



Child Find: Understanding Section 504 Provisions and Responsibilities





Course Learning Outcomes

After successfully completing this course, you will be able to:

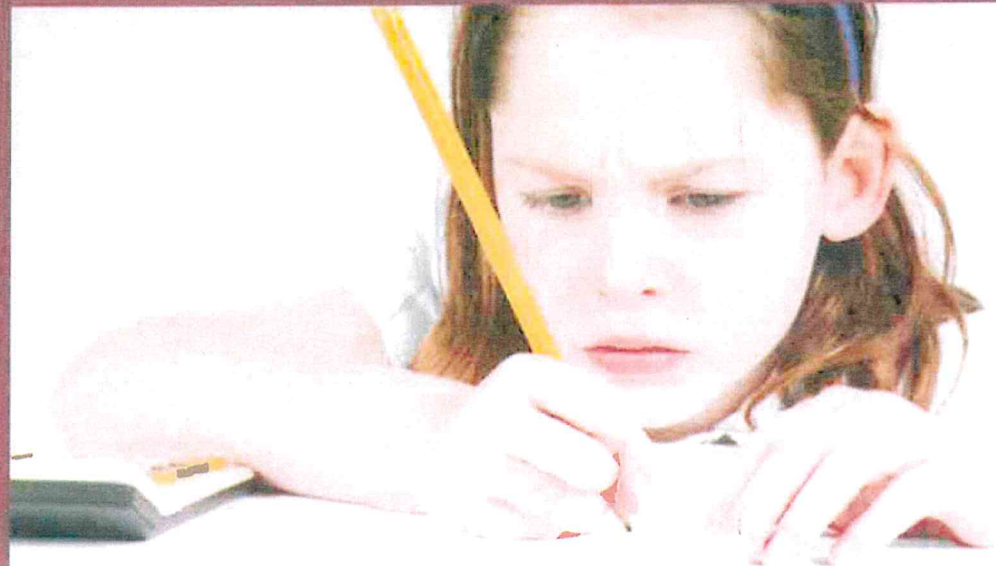
- Explain what makes a student 504 eligible.
- Articulate when a student should be referred for an evaluation under Section 504.
- Describe what should and should not figure into the Section 504 evaluation process.





Chapter 1

How a Child Becomes Protected by Section 504



Affirmative Obligation

Some teachers may be reluctant to refer students for special education evaluations. This could be for any number of reasons. In many cases, teachers simply don't know what to do or where to go.

However, those feelings do not change the fact that the district has an affirmative duty to locate, identify, and evaluate students suspected of having disabilities and needing special education services. A teacher's failure to recommend an evaluation could result in Section 504 violations.

It's Not Up to Parents

Teachers should be aware that districts can't rely on parents to initiate child find activities. The district is the one with the obligation to identify, locate, and evaluate all children suspected of having disabilities.

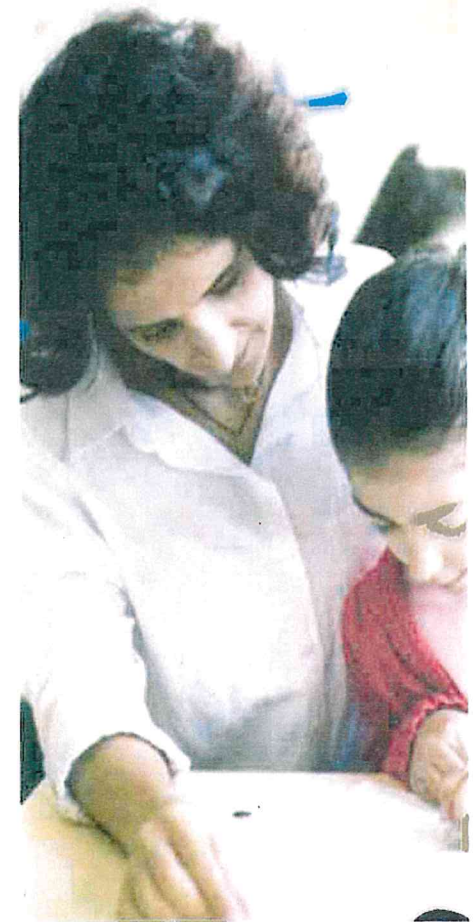
If a staff member thinks a child has a 504-eligible disability and needs special education as result, she must refer the child for a potential evaluation regardless of whether the parent requested an assessment.

Responsibilities for Child Find

Section 504's child find provision has three distinct requirements:

- Identification.
- Location.
- Evaluation.

The main role of teachers, aides, and other classroom personnel is to identify children who may require special education and related services because of a disability and contact the school psychologist, Section 504 coordinator, or another counselor about a possible evaluation.



Certainty Not Required

Teachers don't have to be 100 percent certain that students have a disability before recommending them for a special education evaluation. In fact, a staff member who declines to refer a student due to uncertainty about the student's eligibility puts the district at risk of legal trouble. Teachers and other staff should make the referral whenever they think a student might need special education.

Section 504 Coverage

Section 504 is part of a law known as the Rehabilitation Act, which prevents any entity — like a school or a district — that receives federal funding from discriminating against people with disabilities. When it comes to students, districts need to know which students have disabilities and would be entitled to Section 504 protections.

Definition of Disability

Under Section 504 standards, a student has a disability if the student:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of an impairment that substantially limits one or more major life activities; or
- Is regarded as having an impairment that substantially limits one or more major life activities.

Section 504 requires that school districts provide a free appropriate public education (FAPE) to qualified students who have physical or mental impairments that substantially limit one or more major life activities, so the first bullet is what is important for school personnel to understand.

Physical or Mental Impairments



Whether a student has a physical or mental impairment that substantially limits a major life activity must be based on an individual inquiry.

There is no exhaustive list of specific diseases and conditions that may constitute physical or mental impairments, which is why the question must be addressed on a case-by-case basis.

Major Life Activities

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The legal definition of "major life activities" also covers "major bodily functions," such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Chapter 2 provides more information on the definition of disability and how the law describes what is considered to be a substantial limitation in a major life activity.

Requirements for Schools

For students who qualify for Section 504 protection and services, schools must:

1. ensure they don't discriminate against the students;
2. provide FAPE to the students; and
3. establish and provide a system of safeguards to make sure students' rights are protected.

Requirements for Schools

To meet their child find responsibilities under Section 504, schools and districts must

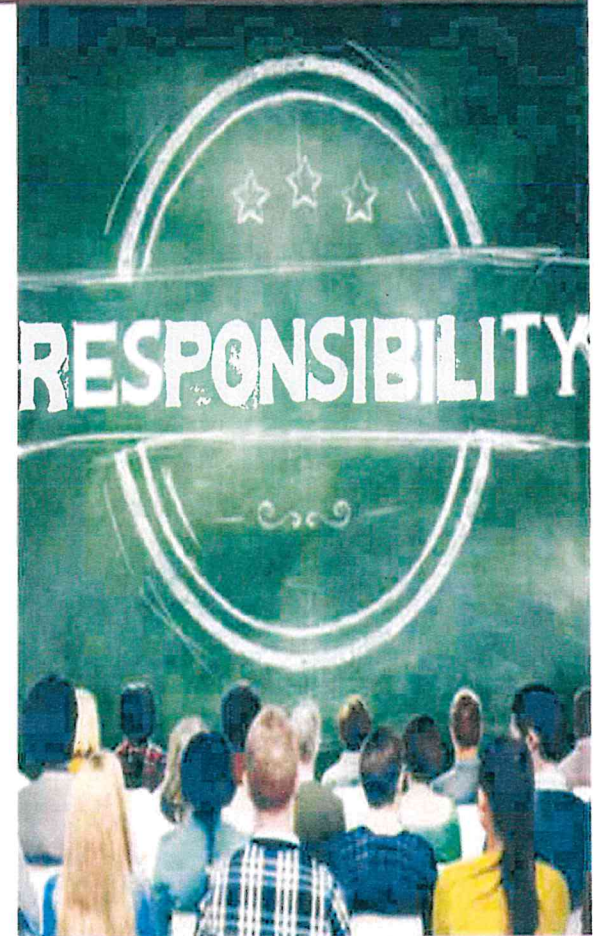
- identify and locate every child in the district who has a Section 504-covered disability who is not receiving a public education; and
- take steps to let the child's parents or guardians know of the district's duty under Section 504 to accommodate individuals with disabilities.

The requirement applies regardless of whether the student has an official residence or is homeless.

School Responsibilities

Section 504 directs districts to take certain actions. A district must:

- Annually identify all children with disabilities who are not being served.
- Provide FAPE to each student with a disability, no matter what the severity of the disability is.
- Make sure each student with a disability is educated in the least restrictive environment to the maximum extent possible.



More Procedures

Districts are also charged with:

- putting together evaluation and placement procedures that don't discriminate against students with disabilities and that avoid misidentifying a student as having a disability; and
- placing the student in an inappropriate educational program.

Since Section 504 is a civil rights law that aims to combat discrimination, school staff should understand that they must provide children with disabilities with an equal opportunity to participate in academic as well as nonacademic and extracurricular activities.

Create Awareness

Districts may use a variety of strategies to help identify and locate students with disabilities within their community. These include:

- Raising public awareness of educational opportunities available to individuals with disabilities and maintaining documentation of such activities.
- Maintaining a list or "dissemination network" of community agencies and facilities, individuals, and locations that have received child find information.
- Distributing information regarding the availability of services.
- Tracking children with disabilities who may or may not be currently enrolled in an infant, early childhood, public, or private educational setting to ensure the delivery of services.

Create Awareness

- Determining those individuals who currently receive special education and those individuals who do not receive needed services.
- Posting child find notices annually in locations around the district.
- Publishing news releases concerning child find twice a year.
- Providing procedural safeguards to students and parents twice a year.

Other methods of notice may include placing notices in districtwide publications and distributing memoranda or other written communications.

FAPE under Section 504



Those familiar with the Individuals with Disabilities Education Act, better known as the IDEA, have probably heard about the obligation to provide FAPE. Section 504 also includes a FAPE requirement, although it is not identical to the IDEA's requirement.

Section 504 defines FAPE as a free public education to each qualified person with a disability, regardless of the nature or severity of the disability.

An "appropriate" education refers to regular or special education and related aids and services that are designed to meet the needs of students with disabilities as adequately as the needs of students without disabilities are met.

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How FAPE Applies

In elementary and secondary schools, Section 504 applies to "qualified" students with disabilities. This means any student with a disability who is:

1. of an age at which students without disabilities are provided elementary and secondary educational services;
2. of an age at which it is mandatory under state law to provide elementary and secondary educational services to students with disabilities; or
3. a student to whom a state is required to provide FAPE under the IDEA.

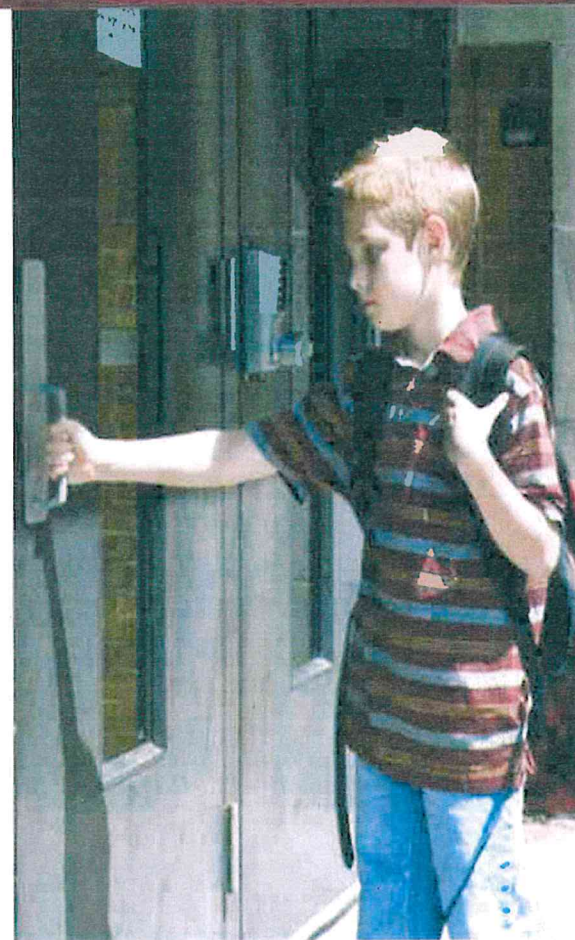
How FAPE Applies

Once a district identifies a student as eligible for Section 504 services, the student must receive those services for as long as the student remains eligible. Section 504's protections apply only to people who meet the law's definition of disability. If a district reevaluates a student under Section 504 and determines that the student no longer has an impairment that substantially limits one or more major life activities, the student is no longer eligible to receive services.

Transfer Students

If a student transfers into a district with a 504 plan from another district, the new district should review the plan and supporting documentation. If a group of people in the new district, including people knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options, determines that the plan is appropriate, the district must put the plan into action. If the district determines that the plan isn't appropriate, it must evaluate the student and determine what educational program is appropriate.

There is nothing in Section 504 to prevent the student's new school from honoring a previous IEP during the interim period.



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Test Your Knowledge

Use your knowledge of Child Find Under Section 504 to determine if the following statement is true or false. Select an answer button below.

Section 504 is concerned with providing equal opportunities for students with disabilities to participate in both academic and nonacademic activities.

True

False

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Explanation

Section 504 is concerned with providing equal opportunities for students with disabilities to participate in both academic and nonacademic activities is True.

Section 504 is a civil rights law that applies to everything a federally funded school or district does, whether it is in the classroom or in an extracurricular setting. The question that comes up frequently under Section 504 is whether students with disabilities were provided with an opportunity to participate in activities equal to that of students without disabilities. If not, courts will likely say that disability discrimination happened.

Determining 504 Eligibility

Section 504 requires districts to evaluate any student who, because of disability, needs or is believed to need special education or related services. This evaluation must occur before the district makes a placement decision about the student. The same requirement applies when the district thinks about making a significant change in placement of a student who needs or is believed to need special education.

Is the Student Eligible?

Finding out whether a child at the elementary or secondary school level is a qualified student with a disability under Section 504 starts with the evaluation process. Districts are required to use procedures that make sure children are not misclassified, unnecessarily labeled as having a disability when they don't have one, or put in an incorrect placement. These can happen if a district bases its evaluation on inappropriate selection, administration, or interpretation of evaluation materials.

When a Student Should be Referred

Teachers can always use regular education intervention strategies to assist students with difficulties in school. However, Section 504 requires that school staff refer a student for evaluation if the student, because of disability, needs or is believed to need such special education or related aids and services.

When a Student Should be Referred

The following signs could indicate a need for an evaluation:

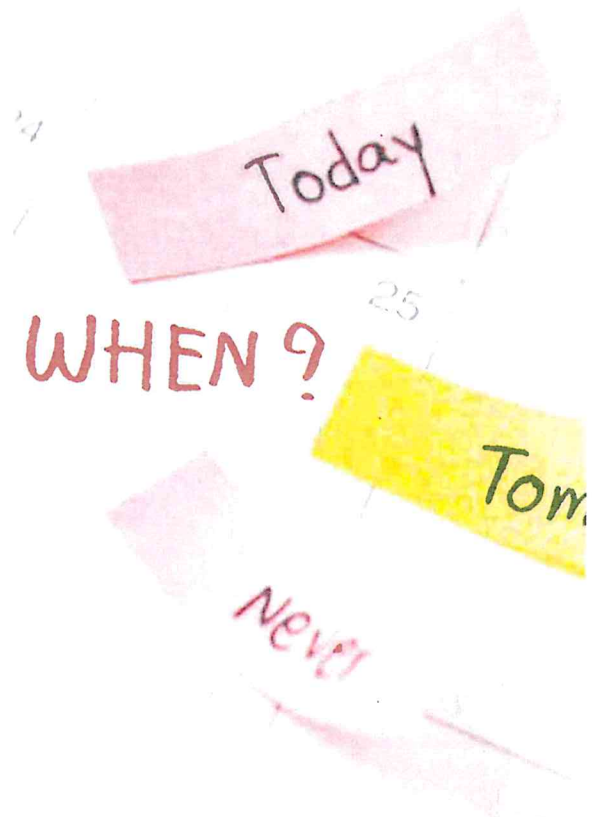
- Failing or noticeably declining grades.
- Poor or noticeably declining progress on standardized assessments.
- Numerous or increasing disciplinary referrals.
- Signs of depression, withdrawal, inattention, organizational issues, or anxiety.
- Truancy problems, increased or chronic absences, or skipping class.
- The student negatively "stands out" behaviorally, emotionally, or socially from peers.
- A teacher or other service provider suggests a need for an evaluation or special services.

A Note About Interventions

Many districts use intervention strategies to address issues students have in the classroom. These go by names such as response to intervention (RTI) or multitiered system of supports (MTSS). Using these intervention strategies doesn't violate Section 504, but keep in mind that delaying or denying an evaluation while awaiting the successful completion of RTI or MTSS is not allowed.

Districts have run into legal trouble with policies requiring the completion of RTI before special education services could be provided. Telling parents that a student must complete interventions before he can be evaluated when there is reason to suspect a disability or a parent has requested an evaluation is likely to result in a Section 504 violation.

Interventions are covered in more detail in Chapter 2.



Evaluation Procedures

Districts are required to establish standards and procedures for evaluating and placing students who, because of disability, need or are believed to need special education or related services. Districts must ensure that:

- Tests and other evaluation materials have been validated for the specific purpose they are used for.
- Tests and evaluation materials are administered by trained personnel following the instructions provided by the producer of the materials.
- Tests and other evaluation materials include those tailored to specific areas of educational need and not just areas that are designed to provide a single general intelligence quotient.
- Tests are selected and administered in a way that makes sure the results reflect the student's aptitude or achievement level or whatever other fact that test claims to measure rather than reflecting a student's impaired sensory, manual, or speaking skills, unless those skills are the factors the test is supposed to measure.

Information Needed



The amount of information required to document that a student has a disability is determined by a committee gathered to evaluate the student. The committee:

- Should be made up of people knowledgeable about the student, the meaning of the evaluation data, and the placement options.
- Must determine if the members have enough information to make a knowledgeable decision about whether the student has a disability.
- Is required to draw from a variety of sources in the evaluation process to minimize the chance for errors to be made.

There is no single formula to decide whether a student has a substantial limitation. Instead, the committee must make the decision on a case-by-case basis and focus on the individual student.

What the Info Should Cover

Once the committee has drawn information from a variety of sources, the information obtained from all the sources must be documented, and all significant factors related to the student's learning process must be considered. These sources and factors may include:

- Aptitude and achievement tests.
- Teacher recommendations.
- Social and cultural background.
- Adaptive behavior.



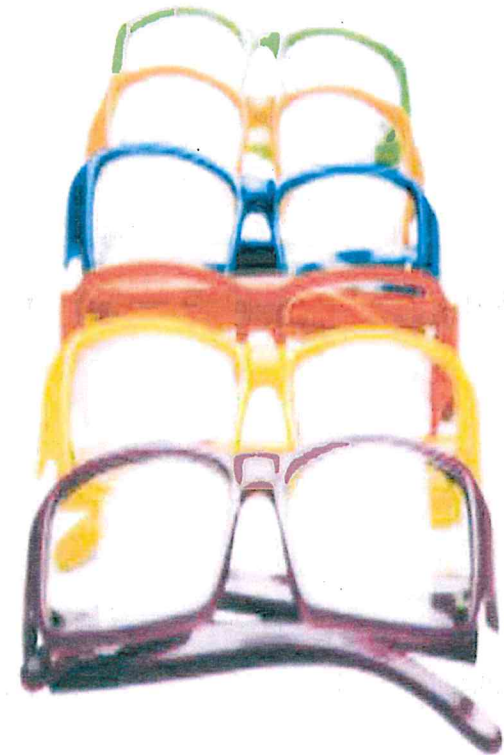
What Can't Be Considered

While getting information from a variety of sources is required, what should never happen is relying on presumptions or stereotypes regarding people with disabilities or classes of people with disabilities.

Also, under the law, determining whether a student has a disability cannot include the helpful effects of any mitigating measures the student is using. This includes things like medication, medical supplies, equipment or appliances, prosthetics, and assistive technology. So, if a student has a device, medication, or equipment that helps with her disability, the helpful effect of that mitigating measure cannot be considered in determining whether the student has a substantial limitation in a major life activity.

What Can't Be Considered

However, there is one notable exception to this rule: If a student uses ordinary eyeglasses or contact lenses, the helpful effects of those mitigating measures can be considered in determining whether the student has a visual impairment. So, if a student's eyesight is corrected with glasses or contacts so that he is not substantially limited in the major life activity of seeing, he would not have a 504-covered disability on that basis.



The Evaluation Process

The process for evaluating the needs of students under Section 504 may be the same one that districts use to evaluate students under the IDEA. They don't have to use the same process, but if they don't, they must be sure to follow the Section 504 requirements.

If a student is eligible under the IDEA, most of the time the student will also be eligible under Section 504 as well. When a district develops an IEP for a student that meets the requirements of the IDEA, the district will meet Section 504's FAPE requirements as well. In cases where a student has an IDEA-defined disability but does not need special education services under that law, a district still must determine whether the student is eligible under Section 504 by figuring out whether the student has an impairment that substantially limits a major life activity. If so, the district must make an individualized determination of the child's educational needs.

The Evaluation Process

The ultimate determination of whether a student is eligible for special education or related services must be made by a group of people, including people knowledgeable about the meaning of the evaluation data and about the placement options for the student.

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Medical Diagnoses: What to Do with Them

By itself, a medical diagnosis of an illness does not automatically mean a student can receive Section 504 services. Instead, the illness must cause a substantial limitation on a major life activity. If a student has an impairment or illness that does not limit a major life activity or only results in a minor limitation, that student would not be considered to have a Section 504 disability.

Outside information a school might receive that would prompt a need for evaluation includes:

- News that the student has been hospitalized, particularly if it involves mental health or chronic health issues.
- A diagnosis of attention deficit hyperactivity disorder, oppositional defiance disorder, obsessive compulsive disorder, or something similar.
- Information that the student is taking medication.
- Information that the student is seeing an outside counselor, therapist, or physician.

Parent Issues



Parental consent is required before districts can evaluate students for Section 504 services. If a parent refuses consent for an evaluation under the IDEA but still demands a 504 plan, the district must evaluate the student under Section 504. If the parent refuses consent for evaluations under both Section 504 and the IDEA, a district may use due process hearing procedures to seek to override the parents' denial of consent. In a due process hearing, an administrative law judge or a hearing officer determines whether the evaluation should take place and orders the district and the parents to act accordingly.

Similarly, when a student is receiving Section 504 services and the parent seeks to withdraw the student from a 504 plan, the district can initiate a due process hearing to resolve the dispute if the district believes the student needs the services to receive an appropriate education.

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Reevaluation

Reevaluations for Section 504 eligibility must be conducted "periodically," according to the law, and they must take place before a district makes a significant change of a student's placement. There are no deadlines set for "periodic" reevaluations under Section 504; however, complying with IDEA reevaluation procedures is a way to meet 504's requirements. Therefore, conducting a reevaluation every three years — or more frequently if needed — is a good way to stay within the requirements of Section 504.

Significant Change of Placement

It should be noted that an exclusion from school, as would happen with a suspension of more than 10 school days, is considered a significant change of placement. Likewise, transferring a student from one type of program to another or terminating or significantly cutting a service would be a significant change in placement that would require a reevaluation of the student.

Test Your Knowledge

Use your knowledge of Child Find Under Section 504 to determine which of the following statements is incorrect. Select an answer button below.

Determinations about whether students are eligible under Section 504 must be made by a multidisciplinary committee that includes people knowledgeable about the student, the meaning of data, and the placement options.

Determining whether a student has a disability cannot include the helpful effects of mitigating measures -- things like prosthetics, assistive technology, and medication.

When a parent attempts to remove a student from a 504 plan, a district can initiate a due process hearing if it believes the student still needs the plan.

Districts are required to come up with processes for evaluating students under Section 504 that are different from what they use under the IDEA.

A temporary impairment can qualify as a 504-covered disability if it is severe enough that it causes a substantial limitation of one or more major life activities for an extended period.

Explanation

If you clicked "Districts are required to come up with processes for evaluating students under Section 504 that are different from what they use under the IDEA," you are correct.

While districts do not have to use the same processes under the IDEA and Section 504, meeting IDEA requirements will satisfy 504 standards. Should a district wish to have separate processes, it should make sure that its 504 steps follow that law's rules.

What We've Learned

- Section 504 prevents schools and districts from discriminating against students with disabilities and requires that students with disabilities be given opportunities in academic and nonacademic settings that are equal to those provided to students without disabilities.
- To determine whether a student is covered by Section 504, school staff should be on the look out for signs that indicate the student could need special education, including things like dropping grades or changing behaviors.
- Section 504 evaluations are done on a case-by-case basis, and decisions are made by a committee of people who are knowledgeable about the student and the information surrounding the student's disability.
- Reevaluations must take place regularly and before any significant placement changes for a student with a disability occur.
- Things like noticeably decreasing grades, increasingly regular absences, and negatively standing out in class could be signs that a student should be referred for a special education evaluation.



Chapter 2

Determining Eligibility



Section 504 Eligibility Process

The process for determining whether a student is eligible under Section 504 and then making sure that the student ends up in an appropriate placement might follow these steps:

- Step 1: Referral.
- Step 2: Notification.
- Step 3: Assemble the 504 Committee.
- Step 4: Evaluation.
 - Identify the disability.
 - Administer tests and obtain other information.
- Step 5: Eligibility determination.
 - Determine if the student meets 504 standards.
 - Answer questions based on the information gathered.

Referral

Section 504 does not provide a specific time frame for identifying students suspected of having disabilities. Rather, judges and hearing officers apply a reasonableness standard in determining whether a district evaluated a student in a timely manner. This raises the question: How much time may a teacher take to work with a student before referring her to a school psychologist or counselor?

The answer depends on the circumstances of each case. For example, a teacher may witness severe behavioral problems early in the school year that indicate a clear need for a special education evaluation. However, it would not be unreasonable for a teacher to hold off on referring a child who failed a test until she had more information about the child's academic, behavioral, and social-emotional performance.

Unfortunately, there is no hard and fast rule for staff to follow. Teachers often need to make a judgment call on whether to refer a student for a special education evaluation.

Referral

However, teachers should consider the following when deciding whether to refer a child immediately or wait for more information.

- **The student's age.** A child who begins kindergarten at age 4, for example, may not have developed the same level of skills as his older classmates. The same holds true for pre-teens and teens — is the student's behavior appropriate for her age group?
- **The student's personality.** It's possible that the quiet student at the back of the classroom has anxiety or depression, but he may just need some time to feel comfortable around new people or in new situations. Take time to get to know the student before attributing his classroom demeanor to a disability.
- **The school environment.** Many students struggle with the transition from elementary school to middle school or from middle school to high school. It's possible that a student who has difficulty at the beginning of the school year simply needs time to adjust to new routines and expectations.

Referral

There may be times when a student's academic performance or classroom behavior are so outside the norm that they signal a clear need for a 504 evaluation. In most instances, however, teachers and other classroom-level personnel will base those decisions on overall knowledge of the student's performance gathered over time. That's why teachers need to trust their instincts. If a teacher has enough information to indicate that the student has a disability and needs special education as a result, he should contact a counselor or the school's 504 coordinator.

Notification



If an evaluation is recommended, the Section 504 coordinator should send written notification to the parents. The notification should include a notice of procedural safeguards and an invitation for the parents to attend the scheduled Section 504 determination meeting. Parents should be asked to send, in advance, all records and information that may be helpful in determining appropriate eligibility.

The Section 504 Committee

If the 504 coordinator or counselor thinks an evaluation should go forward, it is time to build a 504 team for the student. Unlike the IDEA, Section 504 does not specifically identify the members who should be on a Section 504 committee, but it is common for the group to include:

- The 504 coordinator.
- Parents.
- The child's teacher.
- Other professionals who are knowledgeable about the child, the meaning of the evaluation data, and placement options.

Often, 504 committees include the principal or assistant principal, school nurse, psychologist, and/or the special education coordinator who is assigned to the campus.

Evaluation

Evaluations are where the district identifies the disability. Section 504 has broad eligibility requirements, unlike the IDEA, which provides a list of disability conditions for which a specific set of eligibility criteria must be met. Eligibility begins with the identification of the disability.

Using multiple measures and sources of information to determine Section 504 eligibility will help committees meet the law's requirements. While a student may behave or perform in a way that looks like a disability, it could be the case that the problem is not based on any physical or mental impairment.



Eligibility Determination

Districts must determine if the student is qualified for services under Section 504. As explained in Chapter 1, this means that the student must be a person with a disability of an age during which people without disabilities are provided educational services, of any age during which it is mandatory under state law to provide educational services to people with disabilities, or to whom a state is required to provide FAPE under the IDEA.

Placement Considerations

When a student is identified as being eligible for regular or special education and related aids or services, the 504 committee must decide the types of services the student needs. If it turns out that the student meets eligibility requirements for both the IDEA and Section 504, the district does not have to come up with both an IEP and a 504 plan. Instead, the district would only have to put together an IEP. Section 504 states that one way to meet Section 504 requirements is to develop and implement an IEP that meets IDEA requirements.

The preplacement evaluations are used to identify what type of evaluation should be conducted prior to an initial placement and prior to making a subsequent significant change in placement. Unilateral decisions by a principal or a single staff member must be avoided, as Section 504 calls for evaluation and placement decisions to be made by a knowledgeable committee.

"Record of"/"Regarded As"

Districts are not required to develop Section 504 plans for students who fall under the "record of" or "regarded as" prongs of the definition of a disability, as described in Chapter 1. Those phrases are meant to cover situations where a student either does not currently have or never had a disability but is treated by others as such. The prong under which districts may have to develop a 504 plan is the "actual disability" portion of the definition of disability.

Substantial Limitation

Because the "record of" and "regarded as" prongs are out for purposes of being eligible for Section 504 services, a key question will be whether the student has a substantial limitation in a major life activity. There are some rules for determining whether something amounts to a substantial limitation under the law. They are:

- The term "substantially limits" should be interpreted broadly in favor of expansive coverage. "Substantially limits" is not meant to be a demanding standard.
- The focus should be on whether districts have complied with their obligations, not the extent to which an impairment substantially limits a major life activity.
- An impairment does not need to limit more than one major life activity to be considered substantial.

Substantial Limitation

- An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- An impairment is a disability if it substantially limits the ability of an individual to perform a major life activity in comparison to most people in the general population.
- The determination of whether an impairment substantially limits a major life activity requires an individualized assessment.
- Comparing an individual's performance of a major life activity to that of most people in the general population will usually not require scientific, medical, or statistical evidence.
- The determination of whether an impairment substantially limits a major life activity must be made without regard to the helpful effects of mitigating measures other than ordinary contact lenses and eyeglasses.

Test Your Knowledge

Use your knowledge of Child Find Under Section 504 to complete the following statement. Select an answer button below.

Section 504 referrals can be made when a student demonstrates a (fill in the blank) in a major life activity.

low skill

substantial limitation

lesson

need

LRP



Explanation

Section 504 referrals can be made when a student demonstrates a substantial limitation in a major life activity.

This is one of several ways through which a student may be referred for an evaluation for special education or related services. It should be noted that a student does not have to have a disability to be referred, only that there is a suspicion that the student might need services because of a disability.

Some Impairments "Virtually Always" Impose a Substantial Limitation

While there are no conditions that automatically count as a disability under Section 504, there are some impairments that will "virtually always" be found to impose a substantial limitation on a major life activity. These are:

- Deafness substantially limits hearing.
- Blindness substantially limits seeing.
- Intellectual disability substantially limits brain function.
- Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limit musculoskeletal function.
- Autism substantially limits brain function.



Some Impairments 'Virtually Always' Impose a Substantial Limitation

- Cancer substantially limits normal cell growth.
- Cerebral palsy substantially limits endocrine function.
- Epilepsy, muscular dystrophy, and multiple sclerosis each substantially limits neurological function.
- HIV infection substantially limits immune function.
- Major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia each substantially limits brain function.

Don't Focus on Outcomes

In determining whether an individual has a disability, the focus is to remain on how a major life activity is substantially limiting and not on what outcomes an individual can achieve. A student with a learning disability, for example, may achieve a high level of academic success but still be substantially limited in major life activities. Ultimately, there is no single formula or scale for measuring substantial limitation, and these determinations must be made on a case-by-case basis.

Mitigating Measures

As mentioned previously, staff should not think about the helpful effects of mitigating measures used by a student in determining whether the student has a physical or mental impairment that substantially limits a major life activity. The only exceptions to this rule are ordinary contacts and eyeglasses.

A health plan is considered a mitigating measure. Continuing a student's individualized health plan may not be enough if the student needs or is believed to need special education or related services because of the student's disability.

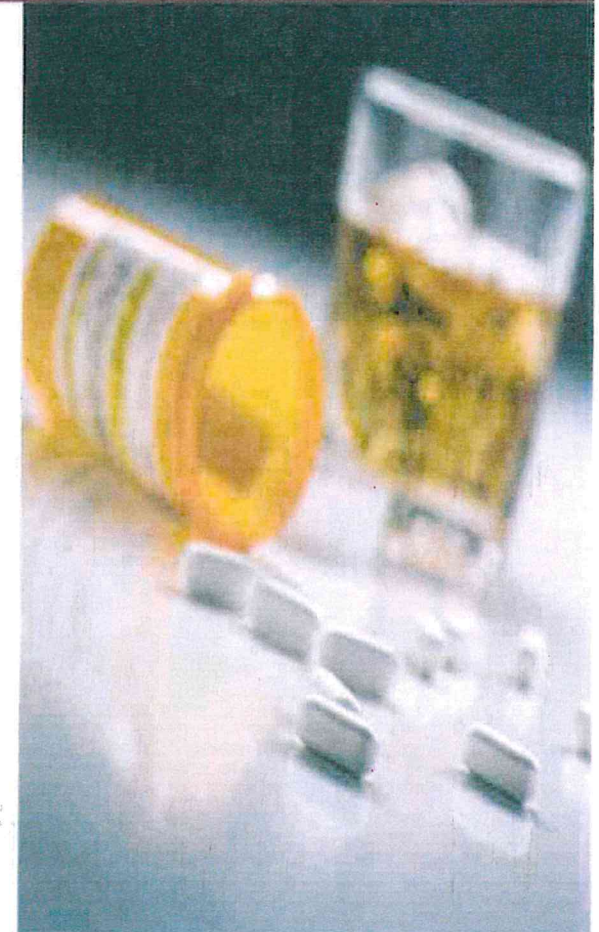
It is worth noting that learned behavioral or adaptive neurological modifications are considered mitigating measures, so the fact that a student has figured out a way to work around a substantial limitation cannot be considered in determining whether the student has a substantial limitation.

Whether an individual decides to forgo mitigating measures does not affect the determination of whether the individual has a substantial impairment. Also, the negative effects of mitigating measures — such as side effects from medications — may be considered and, under the law, will serve as the foundation for determining whether an impairment is substantially limiting.

Drugs and Alcohol

Section 504 generally does not protect a student engaged in the illegal use of drugs from discipline based on illegal drug use, meaning that illegal drug use would not count as one of the "virtually always" impairments described earlier. However, there are exceptions when the person is in a rehabilitation program and is no longer engaging in illegal drug use.

Section 504's definition of disability does not exclude alcohol use. However, the law does allow schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent it would against students without disabilities.



Temporary and Episodic Impairments

A temporary impairment doesn't count as a disability under Section 504 unless it is severe enough that it causes a substantial limitation of one or more major life activities for an extended period of time. Whether a temporary impairment is substantial enough to be a disability is a decision that must be made on a case-by-case basis. What should be considered is the duration or expected duration of the impairment and to what extent it limits a major life activity.

Keep in mind that some impairments are episodic or go into remission. The law says that a student with an episodic condition or one that is in remission may still have a disability if that condition would substantially limit a major life activity when active.

Pregnancy



Pregnancy by itself is not considered a disability for Section 504 purposes. A pregnancy-related impairment that substantially limits a major life activity will constitute a disability. For example, some major life activities that might be substantially limited by a pregnancy-related impairment could include:

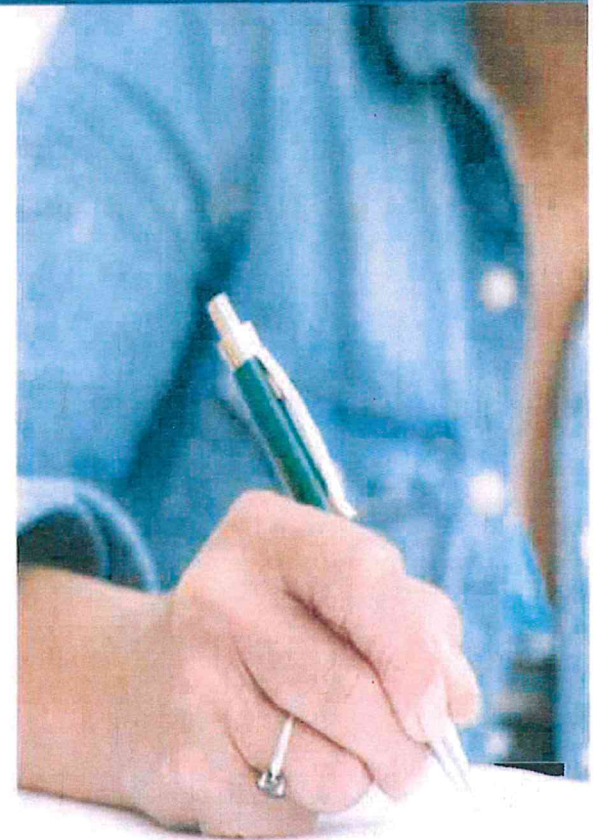
- Walking.
- Standing.
- Lifting.
- Major bodily functions such as the musculoskeletal, neurological, cardiovascular, circulatory, endocrine, and reproductive functions.

Any of these impairments could warrant modifications or a Section 504 plan.

Regular Education Intervention Plans

Many teachers familiar with the general education setting might have knowledge of regular education intervention plans. Such plans are appropriate for a student who does not have a disability and is not suspected of having a disability but might be having a tough time in school. Districts have different ways of addressing regular education students' performance problems. Some districts employ teams at individual schools, commonly referred to as "building teams," and these teams typically:

- Are designed to provide regular education teachers with instructional support and strategies for helping students who need assistance.
- Are composed of regular and special education teachers who provide ideas to teachers on methods for helping students experiencing academic or behavioral problems.
- Record ideas in a written regular education intervention plan.

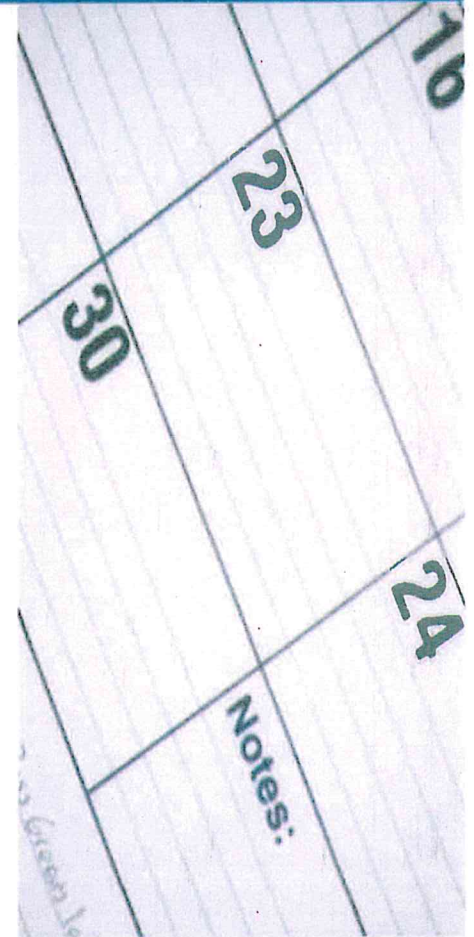


Regular Education Intervention Plans

- Meet with an affected student's classroom teachers and recommend strategies to address the student's problems within the regular education environment.
- Follow the student's teachers to determine whether the student's performance or behavior has improved.

In addition to building teams, districts may utilize other regular education intervention methods, including before-school and after-school programs, tutoring programs, and mentoring programs. However, such programs may not be used to delay or deny the provision of a full and individual evaluation for possible Section 504 services.

Also problematic is when schools or districts have a blanket policy saying that a certain amount of time in an intervention plan or program is required before the topic of special education or a 504 evaluation can come up. Such blanket policies will violate the law.



Procedural Safeguards

Schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of students who need or are believed to need special instruction or related services because of disability. Importantly, Section 504 requires districts to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel, and a review procedure.

Parental Consent

Before conducting an initial evaluation, districts must obtain permission from the parents. If a district suspects that a student needs special instruction or related services and parents won't give consent for an initial evaluation, the district can go through due process to try to override the parents' denial of consent.

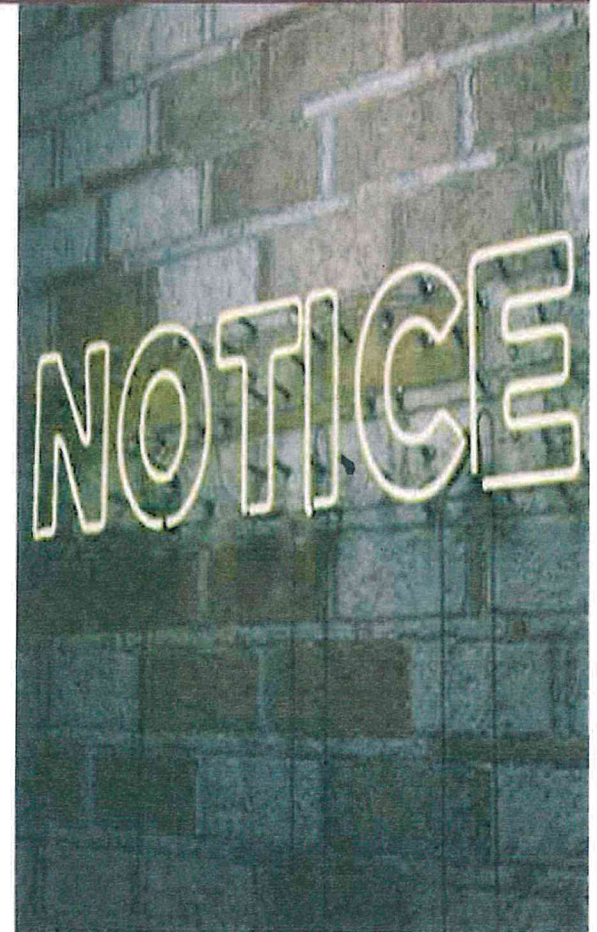
Section 504 doesn't have a specific requirement on what form of parental consent is required, but generally, getting consent in writing is a best practice for complying with the law.



Notice

Districts are required to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

When a district refuses to evaluate a student, it should notify the parent in writing of the refusal and provide a copy of the district's procedural safeguards.



Staffing Considerations

When it comes to evaluating students and making decisions about placement, districts' staffing needs and concerns may not influence the process. Districts have gone wrong by making eligibility determinations based on their staffing levels and abilities. Instead, the law requires districts to consider information about the student from a variety of sources and make placement decisions based on the information.

Teachers' Responsibilities

Section 504 impacts regular education teachers as well as special educators, and there can be consequences if a teacher doesn't implement the provisions of a student's 504 plan.

Test Your Knowledge

Use your knowledge of Child Find Under Section 504 to determine if the following statement is true or false. Select an answer button below.

High levels of academic success by a student mean the student does not need special education.

True

False

Explanation

High levels of academic success by a student mean the student does not need special education is False.

Under the law, a student with a disability may achieve a high level of academic success but still be substantially limited in major life activities

What We've Learned

- A five-step process that involves referral, notification, assembling a 504 committee, evaluating the student, and making an eligibility determination is how child find should be conducted under Section 504.
- There are several rules for determining whether someone has a substantial limitation in a major life activity and would qualify as a person with a disability for Section 504 purposes.
- Districts must use multiple measures and sources of information to determine Section 504 eligibility. While a student may behave or perform in a way that looks like she has a disability, the problem might not be based on any physical or mental impairment.
- What constitutes a disability under Section 504 is an impairment that has substantial limitation on a major life activity. This can include temporary impairments and those that are episodic or in remission.
- To ensure that 504 plans are properly implemented, teachers should be familiar with the contents of any 504 plans of students for whom they are responsible.

Final Assessment

Assessment Instructions

You must answer all assessment questions to obtain the highest possible score.

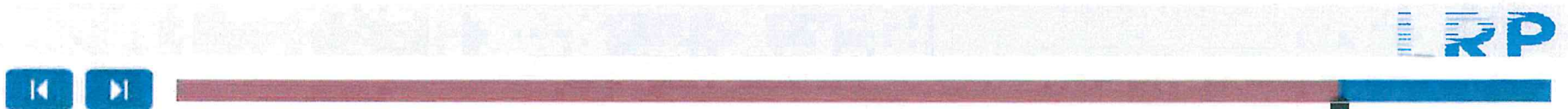
After selecting your answer to each question, click the Submit button at the bottom of the screen. You **MUST** click **Submit**, or your answer will NOT be recorded.

Use the forward button in the lower left corner to continue to the next question. You can also use the back button in the lower left corner to return to any unanswered questions. You cannot change your answer once you've clicked **Submit**. If you click **Submit** without selecting an answer, the question will be scored as incorrect.

Completion Certificate Information

You will be able to print your Course Completion Certificate once you pass the Final Assessment at the end of this course with a score of at least 80%.

Once the Final Assessment is successfully passed, you will no longer be able to access the course material.



Multiple Choice Question:

Which of the following could present a need for the evaluation of a student?

- ☐ a. Failing or noticeably declining grades.
- ☐ b. Truancy problems, increased chronic absences, or skipping class.
- ☐ c. Numerous or increasing disciplinary referrals.
- ☐ d. All answers are correct.

Question 1

Submit



Multiple Choice Question:

A/n (fill in the blank) committee made up of people who are knowledgeable about the student, the meaning of the evaluation data, and the placement options determines what information is required to document that a student has a 504 disability.

- ☐ a. Academic skills
- ☐ b. Multi-disciplinary
- ☐ c. Parental advisory
- ☐ d. Reasonable accommodations

Question 2

Submit



Multiple Choice Question:

Determining whether a student has a disability cannot include the helpful effects of any (10) (a) (b) (c) (d) that student is using, including things like medication, medical supplies, or prosthetics.

- ☐ a. Unrequested accommodations
- ☐ b. Classroom changes
- ☐ c. Mitigating measures
- ☐ d. Prescriptions

Question 3

Submit

LRP



Multiple Choice Question

When evaluating students and making decisions about placement, districts may not make eligibility determinations on the basis of (all in the hand).

- ☐ a. Staffing levels
- ☐ b. Evaluation data
- ☐ c. Medical information
- ☐ d. Accommodation options

Question 4

Submit



Multiple Choice Question:

Although Section 504 does not set any deadlines for when reevaluations must occur, it does state that districts must reevaluate students "periodically." One way to meet this requirement is to follow IDEA procedures and conduct a reevaluation every (18) in the (month) or more frequently, if needed.

- ☐ a. year
- ☐ b. six months
- ☐ c. three years
- ☐ d. 10 years

Question 5

LRP

Multiple Choice Question:

An evaluation of a student with a disability should be conducted prior to an initial placement and prior to making a subsequent (fill in the blank) change in placement.

- ☐ a. significant
- ☐ b. requested
- ☐ c. merit-based
- ☐ d. unwanted

Question 6

Submit



Multiple Choice Question:

Districts may be required to develop a 504 plan for a student who meets which of the following "prongs" of the definition of disability under the law?

- ☐ a. The "record of" prong.
- ☐ b. The "regarded as" prong.
- ☐ c. The "previous disability" prong.
- ☐ d. The "actual disability" prong.

Question 7

Submit

LRP



Multiple Choice Question:

Which of the following may be considered in determining whether a student has a disability for Section 504 purposes?

- ☐ a. Learned behavioral or adaptive neurological modifications.
- ☐ b. A health plan.
- ☐ c. Ordinary glasses or contact lenses.
- ☐ d. All answers are correct.

Question 8

Submit



True or False?

Conditions that are episodic or in remission may constitute a disability if the condition would substantially limit a major life activity when active.

- ☐ a. True
- ☐ b. False

Question 9

Submit

LRP



Multiple Choice Question:

Before the initial evaluation begins, districts must obtain (fill in the blank) from the student's parents.

- ☐ a. money
- ☐ b. forms
- ☐ c. consent
- ☐ d. doctor's notes

Question 10

Submit

