



## **Section 504**

### **Protecting the Rights of Students**

### **With Disabilities**

Section 504 is a federal statute that prohibits discrimination against persons with disabilities in any program receiving federal financial assistance.

This guide to Section 504 describes the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, with respect to elementary and secondary students. This pamphlet is designed specifically to provide parents and educators with the necessary information to work in partnership to provide access to an appropriate education, as well as develop appropriate accommodations for students with mental or physical impairments that substantially limit a major life activity.

In order for schools to provide an appropriate education for students who are protected under Section 504, accommodations and modification may be necessary. The vast majority of accommodations and modifications for students served under Section 504 will occur in a general education classroom.

#### **Who is Eligible?**

Students of Utica Community School District, between the ages of three (3) and twenty-six (26) years of age, who meet the following definitions of disability:

- ✓ Has a physical or mental impairment, which substantially limits one or more major life activities.
- ✓ Has a record of such impairment.
- ✓ Is regarded as having such an impairment.

Section 504 may include conditions such as:

- Attention-Deficit Disorder
- Hearing Impairments
- Visual Impairments
- Muscular Dystrophy
- Orthopedic Impairments
- Cerebral Palsy
- Epilepsy
- Asthma
- Learning difficulties
- Diabetes
- Auto-Immune Disorders



## What is the school district required to do?

It is the responsibility of the local school district to develop and implement standards and procedures for the identification, assessment and proper placement of eligible students; to ensure the provision of necessary individualized services and supports; and to train personnel to enable them to perform services or make appropriate accommodations in general education settings.

Examples of accommodations:

- Oral testing
- Modified testing
- Recording of class lectures
- Note taking assistance
- Shortened assignments
- Permit additional time for assignments
- Handicap accessibility
- Reduce pencil/paper tasks
- Preferential or modified seating
- Behavior intervention plan (BIP)
- Supplemental materials
- Healthcare plans

Examples of additional Specific Reasonable Accommodations

- A student with an emotional or mental illness may need an adjusted class schedule to allow time for regular counseling or therapy.
- A student with long term, debilitating medical condition, such as cancer or diabetes, may need a class schedule that allows for rest.
- A student who uses a wheelchair may require special seating considerations.
- A student with significant attention issues may require monitoring of an assignment notebook and extended time for testing.
- A student with arthritis experiencing persistent pain, tenderness, or swelling may require a modified physical education program.

## Section 504 Parent/Student Rights

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have a right to:

- Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
- Have the school district advise you of your rights under federal law in your native language.
- Receive notice with respect to Section 504 identification evaluation and/or placement of your child.
- Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make necessary accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- Have your child educated in facilities and receive services comparable to those provided to nondisabled students.
- Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (IDEA) or to receive reasonable accommodations under Section 504 of the Rehabilitation Act.





## What are the steps for identifying and referring students who may be eligible?

If there is reason to believe that, because of a qualifying disability, a student needs accommodations or services, the student may be referred by parents, physicians, teachers, counselors, administrators or other district employees who are knowledgeable about the student. This referral must be made to the 504 Coordinator at the student's school. A meeting of the 504 team will be scheduled to review existing data, and develop an evaluation plan.

## Who makes up the 504 team?

The 504 team will consist of the school building 504 Coordinator who is knowledgeable about students who would appropriately be referred for 504 eligibility. In addition, a regular classroom teacher of the student and the parent will be invited members of the team. Other members will be determined by the nature of the suspected disability and may include such persons as the school psychologist, school nurse and or school social worker.

## What areas will be evaluated?

Requirements for the Section 504 evaluation and placement process are determined by the type of disability believed to be present and the type of accommodations or services the student may need. The evaluation must be sufficient to accurately assess the nature and extent of the disability, its effect on major life activities and recommended services or accommodations. All data collected in the eligibility determination process will be used to determine substantial limitation. A final decision will be made by the 504 team including the parents. If a student is determined eligible under Section 504, a re-evaluation will occur every three (3) years, or prior to a significant change in placement.

## If the evaluation indicates services or accommodations are needed, what will happen?

Section 504 requires the development of a plan describing placement and the accommodations or services to be provided to the student. This "504 Plan" may consist of education in general education classes with the needed accommodations being made and/or the use of supplementary services/programs designed to meet the needs of the student. The 504 plan will include adjustments, modifications, etc., that are necessary for the student to participate in the general education program.

## When a 504 plan is NOT appropriate:

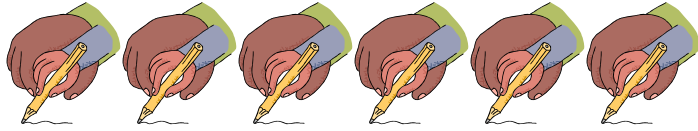
When a student has a disability but is making academic progress as compared to peers without accommodations, the student does not meet 504 eligibility criteria. This might include a student whom a parent feels could be making A's rather than B's or a student who only experiences difficulty in one subject area.

When a plan is created solely to support a request for extended time on standardized tests such as the Michigan Merit Exam, SAT's or ACT's. A student must also need the accommodation in their regular classroom work.

When a student is eligible for services under the Individuals with Disabilities Act (IDEA) but the parents prefer Section 504 services.

## What is the difference between Section 504 and IDEA?

Section 504 requires reasonable accommodations to ensure nondiscrimination against students with disabilities. IDEA requires affirmative action in providing special education and related services. IDEA compliance involves special education while Section 504 is a regular education initiative. Students may be eligible for services under provisions of Section 504 even though they do not qualify for special education services pursuant to the Individuals with Disabilities Act (IDEA). Students who are identified as eligible under IDEA are not addressed in these guidelines.



- Have eligibility and educational placement decisions based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.
- Have your child be given an equal opportunity to participate in non-academic and extracurricular activities.
- Examine all relevant records relating to decisions regarding your child's Section 504 identification, eligibility, evaluation, educational program, and placement.
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- Receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
- Request amendment of your child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child.
- File a complaint with the district when you believe your child's rights have been violated.
- Request an impartial hearing regarding the Section 504 identification, evaluation, or educational placement of your child.



## Section 504 District Contacts

If you have general questions about your student and Section 504 or would like information about the grievance procedure, please contact your building principal or school counselor.



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