

# The 101 and 201

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Understanding and Implementing the FAPE Protections of  
Section 504 of the Rehabilitation Act of 1973

# 101: Terms & Definitions

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The federal anti-discrimination statute (the protection):

“No otherwise qualified individual<sup>1</sup> with a disability<sup>2</sup> in the US ... shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance ...”

1. Anyone required to receive FAPE, IDEA requires this at age 3
2. Anyone that has a physical or mental impairment that substantially limits one or more major life activities

# 101: Terms & Definitions<sub>(cont)</sub>

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The 504 definition of a *disability*:

Anyone that has a physical<sup>3</sup> or mental<sup>4</sup> impairment that substantially limits<sup>5</sup> one or more major life activities<sup>6</sup>

3. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting a body system
  4. Any mental or psychological disorder
  5. By comparison to most people in the general population
  6. Not an all-inclusive list & goes beyond the *learning* function
    - Caring for oneself, performing manual tasks, seeing, hearing, eating, etc...
- ❖ DOJ – the definition of *disability* is to be “construed broadly in favor of expansive coverage”

# 101: Our Child Find Duty

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The affirmative duty to conduct an evaluation:

“A [federal funded] recipient that operates a public education program or activity shall conduct an evaluation<sup>7</sup> ...of any person, who, because of a handicap, needs or is believed to need special education or related services ...”

7. A two-step process, (1) Disability Determination & (2) Placement/Service Determination, that requires a school agency to secure evaluation data “...from a variety of sources ...”

# 101: The 2-Step 504 Evaluation Process

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## I. Disability Determination

- Based on all the relevant evaluative data drawn from a variety of sources, does this student *have a disability* under Section 504?
  - Schools may *request* information from a parent, but not *require* it
  - Schools must look at the student in their unmitigated state;
    - OCR has found that the student's need for mitigating measures<sup>8</sup> could be evidence of a substantially limiting disability
  - If *impairment* YES, *substantially limit* is presumed to be YES
    8. Any medicative/assistive measure that an individual uses to eliminate or reduce the effects of an impairment/condition

# 101: The 2-Step 504 Evaluation Process (cont)

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## II. Placement/Service Determination

- Based upon all of the relevant evaluative data drawn from a variety of sources, does this student *with a disability* need special services in order that his/her educational needs are met as adequately (FAPE) as the needs of nondisabled students are met?
  - The mitigating measures provision only applies to Step 1 of the 504 Evaluation
  - The 504 Team should focus on determining if/what supplementary/related aids and services are necessary to provide a student with a disability an equal opportunity to be successful in a classroom (to even the playing field)

# 101: MDCPS Timelines - The 30-Day Rule

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- Upon receipt of any verbal or written documentation suggesting/indicating/suspecting a disability, the school must meet within 30 days to discuss the contents of that information
  - The school must secure the following forms:
    - Consent to Screen (FM 6279)
    - Mutual Exchange of Information (FM 2128)
    - Request for Assistance (FM 7073)
    - Vision Screening (FM 2125)
    - Hearing Screening (FM 7409)
    - SSW Screening
  - The school must give to the parent/guardian the following:
    - Receipt of Private Evaluation or Documentation (FM 7087)
    - Procedural Safeguards
    - SST Meeting Date

\* WB# 23409 – Private Psych Evals

# 101: Section 504 FAQs

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- The refusal to conduct a 504 Evaluation
  - There is no evaluation on demand; “ ... if there is absolutely no sign of any reason to believe or reason to suspect the existence of a disability or the need for any special service, then a school agency can certainly refuse to conduct an evaluation” (Weatherly, 2018).
  - The parent must be informed of this decision (in writing) before the 30-Day Timeline is exceeded.
- A 504 Reevaluation must be done periodically
  - MDCPS: There must be an annual review of a child’s plan and need for service
  - MDCPS: There must be a tri-annual review for a child’s need for services

## 101: Section 504 FAQs (cont)

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- Required written documentation by the parent (to initiate or review)
  - It may be requested (but not required), that a parent/guardian provide information to the 504 Team. The Team must use *all the relevant evaluative data drawn from a variety of sources* to determine (1) Disability and (2) Need for Service/Placement. “ ... according to OCR, it is the school’s obligation to evaluate, and it cannot ‘shift the burden of that cost or obligation onto the parent’” (Weatherly, 2018).
- Discipline
  - The procedural rules of discipline for students deemed disabled under Section 504 are the same as those that exist under IDEA; a Manifestation Determination meeting is required before a significant change in placement

# 201: Types of Accommodations

## Presentation

“Input of information”

Present information to student in varied formats.

Multi-modal: Charts, videos, guided notes

Oral presentation

## Responding

“Output of information”

Allow students to use different ways to complete assignments and assessments and demonstrate their knowledge and skills.

## Scheduling

Increase the allowable length of time to complete an assignment or assessment and may also change the way the time is organized.

## Setting

Making changes to the classroom environment to address need.

Small group for testing.

Agenda posted.

Predictable classroom routines.

# 201: Presentation Accommodations

## Presentation

“Input of information”

Present information to student in varied formats.

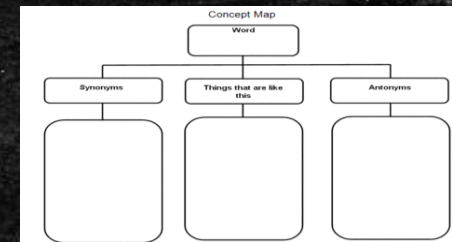
Multi-modal: Charts, videos, guided notes

Oral presentation

Step by Step, Explicit Format

Agenda (student friendly)

- Pair lecture with powerpoint or videos
- Utilize graphic organizers when presenting concepts
- Take advantage of audiobooks ([www.learningally.org](http://www.learningally.org))
- Guided notes



# 201: Response Accommodations

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## Responding

“Output of information”

Allow students to use different ways to complete assignments and assessments and demonstrate their knowledge and skills.

- Student may verbally respond or use other formats to demonstrate mastery of standard.
- Look into “[Learning Menus](#)”
- Speech to Text
- Manipulatives
- Shortened assignment for mastery of key concepts.
- Break test/assignment into parts as “extended time” as opposed to allowing more time to do something in one sitting.
- Permit responses to be given via computer
- Using rubrics very helpful
- Providing examples of finished product helpful

# 201: Scheduling Accommodations

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## Scheduling

Increase the allowable length of time to complete an assignment or assessment and may also change the way the time is organized.

- Allow for breaks as needed
- Extended time (what does this “look like” based on student’s need?)
- Administer test at specific time of day
- Change schedule or order of activities

**\*Communicate with your student and their family about extended time.**

# 201: Setting Accommodations

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## Setting

Making changes to the classroom environment to address need.

Small group for testing.

Agenda posted.

Predictable classroom routines.

- Preferential seating
- Test in small group setting
- Change in location or size of group
- Provide for orderly classroom environment to reduce distractions (i.e. procedures set, established rules, agenda posted, etc.)

# 201: Documenting Accommodations

Staple checklist of accommodations provided to the assessment.

Initial or write accommodations provided on opposite side of assessment

Accommodations	
T.A.	Teacher assisted
R.D.	Redirected
T.R.	Teacher Read
P.R.	Peer Read
Start Time/End Time	Monitors Extended Time

## Student completed assignment/assessment

\_\_\_ w/ support    \_\_\_ w/ peer tutor    \_\_\_ independently

## Student was tested

\_\_\_ in small group    \_\_\_ individually

## Types of accommodations provided

\_\_\_ skills reviewed before test    \_\_\_ reduced answer choices  
 \_\_\_ extended response time    \_\_\_ reduced number  
 problems  
 \_\_\_ allowed to use book/notes    \_\_\_ read aloud to student  
 \_\_\_ manipulatives/visual aids    \_\_\_ student dictated answers  
 \_\_\_ prompting scaffolding  
 \_\_\_ other \_\_\_\_\_

<https://padlet.com/esemdcps/3Rs>

[Accommodations Documentation Sample 1](#)

[Accommodations Documentation Sample 2](#)

# 201: Grading Policy for SWD

Paper Number: FY 2006-11

April 2006

## Technical Assistance Paper

312775

### Grading Policies for Students with Disabilities

The purpose of this technical assistance paper (TAP) is to provide Florida administrators and teachers with information about identifying and implementing valid and meaningful grading strategies for students with disabilities, primarily those working on Sunshine State Standards. This TAP is intended to introduce recommended practices to assist district personnel in developing and refining grading policies. To expand these recommendations, the Bureau of Exceptional Education and Student Services intends to fund the development of an on-line professional development module addressing grading policies for students with disabilities following the release of this TAP.

Section 1 of this document provides general information on various approaches to using assignments and assessments to assign grades; section 2 focuses on the effects of the use of these different grading approaches on students with disabilities. Clearly, grading practices have profound implications for access to the general curriculum, promotion and retention, and postsecondary options for students with disabilities and thus need to be addressed by districts, schools, and individual educational plan (IEP) teams in a thoughtful, collaborative way. For this reason, section 3 outlines recommendations in developing a grading system that effectively includes students with disabilities.

#### Section 1:

#### General Information Applicable to All Students

##### Definition and Evolution of Grading

Grading is best understood as a shorthand method of communicating complicated information about student learning and progress (Guskey, 2002; O'Connor, 2002). A grade, such as a grade on a report card, is a summary of a teacher's judgment of the adequacy of a student's achievement at a particular point in time (Guskey, 1996). Report card grades should reflect a student's achievement relative to the curriculum standards he or she is working toward. Report card grades should not be used to communicate a student's progress or achievement gain between baseline performance measures and summative outcome measures. Progress monitoring data, which is collected between baseline data and summative data, is best used to communicate student rate of progress through graphic visuals and portfolio records.

Grading became part of American education less than a century ago, when compulsory school attendance laws led to soaring enrollment and teachers found it convenient to use percentage grades to quickly summarize information about student achievement. Studies done in the first

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John L. Ware, Commissioner

TECHNICAL ASSISTANCE PAPERS (TAPs) are produced periodically by the Bureau of Exceptional Education and Student Services to present discussion of current topics. The TAPs may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

<http://www.fldoe.org/core/fileparse.php/7571/urlt/0086206-y2006-11.pdf>

# 201: Standards Based Grading

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- Puts the focus on learning rather than on the student.
- Facilitates clearer communication.
- It is the most effective way of ensuring the SWD can access the general curriculum and receive accommodations to instruction and assessment without being discriminated against in grading practices.

Become familiar with district policies and develop a grading approach that is aligned to those policies.

# 201: Communication is Key

COMMUNICATE learning expectations and grading procedures clearly and in writing to students and parents.

Student Name \_\_\_\_\_ Date \_\_\_\_\_

### Fluency Assessment Rubric

	1	2	3	4
<b>Prosody</b>	Reads primarily word-by-word. Occasional two-word or three-word phrases may occur-but these are infrequent and/or they do not preserve meaningful syntax. Lacks expressive interpretation. Reads text excessively slow.	Reads primarily in two-word phrase groups with some three- and four-word groupings. Some word-by-word reading may be present. Word groupings may seem awkward and unrelated to the larger context of the sentence or passage. A small portion of the text is read with expressive interpretation. Reads significant sections of the text excessively slow or fast.	Reads primarily in three- and four-word phrase groups. Some smaller groupings may be present. However, the majority of phrasing seems appropriate and preserves the syntax of the author. Little or no expressive interpretation is present. Reader attempts to read expressively and some of the story is read with expression. Generally reads at appropriate rate.	Reads primarily in larger, meaningful phrase groups. Although some regressions, repetitions, and deviations from the text may be present, these do not appear to detract from the overall structure of the story. Preservation of the author's syntax is consistent. Some or most of the story is read with expressive interpretation. Reads at an appropriate rate.
<b>Accuracy</b>	<82%	82%-88%	89%-94%	>94%
<b>Automaticity- BOY</b>	<30	30-54	55-79	>79

**Accuracy Rate** \_\_\_\_\_  
(Total words read - Total errors) / Total words read x 100  
**Total Score** \_\_\_\_\_  
**Percentage** \_\_\_\_\_  
**Automaticity- Words read correctly in one minute** \_\_\_\_\_  
**Fluency Percentage**

12/12- 100%	8/12- 67%	4/12- 33%
11/12- 92%	7/12- 58%	3/12- 25%
10/12- 83%	6/12- 50%	
9/12- 75%	5/12- 42%	

### First Grade Math Rubric (Operations & Algebraic Thinking)

Name: \_\_\_\_\_ Age: \_\_\_\_\_ Grade Months \_\_\_\_\_

<b>3</b>	Can add and subtract within 20, showing fluency within 10, including word problems, with unknowns in all positions	Can understand and apply properties of operations for addition and subtraction commutative, associative	Can independently work with addition and subtraction equations . understand the = sign, determine if equations are true or false
<b>2</b>	Can add and subtract within 20, including word problems, with unknowns in all positions with minimal support and guidance	Can understand and apply properties of operations for addition and subtraction commutative, associative with minimal prompting	Can independently work with addition and subtraction equations . understand the = sign, determine if equations are true or false with minimal prompting
<b>1</b>	Can add and subtract within 10, including word problems, with unknowns in all positions with support and guidance	Can understand and apply properties of operations for addition and subtraction commutative, associative with maximum prompting	Can independently work with addition and subtraction equations . understand the = sign, determine if equations are true or false with maximum prompting

Total \_\_\_\_\_

# 201: Communication is Key (cont)

COMMUNICATE to parents that progress on annual IEP goals is important and is reported BUT progress on annual goals is different from academic grades.

## STATUS REPORT ON GOALS

Your child's progress toward his/her IEP/EP goals and the extent to which goals can be achieved by the next Review of the IEP/EP is provided below.

### Status Report Codes

#### Goal Codes

- 1 = Mastered (Requires IEP/EP team to review goal and revise or develop a new goal.)
- 2 = Adequate Progress
- 3 = Some Progress
- 4 = Insufficient Progress (Requires IEP/EP team to review goal and revise or develop a new goal.)

## PROGRESS REPORT/REPORT CARD

STUDENT: SAMPLE		STUDENT ID: 9999999		GR: 05	HRR: HRR	5555	PHONE: (305)555-5555	MIAMI-DADE COUNTY PUBLIC SCHOOLS				REPORT CARD 2006/2007				FIRST REPORT				AUG. 14, 2006 - OCT. 19, 2006							
SCHOOL: SAMPLE ELEMENTARY		COURSE TITLE AND TEACHER		1st Grading Period				2nd Grading Period				3rd Grading Period				4th Grading Period				FINAL GRADE							
OFFICIAL ATTENDANCE		GRD	E	C	ABS	TD	CM	GRD	E	C	ABS	TD	CM	GRD	E	C	ABS	TD	CM	GRD	E	C	ABS	TD	CM		
DAYS EXCUSED				00																							
TIMES TARDY				00																							
Language Arts	SAMPLE TEACHER	A	1	A			15																				
Reading	SAMPLE TEACHER	A	1	A																							
Mathematics	SAMPLE TEACHER	A	1	A			07																				
Science	SAMPLE TEACHER	B	1	A			13																				
Social Studies	SAMPLE TEACHER	B	1	A																							
Art	SAMPLE TEACHER	A	1	A																							
Music	SAMPLE TEACHER	A	1	A																							
Physical Education	SAMPLE TEACHER	A	1	A																							
Spanish for Spanish Speakers	SAMPLE TEACHER	B	1	A																							
Elementary Homeroom	SAMPLE TEACHER																										

TEACHER COMMENTS (CM)  
 07 - Puts forth maximum effort, very cooperative.  
 07 - Demuestra un esfuerzo máximo, es muy cooperativo.  
 13 - is very self-directed, can work independently.  
 13 - Puede gobernarse a sí mismo muy bien.  
 15 - Shows excellent class attitude.  
 15 - Demuestra una excelente actitud en la clase.

ADDITIONAL COMMENTS

STANDARDIZED TESTING  
 FCAT NORM-REFERENCED - GRADE 04 SCORE  
 READING 676 86ZILE  
 MATHEMATICS 662 83ZILE  
 FCAT - GRADE 04 SCORE LEVEL  
 READING 322 3  
 MATHEMATICS 345 3  
 WRITING 410 N/A  
 (FCAT LEVELS RANGE FROM A LOW OF 1 TO A HIGH OF 5)