

## SECTION 504

### WHAT IS SECTION 504?

Section 504 is the part of the Rehabilitation Act of 1973, which applies to persons with disabilities. It is a civil rights act that states that no otherwise qualified individual with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.

Original concerns regarding issues of “access” for persons with disabilities centered around physical access – ramps, curb cuts, elevators, rest rooms, etc. Within the last several years the Office of Civil Rights has become active in broadening the definition of “access” to include the implementation of special accommodations in the classroom in order to allow a disabled student to benefit from his or her education.<sup>6</sup>

### HOW DOES SECTION 504 DEFINE “DISABILITY?”

A person who qualifies for a 504 plan has a mental or physical impairment that substantially limits one or more of a person’s major life activities. Common examples include such things as communicable diseases (HIV, TB), medical conditions (Attention Deficit Hyperactivity Disorder, asthma, allergies, diabetes, heart disease, seizure disorders, traumatic brain injury, etc.), temporary medical conditions due to illness or accident, and psychological disorders.

### WHAT IS A MAJOR LIFE ACTIVITY?

This includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. At school “learning” is frequently identified as the area of difficulty.

### HOW DO WE KNOW IF A STUDENT IS ELIGIBLE FOR A 504 PLAN?

If school staff has reason to believe that because of a disability as defined under Section 504, a student needs special accommodations or services in the regular classroom in order to participate in the school program, then staff must evaluate the student. This is not necessarily the same as an evaluation for Special Education. Staff may use existing information such as grades, attendance reports, cumulative folder information, observation, and formal or informal test information. Information about current classroom functioning is critical. Parents may provide information from private doctors, therapist, etc.

Please be aware that the student must have an identifiable disability of some sort – while good teaching practice says you may provide some different sort of instruction for slow learners, for example, they do not qualify for formal 504 plans. In addition, please be aware that choosing to ignore or not identify a student who needs a 504 plan does not relieve the school staff of responsibility to provide access.

### RESPONSIBILITIES:

Section 504 falls under the responsibility of the regular education program. School staff, students and parents need to work in collaboration to help guarantee that the student is provided with the necessary and reasonable accommodation and/or services. At a “504 meeting” teachers and other school staff along with parents and students develop a plan that outlines the accommodations that meet the unique needs of that particular student. The student’s regular education teachers will be legally responsible for implementing the plan.

## WHAT DOES MAKING ACCOMMODATIONS MEAN?

Accommodations are adjustments or modifications made by the classroom teachers and other school staff to help students benefit from their educational program to the same degree that non-disabled students benefit. It is important that the plan specify a limited number of accommodations that are necessary at this point in time to place the student at an equal starting level with the non-disabled student. The plan should be reviewed annually.

## SECTION 504 PROCESS

- a. Referral to area RTI (Response to Intervention) team
- b. Referral onto 504 Planning Team
- c. Notification to obtain supporting documentation
- d. Eligibility Meeting-Written Parental Consent
- e. Develop 504 Plan
- f. 504 Plan Implementation
- g. Review of 504 Plan, at least once annually.