

Section 504 Fact Sheet for Teachers

*Fairness means everyone gets what they need,
not everyone gets the same treatment.*

Lawrence Colberg

What is Section 504 of the Rehabilitation Act of 1973?

Section 504 requires the provision of appropriate educational services; services that are designed to meet the individual needs of qualified students to the same extent that the needs of students without a disability are met. Essentially Section 504 was designed to "level the playing field," to ensure full participation by individuals with disabilities.

The 2008 amendment, effective on January 1, 2009, overturned some earlier Supreme Court cases.

Process for evaluation and identification:

A parent, guardian, or teacher may refer a student for evaluation under Section 504. When a student exits special education services or if a student is evaluated for special education but is found not eligible, eligibility for a 504 plan **should be evaluated**. Section 504 is focused on eliminating discrimination with regards to equal access to learning. Specialized instruction to remediate the disability is not provided under Section 504 as it is under Individual Disabilities Education Act. You do not have to go through the GEI process for a student to be eligible for a 504 plan.

If a teacher or administrator knows (or believes) a student has a disability or if a parent refers their child, the school must evaluate the child for 504 eligibility. The evaluation process is the district's decision, but should include a multidisciplinary team and use multiple sources.

Once a student is referred, a parent or guardian will be given the Grinnell-Newburg School District's *A Parent's Guide to Section 504 of the Rehabilitation Act of 1973*, written notification of a planned meeting will be provided to parents/guardians, and a 504 team (including teachers, parent/guardian, others as appropriate) will meet in a reasonable period of time after the request. Information regarding the student's possible disability and needs will be compiled.

At the 504 meeting a student's eligibility will be determined and a 504 plan will be developed if a student is determined to be 504 eligible. The 504 plan will include reasonable modifications and accommodations needed for the student to have equal

access to a free and appropriate education in the regular education classroom. The 504 plan typically does not include specialized instruction to remediate the disability.

Who Qualifies?

To qualify under Section 504 a student must:

* Be determined to have a **physical or mental impairment** that **substantially limits one or more major life activities** (major life activities include activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, and behavior.

* Have a record of having such an impairment OR

* Be regarded as having such impairment.

The impairment does not have to be severe. We must look at the manner and duration of the limitation of a person compared to an average person in the population. There may be multiple impairments, that when combined, materially restrict a major life activity. No medical diagnosis is required. An impairment must be identified but it's not necessary to "label" a specific disability.

Eligibility is determined by:

•Verification from written documentation, medical, psychological, or agency reports

or •An evaluation in which appropriate information is gathered (such as from student records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information)

and •Determination that the disability substantially limits a major life skill.

The 504 plan should be evaluated periodically (law does not state how often). In Grinnell we review the plan at least yearly. Written notice of a 504 meeting is required. We also need to monitor the progress students who are on 504 plans are making. This should be done at least for each grading period to determine if the accommodations/modifications are working for the student. We also need to evaluate the 504 process for our district. We will be developing a parent survey to help us with this evaluation.

Mitigating measures do not eliminate the need for a 504 plan. For example, if a student has ADHD and takes medication which helps the child perform adequately in school, the medication is a mitigating measure. However, the impairment is still present and the 504 plan can then be just an acknowledgement of the impairment.

If a student on a 504 plan requires assistive technology the school district is required to pay for the assistive technology. The school district does not get additional funding for students on 504 plans.

What if you feel a student is eligible for a 504 plan?

Contact your building administrator or the guidance counselor. Guidance counselors are 504 coordinators for their buildings. Nancy Beck, Director of Special Programs, is the district 504 coordinator.