

SECTION 504 Plan

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs and services from the United States Department of Education. The initiative is under the direction of the Office of Civil Rights (OCR). An important responsibility of the OCR is to eliminate discrimination on the basis of disability against students with disabilities. Section 504 regulations require a school district to provide "free appropriate public education" (FAPE) to students with disabilities who are within the school district jurisdiction; regardless of the nature or severity of the disabilities. Accommodations are developed which are consistent with the provision of services provided within regular programming or special education and related services which are designed to meet the education needs, as adequately, as the needs of non disabled students.

What is Section 504?

The original intent of the law was to protect individuals with disabilities in the area of employment, as well as members of minorities. The Office of Civil Rights (OCR), charged with the enforcement of Section 504, has become proactive in the area of education.

The focus is to insure that the educational system provides the full range of reasonable accommodations necessary for students to participate in and benefit from public education programs and activities.

Section 504 prohibits discrimination against people with disabilities as defined under the Section, including both students and staff. This applies to any entity who receives federal financial assistance.

The regulations require identification, evaluations, provision of reasonable accommodations, and procedural safeguards to students enrolled in Cherry Hill Public Schools.

How is a disability defined under Section 504?

The definition of disability is a person who has a mental or physical impairment that substantially limits one or more major life activities.

Examples include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking breathing, learning, and working.

It also defines a person of having a disability as anyone who has a record of such impairment or is regarded as having such impairment.

How is the determination for eligibility made?

An evaluation is conducted to gather information on how the disability is substantially impacting on a major life function. This can be accomplished in a variety of ways, but it must come from various sources including, but not limited to the school nurse, classroom teacher(s), guidance counselors, and outside persons with relevant information.

Evaluation procedures may include review of records, assessment information, interviews with people knowledgeable about the child's functioning, observations, individualized assessments

The 504 Team, a group of people knowledgeable about the student, collaboratively develop the 504 Plan, if appropriate. The purpose of the group is to examine the information regarding the person, and determine if reasonable accommodations are necessary, and

subsequently what those accommodations will be if the person is considered eligible.

The term substantial is not defined within the law. Therefore, the 504 Team considers the impact of the impairment on the major life function specific to the individual. The 504 Team is directed to determine if the student is afforded an equal opportunity to participate and/or benefit from education when compared to non-disabled, age appropriate peers. A frame of reference for this responsibility is to use the average student in the general population for the purposes of comparison.

Periodic reevaluation is required by Section 504. Reevaluation of the 504 Plan is recommended once per school year or upon significant change in school placement or program.

Additional Resources:

<https://www.understood.org/en/school-learning/special-services/504-plan/understanding-504-plans>

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