

CHAPTER 1

Overview of the Law

Let's start from the very beginning (a very good place to start...)

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that bans disability discrimination. As a result of this law, 504 plans were born and their purpose is to provide students with disabilities the right to reasonable accommodations.

Section 504 fights to remove barriers for students with disabilities in public schools. It also aims to provide protections to both kids and adults with disabilities from discrimination in school settings and beyond.

What is a public school's role in Section 504?

Public schools must provide FAPE (free appropriate public education). Appropriate means that the school is providing

support to give a child access to the same education that their peers are receiving.

Similar to the federal special education law IDEA, Section 504 requires that districts find and evaluate students that are believed to have disabilities. This can be monitored as part of your school-wide RTI protocol.

Once the school team determines that a child is eligible under Section 504, it must provide services, supports, and/or accommodations for that student, which are documented in the 504 Plan. Of course, this is all at no-cost to the parents.

Section 504 plans are put in place to ensure that students can access the general education curriculum. Section 504 plans also focus on what the school/teachers provide and what is *within their control*. They do not include anything parents “should” be doing to support their child. Additionally, parents may not request accommodations in case their child *may* need them at some point. The need(s) must be present.

Who is covered under Section 504?

The law is written very broadly. This law protects any student who has “a physical or mental impairment which substantially limits one or more major life activities.” Life activities can include tasks such as eating, sleeping, walking, talking, breathing, learning, hearing, seeing, working, concentrating, thinking, communicating, and more.

The impairments range from asthma to blindness to schizophrenia and everything in between.

Is a diagnosis required?

The simple answer is NO! If a student shows signs or

symptoms of an impairment, they are still protected under this law. That being said, I have heard that some districts still require a diagnosis. I can't comment on the legality of that decision. Discuss district-specific protocols with your administration (a few questions are included at the end of this lesson that you may also want to consider).

Additionally, some case managers prefer not to advertise this aspect of the law. A reason is that it can potentially encourage those "accommodation-hungry" teachers or parents to insist on an evaluation for a student that may not truly be impaired or substantially limited.

Is Section 504 law the same as IDEA (Individuals with Disabilities Education Act)?

No, they are 2 separate laws with some significant differences and similarities.

Differences between Section 504 & IDEA		
Key Feature	Section 504	IDEA
Civil Rights Law	X	
Education Law		X
Special Education and Related Services		X
Includes an IEP		X
Includes a 504 Plan	X	
Requires an Evaluation	X	X

Provides Accommodations	X	X
Can Provide Standardized Testing Accommodations	X	X
Includes Procedural Safeguards for Families' Right	X	X
Requires a FAPE in the LRE	X	X
Federal Funding is Provided		X
Can apply to College Students	X	
Team-Approach Required	X	X
Supports Students with Disabilities and their Legal Rights	X	X

What about ADA (American with Disabilities Act)?

This is another Civil Rights Law that prohibits disability discrimination by schools, employers, and anyone who offers goods and services to the public. This law is more broad than IDEA or Section 504. ADA doesn't include the provision and implementation of an accommodation plan, but it does work to ensure that students are not discriminated against. ADA extends to camps, sports, clubs, and other areas that are not covered by Section 504. ADA says that these organizations must give "reasonable accommodations" to children with impairments.

In a Nutshell:

Section 504 offers accommodation plans for students that are substantially limited with a physical or mental impairment. An evaluation is required to ensure a students' needs are being met. Section 504 is an advocate for students so that their playing field can be leveled. Section 504 doesn't give children an unfair advantage; rather it supports students to ensure equal access while providing freedom from discrimination.

If you are just starting in this role (*congratulations!*) here are some questions to consider asking your administration/district if they don't provide this information clearly when you are trained:

- I know Section 504 doesn't require a diagnosis, but that some districts do. Does our district require a diagnosis?
- What forms does our district utilize?
- Where can I access a copy of the procedural safeguards for our district?
- Do we follow the IDEA timeline?

And if you're interested in better understanding the 504 culture (it can really vary), you may want to consider asking some of these (maybe to someone you trust!):

- What has been the greatest challenge for 504 case managers?
- Where do most referrals come from? (parents, teacher, RTI process, etc)
- Have there been any compliance issues to be aware of?

Grab a sip of your mocha or green tea or whatever brings

you joy because that was DRY! Boring may not be the best word as understanding these facts are an essential foundation for a case manager... but the following lessons might be a bit easier to swallow.

Additionally, here are some references/additional resources:

Free Appropriate Public Education for Students with Disabilities: Requirements Under Section 504 of The Rehabilitation Act of 1973 (Aug. 2010), www.ed.gov/ocr/docs/edliteFAPE504.html.

Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities (last modified Oct. 2015), www.ed.gov/ocr/504faq.html.

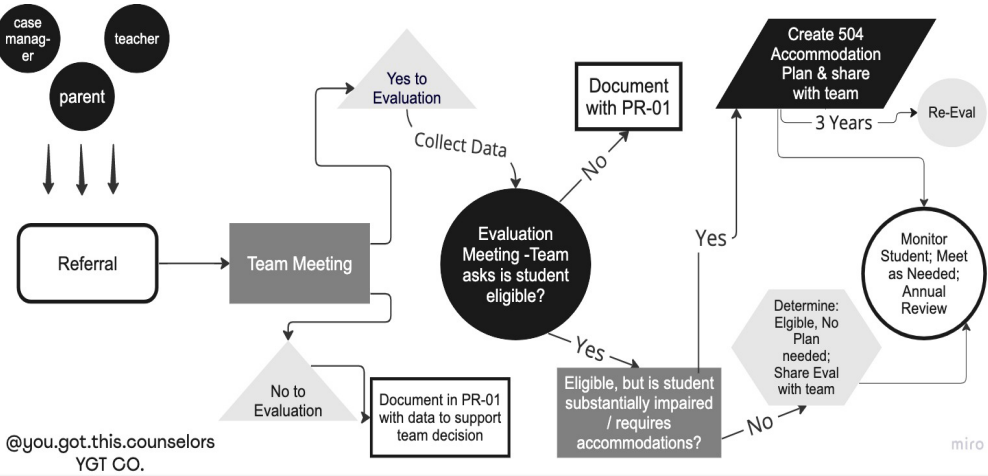
U.S. Department of Education, Office for Civil Rights, Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools (December 2016), <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>.

CHAPTER 2

Timeline & Procedure

Now that you understand what Section 504 law is all about (and who you will be helping!), we can talk about what the process actually looks like in a school. (I know that I told you it may not be as dry but you may want to keep your mug close for this one, too.)

Before we talk about the timelines, let's flip over to look at a flow chart to wrap our minds around the birth of a 504 Evaluation or Plan. There are some different routes and dead-ends, but this shows some common pathways. Sometimes, the path will be way messier and filled with tons of zig-zags, but these are ideal routes that can be taken. Additionally, the process at your site may be more structured; for example referrals may come from RTI systems.



Timelines

Section 504 law was written without specific timeline guidelines for school implementation (lawmakers, right?!). That being said, many districts match their Section 504 timelines with IDEA so that they won't find themselves out of compliance. Your district may have a different policy, and it is quite possible that the policy will be less intense than what we are going to talk about in this chapter. I may write this often, but consult with your district if you are unsure!

Additionally, each state may set their own guidelines and timelines as well. This is important to note as the evaluation period can vary from *just* 10 days and extend up to 90 (sending you good vibes, Rhode Islanders!)

Here is a breakdown of state Special Education Timelines, but also remember that *not* all districts will align their 504 protocol. (If your district requires a *shorter* window of time than these guidelines, I would encourage you to advocate to match these timelines to provide yourself with a more appropriate amount of time to complete a comprehensive 504 evaluation.)

Allowable Timeline for Initial Evaluation	
Timeline	State(s)
10 Calendar Days	Rhode Island
30 Calendar Days	Alabama, Idaho, Maine, Nebraska, Utah
30 School/Business Days	Massachusetts, Michigan, Minnesota,
35 Calendar Days	Washington
45 Calendar Days	Nevada
45 School/Business Days	Connecticut, Delaware, Oklahoma, Texas
60 Calendar Days	Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Wisconsin, Wyoming
60 School/Business Days	Florida

65 School/Business Days	Virginia
60-90 Calendar Days	Montana
80 Calendar Days	West Virginia
90 Calendar Days	North Carolina, South Dakota

If you work in a district that is comfortable with less stringent guidelines, then you *may* not need to follow this as closely. Many feel that these timelines are best practice, though. We will be working through examples that assume a 60 day timeline (for evaluations), since that option includes the majority of states. You will want to adjust if your district follows a different timeline.

Allowable Timelines for 504-Related Events		
Event	Timeline	Result/Detail
Parent Requests 504 Plan	30 Days	Team meeting to determine if the team will move forward with an evaluation
Parent Signs Consent for 504 Evaluation	60 Days	Completed 504 Evaluation

HOW TO MANAGE 504 WITH LESS STRESS AND MORE CONFIDENCE

Passed Three Years From Initial Evaluation	Before 3-year anniversary	Completed 504 Re-evaluation
Written Request from Parent for 504 Team Meeting	Within 10 school days	Team Meeting
Annual Meeting	At least every year	Parent receives written invitation at least 10 days prior
Student is Determined Eligible under Section 504	30 Days	Section 504 Plan Written (typically occurs at evaluation meeting or as soon as eligible)
504 Plan Developed	10 Days	Implemented (should be done ASAP)

****Calendar Days. Yes, that includes breaks!****

If you are new to Section 504 case managing, this might still look like gibberish. Hang with me, so we can break it down.

Case Example #1:

Jonah’s parents are worried that Jonah’s recent ADHD diagnosis is preventing him from being successful in school. Jonah’s parents sent an email to you to ask for a 504 Plan.

Within 30 days, you must meet with Jonah’s parents, teacher(s), an administrator, and anyone else that works closely with Jonah at school. At this meeting, you hear parents’ concerns and decide if a Section 504 evaluation is appropriate at this time.

You talk with the teacher prior to the meeting to get a better understanding of Jonah's needs in the classroom. The teacher does share that she does provide some accommodations to Jonah that other students don't require such as preferential seating, chunking of assignments, and a quiet work space in the hallway when needed.

You come to the meeting with paperwork prepared and discuss the next steps after hearing parents' concerns as well. The teacher also explains that while providing these accommodations, she was allowing Jonah some time to settle into the school year prior to initiating an evaluation (it is the end of September), but does agree it is appropriate.

Jonah's parents sign consent at this meeting (along with a referral form) and you schedule another meeting to review the results of the eligibility evaluation within 60 calendar days.

From start to finish, it will take no more than 90 days from Jonah's parents' email until he is found to be eligible or not under Section 504 law.

Case Example #2:

Sierra's parents are also worried about their child. They wonder if she might have ADHD or another diagnosis that is preventing her from doing well at school (but she has not been diagnosed by a physician). They emailed her teacher about a Section 504 plan. This teacher was catching up on emails and forwarded their email 9 days after the parents had sent it. This means you now have 21 days to schedule a team meeting.

When you connect with Sierra's teacher, you learn that her teacher does not provide anything beyond what typical peers

receive and does not share Sierra's parents' concerns about being able to focus and attend to instruction.

At this meeting, Sierra's parents share their concerns. You come prepared for this meeting and have brought some baseline data from Sierra's progress reports and benchmarking assessments. Sierra is scoring above average and her teacher also shares that she has not noticed any concerns in the classroom.

Sierra's parents are relieved to hear this and they agree with the team decision not to move forward with a 504 eligibility evaluation, after you explain the law, what the eligibility requirements would be, and how Sierra does not match the typical profile. You document this meeting with a PR-01 (Prior Written Notice) form, stating that the team refuses to initiate an evaluation at this time and send her parents a copy as well. (See Chapter 3 for additional information about the PR-01 form).

Case Example #3:

Eman's story is very similar to Sierra's. Except that at Eman's team meeting, her parents were *not* in agreement.

They were adamant that Eman needs to be placed on a Section 504 plan. At this point, you can still decide as a team that you will not move forward with an evaluation (you better have data to back up that decision) or you can move forward with an evaluation. (Personally, I complete evaluations whenever parents are in disagreement as this feels most defensible.)

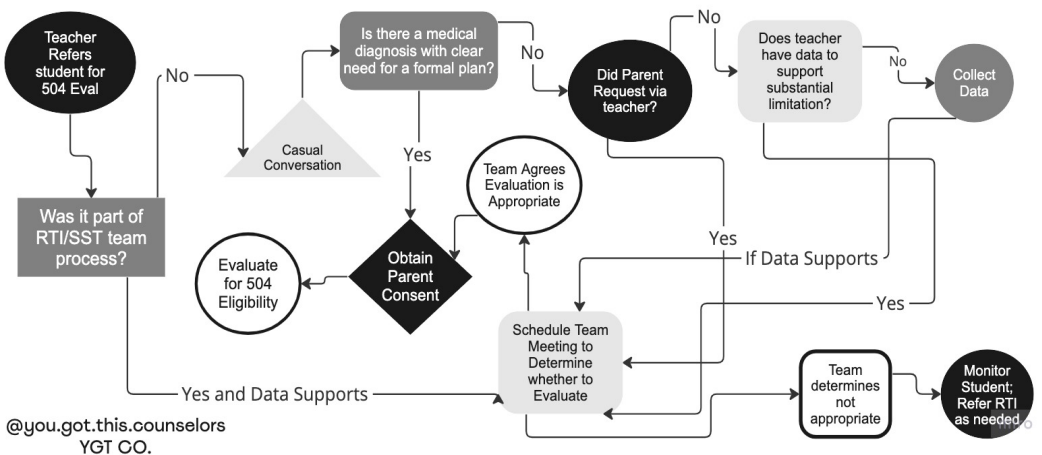
During the evaluation period, comprehensive data must be collected to include within the report. At the evaluation

meeting, you can then decide as a team if Eman is eligible. It is best to have the data documented so that you can show that it was a data-based decision as to why Eman was not determined to be eligible at that point in time.

In this case, 3 time-on-task observations were completed along with collecting teacher observations and parent input. Once Eman’s parents were able to see the data that made it clear that she is not substantially impaired, they agreed that she was not eligible. You informed them that she will continue to be monitored and if she did become unable to access the curriculum, the team could reconvene.

In summary, when a parent requests a 504 Plan and the school team does not feel it is necessary, you may choose not to complete an evaluation (document in a PR-01 with data) or you can complete the evaluation and then meet again as a team to determine if the student meets the eligibility requirements.

It is important to note that referral processes within your school (aka when a teacher or other staff member requests a 504 evaluation) will vary significantly. It depends on the procedures



Let me break it down further (because this is how my brain works!)...

Example #4:

- Teacher refers student to SST/RTI team
- Teacher has data to support an evaluation
- Teacher completes 504 referral form
- Meeting scheduled within 30 days with parents to obtain consent
- Parents agree with the concerns and sign consent
- Evaluation is completed within 60 days
- Team meeting to discuss results
- Plan either created at evaluation meeting, in advance as a draft, or shortly after eligibility determination

Just like the students themselves, each 504 evaluation and plan is unique. While we have guidelines, I have been amazed with how many different circumstances must be considered during the process. Always be thinking with a student-first approach and let that guide your decision making process.

Dates

In addition to these timelines, you will want to ensure that your dates are accurate on your plan and evaluation documentation. Plan templates may differ but could request the following:

- Date of Evaluation/Eligibility Determination
- Date of Meeting
- Effective Plan Date
- Date of Re-Evaluation
- Date of Annual Review

The review/re-evaluation dates are NOT the dates that the meeting will be held. Make sure to explain that to parents! It is your timeline in which you must update the documentation.

Sample Dates		
Date of Evaluation	4/19/2020	Date of Evaluation Meeting
Date of Re-Evaluation	4/18/2023	3 years from meeting minus 1 day
Date of Meeting	3/20/2021	Date of Plan Meeting (sometimes same date as Evaluation, if not a review)
Effective Plan Date	3/21/2021	Next Day
Annual Review Date	3/19/2022	1 year from Plan Meeting date minus 1 day

Stay Organized

I might argue that 50% of a case manager’s job is the ability to stay organized. Make sure you keep your plans and timelines organized by date so that you don’t find yourself surprised by a date sneaking up.

I like to use google sheets so that I can toggle between grade levels and add more with a click. There is an editable template within the course, but if you are handy with sheets, it shouldn’t be too tough to create.

You will also likely be in the midst of several plans at any given time, all at different points in their evaluation. Checklists are your friend. Again, there is an editable template within the

course, but if you don't plan to join, I would highly recommend creating one to meet your needs! Once you read the other chapters, you should have all the information that you need.

Please keep an eye on your evaluation timelines. Sometimes your plan review will be due *after* a student's 3 year re-evaluation is due. You would need to ensure the evaluation wasn't expired, even if the plan review date was not yet up for review.

And, if your head is spinning right now, just know that it gets so much simpler once you do a few. You also aren't expected to memorize all of this information - you can reference all these guidelines once you start working on plans. Your principal won't be quizzing you! (On second thought, I could totally picture one of my ex-principals doing that. If that's your situation, make sure you're following me for boundary support!)

Additionally, since I just mentioned a few resources that are included within the course, I did want to make sure you know *now* that there is a discount code waiting for you in Chapter 8. I wouldn't want anyone to decide to join the course midway through this guide without getting their discount!

