

I. Section 504

Section 504 is a part of the Rehabilitation Act of 1973, a federal law that protects the rights of individuals with disabilities. Section 504 applies to public school systems, and, therefore, students with disabilities in public schools are covered under Section 504.

In short, Section 504 requires public schools to allow students with disabilities to participate in any school program or activity, regardless of his or her disability. Students with disabilities may not be discriminated against at school or at school-sponsored activities because of his or her disability.

Distinctions between IDEA and Section 504:	
IDEA	Section 504
<ul style="list-style-type: none">• Student is required to have an IEP• Specialized instruction and related services must be provided to the student• Special education and/or general education settings• Provides related services, if required.	<ul style="list-style-type: none">• Student is required to have a Section 504 plan• Accommodations must be provided to the student• Students often receive services in the general education setting• Provides related services, if needed.

Eligibility

Any regular education student is covered under Section 504 if the student meets the following:

1. Mental or physical impairment
 - a. Or, having a record of a mental or physical impairment
 - b. Or, being regarded as having a mental or physical impairment
2. The impairment substantially limits a major life activity
 - A major life activity includes:
 - Caring for oneself
 - Sleeping
 - Standing
 - Walking
 - Lifting
 - Bending
 - Hearing

- Seeing
- Speaking
- Working
- Breathing
- Reading
- Thinking
- Communicating
- Attending school, etc.

Examples of students who may be eligible for accommodations under Section 504:

- Students with:
 - HIV/Aids
 - Tourette's syndrome
 - Attention deficit hyperactivity disorder (ADHD)
 - Heart malfunctions
 - Communicable diseases
 - Urinary conditions
 - Blood disorder
 - Chronic fatigue syndrome
 - School phobia
 - Respiratory conditions
 - Blood/sugar disorders
 - Post traumatic disorders
 - Pregnancy (with health issues that affect ability to learn)
 - Epilepsy
 - Cancer
 - Repetitive motion syndrome
 - Birth defects
 - Tuberculosis, etc.
- Students with hidden disabilities (physical or mental impairments that are not readily apparent to others), such as:
 - Specific learning disabilities
 - Diabetes
 - Epilepsy
 - Allergies
 - Low vision
 - Poor hearing
 - Heart disease
 - Other chronic illness.

Evaluations

Requesting a Section 504 evaluation

A parent can request an evaluation to determine if the student is eligible for Section 504 services.

- Parents should make the request in writing to the school district's Section 504 Coordinator.
- The requested evaluation must occur within eighty (80) days after the parent has given consent for the evaluation.

Evaluation requirements

A student must be evaluated by a team of individuals to determine if he or she is eligible to receive services under Section 504.

- The parent is not a required member of the eligibility team, but the eligibility team will likely share the results of the evaluation with the parent.
- The evaluation will assess an Intelligence Quotient (IQ) and specific areas of educational need, including physical condition, social and cultural background, behaviors, assistive technology, speech, and hearing.
- The results of the evaluate are used to:
 1. Determine if the student is eligible to receive services under Section 504;
 2. Understand how the student's disability affects his or her education; and
 3. Make recommendations for the student's educational services.

Reevaluation

Section 504 requires a periodic reevaluation.

- When a student is reevaluated, the team can determine if the student is making progress since the initial evaluation.

Services

A team of individuals will determine what services or accommodations the student needs.

- The team will be made up of individuals who are knowledgeable about the student, including the parent and the student, school principal, teachers, other educators, and/or other school personnel.

The team must ensure that the student is placed with his or her peers without disabilities to the maximum extent possible.

Section 504 Plan

The school must develop a 504 plan.

An appropriate 504 plan:

- The 504 plan should explain the student's disability and how the disability affects the student's education.
- Information in the 504 plan may come from evaluations (including privately obtained evaluations), educational records, medical records, etc.
- The 504 plan should describe specifically how each of the accommodations, modifications or services will be implemented to make sure the student's educational needs are met.

Accommodations and Modifications

Accommodations and modifications are changes to a student's education plan or curriculum to address a specific limitation or deficit, or to meet a specific need of the student.

- Modifications and accommodations should operate to maximize the student's learning while minimizing attention to the student's disability or attention.
- Accommodations and modifications should place the student with a disability on a level "playing field" with a student without disabilities.
- There is no specific list of modifications and accommodations. Rather, they must be made based on the student's individual needs.
- The accommodations and/or modifications cannot alter outcome scores in required statewide testing.

Modifications are changes in what a student is expect to learn.

- Modifications in a 504 plan must be followed by the school.
- Modifications can be made to a school, classroom, or program.

Accommodations are changes in how a student accesses information and demonstrates learning.

- Accommodations do not substantially change the instructional level, content, or performance criteria.

Examples of Accommodations:

- Aides for extracurricular or other non-academic activities
- Modification of assignments, instructions, or exams
- Oral testing (given to the student or received from the student)
- Copies of notes or audio recording by an instructor
- Extra set of textbooks for use at home
- Use of a study guide and other organization tools
- Peer tutor
- Preferential seating
- School counseling
- Modification of recess or physical education
- Modification of transportation
- Use of necessary health care procedures through a health care plan
- Reduction of written work
- Textbooks or course materials in alternative formats (textbooks on audiotape, enlarged printed materials, Braille, etc.)

Information and material developed from West Virginia Department of Education Policy 2419 and “A Parent’s Advocacy Guide to Special Education.”