

Terms and Acronyms

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Accommodations - Adaptations made by the classroom teacher(s) and other school staff to enable the student to have equal and effective access to academic and nonacademic activities. The accommodations are determined by the student's Section 504 team based upon the evaluation result.

Americans with Disabilities Act (ADA) - A civil rights law that prohibits discrimination against persons with disabilities in the areas of accessibility, employment, public services, public accommodations, transportation, and communication. Congress passed the ADA amendments in 2009.

Major Life Activity - Major life activities include certain acts a person does such as hearing, speaking, lifting and a person's bodily functions such as lung disease that affects a person's respiratory system, or a traumatic brain injury that affects the function of the brain. These lists do not provide every possible major life activity or bodily function.

Office of Civil Rights (OCR) - The Office of Civil Rights receives concerns regarding students who are protected by Section 504. OCR enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education.

Physical or Mental Impairment - Section 504 defines a physical or mental impairment as any: 1) physiological disorder or condition; 2) cosmetic disfigurement; or 3) 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.

Section 504 of the Rehabilitation Act of 1973 - A federal law that protects the rights of individuals with disabilities in programs and activities that receive federal funds. Section 504 states, "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."

504 Services Process

1. General Education Interventions
2. Referral
3. Notification
4. Consent
5. Evaluation
6. Identification
7. Consent
8. Services/Accommodations
9. Implementation
10. Review and Reevaluation

Things to Remember

- A student who qualifies for services under Section 504, has the right to aids, benefits, or services, equal to and as effective as those provided to students without disabilities.
- An accurate, individualized, and comprehensive Section 504 evaluation includes a variety of assessment tools and strategies that are administered by trained and knowledgeable individuals, at no cost to the student's parents.
- Section 504 Plan should provide a description of the:
 1. qualified student's strengths and needs;
 2. accommodations/services developed from the information from an evaluation;
 3. individuals that will provide the accommodations/services; and
 4. the setting(s) that the accommodations/services will be implemented.
- A school district that has more than 15 employees, must designate an employee to coordinate the district's efforts to comply with Section 504 (Section 504 Coordinator) and have procedural requirements and safeguards in place that include grievance procedures describing the district's mediation, complaint, and due process hearings process.
- A student who has an impairment that is episodic or in remission is considered to be a person with a disability if, when active, the impairment substantially limits a major life activity.

Additional Resources

- **Pathfinder Services of ND**
<https://www.pathfinder-nd.org/>
- **ND Department of Public Instruction (NDDPI)**
<https://www.nd.gov/dpi/>
- **Office for Civil Rights (OCR)**
<https://www2.ed.gov/about/offices/list/ocr/index.html>
- **Section 504 Subpart D: Guidelines for Educators and Administrators NDDPI**
<https://pathfinder-nd.org/resources.php?i=134>
- **Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary School OCR**
<https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
- **FAQ about Section 504 and the Education of Students with Disabilities OCR**
<https://www2.ed.gov/about/offices/list/ocr/504faq.html>
- **What is a 504 Plan? Understood.org**
<https://www.understood.org/en/school-learning/special-services/504-plan/what-is-a-504-plan>

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Section 504 Pocket Guide

Contact Us!
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Disability Under Section 504

Under Section 504, an individual with a disability is defined as a person who:

1. has a physical or mental impairment that substantially limits a major life activity;
2. has a record of such an impairment; or
3. is regarded as having such an impairment

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10 Steps in the Section 504 Services Process

1

General Education Services

- a. If a student has trouble with learning or schoolwork, the school may provide extra support. This support is given through a school intervention process, such as Response to Intervention (RTI), the Multi-Tiered System of Support (MTSS), or a building-level team.
- b. The team recommends strategies to help the student succeed. The main role of the team is to support teachers so they can better meet the student's needs.
- c. If the strategies do not work, the team may refer the student for an evaluation. This evaluation may be for Section 504 services, special education, or Title I support.

2

Referral.

- a. Referrals may be made by parents, school staff, students, community agencies, or the school's intervention team.
- b. The team meets to review the student's needs and past supports. It is best practice to include parents and, when appropriate, the student in this meeting. The team summary should include current information and recommendations.

3

Notification- The school provides written notice to parents, guardians, or the student (if the student is an adult). The notice explains why the school plans to complete an evaluation and what the evaluation will include. It also explains the parent and student rights, called procedural safeguards.

4

Consent- The school must get written permission from the parent before completing the initial evaluation and, if the student qualifies, creating an accommodation plan.

5

Evaluation- The school evaluates a student who may have a disability before providing services for the first time or making any changes to the student's services.

6

Identification- The Section 504 Team meets to review the evaluation results. The team decides whether the student has a physical or mental impairment that significantly limits a major life activity.

7

Consent- Getting written permission from the parent or guardian before starting initial accommodations or services is always considered best practice.

8

Services/Accommodations- The Section 504 Team develops an accommodation plan to be implemented in the general education environment.

9

Implementation- The school staff implements the necessary accommodations/services. Parents should be consulted and given opportunity for input regarding the accommodations.


10


Review and Reevaluation- Each student's accommodations and/or services are reviewed periodically. As best practice the team should review the accommodations at least annually.


This brochure was developed from information located from:

ND Department of Public Instruction- Section 504 Subpart D- Guidelines for Educators and Administrators
<https://pathfinder-nd.org/resources/134.pdf>
Office of Civil Rights- Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary School
<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>
Office of Civil Rights- FAQ about Section 504 and the Education of Students with Disabilities
<https://www.2.ed.gov/about/offices/list/ocr/504faq.html>

Pathfinder Services of ND (PSND) is a 501(c)(3) non-profit organization that provides educational resources and navigational supports through statewide services to families, youth, and professionals.

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 <http://pathfinder-nd.org>



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