

## 504 Plans

### Section 504 Committee

The Section 504 Committee may consist of parent/guardian, student (if appropriate), administrator, school psychologist, school counselor, teacher(s), special education teacher, school nurse, and any other staff member that may have special knowledge or skills that would assist in the Section 504 process.

### What Is a Section 504?

Section 504 is a federal statute designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. This includes the Foresthill Union School District. Section 504 protection applies to both students and staff members. Regulations apply to all programs and activities regardless of whether a specific program or activity is a direct recipient of federal funds. Parents with disabilities are also protected by Section 504.

Section 504 regulations require us to have procedures for the identification, evaluation, and provision of appropriate services as well as procedural safeguards for all students attending school in the Foresthill Union School District. The regulations require that, for all eligible students with disabilities or handicapping conditions, school districts offer a range of special accommodations and services necessary to allow the students to participate in and benefit from programs and activities, both academic and extracurricular. We are required to provide accommodations for our disabled students that afford them an equal opportunity to achieve the same results as their peers, but not a guarantee to achieve the same results; therefore, this is an Individual Accommodation Plan, not a modification of standards. We need to provide for an equivalent, but not necessarily, identical opportunity. To be effective, a service/accommodation need not produce or guarantee the identical results or level of achievement for handicapped and non-handicapped students, but must afford equal opportunity to obtain the same result, to gain the same benefit or reach the same level of achievement, in the most integrated setting appropriate to the student's need.

Accommodations generally occur within the regular education setting and vary with the needs of the students. Some accommodations pertain to the instructional program while others may require a modification of the environment so that the student can participate in the instructional program.

The Office for Civil Rights (OCR) is charged with enforcement of Section 504. Within the last several years OCR has become increasingly proactive in the field of education of individuals with disabilities or handicapping conditions.

## Who is Eligible for Section 504 Services?

Students are eligible for Section 504 services if they are found to have a physical or mental impairment, disorder or condition that substantially limits one or more major life activities (walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self, and/or performing manual tasks). Students may also be eligible for Section 504 services if they have a record of such a disability or are regarded as having such impairment.

In order to qualify as educationally disabled under Section 504, a student must have a substantial limitation in learning or major life activity. If the student is achieving at or above grade level, although the student has a disability, there may not be a substantial limitation in learning or major life activity, and, therefore, may not qualify for Section 504 disability for educational purposes.

Information is gathered and evaluations are completed before a student is determined to need accommodations. A team reviews the nature of the condition, how it affects the student's education, whether specialized services are needed and, if so, what those services are. A plan is written for each student detailing the specific accommodations. A student requiring accommodations may have a medical diagnosis such as arthritis, asthma, cancer, or obesity while another student may be temporarily disabled following an auto accident. One student may have a life-long condition while another may have a temporary disability. A diagnosis alone does not warrant services and/or accommodations, a major life activity must also be substantially limited.

All students who have been identified as eligible for special education services meet the requirements of Section 504 through their IEPs. However, all students who have been identified as eligible for Section 504 services are not automatically eligible for special education services under IDEA (Individuals with Disabilities Act).

## Rights in Identification, Evaluation & Placement

*(Section 504 of the Rehabilitation Act of 1973)*

The following is a description of the rights granted by federal law to students with handicaps. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

- Have your child take part in, and receive benefits from public education programs without discrimination because of his/her handicapping conditions;
- Have the school district advise you of your rights under federal law;
- Receive notice with respect to identification, evaluation, or placement of your child;

- Have your child receive a free appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
- Have your child educated in facilities and receive services comparable to those provided non-handicapped students;
- Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act (PL 101-476) or Section 504 of the Rehabilitation Act;
- Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options;
- Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
- Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district;
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.