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***Is it required for a student to be in the Response-to-Intervention (RTI)/ Multi-Tiered System of Support (MTSS) process prior to being evaluated for a Section 504 Plan?***

No, when a parent or teacher suspects a student has a disability that substantially limits one or more major life activities the Section 504 team should convene to determine eligibility, regardless of whether the student is receiving interventions through the RTI/MTSS process.

***Is it possible for a 504 student to fail a class?***

Yes, Section 504 protections do not automatically dictate that a student will receive passing grades. Team members must keep in mind that many factors influence a student's academic performance.

***How does eligibility for a Section 504 plan affect discipline?***

Students may not be punished for behavior that is caused by a disability. If it is determined that the behavior was not related to the disability, the student could receive the same consequences as a student without a disability.

***Who is responsible for implementing Section 504?***

Section 504 is considered to be a provision of general education. It is therefore the responsibility of classroom teachers and other designated personnel and the principal to assure that Section 504 accommodations are carried out.

**Source:**<https://www2.ed.gov/about/offices/list/ocr/504faq.html>



**Henry County Schools  
An Equal Opportunity Employer  
and Service Provider**

**Below are a few of the rights Afforded to Parents by Section 504 of the Rehabilitation Act of 1973**

- Parents or guardians are to be provided with a copy of Parental Rights Afforded by Section 504 of the Rehabilitation Act of 1973.
- The student has a right to an evaluation prior to a Section 504 determination of eligibility.
- Parents have a right to not consent to the school system's request to evaluate their child.
- Parents have the right to ensure the evaluation procedures, which may include testing, conforms to the requirements of 34 CFR 104.35.
- Parents have a right to ensure that the school system will consider information from a variety of sources.
- Parents have a right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about their child.

**For more detailed information about Section 504 Procedural Safeguards and Parental Rights Afforded by Section 504 of the Rehabilitation Act of 1973 and a copy of these rights please visit our website at:**  
<https://schoolwires.henry.k12.ga.us/Page/125495>

Coordinator of Psychological Services for Henry County Schools is Wanda Williams.

You may contact her at:  
Henry County Schools' Learning and Support Center  
166 Holly Smith Drive, McDonough, Georgia 30253  
Telephone: 770.957.3945

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[Wanda.Williams@henry.k12.ga.us](mailto:Wanda.Williams@henry.k12.ga.us).

**HENRY COUNTY SCHOOLS**

**Section 504  
A Parent's Guide**



**Understanding  
Section 504**

**#BetterTogether**

## What is Section 504?

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Regulations for Section 504 require a school district to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is properly enrolled in the school district’s jurisdiction, regardless of the nature or severity of the disability.[29 U.S.C.§794(a), 34 C.F.R. §104.4(a)]

The Americans with Disabilities Act Amendments Act of 2008 (Amendments Act) effective January 1, 2009, revised the Americans with Disabilities Act of 1990 (ADA) and included conforming amendments to the Rehabilitation Act of 1973 which impacts the meaning of disability in Section 504.

### **Who is protected by Section 504?**

Any otherwise qualified individual 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 an impairment.

### **What is the definition of an impairment?**

A disability is defined as a physical or mental impairment, 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; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (This is not an exhaustive list.)

### **What are “substantial limitations”?**

The definition for “substantially limits” was updated by the Americans with Disabilities Act Amendments Act of 2008. The term “substantially limits” means that the disability substantially limits the ability of an individual to perform a major life activity as compared to most students.

In addition, an impairment need not “prevent, or significantly or severely restrict,” the student from performing a major life activity in order to be considered substantially limiting. This is an individualized assessment.

### **What is a major life activity?**

Major life activities, as defined in the Section 504 regulations include (This is not an exhaustive list):

Caring for one’s self	Eating
Performing manual tasks	Sleeping
Walking	Standing
Seeing	Lifting
Hearing	Bending
Speaking	Reading
Breathing	Concentrating
Learning	Thinking
Working	Communicating

### **What protections are afforded to those with a “record of impairment” or who is “regarded as having an impairment”?**

Individuals are eligible for protection from discrimination. For example, a student who has a record of leukemia but who is currently in remission cannot be denied the opportunity to try out for the football team. Likewise a student with an orthopedic impairment cannot automatically be regarded as disabled when in reality the student experiences only minimal limitations.

### **What is a “reasonable accommodation”?**

Reasonable accommodation in the school setting is a modification or adjustment of educational programs to afford students with disabilities equal opportunity to access the programs. Reasonable accommodations must be made for persons with disabilities unless the school can show that the requested accommodations would impose undue hardship.

## Determining Eligibility for Section 504

When determining eligibility the team relies on a variety of sources such as aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. There are no impairments which automatically mean a student has a disability under Section 504. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities. A medical diagnosis alone does not automatically mean a student can receive services under Section 504. A physician’s medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment that substantially limits one or more major life activities.

### **What is a 504 Plan?**

The 504 plan is developed by the 504 team to ensure that a student who has a disability receives reasonable accommodations, modifications, or services that will ensure academic success and access to the learning environment.

Annually the team will review the student’s 504 plan. However, a parent may request, at any time, to have a 504 meeting to review and revise the plan if needed.

## **FREQUENTLY ASKED QUESTIONS**

### **Who can I talk to at the school regarding Section 504?**

The Assistant Principal is the contact person at each school. The Assistant Principal is responsible for setting up a Section 504 Team. The team should consist of the parent, teacher, administrator, and any other person knowledgeable about the student.