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504 Education Plans Is Your Child Being Serviced?

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Many parents do not realize that Federal Law provides a plan to address the education of students with special needs, who do not qualify as special education students. Section 504 of the Federal Rehabilitation Act of 1973 prohibits discrimination against any person with disabilities in any program receiving federal financial assistance. Public schools receive federal financial assistance and are, therefore, required by law to adhere to the regulations promulgated under Section 504.

Disabilities under Section 504 are defined as follows: The person, 1) has a mental or physical impairment which substantially limits one or more of such persons major life activities such as caring for oneself, walking, seeing, speaking, learning, performing manual tasks, hearing, breathing or working; 2) the person has a record of such impairment; and 3) is regarded as having such an impairment.

A 504 Education Plan provides classroom accommodations for students who need them. For example: A child with Attention Deficit Disorder, may not qualify for an Individual Education Plan (I.E.P.) under laws governing special education, but, as a result of a medically documented disorder, qualifies for a 504 Education Plan. A 504 Education Plan places on record specific classroom accommodations designed to assist the student with a medically documented disability perform to the best of their abilities. The plan must be reviewed and followed by all academic (Science, Social Studies, English, Math) and non-academic (Physical Education, Art, Music) which the child has classes.

For all 504 Education Plans, medical documentation of the child's disability is required. Such medical documentation must be recent (usually within the past year) in order for the 504 plan to be accepted by the local school department and enacted by the school. The need for recent medical documentation can be explained by the fact that 504 plans are reviewed on a yearly basis by the school the child currently attends. The plan may also be revisited at any time at the request of the parent or guardian or by any of the child's teachers. If the parent, guardian, or teacher does not feel that the school staff is following the 504 plan or that the accommodations initially proposed are not working for the student, changes in the 504 plan can be arranged. Such frequent review and revision of the plan ensures the child's needs are

being met. Examples of some accommodations are: preferential seating; having instructions repeated frequently; visual aids, charts and graphs; organizational aids such as a homework planner or journal; colored as opposed to black and white copies of graphs and charts; and, allowing for breaks when needed.

Some parents or guardians might ask: Why are 504 students not considered to be special education students, and, why do these children not qualify for an Individual Education Plan or I.E.P.? The answer to this question is simple. Children who receive I.E.P.'s are tested for learning disabilities and are found to have specific areas of learning disrupted. The child who qualifies for a 504 plan has no learning disability but has a medical condition that directly affects their learning. In other words, but for the medical problem, the child has no specific learning disability.

One example is a child with mononuclear vision. Mononuclear vision occurs with the loss of vision in one eye. A child with vision in only one eye does not have a specific learning disability, but will have trouble distinguishing shades of black and gray and will have a lack of depth perception (there is actually no depth perception without vision in both eyes). Such a child may do extremely well on an academic test, but will utterly fail a science lab that uses graduated cylinders, as in order to read a graduated cylinder the child needs the depth perception provided by the balance of vision in both eyes. A child such as this is an ideal candidate for a 504 Education Plan.

There are a number of disabilities for which a 504 Education Plan may be written. Mononuclear vision is only one. Other disorders that may provide the basis for a 504 plan are: Hearing loss (whether partial or total), Attention Deficit Disorder, Attention Deficit Hyperactivity Disorder, asthma, seizures, Arrested Hydrocephalus, amputation, paralysis, and even a severe allergy to bee stings. It should be cautioned, however, that a 504 plan will only be enacted if the school department feels that a child's major life activity such as learning is affected by their particular medical disorder. Parents should also be aware that the 504 process is not easy and can be quite lengthy. It can take several weeks or even months for a 504 plan to be written, reviewed, accepted, and placed on record. The process begins with the request for information from a parent or guardian. Once the request for information is on record, a parent/guardian rights packet must be mailed or hand delivered to the parent or guardian. In that packet is all of the information a parent needs to begin the 504 process, including the all-important medical documentation forms.

Remember, as a beneficiary of federal funding, public schools are subject to Section 504 of the Rehabilitation Act. The school system cannot deny your request for information. If you believe your child qualifies for a 504 plan, contact your child's school administrator or the local school administration office to obtain a parent/guardian information packet. Your child will soon be on their way to a more equal, more balanced education.