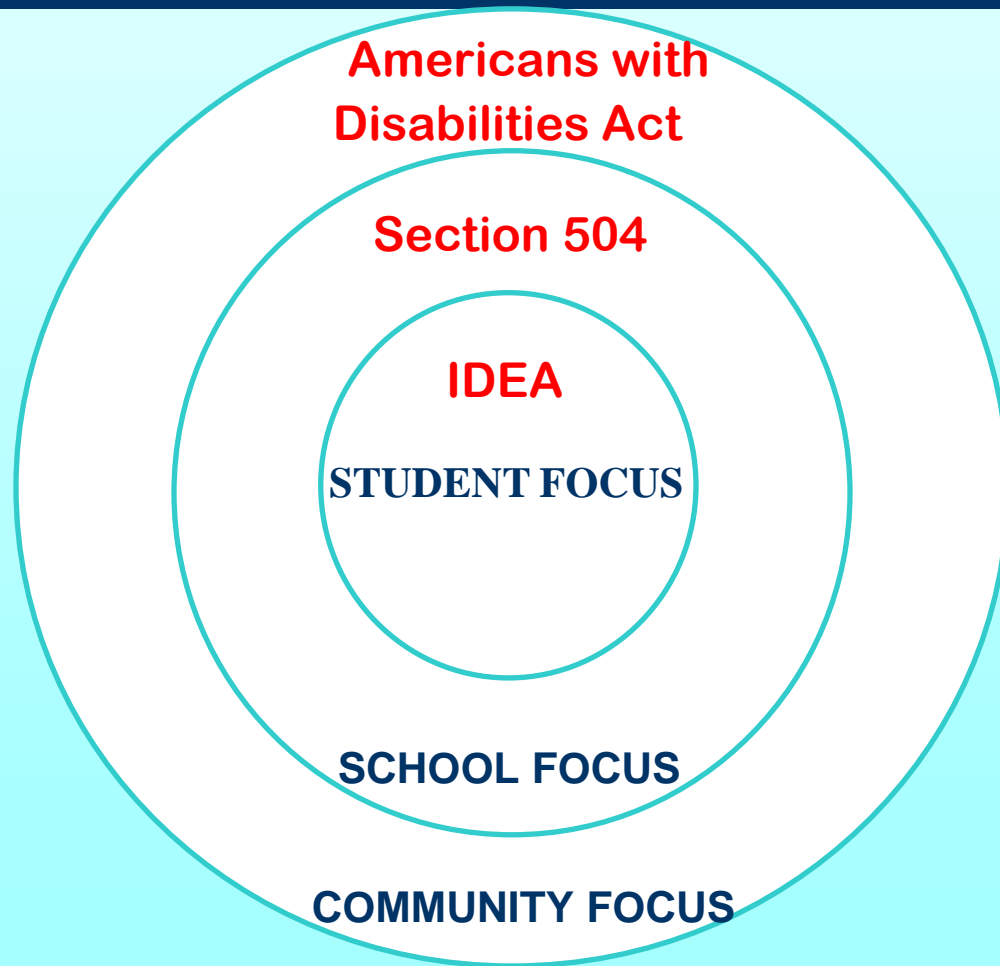


# What is Section 504?

- Section 504 of The Rehabilitation Act of 1973, is a federal statute that prohibits discrimination against persons on the basis of their disability or impairment by institutions, that receive federal assistance.
- If a student is covered by Section 504, the district must provide such accommodations as are necessary to ensure the student has equal access to services, programs or activities offered by the school.
- Purpose is to provide fairness and equal access to education and is NOT designed to enhance a student's performance.
- Institutions failing to uphold the protections of Section 504 are subject be reviewed by the Office of Civil Rights.

# Section 504 - Overview



## Need for Both IDEA and 504?

It should be noted that students who qualify for special education services would also qualify for Section 504;

However, a 504 Plan is not necessary because the Individualized Education Plan (IEP) must include the needed accommodations.

# 504 – Age & Setting

1. Section 504 protections extend for a lifetime and
2. apply to schools and the full scope of community environments receiving federal funding (such as work and access to public facilities).

Compare to IDEA.....

# Application of 504

## Procedural Regulation

-Section 504 is general in its application and is not highly regulated, as it is not designed for programming purposes but to **prevent discrimination**.

Compare to IDEA.....

# Procedural Requirements for Schools

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- ❖ 8 components.

- ❖ Review the Handout

# Identification for 504 Protections

- ❖ Must have **written parent consent** for initial evaluation.
- ❖ “Evaluation” does not necessarily mean “test”.
- ❖ Evaluation refers to a gathering of data:
  - ❖ Parent
  - ❖ Medical Provider
  - ❖ Teacher(s)
  - ❖ School Nurse
  - ❖ Counselor
- ❖ Based on this information the team answers the three questions to determine eligibility.

# 504 evaluation questions

1. Does the student have a physical or mental impairment?
2. Does the impairment effect one or more major life activities?
3. Is the effect substantial? (What is meant by substantial?)

In order to be eligible for a **504 plan** the answers to all three must be yes.

Compare to IDEA.....



## Mental or Physical Impairment?

- ❖ No medical diagnosis is required  
BUT
- ❖ If the team determines a medical assessment is necessary in order to determine if the student has a disability – then it must be done at no cost to the parent. (Parents may choose to use their own resources but if they can't the school must pay)

# List of Major Life Activities

Major life activities, include functions such as:

caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

General activities that are major life activities including:

eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

“Major bodily functions” that are major life activities:

functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

***These lists are NOT exhaustive, but given as examples.***

# Major Life Activity

- ❖ Consider **all** major life activities, not just “learning”
- ❖ **Example:** A student with bone cancer – the impairment did not affect learning but affects his ability to walk, climb stairs, participate in PE, attend field trips and walk to school. Does this student qualify for a 504 Plan?

# Mitigating Measures

- ❖ Shall be made without regard to the positive affects of mitigating measures such as:
  - Medication, medical supplies/equipment, prosthetics, hearing aides or cochlear implants, mobility devices, low vision devices (which do not include eyeglasses or contact lenses)
  - Use of assistive technology
  - Reasonable accommodations or auxiliary aides and services
  - Learned behavioral or adaptive neurological modifications

# Questions?

- ❖ How would the student perform without the intervention/accommodation (mitigating measure )?
- ❖ If the answer is: the student would be substantially limited – then the student would be eligible for a 504 Accommodation Plan.
- ❖ Example: Gwen has severe ADHD who performs well on medication with no problems at school. Without medication, Gwen gets into fights daily and cannot concentrate to do school work. Does she qualify?
- ❖ The student with bone cancer, the cancer is in remission. Does the student qualify for a 504?

# Temporary Impairment

- ❖ Must have a substantial limitation for an extended period of time (**6 months or more**) in order to constitute a disability.
- ❖ Impairments that are **episodic or in remission** constitute a disability if the condition would substantially impair a major life activity when active. Have a 504 Plan in place for when the condition is active.

# Possible 504 Forms - Identification

- ❖ Referral
- ❖ 504 Parent Input
- ❖ Consent to Evaluate
- ❖ Release of Confidential Information
- ❖ Notice to Review Evaluation Results
- ❖ Identification Form 504
- ❖ Rights and Procedural Protections

# 504 Plan Development

## What is it?

- ❖ **A (written) plan that lists the necessary accommodations to minimize the impact of the impairment. The goal is to level the playing field and grant equal access ensuring there is not discrimination.**
- ❖ **Accommodations**



# 504 Plan Development

## Who creates it?

- ❖ **The TEAM includes people knowledgeable of the student and their needs.**
  - ❖ **504 Coordinator**
  - ❖ **Teacher**
  - ❖ **Parent**
- ❖ **Consider all school environments (bus, cafeteria, playground, field trips)**

# 504 Plan Review and/or Updates

- ❖ **At least once a year**
- ❖ **If the impairment changes significantly**
- ❖ **If classes are changed or added that may have an impact on the Plan's appropriateness/effectiveness**
- ❖ **Before transitions (Elementary to middle school, middle school to High School)**
- ❖ **When student moves in with existing plan**

# Possible 504 Forms - Plan

- ❖ Parent Invitation
- ❖ Accommodations Plan
- ❖ Plan Review

# Supplemental Forms

- ❖ Manifestation Determination Worksheet
- ❖ Grievance Form
- ❖ Summary of Performance – Wrights Law

# Health Care Plans?

- ❖ Any student with a Health Care Plan may also qualify for a 504 plan.
- ❖ They are entitled to a 504 evaluation.
- ❖ The 504 Plan may state, “See Individual Health Care Plan”. (This will allow for changes on an “as needed” basis.)

## General Overview of Section 504 Process—Suggested

