

Section 504 Plans: Determination Practices and Processes

Introduction: The following document provides with a general overview for how the Section 504 review and determination process is articulated, at ACCEL Schools. Please note that the following processes and procedures are in alignment both the Office of Civil Rights (U.S. Department of Education), as well as the Section 504 determination model, set forth by the Michigan Department of Education:

What is Section 504? Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public or private, which receive federal financial assistance. This law conforms to the definition of disability under the Americans with Disabilities Act Amendments Act (ADAAA). Section 504 does not provide funding for special education or related services but does ensure legal and procedural safeguards for students under the Free and Appropriate Public Education (F.A.P.E.), as required by federal law.

Section 504 Process Begins: At the written request of the parent, or;

- When the building team believes that the student needs additional academic or behavior support
- Process Requires Parental Consent Parent/Guardian must sign a Section 504 Consent for Evaluation Referral form.
- Review and sign the Student / Parent Procedural Safeguards document.
- If applicable, the Parent / Guardian may need to sign the Release for Medical Information form, if the Section 504 is being requested based on a medical related issue (example: Diabetic monitoring)

The Planning Team should include: Parents/Guardian The Student's Teachers Principal or Designee Test Score Interpreter District 504 Coordinator (if building-level coordinator is not able to participate)

The Planning Team determines:

1. Whether a student has a disability or impairment * A handicapped person is a person who 'has a physical or mental impairment which substantially limits one or more of a person's major life activities; has a record of such an impairment.
2. Does the disability affect a major life activity *Major life activities include 'caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.'
3. The effect of any disability on the student in the school setting.

The Planning Team may request one or more of the following written items to determine eligibility:
Medical

- Vocational Educational
- Socio-Cultural Psychological
- Others as Appropriate

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The Planning Team must: Invite/encourage parents to attend meeting and present information
Designate a person to monitor the implementation of the 504 plan

Convene to determine if a student's behavior is because of his/her disability when there is to be a due process hearing or there have been more than 10 suspension days

DETERMINATION:

- Eligible: A plan is developed A person is designated to monitor the plan A contact person is determined for parents The plan will be reviewed periodically
- Ineligible:
Parents are informed of decision either in person or by mail.

What Is a 504 Plan for Children with Special Needs? From the Michigan Department of Education's Parent Guide: If your child has a physical or mental disability, she/he may be eligible for a 504 plan.

Section 504 of the Rehabilitation Act of 1973 is the civil rights law that prohibits discrimination on the basis of disability; and guarantees individuals with disabilities equal access to an education. What is a 504 plan?

- A 504 plan is a written plan created for students with disabilities who require modifications and/or accommodations to be successful in the classroom.
- A 504 plan is not an Individualized Education Program (IEP) which requires more specialized instruction.

An eligible person/student is any person 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); and has a record of such impairment; or
- is regarded as having such an impairment; and
- is of age, birth to 26 years old, in the state of Michigan.

What accommodations are considered appropriate under Section 504?

- Education in typical classroom settings.
- Education in typical classrooms with supplementary services, modifications and/or accommodations.
- Special education and related services.
- Any combination of the above.

Parents, teachers, adult-aged students, other staff, or community agencies can request a review for Section 504 eligibility determination.

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Submit a written request to the school asking for an evaluation to determine if there is a significant impact on the child's learning and/or behavior.

- Request a copy of your school district's policies and procedures on Section 504.
- A 504 committee 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 committee determines student needs based on information gathered from a variety of sources.

- An accommodation plan is written to address the individual needs of the eligible student.
- Plans are reviewed periodically (generally on a yearly basis)
- A plan may be terminated; once an evaluation has been completed and the 504 committee determines, based on the information gathered from a variety of sources, that the student no longer has a substantial limitation to a major life activity.
- 504 plans and termination documentation become part of the student's school records.