SECTION 504 MANUAL

Lake County Schools
Florida

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August 2010
ACKNOWLEDGEMENTS

This handbook is designed for principals, teachers, other professionals and parents to use for information and as a guide in helping those children who have disabilities that interfere with their learning. Parts of this handbook have come from different sources. Sections were reproduced with the permission of the Volusia County School Board, the Orange County School Board, the Broward County School Board, the St. Lucie School Board, and the Council of Administrators of Special Education, Inc. (CASE).
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INTRODUCTION

Section 504 of the Rehabilitation Act has been in effect since 1973. For many years its main thrust has been in the area of employment for individuals with disabilities and for members of minorities. However, within the last several years, the Office for Civil Rights (OCR), charged with enforcement of Section 504, has become pro-active in the field of education of handicapped individuals. Advocacy organizations and the legal system likewise have increasingly focused on Section 504’s requirements to ensure that the educational system provides appropriately for students with special needs. The information set forth in this manual focuses the instructional issues of Section 504 (Subpart D), and not upon employment practices.

Section 504 prohibits discrimination against persons with handicaps, including both students and staff members, by school districts receiving federal financial assistance. This includes all programs or activities of the school district receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with handicaps be provided with a free appropriate public education (FAPE). These regulations require identification, evaluation, provision of appropriate services, and procedural safeguards in every public school in the United States.

All individuals who are handicapped under the Individuals with Disabilities Education Act (IDEA) are also considered to be handicapped and therefore protected under Section 504. However, all individuals who have been determined to be handicapped under Section 504 may not be handicapped under IDEA. These children require a response from the regular education staff and curriculum. With respect to most disabled students, many aspects of the Section 504 requirements concerning FAPE parallel the requirements for the Individuals with Disabilities Education Act (IDEA) and state law. However, in some respects the requirements of the laws are different.

IDEA defines as eligible students who have certain specified types of disabilities and who, because of one of those conditions, need special education (specially designed instruction). Section 504 protects all handicapped disabled students defined as having any physical or mental impairment that substantially limits one or more major life activities.

If a district has reason to believe that, because of a handicap as defined under Section 504, a student needs either accommodations or modifications in the regular school setting in order to participate in the school program, the district must evaluate the student. If the student is determined to be handicapped under Section 504, the district must develop and implement a plan for the delivery of all needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

The Section 504 evaluation and placement process is determined by the type of handicap believed to be present and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the handicap, and the recommended services.
The determination of eligibility and possible services needed must be made by a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options. The group should review the nature of the handicap, whether specialized services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

The American with Disabilities Act Amendment Act of 2008 made some substantial changes to the original Section 504. The ADAAA08 has broadened the interpretation thus permitting for more students to be identified under Section 504. It has broadened the definition of “major life activities” to include major bodily functions. It also provides that the effect of mitigating measures is no longer considered in determining whether an impairment “substantially limits” a major life activity and broadens the definition of “handicap” in include conditions that are episodic or in remission.

It should also be noted that, under Section 504, the parent or guardian must be provided with notice of actions effecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with district decisions in these areas.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the education program are entitled to rights (protection) under Section 504 even though they may not be eligible to receive Exceptional Student Education (ESE) services under IDEA.

It is also important to realize that Section 504 is not an aspect of "special education". Rather, it is a responsibility of the comprehensive general public education system. As such, building administrators of schools are responsible for its implementation within districts.
SECTION 504 POLICY STATEMENT

It is the policy of the Lake County School Board to provide a free and appropriate public education to each handicapped student within its jurisdiction, regardless of the nature or severity of the handicap.

It is the intent of the district to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational accommodations. Students identified under ADAAA08 may be handicapped under this policy even though they may not need a Section 504 Accommodation plan and do not require services pursuant to the Individuals with Disabilities Education Act (IDEA) formerly the Education of the Handicapped Act.

Students and parents have a right to due process under Section 504. A copy of parent rights afforded by Section 504 of the Rehabilitation Act of 1973 is available at all district schools.

The District 504 Coordinator is the Administrative Coordinator of Student Services and may be contacted at 352-742-6920.
"No otherwise qualified handicapped individual in the United States...shall, solely by reason of his handicap, 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".
Eligibility Under Section 504

Handicapped person under 504 is a person

✧ With a physical or mental impairment which substantially limits one or more major life activities

✧ That has a record of such impairment or,

✧ is regarded as having such an impairment
DEFINITIONS

What is SECTION 504 of the Rehabilitation Act of 1973?
Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which provides that: "No otherwise qualified individual with handicaps in the United States ...shall, solely by reason of his/her handicap, 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 activity conducted by any Executive agency or by the United States Postal Service." (29 USCs. 794) Additional language and interpretation was added when the American with Disabilities Act Amendment Act was passed in 2008.

Who is an "individual with handicaps"?
An "individual with handicaps" is the same as "handicapped person" defined in 34 CFR 104.3 That definition is as follows:

(j) "Handicapped person." (1) "Handicapped person" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such an impairment.

The legal definition contained in Section 504 does not set forth a list of specific diseases and conditions that constitute physical or mental impairment because of the difficulty of ensuring the comprehensiveness of such a list but include: (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, genitourinary; hemic and lymphatic; skin, and endocrine; (B) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. The term includes such 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; attention deficit disorder (ADD); attention deficit hyperactive disorder (ADHD); acquired immune deficiency syndrome (AIDS); and HIV positive. Major life activities are basic activities that most people in the general population can perform with little or no difficulty, including but not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, bending, lifting, speaking, breathing, learning, reading concentrating, thinking communicating and working. Major life activities now include major bodily functions such as the immune system and normal cell growth as well as sleeping, standing, lifting, bending, reading, concentrating, thinking, interacting with others and communicating.

There are three ways that a person may qualify as an individual with handicaps under the regulations.

1. A person is considered handicapped under Section 504 if he/she has a physical or mental impairment which substantially limits one or more major life activity.

2. A person is considered handicapped under Section 504 if he/she has a record or history of such an impairment (e.g., a student who had cancer, a student in recovery from substance abuse, has a history of mental or physical impairment that substantially limits one or more major life activity).
3. A person is considered handicapped under Section 504 if he/she is regarded as having such an impairment. A person can be found eligible under this section if he/she

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 a result of the attitudes of others toward such impairment (e.g., a student who has epilepsy and is not allowed to try out for sports or cheerleading)

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 for the HIV virus but has no physical effects from it).

Who is a "qualified" individual with a handicap?

With respect to preschool, elementary, secondary, post secondary, vocational, and adult educational services, a person with handicaps (i) of an age during which other persons are provided such services, (ii) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (iii) to whom a state is required to provide a free appropriate education under Section 612 of the Individuals with disabilities Education act (IDEA) formerly the Education of the Handicapped Act is qualified, see 34 CFR 104.3(k). For school districts, this means all school age handicapped persons, ages 3-21.

(1)With respect to postsecondary and vocational education, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

Parents who have a disabling condition are also protected by Section 504. For example, a district should provide an interpreter or some equivalent service to a parent who is deaf in order to ensure that the parent has an equal opportunity to participate in school initiated activities.

Determining that a student is NOT Section 504 eligible because of the corrective effects of mitigating measures (except for corrective lenses or ordinary eye glasses) is prohibited. The ADAAA08 provides “The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures.”

Mitigating measures include but are not limited to medication and medical supplies. Thus, although a substantial limitation is mitigated, impairment may be a handicap within the meaning of Section 504/ADAAA08 (Americans with Disabilities Act Amendments Act of 2008) if the substantial limitation exists when the student is not using a mitigating measure.

An episodic impairment or impairment in remission may be a disability if it substantially limits a major life activity when active. Examples of episodic impairments include epilepsy, asthma, diabetes, major depression, and cancer.
What is a "program or activity"?

The term includes all programs or activities of the Florida Department of Education and of all school districts receiving federal funds regardless of whether the specific program or activity involved is a direct recipient of federal funds.

What is a "major life activity"?

Major life activities, under Section 504, includes caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating, thinking, interacting with others, communicating, sleeping, eating, lifting, bending, sitting, reaching, and maintaining major bodily functions such as digestive, bowel, bladder or immune system. The disabling condition or handicap need only substantially limit one major life activity in order for the student to be eligible. 34 CFR 104.3 (j)

What discriminatory actions are prohibited?

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance. Additionally, Section 504 requires that services provided to handicapped persons be as effective as those provided to others and prohibits different or separate services except when necessary to provide equally effective benefits. To be equally effective, an aid, benefit, or service need not produce equal results; it merely must afford an equal opportunity to achieve equal results.

The provision of unnecessarily separate or different services is discriminatory. Section 504 also prohibits a recipient of federal funding from supporting another entity or person that subjects participants or employees in the recipients program to discrimination on the basis of handicap and from otherwise limiting a qualified handicapped person in the enjoyment of any aid, benefit or service.

What constitutes discrimination under Section 504?

Discrimination under Section 504 (34 CFR 104.4 (b)) occurs when a recipient of federal funds directly or through contractual or other arrangement:

1. denies a qualified handicapped person the opportunity to participate in or benefit from an aid, benefit, or service which is afforded other students (e.g., district practice of refusing to allow any student with an individual education plan [IEP] the opportunity to be on the honor roll, denial of credit to a student whose absenteeism is related to his/her disabling condition, expelling a student for behavior related to his/her disabling condition, refusing to dispense medication to a student who could not attend school otherwise);

2. fails to afford the a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded others (e.g., applying a policy that conditions interscholastic sports eligibility on student's receiving passing grades in five subjects without regard to the student's disabling condition);
3. Fails to provide aids, benefits, or services to a qualified handicapped person that are as **effective** as those provided to others (e.g., placing a student with a hearing impairment in the front row as opposed to providing an interpreter);

NOTE: "Equally effective" means equivalent, as opposed to identical. Moreover, to be equally effective an aid, benefit, or service need not produce equal results; it must merely afford an equal opportunity to achieve equal results.

4. provides different or separate aids, benefits, or services for qualified handicapped students than are provided to other students (e.g., segregating students in separate classes, schools, or facilities), unless necessary to provide equally effective aids, benefits or services as those provided to others;

5. aids or perpetuates discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap (e.g., sponsoring a student organization that excludes persons with handicaps);

6. limits the enjoyment of any right, privilege, advantage, or opportunity using a service dog at school

7. in determining the site or location of a facility, makes selections which effectively exclude persons with handicaps, denies them benefits, or otherwise subjects them to discrimination (e.g., allowing students with disabilities to be located in inferior facilities, such as trailers, wings in basements, and unnecessarily restrictive classrooms due to a lack of classroom space).

It should be noted that the requirements under Section 504 are essentially the same as those under the Florida Education Equity Act and are consistent with the Americans with Disabilities Act (ADA) and the American with Disabilities Act Amendment Act of 2008 (ADAAA08) although the ADA has a broader coverage.

**IMPORTANT NOTE**: Some Section 504-eligible students may not require a Section 504 Accommodation Plan.
PROCEDURAL SAFEGUARDS, GRIEVANCE PROCEDURES AND HEARING

Parent/guardians must be advised of their rights with respect to Section 504 of the Rehabilitation Act of 1973. They should also receive notice and give consent whenever their child is evaluated, identified, or is involved in a significant change of placement. All decisions made about a student should be based on information acquired from a variety of sources and provided by individuals knowledgeable about the student, the evaluation data, and the placement options. Parent/guardians also have the right to examine all relevant records relating to decisions involving identification, evaluation and placement. Parent/guardians have the right to request mediation, file a local grievance or a due process hearing to resolve issues relating to the identification, evaluation or placement of their child, as well as other 504 issues such as non-academic services, preschool and adult education programs and facilities. These three complaint processes are separate, distinct, and voluntary.

When parent/guardians request review with respect to the decisions of the 504 Committee considering their child for Section 504 eligibility and/or the recommended accommodations, the request should be given in writing to the school principal who will attempt to resolve the issue within ten (10) school days of the receipt of the written grievance. The school principal will consult with a District Student Services Department Administrator to help resolve complaints.

1. DISTRICT COMPLAINT OR GRIEVANCE: Should an attempt to resolve the complaint with the school principal prove unsuccessful, parents or guardians have the right to initiate a District-level grievance process accomplished by filing a complaint with the Student Services Department. The Student Services administrator will conduct an expeditious and adequate investigation. After completion of the investigation, the Student services administrator shall respond and endeavor to resolve complaints without resorting to a formal hearing. A response shall be provided in the form of a written reply to the grievant within 14 working days, or within a longer but reasonable time under the specific extenuating circumstances. Use of this procedure is not a prerequisite to the parent/guardian’s pursuit of other remedies such as filing a complaint with the Office of Civil Rights or an impartial due process hearing.

2. DUE PROCESS HEARING: Parents or guardians also have the right to voluntarily request an impartial due process hearing at any time without seeking mediation or without filing a district level complaint/grievance pursuant to the Florida Administrative Procedure Act (F.S. Chapter 120). To obtain a due process hearing, a written request should be made to the Director of Student Services, the District Section 504 Administrator. Parents or guardians and the school district have the right to examine all relevant educational records of the student, call and examine witnesses, provide testimony, and to be accompanied and advised by legal counsel (at their own expense) in any due process proceeding and any related appeals.

The District will contract with the Division of Administrative Hearings (DOAH) to appoint an Administrative Law Judge (ALJ) as a Due Process Hearing Officer. Upon receipt of a written request for a due process hearing, the Administrative Law Judge will schedule a hearing. The Recommended Order of the Hearing Officer will be communicated to all parties within ten (10) school days of the hearing date.
3. FINAL ADMINISTRATIVE ACTION: Parents or guardians may request a review of the Due Process Hearing Officer’s Recommended Order by the full School Board as final agency action. The School Board cannot reject or modify the findings of fact made in the recommended order of the ALJ unless it determines that the findings are not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. Any party aggrieved by the findings and decision in the hearing may obtain review by bringing a civil action in any State court of competent jurisdiction or in a District Court of the United States as provided by Chapter 120, Florida Statutes and by applicable law.

4. OFFICE OF CIVIL RIGHTS ASSISTANCE: Parent/guardians may at any time also request mediation or involvement by the Office for Civil Rights, the federal agency charged with the enforcement responsibility for Section 504. Efforts should be made to assist parent/guardians to resolve disputes on a local level as a first priority. The Office of Civil Rights may be contacted at:

United States Department of Education
Office for Civil Rights
61 Forsyth Street, SW, Suite 19T70
Atlanta, Georgia 30303
Voice Phone (404)562-7886
FAX (404)562-7881
TDD (404)331-2867

Questions regarding procedural safeguards, grievance procedures or hearing should be directed to the Director/Administrative Coordinator of Student Services at 352-742-6920.
IDEA/504 STUDENTS

Students are qualified under one or more of thirteen (13) IDEA disabling conditions. Specially designed individual education programs are planned for each student by IEP teams.

SECTION 504 STUDENTS ONLY

Due to substantial mental or physical impairments that limit one or more of the student's major life activities, to the student's program are required. A 504 accommodation plan is designed for each student according to individual need. Examples of potential 504 disabling conditions are (cannot use mitigating measures):

- HIV, tuberculosis
- communicable diseases
- medical conditions
- asthma, allergies, diabetes, heart disease
- temporary medical conditions due to illness or accident
- Attention Deficit Disorder (ADD, ADHD)
- drug/alcohol addiction recovery
- other conditions
# IDEA AND SECTION 504
## A COMPARISON

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<th>COMPONENT</th>
<th>IDEA</th>
<th>SECTION 504</th>
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<td>General Purpose</td>
<td>Is a Federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate services for handicapped children.</td>
<td>Is a broad civil rights law which protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.</td>
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<td>Who is Protected?</td>
<td>Identifies all students who fall within one or more specific categories of qualifying conditions.</td>
<td>Identifies all students as handicapped who meet the definition of qualified handicapped person; i.e., (1) has or (2) has had a physical or mental impairment which substantially limits a major life activity, or (3) is regarded as handicapped by others. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself and performing manual tasks. Recently through case law and with the passage of ADAAA08 reading, concentrating, thinking, interacting with others, eating communicating, sleeping, lifting, bending, sitting, reaching, and maintaining major bodily functions such as digestive, bowel, bladder or immune system have been added.</td>
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<td>Responsibility to Provide a Free Appropriate Public Education (FAPE)</td>
<td>Both laws require the provision of free appropriate public education to eligible students.</td>
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Requires a written IEP document with specific content and a required number of specific participants and the IEP meeting

Does not require a written IEP document, but does require a written plan. District documents that a group of persons knowledgeable about the student convened and specified and agreed upon services. The determination of eligibility and possible services needed must be made by a group of persons knowledgeable about the student, the meaning of the evaluation data and placement options.

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<tr>
<th>COMPONENT</th>
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<th>SECTION 504</th>
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<td><strong>IDEA</strong></td>
<td>&quot;Appropriate education&quot; means a program designed to provide &quot;educational benefit&quot;. Related services are provided if required for the student to benefit from specially designed instruction.</td>
<td>&quot;Appropriate&quot; means an education Provided to qualified handicapped students comparable to the education provided to other students, requiring that reasonable accommodations be made.</td>
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<td><strong>Special Education VS. Regular Education</strong></td>
<td>A student is only eligible to receive IDEA services if the multidisciplinary team determines that the student is disabled under one or more of the specific qualifying conditions and requires specially designed instruction to benefit from education.</td>
<td>A student is eligible so long as she/he meets the definition of qualified handicapped person; i.e., (1) has or (2) has had a physical or mental impairment which substantially limits a major life activity, or (3) is regarded as handicapped by others.</td>
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<td><strong>Funding</strong></td>
<td>If a student is eligible under the IDEA, the district receives additional funding.</td>
<td>Additional funds are not provided. Section 504 provides protection from discrimination not special education services.</td>
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<tr>
<td><strong>Accessibility</strong></td>
<td>Requires that modifications must be made if necessary to provide access to a free appropriate education.</td>
<td>Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.</td>
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<td>Procedural Safeguards</td>
<td>Both require notice to the parent or guardian with respect to identification, evaluation, and/or placement.</td>
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<tr>
<td>Identification</td>
<td>Requires written notice.</td>
<td>District procedures require written notice.</td>
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<tr>
<td><strong>COMPONENT</strong></td>
<td><strong>IDEA</strong></td>
<td><strong>SECTION 504</strong></td>
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<td><strong>Evaluations</strong></td>
<td>A full comprehensive evaluation is required, assessing all areas related to the suspected handicap. The student is evaluated by a multidisciplinary team or group.</td>
<td>Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options.</td>
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<td>Requires informed consent before an initial evaluation is conducted.</td>
<td>Does not require consent, only notice.</td>
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<td>Requires reevaluations to be conducted at least every 3 years.</td>
<td>Requires periodic reassessments. Reassessments will be conducted at least every three years.</td>
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<td>A reevaluation is not required before a significant change in placement. However, a review of current evaluation data, including progress monitoring, is strongly recommended.</td>
<td>Reassessment is required before a significant change in placement.</td>
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<td>Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.</td>
<td>No provision for independent evaluations at district expense. District should consider any such evaluations presented.</td>
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When interpreting evaluation data and making placement decisions, both laws require districts to:

a. Draw upon information from a variety of sources.
b. Assure that all information is documented and considered.
c. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the student, the meaning of the evaluation data and placement options.
d. Ensure that the student is educated with other peers to the maximum extent appropriate (least restrictive environment).

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<th>COMPONENT</th>
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<td>Due Process</td>
<td>Both statues require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student.</td>
<td>Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.</td>
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<td>Delineates specific requirements.</td>
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<td>Exhaustion</td>
<td>Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.</td>
<td>Administrative hearing not required prior to OCR involvement or court action compensatory damages possible.</td>
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<tr>
<td>Enforcement</td>
<td>Enforced by the U.S. Office programs. Compliance is monitored by the State Department of Education and the Office of Special Education Programs.</td>
<td>Enforced by the U.S. Office of Special Education Civil Rights.</td>
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<td>State Department of Education resolves complaints.</td>
<td>The State Department of Education has no monitoring, complaint resolution or funding involvement.</td>
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LAKE COUNTY PROCEDURES FOR 504 ELIGIBILITY

When Section 504 eligibility is under consideration by the Problem Solving Team, the following procedures are necessary:

BEFORE THE MEETING:

1. The principal designates a school-based person as a Case Manager. The Case Manager facilitates parent and school communication, oversees the written documentation, schedules 504 meetings, and monitors the Accommodation Plan.

2. The Case Manager schedules an eligibility meeting with parents (Send "Notice to Parents of 504 Conference", MIS 61A009 Parent(s) must also be notified of their "Rights Afforded by Section 504", MIS 61A010.

3. The Case Manager notifies participants of the meeting date and time. A minimum of three (3) educational professionals are required for 504 meetings. Required participants are the Case Manager and teacher. Other participants may include Parent(s) or Guardian(s), guidance counselor(s), administrator(s), school psychologist, school social worker, classroom teacher(s), and other appropriate personnel. Note: In situations where the Team is considering students who exhibit attentional difficulties the school psychologist is a required participant. If a Student Services Permission Form (MIS 61C010) has been obtained for psychologist to observe the student, a copy of the form must be sent to Student Services.

4. Prior to the meeting, participants are responsible for gathering evaluation information.

   Evaluation of the student for whom a 504 Accommodation Plan is to be established should include:
   
   a. Review of standardized achievement test results and the student's cumulative record
   
   b. All data collected during the Problem Solving Team process (e.g., Documentation of Parent Contacts, Work Samples)
   
   c. Other pertinent information related to the student's suspected handicap

   Although it is not necessary for purposes of educational planning, parents may wish to obtain or provide additional diagnostic information from medical personnel.

   It is possible that all necessary evaluative information may not be available at the time of the meeting. In such cases, the necessary missing data should be identified and plans for obtaining it established. The follow-up date for the 504 meeting must then be set.

   It is also possible that the 504 evaluation process may provide information to suggest that a more comprehensive psychoeducational evaluation is necessary. This should not preclude the establishment of a formalized 504 plan. The request
for a psychological evaluation should be decided only in situations where the school psychologist is a meeting participant.

AT THE MEETING:

1. Selected 504 Team members (e.g., administrator, school psychologist, guidance counselor, social worker, teacher, parent) will review the student's records and additional data. **Note: If the parent is not in attendance and has indicated that they would attend, then verbal permission from parent needs to be obtained in order to go forward with the meeting. If permission cannot be obtained then reschedule the meeting. In the event that this would happen for the second scheduled meeting, as long as the parent has been duly notified, then team members may conduct the eligibility meeting in the parent’s absence.**

2. The 504 Team determines if the student meets the classification as a qualified person with a handicap under Section 504 of the Rehabilitation Act of 1973 and ADAAA08. The team's decision is documented on the "Section 504 Eligibility Form", MIS 61A003

3. If a member of the team is not in agreement with the team's decision then the box at the bottom of the eligibility form should be checked. The dissenting member(s) of the team should write a dissenting statement and the case manager should attach the statement to both the school's copy and the district's copy of the 504 eligibility form.

4. If the student is protected under Section 504, the teacher(s), parent(s), and other 504 Team participants collaborate in planning accommodation strategies. These accommodations are documented on the "504 Accommodation Plan" (MIS 61A008). **NOTE: See Guidelines for the completion of "504 Accommodation Plan" (MIS 61A003).**

5. If the student has an ongoing medical condition then the team may need to consider the development of the Student's Specialized Health Care Plan. **NOTE: A district school health educator must be present to develop a Specialized Health Care Plan (MIS 52B043). IMPORTANT NOTE: If a Specialized health Care Plan has been developed there MUST be an accompanying 504 Accommodation Plan.**

6. The Case Manager is responsible for ensuring that the 504 Accommodation Plan has been documented in the student database (AS400) on the 702 Screen. The Case Manager is also responsible for setting timelines for the implementation and monitoring of the accommodation(s). They must also inform the parent of (a) monitoring of the Accommodation Plan, (b) annual 504 Accommodation Plan review, and (c) three year reassessment procedures, as determined at the eligibility meeting.

7. The "504 Eligibility Form" and the "504 Accommodation Plan" must be signed by all meeting participants. Parents receive copies of the "504 Accommodation Plan", and the 504 Eligibility Form. MIS 61A008 and MIS 61A003
AFTER THE MEETING:

1. The Case Manager will be responsible for the monitoring of the 504 plan. The teacher, parent, and school-based personnel will participate directly in implementing the accommodations. Support professionals remain accessible to the teacher/parent and offer additional suggestions as necessary. The Case Manager, when it is appropriate, is also responsible for referrals to outside agencies such as Developmental Services, Vocational Rehabilitation, Division of Blind Services, etc.

NOTE: The Principal will be responsible for compliance with all 504 requirements.

2. The following records are to be placed in the student's 504 record file:
   * Evaluation Information (e.g., medical statement with diagnosis, Teacher Checklists)
   * Notice to Parents of 504 Conference
   * Notice to Parents of Rights Afforded Under Section 504
   * 504 Eligibility Form
   * 504 Accommodation Plan
   * Reassessment documentation
   * 504 Accommodation Plan annual review(s)
   * Section 504 Accommodation Plan Dismissal, if applicable
   * Copy of Student's Specialized Health Care Plan (if applicable-MIS 52B043)
   * 504 Suspension Review Forms

The student's 504 record file will be maintained by the Case Manager. Records must be kept in a secured office according to district procedures.

3. If after monitoring the effectiveness of the accommodations, the Case Manager determines the plan needs to be modified or redesigned, a Section 504 meeting must be scheduled. Follow procedures outlined above in the "Before the Meeting" section.

4. If the accommodations have proven ineffective, the 504 Team may consider referring the student for a psychoeducational evaluation. NOTE: The request for a psychological evaluation should be decided only in situations where the school psychologist is a meeting participant. All interventions, according to the Problem Solving Method using the Response to Intervention process, must be utilized prior to initiating an initial evaluation for a more restrictive program/placement.
GUIDELINES FOR COMPLETION OF SECTION 504 ELIGIBILITY FORM

BASIC, STUDENT INFORMATION
The following information will be completed by the Case Manager

- Name (of Student)
- Date of Meeting
- Student ID #
- Date of Birth
- CA = Chronological Age
- School Teacher = referring teacher will be entered here. In cases where the teacher is not the referral source, the responsible teacher will be designated by the principal
- Grade

MEETING PARTICIPANTS: This section must be signed by all participants. The 504 Eligibility Form will be considered a legal document verifying participation. Note: DO NOT type in the names of the participants.

DESCRIBE THE NATURE OF THE CONCERN: State the problem that the 504 Committee believes is impacting the student's performance in school.

DOCUMENT THE RECORDS REVIEWED: List all of the records which are being considered to determine the student's 504 eligibility. Examples of information that may be reviewed:

- cumulative record
- standardized achievement test results
- classroom and / or behavioral observations
- written documentation of parent contacts
- work samples
- behavior rating scales
- social / developmental history
- medical information / physician's statement
- psychological / psychiatric evaluation

CHECK LIFE ACTIVITY DETERMINED TO BE SUBSTANTIALLY LIMITED BY HANDICAP AS DETERMINED BY STUDENT EVALUATION.
Indicate the major life activity that is substantially limited by checking the appropriate area(s). Remember mitigating measures may not be considered)

IF THE TEAM DETERMINES THIS STUDENT IS A QUALIFIED INDIVIDUAL WITH A HANDICAP PURSUANT TO SECTION 504 and needs a 504 Accommodation Plan check the appropriate statement and develop the Section 504 Accommodation Plan.

IF THE TEAM DETERMINES THIS STUDENT IS ELIGIBLE UNDER SECTION 504 but there is no need for a plan then check the appropriate box that indicates no plan will be developed.

IF THE TEAM DETERMINES THIS STUDENT IS NOT A SECTION 504 QUALIFIED INDIVIDUAL WITH A HANDICAP : check the appropriate box.

All sections must be completed by the Team

NOTE: IF A MEMBER OF THE TEAM IS NOT IN AGREEMENT WITH THE TEAM'S DECISION then the box at the bottom of the eligibility form should be checked. The dissenting member(s) of the team should write a dissenting statement and the case manager should attach the statement to both the school's copy and the district's copy of the 504 eligibility form.
GUIDELINES FOR COMPLETION OF SECTION 504 ACCOMMODATION PLAN

BASIC STUDENT INFORMATION
The following information will be completed by the Case Manager:

✦ Name (of Student)
✦ Date of Meeting
✦ Student ID #
✦ Date of Birth
✦ CA = Chronological Age
✦ School Teacher = referring teacher will be entered here. In cases where the teacher is not the referral source, the responsible teacher will be designated by the principal
✦ Grade
✦ Check whether the completion of this plan is an Initial, Annual Update or the 3 Year Reassessment. (It is possible for both the Annual Update and the 3 Year Reassessment to be checked)

MEETING PARTICIPANTS: This section must be signed by all participants. The 504 Eligibility Form will be considered a legal document verifying participation. Note: DO NOT type in the names of the participants.

ACCOMMODATIONS: The Team identifies which accommodations will be made. The Accommodations are broken into five sections that can effect a student’s progress in the school setting; Performance, Testing, Behavior, Attendance, Planning. The questions are written so as to guide the 504 Accommodation Plan team in selecting appropriate and specific accommodations that will assist the student. The more specific the accommodations the less chance for confusion.

BEHAVIOR PLAN: Two questions are posed under the Behavior Section. If the answer to either of these questions is yes then the team must complete the Student Services Behavior Plan (MIS 61A016) and attach the Behavior Plan to the Accommodation Plan. NOTE: In rare circumstances, special transportation may be needed. Special transportation should only be requested, when regular transportation has met with failure. If special transportation is required, complete the special transportation form and submit to transportation. If questions arise concerning transportation issues, please consult with Student Services administrative staff.

COMMENTS: This section may include any additional information regarding the student. Be sure to document Team decisions, which are not listed elsewhere on the 504 Accommodation Plan. Note: Document that a Student's Specialized Health Care Plan is in effect in this section and other pertinent information.

MEDICAL INFORMATION: Complete this section as appropriate.

REVIEW DATE: Enter the date of the next planned meeting. This date must be no more than one year from the date of the current meeting, but may occur more frequently.

REASSESSMENT DATE: Enter the date of the reassessment. This date must be no more than three (3) years from the date of the initial meeting, but may occur on a more frequent basis.

CASE MANAGER'S SIGNATURE: (This form must be signed and dated. It is the Case Manager's responsibility to seek the parent/guardian's signature denoting attendance at the meeting, receipt of the 504 Accommodation Plan, and Parent Rights Under Section 504. If the parent/guardian is not in attendance at the meeting, it is the Case Manager's responsibility to send the parent/guardian the parent copy of the 504 Accommodation Plan and a copy of the "Notice to Parent Rights Afforded by Section 504 of the Rehabilitation Act of 1973". Distribute other copies of the Plan as listed at the bottom of the form.
PROCEDURES FOR REVIEW OF 504 ACCOMMODATION PLAN

1. The Case Manager will be responsible for scheduling a review of the student's 504 Accommodation Plan. Reviews must occur at least once per year from the 504 plan date but may occur more frequently if needed. **Note:** This may include a review of the Student's Specialized Health Plan MIS 52B043.

2. The Case Manager will schedule a Team meeting with parent(s) to review the 504 Plan. Parents must be sent "Notice to Parents of 504 Conference" MIS 61A009 and check the box indicating that "Notice of Parents of Rights Afforded Under Section 504" (MIS 61A010) were attached to the Notice to Parents of 504 Conference.

3. The Case Manager will notify other 504 Team participants of the meeting date and time.

4. The 504 team participants must review the current "504 Accommodation Plan", MIS 61A008.

5. A new 504 Accommodation Plan is developed. The Case Manager is responsible for distributing copies of the 504 Accommodation Plan (e.g., parent copy, school copy, teacher copy and copy to Student Services) and updating the AS400 database.

**Transferring 504 Student**

A transferring 504 student is one who has been previously identified as handicapped under Section 504 by any school district.

Procedures for transferring students are similar to the steps taken for the review of 504 Accommodation Plan. Follow steps 1-4. The out of district Accommodation Plan will be rewritten within a reasonable time on the Lake County Accommodation Plan. The Case Manager is responsible for distributing copies of the 504 Accommodation Plan (e.g. parent copy, teacher copy, school copy, and copy to Student Services)
PROCEDURES FOR 504 REASSESSMENT

1. The Case Manager will be responsible for monitoring reassessment dates for all students protected under Section 504. Students will be reassessed and/or data reviewed every three years or more frequently from the initial eligibility date. The team which includes the parent will determine what records will be reviewed/obtained for reassessment. This review may include records such as; standardized testing, attendance, work samples, student's academic performance, classroom observations, updated information from parent, information from medical personnel or development/review of Specialized Health Care Plan MIS 52B043. Notify the parent of the Reassessment meeting using the “Notice to Parents of 504 Conference” (MIS 61A009) form and check Review Three Year Reassessment Data. Also check the box indicating that “Notice to Parents of Rights Afforded Under Section 504” (MIS 61A010) were attached to the notice— Notice to Parents of Rights Afforded to Section 504 (MIS 61A010).

Note: The team may decide that no formal assessment is required. At the minimum the Team must review school/educational records and the 504 Accommodation Plan and must complete the Section 504 eligibility form. At the top of the eligibility form check box indicating that this is the Three Year Reassessment. At the Reassessment Meeting the parent or school personnel may request evaluation data such as new ADHD Rating Scales. If at the Reassessment Meeting additional data is requested or needed, then this information should be gathered and the Reassessment Meeting should be rescheduled after that data is collected. The parent would again receive the “Notice to Parents of 504 Conference” (MIS 61A009) and check the box indicating that “Notice of Parents of Rights Afforded Under Section 504” (MIS 61A010) were attached to the notice “ Notice to Parents of Rights Afforded to Section 504” (MIS61A010)

2. The Case Manager is responsible for distributing copies of the 504 Accommodation Plan (e.g., parent copy, school copy, teacher copy and copy to Student Services).
PROCEDURES FOR DISMISSAL/DISCONTINUATION OF SECTION 504 ACCOMMODATION PLAN

1. The 504 Accommodation Plan may not be needed for different reasons. A student’s handicap may have ended and therefore, the student is no longer eligible for Section 504 (Dismissal). A student may have been evaluated and is being considered and subsequently made eligible for Exceptional Student Education services (Discontinuation). There may be a situation where the student is eligible for Section 504 in the 3 year reassessment but does not need a plan. Eligibility would continue but no plan would be developed.

<table>
<thead>
<tr>
<th>504 Dismissal</th>
<th>504 Discontinuation/ESE Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IF</strong> a student is being considered for dismissal for Section 504, that is the student no longer has the handicap then a dismissal meeting should be scheduled with the &quot;Notice of 504 Conference&quot; (MIS 52A008) and &quot;Parents Rights Afforded Under Section 504&quot; (MIS 61A010) sent to the parent(s) <strong>PRIOR</strong> to the meeting.</td>
<td><strong>IF</strong> the student is being considered for an ESE program, then notify the parent of the meeting using the ESE form Meeting Notification and Invitation (MIS 52A008).</td>
</tr>
<tr>
<td>On the Notice to Parents of 504 Conference, check the box-Discuss possible dismissal of the Section 504 Accommodation Plan.</td>
<td>If the student is eligible for an ESE program then follow ESE procedures for the development of the IEP.</td>
</tr>
<tr>
<td>Reasons for dismissal should be discussed with agreement being reached by a majority of the Team members. Appropriate signatures must be obtained on the &quot;Dismissal of 504 Accommodation Plan&quot;, MIS 61A007</td>
<td>On the Staffing and/or Committee Report under comments write---Discontinue 504 Accommodation Plan because Students With Disabilities are protected under Section 504.</td>
</tr>
<tr>
<td>The Case Manager is responsible for distributing copies of the &quot;Dismissal of 504 Accommodation Plan&quot; (e.g., parent copy, school copy, teacher copy and copy to Student Services) <strong>AND</strong>. Ensuring the all information is entered into the AS400 database. <strong>AND</strong> All records must be filed in student's 504 folder.</td>
<td>Put a copy of the Staffing and/or IEP Committee Report in the 504 file and send a copy to Student Services for their records. Put date of eligibility for ESE as the date removing from Section 504 on the AS 400 database.</td>
</tr>
</tbody>
</table>
INFORMATION REGARDING SUSPENSION/EXPULSION OF 504 STUDENTS

Although Section 504 does not contain information which specifically addresses disciplining a 504 handicapped student, it does establish basic regulations to follow when disciplining a student who is protected by Section 504. Those regulations have been clarified through communication from the Office of Civil Rights.

All 504 students are entitled to notice of charges and the opportunity to tell their side when suspended.

Students with disabilities identified as Section 504 students may be suspended for a total of ten (10) days in a calendar school year. A Section 504 Discipline Review meeting must be held each time a 504 student has been suspended from school or transportation for the second time and for subsequent suspensions. A Section 504 Discipline Review meeting is also required for a first suspension if the first suspension is for ten (10) days. Required personnel include: 504 School Coordinator, school administrator, and another professional who is knowledgeable about the student’s 504 handicap. Others which may be included are: the case manager, guidance counselor, school psychologist, school social worker, teachers, district health educator (if health issues were part of the eligibility) and others as appropriate. Proper notification of parents/guardians is required.

NOTE: Reassessment is required before a change in placement.

Expulsion/suspensions of more than 10 cumulative days are changes of placement which requires a team of people knowledgeable about the student and their 504 disability (Problem Solving Team, counselor, teacher, social worker, psychologist and an administrator) to convene and decide if the student's misbehavior is a manifestation of the student's 504 handicap.

A 504 student, violating the drug/alcohol policy of the Code of Student Conduct, will follow the same disciplinary procedures as other students, as long as the district can demonstrate that the student is currently abusing such substances. In these cases a manifestation determination is not required.

In-school discipline, for Section 504 students, must not result in: 1) punishing the student for behavior that is a manifestation of their 504 handicap OR 2) discipline different for the 504 student than that applied to other students for the same offense.

Every effort should be made to clarify any eligibility for protection under Section 504 before being recommended for expulsion. Students with patterns of misbehavior should be brought before the Problem Solving Team for appropriate interventions that are documented on the 504 Suspension Review Form.
Suspension
Suspension of a 504 handicapped student may constitute a change in educational placement. Whenever a 504 student's cumulative suspensions approach a total of ten days or after a second suspension and all subsequent suspensions, the administrator is responsible for convening the 504 Suspension Review Committee and completing the 504 Suspension Review Form.

1. The Section 504 Suspension Review Committee for that student's school will meet. The Case Manager for the Accommodation Plan will coordinate a school based meeting. The principal or his/her designee shall be responsible for notifying the parent and appropriate school personnel. Required personnel include: 504 School Coordinator, school administrator, and another professional who is knowledgeable about the student's 504 handicap. Others which may be included are: the case manager, guidance counselor, school psychologist, social worker, teachers, and others as appropriate. The student may also be included when appropriate. Information to be reviewed includes the cumulative record, Accommodation Plan, all 504 records, and discipline records.

2. At the meeting the committee shall review the student's 504 Accommodation Plan and shall determine if the misconduct is a manifestation of the student's Section 504 handicap. This information will be taken into consideration when reviewing all evidence and making recommendations. The committee shall also determine if the current plan is adequate and appropriate. In cases of serious breach of conduct involving the health, safety and welfare of students and School Board employees, an alternative placement (Reassessment must occur before a change in placement) may be imposed. If the committee determines that a more extensive evaluation is needed, then follow procedures in 504/ESE Manuals regarding evaluation. NOTE: If further evaluation is being considered, then the school psychologist must be present.

3. When determining whether the student’s misconduct is a manifestation of the student’s handicap, the Section 504 Suspension Review Committee shall examine all relevant information available as referenced in Paragraphs 1 and 2. Students protected under Section 504 may be suspended for a maximum of 10 days unless there are extenuating circumstances or unless there is clear evidence that there is no direct and substantial relationship between misconduct and the student’s handicap as determined by the Suspension Review Committee. If the student's misconduct is not related to the student's 504 handicap as determined by the Section 504 Review Committee, then the student will be treated according to the Code of Student Conduct and may be suspended. The decision of the Section 504 Suspension Review Committee shall be recorded on the Section 504 Suspension Review Committee Form. This information will be used in determining the adequacy of the current accommodations/services. The student's Accommodation Plan may be revised to reflect a modification in the current service.

4. If the student's misconduct is related to the student's 504 handicap as determined by the Section 504 Suspension Review Committee, disciplinary action may be modified. The decision of the Section 504 Suspension Review Committee shall be recorded on the Section 504 Suspension Review Form. This information will be used in determining the adequacy of the current accommodations/services. The student's Accommodation Plan may be revised to reflect an accommodation in the current services.
DISTRICT DISCIPLINARY PROCEDURES
FOR STUDENTS QUALIFIED UNDER SECTION 504

Expulsion
Expulsion of a qualified 504 student constitutes a change in educational placement. For this reason the following procedures must be followed:

1. The principal shall contact the District 504 Coordinator of intent to recommend expulsion for a qualified 504 student.

2. An information packet will be prepared by school personnel that includes all pertinent data relative to the student's academic performance, discipline record and a summarization of offense(s). This packet will consist of:
   a. summary of offense
   b. present and past year discipline records
   c. record of grades (for past two years)
   d. achievement tests (SAT9)
   e. evaluative information
   f. suspension letter to parent from principal
   g. other relevant information as required

3. The Section 504 Suspension Review Committee for that student's school will meet. The Case Manager for the Accommodation Plan will coordinate a school based meeting. The principal or his designee shall be responsible for notifying the parent and appropriate school personnel. Required personnel include: 504 School Coordinator, school administrator and another professional who is knowledgeable about the student's 504 handicap. Others which may be included are: the case manager, guidance counselor, school psychologist, social worker, teachers, and others as appropriate. The student may also be included when appropriate. Information to be reviewed includes the cumulative record, Accommodation Plan, all 504 records and discipline record.

4. At the meeting the committee shall review the student's 504 Accommodation Plan and shall determine if the misconduct is a manifestation of the student's Section 504 handicap. This information will be taken into consideration when reviewing all evidence and making recommendations. The committee shall also determine if the current plan is adequate and appropriate. In cases of serious breach of conduct involving the health, safety and welfare of students and School Board employees, an alternative placement may be imposed. If the committee determines that a more extensive evaluation is needed, then follow procedures in 504/ESE Manuals regarding evaluation and required documented interventions using the Response to Intervention process.

NOTE: Before a change in placement, reassessment must occur, thus, the school psychologist must be present.

5. If the student's misconduct is not related to the student's 504 handicap as determined by the Section 504 Suspension Review Committee, then the student will be treated according to the Code of Student Conduct and may be expelled.
6. If the student's misconduct is related to the student's 504 handicap as determined by the Section 504 Suspension Review Committee, then the expulsion will not result. The decision of the Section 504 Suspension Review Committee shall be recorded on the Section 504 Suspension Review Form. This information will be used in determining the adequacy of the current accommodations/services. The student's Accommodation Plan may be revised to reflect an accommodation in the current service or an alternative placement.

Assessment Procedures

Before eligibility determination can be made for any handicap, assessments must be completed or reviewed by qualified school personnel. Substantial limitation in one of life's major activities must be documented to determine eligibility and possible development of an actual 504 Accommodation Plan. Thus, additional information may be needed. Information obtained from parents must be considered when making a determination for 504 eligibility.

- The assigned district School Health Educator, RN needs to be involved in disabilities where medical conditions are reported. They can assist school personnel in obtaining and analyzing the data to help assess impact. If the student has an on-going medical condition then the team may need to consider the development of a Specialized Health Care Plan. Note: If a Specialized Health Care Plan is needed the district School Health Educator must participate and an accompanying Section 504 Accommodation Plan must be developed.

- Diagnoses such as anxiety, depression, or bipolar disorder must have accompanying assessment documentation. If outside records are available these can be reviewed. If records are inadequate or there are no records then some additional assessment/review is required. The assigned school psychologist will assist in determining what needs to be completed. Social Workers and district School Health Educators are also available to help gather data and complete any necessary assessments.

- When ADHD is suspected, procedures must be followed that include information from the parent, teacher, and observations. When warranted, additional information can be obtained. (Please follow guidelines listed below)
Attention Deficit Hyperactivity Disorder

Attention Deficit Hyperactivity Disorder is one of the most studied childhood disorders in recent years. The changes in recognized symptoms and characteristics have evolved slowly over the past several decades. Recent findings are helping to pinpoint additional characteristics that can interfere with a student’s school achievement as well as their functioning within their daily lives.

ADHD is currently getting redefined to include a range of “executive functions.” Russell Barkley explains the dysfunction stems from an inability to inhibit behavior so that demands for the future can be met. In other words, people with ADHD are so drawn to the present that the future does not even “show up on their radar screen.” There is no future or past; only “NOW.” (pediatricneurology.com, 2005) (Barkley, 2000)

CHARACTERISTICS OF ADHD

1. **Poor sustained attention:** Individuals may have a difficult time keeping their minds on any one task and may get bored after only a few moments. If the student is doing something that they enjoy, they have no trouble paying attention. But focusing deliberate conscious attention to organizing and completing a task or learning something new is difficult.

2. **Impaired impulse control** Impulse Control refers to the person’s inability to regulate emotions and behavior. They act without giving sufficient thought to the consequences of their behaviors. As Dennis the Menace described himself, “By the time I think about doing something, I’ve already done it.” (Parker, 1992) Frequently this is described as the individual who never thinks before they act. It is not a matter of not knowing what to do, but the internal controls to wait, pause or review before acting are impaired. The individual may act out of order, such as ‘ready, fire, aim.’ (Reiff, Tippins, 2004)

3. **Excessive task-irrelevant activity or activity poorly regulated to demands of situation.** Individuals with ADHD are typically noted to be excessively fidgety or restless. They display excessive movement not required to complete a task, such as wriggling feet and legs, tapping things, rocking, or shifting position. (Barkley, 1994)

4. **Deficient rule-following and Social Difficulties.** ADHD individuals frequently have difficulty following through on instructions or assignments, particularly without supervision. It seems as if instructions do not regulate behavior as well in ADHD individuals as compared to their non-ADHD peers. (Barkley, Murphy, 1998) ADHD related symptoms lead to social performance difficulties, (doing what they know is appropriate) rather than social skills deficits (not knowing what to do) per se. (DuPaul, Stoner, 1994)
5. **Greater than normal variability in work performance.** Much research has accumulated to suggest that ADHD individuals show considerably greater variation in the quality, accuracy, and speed with which they perform assigned work. They fail to maintain a relatively even pattern of productivity and accuracy in their work from moment to moment and day to day. This variability is frequently puzzling to others as it is clear that at times a person with ADHD can complete his or her work quickly and correctly whereas other times their tasks are performed poorly or inaccurately. (Barkley & Murphy, 1998)

**EXECUTIVE FUNCTIONS**
People have the ability to modulate their behavior. No single part of the human brain is solely responsible for this modulation; however, it does appear that the frontal and pre-frontal lobes function largely as the operations system orchestrating language and memory functions. These frontal centers consider where we came from, where we want to go and how we control ourselves in order to get there. (pediatricneurolgoy.com, 2004) According to Barkley, a new theory proposes that the normal development of self-regulation and executive functions related to it are being impaired because the ADHD individual has difficulty with behavioral inhibition. Inhibition is essential to effective execution of self-regulation. The ability to inhibit (putting on the brakes) is central to effective executive function. This ability allows a person the luxury of time during which they can consider their options before reacting. (Barkley, 2000), (pediatricneurology.com, 2004) Examples of executive functions are:

1. Self-Talk refers to the ability to talk to oneself; a way to work through the choices using words in our head. ADHD patients may not have inhibited their reactions long enough for this skill to be fully utilized.
2. Working Memory refers to those ideas that we can keep active in our minds at any given moment. According to Barkley, Working memory is “Remembering so as to do later”.
3. Foresight (predicting and planning for the future). Persons with ADHD cannot keep the future in mind. They are continually working in the present. Most people foresee events and begin planning with anticipatory actions. Persons with ADHD do their planning or anticipatory actions much closer to the event or not at all. Their sense of time is usually poorly developed.

**ADULT OUTCOME**
Attention deficit hyperactivity disorder is a highly publicized childhood disorder that affects approximately 3 percent to 5 percent of all children. What is much less well known is the probability that, of children who have ADHD, many will still have it as adults. Several studies done in recent years estimate that between 30 percent and 70 percent of children with ADHD continue to exhibit symptoms in their adult years. (NIMH 2005)

Typically, adults with ADHD are unaware that they have this disorder—they often just feel that it's impossible to get organized, to stick to a job, to keep an appointment. The everyday tasks of getting up, getting dressed and ready for the day's work, getting to work on time, and being productive on the job can be major challenges for the ADHD adult. (NIMH, 2005)

According to the research project ADHD is stated to occur in anywhere from 2 to 7% of the population. The disorder is seen more frequently in males than in females with ratios ranging from 4:4 to 9:1 depending on the setting. (DSM-IV, 1994)
COMORBIDITY PATTERNS AND ADHD
(The existence of two or more distinct disorders in the same child)
Comorbidity issues significantly influence correct diagnosis, prognosis and development of interventions. (Baxter, 2004). For example children with different comorbidity patterns respond differently to specific treatments and consequently can present with varying outcomes. (Achenbach, 1990/91; Pliszka, 1992) Thus, the presence of one condition may result in complications of the other.

The comorbidity of attention deficit disorder with a number of other disorders has been well documented. Children diagnosed with ADHD with hyperactivity have an increased risk of oppositional and conduct disorders. Research has also shown that children with ADHD without hyperactivity appear with more symptoms of anxiety, depression, and withdrawal. Barkley (1998) reports that children already diagnosed with ADHD, 10-40% also have a diagnosis of anxiety disorders, 9-32% also have a diagnosis of major depressions, 6-10% have a concurrent diagnosis of bipolar disorder and 24-35% of adolescents have a diagnosis of somatization disorder. According to the National Institute of Mental Health approximately 20 to 30% of ADHD children will also have a learning disability, 20 to 40 % may eventually develop conduct disorder, a more serious pattern of antisocial behavior and as many as 33 to 50% will develop a condition know as oppositional defiant disorder.

ETIOLOGIES
Currently the exact causes of ADHD are unknown, although intensive research is continually adding to our knowledge base concerning this disorder. Most substantiated causes appear to fall in the realm of neurobiology and genetics. This is not to say that environmental factors may not influence the severity of the disorder, and especially the degree of impairment and suffering the child may experience. However, such factors do not seem to give rise to the condition by themselves. (NIMH 2005)
In has been suggested that attention disorders are caused by refined sugar or food additives. A recent study on the effect of sugar on children, using sugar one day and a sugar substitute on alternate dates, without parents, staff, or children knowing which substance was being used, showed no significant effect of the sugar on behavior or learning. (NIMH 2005)

TREATMENT
The treatment of ADHD requires a comprehensive behavioral, psychological, educational, and sometimes medical evaluation followed by education of the individuals or their caregivers as to the nature of the disorder and methods proven to assist with its management. Treatment is likely to be multidisciplinary, requiring the assistance of the mental health, educational, and medical professions at various points in its course. Treatment must be provided periodically over long time intervals in assisting ADHD individuals to cope with their behavioral disability. (Barkley, 1997)
REFERENCES


Barkley, R. (1990) Attention Deficit Hyperactivity Disorder A Handbook for Diagnosis and Treatment


National Institute of Mental Health (2005) Attention Deficit Hyperactivity Disorder National Institute of Health Publication No. 3572


The current Diagnostic and Statistical Manual (DSM-IV) of the American Psychiatric Association (1994) has identified the following group of symptoms as constituting Attention-deficit Hyperactivity Disorder or ADHD.

**Diagnostic criteria for Attention-Deficit/Hyperactivity Disorder**

A. Either (1) or (2):
   (1) six (or more) of the following symptoms of attention have persisted for at least 6 months to a degree that is maladaptive and inconsistent with developmental level:
   
   **Inattention**
   (a) often fails to give close attention to details or makes careless mistakes in schoolwork, work, or other activities
   (b) often has difficulty sustaining attention in tasks or play activities
   (c) often does not seem to listen when spoken to directly
   (d) often does not follow through on instructions and fails to finish schoolwork, chores, or duties in the workplace (not due to oppositional behavior or failure to understand instructions)
   (e) often has difficulty organizing tasks and activities
   (f) often avoids, dislikes, or is reluctant to engage in tasks that require sustained mental effort (such as schoolwork or homework)
   (g) often loses things necessary for tasks or activities (e.g., toys, school assignments, pencils, books, or tools)
   (h) is often easily distracted by extraneous stimuli
   (i) is often forgetful in daily activities

   (2) Six (or more) of the following symptoms of hyperactivity-impulsivity have persisted for at least 6 months to a degree that is maladaptive and inconsistent with developmental level.

   **Hyperactivity**
   (a) often fidgets with hands or feet or squirms in seat
   (b) often leaves seat in classroom or in other situations in which remaining seated is expected
   (c) often runs about or climbs excessively in situations in which it is inappropriate (in adolescents or adults, may be limited to subjective feelings of restlessness)
   (d) often has difficulty playing or engaging in leisure activities
   (e) is often "on the go" or often acts as if "driven by a motor"
   (f) often talks excessively
Diagnostic criteria for Attention-Deficit/Hyperactivity Disorder-continued

Impulsivity
(g) often blurs out answers before questions have been completed
(h) often has difficulty awaiting turn
(i) often interrupts or intrudes on others (e.g., butts into conversations or games)

B. Some hyperactive-impulsive or inattentive symptoms that caused impairment were present before age 7 years.

C. Some impairment from the symptoms is present in two or more settings (e.g., at school [or work] and at home.)

D. There must be clear evidence of clinically significant impairment in social, academic, or occupational functioning.

E. The symptoms do not occur exclusively during the course of a Pervasive Developmental Disorder, Schizophrenia, or other Psychotic Disorder and are not better accounted for by another mental disorder (e.g., Mood Disorder, Anxiety Disorder, Dissociative Disorder, or a Personality Disorder).

Code based on type:
314.01 Attention-Deficit/Hyperactivity Disorder, Combined Type: if both Criteria A1 and A2 are met for the past 6 months.
314.00 Attention-Deficit/Hyperactivity Disorder, Predominantly Inattentive Type: if Criterion A1 is met but Criterion A2 is not met for the past 6 months.
314.01 Attention-Deficit/Hyperactivity Disorder, Predominantly Hyperactive-Impulsive Type: if Criterion A2 is met but Criterion A1 is not met for the past 6 months.

Coding note: For individuals (especially adolescents and adults) who currently have symptoms that no longer meet full criteria, "in Partial Remission" should be specified.
PROCEDURES FOR STUDENTS WHO EXHIBIT ATTENTIONAL PROBLEMS

Students who exhibit attentional problems should be brought to the attention of the Problem Solving Team. Data pertaining to their behaviors will be collected in accordance with district Response to Intervention procedures. Information will be forwarded to the committee that determines Section 504 eligibility. If the student is eligible for protection under Section 504, then, if needed, the 504 Team will develop an Accommodation Plan which addresses the student’s needs. NOTE: It is not the responsibility of the 504 Eligibility Committee to diagnose Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD). The committee will ONLY address the needs that relate to the attentional difficulties.

When the teacher observes problems associated with attentional difficulties the following procedure will be implemented:

1. Teacher follows regular Problem Solving Team procedures. A parent conference is held and work samples/grades are gathered.

2. The Problem Solving Team using Response to Intervention develops interventions and sets a review date.

3. If improvements are observed, then interventions are amended and a new review date is set. After targeted and specific interventions have been attempted, if a substantial problem still persists, the following information is gathered. Permission for assessment must be obtained using the Student Services Permission Form (MIS 61C010)

   a. The BRIEF (ages 5-18), the DuPaul Rating Scales (Ages 5-18), the Attention Deficit Disorders Evaluation Scale (Ages 4-20), or any standardized rating scale for attentional problems may be used. When possible obtain two teacher rating scales.

   b. Observation completed by either the guidance counselor or school psychologist. Best practice: school psychologist. If a Student Services Permission Form (MIS 61C010) has been obtained for psychologist to observe the student, a copy of the form with a Request for Services form must be sent to Student Services.

   c. Parent interview (Social History) completed by either the school social worker or school psychologist. Parent interview will include a standardized home rating scale for attentional problems.

   d. Student's cumulative records.

   e. Outside information may be included in the packet that is to be sent to the Section 504 Eligibility committee. This could include, but is not limited to, medical information, physician's statement, private psychological or psychiatric evaluation. This information is not required but, when available, will be considered as part of the eligibility determination.

4. The information is given to the 504 eligibility Case Manager. See section of this manual "Procedures for determining 504 Eligibility".
ASSESSMENT INSTRUMENTS FOR STUDENTS WHO EXHIBIT ATTENTIONAL PROBLEMS

The following forms will be used in the assessment of students, who may have problems in the areas of attention when deemed necessary by the Problem Solving Team.

1. A Social History is to be completed with the parent/guardian by either the School Social Worker or the School Psychologist.

2. The DuPaul ADHD Rating Scale (Ages 5 -18) completed by the parent/guardian and two teachers or other school based instructional personnel who are familiar with the student's behavior.

3. The Attention Deficit Disorders Evaluation Scale (Ages 4-20) completed by the parent/guardian and two teachers or other school based instructional personnel who are familiar with the student's behavior.

4. The BRIEF (Ages 5-18) completed by the student and/or the parent/guardian.

5. Any standardized rating scale which addresses attentional problems

6. Completion of a structured Observation by the school psychologist or the school counselor.