

# **How to Get the Best Education for Your Child With Special Needs:**

**Section 504 Plans  
The Rehabilitation Act of 1973**

#843



## Contents

- 3 How to use this booklet
- 4 Section 504, The Rehabilitation Act of 1973
- 5 How to start the 504 Process
- 7 Sample Letter for Request for 504/Academic Review
- 8 What to consider when developing a 504 Plan
- 11 Accommodations
- 13 Resources
- 14 Comparison of Section 504 and IDEA Act
- 18 Homeschooling and Homebound Schooling
- 19 Information for Teachers
- 20 Questions a teacher or parent may want to ask about a student with a chronic illness

## How to use this booklet

The education team at Phoenix Children's Hospital (PCH) wrote this booklet to help parents, guardians, and schools make the best choices for the education of children who have chronic illnesses, are seriously ill, or have other special needs.

This booklet will help you understand what to do to get through the education system with a medical diagnosis. Section 504 is a civil rights law that provides federal funding for education. It protects the rights of children with disabling medical conditions in schools that get money from the Department of Education.

This booklet will help you get ready for the education planning meeting (also called a 504 meeting). Check all the items you feel apply to your child. Talk about the items you checked in the meeting. This will help the team set up the best education plan possible for your child.

If you have any questions, please call the 1 Darn Cool School at Phoenix Children's Hospital at 602-933-1706 or email [onedarncoolschool@phoenixchildrens.com](mailto:onedarncoolschool@phoenixchildrens.com)

## Section 504, The Rehabilitation Act of 1973

**The Section 504 Rehabilitation Act of 1973** is a civil rights law that provides federal funding for regular education.

**Purpose:** To protect the rights of individuals with disabilities in programs and activities which receive federal money from the Department of Education.

**Who the law applies to:** The law applies to a student, as long as he or she has or has had a physical or mental impairment, which substantially limits a major life activity. Major life activities include walking, vision, hearing, physical motion, breathing, learning, performing manual tasks, maintaining attention, and self-care.

### **What does substantially limit mean?**

**Substantially limits** means there must be clear evidence of a substantial limitation of a major life activity. Just having an identified disability is not enough to qualify a student for protection under Section 504.

### **Substantially limits means**

1. The student is unable to perform a major life activity that the average student of about the same age can perform.
2. The student is significantly restricted as to the condition, manner, or length of time a particular major life activity is performed as compared to the average student of about the same age.

Some examples of possible 504 disabilities include: Allergies, Arthritis, Asthma, Attention Deficit/Hyperactivity Disorder (ADD/ADHD), Behavioral Disorders, Cancer, Cystic Fibrosis, Infectious Diseases, Inflammatory Bowel Diseases, Diabetes, Drug or Alcohol Addiction, Heart Disease, Physical Disabilities, Kidney Disorders, Mental Illness, Learning Disabilities (None IEP related), and TBI (Traumatic Brain Injury).

### **Section 504 Coordinator**

Any district employing 15 or more persons must assign a person to coordinate compliance with Section 504 regulations. It is recommended that all school districts appoint a 504 Coordinator.

## How to start the 504 process

**Initial intervention:** If a student has educational difficulties of any sort, ask for a school based support team to meet and discuss the concerns. Send a letter to the school to ask for a 504 Meeting.

This team should suggest ways to help correct the difficulties (**intervention strategies**). The purpose of the school based support team is to help the teachers help your child.

**If strategies don't help,** the team should make a **referral** for evaluation to Section 504, Special Education or Chapter 1.

**Referrals:** Referrals can come from parents, professional staff, students, or community agencies.

**Notification:** If the referral comes from a person other than the parents or guardians, the school or district should notify the parents or guardians, in writing, of the school's reason and intent to conduct an evaluation. The notice should include a description of the evaluation and of the procedural safeguards.

**Written Consent:** Section 504 **does not require written consent** before the initial evaluation, but **it is a good idea to get one.**

**Evaluation:** The school district should evaluate all students with disabilities before making a placement or any later major change in their placement.

**Eligibility:** A 504 team meets and analyzes the data to decide if the student has any condition which substantially impairs a major life activity and is in need of special accommodations.

Section 504 evaluation and placement procedures require that **all data be documented and considered** and that a **team of people who know about the child** make decisions concerning these accommodations.

The 504 team members may include:

- Parents or guardians
- 504 Coordinator
- School nurse
- School counselor
- Teachers

- Principal
- Student
- Community agency member (advocate)
- PCH School Re-Entry Specialist

**Services:** The 504 team should know the student, know the disability, know the evaluation, and know the options for service. They should consider:

- Evaluation results
- Section 504 eligibility
- The student's unmet needs
- Services and/or accommodations based on eligibility
- Discuss and plan possible staff in-services

With this information, the team should develop a written 504 plan.

**Review:** The 504 plan should be reviewed periodically by law. The best practice is to review the 504 plan at least once each year. Parents and guardians have the right to request an earlier review or changes to the 504 plan at any time.



## Sample Letter for Request of 504/Academic Review

Date:

Parent Name:

Title:

Address:

Dear \_\_\_\_\_  
(Teacher, School Psychologist, Principal, 504 coordinator.  
Send each member a copy, keep one for your records.)

I am submitting this letter in concern of my/our son/daughter \_\_\_\_\_ . My/Our child is a student currently enrolled in the \_\_\_\_\_ at \_\_\_\_\_ school in the \_\_\_\_\_ school district. My child has a medical diagnosis of \_\_\_\_\_ that impacts his/her education experience. In lieu of this condition I/we would like to address some concerns with your Multidiscipline Evaluation Team. We would also like to review the services and potential services that my/our child would receive under Section 504 of the Rehabilitation Act of 1973. Please contact me within two weeks of the letter date, to make arrangements to discuss the potential options for my child. I can be reached at:

Home telephone:

Work telephone:

Cell telephone:

Email Address:

If you or your academic team is in need of any more information or documentation, please call me.

Sincerely,

**It is very important that you sign this letter.** School districts may not respond if you do not sign.



## What to consider when developing a 504 Plan

Student name: \_\_\_\_\_ Grade: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

### Areas of concern

- academic skills
- appropriate behavior
- compliance
- depressed mood
- health issues
- getting started or initiating
- impulsiveness
- irritability
- memory or recall
- organizing
- planning
- sensitive to criticism
- socialization
- motor activity
- paying attention for enough time
- maintaining effort for enough time

## Possible Classroom Accommodations

### Students can receive academic adjustments related to:

- |   |  |
|---|--|
| <input type="checkbox"/> Attention, impulsiveness | <input type="checkbox"/> Socialization       |
| <input type="checkbox"/> Where they are seated    | <input type="checkbox"/> Mood                |
| <input type="checkbox"/> Class schedule           | <input type="checkbox"/> Compliance          |
| <input type="checkbox"/> Transition support       | <input type="checkbox"/> Health needs        |
| <input type="checkbox"/> Motor activity           | <input type="checkbox"/> How they are taught |
| <input type="checkbox"/> Organization             | <input type="checkbox"/> Planning            |

Names and titles of the people you would like to attend the 504 meeting:

Name	Job

## Rights of parents and students for identification, evaluation, and placement

These are the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed about the 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 or her disability.
- Have the school district provide information about your rights under the federal law.
- Receive notice of identification, evaluation, or placement of your child.
- Have your child receive a **free, appropriate education**. This includes the right to be **educated with non-disabled students to the maximum extent appropriate**. It also includes the right to have the school district make reasonable accommodations to give 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 to non-disabled students.
- Have your child receive special education and related services if he or she is found to be eligible under the Individuals with Disabilities Education Act (IDEA- PL. 101-476), or regular education intervention or modifications outside of special education under Section 504 of the Rehabilitation Act of 1973.

- Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, evaluation data, and placement options.
- Have transportation provided to and from an alternative placement setting at no greater cost to you than would be charged if the student were placed in a program operated by the district office.
- Have your child receive 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.
- Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
- Receive a response from the school district, when you make reasonable requests for explanations and interpretations of your child’s records.
- Request amendment of your child’s educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, the district should notify you within a reasonable time, and advise you of the right to a hearing.
- File a local grievance.
- Request mediation or an impartial due process hearing related to decisions or actions regarding your child’s identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. A request for a hearing should be made to the Section 504 compliance coordinator,
- Ask for payment from the school district of reasonable attorney fees on successful claims.

# Accommodations

The intent of Section 504 is to accommodate for differences within the general education environment. As each student is identified under Section 504, **the classroom teacher may need specific training in the area of the identified disability** (such as training on the warning signs of an asthma attack, or how to fit a wheelchair at a desk).

Here are some ways accommodations can be successfully integrated into the regular education environment using a 504 plan:

## General accommodations

- Use of study carrels
- Room dividers
- Headsets to block or muffle noise
- Seat away from doors and windows
- Provide time-out area
- Simplify or shorten directions
- Have student repeat directions
- Use of a manipulative
- Reduce number of items on an assignment task
- Highlight relevant words or features
- Give more time to complete a task
- Have a peer tutor program
- Provide frequent review
- Adapt test items
- Use a study guide
- Shorten project assignments into daily tasks
- Collect student's notebooks weekly to check notes
- Provide calculator
- Provide summaries of information taught
- Tell the child why you are doing something (establish a rationale for learning)
- Help with organization
- Frequent breaks, as needed
- Shorter school day

**Other health issues to consider:**

- Medicine: names, how much to give, when to give, who to give, where to give
- Medical forms
- Signs and symptoms of illness or injury
- Staff education (such as teachers, nurse, counselor, cafeteria workers, recess aids, bus drivers)
- Peer education
- Plan for substitutes
- Field trips
- Full-time nurse or other trained professional in school
- Shortened or adapted day
- Rest periods
- Clothing restrictions or special clothing to reach certain body parts for medical needs
- Equipment (medical or physical)
- Location of classes
- Emergency plan (health emergency or school related)
- Health plan
- Hospitalizations: who to call, phone number of hospital teacher
- Curriculum expectations
- Physical education adaptations
- Special diet (such as instructions for cafeteria, special foods, or snacks during class)
- Name and phone number of primary physician and emergency contacts for all school staff that work with this student

Notes:

## Resources

### **Arizona Department of Education**

1535 West Jefferson St.

Phoenix, AZ 85007

(602) 542-5393

1-800-352-4558

<http://www.ade.state.az.us>

Section 504 Frequently Asked Questions

[https://www.azed.gov/ess/das/pinspals/documents/Self Advocacy/SA06.pdf](https://www.azed.gov/ess/das/pinspals/documents/Self%20Advocacy/SA06.pdf)

### **Office of Civil Rights Regional Office for the State of Arizona**

Michael Kruley, Regional Manager

Office for Civil Rights

U.S. Department of Health and Human Services

90 7th Street, Suite 4-100

San Francisco, CA 94103

Phone: (415) 437-8310

FAX: (415) 437-8329

TDD: (415) 437-8311

### **If you would like help developing a 504 plan for your child, contact:**

Hospital School Re-Entry Teacher

1 Darn Cool School

Phoenix Children's Hospital

Phone: (602) 933-1706

FAX: (602) 933-1702

# Comparison of Section 504 and IDEA (Individual with Disabilities Education Act)

## **Title**

504: The Rehabilitation Act of 1973

IDEA: The Individuals with Disabilities Education Act (IDEA),  
Amendments of 1997

## **Type**

504: A Civil Rights Law

IDEA: An Education Act

## **Purpose**

504: Is a Civil Rights Law that protects the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.

IDEA: Is a federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure a free appropriate public education for students with disabilities.

## **Responsibility**

504: General education

IDEA: Special education

## **Funding**

504: No funding is provided to the schools.

IDEA: School receives funds for children who have IEPs.

## **Administrator**

504: Section 504 coordinator (Systems with 15 plus employees) IDEA: Special education director or designee

## **Service Tool**

504: Accommodations and/or services

IDEA: Individualized Education Program (IEP)

## **Population**

504: Identifies person as disabled so long as she/he meets the definition of qualified

persons with disabilities; i.e., has or has had a physical or mental impairment which substantially limits a major life activity, or is regarded as disabled by others.

IDEA: Identifies 13 qualifying conditions: autism, deafness, deaf-blindness, visual impairment, intellectual disability (formerly called mental retardation), multiple disabilities, orthopedic impairment, other health impairment, serious emotional disturbance, specific learning disability, speech or language impairment, traumatic brain injury, and visual impairment.

### **Eligibility**

504: A person is eligible so long as she/he meets the definition of a qualified person with disabilities, i.e., currently has or has had a physical or mental impairment that substantially limits a major life activity, or is regarded as disabled by others. The student is not required to need special education services to be protected.

IDEA: A student is only eligible to receive special education and/or related services if the multidisciplinary team determines that the student has a disability under one of the thirteen qualifying conditions and requires special education services.

### **Free appropriate public education**

Both 504 and IEPs require the provision of a free appropriate public education to eligible students including individually designed instruction. Requires a written accommodation plan. **Appropriate** means an education comparable to the education provided to students without disabilities.

### **Accessibility**

504: Federal regulations regarding building and program accessibility requires that reasonable accommodations be made.

IDEA: Requires that modifications must be made if necessary to provide access to a free appropriate public education.

### **Undue hardship**

504: Consideration is given for the size of the program, extent of accommodation, and cost relative to the total school budget. **Drug and alcohol use**

504: Current drug use is not considered a disability. An individual who has stopped using drugs and/or alcohol and is undergoing rehabilitation could be protected.

IDEA: Drug and alcohol use is not covered under special education, but they could be under other health impairments (OHI).

### **Attention deficit hyperactivity disorder — ADHD**

504: Services available if the evaluation proves the student has ADHD (predominantly inattentive, predominantly hyperactive impulse, or combined) and is



substantially limited in a major life activity (learning).

IDEA: Services available if the student with ADHD is found through an evaluation to be eligible as learning disabled, emotionally disturbed, or other health impaired and/or traumatic brain injury.

### **Procedural safeguards**

Both 504 and IEPs require notice to the parent or guardian with respect to identification, evaluation, and placement. Minimum requirements of the notice are specified.

### **Notice and consent**

504: Notice is required before a “significant change in placement.” Written consent would be considered a best practice.

IDEA: Written notice is required prior to any change in placement.

### **Evaluations**

504: Evaluation draws on information from a variety of sources in the area of concern. Decisions are made by a group knowledgeable about the student, evaluation data, and placement options, and written parental notice and consent and periodic reevaluations. Reevaluation is required before a significant change in placement. No provision is made for independent evaluations at district expense. The school district should consider other evaluations and information regarding the student.

IDEA: A full comprehensive evaluation is required assessing all areas related to the suspected disability. The student is evaluated by a multidisciplinary team. Consent is required before the initial evaluation is conducted. IDEA requires reevaluations to be conducted at least every 3 years. A Reevaluation is not required before a significant change in placement. IDEA provides for independent educational evaluation. A due process hearing is available if the school and parent disagree on the need for an independent evaluation.

### **Placement**

When interpreting evaluation data and making placement decisions, both laws require districts to:

Draw upon information from a variety of sources. Assure that all information is documented and considered. The placement decision is made by a group of persons including those who are knowledgeable about the student, disability, the meaning of the evaluation data and placement options. Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate (Least Restrictive Environment — LRE).

### **Review of program**

504: Accommodations should be reviewed periodically

IDEA: An IEP review meeting is required at least annually, or before any significant change in the program or placement.

### **Grievance Procedures**

Both 504 and IEPs require districts to provide a grievance procedure for parents, students, and employees.

### **Due Process**

Both 504 and IEPs require districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of student with disabilities. School districts or parents can initiate due process hearings.

Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details and delineates specific requirements.

### **Mediation**

Both 504 and IEPs: Not required, however mediation should always be suggested.

### **Exhaustion**

504: Administrative hearing is not required prior to Office of Civil Rights involvement or court action.

IDEA: The parent or guardian should exhaust all administrative hearings before seeking court action.

### **Enforcement**

504: Enforced by the U.S. Office for Civil Rights. Regional offices are located throughout the United States.

IDEA: Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Board of Education and the Office of Special Education Programs.

### **Timeline:**

504: There are no timelines for evaluations under Section 504

IEP: 60 calendar days

# Homeschooling and Homebound Schooling

## Homeschooling

**Homeschool education** is led by the parent and funded by the family.

Homeschoolers are parents or legal guardians who choose to teach their own children at home in at least the required subjects of reading, grammar, math, science, and social studies. Homeschoolers assume full responsibility for their children's education. Rules and guidelines vary from state to state.

Arizona Department of Education [www.azed.gov/hs](http://www.azed.gov/hs)

## Homebound Schooling

**Homebound services** are given to students who cannot attend school because of an illness, disease, accident, or other health condition. The school's IEP or 504 team will decide if the child can get these services (called **eligibility**). To be eligible for the program, students must have a doctor's certificate that says they expect the child to miss at least 90 days of school in the academic school year. The district chooses a teacher who will give the child at least 4 hours of instruction each week. This should keep the child up to date in core classes.

# Information for Teachers

**The legal guardian should fill this out and share it with child's teachers**

It is helpful for the teacher to have information so you can best support the student in the classroom. Here is diagnosis or disease specific information to help you understand this student's current medical situation. If you need more detailed information about the student, ask the parent or provider.

**Description of the disease or diagnosis:**

**Signs of a problem or reason to be concerned:**

**How to respond:**

## Questions a teacher or parent may want to ask about a student with a chronic illness

Discuss questions with the student's legal guardian and school multidisciplinary evaluation team.

How might this condition affect cognition?

How might this condition affect school attendance?

Does student have or need a chronic illness form?

Does this child need an alternative learning method or new level of support?

Is this condition contagious?

Would the student benefit from a 504 plan or an IEP?

Are there changes affecting any senses? (auditory, visual, tactile or balance)

Does this student need a scribe?

How do I help secure this child's safety?

Does this student need an open pass to the nurse and/or bathroom?

Is special seating needed?

Is a peer mentor needed?

What specific medical info might I need to know and have readily available?

Would this student benefit from a classroom presentation?

How should I prepare my students for classroom presentation (if one is needed)?

If you want to know more about child health and illness,  
visit our library at The Emily Center at Phoenix

Children's Hospital

1919 East Thomas Road

Phoenix, AZ 85016

602-933-1400

866-933-6459

[www.phoenixchildrens.org](http://www.phoenixchildrens.org)

[www.theemilycenter.org](http://www.theemilycenter.org)

Facebook: [facebook.com/theemilycenter](https://facebook.com/theemilycenter)

Twitter: @emilycenter

Pinterest: [pinterest.com/emilycenter](https://pinterest.com/emilycenter)

Monday, September 21, 2015  
#843 • Written by The Staff of 1 Darn Cool School