

504 Questions

January 22, 2009

1. What documentation is needed to state that a person has a disability under a 504?
 - Schools should attempt to obtain a doctor's note, but it is not required
 - No requirement of what 504 documents must look like. Form 5 is provided to document the 504 Team's determination of whether a student has a 504 disability and whether the student needs a 504 Plan.
 - ⇒ Communicate 504 possibilities to all parents, by either placing in the student handbook or distributing in another fashion.
 - ⇒ Student qualifies if needs or is believed to need special education or related services to receive equal opportunity to participate in schools activities and programs – special education is meant to suggest reasonable accommodations and is not just in the classroom, could be extra-curricular activities
 - Form 10 in forms can be sent to all students; and must be published within the District annually.
 - Form 3 in 504 forms sent to those who would potentially be eligible for a 504
 - Form 1 goes in the student handbook
 - ⇒ Options for forms available in the handouts provided
 - Signature page completed by parent with consent or refusal for Section 504 Evaluation – send to all parents...No need to send to kids on an IEP. IF you've met IEP laws, you've satisfied 504 requirements
 - Notice of meeting
 - Determination of Eligibility
 - Physical/mental impairment
 - Is it considered substantially limiting
 - Does he/ she actually need it
 - Accommodation Plan – Should be brief, sample in 504 forms is one page, tool kit, use at the meeting to explain what each term means
2. What are ways of tracking the recommendations so they will be followed?
 - May be helpful to require them to tell you in writing periodically what they have implemented for the student
3. Who is responsible to monitor the progress of these students? What if a school does not have a 504 coordinator? Is SAT the most sensible group to monitor?
 - Depends, if medical, may be school nurse. You don't have to establish goals and objectives as required on an IEP. 504 is more like a service plan of the IEP. It makes sense for someone to see how it's progressing. SAT would be appropriate, particularly when instructional and behavioral.

- Must have a 504 coordinator, **required**.
 - Team is to consist of those who are familiar with the students needs in various categories, that is, people who have knowledge of the student, the evaluation data, and the placement options. Parents are included. SPED director most often is the 504 coordinator and can bring knowledge about financial obligation/availability.
4. Can students with 504 plans receive direct services from special education teachers?
 - Sure! As far as funding is concerned, however, unlike SPED it is not reimbursed. If a SPED teacher is working one-on-one with just 504 students then can't turn that time in for reimbursement.
 5. Can curriculum modifications and graduation requirements be changed with a 504?
 - Yes for curriculum modifications but not on graduation requirements (unless board policy)
 6. Should school districts determine eligibility for special education services before looking at eligibility for a 504?
 - Depends, if student qualifies for SPED then you would go through SPED evaluation first. If no reason to suspect eligibility for SPED, then consider 504 evaluation.
 7. What advice would you have regarding the notion that any student who is no longer eligible for special education services is automatically eligible for a 504?
 - If a student is not eligible for SPED it may serve as a triggering factor for 504 eligibility, but this does not automatically qualify him/her for a 504 plan. Considering every student is okay, but should not determine eligibility for everyone.
 8. For students who are on 504 plans, how often does the plan need to be reviewed?
 - Unlike SPED, the 504 regulations do not require an annual review. However, following the SPED pattern (annual review; and more frequently if indicated) is advisable.
 9. Once a student has a 504, how often does the student need to be reevaluated to determine if he/she continues to be eligible for a 504?
 - 504 regulations require "periodic reevaluation." The cycle required by SPED (every 3 years) meets the requirements of 504.
 10. If a student is struggling in school and "cannot learn", does that constitute a Learning Disability? NO, not automatically
 - Use the three part test: physical or mental disability (specific learning disability), substantially limiting, and one or more major life activities; however, there is no source of reference to know what specific learning disability means other than SPED. If the student qualifies as SLD under SPED, he would be placed on an IEP and not a 504 Plan.

11. What constitutes a Mental Impairment? Could that be a student who isn't learning?
- Mental Impairment is "any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities."
 - A student is not learning, but who does not have a mental or psychological disorder, does not qualify for 504. If the student has a mental or psychological disorder, he/she would most likely qualify under SPED, so he/she would be placed on an IEP and not a 504 Plan.
 - Substantially limits is meant to indicate significantly restricted in comparison to the average person
 - Major life activities – eating, standing, lifting, seeing hearing, reading concentrating, speaking, communicating, thinking...anything your body does. Limited in immune system, cell growth, eating food and getting rid of it, brain, breathing, skin, and specific learning disability
 - Now with 504 says do consider mitigating measures – anything that doctors can give us that help us overcome a health problem.
 - Substantially limiting without mitigating measures – ADHD, Asthma, diabetes, mental conditions (anxiety, bipolar, depression) and hearing impairments
 - Diabetes, need to go to nurse for insulin injections – considered to have a 504 disability
 - Episodic or in Remission – Epilepsy, food or latex allergies, chemical sensitivities, Crohn's disease, cancer if substantially limiting

12. If a Multidisciplinary evaluation has been completed and the student does not qualify for Special Education services under IDEA, do they automatically qualify for services under a 504? NO; see #7. Rule 51 states the student is referred back to the SAT. A 504 plan would only be appropriate if an evaluation under 504 determined the student has a disability (mental or physical impairment) that substantially limits a major life function.

13. If a student "tests out" of Special Education under IDEA, should they automatically be put on a 504? NO; see #7.

14. Is low IQ considered a condition that substantially limits a student's ability to learn, thus qualifying him/her for 504?"

- Usually Not. The low IQ has to come from a physical or mental impairment. If the student has a low IQ sufficient to be a physical or mental impairment for 504 purposes, he/she would typically qualify for SPED and be on an IEP, not a 504 Plan.

15. Where is the best place to store the completed 504 files? SPED files so they remain confidential, in the cumulative file, so teachers can have easy access to them, or in a completely separate locked file?

- Confidentiality is CRITICAL; however, access to the plans for the teachers is

also critical. Do the same as you do with your SPED files!

16. What types of adaptations and modifications can be made under a 504? Can you change grading requirements (lower percentage for passing), qualify for books on tape, change graduation requirements, change where instruction is taking place (alternative classes), give credit for work experiences?

In general, yes subject to #5. See Toolkit for sample accommodations.

For ADA accommodations:

- Making facilities readily accessible
- Job restructuring, modified work schedules
- Provide assistance (example, has headache with tractable migraines and Status Migrainosus)
 - a. Lighting – provided filters for fluorescent lights in her office
 - b. Monitor – provided a flicker-free LCD computer monitor
 - c. Air purification system
 - d. Work from home (telecommuting) – denied right
 - e. Flexible work schedule and allow exceptions to leave policy – denied right
- Check <http://www.jan.wvu.edu/media/atoz.htm> - which you can type a “condition” (such as Status Migrainosus) in there to see what it is. For example if what to know other types of migraines, it will explain