

504 Compliance @ PCSC



Objective: Align our processes and ensure legal compliance for our students and ourselves.

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Indiana. *Section 504 in Indiana*. Lecture conducted
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“504 Plan ≠ a consolation prize”

504 FAPE Eligibility	IDEA FAPE Eligibility
Student has a mental or physical impairment as defined by Section 504	Student has 1 or more of 14 IDEA-recognized “disabilities”
“ Substantially limits ” 1 or more major life activities	“ Adversely affects ” educational performance
Needs special education OR related services	Needs special education AND related services

Eligibility Under Section 504

- **Has a physical or mental impairment which substantially limits at least one major life activity**
- **Has a record of such an impairment**
- **Is regarded as having such an impairment**

“Physical,” “Mental’ Impairment

- Physical: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss
- Mental: Any mental or psychological disorder

Eligibility Under Section 504

- An impairment that is episodic or in remission still qualifies a student.
- A temporary impairment (more than 6 months) may constitute a disability and warrant a provisional 504 Plan.
 - A limiting impairment that is less than 6 months would warrant an Individual Health Plan created by the school nurse and counselor.

“Substantial Limitation”

- **Section 504 does NOT define “substantial limitation.”**
- **An impairment need not prevent or severely restrict a major life activity to be considered substantially limiting.**
- **It is up to the 504 Committee to make the determination.**

“Substantial Limitation”

- **The determination must be made without regard to benefits of any “mitigating measures.”**
- **“Mitigating measures” include medication, prosthetics, mobility devices, hearing aids, assistive technology, etc.**

“Major Life Activities”

- The non-exhaustive list of major life activities includes caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

Initiating a 504 Evaluation

- **When a teacher or other school personnel, based on observation of or work with the student, expresses the need for an evaluation**
- **When the parent/guardian of a student expresses the need for an evaluation**

Initiating a 504 Evaluation

- You **MUST** have parent consent to conduct an evaluation!
- Parents must be given a copy of their rights, and you must obtain a signature stating they received their rights.

The 504 Evaluation

- **A 504 Committee comprised of teacher(s), administrator(s), and counselor(s) must convene and look at all relevant data: grades, disciplinary records, health information, parent information, test scores, and teacher comments.**

The 504 Evaluation

- **A medical diagnosis does NOT automatically qualify a student!**
- **A medical diagnosis is NOT needed to qualify a student!**
- **If a school wants medical testing, they must pay for it!**

The 504 Conference

- Parent(s)/Guardian(s) should receive notice of a conference.
- The 504 Committee should complete the “Conference Summary” and “Section 504 Plan” if warranted.
- Parents must give consent for implementation.

The 504 Evaluation: Timelines

- **Section 504 does not have rigid timelines like IDEA**
- **Implementation should occur in a reasonable amount of time**
- **Reevaluation must be done “periodically”--every 3 years is appropriate**

504 Plan Accommodations

- **504 Plan accommodations should be specific and easily understood:**
 - **Provide time and a half on all tests/quizzes requiring written responses.**
 - **Reduce homework assignments by 50%.**
 - **Provide alternate, quiet setting for tests/quizzes.**
 - **Read all English tests/quizzes to student except those which assess comprehension.**

Student Discipline Under 504

- A student with a disability under Section 504 may not be disciplined for a long period of time without a manifestation determination in which a review of the relationship between the student's conduct and his/her disability is conducted.

Student Discipline Under 504

- A Behavior Intervention Plan should be created before any major disciplinary action is taken.
- A manifestation determination isn't necessary if the infraction involves illegal drug or alcohol use at school.

Student Discipline Under 504

- **The manifestation review must be completed before a significant change in placement occurs.**
- **A district is not obligated to provide services if a student is expelled.**