

Chapter 15 Section 504

Section 504 of the Rehabilitative Act of 1973 and Chapter 15 of the Regulations of the Pennsylvania State Board of Education

What Is a 504 Plan? 504 plans are formal plans that schools develop to give kids with disabilities the supports they need. These plans prevent discrimination and protect the rights of kids with disabilities in school. They're covered under Section 504 of the Rehabilitation Act, which is a civil rights law.

What is the difference between a Section 504 Plan and an Individualized Education Plan through Special Education?

- Section 504 is a broad federal civil rights law that protects all individuals with a disability.
- IDEA (the Individuals with Disabilities Education Improvement Act) only applies to students who require special education because they have one of the specified types of disabilities.
- Students who qualify under section 504 must have a 504 plan that outlines the services to be provided. Some students will also qualify under the more stringent IDEA. These students will have an IEP (Individualized Educational Plan) rather than a 504 plan.

What are some examples of disabilities under Section 504?

- Student breaks their arm in 5 places and cannot write; the district provides someone to take notes or write the homework
- Student is deaf and plays sports. The district provides an interpreter for the classroom and any school sports activities they are involved in
- Student has cancer, diabetes, epilepsy, migraines, allergies or asthma; the student is allowed to obtain treatment or medication, as needed. Student uses a wheelchair; student is permitted to leave classes early to avoid hall traffic
- Student is under a doctor's care for depression or anxiety, frequent behavioral problems, ADHD; the student is given additional time for completing assignments and allowed to sit in the front of the classroom

What is the difference between a 504 plan and Special Educational programming?

504 plans are not part of special education, so they don't provide individualized instruction, like IEPs do. The central purpose of 504 plans is to give kids

with disabilities access to the same education their classmates are getting. ACCESS is the key phrase in 504 plan determination. A student is eligible for the protections of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and Chapter 15 of the regulations of the Pennsylvania State Board of Education if:

- A physical or mental impairment is one of developmental, physiological, or environmental origin, or any cosmetic disfigurement or anatomical loss, that has an objectively observable effect on the ability of an otherwise qualified student to access or participate in some aspect of the academic, non-academic, extracurricular, or ancillary programs, including food service, of the public schools, whether provided free of charge or for a fee or admission
- The disability must affect a major life activity. A major life activities include, but are not limited to:
 - Caring for oneself, performing manual tasks, seeing, hearing,
 - Eating, sleeping, walking, lifting, bending, speaking, breathing,
 - Learning, reading, concentrating, thinking, communicating,

The term also includes the operation of a major bodily function, including but not limited to:

- Functions of the immune system, normal cell growth, digestive,
- Bowel, bladder, neurological, brain, respiratory, circulatory,
- Endocrine, and reproductive functions.

What is the evaluation process and timelines for a Section 504 plan to be completed? Within sixty (60) calendar days of receipt of signed ***permission to evaluate form***, or within sixty (60) calendar days of the date on which the District notifies the parent in writing that it does not require additional information to determine whether the student has a disability or to establish the disability-based needs of the student. The evaluation should be completed within the 60 calendar days.

Timelines

The following procedures and timelines shall apply to parent requested evaluations.

- Within **seven (7) calendar days** of receipt of a written request for evaluation the TASD 504 Team may request of the parent copies of any medical, psychological, or educational reports, scripts, data, or test or assessment results that substantiate the belief of the parent that the student might have a
- Within **seven (7) calendar days of receipt of substantiating information from the parent, but not later than fourteen (14) calendar days** from receipt

of a written request for evaluation by the TASD 504 Team, regardless of whether the parent provides requested substantiating information, the Special Education Director shall issue to the parent:

1. A **written notice** denying the request and explaining the reasons for the denial, including the specific data upon which that denial was based;
2. A permission to evaluate form, specifying and seeking consent to administer the specific types of tests and assessment procedures the District deems necessary; or
3. Correspondence advising the parent that the District does not require additional information to determine whether the student has a disability and to establish the disability-based needs of the student, and that the District will therefore proceed on a review of existing

What could a 504 plan do for my child? 504 plans outline and ensure accommodations occur for the student. An example may be extended time on tests or the ability to leave the classroom for short breaks due to student needs. Some students may also get related services through a 504 plan, like Occupational or Physical therapy or study skills classes.

Additional examples of accommodations in 504 plans include:

- preferential seating.
- extended time on tests and assignments.
- reduced homework or classwork.
- verbal, visual, or technology aids.
- modified textbooks or audio-video materials.
- behavior management support.
- adjusted class schedules or grading.
- verbal testing.

In no case shall a service agreement remain in effect longer than three years.

When the service agreement expires upon the attainment of one or more condition described in subsection (a) of this section, or within thirty (30) calendar days of the completion of any reevaluation report, the Special Education Director and Assistant Superintendent shall ensure that the building principal or school nurse responsible for monitoring its implementation, together with at least one parent of the student, review and revise the agreement to reflect the current needs of the student. Three times per year the 504 Team reviews the plan/service agreement to ensure accuracy and to ensure that all accommodations remains relevant and current.

What are the final definitions?

Qualified student with a disability – a student who has a physical or mental disability which substantially limits or prohibits participation in or access to an aspect of the district's educational programs, nonacademic services or extracurricular activities.

Section 504 Team – a group of individuals who are knowledgeable about the student, the meaning of the evaluation data and the placement options for the student. This could include, as appropriate, documentation or input from classroom teachers, counselors, psychologists, school nurses, outside care providers and the student's parents/guardians.

Section 504 Service Agreement (Service Agreement) – an individualized plan for a qualified student with a disability which sets forth the specific related aids, services, or accommodations needed by the student, which shall be implemented in school, in transit to and from school, and in all programs and procedures, so that the student has equal access to the benefits of the school's educational programs, nonacademic services, and extracurricular activities.

For more information on Titusville Area School District Chapter 15 Section 504 topics, please reach out to Mike McGaughey, Assistant Superintendent, in one of the following ways:

- Desk phone: 814-827-0534
- Email: mmcgaughey@gorockets.org
- Address: 301 East Spruce Street, Titusville, PA 16354