

## 10-point checklist to satisfy essential steps of the Section 504 process

Use this quick guide to inform staff members – and parents – about essential steps in the Section 504 process, from initial identification to periodic reevaluation. Keep in mind that your state or local policies may require something different.

**Identify student.** Section 504 requires districts to annually “undertake to identify and locate every qualified [individual with a disability] residing in [the district’s] jurisdiction who is not receiving a public education.” 34 CFR 104.32(a). Child find activities could include publishing information in student handbooks, local newspapers, or in brochures at private schools

**Refer student for evaluation.** A district must conduct an evaluation of students “who, because of [disability], need or are believed to need special education or related services.” 34 CFR 104.35(a). A referral could come from a parent, nurse, teacher, or other personnel.

**Gain consent.** Although not stated in the statute, the Office for Civil Rights, the federal agency that enforces Section 504 and the ADA, requires districts to obtain parental consent before initially evaluating a student.

**Provide procedural safeguards.** Give parents a copy of your district’s procedural safeguards, which must include: notice, an opportunity for parents to examine relevant records, a right to a due process hearing, and the right to a review of an adverse hearing decision. 34 CFR 104.36.

**Form 504 committee.** This team consists of people knowledgeable about the child, the meaning of the evaluation data, and the placement options. 34 CFR 104.35(c)(3). Although the parent is not a required team member, it’s often best practice to include the parent in the student’s 504 team. For a student with a medical condition, such as diabetes, a good practice is including a school health worker.

**Conduct evaluation.** An evaluation determines whether a student is eligible, and if eligible, to what extent the student requires accommodations or services and what those should look like.

Teams can gather information from a variety of sources, including aptitude and achievement tests, teacher recommendations, the student’s physical condition, social and cultural background, and adaptive behavior.

**Determine eligibility.** The 504 team determines if the student is eligible under Section 504.

To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activities (prong one); have a record of such an impairment (prong two); or be regarded as having such an impairment (prong three). 34 CFR 104.3(j). Students who are eligible under only prongs two and three do not receive accommodations in a Section 504 plan, but still receive Section 504’s antidiscrimination protections.

Note that the 504 team cannot consider mitigating measures, such as the positive effects of medication, when determining if an impairment substantially limits a major life activity. For episodic impairments, such as allergies, consider the impact when the impairment is active. Major life activities can include a variety of activities, such as breathing, speaking, learning, concentrating, or walking. They are not limited to this list and they include more than just the major life activity of learning.

**Provide FAPE.** Under Section 504, schools are required to provide FAPE to all qualified students with disabilities in their jurisdictions, regardless of the nature or severity of those disabilities. 34 CFR 104.33(a).

Section 504’s regulations define FAPE as “regular or special education and related aids and services” that are designed to meet the needs of students with disabilities as adequately as the needs of their nondisabled peers.

**Determine and implement 504 accommodation plan.** Some students may be eligible under Section 504, but not need any services or accommodations. For instance, a student with ADHD who successfully controls his impairment with medication may be technically eligible under 504, but not in need of any accommodations at school.

If the same student, however, needs to sit next to the teacher and away from distractions, his team should document his accommodations in a 504 plan. The 504 team uses evaluative data to determine accommodations.

**Periodically reevaluate.** Teams are required to periodically reevaluate 504-eligible students, although the regulations don’t specify how often to conduct a reevaluation. Best practice is to hold an annual 504 meeting and conduct a reevaluation at least triennially. Reevaluate if there’s a change in the student’s academic performance, physical or mental health, or need for services. Schools must also conduct an evaluation, including a manifestation determination review, before changing the placement of a 504-eligible student for disciplinary reasons.