

# A Parent's Guide to Section 504 of the Rehabilitation Act

## What is Section 504?

Section 504 refers to a part of the Rehabilitation Act of 1973. The primary purpose of the Rehabilitation Act of 1973 is to ensure that persons with disabilities are not discriminated against.

Section 504 states,

*"No otherwise qualified individual with a disability in the United States, shall solely by reason of his or her disability, be excluded from the participation in, denied the benefits of, or be, subjected to discrimination under any program or activity receiving Federal Financial assistance.."*

This law requires that every public school in the United States identify, evaluate, and provide appropriate services to disabled individuals as defined by Section 504. In addition, procedural safeguards must be provided to the parents/guardians of identifies students. The Office of Civil Rights and/or U.S. Department of Education is responsible for enforcing Section 504.

## Who is Eligible?

A student with a disability should be considered for eligibility under Section 504 if he/she:

- Has a physical or mental impairment which *substantially limits one or more major life activities*
- Has a record of such an impairment; or
- Is regarded as having such an impairment

## Major Life Activities

Major life Activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working , sleeping, concentrating, reading, communication, bending and major bodily functions (immune, digestive, respiratory, circulatory, endocrine, neurological, brain and reproductive systems, bowel and bladder functions, and normal cell growth).

## Substantial Limitation

Substantial Limitation is the inability to perform a major life activity that the average person in the general population can perform without the use of mitigating measures, and includes impairments that are episodic or in remission.

A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. School teams and parents who feel a student may meet the criteria for Section 504 eligibility may request that the student be brought up for review at a team meeting.

## How is a child identified and evaluated?

The student is referred to the 504 Team (members of the team vary based on need), who will review the information and determine eligibility under Section 504. A parent or staff member may refer a student to the 504 team.

Written documentation must be provided of the disability ( e.g., medical, psychological, agency reports)

Eligibility is determined by:

- Input referenced from written documentation from medical, psychological, or outside agency reports)
- Or
- Evaluation in which appropriate information is gathered (such as from students records, observations, anecdotal reports, teacher repots, individual and group tests, aptitude and achievement tests, medical information, nursing assessment, occupational or physical therapist assessment, doctor's orders, emergency care plans, and adaptive behavior assessment);

And

- Determination that the disability substantially limits a major life skill (breathing, walking, learning, etc.).

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## What is a 504 Plan?

Students who meet the eligibility guidelines for Section 504 will have a 504 Plan developed for use in the general education classroom. The plan specifies the nature of the impairment, the major life activity affected by the

impairment, and the accommodations necessary to provide access based on the student's needs. The plan also includes individual staff members responsible for implementing the accommodations.

Accommodations should be specific to the individual with regard to her/his impairment and its effect on the major life activity. 504 Plans should not include accommodations typically provided to general education students.

The team will review the student's 504 Plan on a periodic basis to ensure its effectiveness. A parent may request at any time that a plan be reviewed and/or revised as needed.

If a parent or the school team suspects that the student is in need of special education and related services, the team will schedule an IEP (Individual Education Program) meeting.

### **What are the disciplinary procedures for 504 disabled students?**

#### ***Suspensions Totaling Ten Days or Fewer***

In any disciplinary case deemed to warrant suspension for not more than 10 consecutive school days or when the total for the school year is less than 10 days, a student with disabilities may be suspended in accordance with the procedures in the Code of Student Conduct.

#### ***Suspensions Totaling More Than Ten Days***

In suspension cases involving over 10 total days for the year, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is removed from the child's files.

The 504 Plan should be reviewed at this time to determine if the Plan is appropriate.

### **Summary of Legal Rights for Parents**

You have the right to:

1. Have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free, appropriate public education (FAPE). This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the school district make accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to students without disabilities;
6. Have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know the student, the evaluation data, and placement option;
7. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act, or receive the necessary accommodations if your child is found eligible under Section 504 of the Rehabilitation Act;
8. Periodic re-evaluation and evaluation before significant change in placement occurs;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records
13. Request amendment of your child's education record if there is reasonable cause to believe the record is inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment the district shall notify you of the right to a hearing;

14. File a 504 grievance if you have a disagreement with the school (\*contact the office below);
15. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student make take part in the hearing and have an attorney represent you;
16. File a complaint with the Office for Civil Rights, Region VII, U.S. Department of Education, 10220 N. Executive Hills Blvd., 8<sup>th</sup> Floor, Kansas City, Missouri 64153-1367, 816-891-8026, TDD 816-374-6461;
17. For further information about Section 504, contact the office below:
  - \*Kansas City, Kansas School Public Schools Behavioral Health Coordinator:  
Angela Dunn  
(913) 627-4364  
2010 N. 59<sup>th</sup> Street Kansas  
City, KS 66104

Or call the Kansas State Department of Education at 800-264-6343.