

Klamath County School District

Section 504 Procedural Manual

Students with Disabilities

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination	Produced by:	Revised:
against students and/or employees with disabilities. This guide provides information on Section 504 and the obligations of the Klamath County School District	Klamath County School District- Special Service Department	March 2023
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The Klamath County School District inspires today's students to meet tomorrow's challenges. Working in cooperation with staff, parents and community members, our mission is to provide a district that supports the physical and cognitive growth and development of all students regardless of their demography or geography.

Klamath County School District

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Introduction

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination against individuals with disabilities. Section 504 regulations require school districts to provide appropriate education to students with disabilities under Section 504. The manual, parent guide, translated documents, and other resources are posted on the Klamath County School District's website under Special Services.

The information in this manual includes the changes resulting from the Americans with Disabilities Act Amendments of 2008, and reflects the Klamath County's School District's ongoing commitment to educating ALL children in accordance with our Mission and Core Values.

Quick Guide

Procedures for Serving Students with Disabilities under Section 504

1. CONCERN

A parent or school personnel brings a concern to the school team (Individual Student Problem-Solving Team)

The district must find students who may qualify for services under Section 504. This is accomplished by informing school personnel of the characteristics of disabilities, their effects, and the procedures for making referrals.

Each school in the district has a school team. Any teacher, counselor or other school personnel, or a student's parent, may bring a concern to the school's team, including concerns about students with possible disabilities. Parents are invited to participate in 504 meetings.

The school team meets to act on the concern

The school team meets to review the concern, along with any accompanying evaluations, reports or other written materials.

If the School Team determines there is a significant possibility that the student would qualify as disabled under the Individuals with Disabilities Education Act (IDEA) or Section 504, the school team will make a referral to the 504 team, as appropriate, for consideration of a formal evaluation, and forward all relevant documentation.

504 vs. Special Education Referral

In cases where the student may qualify under one of the IDEA disability categories, the student should go through the special education "child find" process. If the concerns are solely related to medical or health issues (with no or negligible impact on behavior or learning), the referral may go directly to the 504 team.

2. EVALUATION, ELIGIBILITY, AND 504 PLAN All 504 decision-making must be by a knowledgeable team

The 504 team must include:

- Someone who is knowledgeable about the student;
- Someone who is knowledgeable about the evaluation data; and
- Someone who is knowledgeable about the accommodations/placement options.

Typically the team includes a principal or assistant principal, a school counselor and the student's teacher, along with the parent. The team composition will vary according to the concern/needs of the student. For a child with health concerns, the team should include a school nurse. The 504 coordinator for the building determines the appropriate individuals to

comprise the team in a specific situation. When it appears the student will need support that will require an allocation of district resources, the District 504 Coordinator <u>must be</u> <u>consulted before the meeting and may need to attend the meeting</u>.

The 504 team reviews current information and evaluates as needed

The 504 team considers the student's need for a 504 evaluation and what new assessment is needed, if any. An evaluation should be conducted if there is information indicating that the student has a mental or physical impairment that is affecting a major life activity (such as learning, concentrating, thinking, speaking, breathing, sleeping, other bodily functions, walking, hearing, seeing, etc.)

The evaluation process begins with a review of existing information. If there is an indication that the student has a mental or physical impairment that may substantially limit a major life activity, Section 504 eligibility should be considered. The Section 504 team begins by reviewing the evaluation results along with the student's files, current teacher report of classroom performance, and other information from the parents.

If, after reviewing this information, the 504 team concludes that further evaluation is needed, the team gets written parental consent on the *Prior Notice/Parent Consent to Evaluate* form. Once the parent gives written consent, the 504 team completes the evaluation.

If the parent does not attend the 504 meeting, the *Notice/Consent* may be sent home. If it is not returned, concerted efforts should be made to obtain it. <u>No initial individual evaluation may occur</u>

without written consent.

If the team suspects that the student has a mental or physical impairment, the team may ask the parent to provide a *Medical or Health Assessment Statement*. If the team suspects a physical or mental impairment and the parent does not have access to a physician or health care provider, the district has a responsibility to assist the parent to obtain this information if needed to determine whether the student is eligible under Section 504. Please contact the District 504 Coordinator in this circumstance.

If the 504 team does not suspect a disability after a careful team review of all existing information about the student, the 504 coordinator gives the parents *Section 504 Eligibility Determination and Plan* form of that decision, along with a copy of the *Parent/Student Rights in Identification, Evaluation, and Placement*.

The 504 team determines disability and need for a 504 plan

The 504 case manager arranges a meeting time with the parent to share the evaluation data and determine eligibility/non-eligibility. The 504 case manager may send a written meeting notice to the parent as a reminder of the meeting time and location.

The Section 504 team meets to review the evaluation results and to complete the Section 504

Eligibility Determination and Plan Form. This may be done at the first meeting if no additional assessment is needed to determine eligibility and need for a 504 plan.

Based on the information from the evaluation and any information from the parents, the 504 team decides:

- 1. whether the student has a disability under Section 504, and
- 2. whether, as a result of that disability, the student needs a 504 Student Accommodation Plan.

The 504 team develops a Section 504 Accommodation Plan

If the student needs a 504 Accommodation plan, the team develops the plan for the student on the *Section 504 Accommodation Plan* form. The district's expectation is that 504 plans will be written up at the meeting or, if not possible, within a few days of the meeting.

Steps to 504 Accommodation Plan:

- 1. Gather the appropriate 504 team. See 504 Meeting Planner: Who to Invite (pg 13).
- 2. Review student's educational history, prior evaluations and present status.
- 3. Review any new evaluations, if any.
- 4. Review what prompted 504 consideration at the present time.
- 5. Determine whether the student has a mental or physical impairment under Section 504.
- 6. If yes, determine whether impairment substantially limits a major life activity.

Major life activities include hearing, seeing, breathing, learning, walking, speaking, thinking, concentrating, reading, bodily functions (neurological, respiratory, endocrine, bowel/bladder, etc.)

A substantial limitation means that the student is restricted as to the condition, manner or duration in performing the major life activity as compared to an average student.

Do not consider medication or assistive devices when determining whether there is a substantial limitation.

7. **If yes,** determine whether the student needs accommodations, services or support to access the benefits of public education at a level similar to the average student. (May consider medication or assistive devices when determining whether accommodations, services or supports are needed.) **If yes**, develop a 504 Accommodation Plan.

Give parents a copy of the 504 documents

The school's 504 coordinator gives the parents a copy of the written evaluation and the *Section* 504 *Eligibility Determination Report, Section 504 Accommodation Pla*n, and the *Section 504 Parent/Student Rights*.

3. CUMULATIVE FILE

All 504 documents for a student must be placed in the student's cum file. The 504 case manager may retain copies of the documents for everyday access.

4. POWERSCHOOL REPORTING

The 504 case manager will upload a copy of the student's accommodation plan electronically (scanned on printer) to PowerSchool. The 504 case manager will notify the school secretary to enable the alert identifying that the student has a Section 504 Plan.

5. IMPLEMENTATION

The 504 case manager is responsible for informing the student's teachers about the accommodations on the student's 504 plan. The 504 case manager will print a hard copy of the students' accommodation page (which is kept in a confidential location for the teachers access only) and complete the compliance review form and return to the district 504 coordinator. Any new teachers must be notified when there is a schedule change. In addition, 504 plans should be maintained in each teacher's sub file so sub teachers are informed of needed accommodations. Other staff may need to be informed of the 504 plan depending on the provisions in the plan. The 504 case manager should periodically check in with the student and the student's teachers to ensure the plan is being implemented. Any concerns about implementation should be brought to the attention of the building 504 coordinator, building administrator or district 504 coordinator, as appropriate.

6. PERIODIC RE-EVALUATION

Each student's Section 504 Plan must be re-evaluated periodically <u>and before any significant</u> <u>change in placement or circumstances</u>. The <u>504 plan should be reviewed annually</u> unless the team sets a different timeline for review. As part of this reevaluation, the 504 team should address, as appropriate:

- the need for additional evaluation information;
- the student's continued eligibility under Section 504; and
- the content of the Section 504 Plan.

A significant change in placement includes:

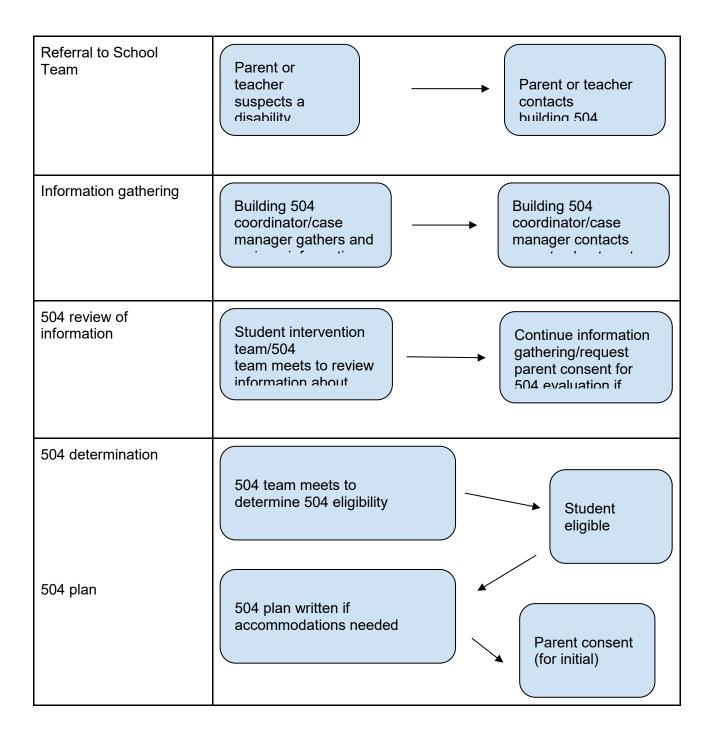
- expulsion;
- suspensions of more than 10 days in a row or more than 10 days in a school year if the removals are a "pattern";
- transition to middle school or high school;
- moving a student to an alternative education setting to address needs arising from the Disability.

A reevaluation under Section 504 does not require consent but does require notice. However, Oregon law requires parent consent before conducting an intelligence test or a test of personality, including behavior checklists.

If the plan is continued as is without changes (or with minor edits), the team will need to complete the annual review 504 packet, upload to SEAS with the date in the title, and lock the

packet. If there are substantial changes, the team should write a new plan. Section 504 plans must be submitted each year and uploaded to SEAS.

General Overview of Section 504 Process



504 review		
	Implement plan	 Review plan at least annually

Klamath County School District- Section 504- Roles and Responsibilities

Role of Building 504 Coordinator and Case Manager – coordinates 504 services in the school or program and coordinates 504 process for individual students

- Provides accurate data to the school secretary to update PowerSchool, and periodically checks eSchool 504 and SEAS 504 reports for accuracy.
- Participates in district-wide training on Section 504 implementation.
- Acts as the contact person in school when questions arise about 504 issues.
- Ensures that staff are using current Section 504 forms and following current procedures.
- Coordinates transition of 504 students transferring into and out of the school.
- Schedules meetings & sends notices, including periodic reviews as indicated on plan.
- Gathers necessary information for meetings.
- Writes up 504 documents.
- Provides copies of documents to parents and puts them in student's cumulative file.
- Provides information to all teachers that need to know about 504 plan contents, including when the student's schedule or classes change.
- Verifies implementation of 504 plan, completes the compliance paperwork, and is available to problem-solve when issues or concerns arise.
- Schedules periodic review at **least annually** (unless a different timeline is in the plan) or sooner if needed, and before any significant change in placement.
- Primary contact for student and family concerns.

Role of District 504 Coordinator – coordinates 504 implementation in the district

- Ensures that 504 forms and procedures comply with 504 requirements.
- Collaborates with legal counsel on providing training for building 504 coordinators, case managers, and others annually, and as needed.
- Provides technical assistance and problem-solving on an as needed basis.
- Acts as liaison with staff to ensure 504 student data is accurate.
- Addresses systemic issues related to Section 504 compliance.
- Provides accurate, accessible information about 504 to the District community.
- Participates in decision-making when district resources are under consideration.

504 Meeting Checklist

Before the Meeting:

- Contact parents new to the 504 process to explain the purpose of the meeting and identify any questions and concerns.
- Schedule meeting with participants, including parents.
- Send a meeting notice reminding parents of the date, time and location of the meeting. (optional)
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda.
- Arrange for any necessary interpreters or accommodations for meeting participants.
- Complete portions of the Initial or Annual Review Section 504 Packet that can be completed before the meeting.
- Bring all current forms to the meeting.

During the Meeting:

- Introduce participants and their roles.
- Clarify purpose of meeting.
- Review agenda.
- Identify the note-taker for the meeting.
- Facilitate student's input or participation.
- Lead group through agenda do time-checks as needed.
- Provide Statement of Parent Rights to parents (make sure parents initial that they received the Parent Rights).
- Complete Initial Section 504 Packet (if new to 504).
- Complete the Annual 504 Review Packet (if **not** new to 504).
- Let parents know they will get a copy of either the hand written packet or the printed version from SEAs.
- Thank everyone for participation and cooperation.

After the Meeting:

- Review and upload the 504 packet to SEAs and put the final copy in the cum file.
- Add the accommodation page to the students PowerSchool page and add new student program in PowerSchool.

- If parents did not receive documents at the meeting, provide copies.
- Maintain a copy of all 504 documents in the student's cum file.
- Be sure all teachers know and understand their responsibilities under the 504 plan and sign the compliance paperwork.
- Calendar check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan.
- Calendar annual review date, and at least one month earlier to begin "before meeting" review process.

504 Meeting Planner: Who to Invite?

When should the parent be invited?

• A parent, guardian, or person in parental relationship to the student should always be invited.

When should a general education teacher be included?

• When the student is participating in general education.

When should the school nurse be included?

- When there are medical or health issues involved.
- When the parent is asking for health related accommodations at school.
- When the team will be reviewing reports from a medical doctor or other health practitioner.

When should the school psychologist be included?

- When the school psychologist was involved in a recent evaluation of the student.
- When the school psychologist's expertise is necessary for the team to make appropriate decisions for the student.

When should the building administrator be included?

- When the building administrator is the 504 coordinator for the school.
- When the parent is asking for unusual accommodations that raise concerns or fiscal considerations.
- When safety issues are involved.
- When special transportation is likely to be needed.

When should a motor team (OT or PT) representative be included?

- When the student has a motor impairment and will likely need accommodations or support for the motor impairment.
- When the OT or PT recently evaluated the student and identified motor needs.
- When the parent has requested motor team services or adaptations

When should the District 504 Program Coordinator be included?

- When it appears that the student will need supports that will require allocation of district resources.
- When the team believes that using a district facilitator will help resolve or prevent conflict.
- When a team wants training, coaching or feedback on the 504 meeting process.

SECTION 504: A-Z TOPICAL GUIDE

Accessibility

Facilities constructed prior to June 3, 1977, need not necessarily be made accessible so long as the program or activity, viewed in its entirety, is readily accessible to all persons with disabilities (including parents and the community). However, the student must be afforded an equal opportunity to enjoy the full range of services offered by the district. If a district modifies one of these buildings, it must make the modification accessible, to the maximum extent feasible. Buildings constructed after June 3,1977, and January 26, 1992, must meet the full accessibility regulations in existence at that time. Buildings which began construction on or after January 26, 1992, must meet the ADA regulations for new construction. Contact the District 504 Coordinator for more information.

Accommodation Plan vs Modification

The purpose of a Section 504 Student Accommodation Plan is to <u>"level the playing field"</u> for the Student.

Students with disabilities under Section 504 who **typically would** need a 504 Student Accommodation Plan include, for example:

a. Students who have documented, frequent, repeated seizures or asthma attacks (even with medication) that prevent them from accessing the curriculum sufficiently to keep up with the class.

b. Students who have to leave class frequently to receive treatment, and who develop academic deficits or are unable to complete work.

c. Students whose medication makes it very difficult for them to remain alert or concentrate.

d. Students with a disability under Section 504 who need an individual health management plan to be safe at school, on field trips, etc.

e. Students whose health needs are so severe that, if they do not receive appropriate 504 accommodations, they will die or be seriously impaired by lack of treatment. This includes students with severe food allergies or diabetes.

f. Students who need physical accommodations, extra time, or assistive devices to access the curriculum or educational environment.

g. Students who are unable to attend school regularly due to the effects of the disability.

h. Students who have a learning disorder and need accommodations to access their

education but don't need specially designed instruction so are not eligible for special education services under the IDEA.

Students who **typically would not** need a 504 Student Accommodation Plan include, for example:

a. Students whose only need is medication administered similarly to other students who take medication at school.

b. Students whose conditions do not require individualization beyond standard first aid or emergency procedures.

c. Students who do not require an ongoing individualized plan in order to attend, access or participate in school safely.

d. Students who can access the school environment and instruction with accommodations that are available to all students.

e. Students who can access their education with a personal assistive device, such as a hearing aid, glasses, or wheelchair, without other accommodations.

f. Students whose conditions are effectively managed by taking medication outside of school who do not need accommodations to access school or instruction.

g. Students who have a temporary condition such as a broken arm or mononucleosis, whose needs can be met for a short period of time with standard accommodations.

If the team decides that a student with a disability under Section 504 does NOT need a 504 plan of accommodation, the team should periodically review this decision; the student may need a plan at some point in the future due to changing circumstances.

Accommodations vs. Modifications

504 plans are about providing access to general education. 504 plans should not result in a modification of state standards.

a. An "accommodation" changes how something is done but does not change the learning standard for the student. Students with accommodations are expected to meet learning targets for the class. Typical accommodations include:

- Preferential seating;
- Visual prompts, visual schedules, visual formats;
- Braille or large print materials;
- Access to keyboard, calculator, voice-activated writing program;
- Frequent breaks, motor breaks, sensory diet, etc.;
- Extra time on tests or assignments, assignments shortened to demonstrate learning objectives;
- Daily check in/checkout.

b. A "modification" changes the what. Students with modified coursework are not expected to meet learning targets for the class. Typical modifications include:

• Alternate curriculum that is below grade level expectations (different learning objectives);

- Alternate assignments that are below grade level expectations (different learning objectives);
- Grading based on effort (different learning objectives).

Typically, students who need modifications also need specially designed instruction and would meet the criteria for special education eligibility.

When an accommodation is needed

An accommodation should only be included in a 504 plan if it is necessary for the student to access his or her education. The purpose of an accommodation is to "level the playing field", i.e. to ameliorate the impact of the student's disability. The test is not what might be "beneficial" but what is demonstrated to be necessary (in reference to an average student in the general population – see Disability Definition below.) Almost every accommodation results in the student being treated differently than other students, so only those that are necessary are justified (to be considered least restrictive). At least yearly, the accommodations must be reviewed to determine what is still needed. This review process should include input from the student, parent and teacher(s).

Accommodation vs. Specially Designed Instruction

An accommodation changes how something is done. It might require very brief instruction to the student. For example, if the accommodation is "access to noise-canceling headphones" for a student with ADHD or a sensory integration disorder who needs this to be able to focus in a noisy room, the teacher would need to instruct the student on where to find the headphones, when they can be used, how to put them away, and who to go to if there is a problem.

Specially-designed instruction is ongoing instruction to teach a specific skill or skill set that is typically not a part of the general curriculum at the student's grade level. This could include academic instruction, social skills instruction, executive functioning instruction, communication skills, motor skills, etc.

Section 504 is primarily about providing access to general education. Students with disabilities who need specially designed instruction should be considered for special education eligibility.

Charter School Students

Charter schools have a responsibility to comply with all civil rights laws, including Section 504 of the Rehabilitation Act. If the team does not suspect that a student has a disability under the IDEA, but there is an indication that the student has a physical or mental impairment that substantially limits a major life activity, the charter school is responsible for providing an assessment of the student. If the student is a "504 only" student, the charter school is responsible for developing and implementing the 504 student accommodation plan. Charter school staff may participate in district 504 training opportunities.

Child Find

A staff person should refer a student to the 504 process when the staff person has reason to believe that a student has a mental or physical impairment that substantially limits a major life activity. Factors that may suggest the presence of a disability include:

- A known mental health or addiction diagnosis;
- Grades dropping with other indicators of possible disability;
- Substantial behavioral referrals, interventions, and out of classroom consequences for misconduct;
- Hospitalization;
- Inpatient or outpatient mental health or addiction treatment;
- Chronic illness or physical condition;
- Inability to attend school based on illness or mental health condition;
- Determination that a student does not qualify (or continue to qualify) for special education but evaluation indicates a mental or physical impairment;
- Parent concern with other indicators of possible disability;
- History of disability or "at risk" designation with other indicators of present concern.

Disability Definition

A student is considered disabled under Section 504 if the student:

a. Has a physical or mental impairment/disability which substantially limits one or more major life activities (see the following list). The term does not cover children disadvantaged by cultural, environmental or economic factors;

- b Has a record or history of such an impoirment: or
- b. Has a record or history of such an impairment; or
- c. Is regarded as having such an impairment.

Examples of physical or mental impairments include:

- Health conditions such as asthma, allergies, diabetes, epilepsy;
- Communicable diseases such as AIDS, tuberculosis, hepatitis;
- Psychological conditions such as Attention Deficit/Hyperactivity Disorder (AD/HD), depression, obsessive-compulsive disorder; and
- Physical disabilities such as spina bifida, hemophilia, juvenile rheumatoid arthritis, cerebral palsy, hearing or vision impairments.

The disabling condition need only substantially limit one major life activity in order for the student to be considered to have a disability under Section 504.

Temporary disabilities may be considered an impairment depending on the anticipated length of the condition, the seriousness of the illness/injury, and the impact on the student's education or access to school.

Major Life Activities

Major life activities are activities that the average person in the general population can perform with little or no difficulty. Major life activities include (but are not limited to) functions such as: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include major bodily functions, including: functions of the immune system; normal cell growth; digestive, bowel and bladder functioning; neurological and brain functioning; and respiratory, circulatory, endocrine, and reproductive functioning.

Major life activities do not include activities that require special skill or ability such as playing a sport, speaking another language or playing a musical instrument.

Major life activities do not include splinter skills within a major life activity. Examples:

- Phonemic awareness is a specific skill within the major life activity of reading. A student who has an impairment in phonemic awareness but who is meeting benchmarks in reading would not meet the requirement for a substantial limitation in a major life activity in reading. So while they may have an impairment in phonemic awareness, they are still meeting grade level standards in reading commensurate with peers.
- A student who struggles with algebra would not meet the requirement for a substantial limitation in learning if the student's learning in other areas is not also impaired.
- A student with average visual acuity who has a deficit in a specific type of ocular functioning (as indicated on a functional vision assessment) would not have a substantial limitation in the major life activity of vision if the student has adequate vision to navigate school and community settings.
- A student who has anxiety about public speaking does not have a substantial limitation in the area of speaking if they are able to communicate verbally in a range of settings (home, school, community).

This is true even if a splinter skill is a learning target within a learning standard. Not being able to meet a specific learning standard is not a basis for finding that a student has a disability.

Substantial Limitation

A substantial limitation generally means that the student is restricted as to the conditions, manner or duration under which the student can perform the activity in comparison to most people. Examples:

- A student with **asthma** is substantially limited in the major life activity of breathing if the asthma (without medication) restricts the student's manner of breathing or conditions related to breathing in comparison to most people.
- A student with **severe allergies** is substantially limited in the major life activities of breathing or digestion if the allergies (without medication) restrict the student's manner of breathing or digestion (or conditions for breathing or digestion) in comparison to most people.

- A student with **diabetes** is substantially limited in the major life activity of functioning of the endocrine system if the diabetes (without medication) restricts the student's endocrine functioning in comparison to most people.
- A student with a **hearing impairment** is substantially limited in the major life activity of hearing, if the student's hearing (without hearing aids or other assistive devices or accommodations) is restricted as to the conditions in which the student can hear in comparison to most people.
- A student with AD/HD is substantially limited in the major life activity of concentrating or thinking if the student's AD/HD (without medication or accommodations) restricts the student's ability to concentrate for the duration expected of most people of the student's age or impairs the student's thinking unless certain explicit conditions are present that are not typically present in the school setting.

Comparison Group for making the determination of "substantial limitation"

In determining whether a student has a substantial limitation, the point of comparison is to an average student in the general population, not to the student's ability, the expectations of family or community, or the specific class or school. "Average student in the general population" is a broader norm group reference. On many standardized assessments, students are considered to be in the average range with a Standard Score of 85 or above, or at the 16% tile or above. This should not be interpreted as a cut score, but as a frame of reference for considering evaluation information.

Episodic Conditions

Some conditions, such as seizures, allergies, and irritable bowel syndrome, are episodic. The 504 team should consider these conditions as being active when making a disability determination. The same is true for conditions that may be in remission such as leukemia.

Discipline Protections

Students with disabilities under Section 504 have discipline protections that are similar to those for special education students. See the Section 504 Manifestation Determination form and Directions. Like with all students, a 504 student who is engaging in behavior that is resulting in suspensions (or expulsion) should be considered for a functional behavior assessment/behavior intervention plan.

504 Provisions that are Similar to IDEA:

a. Section 504 students may not be expelled for conduct that is a manifestation of their disability. This means that a 504 manifestation determination meeting must be completed before the student is expelled, and if the behavior is related, the student may not be expelled.

b. Section 504 students may not be suspended for more than 10 cumulative days in a school year for conduct that is a manifestation of their disability. This means that a 504 manifestation determination meeting must be completed before the student reaches "day 11", and if the behavior is related, the student may not be suspended.

c. Like special education, there is an exception for suspensions that are "not a pattern". "Pattern" is determined based on a consideration of how many days the student has already been suspended, how close together the suspensions are, and how long each suspension was for.

504 Provisions that are Different from IDEA:

a. Section 504 does not provide for immediate removals of up to 45 school days for serious bodily injury or for drug or weapon violations.

b. Section 504 does not require interim alternative educational services unless such services are provided for nondisabled students under the same circumstances.

c. Section 504 discipline protections do not apply to 504 students (so a manifestation determination meeting is not required) if:

--the student uses or possesses illegal drugs or alcohol in violation of school policy;

--the student is "currently engaging in the illegal use of drugs or in the use of alcohol"; and

--the discipline is the same type of discipline that would apply to nondisabled students under the circumstance.

"Currently engaging" does not require that the specific violation be one of "use" but does require a credible basis for a belief that the student use is a current and ongoing problem. Examples of credible evidence include: a student's confession, a drug-alcohol evaluation, a juvenile report, etc.

Discrimination

Section 504 prohibits disability-based discrimination. Discrimination may potentially result from actions or a failure to act. Here are some examples of circumstances that could be considered discrimination:

- Not providing transportation to a student with asthma who lives six blocks from a school but cannot walk to school due to the asthma;
- Refusing to provide OT, PT or speech therapy consultation for a Section 504 student who needs it for educational purposes solely because the student is not IDEA eligible;
- Excluding all students with epilepsy from a school sports team;
- Only providing summer school or after school care for non-disabled students;
- Requiring the parent of a student with a mobility impairment to provide transportation to extracurricular activities when transportation is provided to non-disabled students;
- Not providing alternative transportation to a student who acts out on the bus as a result of the student's disability;
- Providing a shortened school day for students in a special class because of transportation scheduling problems;
- Segregating students with disabilities in basements, portable classrooms or separate wings;
- Not providing an interpreter for a parent with a hearing impairment for school initiated activities;

- Expelling a student with a disability for misconduct that is a manifestation of the student's disability;
- Not fully investigating and resolving complaints of disability harassment;
- Excluding a student with a disability from a field trip or other school function on the basis of disability;
- Not fully implementing a student's 504 plan.

Enforcement

Each recipient of federal funds has a responsibility to ensure the provisions of Section 504 and the ADA are implemented in the recipient's district. Every 504 coordinator, building principal, school administrator and employee has a responsibility to understand and implement the protections of Section 504 with consistency and integrity. The Section 504 Coordinator for KCSD has a responsibility to provide training and support to assist the district in its implementation of this important federal law.

The U.S. Department of Education's Office for Civil Rights (OCR) is responsible for enforcing the provisions of Section 504 and the ADA as applied to publicly funded educational institutions. If an individual files a complaint against a school district, OCR will investigate the complaint under both Section 504 and the ADA. An aggrieved party may also file a court action.

Evaluation

A school district must evaluate a student under Section 504 if the team suspects that the student has a mental or physical impairment that substantially limits a major life activity.

A 504 evaluation requires the same type of protections as a special education evaluation. These rules are designed to ensure that the evaluation is unbiased and fair to the individual.

Evaluation Standards

Evaluation procedures must meet these criteria:

- Be validated for the specific purpose for which they are being used.
- Be tailored to assess educational need, not just IQ or another non-educational characteristic.
- Reflect aptitude or achievement, or whatever the test is supposed to measure, rather than the student's impaired sensory, manual or speaking skills, unless it is a test of those particular skills.
- Must have a variety of sources for identification.

Parent refusal of consent to evaluate

If a parent refuses consent for a 504 evaluation, ask the parent to check the box on the consent form stating that "consent to evaluate is denied." If the parent refuses to indicate this on the form, write a statement in the student's file documenting the parent's refusal with your signature and date. Document all attempts you make to get parent consent. Give the parents a copy of the document stating they have refused evaluation, along with a copy of the Parent Rights

statement. Please consult with the 504 District Coordinator or Director of Special Services if you are in this situation.

If a parent refuses consent for a 504 evaluation that is necessary to determine whether the student has a disability under Section 504, the district cannot develop an appropriate 504 plan and the student would continue to be treated as a nondisabled student.

Exiting from a 504 Plan

A student should be exited from a 504 plan if: (a) the student no longer has a qualifying impairment; or (b) the student no longer needs accommodations to access the general education program or facilities. The decision should be made by a team based on current data and/or current medical statements. The school must give written notice to the parent that the student is being exited from a 504 plan, along with the copy of parent rights under Section 504.

A student may also be exited from a 504 plan if a parent/adult student revokes consent for the 504 plan. The school should also give written notice under this circumstance, but no 504 meeting is required.

Last, a student is exited from a 504 plan if the student becomes eligible for special education and the parent gives consent for special education services. In this circumstance, the student's accommodations are incorporated into the student's IEP.

Health Protocol vs. 504 Plan

Does every student with an individual health protocol need a 504 plan? No. A 504 plan is required for students who have a mental or physical impairment that "substantially limits" a major life activity and who, on that basis, need accommodations in the educational environment or during school functions to access their education.

Some students may have individual health protocols for conditions that are not substantially limiting, such as allergies or asthma that are minor in intensity/impact. These students would not meet the "substantially limiting" criteria.

Some students may have health protocols that require standard procedures that are not "individualized", such as implementation of standard medication administration protocols or standard first aid or standard epi-pen procedures. Implementation of these standard procedures would not be considered individual accommodations that would indicate the need for a 504 plan.

Home Instruction

A student with disabilities under Section 504 must be educated with nondisabled students "to the maximum extent appropriate" to the needs of the disabled student. A student should only be removed from a regular education setting if the education of that student in a regular education setting with supplementary aids and services cannot be achieved satisfactorily.

A 504 team may determine that a student with disabilities needs home instruction for medical reasons to access education. Home instruction is usually a short-term placement. The District 504 Coordinator must be consulted before the 504 meeting if home instruction is under consideration, and may attend the meeting. Home instruction should only be used in very limited circumstances when the student's disability prevents him/her from attending school. In most situations, the attending school 504 Case Coordinator continues as Case Manager for the student and the attending school teachers continue to provide instructional materials for the student while home instruction is implemented. Please consult with the District 504 Coordinator as soon as possible in this situation.

IEP Refusal/Revocation and Request for 504 Plan

Sometimes a parent may revoke consent (or refuse consent) for special education services (IEP) and request a 504 plan instead. On a case-by-case basis, the team may consider whether the student is eligible for a Section 504 plan. This means that the team would review all the information and determine whether the student meets 504 eligibility criteria. If yes, the team would then determine whether the student needs a plan of accommodations to access their education. If so, a 504 plan is written for the student. If the student is unsuccessful with the 504 plan, the 504 team should meet to review the plan.

Private School Students

School districts are not responsible for writing 504 plans for private school students. Only private schools that receive federal funds are covered by Section 504. Each private school that receives federal funds is considered a "recipient" and has its own responsibility for compliance under Section 504. Parents of private school children who want 504 services should contact the private school.

Resolving Conflicts

At a 504 meeting, parents and staff discuss and try to come to consensus on the 504 eligibility and 504 plan for a student. If, after good faith discussion, there is a disagreement, the district makes the final decision about a student's eligibility, need for a 504 Student Accommodation Plan, and accommodations to be provided. In difficult situations, the team could decide to get more information and hold a second meeting. The 504 coordinator or case manager should contact the district's 504 Coordinator for guidance in these circumstances. The district 504 Program Coordinator may assist the team by facilitating team meetings.

Parents may file a complaint with the district, which may be appealed to the Oregon Department of Education (ODE). Parents may also request a due process hearing with ODE, or file a complaint with the US Department of Education's Office for Civil Rights.

Student Records (Section 504)

Section 504 records are maintained in each student's cum file located in the attending school office.

Section 504 case managers must also upload a copy of the current 504 plan (or termination of plan) to SEAs. School 504 case managers will upload the student accommodation page to eSchool. A fidelity checklist must be completed and sent to District 504 coordinator after each initial or annual 504 meeting.

School secretary will add or remove the 504 flag in eSchol that alerts staff that the student has a 504 plan.

Temporary Medical Conditions

A temporary medical condition is an illness or injury that is expected to last more than 2 weeks but not more than six months. For students with temporary medical conditions, a request may be made at the school level for additional supports.

Examples of temporary medical condition	Examples that are NOT temporary medical condition
 Broken bones Recovery from surgery Extended illnesses such as mono 	 Colds, flu, Strep throat etc. Strains & sprains Anxiety and other mental health conditions

For temporary medical conditions, who determines what accommodations are needed? A school team, including a school nurse, in consultation with an outside medical provider (with parent consent).

What happens if a temporary medical condition lasts longer than expected? Temporary support will not be provided beyond six months. Students should be referred for 504 or special education consideration at any point the team suspects that the student has a chronic condition that is likely to require accommodations, supports or services for an extended period of time.

What is the expectation for students who are out of school for illnesses or injuries that are not considered temporary medical conditions? The expectation is that schools will make homework available for pick up by the family and that teachers will help the student catch up once the student returns to school.

Transfer Students

When a student moves into KCSD with a 504 plan from another school district, that 504 plan is considered to be in effect and must be implemented until the new school meets to review and, if appropriate, revise the plan. The expectation is that this meeting will happen within the first four weeks of the student's attendance in KCSD.

Transfer student 504 plans need to be transferred to KCSD Section 504 Packet.

Transportation

Section 504 requires transportation be provided for students with a disability who need special transportation to access their education for disability-related reasons.

To be eligible for special transportation, the student's disability must limit the student's ability to get to/from school with regular transportation or an existing bus stop. The student's 504 plan must indicate that the student needs special transportation to access his or her education. The 504 team should consider short-term impairments on a case-by-case basis to determine whether the condition substantially limits a major life activity.

Procedures for processing Section 504 transportation requests

1. Based on parent or staff member request, the 504 team determines if special transportation is necessary. School nurse gathers information for the team regarding any medically related transportation needs. (School nurse will get written parent consent from the parent before contacting any medical provider of the student.) **Building administrator will participate as part of the 504 team when a 504 transportation decision is made.**

- 2. Principal sends transportation requests to the District 504 Coordinator.
- The District 504 Coordinator provides Transportation with the following: Anticipated duration for transportation; and Any special needs, such as wheelchair accessibility.

Questions may be directed to the Transportation Office at 541-883-5013.

<u>Forms</u>

Initial 504 Packet

*Access District SEAS Program

Annual Review 504 Packet

*Access District SEAS Program

<u>Appendix</u>

504 Coordinator Paperwork Checklist

Initial 504	Annual Review	Dismissing a 504
Email Special Service department to add new student to SEAS	Set up meeting with parent/guardian and other staff member	Set up meeting with parent/guardian and other staff member
Complete "Initial 504" document in SEAS (or hand write and type into SEAS after meeting)	In SEAS click the add packet and select "504" packet for any annual reviews.	Review student progress and other relevant information
To upload a document (i.e. nurse orders, doctor orders, etc) Click on Add Form->Insert Additional Document	To upload a document (i.e. nurse orders, doctor orders, etc) Click on Add Form->Insert Additional Document	On Notice of Conference From- Purpose of Meeting-check the "other"box and write- Termination of 504 Plan
Parent/Student Rights given to parent/guardian	Complete "504" packet as annual review paperwork (can be typed into SEAS or hand written and typed in later)	Parent/Student Rights given to parent/guardian
Copy of 504 plan given to parents/guardian	Parent/Student Rights given to parent/guardian	Copy of 504 termination to parents/guardians
In SEAS add guardian information	Copy of 504 plan given to parents/guardian	Exit date of 504 PowerSchool
In SEAS add school information	Lock packet in SEAS	Close activation in SEAS
Once initial packet is completed lock packet in	In PowerSchool attach a new copy of students 504	Unclick 504 box on student demographics page

SEAS	accommodations if changes were made.	
Print a hard copy of 504 and keep in student cumulative file	Print a hard copy of 504 and keep in students cumulative file	<u>Unclick system active</u> box on student demographics page
In PowerSchool make sure student is marked on a 504		Print a hard copy of 504 and keep in students cumulative file.
In PowerSchool attach a copy of students 504 accommodations		

Ensure you are inviting key stakeholders to these meetings when necessary: School Nurse, District 504 coordinator **504 Cheat Sheet**

New student to SEAS

- Email Salli Zavala and Kathy Hendry with the name of the student. They will add the student to SEAS.
- <u>Changing Schools</u>
 - On the demographic page- look to the right hand side and you will see a blue box. One of the tabs is school.
 - Click on the school tab
 - Then you will have a drop down menu to select the new school the student will be attending

ttending School:	Henley Middle	~
chool Type:	Bonanza Elementary	
ttending District Institution ID:	Bonanza High	
	Brixner Jr. High School	
ttending School Institution ID:	Chiloquin Elementary	
	Chiloguin 1r/Cr High	

<u>Changing Case Managers</u>

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• On the demographics tab- look to the right in the blue box. Click the access/schedule tabe

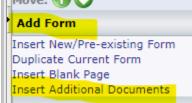
Annual Review
Notes
Access/Schedule
Discipline Records

• Then you will see the "teacher of record box" and you will use the drop down menu to select the 504 coordinator for the school the student attends.

Assign Sta	Aff Member Remove Staff Member(s)			
Select				
	Teacher Of Record:	Title:	Access: Edit	SP: N
_				

Inputting 504 in SEAS

- Once the student account is created 504 is written in SEAS. Upload signatures or any handwritten information.
 - Use the notice of conference as the signature page. Have everyone in attendance sign the form.
- Uploading additional information
 - From launch pad-under students name click
 -click on initial 504-click on one of the forms-then you will have the option to



-browse for document-click insert button at the

top Insert -will appear in forms on right hand side.

Additional Information to add in SEAS

- Guardians tab
 - From launch pad-click students name-right hand side click on guardian -1 parent-

Guardian

add parent information. School tab

• From launch pad-click students name-right hand side click on school- add school

information. School _____. This info might be populated just double check.

Final Steps

- Lock 504 packet in SEAS
 - Please name the packet as Initial plus date of meeting or annual plus date of meeting. Ex. Initial 9-23-23 or Annual 9-23-23
- Use the initial 504 packet for initial 504's. For annual reviews use the annual 504 packet. Click add Packet. Then select 504 Packet



Add a blank packet

 Annual 504 2023-2024 USE THIS ...
 Initial 504 2023-2024 USE THIS P...
 Manifest Determination
 Record of Contact

• Upload 504 to PowerSchool

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- Find student in PowerSchool
- If this is an initial 504 please make sure to mark the student as having a 504 in PowerSchool.

Student Profile	•	Assets	Registration
Academic Records	•	Asset Tracking	Course Registrations
			Extracurricular Activities
Attendance	•	Course Schedule	Remote and Summer Scho
Debassian		Bell Schedule	Registration
Behavior		Course Request	Scheduling Settings
Compliance	•	Management	Student Programs
	-1	List Schedule	
Courses and Programs		Matrix Schedule	

New

- Once in student programs click
- Add an entry date and program click Section 504.

New Student Program Enrollment	English as a Second Language Foreign Exchange Free/Reduced Lunch
	Homeless/Unaccompanied
	Indian Education
Comment	Limited English Proficiency Migrant
	Military Connected
	Pregnant/Parenting
Entry Date	Recent Arrivers
Exit Date	Section 504
	Special Education
Exit Reason	Talented and Gifted
	Title I
Program	

- 0
- Add 504 alert in Powerschool- on student profile

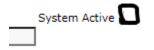
Student Profile	•	Student Details
Academic Records	•	<u>Quick Lookup</u>
		Addresses
Attendance		Counselor Dashboard
Behavior		Demographics
		Digital Equity & Learning
Compliance		Preferences
Courses and Programs		Email
C C		Modify Info
Health	•	Other Info
Postsecondary		Student Photo
Other Alert		
Other Alert Text		504 on File

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- \circ $\;$ Then click submit and the alert will be active for the student.
- Close out a 504
 - In SEAS Click into students 504 and in the upper right hand corner click the closed button and this will deactivate the 504.

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• Also make sure to unclick the system active box in the demographic page



- Termination of 504 Plan
 - If a student no longer needs a 504 plan
 - On the notice of conference page

SECTION 504 NOTICE OF CONFERENCE FORM 504-05A

- Under purpose of this meeting mark the "Other" box
 - A. The purpose of this meeting:
 - Discuss results of evaluation/Section 504 Eligibility
 - Review instructional progress
 - Review of placement
 - Discuss misconduct/infraction of school as it relates to disability
 - Other:
- 0
- Write Termination of 504 plan.
- After meeting upload and lock packet into SEAS and follow the process to close the 504 in SEAS.
- Close them out of their 504 on PowerSchool. Go to student programs and select 504.

Comment	
Entry Date	MM/DD/YYYY
Exit Date	
Exit Reason	
Program	v

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Then for comment it will read "Termination of 504" Add exit date

Exit Reason will read "Termination"

- Printing a New Packet from SEAS
 - On the SEAS launch pad you will click on print and select for multiple students



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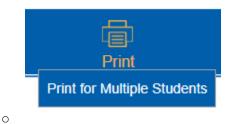
• Select 504 as the plan type

Plan Type:	~
	IEP
	504

- Then you will select Form or Form Packet
 - Form- if there is a specific form you want to print you will select form
 - Form Packet- If you want to print the entire packet

туре:		~
	—	
	Form	
	Forms Packet	

- Printing a New Packet from SEAS
 - On the SEAS launch pad you will click on print and select for multiple students



• Select 504 as the plan type

Plan Type:		~
	IEP	
	504	

- Then you will select Form or Form Packet
 - Form- if there is a specific form you want to print you will select form
 - Form Packet- If you want to print the entire packet

туре:		~
	Form	
	Forms Packet	

Compliance Review

Student Name:_____ School:_____ Grade:____

Initial 504 Meeting	Annual 504 Review
Check off the following tasks as th	ney are completed:
Complete 504 meeting documents	
 Finalize 504 in SEAS Complete all SEAS tasks (see paperwork checklist in Procedural Manual) Save all documents Upload any documents with signatures Lock 504 once complete (added date of meeting to completed packet) 	
• Print a copy of the 504 and give to family	
Place a copy of the 504 in students CUM file	
• Ensure each teacher has a copy of the students accommodations and understands it is their legal responsibility to follow the accommodations	
 Accommodation page is uploaded into PowerSchools 	
Check the following boxes as applicable:	
Does the student need transportation set up	
 Is this student on an abbreviated day? 	When is their 30 day follow up?
Does the student need paraprofessional support	How many hours?

Does the student need tutoring services	How many hours?
 Does the student need any AT/OT Services or equipment? 	
504 Coordinator Signature:	Date:

*Return this form ASAP to District 504 Coordinator- ramirezs@kcsd.k12.or.us

**By signing this form I agree that:

- I have a copy of the above students 504 accommodation page.
- My building 504 coordinator has reviewed the 504 accommodation page with me.
- I will implement these 504 accommodations in my classroom as it is my legal responsibility to do so.

Math:	
English:	
Science:	
Social Studies:	
Health/PE	
Elective:	
Classroom teacher:	
504 Coordinator:	

504 lf/Thens

lf	Then
A student meets the definition of a person with a disability: (Put the definition in here) • has a physical or mental impairment which substantially limits a major life activity; • has a record of such an impairment; or • is regarded as having such an impairment	A 504 plan should be done. Keep a working document and place a copy in the students cumulative folder.
Parents and/or teachers suspect a student of having a physical or mental impairment and who is believed to need accommodations or support to receive a free appropriate public education.	They should speak with the school's 504 coordinator.
Parent specifically mention a 504 for their child	Teacher or school personnel should bring that information to the 504 coordinator and have staffing to determine next steps.
A student is found not eligible for a 504	The school coordinator and team must have specific documentation on the process they took to make the decision of not being eligible. The documentation needs to include why the team believes the student is not substantially limited. Please put this documentation in students cumulative folder.
The students condition is medical	Have school nurse apart of the team
A student, whether they are on a 504 or not, is harassed because of their condition of record or is regarded as having a condition	Take harassment seriously and put in measures to ensure harassment stops immediately.
Team is needing help to determine eligibility a cum file review may be needed- look for students performance on the following	Use this information to help determine eligibility.

assessments compared to their peers- aptitude/achievement assessments, statewide assessments, teacher recommendations (has a lot of weight), physical condition (may come from medical provider), mental or emotional condition (may come from observations or medical), social and cultural background, adaptive behavior.	
A student does not have a medical statement	They can still be eligible for a 504 if there are substantial limitations to life activities
A student does qualify	Initial 504 will be completed and an annual review required
A student's condition is less than 6 months	A 504 might not be necessary and accommodations can be created through health plan
Accommodations need to be reviewed before annual review date	504 meeting needs to happen to update accommodations
If a student no longer qualifies or needs a 504, parents should be a part of that decision. If parents are dissatisfied make sure parents have a copy of the parent/student rights.	Families can use those resources for due process.
A student needs an evaluation to determine eligibility for a 504 or to find a student eligible for an initial 504	Parent permission is required
Student's condition is more than 6 months	A 504 should be considered
A student needs tutoring	Let District 504 Coordinator know to set up.
A student needs special transportation	Let District 504 Coordinator know to set up.

504 Change in Placement

If a student/family requests a change in placement due to concerns please follow the below process.

- 1. A 504 meeting should be set up with:
 - a. The current school 504 team
 - b. The new school 504 team
- 2. Use the annual review 504 form in SEAs
- 3. Conduct the meeting:
 - a. Be sure to document concerns
 - b. Address how those concerns will be met with accommodations at the new school
 - c. Be sure to have most up to date data to inform most appropriate placement
 - d. Update packet in SEAs and be sure to add the date of meeting as part of the title
 - e. Upload new accommodation list in PowerSchool
- 4. Make placement determination
- 5. New placement school will need to:
 - a. Complete the Review and compliance sheet for this student
 - b. All staff will need a hard copy of the accommodations
- 6. If this is a high profile 504 case please notify Stacey Ramirez

Student moving from elementary to middle or middle to high

- 1. Have a transition meeting with the receiving school.
- 2. Make sure student school is updated to the receiving school information.
- 3. 504 documents placed in students cumulative file
- 4. If student has para hours, needs special equipment (desk, chair), tutoring hours, bussing, or OT/AT- Please invite District 504 coordinator to the meeting

504 Senior Information

504 Coordinators Responsibilities Graduating Seniors

Review 504 plan in May for all college bound seniors or potential college bound seniors.

Things to consider during this 504 meeting What accommodations are currently working for the student What accommodations may need to be added to support college success

College Bound Seniors IEP, 504, Accommodations

-College students are no longer protected under IDEA. College students can still be protected under Section 504 and ADA.

-This ensures that you, as a college student, are not discriminated against on account of your disability and you cannot be turned away based on your disability.

-The academic support you are receiving as a high school student will be different from the support you will receive at the collegiate level.

-Colleges have their own eligibility criteria for determining whether students have a disability that can be accommodated within their classrooms.

-You, as the college bound student, <u>MUST</u> advocate for yourself to get your college to recognize your disability and accommodate it.

- A medical statement, from your primary care doctor, will be an important document to bring to your college, along with your IEP or 504 packet. This information will help your college to determine eligibility and reasonable accommodations for you.

-Who do you reach out to at your college to start the eligibility process? Student Success Center Disability Services Academic Advisor 504 or ADA Coordinator

-What are "reasonable accommodations" at the collegiate level? Reducing a course load Substituting one course for another Providing note takers, recording devices, or sign language interpreters Extending time for test-taking Offering priority registration for courses Equipping school computers with screen-reading, voice recognition, or other adaptive software or hardware Providing TTY in a dorm room if telephones are provided in other rooms

-Reminder

You are responsible for yourself in college You must inform your college of your disability You need to seek out the help of disability services You must provide documentation of your disability to initiate the eligibility process You will advocate for the accommodations you need

College and Contact Information

Oregon Institute of Technology-

Learning Resource Center is located on the second floor in the CARES Office on the OIT Campus Phone: 541-885-0189 For questions email: <u>access@oit.edu</u> https://www.oit.edu/academics/cares/access-campus-equity-services

Klamath Community College

Student Services- Founders Hall Phone: 541-882-3521 For questions email: <u>kcc.disability@klamathcc.edu</u> <u>https://www.klamathcc.edu/en-US/Students/Disability-Accomodations</u>

Southern Oregon University

Academic Support Programs office- Stevenson Union Phone: 541-552-6213 (opt 2) For questions email: <u>dr@sou.edu</u> <u>https://inside.sou.edu/dr/index.html#location-on-campus</u>

University of Oregon

Accessible Education Center Phone: (541) 346-1155 For questions email: <u>uoaec@uoregon.edu</u> <u>https://aec.uoregon.edu/work-aec</u>

Oregon State University

Disability Access Services- A200 Kerr Administration Phone: (541)737-4098 For questions email: <u>disability.services@oregonstate.edu</u> <u>https://ds.oregonstate.edu/</u>

Abbreviated Day Compliance Information/Paperwork