

What should a Section 504 plan contain?

Once the team determines that the student meets the criteria, the team is responsible for crafting a Section 504 Plan. The goal is to ensure that the student is educated with his nondisabled peers to the maximum extent appropriate for the student - in IDEA and Section 504 terms, educating the student in the least restrictive environment (LRE).

Accommodations usually are minor adjustments in the regular classroom such as the seating arrangements, lesson presentation and assignments which provide the student with equal access to learning opportunities.

The team must identify the student's needs and accommodations and document them on the Section 504 Plan.

Who is responsible for Section 504 compliance?

Most school systems have a Section 504 Coordinator. At a building level, the principal or his/her designee is responsible for compliance. Any questions should be directed to the appropriate county coordinator. Please talk with your school for more information.



Contact the WVDE, Office of Special Programs at 304.558.2696 or go to <http://wvde.state.wv.us/osp/> for more information.



Section 504:

GUIDANCE for WEST VIRGINIA SCHOOLS and DISTRICTS

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West Virginia Department of Education
Office of Special Programs



Foreword

Section 504 of the Rehabilitation Act of 1973 continues to be a topic of interest for parents and counties in West Virginia. Many questions have arisen regarding the relationship between the Americans with Disabilities Act of 2008, Section 504 and the Individuals with Disabilities Education Improvement Act (IDEA). School administrators have asked for examples of Section 504 forms and accommodations that meet the requirements of the law and can be efficiently and effectively implemented.

To address these requests, the West Virginia Department of Education Office of Special Programs has developed materials to assist counties and parents in serving their general education students with disabilities in a way that assures a quality education that is in compliance with state and federal laws. The materials include a parent and educator guide to Section 504 which highlights the major differences between Section 504 and the IDEA and provides sample policies and procedures including forms, detailed frequently asked questions and sample accommodations for use by counties in West Virginia.

Clayton Burch
State Superintendent of Schools

Introduction

This brochure describes the requirements of Section 504 of the Rehabilitation Act of 1973 as it applies to a public school and is designed to assist parents and educators to understand what Section 504 is and how to locate further resources.

What is Section 504?

Section 504 refers to a portion of the federal Rehabilitation Act of 1973 that states

“No otherwise qualified individual with a disability shall, solely by reason of 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.”

In plain English, that means that no student in West Virginia public schools may be kept from participating in any school program or activity solely because of his/her disability and that student may not be discriminated against at school or at school activities because of the disability.

Because it is a civil rights statute not a special education statute, county school systems receive no additional funding for providing Section 504 compliance or accommodations. Although §504 borrows language from the federal special education statutes (IDEA) and the federal Americans with Disabilities Act (ADA), its focus is on regular education students who may be subject to discrimination at school because of a disability or perceived disability.

Who Is Eligible for a Section 504 Plan?

Any regular education student is eligible for §504 protections if he/she meets three (3) qualifications:

- 1. Has a mental or physical impairment** (or having a record of such an impairment or being regarded as having such an impairment);
- 2. That substantially limits** (the limitation must impose an important and material limitation and it must be expected to continue for a while);
- 3. A major life activity** (included are caring for oneself, sleeping, standing, walking, lifting, bending, hearing, seeing, speaking, working, breathing, reading, thinking, communicating, attending school, etc.).

