



## SECTION 504 GENERAL INFORMATION AND PROCEDURES

Section 504 of the Rehabilitation Act of 1973 preceded the Individuals with Disabilities Act (IDEA); however, it includes IDEA as well. A key point to remember with both acts is that **students must qualify** for services. All special education students also qualify for Section 504 services. However, because they meet the more exclusive requirements of IDEA, they receive services from special education. Services to students who qualify under Section 504, but not under IDEA, are provided by the general education staff. Students who would most commonly qualify as individuals with disabilities under Section 504 include those with ADD/ADHD, with continuing health concerns such as diabetes, asthma, or severe allergies, or those returning to school following an extended hospitalization, including hospitalization for drug/alcohol or psychiatric treatment.

Section 504 states “No otherwise qualified individual with handicaps in the United States shall, solely by reason of her or his 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.” The following definitions further clarify aspects of the qualification criteria under the Rehabilitation Act:

1. An individual with disabilities is one who a) has a physical or mental impairment, which substantially limits one or more major life activities; b) has a record of such an impairment; or c) is regarded as having such an impairment.
2. A physical or mental impairment is a) any physiological disorder or condition, cosmetic, disfigurement or anatomical loss affecting one or more of the body systems; or b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. Major life activities are those functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
4. With respect to students, qualified individuals with disabilities means the student is a) of an age during which individuals without disabilities are provided such services; b) of an age during which it is mandatory under state law to provide such services to individuals with disabilities; or c) one to whom the school is required to provide free appropriate public education under IDEA.

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The referral process for an individual with disabilities begins with a meeting, which will include individuals knowledgeable about the student and the disabling condition. This team will likely include parents, teachers, and school counselor and at the secondary level the student. This team must first determine if the student should be referred for special education evaluation. If the student has been evaluated for special education services and does not qualify, the committee will decide if the student qualifies for services under Section 504. In making this evaluation the committee should consider any medical information, results of any psychological or educational testing, progress in school and any other appropriate information. In making this determination, the following questions should be considered:

1. Does the student have a mental or physical disability?
2. If yes, does the disability impair a major life activity such as learning?
3. If yes, is the degree of the impairment substantial?

When a student does qualify for Section 504, the committee must develop instructional accommodations and educational interventions to be used in the regular classroom by the classroom teacher(s). This plan should only include the accommodations and interventions necessary to assist the student in benefiting from his or her educational program. This educational plan must be carried out by all teachers working with the student. **Schools and teachers can be held liable for not implementing the instructional modifications and educational interventions outlined in the student's educational plan.** This plan should be reviewed at least once a year and modified appropriately. Reevaluation should be completed at least every three years to see if the student still fits the definition of Sections 504 and if their needs have changed. A child who only temporarily meets the definition retains the protection of Section 504 only so long as that condition continues.

Due process requirements are clearly defined in the Section 504 parent rights, which are provided to parents at each 504 conference.

The coordinator for Section 504 services in each building is the building principal. The building 504 coordinator is responsible for chairing 504 conferences, collecting all information needed for evaluation and monitoring the implementation of 504 plans. The district Section 504 Coordinator is Rachael Harshman, Director of Student Services.