

Welcome!

During our time together, please:

- Keep yourself muted unless you want to speak
- Use chat to make comments or ask questions
- Questions and comments will be addressed during the last 10-15 minutes of the session when the video recording will be turned off
- Refrain from disclosing personal details
- Let us know if you need help turning on closed captioning before the session begins



SECTION 504 BASICS:

UNDERSTANDING 504 PLANS IN SCHOOLS

Our Mission

The mission of the PEAL Center is to educate and empower families to ensure that children, youth and young adults with disabilities and special health care needs lead rich, active lives as full members of their schools and communities.



Objectives

- Explain the purpose of Section 504 and Chapter 15 of the PA Board of Education Regulations that describes how Section 504 should be implemented
- Compare the differences between IEP and Section 504 purposes and their processes
- Describe how children can be eligible for Section 504 accommodations, and the steps that families need to take to acquire them

What is Section 504?

- Section 504 of the Rehabilitation Act of 1973 is a Civil Rights Law
- Chapter 15 of the PA Board of Education regulations describes the school's responsibility in implementing Section 504

Section 504, continued

- States that no otherwise qualified individual with a disability ... shall solely by reason of their 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...

Section 504 Prohibits Discriminatory Actions:

- Child should not be excluded from participation from some activity, or be treated differently due to their disability (unless necessary to ensure equality of opportunity)

Section 504 Requires Provision of FAPE

- Section 504 requires schools to provide a **free appropriate public education** to **qualified students** who have a physical or mental impairment that **substantially limits one or more major life activities**.

IDEA Eligibility (2 prongs):

- 1) Student has an IDEA disability, and
- 2) because of that disability, requires special education (specially-designed instruction)

Section 504 Eligibility:

Student has a physical or mental impairment that substantially limits one or more major life activities.

Side by Side Comparison: IDEA and 504

- **Side-by-side Comparison of IEPs and 504 plans**
<https://www.understood.org/articles/en/the-difference-between-ieps-and-504-plans>

How is a Student Eligible for Section 504 Protection in School?

- An evaluation determines that a student has “a physical or mental impairment that substantially limits one or more major life activities,” but they do not require specially-designed instruction, accommodations can be provided by the school through the 504 process
- [Protecting Students With Disabilities \(ed.gov\)](#)

Definition of “Physical or Mental Impairment”

- Any physiological, mental, emotional, neurological or psychological disorder or condition
 - such as intellectual disability, mental illness, specific learning disabilities, ADHD/ADD, etc.
- Disabilities that may affect one or more body systems

How is a “Substantial Limitation” determined?

- Case-by-Case determination
 - Law does not define “substantial limitation”
- Through the evaluation process
 - Including input from family, teachers, medical professionals, and others who know the student
- Impairment only needs to substantially limit a single major life activity to be considered a disability
- Reminder: Many students may have a physical or mental impairment, but if it does not *substantially limit* a major life activity, the student is not eligible.

Examples of “Major Life Activities”

- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Eating
- Swallowing
- Sleeping
- Working
- Learning
- Thinking
- Concentrating
- Reading
- Writing
- Communicating
- Applying fine motor coordination

Considerations for Chronic Health Conditions

- Often experience frequent absences
- Having a 504 does not prohibit a student from being evaluated for special education services.
- Beware of and address blanket policies
 - All students who need homebound instruction two hours of instruction per week.
 - Students are required to make up all missed work
 - Absences beyond 10 days need a medical excuse

What Specific Steps Must Schools Take?

1. Under the Child Find requirement a student who is thought to have a qualifying impairment should be referred for an evaluation
2. Teams will develop a written plan to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) for students eligible under 504

Evaluation

- Chapter 15 requires schools to respond to parents' written request for provision of services within 25 school days of receipt of request.
- Section 504 does not specify a time period in which evaluations should be completed
- OCR says the various steps in the placement process, which includes evaluation, must be completed in a "reasonable period of time."
- 504 regulations do not say Evaluation Report must be issued
- Reevaluations happen "periodically"

Evaluation

- Can be initiated by parent or school
- School must get written parental permission for initial evaluation
- Provide medical documentation if available
- Note: Medical diagnosis alone does not suffice as evaluation under 504

Free Appropriate Public Education (FAPE) under Section 504

- FAPE accommodations are provided in:
 - General education classrooms
 - Special classes (art, gym, music, etc.)
 - Extra-curricular activities
 - Field trips, etc.
- Designed to meet the child's individual needs

Procedural Safeguards

- Notice
- Right to review records
- Right to disagree
- Dispute resolution options
 - Informal conference (school district)
 - Impartial "due process" hearing (Office for Dispute Resolution)
 - Administrative Complaint (OCR or BSE)
 - Lawsuit

504 Service Agreement

- Chapter 15 (PA specific) requires that a service agreement be written for each “Protected Handicapped Student.”
- The service agreement:
 - Outlines the accommodations that have been agreed to by the school and parents
 - Is reviewed annually to ensure that it remains current
 - Is shared with all school personnel that works with the student
 - Can be amended if and when needed

Parental Involvement

- The LEA (school district) requires parental consent prior to providing services.
- Parental notification is required if there is a change to the service agreement or if the student’s eligibility for services or accommodations changes.
- Any substantial change in placement requires an evaluation-which requires parental consent

504 Plans Are Legal Documents!

- Students must receive all the services and supports listed in their 504 Plans.
- All personnel involved should receive a copy and implement the 504 plan.
- Parents should double check that involved personnel have a copy of the 504
- If Plan is not followed, parents (or others) can file complaint with PA's Bureau of Special Education or OCR.

Complaints to PA Dept. of Education and Office for Civil Rights

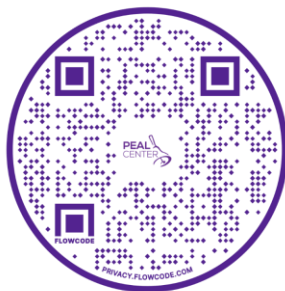
- Complaint links:
 - PDE <https://odr-pa.org/parent-resources/state-complaint-process/>
 - OCR <https://ocrcas.ed.gov/>

Red Flag Statements

- “We do it this way for every student.”
- “We don’t offer 504 plans in high school”
- “We can’t make any exceptions for your child.”
- “Only children with diabetes or asthma get 504 Plans.”
- "Your child no longer qualifies for an IEP but we can give you a 504" (consolation prize)



Evaluation: Section 504 Basics



HOW TO SCAN QR CODE



Open the Camera APP on your phone.



Point the camera at the circle.



Tap the screen to open the page.



<https://www.surveymonkey.com/r/PEALtrainingeval>

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Questions and Discussion



Chapter 15 Resources

- Chapter 15 Regulations (Protected Handicapped Students):
<https://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/022/chapter15/chap15toc.html&d>
- Teacher's Desk Reference: Chapter 15/Section 504
https://www.pattan.net/getmedia/fb622ac4-7091-4114-87c9-e625d441b776/TDR5_2_Chpt15_504_415
- PA's Basic Education Circular on Implementation of Chapter 15: <https://www.education.pa.gov/Policy-Funding/BECS/PACode/Pages/ImplChapter15.aspx>
- PA's Sample Service Agreement:
<https://www.education.pa.gov/Documents/Codes%20and%20Regulations/Basic%20Education%20Circulars/PA%20Code/ImpChapter15ServiceAgreement.pdf>

General 504 Plan Resources

- Section 504—Understood.org
https://assets.ctfassets.net/p0qf7j048i0q/5dUrdKK64Y7mtgnL8MWE0g/3220b7c1a857cd2f4700eca1f3cb66c9/Section_504_Fact_Sheet_Understood.pdf
- Individualized Section 504-Sample Plan
<https://www.advocacyinstitute.org/academy/Dec06504/my504plan.pdf>
- Office for Civil Rights: Protecting Students with Disabilities
<https://www2.ed.gov/about/offices/list/ocr/504faq.html>
- Section 504 <https://www.parentcenterhub.org/section504/>
- The Power of 504 Plans—Strategies for Advocates
https://www.advocacyinstitute.org/academy/Dec06504/StrategiesforAdvocates_504.pdf

Thank You!



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