



# SECTION 504

## An Overview

Educational Service Unit 5

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How many of you have a permanent 504 team or chair?

How many 504 plans are in place in your district? And how many have you been involved in writing?

What is your district policy and procedures on 504?

What is the difference between Section 504 and IDEA?



# PURPOSE OF 504

Section 504 of the Rehabilitation Act of 1973 forbids discrimination against students with disabilities by schools that receive federal financial assistance.

Civil Rights Law

# A Brief Comparison of IDEA, Section 504

## American's with Disabilities Act; Section 504

CIVIL RIGHTS LAW - Governed by the  
Office of Civil Rights

Students with disabilities that **substantially  
limits** their functioning in the school  
setting receive accommodations

**Individualized plan of accommodations**  
to ensure students educational needs  
are met as adequately as those of non-  
disabled students.

## IDEA – Individuals with Disabilities Education Act

EDUCATION LAW - Governed by the  
Federal Office of Special Education  
Programs, NDE and Board Policy

Students with **significant disabilities**  
that require the provision of  
**accommodation AND specially  
designed instruction**

More detailed and intricate set of  
procedures and requirements under  
IDEA and Specific to Nebraska Rule  
51 and 52

# A Brief Comparison of IDEA, Section 504

## American's with Disabilities Act; Section 504

No list of “approved” disabling conditions

A person with a disability is one who....  
“has a physical or mental impairment which  
substantially limits one or more major  
life activities”

And



“has a record of such an impairment”

Or

“is regarded as having such an impairment”

## IDEA – Individuals with Disabilities Education Act

Children with disabilities are....  
“those who have been formally evaluated  
in accordance with the statutes and  
requirements and have been found to  
have one or more of the 13 recognized  
disabling conditions”



What is a physical or mental impairment that substantially limits a major life activity?

# Define 'Physical or Mental Impairment'

Any Physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems:

Including

Neurological, Musculoskeletal, special sense organs, reparatory, including speech organs, cardiovascular, reproductive, digestive, urinary, hemic and lymphatic, skin and endocrine,

Or

any mental or psychological disorder such as organic brain syndrome, emotional or mental illness and specific learning disabilities

# Define 'Major Life Activities'

Walking

Seeing

Hearing

Speaking

Breathing

Learning

Working

and

Caring for one's self

But that's not it.....



# Additional Examples of 'Major Life Activities' provided by congress

Eating

Sleeping

Standing

Lifting

Bending

Reading


Concentrating

Thinking

and

Communicating

But that's not it.....



# Congress also provided a (non-exhaustive) list of 'Major Bodily Functions'

Functions of the Immune System

Normal Cell Growth

Digestive

Bowel

Bladder

Neurological

Brain


Respiratory

Circulatory

Endocrine


and

Reproductive Functions



# Potential Conditions Which May Qualify for Section 504

- ❖ Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder
  
- ❖ Chronic Medical Condition Examples
  - Cancer (leukemia)
  - Hemophilia
  - Heart Disease
  - Blood Sugar Disorders (hypoglycemia or diabetes)
  - Respiratory Conditions (asthma, severe allergies, environmental poisoning)
  - Chronic Fatigue Syndrome
  - Urinary Conditions Requiring Catheterization
  - Epilepsy
  - Tourette's Syndrome
  - Other



# Potential Conditions Which May Qualify for Section 504

Pregnancy

Broken Limbs

Illness

Concussion

❖ Communicable Diseases

AIDS

Testing HIV+

❖ Drug/Alcohol Addiction

❖ Physical Impairments

Arthritis

Cerebral Palsy

❖ Emotional Disorders

Depression

Post Traumatic Syndrome



# The Following May Initiate A Referral:

- ✓ Chronic hospitalization
- ✓ Chronic homebound
- ✓ Homeless, migrant, or other qualified individuals with disabilities, or individuals who are believed to be disabled
- ✓ Student is found ineligible for special education
- ✓ School concerns
- ✓ Parental concerns frequently expressed
- ✓ Students reentering school after having been temporarily placed in a private setting

But that's not it.....



# The Following May Initiate A Referral:

- ✓ Students exhibiting a chronic health condition and/or receives medical attention at school
- ✓ Suspensions approaching an aggregate of ten (10) instructional days.
- ✓ The school district is considering expulsion, exclusion, or retention of a student
- ✓ Students suffering the death of someone close or the separation/divorce of their parents.
- ✓ Suspicion of abuse in the home
- ✓ The student's attendance record approaches the school district's limit
- ✓ Student is regarded as a potential drop-out or at-risk
- ✓ Substance abuse is considered

But that's not it.....



# Factors for Determining Substantial Limitation



## 1. Nature and Severity of Impairment

Is the impairment mild or severe?

Does the impairment result in failure of the student achieving near expected levels?

Does the impairment impact a major life activity? If so, how?

Will the impairment impact the child without any intervention?





## 2. Duration or Expected Duration of Impairment

Will the impairment be of such short duration as to not cause significant problems?

Will the impairment be short or long in duration?

If the impairment is of short duration, will it have a significant impact without intervention?

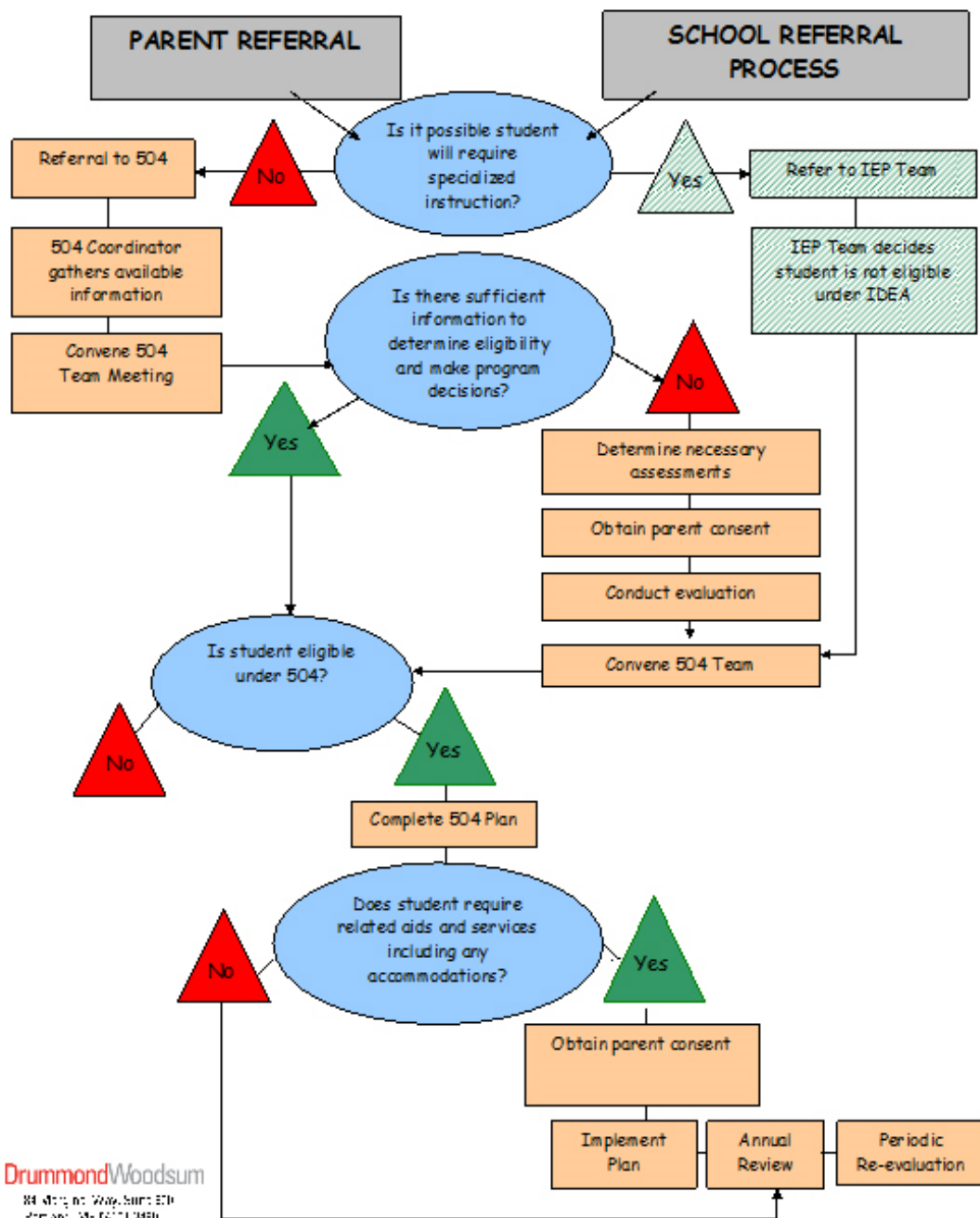
If the impairment will be long term, will the impact negatively affect the child's status, academically, socially, emotionally or behaviorally?



# The Process

## Jamie Thavenet

# 504 PROCESS FLOWCHART



# Eligibility Determination

- Data is summarized and the team determines eligibility based on findings.
- Remainder of sections 504 Plan is completed
- If the student is found eligible, the team can bring a draft plan to the meeting to be finalized
- Write the plan during the meeting **OR**
- Another meeting can be planned to write the plan.
- Parental notification completed.

# Referral Process

## Making the referral

- Referral is made to building administrator
- District 504 Coordinator is notified of the referral
- If parents are not the persons initiating request, they need to be notified of the referral and given a copy of their parental rights.
- Signed Consent is obtained



# Evaluation

- Leader invites professionals to participate who can interpret data, and are familiar with the student, and can allocate district resources.
- For mental or physical health conditions, school nurse collects additional data to determine impact at school, need for accommodation, and required health services.
- Signed release of information is requested (doctors, therapists, counselors, tutors, psychologists).

# Evaluation continued.....

- School records are reviewed to determine attendance, academic performance, work products, and standardized testing scores.
- Input from parents and teachers is obtained through interview or written report.
  - Academic performance records
  - Testing performance records
  - Accommodations and results from past plans/assessments
  - Documentation of problems and previous remedies
  - Current information and recommendations from informed professionals.



# Evaluation continued....

- Teachers implement relevant accommodations and document results
- Team leader makes sure that all sources are documented.
- Upon completed evaluation, a meeting is scheduled which include parents and team members.



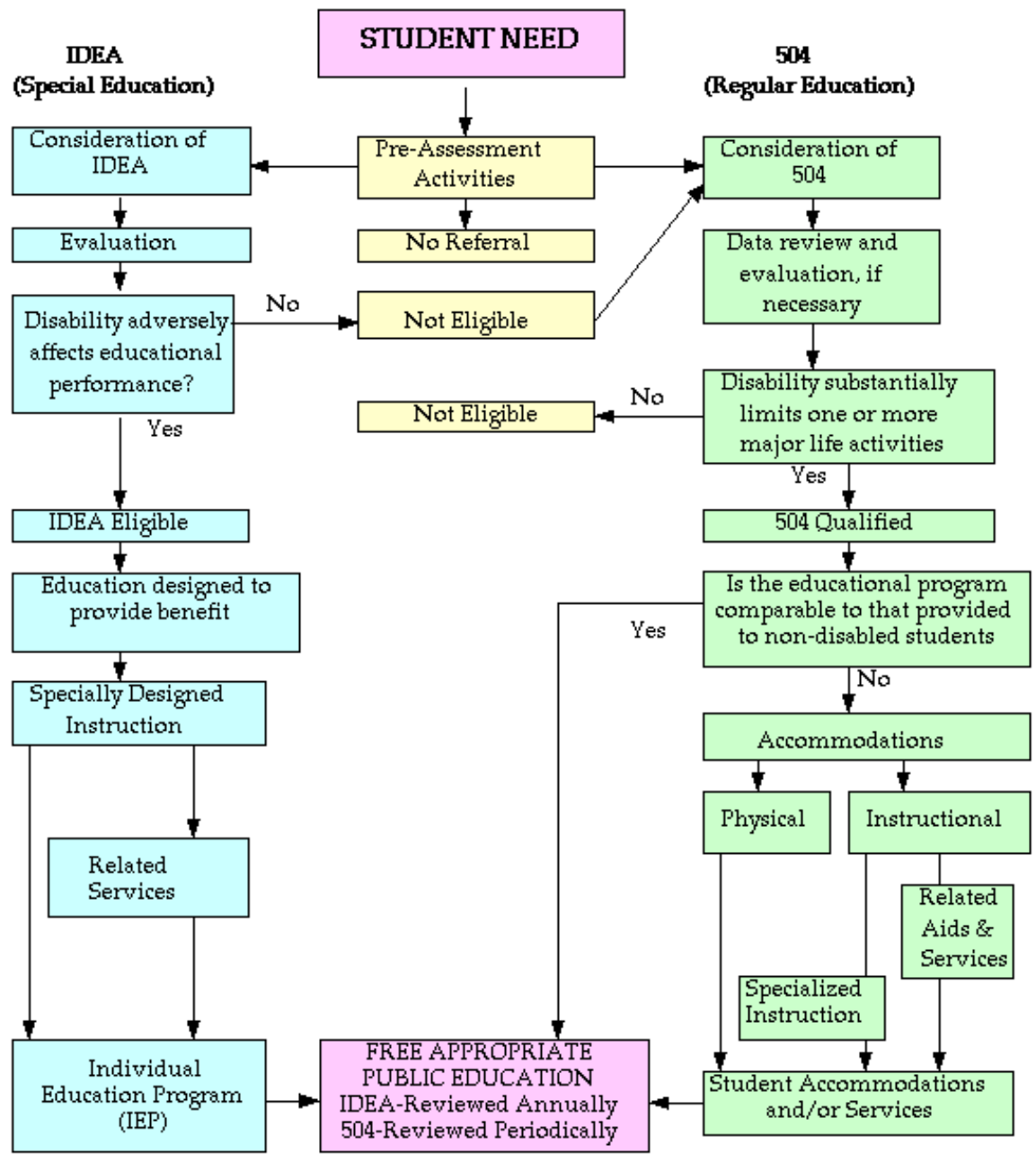
# Written Plan

The team creates a plan to address the need for accommodation and possible services that:

- List accommodations in concrete terms.
- List the services and reference documents.
- The plan administrator is appointed (case manager, team leader), that oversees plan implementation, communication, and serves as contact person.
- Signature sheet signed to document participation in development of the plan.
- Mail final copy to the parents.
- Make sure all team members have a copy or have access to the plan.

# Ongoing follow up

- At a minimum, annual review is recommended, however, the team can meet as needed to make changes to meet the needs of the student.
- Re-evaluation is needed every three years with supporting documentation of data.
- **However, best practices suggest annually.**
- Conduct and document re-evaluation
- Plan is discontinued by the team if no longer needed if documentation and data does not suggest the need, or parents terminate.





# Parent Rights

Section 504 regulations describe the following rights for parents and students:

- Right to be informed by the district of specific due process rights.
- Right for the child to have access to equal academic and nonacademic school activities.
- Right for the child to have an appropriate education in the least restrictive setting, which includes accommodations, modifications, and related services.
- Right to notice regarding referral, evaluation, and placement.
- Right for the child to have a fair evaluation conducted by a knowledgeable person(s).
- Right to an administrative appeals process.
- Right to examine and obtain copies of all school records.
- Right to provide consent prior to their child being evaluated or placed in Section 504 services.

# ACCOMMODATIONS

*Modifying Environment*

*Modifying Time  
Demands*

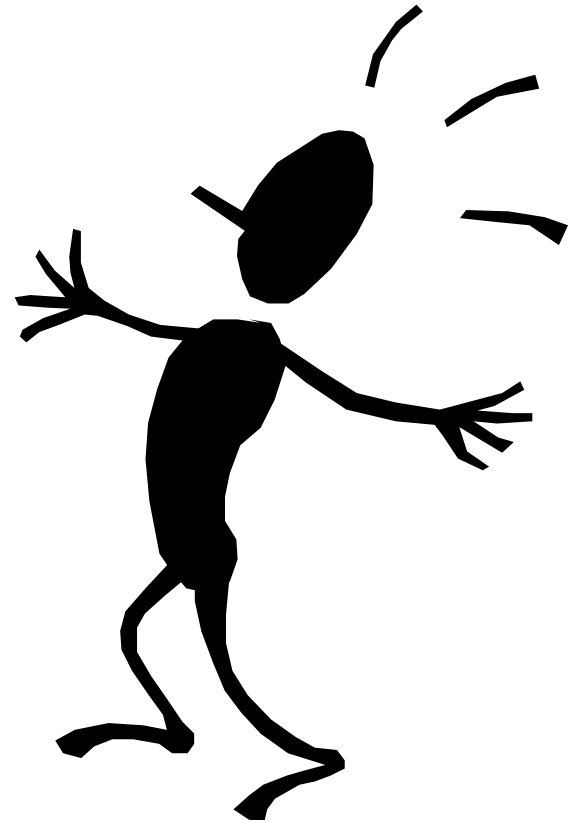
*Modifying Materials*

*Visual Processing*

*Language Processing*

*Organizational*

*Use of Group and Peers*





Now What?



## ■ General Requirements – Step 1

- Decide 504 chair and case manager (this could be the same person) – Publish
- Develop Paperwork, policies and procedures
- Grievance procedures developed – Published and given to parents at all meetings (rights)
- Publish all information in regards to 504
- Update district plan annually
- Staff trained in child find, referral, evaluation, implementation and grievance process
- Keep documentation of all of the above



- Implementation of Section 504

- What Jamie just went over

- Case Manager to manage the plan (might be the chair, might not)

- Overseeing 504 plan implementation

- Monitoring its effectiveness and revising

- Scheduling reviews of plans

- Ensuring that the plans follows the student during transition (teacher to teacher, building to building)

- Reconvening the team for discontinuation

- Scheduling reevaluation – conduct and document





# ESU 504 Website

***[ESU504.weebly.com](http://ESU504.weebly.com)***