



RISE CHARTER SCHOOL

Section 504

Anti-Discrimination (Section 504)

Section 504, which is part of the Rehabilitation Act of 1973, is a federal civil rights law that prohibits discrimination based on disability. It ensures that the child with a disability has equal access to an education. Section 504 requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.Â

A 504 Plan is appropriate for a student who does not need specially designed instruction and typically includes accommodations (and sometimes services) your child needs to learn in the general education setting with their peers. It is provided without additional charge to your family. To be eligible for a 504 Plan, your child needs to meet two separate criteria. First, your child needs to have a disability. There are many more disabilities that fall under Section 504 of the Rehabilitation Act, so the categories are not nearly as limited as those listed in the IDEA. Second, your child's disability must substantially limit a major life activity. In the context of school, this life activity can include tasks such as learning, communicating, and thinking. It can be related to school work, such as a problem with executive functioning, to participating in a school activity, such as a severe allergy, or to the need for physical accommodations. In the first instance, the 504 Plan might relate to written assignments and due dates. In the second instance, the 504 Plan might include accommodations that allow your child to eat safely with friends during lunch and snack time. The eligibility requirements for a 504 plan are, by law, designed to be more liberal than those for an IEP. When in doubt, school teams are directed to find students eligible for a 504 plan.Â

While 504 Plans can provide your child with essential accommodations, they do not provide you with the same level of procedural safeguards as are guaranteed to families whose children have IEPs (although there are some). There also are fewer rules governing who is included in the team that creates the 504 Plan, what goes into the plan, and how often the plan is revised.Â

However, a common misconception is that no "services" can be put on a 504 plan" this is simply not true. If a student needs services of a school psychologist or speech pathologist for example, it may be possible to include that on a 504 plan.Â Â

The law requires that if a K-12 student is eligible for both an IEP and a 504 Plan, they should receive an IEP. Students should not have both a 504 and an IEP . If the child qualifies for an IEP, any accommodations or other documentation that would go on the "proposed" 504 plan, should go on the IEP. (Source:Â <https://nicolejosephlaw.com/difference-between-an-iep-and-a-504/>)

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