

COMMONLY ASKED QUESTIONS ABOUT SECTION 504

What are the criteria for determining if a child qualifies for 504 services? A group of individuals in the school district makes a determination of whether a physical or mental impairment results in a substantial limitation of a major life activity which causes the student's ability to access the school environment or school activities to be substantially limited. Local district procedures identify the process for eligibility decisions.

Does a child qualify for 504 while being evaluated or before being evaluated for IDEA? Not unless the 504 team determines through the district's 504 evaluation process that the child is 504 eligible.

Should a 504 plan be written on a student who is referred for an IDEA evaluation at the time of referral? The local district procedures determine the referral process. That procedure should be followed.

When does a student qualify for 504 due to behavioral problems? When the group of knowledgeable persons determine that the behavior is a result of a physical or mental impairment and a major life activity has been substantially limited.

Can a 504 student be expelled/suspended? Yes, if a manifest determination indicates that the disability is not related to the behavior and the behavior results in expulsion or suspension for other students. See KSBA model district 504 procedures for process and special protections that must be provided.

What safeguards/rights related to expulsion/suspension? There are special protections afforded 504 students. These special protections are outlined in the KSBA model district procedures.

Should there be written documentation that a parent has been invited to a meeting? Yes. Parents must be notified about proceedings under 504 and documentation should be kept verifying such notification.

What are suggested modifications for assistance with behavior in general classrooms for 504 students with behavior disorders. There are multiple accommodation suggestions in Appendix A. The 504 team must review data and determine the appropriate modifications.

Whose responsibility is it to notify school of a diagnosis when a student has been to a doctor or mental health facility? The parent must give permission for such information to be released to the school district. The local district 504 procedures must be followed with regard to all referrals.

Can students with consistent behavior problems (suspensions/past expulsions) qualify for 504 without an official diagnosis? The 504 team must determine what information is needed for consideration of 504 eligibility. 504 regulations require a mental or physical disability.

If a parent disagrees with the decision of the 504 team, what should be our next step? The parent must be informed of his/her due process rights. The decision to challenge the decision is the parent's.

Should a student who is gifted/talented, with behavior problems, have a 504 plan?

This is a 504 team decision.

Does a student have to take medication if he/she has ADD/ADHD? No. To medicate or not is the parent's decision.

Should there be a meeting held on every child on medication to consider 504? No. If there is reason to believe that the child may need 504 services, then a referral should be made.

Should children who require medical procedures on a regular basis be considered 504? Yes. These children should definitely be considered. However, just because a child receives some medical procedures does not mean that the child will be eligible.

How does a 504 team decide when a disability is interfering to a substantial degree with a student's learning to the degree that a student should be considered eligible for Section 504 services? The 504 team must carefully review the student's learning, performance and environment. A student whose problems are so severe as to prevent participation in normal learning experiences, despite application of typical accommodations and assistance, may be eligible for Section 504 services.

When a parent produces documentation that a physician or psychologist considers the student to be ADD, is the team obligated to find the student eligible for Section 504 services? The 504 team determines when a student is eligible. The team follows the district procedures for evaluation. The 504 team uses data to make the determination for eligibility and services. Input from the parents is reviewed during this process.

What if I want to use an accommodation different than the one on the accommodation plan? Accommodation plans are designed to address problems. They should be reviewed on a periodic basis as defined by local district 504 procedures. .

Must I monitor the 504 student's accommodation plan ? Local district 504 procedures identify the monitoring process for accommodation plans. As these plans should be reviewed on a periodic basis, data to assist in the review and determination of the effectiveness of the accommodations should be kept. Teachers can assist in evaluating the effectiveness of the accommodations by collecting samples of the student's daily work, behavior charts, parent reports, behavioral observations, grades, etc.

What happens if the 504 team and parents cannot agree on the plan? Local district procedures address the procedural safeguards for parents. It is important to maintain communication and work with the parents. .

Where are ADD/ADHD students to receive services? ADD/ADHD students needs can be met in a variety of ways. Some students with ADD/ADHD may meet the criteria for eligibility under IDEA of learning disabilities, emotional disturbance, or other health impaired. Other ADD/ADHD students may be determined eligible under 504 by the 504 team and receive an accommodation plan. Still others may be successful in the regular classroom.

Can parents and outside professionals determine which accommodations or special equipment to provide a 504 student? The 504 team makes the decision as to which accommodations and/or special equipment are necessary for a 504 student. These decisions are based on data collected by the team. Input from parents and others should be considered by the team and alternative strategies should be discussed. If the 504 team determines the accommodation requested by the parent or parent's consultant is inappropriate or not necessary, the finding should be documented.

Are re-evaluations required for 504 students ? 504 regulations require periodic reevaluations. Thus 504 students should have their accommodation plans periodically reviewed and the local district procedures should provide the timeline for such re-evaluation. The KSBA model procedures recommend a three-year reevaluation.

Can a parent refuse to have their child identified as 504 eligible and receive services? Certainly, parents have the right to refuse to have their child identified as having a disability. The district should follow their local district procedure in documenting their efforts to evaluate the child. Districts should consult with their legal counsel regarding additional measures to take.