Section 504 Individual Accommodation Plan (IAP)

According to The Americans’ with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, schools must ensure that programs, services, and activities are accessible to and useable by persons with disabilities when the system’s programs, services and activities are viewed in entirety. The Section 504 Individual Accommodation Plan (IAP) contains the same quality components of an Intervention Plan for Student Success with some additional requirements to align the process with Section 504 of the Rehabilitation Act of 1973. The IAP more specifically identifies a student's disability and the student's access to the regular educational program. An IAP should address the student’s access to the regular educational program as independently and naturally as possible.

A disability is defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities may include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working. Also included are the operations of major bodily functions such as: the immune system, special sense organs and skin, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

Substantially limits is defined as the inability to perform a major life activity as compared to most people in the general population.

Accessible means persons with a disability have an equal opportunity to participate in services, activities and programs of our schools.

Section 504 of the Rehabilitation Act has been strengthened by the Americans with Disabilities Act (ADA). A basic premise of ADA, Section 504 and the Individuals with Disabilities Education Act is that the student should be served in a typical environment, to the maximum extent possible and demonstrate academic success.

In order for a student to be served by an IAP, a Student Support Team must determine that the student has a disability that substantially limits one or more major life activities. The disability must cause limited access to the
regular educational program and does not require specially designed instruction (special education).

NHCS meets its obligations to students with disabilities in three ways:

- Interventions that specify best teaching practices as a means for a student with a disability to access the regular educational program. These interventions are identified in an Intervention Plan for Student Success.
- Accommodations that specify adjustments to the learning environment as a means for a student with a disability to access the regular educational program. These accommodations are identified in an IAP.
- Individualized Education Programs that specify interventions, accommodations and specially designed instruction as a means for a student with a disability to benefit from schooling.

An IAP is not a voluntary compliance issue. If a plan is written, personnel must implement the components of the IAP. Failure to implement the IAP may result in legal actions and possible liabilities for individual personnel, as well as the school system.

A team that includes the following representation should develop the IAP:

- the student’s parent or legal guardian,
- the student’s teacher,
- the student, when appropriate, and
- an administrative designee.

Examples of accommodations that an IAP may include are:

- Instructional interventions/accommodations
- Restructuring the child’s classroom/school environment
- Reassignment to an accessible location within a school or to another site
- Assignment of resources
- Reasonable structural changes to eliminate barriers in the facility
- Equal access provisions for field trips and other school-related activities

When an IAP is written, the Team must ensure there is evidence to support the plan. This includes:
Documentation that the student’s disability meets the criteria as defined in Section 504 regulations at 34 CFR104.3 (j) located in Appendix F of the New Hanover County Schools Student Support and Intervention Manual.

Documentation that states how the disability limits the specific major life activity. This documentation should include information such as grade book data, logs, progress reports, etc.

Documentation that NHCS procedures were followed in making these decisions.

Documentation of reasonable interventions and accommodations that are student specific. Remember that the IAP accommodations must relate to the major life function, which is impacted by the disability. For example, a student with a broken leg needs access to an elevator as an accommodation, but it would be unlikely that they would need dictation to a scribe.

Team decisions must be based on all available data. Data and recommendations provided by a third party must be considered.

Careful consideration should be given to the impact of the disability on access to the school’s standard educational program. If a student is demonstrating and/or has demonstrated success in an area of the school's educational program, the IAP does not address that area. For example, if a high school student has difficulty writing complete thoughts, that student's IAP should not address those classes that do not require the written expression of complete thoughts (e.g. physical education, keyboarding, or auto mechanics). In addition, if the student has a diagnosis of asthma that significantly impacts the student’s ability to breathe, then accommodations must address accommodations for breathing. It would be unlikely that the student with asthma would have accommodations that included a behavior plan.

Accommodations must be reasonable. For example, faxing weekly progress reports to a parent may not be a reasonable intervention based on the data. Other more typical parental communication strategies should be considered and attempted before utilizing more complex strategies. Within the context of being reasonable, simpler and more student-owned interventions should be attempted initially as a means to obtain additional data to support more extensive interventions. The law requires reasonable interventions and accommodations. If extensive interventions and accommodations are supported by the data perhaps the student may require specially designed instruction and the Student Support Team should consider designing a
formal evaluation to determine the need for an Individualized Education Program.

The following are some conditions that may warrant Student Support Team consideration of an IAP:

- When a student exhibits any physical or mental condition which does not allow the student to interact successfully within the school's standard educational program or

- When learning is the major life function that is being impacted by the disability, then the student must be performing below average academically

Section 504 of the Rehabilitation Act regulations call for “periodic evaluations.” Annual review of the plan would be a minimal expectation. The extent of a student’s disability often changes with time and correspondingly the interventions and accommodations also should change. The review of the plan should be conducted with a team to include the parent. Parental participation is expected but not required if the parent so chooses.