

SECTION 504

- Free Appropriate Public Education (FAPE)
- Legislates
- Protects
- Prevents

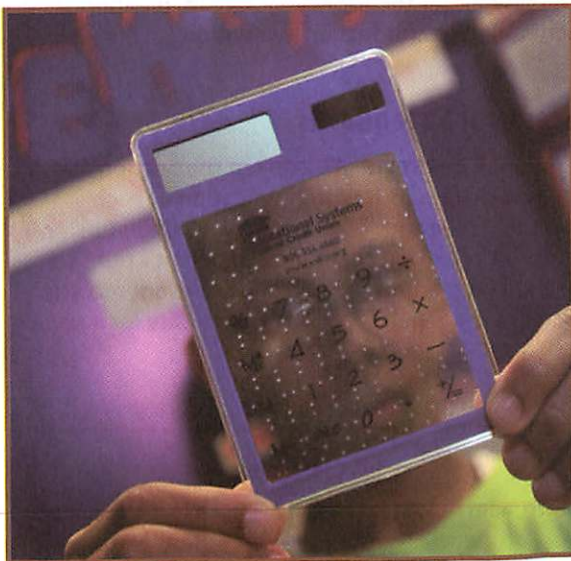


WHAT IS DISCRIMINATION?

- Discrimination is the exclusion from participation in or the denial of benefits of any program or activity receiving or benefiting from federal financial assistance. Students may not be denied participation in or be denied benefit from services that are afforded non-disabled students.
- A Section 504 eligibility determination meeting must be held to determine a student's eligibility for 504 services. The 504 plan may not be written until the student has been determined eligible to receive 504 services by the Section 504 team.

NOT IDEA ELIGIBLE?

A Section 504 eligibility plan does not automatically take the place of or qualify a student for special education service.



OUR BELIEFS

What determines eligibility?

- The Section 504 team is responsible for recommending Section 504 eligibility
- To be eligible under Section 504, a student must have an identified physical or mental impairment.
- The impairment must result in a substantial limitation in learning.

The substantial limitations in learning must be documented with:

- Evaluation data and student records indicating poor academic and/or behavioral performance
- Section 504 team determination that the student's academic performance and school performance are markedly different than that of other non-disabled students.

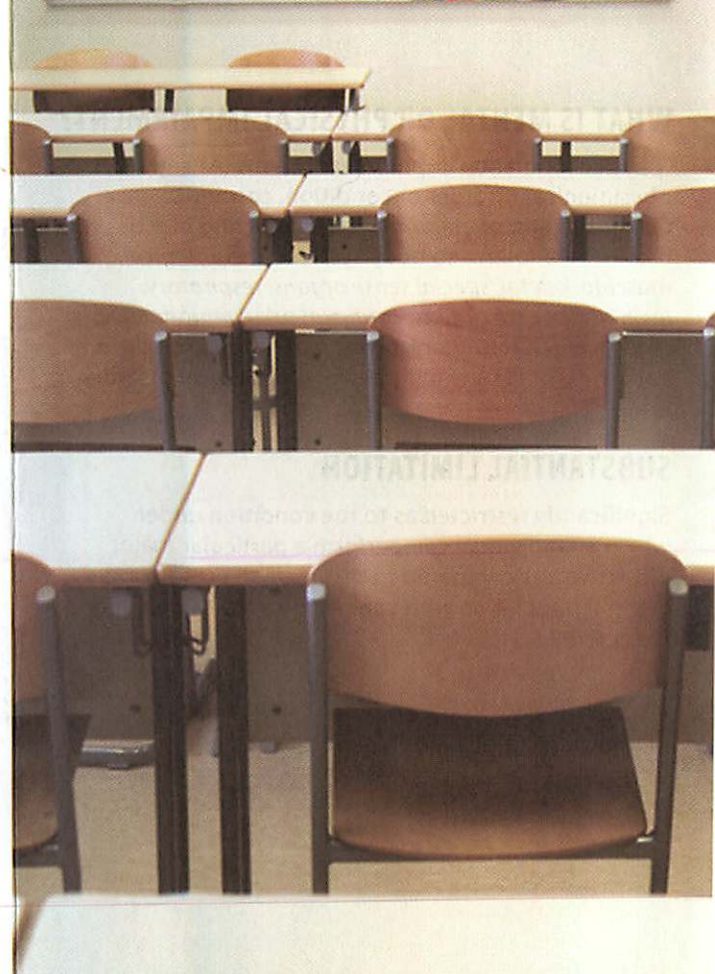
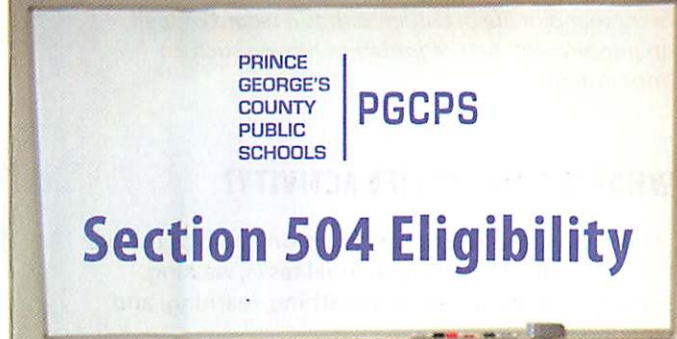
If determined eligible, a Section 504 plan will be developed no later than 30 days after a student is identified as disabled under Section 504.(acceptable documentation).

Verify Substantial Limitation of Major Life Activity

- Scholastic record
- Report cards
- Work samples
- State assessment results
- Psychological evaluation
- Norm-referenced educational assessments
- Curriculum-based assessment
- Structured academic and behavioral interventions
- Social and health history
- Information provided by parent
- Medical evaluation
- Other evaluations/ documentation
- School attendance summary

Evaluation materials must demonstrate that the student's academic and/or behavioral performance is significantly different than that of the average, non-disabled student.

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WHO HAS A QUALIFYING DISABILITY UNDER SECTION 504?

The Rehabilitation Act of 1973 defines a disabled person as:

Disabled person means any person who has a physical or mental impairment which substantially limits one or more major life activities, or has a record of such an impairment, or is regarded as having such an impairment.

WHAT IS A MAJOR LIFE ACTIVITY?

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

WHAT IS MENTAL OR PHYSICAL IMPAIRMENT?

“Physical or mental impairment” means (A) any physiological disorder or condition, 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.

SUBSTANTIAL LIMITATION

Significantly restricted as to the condition under which an individual can perform a particular major life activity as compared to the average person in the general population who can perform the same major life activity.

Are there limitations on conditions that are considered a disability? Yes, the following conditions are not impairments and do not qualify for Section 504:

- Cultural, environmental and economic disadvantage
- Academic deprivation
- Incarceration
- Sexual orientation
- Age

The current illegal use of drugs or alcohol is not an impairment protected under Section 504.

Cultural, Economic & Environmental Factors That Do Not Qualify for Section 504

- Classification as homeless
- Classification as migrant
- Classification as ESOL
- Economic status: public housing, free or reduced lunch
- Cultural factors: gang activities, etc.
- Attendance problems/truancy
- Transiency (i.e., multiple school enrollments)
- Divorce, death of a family member and other family crisis
- Military deployments

Mitigating Factors

- The ameliorative effects of mitigating measures must not be considered in determining whether a person is an individual with a disability.
- A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504.
- Mitigating measures are as follows: medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids, mobility devices, oxygen therapy, use of assistive technology, auxiliary aides or service and adaptive neurological modifications.

Transportation

A student with a disability under Section 504 may be eligible for transportation as a related service to support his/her Section 504 plan. A school must complete the Section 504 Health/Transportation Assessment Form. If transportation is requested, forward the form to the Supervisor of Health Services. Transportation for siblings is not provided under Section 504.

Re-evaluation

A student will be re-evaluated every three years and prior to any significant change in the student’s program or placement. This includes a disciplinary removal in excess of 10 school days, dismissal from services, or if a teacher or parent requests a re-evaluation.

Written Notice

The Section 504 Team shall provide the parent with prior written notification (invitation) of all team meetings prior to the meeting date. The parent shall also be provided written notice (minutes) of all Section 504 Team decisions, including a statement of the reasons for each decision.

Special Education Services

If the school team suspects that the student may have a disability under the IDEA, an IEP Team meeting shall be scheduled to conduct an evaluation.

Procedural Safeguards

Parents shall be provided a copy of the Section 504 Procedural Safeguards with notification of each Section 504 meeting. The Procedural Safeguards contains information concerning a parent’s right to notice, the opportunity to examine relevant records, and an impartial hearing with opportunity for a review procedure.

504 Coordinator

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