



504 Evaluation Process in HSD

Frequently Ask Questions



What is Section 504 and who is protected?

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

Section 504 in public education includes:

- Protection from disability-based discrimination
- Child find and the provision of FAPE (free and appropriate public education)

Students that have a current physical or mental impairment that substantially limits a major life activity are provided FAPE (free and appropriate public education) under Section 504. Episodic conditions also qualify for FAPE if a major life activity is substantially limited when active.

What is a “physical or mental impairment”?

The definition of physical or mental impairment is very broad, including students with physical, mental or psychological impairments. Section 504 does not include a list of specific diseases or medical conditions. However, the determination that a student has a physical, mental or psychological impairment must be based on credible documentation and not just verbal report or suspicion of disability. Unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE).

What is a Major Life Activity?

Major life activities are activities that the average person in the general population can perform with little or no difficulty. The list is not exclusive, which means that other activities, if significantly impacting the student's life, can be considered a major life activity. Major life activities can include hearing, seeing, breathing, learning, walking, speaking, thinking, concentrating, bodily functions (neurological, respiratory, endocrine, bowel/bladder, etc.).

What does “substantially limits” mean?

To be eligible for FAPE under Section 504, the impact of the impairment must significantly restrict the ability to perform the major life activity as compared to the average student. “Average student” means average for the student's age or grade level across a large population -- like the state or the country; the comparison is not to the student's potential, to the student's other siblings, or to other students in the class or school.

In determining limitation to a major life activity, the level impact of the impairment is considered in an unmitigated state – mitigating measures are things like medications, prosthetic devices, assistive devices, etc. that an individual may use to eliminate or reduce the effects of an impairment.

What is a 504 Evaluation?

An evaluation for FAPE eligibility under Section 504 includes gathering information from a variety of sources necessary to determine:

1. If an impairment exists
2. The major life activities affected
3. The level of impact on identified major life activities as compared to the average student

What is included in the evaluation process is determined on a case-by-case basis, but must draw from a variety of sources. These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior.

A diagnosis or recommendation from a medical or mental health provider alone is not sufficient to determine FAPE eligibility under Section 504. Rather, it is one piece of information considered in the evaluation process.

What is a Section 504 plan?

A Section 504 plan describes the accommodations and related aids and services that a district determines that a student needs to receive a Free and Appropriate Education (FAPE). The content of the 504 Plan is fluid and may change within a school year or between school years as the student's needs change. A district must implement the plan as written.

Will every student with a disability under Section 504 be eligible and/or need a Section 504 plan?

Not necessarily. Once a student is found to have a disability under Section 504, the team must then consider whether the student needs a Section 504 plan to access the benefits of public education to a level comparable to a nondisabled student in the general population. In answering this question, the team looks at the student as they present at school. While mitigating factors may not be considered when determining the level of impact on a major life activity in the Section 504 eligibility process, they may be considered if regularly used when determining which accommodations are necessary.

When is an accommodation needed?

An accommodation should only be included in a 504 plan if it is necessary for the student to access their education. In other words - what is demonstrated to be necessary (in reference to an average student in the general population).

For students with medical conditions, may an individual health plan substitute for a Section 504 plan?

For students with medical conditions that would be considered a disability under Section 504, the process that a district follows to develop an individual health plan, must meet 504 requirements.

Who do I contact with questions?

Your student's school counselor is the best first contact to learn about the school's process and next steps for your student.

Who is included in the meetings?

Staff that know the student and/or the student's needs are encouraged to be a part of the 504 team. Additionally, other staff members can be invited based on the needs of the student. For example, if the disability or impairment is medical in nature, then inviting a District Nurse may ensure proper considerations during the process. Teams may also include staff who help with interrupting the evaluations and evidence, or provide a consultation purpose.

Parents are invited to join in Student Study Team (SST - final step of SSP process) meetings. Parents and students are also invited to attend any and all 504-related meetings, from Eligibility, Accommodation Plan creation, Annual Reviews and Re-evaluations.

How long does it take to determine eligibility for a 504 plan?

This will depend greatly on the evidence already known about the student, their disability/impairment, the severity of the impact on major life activities, and the services that mitigate these impacts. Identifying, monitoring and evaluating this can take time; the school team is helping to determine what specific supports can and should be provided and will want to get it right! Generally speaking, the process could be as short as a few weeks up to several months or longer.

What is the difference between an IEP and a 504 Plan?

An IEP and a 504 Plan are two different ways the FAPE requirement under Section 504 may be met.

A 504 Plan includes accommodations only, designed to "level the playing field" and minimize the barriers educational access and benefit caused by the impairment. It is a provision of equal opportunity to access and benefit from public education, not a guarantee of success to achieve individual academic potential.

An IEP (Individualized Education Plan) is developed when a student has a disability that qualifies for Special Education. An IEP includes specially designed instruction (SDI) for the student, in addition to accommodations and modifications, if needed. A Special Education IEP provides a higher level of support than a 504 accommodation plan. If a 504 identified student is found eligible for Special Education, the necessary accommodations from the student's 504 will be included on their IEP.