

Hopkins School District
Q & A ON STUDENT ELIGIBILITY FOR ACCOMMODATIONS
UNDER SECTION 504

1. **WHAT IS SECTION 504?** Section 504 is a Federal law that prohibits discrimination on the basis of disability.
2. **WHO IS COVERED BY SECTION 504?** To be eligible for accommodations and protections from disability discrimination under Section 504, a student must be determined to have a “physical or mental impairment” that “substantially limits one or more major life activities.”
3. **WHAT CONSTITUTES A “PHYSICAL OR MENTAL IMPAIRMENT?”** A physical or mental impairment is defined under Section 504 as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:
 - Neurological, musculoskeletal, special sense organs;
 - Cardiovascular, reproductive, digestive, genitourinary;
 - Hemic and lymphatic;
 - Skin and endocrine;
 - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
4. **WHAT IS A “MAJOR LIFE ACTIVITY?”** Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and mental/emotional processes such as thinking, concentrating, and interacting.
5. **WHAT DOES “SUBSTANTIALLY LIMITS” MEAN?** The concept of “substantial limitation” is not specifically defined in Section 504 regulations; however, the Federal Office for Civil Rights (OCR) has stated that the term should be interpreted as requiring an important and material limitation. OCR has further stated, “By definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn.” The courts have also provided guidance to schools regarding the question of substantial limitation. For example, in the 1982 Rowley case, the court opined, “when the handicapped child is being educated in the regular classrooms of a public school system, the achievement of passing marks and advancement from grade to grade will be one important factor in determining educational benefit.” *Hendrik Hudson District Bd. Of Education v. Rowley, 458 U.S. 176, 207 fn 28 (1982)*
6. **HOW IS “SUCCEEDING IN REGULAR EDUCATION” DEFINED UNDER SECTION 504?** Various court and OCR rulings have established that the primary frame of reference for determining ‘success’ in regular education is not the individual student’s ability or even the achievement of her/his peers in the school or district; rather, it is the performance level of the average student, in the same age/grade level, in the national population.
7. **WHAT IS THE TYPICAL PROCESS FOR DETERMINING A STUDENT’S ELIGIBILITY FOR ACCOMMODATIONS UNDER SECTION 504?** The typical process includes the following key components:
 - Diagnosis of a disability by a physician or other medical/mental health professional.
 - Referral to the school’s Section 504 Facilitator(s) for an educational assessment by a team of school personnel who are knowledgeable about the student and/or the student’s disability, including input from the student’s parent(s). The assessment includes a review of the student’s attendance records, grades, standardized test scores, peer relationships, and relationships with adults at school, along with other educational data.

- Determination by the team of the student's eligibility for accommodations under Section 504. If the student is found to be eligible, the team (including parents) meets to develop a 504 Accommodation Plan. The Plan includes reasonable school/classroom accommodations that are designed to provide the disabled student with equal access to the general education program.
- 8. WHAT DOES "EQUAL ACCESS" MEAN?** In the context of Section 504, equal access means that students with disabilities must have similar access to academic classes and programs as non-disabled students.
 - 9. WHAT IS A REASONABLE ACCOMMODATION?** Specific accommodations must be determined based on the individual needs of each student with a disability. Two general parameters apply to the concept of "reasonable accommodation:" (1) the accommodations may not *fundamentally alter* the nature or rigor of the course of study or program, nor alter the academic requirements that are considered to be *essential* to the course of study or program; and, (2) the accommodation may not place an *undue financial hardship* on the organization. Financial hardship is determined in comparison with the school district's budget and not the budget of a specific program or building.
 - 10. MUST ALL OF THE REQUESTED ACCOMMODATIONS BE PROVIDED, AND WHO DECIDES?** No. The school is responsible for providing the accommodations that will allow a student with a disability to have similar access to educational programming as non-disabled students. The student's 504 Team, including the student's parents, may consider a range of possible accommodations and select the accommodation(s) that will effectively achieve the accessibility goal. When choosing among accommodations of comparable effectiveness, the school/District may choose the accommodation that is the least costly to implement.
 - 11. DOES THE 504 PLAN REQUIRE PARENTAL APPROVAL BEFORE IT IS IMPLEMENTED?** No. Unlike the Individual Education Plan (IEP) for special education students, the 504 Plan does not require parental agreement. However, it is considered best practice to include parents in all phases of the planning process, and having their consensus agreement to the 504 plan is always our desired goal.
 - 12. WHAT CAN A PARENT DO IF THEY DISAGREE WITH THE 504 PLAN OR PLANNING PROCESS?** Parents who have concerns about their student's 504 Plan should always talk first with their school's 504 Facilitator and/or the school principal. If you are unable to resolve your concerns at the school level, you may contact the District 504 Program Administrator (952-988-4040) for assistance, and/or request an impartial due process hearing. For further information on the 504 Complaint Procedure, you may request a copy of the Hopkins School District's *Section 504 Program Handbook* from your school counselor or the District program administrator.
 - 13. CAN MY STUDENT GET ACCOMMODATIONS FOR TAKING COLLEGE PLACEMENT TESTS, LIKE THE SAT OR ACT?** Yes, if you provide the required documentation and your student meets the eligibility requirements established by the testing companies. The decision to accommodate for SAT/ACT testing is the sole responsibility of the testing companies; the District makes no representation about these accommodations. Students must be able to demonstrate a history of needing and receiving similar testing accommodations in their prior academic classes and test taking experiences. For more specific information on disability testing policies for the SAT test, go to the College Board website at www.collegeboard.com/ssd/student/index.html. For the ACT test, go to www.act.org/aap/disab/policy.html