



# Ballard Community School District

## 504 Handbook

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## *Table of Contents*

Overview .....	2
District Contacts.....	4
Evaluations .....	5
Protocols .....	6
Annual Reviews.....	8
Three Year Reevaluations .....	9
Section 504 and Discipline .....	10
Parental and Student Rights .....	11
Procedures Checklist .....	13
Sample Classroom and Facility Accommodations .....	14
Forms .....	15
• Section 504 Notification Letter to Parents	
• Section 504 Student and Parental Rights	
• Section 504 Eligibility Determination	
• Section 504 Student Accommodation Plan	
• Section 504 Elementary Teacher Input Form	
• Section 504 Secondary Teacher Input Form	
• Section 504 Family Input Form	
• Authorization for the Release of Health and/or Educational Information	
○ Notice to Recipients of Mental Health Information	
○ Notice to Recipients of Substance Abuse Information	
○ Notice to Recipients of HIV Related Testing Information	
• Support for Accommodation Request (SAR) Form	
• Grievance Form for Section 504 concerns	

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## Section 504 Overview

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

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

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

### **Mental and Physical Impairment**

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

### **Major life activity**

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

### **Substantially Limits and ADA Amendments Act of 2008**

The ADA Amendment Act of 2008 broadened 504 eligibility and lowered the bar for demonstrating that an impairment substantially limits either a major life activity or major bodily function. The 2008 changes specified that an impairment need not prevent or severely or significantly restrict a major activity to be considered substantially limiting. In order to determine impact, the comparison is with how a typical peer performs the same major life activity or bodily function. The determination of a substantial limitation is made on a student-by-student basis by the 504 team.

### **Eligibility**

Eligibility is determined when the student's physical or mental impairment meets the federal criteria of "substantially limits a major life activity." The presence of the disability is not sufficient, in and of itself, to qualify a student as eligible; nor is a medical diagnosis. When a child is determined eligible, Section 504 ensures that accommodations and services are provided to remove barriers and allow equitable access. The law also provides guidance regarding procedural steps and safeguards.

### **Students who have a disability but do not need accommodations**

*A district may conduct a 504 evaluation and determine that while a student meets the Section 504 disability definition they do not need accommodations and an accommodation plan.* For example this could happen if a high school student is diagnosed with a food allergy that substantially limits the major life activity of eating and the function of the digestive system. However, based on the Section 504 evaluation, it could be determined that the student does not need accommodations as a result of the disability because the only symptoms of exposure are mild abdominal pain and an exacerbation of his eczema. Also, the student may choose to bring a cold lunch. This student could fully participate in the school's regular physical education program and in extracurricular sports; not need help administering topical medicine; and not require any modifications to the school's policies, practices, or procedures. In this situation the school district is not obligated to provide the student with any additional services. The student is still a person with a disability and therefore remains protected by the general nondiscrimination provisions of Section 504. This student would be marked as qualifying for Section 504 in Infinite Campus, but would not need an accommodation plan.

### **Mitigating Measures**

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

### **Episodic conditions or conditions that are in remission**

An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active. Examples may include depression and bi-polar disorders; juvenile rheumatoid arthritis; inflammatory bowel disease; and congenital herpes.

### **Section 504 and Individual Health Plans (IHP)**

The federal Office of Civil Rights stated that a district may not forgo evaluating a student with asthma, food allergies, diabetes, or other health issues for Section 504 based on the fact that the student has an Individual Health Plan at school.

### **Extracurricular Sports & Activities**

A school district that offers extracurricular activities and sports must do so in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means districts must make reasonable modifications and provide accommodations that are needed to ensure an equal opportunity to participate. (It is understood that the term "reasonable" is vague; hence each situation will need to be reviewed on a case-by-case basis by the district administration in collaboration with the student and his or her parents. Likewise, the student must have the skill and abilities needed (or be able to develop such skills and abilities) in order to reasonably participate.

### **Failing Grade**

A Section 504 Accommodation Plan does not insure a passing grade: it is possible that a student with a Section 504 Accommodation Plan could still fail a class. Providing necessary accommodations and services simply removes barriers to access. The student must still complete assigned work and the quality of that work must be sufficient to earn a passing grade. In cases where a student is failing a class, school officials should make sure all parts of the Section 504 Accommodation Plan are in place and being actively implemented by school officials. The team may also want to reconvene to determine whether the current plan needs revision.

## Section 504 District Contacts

Each Ballard school building will identify a lead contact(s) for their building. This person is responsible for the coordination of 504 activities at the building level to include maintenance and accuracy of records, staff communication/education at the building level, plan implementation, transition within and between buildings, and coordination of annual reviews. The district contact person is responsible for overseeing the district 504 program and ensuring that the district is appropriately identifying and serving students who are eligible for Section 504 services.

School Building	School Contact Person
Ballard West Elementary	Erin Denker
Ballard East Elementary	Michael Macki
Ballard Middle School	Hailie Carlson
Ballard High School	Lexi Flaherty 9-10 Lisa Doland 11-12

Inquiries concerning the school district's compliance with Section 504 regulations or the Americans with Disabilities Act regulations pertaining to services provided to students should be directed to the District 504 Coordinator. The following individual has been designated to coordinate the school district's efforts to comply with these Section 504/ADA regulations:

**Section 504 District Coordinator** The following individual has been designated to coordinate the school district's efforts to comply with these Section 504/ADA regulations:

Audra Watson  
Director of Special Programs  
509 N. Main  
Huxley, IA 50124  
(515)5997-2811  
awatson@ballard.k12.ia.us

## Evaluations

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

- Information gathered from school records, observations, interviews, tests/trials, medical or hospital records, rating scales, permanent products that the student has produced and curriculum-based measurement probes.
- Interviews with the student's teacher(s), parents and medical or mental health professionals who have evaluated the student.
- Educational records and permanent products such as standardized test scores, attendance records, disciplinary records, health records, hearing or vision screening results, samples of daily work or the teacher's grade book.
- Direct observations of the student.

### Decision Makers

Section 504 guidelines indicate that decisions should be made by an educational team. This team is to be composed of individuals who are:

- 1) Knowledgeable of the student
- 2) Knowledgeable about the meaning of assessment data and
- 3) Knowledgeable of placement options and able to commit district resources.

While one individual can fulfill more than one of these roles, there must be more than one school staff member at Section 504 meetings. Depending on the nature of the suspected disability, a team could consist of the building 504 lead contact, school nurse, and a general education teacher. However these three individuals are not all required to be in attendance. Other individuals may participate on the team as necessary. Families should also be invited to participate in this process. OCR has ruled that families have a special knowledge of their child's impairment and are uniquely positioned to provide information about the student. If a family is scheduled to attend and does not appear at the meeting, the team may proceed and notify the parent in writing regarding any decisions made. The student may also choose to be involved in the process, depending upon the age of the child, the nature of the disability, and the surrounding circumstances.

## Section 504 Protocols

Upon parental request or teacher/staff concern, the 504 team will convene and begin the process defined below (also refer to the Section 504 Procedures Checklist). It is important that this process be completed in a timely manner. No more than 60 days should transpire from the time the parent/guardian signs consent to when the evaluation is completed.

### ***Step 1 – Defining the Disability***

- Upon parental request or teacher/staff concern, the Section 504 building lead will begin the process of verifying and defining the child's disability. A meeting may be held with the parent to complete this initial step. The Section 504 building lead obtains written parental consent to begin the 504 evaluation process using the [Section 504 Notification Letter to Parents/Parent Consent](#)
- When available, obtain copies of psychological evaluation, physician's report or other evaluations from the parents.
- For medical or mental health conditions, consult with the school nurse, prior to meeting with the parent, to determine what information may already be available in the nurse's office and what additional information may be needed. Obtain [Authorization for the Exchange of Health and/or Educational Information](#) to talk with identified medical or mental health providers that could provide the team with the necessary information. If a parent declines this request, the evaluation will still proceed.
- Consideration should be given to having the school nurse conduct a health screening on all students evaluated for Section 504 eligibility and serve as a member of the 504 eligibility team for students with health concerns.
- Once filled out all original and supporting documents should be filed in the student's Section 504 folder and/or uploaded to the student's file in the Ballard 504 Shared Drive. Section 504 working folders will be located in an area designated by the Section 504 representative in each school building.

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

- School personnel will begin gathering evidence and information to determine the impact of the child's disability on their school functioning including on the bus, extracurricular activities, etc. Information will be gathered utilizing the RIOT protocol. This could include information not only on how the student is functioning during the school day but also on the bus and during extracurricular activities outside of the traditional school day. School personnel will:
  - *Review*: formally examine and assess prior records and any other type of permanent record that might be relevant with the possibility or intention of instituting support
  - *Interview*: obtain information through formal and informal consult with individuals who are knowledgeable of the student and their skills
    - Section 504 [Elementary/Secondary](#) Teacher Input Form
    - Section 504 [Family Input Form](#)
  - *Observe*: gain information through actually seeing what is occurring in an identified setting(s) through structured and/or informal approaches
  - *Test/Trial*: experiment various accommodation to determine ones that are found to be most successful
- The 504 team will use the [Section 504 Eligibility Determination](#) form as a guide during this process. All sections of this document must be thoroughly completed.

### ***Step 3 – Eligibility Determination***

- Based on a comprehensive review of the student's data, the 504 team will meet to determine if the student qualifies for protections under Section 504. This should be documented on the [Section 504 Eligibility Determination](#) form.
- The evaluation must include multiple sources of information and be completed within 60 days from the time signed consent is obtained.
- Section 504 teams are to make eligibility decisions based upon information which they possess and not on unsubstantiated statements. For example, if a parent indicates their child has been diagnosed with ADHD, ODD,

and OCD but the medical record only notes ADHD, the team cannot consider the other reported diagnoses as a basis for determining Section 504 eligibility.

- The [Authorization for the Exchange of Health and/or Educational Information](#) form should be used to communicate directly with outside providers.
- Section 504 teams must ensure that the [Section 504 Eligibility Determination](#) form is thoroughly completed and indicates data reviewed, the decision made concerning eligibility, and include family member(s) signatures.

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

- There is a possibility of five decisions that can be made based on the information presented:
  - The student has a physical or mental impairment that substantially impacts one or more major life activities
    - Student is eligible and a Section 504 Accommodation Plan will be written
    - Student is eligible and a Section 504 Accommodation Plan will NOT be written
  - The student does not have a physical or mental disability that substantially limits one or more major life activities.
    - No further action is needed at this time.
    - An individual health plan will address the student’s need for health services.
  - The student does have a disability and is suspected of needing specialized instruction: hence they should be referred to the District Student Success Team (SST) to determine the level of intervention needed.
- All accommodations listed in the [Section 504 Student Accommodation Plan](#) must be consistent with and result from the substantially limited major life activity.
- Accommodations should be stated in concrete terms and identify the person responsible.
- A staff member must be designated to oversee implementation of the accommodation plan, serve as contact person, and communicate with the parent.
- Building contact person must ensure that appropriate school staff members are made aware of contents of the accommodation plan.
- The 504 team must ensure that implementation is monitored and if accommodations are not obtaining desired results, ensure that the Section 504 team is reconvened.
- The District must insure accurate accounting to DE for all Section 504 Eligible students. Central office will flag each identified student that has a [Section 504 Student Accommodation Plan](#) in Infinite Campus after building leads notify them of a new written plan. .
- The [Section 504 Student Accommodation Plan](#) must also be uploaded to Infinite Campus.
- All original and supporting documents will be filed in the student’s Section 504 folder and backed up in the 504 drive.

#### ***Step 5 —Reporting Through Infinite Campus***

- Students who are identified as qualifying under Section 504 are reported annually to the DE. This information is pulled from Infinite Campus. All students who qualify under Section 504 must have this indicated in Infinite Campus.
- Copies of the student’s 504 Accommodation Plan should also be uploaded into the Ballard 504 Shared Drive so that it is available for administrative purposes as well as to ensure that it is readily available to individuals who may have responsibilities for implementing it.



## Annual Reviews

All accommodation plans for students who are Section 504 eligible will be reviewed and updated on an annual basis. Parents/guardians will be notified when the annual and three- year reevaluation is due and the 504 building lead will schedule a meeting to include the parent either in person or by speaker phone. If after repeated documented attempts to identify an agreeable meeting date and when within 5 days of the annual meeting due date, the meeting can be held without the parent and the parent then notified in writing of any decisions made.

The Section 504 building contact, or designee, is responsible to advocate for students as they move to a new grade level and/or a new attendance center. The building contact will meet with the appropriate staff to share 504 plans and the names of eligible students who are not in need of a plan.

- Notify parents and other participants of Annual Section 504 Meeting
- Review 504 Accommodation Plan and edit if needed
- Provide parents with copy of parental rights
- Provide parent with copy of current plan

## Three Year Reevaluations

Every three years, a Section 504 Eligibility Determination form will be filled out to insure continued eligibility for accommodations. Note on this form that a three-year reevaluation is being conducted and the decision made, as a result of the reevaluation, pertaining to the student's continued eligibility under Section 504.

- Request/obtain relevant information from parent(s). As necessary, obtain signed parental consent for release of information.
- Collect data from appropriate sources (60 days from date of meeting)
  - Parent Interview
  - Student Interview
  - Teacher Input
  - School Nurse
  - School Records
  - Outside Sources (Physician, Counselor, Psychologist)
  - Other: \_\_\_\_\_
- Once evaluation data has been collected, notify parent(s), and schedule a meeting to discuss the evaluation results and determine continued 504 eligibility. The team decision is documented.
- If the student is determined to be ineligible for 504 protections, the parent is notified and the parent rights are provided.
- If the student is eligible for continued 504 protections, the Section 504 Accommodations Plan is developed or modified at the meeting. Implementation typically begins immediately. Ensure that all individuals responsible for implementation of the plan are notified of their specific responsibilities.
  - Write 504 Student Accommodation plan
  - Send copy of finalized plan to parent
  - Upload new accommodation plan into Infinite Campus
  - Provide parent with a copy of the finalized plan

## Section 504 and Discipline

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

- The administrator will determine whether the student committed the infraction of which the student is accused;
- The student's 504 team determines whether the behavior was caused by the disability or caused by the lack of implementation of accommodations-a manifestation conference
  - If yes, the student's team determines whether the accommodation plan is appropriate and whether the student needs a change in the plan
  - If no, the student is referred to administration for discipline as a general education student
- For suspensions beyond 10 days the student's 504 team will determine whether the behavior was caused by the disability (manifestation determination).

### **Suspension/Placement**

A disabled student may not be suspended for more than ten days without a manifestation determination. The student's 504 team must make the determination of the relationship between the misconduct and the disability. If the team determines the behavior was not caused by the disability, the student may be disciplined in the same manner as students who do not qualify under Section 504. [Note: No compensatory educational services are required during a suspension.] The student's team may modify the current educational placement when the misconduct is directly caused by the disability. If appropriate, an alternative educational placement may be considered.

**Note** – Section 504 students who participate in extracurricular activities who violate a district's Good Conduct/Code of Conduct policy are not entitled to the manifestation determination process. The same disciplinary measures should apply to Section 504 students that are applied to non-disabled students.

**Note** - It is important to note that the Office for Civil Rights advises that Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.



## Section 504 Parental and Student Rights

Parents and students have specific rights under Section 504. The district must inform parents and students of these rights. Parents and/or students have the following rights:

1. Insure participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
2. Receipt of free educational services to the extent they are provided students without disabilities;
3. Receipt of information about your child and your child's educational programs and activities in your native language;
4. Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
5. Inspect and review your child's educational records including a right to a copy of those records for a reasonable fee.
6. Ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate. Should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
7. A hearing before an impartial hearing officer if you disagree with your child's evaluation or placement. You have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.
8. File a complaint with the Iowa Civil Rights Commission:  
Iowa Civil Rights Commission  
Grimes State Office Building  
400 E. 14th Street  
Des Moines, IA 50319-0201  
515-281-4121, 1-800-457-4416  
Fax 515-242-5840



## Section 504 Parental and Student Rights

### Grievance Procedure

An internal grievance procedure to resolve complaints/grievances regarding Section 504 plan process or placements is available. The Ballard complaint/grievance procedures for Section 504 plan is as follows:

Level 1: Within ten working days from the occurrence of the circumstance giving rise to the complaint, the grievant will complete the appropriate section of the Grievance Form and meet with the school or district contact in order to resolve the complaint. The school or district contact will have ten working days to respond to the grievant in writing.

Level 2: If the complaint is not satisfactorily resolved at the building level, the grievant may file a written grievance with the superintendent. This should be done within ten working days of the compliance officers' response. The superintendent will have ten working days to respond in writing to the grievance.

Level 3: If the complaint is not satisfactorily resolved at level two, the grievant may file a written request with the superintendent for grievance mediation. This shall be done within ten working days of the superintendent's response. An impartial mediator will be arranged within ten working days of receiving the request to provide resolution-to-conflict assistance.

- o The grievant may, at personal expense, be represented by counsel at mediation.
- o The mediation recommendations must be based solely on the evidence presented at the mediation conference and shall include a summary of the evidence and reasons for the recommendations.
- o The mediator can be any impartial person that is mutually acceptable to the grievant and the superintendent.

Level 4: If the complaint is not satisfactorily resolved through mediation, the grievant may file a written request with the superintendent for a hearing with an impartial hearing officer. This shall be done within ten working days of the end of mediation. The superintendent shall arrange for an impartial hearing officer within ten working days of receiving the request. The hearing officer shall make a recommendation in writing within ten working days after the hearing.

- o The grievant may, at personal expense, be represented by counsel at the hearing.
- o The hearing officer's recommendations must be based solely on the evidence presented at the hearing and shall include a summary of the evidence and reasons for the recommendations.
- o The hearing officer can be any impartial person that is mutually agreed upon by the grievant and the superintendent. It is recommended that the person have a legal background and knowledge of educational issues.



## Section 504 Procedures Checklist

Student's Name:	Date:
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☐	Procedures	Date Completed
☐	Referral Received	
☐	Notification letter sent to family	
☐	Family was provided a copy of their rights	
☐	Family Consent Form signed and received	
☐	Data collection from appropriate sources (60 days from date of consent) <ul style="list-style-type: none"> <li>● Review of records (school records and outside sources (physicians, counselors, psychologist, etc) per signed exchanged of information)</li> <li>● Interview               <ul style="list-style-type: none"> <li>○ Family Input</li> <li>○ Student Input</li> <li>○ Teacher Input</li> <li>○ School Nurse Input</li> </ul> </li> <li>● Observe</li> <li>● Test/Trial</li> </ul>	
☐	Family and team members were notified of Determination Meeting	
☐	Determination Form Completed <ul style="list-style-type: none"> <li>☐ If ineligible, notification letter sent to family</li> <li>☐ If eligible, team may proceed to write plan</li> <li>☐ If eligible and the team needs to reconvene, notification is sent to family and all team members of the next meeting date to finalize the 504 Plan.</li> </ul>	
☐	Write 504 Accommodation Plan <ul style="list-style-type: none"> <li>☐ Notification letter sent to family</li> <li>☐ Copy of finalized plan sent to family and team members</li> </ul>	
☐	Meet with staff assigned responsibilities under the Section 504 Plan	
☐	Document Section 504 eligibility and upload accommodation plan in Infinite Campus	

# Areas of Accommodation

Accommodations consist of adaptations or changes that provide a student with access to the general education content and environments. They do not change the nature of the task, performance requirements, or what is being taught, but will change “how” a student learns the materials, demonstrates their knowledge, and/or participates in the educational setting. The following educational environment accommodations are **examples** of ways in which Section 504 disabilities may be successfully accommodated within the general education environment.

## Potential Educational Environment Accommodations

- Assignments/Homework
- Attention/Focus/Following Directions
- Health Accommodations
- Organization
- Presentation of Subject Matter
- Regulation/Positive Behavior Reinforcement
- Spelling/Handwriting/Technology
- Test-Taking

## Section 504 Forms

### Required Forms:

Below are listed the required forms which must be used when evaluating and serving a student in Section 504.

1. [Section 504 Notification Letter to Parents/Parent Consent](#)
2. [Section 504 Eligibility Determination](#)
3. [Section 504 Student Accommodation Plan](#)

### Optional Forms:

Forms that are available and may be needed include:

1. Section 504 [Elementary/Secondary](#) Teacher Input Form
2. [Family Input Form](#)
3. [Authorization for the Exchange of Health and/or Educational Information](#)
4. [Support for Accommodation Request \(SAR\) Form](#)
5. [Grievance Form for Section 504 concerns](#)