

Understanding Section 504 Plans

LAW

There are primarily three bodies of federal law that protect the rights of children with disabilities. The first, IDEA (Individuals with Disabilities Education Act) governs "Special Education" as schools know it today. This law, while quite comprehensive, only provides direct programming for children with one of thirteen categories of disabilities, when in fact there are literally hundreds of disabilities.

The second body of law, which protects the rights of individuals with disabilities, is the Americans with Disabilities Act (ADA). The ADA primarily provides for accessibility of the physical structure of a school. This includes restrooms, access to playgrounds, lift buses, etc. The ADA also prohibits discrimination against the disabled in school programming.

The third body of disability law is Section 504 of the Rehabilitation Act of 1973. This law prohibits discrimination against the disabled in all programs that receive federal funds, including public schools. Section 504 is a far-reaching law that extends protections to individuals with disabilities in most aspects of their lives. The procedures outlined in this report address Section 504 as it applies to schools.

STUDENT IDENTIFICATION AND EVALUATION

Section 504 defines an individual with a disability as anyone who experiences a "mental, psychological or physiologic disorder that interferes with an individual's civil right to one or more major life activities." The list of major life activities includes: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating. Identifying students who qualify for a 504 Plan is usually not complicated. Some children, even though a disability can be documented, are not eligible for special education services under IDEA. These students could be evaluated to determine the need for a 504 Plan. Some examples could include students with health needs (e.g. life threatening allergy), with communicable diseases (e.g. HIV), with drug and alcohol dependency, who have been dismissed from or do not qualify for special education due to a lack of discrepancy, and those with ADHD (when not covered by IDEA).

In addition to school-identified concerns, a parent can document through testing by outside professionals that their child has a disability that interferes with learning (e.g. life threatening allergy).

When parents or school personnel identify a concern for which a 504 disability determination might be appropriate, the principal will convene a meeting of a 504 team. The team varies from student to student, and generally consists of the parent, the classroom teacher, the building 504 case manager, and any other school personnel that might have a role in understanding the evaluation data and disability determination (e.g. school psychologist, school nurse, occupational therapist). The 504 planning team will consider school referenced measures and progress, medical reports, and/or record reviews when determining if a student has a physical or mental impairment that substantially limits a major life activity. A doctor's

statement or private evaluation identifying the presence of a disability is not sufficient to document the level or impact or limitation of the impairment upon the student's performance in a major life activity area.

The 504 planning team conducts a two-step process in order to consider eligibility. First, the team must consider whether the child has a disability under Section 504. Then, the team needs to determine whether the student's education is impacted by this disability. Although it may be determined a student has a disability, that does not automatically mean the student will need a 504 Plan outlining accommodations.

If the student qualifies for a 504 plan, an individualized plan is developed, outlining what instructional accommodations or modifications are needed to meet the child's needs as they relate to the disability.

WHAT IS A DISABILITY?

There are multiple medical conditions that may be considered a disability. Doctors may use the current version of the DSM or ICD manuals when identifying a condition and reporting such condition to insurance companies. Some examples of disabilities that might qualify under 504 are: epilepsy, ADHD, allergies, diabetes, learning disability and anxiety disorder.

WHAT IS NOT A DISABILITY?

At times during an extensive evaluation, characteristics and descriptors of the child are highlighted. For example, an evaluation might identify that a student has slow processing speed or poor working memory. This provides insight into the child's learning profile, but is not recognized as a physical or mental impairment.

WHEN SHOULD A 504 PLAN BE CONSIDERED?

There are four primary cases when a 504 Plan should be considered.

1. When an IEP team determines that a child no longer requires an IEP and a 504 Plan is needed to document the necessary general education accommodations or modifications to ensure ongoing student success.
2. When an IEP team has conducted a case study and a student is found ineligible for special education under IDEA, the team will consider whether a disability under 504 is indicated.
3. When there is an identified disability not covered by special education (remember, while there are literally hundreds of different types of disabilities, special education law only covers thirteen specific types of disabilities).
4. When a parent approaches a teacher with concerns that his/her child may have a disability that requires special instructional accommodations or program modifications.

THE PLAN

The 504 planning team shall then prepare a 504 Plan for an eligible disabled student. The 504 Plan provides the reasonable instructional accommodations and modifications to which the student is entitled, based on the student's individual needs. Once the Plan has been developed, the general education team (including specialists and related arts teachers) is responsible for

implementing the Plan. 504 Plans are managed by the building 504 coordinator.

504 PROTECTION

Similar to IDEA, students with a 504 disability have certain rights and protections. These rights are listed on the last page of this document.

REVIEW

To be in compliance with section 504, the 504 planning team must review the plan at least annually to determine the nature and type of accommodations and instructional modifications they shall provide, or to review for continued eligibility if necessary. If a child's individual learning needs change from the previous year, the 504 planning team will meet to review and adjust the plan if necessary. Any team member, including the parent, may call a 504 Plan review at any time.

REEVALUATION

A reevaluation of the child's eligibility for a 504 plan will normally be conducted every three (3) years or more frequently if conditions warrant. Through this process, the team will consider whether the child's disability continues to have an educational impact that requires accommodations.

TERMINATION OF 504 PLAN SERVICES

The evaluation team shall recommend the termination of a student's 504 Plan if it determines on the basis of the review of all pertinent information that:

- The student is no longer disabled; or
- The student no longer requires any specialized services to meet the identified needs; or
- The student no longer requires any special accommodations; or
- The student can be appropriately educated in general education

Termination of a 504 Plan does not necessarily mean that the child no longer has a disability that warrants 504 protection.

GRIEVANCE PROCEDURES

There are times when the school and the parent disagree about the development or implementation of a 504 Plan. The first place to resolve a disagreement is at the building level. The principal or assistant principal serves as the 504 coordinator for her/his building. Any concerns shall be addressed with the school administrator first.

If the concern cannot be satisfactorily addressed at the building, the issue can then be brought to the District Coordinator of 504 Plans. The Administrator of Student Services serves as the District Coordinator of 504 Plans and can be reached at the Mikaelian Education Center 847.512.6004. The District 504 Coordinator will meet with the child's 504 planning team, which includes the parent, and review the relevant information. At the meeting a

determination will be made about the appropriateness of the Plan and the reasonableness of the accommodations. The 504 Plan may be revised at that meeting.

When an appeal to the Administrator of Student Services does not resolve a conflict, the parent has the right to request a "due process hearing" by contacting the Superintendent. At this point the school identifies an impartial hearing officer who will hear the case. The impartial due-process hearing officer will review information provided by the school and the parent, and will also hear any witnesses provided. The due process hearing officer will make the final determination.

PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION AND PLACEMENT
(Section 504 of the Rehabilitation Act of 1973)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district develop reasonable strategies to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities;
6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or Section 504 of the Rehabilitation Act;
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
8. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
9. Request a manifestation determination review before any disciplinary removal of your child that constitutes a significant change in placement, in order to determine if your child's misconduct was related to his/her disability;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Obtain a response from the school district to reasonable requests for explanation and interpretation of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to: Dr. Raymond Lechner
15. File a local grievance.

The person in this district who is responsible for assuring that the district complies with Section 504 is:
Dr. Denise Thrasher 847-512-6004