



Belding Area Schools

The right size. The right choice.

Section 504 Educator's Guide

Equal opportunity; Equal access!

Q. WHAT IS SECTION 504 OF THE REHABILITATION ACT OF 1973?

Section 504 is part of the Rehabilitation Act of 1973 which prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The Act defines a person with a disability as anyone who currently has, has had, or is regarded as having a mental or physical impairment which substantially limits one or more major life activities.

Q. HOW TO DETERMINE IF THERE IS A SUBSTANTIAL LIMITATION?

The term "**substantially limits**" means that the student is unable to perform a major life activity that the average student of approximately the same age can perform, **OR** is significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique, rather than commonplace, when compared to the average student of approximately the same age. Use the average student in the general population as the frame of reference for comparison and school personnel must use their professional judgment, collectively, to make this determination. OCR states that the decision of whether a particular disability "substantially limits" a major life activity area is a determination of the school district.

Q. WHAT IS MEANT BY MAJOR LIFE ACTIVITY?

A Major Life Activity is a function such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, etc. The term includes those basic activities that the average person in the general population can perform with little or no difficulty.

Q. WHEN SHOULD THERE BE CONSIDERATION FOR A SECTION 504 PLAN?

Unlike special education; Individuals with Disabilities Education Act (IDEA); Section 504 does not have a list of areas of eligibility. The student's disability must **substantially limit** one or more major life activities. The following examples illustrate situations when Section 504 referral should be considered:

- If a student is referred for special education (IDEA) but the decision is not to evaluate or is found as not eligible;
- If a student is suspected of having any disability; is experiencing learning difficulties;
- If a student continues to display behavior problems; frequent suspensions; expulsion is being considered;
- If a student has a major health problem(s); chronic health issues; returning to school after a prolonged injury/illness;
- If a student is identified as "at risk" or exhibits the potential for dropping out of school;
- If a student has an issue with substance abuse or addiction.

Belding Area Schools

850 Hall Street
Belding, MI 48809
616.794.4700

www.bas-k12.org

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Home of the Black Knights

Q. HOW ARE STUDENTS REFERRED FOR SECTION 504?

Students, who are believed to have a disability that requires services or special accommodations under Section 504, should be referred to the student's building administrator. A referral may be made by anyone; however, teachers and parents tend to make most of the referrals. If a parent or teacher requests consideration for their student for Section 504 services, a 504 referral must be initiated.

Q. WHAT CONSTITUTES AN EVALUATION UNDER SECTION 504?

Once a child has been referred for services and is suspected of having a disability covered under Section 504, the school must conduct an evaluation to determine if the student is eligible for 504 services. Unlike the special education law (IDEA), which requires a comprehensive evaluation, Section 504 only requires that the evaluation be conducted in suspected area of need. The following are examples of information which can be used to assist in making a determination of eligibility:

- Review of the student's school file (CA60)
- Teacher reports; classroom performance documentation; observation(s);
- Criterion referenced tests; student portfolios
- Standardized Tests; informal assessments
- Outside agency reports; medical documents;
- Parent input; other

Q. WHAT PROCEDURE SHOULD BE FOLLOWED WHEN INITIATING AND DEVELOPING A SECTION 504 PLAN?

The building-level Section 504 Coordinator will assist with the district procedure. The procedure is followed county-wide and all of the forms can be found on the Ionia ISO Website, <https://www.ioniaisd.org/about-us/community/annual-notice/>

Q. WHAT ARE THE TWO PRIMARY REQUIREMENTS ONCE A STUDENT IS ELIGIBLE?

1. Nondiscrimination
2. Free Appropriate Public Education (FAPE)

The word "*appropriate*" in Section 504 means an education designed to meet the individual educational needs of the student with a disability as adequately as the educational needs of the student without a disability are met.

Q. WHAT ARE SOME OF THE KEY POINTS REGARDING SECTION 504 PLANS?

- It is important to remember that the determination of eligibility is made by the Section 504 Team.
- The plan should consist of reasonable accommodations agreed upon by the team.
- Accommodations should always address the student's specific need(s).
- A plan may be reviewed at any time per individual request and must be reviewed annually.
- Eligibility for Section 504 is very broad and covers many different types of disabilities and disabling conditions, many of which are not covered under special education. Ongoing eligibility must be determined on an annual basis.
- If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has a right to an impartial hearing in accordance with the formal grievance procedures.

Q: WHO ARE THE SECTION 504 BUILDING LEVEL COORDINATORS?

Jennifer Heeres at Ellis/Woodview Elementary
Ed Albert at Belding Middle School
Jodi Edwards at Belding High School

IN SUMMARY

The school district has specific responsibilities under the Act, which include the responsibility to:

- **Identify**
- **Evaluate**
- **Determine eligibility** and if the child is determined to be eligible under Section 504, to
- **Afford access** to appropriate educational services.

In order to fulfill its obligation under Section 504, Belding Area Schools recognize a responsibility to avoid discrimination in policies and practices regarding its personnel and students. No discrimination against an otherwise qualified person with a disability will knowingly be permitted in programs and practices within the school district.

If there are questions, please feel free to contact Michael Ostrander, High School Principal, who also serves as the Section 504 Coordinator for Belding Area Schools. The office phone number is (616) 794-4900.