



A PARENT AND EDUCATOR
GUIDE TO
SECTION 504
ANOTHER SERVICE OPTION FOR
CHILDREN WITH DISABILITIES

EQUAL RIGHTS FOR ALL STUDENTS

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This document was developed by the Mountain Plains Regional Resource Center, an affiliate of the Center for Persons with Disabilities, a University Affiliated Program at Utah State University.

The Mountain Plains Regional Resource Center operates under Grant No. H326R040006 with the Office of Special Education Programs (OSEP), U.S. Department of Education. Partial support is also provided by Utah State University. The content of this document does not necessarily reflect the position or policy of OSEP or USU and no official endorsement should be inferred.

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A Parent and Educator Guide to Section 504 provides information and describes the requirements of Section 504 of the Rehabilitation Act of 1973 with respect to preschool, elementary, and secondary school policies involving services for children with physical and mental disabilities.

This pamphlet is designed specifically to give parents understanding by providing information to help them access services for eligible Section 504 students.



WHAT IS SECTION 504?

Section 504 is the part of the Rehabilitation Act of 1973 that applies to persons (including students) with disabilities. Section 504 is a civil rights act that protects the civil rights of persons with disabilities.

REQUIREMENT

The Law states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance.

Section 504 and special education are two separate services. All school districts should have a Section 504 Coordinator to answer your questions about Section 504.

HISTORICAL BACKGROUND

For many years, school districts perceived its main obligation as ensuring physical access for individuals with disabilities to public buildings (e.g., ramps were installed, curbs were cut, elevators were added to multi-level buildings, restroom stalls were enlarged). Schools were at the same time committed to compliance with special education regulations now referred to as the Individuals with Disabilities Education Act— Amendments of 2004 or IDEA.

Within the last several years, the Office for Civil Rights (OCR) has become active in assisting school districts in further defining “access.” The definition of access means more than physical access; a student may require special accommodations such as modified assignments in order to benefit from their education.

HOW DOES SECTION 504 DEFINE "DISABILITY"?

Section 504 protects persons from discrimination based upon their disability. A person is disabled within the definition of Section 504 if the following conditions are met:

SECTION 504 ELIGIBILITY

- ◆ The child must have a mental or physical impairment that substantially limits one or more of a person's 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. When a condition does not substantially limit a major life activity, the individual does not qualify under Section 504.

- ◆ The child's disability must impact their education in order to qualify for educational accommodations.

This determination is made by a school team, including the parents.

In order to determine eligibility for Section 504 services, your child must be evaluated by a team of individuals who are familiar with your child. The results will be shared at a team meeting in which you are involved.

HOW DOES SECTION 504 DEFINE “APPROPRIATE EDUCATION”?

A free appropriate education is one provided by the public elementary or secondary school that includes general or special education and related aids and services that (1) are designed to meet the individual educational needs of persons with a disability as adequately as the

needs of the persons without disabilities are met, and (2) are based upon adherence to evaluation, placement, and procedural safeguard requirements.

**WHAT ARE SOME OF THE DIFFERENCES BETWEEN
SPECIAL EDUCATION AND SECTION 504?**

	<i>Section 504</i>	<i>Special Education</i>
Type	Civil Rights Act	Education Act
Funding	Local funding	State/federal/ local funding
Administration	Section 504 Coordinator	Special Education Director
Service Tool	Accommodations	Individualized Education Program
Disabilities	All disabilities if eligible	13 federal disabilities
Parents	Should be involved in all team meetings	Should be involved in all team meetings
Procedural Safeguards	Notice to parents is required	Parent consent and notice required for initial evaluation & placement
Evaluation and Eligibility	An evaluation is necessary before it can be determined if a Child is eligible for Section 504 services.	An evaluation is necessary before it can determined if a child is eligible for special education.

HOW ARE STUDENTS WITH DISABILITIES IDENTIFIED?

Section 504 covers a broader group of students with disabilities. The definition of disability under Section 504 includes students who have a physical or mental disability that substantially limits one or more of life's major activities. Students with special health care needs often qualify for Section 504 accommodations.

School staff should consider the potential existence of disabilities and possible Section 504 protection for students diagnosed as having HIV, Tourette's syndrome, attention deficit hyperactive disorder (ADHD), heart malfunctions, communicable diseases, urinary conditions, blood disorders, chronic fatigue syndrome, school phobia, respiratory conditions, blood/sugar disorders, post traumatic disorders, pregnancy (with health issues that affect ability to learn), epilepsy, cancer, repetitive motion syndrome, birth defects, tuberculosis, etc.

DOES SECTION 504 REQUIRE EVALUATIONS?

Section 504 requires that a school evaluate “any person who, because of a disability, needs or is believed to need special education or related services. “An evaluation is also required prior to any significant change in placement.

ELIGIBILITY

If the school has reason to believe that, because of a disability as defined under Section 504, a student needs accommodations or services in order to participate in the school program, the school must evaluate the student. If

it is determined that a student is disabled under Section 504, the school must develop and implement the delivery of all needed services and/or accommodations.

SERVICES

The determination of what services and/or accommodations are needed must be made by a group of persons knowledgeable about the student. The parents must be included in the process whenever possible. The group must review the nature of the disability and how it affects the student's education. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

An appropriate education for students eligible under Section 504 may consist of education in general classes with accommodations and programs designed to meet the unique needs of a particular student. Most students under Section 504 receive their services in the general education classroom.

Adjustments in academic requirements and expectations may be necessary to accommodate the needs of an individual student with disabilities to enable him/her to participate in the general education program.

It is important to keep in mind that some students who have physical or mental conditions that limit their ability to access and participate in the education program are entitled to accommodations under Section 504, even though they may not fall into a disability category covered in special education.

WHAT DOES MAKING ACCOMMODATIONS MEAN?

Accommodations are adjustments made by the classroom teacher(s) and other school staff to help students benefit from their educational program. In some cases a plan should be developed outlining services and accommodations.

EXAMPLES OF COMMON ACCOMMODATIONS

- ◆ Modify assignments and tests.
- ◆ Provide an extra set of textbooks for home.
- ◆ Adjust student seating.
- ◆ Use study guides/organizing tools.
- ◆ Provide a peer tutor/helper.
- ◆ Provide school counseling.
- ◆ Have the student use an organizer—train in organizational skills.
- ◆ Provide preferential seating.
- ◆ Modify recess/PE/transportation.
- ◆ Use necessary health care procedures.

Accommodations need to take into account both the functional limitations of the individual and the alternative methods of performing tasks or activities to participate without jeopardizing outcomes.

- ◆ Accommodations must be individualized.
- ◆ The individual needs of the person with a disability should be met to the same extent as the needs of persons without disabilities.

- ◆ Modifications can be made to school and/or classroom programs.
- ◆ Accommodations should place the student with a disability at an equal starting level with the student without disabilities.

The following is an example of a student who is eligible for Section 504 services and possible accommodations provided by the school.

A student has been diagnosed as having asthma. The doctor has advised the student not to participate in physical activity outdoors. The disability limits the major life function of breathing. The school is required to make reasonable accommodations in the education program.

Possible Accommodations

- ◆ Modified activity level for recess, P.E., etc.
- ◆ Use of air purifier or inhalants
- ◆ Avoidance of allergens
- ◆ Inhalant therapy assistance
- ◆ As prescribed, medication administration
- ◆ Policy adjustment for personal administration of medications
- ◆ Access to water, gum, etc.
- ◆ Curriculum considerations (science class, PE, etc.)
- ◆ Time of year—bus transportation in winter
- ◆ Develop health care and emergency plan.

The school could develop a written plan describing placement and services. Placement decisions must be based upon evaluation information and student needs. Although a formal IEP is not required, the placement decisions must be made by a group of persons knowledgeable about the child, about the meaning of the evaluation data, and about placement options.

WHAT ARE THE SCHOOL DISTRICT RESPONSIBILITIES UNDER SECTION 504?

There has been much confusion over the years regarding the relationship between Section 504 and special education laws and regulations. It must be emphasized that Section 504 falls under *the management responsibility of the general education program*. The school staff and parents need to work in collaboration to help guarantee that the student is provided with the necessary accommodations.

To be in compliance with Section 504, schools must do the following:

- ◆ Provide written assurance of nondiscrimination.
- ◆ Designate a 504 Coordinator.
- ◆ Provide grievance procedures to resolve complaints of discrimination.
- ◆ Provide notice of nondiscrimination in admission or access to its programs or activities. Notice must be included in a student/parent handbook.
- ◆ Annually identify and locate all qualified children with disabilities who are not receiving a public education.
- ◆ Annually notify persons with disabilities and their parents or guardians of the district's responsibilities under Section 504.

- ◆ Provide parents or guardians with procedural safeguards.
- ◆ Conduct a self-evaluation of school district policies, programs, and practices to make sure discrimination is not occurring.

WHAT IS THE ROLE OF THE SECTION 504 COORDINATOR?

The role of the Section 504 Coordinator is to assist the school in meeting requirements under Section 504 of the Rehabilitation Act of 1973.

The Coordinator will provide resources and help educators and administrators regarding their responsibilities under Section 504. In addition, the Coordinator will assist in creating an ongoing program that will support problem-solving teams in accommodating students' needs. If you have questions regarding Section 504, call the school district Section 504 Coordinator.

WHAT ARE THE ROLES AND RESPONSIBILITIES OF THE DEPARTMENT OF EDUCATION AND THE OFFICE FOR CIVIL RIGHTS?

The Office for Civil Rights is the agency of the U.S. Government that administers federal funds for education programs, conducts and disseminates education research, focuses national attention on issues and problems in education, enforces federal statutes prohibiting discrimination in any activities receiving federal funds, and ensures equal access to education for every individual.

The U.S. Department of Education maintains Regional Civil Rights Offices to enforce Section 504 and other civil rights laws. All parents have the right to directly contact the Office for Civil Rights in their region if they believe their child is being discriminated against based upon their disability. Most differences with schools can be resolved before contacting the Office for Civil Rights. It is suggested you follow the procedures outlined below:

1. First, try to resolve your differences at the teacher or school level. Set up a meeting to discuss your differences.
2. If unsuccessful, set up a meeting with the school district's Section 504 Coordinator.
3. If unsuccessful, call the Parent Center in your State for guidance.
4. If unsuccessful, ask for mediation. This is a free service for parents. A neutral individual will work with you and the school to help resolve your differences.
5. If unsuccessful, ask the Section 504 Coordinator how to file a grievance.
6. If unsuccessful, call the Office for Civil Rights in your region to express your concerns.



SECTION 504 PARENT/STUDENT RIGHTS IN IDENTIFICATION, EVALUATION, AND PLACEMENT

The following is a description of the rights granted under Section 504 to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities;
6. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;

7. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student was placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. File a 504 grievance if you have a disagreement with the school;
15. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation,

educational program, or placement. You and the student may take part in the hearing and have an attorney represent you;

16. File a complaint with the Regional Office for Civil Rights.

The person in the district who is responsible for assuring that the district complies with Section 504 is:

Telephone number _____

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