

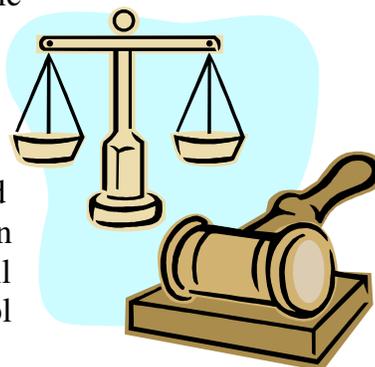


What's the Big IDEA? # 15

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

Section 504

Congress passed Section 504 of the Rehabilitation Act in 1973 to protect people with disabilities from discrimination in programs that receive federal funds. Because all public schools and many independent schools receive federal dollars, they are required to follow Section 504. Children with disabilities or perceived disabilities who are not eligible for special education may qualify for extra help and accommodations under Section 504. If your child qualifies for Section 504 services, she or he may receive specialized instruction, related services, classroom accommodations, or adaptations to the education environment. Qualified students are also guaranteed equal access to all academic and nonacademic activities and programs, including after school programs.



The school wants to evaluate my child for a 504 plan. What does this mean?

If a student is having difficulties in school, a parent or teacher can request a meeting of the Student Assistance Team (SAT). This team is made up of school personnel and the parent. This team comes up with research-based interventions to try. The team meets again after the interventions have been in place for several weeks. If the student has not made any progress and/or the school has reason to suspect there may be a disability, the team may ask for either a 504 evaluation or an evaluation for special education services. Students with special health care needs often qualify for a 504 plan.

What happens during the 504 evaluation?

First of all, schools must obtain parental permission for initial 504 evaluations. During the evaluation process, the Section 504 team, which is usually the same as the SAT team, gathers information from a variety of sources. The school can use previous evaluations and medical information. The school can also request new evaluations in specific areas. The evaluations must give enough information so the team can understand the educational impact of the disability and develop an appropriate plan. The evaluation will determine if a child had or currently has a mental or physical impairment that **substantially limits** one or more major life areas **and significantly affects** the student's education.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. [42 U.S.C. 12102(4)(a)(2)(A)]

The team's determination of **substantial limitation** is made on a case-by-case basis. When the team is considering whether or not a student has a **substantial limitation**, they should consider the educational impact of the child's condition if he or she was **not** using any medicine, medical devices or equipment, assistive technology, accommodations, or behavioral therapies to manage the condition. For example, if your son has ADHD and is taking medication, the team may need to develop his 504 plan as if he was not on medication or receiving any other interventions. His plan may need to address his need for support in the area of focusing on a task.

What happens after the evaluation?

The team's decision must be documented in the student's educational records. The school team, which includes the parent, will decide on the services the student needs based on their knowledge of the student and the information from the evaluation. The focus of a 504 plan is on providing **accommodations** and **accessibility**. The school district is responsible for all costs associated with 504 plans. A student may **not** have both an IEP and a Section 504 plan. If a student qualifies for an IEP, then an IEP must be developed that meets all of the student's needs.

What services can my child get through a 504 plan?

All services need to be provided in the least restrictive environment, which is usually the general education classroom. The services or accommodations your child receives will depend on his or her individual needs. Some examples of services that can be available include:

- Transportation
- Speech and language services
- Equal opportunity to participate in non-academic and extra-curricular activities
- Home-based instruction
- Modified attendance policies
- Giving medication
- Changing grading procedures
- Classroom modifications
- Behavior plans



What rights do I have under Section 504?

Under Section 504, parents or guardians must be involved with each step of the process. You have the right to be included in the evaluation, identification, and placement process. Written consent for initial evaluation and initial placement is required. If you disagree with the team's decision, a grievance may be filed with the district's Section 504 Coordinator. You can also make a complaint directly to the U.S. Department of Education Office for Civil Rights (OCR) without going through the district.

The information provided here is not a complete explanation of the law. For more information and help, call us at the New Mexico Parent Training and Information Center at 1-800-524-5176.

For more questions and answers from OCR, you can visit their website at:

<http://www.ed.gov/about/offices/list/ocr/504faq.html>

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