



Section 504: A Primer for Parents

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Pre-test:

What is Section 504?

Three ways 504 is different from IDEA

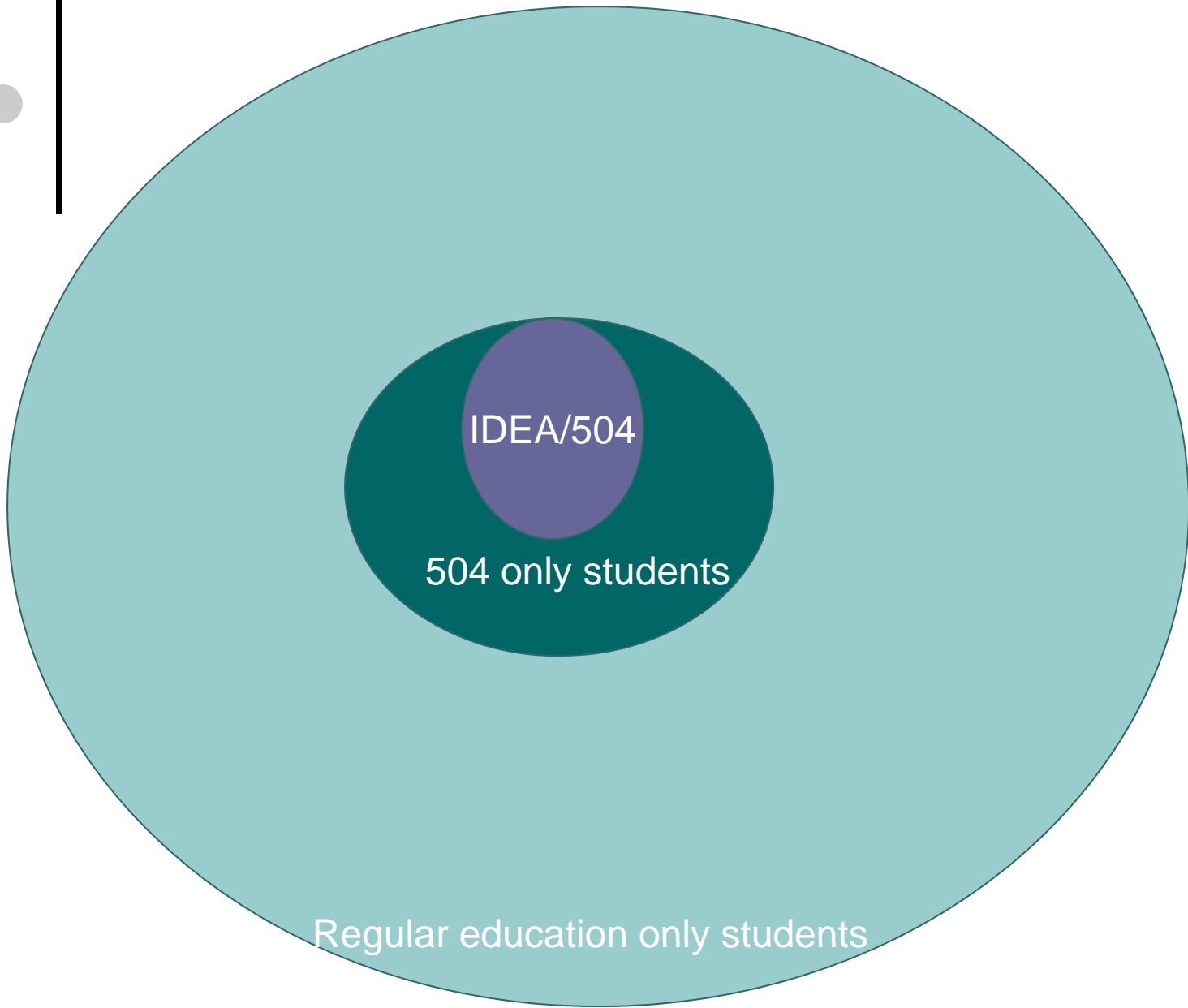
How 504 eligibility has changed since 12/08

Three questions you want answered today



What is Section 504?





Regular education only students

504 only students

IDEA/504

Who is a “student with a disability” under Section 504?

- Physical or mental impairment
- Substantially limits
- Major life activity

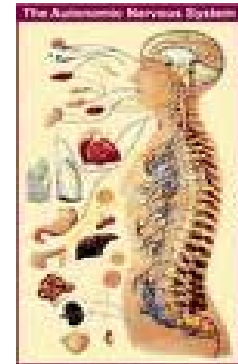
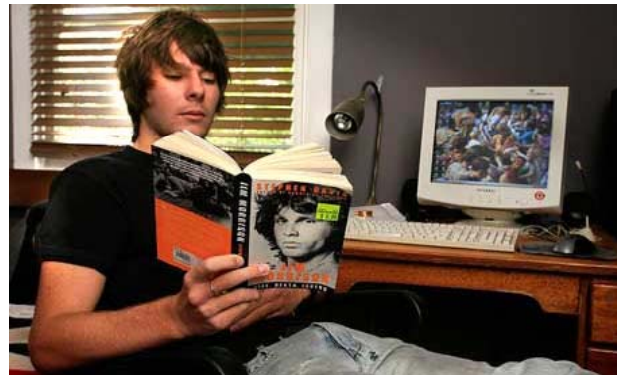


- ● ● | Three ways to be protected by Section 504

	FAPE (plan)	Nondiscrimination
Physical or mental impairment	YES*	YES
Record or history of...	NO	YES
Regarded as...	NO	YES

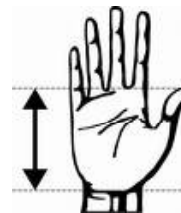
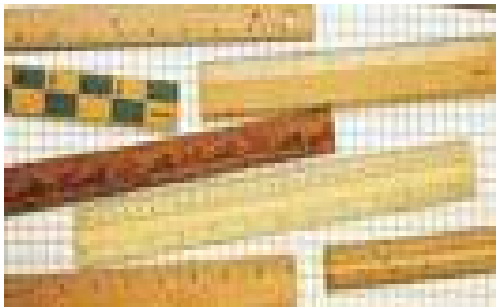
*If needed to access education

What are major life activities?



What is a substantial limitation?

restricted as to condition, manner, duration in performance of basic life activity compared to average person in general population



ADA Amendments of 2008: Consider without regard to mitigating circumstances: medication, hearing aids, wheelchairs, walkers, electronic devices, adaptive devices, etc. (okay to consider regular eyeglasses & contact lenses)



504 vs. IDEA

- Health conditions such as asthma, allergies, diabetes, epilepsy
- Learning disabilities
- Physical conditions such as cerebral palsy, vision, hearing impairment
- Behavior or psychological conditions such as ADHD, depression, phobias, anxiety, Asperger's syndrome



Review of 504 Procedures

- Team-based decision making
- Evaluation – what is needed?
- Parent consent
- 504 Eligibility
- 504 Student Accommodation Plan
- Notice of Rights
- Periodic review (annual)



Who is on the 504 team?

- Someone who knows about the child
- Someone who knows about evaluation data
- Someone who knows about accommodations/placement options



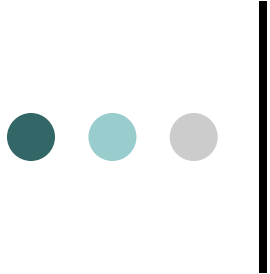
Evaluation

- Evaluate under special ed if reason to suspect SLD, ED, OHI, etc., rule out and then go to 504
- If medical/physical without impact on learning, do eval under 504 – include nursing assessment
- Written parent consent



504 Eligibility determination

- Who should attend?
- Eligibility determination
 - Physical or mental impairment?
 - Substantial limitation in a major life activity?
 - Need for 504 plan?
- Copy to parent



Section 504 student accommodation plan

- Who participates?
- What is the impact of the impairment on the student's access to education or in education setting?
- What accommodations, services or supports are needed?
- What placement?
- Copy to parent – notice of rights



Implementation of 504 plans

- Teachers should be notified and understand what the 504 plan requires.
- Periodic review
- Problem-solving implementation issues



Discipline Protections

- Similar protections as under the IDEA
- Manifestation Determination if change in placement:
 - if disciplinary removal will exceed ten consecutive school days in a school year
 - For cumulative days – use if more than 10 and “pattern”



Considerations for Manifestation Determination

- Was conduct the direct result of the school's failure to implement the 504 plan?
- Was the conduct caused by the student's disability OR was it directly and substantially related to the student's disability?
- Examples



Dispute Resolution Options

More Informal

- Parent-teacher conference
- Contact principal or building 504 coordinator
- Contact district 504 coordinator

More Formal

- District grievance (appeal to ODE)
- Complaint to Office for Civil Rights (OCR)
-
- Due Process Hearing (ODE)



Resources

- Section 504 Guide for Parents and Teachers
- ODE Student Access Manual (ODE website)
- OCR Q & A (OCR website)
- ODE – Winston Cornwall, Civil Rights Specialist
(winston.cornwall@state.or.us)



Websites for More Information

ODE: www.ode.state.or.us

OCR:

<http://www2.ed.gov/about/offices/list/ocr/aboutocr.html>

<http://www2.ed.gov/about/offices/list/ocr/qa-disability.html>



Closure

- Questions?
- Revisit pre-test
- Evaluation