

# Exploring Section 504 Accommodations in Educational Settings and Beyond

## Removing *Barriers* • Creating *Access*



4440 N. First St. Fresno, CA 93726  
(559) 229-2000 TOLLFREE: (844) 445-0305  
[www.epuchildren.org](http://www.epuchildren.org)

**What brought you here?**

# What the Law says



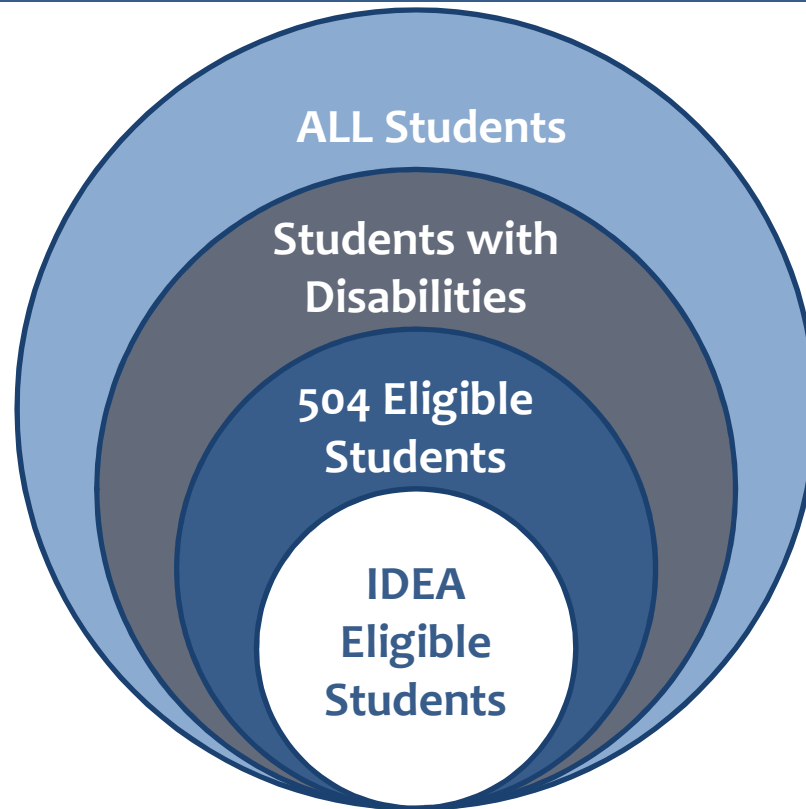
**“No otherwise qualified individual with a disability in the United States shall, solely by the reason of her or his disability,**

- *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.”**

***(29 U.S.C. § 794)***

There are different ways for students to get services.



## Section 504

- **Civil Rights Law**  
*Prohibits Discrimination by any federally funded program or activity*
- **Serves those eligible throughout their education**



# Americans with Disabilities Act

## Amendment Act

- **Related Law extends beyond Federally funded programs**
- **Prohibits discrimination**
- **Definition of disability should be interpreted broadly**

# **Individuals with Disabilities Education Act**

- **Federal Education Law**
- **13 Categories of Eligibility**
- **Need specialized support and instruction**
- **IEP: Special Education plan to meet the student's unique needs**





**All students found to be eligible under IDEA are also protected by Section 504, but not all students protected by 504 are eligible under IDEA**



## Comparison

	Section 504	IDEA
<b>Funding</b>	No	Federal and State
<b>Eligibility Determination</b>	General Disability Definition	Disability categories & need for special educations and related services
<b>Evaluations</b>	Initial and "Periodic"	Initial and Triennial
<b>FAPE</b>	Needs met as adequately as those without disability	Individualized educational program from which child receives educational benefit
<b>Plan</b>	504 Plan	IEP in writing
<b>Oversight</b>	Office for Civil Rights	State Education Agency

## 504 defines a “person with a Disability”

**An individual who has a physical or mental impairment\* which substantially limits one or more major life activities**

*\*or has a record of having an impairment,  
or is regarded as having an impairment*



# Major Life Activities

## *Handout*

# Medical Diagnosis and 504

Medical diagnosis is not needed for Section 504 eligibility.

If 504 placement team determines a diagnosis is required, the evaluation must be conducted at no cost to the parents.

A medical diagnosis does not automatically qualify the student for 504 services unless it substantially limits major life activities.

# The Process

Referral

Evaluation

Eligibility  
Determination

Development  
of 504 Plan

Review



# Evaluation begins with Referral

Districts: Have “child find” obligation to evaluate students who they suspect may have a disability

Parents: May want to consider 504 evaluation if –

- Child did not qualify for services under IDEA but continues to struggle in school.
- Child has a diagnosis and needs accommodations to fully participate in school activities

# Purpose of Evaluation

**Does the student have a disability under Section 504?**



**If so, what are the student's individual education needs?**

## Determining Eligibility

**No formalized testing is required.**  
Parents must be notified if their child is  
*assessed* by the school at no cost to  
families.

**There must be a documentation or  
observation of need.**



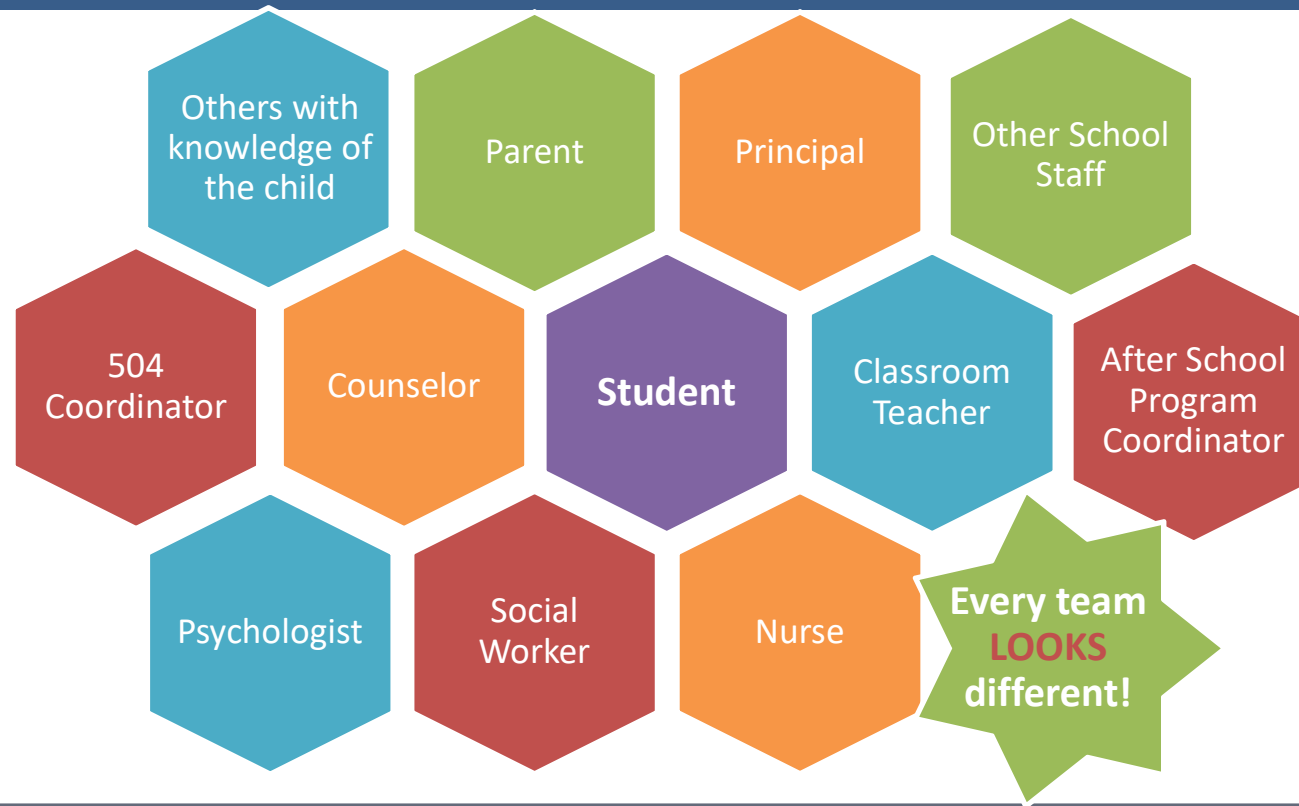
# Review of 504

Required:

- **“Periodically”**
- **Before changing placement**
- **After a suspension of more than 10 days**

# The Plan & Services

# 504 Team





# Primary goal of the team is to provide FAPE

## Free and Appropriate Public Education

- Includes evaluation and placement procedures
- Placement where the individual's needs are met
- Placement in the least restrictive environment
- Establishes procedural safeguards

What is an appropriate education?

# Purpose of the Meeting

**The team meets to determine eligibility and appropriate accommodations.**

**The team must consider all factors and documents:**

- School grades
- Teacher's reports
- Information from parents & others
- Independent evaluations (if available)

## 504 Plan

**The plan describes all services and accommodations to be provided to meet student's individual needs.**

*A written plan is not required, but is considered best practice and may be requested by parents.*



# Types of Educational Settings

**Students must be placed in General Education to the maximum extent appropriate.**

**Settings may include:**

- GE classes with supplemental services
- Special Education classes & related services



# Types of Supplemental Services

**Examples include accommodations such as:**

- Removal of physical barriers
- Extended time for testing
- Adjustment of class schedule
- Rest periods / Frequent breaks
- Use of aids (calculators, recorders, note takers, etc.)
- Individualized homework assignments



# Accommodations vs. Modifications

## Accommodations

- Change *how a student learns* the material.

## Modifications

- Change *what a student is taught* or expected to learn.
- *If a student needs modifications in high school this should be discussed as a team, as it may result in the student not getting a high school diploma.*



# Types of Related Services

**Related services may include the following:**

- Physical therapy
- Counseling, psychological, or social work services
- Assistive technology
- Speech & language services
- Occupational therapy
- Medical & Health Services
- Staff training



# Non-Academic Services

**Section 504 also prohibits discrimination against students with disabilities in non-academic settings:**



- Before and after-school programs
- Field trips
- Extracurricular activities & athletics
- Career/guidance services
- Accessible Transportation

# **Sample 504 Accommodations**



# Student with ADHD

**David Age 11      6<sup>th</sup> grade**

After evaluations David was not eligible for an IEP but he does have a diagnosis of ADHD

David fidgets often and classmates are bothered by the constant drumming of pencils on his desk.

He is often last to get out his textbook and turn to the right page during class time.

David spends almost every morning recess in the classroom or sitting by the door completing last night's homework that he forgot "again."

During PE, David gets in trouble for running out and kicking the ball while the teacher is explaining the rules for the kickball game.



**What accommodations do  
you think might help?**

# Student with ADHD

- Preferred Seating
- Visual Supports
- Simplify instructions, Check for understanding
- Supervision of medication administration
- Extra time to complete work; Shortened Assignments
- Supervision on outings
- Frequent breaks
- Home/School Communication log
- Utilize a Student Planner/Agenda
- Avoid withholding recess as a consequence



# Student with a Medical Condition

**Victoria**

**Age 8**

**3rd grade**



Victoria has several health conditions.

She can become overheated or chilled quickly as her body does not regulate temperature effectively.

Her family is concerned about the amount of time Victoria spends outside at recess, lunch, and PE as the playground, lunch tables, and field area do not provide much shelter.

Her doctor has noted that low blood sugar is a concern.

Both low blood sugar and body temperature may trigger a seizure.

Victoria can become tired easily. She misses school for medical care.

**What accommodations do  
you think might help?**

# Student with a Medical Condition

## Potential Accommodations

- Create a health care plan
- Allow student access to food/water as needed
- Educate staff to signs/symptoms of hypoglycemia
- Never leave the student alone if feeling poorly: Walk student to nurse.
- Adapt physical education activities
- Extended time on assignments and tests; Plan for academic make-up work
- Preferred Seating to regulate temperature or access snacks/water easily
- Provide a shaded spot for outdoor activities or an alternative recess indoors
- Provide training in self-advocacy



# **Disputes and Disagreements Regarding FAPE and non-FAPE Matters**

## **Section 504 Coordinator**

- **Contact information provided on District website or school handbook**
- **Responds to parent complaints**
- **Coordinates and monitors Section 504 compliance**
- **Distributes Section 504 related information**

# Procedural Safeguards

System to process issues specific to FAPE

The identification, evaluation, or educational placement of student

- **District must provide notice to parents**
- **Right to review records**
- **Right to participate in due process**
- **Districts are required to have review procedures of district compliance with 504**



# Grievance Procedures

System to process non FAPE issues

- **General concerns of discriminatory behavior**
- **Grievance procedures on their website or school handbook**
- **Complaints must be resolved in a prompt, equitable manner**

# Life After High School Utilizing Section 504

## High School

For students on an IEP receiving a diploma, the IEP will end on Graduation Day.

**At the IEP Meeting before Graduation,  
let the school district know you would like  
to transition the IEP into a 504 plan.**

\*Department of Rehabilitation (DOR) may be present at the meeting for eligible students.



	<b>High School</b>	<b>College</b>
<b>Eligibility Determine</b>	Evaluation conducted or paid by school district	Documentation supplied by student
<b>Legal Responsibility</b>	Provide FAPE	Ensure non-discrimination
<b>Procedural Safeguards</b>	Due process or OCR complaint	Internal grievance or OCR complaint

# Transition to College

## Student's Responsibility

- Must meet academic and technical standards and qualifications for admission
- An IEP and/or 504 in HS does not automatically guarantee you will receive a plan in College
- Must contact the college's Disabled Student Services Department and follow their procedures
- The student must provide a copy of documentation of disability and need for academic accommodations

# Self Advocacy in College

**Services are not received by entitlement.**

**Students must request services and demonstrate eligibility.**





# Transition to College

## College's Responsibility

Set reasonable standards, 504 Accommodations, and Documentation

Individualize accommodations to meet the needs of the student including assistive technology

# Section 504 and Employment

## Employers:

- Cannot refuse to hire or promote because of a disability
  - as long as job qualifications are met
- Can ask an applicant about the ability to perform a job
  - but prior to job offer cannot inquire about disability status
- Must provide reasonable accommodation to anyone with a documented disability
- Do not need to provide accommodations that would impose an undue hardship on business operations

**Resources:**  
**Office for Civil Rights**  
**415-486-5555**  
**[OCR.SanFrancisco@ed.gov](mailto:OCR.SanFrancisco@ed.gov)**  
**Please note: An electronic  
complaint form is available online**





Office of Special Education Programs  
U.S. Department of Education

The contents of this resource were developed under a grant from the U.S. Department of Education #H328M200055. However, those contents do not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the Federal Government.

