Dear 504 Practitioners,

The purpose of this memorandum is to provide information on questions related to the Implementation of Section 504. The Section 504 Team would like to thank Carol Higa, LACOE Director of Special Education for her collaboration on this memorandum.

What is Section 504?

Section 504 requires that: “No other qualified individual with a handicap in the United States...shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance” (29 USC 794, 34 CFR 104.1).

Section 504 is a civil rights law that protects the rights of individuals with disabilities. It is a protection from discrimination, which provides for an appropriate education in the least restrictive environment based on the student’s unique needs. It prohibits denial of participation in public education, or the benefits offered by school programs because of a student’s disability.

- The Office for Civil Rights (OCR) notes that each school/school district is to provide to the greatest extent possible, the accommodations found in the Section 504 Plan and to ensure that equal access to technology and distance learning is provided to all students, including students with disabilities.
- Online learning tools must be compatible to other forms of assistance technology.
- A review of the Section 504 accommodations should take place immediately upon enrollment in distance learning.
Referral and Evaluation Requests

A written request is made to the school Section 504 coordinator by the teacher, other school personnel familiar with the student, or parent in a letter or using a Request Form.

- If the school district does not have a Request form, a letter would be appropriate. Due to physical closure of schools, e-mail or e-mail of a letter would meet this requirement. If the school does not have physical US mail delivery, use e-mail or text messaging/photos images.

The school is to provide a timely response and schedule a date for the evaluation meeting, request for records by the parent/guardian, and provide a copy of the procedural safeguards. School districts should establish a timeline to complete the 504 evaluation process in a timely manner.

- 504 timelines are established in Board policy, as statute does not provide a specific timeline. In practice, a response to a letter and a meeting for evaluation should occur within 30 days.
- Notifications can be sent via e-mail and US mail.

Evaluation Meeting

The evaluation meeting with the parent or guardian, the student as appropriate and the Section 504 Team can be held via conference call or remotely using Zoom or Google. Take precautions to ensure that confidentiality is maintained online.

- Distance, online learning is the method of delivery currently during the pandemic. Some schools are also provided learning packets. The Section 504 Team will need to discuss whether all of the accommodations are appropriate online, or develop alternative accommodations.
- Some accommodations may need to be held in abeyance until the student returns to a traditional school setting. Find other accommodations which are more appropriate.
- It also may be challenging evaluating the proposed accommodations in an online setting. Consider scheduling another evaluation meeting at a later time when the student has returned to the physical school.
- Signatures on documents can occur by sending a self-addressed, stamped envelope to the residence of the family or electronically or both.

Accommodations

The product of the 504 meeting is an accommodation plan. This plan provides a systematic approach to ensure that the student is receiving the necessary accommodations. The plan lists the student’s disabilities and the major life activity affected. The accommodation plan should
have an explanation on how learning is affected and what accommodations are being recommended to remediate the disability.

- As noted in the Evaluation Meeting section, flexibility should be considered when reviewing the appropriate accommodations.
- In distance learning some teachers may not participate as regularly as they did in traditional learning. Teacher check-ins with students and parents are an important part of ensuring that the plan is being implemented.

Appeals

34 CFR 104.36, 29 USC 706 (28)

Following the 504 Team Meeting, if the parent/guardian is not in agreement with the team’s decision, an appeal process should be in place to address this issue. The following are recommended appeal steps, which should be part of the school district board policy and administrative regulations for Section 504. The parent should make a written request which can be done by e-mail.

- Informal review of the site procedures by the District 504 Coordinator. This can be done via e-mail followed by a phone or remote conference.
- The parent can request a meeting with an impartial mediator or hearing officer, and have an attorney or non-attorney advocate represent him/her at his/her own expense. Again, a phone conference or remote meeting could take place.
- If these resolution attempts are unsuccessful, the parent could file a complaint with the Office of Civil Rights (OCR).

For Additional Information

Please refer to the Office for Civil Rights guidance on COVID-19

https://www.ed.gov/coronavirus/