

SECTION 504 FREQUENTLY ASKED QUESTIONS

What is Section 504? Section 504 of the Vocational Rehabilitation Act of 1973 forbids discrimination on the basis of disability, in any program or activity receiving federal money from the U.S. Department of Education. The purpose of the law is to provide equal access for people with disabilities.

In education, Section 504 means that a student has an **identified and documented** disability, or a suspected disability, that **substantially limits a major life activity** (caring for oneself, performing manual tasks, walking, seeing, hearing speaking, breathing, learning and working). The person requires **reasonable accommodations** in order to **access** education.

How is section 504 different from Special Education? A student must have a documented disability. A student who needs accommodations (a change in how something is taught or tested) may qualify for a Section 504 plan. A student who needs modifications (a change in what is taught or tested) and specially designed instruction (instruction not typically found in a general education classroom) may be eligible for special education.

What is the difference between accommodations and modifications? Accommodations are changes in course presentation, location, and timing, student response that do not fundamentally alter or lower the standard or expectations. Modifications are changes that fundamentally alter or lower the standard or expectations of the learning activity.

What are considered reasonable accommodations? Reasonable accommodations are the steps teachers take to ensure that a student with a disability has access to classroom information and instruction. Examples of accommodations are: presenting material in a different modality; use of extended time on assignments or tests; adaptive equipment; alternative textbooks; enlarged print or Braille materials or a wheelchair ramp.

Does a student need a Section 504 plan to get reasonable accommodations? NO! Many accommodations are met through good teaching and differentiated instruction. Additional types of accommodations can be: preferential seating; shortened assignments; alternative forms of assessment; ability to excuse oneself from class to address personal or health issues; eating crackers in class or use of class notes or outlines.

When is impairment substantially limiting? Substantial means the impairment must, according to the Supreme Court, "prevent or severely restrict" the individual from performing the life function in question. The student must be severely restricted in his or her ability to, for

example, read or write. The proper comparison in determining if a substantial limitation exists is not with the student's own theoretical potential, either now or at some point in the future, but instead with the average member of the general population.

Are all students who are referred for special education and do not qualify automatically designated as needing a 504 plan? NO. A student needs a diagnosed disability that is impacting on the student's progress in the general curriculum and that requires specially designed instruction to qualify for special education. A Section 504 plan requires that the student have a diagnosed disability that is impacting his or her ability to access school.

Can a Doctor prescribe or automatically qualify a student for a Section 504 plan? NO. 504 does require a medical or mental health diagnosis that substantially limits the student's access to education. Only an educational team can determine the student's eligibility for Section 504. The doctor can be a member of that team, along with parents, the student and teachers.

Does a diagnosis of ADHD, depression or diabetes mean a student should be identified as eligible for Section 504? NO. The student with one or more of these diagnoses may or may not meet the criteria for Section 504 accommodations. When compared to the average student, if the student is significantly restricted from performing the same activity as compared to the duration, condition or manner under which the average person can perform that same activity, they may require a 504 plan. For example, if a student with ADHD is obtain average grades in the same classes as other students, then it is likely they would not require 504 accommodations because the ADHD is not substantially limiting a major life activity (learning). Furthermore, a student with diabetes or a health-related disability should be placed on an Individual Health Plan (IHP), not a 504 plan.

What is the process for referring a student for Section 504? The 504 team can discuss a student who has an identified disability or suspected disability and is struggling to access general education. The team should have the same composition as an IEP Team, should meet at a mutually convenient time; and should complete all required 504 paperwork, which is similar to IEP forms.