

Section 504 Q & A

Statement/Question	True	False	Notes
Students disabled under the IDEA are also protected under §504.	X		IDEA is a broader umbrella than Section 504. 504 students are not necessarily covered under IDEA.
Accommodations must be designed to produce achievement equal to that of non-disabled students.		X	Should level the playing field for equal <i>access to</i> and <i>opportunity for</i> a free and appropriate education.
When requested in writing by parents, the §504 team must conduct an evaluation.		X	While the team must convene when requested by parents, they don't have to conduct an evaluation. If the team refuses the evaluation, it should be put in writing along with the rationale for refusal.
When a parent refuses an IEP and insists on a §504 Plan, a §504 Plan must be written.		X	If the parents refuse an IEP, there is no legal duty to write a 504. However, it may be applicable if the team decides that the student should be evaluated under 504.
Major life activities are not limited to such things as hearing, seeing, walking, breathing and learning, etc.	X		The recent ADA Amendments Act '09 has expanded the definition.
A physician's diagnosis is sufficient to determine §504 eligibility.		X	A doctor's diagnosis and / or report are pieces of information to be considered during the evaluation.
In addition to those listed, other functions may be classified as major life activities if the functions are essential for daily living.	X		The list provided in ADA Amendments Act is not all-inclusive.
Evaluation materials under §504 must be tailored to assess specific areas of education need.	X		There is no set of 504 evaluation tools that would work for every student.
§504 regulations require parents to be members of the placement team.		X	Legally, parents do not need to be a part of the team, but best-practice would suggest that they are. Attempts to involve parents must be documented.
An impairment that is episodic or in remission is a disability if it would substantially limit a MLA when active.	X		Yes, this should be considered. Accommodations can be written to reflect those that will be in place when the disability is active.
When necessary, it is a "best practice" for students to have both an IEP and a §504 Plan.		X	This is not necessary, as all accommodations can be reflected in the IEP.

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Parents are responsible for beginning the §504 process.		X	Child find obligations dictate that school staff are responsible for considering 504 in cases of suspected disability.
Students with good grade point averages and high academic skills are automatically not eligible for a §504 Plan.		X	There are many disability areas that may need to be accommodated even when a student is academically successful.
A §504 evaluation may consist of gathering existing information.	X		School history, medical reports, anecdotal records, etc. can all be considered as part of the evaluation.
All students who have an IEP are protected under Section §504.	X		Section 504 is a broad civil rights law, so students who have an IEP are protected under 504.
Schools must consider information from a student's medical provider.	X		While medical diagnoses don't automatically determine eligibility, medical information should definitely be considered as part of the evaluation process.
A student must have a specific medical diagnosis to be considered for Section §504.		X	There is no legal basis under 504 to require a medical diagnosis. However, evaluation processes would typically need to be more thorough and involved if this information does not exist.