

# Kids Get Arthritis, Too!



## 504 PLAN Q&A

[Section 504 of the Rehabilitation Act of 1973](#) provides accommodations to qualifying children in public schools, as well as private/independent schools that receives federal funding. Setting up a 504 plan and ensuring that your student's accommodations are being met can be a challenge for parents.

**The following information can help you get started or overcome obstacles you may be having.**

### **Q What are the key differences between a 504 plan and an IEP?**

**A** 504 Plans and Individualized Education Plans (IEP) provide educational and related accommodations, supports or services for students with qualifying disabilities. While 504 plans can apply to more children with health-related disabilities than IEPs, they are more informal and have fewer legal requirements, safeguards or protections for students and parents than IEPs. Public schools, or private schools that receives federal funding, have no flexibility to opt out of providing specific services and accommodations when the student is IEP eligible. With 504 plans, the school is only required to make "reasonable accommodations." IEPs must be written plans; while 504 plans don't have this requirement. Also, a parent cannot opt for a 504 plan if the student is evaluated and found eligible for an IEP.

### **Q Can the school initiate the 504 evaluation process?**

**A** Yes, but school officials must inform you that your child is being evaluated. The school does not have to invite you to the meeting when the 504 plan is developed. But you must be notified that a 504 plan was developed.

### **Q Can the school request to meet with my child's doctor without me?**

**A** You don't have to give permission for school officials to contact your child's doctor. You may consider offering to give a copy of their questions to the doctor, then submit the written response to the school.

### **Q My child's teacher already provides accommodations to my child with arthritis. Do I really need a 504 plan?**

**A** While it's wonderful that your child has a teacher that is committed to supporting her academic achievement, it's important that you have a [written 504 plan](#) so that both you and the school are clear about needs and expectations. Additionally, a written plan helps you and the school understand how well the plan is working and how your child's needs may change.

### **Q What should I do if one of my child's accommodations is not being met?**

**A** If your child's accommodations are not being met, you will need to be a [persistent advocate](#). The first step is writing the teacher (s) with whom your child is having the issue. You may need to make a follow up phone call if you don't get a written response in a couple of days. If the teacher fails to respond and/or your student says there is no change, then contact the school's 504 coordinator. The coordinator may be the guidance counselor or special education teacher. The next person in the chain of command is the principal. If you still are unsatisfied, you can contact the 504 coordinator for your public school district. If necessary, you can file a complaint with [your state's Department of Education's Office of Civil Rights\(OCR\)](#), and then to the [U.S. Department of Education OCR](#). Your paper trail will an important part of documenting the issue. So, make sure to send a follow up letter or email for all phone conversations.

**Q Are private/independent schools required to provide 504/IEPs?**

**A** Private schools that receives any funding from the federal government, or from a nonprofit that receives federal funding, are required to provide 504 plans and IEPs. However, the language in the laws are distinctly different for private schools, who are required to offer “minor adjustments” to assist children with disabilities vs. the “reasonable accommodations” required of public schools. [Click here](#) to learn more about 504s in private school settings.

**Q My child’s symptoms are mostly under control. Can we develop a plan for a “what if” scenario?**

**A** Juvenile arthritis can be an unpredictable disease. Your child’s arthritis may be well controlled with medications for months and then, a flare occurs. Since setting up a 504 plan may take some time, it’s best to have one in place.

**Q Does my child’s diagnosis of JIA automatically qualify her for a 504 plan?**

**A** No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. An impairment in and of itself is not a disability. The illness must cause a substantial limitation on the student’s ability to learn or another major life activity to be considered a disability under Section 504.

**Q Will my child’s medical diagnosis suffice for the evaluation required for a 504 plan?**

**A** No. A physician’s medical diagnosis is one of several sources used to evaluate a student’s eligibility for a 504 plan. Other sources include teacher recommendations, health care professional recommendations, physical condition of the student, aptitude and achievement tests, as well as social and cultural background and adaptive behavior.

**Q Is an impairment that is episodic or in remission a disability under Section 504?**

**A** In the amendment to the original 504 law, Congress clarified that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Q Can school districts consider “mitigating measures” used by a student in determining whether the student has a disability under Section 504?**

**A** No. As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider any mitigating measures that the student is using. Mitigating measures include medication; medical supplies, equipment or appliances; low-vision devices (but not ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices, and the use of assistive technology.

**Q Who should attend a 504 meeting?**

**A** School officials will likely include your child’s teacher, the 504 coordinator or guidance counselor, and a principal or a designate from the principal’s office. Sometimes, a special education teacher or school nurse may attend. A parent is not required to attend a 504 meeting.

**Q How much documentation do I need to bring to my child’s 504 meeting?**

**A** It’s wise to come to the 504 meeting prepared. [Some types of information](#) that may be needed include information about [juvenile arthritis](#), your child’s health information (diagnosis, medications, hospitalizations, therapy sessions etc), and [letters](#) from your child’s doctor and other health professionals. If you are moving to a new school, you can also bring letters from previous teachers who have coordinated accommodations for your child. 504 plans are not implemented based only on a medical diagnosis or single document.

**Q How much is enough information to document that my child has a disability that qualifies him for a 504 plan?**

**A** At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee members must determine if they have enough information to make a knowledgeable decision as to whether the student has a disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all sources must be documented and all significant factors related to the student's learning process must be considered.

**Q Can I record my child's 504 meeting?**

**A** Recording 504 meetings is not addressed in the federal law, but some states have laws regarding this issue. Check with your school district or state's department of education. If the school officials record the meeting, you have a right to get a copy of the recording.

**Q What is the timeline following a 504 meeting for when I should get a response from the school?**

**A** There is no federal timeline. Your state may have a timeline outlined for 504 plans. Check with your state department of education or visit <http://www.parentcenterhub.org/find-your-center/> to find a parent training and information center near you.

**Q What can I do if I don't agree with the assessment of the 504 team?**

**A** If you don't agree with a decision or aspects of your child's 504 plan and feel you have exhausted all the channels at the school and district level, you can file a complaint with the U.S. Department of Education Office of Civil Rights (OCR). This office should respond to your complaint within 180 days. Then a due process hearing may be scheduled to mediate the differences.

**Q What is "due process"?**

**A** Due process is when a dispute between parents and schools arises and an outside party is asked to mediate. A Section 504 due process hearing may be requested by the school district or the parents.

**Q What does it mean for a school to be in "non-compliance"?**

**A** A school district is out of compliance when it is violating any provision of the Section 504 statute or regulations.

**Q Who has the ultimate authority to enforce a 504 plan?**

**A** The Office of Civil Rights (OCR) has administrative authority to enforce Section 504. Parents also may file a private lawsuit against a school district at any time, but it's probably in your child's best interest to work through the channels at the school and with the state OCR first. Use these [resources](#) to help you navigate the 504 process.

**Q Is the 504 team required to periodically meet to discuss my child's plan and how often should we meet?**

**A** Though it's not required, the 504 team should meet at least annually to review the student's plan. You won't need to meet more often unless changes to the plan are needed.

**Q Does my child's 504 plan automatically move with him to the next grade? What about to middle school and high school?**

**A** A 504 plan is portable from one grade to the next, but it's especially important that a child's plan be reevaluated when he transitions to middle school and high school as the accommodation needs may change based on the environment, the child's needs, the new schedule and more. Learn more about [managing school transitions](#).

**Q Can a 504 team suspend my child's plan when she is experiencing no symptoms and is pain free?**

**A** To change a 504 plan, a meeting must be called and possibly another re-evaluation, all which can take time. Instead, consider the language used when writing the 504 plan. Use words like "as needed" when outlining accommodations like assigning a note taker or needing extra time between classes.

**Q Can we temporarily update or create a new 504 plan if my child has surgery and will be temporarily disabled physically?**

**A** If you already have a 504 plan, you can schedule a meeting to make temporary adjustments. If there is no 504 plan, a temporary impairment (lasting six months or less) on its own does not constitute a disability for purposes of Section 504 unless it severely affects the child's major life activities. These are resolved on a case-by-case basis, so be sure to reach out to the school with as much notice as possible.

**Q Who can make changes to my child's 504 plan?**

**A** By law, a change to a child's 504 plan can be made at a 504 meeting without the child's parents in attendance. However, the parents must be informed of the changes in writing. In practice, most often, the parents are involved in these meetings and changes. If you would like to make a change to your child's plan during the school year, contact the head of your child's 504 team to set up a meeting.

**Q My child told his teacher he no longer needs a certain accommodation. Can she stop doing it without the parents' or the school's permission?**

**A** No. A parent or student request to discontinue accommodations should be followed by a 504 committee meeting and revisions to the 504 plan, if appropriate.

**Q Can a magnet school application ask if my child has an IEP/504 plan in place?**

**A** Magnet and charter schools fall under the public-school system and are required by law to provide IEP and 504 plans. However, asking about IEPs or 504 plans on an application may appear to be used to screen out certain applicants. To understand the legality of this practice in your area, check with your state department of education or visit <http://www.parentcenterhub.org/find-your-center/> to find a parent training and information center near you.

**Q Can a school refuse to read medical records because of HIPPA, even if I provide them?**

**A** HIPPA protects your child from his medical records being shared without your consent. But there is nothing preventing parents from sharing medical records with the school.

**Q Once my child is eligible for a 504 plan, is she always entitled to one?**

**A** Only if the condition that made her eligible remains. If a school re-evaluates your child based on Section 504 criteria and determines that the mental or physical impairment no longer substantially limits her ability to learn or any other major life activity, the student is no longer eligible for a 504 plan. If you disagree, you can complain through your school's chain of command, then to the school district. Then you can file a complaint with the Department of Education, Office of Civil Rights.

**Q Do 504 plans exist in the college setting?**

**A** Section 504 of the Rehabilitation Act of 1973 still protects students when they reach college however, the 504 plan structure of high school is not same in college. Colleges may require different types of documentation. As you evaluate colleges, be sure to contact their disability services offices to know what is available to your child. Learn more about [college access and success](#).