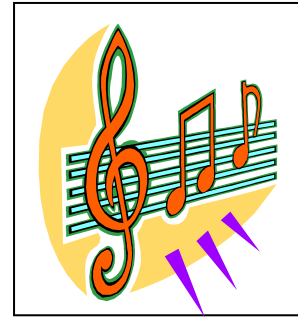




**East Side Union High School District  
Special Services Department  
Donna DeMartini, Director  
Staff Notes & News**

**Vol. 4, Number 2, September 27, 2007**



### **A Message from the Director**

I am pleased to provide you with a copy of this edition of **Staff Notes & News** which is devoted to ESUHSD's Section 504 Program. Section 504 of the Rehabilitation Act of 1973 is a federal anti-discrimination law that applies to all qualified students and adults, and requires all school districts throughout California and the nation that are recipients of federal funds to create a program which complies with the law. Below you will find important information about the Section 504 Program from a broad program perspective as well as from a local application perspective including individual ESUHSD staff responsibilities. Please contact me, or any of the Section 504 School Coordinators, should you have additional questions concerning the Section 504 Program.

*Donna DeMartini  
Director of Special Services*

### **What is Section 504 of the Rehabilitation Act of 1973?**

*"No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance ...." (29 U.S.C. Section 794)*

### **What is the Difference Between Section 504 and Special Education?**

Compliance with Section 504 is distinct from ESUHSD's obligations under the federal *Individuals with Disabilities Education Improvement Act (IDEIA)* and the special education programs operated by the district. Implementation of Section 504 is the responsibility of the district's general education program and requires participation from the general education staff as well as instruction within the

general education curriculum with accommodations provided by the teacher. All individuals who are disabled under IDEIA are also considered to be disabled and entitled to protection from discrimination under Section 504. However, all individuals who have been determined eligible under Section 504 may not necessarily be eligible under the IDEIA.

### **Who Is Eligible for a Section 504 Plan?**

Section 504 applies broadly to any individual who ...

- Has a physical or mental impairment which substantially limits one or more major activities such as hearing, seeing, speaking, learning, walking, working, etc.,
- Has a record of such an impairment,
- Or is regarded as having such an impairment.

Some examples of impairments within the range of Section 504 but not typically covered under the IDEIA include, but are not limited to:

- Medical conditions such as diabetes, etc.
- Attention Deficit Hyperactivity Disorder (ADHD)
- Temporary injury due to illness or accident.

***The best part of my job is to get to spend my day with kids. They keep me thinking young.***

***Susan Rippe  
Kansas Teacher of the Year***

### **What are Section 504 Identification Procedures?**

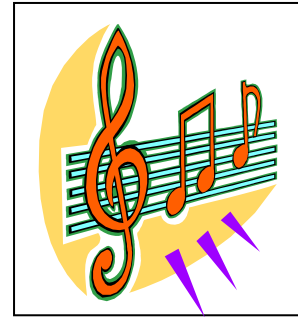
ESUHSD has the responsibility to identify potential students who qualify with a disability under Section 504 and then develop an accommodation plan. Students may be self-referred or referred by a parent/guardian, teacher, other school employee, medical provider, community agency representative, and others who may suspect that the student has a disability. In many cases, the student is first reviewed by the Student Study Team (SST), or other similar general education review team, to discuss concerns and consider accommodations or support services. The SST may determine whether the student should be referred for

**Superintendent  
Bob Nunez**



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evaluation under the IDEIA assessment guidelines or under Section 504. In the event that the student is assessed and not found to have a disability within the definition of the IDEIA, the assessment information may be used by a Section 504 team to determine whether the student has a disability within the definition of Section 504. Students not qualifying for special education services under IDEIA do not receive an automatic qualification under Section 504.

### **What is a Section 504 Plan?**

Once a student is found eligible under Section 504, a plan is developed and immediately implemented by all school staff which usually includes general education teachers. The Section 504 Plan is commonly referred to as an accommodation plan since it lists all of the accommodations to be provided by the general education staff in the student's regular classroom. These accommodations may be in the form of special instructional services, modifications, or auxiliary aids that prevent qualified students from being discriminated against due to their disability. The Section 504 Plan includes the following information:

- Description of the student's disability.
- Description of the impact on a life function.
- Description of accommodations to be provided.
- Description of aids and services required in order to participate in extracurricular activities.
- List of staff responsible for accommodations.

The Section 504 Plan becomes part of the student's permanent cum file at the school and is updated at least annually. It is important all staff who are responsible for accommodations be given a copy of the Section 504 plan at the beginning of each semester in order for them to plan their instruction, etc. The law requires full implementation and follow-up by general education staff for all the listed activities.

### **When is a Section 504 Plan Updated?**

Just like a Special Education IEP, a student's Section 504 Plan is reviewed and updated by the school's Section 504 team at least annually. ESUHS D keeps a database of students with Section 504 Plans in SASI for easy reference.

### **What are the Safeguards?**

Parents/guardians may file a complaint against the district under the **Uniform Complaint Procedures** or against an employee under the **Public Complaint Procedures** available through the Human Resources Department.

### **Who Do I Contact for Help with Section 504 Students?**

The ESUHS D's **Section 504 District Coordinator** is **Donna DeMartini, Director of Special Services**. He can be contacted at the Educational Center at (408) 347-5180. Each school also has a designated **Section 504 School Coordinator** and they are listed below for your quick reference.

|     |                 |     |                |
|-----|-----------------|-----|----------------|
| AH  | Lara Sandora    | PH  | Ginny Davis    |
| ST  | Lori Mathinson  | SC  | Joann DeLaRosa |
| IND | Rick Shinn      | WCO | Chris Cali     |
| JL  | Veronica Flores | YB  | James Holt     |
| MP  | Raquel Ornelas  | FH  | Vivian Gamez   |
| OG  | Gary Berg       | EV  | Debbie Kerrick |

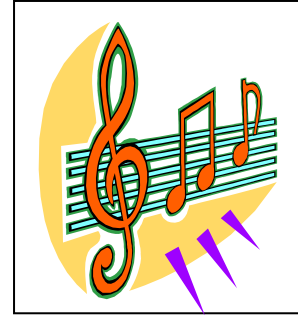
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