

NORTH SLOPE BOROUGH SCHOOL DISTRICT

SECTION 504 HANDBOOK



SECTION 504 OF THE REHABILITATION ACT OF 1973
AND
THE 1990 AMERICANS WITH DISABILITIES ACT
AS AMENDED BY THE ADA AMENDMENTS ACT OF 2008

MAY 2015

Acknowledgment: Various documents from school districts, state and federal agencies, and organizations have been used in the development of this reference document.

Notice of Nondiscrimination

The North Slope Borough School District does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, marital status, pregnancy, sexual orientation, gender identity or veteran status in admission or access to, or treatment or employment in, its programs, services and activities. Applicants, students, parent/guardians, employees, referral agencies and all unions or professional organizations holding collective bargaining or professional agreements with the NSBSD are hereby notified. Any person with concerns regarding NSBSD's compliance with the regulations implementing Title VI, Title IX, Section 504 or the Americans with Disabilities Act (ADA) is directed to contact:

Director of Student Services
North Slope Borough School District
907-852-9636
P.O. Box 169
Barrow, Alaska 99723

PURPOSE

This handbook provides guidelines for the uniform implementation of student-related requirements for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (as amended in 2008) in the North Slope Borough School District (NSBSD). The focus of the handbook is the application of Section 504 to students with disabilities in elementary and secondary programs within the NSBSD. This handbook is a guide and does not provide legal advice.

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act is a civil rights act prohibiting discrimination based on disability. It was enacted to eliminate barriers that exclude persons with disabilities. In the North Slope Borough School District, all staff and administrators have the responsibility of ensuring that all students with disabilities are identified, evaluated and provided with needed accommodations and services, resulting in a free appropriate public education (FAPE).

Section 504 is not a special education statute, although it addresses the provision of education to qualified individuals with disabilities. Public school districts are required to provide a free appropriate public education to all qualified students with disabilities. This must include an education designed to provide educational benefit despite the child's disability. Courts have interpreted "educational benefit" to mean progress through the curriculum. The necessary services and accommodations are part of the student's public education and are therefore provided at no cost to the parents.

DEFINITION OF A DISABILITY

Section 504 defines "disability" as a physical or mental condition which substantially limits or impairs a major life activity such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, focusing, concentrating, or learning (this is not an exhaustive list). Section 504 does not specifically list or define all the possible qualifying disabilities like IDEAA does. Congress has provided a non-exhaustive list of examples including:

- diseases and conditions involving orthopedic, visual, speech, and hearing impairments;
- cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, drug addiction and alcoholism (providing the person is in treatment), HIV/AIDS;
- learning disabilities, ADD/ADHD, mental retardation, emotional illness;
- cystic fibrosis, severe allergies and asthma.

PHYSICAL OR MENTAL IMPAIRMENTS

Under Section 504, the term "physical or mental impairments" means (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; genito-urinary; hemic and lymphatic; skin and endocrine. This definition includes such diseases and conditions as orthopedic, visual, speech and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; attention deficit disorder (ADD); attention deficit hyperactivity disorder (ADHD); acquired immune deficiency syndrome (AIDS); and human immune deficiency virus (HIV+); or (b) any mental or psychological disorder, such as cognitive impairment, organic brain syndrome, specific learning disabilities, major depression, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia.

Certain conditions are not considered impairments under Section 504 and the ADA: substance abuse disorders resulting from the current use of illegal drugs, kleptomania, pyromania, exhibitionism, voyeurism, gender identity issues not resulting from physical impairment, and other sexual disorders. (29 CFR §1630.3(d)).

An episodic impairment or impairment in remission may be a disability if it substantially limits a major life activity when active. (ADA Amendments Act 2008).

The definition of a disabled person specifies that only physical and mental disabilities are included. Thus, environmental, cultural, and economic disadvantage are not themselves covered. (34 CFR §104 Appendix A, Analysis of Final Regulation). Examples of environmental, cultural or economic factors include divorce, transiency, death of a family member, military deployments, lack of motivation, homelessness, poverty, attendance problems, and ESL or ELL (learning English as a second language) status.

SUBSTANTIAL LIMITATION

A substantial limitation is a restriction as to the condition, manner, or duration under which an individual can perform a major life activity as compared to an average person in the general population. (29 CFR §1630.2(J) (2)). It would be an error to measure substantial limitation in reference to the child's potential and/or the student's immediate classmates. Instead, the reference should be to the performance of children at the same age or grade in the general population.

Temporary and non-chronic impairments of short duration with little or no residual effects are not typically substantially limiting. Conditions such as the common cold, seasonal influenza, a sprained joint, minor and non-chronic gastrointestinal disorder, and broken bones that are expected to heal completely are examples of conditions that are not impairments under Section 504. (29 CFR §1630.2(j) (8)).

MAJOR LIFE ACTIVITIES

Major Life Activities/Major Bodily Functions (MLA/MBF) include, but are not limited to: seeing, hearing, breathing, walking, learning, communicating, thinking, concentrating, reading, or the operation of a major bodily function such as the digestive or immune system. (34 CFR §104.3(j) (2) (ii) as amended by the ADA Amendments Act 2008).

MITIGATING MEASURES

Districts must make Section 504 eligibility determinations based upon the student's disability, as it would present itself without mitigating measures. A mitigating measure is something a student can use without any assistance from the school (i.e. – eyeglasses). Determining that a student is not Section 504-eligible because of the corrective effects of mitigating measures is prohibited, except for the use of corrective lenses or ordinary contact lenses. Mitigating measures include:

- medication
- medical supplies, equipment, or appliances
- low-vision devices (which do not include ordinary eyeglasses or contact lenses)
- prosthetics, including limbs and devices
- hearing aids and cochlear implants, or other implantable hearing devices
- mobility devices
- oxygen therapy equipment and supplies
- the use of assistive technology
- reasonable accommodations or auxiliary aids or services
- learned behavioral or adaptive neurological modifications

In other words, impairment may be a disability within the meaning of Section 504/ADAAA08 even if there is no current substantial limitation of a MLA/MBF because of the use of mitigating measures. (ADA Amendments Act 2008 and proposed regulations (29 CFR §1630.2(I)).

WHEN IS A SECTION 504 PLAN NOT APPROPRIATE

Below are some examples of instances in which a Section 504 plan would not be

appropriate:

- A student has a disability, but is functioning well and making academic progress without accommodations. This might include a student whose parent feels could be making A's rather than C's; or a student who only experiences difficulty in one subject area and the team determines the difficulty is not a function of the disability.
- When a plan is created solely to support a request for extended time on standardized tests such as the AMP or college board exams such as the SAT or ACT.
- When a student is eligible for services under the Individuals with Disabilities Educational Act (IDEA) but the parents prefer Section 504 services. Students in NSBSD who meet the eligibility criteria for special education under IDEA will be offered an IEP and not a section 504 Accommodation Plan.

FREE APPROPRIATE PUBLIC EDUCATION

Section 504 requires school districts to provide a free appropriate public education (FAPE) to eligible students with disabilities who are enrolled in the school district and who have physical or mental impairment(s) that substantially limits one or more major life activities. This means that the district is required to provide regular or special education and related aids and services designed to meet the individual education needs of the student with disabilities as adequately as the needs of students without disabilities.

The FAPE requirement for services means that evaluations, accommodations and educational and related services are to be provided without cost to the student with disabilities and their parents or guardians.

CHILD FIND

Child find requires the school district to undertake activities that annually identify and locate every qualified child with disabilities residing in the district's jurisdiction who is not receiving a public education. (34 CFR §104.32). The North Slope Borough School District will also provide faculty awareness activities and screening procedures to locate students suspected of having a disability. Activities used to satisfy the IDEA child find requirements also satisfy the Section 504 child find requirements.

PARENT REQUEST FOR EVALUATION

Under Section 504, schools are not required to provide evaluations of children based solely upon parental request. Only when school personnel have reason to believe that the

child has a disability and may need special instruction, accommodations or related services is an evaluation conducted. If a parent disagrees with the school's decision not to evaluate a student for Section 504, school personnel will seek assistance from the Director of Student Services who will attempt to resolve the issue.

NOTICE OF PARENT/STUDENT RIGHTS

It is the intent of Section 504 and the ADA to keep parents/guardians fully informed concerning decisions about their child. The North Slope Borough School District provides notice of Parent/Student rights with regards to the identification, evaluation or educational placement of a student suspected of having a disability. Parents should be provided a copy of their rights at the initial meeting to discuss possible referral, evaluation, eligibility or placement under Section 504.

PRE-REFERRAL INTERVENTIONS

When concerns about a student's academic, social, or emotional skills are raised, the student's teacher will discuss those concerns with their Professional Learning Community (PLC) team. The team will implement and monitor a standard protocol approach to interventions. If it is determined that these interventions have not been successful a referral to the TAP (Teacher Assistance Process) should be initiated.

Certain situations or circumstances may trigger a referral to the building team (e.g. PLC or TAP) for implementation of interventions. The following circumstances are occasions or events that may trigger such a referral:

- A suspension or expulsion occurs for any student.
- Retention is considered for any student.
- Academic performance is lower than expected.
- A student returns to school after a critical illness or injury.
- A student exhibits a persistent health problem.
- A mental or physical impairment of any type is suspected.
- A student is "at risk" for dropping out of school.
- A student's academic and/or behavioral performance may indicate the existence of a disability.

□ Parents, teachers, or school professionals may refer some students with medical or health conditions that do not negatively affect learning or behavior directly to the Section 504 team without going through the intervention process.

REFERRAL

If implementation of interventions, designed by the building PLC team, has not been successful, the team may make a referral to the (TAP). When the student is thought to have a disability adversely affecting his or her educational performance, the TAP refers the student for an evaluation for possible IDEA eligibility.

If it is determined that the student is not eligible under the IDEA, the IEP team may consider referring the student to the 504 team for consideration of Section 504 eligibility. There may be times when the student is referred directly to the 504 team. For example, some students with medical/health needs that do not negatively affect learning or behavior may be referred directly to the 504 team. Under these circumstances, the 504 team will be responsible for meeting the evaluation requirements prior to determining eligibility.

EVALUATION

An evaluation must be conducted prior to a student's initial placement into regular or special education programs and prior to any subsequent significant change in services. (34 CFR §104.35). The parent's consent is required prior to conducting the initial evaluation for identification, diagnosis and prescription for educational services. Before conducting an evaluation, parents must provide written consent for the evaluation.

If the student recently underwent an evaluation under IDEA, it is not likely that additional information will be required. If this is the case, indicate on the *504 Consent to Evaluate form* that eligibility will be determined after reviewing existing data. Obtain parental consent before reviewing existing data or when conducting an evaluation. Parents must also be provided a Parent/Student Rights notice.

An evaluation should be sufficiently comprehensive to enable the 504 team to determine the existence of a physical or mental impairment and whether or not the impairment results in a substantial limitation in one or more major life activities/major bodily functions.

SOURCES OF EVALUATION INFORMATION

Prior to making Section 504 eligibility and placement decisions, information from a variety of sources must be considered. An evaluation may include cognitive and achievement tests, teacher recommendations, social or cultural background information, adaptive behavior data, etc. Formal evaluations are required when necessary to determine eligibility and accommodations. Much of the evaluation data considered by the *TAP* will come from "informal" sources. Examples of both formal and informal evaluation information include:

- Student work samples
- Behavioral evaluation
- State proficiency assessments
- Psychological evaluation
- Norm-referenced educational assessments
- Curriculum-based assessment
- Structured academic and behavioral interventions
- Social and health history
- Information provided by parent
- Teachers' anecdotal notes, impressions and charting data
- Report cards
- Scholastic records
- Medical and health evaluations
- Observation data

Parents/guardians must sign a *504 Info Exchange Authorization* form prior to seeking information from outside service providers or physicians.

ELIGIBILITY

The 504 team will consider evaluation data, both formal and informal, from a variety of sources to determine if the student has a mental or physical impairment that substantially impairs a Major Life Activity/Major Bodily Function (MLA/MBF).

The student has a substantial limitation if s/he is limited in the performance of one or more MLA/MBF's that the average student at the same age or grade in the general population can perform. *The Rubric to Assist in Determining Level of Impact of Disability on School Functioning is provided in the appendix to assist the teams.*

The 504 team will complete the *504 Eligibility form* when determining eligibility decisions. Copies of the eligibility paperwork and Parent/Student rights notice are given to the parents/guardians.

ACCOMMODATION PLAN DEVELOPMENT

Section 504 requires an appropriate educational program be designed to meet the individual educational needs of qualified disabled students. The 504 team, consisting of members knowledgeable about the student, reviews the evaluation data and the placement options. These members are responsible for the development of an accommodation plan.

Accommodations, services, and related aids must focus on the identified substantial limitation(s) in a MLA/MBF. For example if a student's impairment results in a substantial limitation in the major life activity of reading, then accommodations that address motor limitations, etc., would not be appropriate. Accommodations must be designed to meet individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

PLAN AND SERVICES IMPLEMENTATION

The *504 Plan* form is used to record accommodations and services. The special education teacher will serve as the Section 504 case manager at each school. The Section 504 case manager (special education teacher) must provide teachers and other staff responsible for implementing the plan with a copy of the student's accommodations and services. The Section 504 case manager (special education teacher) monitors the implementation of the plan and the progress of the student.

ANNUAL REVIEW

Each student with accommodations and/or services shall have their plan reviewed annually. The review may occur more often if the student's rate of progress changes significantly, if there is noticeable change in behavior, or upon parental request.

Attendees at annual reviews are generally the student's teachers, parents and other 504 team members as deemed appropriate. The review should address the need for additional evaluation information, whether the student continues to have a qualified disability, and the effectiveness of the accommodations.

REEVALUATION

A reevaluation shall be conducted every three (3) years. The reevaluation may occur sooner, though no more than one time each year, when requested by parents or school personnel. In addition, the 504 team will conduct a reevaluation prior to any significant change of placement, e.g., changing from a regular education setting to a special education setting, or facing a long-term suspension/expulsion. The discontinuation of services is a significant change of placement. (34 CFR §104.35(d)).

TRANSFER STUDENT SECTION 504 ACCOMMODATION PLAN

When a student transfers to the North Slope Borough School District from another school district with an existing Section 504 plan, the 504 team must meet to review the plan. If there are no concerns about the transfer student's eligibility or the accommodation plan, the plan should be implemented immediately. Conversely, if the 504 team does not agree with the decision and/or plan from the previous school district, the student should be promptly evaluated to determine eligibility and the need for accommodations. In this case, the existing plan will be followed until the reevaluation and eligibility determination are completed.

STUDENT DISCIPLINE

When a student commits a violation of the school's code of conduct for which a suspension or expulsion is considered (which could result in more than 10 cumulative days for the school year), the 504 team must meet first to determine if the behavior is directly caused by the student's disability or the failure of the district to provide FAPE. *The 504 Manifestation Determination form must be completed at this meeting.*

If it is determined that the behavior is caused by the disability, the 504 team shall modify the current educational placement or provide, if appropriate, an alternative educational placement. In addition, the 504 team will develop and implement a behavior intervention plan.

If the team determines that the behavior is NOT caused by the disability, the relevant disciplinary procedures applicable to students without disabilities may be applied. This means that Section 504 eligible students may be suspended without educational services if non-disabled students would not receive services during the same suspension. If non-disabled students are offered enrollment in an alternative school during the suspension, the same offer must be made to Section 504 eligible students.

ENFORCEMENT

The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services through a written accommodation plan. The substantive standard is commensurate opportunity. The school district must also provide notice and due process. If the parent/guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to a hearing with an impartial hearing officer.

The United States Department of Education's Office of Civil Rights (OCR) is charged with the responsibility of ensuring compliance with Section 504 in order to: 1) protect qualified disabled students from denials or exclusions from educational opportunities

based on a disability; 2) prohibit unequal treatment of qualified disabled students based on their disability; and, 3) protect qualified disabled students when IDEA protection is not applicable or available.

Regulations grant OCR the authority to investigate individual complaints of discrimination. It has virtually no discretionary power not to investigate complaints. Unlike IDEA, where the federal government's impact on local schools is mediated through the state department of education, OCR's regulatory authority to investigate complaints places the federal government face-to-face with local administrators.

Enforcement of Section 504 is the responsibility of the Office for Civil Rights. The Headquarters is located at:

U.S. Department of Education Office for Civil Rights Customer Service Team □ □ 400 Maryland Avenue, SW □ Washington, D.C. 20202-1100

OCR National Office Contact Information: Telephone: 800-421-3481 TDD: 877-521-2172 FAX: 202-245-6840 Email: OCR@ed.gov

The regional OCR office serving Alaska is located at:

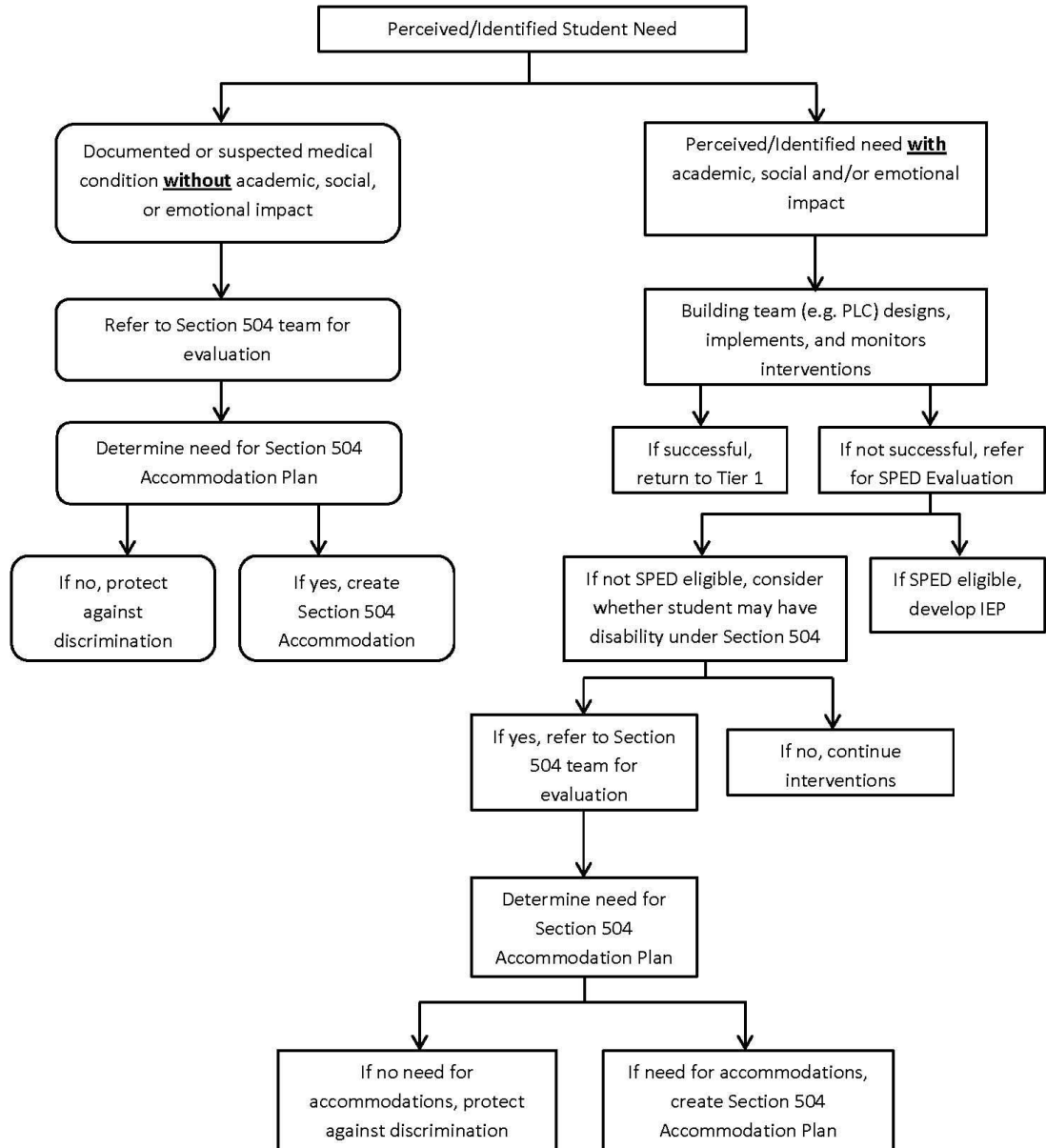
Seattle Office □ Office for Civil Rights □ U.S. Department of Education 915 Second Avenue Room 3310 Seattle, WA 98174-1099

Telephone: 206-607-1600 □ FAX: 206-607-1601; TDD: 800-877-8339 Email: OCR.Seattle@ed.gov



NORTH SLOPE BOROUGH SCHOOL DISTRICT

SECTION 504 PROCESS FLOWCHART Rev. 5/19/15



STEP BY STEP OUTLINE

The school district must document a required process and its adherence to that process in order to comply with regulations pertaining to the implementation of Section 504. This page provides an outline of the steps to follow from expression of initial concern to the completed written plan if the student is identified as having substantial limitation(s) in a MLA/MBF.

1. When a concern is raised about a student due to a **documented or suspected medical condition** that **does not** impact academic, social or emotional skills, proceed as follows:
 - a. Refer the student to the 504 team for an evaluation. Complete a referral, send a meeting notice and obtain consent for evaluation from the parent/guardian. Provide copy of parent/student rights. If necessary, have the parent sign a request for release of information and/or a request for medical information.
 - b. Hold meeting to determine whether student is eligible for a Section 504 accommodation plan.
 - c. If eligible and there is a need, develop an accommodation plan.
 - d. If eligible, but there is no need for an accommodation plan, the student must still be protected from discrimination.

2. When a concern is raised about a student that **impacts academic, social or emotional skills** proceed as follows:
 - a. The Professional Learning Community (PLC) team will design, implement and monitor interventions. If successful, student returns to Tier 1 instruction.
 - b. If the interventions are not successful, the student is referred to the TAP using the current district required referral/meeting request form.
 - c. TAP will determine the need for a referral for a special education evaluation. If decision is not to evaluate, then continue with tiered interventions.
 - d. If student is referred and subsequently evaluated and found eligible for special education services, an IEP will be developed.
 - e. If student is not eligible for special education services, the IEP team will determine if a referral for a Section 504 evaluation is necessary. If so, complete a referral form, send meeting notice, and obtain consent to evaluate. Provide the parents/guardians a copy of their rights. If necessary, have the parent sign a release of information.
 - f. The Section 504 team will determine if additional evaluation data is needed. If so, collect data. The team meets to determine whether the student is eligible for a *504 plan*.
 - g. If eligible and there is a need, develop an accommodation plan.
 - h. If eligible, but there is no need for an accommodation plan, the student must still be protected from discrimination.

SECTION 504 TERMS AND ACRONYMS

The following list is common terms and acronyms used in Section 504, the Americans with Disabilities Amendments Act and the IDEA:

ADA — Americans with Disabilities Act

ADAAA08 — Americans with Disabilities Amendments Act of 2008

ADD — Attention Deficit Disorder

ADHD — Attention Deficit Hyperactivity Disorder

CEE — Cultural, Environmental and Economic Factors

CFR — Code of Federal Regulations

DD — Developmental Disabilities

EEOP — Equal Education Opportunity Plan (§504 plan)

ED — Emotionally Disturbed

ESY — Extended School Year

FAPE — Free Appropriate Public Education

FERPA — Family Educational Rights and Privacy Act

HI — Hearing Impaired

IDEA — Individuals with Disabilities Education Act—Special Education (2004)

IEP — Individualized Education Program

LEA — Local Education Agency

PT — Physical Therapy

RTI — Response to Intervention

SEA — State Education Agency

Section 504 — Section 504 of the 1973 Rehabilitation Act

TTY — A Telecommunication Device for the Deaf (Teletypewriter)

GLOSSARY: DEFINITION OF TERMS

Accommodations —Adaptations and services made by classroom teachers and other school staff to enable the students with disabilities to benefit from their educational program. Changes “how” services are delivered, e.g., shortening assignments, allowing extra time, reading tests aloud, etc.

Americans With Disabilities Act (ADA)—A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

Barrier-Free Environment — A barrier free environment is a school/work environment free of obstacles preventing access and use by individuals with disabilities.

Consent - 504 — OCR policy interpretation requires parental consent prior to conducting the initial Section 504 evaluation. Although the OCR on-line Q & A’s imply consent is required prior to a Section 504 placement, neither Section 504 nor its regulations require consent prior to Section 504 placement.

Cultural, Environmental, and Economic Factors (CEE) - Cultural, Environmental, and Economic Factors (CEE) include conditions such as transiency, divorce, death of a close family member, military deployment. CEE may be may be the cause of student learning and/or behavioral problems. (CEE) disadvantages such as limited English proficiency, transiency, and divorce. Because CEE factors are not mental or physical impairments, resulting learning problems or behavior problems are not disabilities under Section 504. (Appendix A to Part 104 - analysis of Final Regulation: Subpart A).

Equal Access – Equal opportunity of a qualified person with a disability to participate in or benefit from educational aide, benefits, or services.

Family Educational Rights and Privacy Act (FERPA) — The federal law and accompanying regulations that address students’ educational records and confidentiality.

Free Appropriate Public Education (FAPE)—Related aids and services that are designed to meet individual, educational needs of students with disabilities as adequately as the needs of nondisabled persons are met.

Individuals With Disabilities — Under Section 504, an individual with a disability is anyone (1) who has a physical or mental impairment which substantially limits one or more major life activities, (2) who has a record of such an impairment, or (3) who is regarded as having such an impairment. (34 CFR §104.3(j)).

Major Life Activities/Major Bodily Functions — Functions such as caring for one’s self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking,

communicating and working. Also, included are major bodily functions including, but not limited to, functions of the immune system, bowel, brain, endocrine, normal cell growth, respiratory, reproductive, digestive, neurological and circulatory systems. The list of examples is not exhaustive; other functions may be considered major life activities. In addition, the ADA08 makes it clear that one need have a substantial limitation in but one major life activity for eligibility purposes. (29 CFR 1630.2(i)).

Maximum Extent Appropriate - The maximum integration of children with and without disabilities in the instructional and non-instructional setting consistent with the avoidance of harmful effects.

Mitigating Measures — Mitigating measures are measures that eliminate or reduce the symptoms or impact of impairment. Examples of mitigating measures include, but are not limited to, such things as medication, medical equipment and devices, prosthetic limbs, low vision devices, reasonable accommodations and behavioral modifications. The corrective effect of mitigating measures may not be used to rule out Section 504 eligibility. (ADA08).

Modification - Changes that alter what is measured or the validity of the results. Changes “what” is taught.

Office for Civil Rights (OCR) — This federal agency has three, primary responsibilities: (1) investigating complaints, (2) conducting compliance reviews, and (3) providing technical assistance. In addition to its national office, 10 regional OCR offices are located throughout the United States.

Physical Or Mental Impairment — (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.

The term “physical or mental impairment” includes, but is not limited to, 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; drug addiction; and alcoholism.

The following are not impairments: current drug use, pyromania, voyeurism, kleptomania, compulsive gambling, transvestitism, incarceration, pedophilia, sexual disorders, age, and sick building syndrome. Other conditions that are not impairments include pregnancy, lactose intolerance, homosexuality, bisexuality, gender identity, etc. (29 CFR §1630.3(d)(1-2)).

Impairments generally not considered substantially limiting are temporary and non-

chronic impairments of short duration with little or no residual effects. These are usually not considered disabilities and include, but are not limited to, the common cold, seasonal or common influenza, a sprained joint, minor and non-chronic gastrointestinal disorders, or a broken bone that is expected to heal completely. Whether or not impairment substantially limits a MLA/MBF must be determined on a case-by-case basis.

Placement – A term used in the elementary and secondary school context that refers to a regular and/or special education program in which a student receives educational and/or related services.

Professional Learning Community (PLC) –

Program Accessibility — The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only where program accessibility cannot be achieved effectively through other means.

Public Notice — School districts and post-secondary institutions are required to provide public and internal notices (i.e., to staff, individuals with disabilities, and students) stating they do not discriminate on the basis of a disability.

Qualified Student — “Qualified disabled person” means an elementary or secondary student with a disability is (1) of an age during which non-disabled persons are provided services, (2) or any age during which it is mandatory under state law to provide such services, or (3) to whom a state is required to provide FAPE under the IDEA.

Related Services -- Transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services on schools, and parent/guardian counseling and training.

Section 504 — Section 504 of the Rehabilitation Act of 1973 is the federal law prohibiting discrimination on the basis of disability.

Section 504 Coordinator — Section 504 regulations require, a recipient, i.e., school district or post-secondary institution employing 15 or more persons, must assign a person to coordinate compliance with Section 504 regulations.

Substantial Limitation — A substantial limitation means an individual is substantially

limited in the performance of a major life activity as compared to most people in the general population (34 CFR§1630.2(j)).

Supplementary Aids and Services – Aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be education with children without disabilities to the maximum extent appropriate.

Teacher Assistance Process (TAP) –

Temporary — Transitory Impairments — A temporary impairment is an impairment of short duration with limited or no residual effect that does not result in substantial limitation of one or more major life activities/major bodily functions for an extended period of time. Whether or not a temporary impairment is substantial enough to be a disability under Section 504 must be determined on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Transportation– A related service that includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.