

Section 504

Did You Know?!

A parent should make a request for a Section 504 evaluation (referral) **and** a Special Education evaluation **at the same time**.

Did You Know?!

Anyone can refer a student for a Section 504 referral. School districts are responsible to make a Section 504 referral for every student they believe or suspects, has a disability and may need accommodations, aids, or services.

Did You Know?!

The school district is required to have a designated Section 504 Coordinator. The Office of Superintendent of Public Instruction (OSPI), Equity & Civil Rights, has a link that lists each School District and Charter School Compliance Coordinators for the State of Washington.

Did You Know?!

Every school district should have listed on their web page the details, handbook, etc., listing their procedures for Section 504.

Did You Know?!

Section 504 does not require the school district to invite the parent to a 504 meeting.

Section 504 is a civil rights law that protects students with disabilities against discrimination. Section 504 is to ensure a child with a disability has equal access to an education.

Under Section 504, school districts must provide students accommodations, aids, and services they need to access and benefit from education **equally** with their peers. This includes all programs and activities sponsored by the school district, such as sports and field trips.

Section 504 **defines** a disability as a physical or mental impairment which substantially limits one or more major life activities.

Major life activities are activities that are important to most people's daily lives. Caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, bending, reading, concentrating, thinking, and communicating are some examples of major life activities. Major life activities also include major bodily functions, such as functions of the digestive, bowel, bladder, brain, circulatory, reproductive, neurological, or respiratory systems.

Substantially limits should also be interpreted broadly. A student's impairment does not need to prevent, or severely or significantly restrict, a major life activity to be substantially limiting.

Mitigating Measures cannot be considered when evaluating whether a student has a substantially limiting impairment. For instance, medications, prosthetic devices, assistive devices or learned behavioral or adaptive neurological modifications a student uses to eliminate or reduce the effects of an impairment.

Important: More protections, timelines, parent involvement, etc., are under the Special Education Referral (evaluation) process and this is a strong reason to combine both the Section 504 Referral and the Special Education Referral.

Step 1: Referral

An **example** of an **Initial Evaluation Request** is available on the www.sealk12.org web site. The example can be modified. The referral should be in writing.

If it isn't in writing, it didn't happen.

Step 2: 504 Team

The 504 Team is based on the individual needs of the student. The 504 Team should include:

- Someone who knows the student. For example, a parent, teacher, counselor, medical personnel, etc. Parents are not required to be a part of the 504 Team however their participation is important.
- An individual who can interpret and analyze the evaluation data and results
- An individual who is knowledgeable about placement options at the school

The 504 Team will decide if the student is eligible under Section 504 and what accommodations, aids, or services should be in place in order to **reduce** or **eliminate** the impact of their disability on their education.

Step 3: Evaluation

The school district **must** have Parent Consent before the evaluation process begins. The 504 Team gathers and analyzes data about the student. Information should come from a variety of sources. For example, health room visits, teacher input, parent input, student observations, test scores and grades, etc.

The 504 Team should be asking:

- Does the student have a physical or mental disability which substantially limits one or more major life activity?
- What accommodations, aids, and services, does the student need to access and benefit from education **equally** with their peers

Important: The Evaluation and the Role of a Medical Diagnosis was taken directly from the Office of Superintendent of Public Instruction (OSPI), Equity & Civil Rights, Students' Rights document.

Evaluation and the Role of a Medical Diagnosis

There are three important ideas parents should understand about a medical diagnosis:

- A school cannot require a parent to provide a medical diagnosis to evaluate a student. However, a diagnosis can provide very helpful information for the 504 team.
- The school could request a medical evaluation, at no cost to the parent, if the 504 team needs medical information to make a decision.
- A medical diagnosis does not always mean that a student needs a 504 plan. Doctors cannot *prescribe* a 504 plan—only the 504 team can make that decision. However, the 504 team must consider the information a doctor provides when evaluating a student.

Step 4: 504 Plan

If the 504 Team determines the student has a physical or mental impairment which substantially limits one or more major life activity, the 504 Team **will then determine** if the student needs a 504 Plan.

- The school district must have consent from the parent before they take any action on a 504 Plan.
- The school district must give the parent a copy of the school district's **Section 504 Procedural Safeguards**.
- All school personnel are to follow the plan to accommodate the student. It is the school districts responsibility to make sure teachers are aware and follow the plan. Not the parent's or student's responsibility.

Step 5: 504 Plan Review

The school district should review the 504 Plan every year however a parent or school staff can ask for a review if they do not believe the 504 Plan is meeting the needs of the student.

The 504 Team must reevaluate the student at least every three (3) years, however it can happen more frequently, depending on the needs of the student.