

Tahoe Truckee Unified School District A Brief on 504's



SECTION 504 & IDEA/SPECIAL EDUCATION

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is a civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. Section 504 is NOT part of the Individuals with Disabilities Education Act (IDEA), or special education. Section 504 is considered a responsibility of the general education program and requires participation from the general education staff and curriculum. Classroom teachers and other school staff are responsible for providing accommodations and/or services necessary for eligible students to participate in and benefit from public education programs and activities. Accommodations may provide support of physical, instructional, or social/emotional nature.

We are prohibited from:

- Excluding or denying an individual with a disability from the benefits of, or participating in any district program or activity.
- Subjecting an individual with a disability to discrimination solely by reason of his/her disability.

Eligibility

To be covered under Section 504, a student must be identified to: 1) have a disability. An individual with a disability is a person who is identified as having a **physical or mental impairment*** that **substantially limits*** one or more “major life activities.” **These are major life activities: Breathing - Walking - Seeing - Hearing - Speaking - Learning - Working - Performing manual tasks - Caring for oneself - and recently added: Reading - Thinking - Communicating - Concentrating;**



Or, 2) have a record (history) of such a disability; Or, 3) is “regarded as having a disability.” This one is tricky! Despite having a record or being regarded as having a disability, a child must currently have a handicapping condition to trigger 504 protections and services. i.e., the evaluation process must show the physical or mental impairment and the substantial limitations.

When considering eligibility, one cannot consider remedial measures already in place in determining whether an impairment exists. Includes: eyeglasses, contact lenses, medications, assistive technology, behavioral modifications, etc.

The Process

Referring for an evaluation - Section 504 does not specify who can make these referrals. Looking to special education law for guidance, the Education Code states that school districts are required to have “identification procedures” that include “systematic methods of utilizing referrals of pupils from teachers, parents, agencies, appropriate professional persons, and from other members of the public”

When a parent frequently expresses a concern about their child's performance • When a suspension or expulsion is being considered for any student • When retention is being considered for any student • When a student shows a pattern of not benefiting from instruction • When a student returns to school after a serious illness or injury • When a student is evaluated and does not qualify for special education services under the IDEA • When a student exhibits a chronic health condition • When a student has been identified as having attention deficit disorder (ADD) or (ADHD) • When a student is identified as “at risk” or exhibits the potential for dropping out of school • When a disability of any kind is known or suspected

***Physical or mental impairment** means any physiological disorder or condition (e.g., diabetes), cosmetic disfigurement, or anatomical loss; or mental psychological disorders such as organic brain syndrome, ADHD, specific learning disabilities, etc.

***Substantially limits** means a limitation that affects a person's ability to perform an activity in relation to the average person in the general population. They are not substantially limited because the student is not reaching their potential.

Evaluating - The Section 504 evaluation should be individualized to consider each student's individual needs. It must:

- Document and consider all available pertinent information: academic performance, behavioral records, attendance data, assessment data, teacher recommendations, observations, interviews, rating scales, and medical reports, etc. related to the suspected physical or mental impairment.
- Be based on information from a variety of sources, e.g. teacher(s), other school staff members, parent/legal guardian, physician, nurse, other professionals, or persons in the community.

The 504 Team Evaluation and Eligibility Meeting

All Section 504 team meetings must have at least two persons, the school site Section 504 Coordinator and at least one of the student's teachers. Parents must be notified; it is advised that meetings be scheduled to allow parents to participate although legally, parent participation is optional. The team should include persons who are knowledgeable about the student, who are able to interpret evaluation data, and who know accommodation and placement options, and the requirement to provide comparably effective accommodations, benefits and services to Section 504-eligible students.

At the Evaluation Meeting:

1. Discuss evaluation information
2. Determine whether a physical or mental impairment can be identified. (*Does the student currently have a physical or mental disability?*)
3. Determine whether the impairment or condition substantially limits one or more major life activities.
4. Determine whether the student qualifies as disabled under Section 504 (The impairment substantially limits one or more major life activities for that person).
5. Determine how the disability impacts the student's education or, learning?

Possible impacts: **Grades** • **Accessibility to all aspects of the curriculum (e.g. participation in physical education classes)** • **Academic productivity and performance** • **Social/interpersonal relationships** • **Behavior/emotional status** • **Extracurricular activities**



The Accommodation Plan - What accommodations/supports does the student need to support the known disability and receive an appropriate education? Accommodation considerations should be given in these areas:

Physical Arrangement of Room. e.g. seated near teacher.	Instruction/Input. e.g. will have access to notes or study materials from teacher	Assignments. e.g. homework assignments will be revised and/or shortened as necessary
Test Taking. e.g. provided with oral exams when possible	Organization. e.g. will be provided an extra set of books at home	Behavior Management. e.g. support in developing self-monitoring skills
Health. e.g. student will sit with good ear toward speaker	Daily Schedule. e.g. additional time for packing up at the end of class	At Home. e.g. positive reinforcement will be emphasized

Implement, Monitor and Review

Once a Section 504 Accommodation Plan is developed, it must be shared with all members of the student's educational team for implementation. Each of the student's teachers and service providers should have a copy of the plan, and any other persons responsible for the student's education on a temporary basis (such as substitute teachers) should have access to a copy. The Section 504 Team will periodically monitor/review the progress of the disabled student and the effectiveness of the student's Section 504 Plan. It is the general practice to review Section 504 Plans on an annual basis; however, every case is treated individually. The 504 Team will review whether the 504 Plan continues to be appropriate and work to ensure the disabled student's needs are being met. Either prior to any significant change in the Section 504 Plan or, every 3 years, an updated evaluation of the student's needs is conducted. **Reevaluations (the purpose which is to ensure the student still has a disability that limits one or more major life activities)** are different from an annual review but are considered just as important as the pre-placement evaluation. The student's education needs may change frequently throughout the course of his educational career, and the reevaluation requirement exists to assess evolving needs.