

INDIAN HILL EXEMPTED VILLAGE SCHOOL DISTRICT

Section 504 (Subpart D) The Rehabilitation Act Introduction and Procedures

A 504 plan for students in the public schools has its origins in the Federal Rehabilitation Act of 1973. From its inception until the Rehabilitation Act Amendments of 1984 (Public Law 98-221), the main thrust had been in the area of employment for individuals with disabilities. In the years since 1984, the Office for Civil Rights, charged with the enforcement of Section 504, has become proactive in the field of education of disabled individuals. The Indian Hill 504 Plan process focuses upon the instruction issues of Section 504 (Subpart D), and not upon employment practices.

All individuals who are disabled under the Individuals with Disabilities Education Act (IDEA) are also considered to be disabled and, therefore, protected under Section 504. However, all individuals who are considered disabled under Section 504 are not necessarily considered disabled under IDEA.

In order for a student to qualify for a 504 plan, three conditions must be met:

1. The student must have a mental or physical impairment as identified in the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders, or other appropriate source.
2. The student's mental or physical impairment must limit a major life activity such as caring for one's self, speaking, performing manual tasks, or learning, etc.
3. The student's mental or physical impairment must substantially, not mildly or moderately, limit the identified major life activity. The Supreme Court recently clarified that this determination is with, not without, mitigating measures such as medication.

It is important to note that a diagnosis of ADHD does not automatically substantially limit a student's ability to learn or perform other major life activities. Medication may eliminate some attention disorder symptoms that would otherwise interfere with learning or other major life activity. Therefore, not every ADHD diagnosed student would qualify for a 504 plan.

The evaluation data used to determine a child's eligibility for a 504 plan will include a review of the child's grades, standardized test results, work samples, and staff input regarding the child's performance relative to the average student; of the same age, in the general population.

A District eligibility team comprised of staff members who are knowledgeable about the particular child, are familiar with the meaning of the evaluation data collected, and are knowledgeable regarding accommodations and placement options, will determine whether or not a child meets the criteria for a 504 plan. Parental participation is encouraged. If the student is determined to be disabled and meets the other eligibility criteria under section 504, District personnel will develop and

implement a plan for accommodations within the regular classroom environment. It is important to recognize that for a 504 plan, accommodations are usually made for the regular classroom environment. This is not a special education or pull-out program. If special education is necessary to provide a free and appropriate public education, it will be provided under either Section 504 or the Individuals with Disabilities in Education Act.

Parents will be notified of the eligibility team's decision and have the right to procedural safeguards, including but not limited to appeal to the Director of Pupil Services.

Case Management

Case managers are an important part of meeting the needs of disabled students. Under Section 504 the ultimate responsibility for implementation of the 504 plan rests with the building administrator. For practical purposes, other staff members may be assigned as case managers for a disabled student on a 504 plan.

Case managers assure that the District procedures are followed for every disabled student on a 504 plan. For students disabled by a communicable disease or temporary medical conditions, the case manager is the District nurse. For students with a diagnosis of ADHD, behavioral difficulties, and other conditions, the case manager is the building administrator or his/her designee.