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Students with Disabilities and Section 504

January 2024



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CAC Meeting Date
January 17, 2024



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(OR)

<https://bit.ly/CAC-QUESTIONS>

Learning Goals

Viewers of this presentation will learn about:

- the similarities and differences between Section 504 and the Individuals with Disabilities Education Act (IDEA)
- Free Appropriate Public Education (FAPE)
- Nondiscrimination Protections
- District Policy Bulletin -4692: Section 504 of the Rehabilitation Act of 1973 (guidance for District staff)



Key Terms

- Section 504 – law that is part of Rehabilitation Act of 1973
- 504 Plan – a plan developed to for students with disabilities to access the same education as those without disabilities
- Individuals with Disabilities Education Act (IDEA) – law that ensures students with disabilities receive **free appropriate public education (FAPE)**



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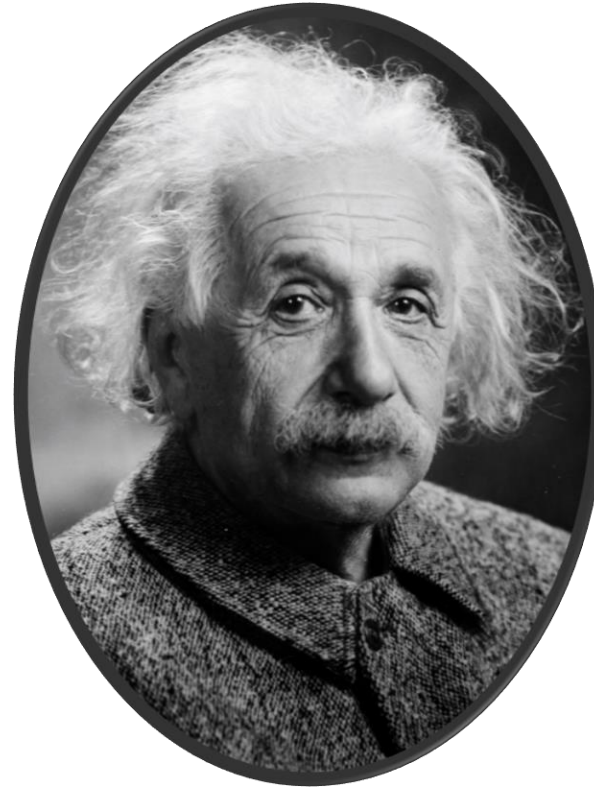
Disability



Famous People with Learning Disabilities

- Brilliant
- Insightful
- Scholar
- Physicist

A person who struggled with reading and writing as a child.



ALBERT EINSTEIN



Famous People with Learning Disabilities

- Innovative
- Visionary
- Leader

A person with Dyslexia, a condition that affects people's ability to read, write and spell.



STEVE JOBS



Famous People with Learning Disabilities

- Advocate
- Civil Rights Activist
- Author

A person with Dyslexia and Attention-Deficit Disorder (ADHD).



WHOOPI GOLDBERG



Section 504 of the Rehabilitation Act Of 1973: A Federal Civil Rights Law



Section 504 of the Rehabilitation Act Of 1973 is a Federal Civil Rights Law

PURPOSE

- Prohibit discrimination/harassment against individuals with mental or physical disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
- Require that students with disabilities be provided a free appropriate public education (FAPE).



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What is Disability-Based Discrimination or Harassment?

Disability-based discrimination/harassment is intimidation or abusive behavior toward a student based on disability that interferes with or denies a student participation in or receipt of benefits, services, or opportunities in District programs and activities.



Section 504 Dual Purposes

Nondiscrimination

- Civil rights statute
- Prohibits harassment
- Prohibits discrimination or different treatment
- Ensures equal access to District programs and activities
- Provides complaint processes (OCR, CDE, UCP)
- Provides protections when disciplined (Manifestation Determination/MDR)

Free Appropriate Public Education (FAPE)

- Child find
- Referral
- Evaluation
- Accommodations & supports
- Implementation & monitoring
- Periodic re-evaluation
- Procedural safeguards



Section 504 and Child Find Obligations

- Federal and State law require the District to have procedures in place for identifying children (child find and search and serve) who have, or are suspected of having, a disability and needing special education and related services.
- Search and serve activities apply to the families and students attending and enrolling in the school, the families of children below school age, and students in private schools.
- The District is also required to annually notify all students and their parents about the availability of, and information on, special education and related services (i.e. Parent Student Handbook).



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Eligibility Under Section 504 vs IDEA

Section 504 Plan

- Has a physical or mental impairment/disability which substantially limits one or more major life activities.
- A student with a record of impairment or is consider as having an impairment would meet the standard of having a "disability."
- General education setting; special education is not required.



Eligibility under Section 504 vs IDEA

Individualized Education Program (IEP)

- 13 Eligibility Criteria outlined under IDEA
- Special education services/supports are required for the student to learn or access the educational setting



How does Section 504 define “disability?”

An individual with a disability is someone who has a physical or mental impairment which **substantially limits** one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.



Under Section 504

Physical or Mental Impairments are

Physiological Disorder/ Condition

- Cosmetic Disfigurement
- Anatomical Loss
- Affecting at Least One Body System
- Examples, Cardiovascular, skin, digestive

Mental or Psychological Disorder

- Learning Disorders
- Emotional or Mental Illness (i.e., anxiety, depression)

Impairments: Episodic or In Remission

- Substantially Limiting when Active (i.e., Asthma, Diabetes, Food allergies)
- Conditions in remission (i.e., cancer/leukemia or compromised immune systems)



What are “Major Life Activities”?

Major life activities may include, but are not limited to:

Learning	Reading	Concentrating	Bowel Function
Communicating	Seeing	Hearing	Bladder Function
Speaking	Breathing	Sleeping	Digestive Function
Lifting	Bending	Standing	Neurological Function
Thinking	Eating	Walking	Endocrine Function
Manual Tasks	Brain Function	Self Care	Circulatory Function
Immune System	Normal Cell Growth	Respiratory Function	Reproductive Function



What is a “Substantial Limitation?”

- A student is considered to have a substantial limitation when the student is “unable to perform a major life activity that the average student in the general population can perform.” The impairment must be somewhat unique when compared to the average student of approximately the same age.
- Without accommodation and/or intervention, the student would not be able to *equally access* educational programs and activities.



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Student Evaluation Under Section 504

A school team will conduct a Section 504 evaluation for a student who, because of a disability, may need accommodations in the general education program. The team will:

1. Be knowledgeable about the student;
2. Evaluate the nature of the student's disability and the impact of the disability upon the student's education;
3. Consider all available relevant information about the student drawn from a variety of sources; and
4. Develop a Section 504 Plan if the student meets the criteria and accommodations are needed.



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Timelines Associated with Section 504

- For Section 504 assessment requests and evaluations, there is no timeframe stipulated beyond the term *“reasonable period of time”*
- The District follows mandatory timelines under IDEA (analogous to special education law)



Timelines Associated with Section 504

Section 504 Plans must be reviewed:

- Every 3 years (Federal timeline)
- When requested (i.e., parent request);
- If accommodations are ineffective or unrelated to Students' needs



Examples of Accommodations in a Section 504 Plan

- Changing the way tests are given
i.e. extended time, smaller location
- Seat changes
i.e. seating the student in the front of the class
- Developing a behavior support plan
- Health-related protocols





Scan to submit questions.

Example of 504 Plan

LOS ANGELES UNIFIED SCHOOL DISTRICT Educational Equity Compliance Office					
SECTION 504 PLAN					
Student ID	[REDACTED]	Date		3 Year Re-Evaluation Due	22-FEB-2026
Last Name	[REDACTED]	First Name	[REDACTED]	Grade	[REDACTED]
School	[REDACTED]	Educational Service Center		[REDACTED]	
Student's Primary Language		English Language Development Level		[REDACTED]	
PHYSICAL/MENTAL IMPAIRMENT					
Student has the following physical or mental impairment(s): <u>ADHD</u>					
➤ ACCOMMODATIONS					
<input type="radio"/> State/District testing accommodation are not required. <input checked="" type="radio"/> State/District testing accommodation are required and identified in the Related Accommodation section below. <input checked="" type="radio"/> Behavioral accommodations are not required. <input type="radio"/> Behavioral accommodations are required and identified in the Related Accommodation section below.					
➤ Identified Need		➤ Related Accommodation		➤ Responsible Individual(s)	
Testing: ELA/Math Standard/District testing		Provide 50% extra time for test/quiz completion; taking breaks as needed		teacher/student/testing coordinator	
Behavior: Off task		Prompt to keep on task; sit close to teacher; non-verbal cues to redirect attention; have student repeat direction; praise when on task		teacher/school staff	
Anxiety as behavior		break down assignments; allow breaks when needed; allow student to speak to support staff as needed		teacher/school staff	

504 Plan & Consent

PARENTAL CONSENT			
<input checked="" type="checkbox"/> I have been provided a copy of the Section 504 Plan developed for my child and the notice of Section 504 Parent Procedural Safeguards.			
<input checked="" type="checkbox"/> I participated in the Section 504 team meeting.			
<input checked="" type="radio"/> I consent to the Section 504 Plan		<input type="radio"/> I do not consent to the Section 504 Plan	
		<input type="radio"/> I refuse consent to the Section 504 Plan and understand that it will not be implemented for my child.	
		<input type="radio"/> I disagree with the Section 504 Plan and seek resolution of the following concern(s):	
Parent Signature		Date	



504 Plan vs IEP

Both a 504 Plan and an IEP help students with disabilities get the support they need to succeed in school. Following are some points to keep in mind as it relates to their similarities and differences:

	504 Plan	IEP
Legal Basis	Section 504 of the Rehabilitation Act of 1973	Individuals with Disabilities Education Act (IDEA)
Purpose	To integrate accommodations into a student's educational program in the general education setting	To provide individualized special education services for eligible students
Eligibility	Students must have a disability that substantially limits one or major life activities (e.g. learning)	Students must have one or more disabilities listed by IDEA as eligible to receive services
Contents	Individualized written document in LAUSD format and developed by school team	Individualized written document in LAUSD format and developed by the IEP team



Protections when Student is Disciplined

- Students with Section 504 Plans are considered students in general education.
- Manifestation Determination (MDR) applies to all students with a disability.
- Students with a disability without a Section 504 Plan should be evaluated prior to moving forward with disciplinary proceedings.
- Situations involving drug related offenses do not require an MDR under Section 504.
 - For students receiving special education services MDR proceeds
- A Manifestation Determination must be conducted for students with or without accommodations if:
 - Student has been suspended for 10 days/school year.
 - Student being considered for a disciplinary change of placement.



Scan to submit questions.

PROCEDURAL SAFEGUARDS AND SECTION 504 COMPLAINT PROCESS

- Written Section 504 complaints may be taken to the school site administrator when:
 - Disagreements with decisions or actions taken or not taken in regard to a student's Section 504 evaluation or plan
 - Discrimination/harassment that is based on a student's actual or perceived disability



PROCEDURAL SAFEGUARDS AND SECTION 504 COMPLAINT PROCESS

- Please note that discrimination/ harassment complaints must be filed within six (6) months from the date that the last incident(s) occurred or from the date the complainant first obtained knowledge of the facts of the alleged discrimination.
- Local school site resolutions are encouraged. However, if the complaint cannot be resolved, a written complaint may be filed with the Section 504 Designee or our office.



District Policy Bulletin

Guidance for LAUSD Staff

BULLETIN-4692

Policy bulletin provides guidance to all administrators, school counselors, nurses, 504 designees, case managers and teachers



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Section 504 of the Rehabilitation Act of 1973
NUMBER: BUL-4692.9
ISSUER: Devora Navera Reed, General Counsel
Office of the General Counsel
DATE: November 7, 2022

ROUTING
Local Districts
Administrators of
Operations
School Administrators
School Counselors
School Nurses
Section 504 Designees
Section 504 Case
Managers
Teachers

POLICY: The Los Angeles Unified School District is committed to providing a working and learning environment that is free of discrimination, harassment, intimidation and bullying. The District affirms that no student with a disability shall, on the basis of the disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, harassment, intimidation and bullying under any District program or activity. The denial of equal access to District education programs and/or activities and/or the denial of a "free appropriate public education" (FAPE) on the basis of students' disabilities is considered disability-based discrimination under federal and state law.

In addition, the District must provide nonacademic and extracurricular services and activities in a manner that ensures individuals with disabilities have an equal opportunity to participate. Similarly, the District must make reasonable accommodations to its policies, practices and procedures when necessary to ensure other individuals with disabilities, such as parents and the general public, are not discriminated against on the basis of disability.

MAJOR CHANGES: This Bulletin replaces Bulletin No. BUL-4692.8 on the same subject issued by the Office of the General Counsel, dated February 8, 2021. It provides updates and clarifies the guidelines to be used in serving students and other individuals with disabilities under Section 504. Beginning with the 2022-23 schoolyear, Section 504 teams shall use the automated *Welligent Section 504 Program Module (Section 504 Module)* to conduct and track all Section 504 activities. Related resources have been revised as appropriate and attachments have been removed. Additionally, the Schoology platform has been enhanced so that when a teacher enters a comment in the gradebook, they may indicate that accommodations) required by a student's Section 504 Plan or IEP were provided or available per the student's Section 504 Plan or IEP.

GUIDELINES: The following guidelines apply.

Background: Section 504 of the Rehabilitation Act of 1973 (Section 504) is a civil rights

Summary of Key Points

- Section 504 applies to any individual who has a disability.
- Students receiving services through an IEP under IDEA are also protected.
- Students exiting from special education or who do not qualify for special education under IDEA may qualify for a Section 504 Plan.



Summary of Key Points

- Students do not need both an IEP and a Section 504 Plan.
- FAPE obligations are met under Section 504 when a student receives services with an IEP, thus a Section 504 Plan is not required.
- A section 504 Plan provides a student with reasonable accommodations to ensure access to core grade level curriculum and are required for access to the District's program.





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Office of Student Civil Rights

<https://lausd.org/oscr>

Phone



213-241-7682

Monday – Friday

7:30 AM – 4:30 PM

Email



EquityCompliance@lausd.net

Resources

- Section 504 webpage

<https://www.lausd.org/Page/3581>

- Section 504 Brochure

- [Section 504 Frequently Asked Questions \(FAQs\)](#)



Resources

Section 504 webpage

<https://www.lausd.org/Page/3581>


Office of Student Civil Rights

Administrator Certification

Bullying and Hazing 

Anti-Bullying Lesson Plans and Resources

Child Abuse

Code of Conduct with Students 

Section 504 and Individuals with Disabilities



Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination/harassment on the basis of disability in any program or activity receiving federal financial assistance. The District has specific responsibilities related to the provision of a "free appropriate public education" (FAPE) to school-age individuals with disabilities under Section 504 and the Individuals with Disabilities Education Act (IDEA).

To meet the criteria for Section 504 protection, a child must: have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or be regarded as having such an impairment.



SECTION 504 BROCHURE

SECTION 504 PARENT/GUARDIAN PROCEDURAL SAFEGUARDS INCLUDES:

- written notification of any decisions concerning the identification, evaluation, and/or accommodation of students;
- information needed to appeal any such decisions; and
- examination of relevant records.

SECTION 504 COMPLAINT PROCESS

Written Section 504 complaints that involve the following may be taken to the school site administrator:

- The school is not in compliance with the District's Section 504 policies/procedures
- Disagreement with the school's decisions regarding Section 504 identification, evaluation, or plan accommodations/services for students
- Disability-based discrimination, harassment, bullying and intimidation

Please note that discrimination/harassment complaints must be filed within six (6) months from the date that the last incident(s) occurred or from the date the complainant first obtained knowledge of the facts of the alleged discrimination.

Local school site resolutions are encouraged. However, if the complaint cannot be resolved, a written complaint may be filed with the Office of Student Civil Rights.

OFFICE OF STUDENT CIVIL RIGHTS

Section 504:
No otherwise qualified individual with a disability..shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Where can I obtain further information or assistance?

Please contact your school site or Region and ask to speak to the Section 504 Designee

Website: <https://www.lausd.org/oscr>

District Section 504 Coordinator
333 S. Beaudry Ave, 18th Floor
Los Angeles, CA 90017

Email: EquityCompliance@lausd.net

Phone: (213) 241-7682
Fax: (213) 241-3312



LOS ANGELES UNIFIED
LA
READY FOR THE WORLD

OFFICE OF STUDENT CIVIL RIGHTS
**SECTION 504
AND STUDENTS
WITH
DISABILITIES**
LOS ANGELES UNIFIED SCHOOL DISTRICT
OFFICE OF THE GENERAL COUNSEL

A vertical banner featuring a photograph of four diverse students smiling. In the top right corner is the Los Angeles Unified School District logo, which includes the letters "LA" in a stylized font inside a blue circle with the text "LOS ANGELES UNIFIED" and "READY FOR THE WORLD". The bottom half of the banner has a blue background with white text that reads "OFFICE OF STUDENT CIVIL RIGHTS", "SECTION 504 AND STUDENTS WITH DISABILITIES", and "LOS ANGELES UNIFIED SCHOOL DISTRICT OFFICE OF THE GENERAL COUNSEL".

Frequently Asked Questions (FAQs)

Section 504 and the Rehabilitation Act of 1973

Question	Answer
<i>Do 504 Plans transfer to new schools? Does the receiving school have to go through their own 504 process?</i>	<i>Yes. 504 Plans are recognized at all schools receiving Federal funding and are transferable nationwide. Upon enrollment at a new school, consideration must be made whether the current plan can reasonably be implemented. A 504 review meeting may be conducted to determine whether revision is necessary. Bul-4692. P. 15</i>
<i>To what extent is the amount of 504 Plans at a school considered/included in the District's Student Equity Needs Index?</i>	<i>Students eligible under Section 504 are general education students; therefore, 504 Plans are not targeted as an indicator of need in the index.</i>
<i>Would you suggest to send an assessment plan for 504 and SPED if both are being considered at the same time?</i>	<i>Yes. If considering both special education and Section 504 eligibility, both procedures must be followed in order to meet Child Find requirements. Bul-4692. pp. 6-7</i>
<i>You mentioned that a question at the meeting will be "Does this student have a disability." Does that mean 1 of 13 IDEA Disability classifications? Or that s/he has a general disability that impacts one of the major life activities? Slide 15 says "Evaluate Student for a Disability." What does that mean exactly?</i>	<i>During the Section 504 Evaluation process, there are 2 questions: 1) Does the student have a disability based on the Section 504 definition; and 2) Does the student require accommodations to access programs and activities? The 504 evaluation begins prior to the meeting and involves collecting information through teacher observations and parent input. Bul-4692. pp.3, 8-10</i>
<i>Is using school's logo mandatory or can you keep LAUSD's logo.</i>	<i>Use of LAUSD's logo may be misleading since Charter memorandums of understanding don't currently require the use of LAUSD's 504 processes or personnel. Confer with the Charter Schools Division.</i>



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