



## What Parents Should Know... About Supporting Students Through 504 and Health Plans

# What Is A 504 Plan?

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability by schools that receive federal financial assistance.

Each year, districts must identify and locate students with disabilities within the district. Public schools have a responsibility in providing free and appropriate education to students with disabilities in the school district's jurisdiction, regardless of the nature or severity of the disability. An appropriate education is one that is intended to ensure the needs of a student with disabilities are met as adequately as the needs of a student without disabilities. Section 504 does not guarantee certain results, like an A grade in class, but ensures through an individualized process that qualified students with disabilities have an equal opportunity to achieve those results.

To start the process, once a student has been identified, an evaluation must occur to determine what supports or services may be needed. An evaluation will

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### Comparing IEPs and 504 Plans

IDEA	504
<b>Free Appropriate Public Education In the Least Restrictive Environment.</b>	<b>Equal access to general education and extra-curricular activities.</b>
<b>Applies to public schools.</b>	<b>Applies to any program receiving Federal financial assistance, including schools.</b>
<b>Covers student ages 3-21 who need special education and related services due to disability.</b>	<b>Covers all qualified people with disabilities.</b>
<b>13 categories of eligibility (South Dakota recognizes 14 – adding Developmental Delay).</b>	<b>Impairment that substantially limits one or more major life activities.</b>
<b>District responsibility to identify students through child-find and evaluation, ages 3-21.</b>	<b>School is responsible for identifying K-12; post-secondary requires self-identification.</b>
<b>Services and supports detailed in the IEP.</b>	<b>Accommodations/ Modifications provided in general education setting.</b>
<b>Funded by federal, state, and local resources.</b>	<b>No funds are attached to this statute.</b>
<b>Enforced by U.S. Department of Education.</b>	<b>Enforced by U.S. Department of Education Office of Civil Rights.</b>

# What Is a 504 Plan?

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rely on a variety of sources — testing, teacher recommendations, physical condition, social/cultural background, and behavior. A medical diagnosis may also trigger an evaluation as it may give the district a reason to suspect the student has a disability. The purpose of the evaluation is to answer two questions:

1. Does the child have a disability under Section 504 and
2. What are the child's individual education needs?

Does the child have a disability? What this question is asking is does the student have a physical or mental impairment which substantially limits one or more major life activities? There are three requirements one must meet

- have an impairment;
- the impairment must limit the person's ability to perform one or more major life activities; and
- the limitation must be substantial.

An impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting a bodily system, or any mental or psychological disorder. Some examples of major life activities include caring for oneself, walking, breathing, standing, and communicating. Some examples of major bodily functions include functions of the immune, digestive, neurological, and respiratory systems. Substantial limitation does not mean severe restriction or inability to perform a major life activity but considers the condition, manner and duration of the disability.

## Evaluation and Placement Procedures

Before placing students with disabilities in any educational program, schools must evaluate carefully each student's skills and special needs. Federal requirements provide standards for proper evaluations and placement procedures. The test results must accurately reflect what the test is supposed to measure. Only trained people may administer the tests or evaluation materials.

Placement decisions must be made by a team that includes people who know about the student and understand the meaning of the evaluation information. The placement team must consider a variety of documented information for each student. Remember, the information must come from several sources, including the results of aptitude and achievement tests, teacher recommendations, reports on the student's physical condition, social or cultural background, and adaptive behavior.

The placement team must also be aware of different placement options so that the student is placed appropriately.

Once the student has been evaluated, eligibility has been established, and the student's needs have been identified – the next step is determining the appropriate educational services designed to meet the student's individual needs. Remember that all students must be educated with students without disabilities to the maximum extent appropriate. Accommodations or modifications may be implemented as well. Accommodations are methods and materials to make learning easier and help children share what they know. The student is still expected to know the same material and answer the same questions as fully as the other students. Modifications are changes made to the curriculum to meet the student's learning ability. Some examples can be found in the table at the top of the next page.

## Educational Setting

The law requires that students with disabilities be educated along with non-disabled students to the

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maximum extent appropriate. This means that students with disabilities must be assigned to regular courses or classes if the students' needs can be met there. Decisions on academic placement must be based on an individual student's needs.

Students with disabilities may be placed in a separate class or facility only if they cannot be educated satisfactorily in the regular educational setting with the use of supplementary aids and services. For

example, students who are blind may be assisted by readers or may use Braille equipment or specially equipped computers and remain in the regular classrooms. However, students with severe learning disabilities may be assigned to special education classes for part of the day.

Schools that do not offer special education programs or facilities that may be required by a student with a disability may refer that student to another school or educational institution. However, the student's home district remains responsible for providing the student with a free and appropriate public education.

### Reevaluations

Because the performance and skill levels of students with disabilities change, students must be allowed to change from assigned classes and programs. However, a school may not make a significant change in placement without a reevaluation. Schools must conduct periodic reevaluations of all students with disabilities.

### Procedural Safeguards

Schools must establish procedures that allow the parents or guardians of students in school to challenge evaluations, placement procedures, and decisions. The law requires that parents or guardians be notified of any evaluation or placement action, and that they be allowed to see their child's records.

If they disagree with the school's decisions, parents or guardians must be allowed to have an impartial hearing, with the opportunity to participate in the discussions. A review procedure must be made available to parents or guardians who disagree with the hearing decision.

### Nonacademic Services and Activities

Students may not be excluded on the basis of disability from participating in extracurricular activities and nonacademic services. These may include counseling services, physical education and recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school, referrals to agencies that provide assistance to students with disabilities, and student employment.

For more information on Section 504, contact the Office for Civil Rights at 1-800-421-3481. Video presentations on IEPs and 504 plans are available at [www.sdparent.org](http://www.sdparent.org) (**Online Training, Special Education**). If you have questions or would like additional information contact SDPC at 1-800-640-4553.

### Reference:

*U.S. Department of Education, Office for Civil Rights, "Student Placement in Elementary and Secondary Schools and Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act," Washington, D.C., 2010.*

### Examples of Curriculum Accommodations/Modifications

ACCOMMODATION	MODIFICATION
<b>Additional time for assignments.</b>	<b>Allow outlining, instead of writing for an essay or major project.</b>
<b>Choice of test format (multiple choice, essay, true-false).</b>	<b>Word bank of choices for answers to test questions.</b>
<b>No penalty for spelling errors or sloppy handwriting.</b>	<b>Computerized spell-check support.</b>
<b>Large print textbooks.</b>	<b>Use of alternative books or materials on the topic being studied.</b>

# When Is an Individualized Health Plan The Best Choice for Your Child?

According to the National School Nurses Association (NSNA), Individualized Health Care Plans (IHP) are for students whose health care needs affect or have the potential to affect safe and optimal school attendance and academic performance.

The NSNA recommends that an IHP be developed for any student that requires medical attention during the school day. If a student is on an IEP or 504, the IHP can be written in conjunction with those plans. However, there is nothing legally enforcing an IHP, which can pose challenges for parents who have children with only medical needs.

How the IHP looks, and even what it's called, varies from district to district. It can be known as a "Health Action Plan," "Emergency Health Care Plan," or "Allergy Care Plan," to list a few, but the main purpose is to provide students with medical services during the school day.

Who qualifies for an IHP? It varies. Something as simple as a student with ADHD who requires medication during the day to a complicated case such as a student who has a combination of medical needs.

Prior to asking the school to develop an Individualized Health Plan for your child, the first step you'll need to take is to visit with your child's health care provider(s). Have a discussion on the demands of a full day at school and work together to outline the health issues that might impact the day at school. This should include things you plan on, such as your child receiving medication, and things you don't plan on, like an adverse allergy reaction. Ask your child's health care provider(s) to document your child's health needs and what he or she feels your child requires for support.

A medical release is necessary prior to starting the process of discussing with the team (IEP team, 504 team, or parents, teacher and the school nurse) what the plan needs to look like. Make sure you bring all of the documentation with you when you meet with school staff. Address questions such as who, what, where, when and how. Also ensure that the following is documented: diagnosis(es), triggers and symptoms, treatment plan, person responsible and crisis plan if needed.

Once a plan has been implemented, the school nurse will be the case manager for this plan and will have the documentation on file. He/she will manage, complete and maintain the documented health plan. She will also communicate with you, the parents, and the health care provider for any modifications that may be needed. Attention parents, if you have any questions, concerns, or if there are changes that need to be made to the health care plan, feel free to meet with the team to make those necessary changes.

For more information and resources, feel free to check out:

- [www.sdparent.org](http://www.sdparent.org) (Online Training, Health) for online training videos
- [www.sdparent.org](http://www.sdparent.org) (Health Care)
- South Dakota Department of Ed: <http://doe.sd.gov/oess/section504.aspx> See page 14 of *Section 504 Primer Forms* for a sample Health Care Plan



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