

## A Parent and Teacher Guide

### To Section 504

#### Frequently Asked Questions

Section 504 is part of a federal civil rights law known as the Rehabilitation Act of 1973. This law specifically prohibits discrimination against students with disabilities and guarantees them a free and appropriate public education (FAPE). Discrimination, as defined by Section 504, is the failure to provide students with disabilities the same opportunity to benefit from education programs, services, or activities as provided to their nondisabled peers. Therefore, schools cannot exclude students with disabilities from facilities, programs, benefits, activities, or services that are provided to students without disabilities. Schools must make sure that all students receive equal access to educational opportunities. Students with disabilities receiving special education services, as defined by the Individuals with Disabilities Education Improvement Act (IDEIA), are protected under Section 504. However, not all Section 504 students are eligible for special education.

1. How does the Rehabilitation Act of 1973 define a “person with disabilities”?

The Rehabilitation Act of 1973 defines a person with disabilities as any person who has a physical or mental impairment that substantially limits one or more major life activity, has a record of such impairment, or is regarded as having an impairment. Major life activities defined in the Rehabilitation Act of 1973 include caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working (among others). Learning does not have to be the major life activity affected in order for an individual to be eligible for protection and services under Section 504.

2. How are students identified as having a disability?

A parent, teacher, or other member of the school staff may raise a concern about a student’s unique need for accommodations. Parents, teachers, and other staff members will meet to discuss all relevant information about the student. The parents’ participation in this meeting is critical and helps to establish an accurate picture of the student’s needs. At the meeting, the team will consider whether the student has a disability that limits a major life activity. If the team determines that the student does have a disability, they will then identify what types of support, or accommodations, are appropriate to meet the student’s needs. The accommodations will be described in a document referred to as the Section 504 alternative learning plan.

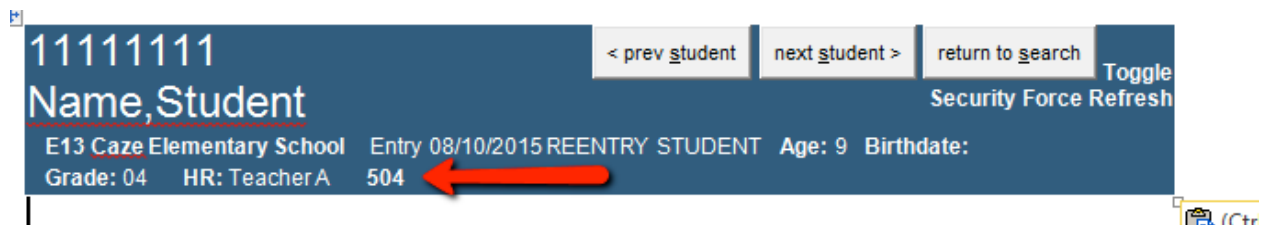
3. What is included in a Section 504 alternative learning plan?

A Section 504 plan describes the accommodations that the school will provide to support the student’s education. The team that determined the student’s eligibility for Section 504 will write the accommodation plan. There is no time limit specified in the statute for an

accommodation plan, but a yearly review is recommended. Section 504 plans can be revised at any time to reflect changes in the support needed by the student.

4. How can I tell if a student already has a plan and review it?

EVSC tracks 504 plans in RDS. The screen shot below shows how it is designated in RDS. If the 504 designation is present, the student has a 504 and you can review the most current plan under “documents”.



5. What is the role of parents?

In EVSC we consider parents to be their child’s first and most important teachers, as well as their advocates. If a parent believes their child has a disability or is having difficulty in school, the child’s teacher should be contacted to discuss the concerns. Building a strong parent/school partnership begins with effective communication. Parents play a key role by providing important information to schools about their child’s needs, particularly for students with disabilities. As an added benefit, this involvement demonstrates the importance the parent places on education.

6. What is the role of teachers?

EVSC believes that classroom teachers need to be flexible in their teaching techniques and expectations for students with disabilities. In order for students with disabilities to be successful in school, teachers may need to modify the classroom environment, adjust their teaching strategies, or make other accommodations. In addition to making classroom modifications, other tasks include assessment of student progress and effective communication with parents. Teachers are required under Section 504 to make necessary accommodations as specified in the Section 504 alternative learning plan.

7. What should parents or teachers do if the plan is not working well?

Ongoing communication between parents and teachers will help avoid disagreements related to the student’s accommodation plan. When parents’ or teachers’ concerns are not addressed to their satisfaction, they should contact the school principal or the staff member designated as responsible for Section 504 in that school. If the plan is not appropriate, it should be revised following the same process as for initiating a plan. Situations change and student needs change. Therefore, flexibility in the process will help everyone meet the student’s needs.

8. What procedural safeguards are provided by Section 504?

*Procedural safeguards* are rules that tell what procedures schools and parents must use in making decisions about services for students with disabilities. Each EVSC school has a person designated to coordinate Section 504 services in that school. That designee has procedural safeguards available to share with parents upon request. Among other things, Section 504 grants parents the right

- To receive notice regarding the identification, evaluation, and placement of their child
- To receive prior notice when the school is revising or discontinuing services for their child
- To review their child's records
- To participate in an impartial hearing review process

In addition, school districts must provide public notice of

- Policies of nondiscrimination
- Grievance procedures
- The contact information for the district coordinator of Section 504 compliance

In EVSC, the public notice is provided in the yearly calendar provided to all families and staff.

9. If a parent asks for a 504 plan, what do I do?

Section 504 is under the Office of Civil Rights. Based on OCR statute, if a parent asks for a 504 plan the school is obligated to schedule a 504 meeting. That does not mean necessarily that the team will determine a 504 plan is needed, but that a meeting be held to discuss it. In EVSC, counselors are the ones who head 504 meetings. So refer the situation to your counselor but make sure that she/he follows up. There is no time limit set in the law for how soon the meeting must be scheduled, but best practice would suggest within two weeks of the parental request.

10. Are students with disabilities disciplined differently than are their nondisabled peers?

While all students in EVSC are expected to follow classroom and school rules, a student with a disability may need a specialized behavior plan or accommodations to support appropriate behavior during all school activities. Students with disabilities are not exempt from consequences for violations of the code of student conduct. In cases of severe violations of the district's code of student conduct, disciplinary interventions are frequently based on approved EVSC school board policies and require specific consequences. However, if it is determined that the behavior was a manifestation of the student's disability, the consequences outlined in the student code of conduct may be deemed inappropriate and consideration should be given to revising the student's individual accommodation plan. Students who are eligible under IDEIA cannot be denied FAPE as a result of discipline. Although Section 504 does not specifically

address discipline, EVSC requires a manifest conference for Section 504 eligible students when the school is pursuing expulsion of the student.

11. What are the major differences between IDEIA and Section 504?

Both IDEIA and Section 504 guarantee students with disabilities access to FAPE. However, there are major differences between them, specifically in the criteria used to determine eligibility and the definition of FAPE. IDEIA provides specific categories of disabilities. For a student to receive special education services under IDEIA, the student's educational performance must be adversely affected by the disability and the student must be in need of special education services or specialized instruction. Students with a disability who meet specific IDEIA requirements are also protected under Section 504. In Indiana, IDEIA applies only to individuals from age 3 through age 21.

Section 504 is not limited to specific disability categories and does not require evidence that the disability adversely affects the student's educational performance. Nonetheless, in order to be eligible for a Section 504 accommodation plan, the student must "have a physical or mental impairment which substantially limits one or more major life activities". Section 504 plans address accommodations implemented in general education settings rather than specialized instruction. Section 504 covers individuals of all ages.

12. Whom do I contact for information on Section 504?

In EVSC, the Chief Diversity Officer is in charge of compliance for Section 504. Contact that person at 812-435-8451. The Supervisor of Psychological Services directly oversees compliance and can be reached at 812-435-8300. Each school has a person designated to oversee Section 504 compliance in that building. Parents can contact the building directly and ask for the 504 designee. Additional information is available through the U.S. Department of Education's Office for Civil Rights at 404-974-9406.