



Capital School District

Board of Education Policy

Section: Instruction
Title: Section 504
Policy #: 600-11
Date Approved: 04/24/13
Date Revised: 04/24/13

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate and reasonable educational modifications or accommodations. Students may be considered disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Act (IDEA).

The Principal of each building is the building level coordinator and is responsible for monitoring compliance with all Section 504 requirements. The Principal may select a designee to carry out the requirements in his/her building, but the Principal is ultimately responsible for ensuring implementation of the plan, including communication to and among all relevant staff members.

For questions related to Section 504, the Supervisor of Special Services may be contacted during the day between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday.

Section 504 of the Rehabilitation Act of 1973, as amended is a civil rights law that prohibits discrimination against eligible individuals with disabilities in public and private programs that receive financial assistance from the federal government. Section 504 guarantees eligible students with a disability reasonable access to opportunities offered to students without disabilities. Compliance for Section 504 is overseen by the U.S. Department of Education Office for Civil Rights (OCR).

There are three prongs to consider when determining if an individual needs protection for his/her disability under Section 504:

Prong 1: The individual has a physical or mental impairment that substantially limits one or more major life activities. Major life activities include but are not limited to walking, standing, seeing, hearing, breathing, learning, reading, concentrating, communicating and performing manual tasks.

Prong 2*: The individual has a record of such an impairment, or

Prong 3*: The individual is regarded as having an impairment

**A person who falls under the 2nd or 3rd prong of the definition is protected by Section 504 only when negative action is taken based on the fact that he/she has a "record of" or is "regarded as" disabled. These prongs are meant to reach situations where individuals either never were or are not currently disabled, but are treated by others as if they were. It is the negative action taken based on the perception or the record that entitles a person to protection against discrimination on the basis of the assumptions of others.*

The purpose of Section 504 is to "level the playing field" ensuring that students with disabilities have a reasonable opportunity to participate in and access the general education curriculum and extracurricular activities to the same extent as a typical, non-disabled peer. The law prohibits the discrimination (e.g. denial of participation or enjoyment of the benefits offered by public school

programs) because of a child's disability. For nondiscrimination to occur, students with a 504 plan must receive appropriate accommodations that level the playing field and ensure equal access to the general education curriculum. Accommodations provided have a direct relationship to evaluation data demonstrating disability-related need so that over or under accommodating does not occur. A student with a disability who is covered solely under Section 504 and not under the IDEA is entitled to appropriate accommodations, aids, benefits and services to ensure equal access. If evaluation data reveal that a student is eligible for a Section 504 Accommodation Plan, "placement" on a Section 504 Plan typically means that instruction will continue in the general education classroom with planned accommodations for the student. There is generally no modification of curriculum for Section 504 plans, unless specific modification of the curriculum is the reasonable accommodation the student needs.