



**TCAPS**

Traverse City Area Public Schools

A Section Guidebook to  
help support families through the

**504**  
**PROCESS**



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## SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a broad federal civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

Section 504 requires a school district to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular education, related supports and services designed to meet the student’s individual educational needs as adequately as the needs of nondisabled students are met.

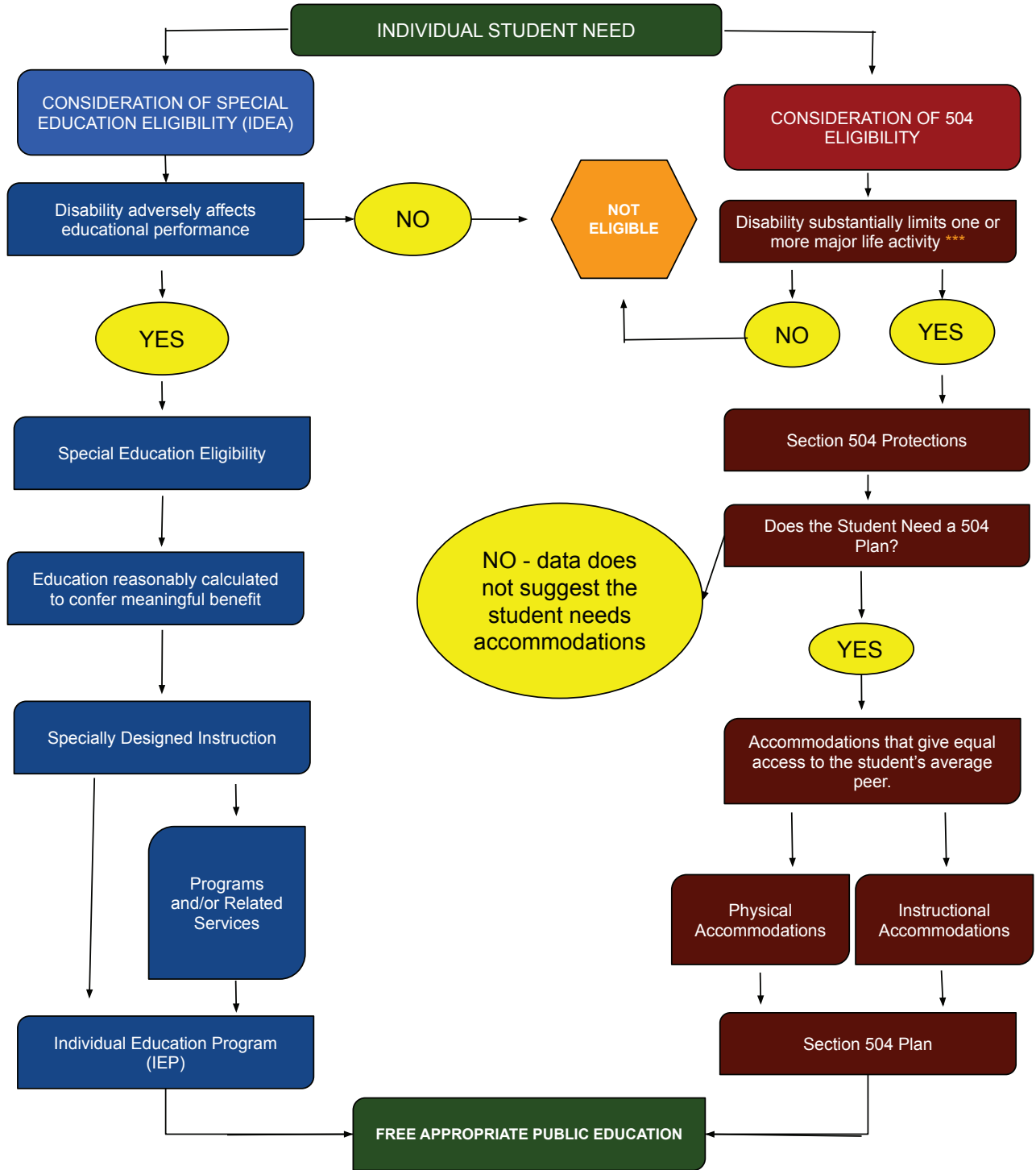
Section 504 prohibits discrimination solely on the basis of disability. It provides an equal opportunity for a qualified person with a disability to participate in or benefit from educational aid, benefits, or services. Think access! TCAPS has the responsibility of ensuring that all students with disabilities are identified, evaluated and provided with needed accommodations and services. This must include an education that is provided in an environment that affords the greatest exposure to nondisabled peers.

A 504 plan “levels the playing field” for students with disabilities by providing accommodations. Qualifications for a student ensure equal opportunity and equitable access for qualified students with disabilities to all district programs or activities. It also ensures that a student with a disability is free from bullying and/or harassment based on disability.

TCAPS has an obligation for Child Find, which is a legal requirement to identify students who may meet the qualification under Section 504. Staff, parents, or a physician may make a referral for a 504 evaluation.

# IDEA/ 504 FLOW CHART

There are two laws that offer support and services for children identified with a disability: the individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. This flowchart will help determine which plan may be appropriate for your child.



Source: Adapted from Council of Administrators of Special Education, Inc. (CASE) Student Access, A Resource Guide for Educators, Section 504 of the Rehabilitation Act of 1973

\*\*\* Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive. Congress also provided a non-exhaustive list of examples of "major bodily functions" that are major life activities, respiratory, circulatory, endocrine, and reproductive functions.

# EVALUATION PROCESS

The 504 Committee should consider current and historical grade reports, teacher input/reports, information from parents or other agencies, state and district assessments, observations, discipline reports, attendance records, health records and adaptive behavior information if applicable.

**Students qualify under major life activities. The list of major life activities under Section 504 includes, but is not limited to the following:**

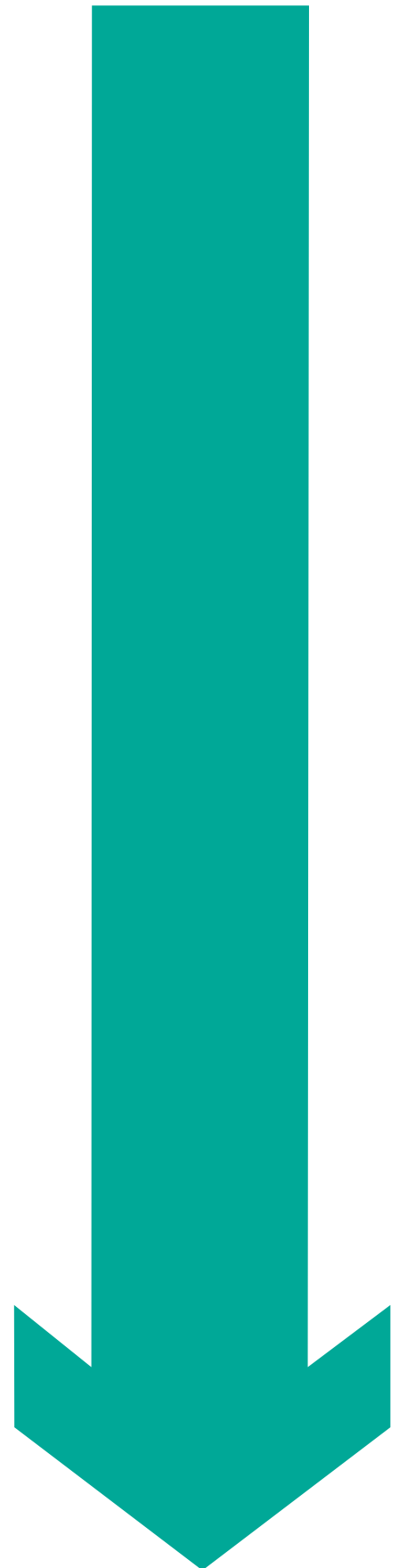
- Caring for oneself
- Bending
- Performing manual tasks
- Speaking
- Seeing
- Breathing
- Hearing
- Learning
- Eating
- Reading
- Sleeping
- Concentrating
- Walking
- Thinking
- Standing
- Communicating
- Lifting
- Working

Major bodily functions are also major life activities and include functions of the:

- Bowel, bladder, and brain, immune, endocrine (thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems

It is not unusual for a school to receive a physician or medical provider's letter stating that a student has a disability and may need certain accommodations. While the school always considers the recommendation of medical providers who work with the student, it remains the school's responsibility to review multiple sources of information to determine 504 eligibility and to implement any necessary accommodations for the student. Having an impairment or disability does not automatically qualify a student under Section 504.

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual. An individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.



# QUALIFICATION & POTENTIAL PLAN DEVELOPMENT

Once a student is evaluated under Section 504, the team makes decisions regarding the evaluation and placement of students under Section 504. The team determines the scope of Section 504 evaluations, decides which students are disabled under Section 504. Students may qualify for the protections under Section 504 but not not a formal accommodations plan. Other students may qualify for the protections and the evaluation team may determine the student needs a plan for accommodations.

If a plan is needed, the evaluation team will determine which accommodations are appropriate based on the student's individual needs. It is important to note that the plan is developed to give equal access in the school setting. A 504 plan is not developed for one specific subject matter or classroom. The impairment must be evident across all school settings and be based on a data collection.

Once a plan is developed, it will be shared with staff that have the student in their classroom or with others as needed. Staff will keep track of the accommodations and each year the team will determine if the need for those accommodations are still relevant to the student's impairment.







# FAQS

## **Does a parent/guardian need to provide consent to the evaluation process?**

Yes, a parent/guardian must provide written consent to the 504 evaluation process.

## **Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?**

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a school reevaluates a student and determines that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

## **What happens if my child is suspended?**

If the suspension is 10 days or less, a student with disabilities may be suspended in accordance with the procedures in the Student Code of Conduct.

If the suspension is totaling more than 10 days, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is removed from the child's files. The 504 plan should be reviewed at this time to determine if the plan is appropriate.

## **Does my child get safeguards under Section 504?**

Section 504 gives parents and guardians the right to challenge district decisions regarding the identification, evaluation, or educational placement of their child. Under Section 504, a district must notify a student's parent or guardian before it takes any action regarding the identification, evaluation, or placement of their child and provide the parent or guardian an opportunity to challenge the action if they disagree.

## **What happens if my child is involved in drugs or alcohol?**

Under Section 504, students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504. Students are subject to discipline outlined in the Student Code of Conduct.

## **Do I contact the Michigan Department of Education (MDE) if I have a complaint concerning Section 504?**

No. The Michigan Department of Education has no direct jurisdiction over Section 504 implementation. Complaints may be addressed to your local District 504 Coordinator or to the Office for Civil Rights.