

Section 504  
in the Schools  
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# Office of Civil Rights (OCR)

- Section 504 regulations are under the jurisdiction of OCR.
- OCR enforces Section 504 in programs and activities that receive Federal funds from the Department of Education, including public school districts, higher education institutions, and other state and local education agencies.
- Compliance to Section 504 is not optional.

# 504 Requirements

- A school district must provide a “free appropriate public education” (FAPE) to each qualified student in the district, regardless of the nature or severity of the disability.
- FAPE means the provision of related aids and services designed to meet the student’s education needs as adequately as the needs of non-disabled students are met.

# Section 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The 504 Definition has three  
prongs:

## The Eligibility Trifecta

1. A physical or mental impairment
2. which substantially limits
3. one or more major life activities

# Does the student have a mental or physical impairment?

- Must have evidence of impairment, or
- Evidence of a history of that impairment, or
- Be regarded by knowledgeable professionals as having that impairment.

# Definition of Physical or Mental Impairment

- Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems
- Any mental or psychological disorder, such as mental retardation, emotional or mental illness, and specific learning disabilities

# Important Terms

- Record of
- Regarded as
- Mitigating measures
- Aggravating measures
- Substantially limits



# Substantial Limitation

- The impairment must impose, to a 'considerable' or 'large degree' a limitation to one or more of the major life activities.
- Simply having a condition or disability does not automatically qualify a student for Section 504 protection.
- The condition must present a barrier to the student's ability to access the same educational opportunities as that afforded a non-disabled student.

# Major Life Activities—include but are not limited to the following:

- Caring for oneself
- Performing manual tasks
- Eating
- Sleeping
- Standing
- Lifting
- Walking
- Hearing
- Seeing
- Breathing
- Bending
- Reading
- Learning
- Thinking
- Concentrating
- Communicating
- Working
- Speaking
- Operation of a major bodily function

# IDEA and Section 504

## IDEA

- Disability in specific category of qualifying conditions
- Disability adversely affects educational performance
- Full, comprehensive evaluation
- Decision made by MET, including parent
- Annual review—re-eval every 3 years
- IEP covers 504 requirements

## Section 504

- Physical or mental impairment—substantially limits a major life activity
- Prevents equal access to school's programs or services
- Evaluation using info from variety of sources
- Decision by knowledgeable team—include parent
- Annual review—periodic evaluation of the 504 Accommodation Plan
- 504 plan does not substitute for IEP if student qualifies for SPED

# 504 Referral and Placement

- Referrals
- The 504 Team
- The 504 Accommodation Plan
- Assessment

# High School Graduation

- Students with a disability are NOT required to pass the State Exam as a condition for graduation.
- Students with a 504 plan are not required to pass any specific AZMerit tests for graduation **unless such a requirement is specifically identified in the 504 plan.**

Inappropriate 504 Placements

# Procedures and Forms

# Disciplining Students with 504 Plans



# Manifestation Determination

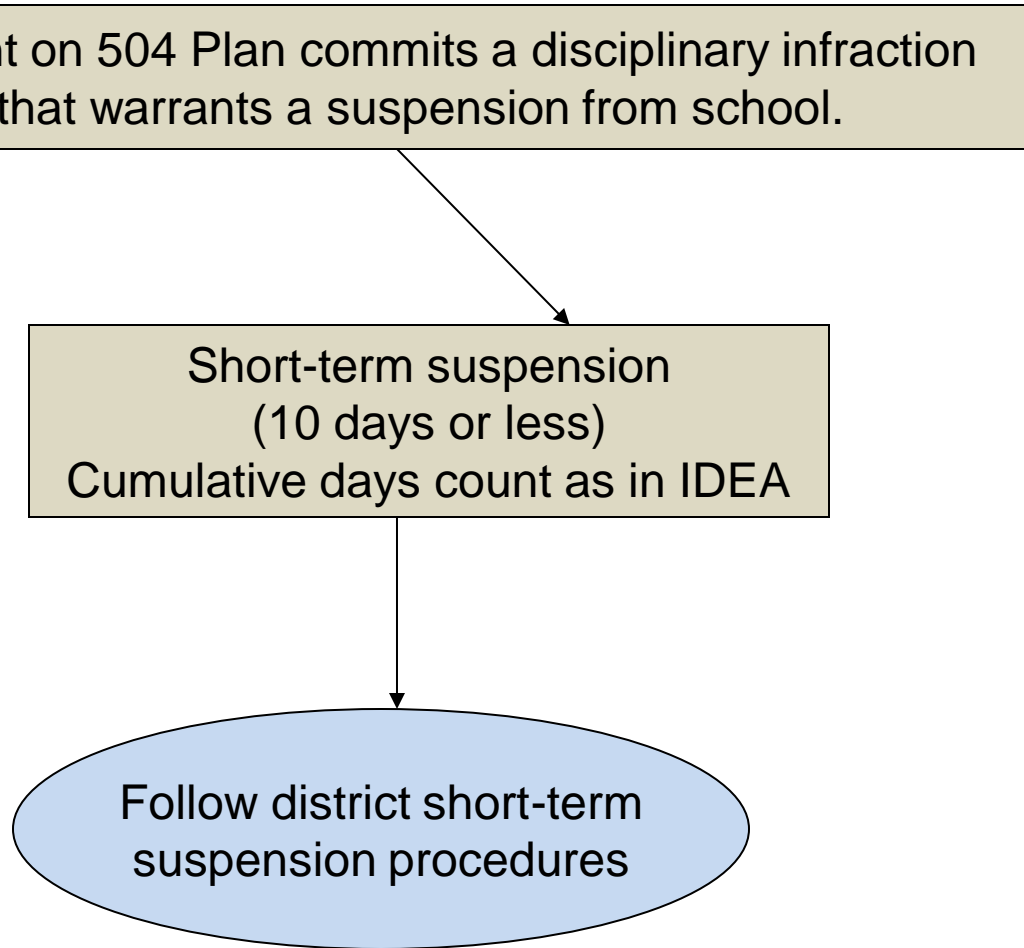
1. 504 team must have current information available about the student's performance in various settings.
2. First determine whether the 504 plan is appropriate and was being followed.
3. If not appropriate or not being followed, no further disciplinary action occurs.
4. Next consider if the behavior is a result of the disability.
5. If behavior is NOT a result of disability, discipline can occur as for non-disabled student.

# Discipline – Short-Term Suspension

Student on 504 Plan commits a disciplinary infraction that warrants a suspension from school.

Short-term suspension  
(10 days or less)  
Cumulative days count as in IDEA

Follow district short-term suspension procedures



# Discipline – Long-Term Suspension

Student on 504 Plan commits a disciplinary infraction that warrants a suspension from school.

Long-term suspension

- Provide due process
- Notify parents
- Request long-term suspension hearing
- Hold a manifestation hearing within 10 days of incident

Violation NOT a manifestation of disability

Follow district long-term suspension procedures. no services need to be provided.

Violation IS a manifestation of disability

Complete short-term suspension. Review 504 plan. No further disciplinary action.

If violation is weapons, drugs, alcohol, or serious injury, the student may be placed in an alt. to suspension program.

# Participation in Assessment

- A student on a 504 plan will participate in all district and state mandated assessment, but may have standard accommodations noted in their 504 plan.
- Accommodations may only be provided during assessment if they are noted in the plan.

# Complaints

■ Solutions to parent concerns start at the school level. The 504 coordinator and the principal should meet with the parent to try to resolve the problem.

■ If the concern cannot be resolved informally, then the parent make file a formal complaint to the Assistant Superintendent for Student Services. The 504 coordinator should inform the parents of the steps in this complaint process.