


504 Requirements, Responsibilities and Requests

Presented by Dr. Shaundalyn N. Elliott,
Education Specialist II
Alabama State Department of Education





AGENDA

504 Defined

The Federal definition, qualifying criteria and expectations for implementation

01

02

504 Facilitator Duties

Initial duties, On-going responsibilities, documentation, and accountability

The 504 Meeting


Convening the meeting to address student needs, accommodate team requests and address any concerns.

03

04

Addressing Parental Concerns

Examining best practices for employing professionally accurate responses to pressure-induced inquiries.





01

504 DEFINED

The federal definition, qualifying criteria and expectations for implementation





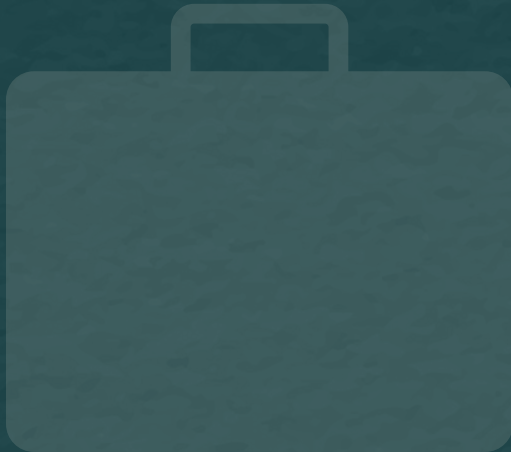

504 DEFINED

Section 504 of the Rehabilitation Act of 1973 is a national law that **protects** qualified individuals **from discrimination** based on **their disability**.

The **requirements of the law apply** to employers and organizations **that receive financial assistance from any Federal department or agency**, including the U.S. Department of Health and Human Services (DHHS).

Section 504 forbids **organizations and employers from excluding or denying individuals with disabilities** an equal opportunity to receive program benefits and services.

It **defines the rights of individuals with disabilities** to participate in, and have access to, program benefits and services.





WHO IS PROTECTED FROM DISCRIMINATION?

1. Individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities.
2. People who have a history of, or who are regarded as having a physical or mental impairment that substantially limits one or more major life activities, are also protected.





01

504 OBLIGATIONS

The federal obligation that requires human services and health care setting compliance





WHY DO SCHOOL DISTRICTS HAVE TO COMPLY?

Prohibited Discriminatory Acts in Health Care and Human Services Settings

Section 504 prohibitions against discrimination apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance

A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers.
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified....

504 and Private Schools Compliance

- Private schools that receive federal funding when they participate in school lunch programs, programs for at-risk students, and federal grant or loan programs are required to comply.
- If public schools receive direct or indirect federal funding, the private schools will still have the responsibility of following the 504 plan.





02

504 FACILITATOR DUTIES

Initial duties, on-going responsibilities, documentation, and accountability





RESPONSIBILITIES OF 504 FACILITATOR

COMMUNICATOR

Share concerns, compliments and developments of the student with **parents, administrator and Central Office** where applicable

REVIEWER

Receives and reviews requests for 504 Meetings to convene. Serves as the liaison between medical/behavioral personnel as needed.

INVESTIGATOR

Investigating complaints of disability harassment, discrimination, and violations of Section 504 and ADAAA

ADVISOR

Advising the school personnel, and district personnel (where allowed) on current policies, procedures, and practices

MANAGER

Manages Section 504 grievance procedures
Monitors the effectiveness of student plans

TRAINER

Providing procedural safeguards to parents and guardians
Providing training to school personnel ANNUALLY (preferably at the onset of the school year) about 504 rules, regulations and individual responsibilities





03

THE 504 MEETING

Convening the meeting to address student needs, accommodate team requests and address any concerns.





As a 504 TEAM, do the following:

DEVELOP

Use a template that contains basic information that is specific to the students receiving a plan: **Name, Academic Year, School, Meeting Date, Review Date, etc.**

ENSURE

Ensure that **Parent's Rights** are **explained and signed** at the beginning of the meeting. Please ensure that the parent receives a copy of the signed rights and plan at the end of the meeting.

ENSURE

Ensure that all accommodations listed relate to the student in question.

ENTERTAIN

Please **entertain all suggestions** of the team members and determine as a group if and how to move forward.

REMEMBER

Please remember that all decisions made for any 504 Plan will be considered a **team decision**.

REMEMBER

Please remember that **the parent can request to revisit the 504 Plan with the team members to assemble if there are changes** to the student's academics, health, etc. depending on the nature of the 504 Plan in question.





04

THE 504 PLAN

Sample template for use in developing a 504 Plan.





PREPARING FOR AND CONDUCTING THE MEETING

RECEIVE: The Initial
Referral

REVIEW: The
Assessments

ISSUE: Notice of Intent to
Meet

REVIEW: Parental Rights

CONVENE: Meeting with the
504 TEAM to determine
eligibility


SCRIPT: Write the Plan

ISSUE: Disseminate SIGNED
copies to all team
members

EVALUATE: Monitor and
Revise

COMMUNICATE: Keep parents
and school personnel
abreast of any changes

REVIEW: Keep your eyes on the
student's progress and
make reports as needed





05

ADDRESSING PARENTAL CONCERNS

Convening the meeting to address student needs, accommodate team requests and address any concerns.





Process for Addressing Parental Complaints

School 504 Facilitator

1. Immediately make the Principal aware.
2. Inquire about who will contact the District 504 Coordinator
3. Gather notes and documentation relevant to the student.

Administrator

1. Acknowledges receipt of complaint
2. Notifies Superintendent

District 504 Facilitator

1. Conducts investigations relevant to the complaint
2. Communicates findings to the Superintendent
3. Complies with the Office of Civil Rights as directed by Superintendent

EVERYONE

Be forthcoming, and factual about the case from its inception to its conclusion (including during the investigation)





06

FREQUENTLY ASKED QUESTIONS

Commonly asked questions concerning the implementation of 504





FREQUENTLY ASKED QUESTIONS FOR 504?

Who is eligible for Section 504 protection?

Any student who has a physical or mental impairment which substantially limits a major life activity (such as learning ,caring for oneself, performing manual tasks, walking, seeing, speaking, hearing and working); or has a record of such impairment; or is regarded as having such an impairment.

How is the 504 process initiated?

1. If anyone suspects a student may be an individual with a disability, **a referral or request for an evaluation is made to the school 504 coordinator to determine if there is a significant impact on the child's learning and/or behavior.**
2. **A 504 team will be assembled** which could include parents, teachers, social workers, Section 504 coordinator, school psychologist, school administrator or others with knowledge of the child, the evaluations and the school resources. **This team determines student needs** based on data and information from various sources.
3. **If the 504 team determines the student is eligible for accommodations under Section 504**, a Section 504 Plan is written to address the individual needs of the student.

How is the student's 504 eligibility determined?

The Section 504 team, in deciding whether a student is eligible for a Section 504 Accommodation Plan, **will collect and carefully interpret evaluation data and in a making placement decision**, the team will draw upon information from a variety of sources, including, but not limited to, observations, testing, reports, District evaluations, **medical records, letters from doctors, health care plans**, school records, school administration, school counselors, teachers and paraprofessionals that work with the student, the parent, and when appropriate, the student.

How often should a Section 504 Plan be reviewed?

The Section 504 Plan should be reviewed on an annual basis, at which time the parent/guardian should receive a copy of the District's notice of parent/guardian rights and procedural safeguards. **Further, a re-evaluation of the student should occur at least every three years**, or before any significant change in placement, including exiting the student from a Section 504 Plan.





FREQUENTLY ASKED QUESTIONS FOR 504? (cont.)

What are some common misuses of a 504 Plan?

- A parent/guardian and/or doctor presents the school with a disability diagnosis and a Section 504 Plan is written without first determining if the disability causes substantial limitation of a major life activity.
- A student is placed on a Section 504 Plan because the student has a record of impairment or is regarded as being impaired, but the student does not actually have a disability that substantially limits a major life activity.
- A student fails to qualify for special education and related services under the IDEA but is automatically provided with a Section 504 Plan.
- A student is automatically placed on a Section 504 Plan when the student no longer qualifies for special education services under the IDEA without first qualifying based on Section 504 criteria.

Can a parent or guardian make a request in writing to have a student evaluated for 504?

Yes, if the district has a Section 504 Plan Referral Form available to all parents. This should be submitted to the school's Section 504 Facilitator.





Resources

Resource	Description	Example
Alabama Adapted Physical Education	The purpose of the Alabama Adapted Physical Education and 504 Process State Guidelines is to help students develop the necessary functional skills toward independence in order to participate to the maximum extent possible in an appropriate physical education setting.	<u>Alabama APE and Section 504 Guidelines</u>
Sample 504 Template	This is only a fillable sample provided for us. You ARE NOT compelled to use this document in your district.	<u>Sample Section 504 compliant template</u>
OCR Complaint Link	You are strongly encouraged to consult with your district's 504 Coordinator before addressing complaints and/or submitting them to the Office of Civil Rights (OCR)	<u>OCR Discrimination Complaint Form</u>



•

Thank You!

Shaundalyn N. Elliott
Education Specialist II
Alabama State Department of Education
Email: selliott@alsde.edu
Phone: (334)694-4717

