

Section 504 of the Rehabilitation Act of 1973: Interpreting Equity and Access

(SOP1200-012: Section 504 Procedural Manual)

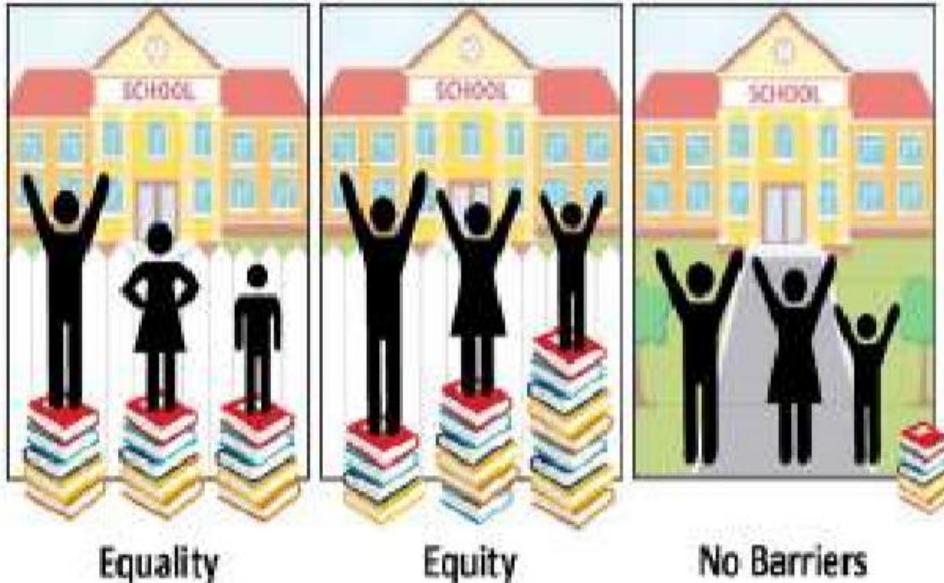
November 8, 2022 | 9:30 -10:30AM | 3rd Floor Conference Room, GDOE
Student Support Services Division



Training Agenda

1. Understanding the basics of Section 504
2. *Basis of Determining* - Eligibility, Re-Evaluation
3. Education Accommodation Plan, Documentation
4. Requesting for 504 Service/Accommodation with an Associated Cost
5. Students Moving from Special Education to Section 504
6. The future of Section 504

What is Equity?



- **Equality:** Everyone benefits from the same supports.
- **Equity:** Everyone gets the supports they need.
- **No Barriers:** Supports and accommodations are not needed because systemic barriers have been removed.

Section 504 is about accessibility.

Students under 504 want to come to school.

Students under 504 want to take care of themselves.

Students under 504 need support and/or service to succeed.

They need a person and a place they are comfortable to seek information.

Equitable Access



Leveling the Playing Field

Understanding the Basics of Section 504

**CIVIL RIGHTS LAW THAT PROTECTS INDIVIDUALS FROM
DISABILITY-BASED DISCRIMINATION & HARASSMENT**

Federal law designed to protect the rights individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

1. Requires “free appropriate public education” (FAPE)
2. Provides accommodations
3. May provide related aids and services



No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which, receive federal financial assistance.

—34 C.F.R. Part 104



Why is Section 504 important for children with disabilities in school?

- **Protects children from disability-based discrimination and harassment**
- Promotes inclusion – least restrictive environment and access to activities
- Requires individualized determination
- Provides protections to children not eligible for services under special education

Qualified Individual under Section 504

01

**Mental or
Physical
Impairment**

02

**Substantial
Limitation**

03

**One or more
major life
activities**

Mental or Physical Impairment

- Physiological disorder/condition
- Mental/Psychological disorder
- Three Prongs
 1. Has one or more physical or mental impairment which substantially limits one or more major life activities.
 2. Has a record of such an impairment.
 3. Is regarded as having such an impairment.

Substantial Limitation

- What is the condition, manner, or duration under which an individual can perform a particular activity as compared the average person in the general population?

Major Life Activity

- Those functions that are important to people's daily lives.

Ability versus Performance

*A student under Section 504 is able to perform the activity,
but...*

How do we level the playing field (equitable access) for the individual?

Eligibility/Re-Evaluation

Opportunity to examine records

Note: Re-Evaluation should take place every 3 years from eligibility or last re-evaluation

Conducting Evaluation =
CRITICAL OBSERVATION & USE SIMPLE DATA

PLACEMENT IS A GROUP WORK

- Knowledge of the student
- Knowledge of the meaning of the evaluation data
- Knowledge of placement options

***A doctor is not a group of knowledgeable people.*

Eligibility/Re-Evaluation

- What is the circumstance or need in which the student needs to equitably access our schools? *If you cannot answer this question, then it may not likely be an appropriate referral to Section 504*
- Does not require to diagnose an impairment, but to identify impairments so we met the need of the student
- A diagnosis is NOT the basis of determining eligibility for Section 504
- Where is the discrimination occurring unless a Section 504 plan is put in place?
- “To test or assess” that calculates mathematically or provides scientific information is not required for Section 504
- Implication that Section 504 receives \$0 funding ... no big budget to fund expensive assessments, like special education or other programs

Eligibility/Re-Evaluation

Examples of Critical Observation, Simple Data

1. Use student work samples, test assessments, grades, attendance records
2. Review medical documents, reports, and/or information
3. Review other formal evaluations, such as SPED documents
4. Gather input from parent, student, other individuals working closely with the student
5. Discuss and document information on the student's strengths and weakness
 - What is the student using or not using?
 - Compare what he or she is performing to what is appropriate for grade level and subject matter .
 - How does the student appear to feel about the accommodation being implemented at the classroom/school level?
 - What alternatives are available?

Education Accommodation Plan (EAP)

The EAP is a legal entitlement to FAPE and defines the accommodation and/or service so a student can access our schools.

An EAP must include these major components:

1. Student's area of need
2. Accommodation and/or service that will be provided
3. What source to review in determining if the accommodation is supporting the student's need?

**Note:
EAP should
be reviewed
annually**

Documentation: EAP, other forms

- Essential to quality and process control
- Sets a standard
- Some level of cohesion so we don't look sloppy or uninformed
- Protects you, the school, and the school district
- Makes our lives easier
- DO NOT doctor 504 forms
- Take good notes (Form B)
- Do not submit unnecessary 504 forms
- Carefully review all documents provided – if you don't understand the form/document, ASK



Requesting a Service/Accommodation with an Associated Cost

School should maximize all resources at the school-level prior reaching out to 504 Office/SSSD.

1. Schools are required to contact 504 District Coordinator, and request the service/accommodation. The school will need to furnish justification on the need.
2. 504 District Coordinator will review the request, and submit to SSSD Administrator/DSESCL for approval.
3. If approved, 504 Team can include the service/accommodation in the EAP.

Moving between IDEA and Section 504?

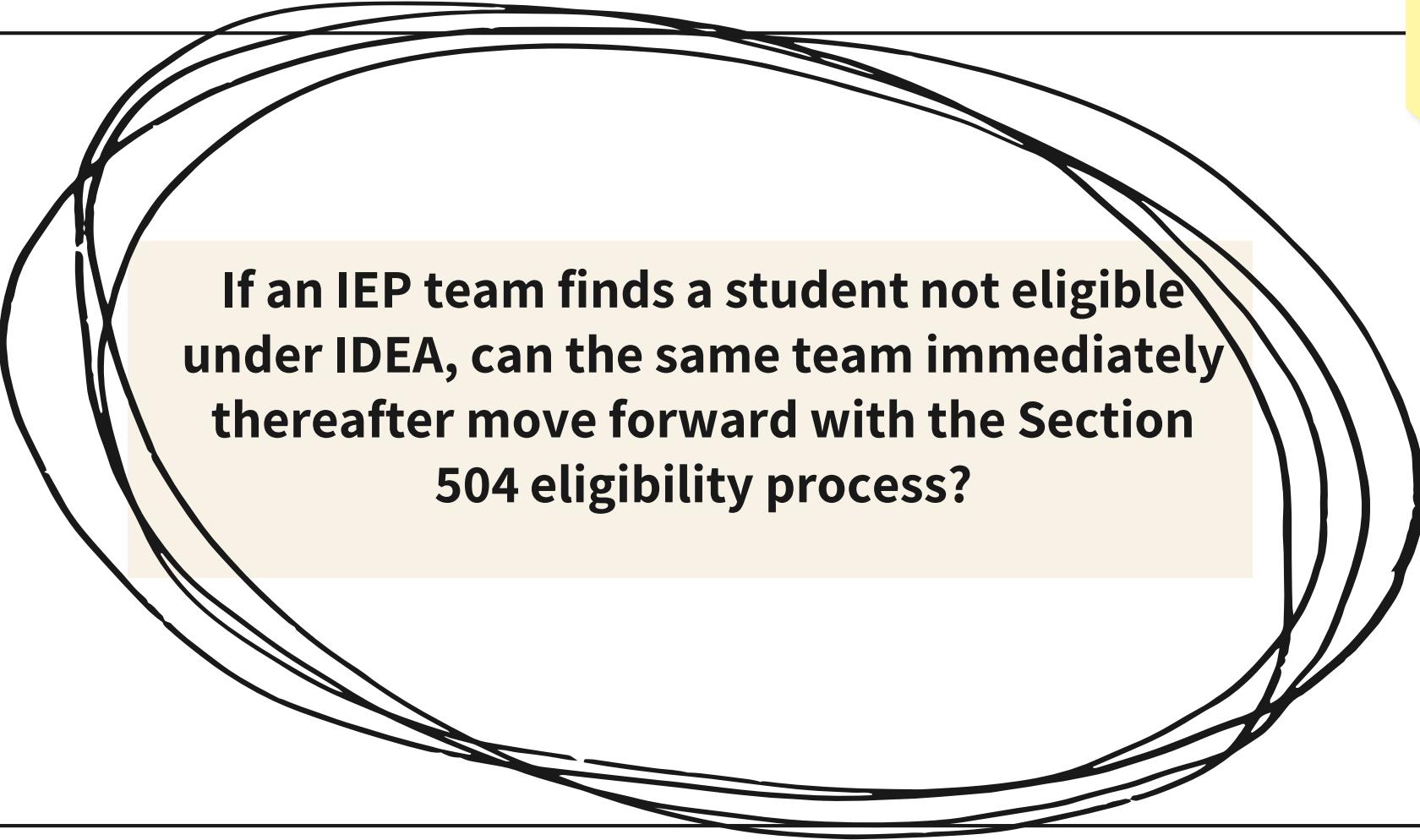
Two scenarios that will happen:

Student is no longer eligible under IDEA

(Students likely with related service only)

Student is found not eligible under IDEA at initial evaluation, but student has a disability

For eligibility or re-evaluation



If an IEP team finds a student not eligible under IDEA, can the same team immediately thereafter move forward with the Section 504 eligibility process?

YES -

1. So long as student has a mental or physical impairment that substantially limits a major life activity
2. So long as the IEP team clearly adjourns the eligibility meeting and indicates the IEP team is moving into a 504 eligibility meeting
3. So long as the appropriate 504 team members are part of the meeting

Conducting consecutive meetings – IEP Eligibility/Re-Evaluation and 504 Eligibility – is okay

However



1. Section 504 is not special education
2. Section 504 is not a consolation prize to IDEA
3. A student without special education services is not automatically eligible for Section 504

Please ensure school team follows 504 procedures

Process for moving students from IDEA to 504

IEP Team should do the following:

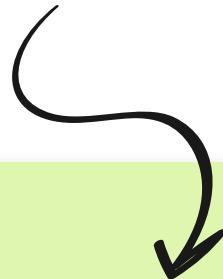
1. The IEP Team should prepare for dual-eligibility meetings –
 1. If the student's current IEP is not compliant to special education law (disability + specialized instruction); or
 2. There may be an anticipated referral to Section 504.
2. IEPC/CRT must communicate with parent/guardian that other team members (504) have been invited to join the meeting.
3. IEPC/CRT must ensure the required 504 team members are part of the meetings. *Invite the 504 School-Site Coordinator to the meeting.*

Process for moving students from IDEA to 504

IEP Team should do the following:

4. Should the IEP Team determine the student is not eligible for services under IDEA, the facilitator must clearly adjourn the IEP Eligibility Meeting and clearly state the team is transitioning and convening the Section 504 Eligibility Meeting.
5. **IEPC/CRT must complete 504 Form A: Intake Form.**
6. IEPC/CRT must ensure copies of the “special education records” are provided to the Section 504 School-Site Coordinator for student’s 504 file.
7. The Section 504 School-Site Coordinator will assume the facilitation of the Section 504 Meeting to determine eligibility.

Practice Pointer



IDEA: IEPC/CRT may leave the meeting when the 504 meeting begins. However, it is good practice for evaluators to remain for the 504 Eligibility Meeting.

Process on moving students from IDEA to 504

504 Team should do the following:

1. The Section 504 School-Site Coordinator must clearly state the 504 Eligibility Meeting will begin.
2. The 504 Team will decide if the Special Education records are enough to determine if the student has:
 1. A physical or mental impairment; and
 2. Does the impairment substantially limit a major life activity?

Process on moving students from IDEA to 504

504 Team should do the following:

3. If **yes**, 504 Team will begin the 504 Eligibility Process and complete the Education Accommodation Plan.
4. If **no**, 504 Team should stop the meeting and determine what is needed for eligibility and reconvene on a later date. Some reasons to stop meeting:
 - The need for more sources for evaluation
 - The need to include other team members

Practice Pointer

504 Team should carefully consider the information (Special Education records for student) that the IEP Team provides during the IEP eligibility meeting process.

What to expect for the future of Section 504?

- May 6, 2022, USDOE announced amendments to Section 504 regulations – an intent to strengthen and protect rights for students with disabilities, which has not been amended since 1977
- Happened in May – Mental Health Awareness Month
- Just 1 week after Los Angeles Unified School District entered into a resolution agreement to develop a plan for compensatory services resulting from COVID-19 pandemic
- Potential clarification/codification:
 - 504 Plan
 - Manifestation Determination
 - Timelines
 - Substantial Limits
 - Technically Eligible

Thanks!

Do you have
any
questions?

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District 504 Coordinators Assignments

SY 2022-2023

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671-300-1638

1. Adacao ES
2. Agana Heights ES
3. Astumbo ES
4. B.P. Carbullido ES
5. C.L. Taitano ES
6. Finegayan ES
7. Inarajan ES
8. J.Q. San Miguel ES
9. M.U. Lujan ES
10. Merizo Martyrs' Memorial ES
11. Ordot-Chalan Pago ES
12. Talofofo ES
13. Wettengel ES
14. Agueda Johnston MS
15. Astumbo MS
16. Inarajan MS
17. Vicente Benavente MS
18. George Washington HS
19. J.P. Torres/Central Success
20. Okkodo HS
21. Tiyan HS

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1. Chief Brodie ES
2. C.H. Price ES
3. D.L. Perez ES
4. Harry S. Truman ES
5. J.M. Guerrero ES
6. Lyndon B. Johnson ES
7. Liguan ES
8. M.A. Ulloa ES
9. Machananao ES
10. Marcial Sablan ES
11. P.C. Lujan ES
12. Tamuning ES
13. Upi ES
14. Jose Rios MS
15. F.B. Leon Guerrero MS
16. L.P. Untalan MS
17. Oceanview MS
18. John F. Kennedy HS
19. Simon Sanchez HS
20. Southern HS