

**Department of Defense Education Activity  
Administrative Instruction  
Number 2500.14  
Change 2, April 23, 2012**

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

**Training Presentation for Management and  
School Personnel**



## DoDEA AI 2500.14: *Policy*

# **Nondiscrimination**

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“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.”

p.2, 4.a



## DoDEA AI 2500.14: *Policy*

# **Accommodation**

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“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.”

p.2, 4.b



## DoDEA AI 2500.14: *Procedures*

### **Identification, Referral, Eligibility, and Accommodation**

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- School Responsibilities
- Identification
- Referrals
- Eligibility Determinations
- Accommodation Plans
- Complaint Procedures

## DoDEA AI 2500.14: *School Responsibilities*

### **Principals**

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- Establish Accommodation Teams
- Make adequate resources available
- Review 504 Accommodation Plans annually
- Inform teachers of students' 504 Accommodation Plans
- Receive and resolve parental concerns
- Post notices of nondiscrimination



## DoDEA AI 2500.14: *School Responsibilities*

### **Educators**

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- Implement accommodations
- Participate in Accommodation Teams
- Assist administration in resolution of complaints

## DoDEA AI 2500.14: *School Responsibilities*

### **Accommodation Teams**

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- Process referrals & evaluate records
- Determine eligibility
- Prescribe 504 Accommodation Plans

#### ***Leader:***

- *Coordinate all aspects of the Accommodation Team's process.*
- *Document decision(s) in writing and provide copy to parent.*
- *Ensure minutes of meetings are recorded.*
- *Secure all notices and consents to parents, sponsors, and guardians.*

# DoDEA AI 2500.14: *School Responsibilities*

## Notices

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- **Notice of Nondiscrimination** (Encl. 5)

- Posted at school
- Provided to parents of all enrolled students

- **Procedures for Eligibility** (Encl. 3)

- **Rights of Parent/Sponsor/Guardian & Student** (Encl. 4)

- Provided to parents when considering 504 eligibility

- **Decisions of Accommodation Team**

- **Minutes of Accommodation Plan Meeting**

- **Changes in Accommodation Plan**

- Written notice/copy provided to parent

# DoDEA AI 2500.14: *Identifying Students with Disabilities*

## **Initial Identification**

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- *When:* Any time
  
- *By Whom:* Parent, teacher, student, counselor, school medical personnel, or community agency.
  
- *Identify What:* Student's substantially limited performance in one or more major life activities believed to be caused by physical/mental impairment; or  
  
Student's records or documents indicating a physical or mental impairment.

## DoDEA AI 2500.14: *Referrals for Accommodations*

### **When should a student be referred?**

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- ❑ Enrolls with a 504 Accommodation Plan,
- ❑ Has a major health concern that substantially limits one or more life activities,
- ❑ Requires physical accommodations to access the school,
- ❑ Continues to display academic and/or behavior problems after receiving SST services, or
- ❑ Has been referred to the Case Study Committee but is ineligible or will not be evaluated.



## DoDEA AI 2500.14: *Referrals for Accommodations*

### **Who may refer a student?**

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- Parent
- Teacher
- Student
- Counselor
- Administrator
- Other school personnel
- Medical agency
- Community agency

## DoDEA AI 2500.14: *Referrals for Accommodations*

### **How is a student referred?**

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- In:            Writing
  
  
  
  
  
  
  
  
  
  
- To:            -Student Support Team  
                    - Accommodation Team  
                    - Case Study Committee

## DoDEA AI 2500.14: *Referrals for Accommodations*

### **Refer for 504 Plan or IEP?**

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#### **504 Plan**

- Enrolls with a 504 Plan
- Major health concern
- Requires physical accommodations for access
- Academic/behavior problems after receiving SST services
- Determined ineligible for special education or decision not to evaluate

#### **IEP**

- Enrolls with an active IEP
- Enrolls with an expired IEP
- Enrolls with a partially completed evaluation for special education
- Shows poor academic performance and failed response to intervention

## DoDEA AI 2500.14: *Referrals for Accommodations*

### **Evaluation information**

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The 504 Accommodation Team will evaluate the student's needs and may consider:

- Records**
- Observations**
- Teacher Reports**
- Informal/Formal Assessments**

\*The 504 Accommodation Team may request additional assessments and should develop an assessment plan, obtain parent consent, and provide the additional assessment at no cost to the parent.

## DoDEA AI 2500.14: *Eligibility Determination*

# Questions

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- 1. Does the student have a physical or mental impairment?**
  - “Physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting body system, mental or physical disorder”
  
- 2. Does the impairment substantially limit a major life activity?**
  - “Barrier to student performing major life activity (seeing, hearing, eating, thinking, concentrating, etc.) compared to other students”

NB: If both, “YES,” student is eligible for accommodations.

## DoDEA AI 2500.14: *Eligibility Determination*

# Definition of Disability

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**“A physical or mental impairment that substantially limits one or more of the major life activities.”**

*\*NEW\*: Impairments should be considered without the ameliorative effects of mitigating measures such as:*

**Medication \* Prosthetics \* Hearing aids \***  
**Learned Adaptations \* Mobility devices**  
(does not include eyeglasses or contact lens)

NB:

- Disabilities which are temporary, episodic, or in remission may qualify if they are not transitory or minor.
- The effects of illegal drugs do not qualify.



DoDEA AI 2500.14: *Eligibility Determination*

## **Nexus to School Setting**

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*A 504 Accommodation Plan should be prepared only when the :*

“student’s disability has a **nexus** to the student’s school setting, i.e., affects student’s learning, progress in school, or other education effort.”

p.11



DoDEA AI 2500.14: *Accommodation Plan*

## **Developing Accommodation Plans**

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- Team has at least 3 members
- May be developed immediately following eligibility
- Parental consent required to implement plan
- Team leader informs admin/staff of plan requirements
- Member of team must monitor implementation

## DoDEA AI 2500.14: *Accommodation Plan*

### **Reasonableness**

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“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.”*

p.12, f.3.

# DoDEA AI 2500.14: *Accommodation Plan*

## **Other Factors**

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- LRE
  - Participation to maximum extent appropriate with nondisabled
  
- Discipline
  - Long-term removals follow Enclosure 9, DoDEA Reg. 2051.1
  
- Review
  - At least once a year
  
- Changes
  - Requires written notice to parent
  - Parental consent only when change student's placement
  
- Records
  - Accommodation Plan filed in general cumulative file/health file



DoDEA AI 2500.14: *Complaint Resolution*

# **Complaint Processes**

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Informal

Formal

Administrative

# Sponsor/Parent/Guardian Appeals of 504 Eligibility and Accommodation Determinations

(DoDEA Regulation 2500.14, Enclosure 3.11-3.13)

**Informal Complaint:** Sponsor/parent/ guardian works informally with the principal, Accommodation Team Leader, and other appropriate staff.

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**If issue is not resolved:**

**Formal Complaint:** Parent/sponsor/guardian can submit a written complaint to the principal or designee. Principal reviews complaint and attempts to facilitate resolution.

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**If issue is still not resolved:**

**Appeal:** Parent/sponsor may appeal an unsatisfactory school decision to the district, and ultimately to the Area Office point of contact.

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**If issue is still not resolved:**

The sponsor/parent/guardian may file a complaint of discrimination with the DoDEA Office of Compliance and Assistance in accordance with the procedures described in Enclosure 5 of DoDEA Regulation 2500.14.

## DoDEA AI 2500.14: *Complaint Resolution*

### **Informal**

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- Parent works with principal, 504 Accommodation Team Leader, and other staff to reach shared consensus
- First step in resolution of complaint redelivery of services

## DoDEA AI 2500.14: *Complaint Resolution*

### **Formal**

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- Written complaint to administrator
- Describes school actions and basis of complaint
- Signature required
- Filed within **20** school days of action complained of; or within **20** days of failure of informal resolution process
- Administration reviews complaint, facilitates resolution, and documents response to parent

## DoDEA AI 2500.14: *Complaint Resolution*

### **Formal - Appeal**

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- File within **10** days of receiving formal decision
- Appeal school decision to superintendent
- Appeal superintendent decision to area director
- Actions taken to resolve complaint or decisions will be documented in writing and a copy provided to parent



DoDEA AI 2500.14: *Complaint Resolution*

## **Administrative Complaint of Discrimination**

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- Complaints concerning procedural violations of AI 2500.14 or complaints of disability discrimination
- File within **120** days of aware of being aggrieved
- Written complaint to DoDEA Office of Compliance and Assistance

## DoDEA AI 2500.14: *Conclusion*

### **Student Rights**

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*A student who is eligible for 504 Accommodations has the following rights:*

- To receive 504 Accommodations designed to meet his or her individual's 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.