



## **Portland Public Schools**

### **Section 504 of the Rehabilitation Act: A Guide for Parents and Teachers**

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*Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against students and/or employees with disabilities. This guide provides information on Section 504 as well as the obligations of Portland Public Schools.*

**Produced by:  
Portland Public Schools  
Integrated Student  
Support Department**

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*Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society. All individuals and groups shall be treated with fairness in all activities, programs and operations, without regard to age, color, creed, disability, marital status, national origin, race, religion, sex, or sexual orientation.*

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<b>What is Section 504?</b>	<p>“Section 504” is Section 504 of the Rehabilitation Act of 1973, a federal civil rights statute protecting persons with disabilities from discrimination. Section 504 applies to all agencies that receive federal funds, including public schools.</p>
<b>How is “disability” defined under Section 504?</b>	<p>Section 504 defines disability as a physical or mental impairment that substantially limits a major life activity.</p> <p><i>A physical impairment</i> is a medical condition or disorder of bodily functions.</p> <p><i>A mental impairment</i> is a cognitive, learning or psychological disorder.</p> <p><i>A major life activity</i> includes seeing, hearing, speaking, walking, bending, learning, reading, concentrating, thinking, working, caring for oneself, performing manual tasks, and other similar types of activities.</p> <p>Major life activities also include bodily functions such as breathing, sleeping, neurological functioning, bowel/bladder functioning, and other bodily functions.</p> <p><i>A substantial limitation</i> means that the student is significantly restricted as to the condition, manner or duration under which a student can perform a particular major life activity as compared to the average student population.</p>
<b>What does Section 504 do for students with disabilities?</b>	<p>Students with disabilities are <i>protected from discrimination</i> on the basis of disability if they have a mental or physical impairment that substantially limits a basic life activity, or have a history of such an impairment or are treated as if they have such an impairment.</p> <p>Under Section 504, students with a mental or physical impairment that substantially limits a basic life activity are entitled to a <i>free appropriate public education</i>, including regular education and other accommodations or supports that are designed to meet the individual educational needs of a student with a disability as adequately as the needs of nondisabled students are met.</p>
<b>Who should be referred for Section 504 consideration?</b>	<p>Parents and teachers should refer any student who is suspected of having a physical or mental impairment and who is believed to need accommodations or supports to receive a free appropriate public education.</p>
<b>How is a referral made?</b>	<p>A parent or teacher may begin the referral process by talking to the school’s principal or assistant principal, a school</p>

	counselor, or the school's 504 coordinator. Referrals will typically go to the Building Screening Committee. Sometimes referrals will go directly to a 504 team or a special education team.
<b>Who makes decisions about whether a student has a disability under Section 504?</b>	This decision is made by a team that includes someone who is knowledgeable about the student, about the evaluation data, and about placement or support options. Typically, parents are invited to participate as part of this team.
<b>What information does the team consider?</b>	<p>The team considers information from the parents and teachers along with any information from the student's outside health or medical providers. If further testing is needed, the district will ask parents for their written consent for testing. Sometimes a school nurse will be involved in assessing the impact of a student's disability at school and reviewing information from health or medical providers.</p> <p>For students who transfer in from another district, the team will consider information from the previous school or school district.</p> <p>Parents may be asked to provide a copy of previously conducted medical assessments. Parents may be asked to give written consent for the school to request medical, health, psychological, or other records. Parents may also be asked to get a medical statement or health assessment statement from the student's health care provider.</p>
<b>What decisions does the team make?</b>	<p>The team must decide whether the student has a disability under Section 504. If so, the team must then decide if the student needs a Section 504 Student Accommodation Plan to access his or her education.</p> <p>The team's decisions are documented and parents are given a copy, along with a Statement of Parent and Student Rights under Section 504.</p>
<b>What is a Section 504 Student Accommodation Plan?</b>	<p>The Section 504 Student Accommodation Plan documents the specific accommodations or supports the student needs to ensure that the individual needs of the student with a disability are met as adequately as the needs of non-disabled students. The comparison is to an average student in the general population. The Section 504 plan is designed to provide <i>appropriate supports</i>, not necessarily all of the supports that would "maximize the student's potential" or "the best supports".</p> <p>The team makes an individual determination of the student's</p>

	educational needs and supports required. Like special education services, 504 plans must be implemented in <i>the least restrictive environment</i> .
<b>Will every student with a disability under Section 504 have a Section 504 Student Accommodation Plan?</b>	<p>Most will, but not necessarily all. When considering whether a student has a disability under Section 504, the team cannot consider any factors such as medication, assistive devices such as hearing aides, or other individual supports or aids for the student (other than ordinary eyeglasses or contact lenses). (These are called “mitigating factors”.)</p> <p>In some cases, the student may not need a Section 504 Plan if the individual supports or aids (mitigating factors above) adequately allow access to the educational setting.</p>
<b>What are “accommodations”?</b>	Accommodations are adjustments that are designed to lessen the impact of the student’s disability to provide access to the school program. There is no “list” of approved accommodations. Accommodations should be determined individually for each student.
<b>Must the team accept the doctor or health care provider’s recommendations for accommodations?</b>	While a doctor may be qualified to provide a medical diagnosis, it is important to remember that a doctor or medical provider’s recommendations are suggestions. The school team must consider multiple sources of information to determine whether the student has a disability and to decide what accommodations and services, if any, are needed.
<b>Is a Section 504 Student Accommodation Plan the same as an IEP?</b>	<p>No. An IEP (Individualized Education Program) is written for students who have disabilities under the Individuals with Disabilities Education Act (IDEA). These students must need special education services to be eligible for an IEP.</p> <p>A Section 504 Student Accommodation Plan is similar to an IEP but not as detailed. Students with disabilities under 504 who do not need special education services may have a 504 plan if they need accommodations or other supports in the school setting to access their education.</p>
<b>What happens if the team does not agree about whether the student has a disability or about what needs to be on the plan?</b>	The team should try to reach consensus. If consensus is not possible, then the district members of the team (typically an administrator) will decide the matter. If the parent does not agree, the parent may pursue resolution options.
<b>What are the resolution options under Section 504?</b>	The parent may ask for an informal meeting with a school principal or assistant principal to review the matter and share concerns.

	<p>The parent or district staff may contact the PPS 504 Program Manager for consultation or facilitation. The parent or district staff may contact the PPS Integrated Student Services Parent Liaison for consultation or support.</p> <p>The parent may use the PPS Section 504 Grievance Procedure or file a complaint with the federal Office for Civil Rights.</p> <p>Parents also have the right to request a hearing from the Oregon Department of Education if they disagree with the identification, evaluation, placement or provision of appropriate services to the student.</p>
<p><b>When should the student’s Section 504 Accommodation Plan be reviewed?</b></p>	<p>The plan should be reviewed at least annually.</p> <p>If the district is considering a significant change in placement, then a reevaluation and review should be conducted before that change.</p>
<p><b>What is a “significant change in placement”?</b></p>	<p>A significant change in placement is a placement that changes the nature, type or duration of the educational program for the student. A minor change in program such as a new teacher or moving to another classroom at the same level, or moving to another building in the same type of program would not be considered a significant change.</p> <p>Significant changes in placement occur because the student’s needs change or because the student has engaged in conduct that results in a disciplinary removal from school.</p>
<p><b>Are all suspensions and expulsions from school considered a significant change in placement?</b></p>	<p>No. A suspension or expulsion of more than 10 school days in a row would be considered a significant change in placement.</p> <p>Shorter suspensions that add up to more than ten school days may also be considered a significant change in placement if there is a “pattern” to the removals. “Pattern” is determined by looking at the length of each removals, how close the removals are to each other, and the total amount of time removed.</p>
<p><b>How is a “504 only” student protected from being suspended or expelled for conduct that is related to the student’s disability?</b></p>	<p>Before the school implements a suspension or expulsion that would be a change in placement, the school must hold a team meeting to do a <i>manifestation review</i>. The team considers:</p> <ul style="list-style-type: none"> <li>• whether the student’s conduct <i>was caused by or had a direct and substantial relationship</i> to the student’s disability; and</li> </ul>

	<ul style="list-style-type: none"> <li>• whether the student’s conduct was <i>a direct result</i> of the school not implementing the student’s Section 504 Student Accommodation Plan.</li> </ul> <p>If the team concludes that either of these are true, then the school may not impose the suspension or expulsion. (However, the student may be disciplined for drug or alcohol related offenses to the same extent as students without disabilities.)</p> <p>If the team concludes that the conduct was not caused by or directly related to the student’s disability and not caused by lack of implementation of the 504 plan, the student may be disciplined in the same manner as students without disabilities.</p>
<p><b>Who should I contact for more information about Section 504?</b></p>	<p>Each PPS school has a 504 coordinator. You may also contact the PPS 504 Program Manager.</p>