



Department of Defense Education Activity ADMINISTRATIVE INSTRUCTION

Incorporating Change 2, April 23, 2012

NUMBER 2500.14

April 29, 2009

EDUCATION DIRECTORATE

SUBJECT: Nondiscrimination and 504 Accommodation on the Basis of Disability in DoDEA
Conducted Education Programs and Activities

References: See Enclosure 1.

1. PURPOSE. This Administrative Instruction:

- a. Replaces Department of Defense Education Activity (DoDEA) Regulation 2500.14 (Reference (a)).
- b. Is promulgated under the authority of DoD Directive 1342.20 (Reference (b)).
- c. Implements the prohibition of discrimination against people with disabilities, prescribed by section 794 of title 29, United States Code (U.S.C.) (Reference (c)) (also known as section 504 of "Rehabilitation Act of 1973"), Executive Order 13160 (Reference (d)), and Department of Justice Guidance Document (Reference (e)).
- d. Prescribes procedures for the identification, evaluation, and reasonable accommodation of students who have disabilities in accordance with References (c) through (e).
- e. Assigns responsibilities for implementing the policy of nondiscrimination and 504 Accommodation on the basis of disability in education programs and activities conducted by DoDEA.

2. APPLICABILITY. This Instruction:

- a. Applies to the Office of the Director, Department of Defense Education Activity; the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Department of Defense Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam), (hereafter collectively referred to as "DoDEA Area Directors"); DoDEA Area Superintendents for Curriculum, Instruction and Assessment; and all DoDEA District Superintendents, School Principals, Teachers, and Support Staff.

b. Applies to students who are enrolled or participating in programs and activities, under the authority of DoDEA Regulation 1342.13 (Reference (f)), and DoD Instruction 1342.26 (Reference (g)), that are directly administered by DoDEA, and to their parents.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoDEA policy that:

a. A student with a disability, or who has a record of a disability, or is regarded as having a disability, shall not be excluded from participating in, or be denied the benefits of, any DoDEA education program or activity; or be subjected to discrimination based solely on a disability.

b. DoDEA schools will provide a free appropriate public education (FAPE) to students with disabilities by implementing reasonable 504 Accommodations upon establishing a student has a disability requiring such 504 Accommodation.

(1) Student eligibility for 504 Accommodation and the prescription of 504 Accommodations shall be accomplished under the procedures prescribed by this Instruction.

(2) Students with disabilities under DoD Instruction 1342.12 (Reference (h)), shall have their eligibility for special education and the prescription of special education services and/or accommodations determined in accordance with the procedures prescribed by Reference (h).

(3) DoDEA is not required to fund or provide educational services to a student with disabilities not enrolled in the available DoDEA school.

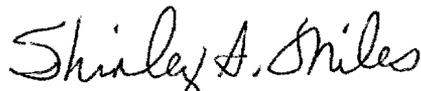
c. Administration of programs under this Instruction is the responsibility of the Areas, districts, and school staff. Special education staff shall not be assigned responsibility for administration of the program under this Instruction.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 provides overarching procedures and requirements for this Instruction.

7. EFFECTIVE DATE

This Instruction is effective immediately.


Dr. Shirley A. Miles
Director

Enclosures

1. References
 2. Responsibilities
 3. Procedures
 4. Rights of Parent/Sponsor/Guardian and Student
 5. Notice of Nondiscrimination
- Glossary

ENCLOSURE 1

REFERENCES

- (a) DoDEA Regulation 2500.14, "Nondiscrimination and Accommodation on the Basis of Disability in DoDEA Conducted Education Programs and Activities," October 30, 2007 (hereby canceled)
- (b) DoD Directive 1342.20, "Department of Defense Education Activity (DoDEA)," October 19, 2007
- (c) Section 794 of title 29, United States Code
- (d) Executive Order 13160, "Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation and Status as a Parent in Federally Conducted Education and Training Programs," June 23, 2000
- (e) Department of Justice Guidance Document, "Ensuring Equal Opportunity in Federally Conducted Education and Training Programs," January 18, 2001
- (f) DoDEA Regulation 1342.13, "Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas," August 11, 2006, as amended
- (g) DoD Instruction 1342.26, "Eligibility Requirements for Minor Dependents to Attend Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS)," March 4, 1997
- (h) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," April 11, 2005
- (i) DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," April 4, 2008
- (j) Director, Department of Defense Education Activity Policy Memorandum, "Executive Order 13160 Guidance: Ensuring Equal Opportunity in Federally Conducted Education and Training Programs," March 18, 2003

ENCLOSURE 2

RESPONSIBILITIES

1. Associate Director for Education (ADE), DoDEA. The ADE, DoDEA under the authority, direction and control of the Director, DoDEA, shall exercise overall responsibility for the implementation of this Instruction.

2. DoDEA Area Superintendents for Curriculum, Instruction and Assessment. The DoDEA Area Superintendents shall, for this Instruction:
 - a. Ensure the dissemination of this Instruction to each district.

 - b. Provide technical assistance in the implementation for this Instruction.

 - c. Coordinate, implement, and evaluate the accompanying professional development training for this Instruction.

 - d. Ensure availability of resources necessary to implement this Instruction.

 - e. Receive and resolve, or designate a person to resolve, appeals from district level decisions concerning student eligibility for 504 Accommodation under this Instruction and issue final decisions, provide a copy of the decision to the parent of the student and place a copy in the student's cumulative file.

3. DoDEA District Superintendents. The DoDEA District Superintendents shall:
 - a. Ensure that each school within their district implements the policies and procedures required by this Instruction.

 - b. Ensure the availability of resources to meet the requirements of this Instruction.

 - c. Receive and resolve, or designate a person to resolve, appeals from school-level decisions under this Instruction, provide a copy of the decision to the parent of the student and place a copy in the student's cumulative file.

4. DoDEA School Principals. The DoDEA School Principals shall:
 - a. Ensure that the parents of enrolled students are provided a notice of the DoDEA policy of nondiscrimination based on disability. (See Enclosure 5)

 - b. Establish a 504 Accommodation Team to evaluate student records, determine whether a student has a disability eligible for 504 Accommodations under this Instruction, and if appropriate, prescribe a 504 Accommodation Plan.

(1) Appoint membership of the 504 Accommodation Team, including persons knowledgeable about the student, disabilities, evaluations, and accommodations.

(2) Designate a 504 Accommodation Team Leader to coordinate activities.

c. Ensure that the 504 Accommodation Team complies with this Instruction.

d. Ensure that the parent of a student who is referred for eligibility for 504 Accommodations:

(1) Is informed of the eligibility process, from referral through 504 Accommodation Plan development and implementation.

(2) Is given a copy of Enclosure 3 of this Instruction.

(3) Provides written consent prior to testing or initial evaluation or reevaluation; and

(4) Provides written consent for the implementation of a 504 Accommodation Plan that is developed by the 504 Accommodation Team.

e. Ensure that:

(1) Adequate technology support, physical workspace, conditions, and/or services, and other resources are available to provide reasonable 504 Accommodations.

(2) 504 Accommodation Team meetings are convened at least annually to review a student's 504 Accommodation Plan; and

(3) Teachers of a student with a 504 Accommodation Plan are informed of the plan.

f. Receive and resolve conflicts raised by parents of students who believe they have not received appropriate consideration under this Instruction and provide written documentation for inclusion in the student's records and delivery to the parent briefly describing the issue(s) in dispute and how the conflict was or was not resolved.

g. Coordinate decisions with the district superintendent and the DoDEA Office of General Counsel prior to making a decision when he or she believes a needed 504 Accommodation is unduly burdensome.

h. Post notices of nondiscrimination in schools, and otherwise publicize at least annually, the DoDEA policy against discrimination based on disability. (See Enclosure 5)

5. DoDEA 504 Accommodation Team Leader. The DoDEA 504 Accommodation Team Leader shall:

a. Coordinate all aspects of the 504 Accommodation Team process and ensure:

- (1) Referrals for eligibility are accepted and processed.
 - (2) Meetings are scheduled and participants informed.
 - (3) The 504 Accommodation Team's decisions are documented in writing and a copy of the written decision is given to the parent.
 - (4) The composition of the 504 Accommodation Team is appropriate for the particular activity for which the 504 Team is being convened.
 - (5) Minutes are recorded of any meeting that decides eligibility, establishes a 504 Accommodation Plan, or makes a placement decision. Signatures of those in attendance, and any dissenting views are obtained; a copy of the minutes is delivered to the parent and placed in the student's cumulative file.
 - (6) All consents have been obtained and notices of parent/sponsor/guardian/ student rights (Enclosure 4) have been provided in accordance with this Instruction.
- b. 504 Accommodation Team meetings are held at least annually to review a student's 504 Accommodation Plan.

ENCLOSURE 3

PROCEDURES

1. PURPOSE. This Enclosure outlines the steps needed to implement the policy of nondiscrimination and 504 Accommodation on the basis of disability in programs and activities conducted by DoDEA.

2. IDENTIFICATION PROCEDURES

a. Identification. A student may be identified as a student with a possible disability at any time by a parent, teacher, student, counselor, administrator, other school personnel, medical personnel, or community agency staff that:

(1) Believes he or she is observing a student's substantially limited performance in one or more major life activities that is believed to be caused by a physical or mental impairment, or

(2) Observes that a student's other records or documents indicate the student has a record of, or has been regarded as having, a physical or mental impairment.

b. Referral

(1) A referral may be initiated by a parent, teacher, student, counselor, administrator, other school personnel, medical agency, or community agency staff.

(2) A referral must be in writing, or in another manner agreed to between the referring individual and the school official accepting the referral, who shall document the student's record to reflect the referral.

(3) A referral may be to the school's School Support Team (SST), its 504 Accommodation Team, or its Case Study Committee (CSC); depending on the perceived nature and effect of the student's issues and whether disability is suspected. It is not a requirement for a student to complete the SST process before being referred for a suspected disability.

(a) Referrals to the 504 Accommodation Team are submitted to the 504 Accommodation Team Leader.

(b) Referrals to the CSC shall be processed in accordance with the procedures prescribed in Reference (h).

(c) When there is doubt whether the student's suspected disability is more appropriately addressed by a 504 Accommodation Team or a CSC, the student should be referred to the CSC.

(4) Referrals to the 504 Accommodation Team address the student's need for access to curriculum, facilities, and equal treatment. Some examples of when a student may be identified and considered for referral to the 504 Accommodation Team include a student who:

- (a) Enrolls with a 504 Accommodation Plan,
- (b) Has a major health concern that substantially limits a major life activity,
- (c) Requires physical accommodations to access the facility,
- (d) Continues to display academic and/or behavior problems after receiving services from the SST, or
- (e) Has been referred to the CSC, but the decision is not to evaluate, or the student has been evaluated for special education and determined ineligible.

(5) Referrals to the CSC may be appropriate when the student requires additional evaluation to determine the extent of the student's disability or the educational condition appears to meet the definition of disability under DoD Instruction 1342.12 (Reference (h)). Some examples of conditions that suggest a student referral to special education is appropriate would be for a student who:

- (a) Enrolls in school with an active Individualized Education Program (IEP),
- (b) Enrolls in school with an expired IEP,
- (c) Enrolls in school with a partially completed evaluation for special education, or
- (d) Demonstrates poor academic performance and the record shows failure in improvement with interventions.

c. Notice of Rights. The 504 Accommodation Team Leader ensures the parents are provided a copy of his or her rights (Enclosure 4) and the complaint procedures (paragraphs 4. and 7. of this enclosure) following a referral.

d. 504 Accommodation Team Review of 504 Referral

(1) The 504 Accommodation Team Leader schedules a meeting of the 504 Accommodation Team to review the referral.

(a) The 504 Accommodation Team Leader determines that the composition of the team is appropriate to the task for which it is being convened.

(b) The presence of a parent is not required until the 504 Accommodation Team convenes to determine a student's eligibility for 504 Accommodations.

(2) The 504 Accommodation Team will evaluate the student's needs. The evaluation may consist of a review of existing records. Information from a variety of sources, such as observations, teacher reports, and results of informal and formal assessments, may be considered.

(3) It shall be the responsibility of the 504 Accommodation Team to determine whether assessments should be obtained and to develop an assessment plan. Assessments requested by the 504 Accommodation Team shall be provided at no cost to the parent.

e. Additional Test and Evaluation. If a 504 Accommodation Team determines that it cannot resolve a student's referral based upon existing records in the student's file and teacher observations and reports, the team may request parental permission to conduct further formal assessments, including a medical evaluation.

(1) The 504 Evaluation Team may refer the student to the CSC.

(2) If the 504 Accommodation Team elects to obtain the additional tests and assessments without a referral to the CSC, it must inform the parent of each additional test or assessment to be conducted and obtain the parent's written consent. (See Appendix 2 to Enclosure 3)

(3) Formal assessments used to evaluate a student shall be nondiscriminatory, administered in the student's primary language or mode of communication, unless it is clearly not feasible to do so; validated for the purposes for which they are used, and administered by trained personnel in conformance with the instruction provided by the publisher.

(4) The parent has the responsibility to provide appropriate medical information related to the functional impairment(s) at issue and the requested accommodation(s).

(a) The 504 Accommodation Team may request relevant supplemental medical information from the parent.

(b) With the consent of the parent, the 504 Accommodation Team, at school expense, may obtain its own medical evaluation, or medical review of the available information about the student, concerning the nature and extent of the student's impairment, the need for accommodation of any impairment, or clarification on how an accommodation will assist the student to obtain a FAPE.

3. ELIGIBILITY AND PLACEMENT

a. Eligibility Meeting. The 504 Accommodation Team Leader establishes the date of the eligibility meeting, notifies participants of the meeting, and appoints a person at the meeting to take minutes.

b. Participation. Participants required at the eligibility meeting include persons who have knowledge of the DoDEA standards and curriculum, evaluation, and accommodation options. At least one member must have knowledge of the student. The parent shall, and the student (if appropriate) may, be invited to participate in the eligibility meeting. Parental/student

participation is not required if other persons knowledgeable about the student are in attendance and the parent/student declines to attend and reasonable efforts to schedule a meeting to accommodate the parent's schedule are unsuccessful.

c. Determinations. After a review and careful consideration of all information, the 504 Accommodation Team will make the following determinations:

- (1) Does the student have a physical or mental impairment?
- (2) Does the impairment substantially limit a major life activity?

d. Eligibility. A student is eligible to be considered for a 504 Accommodation if the Accommodation Team answers questions (1) and (2) in subparagraph 3.c. of this enclosure, in the affirmative.

(1) A determination the student has a disability does not guarantee the child will be eligible for a 504 Accommodation Plan. To be eligible for a 504 Accommodation Plan, the Accommodation Team must find that the student's disability has a nexus to the student's school setting. The disability must have some effect on the student's learning ability, or progress in the school, or other educational effect on the student.

(2) The 504 Accommodation Team Leader will ensure that the 504 Accommodation Team's determinations are documented in writing and a copy of the written decision is given to the parent.

(3) The 504 Accommodation Team may follow up with a recommendation for referral to other support services in the school if the student is determined ineligible for 504 Accommodations, or the student is suspected to be in need of special education services.

e. Writing the 504 Accommodation Plan and Placing the Student.

(1) The 504 Accommodation Team Leader establishes the date and time for the Accommodation Plan meeting and notifies participants. The 504 Accommodation Plan meeting and the meeting to determine whether the student meets eligibility criteria may be held together if all required members are present.

(2) The 504 Accommodation Team is composed of no fewer than three members who have knowledge of the DoDEA standards and curriculum, the meaning of the evaluation, and accommodation options. At least one member must have knowledge of the student. The parent shall, and the student (if appropriate) may, be invited to participate in the Accommodation Plan meeting. Parental/student participation is not required if other persons knowledgeable about the student attend, the parent/student declines to attend and reasonable efforts to schedule a meeting to accommodate the parent's/student's schedule are unsuccessful.

(a) The 504 Accommodation Team may or may not consist of the same individuals who participated in the eligibility meeting, but a similar participant composition is recommended.

(b) If the eligibility and 504 Accommodation Plan meeting are held together, and the membership of the meeting changes as the 504 Accommodation Team shifts from an eligibility determination to planning the accommodations, the minutes of the meeting shall reflect the change in the membership attending the meeting.

(3) The 504 Accommodation Team determines the 504 Accommodation(s) needed by the student and prepares a written 504 Accommodation Plan. (See Appendix 1 of this enclosure)

(4) Parental consent to implement the 504 Accommodation Plan is documented and the parent is provided a copy of the plan.

(5) The requirements of the 504 Accommodation Plan are disseminated by the 504 Accommodation Team Leader to the administrators, teachers, and staff who work with the student.

(6) The 504 Accommodations are implemented by the student's teachers as outlined in the student's 504 Accommodation Plan.

(7) One member of the 504 Accommodation Team should be designated to monitor the implementation of the plan and progress of the student.

f. 504 Accommodation Plans

(1) 504 Accommodation Plans must be tailored to the individual needs of the student.

(2) Implementation of most 504 Accommodation Plans occurs within the general education classroom.

(3) 504 Accommodations are reasonable so long as they are reasonably designed to offer an opportunity equal to that of nondisabled peers to gain the same benefit within the appropriate setting and not be unduly burdensome.

(a) No determination that an accommodation is unduly burdensome shall be made without prior consultation with the DoDEA Office of the General Counsel.

(b) Services provided to qualified students with disabilities are not required to produce identical results or levels of achievement as that of nondisabled students to be considered equally effective.

g. Least Restrictive Environment. In providing for academic, nonacademic, and extracurricular services and activities, including meals and recess periods, the student with disabilities shall participate with students without disabilities to the maximum extent appropriate.

4 DISCIPLINE. A school shall discipline a student who has a disability under this Instruction in accordance with the procedures described in DoDEA Regulation 2051.1 (Reference (i)), including the special procedures of Enclosure 9 of that regulation, when proposing discipline that would change the student's placement (e.g., long term removal).

5. REVIEW OF ACCOMMODATION PLAN AND REEVALUATION. Each student's 504 Accommodation Plan must be reviewed no less than once a year.

a. The 504 Accommodation Team may review a student's 504 Accommodation Plan without the parent being present.

b. If a change is made to the student's 504 Accommodation Plan, the 504 Accommodation Team will send a written notice to the parent. Parental consent is not required for changes to the student's 504 Accommodation Plan, unless the changes require a change in the student's placement.

c. The 504 Accommodation Team Leader will notify the parent of the results of the 504 Accommodation Team's review and any changes made to a student's 504 Accommodation Plan, and file a copy of that notice in the student's educational records.

d. If a student appears no longer to need accommodation or no longer qualifies as a student with disabilities, the 504 Accommodation Team must convene for reconsideration of the student's qualifications under this Instruction. The 504 Accommodation Team Leader shall follow the same parental notification procedures applicable to a meeting to make an eligibility decision under this Instruction, and ensure the participation in the meeting by relevant categories of members required to participate in an eligibility determination.

6. INDIVIDUAL STUDENT DISPUTE RESOLUTION PROCEDURES INVOLVING DELIVERY OF SERVICES

a. Informal Procedure. The best resolution of parent concerns and disagreements with school level determinations occurs at the school level. Therefore, the first step in resolving a dispute involves the parent working informally with the principal, 504 Accommodation Team Leader, and other appropriate staff to reach a shared consensus.

b. Formal Complaint. A parent has the option, if he or she is unwilling or unable to resolve the matter informally, to submit a written complaint to the principal or designee.

(1) The complaint must state the name, address, and phone number of the parent or individual authorized by the complainant to sign on his or her behalf. The complaint must describe the school's action or decision complained of in sufficient detail to inform the school of the nature and approximate date of the alleged violation, and the basis of the parent's objection to the school's action or decision. To file a complete complaint, the complainant, or a person authorized in writing by the complainant to sign on his or her behalf, must sign the complaint.

(2) The complaint must be filed with the school principal within 20 school days of the action complained of, or within 20 days of the failure of informal procedures to resolve the dispute, whichever is later.

(3) The principal or designee reviews the complaint and attempts to facilitate resolution of the concern. Actions taken to resolve the concerns, agreements, or decisions made by the principal or designee in response to a complaint will be documented in writing and a copy delivered to the parent and placed in the student's cumulative file.

c. Appeal. A parent has the option to appeal an unsatisfactory school-level disposition of his or her formal complaint to the district superintendent, and ultimately, to the Area Director for the implementation of the 504 Accommodation process.

(1) Appeals must be filed with the appropriate appellate authority within ten days of receiving a decision to a formal complaint or appeal to the district superintendent.

(2) The appellate review authority will review the school level and/or any prior appellate decision, to determine whether the minutes of meetings and relevant school records support the conclusions of the school level or prior appellate decisions.

(3) Actions taken to resolve a particular complaint or decision made by the school, the district superintendent's office, or the Area Office, in response to a complaint will be documented in writing, and a copy provided to the parent.

7. ADMINISTRATIVE COMPLAINT PROCEDURE

a. Complaints. If the procedures of this enclosure are not followed, or the complaint alleges that DoDEA discriminated against a student based on the student's disability, a person who believes him or herself aggrieved may file a complaint with the DoDEA Office of Compliance and Assistance (OCA) in accordance with Director, Department of Defense Education Activity Memorandum (Reference (j)).

(1) The administrative complaint must be filed within 120 days of becoming aware that the complainant has been aggrieved under this Instruction.

(2) The complaint must be filed, in writing, with the DoDEA OCA.

(3) The complaint must state the name, address, and phone number of the parent or person filing the complaint, and must describe the conduct or decision complained of in sufficient detail to inform the OCA of the nature and approximate date of the alleged violation, the basis of the parent's objection to the school's action. A complete complaint also must be signed by the complainant or by someone authorized by the complainant to sign on his or her behalf.

b. Resolution. The DoDEA OCA will process the complaint and attempt to resolve it informally at the lowest possible level prior to commencing a formal investigation.

c. Consolidating Complaints. When appropriate, the OCA will consolidate complaints with other like or related claims or matters being processed under other authority.

d. Related Complaints. Generally, a complaint filed under this enclosure that relates to a complaint or appeal filed under paragraph 6. of this enclosure, will be processed to completion before the OCA will open an investigation involving the same facts and circumstances.

8. RECORDS MANAGEMENT.

a. General Student Records File (Cumulative File). The student's 504 Accommodation Plan is filed in the general student records file (cumulative file). A copy of 504 Accommodation plan may also be filed in the Student Health Records File.

b. Student Health Records File. Supportive documentation related to a student's eligibility for a 504 Accommodation Plan and its modification is to be maintained in the student health records file. Included in this file are the minutes of 504 Accommodation Team, evaluation materials, assessments, reports, and similar sensitive information about the student.

Appendixes

1. DoDEA Form 2500.14-F1, "DoDEA 504 Accommodation Plan"
2. DoDEA Form 2500.14-F2, "DoDEA Consent for Assessment"

APPENDIX 1 TO ENCLOSURE 3

DODEA 504 ACCOMMODATION PLAN

SCHOOL: _____

PRIVACY ACT STATEMENT

AUTHORITY: 20 U.S.C. 921-932 and 10 U.S.C. 2164, as amended, and E.O.13160 (Nondiscrimination); and the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

PRINCIPAL PURPOSE(S): The information will be used within the DoD to determine the appropriate accommodations to be made to the educational programming for a particular student to ensure the student receives a free appropriate public education.

ROUTINE USE(S): Disclosure of information on this form is authorized by 5 U.S.C. 552a(b)(1) within DoD when required to perform an official duty, and outside DoD by 5 U.S.C. 552(b)(3) in accordance with the "Blanket Routine Uses" published at <http://www.defenselink.mil/privacy/notice/osd>.

DISCLOSURE: Disclosure to the Agency of the information requested on this form is voluntary, but failure to provide all requested information may result in the delay or denial of student services.

Date: _____

Student: _____

Grade: _____

Subject(s)/Class(es): _____

Date of Implementation: _____

Planned Review Date: _____

Identify the nature of the student's disability(ies) and the major life activity(ies) it limits.

Describe the basis for determining the disability(ies): (medical and/or other pertinent evaluations, if any)

Identify area(s) for accommodation(s):

- ___ Classroom/Curriculum Tests
- ___ Projects
- ___ Transition Activities
- ___ Environment
- ___ System-wide Assessment Program

- ___ Classroom Assignments
- ___ Homework
- ___ Note taking
- ___ Education Program/Curriculum
- ___ Other (specify):

Describe the accommodation(s) that will be provided for the student. (Attach additional sheets as needed.)

1. _____
2. _____
3. _____
4. _____

Signatures:

Sponsor/Parent/Guardian: _____

Printed Name(s) _____

Student: _____

Printed Name) _____

Administrator: _____ Counselor: _____

Printed Name and Position _____

Teacher: _____ Teacher: _____

Printed Name and position _____

Designated Monitor _____ Other _____

Printed Name and Position: _____

SUMMARY OF DISCUSSION: (optional)

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APPENDIX 2 TO ENCLOSURE 3

DoDEA Consent for Assessment

SCHOOL: _____

PRIVACY ACT STATEMENT

AUTHORITY: 20 U.S.C. 921-932 and 10 U.S.C. 2164, as amended and E.O. 13160 (Nondiscrimination); and the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

PRINCIPAL PURPOSE(S): The information will be used within the DoD to determine the appropriate accommodations to be made to the educational programming for a particular student to ensure the student receives a free appropriate public education.

ROUTINE USE(S): Disclosure of information on this form is authorized by 5 U.S.C. 552a(b)(2) within DoD when required to perform an official duty, and outside DoD by 5 U.S.C. 552(b)(3) in accordance with the "Blanket Routine Uses" published at <http://www.defenselink.mil/privacy/notice/osd>.

DISCLOSURE: Disclosure to the Agency of the information requested on this form is voluntary, but failure to provide all requested information may result in the delay or denial of student services.

Student Name: _____ Date: _____

504 Accommodation Team Leader Name and Position: _____

504 Accommodation Team Leader Work Phone: _____

Dear Sponsor/Parent/Guardian,

Your student was referred to the School 504 Accommodation Team for the following concern(s):

The team recommends collecting further information to determine your student's eligibility for a DoDEA 504 Accommodation Plan. The information will be used to plan a more effective education for your student. The team recommends administration of the following assessment(s):

The assessments that are planned are: (list all). A copy of the assessment plan is attached.

The results of the assessment(s) will be reported to you. Your signed consent is required to conduct the assessment.

I give my consent for this /these assessment(s). I understand that my consent is voluntary and may be revoked at any time. The signature of one parent is required.

Sponsor/Parent/Guardian: _____ Date: _____

Printed name _____

Please return this form to: _____ School contact number: _____
You may return the form by hand or by mail, delivered to the registrar's office or to the 504
Accommodation Team Leader.

DoDEA Form 2500.14-F2, November 2007

ENCLOSURE 4

RIGHTS OF PARENT/SPONSOR/GUARDIAN AND STUDENT

1. Rights of Parents/Sponsors/Guardians (“Parents”) and Students Age 18 and Over. The following rights help ensure that the needs of students are addressed and that a responsible adult is involved in the decisions concerning the student:

- a. Participate in the planning of the student's education.
- b. Provide information about the student that can be used in the development of appropriate educational modifications and services.
- c. Grant permission before any testing is conducted. (See Appendix 2 to this enclosure)
- d. Participate in the determination of the student’s eligibility.
- e. Participate in the development of the student’s 504 Accommodation Plan.
- f. Examine relevant records relating to decisions regarding the student’s identification, evaluation, and educational program.
- g. File a formal written complaint to any decision affecting eligibility or 504 Accommodation made by the school under this Instruction to the principal or designee.
- h. Appeal in writing to the district superintendent or designee, an unsatisfactory school-level response to the complaint filed with the school, and to further appeal an unsatisfactory district level decision to the Area Office POC for the 504 Accommodation process under paragraphs 4.b. and c. of Enclosure 3.
- i. After exhausting complaint and appeal procedures contained in paragraphs 4b. and c. of Enclosure 3, file a complaint in accordance with paragraph 7. of Enclosure 3, if the parent believes the Agency failed to follow the procedural requirements of this Instruction, or discriminated against his or her student based on the student’s disability. See paragraph 2. of this enclosure.
- j. To receive notices concerning a dependent student that must also be sent to a student age 18 and over.

2. Student Rights. A student who is eligible for 504 Accommodations has the following rights:

- a. To receive 504 Accommodations designed to meet his or her the individual needs as adequately as the needs of his or her nondisabled peers are met and to participate in school programs and activities, including extracurricular programs and activities for which the student is otherwise eligible, free of discrimination based upon the student’s disabilities.

b. When a student becomes 18 years of age, the rights accorded to, and consent required of, parents under this Instruction transfer from the parents to the student.

ENCLOSURE 5

NOTICE OF NONDISCRIMINATION

It is DoDEA policy that a student with a disability, or who has a record of a disability, or is regarded as having a disability, shall not be excluded from participating in, or be denied the benefits of, any DoDEA education program or activity; or be subjected to discrimination based solely on a disability.

If an individual believes that a student enrolled in DoDEA has not received appropriate accommodations for a disabling condition, or has otherwise been subjected to discrimination based on his or her disability, the student's parent, or the student age 18 or over, should immediately contact the school principal to inform him or her of the basis of his or her complaint. The principal will make an informal attempt to resolve the dispute. However, if the principal is unwilling or unable to resolve the concerns informally, the parent or student age 18 or over may file a formal written complaint with the school principal in accordance with the procedures of DoDEA Instruction 2500.14, Enclosure 3, paragraph 4. In addition, the parent or student age 18 or over may appeal the decision of the principal to the district superintendent and then to the Area Director.

After exhausting complaint and appeal procedures described above and in paragraph 4 of DoDEA Instruction 2500.14, the parent or student age 18 or over may file a complaint in accordance with DoDEA Instruction 2500.14, Enclosure 3, paragraph 7., if the parent or student age 18 or over believes the Agency failed to follow the procedural requirements of DoDEA Instruction 2500.14, or discriminated against the student based on the student's disability.

Any person having questions about the proper procedure to follow to register a complaint should immediately contact the school principal and request guidance on how to register his or her complaint.

GLOSSARY

DEFINITIONS

504 Accommodation. A support or service provided to help a student fully access the general education curriculum or subject matter. Generally, 504 Accommodations do not substantially change the instructional level, content, or expectation that the student meet the performance criteria applied for all students. 504 Accommodations may include changes in presentation and/or response format and/or procedures, instructional strategies, time/scheduling, environment, and equipment. Includes, the delivery of such supplemental or auxiliary services or aids designed to accommodate the known limitation of a person with a disability under this Instruction, unless the 504 Accommodation would impose an undue hardship or burden on the operation of the school. 504 Accommodations need to take into account both the functional limitations of the individual and the alternative methods of performing tasks or activities which would permit people of varying abilities to participate without jeopardizing outcomes. Examples of 504 Accommodations include, but are not limited to: modified homework assignments, provision of readers or audio tapes of text books, changes in the time or method of testing, or changes in seat assignments.

504 Accommodation Plan. A written plan developed by the 504 Accommodation Team specifying the nature of the student's disability(ies) and the major life activity(ies) it limits, the basis for determining the disability(ies), the educational impact of the disability(ies), the area(s) for 504 Accommodation(s), and the 504 Accommodation strategies and documentation concerning how the student's progress will be determined.

504 Accommodation Team. A group of DoDEA educators, including persons knowledgeable about the student, disabilities, evaluations, and accommodation options that determines eligibility for 504 Accommodations, and develops a DoDEA 504 Accommodation Plan. The 504 Accommodation Team may be a sub-component of the SST.

504 Accommodation Team Leader. A staff member designated by the administrator to coordinate all 504 Accommodation Team activities within the school and who is responsible for coordinating all aspects of the referral, eligibility, and 504 Accommodation processes. A 504 Accommodation Team Leader is often a school counselor, school nurse, general education teacher, school psychologist, or a person who is a member of the SST.

Being regarded as having an impairment. This term refers to a person who:

Has an impairment that does not substantially limit major life activities but is treated by a DoDEA employee as constituting such a limitation.

Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

Has none of the impairments defining a disability in this instruction but is treated by a DoDEA employee as having such an impairment.

disability. Disability means:

With respect to an individual:

A physical or mental impairment that substantially limits one or more of the major life activities of such individual.

A record of such an impairment; or

Being regarded as having such impairment. The term "disability" shall be construed in favor of broad coverage.

Under this Instruction, a physical or mental impairment that substantially limits one or more major life activities qualifies an individual as a person with a disability who is eligible to be considered for 504 Accommodations.

Students with a temporary disability may qualify as long as the disability substantially interferes with a major life activity and the disability is not transitory and minor.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Students who use illegal drugs do not meet the definition of disability and may be denied services under this Instruction.

Except for the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

Medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies.

Use of assistive technology.

Reasonable accommodations or auxiliary aids or services; or

Learned behavioral or adaptive neurological modifications.

Not all students with a disability as defined by this Instruction meet the definition for a special education disability under Reference (h).

For purposes of the nondiscrimination provisions of this Instruction, a student may be entitled to protection from disability discrimination if he or she can demonstrate that actions

were taken against him or her because he or she has a record of impairment or is regarded as having such impairment.

Eligibility for services. A student who is eligible for reasonable 504 accommodation services is a student who meets enrollment eligibility criteria for DoDEA schools under References (f) and (g), and who has been determined by the 504 Accommodation Team to have a disability under this Instruction.

FAPE. The provision, at no cost to the family, of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met and that are based upon adherence to the procedures prescribed by this Instruction for the evaluation and placement of students with disabilities.

Has a record of such impairment. The student has a documented history of a disability known or made known to the school.

Low-vision devices. This term refers to devices that magnify, enhance, or otherwise augment a visual image.

Major life activities. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Mental or physical impairment. May include any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more body systems, or mental or psychological disorder. Mental or physical impairments are not limited to specific diseases or categories of medical conditions.

Ordinary eyeglasses or contact lenses. This term means lenses that are intended to fully correct visual acuity or eliminate refractive error.

Parent. The biological father or mother of a child; a person who, by order of a court of competent jurisdiction, has been declared the father or mother of a child by adoption; the legal guardian of a child; or a person in whose household a child resides, if such person stands in loco parentis to that child and contributes at least half of the child's support.

Placement. A placement is the educational setting into which a child is placed, including the services made available. It generally is not the physical location of that setting.

Regarded as having an impairment. A student who is perceived by others as having a disability.

SST. A school-based, problem-solving team composed primarily of general education teachers who work together to develop and implement interventions for struggling learners to improve their academic and social achievement in school. A problem-solving process is used by the team in order to determine the most appropriate interventions. This team supports and helps students, teachers, and parents. Some other commonly used titles for these teams are school assistance team, teacher assistance team, and child help team.

Substantially limits. The disability is a barrier to the student performing one or more major life activities, as compared to an average student in the school population. This may be evaluated by considering the manner, conditions, and duration in which a student performs a major life activity in comparison to how the average non-disabled students of the same age or grade level perform the same activity.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

Transitory impairment. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.