



## A Parent's Guide to Section 504

The purpose of this document is to provide parents/guardians information related to Section 504, including their Procedural Safeguards/Parent Rights under Section 504.

### Introduction

Section 504 of the Rehabilitation Act of 1973 is a broad federal civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. *"No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."*

Section 504 requires a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

*Section 504 prohibits discrimination solely on the basis of disability.* It provides an equal opportunity for a qualified student with a disability to participate in or benefit from educational aid, benefits, or services. 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. This must include an education that is provided in an environment that provides the greatest exposure to nondisabled peers.

Section 504 covers qualified students with disabilities who attend schools receiving federal financial assistance. To be protected under Section 504, a student must be determined to:

1. have a physical or mental impairment that substantially limits one or more major life activities
2. have a record of such an impairment; or
3. be regarded as having such an impairment.

A Section 504 team works with the parent on student-specific issues related to 504 eligibility and a 504 Plan if the student is eligible. The team consists of the student's

parents and a group of people who are knowledgeable about the student, assessment data and placement options. This usually includes the classroom teacher or team of teachers who work with a student and may include any or some of the following: school counselor, school nurse, special education staff, school psychologist and representatives from outside agencies (e.g. medical doctors, treating psychologists or therapists) who have special knowledge of a student's qualifying medical or mental health impairment.

A parent or school staff should consider referring a student for a Section 504 evaluation for any student who, because of a disability, "needs or is believed to need" services. If any of the following events occur, a 504 evaluation should be considered:

- Behavior problems or disciplinary referrals
- Being considered for retention
- Chronic absences from school
- Showing a pattern of not benefiting from the instruction
- Returning to school after a serious illness or injury
- Informal classroom accommodations have not worked
- Past special education referral (when student did not qualify or no longer qualifies)
- Chronic health condition, medical problem, or mental health disorder

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

## Questions & Answers about Section 504

### **(1) What is a Section 504 evaluation?**

Determining whether a student is a qualified disabled student under Section 504 begins with the evaluation process. Section 504 requires the use of evaluation procedures that ensure that students are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

The assessment must draw upon information from a variety of sources and from individuals who are knowledgeable about the student, assessment data and placement options. Teams must draw from a variety of sources that may include existing data such as grades, attendance reports, office discipline referrals, information from medical providers, parent input, district and state test scores, aptitude and achievement tests, teacher reports

and recommendations, physical condition, social and cultural background, and adaptive behavior.

**(2) If my student has a diagnosis, does that automatically mean he/she gets a 504 plan?**

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 an impairment or disability does not automatically qualify a student under Section 504.

**(3) In the evaluation process, who makes the ultimate decision regarding a student's eligibility for services under Section 504?**

The determination that a student is eligible for special education and/or related aids and services must be made by a group of persons, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options. If a parent disagrees with the determination, he or she may request a due process hearing.

**(4) How should a school district view a temporary impairment?**

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual. An individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

**(5) Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?**

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a school re-evaluates a student and determines that the student's mental or physical impairment no

longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

### **(6) What is a 504 plan?**

Only students who have a physical or mental impairment that substantially limits one or more major life activities are eligible for a Section 504 Plan. Anchorage School District procedures require that a Section 504 team use a written plan to document that a group of persons knowledgeable about the student convened and to specify the agreed upon accommodations and services that are required for a specific Section 504 eligible student.

### **(7) What is an Accommodation?**

An accommodation allows a student to complete the same task, assignment, or test as other students, but with a change in the timing, formatting, setting, scheduling, response, and/or presentation. For example, accommodations:

- Change how a student learns or accesses the curriculum
- Do not reduce learning outcomes or expectations
- Are used for equity, not advantage
- Do not change what is being measured or the content of the assignment in any significant way
- Are adaptations that make curriculum accessible. They provide students with an equal opportunity to learn from the same material as their peers
- Do not fundamentally alter or lower expectations or standards in instructional level, content, or performance criteria

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 procedure. They may also be reviewed more frequently if the 504 team determines this is necessary. Accommodations should be designed to minimize the impact of a student's disability and to 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 or preferential seating for a student with visual impairments.

## **Parental Rights Under Section 504**

Under Section 504, you have the right as a parent to:

- Have your student take part in, and receive benefit from, public education programs without discrimination based solely on disability.

- Have your student receive FAPE if they have a qualifying disability and need services. This includes the right to be educated with other nondisabled students to the greatest extent possible. It also includes having the school make reasonable accommodations to allow your student an equal opportunity to participate in, and benefit from school related activities.
- Receive notice and examine records with respect to the identification, evaluation, and placement of your student.
- Have evaluation, educational and placement decisions made based upon a variety of information sources, and by individuals who know your student, the disability, the evaluation data and placement options.
- An opportunity for parents/guardians to review relevant records.
- An impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure.
- Appeal any decision regarding evaluation and placement through an impartial hearing.
- File a Citizen's Complaint with the Anchorage School District or file a formal complaint with the Office of Civil Rights (OCR).

### **Problem Solving and Grievance Procedure**

If you have concerns about the 504 process for your student, please follow the steps below:

1. Contact the School 504 Coordinator at your student's school to request a meeting to review the 504 Plan or decision with which you do not agree. Each school has a 504 Coordinator or administrator who can answer questions and assist with problem solving and grievance procedures.
2. If additional support is needed, contact the District 504 Coordinator at (907) 742-4299 or [section\\_504@asdk12.org](mailto:section_504@asdk12.org).
3. Contact the Senior Director of Special Education at (907) 742-4236.
4. Request for a formal Section 504 impartial hearing must be made to the District 504 Coordinator within 30 calendar days after receipt of the Section 504 meeting determination.

In each case where a hearing has been requested, the district will designate an impartial hearing officer who is not an employee of the district. The Section 504 hearing officer shall render a decision in writing to the district and parent/guardian of the student within 45 days after the completion of the Section 504 hearing. Review of the hearing officer's decision is available through an administrative appeal under Rule 602 of the Alaska Appellate Rules to the Alaska Superior Court.

**Additional information about Section 504**

Information about Section 504 for the Anchorage School District can be obtained from the building administrator and/or 504 Coordinator at each school, the ASD website at <https://www.asdk12.org/site/Default.aspx?PageID=1416>, or by contacting:

<p><u>ASD Section 504 District Coordinator:</u></p> <p>Chelsie Fox Anchorage School District 5530 E. Northern Lights Blvd. Anchorage, AK. 99504</p> <p>(907) 742-4299 <a href="mailto:section_504@asdk12.org">section_504@asdk12.org</a></p> <p><u>Anchorage School District Nondiscrimination Policies:</u> <a href="https://www.asdk12.org/Page/7976">https://www.asdk12.org/Page/7976</a></p>	<p><u>Alaska OCR office:</u></p> <p>Office for Civil Rights US Department of Education 915 Second Avenue, Room 3310 Seattle WA 98174-1099</p> <p>800-421-3481 FAX: 202-453-6012 TDD: 800-877-8339 Email: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a></p>	<p><u>National OCR National Headquarters:</u></p> <p>US Department of Education Office for Civil Rights LBJ Department of Education Building 400 Maryland Ave SW Washington DC 20202-1100</p> <p>800-421-3481 Fax: 202-453-6012 TDD: 800-877-8339 Email: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a></p>
<p><i>Inquiries or complaints may be addressed to Anchorage School District's Office of Equity and Compliance Senior Director, who also serves as the Title IX and ADA Coordinator, ASD Education Center, 5530 E. Northern Lights Blvd, Anchorage, AK 99504, (907) 742-4132, <a href="https://www.asdk12.org/Domain/1208">https://www.asdk12.org/Domain/1208</a>, or to any of the following external agencies: Alaska State Commission for Human Rights, Anchorage Equal Rights Commission, Equal Employment Opportunity Commission, or the Office for Civil Rights-U.S. Department of Education.</i></p>		