science 4.0

Child's strengths:

\_\_\_\_\_ is a pleasant student who seems to want to please his teachers. He has been diligent in keeping up on classwork in his regular classes. He occasionally has difficulty with impulsive behavior, but is compliant when corrected. Reading vocabulary and math calculation skills are relative strengths for Dustin.

Parent/Guardian concerns:

\_\_\_\_\_ Dad expressed no particular concerns at this time.

The goals and objectives in this document represent the most significant concerns at this time as

#### 3. IEP Goal Annual Measurable Goals

Annual Goal # 1

Goal: \_\_\_\_\_ will increase accuracy of written expression mechanics such as punctuation, capitalization, spelling, and grammar on an accumulation of assigned tests with 80% accuracy for each quarter.

Progress toward the goal will be measured by: \_\_\_\_\_  
 Work Samples

Annual Goal # 2

Goal: \_\_\_\_\_ will demonstrate improved reading comprehension by answering questions either verbal or written to 80% accuracy on oral reading assignments.

Progress toward the goal will be measured by: \_\_\_\_\_  
 Work Samples

#### 4. Reporting Progress

Method for informing parents of progress toward annual goals

- Report card
- IEP goal pages

Frequency of progress reporting:

- Quarterly
- Semester
- According to district-wide reporting schedule

#### 5. Services Summary

Special education services and related services are addressed on page 1 of this document. These services will be based on peer reviewed research to the extent practical.

No Supplementary Aids or Services are necessary at this time.

No Supports for School Personnel are necessary at this time.

Modifications/Accommodations: See Form I.

#### 6. Transportation as a Related Service

Does the student require transportation as a related service?

- No

#### Form I: Program Modifications

Indicate below the accommodations and modifications for the student to be used in general and/or special education. All modifications are as needed unless otherwise noted.

Modification/Accommodation	Locations	Frequency/Notes	Begin*	End*
Test			05/02/06	05/01/07
Study guides	All Locations			
Lectures			05/02/06	05/01/07
Study guides	All Locations			
Test/Exams			05/02/06	05/01/07
Extended time	All Locations		05/02/06	05/01/07
Read test	All Locations	Take test in Resource room	05/02/06	05/01/07
Other	All Locations			
Assignments			05/02/06	05/01/07
Extended time	All Locations		05/02/06	05/01/07
Pacing			05/02/06	05/01/07
Extended time for written responses	All Locations		05/02/06	05/01/07

\*Dates are same as initiation and annual review date indicated on page 1 unless otherwise noted.



**DESIGNATED LEA REPRESENTATIVES  
FOR PURPOSE OF IDEA DECISIONS**

IDEA 2004 describes several instances where decisions can be made regarding special education services for a child with a disability by the parent and the "LEA". Each of these instances are unique and need to be established in district policy as to who can serve in the role of LEA for these decisions. The LEA Representative is a person who can commit the district to those decisions and the resources of the district. The decision of the LEA Representative cannot be overruled by a higher authority, so who serves in this role is very important.

*No triennial reevaluation is needed:*

IEP casemanager for the student  
LEA Representative listed on the current IEP  
Special Programs Director  
Building Principals

*Completion of evaluation timeline when a transfer student moves in while an evaluation was in progress at the sending school:*

IEP casemanager for the student  
Special Ed Process Coordinator  
Special Programs Director

*IEP amendments to a current IEP: (adjust minutes, goals, accommodations, "non-cost" services)*

IEP casemanager for the student  
LEA Representative listed on the current IEP  
Special Programs Director  
Building Principals

*Reevaluation conducted less than a year from last evaluation:*

Special Programs Director  
Special Ed Process Coordinator

*IEP amendments at mediation hearing as part of due process:*

Special Programs Director  
Superintendent

*LEA Representative at required Resolution Session before due process proceeds:*

revised 2009

Special Programs Director  
Superintendent

*IEP team member excusal:*

IEP casemanager for the student  
LEA Representative listed on the current IEP  
Special Programs Director or Process Coordinator  
Building Principals

*Agreement of change of placement in discipline issues where manifestation determination is determined to be related:*

Special Programs Director  
Building Principals  
Superintendent

*Resolution Session legally binding agreement signature:*

Superintendent

*LEA Representative for decisions regarding services to private school children:*

Special Programs Director  
Superintendent

## **MOUNTAIN GROVE R-3 SCHOOL DISTRICT**

### **SECTION 504 HANDBOOK**

#### **Introduction**

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which provides that: "No otherwise qualified individual with disabilities in the United States...shall, solely by reason of his/her 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service." (20 USC Section 794) This short paragraph has far reaching implications for school districts. The act was amended by the ADA Amendments Act which was signed into law September 25, 2008, and became effective January 1, 2009. The Amendments made substantial changes to the original law.

#### **Definitions**

##### **What is a "program or activity"?**

The term includes all programs or activities of the Missouri Department of Elementary and Secondary Education (DESE) and all school districts receiving federal funds; regardless of whether or not the specific program or activity involved is a direct recipient of federal funds. (e.g., If a district contracts with a private agency, the district must insure that a student with disabilities has an equal opportunity to participate in the private agency's education program, even though the programs themselves do not receive any federal funds.)

##### **Who is a "qualified" individual with disabilities?**

For school districts, all school-age children are qualified. Parents with disabilities are also protected by Section 504. For example, a district should provide an interpreter or some equivalent services to a parent who is deaf in order to insure that parent has an equal opportunity to participate in school initiated activities.

##### **Who is an "individual with a disability"?**

There are three ways that a person may qualify as an individual with disabilities under the regulations. A person is considered disabled under Section 504 if:

1. The person has a physical or mental impairment which substantially limits one or more major life activities which include but are not limited to: caring for oneself, 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: 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. The term does not cover children disadvantaged by cultural, environmental, or economic factors. The term does not include individuals currently engaging in the illegal use of drugs.

2. The person has a record or history of such an impairment (e.g., a student with learning disabilities who has been decertified as eligible to receive special education under the IDEA; a student who had cancer; a student in recovery). The term includes children who have been misclassified (e.g., a non-English speaking student who was mistakenly classified as having mental retardation).

3. The person is regarded as having such an impairment. A person can be found eligible under this section if s/he:

a. has a physical or mental impairment that does not substantially limit a major life activity, but is treated by the district as having such a limitation (e.g., a student who has scarring, a student who walks with a limp);

b. has a physical or mental impairment that substantially limits a major life activity only as result of the attitudes of others toward such impairment (e.g., a student who is obese);  
or

c. has no physical or mental impairment, but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV virus, but has no physical effects from it).

### **What is a "major life activity"?**

Major life activities include but are not limited to: caring for oneself, 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: 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. The disability need only substantially limit one major life activity in order for the student to be eligible.

### **What is the difference between Section 504 and the IDEA as to who is protected?**

The IDEA specifically lists types of disabilities which render a child entitled to receive special education. Additionally, in order to be entitled to receive services under the IDEA, the disabling condition must result in a need for special education services.

Section 504 is much broader than the IDEA; there is no categorical listing of disabling conditions. However, if a child is IDEA eligible, the child is also protected under Section 504. The regulations also make clear that certain conditions, such as drug or alcohol addiction, heart disease, etc., which would not qualify a child under the IDEA, may be disabilities under Section 504. While Section 504 requires that the disability "substantially limit a major life activity" such as walking, it need not necessarily adversely affect the student's educational performance.

Examples of other potential disabilities under Section 504 if they substantially limit a major life activity although not typically covered under the IDEA:

1. Communicable diseases: AIDS, AIDS related complex (ARC) or asymptomatic carriers of the AIDS virus (HIV); tuberculosis

2. Temporary disabilities: Students injured in accidents or suffering short-term illnesses
3. Chronic asthma and severe allergies
4. Physical disabilities such as spina bifida, hemophilia and conditions requiring children to use crutches
5. Diabetes

Note that some of these conditions, such as tuberculosis, diabetes and hemophilia may be severe enough to affect educational performance and therefore fall under the IDEA as well (Other Health Impaired).

### **School District Obligations/Procedures for Section 504 Eligibility**

School districts are required by Section 504 to provide the following in determination of eligibility and accommodation plan for a 504 student:

1. Free appropriate education that will meet the individual needs of the student as adequately as the needs of non-disabled students. The quality of educational services must be equivalent to that of non-disabled peers. This is often referred to “leveling the playing field”.
2. Transportation to an alternate program not operated by the school district.
3. An evaluation must be done to determine if a student is 504 eligible. The special education evaluation process may be used to make this determination if the district suspects that the student may be IDEA eligible. If found not IDEA eligible, the district can use the results of the evaluation to determine 504 eligibility. Determination of eligibility for Section 504 services, like IDEA, must be done by a team of individuals who have knowledge of the child, can interpret the evaluation data, and commit district resources for placement and services.
4. Reevaluations are to be done on a periodic basis, but have no definite time line. Reevaluation must be done with a significant change of placement such as: expulsion, a pattern of suspensions exceeding 10 days in a school year, transferring student to homebound instruction, or significant changes to the student’s educational program.
5. Like IDEA, Section 504 students are to be educated to the maximum extent possible with regular education students. Section 504 students are to have equal opportunity to participate and have access to any nonacademic services the same as their non-disabled peers.

### **Major Differences Between The IDEA and Section 504**

<b>IDEA</b>	<b>Section 504</b>
Has supplementary state and federal funding	No funding
13 categorical disabilities	Much broader, no specifics
Must need “special” services	May not need special services
Requires prior written notices	Notice required only with changes
Consent required to evaluate	Only notice required, no consent
Reevaluations every 3 years	Periodic reevaluations
Provides for independent evaluation	No provision

Does not require a grievance procedure  
Due process rights apply  
Can not go directly to Court  
Monitored by DESE  
IEP reviewed annually  
Disability has significant educational impact  
Procedural safeguards very involved  
Needs special services to have educational benefit, no comparison to peers

Requires a grievance procedure  
Due process rights apply the same  
Can go directly to Court  
Enforced by Office of Civil Rights  
504 Plan reviewed annually  
Disability has life activity impact  
Procedural safeguards very general  
“level the playing field” by accommodating, compare to peers

### **Points of Consideration**

1. When considering whether or not an impairment or disabling condition “substantially limits” a major life activity, examine the entire experience of the child, not just at school. Does the impairment or disability affect or limit the student in daily activities, even at home, 24 hours a day, 7 days a week?
2. Consider the definition of “major life activity” which involves a central or fundamental need in a person’s life. Learning is included in this list of life activities, because we are all “life-long” learners in that we begin learning from the time we are born and must continue to learn in order to adapt to our changing environments and circumstances. We must learn to “survive” in our world.
3. Consider the definition of “substantially limits” carefully. It must be significantly below the norm of what is expected in the context of the classroom, age group, community, etc. A minor or moderate limitation will not suffice. Below average students are still within the “normal” range for students. Failing students would be considered outside the norm.  
Ask the question: *Is the student unable to perform a major life activity the average person in the general population can perform?*
4. When considering the need for a 504 Accommodation Plan, look at the specific accommodations that the student needs, then ask: *Are these accommodations “unique and outside the norm” of what any child is afforded? Done for all vs. done for one?* Section 504 plans are needed only for students that require something that we would not do for any other student. Routine accommodations that are done in the course of the operation of a classroom or established as classroom procedure by an individual teacher or grade level, are not accommodations that should be listed on a 504 Plan. An example would be preferential seating. All teachers use preferential seating to address many issues and needs of students, regardless of any “disability” that may exist.
5. Consider writing a Health Plan for a student who has a medical condition that requires attention or services at school. These plans are not under Section 504, but still keep everyone informed as to the needs of the child. An example would be a child who is diabetic and needs snacks at school or insulin injections.
6. Accommodations should be tied to the identified impairment and substantial limitation. Do

not over accommodate. A behavior intervention plan can be part of a Section 504 Accommodation Plan.

### **Essential Requirements**

1. Internal referral form
2. Notice of parent rights
3. Notice of evaluation or meeting
4. Report of evaluation
5. Accommodation Plan that:
  - identifies the disability or condition
  - identifies the major life activity affected (caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working)
  - describes how the disability is a substantially limiting factor of a major life activity as compared to the norm
  - describes educational impact of the disability
  - includes statement that the student needs accommodations for their educational needs to be met as adequately as those of non-disabled peers
  - lists necessary accommodations (describes in sufficient detail to avoid ambiguity and non-implementation--- be specific) and who is responsible for implementation
  - discusses Least Restrictive Environment considerations
  - lists related services, if applicable
  - lists names of persons participating in the plan development, parent signature, date of plan.

### **District Wide Standard Accommodations**

- ❖ preferential seating
- ❖ frequent checking for understanding
- ❖ study guides as needed depending on content of subject matter
- ❖ frequent breaks
- ❖ presentation of information in different modalities (verbal, written, demonstration, etc.)
- ❖ access to nurse for medications and/or treatment
- ❖ progress reports to parents
- ❖ parent - teacher conferences and contacts
- ❖ give oral cues or prompts
- ❖ maintain assignment notebook or agenda
- ❖ assistance in writing down assignments
- ❖ use positive and/or concrete reinforcers
- ❖ repeated review and practice
- ❖ frequent reminders of rules
- ❖ intervention by counselor or principal
- ❖ communication and networking with all staff regarding mutual students
- ❖ administer medications according to board policy and governmental regulation
- ❖ use study carrel or isolation from others if appropriate

- ❖ frequent checks for work/assignment completion
- ❖ teaching appropriate study and organizational strategies/skills
- ❖ classroom expectations are clear and posted in the room
- ❖ teaching test taking skills
- ❖ before or after school tutoring

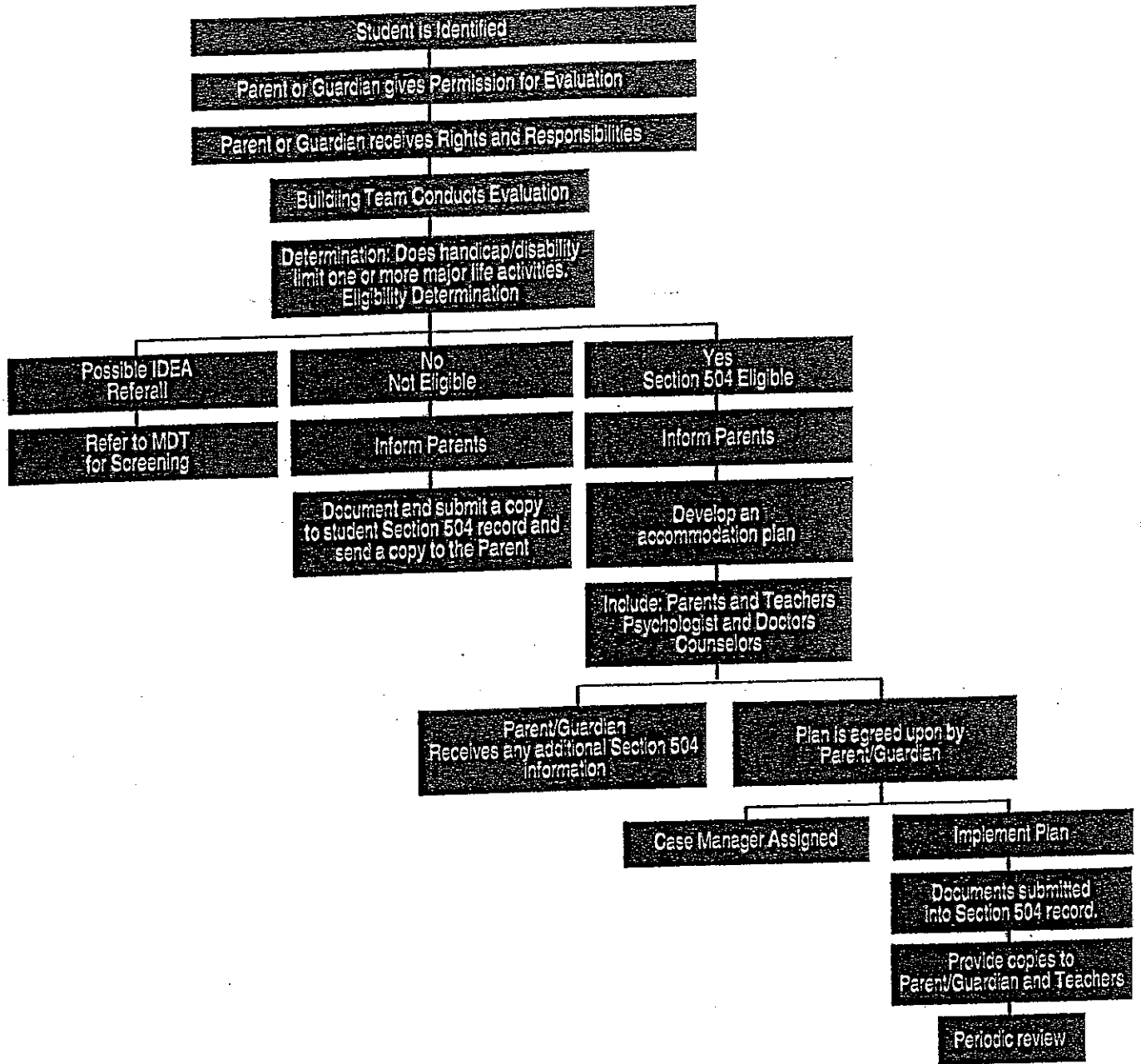
Classroom specific or grade level specific accommodations will be provided upon request to parents. If a student with a disability benefits from a routine accommodation afforded all students in a particular classroom or grade level that is not routine in another, and the accommodation provided was a determining factor in the need for a 504 Accommodation Plan, then when the student moves to a different grade level or classroom, the Section 504 team will reconvene and make a new determination of need for a 504 Accommodation Plan.

### **District Process**

1. If you have reason to believe that a student may be Section 504 eligible and in need of a 504 Accommodation Plan, contact your building counselor to discuss your concerns and get a referral form.
2. Contact the parents to discuss with them your concerns and referral for a Section 504 evaluation for their child.
3. Complete the form and return it to your building counselor. The building counselor will then convene the building Care/Intervention Team to staff the referral to make a recommendation of refusal to evaluate or pass on to the 504 Coordinator (Special Programs Director).
4. Evaluation will be coordinated by the Special Programs Director and determination made by a multidisciplinary team as to eligibility. Parents will be informed of the results and decision.
5. If eligible, a 504 Accommodation Plan will be written and a case manager assigned.



# Section 504 Flow Chart



### REFERRAL FOR 504 ASSISTANCE

*Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Students eligible for 504 assistance are those who 1) have a physical or mental impairment which substantially limits one or more major life activities, 2) have a record of such impairment or 3) are regarded as having such an impairment. If you feel the student identified may qualify for civil rights protection under Section 504, please complete the following information.*

Student's Name \_\_\_\_\_ Grade \_\_\_\_\_ Date \_\_\_\_\_  
 School \_\_\_\_\_ Birthdate \_\_\_\_\_ Sex  M  F  
 Parent(s) \_\_\_\_\_ Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_  
 Name of Person Submitting Referral \_\_\_\_\_ Position \_\_\_\_\_

Describe the student's need or area of concern: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Special Education (IDEA-B) Status: (check one box only)**

- The student will be referred for special education evaluation.
- No referral to special education is necessary. No evidence exists to indicate the presence of a disability as defined by IDEA.
- The student has been evaluated by the special education team and does not qualify for special education services.
- The student has received special education services in the past, but no longer requires special education. Please check services provided:
 

<input type="checkbox"/> Resource Class	<input type="checkbox"/> Self-contained Class	<input type="checkbox"/> Occupational Therapy
<input type="checkbox"/> Guidance	<input type="checkbox"/> Special School Setting	<input type="checkbox"/> Physical Therapy
<input type="checkbox"/> Speech-Language	<input type="checkbox"/> Other _____	

**Section 504:**

The student is suspected of having a physical or mental impairment, has a record of such impairment or is regarded as having such impairment, which may substantially limit one or more of the following major life activities:

<input type="checkbox"/> caring for one's self	<input type="checkbox"/> speaking	<input type="checkbox"/> breathing	<input type="checkbox"/> other _____
<input type="checkbox"/> performing manual tasks	<input type="checkbox"/> seeing	<input type="checkbox"/> learning	_____
<input type="checkbox"/> walking	<input type="checkbox"/> hearing	<input type="checkbox"/> working	_____

**Action Taken:**

- The student will be evaluated for possible 504 accommodation. Describe suspected impairment  
 \_\_\_\_\_  
 \_\_\_\_\_
- No further evaluation at this time. Explain.  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ Counselor \_\_\_\_\_ Date \_\_\_\_\_

**MOUNTAIN GROVE R-3 SCHOOLS  
CONSENT FOR INDIVIDUAL EVALUATION**

**Student Name:** \_\_\_\_\_

**Grade:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Parent/Guardian:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

Your child has been referred to a Section 504 Building Team Committee for further evaluation to determine eligibility for accommodation/interventions under Section 504 of the Rehabilitation Act of 1973. The Section 504 Committee needs to evaluate your child in the following areas:

- |                            |                              |
|----------------------------|------------------------------|
| _____ academic achievement | _____ gross motor skills     |
| _____ speech articulation  | _____ adaptive behavior      |
| _____ language development | _____ cognitive function     |
| _____ fine motor skills    | _____ behavior/social skills |
| _____ vision               | _____ hearing                |
| _____ other: _____         |                              |

Your signed consent is required to complete this evaluation. The findings will be reported, recorded, filed and communicated in strict accordance with applicable district policies and state and federal law. A copy of your parental rights under Section 504 of the Rehabilitation Act of 1973 is included for your review and information. If you need any assistance in understanding your rights or the need for this evaluation, please contact the Special Programs Director at 417-926-3177.

\_\_\_\_\_ I hereby give my consent to this evaluation. I understand that my consent may be revoked at any time prior to the completion of the assessment.

\_\_\_\_\_ I do not give my consent to this evaluation.

\_\_\_\_\_ Date: \_\_\_\_\_  
Parent/Guardian Signature

Date received by district: \_\_\_\_\_

**MOUNTAIN GROVE R-3 SCHOOLS  
NOTICE OF CONFERENCE**

**Date:**

**Dear Parent/Guardian of:**

A conference has been scheduled for \_\_\_\_\_ at  
\_\_\_\_\_ A.M./P.M.

Location: \_\_\_\_\_ for the purpose of

- \_\_\_\_\_ discussing results of evaluation and 504 eligibility
- \_\_\_\_\_ discussing results of reevaluation
- \_\_\_\_\_ reviewing educational progress, review/ revise accommodation plan
- \_\_\_\_\_ other: \_\_\_\_\_

The following people have been invited to the conference:

- \_\_\_\_\_ Section 504 Compliance Representative
- \_\_\_\_\_ Principal
- \_\_\_\_\_ Regular Education Teacher
- \_\_\_\_\_ Counselor
- \_\_\_\_\_ Nurse
- \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Section 504 Case Manager

Please complete this section and return to me as soon as possible to let us know about your attendance at the meeting:

- \_\_\_\_\_ I will attend the scheduled Section 504 Conference Committee meeting.
- \_\_\_\_\_ I will not attend the Section 504 Conference Committee meeting, but I would like you to continue the process and send the paperwork to my home address.
- \_\_\_\_\_ I can not attend the scheduled Section 504 Conference Committee meeting and would like to reschedule the meeting for another time. I am available on the following dates and times:

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

Please indicate if there are additional school personnel you would like to attend the Conference Committee Meeting. \_\_\_\_\_

I plan to have the following person attend with me: \_\_\_\_\_

Parent/Guardian signature: \_\_\_\_\_

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

### 504 Eligibility Determination

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Date: \_\_\_\_\_  
School: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Parent(s): \_\_\_\_\_  
School Contact Person: \_\_\_\_\_ Position: \_\_\_\_\_

#### Eligibility Team Members

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

Regular Education Teacher  
Counselor  
504 Compliance Representative  
Nurse  
Principal

Variety of sources of evaluation information: (indicate each one used)

_____ achievement tests	_____ teacher recommendations/observations
_____ adaptive behavior	_____ student work samples
_____ medical report	_____ cognitive assessments
_____ other (specify): _____	

1. Specify the mental or physical impairment: \_\_\_\_\_
2. Check the major life activity that is affected by the impairment:  
 seeing       hearing       caring for one's self       breathing  
 walking       learning       performing manual tasks       working  
 other (specify): \_\_\_\_\_
3. The term "substantially limits" means that the student is:  
a) unable to perform a major life activity that the average student of approximately the same age can perform  
**OR**  
b) significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique, rather than commonplace, when compared to the average student of approximately the same age.

Place an "X" on the following scale to indicate the specific degree that the impairment (in #1) limits the major life activity (in #2): For an "X" at "4" or above, fill in specific information evaluated by the team that justifies the rating:

5	-----	Extremely	_____
4	-----	Substantially	_____
3	-----	Moderately	_____
2	-----	Mildly	_____
1	-----	Negligibly	_____

- The team's determination was less than "4"; the student is not eligible for Section 504 protections. Provide notice to parents of their procedural rights, including an impartial hearing.  
**OR**
- The team's determination was a "4" or above. The team should determine and list on the 504 Accommodation Plan the specific accommodations that are necessary for the student to have an opportunity commensurate with non-disabled students of approximately the same age in this district.

c: Student's Cumulative Folder  
District 504 Coordinator  
Parent

**MOUNTAIN GROVE R-3 SCHOOL DISTRICT  
INDIVIDUAL SECTION 504 PLAN**

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Age: \_\_\_\_\_ Sex: \_\_\_\_\_  
Parent/Guardian Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Attendance Center: Mountain Grove \_\_\_\_\_ School  
Home School: Mountain Grove R-III  
Plan Date: \_\_\_\_\_

Definition of "handicapped" under section 504. What is the physical or mental impairment which substantially limits one or more major life activities? (documentation of impairment is present in the evaluation report or medical report by physician)

\_\_\_\_\_

Is the impairment episodic or in remission? \_\_\_\_\_ Yes \_\_\_\_\_ No

The evaluation report dated \_\_\_\_\_ determined that the student is an individual with a disability entitled to a free appropriate public education (FAPE) as defined by the federal Section 504 regulations. The report describes the student's impairment and how that impairment substantially limits a major life activity or bodily function. The report discusses the impact of mitigating measures for the student and if it was possible to conduct the evaluation without those measures in place.

A. If the student regularly attends school with mitigating measures in place, does the student require the provision of any regular or special education and/or related aids and services other than those generally provided to district students to have his/her needs met as adequately as the needs of nondisabled students in the district?

\_\_\_\_\_ Yes (proceed to B.) \_\_\_\_\_ No

If the answer is "no", the student is considered Section 504 disabled and the student and his/her parents are entitled to all the rights accorded to them as enumerated in the district's Section 504 Procedural Safeguards, but the student has no current needs that require additional education, services, aides or accommodation to receive FAPE under Section 504.

B. With or without reference to mitigating measures, does the student only require any of the following programs, aides, services, accommodation, support or intervention to have his/her needs met as adequately as those of the district's non-disabled students?

\_\_\_\_\_ Yes \_\_\_\_\_ No (proceed to C.)

If the answer is yes, please mark which programs, aides, services, accommodations, supports or interventions listed below are necessary for the student to receive FAPE:

- \_\_\_\_\_ Individual Health Plan
- \_\_\_\_\_ Educational Support Plan
- \_\_\_\_\_ Regular education interventions and strategies available through RTI
- \_\_\_\_\_ Regular education behavior support plan
- \_\_\_\_\_ District's Positive Behavior Support Program
- \_\_\_\_\_ Title I/Remedial Programs
- \_\_\_\_\_ PAWS
- \_\_\_\_\_ Alternative Program
- \_\_\_\_\_ Credit Recovery Program
- \_\_\_\_\_ District tutoring
- \_\_\_\_\_ Other: \_\_\_\_\_

The indicated programs, aides, services, accommodations, supports, or interventions constitute the provision of FAPE to the student under Section 504.

C. With or without reference to mitigating measures, does the student need the provision of additional programs, aides, services, accommodations, supports or interventions beyond those described in B. to have his/her needs met as adequately as those of his/her nondisabled peers. If yes, indicate below what additional programs, aides, services, accommodations, supports and/or interventions the student needs for FAPE:

**MOUNTAIN GROVE R-III  
Section 504 Modification/Accommodation/Services Plan**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Educational Placement/Least Restrictive Environment: (regular education, supplemental services, homebound, residential facility, etc. Please also specify amount of time in the placement setting.)

**504 Committee Participants:**

**Title**

_____	Counselor
_____	504 Coordinator, LEA
_____	Building Administrator
_____	Parent
_____	Classroom Teacher
_____	Nurse
_____	_____
_____	_____

I, the parent/legal guardian of the student named above, was given the opportunity to participate in the development of this Individual Section 504 Plan and agree with the plan as developed.

\_\_\_\_\_  
Signature

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

Written copy of Section 504 Plan provided to parents on:



## **Parent/Student Rights in Identification, Evaluation and Placement for Section 504 Eligibility**

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

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or services provided to your child;
4. Have your child with a disability receive a free appropriate public education. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and services;
6. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or services. You and the student may take part in the hearing and have an attorney represent you. Hearing or mediation requests must be made to the District 504 Compliance Officer;
7. The right to file a district grievance or an OCR complaint;
8. The right to appeal an impartial hearing officer's decision;

The person in this district who is responsible for assuring that the district complies with Section 504 is the Special Programs Director at 926-3177.