

Section 504: What Parents Need to Know

What is Section 504?



- Section 504 of the Rehabilitation Act of 1973 is a civil rights statute which **prohibits discrimination against individuals with disabilities**.
- Section 504 ensures eligible students with disabilities have **equal access to education** through the development of a Section 504 Plan.
- Some students with a disability who do not require specially designed instruction through an individualized education program (IEP) may receive accommodations, supports, and services through Section 504.

Where does Section 504 apply?

Any school or program that receives federal funding.
Including, but not limited to:



**Early
childhood**



**Public
preschools**



**K-12 public
schools**



**Private schools
that receive
federal funding**



**Technical
colleges**



Universities

What does “disability” mean?

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. To be protected under Section 504, a student must be determined to:

- (1) have a physical or mental impairment that substantially limits one or more major life activities; or
- (2) have a record of such an impairment; or
- (3) be regarded as having such an impairment.

What does “**substantially limits**” mean?

Americans with Disabilities Act (ADA), Amendment of 2008, specifies:

Mitigating measures (other than ordinary eyeglasses or contact lenses) can no longer be considered when determining whether an impairment substantially limits.

An impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting.

An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity.

What does “a major life activity” mean?

Major life activities include functions such as:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating
- Thinking
- Communicating

This list is not exhaustive

FAPE



Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students in their districts who have a physical or mental impairment that substantially limits one or more major life activities.

No Need to Fail to Qualify

TERM	1	2	3	4	Yr. Tot.
PRESENT	X	X			
ABSENT					

CONDUCT

TERM	1	2	3	4	Yr. Tot.
				X	

READING LEVELS

NOTE: The blue line indicates the student's starting point at the

LANGUAGE ARTS	A	A	A	A	A
PHYSICAL EDUCATION*					
MATHEMATICS	A	A	A	A	
GRADE LEVEL					
MUSIC*	B	A	A	A	
READING					
GRADE LEVEL					
SCIENCE/HEALTH	B	B	A	A	
SOCIAL STUDIES	B	B	B	A	
WRITING*					
ENHANCED MATH**					
ENHANCED READING**					
SPELLING					

PROMOTION UNLIKELY

MARKING CODE

95 - 100 - A EXCELLENT
 85 - 94 - B ABOVE AVERAGE
 75 - 84 - C AVERAGE
 70 - 74 - D BELOW AVERAGE
 0 - 69 - F UNSATISFACTORY

S SATISFACTORY
 P PROGRESS SHOWN



504 Evaluation and Eligibility

504 team will evaluate and determine if eligible under Section 504 and will also determine if the student requires accommodations and/or services at **no cost**.

The decision to conduct an evaluation is governed by **the individual circumstances** in each case.

Eligibility should be revisited **periodically** to identify changes in student needs and supports.

If the student is eligible and requires accommodations or services, the district **must develop a 504 Plan** for the student.

Evaluation

If you are concerned, ask for a **comprehensive educational evaluation**.

When a child doesn't qualify for an **Individualized Education Program (IEP)** they may still qualify for a **504 Plan**

Section 504
evaluation must be
conducted in a
timely manner.
Parent permission is
required.

Special Education
Evaluation must be
completed **30 school**
days from informed
parent consent.

When to Evaluate

- Parent does not have an absolute right to a Section 504 evaluation upon request.
- If the school staff have reason to believe the child has a disability and needs special education or related services as a result of the disability, even if the child only exhibits behavioral (not academic) challenges.
- If the school does not agree to evaluate the student, the school must inform the parent of his or her right to challenge the school's decision.





Document is not explicitly required

School districts often document an individual child's FAPE under Section 504 in what is referred to as a 504 Plan.

Office of Civil Rights encourages schools to document a student's Section 504 services in a written plan to help avoid misunderstandings.

504 Plan Document

Accommodations

adjustment or change based
on individual student need

- **Timing**
- **Formatting**
- **Setting**
- **Scheduling**
- **Response**
- **Presentation**

Services

Based on the individual needs of the student to have access to all programs as students without disabilities

- **Counseling**
- **Tutors**
- **Assistive Technology**
- **Speech & Language**
- **Staff training**

Logan's 504 Supports



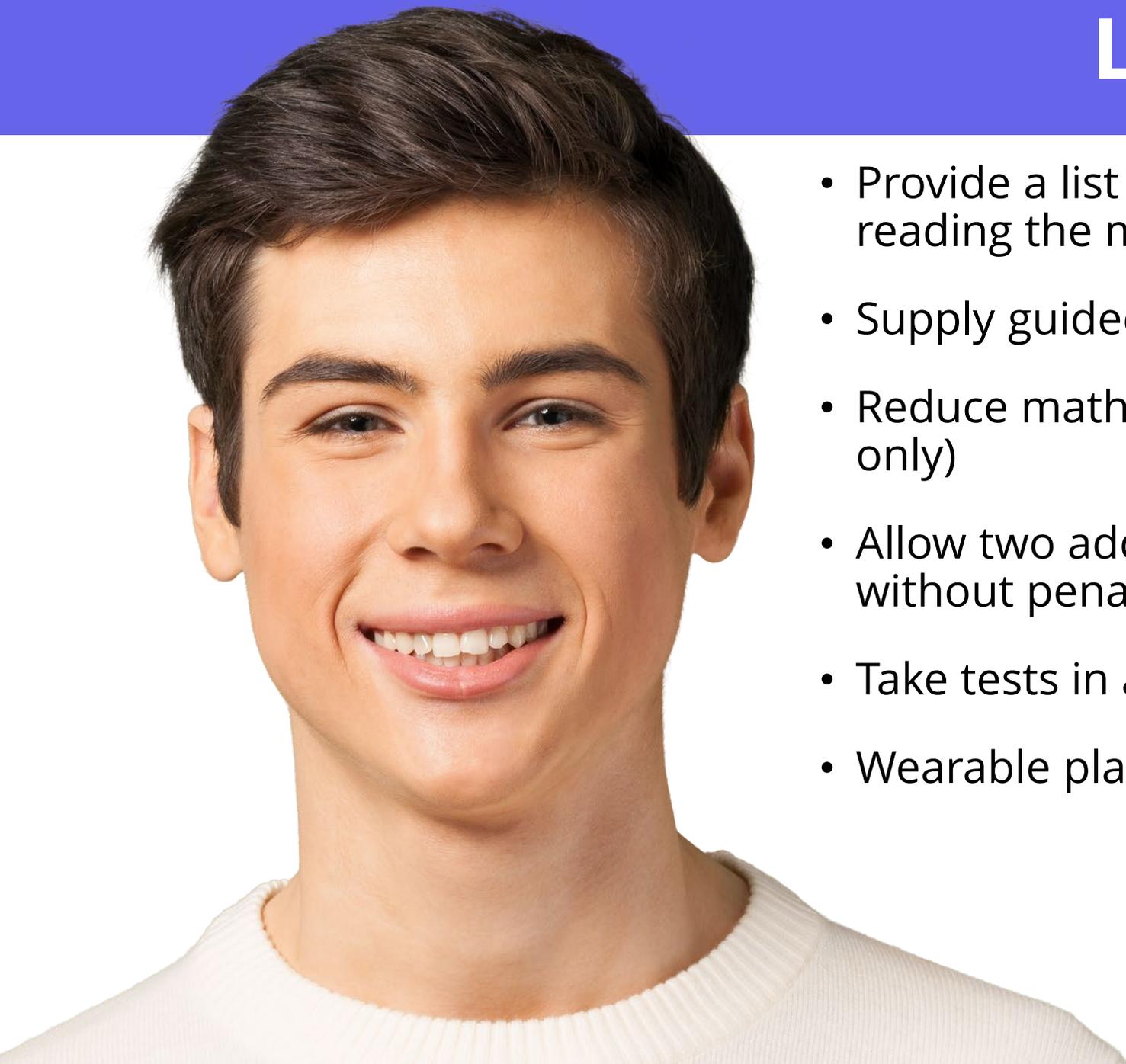
- Daily visual schedule on his desk
- Sensory break schedule
- Give directions in small steps
- Provide a visual timer
- Ensure access to water bottle throughout the day
- Social skills group

Lily's 504 Supports



- Provide additional personal space between desks
- Supply 2 sets of books, one for home and one for school
- Grant elevator access
- Allow Lily to leave classroom 2-3 minutes early to avoid crowded hallways
- Mobility consultant twice a year
- Mobility assistant when participating in marching band

Liam's 504 Supports



- Provide a list of discussion questions before reading the material
- Supply guided lecture notes
- Reduce math homework by half (example: even only)
- Allow two additional days for homework available without penalty
- Take tests in a quiet area
- Wearable play guide for basketball

Non-Academic & Extracurriculars

reasonable modifications to ensure equal opportunity



Policies



Procedures



Practices

Children

**Children with
disabilities**

**Children with
disabilities who
are eligible
under Section
504**

**Children with
disabilities who
are eligible for an
IEP**





Should my child have an IEP & a 504 Plan?

All children with an IEP have already been identified as having a disability and therefore are covered by the protections against discrimination under Section 504 of the Rehabilitation Act of 1973.

Usually, a separate 504 plan is not written for students with IEPs, as the information that would go into a 504 Plan are part of the IEP.

Your Rights

Implementation

Grievance Procedures

Procedural Safeguards

Section 504 Complaints



Your Rights: Implementation

Local school districts are responsible for implementing 504 Plans, a first step is to contact the Section 504 Coordinator at your school.



Your Rights: Grievance Procedures

School districts are required to establish grievance procedures for resolving complaints related to those cases where the complainants allege that employees, other students, or third parties engaged in discriminatory behavior.



School Districts' General Grievance Procedures

Written complaint to
Section 504
Coordinator/Compliance
Officer

Describe the issue of
discrimination and
possible solutions

District must respond to
the complaint within a
specified time

District will investigate
the issue

District will provide a
written decision to the
grievance within a
specified time

If disagree, can appeal

At any time, can file a
complaint with the Office
of Civil Rights

Your Rights: Procedural Safeguards

Include:

- Notice
- Records review
- Impartial due process hearing
- Opportunity for participation by the parent



Section 504 complaints are handled by the Office for Civil Rights (OCR)

Anyone can file a complaint

Complaints must be submitted within 180 days

You are not required to use the district's grievance procedure before filing an OCR complaint

Your Rights: Complaints



Denver Office for Civil Rights
US Department of Education
Denver, CO
Telephone:
303-844-5695
E-mail:
OCR.Denver@ed.gov

U.S. Department of Education
Office for Civil Rights
Washington, DC
Telephone:
800-421-3481
Email:
OCR@ed.gov

Wrap up

If concerned, ask for an evaluation

Evaluation team will determine
eligibility

May be eligible for IEP / 504 /
other support

Plans should be reviewed
periodically

Know your rights



800-552-4821 www.michiganallianceforfamilies.org

We are here to support you!

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For more information visit

www.michiganallianceforfamilies.org

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Michigan Alliance for Families

In collaboration with



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