

# ***OVERVIEW OF SECTION 504***

American with  
Disabilities Act

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**Note: 504 referral forms can be obtained from Mrs. Howard**

# A Few Important Things...

- Section 504 is **NOT** a special education law
- Section 504 is a civil rights law
- Section 504 is not as specific a law as the IDEA
- Section 504 contains no funding

# The History of Section 504

- Congressman Vanik from Ohio and Senator Humphrey from Minnesota proposed this amendment to the Rehabilitation Act of 1973
- Every department within the executive branch of the federal government has regulations implementing the law
- Because virtually every school district in the country accepts federal funds, public education is directly affected.

# The History of Section 504

- Schools were not paying much attention to Section 504 prior to 1990.
- Why the increased attention?
  - Emergence of disabilities were not covered by the IDEA (ADHD, ODD)
  - The passage of the ADA (1990)
  - Increased Parental awareness
  - Enforcement by the Office of Civil Rights (OCR)

# Health Plans

- Any student with a health plan must also be offered a 504 plan.
- A parent can reject the plan.
- Parents must be notified of the options.
- The health plan will then become part of their 504 plan in order to allow the child to fully participate in school.

# Section 504

- o What is Section 504
- o Eligibility for Protection under Section 504
- o Comparison of Section 504 and IDEA

# What is a 504 Plan

- Part of the Rehabilitation Act of 1973
- National Civil Rights Law
- Grants equal access to qualified persons with disabilities to all programs and activities receiving federal funding
- Section 504 says, *“No qualified person with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal assistance.”*

# Eligibility for Protections under Section 504

- Under Section 504, a person is considered to have a disability if that person (29 U.S.C. Sec. 706(8)):
- Has a physical or mental impairment which **substantially limits** one or more of his/her major life activities,
- Has a record of such an impairment, or
- Is regarded as having such impairment.

# What is a physical/mental impairment?

- **(A)** Cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs, respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- **(B)** Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities:
  - ADD or ADHD
  - Oppositional Defiant (ODD)
  - Diabetes
  - Depression
  - Many Others
  - Bipolar
  - Allergies
  - Physical Disabled-wheelchair
  - Anxiety

# What does substantially limits mean?

- Unable to perform a major life activity that the average person in the general population can perform, or
- Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the average person in the general population performing that same major life activity.

# What is a major life activity?

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Others

# How to determine if it is Substantial?

- (1) Nature and severity of impairment:
  - Is the impairment mild or severe?
  - Does the impairment result in the student not achieving at average levels?
  - Does the impairment impact on a major life activity? If so, how?
- (2) Duration or expected duration of impairment:
  - Will the impairment be of such short duration as to not cause significant problems?
  - Will the impairment cease impacting the child without any interventions?

# How to determine if it is Substantial?

- (3) Permanent or long term impact resulting from the impairment:
  - Will the impairment be short or long in duration?
  - If the impairment is short, will it have a significant impact without intervention?
  - If the impairment will be long term, will the impact substantially limit the student's access to school or school activities?

# Terminology

- **Accommodations:** Specialized instruction , related aids or services, or program modification needed for a 504 eligible student to access the school environment or school activities (curricular or extra curricular).
- **Individual Accommodation Plan (IAP):** Written document setting out specialized instruction, related aids or services, program modification needed to enable the student to access the school environment or school activities (Don't refer to it as an IEP)

# Accommodations

- Provide equal opportunity
- Considers functional limitations and provides alternative methods for performing task
- Given to parents and shared with student's teachers
- Implementation of 504 Plan is the most important part

# Accommodations

- Must be individualized
- A disabled person needs should be met at the extent as the person without the handicapping condition
- Must have parental consent
- Related services may be provided
- Evaluation – does not necessarily mean test-collection of data
- Committee must draw on information from a variety of sources
- Comprehensive evaluation is required every three years.

# Accommodations

- Accommodations should Reduce barriers Not provide an Advantage.
- Based upon data collection from the student performance
- Everyone's input is considered; however, no single person's input is preferred

# How are students identified?

- Committee determines if there is a mental or physical disability
- Does the impairment substantially effect a major life activity such as walking, seeing, hearing, speaking, breathing, learning, working, and caring for oneself and performing manual tasks?
- If yes, committee writes an IAP

# How is 504 different from Special Education (IDEA)

- 504 is intended to establish a “level playing field”
- IDEA is remedial
- IDEA students must meet federal criteria for identification and must need specially designed instruction to learn
- 504 definition covers a broader range than IDEA and student’s needs regarding accessibility and/or accommodations in a regular classroom setting.
- All IDEA students are covered by 504, but not all 504 students are eligible for services under IDEA

# Clues to referring a student

- Suspension
- Retention
- Pattern of not benefiting from instruction
- Return after physical or mental illness
- Release from Special Education
- Referred but did not qualify for special education
- Health Conditions
- “At-Risk” student
- New building or remodeling is being considered

# Eligibility Meeting

- Does the student have a diagnosed disability
- Does the disability adversely effect a major life activity?
- A student may have a disability, but it must adversely effect a major life activity to qualify under Section 504.
- If the student does not qualify for a 504, an Accommodation Plan cannot be written.
- Accommodation Plans are to be reviewed annually.

# What to expect when attending a 504 Meeting

- For an initial meeting
- Discussion of the purpose of the meeting
- A review of the completed referral
- Summary of the concerns of the teachers and/or parents and Doctor's questionnaire if available
- A request for additional information if needed
- Sometimes we have the pertinent information and can have the initial meeting and eligibility meeting at the same time