



GREATER LOWELL
TECHNICAL HIGH SCHOOL

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



Foundation

Federal Statute

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

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

The Law

Statutory Mandate

"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)

Evolution

Expanded Reach

The American Disabilities Act Amendments of 2008 intentionally broadened the definition of who was disabled and eligible for services under Section 504, ensuring wider access and stronger protections.

What is a 504 Plan? The Basics



PURPOSE

Access & FAPE

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).

STANDARDS

Appropriate Ed

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.

ELIGIBILITY

Disability Defined

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?



The Standard

Section 504 Mandate

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.

"It is not designed to 'maximize' a student's potential, but to 'level the playing field'."

Criteria

Defining "Adequate"

- Students are able to access the curriculum at developmentally appropriate levels.
- Requires comparing the student's needs to the average student of the same age and grade.
- Ensures access to the curriculum on par with grade-level peers.

Core Goal: Ensure access to FAPE – not entitlements

What is a major life activity?

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

BODY & MOBILITY

Physical Tasks

- Caring for oneself
- Performing manual tasks
- Walking
- Bending
- Sleeping

PHYSIOLOGICAL

Vital Functions

- Breathing
- Respiratory system
- Eating
- Speaking
- Hearing

COGNITIVE & WORK

Sensory & Brain

- Seeing
- Learning
- Concentrating / Thinking
- Communicating
- Working

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



How are students found eligible for a 504 plan?

REQUIREMENTS

Eligibility Criteria

Students are 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.

EVALUATION

Data Sources

The 504 Eligibility Team considers various sources, including but not limited to:

- Informational inventories
- Testing & assessments
- Teacher 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?

SCHOOL & HOME

Core Team Members

- Teachers
- Nurse
- School / Adjustment Counselor
- Parent
- Administrator

ADDITIONAL EXPERTISE

Knowledgeable Persons

Any person who is knowledgeable about:

- The student
- The evaluation data
- The placement options
- Staff involved with delivery of services



A Quick Reference Sheet

DEFINITIONS & PURPOSE

504 Is...

- A Federal non-discrimination statute that prohibits discrimination on the basis of disability.
- Applicable if a student has a mental or physical impairment that substantially limits major life activities.
- Classroom accommodations that allow students to access the curriculum on par with grade-level peers ("levels the playing field").
- Provides accommodations in line with FAPE, comparing student needs to an average peer of the same age/grade.

LIMITATIONS & CLARIFICATIONS

504 Is Not...

- Specifically designed instruction (which falls under specialized education plans).
- A plan containing formal Goals and Benchmarks.
- A "step-down" from an IEP or a general "fallback/catch-all" for students who do not qualify for IDEA.
- A guarantee of potential maximization or a source of extra advantage/entitlements.
- An opportunity for "at-risk" student 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:

FEDERAL LEVEL

U.S. DOE

Through the Office of Civil Rights (OCR) there is an established complaint, investigation and findings procedure.

STATE LEVEL

Massachusetts DESE

- Program Quality Assurance
- Bureau of Special Education Appeals

LEGAL ACTION

Civil Suits

Potential for monetary damages.



Resources and Links

link [504 Regulations](#)

link [MA Special Education Regulations 603 CMR 28.00](#)

link [Guide for Educators in Understanding 504's](#)

link [The Federation of Children with Special Needs](#)

link [OCR 504 Fact Sheet](#)



Questions?

Any questions regarding Section 504 and 504 Student Plans can be directed to the:

phone

Director of School Counseling

978-441-4955

