

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 (IEP).

What are common accommodations/services?

Depending on the nature of the disability, a student protected under 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), text books 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 Team 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. WWSU holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities. Accommodations can be utilized for general education tests.

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 Harwood Unified Union School District schools, parents/guardians and students age 18 or older have the right to:

A. Qualified Students with Disabilities:

1. May not, on the basis of disability, be excluded from participation in, or denied the benefits of, programs or activities offered by the district, or otherwise be discriminated against on the basis of their disability in connection with any district program or activity;
2. Have a right to be educated in facilities and receive services comparable to those provided for students without disabilities;
3. Have a right to be educated with students who are not individuals with disabilities to the maximum extent appropriate;
4. Have a right to receive a free appropriate public education (i.e., FAPE, the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the qualified student with a disability as adequately as the needs of the students who are not individuals with disabilities are met);
5. Have a right to an equal opportunity to participate with students who are not individuals with disabilities in the district's non-academic and extra-curricular services and activities;
6. Have a right to have evaluation, educational, and placement decisions made based upon information from a variety of sources; to periodic reevaluations and an evaluation before any significant change in placement in a regular or special education program; and to have placement decisions made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
7. Have a right to be placed in a regular educational environment operated by the district, unless the district demonstrates that the education of the student in the regular education environment, with the use of supplementary aids/services, cannot be achieved satisfactorily;
8. Have a right to be advised by the district regarding the district's Section 504 duties.

B. Parents Have a Right:

1. To be advised by the district regarding the district's duties under Section 504 regulations;
2. To examine their child's education records;
3. To receive notice with respect to identification, evaluation, or placement of their child (such notice to be in parent's native language and primary mode of communication);
4. To file a local grievance;
5. To request mediation through the Vermont Agency of Education, and/or to request an impartial hearing before a state hearing officer and/or any other means available through state or federal law, in the event that they disagree with an action regarding identification, evaluation, services or placement of the child; and a right to a review of such decision. In such a hearing, parents shall have the opportunity to participate and be represented by counsel at their own expense. (Mediation requests should be addressed to, and due process hearing requests should be filed with, the Commissioner of the Vermont Agency of Education, 120 State Street, Montpelier, VT 05602.)

Questions, Comments, or Concerns?

Step 1. School Level
[Principal or designee](#)

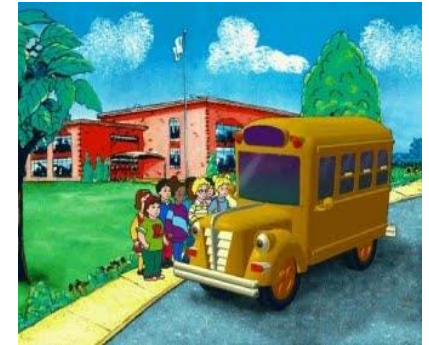
Step 2. District Level 1
Section 504 Coordinator
Donarae Dawson
ddawson@wwsu.org
802.496.2272 x 113

Step 3. District Level 2
Section 504 Compliance
Coordinator
Brigid S. Nease
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802.496.2272 x 114

For more information regarding Section 504 visit:
www.wwsu.org

Harwood Unified Union School District

SECTION 504



Questions, Answers, & Rights

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Phone: 802.496.2272
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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 bodily systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitor-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. The ADA 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 Team 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 team 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 HUUSD 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 Team.

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 is 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 Team reviews each student's individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The team 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 Team?

Each school has a team which is knowledgeable about the requirements of Section 504 and which operates under the direction of the principal, or designee. When the team 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 team's purpose is to process referrals, review assessment information, determine eligibility, and develop plans for the students under Section 504.