

Section 504 is a federal civil rights law that...

Protects students with disabilities from discrimination.

Prohibits schools (programs, activities) that receive Federal funding from discriminating against students in any way.

Ensures that people with disabilities have equal access to education and other opportunities.

Intent of Section 504

The intent of §504 is **ACCESS**, not **OUTCOME** goals (J.D. v. Pawlet School District, 224 F.3d. 60, 33 IDELR 34 (2nd Cir. 2000))

Section 504 is not "potential maximizing"

Section 504 does not guarantee a specific outcome or result for students with disabilities. Rather, the intent is to "level the playing field."

"Access not Outcome"

Any person, parent/guardian or staff, who suspects that a student may have a disability, completes and submits a [Referral](#) to the Student Support Team (SST) at their child or student's school

- *May share any relevant documentation at time of request (e.g., private evaluations, medical documentation, school records)

Every Section 504 meeting **must** include*:

- Person(s) knowledgeable about the child (e.g., parent/guardian and teachers)
- Person(s) knowledgeable about the meaning of evaluation data and/or suspected disability (e.g., psychologist, social worker, or nurse)
- Person(s) knowledgeable about the placement options (e.g., administrator, director of counseling)

**In APS, secondary students are invited and encouraged to participate in their Section 504 meetings.*

- "Evaluation" does not necessarily mean test or assessment
 - Can be gathering of data or information from a variety of sources so that committee can make required determinations
 - Common sources of data: Grades, assessment data, disciplinary referrals, attendance data, health information, language surveys, parent/guardian observations, standardized test scores, teacher comments, special education evaluation
- **Must draw upon a variety of sources**
 - Private / medical diagnosis is not sufficient for eligibility under Section 504
 - A "medical" diagnosis does NOT equate to Section 504 eligibility or suffice as an "evaluation." It may be considered among other sources. The Section 504 committee needs data that suggests the student is substantially limited.
 - School may request consent to conduct an evaluation under Section 504

Eligibility Considerations

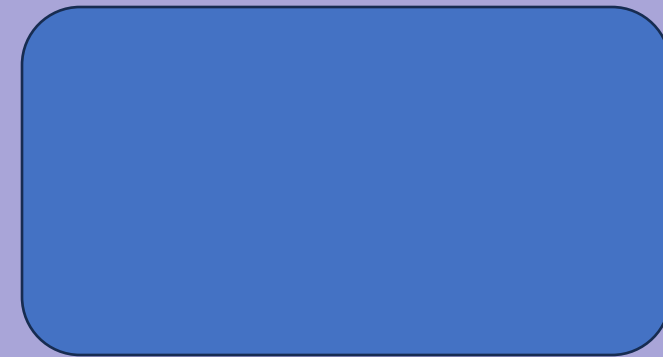
1) What is the nature of the physical/mental impairment or condition(s)?



2) What is the Major Life Activity (MLA) impacted within the school setting?



3) Is the MLA impacted to a substantial degree (substantial limitation)?



Section 504 Impairment or Condition:

- **ANY** Physical or Mental Impairment or condition (i.e., a diagnosis in the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* or the *International Classification of Diseases (ICD)* that substantially limits a MLA)
- A few examples:

- ADHD
- Allergies
- Blindness
- Depression
- Diabetes
- Generalized Anxiety Disorder

- Hearing Impairment
- Obesity
- Learning Disabilities
- Cancer (even in remission)
- Etc.

- **Vision**
 - If student's vision can be corrected with glasses or contacts, then Section 504 does not consider this to be a qualifying impairment; Section 504 protections are not meant as preventative measures
- **Substance Abuse**
 - Drug Use
 - Alcohol Use
- **Minor and transitory impairments**
 - Minor: Broken Arm
 - Transitory: 6 months or less (e.g., concussion)
- **Gender Identity** (e.g., students who identify as transgender)

- Caring for oneself
 - Performing manual tasks
 - Walking/Mobility
 - Seeing/Vision
 - Hearing
 - Speaking
 - Breathing
 - Learning
 - Working (employment)
 - Eating
- Sleeping

- Compare the way (relative ease) the person with a condition performs the MLA to the way the average non-disabled person in the general population does the same thing.
 - If person with a disability can perform the MLA within the average range as

- Local

- Actions, adjustments, or interventions taken by an individual to reduce the impact or severity of a disability.
- Examples of mitigating measures:
 - Medications
 - Medical devices or equipment
 - Hearing Aids
 - Prosthetic limbs
 - Wheelchairs
 - Low vision devices (excludes ordinary corrective lenses)
 - Assistive Technology
 - Therapy (psychotherapy, occupational, physical, speech)
 -

Possible Outcomes of Eligibility Considerations in APS:

Not disabled as defined under Section 504

Disabled as defined under Section 504 and requires a 504 Accommodation Plan

Disabled as defined under Section 504 and requires referral to the school nurse to continue or modify Health Care Plan or Health Alert

Disability exists but does not require a plan or referral to the school nurse*

- Accommodations

- Are written for one year (e.g. 04/19/2024 to 04/18/2025)
- Are tied to the MLA that is impacted by the disabling condition
- Are individualized to provide equal access / opportunity and remove discriminatory barriers

Designed to accommodate a student's disability so that the student's needs are met as adequately as the needs of students without disabilities

- **Must be supported by data** (e.g., what teachers are already doing or what data tells us they need). It is OK to collect data to see if an accommodation is **needed or required** by the student.

- A 504 Plan also includes or denotes required accommodations for district or state tests (e.g., SOLs, VAAP, CogAT) – accommodations must match language from VDOE testing accommodation reference sheet

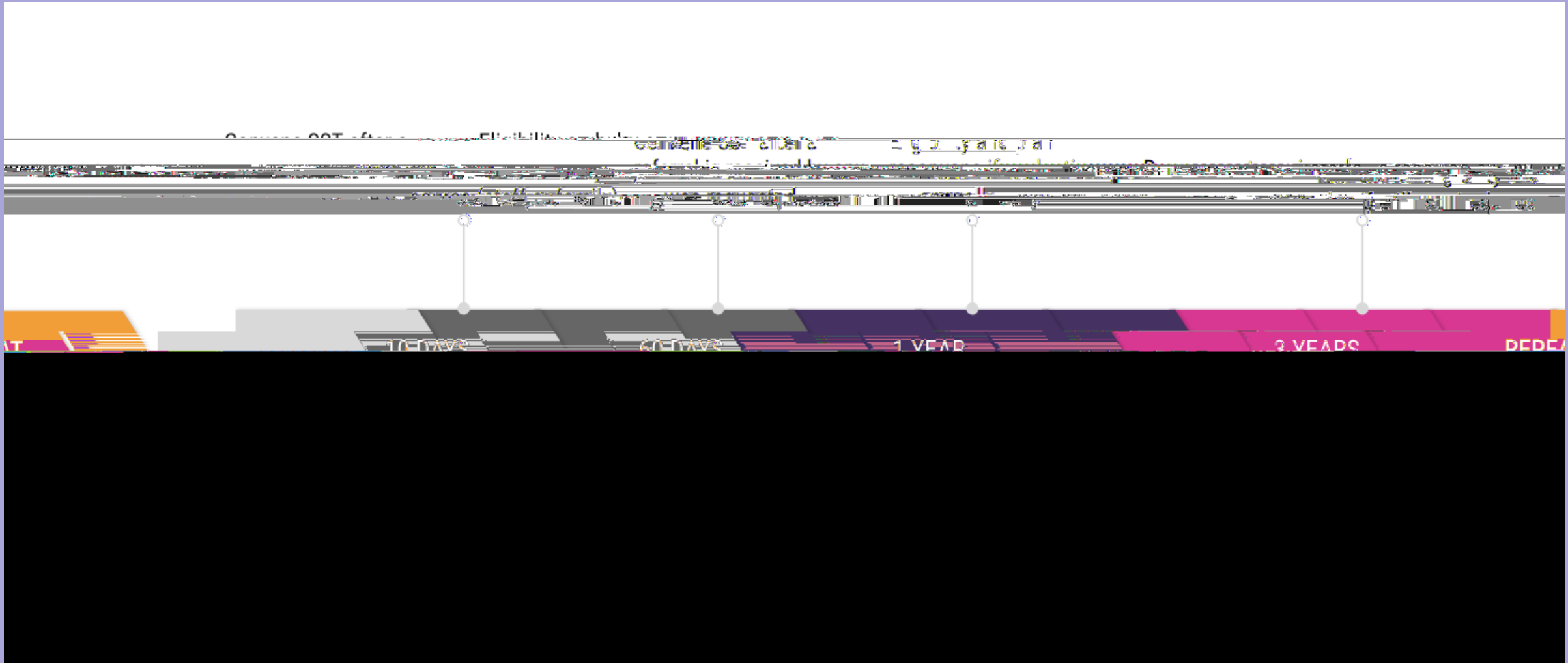
- *Fun Fact: The*

Students with medical conditions that are potentially life-threatening (e.g., diabetes, severe asthma, severe allergies, autoimmune disorders), **even** if well-managed by medication or in remission, are candidates for 504 screening, regardless of their academic functioning.

- The Individualized Health Care Plan (IHCP)
 - Developed by school nurse to meet the medical needs of students who require ongoing care and/or monitoring during the school day
 - e.g., asthma, diabetes, allergies, temporary impairments (broken leg)
 - Outlines specific health-related accommodations, procedures, and interventions needed to support the student's health and safety at school.
 - Developed in collaboration with a “*group of persons knowledgeable about the student, condition, and available services*” consistent with Section 504 requirements to ensure that a student's medical needs are addressed at school
 - Healthcare provider, family, school staff
- APS' practice is to provide parent(s)/guardian(s) with a copy copy copy copy copy, Sec

- Yes, technically.
 - Section 504 is not created or maintained through the more stringent procedural protections of the IDEA.
 - Section 504 regulations say that one way to meet Section 504 requirements for FAPE is to implement an IEP.

Section 504 Timeline



- APS Section 504 Website: <https://www.apsva.us/student-services/section->

