

## EDS 520

# Section 504 of the Rehabilitation Act and How it Applies to Children with Disabilities

**NASET Study Hours Awarded for this Course: 8**

### Course Overview

Section 504 of the Vocational Rehabilitation Act of 1973 forbids discrimination on the basis of disability in any program or activity receiving federal money from the U.S. Department of Education. The purpose of the law is to provide equal access for people with disabilities. The Section 504 regulations require a school district to provide a "free appropriate public education" to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.

A student who qualifies for special education services under the Individuals with Disabilities Education Improvement Act (IDEIA) is, in all cases, a qualified student with a disability under Section 504. The converse, however, is not true: a qualified student with a disability under Section 504 is not qualified in all cases to receive special education services and the protections of IDEA. In other words, some students with disabilities may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA.

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers' treatment of students for whom they are responsible. If the teachers fail to implement the plans, such failure can cause the school district to be in noncompliance with Section 504.

**The focus of this professional development course will be to teach you the following material:**

- What is Section 504 of the Rehabilitation Act?
- Who enforces Section 504?
- Who does Section 504 protect?
- What is a physical or mental impairment that substantially limits a major life activity?
- What does "substantially limit" mean?
- What are "major life activities"?
- Is a temporary impairment considered a disability under Section 504??
- Is an impairment that is episodic or in remission a disability under Section 504?
- Is Section 504 used for "at-risk" students?
- Is a student who "has a record of disability" or is "regarded as disabled" automatically deemed Section 504 eligible?
- What types of conditions deem students 504 eligible?

- What are the fundamental differences between IDEIA (special education) and Section 504?
- What sources of information should be used to determine whether a student is eligible under Section 504?
- What is the difference between accommodations and modifications?
- What are considered reasonable accommodations?
- Does the nature of services to which a student is entitled under Section 504 differ by educational level?
- When should a 504 Plan be considered?
- Must a school district obtain parental consent prior to conducting an initial 504 evaluation?
- What form of parental consent is required prior to conducting an initial 504 evaluation?
- What can a school district do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?
- What procedural safeguards are required under Section 504?
- What is a school district's responsibility under Section 504 to provide information to parents and students about its evaluation and placement process?
- What is an appropriate evaluation under Section 504?
- May school districts consider "mitigating measures" used by a student in determining whether the student has a disability under Section 504?
- Is there any impairment which automatically determines a child to be eligible under Section 504?
- Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?
- Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?
- Does a diagnosis of ADHD, depression or diabetes mean a student should be identified as eligible for Section 504?
- How should a school district handle an outside independent evaluation?
- What should a school district do if a parent refuses to consent to an initial evaluation under IDEIA but demands a Section 504 plan for a student without further evaluation?
- Who makes the decision regarding a student's eligibility for services under Section 504?
- Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?
- Once a student is identified as eligible for services under Section 504, is there an annual or triennial review requirement?
- What is a school district's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?
- What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans?

### **Terminology you will learn in this course includes:**

- 504 Plan
- Accommodations
- At-risk students
- Individuals with Disabilities Education Improvement Act

- Major life activities
- Mitigating measures
- Modifications
- Office for Civil Rights
- Periodic re-evaluation
- Section 504 of the Vocational Rehabilitation Act of 1973
- Substantially limit”
- Temporary impairment

