



504 Plans: Frequently Asked Questions

Q. What is a 504 Plan?

- A. Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Section 504 is an anti-discrimination, 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.

Q. What is the purpose of a 504 plan?

- A. Section 504 has two main purposes: 1) removing barriers for general education students with disabilities in K-12 public schools, and 2) protecting students and adults with disabilities from discriminations in school settings and beyond.

Q. Who can qualify for a 504 plan?

- A. All elementary and secondary school students who are qualified individuals with disabilities, as defined by Section 504, and who need special education and/or related aids and services are entitled to a Free, Appropriate, Public Education (FAPE). To be covered under Section 504, a student must be “qualified ” (which roughly equates to being between 3 and 22 years of age, depending on the program, as well as state and federal law, and must have a disability. (Do you want to include this? I or any member from your team can share why AAPS has *not* included this in any of our publications).

Q. Who is an individual with a disability?

- A. As defined by federal law: “An individual with a disability means any person who: (i) has a mental or physical impairment that substantially limits one or more major life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment

Q. What is an “impairment” as used under the Section 504 definition?

- A. An impairment as used in Section 504 may include any disability, long-term illness, or various disorders that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning-, behavior- or health-related condition. [“It should be emphasized that a physical or mental impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities.”]

Q. What are “major life activities?”

- A. Major life activities include, but are not limited to: self-care, manual tasks, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others and working.

Q. What does “substantially limits” mean?

- A. Substantially limits is not defined in the federal regulations. However, in a letter from the Office for Civil Rights (OCR), they state, “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.” n considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology or accommodations.

Q. Who can refer a child for consideration for evaluation under Section 504?

- A. Anyone can refer a child for evaluation under Section 504. However, while anyone can make a referral, such as parents or a doctor, OCR has stated in a staff memorandum that “the school district must also have reason to believe that the child is in need of services under Section 504 due to a disability”

Q. Who decides whether a student is qualified and eligible for services under Section 504?

- A. According to the federal regulations: “...placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities.”

Q. What information is used in doing an evaluation under Section 504?

- A. Under Section 504, no formalized testing is required. The 504 Committee should look at grades over the past several years, teacher’s reports, information from parents or other agencies, state assessment scores or other school administered tests, observations, discipline reports, attendance records, health records and adaptive behavior information. Schools must consider a variety of sources. A single source of information (such as a doctor’s report) cannot be the only information considered. Schools must be able to assure that all information submitted is documented and considered.

Q. What types of accommodations may a student receive if determined eligible under Section 504?

- A. Each child’s needs are determined individually. Determination of what is appropriate for each child is based on the nature of the disabling condition and what that child needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A’s or B’s or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without

disabilities, is to give students the knowledge and compensating skills they will need to be able to function in life after graduation.

Q. If a parent disagrees with the school's evaluation, will the school district pay for an outside independent evaluation?

- A. Under Section 504, schools are not required to pay for an outside independent evaluation. If a parent disagrees with the school's evaluation decision, they may request a due process hearing or file a complaint with the Office for Civil Rights. (Ask your district or campus for a copy of Notice of Parent and Student Rights Under Section 504 of the Rehabilitation Act of 1973.)

Q. How often will a student be re-evaluated?

- A. While there are no specific time lines on this issue, students must be re-evaluated at least every three years or whenever there is going to be a "significant change in placement." The campus 504 committee should re-evaluate your child's plan every year to make sure that his or her accommodation plan is appropriate based on their current schedule and individual needs. The accommodation plan may be revised at any time during the school year if needed.

Q. Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

- A. If a school district continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. Schools must ensure that, to the greatest extent possible, each student with a disability can be provided by a plan developed under Section 504.

Q. Who oversees the 504 plan process in the AAPS buildings?

- A. The individual(s) who oversee the 504 evaluation and review process varies based upon the building level. For elementary schools, the building administrator is the responsible party. For secondary schools, the assistant principals and counselors are responsible for the process.

Q. What are the steps employed for the 504 evaluation process in AAPS

- A. 1. The parent or teacher brings the concern to the building achievement team.
2. Student concern is brought to the Achievement Team for review and determination if additional data is necessary to evaluate the student's eligibility for a 504 plan. The data may include a diagnosis from a medical provider.
3. A 30-day process is employed.
4. Team meets and determines if the student is eligible for a 504 plan.
5. A 504 plan is developed incorporating the necessary accommodations to allow the student to access the learning environment.