

# 504 Plan Information

## What is a 504 Plan?

"504" references Section 504 of the federal Rehabilitation Act of 1973. According to the Office of Civil Rights, Section 504 requires "a school district provide a Free and Appropriate Public Education (FAPE) to qualified students with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability." It further states that no one with a disability can be excluded from federally funded programs or activities, including education. Under this law, disability is defined as a real or **perceived** "physical or mental impairment which substantially limits one or more major life activities." It is important for parents to understand that this includes students diagnosed with a disability, having a record of an impairment, or regarded as having an impairment. Section 504 does not require a diagnosis if a parent can show that the child has a record of an impairment or has been regarded as having an impairment.

Sometimes, "Specific Learning Disability" is the label schools give children with Dyslexia. As a parent in Minnesota, you have the right to have the word dyslexia included in your 504 plan. Specific Learning Disability (SLD) is listed as an example of an impairment that limits one or more major life functions, and learning is listed as an example of a major life activity. Since dyslexia affects learning, students should be eligible based on these definitions.

It is also important for parents to know that "The Americans with Disabilities Act Amendments Act of 2008" states that "the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) NOT be considered in determining whether an individual has a disability." This means that a child who has received remediation must still be regarded as having the impairment. The 504 plan contains accommodations that remove barriers from learning. Accommodations are changes and adjustments made to give students with disabilities equal access to the curriculum.

## Parents who want a 504 Plan for their child should do the following:

1. Review the Resource Guide to Section 504 from the US Department of Education.
2. Review MDE's Compliance Manual for Section 504 of the Rehabilitation Act of 1973.
3. Read your school district's 504 plan procedures.
4. Send school a request for a 504 Plan in writing, sample letters are available online.
5. Go to the meeting with documentation of your child's diagnosis or showing a perceived impairment and a list of requested accommodations.

Parents frequently report their child could not get a 504 Plan because he or she was not academically behind, or not discrepant enough from their peers. Being academically behind is NOT required to get a 504 Plan! The U.S. Office of Civil Rights which governs Section 504 of the Rehabilitation Act has issued several documents which explain this. These documents explain that parents do not have to go to extensive means to prove their child has a disability that is substantially limiting.

The Minnesota Department of Education (MDE) has no enforcement authority for this law. The U.S. Department of Education, Office for Civil Rights (OCR) takes complaints regarding Section 504.

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**For more information visit [https://www.decodingdyslexiamn.org/504\\_plan](https://www.decodingdyslexiamn.org/504_plan)**

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