

## Can My Child Be Disciplined?

Under Section 504, children are expected to follow the district's code of conduct. However, when disciplining a child, the school must consider the relationship between the disability and misbehavior if the child is going to be removed from his/her regular classroom setting for longer than 10 days (suspended). This does not mean that a child cannot serve a 3-day suspension or an in-school suspension for misbehaving. However, there are strict guidelines that the administrator must follow when addressing discipline issues for a student with a Section 504 Plan. When children under these plans who are also exhibiting behavioral issues, the team should reconvene and consider implementing a behavior intervention plans to support the child.

## How Often Is My Child Re-evaluated?

The Section 504 Plan should be re-evaluated every time there is a "significant change in placement" such as a change from elementary school to middle school. However, it is also recommended that it be revised at least annually as what one group of teachers believed was appropriate, another may not. Additionally, the goal of every plan should be to move the student toward independence so some the student may outgrow the need for some accommodations from one year to the next.

## What Are My Rights?

As the parent, you should receive notice regarding the identification and evaluation of your child. You have the right to examine relevant records pertaining to your child. You may request an impartial hearing with respect to the district's actions regarding the identification, evaluation and placement of your child. You may file a complain with the District's Section 504 Coordinator who will investigate your concerns. However, you may also choose to file your complaint directly with the Office of Civil Rights. (800) 421-3481 or by Email: ocr@ed.gov

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## Adelanto Elementary School District

### Academic Services

# Section 504 Plan



## Is a Section 504 Plan Right for Your Student?

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## What is Section 504?

Section 504 is an anti-discrimination statute that prohibits discrimination based on a disability. It requires the needs of a student be met as adequately as those of the non-disabled peer(s).

## Who does it cover?

Any individual with a disability is covered. A disability is defined as a mental or physical impairment that substantially limits one or more major life activities. The individual may also have a record of such impairment or be regarded as having such an impairment and they may also qualify.

## What is an impairment?

An impairment is an illness or disability that “substantially” reduces or lessens the student’s ability to access learning in the educational setting because of the behavior or health related condition.

The condition may not be readily apparent to others such as diabetes or epilepsy but if it hinders the child’s ability to receive an appropriate education, they may be considered to have an impairment under Section 504.

## What is a major life activity?

Major life activities include, but are not limited to self care, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others, and feeding. This list may also include those students with ADHD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, digestive disorders, Tourette’s syndrome, depression, conduct disorder, and temporary disabilities such as a broken arm or leg.

Conditions that are episodic or in remission are also covered if they create a substantial limitation in one or more major life activities while the disease is active, such as cancer prior to treatment.

## Who can refer a child?

A parent, may make a request to have their child evaluated for eligibility under Section 504. A team must convene within 30 days to review the evidence and determine if the child qualifies. A school may also make a referral. If a parent requests an evaluation for eligibility and the school district refuses, the district must provide the parent with a copy of their procedural safe guards under Section 504.

## Who decides eligibility?

The decision to make a student eligible for a Section 504 Plan must be made by a group of people who are knowledgeable about the child, that know the meaning of the evaluation data, and who know the placement options, such as the least restrictive environment requirements and the comparable programs that the student’s peers are placed in. The parent, also part of the team, should be asked to provide information that would be helpful to the committee in making their determination.

## What is used to decide?

A team is required to use multiple measures before making a child eligible. They can look at a child’s grades over the past several years, behavior data, anecdotal teacher reports, observations, discipline records, health records, a doctor’s report, state assessment scores, and/or information from parents or other agencies. A single source alone, such as a doctor’s report, is not sufficient to qualify a student for a Section 504 plan.

## Can my child have a 504 without my knowledge?

Parents must be given notice before their child is evaluated and placed under Section 504. Parents must be given a copy of the Section 504 Plan. If you do not agree, the school may still move forward with appropriate accommodations for the student. However, it is always best to work together for the best interest of the student.

## What type of accommodation?

Accommodations are determined based on the child’s individual needs. They are based on the nature of the disabling condition and what the child needs in order to have a “level playing field” with his/her non-disabled peers. The purpose is not to guarantee A’s and B’s or even that the student will not fail. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

## Accommodations used:

Accommodations that may be used, but are not limited to, include:

- Highlighted textbooks
- extended time on tests or assignments
- enlarged print,
- preferential seating
- an extra set of textbooks
- positive reinforcements
- behavior intervention plans
- visual aids
- audio recording lectures
- oral tests
- daily homework reminders
- email with parents about assignments
- many more based on the student’s individual needs

## Will my child be in a regular classroom?

A section 504 eligible child will most often be in a regular education classroom unless the team determines that the student’s disability cannot be met in the regular education environment at which time the student is eligible to receive services from any of the other programs available within the district, including a special education classroom. However, placement outside of the regular education classroom is very rare for students with a Section 504 Plan.