



**North Shore Schools**

*Discovering Your Dreams*

# Parent University

**504 Process &  
Procedures**

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# What is Section 504?

- Section 504 of the Rehabilitation Act of 1973 is a federal anti-discrimination law that protects students with disabilities.
- Under Section 504, an individual with a disability (also referred to as a student with a disability in the elementary and secondary education context) is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.
- Purpose of Section 504 is to prevent intentional or unintentional discrimination against persons with disabilities; persons believed to have disabilities; and family members of persons with disabilities
- Ensures equal access to an education for children with disabilities

# Section 504 Eligibility

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis. In addition, when determining if someone meets the definition of a disability, the definition must be understood to provide broad coverage of individuals.

Physical or mental impairments. Section 504 defines a physical or mental impairment as 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.
- The Section 504 definition of physical and mental impairment also includes any mental or psychological disorder. The definition does not include all specific diseases and conditions that may be physical or mental impairments because of the difficulty of ensuring the completeness of such a list.



# Major Life Activities

- Major life activities include certain acts a person does (such as hearing, speaking, lifting) and a person's bodily functions (such as lung disease that affects a person's respiratory system, or a traumatic brain injury that affects the function of the brain).
- Major life activities under Section 504 includes, but is not limited to, the following activities: *seeing, hearing, learning, walking, breathing, concentrating, communicating, eating, speaking, caring for oneself, reading, standing, bending and performing manual tasks.*
- Most significant in education: *Concentrating; Communicating; and Thinking*

# Provisions under Section 504

**Section 504 provides the following:**

- a.** Education and related services without cost to the disabled student or parent/guardian
- b.** Accommodations to level the playing field
- c.** Special education: specially designed instruction in class or home as appropriate
- d.** Transportation if needed
- e.** Protection in non-academic settings and extracurricular activities such as: meals, physical recreational facilities, transportation, health services, and school sponsored extracurricular clubs or activities



# Accessibility

Under Section 504, schools must ensure that students with disabilities have access to all school facilities, programs, and activities the same or similar to their non-disabled peers such as:

- i. Parking spaces
- ii. Accessible routes
- iii. Entrances and signage
- iv. Restrooms
- v. Drinking fountains
- vi. Alarms and doors



# Substantial Limitation & Mitigating Factors

- The determination of substantial limitation must be made on a case-by- case basis with respect to each individual student. Section 504 requires that, for elementary and secondary school students, a group of knowledgeable persons draw upon information from a variety of sources in making this determination.
- Rather than considering only how an impairment affects a student's ability to learn, school staff must also consider how the impairment affects any major life activity of the student and, if necessary, assess what is needed to ensure that students have an equal opportunity to participate in the school's programs.
- Not to assist a student to obtain better grades
- When determining if a person has a disability, a school cannot consider the remedial effects of mitigating measures when determining how the impairment impacts the major life activities under consideration.

# Mitigating Factors (Cont.)

## **Example:**

A student with low vision (unable to read typical size print with ordinary eyeglasses or contacts) who is able to read using a computer program that enlarges the font size of documents is still a person with a disability, even though the computer program permits the student to diminish the impact of his or her low vision and read lessons and other materials for school.

## **Exception:**

The use of ordinary eyeglasses or contacts is the one exception to the mitigating measure rule. In other words, if a person's vision is corrected with ordinary eyeglasses or contacts, the school may consider how the eyeglasses or contacts help the student see when making a determination about whether the student has a disability based on seeing.

## **Episodic impairments**

If an impairment only occurs periodically (that is, it is episodic) or is in remission, it is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a student with epilepsy is a student with a disability if, during a seizure, the student is substantially limited in a major life activity such as thinking, breathing, or neurological function. Or, a student with bipolar disorder is a person with a disability if, during manic or depressive episodes, the student is substantially limited in a major life activity such as concentrating or brain function.



## **Section 504 Determination Process**

Under Section 504, school districts must conduct an evaluation in a timely manner of any student who needs or is believed to need special education or related services because of a disability.

In some circumstances, a previous evaluation conducted by the Committee on Special Education may provide the school district with the necessary information, required by Section 504, to determine whether a student has a disability, and whether that student needs related aids and services or supplementary aids and services in the regular education environment because of that disability.

Often, the parent will provide the Section 504 Committee with formal documentation that includes a medical or psychological diagnosis including diabetes, asthma, severe allergies, epilepsy, heart condition, brain injury, anxiety, depression, and ADHD.

## **Section 504 Determination Process (Cont.)**

A parent may have a specialist or other educational professional, who is independent of the school, test his or her child. School districts are required to consider information from a variety of sources in interpreting evaluation data and in making placement decisions, and the independent evaluation is another source of information about the student

Section 504 does not provide a specific amount of time for school districts to complete an evaluation. However, under the IDEA an initial evaluation must be conducted within 60 days of receiving parental consent for the evaluation or if the State has established a different timeframe for conducting the evaluation, within that time frame.

In determining a student's needs, sources to consider include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

# Section 504 Committee Members



- Parent(s) of the student
- Chairperson/District Rep
- Classroom Teacher(s)
- Provider
- School psychologist
- Nurse
- Guidance Counselor
- School District's Physician (if requested)
- Student's Physician/Therapist (if requested)
- Student (if appropriate)

# Developing a 504 Plan

The Section 504 regulations require school districts to draw upon information from a variety of sources in interpreting evaluation data and making placement decisions.

Pertinent information that could be collected and analyzed includes:

- ✓ medical diagnosis
- ✓ attendance records
- ✓ grade reports
- ✓ aptitude and achievement tests
- ✓ teacher recommendations and reports
- ✓ physical condition
- ✓ adaptive behavior

## **Basis of 504 Determination**

What data or evaluations supports the Committee's determination?

- How does the student present in class?
- Medical documentation reviewed by the Committee
- District evaluations and reports reviewed by the Committee
- Private evaluations provided by parents
- Opinion of district's physician
- Opinion of Committee members



# 504 Plan Components

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- Identify the Physical or Mental Impairment (e.g., Neurological: diagnosis of ADHD)
- Limited Major Life Activity: (e.g. learning, walking, concentrating)
- Description of How Impairment Substantially limits a major activity: (e.g. the student is experiencing generalized anxiety disorder which impairs his ability to concentrate)
- Evaluation Reports (e.g., medical note, psychological evaluation, psychiatric)
- Program
- Related Service
- Supplementary Aids and Program Modifications
- Assistive Technology Devices and Services
- Supports for School Personnel on Behalf of the Student (e.g., consultation services)
- Testing Accommodations
- Special Transportation
- Safety Net for Diploma Requirements

# Examples of Program Modifications & Testing Accommodations

## Program Modifications

- Refocus and Redirection
- Preferential Seating Near the Point of Instruction
- Copy of Class Notes (to supplement own note taking)
- Use of Graphic Organizers
- Check for Understanding
- Access to School Nurse
- Movement Breaks
- Checklists

## Testing Accommodations

- Extended Time
- Breaks Allowed
- Access to Word Processor
- Administration in Small Groups
- Directions Read, Repeated & Explained
- Flexible Scheduling (due to medical needs)
- Access to a Calculator



# Medically Based Accommodations

## **Epilepsy:**

- ❖ Ensuring staff are trained on how to recognize precursor or actual seizure triggers and to respond appropriately
- ❖ Allowing student unfettered access to the nurse's office to rest following a seizure or to recover from seizure medication side effects
- ❖ Permitting student to make up work with extended deadlines when a student is absent or on a medical appointment

## **Diabetes:**

- ❖ Allowing the student to eat or drink during classroom instruction or eat lunch at an alternative time of day
- ❖ Allowing the student to carry and self-administer medication
- ❖ Ensuring staff are trained on how to assist with care of students with diabetes, such as administering medication and checking blood sugar levels
- ❖ Permitting the student to reschedule exams or quiz if blood sugar is low or too high or provide extra time
- ❖ Allowing student to make up work or extend deadlines due to medical appointments or based on high or low blood sugar
- ❖ Frequent bathroom breaks

# Social-Emotional Based Accommodations

## **Anxiety Disorder:**

- ❖ Counseling services
- ❖ Access to the counselor throughout the school day
- ❖ Separate location for tests
- ❖ breaks allowed during class

## **Depression:**

- ❖ Identifying a safe harbor such as a school counselor to periodically meet with the student for check-ins during the school day
- ❖ Provide extended time on quizzes, tests, and exams
- ❖ Extended due dates or allowing the student to make up assignments

# Differences Between IDEA and Section 504 Plan

## IEP

- Mandated Evaluations
- Required CSE Committee Members
- Annual Goals
- Recommended programs and or services
- Reevaluation conducted every 3 years

## 504 Plan

- No Required Evaluations
- No prescribed committee membership
- No formal annual goals
- Focus primarily on program modifications and testing accommodations
- Periodic review is recommended



# 504 Plan Distribution

The Section 504 Committee must ensure that:

- each student found eligible has a 504 Plan in effect at the beginning of each school year;
- each staff person who is responsible for the implementation of a student's 504 Plan, is provided a paper or electronic copy of the 504 Plan prior to the implementation or will be given access to the student's document electronically.
- If students' 504 Plan are to be accessed electronically, the district will ensure that the individuals responsible for the implementation of a student's 504 will be notified and trained on how to access the plan electronically;
- any copy of a student's 504 Plan shall remain confidential and shall not be disclosed to any other person;
- The district follows Chapter 408 of the Laws of 2002 in the distribution of 504 Plans

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