



A Parent's Guide to
SECTION 504
Of the Rehabilitation Act of 1973



A Parent's Guide to Section 504 describes the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, with respect to elementary and secondary school policies involving students with physical and mental disabilities. This guide 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 qualifying disabilities.

What is Section 504?

Section 504 is a federal law, which protects the rights of persons with qualifying disabilities. It requires that recipients of federal funds make their programs and activities accessible to all persons with disabilities.

There has been much confusion over the years regarding the relationship between Section 504 and special education laws and regulations. It must be emphasized that Section 504 falls under the responsibility of the general education program. The school staff and parents need to work in collaboration to help guarantee that the student is provided the necessary accommodations and/or services.

It is important to keep in mind that some students who have disabilities that limit their ability to access and participate in the education program are entitled to rights under Section 504, even though they may not fall into IDEA categories and may not be covered by special education law. It is also important to understand that schools receive no additional funding to implement Section 504 accommodations. At each school, the responsibility for ensuring Section 504 compliance rests with the building principal or principal designee.

How does Section 504 define disability?

Section 504 protects persons from discrimination based upon their disability status. A person is considered to have a disability if he or she:

- has a mental or physical impairment which substantially limits one or more of the person's major life activities;
- has a record of such impairment; or
- is regarded as having such an impairment.

In general terms, this means that without accommodations and/or interventions, the student would not have a comparable opportunity to an appropriate education.

How does Section 504 define “appropriate education”?

A free appropriate education is one provided by the public school that (1) is designed to meet the individual’s educational needs of persons with a disability as adequately as the needs are met of persons without disabilities, and (2) is based upon evaluation, placement, and procedural safeguard requirements.

What is a “major life activity”?

Major life activities include things such as seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks. The operation of major bodily functions (e.g., the functions of the immune system, normal cell growth, and digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and/or reproductive systems) counts as major life activities. Please note that this list is not exhaustive.

How is a Section 504 review requested?

A parent, guardian, teacher, guidance counselor, related service provider, other school staff, administrator, or community agency can initiate a referral for a Section 504 plan. This request goes to the building intervention team, which looks different in each building. It usually involves administrators, guidance counselors, and teachers.

It is not uncommon for a school district to receive a doctor’s letter stating that the student has a disability and needs certain accommodations. This letter may even specify some accommodations. Although the school district can consider the doctor’s suggestion, it should be remembered that they are suggestions. While doctor’s responsibility is to make a medical diagnosis, it is the school’s responsibility to evaluate the student’s educational needs.

What process is used in determining eligibility for a Section 504 plan?

Once a referral for a Section 504 plan is made, the building team must determine the sources of information to be gathered for the evaluation. It is highly recommended that parents also be contacted to provide information about their concerns for their student. The evaluation needs to assess the nature and extent of the disability, its effect on major life activities, and recommended services.

Gathering information from multiple sources will lead to better understanding of the difficulty and needs of the student. Relevant information can include:

- information gathered from school records, observations, interviews, medical or hospital records, rating scales, samples of daily work, and curriculum-based measures;
- interviews with the student's teachers, parents, and medical or mental health professionals who have evaluated the student;
- educational records, including standardized test scores, attendance records, disciplinary records, grades, and hearing or vision screening results;
- direct observations of the student.

Understanding how a student functions in different settings can be important in determining accommodations and services. Critical to the determination is that a condition be present across several settings.

Once the evaluation has been completed, a meeting is held with the team and parent to discuss the results. Eligibility for a Section 504 Plan is determined at that time.

An evaluation is also required prior to any significant change in a student's placement. Reevaluations must also be conducted on a "periodic basis". It is recommended, but not required, that a reevaluation be conducted every three years.

How are 504 accommodations and related services documented and reviewed?

Once eligibility has been determined, the Section 504 Plan is created. Specific accommodations or services that will support equal access to the general education program, activities, and services are identified and documented in a Section 504 Plan. The document becomes part of the student's cumulative file.

A student's Section 504 Plan must be reviewed at least once a year by the team; more frequent meetings can occur as needed. The purpose of a yearly review is to add, subtract, and/or modify the accommodations as needed. If a student no longer needs a 504 Plan, the team can terminate it at a review session.

What does "accommodation" mean?

An appropriate education for students eligible under Section 504 occurs in general education classes with needed accommodations being made and/or the use of supplementary services designed to meet the unique needs of the students. Accommodations are the adjustments in academic requirements and expectations to enable the student to participate in general education.

- Accommodations must be individualized.
- Accommodations should be designed to meet the individual educational needs of students with disabilities as adequately as the needs of other students are met.
- Modifications can be made to general education programs or the provision of different programs may be necessary.

Examples of accommodations include seating in the front of the room, quiet environments for taking tests, reading tests orally to the student, and using large print materials.

There are numerous accommodations that can support a student's equal access to educational opportunities. The building team identifies these accommodations based upon the student needs and evaluation results. It is important to note that each school will include accommodations that it has the ability to accomplish based on what the school offers to all students and resources available to implement its

programs and services. This means that accommodations will be designed differently at different schools and at different levels (elementary, middle, and high schools).

How does eligibility for a Section 504 Plan affect discipline?

Students with Section 504 Plans are disciplined as a student with an IEP. If the student with a 504 Plan is facing suspension or expulsion, the administrators need to go through an analysis similar to that for students with IEP's. However, the analysis may have different results.

- The administrator needs to determine whether the student committed the infraction.
- The student's team needs to determine whether the behavior was caused by the disability (manifestation conference).
 - *If so, the team determines whether the Section 504 Plan is appropriate and whether the student needs a change in the plan.
 - *If the team determines the behavior was not caused by the disability, the student is referred to the administration for discipline as a general education student.

One exception: If a student with a disability violates drug or alcohol rules, they can be disciplined as if they did not have a disability.

What rights do parents (and students) have under Section 504?

The following is a list of parent rights granted by federal law. The intent of the law is to keep parents fully informed concerning decisions made about their children and to inform them of their rights should disagreement occur over a 504 decision.

As a parent you have the right to:

- Have your child take part in and receive benefit from public education programs without discrimination based on a disability.
- Have the district advise you as to your rights under the law.
- Receive notice with respect to the identification, evaluation, or placement of your child.
- Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to

have a district make reasonable 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 students without disabilities.
- Have your child receive special education and related services if she/he 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.
- Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.
- Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the district through the provision of reasonable accommodations.
- Examine all relevant records relating to decisions regarding your child's identification, eligibility, 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 related to decisions regarding your child's identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney present at your own cost.
- File a formal complaint with the Iowa Department of Education or the U.S. Department of Education Office for Civil Rights (Region VII).

Who should parents contact when they have a Section 504 complaint or grievance?

Each district should have a grievance procedure in place and published. Complaint forms should be accessible to parents.

The procedure usually involves four levels:

1. The parent contacts the building principal to discuss and resolve the issue.
2. If the issue is not resolved, the parent should file a complaint with the district 504 Coordinator.
3. If a resolution is not reached, the complaint goes to the superintendent.
4. The final step toward resolution involves the school board.

A parent can also request an impartial hearing regarding the school district's decisions. The impartial hearing officer needs to be an individual from outside the school district. However, the officer should not be from a school or district with which the home school district has a contract to jointly provide services or from the Area Education Agency in which the school district is located. A due process hearing will occur as soon as possible. At the hearing, the parent/guardian and district may be represented by legal counsel, may examine relevant records, and participate in the hearing. Within ten school days after the conclusion of the hearing, the hearing officer will render a written decision. The written decision shall include applicable findings of fact and conclusions of law and will be submitted to the parent/legal guardian and to the Board of Education. The decision of the hearing officer will be the final administrative decision on the Section 504 matter.

It should be noted that the Office of Civil Rights (OCR) is the federal agency responsible for enforcing Section 504 compliance.

Parents/guardians always have the right to initiate a complaint with the OCR at any level of a grievance.

AEA 267 Section 504 Coordinators

Inquiries concerning the school district's compliance with the regulations implementing Title VI, Title IX, and the Americans with Disabilities Act (ADA), Section 504, or the Iowa Code Section 280.3 should be directed to:

AEA 267 Section 504 Coordinator—Students
Melissa Clarke-Special Education Consultant
Cedar Falls Office
319-273-8215 or 1-800-273-8200

AEA 267 Section 504 Assistant Coordinator—Facilities
Chad Pinkston-Site Superintendent Beth Strike-Site Superintendent
Marshalltown Office Clear Lake Office
641-753-3564 or 1-800-735-1539 641-357-6125 or 1-800-392-6640

AEA 267 Equity Coordinator
Kathy Enslin—Assistant Chief Administrator/Director of Personnel
Area Education Agency 267
3712 Cedar Heights Drive, Cedar Falls, IA 50613-6290
319-273-8245 or 1-800-542-8375

Equity Secretary
Shirley Horak
Cedar Falls Office
319-273-8246 or 1-800-542-8375

Receipt of this brochure satisfies the second notice requirement.

Equity Statement

Area Education Agency 267 does not discriminate on the basis of race, color, creed, gender, marital status, national origin, religion, age, sexual orientation, gender identity, socioeconomic background or disability in its educational programs, activities, or employment practices as required by all applicable Equal Employment Opportunity and Affirmative Action laws, directives, and regulations of federal, state and local governing bodies and agencies. Students, parents of students, applicants for employment and employees of Area Education Agency 267 shall have the right to file a formal complaint alleging non-compliance with federal and state regulations requiring nondiscrimination in educational programs and employment. Inquiries concerning application of this statement should be addressed to: Kathy Enslin, Equity Coordinator, AEA 267, 3712 Cedar Heights Drive, Cedar Falls, Iowa 50613, Telephone: 800-542-8375

