

504 GENERAL INFORMATION

Section 504 is a Federal Law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal funds from the U.S. Department of Education. Section 504 provides: “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....” It requires school districts to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. This includes any appropriate educational service that would be necessary to meet the needs of the 504 student to the same extent as a student without a disability.

The definition of “handicapped” under SECTION 504:

- is any person who has a physical or mental impairment which
- substantially limits one or more of such person’s major life activities, OR
- is a person who has a record of such impairment, OR
- is a person regarded (perceived) as having such an impairment

Under Section 504, Charleston County School District is required to conduct an evaluation when any student—because of his/her handicap—needs or is believed to need regular education accommodations beyond what has been tried. There are no rules as to who conducts an evaluation; however, a school must draw upon information from a variety of sources, such as aptitude, achievement, attendance, behavior, health, social, and emotional.

Schools may not refuse to evaluate a child thought to be handicapped under 504. If a parent informs the school of the suspected disability, the school must do some initial checking, such as discussing the matter with teachers and reviewing records. If the preliminary review determines no evidence of a handicap, a full evaluation is not recommended. Parents must be provided with notice of the decision and their right to appeal the decision through a hearing. It is important for parents, physicians, and school staff to understand that a medical diagnosis does not guarantee eligibility under Section 504. There must be an adverse impact on learning to the degree that the evaluation team determines the child’s condition causes a substantial limitation to his or her receiving a free appropriate public education based on the child’s handicapping condition.

Section 504 does not require a school district to obtain medication for students who are found to be handicapped under the law. The administration of medication provided by the parent is a reasonable accommodation and must be provided as a part of FAPE. Administration of medication includes monitoring to assure that the student actually takes the medication at prescribed times during the school day.

The intent of Section 504 is to “accommodate” for differences within the regular education program. As individual students are identified, the classroom teacher must be aware of and make accommodations necessary to provide the student equal opportunities to a free appropriate public education (FAPE). The meaning of “appropriate” in this context is an education comparable to the education provided to non-handicapped students. There are specific regulations under Section 504 that require reasonable accommodations be made regarding building and program accessibility.

504 PROCEDURES IN BRIEF

Coverage:

- Persons who have, have a record of having, or are regarded as having a physical or mental impairment that is substantially limiting to one or more major life activities (includes learning)

Entitlement:

- Accommodations and modifications to regular education
- Support services
- Supplementary aids and services

Students covered under Section 504 but not covered under IDEA:

- Do not qualify as having one of the 13 disabilities under IDEA (Special Education)
- Not eligible for special education but need support services or accommodations to benefit from an education.

Funding:

- No Federal funds are available for Section 504.
- All agencies (school districts) receiving any Federal funds must comply with Section 504.

Procedural requirements under 504:

- Identification
- Free appropriate public education
- Evaluation
- Least restrictive environment
- Procedural safeguards

Some equal educational opportunity issues pertinent to Section 504

- Access to magnet schools, before/after school programs
- Program accessibility
- Access to parents/community members and to school activities (i.e., parent conferences, board meetings, sports events)

504 PROCESS

1. Someone requests assistance for a student-teacher, other staff members, parents/guardian, outside professional
2. School gathers data, receives diagnosis, and reviews records.
3. The parent is notified in writing that the child is being considered. Parents also must receive notice of 504 rights.
4. A 504 staffing is scheduled.
5. If the team determines the student is eligible for Section 504 Services, then a 504 Accommodation Plan is developed and implemented.
6. Teachers and parents receive a copy of the Accommodation Plan.
7. Accommodations are implemented by teachers and modified as needed by convening another 504 staffing. The Accommodation Plan is filed in the student's permanent record file. The student is identified as having a 504 plan on PowerSchool.
8. Accommodations must be revised annually through 504 staffing.