

## Procedures for Writing Section 504 Plans

### A. Evaluation Conducted

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The committee, composed of persons knowledgeable about the student, should consider all available information, including educational, medical, and psychological records as appropriate. In some instances, further evaluation may be necessary.

### B. Eligibility Determined

Section 504 regulations should be reviewed to document the presence of a qualifying disability, the effect on a major life activity, and the impact on the student's education. All three areas must be documented. If it is determined that no disability exists, the committee should document this and go no further.

### C. Necessary Accommodations Identified

The committee determines what accommodations and/or services must be provided in order that the student may receive a free appropriate public education (FAPE).

### D. Learning Environment Identified

The committee determines the learning environment in which the student may be taught with the outlined accommodations.

### E. Parental Rights Given

The student's parent/guardian is given a copy of the Section 504 Rights form. The rights are reviewed with the parent.

When formulating a 504 Plan, the committee should include all of the student's teachers, the parent/guardian, an administrator, and other individuals as appropriate. The 504 Plan should be kept as part of the SST file and reviewed as needed. The file should be forwarded if the student attends another school within the district. The 504 Plan may be forwarded to other districts upon request for SST records.

### Determining Substantial Limitations

Three questions to consider in determining whether a person's impairment substantially limits one or more major life activities:

1. What is the nature and severity of the impairment?
2. How long will it last or is it expected to last?
3. What is its permanent or long term impact or expected impact?

*The ADA provides some assistance in interpreting the phrase "substantially limits". In this law, the impairment or disability must be substantial and somewhat unique, rather than commonplace, when compared to the average person in the general population (Sec. 1630.2(j)(1)).*

*Thus...it is suggested that the term "substantially limits" be interpreted to mean that the student is unable to perform a major life activity that the average student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to the average student of approximately the same age.*

CASE, 1999

**Reasonable Accommodation**

- Reasonable accommodation in the school setting is a modification or adjustment of educational programs to afford students with disabilities equal opportunity to access the programs.

The Office of Civil Rights does not endorse a specific form of Section 504 Rights. School systems may develop their own or use the same rights that are developed for IDEA. However, any copy of Section 504 Rights must include the following, as outlined in the Section 504 Regulations:

1. Notice of any action taken with regard to the educational program of the student;
2. An opportunity to examine relevant records;
3. An impartial hearing with the opportunity for participation by the student's parents or guardians and representation by counsel; and
4. A review procedure.

The following pages contain samples of Section 504 Rights and Individual Accommodation Plan. School systems may use these forms or develop their own.

## **Rights Afforded by Section 504 of The Rehabilitation Act of 1973**

The following is a description of the rights granted by federal law to students with handicaps, as outlined under Section 504. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

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 handicapping conditions.
2. have the local school system 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.
5. have your child receive services and be educated in facilities which are comparable to those provided to non-handicapped students.
6. have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know the students and who are knowledgeable about the evaluation data and placement options.
7. have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the local school system) at no greater cost to you than would be incurred if the student were placed in a program operated by the local school system.
8. have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the local school system.
9. examine all relevant records relating to decisions regarding your child's identification, evaluation, and placement.
10. 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 your child may take part in the hearing and be represented by counsel. Hearing requests must be made to your local school system superintendent.)
11. file a local grievance.

The Office for Civil Rights of the United States Department of Education enforces the requirements of Section 504 of the Rehabilitation Act of 1973. The address of the Regional Office (which includes Georgia) is: Office for Civil Rights, Region IV, 61 Forsyth Street, Suite 1970, Atlanta, Georgia 30303.