



# 504 Accommodation Plans



CONCORD PUBLIC SCHOOLS  
CONCORD-CARLISLE REGIONAL SCHOOL DISTRICT

# Background:

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- ▶ 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.)

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- ▶ **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.)

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- ▶ 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

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- ▶ 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.



## Roles & Responsibilities: 504 Team (cont.)

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- ▶ 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

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



# Eligibility

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- ▶ 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

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- ▶ 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

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- ▶ 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.)

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- ▶ 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

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- ▶ 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

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- ▶ 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.)

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- ▶ 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

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- ▶ 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.)

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## ▶ 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

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- ▶ 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.
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# 504 Accommodation Plan: Review & Revision

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- ▶ 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

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- ▶ 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.)

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- ▶ 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

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## ▶ 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

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- ▶ 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

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- ▶ 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.



## Discipline (cont.)

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- ▶ 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

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