



Health Information and Education Center What is a 504?

Section 504 is Civil Rights legislation which prohibits discrimination against people with disabilities. Children who qualify under this law, receive service and/or accommodations in the public school system without being classified under IDEA

Basic Requirements

Every public school must:

- ♥ Provide a "free appropriate public education" to each qualified person in the district, regardless of the nature or severity of the persons disability and in the most integrated setting.
- ♥ Ensure that the concept of least restrictive environment is followed which means "handicapped persons must be educated with persons who are not handicapped to the maximum extent appropriate".
- ♥ Operate it's programs or activities in a way that "when viewed in it's entirety, it is readily accessible to handicapped persons." This is called "program accessibility" since each unique program must be accessible, as long as the program as a whole is accessible.

Who is Eligible?

Students who's illness, physical or mental disability substantially limits one or more life activities, such as caring for oneself, seeing, breathing, learning and walking are protected under Section 504.

Examples of students who are eligible (this is not all inclusive) include children with asthma, diabetes, allergies, cerebral palsy, cancer, HIV related illness, epilepsy, dyslexia, dysgraphia, spina bifida, ADD/ADHD and children with chronic health conditions.

What Services Are Available?

Required services may include but are not limited to administration of medication, intermittent catheterization, provision of services in an accessible location, use of equipment such as tape recorders or calculators, note taking, adjusting class schedules, following a behavior management plan, testing modifications, and extended time on all tests.

Steps to Accessing Section 504 Accommodations:

Once the child has a diagnosis, or information related to his/her condition, or if testing has occurred a request for services and all relevant documents must be submitted to the Principal.

Within 30 school days of receipt the Principal shall:

- ♥ Inform the family in writing whether or not the student is eligible for section 504 services.
- ♥ If services are approved; prepare a written plan
- ♥ If services are denied, notify the parents in writing about the appeal process.

In the Case of an Unfavorable Decision

Within 10 days of receiving an unfavorable decision, a parent or family can request a section 504 hearing. Section 504 hearings follow the same procedures used in IDEA, except that the parent or family has the burden of proving that the Dept. of Education erred in its decision. A parent can request an impartial hearing even if the parent requested an initial conciliation and did not get a favorable decision.

Modified from NYS Family to Family Health Care Information and Education Center

To contact FVND call 888-522-9654, www.geocities.com/ndfv/ or write PO Box 163 Edgeley, ND 58433

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