

# Section 504 of the Rehabilitation Act of 1973 and the ADA Amendments of 2008

Overview for GLTHS Faculty and Staff



# 504 Plans: The Broad Overview

Section 504 is a federal non-discrimination statute that prohibits discrimination on the basis of a disability.

- No otherwise qualified individual with a disability..shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.." 29 U.S.C. §794(a).

Section 504 contains specific provisions applicable to any educational program that receives federal funding.

The American Disabilities Act Amendments of 2008 intentionally broadened the definition of who was disabled and eligible for services under Section 504.

# What is a 504 Plan?

## The Basics

- A 504 plan is designed to address students disability/disabilities impacting their ability to access the curriculum and receive a Free and Appropriate Public Education (FAPE).
- Appropriate education is defined as a provision of regular and special education and related aids and services to meet the students individual needs as **adequately** as the needs of non-disabled persons are met.
- Disability is defined as physical or mental impairment that has a substantial limitation (permanent or temporary) on one or more major life activities.

# What does “adequately” mean?

Section 504 provides for students to access accommodations so they may have their needs met as **adequately** as the needs of non-disabled persons are met.

Adequate means:

- Students are able to access the curriculum at developmentally appropriate levels.
- This involves a comparison of the needs of the student as compared to the average student of the same age and grade as the student being considered for the 504; or
- Access to the curriculum on par with grade level peers.

**It is not designed to “maximize” a students potential, but to “level the playing field”.**

- Plan is to ensure access to FAPE – **not entitlements**

# What is considered a major life activity?

Examples of major life activities include, but are not limited to:

<b>Caring for oneself</b>	<b>Speaking</b>	<b>Breathing</b>
<b>Working</b>	<b>Performing Manual Tasks</b>	<b>Learning</b>
<b>Walking</b>	<b>Hearing</b>	<b>Seeing</b>
<b>Concentrating/Thinking</b>	<b>Communicating</b>	<b>Respiratory</b>
<b>Eating</b>	<b>Sleeping</b>	<b>Bending</b>

- A more comprehensive list can be found online through MA DESE and the US DOE

# How are students found eligible for a 504 plan?

Students are considered eligible for a 504 plan when they:

- Have a physical or mental impairment which substantially limits one or more major life activities;
- Have a record of such impairment; or
- Are regarded as having such an impairment.

Data sources to be considered by the 504 Eligibility Team can include, but are not limited to:

- Informational inventories
- Testing/Formal assessments
- Teacher reports/observations
- Student Work Samples
- Parent information
- Medical/Health data

It is not necessary to wait for an outside reference for students to move forward with an eligibility meeting

# Who is on the 504 Team for determining eligibility?

- Teachers
- Nurse
- School Counselor/Adjustment Counselor
- Parent
- Administrator
- Any person who is knowledgeable about the student, the evaluation data and the placement options as well as staff involved with delivery of services

# A Quick Reference Sheet:

## 504 is

- A Federal non-discrimination statute that prohibits discrimination on the basis of disability
- Student has a disability: has a mental or physical impairment that substantially limits one or more major life activity/activities
- Classroom accommodations that allow an individual with a disability to access the curriculum on par with grade level peers (level the playing field)
- Provides accommodations in line with FAPE (Free and appropriate Public Education) – this involves a comparison of the needs of the student as compared to an average student of the same age and grade as the student being considered for a 504

## 504 is not

- Specifically designed instruction
- Goals, Benchmarks
- A “step-down” from an IEP
- A “fallback” or “catch-all” provision for students who do not qualify for special education under IDEA
- A guarantee of maximization of potential – plan cannot provide accommodations that give students an advantage. Plan is to provide a FAPE –not entitlements
- An opportunity for “at-risk” programming

# Compliance with 504

Students, Parents and Guardians have the right, in the event of non-compliance with the 504 Plan, to seek assistance from the following organizations:

- U.S. DOE
  - Through the Office of Civil Rights (OCR) there is an established complaint, investigation and findings procedure.
- Massachusetts DESE
  - Program Quality Assurance
  - Bureau of Special Education Appeals
- Civil Suits
  - Potential for monetary damages

# Resources and Links

- [504 Regulations](#)
- [MA Special Education Regulations  
603 CMR 28.00](#)
- [Guide for Educators in  
Understanding 504's](#)
- [The Federation of Children with  
Special Needs](#)
- [OCR 504 Fact Sheet](#)

Any questions regarding Section 504  
and 504 Student Plans  
can be made to the  
Director of School Counseling  
978-441-4955