

# SECTION 504

## *What You Should Know*

### WHAT IS SECTION 504?

Section 504 is a civil rights law that protects individuals with disabilities against discrimination. It applies to all areas of the public and private sector, including schools and other educational environments. It is a federal statute that mandates schools cannot discriminate against children with disabilities and must provide eligible children with an equal opportunity to participate in all academic and non-academic services. If the student needs accommodations to participate, schools must provide individualized accommodations.

Section 504 covers students, employees, and other individuals with disabilities who require accommodations in order to work and learn in the community setting and in schools.

Each school district is required to have a designated 504 Coordinator.

The Office of Civil Rights provides monitoring and oversight of this federal law.



***A 504 Plan levels the educational playing field so all students can benefit from their education.***

### Accommodations

Actions or services provided to meet the educational needs of a student with a disability as adequately as the needs of a nondisabled student are met. Accommodations may include alterations to the environment, curriculum format, or equipment that allows an individual to gain access to content and/or complete assigned tasks. Accommodations allow students with disabilities to participate in a regular course of study.

## ROLE OF THE PARENT/GUARDIAN

### IN THE 504 PROCESS

- ◆ Share concerns with the school early, before they become major problems.
- ◆ Be involved in Section 504 meetings concerning your child.
- ◆ Assist in developing appropriate accommodations for your child.
- ◆ Encourage your child to cooperate with school staff and do their best.
- ◆ Collaborate with other agencies, such as vocational rehabilitation, when appropriate.
- ◆ Use the school grievance procedure or mediation as options if a difference cannot be resolved with the school.

## PARENT/GUARDIAN BRINGS A UNIQUE PERSPECTIVE AND INFLUENCE

Parents/Guardians:

- ◆ bring important information about your child's history and a vision for their future.
- ◆ should have input equal to the professionals in creation of the 504 Plan.
- ◆ are *the* consistent member of the team, year after year.
- ◆ support child's success through words and actions at home.
- ◆ have a right to their child's progress reports and school records. Ask to have the reports explained to understand how your child is doing.

### SUGGESTED 504 TEAM MEMBERS:

The 504 plan team members can vary but often include:

- ◆ A parent or guardian
- ◆ The child's general-education teacher
- ◆ The principal
- ◆ A special-education teacher
- ◆ School counselor
- ◆ School nurse
- ◆ Designated 504 Coordinator

With 504 plans, it's most important to include the people who know your child best.

## HOW DO STUDENTS QUALIFY FOR ACCOMMODATIONS UNDER SECTION 504?

In order to be eligible, the student must have a physical or mental condition that **substantially limits a "major life activity."**

Major life activities include:

- ◆ Learning (including reading, concentrating, thinking, communicating)
- ◆ Major Bodily Functions such as:  
Walking  
Talking  
Breathing

◆ Caring for oneself  
Students typically covered under Section 504 are usually students with less serious disabilities, or who do not otherwise qualify for services under IDEA\* but still have a disability that substantially limits participation in an educational setting.

<https://chadd.org/for-parents/section-504/>

\*IDEA-Individuals with Disabilities Education Act

### TIPS FOR PARENT/GUARDIAN TO PREPARE FOR A 504 MEETING:

- ◆ Stay organized
- ◆ Highlight your child's history
- ◆ Be aware of the necessary requirements
- ◆ Ask for relevant information before the meeting
- ◆ Know who is attending
- ◆ Stay connected to your child's educator
- ◆ Do your research
- ◆ Bring relevant documents
- ◆ Identify and prioritize your goals for your child
- ◆ Bring someone along for moral support
- ◆ Make sure you receive a signed copy of the completed 504 Plan

## QUESTIONS TO CONSIDER AS THE PARENT/GUARDIAN

- ◆ Will the accommodations help my child participate effectively in the general curriculum or regular education classroom?
- ◆ Is my child comfortable with classmates learning more about their disability and why they need accommodations?
- ◆ Do any current accommodations interfere with my child's ability to interact with classmates? Can the school make the adaptations less disruptive?
- ◆ Are accommodations written clearly and specifically so they can be implemented consistently?
- ◆ Is it clear who is responsible for providing each accommodation?
- ◆ Who will communicate the accommodations to other staff members?
- ◆ How will the staff obtain training and information necessary to meet my child's needs?



## WHAT DOES A 504 PLAN LOOK LIKE?

While not as formal as an Individual Education Plan, most schools have a standard form they use.

The form will include:

- ◆ Student information (name, birthday, school, grade level).
- ◆ Questions addressing whether the student has a physical or mental disability that substantially limits a major life function.
- ◆ Written verification of the disability.
- ◆ Questions addressing whether the student's disability requires instructional accommodations and/or related services in order for the student to benefit from their educational experience.
- ◆ A place to document necessary accommodations.
- ◆ A place to document the accommodations that may be implemented to meet the student's needs.
- ◆ A place for everyone in attendance to sign to verify participation in decision making.

## ***Substantial Limitation:***

This term is to be defined by each local district. Most use the definition similar to the one found in the Americans with Disabilities Act: The student, when compared to the average student of the same age, in the general population, is unable to perform or is significantly restricted in the level of performance in a major life activity area. (Examples: walking, breathing, learning, reading, concentrating, thinking, communicating, seeing, speaking, caring for one's self, working, helping, eating, sleeping, standing, lifting, bending, and operation of a bodily function.)

## Accommodation Examples

Suggestions, but not limited to:

- ◆ Allow extra time to complete assignments and tests.
- ◆ Chunking/breaking down assigned coursework.
- ◆ Provide an extra set of textbooks for home.
- ◆ Adjust student seating: preferential seating/quiet area to complete work such as library or resource room.
- ◆ Use study guides and organizing tools.
- ◆ Provide a peer tutor/helper.
- ◆ Provide school counseling.
- ◆ Have the student use an organizer to improve organizational skills.
- ◆ Customize recess/PE/transportation.
- ◆ Extra time within the student's day to work with school nurse regarding medication or treatment.
- ◆ Use enlarged graph paper to write problems to help the student keep numbers in columns.
- ◆ Assign a "work buddy" to make sure all needed materials and books are brought home.
- ◆ Arrange a "check-in" time to organize the student's day and a "check-out" time at the end of the day.
- ◆ Go over directions orally. Have materials read to the student, and allow oral responses.

# Who To Talk To If You Have More Questions

## South Dakota Parent Connection

1-800-640-4553

[www.sdparent.org](http://www.sdparent.org)

### Resources

- ◆ What Parents Should Know About Supporting Students Through 504 and Health Plans
- ◆ The Ins and Outs of a 504 Plan

## SD Department of Education

605-773-3678

<https://doe.sd.gov/oatq/civilrights.aspx>

### Resources

- ◆ Section 504 Resources

## South Dakota Statewide Family Engagement Center (SD SFEC)

605-484-3401

<https://sdsfec.org/>

## Office for Civil Rights

1-800-421-3481

<https://www.hhs.gov/ocr/index.html>

## Regional Office for Civil Rights– Kansas City, MO

1-816-268-0550

[www.ed.gov](http://www.ed.gov)

## Wrightslaw

1-877-873-8500

<https://www.wrightslaw.com/info/sec504.index.htm>

## The School Superintendents Association

### Resources

- ◆ Legally Best Practices in Section 504 Plans

## Understood

<https://www.understood.org/>

### Resources

- ◆ 504 Plans and Your Child: A Guide for Families

