Section 504

Rehabilitation Act of 1973
Eligibility

- Physical or mental impairment
- Substantial limitations on one or more major life activities
- Record of impairment
- Does NOT qualify for special education under IDEA
When to Consider a 504 Plan

- No special education services provided
- Not benefiting from current instruction
- Being considered for retention, suspension, expulsion
- Returning after a serious illness
When to Consider a 504 Plan

- Chronic health conditions
- Drop out risk
- Substance abuse problems
- Physical accessibility problems
Major Life Activities

- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Working
- Learning
- Caring for oneself
- Performing manual tasks
Possible 504 Disabilities

- Allergies
- Arthritis
- Asthma
- ADD/ADHD
- Behavioral Difficulties
- Cancer
- Cystic Fibrosis

- Communicable Diseases
- Diabetes
- Drug/Alcohol Addiction
- Heart Disease
- Physical Disabilities
- Temporary Disabling Conditions
504 Plan Process

- 1. Referral – Written consent NOT required
- 2. 504 meeting scheduled and held
- 3. Plan development
- 4. Plan review dates set
- 5. Implementation
- 6. “Periodic” Evaluation
Persons Involved

- Student – where appropriate
- Parents/Guardians
- 504 Coordinator
- Teachers
- Principal
- District Administrators
- Support Staff
Possible Modifications

- Testing/Assignment modifications
- Seating Assignments
- Textbooks
- Leave classroom for certain activities
- Use a private restroom
- Equipment/activity modifications – PE
- Modify level of activity
Suspension and Expulsion

- Rehabilitation Act of 1973 - Section 504
- Americans with Disabilities Act of 1990 - Title II

The permanent exclusion of a child with a disability, the exclusion of a child for an indefinite period, or the exclusion of a child for more than 10 consecutive schools days constitutes a “significant change in placement”.
Reevaluation Considerations

- Was the misconduct caused by the child’s disability?
  - If yes, reevaluation process continues to determine appropriateness of placement
  - If no, expulsion may be used in the same manner as in situations with children who do not have disabilities

- Alcohol and Drug Addiction
  - Those addicted but no longer engaged are protected
  - Those addicted and currently engaged are NOT protected – No due process rights