Background:

- A legal document
- Rehabilitation Act of 1973 – a civil rights law to protect people with disabilities by:
  - eliminating barriers
  - allowing full participation in education
- Designed for implementation of general education modifications, to assist students with impairments who are educated in the regular education setting.
- A 504 plan is not an Individualized Education Program (IEP).
- A 504 plan is not special education.
Background (cont.)

- What Is the Purpose of Section 504?
  - “Level the playing field”
  - Eliminate discrimination against persons with disabilities

- What Is the Difference Between Section 504 and IDEA?
  - IDEA - the provision of special education programs and services (e.g., specialized instruction).
  - 504 Accommodations Plans are developed, implemented, and reviewed by general educators.
Background (cont.)

- **Provides:**
  - General education classroom accommodations

- **Funding:**
  - Rehabilitation Act of 1973 does not provide any money for programs and agencies.
  - It carries the threat of withholding federal funds from those that discriminate against students with disabilities.
Roles & Responsibilities: 504 Team

- The chairperson of the team is the school principal.
- The 504 Team:
  - determines eligibility
  - oversees the successful implementation of the 504 Accommodation Plan
  - reviews the plan annually, and determines eligibility at least tri-annually
- This team may be configured differently at each school however, the team reviews the nature of the student's impairment determining how it affects educational access.
- The team will include individuals knowledgeable about the needs of the student, the data being reviewed, and appropriate accommodation options.
- Special education administrators and faculty can have a supportive role on the 504 team, however, 504’s are a function of general education.
504 Accommodation Plans are developed, implemented, and reviewed by teachers and/or other school professionals.

The responsibility does not belong to special education.

Teachers and/or other school professionals must:
- participate in meetings
- supply pertinent data and documentation such as test scores, discipline referrals, and anecdotal information to assist in the writing of the plan
- are legally responsible to implement the designated accommodations and/or strategies on the plan

The classroom teacher and/or other professionals must maintain regular and consistent documentation to display that the school has attempted to implement the plan.
Legal Responsibility

- All school personnel are legally accountable for implementing and providing accommodations to the student as outlined in the 504 plan.
Eligibility

- Student must have a documented impairment that substantially limits a major life activity.

- 3 steps to determination:
  - Does the student have an impairment?
  - Does the student experience substantial limitation due to the impairment?
  - Does the substantial limitation impact a major life activity? (i.e. caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.)
Eligibility: Impairment

- In order to qualify for a 504 Accommodation Plan the student must first have a documented disability.
- May Include:
  - Autism
  - developmental delay
  - intellectual impairment
  - sensory impairment
  - neurological impairment
  - emotional disorder disabilities affecting behavioral controls
  - communication disorder
  - physical impairment
  - specific learning disorder
  - health impairments (including, but not limited to, ADD/ADHD, AIDS, tuberculosis, asthma, epilepsy, leukemia, arthritis, cancer, and diabetes)
  - Cerebral Palsy
  - Tourette’s Syndrome
  - Traumatic Brain Injury
  - Pregnancy
Eligibility: Substantial Limitation

- A student must demonstrate substantial limitation to qualify for a 504 Accommodation Plan.
  - Unable to perform or are significantly restricted to perform a major life activity
Eligibility: Substantial Limitation (cont.)

- No quantifiable standard given for “substantially limits.
  
  - consider more than the student's grades
  
  - both academic and nonacademic activities to be considered
    
    For example, if a student with diabetes is barred by the school from participating in class trips because of the impairment, the student's learning is "limited."
Eligibility: Temporary Limitation

- Students with a temporary disability may demonstrate a physical impairment that substantially limits a major life activity.
  - The 504 team should determine whether the temporary impairment substantially limits one or more major life activities.
  - That determination must be made on a case-by-case basis, considering the nature, severity, duration or expected duration and the permanent or long term impact resulting from the impairment.
Eligibility: Major Life Activities

- Students with 504 Accommodations Plans have a disability that impacts a major life activity.

- Major life activities may include:
  - Caring for one’s self
  - Performing manual tasks
  - Walking
  - Seeing
  - Hearing
  - Speaking
  - Breathing
  - Learning
  - Working
  - Eating
  - Sleeping
  - Standing
  - Lifting
  - Bending
  - Reading
  - Concentrating
  - Thinking
  - Communicating
Eligibility: Major Life Activities (cont.)

- A student does not need to have a disability limiting learning to qualify for a 504 Accommodation Plan.

- Students may have a disability that in no way affects their ability to learn, yet they may need extra help of some kind to access learning.

- The phrase “major life activities” includes those basic activities that the average person in the general population can perform with little or no difficulty.
Eligibility Determination

- Establish whether or not the student has a qualifying disability.

- Most often use current information gathered by CPS and/or CCHS evaluators.

- Can use information from other sources, such as classroom data or outside evaluations.

- If formally evaluated, we must have written parental consent.
Eligibility Determination (cont.)

- **Determination:**
  - Does the student have an impairment that substantially limits one or more major life activities?
  - Examine data in answering the following questions:
    - Does the student have an impairment?
    - Does the student experience substantial limitation to a major life activity due to the impairment?
    - Does the substantial limitation impact a major life activity?
  - If the answer to all 3 questions is yes, then the student is eligible for a 504 Accommodation Plan.
Common Misuses

- A parent and/or doctor presents the school with a disability diagnosis and a 504 Accommodation Plan is written without first determining if the disability causes significant impairment of a major life activity.

- A student is provided with a 504 Accommodation Plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g. ACT, SAT).

- A student fails to qualify for special education support and is automatically signed up for a 504 Accommodation Plan without first qualifying him or her based on the Section 504 criteria.

- A student is automatically provided with a 504 Accommodation Plan when the student no longer qualifies for special education services without first qualifying him or her based on Section 504 criteria, which are different.

- A student is provided with a 504 Accommodation Plan as an alternative way to receive special education services because the parent refuses to “label” a student by including them in a special education program.
504 Accommodation Plan: Review & Revision

- Annual basis or more frequently if needed
- The purpose of a review is to add, subtract and/or modify student accommodations.

Attendees:
- The student’s parents
- Student, if appropriate.
- General education teachers and/or other school professionals attend this meeting and contribute

- Student may stay on a 504 Plan, move from a 504 Plan to an IEP, or have a 504 Plan discontinued.
Discontinuing Plan

- Review the student’s needs, conduct current evaluations, and consider the three 504 eligibility criteria:
  - A mental or physical impairment
  - Which substantially limits one or more major life activities
  - Requires accommodations

- Like active plans, a discontinued plan is kept in the student cumulative file with notice of the discontinued date.

- A 504 Plan will be discontinued when:
  - a meeting is held
    AND
  - the student no longer requires the accommodation
Discontinuing Plan (cont.)

- The discontinuance of a 504 Plan does not require parent signature and/or consent for the end of accommodations.
- Parents must be provided with prior written notice for the end date of 504 accommodations.
- A copy of the last 504 Plan with the end date should be placed in the student’s record.
Parents' Rights

- **Notice:**
  - Receive notice of actions regarding the identification, evaluation and placement of their children.

- **Consent**
  - There is no legal requirement for consent for implementation of a plan.
  - We do obtain written parental receipt of notification before implementing a plan.
  - Note: Schools need written parental consent prior to any formal evaluation.

- **Impartial Hearing**
  - Department of Elementary and Secondary Education (DESE) are authorized to hear and rule on Section 504 issues or claims.
  - Parents can contact the DESE to file a complaint or the BSEA request a hearing.
Medical Interventions

- Students with health impairments, and other disabilities, may require medical interventions at school.
- If this is the case, the 504 Team includes the school nurse.
- Regular, on-going medical care:
  - Individualized Health Care Plan and/or an Emergency Health Care Plan
  - This is in addition to the 504, or in some cases, the 504 will refer to the Individualized Health Care Plan and/or an Emergency Health Care Plan
Discipline

- Students with 504 Accommodation Plans hold protections related to discipline.
- These students may not be removed from their general education placement for more than 10 days unless the 504 Team first makes a manifestation determination.
- The 504 Team must determine that the behavior resulting in the discipline was either directly a result of or linked to the student’s handicapping condition or not a manifestation of the identified disability.
Removals for less than ten days can occur without the 504 Team’s input.

Note: A series of small removals (including teacher removals to the office, hallway, or other classroom) over the course of the school year that exceeds ten total school days may constitute a pattern of exclusions and a manifestation determination meeting is necessary.

If a student with a 504 Accommodation Plan is found using or possessing illegal drugs or alcohol, then the school may apply the disciplinary action used with typical students.
End of Presentation