

What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program. A 504 plan is not the same as an Individualized Education Plan.

What are common accommodations/services?

Depending on the nature of the disability, a student covered by Section 504 might need testing accommodations. Accommodations and services are intended to give the student an equal opportunity to participate in the general education program. Examples include extra time on tests and/or a reduced-distraction environment in which to take them, extra time on homework assignments, preferential seating, note taking assistance, written instructions for homework, assignments broken into smaller tasks, adaptive technology and classroom equipment (e.g., word processors), textbooks and other written material in alternate formats, extra time to get to classes, or services such as sign language interpreters, transportation, or health-related services. If a student requires a modified or reduced curriculum or other specialized instruction considered by the district to be special education, then the student should be served under an IEP.

Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians can request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of parents/guardians to obtain that data. APS holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities. Accommodation can be utilized for general education tests and the SOL.

Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

What are procedural safeguards?

In Arlington Public Schools, parents/guardians and students age 18 or older have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program;
- Consent to the initial assessment and initial placement of their child;
- Have an assessment that considers information from a variety of sources;
- Have a committee knowledgeable about their child, the nature of the suspected disability, and assessment procedures that determine eligibility;
- Examine all relevant records of their child, challenge that information and consent to the release of information;
- Periodic reassessments, including a reassessment before any significant change in placement;
- Have their child educated in the least restrictive environment;
- Appeal a decision to the Section 504 Compliance Committee;
- Request an impartial hearing over disagreements and be represented by counsel in the hearing;
- Appeal the impartial hearing officer's decision to court;
- File a complaint with the Office for Civil Rights; and,
- A manifestation determination subsequent to any disciplinary action that results in a change of placement.

Questions, Comments, or Concerns?

Step 1. School Level Principal or designee

For specific school information, visit <http://www.apsva.us/contact> or call 703-228-6061

Step 2. District Level 1 Section 504 Coordinator (s)

[Jennifer Lambdin](mailto:jennifer.lambdin@apsva.us)
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Step 3. District Level 2 Section 504

Compliance Coordinator
Dr. Laura Newton, Director
Office of Student Services
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703-228-6061

We want to hear from you!
Please ask your school's Section 504 committee for a parent feedback survey following your child's Section 504 meeting, or visit <http://survey.k12insight.com/k/RQsSRTVsWRYSsPsPsP>

For more information regarding Section 504 visit:
www.apsva.us/section-504/

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**Arlington
Public
Schools**



Section 504

**Department of Student Services &
Special Education
Office of Student Services
1426 North Quincy Street
Arlington, VA 22207
703-228-6061**

What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent American with Disabilities Amendments Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities.

In essence, Section 504 was enacted to “level the playing field” – to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

How does Section 504 define “disability?”

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria:

- Have a physical or mental impairment, which substantially limits one or more major life activities,
- Have a record of such an impairment, or
- Are regarded as having such impairment.

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list. Additionally, determination in favor of a disability should not demand extensive analysis.

What is a physical impairment?

- 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
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability.

What are “major life activities?”

Caring for oneself, Performing manual tasks, Seeing, Hearing, Eating, Sleeping, Walking, Standing, Lifting, Bending, Speaking, Breathing, Learning, Reading, Concentrating, Thinking, Communicating, and Working. This list is not exhaustive.

What is a “substantial limitation?”

Neither Section 504 nor its regulations define the term “substantial limitation.” OCR has ruled that the phrase is to be defined by the school district consistent with the intent and language of the ADA AA. The ADA AA clarifies that the definition of “substantial limitation,” and all aspects of the definition of “disability,” shall be construed in favor of broad coverage; that “substantial limitation” should be interpreted loosely.

Does Section 504 require assessment?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing.” Under Section 504, it refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make the required determinations. Depending on the type of suspected disability, common sources of assessment data are grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc. If the committee determines that individually administered, formal testing is necessary, parental consent is required prior to administering such tests to the student. Testing should be specific to the concern; thus, in many cases, a Section 504 formal assessment is narrower in scope than an IDEA assessment.

Does APS consider private evaluations submitted by parents?

Yes. All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

Can a student have a disability under Section 504 if (s)he is doing well academically?

Yes. A student might be getting good grades and otherwise be doing reasonably well in class *despite* his/her disability. The student may only be doing well because of the extraordinary effort and time (s)he spends on schoolwork or an unusual amount of help provided by his parents/guardians. For instance, while most of the students in the class might spend an hour on homework each night, the student might be keeping up only by spending considerably more time. If there is information indicating that this might be due to a disability, then the student shouldn't be penalized for his/her extra effort and should be screened for potential further action under Section 504 or IDEA.

When does a student qualify under Section 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by-case basis. The Section 504 Committee reviews each student's individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student's opportunity to access and benefit from programs and activities offered by the district. If the student is eligible and receiving special education and related services, the student is eligible under Section 504; however, the student's IEP satisfies the district's Section 504 obligations.

What is the Section 504 Committee?

Each school has a committee which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the committee makes decisions particular to an individual student, persons who are knowledgeable about the student, who have expertise in the area of suspected disability, and who have expertise in interpreting data, are included as members. The membership may consist of the principal or designee, the child's general education teacher, specialists, or other personnel deemed appropriate by the principal. The committee's purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.