

# A PEATC

Do You Know....



## Factsheet for Virginia's Parents—Is a 504 Plan Right for My Student?

### The Rehabilitation Act of 1973- Protection of Civil Rights

The federal **Rehabilitation Act of 1973** prohibits discrimination based on disability by programs operated, administered by or which receive funds from the federal government. **Section 504** of the Act specifically ensures that people with disabilities have **equal opportunities and access** to facilities, programs and services. This includes school--from **preschool to post-secondary schools (after high school)** -- as long as the school receives federal funding (some private or religious schools may not). The federal **Americans with Disabilities Act (ADA) amendments of 2008** included the anti-discrimination standards from Section 504 and applied them to all state and local government actions, further increasing protections for students with disabilities.

The Rehabilitation Act defines "**disability**" as a "**physical or mental impairment which substantially limits one or more major life activities.**" **Major life activities** include, but are not limited to, self-care, walking, seeing, speaking, sitting, thinking, learning, breathing, concentrating, interacting with others and working. Examples of conditions that may result in 504 eligibility include physical impairments; illnesses or injuries; contagious diseases; chronic conditions like asthma, allergies and diabetes; ADHD, and learning problems. **Also protected are those who have "a record of an impairment" or are "regarding as having an impairment"**. For example, Sue may now be cancer free, but she has a record of an impairment that could result in discrimination. Minor or temporary impairments (e.g., a broken arm) are not protected disabilities.

### Obtaining and Putting a 504 Plan into Action

**If your student's learning is affected by his/her disability**, you can ask that they be evaluated **for a 504 plan**. You can also ask that they be evaluated for special education and related services under **the Individuals with Disabilities Education Act (IDEA)**. If your student does not need or is not eligible for special education (and you agree with that decision), a 504 plan can help him/her be successful in school. **See Fact Sheet on IEPs. Vs 504 Plans** to see which may be right for your student.

**If your student is eligible for special education under IDEA** and you turn down those services, **the school does not have to provide a 504 Plan** for your student.

### Resources on Section 504 of the Rehabilitation Act of 1973

#### Virginia Department of Education.

*Keys to Implementation of 504 in Virginia's Schools*

[www.doe.virginia.gov/special\\_ed/tech\\_asst\\_prof\\_dev/section\\_504\\_implementation\\_va.pdf](http://www.doe.virginia.gov/special_ed/tech_asst_prof_dev/section_504_implementation_va.pdf)

#### A Parents' Guide to Section 504 in Public Schools

[www.greatschools.org/gk/articles/section-504-2](http://www.greatschools.org/gk/articles/section-504-2)

#### U.S. Dept. of Education Q&A on the ADA Amendments of 2008 for students with Disabilities

[www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html](http://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html)

#### Office of Civil Rights

[www.ed.gov/ocr](http://www.ed.gov/ocr)

#### What is a 504 Plan

[www.understood.org/en/school-learning/special-services/504-plan/what-is-a-504-plan](http://www.understood.org/en/school-learning/special-services/504-plan/what-is-a-504-plan)

#### Contact Us:

8003 Forbes Place, Suite 310  
Springfield, VA 22151  
800-869-6782 / 703-923-0010  
[www.peatc.org](http://www.peatc.org)  
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# Factsheet for Virginia's Parents

- **REFERRAL:** Although anyone, **including you**, can refer a student for an evaluation, the school district must have reason to believe that the student needs services under 504 because of a disability. **Having good grades does not disqualify your child from being determined 504 eligible.**
- **EVALUATION:** The school must give you notice if it identifies, evaluates or places your student under 504. An evaluation may include a review of medical records, student grades, test scores, and teacher recommendations and concerns. If you **request a referral for evaluation** and the school refuses or you disagree with an evaluation, the school will provide you with a notice of procedural rights.
- **THE PLAN:** A 504 plan is created by a team who knows the student and understands testing data and service options. Schools **do not** have to include parents on a 504 team. They should ask you for input and information, and you should feel free to ask to be included on the team. There is **no standard format** for a 504 plan; it is not even required to be in writing. However, you should ask for a written plan to protect your child's rights and to ensure that all school staff know what is in the plan. You have a **right to receive a copy** of the plan. Routine **progress reporting** is not required.

## EXAMPLES OF ACCOMMODATIONS THAT COULD BE IN A 504 PLAN

<i>Highlighted textbooks</i>	<i>Extended time on tests</i>	<i>Enlarged print</i>
<i>Preferred seating</i>	<i>Assistance with notetaking</i>	<i>Rearranged class schedule</i>
<i>Visual aids</i>	<i>Taping lectures</i>	<i>Oral tests</i>
<i>Computerized instruction</i>	<i>Frequent feedback</i>	<i>Extended assignment time</i>
<i>Individual contracts</i>	<i>Behavior Intervention Plan</i>	<i>Extra textbooks for home</i>

Section 504 guarantees **equal opportunity** to obtain the same result and benefit and to reach the same level of achievement as students who are not under a 504 Plan. Your student's plan should be re-evaluated annually or whenever his needs change.

## Parental Rights Under 504

- To receive notice of identification, evaluation and/or placement of your child.
- To examine relevant records
- To request a **due process hearing** on the school's actions of identification, evaluation, or placement.  
Unlike IDEA, you are **not entitled to an Independent Educational Evaluation** at public expense if you disagree with the school's evaluation.
- To file a complaint with your school division's 504 Coordinator (your school division **must** have one) or with your regional Office for Civil Rights (OCR).

A 504 Plan **does not mean** that your student is on a lower academic track. He **has the same Diploma opportunities as everyone else**. The 504 Plan will help him get there.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

8003 Forbes Place, Suite 310, Springfield, VA 22151

800-869-6782 / 703-923-0010

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



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