



SECTION 504 QUESTIONS, ANSWERS AND RIGHTS



Pelham School District
Department of Student Services
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What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent Americans with Disabilities Amendments 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" to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, i.e. physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced by the U.S. Department of Education, Office of Civil Rights (OCR).

How Does Section 504 Define "Disability"?

Under Section 504, a person is considered a person with a disability if they meet 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 an impairment.

The term "disability" includes a broad range of disabilities and impairments; as such, 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, genito-urinary, hemic and lymphatic, skin, and endocrine; or,
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disability.

What are "Major Life Activities"?

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include the operation of a major bodily function. This list is not exhaustive.

What is a "Substantial Limitation"?

Once all necessary data or evidence is gathered, the role of the 504 Team is to review the nature of the student's impairment (if any) and determine how it affects access to education. The Section 504 Eligibility Review form is used to facilitate and document eligibility decisions. Whenever an evaluation is completed and assessments are considered; then, if the 504 Team determines that the student has a mental or physical impairment that does substantially limit a major life function or activity, the team will proceed to construct a Section 504 Plan that outlines the necessary student accommodations.

Does Section 504 Require Assessment?

The School District will conduct any evaluations determined by the 504 Review Team to be necessary to establish or rule out eligibility under Section 504.

Does Pelham School District Consider Private Evaluations Submitted by Parents?

A parent, guardian, teacher, counselor, related service provider, other school staff and administration, and/or community agencies can initiate a Section 504 review request by contacting the 504 Coordinator for the school in writing. A Section 504 Student Referral Form is available to facilitate the referral at each student's school.

Can a Student Have a Disability Under Section 504 if (s)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. The student may only be doing well because of the extraordinary effort and time (s)he spends on school work or on an unusual amount of help provided by his/her parents/guardians. For instance, while most of the students in the class might spend an hour on homework each night, the student might be keeping up only by spending considerably more time. If there is information indicating that this might be due to a disability, then the student shouldn't be penalized for his/her extra effort and should be screened for potential further action under Section 504 or IDEA.

When Does a Student Qualify Under Section 504?

In order to be eligible for Section 504 protection and a 504 Accommodation Plan, he or she must have 1) a mental or physical impairment, 2) which substantially limits, 3) one or more major life activities. These three criteria are derived from 34 CFR Section 104.1 et seq. The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis. The Section 504 Team reviews each student's individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The 504 Team 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 and benefit from programs and activities offered by the district.

What is the Section 504 Team?

Each school has a Team which is knowledgeable about the requirements of Section 504 and which operates under the direction of the Principal or his/her designee. When the 504 Team makes decisions particular to an individual student, persons who are knowledgeable about the student and who have expertise interpreting data, may be included as members. The membership includes the parent and school officials such as the Principal or designee, the child's general education teacher, specialists, or other personnel deemed appropriate by the Principal. The Team's purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.

What are Common Accommodation/Services?

An accommodation is an adjustment that allows a student to complete the same activity, assignment or assessment as other students, but with a change in the timing, formatting, setting, scheduling, response or presentation. Accommodations generally are those minor adjustments to things like seating arrangements, lessons presentation, assignments and other facets of the learning environment that provide the student with equal access to learning opportunities.

Can a Student's 504 Plan be Terminated?

The Section 504 Team must meet to review current student needs and determine whether the student continues to qualify as a student with a Section 504 disability. In order to make that decision, the School District must re-evaluate a student in accordance with Section 504 regulations and determine if the student's mental or physical impairment continues to exist. If the student continues to have a disability, the Section 504 Team must determine that the impairment no longer substantially limits a major life activity before terminating the student from Section 504.

When Does the Section 504 Team Meet?

The Section 504 Team will meet annually to review the student's 504 Plan.

The Team is available to meet any time a parent/guardian has any questions or concerns regarding their child's Section 504 Plan.

Section 504 Procedural Safeguards are located on the Pelham School District website in the Special Services Department at www.pelhamsd.org or are available upon request from the 504 Coordinator.



Section 504 Coordinators

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For more information regarding Section 504 visit:

www.pelhamsd.org

Or

Contact the Office of Civil Rights

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