

## What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by listing the accommodations the student will need in order to access the general education program. A 504 Plan is not the same as an Individualized Education Program (IEP). A student may not have both a 504 plan and an IEP.

## What are common accommodations?

Depending on the nature of the disability, a student covered by Section 504 might need testing accommodations. Accommodations are intended to give the student equal opportunity to participate in the general education environment. Examples include extra time on tests and/or reduced distraction environments in which to take them, adaptive technology, preferential seating, note taking assistance, assignments broken into smaller tasks, textbooks in an alternate format, or services such as sign language interpreters, transportation, or health-related services. If a student requires a modified curriculum or other specialized instruction considered by the district to be special education, then the student should be assessed for services under an IEP.

## Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of the parents/guardians to obtain that data.

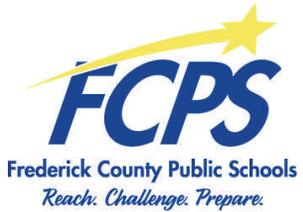
## Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

## What are procedural safeguards?

In FCPS, parents/guardians and students age 18 or older have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program
- Consent to the initial assessment and initial placement of their child
- Have an assessment that considers information from a variety of sources
- Examine all relevant records of their child, challenge that information and consent to the release of information
- Periodic reassessments, including reassessment before any significant change in placement
- Have their child educated in the least restrictive environment
- Appeal a decision to the FCPS 504 Coordinator at (301)-644-5289
- Request an impartial hearing over disagreements and be represented by counsel in the hearing



# Section 504



## Questions, Answers & Rights

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## What is Section 504?

Section 504 of the Rehabilitation Act of 1973 and the subsequent Americans with Disabilities Amendment Act of 2008, are intended to prevent intentional or unintentional discrimination against persons with disabilities. In essence, Section 504 was enacted to “level the playing field” in order to eliminate impediments to full participation by persons with disabilities. Section 504 provides **ACCESS** in the educational environment for students with disabilities.

## How does Section 504 define “disability”?

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria.

- Have a physical or mental impairment, which substantially limits one or more major life activities.
- Have a record of such an impairment, or
- Are regarded as having such impairment.

The term “disability” includes a broad range of disabilities and impairments. There is no exhaustive list. Additionally, determination in favor of a disability should not demand extensive analysis.

## What is a physical or mental impairment?

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability.

## What are “major life activities”?

Caring for oneself, Performing manual tasks, Seeing, Hearing, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working. This is not an exhaustive list.

## What is “substantial limitation”?

Neither Section 504 nor its regulation defines the term “substantial limitation”. When framing “substantial limitation”, consider the following: When compared to the average student of the same age in the general population, are they unable to perform, or significantly restricted in the level of performance in one or more major life activity area?

## Does Section 504 require assessment?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing”. Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations. Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc. If the committee determines that individually administered, formal testing is necessary, parental consent is required prior to administering such tests to the student. In FCPS, the IEP screening process is utilized for assessment consent determined necessary by the Section 504 Committee.

## Does FCPS consider private evaluations submitted by parents?

Yes. All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed.

## Can a student have a disability under Section 504 if she/he is doing well academically?

Yes. A student might be getting good grades and otherwise be doing reasonably well in class despite his/her disability. For example, a student with a severe peanut allergy may have a 504 Plan to accommodate their needs with respect to learning environment requirements to be peanut free, or a student with diabetes might require re-teaching and extended time when they are away from instruction due to insulin checks in the nurses office. The focus is that the student’s disability should not impact access of the learning environment from the classroom to the hallway, cafeteria, recess, and transportation to and from school.

## How does a student qualify under Section 504?

The decision regarding whether or not to identify a student under Section 504 is made through the 504 eligibility process on a case-by-case basis. The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access the general education environment and activities offered by the school district. In cases where a student’s physical or mental impairment is of a medical nature, the 504 Plan may be accompanied by an individual care plan (medical response plan set forth by nursing staff in the school).

## What is the Section 504 Committee?

Each FCPS school has a designated 504 coordinator. The 504 committee in each school is knowledgeable about the requirements of Section 504 and operates under the direction of the Principal or designated 504 coordinator. The parents/guardians are valuable members of the 504 committee and their input is invaluable. When the committee makes decisions concerning an individual student, persons who are knowledgeable about the student, who have expertise in the area of the suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child’s general education teacher, specialists/itinerants (Psychologists, ACTT, OT/PT, vision/hearing, school nurse, etc.), or other personnel deemed appropriate by the principal. The committee’s purpose is to process referrals, review assessment information, determine eligibility, and develop plans for a student under Section 504.