

# SECTION 504

**PRIMER FOR EDUCATORS AND  
PARENTS OF CHILDREN WITH  
VISUAL IMPAIRMENTS**

**REVISED 2007**

*SECTION 504  
ANOTHER SERVICE OPTION FOR  
STUDENTS WITH VISUAL IMPAIRMENTS*

### **DISCLAIMER**

The Section 504 Primer is intended for general awareness and guidance regarding using Section 504, as a service option for eligible students with disabilities. **THIS DOCUMENT DOES NOT NECESSARILY REFLECT THE LEGAL OPINIONS OF THE U.S. DEPARTMENT OF EDUCATION OR THE OFFICE FOR CIVIL RIGHTS. THIS DOCUMENT IS NOT INTENDED TO PROVIDE LEGAL ADVICE.**

# CONTENTS

Overview.....	1
Suggested Section 504 Referral Process and Eligibility.....	3
Examples of Accommodations.....	9
Accommodation Plans.....	15
Section 504 and Special Education.....	21
Definitions and Acronyms.....	31

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# OVERVIEW

The purpose of this information is to give a practical overview of Section 504 for educators and parents of a student with visual impairments. **This document addresses student issues, not employment.** Questions can be directed to the school district Section 504 Coordinator.

*Section 504 is a federal statute that prohibits discrimination based upon a disability. This document addresses subpart D of the regulations, which applies to preschool, elementary, secondary, and charter schools that receive federal money.*

**Section 504 covers eligible students, employees, and other individuals with disabilities** for accommodations that enable them to work or learn. Section 504 is what good teachers do for students with disabilities, making practical accommodations to “level the educational playing field” so students can benefit from their education. The great majority of academic accommodations should take place in the general education classroom. A school team knowledgeable of the person determines, with evaluation data, if the student meets eligibility criteria. The following is the definition of a disability under Section 504. Obligations for school districts start when federal funds are received.

## ELIGIBILITY FOR ACCOMMODATIONS

**A student may be considered disabled under the definition of Section 504 if the student:**

1. *Has a mental or physical impairment that substantially limits one or more of such person’s major life activities.*

“Major life activities” include functions such as

- |                 |                          |                        |
|-----------------|--------------------------|------------------------|
| —Learning       | —Performing manual tasks |                        |
| —Walking        | —Working                 |                        |
| — <b>Seeing</b> | —Hearing                 |                        |
| —Speaking       | —Breathing               | —Caring for one’s self |

The above criteria need to be justified with good evaluation data and made by a school team, including the parents. For example, if a student has a physical impairment that substantially limits the major life activity of seeing and this impacts education, a Section 504 Accommodation Plan might be necessary.

2. *Has a record of such an impairment.*
3. *Is regarded as having such an impairment.*

The second and third prongs of the definition only become a factor if discrimination has occurred because of the “record” or “perception.” The first prong above is used to determine eligibility for Section 504 accommodations.

**Section 504 should be a general education management responsibility.** The Americans with Disabilities Act broadened protection for individuals with disabilities to the community, business, and private programs.

# CHILDREN WITH VISUAL IMPAIRMENTS

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## SCHOOL-RELATED BEHAVIORS OF MAJOR LIFE ACTIVITIES

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### MAJOR LIFE ACTIVITIES

### BEHAVIORS (EXAMPLES)

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Learning	<ul style="list-style-type: none"><li>• Difficulty in learning to read</li><li>• Difficulty with staying on task or following directions</li><li>• Problems in completing assignments and keeping pace with the class</li></ul>
Caring for one's self	<ul style="list-style-type: none"><li>• Inability to use bathroom facilities without supports, e.g., catheterization</li><li>• Difficulty in changing into gym clothes without assistance</li></ul>
Performing manual tasks	<ul style="list-style-type: none"><li>• Inability to manipulate laboratory equipment for someone with cerebral palsy</li><li>• Difficulties in learning keyboarding skills for someone with motor involvement resulting from a traumatic brain injury</li></ul>
Walking	<ul style="list-style-type: none"><li>• Inability to access the auditorium for drama class</li><li>• Difficulty in getting from one class to another because of limited mobility.</li></ul>
Seeing	<ul style="list-style-type: none"><li>• <b>Inability to see chalkboard</b></li><li>• <b>Difficulty using in-class materials that are low contrast</b></li></ul>
Hearing	<ul style="list-style-type: none"><li>• Difficulty hearing speaker due to auditory and visual distractions</li><li>• Not seated in an advantageous location to capitalize on residual hearing</li></ul>
Speaking	<ul style="list-style-type: none"><li>• Inability to convey understandable messages</li><li>• Problems interacting with others in social contexts</li></ul>
Breathing	<ul style="list-style-type: none"><li>• Physical reaction to various allergens</li><li>• Difficulty breathing due to asthma</li></ul>
Working	<ul style="list-style-type: none"><li>• Emotional problems that interfere with vocational training</li><li>• Problems with physical accessibility on training sites</li></ul>

# **SUGGESTED SECTION 504 REFERRAL PROCESS AND ELIGIBILITY**

*The following few pages give a suggested referral for evaluation, eligibility, and accommodation process for eligible students under Section 504.*





### PROCESS FOR DETERMINING 504 ACCOMMODATIONS

The following is a suggested Section 504 process:

#### EARLY INTERVENING

This process is given different names—Student Assistance Team and Teacher Assistance Team are examples. **This is a general education responsibility.**

1. If a student experiences educational difficulties, a team meets to discuss the concerns.
2. The team suggests research-based intervention strategies to help correct the difficulties. The primary function of the early intervening team is to offer assistance to teachers who have students who are experiencing academic and/or behavioral problems.
3. If the strategies over time are unsuccessful, the team can make a referral for evaluation to Section 504, special education, Title I, or other school programs. The same team can serve as the Section 504 committee. Many schools start with an evaluation for special education to rule out the possibility of special education eligibility.

—BEST PRACTICE—

*The parents should be involved throughout the process.  
The school should keep adequate written documentation.*

#### REFERRAL FOR EVALUATION

4. Referrals are accepted from parents and the school. Ideally, all referrals should go through the early intervening team.
5. The problem(s) and previous remedies are considered and reviewed. The summary should include all current information and recommendations.

#### NOTIFICATION

6. The school notifies the parents or guardians, in writing, of the school's reason for and intent of conducting an evaluation. The notice should include a description of the evaluation and of procedural safeguards for parents.

### WRITTEN CONSENT

7. Securing written consent before the initial accommodations should always be considered a best practice.

### EVALUATION

8. The school evaluates all students with disabilities before making an initial placement or any subsequent, significant change in placement. Many schools evaluate a student for possible special education eligibility before considering Section 504.

—BEST PRACTICE—

*If the student has a learning difficulty or has attention problems, it might be wise to conduct a special education evaluation to rule out a learning disability or other disability in special education.*

### ELIGIBILITY

9. A recommended strategy is to use the early intervening team as the Section 504 team. The team, with the parents, meets and analyzes the evaluation data to determine if the student **has a mental or physical impairment that substantially limits a major life activity and is in need of educational related accommodations**. Section 504 accommodation should, to the maximum extent possible, occur in the general education environment.

### WRITTEN CONSENT

10. Securing written consent before the initial service should always be considered a best practice.

### ACCOMMODATION PLAN

11. Accommodations are designed to meet the unique needs of the student and are implemented in the general education classroom. If the student has a health care concern, the accommodation plan would be an Individualized Health Care and/or Emergency Plan.

### PLACEMENT FOR SERVICES

12. The accommodations are implemented in the general education environment. If a student is so severe they need to be educated in another environment, the student might be eligible for special education.

### IMPLEMENTATION

13. The school staff makes the necessary accommodations to allow for the student's special learning and/or health care needs. Parents should be consulted and given opportunity for input regarding the accommodations.
13. The accommodations are implemented.

### REVIEW

15. Each student's accommodations and/or services are reviewed periodically.

—BEST PRACTICE—

*The team should review the accommodation plan at least annually.*



# EXAMPLES OF ACCOMMODATIONS

*This section illustrates some of the more common accommodations for the eligible student with a visual impairment. Remember, Section 504 could cover any disability if it is substantially limiting to a major life activity that impacts education. Many students with visual impairments will receive services through special education or early intervening services.*



## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

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*Many students who are blind or have other visual impairments are being served in special education with an Individualized Education Program (IEP). The following accommodations are just suggestions for IEP Teams or Section 504 Committees. Most accommodations are common sense and already within current school resources. Many schools are doing “Section 504” and not realizing it—good teachers accommodate to “level the educational playing field.”*

BLINDNESS
<p><i>EXAMPLE: Michael has been blind since birth. He has been attending school at the State School for Deaf and Blind. He is returning to his neighborhood school as a 5<sup>th</sup> grader. Michael has a physical impairment that substantially limits the major life activity of seeing and impacts learning.</i></p>

### POSSIBLE ACCOMMODATIONS

- Braille
- Nemeth Braille code
- Tactile graphics
- Read aloud
- Audiotape or compact disk
- Large print Braille notes, outlines, and instructions
- Talking materials
- Express response to a scribe through speech
- Type on Braille
- Speak into tape recorder
- Tactile graphics

- Oral examinations and directions
- Orientation and mobility training
- Provide awareness information for peer group.
- Use calculation devices (e.g., talking calculator with enlarged keys, abacus)
- Use personal note taker
- Change location to increase physical access
- Change location to access special equipment
- Extended time on assignments and exams
- Adapt physical education

VISUAL IMPAIRMENT
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<p><i>EXAMPLE: Hannah has been tested with a visual acuity of 20/200 in both eyes. She wears glasses but still has difficulty seeing. Hannah is entering 7<sup>th</sup> grade. Hannah has a physical impairment that substantially limits the major life activity of seeing and impacts her learning.</i></p>
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### POSSIBLE ACCOMMODATIONS

- Provide seating accommodations
- Modify assignments and tests
- Provide an extra set of textbooks for home
- Tape books or provide a personal reader
- Adapt physical education curriculum
- Allow extra time between classes
- Arrange for someone else to take notes
- Record lectures/presentations



## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

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- Orientation and mobility training
- Have teacher provide outlines of presentation
- Modify curriculum for the lab classes
- Let student give reports in oral form rather than written
- Provide education to peers/teachers/others (bus drivers, cooks, etc.)
- Modify field trip experiences
- Use simple, concise instructions
- Provide a peer tutor/helper
- Change instructional pace
- Initiate frequent parent communication
- Provide appropriate assistive technology
- Arrange classroom furniture to provide room to negotiate and move around classroom seating
- Allow preferential seating
- Test verbally



# ACCOMMODATION PLANS

*There are no “set forms” for Section 504. Keep it simple, but document as necessary.*

*This section provides an example of forms that could be used as an eligibility and accommodation plan. All Section 504 documentation falls under the requirements of the Family Educational Rights and Privacy Act (FERPA).*



**SECTION 504  
ELIGIBILITY AND STUDENT ACCOMMODATION PLAN**

Student: \_\_\_\_\_  
School: \_\_\_\_\_  
Review date: \_\_\_\_\_

Date: \_\_\_\_\_  
DOB: \_\_\_\_\_  
Case manager: \_\_\_\_\_

**PART 1: ELIGIBILITY**

1. Does the student have a physical or mental impairment that substantially limits one or more of his/her major life activities? [ ] YES [ ] NO

- |  |                                   |
|--|-----------------------------------|
| <input type="checkbox"/> Caring for one's self   | <input type="checkbox"/> Hearing  |
| <input type="checkbox"/> Performing manual tasks | <input type="checkbox"/> Speaking |
| <input type="checkbox"/> Walking                 | <input type="checkbox"/> Working  |
| <input type="checkbox"/> Seeing                  | <input type="checkbox"/> Learning |
| <input type="checkbox"/> Breathing               |                                   |

Does the impairment impact the student's education? [ ] YES [ ] NO

Is the student disabled under Section 504? [ ] YES [ ] NO

2. Briefly document the basis for determining the disability: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Describe areas of need and action to be taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART II: ACCOMMODATION PLAN**

Area of difficulty: \_\_\_\_\_

Accommodations: \_\_\_\_\_

\_\_\_\_\_

Evaluation: \_\_\_\_\_

\_\_\_\_\_

Area of difficulty: \_\_\_\_\_

Accommodations: \_\_\_\_\_

\_\_\_\_\_

Evaluation: \_\_\_\_\_

\_\_\_\_\_

Area of difficulty: \_\_\_\_\_

Accommodations: \_\_\_\_\_

\_\_\_\_\_

Evaluation: \_\_\_\_\_

\_\_\_\_\_

Area of difficulty: \_\_\_\_\_

Accommodations: \_\_\_\_\_

\_\_\_\_\_

Evaluation: \_\_\_\_\_

\_\_\_\_\_

I give permission for my student to receive the above-mentioned accommodations.

\_\_\_\_\_  
Parent

\_\_\_\_\_  
Date

**SECTION 504 ELIGIBILITY AND ACCOMMODATION PLAN**

Student: \_\_\_\_\_ Date: \_\_\_\_\_

School: \_\_\_\_\_ Case Manger: \_\_\_\_\_

Parents: \_\_\_\_\_

**A. Eligibility**

Mental and/or Physical Impairments: \_\_\_\_\_

\_\_\_\_\_

Review of evaluation data: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Eligibility determination: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Major life activities: \_\_\_\_\_

\_\_\_\_\_

Describe the educational impact: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# CHILDREN WITH VISUAL IMPAIRMENTS

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**B. Educational accommodations:** \_\_\_\_\_

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section 504 Committee	Title	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have reviewed this accommodation plan and have received a copy of my Section 504 rights.

\_\_\_\_\_  
Parent Signature Date

Review date: \_\_\_\_\_

Case manager: \_\_\_\_\_



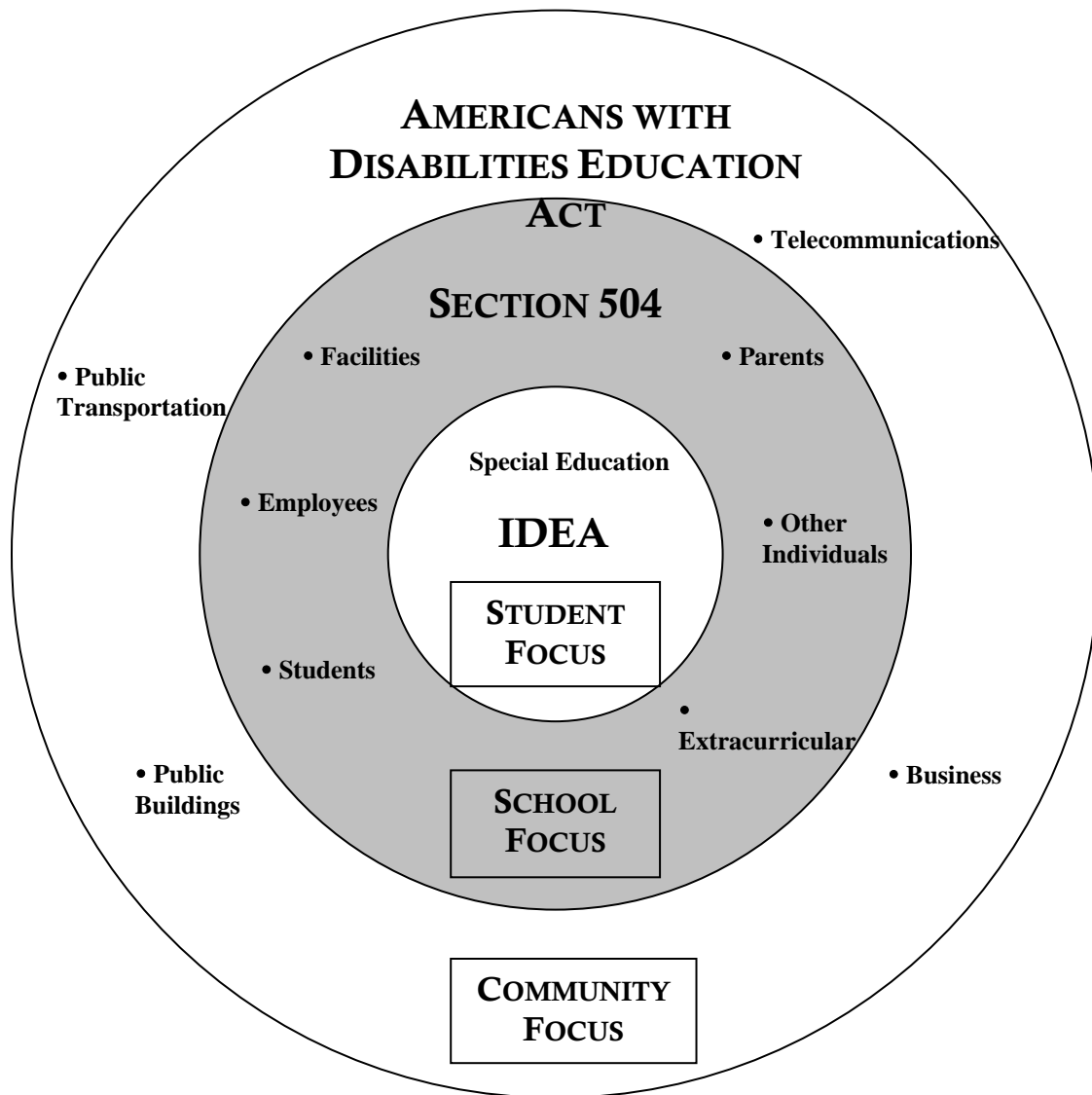
# **SECTION 504 AND SPECIAL EDUCATION**

*This section illustrates some of the basic similarities and differences between Section 504 and special education.*

*Remember, Section 504 should be a general education management responsibility.*



**RELATIONSHIP BETWEEN IDEA, 504, AND ADA**



**Remember...**

- The inner circle represents students eligible for special education. There are 13 disability categories in special education. These students are found to be eligible through a comprehensive evaluation by a school team.
- The circle outside of special education is Section 504. This includes those students with mental and physical disabilities that substantially limit a major life activity and impact education. A school team, with the parents, makes that determination.
- The outer circle, the Americans with Disabilities Act, is very broad and includes physical access to buildings, transportation, and programs in the community.

## CHILDREN WITH VISUAL IMPAIRMENTS

### COMPARISON

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Type</b>	A Civil Rights Law	An Education Act	A Civil Rights Law
<b>Title</b>	The Rehabilitation Act of 1973	The Individuals With Disabilities Education Improvement Act (IDEA)	Americans With Disabilities Act of 1990 (ADA)
<b>Purpose</b>	Is a civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.	Is a federal funding statute whose purpose is to provide financial aid to States in their efforts to ensure a free appropriate public education for students with disabilities.	Provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
<b>Responsibility</b>	General education, but shared with special education	Special education, but shared with general education	Public and private schools, business establishments, and public buildings (services)
<b>Funding</b>	State and local responsibility (no federal funding)	State, local, and federal IDEA funds. IDEA funds cannot be used to serve students eligible only under Section 504.	Public and private responsibility (no federal funding)
<b>Administrator</b>	Section 504 coordinator (Systems with 15 plus employees) to coordinate efforts to comply with this law	Special education director or designee	ADA coordinator is required to coordinate efforts to comply with this law.
<b>Service Tool</b>	Accommodations and/or services	Individualized Education Program (IEP). Some IEPs will include Section 504 accommodations necessary for success in the general classroom.	Reasonable accommodations and legal employment practices

## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Population</b>	Identifies person as disabled so long as she/he meets the definition of qualified persons with disabilities, i.e., has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as disabled by others.	Identifies 13 qualifying conditions: autism, deafness, deaf-blindness, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.	Identifies person as disabled so long as she/he meets the definition of a qualified person with disabilities; i.e., has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as disabled by others.
<b>Eligibility</b>	A student is eligible so long as she/he meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as disabled by others. The student is not required to need special education services to be protected.	A student is only eligible to receive special education and related services if the multidisciplinary team determines that the student has a disability under one of the 13 qualifying conditions and requires special education services.	A person is eligible so long as she/he meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity or is regarded by others as having a disability. The student is not required to need special education services in order to be protected.
<b>Free Appropriate Public Education</b>	A student could receive special education services and/or related services and/or accommodations.	A student must first be eligible and need special education before they are entitled to a related service.	Addresses education in terms of accessibility requirements. Requires private and public entities not to use employment practices that discriminate on the basis of a disability.

## CHILDREN WITH VISUAL IMPAIRMENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Accessibility</b>	Federal regulations regarding building and program accessibility require that reasonable accommodations be made.	Requires that modifications must be made if necessary to provide access to a free appropriate public education.	Requires that public programs be accessible to individuals with disabilities.
<b>Undue Hardship</b>	Consideration is given for the size of the program, extent of accommodation, and cost relative to the total school budget.	Budget and administrative convenience is never an excuse.	Consideration is given to the size of the business and its budget, type of operation, and nature and cost of accommodation.
<b>Drug and Alcohol Use</b>	Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be eligible for accommodations.	Drug and alcohol use is not covered under special education.	Current drug use is not considered a disability. Current alcohol abuse that prevents individuals from performing duties of the job or that constitutes a direct threat to property or safety of others is not considered a disability.
<b>Contagious Diseases</b>	Individual with disabilities excludes any individual with a contagious disease that renders the individual unable to perform the job.	Could be eligible under the category of “other health impaired.”	Permits qualification standard requiring that an individual with a currently contagious disease or infection not pose a direct threat to the health or safety of others.
<b>Procedural Safeguards</b>	Both require notice to the parent or guardian with respect to identification, evaluation, and placement.		Makes provisions for public notice, hearings, and awarding attorney fees.

## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Procedural Safeguards Cont.</b>		Notice provisions are much more comprehensive. Minimum requirements of the notice are specified.	Self-evaluations and transition plans are required and updated annually.
<b>Notice and Consent</b>	Notice is required before a “significant change in placement.” Written consent would be considered a best practice.	Written notice is required prior to any change in placement. Consent is required before the initial placement and reevaluation.	
<b>Evaluations</b>	Evaluation draws on information from a variety of sources in the area of concern. Decisions are made by a group knowledgeable about the student, evaluation data, and placement options. Requires written parental notice. Written parental consent is considered a best practice. Requires periodic reevaluations. Reevaluation is required before a significant change in placement. No provision is made for independent evaluations at district expense. The school district should consider other evaluations and information regarding the student.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team. Consent is required before the initial evaluation is conducted. Requires reevaluations to be conducted at least every three years if determined appropriate by the team. A reevaluation is not required before a significant change in placement. However, most students covered by IDEA are also eligible under Section 504. Provides for independent educational evaluation. A due process hearing is available if the school and parent disagree on the need for an independent evaluation.	All schools should conduct or update their Section 504 evaluation regarding services, accessibility, practices, and policies to assure discrimination is not occurring with any individual with disabilities.

## CHILDREN WITH VISUAL IMPAIRMENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Services</b>	<p>When interpreting evaluation data and making service decisions, both laws require districts to do the following:</p> <ul style="list-style-type: none"> <li>• Draw upon information from a variety of sources.</li> <li>• Ensure that all information is documented and considered.</li> <li>• Ensure that the service decision is made by a group of persons including those who are knowledgeable about the student, disability, the meaning of the evaluation data, and placement options.</li> <li>• Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate (Least Restrictive Environment—LRE).</li> <li>• Provide notice and evaluation before any change of services.</li> </ul>		
<b>Review of Program</b>	Accommodations should be reviewed periodically.	An IEP review meeting is required at least annually or before any significant change.	
<b>Grievance Procedures</b>	Requires districts to provide a grievance procedure for parents, students, and employees.	Does not require a grievance procedure. Complaint Procedures (SEA)	Any school district shall adopt and publish grievance procedures for resolution of ADA complaints.
<b>Complaint Procedures</b>	An individual or organization may file a complaint with the Office for Civil Rights. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.	A formal complaint process is required. Parents can file a complaint with the State. A decision must be provided within 60 days.	An individual or organization may file a complaint with the Office of Civil Rights. An OCR complaint must be filed, in writing, within 180 days after the violation has occurred. In certain cases, OCR will consider complaints where more than 180 days have elapsed.



## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<b>Due Process</b>	<p>Both statutes require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities. School districts or parents can initiate due process hearings.</p> <p>Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.</p> <p>Delineates specific requirements.</p>		<p>Due process hearings can be initiated by either party. The court may allow a reasonable attorney’s fee for the prevailing party.</p>
<b>Mediation</b>	<p>Not required. However, mediation should always be suggested.</p>	<p>Mediation is optional for the parents and should always be suggested.</p>	<p>Not required. However, mediation should always be suggested.</p>
<b>Exhaustion</b>	<p>Administrative hearing is not required prior to OCR involvement or court action.</p>	<p>The parent or guardian should exhaust all administrative hearings before seeking court action.</p>	<p>An administrative hearing is not required prior to OCR involvement or court action.</p>
<b>Enforcement</b>	<p>Enforced by the U.S. Office of Civil Rights. Regional offices are located throughout the United States. The office is part of the U.S. Department of Education.</p>	<p>Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Board of Education and the Office of Special Education Programs.</p>	<p>Enforced by the U.S. Office for Civil Rights under an agreement with EEOC.</p>

## CHILDREN WITH VISUAL IMPAIRMENTS

ISSUES	SECTION 504	INDIVIDUALS WITH DISABILITIES EDUCATION ACT—2004	AMERICANS WITH DISABILITIES ACT
<p><b>Discipline of Students With Disabilities</b></p>	<p>Requires that a school district evaluate all students with disabilities before making a significant change in his or her placement. The proposed exclusion of a student with disabilities that is permanent (expulsion), for an indefinite period, or for more than 10 consecutive school days, constitutes a “significant change in placement.”</p> <p>Before implementing a suspension or expulsion that constitutes a significant change in the student’s placement, the school must conduct a reevaluation to determine if the behavior was caused by the disability.</p> <p>If there is no relationship between the disability and the behavior, the school can suspend the student. The school is not required to provide services and/or accommodations during the expulsion period.</p>	<p>Requires that a school district evaluate all students with disabilities before making an initial placement or any subsequent, significant change in his or her placement. The proposed exclusion of a student with disabilities that is permanent (expulsion), for an indefinite period, or for more than 10 consecutive school days, constitutes a “significant change in placement.”</p> <p>Before implementing a suspension or expulsion that constitutes a significant change in the student’s placement, the school must conduct a reevaluation to determine if the behavior was caused by the disability.</p> <p>If there is no relationship between the disability and the behavior, the school can expel the student but still needs to provide a free appropriate public education. This means special education services outlined in the IEP.</p>	

# **DEFINITIONS AND ACRONYMS**

*The next few pages give some common definitions and acronyms used in the Section 504 process.*



## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

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### TERMS AND DEFINITIONS

**ACCOMMODATIONS** — Adjustments made by classroom teacher(s) and other school staff to enable the students to benefit from their educational program. In some cases, a plan should be developed outlining services and/or accommodations.

**AMERICANS WITH DISABILITIES ACT (ADA)** — A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication.

**BARRIER-FREE ENVIRONMENT** — A school environment that contains no obstacles to accessibility and usability by students and other individuals with disabilities. Barriers can be physical and nonphysical.

**BUILDING-LEVEL SUPPORT TEAM (BLST)** — A group of individuals knowledgeable about the student who work together, trying modifications and accommodations to help the student succeed in his/her educational program. Every effort should be made to keep the student in the regular education program. A referral is made for an evaluation after all efforts have failed. Sometimes referred to as pre-referral or early intervening process.

**CONSENT** — Written parent permission before initial evaluation and placement.

**CONTAGIOUS DISEASES PROTECTED UNDER 504** — Contagious diseases are those that can be transmitted from person to person. Examples are such diseases as AIDS and tuberculosis.

**EARLY INTERVENING** — A general education responsibility, providing evidence-based strategies for students experiencing academic and behavioral difficulties.

**INDIVIDUALS WITH DISABILITIES ACT (IDEA) — Amendments of 2004** — Federal special education law and regulations (P.L. 108–446).

**MAJOR LIFE ACTIVITY** — Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**OFFICE FOR CIVIL RIGHTS (OCR)** — This federal agency has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are 10 regional offices located throughout the United States.

**PHYSICAL OR MENTAL IMPAIRMENT** — (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or (2) any mental or physical disorder, such as mental retardation, organic brain

## CHILDREN WITH VISUAL IMPAIRMENTS

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syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; drug addiction; and alcoholism.

**PLACEMENT**—The least restrictive environment or place services are provided, ideally in the general education classroom.

**PROGRAM ACCESSIBILITY** — The school will ensure programs and activities are accessible to and usable by persons with disabilities. In many instances, programs and activities may be made accessible through slight modifications and adjustments in procedures, practices, and policies. In others, building renovation or construction may be required. Structural change is required only where program accessibility cannot be achieved effectively through other means.

**PROGRAM OR ACTIVITY** — In the context of Section 504, this includes all operations of State and local agencies that receive federal funds. This includes colleges, universities, and/or school systems.

**PUBLIC NOTICE** — The school is required to provide public notice and internal notice (e.g., to staff, individuals with disabilities, and students) stating it does not discriminate on the basis of a disability.

**QUALIFIED STUDENT OR INDIVIDUAL** — Any student or other individual who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

**RESPONSIVENESS TO INTERVENTION (RtI)** — Usually, the three-tier process that attempts to intervene with students at risk before they are referred for an evaluation in special education. Tiers one and two are general education; tier three is specialized instruction or special education.

**SECTION 504** — The part of the Rehabilitation Act of 1973 that guarantees specific rights in federally funded programs and activities to people who qualify as disabled. Section 504 states, “No otherwise qualified disabled individual in the United States...shall, solely by reason of a 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 COORDINATOR** — A school employing 15 or more persons must assign a person to coordinate compliance with Section 504 regulations. It is recommended that all school districts appoint a 504 Coordinator. It is recommended that the same individual serve as the Title VI, Title IV and Americans with Disabilities Coordinator.

## SECTION 504 PRIMER FOR EDUCATORS AND PARENTS

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**SELF-EVALUATION** — Section 504 requires that federal fund recipients evaluate their programs, physical accessibility, and employment practices to determine the extent to which programs and activities require modification to ensure full participation by students with disabilities. These evaluations should be updated frequently. The self-evaluation should not be confused with student evaluation.

**TRANSITION PLAN** — If a recipient determines that structural modifications are necessary to meet Section 504 program accessibility requirements, the school must develop a plan specifying the steps necessary to complete such changes and the time frame for completion. The document containing these steps and a recipient's schedule for making structural changes is termed “transition plan.” This transition plan should not be confused with a “transition plan” under IDEA, which outlines an individual student’s transition goals and objectives on the Individualized Education Program.

**UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS)** — Standards the federal government uses to meet Section 504’s accessibility requirements for the design, construction, and alteration of buildings.

**UNDUE HARDSHIPS** — An action requiring significant difficulty or expense. Factors that are considered include number of employees, number and type of facilities, size of budget, and nature and cost of the accommodation. This usually pertains to employment issues.

### ACRONYMS

**ADA** — Americans with Disabilities Act

**ADD** — Attention Deficit Disorder

**ADHD** — Attention Deficit Hyperactivity Disorder

**AG** — Annual Goal

**AP** — Accommodation Plan

**AYP** — Annual Yearly Progress

**BLST**— Building-Level Support Team — Early Intervening

**CD** — Cognitive Delay

**CFR** — Code of Federal Regulations

**D** — Deaf

**DD** — Developmental Disabilities

**DNR** — Do Not Resuscitate

**ED** — Emotionally Disturbed

**EI** — Early Intervening

**ESY** — Extended School Year

**FAPE** — Free Appropriate Public Education

**FERPA** — Family Educational Rights and Privacy Act

**HI** — Hearing Impaired

**IDEA** — Individuals with Disabilities Education Act—Amendments of 2004

**IEP** — Individualized Education Program



## **SECTION 504 PRIMER FOR EDUCATORS AND PARENTS**

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**IFSP** — Individualized Family Service Plan

**LEA** — Local Education Agency

**LRE** — Least Restrictive Environment

**LD** — Learning Disability

**OCR** — Office for Civil Rights

**OHI** — Other Health Impaired

**OT** — Occupational Therapy

**PT** — Physical Therapy

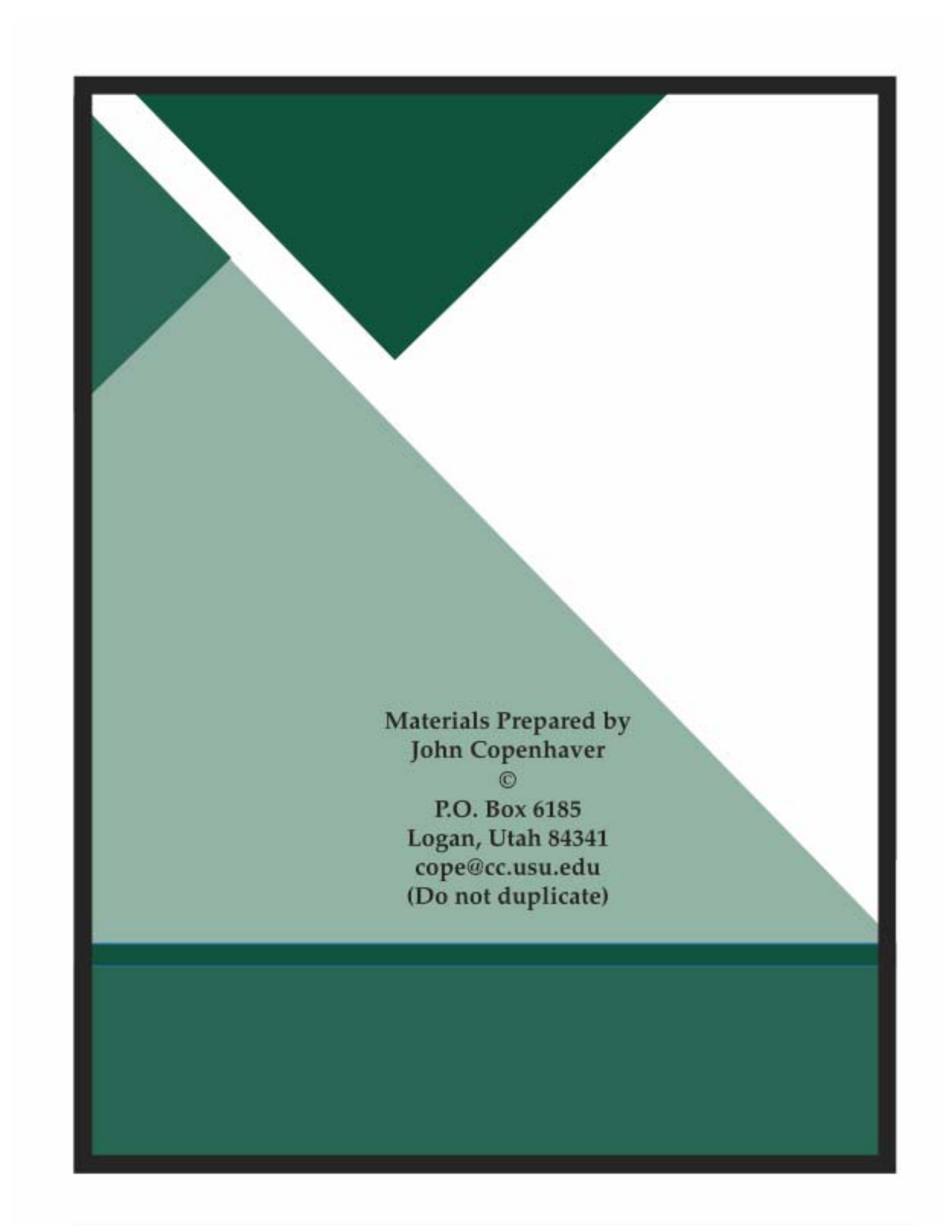
**RtI** — Responsiveness to Intervention

**SEA** — State Education Agency

**SECTION 504** — The Rehabilitation Act of 1973 making it illegal for any organization receiving federal funds to discriminate against a qualified person with a disability.

**TTY** — A telecommunication device for the deaf

**VI** — Visually Impaired



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