



You, Your Child and 504 Plans

What Is a 504 plan?

The "504" in "504 plan" refers to Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, which specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary or postsecondary education. "Disability" in this context refers to a "physical or mental impairment which substantially limits one or more major life activities." This can include physical impairments; illnesses or injuries; communicable diseases; chronic conditions like asthma, allergies and diabetes; and learning problems. A 504 plan spells out the modifications and accommodations that will be needed for these students to have the opportunity to perform at the same level as their peers. Accommodations might include such things as wheelchair ramps, blood sugar monitoring, an extra set of textbooks, a peanut-free lunch environment, home instruction, or a tape recorder or keyboard for taking notes.

For more information on the way Section 504 is implemented in your state, please contact your state's Department of Education or agency that deals with disabilities.

Who is eligible for a 504 plan?

To be eligible for protections under Section 504, a child must:

- Have a physical or mental impairment that substantially limits one or more major life activities;
- Have a record of a disability; or
- Is regarded as disabled by others.

Section 504 covers a wide range of disabilities including emotional or mental illness, ADD/ ADHD, orthopedic conditions, epilepsy, diabetes, cancer, and learning disabilities.

The nature and severity of the disability will be considered in determining if it *substantially limits* at least one major life activity and requires accommodations and modifications through the development of a 504 Plan. A major life activity includes learning, walking, seeing, hearing speaking, breathing, working, caring for oneself and performing manual tasks.

Determining eligibility for services under Section 504 is a team decision. Team members often include teachers, school administrators, school psychologist, counselor, therapists, the parent and the child, if appropriate. If you have results from psychological or psychiatric evaluations, information about medications or input from your child's physician, you should consider sharing this with the team.

How does a 504 plan differ from an IEP?

A 504 plan, which falls under civil-rights law, is an attempt to remove barriers and allow students with disabilities to participate freely; like the Americans With Disabilities Act, it seeks to level the playing field so that those students can safely pursue the same opportunities as everyone else. An IEP, which falls under the Individuals with Disabilities Education Act, is much more concerned with actually providing educational services. Students eligible for an IEP, or Individualized Education Plan, represent a small subset of all students with disabilities. They generally require more than a level playing field -- they require significant remediation and assistance, and are more likely to work on their own level at their own pace even in an inclusive classroom. Only certain classifications of disability are eligible for an IEP, and students who do not meet those classifications but still require some assistance to be able to participate fully in school would be candidates for a 504 plan.

Are 504 plans really necessary?

The kind of accommodations and modifications offered by a 504 plan are often the sorts of things you may have worked out privately with the school or the teacher in the past. Outlining these things in a legal document may seem like too much trouble and paperwork. But when dealing with bureaucracies, it's always best to get things down in writing. A new teacher, new principal, new superintendent, or a move to a new school or town can render all your handshake agreements invalid. Having a legally binding plan lets everyone know what's to be done and how to go about it, promotes consistency and accountability.

Tips:

1. Remember that the goal is to get your child the assistance and adjustments needed. If school personnel have alternative suggestions, be open to them -- or make some yourself.
2. Remain as calm, organized and collaborative with school personnel as you would like them to be with you.

For a wealth of resources on advocating for your child – please see:

<http://www.wrightslaw.com/info/advo.index.htm>