

SECTION 504 PLANS

- **Section 504:** Section 504 provides: "No otherwise qualified individual with a disability in the United States...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..." Although Section 504 does not require schools to develop an Individualized Education Program with annual goals, the school does provide written documentation for each student identified and provides accommodations and/or services under Section 504. A team knowledgeable about the student must evaluate a student to determine if he or she should be identified as a child with a disability, then the team might develop a Section 504 Plan. Section 504 is not a special education plan. The school staff and parents collaborate to help ensure that students are provided accommodations through general education.

Students with disabilities who do not qualify for an individualized education program under the federal Individuals with Disabilities Education Act, may qualify for services under Section 504 of the federal Rehabilitation Act of 1973 if the student (i) has a physical or mental impairment that substantially limits one or more major life activities, (ii) has a record of a physical or mental impairment, or (iii) is regarded as having a physical or mental impairment. Questions about the identification, assessment, and placement of students should be directed to your building Assistant/Associate Principal.

INTERPRETER SERVICES

- Public school districts are required to take whatever action is necessary to facilitate a parent or guardian's understanding of and participation in Section 504 meetings. This includes the provision of interpreter services for parents/guardians whose native language is not English or a sign language interpreter for parents/guardians who are deaf or hard of hearing. In the absence of qualified interpreters on staff, school districts may use outside vendors, including telephonic interpreters. Parents/guardians have the right to request that an interpreter provided by the school district serve no other role during a Section 504 meeting, and the school district must make reasonable efforts to comply with the request. To request an interpreter or if you have any questions or complaints about interpretation services, please contact your building's Assistant Principal/ Associate Principal.

UNDERSTANDING SECTION 504 PLANS

- **LAW**

There are primarily three bodies of federal law that protect the rights of children with disabilities. The first, IDEA (Individuals with Disabilities Education Act) governs "Special Education" as schools know it today. This law, while quite comprehensive, only provides direct programming for children with one of thirteen categories of disabilities, when in fact there are literally

The second body of law, which protects the rights of children with disabilities, is the Americans with Disabilities Act (ADA). The ADA primarily provides for accessibility of the physical structure of a school. This includes washrooms, access to playgrounds, lift buses, etc. The ADA also prohibits discrimination against the disabled in-school programming.

The third body of disability law is Section 504 of the Rehabilitation Act of 1973. This law prohibits discrimination against the disabled in all programs that receive federal funds, including public schools. Section 504 is a far-reaching law that extends protections to

individuals with disabilities in most aspects of their lives. The procedures outlined in this report address Section 504 as it applies to schools.

STUDENT IDENTIFICATION AND EVALUATION

Section 504 defines an individual with a disability as anyone who experiences a "mental, psychological or physiologic disorder that interferes with an individual's civil right to one or more major life activities." The list of major life activities includes: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating.

Identifying students who qualify for a 504 Plan is usually not complicated. Some children, even though a disability can be documented, are not eligible for special education services under IDEA. These students could be evaluated to determine the need for a 504 Plan. Some examples could include students with health needs (e.g. life-threatening allergy), with communicable diseases (e.g. HIV), with drug and alcohol dependency, who have been dismissed from or do not qualify for special education due to a lack of discrepancy, and those with ADHD (when not covered by IDEA).

In addition to school-identified concerns, a parent can document through testing by outside professionals that their child has a disability that interferes with learning (e.g. life-threatening allergy).

When parents or school personnel identify a concern for which a 504 Plan might be appropriate, the principal will convene a meeting of a 504 planning team. The team varies from student to student and generally consists of the parent, the classroom teacher and any other school personnel with knowledge of the student that might be helpful (e.g. building nurse, psychologist, social worker, learning behavior specialist, etc.). The 504 planning team then will determine if the child is disabled within the meaning of Section 504. Information used by the team may come from standardized measures, interviews with the child and parents, rating scales, observational data, adaptive behavior assessments, teacher records, social and cultural background data, criterion-referenced measures, medical reports and/or records reviews. Upon its determination that a child is eligible under Section 504, the 504 planning team must determine what instructional accommodations or modifications are needed to meet the child's needs as they relate to the general educational setting.

WHEN SHOULD A 504 PLAN BE CONSIDERED?

There are four primary cases when a 504 Plan should be considered.

- When an IEP team determines that a child no longer requires an IEP and a 504 Plan is needed to document the necessary general education accommodations or modifications to assure ongoing student success.
- When an IEP team has conducted a case study and a student is found ineligible for special education under IDEA, the team will consider whether a disability under 504 is indicated.
- When there is an identified disability not covered by special education (remember, while there are literally hundreds of different types of disabilities, special education law only covers thirteen specific types of disabilities).
- When a parent approaches a teacher with concerns that his/her child may have a disability that requires special instructional accommodations or program modifications.

THE PLAN

The 504 planning team shall then prepare a 504 Plan for an eligible disabled student. The 504 Plan provides reasonable instructional accommodations and modifications to which the student is entitled, based on the student's individual needs. Once the Plan has been developed, the general education team (including specialists and related arts teachers) is responsible for implementing the Plan.

REVIEW

To be in compliance with section 504, the 504 planning team must review the Plan at least annually to determine the nature and type of accommodations and instructional modifications they shall provide, or review for continued eligibility if necessary. If a child's individual learning needs a change from the previous year, the 504 planning team will meet to review and adjust the plan if necessary. Any team member, including the parent, may call a 504 Plan review at any time.

REEVALUATION

A reevaluation of each initial evaluation will normally be conducted every three (3) years or more frequently if conditions warrant.

TERMINATION OF SERVICES

The evaluation team shall recommend the termination of a student's 504 Plan if it determines on the basis of the review of all pertinent information that:

- The student is no longer disabled; or
- The student no longer requires any specialized services to meet the identified needs;
or
- The student no longer requires any special accommodations; or
- The student can be appropriately educated in a general education