

# Section



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## Who Are These Students, And How Do We Service Them?

Overview of Section 504 of the Rehabilitation Act of 1973

Questions & Answers by  
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# 1. What is §504?

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- ❑ The Rehabilitation Act of 1973 (§504) is a one-sentence civil rights law that prohibits agencies that receive federal funding from discriminating against persons with disabilities on the basis of disability.
- ❑ Federal regulations, passed by the Department of Education (DOE) specifically tell schools how to implement §504 requirements.
- ❑ **Congress enacted amendments to the Americans with Disabilities Act (ADA) and to key Section 504 definitions on January 1, 2009. The DOE is scheduled to release decisions in writing.**

## 2. What exactly does §504 say?

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- “No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his or her handicap, 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...” 29 U.S.C. §794(a).
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### 3. What is the purpose of §504?

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- The main emphasis in the schools is equal education opportunity, which is mainly accomplished by:
    - 1) providing appropriate classroom accommodations to eligible disabled students.
    - 2) equal opportunity to participate in school extracurricular and nonacademic activities.
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## 4. Who is disabled under §504?

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□ Any student who has

- (1) a physical or mental impairment that substantially limits or **“significantly restricts”**\* learning or another major life activity (breathing, seeing, hearing, walking, working, performing manual tasks, **sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, operation of a major bodily function,**\* etc.);
- (2) a record of such an impairment or;
- (3) is “regarded as” **(new language)** having such an impairment.

**NEW \***

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## 5. Other Changes\*

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- “Episodic” or “in remission” impairment must be considered as eligible if impairment substantially limits a major life activity.
- “Mitigating measures” other than glasses and contact lenses are no longer taken into consideration for disability determination.  
(mitigating measures may include medication, auxiliary aids and services, mobility devices, etc.)
- New language pertaining to “regarded as” having disability.

NEW\*

## 6. What is meant by the phrase “substantial limitation”?

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- Generally, it means that the disability materially and significantly impacts the student’s overall educational performance and experience in an adverse manner.
  - In other words, it means the student is experiencing serious difficulty meeting minimum academic requirements, behavioral expectations, or a combination of both.
  - It does not mean that the student is *not* working up to his/her potential or earning the best grades he/she can earn.
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## 7. What is the §504 process?

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- The §504 process is the same as IDEA in its basic format (child-find, identification, evaluation, committee decision-making, individualized service plans, and periodic reviews), but the steps tend to be more basic.
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## 8. What is a §504 committee?

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- A group of persons (3 or more) that includes persons knowledgeable about the child, the meaning of the evaluation data, and the placement and accommodation options constitutes the §504 committee.
  - This committee interprets the evaluation data, determines eligibility, develops and periodically revises accommodation plans.
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## 9. What is an “evaluation” under §504?

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- The collecting, gathering, and interpreting of data from a variety of sources about the student’s educational functioning constitutes an evaluation.
  - Data can include TAKS, FMAs, teacher recommendations, physical and health information, adaptive behavior data, discipline information, parent input, privately-obtained information, prior IDEA evaluations, grades and progress reports, and other relevant information: a holistic evaluation.
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**10. After evaluation, could a §504 committee decide that the student is so impaired that he should be referred for an IDEA evaluation?**

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- Yes, either upon initial evaluation, or after attempts to educate the student with a §504 plan, the §504 committee may refer the student for a special education evaluation.
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## **11. Is a student who is dismissed from special education eligible under 504?**

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- Not automatically. Such a student should be referred to a §504 committee for evaluation and a determination of eligibility. It will be up to the committee whether the student qualifies for eligibility under §504.
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## 12. Can a student be disabled but not qualify under §504?

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- Yes, since some disabled students may not be substantially limited in learning or another major life activity by their disability. If a student with disabilities is able to function adequately in the school setting, they may not be substantially limited, and thus, not eligible under §504.

**Note: Under the new law, Section 504 may require us to accommodate the needs of students with disabilities which have nothing to do with their instructional needs.**

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## 13. What are the notice requirements under §504?

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- ❑ There must be continuing steps to notify disabled persons that the school does not discriminate on the basis of disability.
  - ❑ Additionally, disabled students and their parents must be notified of the school's legal duties under §504, as well as their rights under the law.
  - ❑ Finally, schools must notify disabled students and their parents prior to taking action regarding the identification, evaluation, or placement of a student with a disability (i.e., notice of all §504 committee meetings and evaluations).
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## 14. What can happen to a school that does not comply with §504?

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- ❑ Failure to maintain and implement §504 policies and procedures can result in complaint investigations, compliance reviews, and enforcement proceedings by the Office for Civil Rights (OCR).
  - ❑ Ultimately, OCR has the power to terminate a school's federal funding.
  - ❑ Aside from federal agency monitoring, parents can file due process hearing requests and initiate court proceedings.
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## 15. Do §504 students have protection in disciplinary matters similar to those under IDEA?

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- Yes, disabled students under §504 cannot be discriminated against on the basis of disability in the school disciplinary process. Therefore, §504 students have protections against patterns of disciplinary removals, as well as the manifestation determination procedure.
  - That procedure requires that §504 committees determine whether the student's behavior was related to his/her disability in situations where the student faces a disciplinary removal that would amount to a change in placement (i.e., removal of longer than 10 consecutive school days).
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# III. How Will Teachers Know What To Do?

- ❑ Section 504 Student Accommodation Plan  
(Refer to next slide and review Section 504 Accommodation Plan.)
- ❑ Teachers are responsible for maintaining accurate documentation of accommodations.
- ❑ Every teacher should have a current 504 Accommodation Plan (IAP) on every eligible 504 student.

**SECTION 504 STUDENT ACCOMMODATION PLAN**

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Date: \_\_\_\_\_

Student Name \_\_\_\_\_

ID # \_\_\_\_\_

DOB \_\_\_\_\_

Grade \_\_\_\_\_

Campus \_\_\_\_\_

**Check one of the following:**

\_\_\_\_\_ Initial \_\_\_\_\_ Annual Review \_\_\_\_\_ Failure/Discipline Review \_\_\_\_\_ 3-Year Reevaluation

**Modifications Begin \_\_\_\_\_ (date)**

To assure better coordination among the teachers in the regular education program, the checked instructional modifications have been approved by the Section 504 Committee for the curriculum areas listed. Each teacher who serves a 504-eligible student shall review and implement the identified instructional modifications under the supervision of the designated building administrator or campus 504 Coordinator

**Regular Discipline Plan**

Yes  No

**Individual Behavior Intervention Plan**

Yes  No

**Progress Forms**

Weekly Progress

Daily Assign.

**Identified Related Services**

Tutorial Program

Transportation

Counseling

Other

**The individual (s) responsible for the coordination & monitoring of these accommodations:**

\_\_\_\_\_ Name

**THE INFORMATION ON THIS INSTRUCTIONAL MODIFICATION IS CONFIDENTIAL AND MAY ONLY BE AVAILABLE TO:**

1 Teacher( s) of student

2 504 Committee

3 Campus Administrators

4 Parent (s)

5 Special Education Staff

6 TEA Monitoring Team

7 School Counselor

8 Office of Civil Rights

9 Instructional Facilitators

**State Assessment Accommodations**

Individual/small group admin.

Dictate answers verbatim to test administrator

Use color transparency

Large print

Oral Administration (Math, Social Studies/Science

Only)

Other: \_\_\_\_\_

<b>§504 Accommodations by Class</b> (See Notes for additional explanation)																					
1. Oral Testing																					
2. Modified Testing																					
3. Taped Texts																					
4. Highlighted Textbooks																					
5. Check for Understanding																					
6. Note Taking Assistance																					
7. Extended Time																					
8. Shortened Assignment																					
9. Modified Assignment																					
10. Peer Tutoring																					
11. Accessibility																					
12. Use of Calculator																					
13. Reduce Pencil/Paper Tasks																					
14. Preferential Seating																					
15. Organizational Strategies																					
16. Cooling Off Period																					
17. Re-Teach difficult concepts																					
18. Supplemental Materials																					
19. Team Teaching																					
20. Colored Overlays																					
21. Behavior Intervention Plan																					
22. Other:																					
23. Other:																					
24. Other:																					
<b>Distribution</b> (insert dates distributed to each, or N/A) <input type="checkbox"/> Parent <input type="checkbox"/> English Teacher <input type="checkbox"/> Math Teacher <input type="checkbox"/> Science Teacher <input type="checkbox"/> SS/History Teacher <input type="checkbox"/> PE Teacher <input type="checkbox"/> Fine Arts Teacher <input type="checkbox"/> Administrator <input type="checkbox"/> Other _____ <input type="checkbox"/> Other _____																					

# Questions or Concerns?

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- Contact your campus Section 504 Coordinator.
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