

### WHEN A 504 IS NOT APPROPRIATE:

- A student has a disability, but is functioning well and making academic progress without accommodations, the student does not meet 504 eligibility criteria. This might include a student a parent feels could be making A's rather than B's; or a student who only experiences difficulty in one subject area.
- When a plan is created solely to support a request for extended time on standardized tests such as HSGQE or college board exams such as SAT's, ACT's. A student must also need the accommodation in their regular classroom work.
- When a student is eligible for services under IDEA but the parents prefer Section 504 services.

### PARENT'S RIGHTS UNDER SECTION 504:

- Have your child take part in, and receive benefit from, public education programs without discrimination based on disability.
- Have the school advise you of your rights under federal disability law.
- Receive notice and examine records with respect to the identification, evaluation, and placement of your child.
- Have your child receive (FAPE). This includes the right to be educated with other nondisabled children to the greatest extent possible. It also includes the right to have the school make reasonable accommodations to allow your student an equal opportunity to participate in school related activities.
- Have evaluation, educational and placement decisions made based upon a variety of information sources, and by individuals who know your child, the disability, the evaluation data and placement options.
- Request a due process hearing and/or the assistance of a mediator to help resolve issues with the school's decisions.
- File a formal complaint with the Office of Civil Rights (OCR).

### FOR MORE INFORMATION CONTACT:

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**Office for Civil Rights**  
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#### ASD Statement of Non-Discrimination

*It is the policy of the Anchorage School District to provide equal educational and employment opportunities, and to provide services and benefits to all students and employees without regard to race, color, religion, disability, national origin, gender, marital status, change in marital status, pregnancy, parenthood or other prohibitions. This policy is consistent with numerous laws, regulations, and executive orders enforced by various federal, state, and municipal agencies, including but not limited to Executive Order 11246, Title 41, part 60-1, 60-2, 60-3, 60-20, Title VI and VII of the 1964 Civil Rights Act, Title IX of the Education Amendments Act of 1972, and Section 504.*

*Inquiries or complaints may be addressed to ASD's Equal Employment Opportunity Director, who also serves as the Title IX Coordinator, ASD Education Center, 5530 E. Northern Lights Blvd. Anchorage, AK 99504-3135, (907) 742-4132 or to any of the following external agencies: Alaska State Commission for Human Rights, Anchorage Equal Rights Commission, Director of the Office for Civil Rights, Department of Education, Department of Health and Human Services.*



## A Parent's Guide To Section 504

*This brochure is distributed by the Anchorage School District's Health Services Department to inform parents and the community about Section 504.*

## WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act is a civil rights act prohibiting discrimination based on disability. It was enacted to eliminate barriers that exclude persons with disabilities. In the Anchorage School District, all staff and administrators have the responsibility of ensuring that all students with disabilities are identified, evaluated and provided with needed accommodations and services, resulting in a free appropriate public education (FAPE).

Public school districts have the duty to provide (FAPE) to all qualified disabled students. This must include an education designed to provide educational benefit despite the child's disability. It must be at no cost to the parent. It must be provided in an environment that affords the greatest exposure to nondisabled peers.

## IDEA AND SECTION 504, WHAT'S THE DIFFERENCE?

### Section 504:

- ⇒ A civil rights act, mandating equal academic and physical access.
- ⇒ Unlike services offered through IDEA, school districts receive no additional federal or state funding under the Section 504 mandate.

### IDEA:

- ⇒ Commonly referred to as "Special Education" is an education law which provides individualized educational programs and additional services beyond what is provided to persons without disabilities.
- ⇒ IDEA covers children and adolescents with specific groups of disabilities and degrees of disabilities and who require specially designed instruction.

## HOW ARE ELIGIBLE STUDENTS WITH A DISABILITY UNDER SECTION 504 IDENTIFIED?

Section 504 protects an individual whose physical or mental disability which substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, focusing, concentrating, or learning. It protects students when their disabilities limit their ability to attend, participate in, or receive benefit from their education. These provisions protect individuals with disabilities far beyond those covered by IDEA, and they also protect every student who is eligible for IDEA.

Section 504 does not specifically list qualifying disabilities. Although, it does list examples. These include:

- ⇒ diseases and conditions involving orthopedic, visual, speech, and hearing impairments;
- ⇒ cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
- ⇒ HIV/AIDS, learning disabilities, ADD/ADHD, cystic fibrosis, severe allergies and asthma, among others, have also been recognized.

In all cases, the eligibility decision focuses on how much the disability limits a major life activity and whether the individual is unable to perform an activity that the average person in the general population can do.

If your child has a chronic condition or if you suspect he/she may have a disability, then you should inform your child's teacher, principal, or building 504 Coordinator. Following a referral, the 504 team will meet to evaluate and determine the student's eligibility.

## SECTION 504 EVALUATIONS

"Evaluation" means reviewing information from a variety of sources. This typically includes teacher

reports, grades, standardized test scores, attendance and discipline reports, information from parents and medical providers, etc.

## THE "504 TEAM"

The 504 team must include people who are knowledgeable about the child, the type of suspected disability, the data being reviewed, and accommodations which might be considered. Parents play an important role in this process.

It is not unusual for a school to receive a physician or medical provider's letter stating that a student has a disability and may need certain accommodations. While the school always considers the recommendation of medical providers who work with the student, it remains the school's responsibility to review multiple sources of information to determine 504 eligibility and to implement any necessary accommodations for the student. Having a disability does not automatically qualify a student under Section 504.

## SERVICES AND ACCOMMODATIONS

If a student is found to have a disability (under Section 504), that substantially impacts a major life activity, the 504 team will make an individualized determination of the student's educational needs and an accommodation plan will be developed. Section 504 directs services and placement in the least restrictive environment. Most accommodations are provided in the regular education classroom. Eligibility status and 504 plans must be reviewed annually by district policy. They may also be reviewed more frequently if the 504 team determines this is necessary.

Accommodations should be designed to minimize the impact of student's disability and meet the unique needs of the student. They are determined individually for each student. Examples include:

- ⇒ preferential seating to minimize distractions for a student with ADHD or similar condition;
- ⇒ preferential seating for a student with visual impairments;