

Instruction – Series 2000

Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973 – 2162p

Overview

The Office for Civil Rights (OCR), a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973 (as amended), a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (ADA), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any federal financial assistance.

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) was enacted on September 25, 2008, and became effective on January 1, 2009. It amended the ADA and included a conforming amendment to the Rehabilitation Act of 1973 that affects the meaning of disability in Section 504. This law made a number of significant changes to the definition of “disability.”

The ADAAA states that its purpose is to “reinstate a broad scope of protection” by expanding the definition of the term “disability.” Congress found that persons with many types of impairments did not meet a narrowed interpretation of ADA’s definition of “disability” and revised the ADA accordingly. As a result of the ADAAA, it will be much easier for individuals seeking the law’s protection to demonstrate that they meet the definition of “disability.” Also, the ADAAA specifically states that all of its changes apply under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEIA within the state and distributing the funds for special education programs. IDEIA is a grant statute and attaches many specific conditions to the receipt of federal IDEIA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

Section 504 regulations require a school district 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. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met. *Once a district has determined that a student is a disabled student under Section 504 for purposes of FAPE, the district must provide whatever services it decides that student needs to participate and benefit from the district’s educational program.*

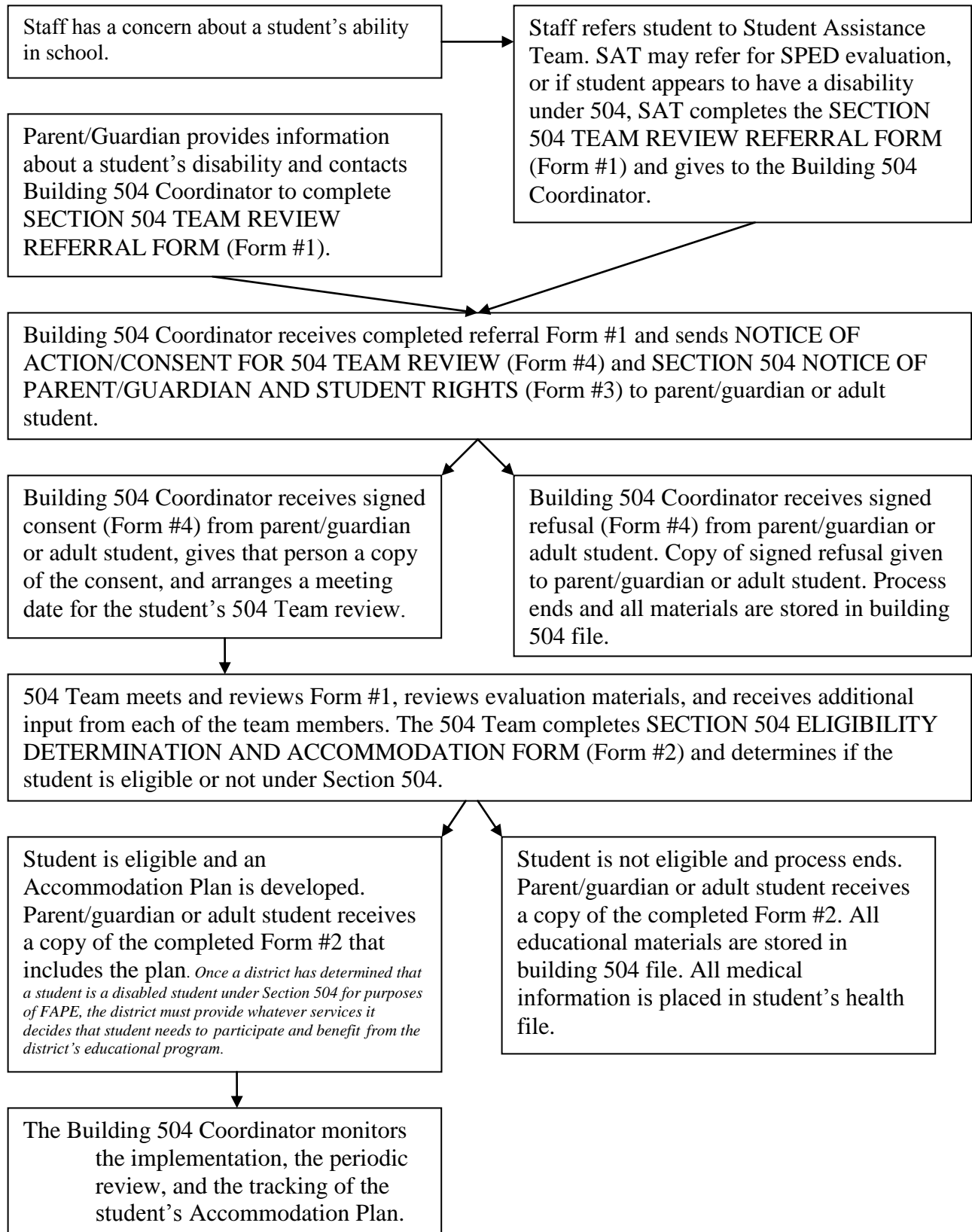
Meeting the Needs of All Students

- Meeting the Needs of All Students is a District manual that details the procedures to assure compliance with Section 504. (See PROCEDURES FOR SERVING STUDENTS WITH DISABILITIES UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 and FLOWCHART FOR SECTION 504 PROCESS.)
- The manual outlines the complaint process for the parent/guardian. (See PARENT/GUARDIAN CONCERNS AND COMPLAINTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973.)
- The manual will be reviewed and updated regularly by the District Section 504 Compliance Officer.
- Training for all staff will be based on this manual.

**PROCEDURES FOR SERVING STUDENTS WITH DISABILITIES UNDER
SECTION 504 OF THE REHABILITATION ACT OF 1973**

STEP	DESCRIPTION OF ACTIVITY
1. Concern	<p>There are several avenues available to address a concern about a student's education. A first step may be submitting the concern to the building's student assistance team (SFAT). If the student appears to have a disability under 504, a formal referral to the 504 Team is made.</p> <p>A parent may provide information about a student's disability and request a referral to the 504 Team.</p>
2. Referral/Consent	<p>If it is determined in Step 1 above that a formal referral should be made to the 504 Team, complete the SECTION 504 TEAM REVIEW REFERRAL FORM (Form #1) and give it to the building's 504 Coordinator.</p> <p>The 504 Coordinator completes the first section of the NOTICE OF ACTION/CONSENT FOR 504 TEAM REVIEW (Form #4), includes the SECTION 504 NOTICE OF PARENT/GUARDIAN AND STUDENT RIGHTS (Form #3), and sends both to the parent/guardian.</p>
3. 504 Team Review	<p>After receiving the signed consent form from the parent/guardian, the Building 504 Coordinator arranges a meeting for the student's 504 Team Review. (See DISTRICT SPECIFICS for make-up of team.)</p> <p>The 504 Team meets and reviews Form #1, reviews evaluation materials pertaining to the student, and receives additional input from each of the team members.</p> <p>The 504 Team completes SECTION 504 ELIGIBILITY DETERMINATION AND ACCOMMODATION FORM (Form #2).</p>
4. Eligibility	<p>If the 504 Team determines that the student is not eligible, give the parent/guardian a copy of the completed SECTION 504 ELIGIBILITY DETERMINATION AND ACCOMMODATION FORM (Form #2). Consider other referral sources or options for the student and/or school.</p> <p>Note: Original Form #2 and all other educational materials are stored in building 504 file. Any medical information should be placed in the student's health folder.</p>
5. Accommodation Plan	<p>Once eligibility has been determined, the student's 504 Team develops an Accommodation Plan. Appendix I provides a listing of possible accommodations.</p>
6. Educational Services	<p>The educational services are implemented as outlined in the student's Accommodation Plan. The Building 504 Coordinator oversees the implementation of the plan and the progress of the student. Another 504 Team member may assume direct responsibility for this role and report back to the Building 504 Coordinator.</p>
7. Periodic Review	<p>Each Accommodation Plan should be reviewed annually to ensure that it is meeting the student's needs. This review may be managed by the 504 Team member overseeing the implementation of the plan and the progress of the student.</p> <p>Also, each Accommodation Plan has a projected review date. The Building 504 Coordinator will arrange for the student's 504 Team to meet and review the plan according to this date. Three issues that should be addressed at the review are:</p> <ol style="list-style-type: none"> 1. the need for additional evaluation information; 2. the continued eligibility as a student with a disability under Section 504; and 3. the contents of the plan and service provider.
8. Tracking	<p>Each school should maintain a file for Section 504 materials, and the Building 504 Coordinator is responsible for tracking the 504 process on the ANNUAL 504 PLAN REPORT (Form #5).</p> <p>An Accommodation Plan will be transferred to the respective receiving school when a student transfers to another building or district.</p>

FLOWCHART FOR SECTION 504 PROCESS



PARENT/GUARDIAN CONCERNS AND COMPLAINTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The best solutions to parent/guardian concerns often occur at the school level. Parents/guardians are encouraged to attempt to resolve concerns related to Section 504 by working with the building principal, building Section 504 coordinator, and other appropriate staff to reach a joint resolution of the issue. Whether the parent/guardian chooses to attempt to resolve the issue at the building level or not, the parent/guardian may file a formal complaint under Section 504 through the following process:

Parent/guardian completes a Citizen Complaint Form and submits it to the district Section 504 Compliance Officer. The Citizen Complaint Form is available at each school's main office. The complaint should be as detailed as possible and describe why the parent/guardian believes that the concern(s) raises an issue under section 504.



The district Section 504 Compliance Officer will conduct an investigation of the allegation(s). If the district Section 504 Compliance Officer is the subject of the complaint, the Superintendent will appoint an impartial investigator. The parent/guardian and the district staff will have an opportunity to provide evidence, including documents and witnesses.



The district Section 504 Compliance Officer will issue a written decision about the complaint within 30 calendar days of receipt of the complaint, and provide a copy of the decision to the parent/guardian. The written decision will contain suggested resolutions to the concerns of the parent/guardian.



If the parent/guardian is not satisfied with the resolution of his/her complaint, the parent/guardian may request a review of the complaint by the Superintendent. The Superintendent will respond to the request for review within 10 working days of receiving the request.



If the parent/guardian is still dissatisfied after the superintendent's review, or at any time during the district's complaint resolution process, the parent/guardian may file a written complaint with the Office for Civil Rights. The address of the Regional Office is as follows:

U.S. Department of Education
Office for Civil Rights
915 Second Avenue, Room 3310
Seattle, WA 98174-1099
206-607-1600
www.ed.gov/ocr