



Somerset Public Schools

The Section 504 Plan:
The Role of the Teacher



Today's Discussion...

- What is Section 504?
- How is a disability defined?
- The 504 Process:
 - Flowchart
 - 504 Plan vs. DCAP
- Examples of eligibility
- Accommodations
- The teacher's role
- Discussion / Questions



What is Section 504?



- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C., Ch. 16 S 705, 794
- It states... “ No otherwise qualified individual with a disability... shall solely by reason of his or her 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”.



How is a disability defined?



- “ A disabled person is...(a person who) has a **physical or mental impairment** which **substantially limits** one or more **major life activities**, has a record of such impairment, or is regarded as having such an impairment”.



What does “physical or mental impairment mean?



- Physical or mental impairment is defined as ...
 - A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - B) any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.



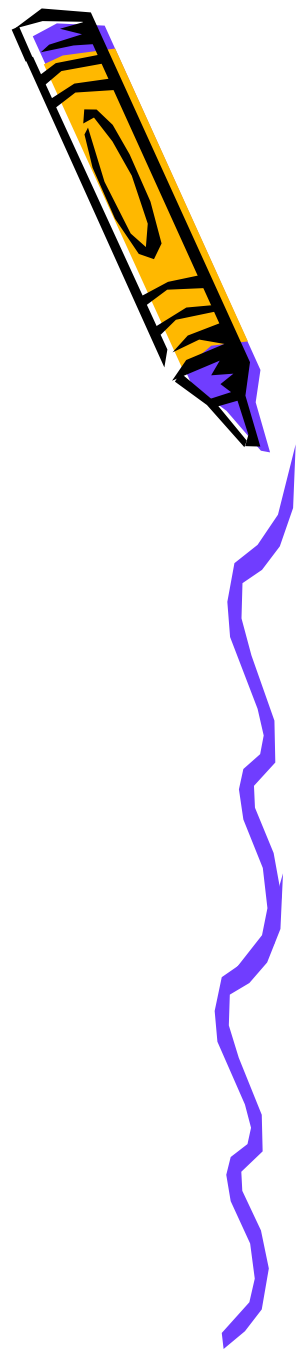
What does “substantially limits” mean?



- The term is difficult to define
 - In Somerset we use the same terminology as IDEA. If the disability limits the student's ability to make effective progress, the disability “substantially limits”.



What does “major life activity” mean?



- There are 9 defined “major life activities”...
 - Caring for one’s self
 - Walking
 - Speaking
 - Learning
 - Performing manual tasks
 - Hearing
 - Seeing
 - Breathing
 - Working



What does “has a record of such an impairment” mean?

- It means the child “has a history of, or has been classified as having a mental or physical impairment that substantially limits one or more major life activities”.



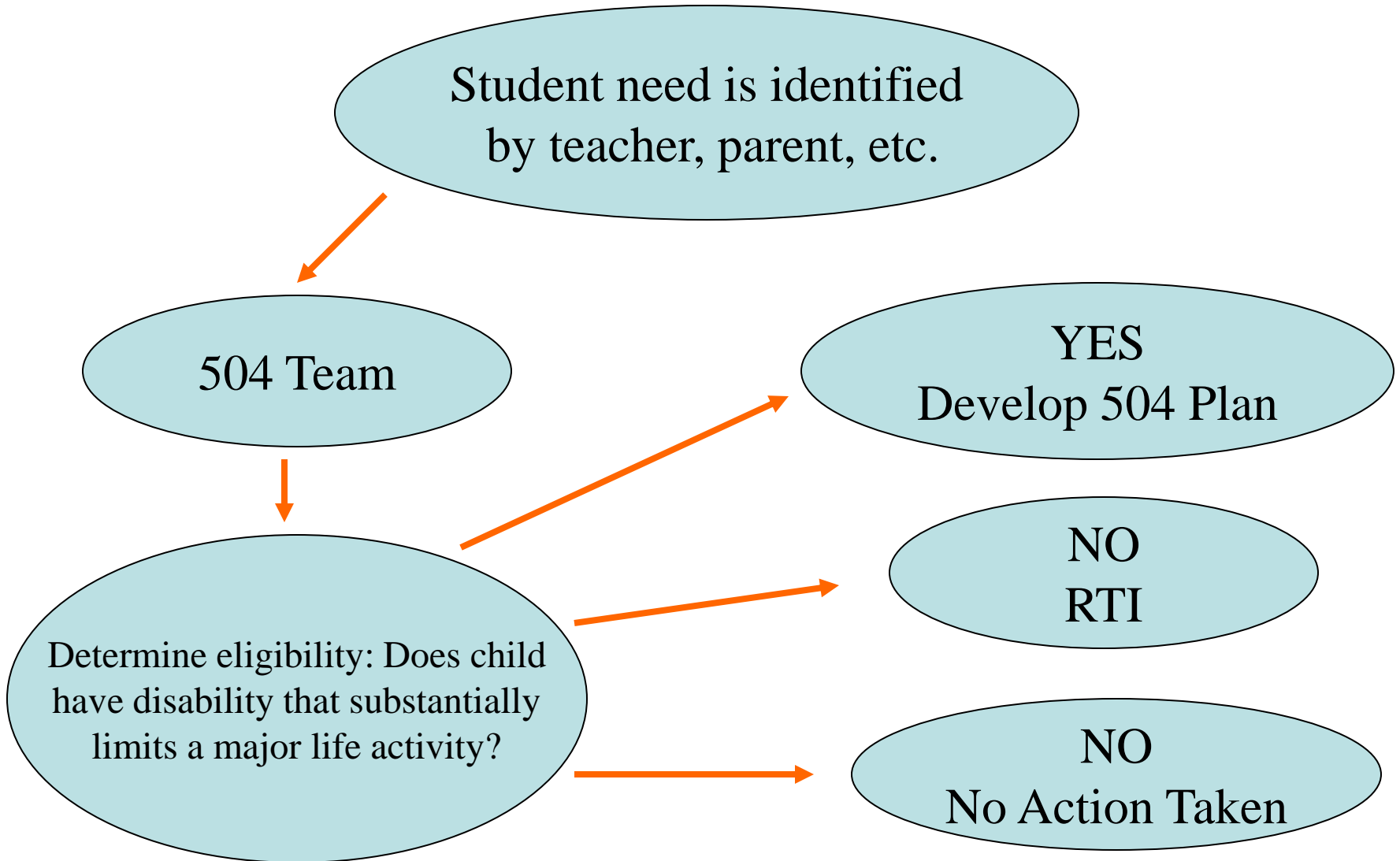
What does “is regarded as having an impairment” mean?



- A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation
- B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others towards such impairment
- C) has none of the impairments defined, but is treated by a recipient as having such impairment



The 504 Process: Flowchart



504 Plan vs. DCAP

504 Plan

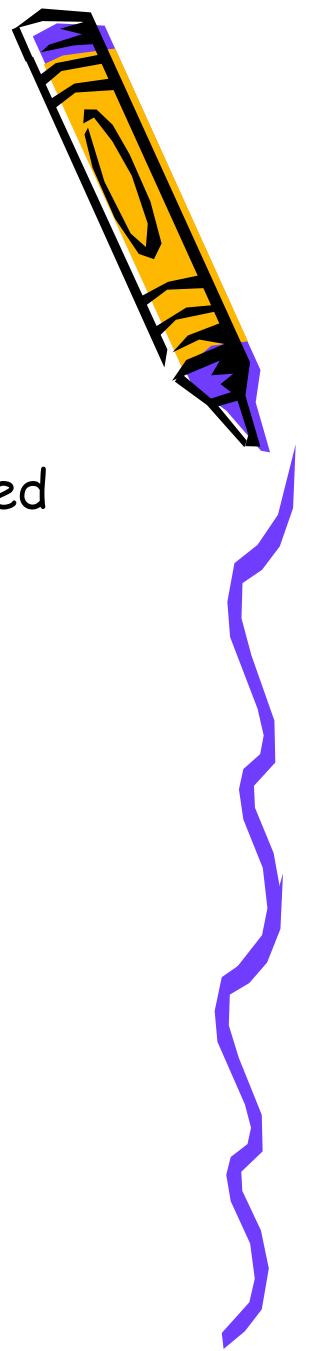
- Parent Notification / Involvement in process
- Written consent (if evaluation to be completed)
- Evaluation (if needed)
- Determine eligibility
- Development of 504 Plan
- Written consent (before implementation of services)
- Implementation of services
- Review of plan

DCAP

- Classroom interventions
- Refer to CAST or Intervention Teams
- Include documentation that demonstrates that child is not making effective progress
- Team develops DCAP or refers to special education or 504 Team
- Accommodations are implemented in classroom
- Review of DCAP occurs
- Successful= continue DCAP
- Not successful= amend DCAP or refer to special education or 504 Team



Examples of Eligibility



- AIDS
- Allergies
- Arthritis
- Asthma
- ADD/ ADHD
- Cancer
- Cerebral Palsy
- Drugs / Alcohol
- Emotional Disturbance
- Epilepsy
- Obesity
- Orthopedically impaired
- Parent with hearing impairment
- Pregnancy
- Social maladjustment
- Temporary disability
- Tourette's Syndrome



Accommodations vs. Modifications

Accommodation:

An Accommodation is defined as a **support or service** that is provided to help a **student fully access the general education** curriculum or subject matter. An accommodation does **not change the content** of what is being taught or the expectation that the student meet a performance standard applied for all students..

Modification

- A Modification is defined as a change to the general education curriculum or other material being taught, which **changes the standards or expectations** for students with disabilities. Teaching strategies, for example, can be modified so that the material is presented differently and/or the expectations of what the student will master are changed. Modifications are made formally through the IEP process.

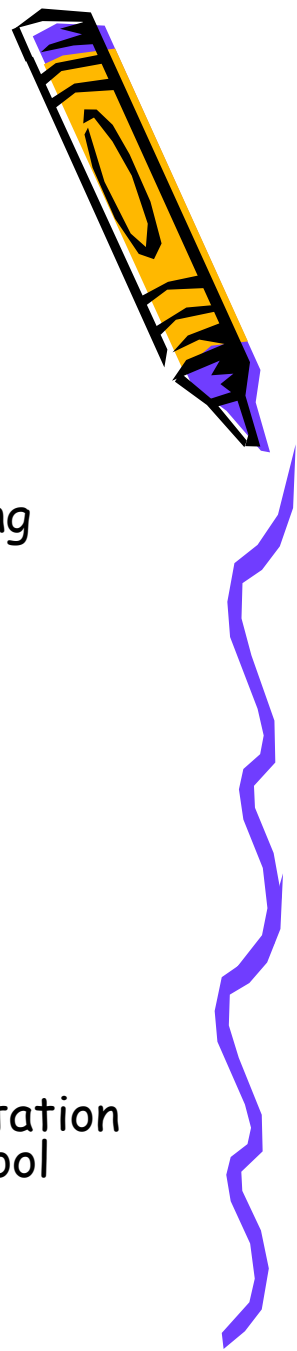
Accommodations



- Accommodations are implemented by regular education staff
- 504 Team should be sure not to develop a Plan that has so many accommodations that they cannot be realistically implemented by the teacher
- Reasonable accommodations vs. undue hardship. Law requires school to offer “reasonable” accommodations that do not discriminate
 - Example: A student in a Family Consumer Science class is allergic to tree nuts. Can the parent “reasonably” request that the curriculum be altered not to include tree nuts?
 - Example: Can that same parent require that tree nuts be excluded from the entire school?
 - Example: A first grader is confined to a wheelchair. Your grade level plans a trip to a facility that does not provide for access. Can you ask that child not to go, or provide access to only those parts of the trip to which that the child can gain access?



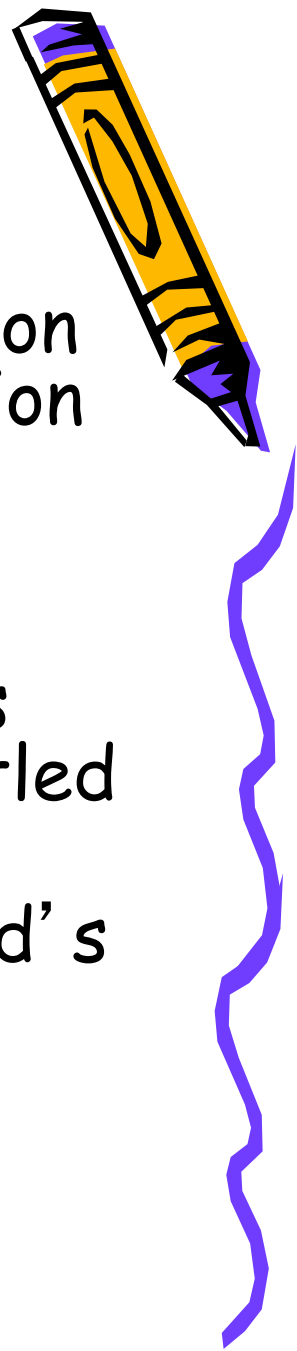
Types of Accommodations



- Apply universal precautions
- Adjust attendance policy
- Provide rest periods
- Develop health care and emergency plan
- Staff training
- Extra set of textbooks at home
- Avoid allergy causing substances
- Allow extra time between classes
- Provide more comfortable desk
- Teach compensatory strategies
- Provide supervision during transitions
- Use of study guides
- Establish home / school behavior program
- Provide FM system
- Dietary accommodations
- Provide counseling
- Establish communication journal
- Arrange buddy system
- Provide proper transportation to, from, and during school



The Teacher's Role



- Section 504 falls under regular education services. The student's regular education teacher will be legally responsible for implementing the Plan!
- The Plan must be implemented in its entirety, whether the teacher supports the process or not. The student is entitled to "reasonable" accommodations.
- If the Plan is not implemented, the child's civil rights have been violated. If this occurs, the teacher can be **LIABLE!**



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