

Who qualifies?

Section 504 covers all people with a disability from being discriminated in educational settings based solely on their disability.

Section 5040 defines a person with a disability as someone who:

- Has a physical or mental impairment which limits one or more major life activity;
- Has a record of such an impairment;
- Is regarded as having such an impairment.

Major life activities include such things as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

As such, eligibility under 504 is broader than under Special Education. Even if a child doesn't qualify for special education services, they may still qualify to receive related services, testing accommodations, or program modifications via a 504 Plan.



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Section 504:

What is a
Section 504 Plan,
and how is it
different than an IEP?



This brochure was created by Jen Potrzeba during the Spring of 2020, courtesy of the Corona Virus.

Unatego Central School District

What is Section 504?

According to Section 504 of the Rehabilitation Act of 1973, public schools must prohibit discrimination and ensure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

This law specifies that students with disabilities must be provided with accommodations or modifications such that they can access a Free and Appropriate Education (FAPE).

What is a Section 504 Plan?

A Section 504 Plan is a written document that outlines what services, modifications, or accommodations a student with a disability requires to have educational opportunities equal to those provided nondisabled students.

The plan must include “reasonable accommodations, supports, and auxiliary aides” to allow the child to participate in the general curriculum.

What can go on a 504 Plan?

There is no restriction to what types of supports can legally be put into a 504 plan. However, if a child needs special education supports, the child should have an Individualized Education Plan (IEP) rather than a 504 Plan.

Some of the supports that typically appear on 504 Plans include related service therapies (such as speech therapy or occupational therapy), program modifications (such as preferential seating, repeating directions, etc.), testing accommodations (such as extended time, being allowed to take breaks, etc.), or assistive technology (such as a calculator, tape recorder, spell check device, etc.).

What is IDEA?

IDEA stands for the Individuals with Disabilities Act, which is a federal law that governs special education and related services to students.

What is an IEP?

An IEP is an Individualized Education Plan, which is given to students with an educational disability under the Individuals with Disabilities Act (IDEA).

This written document is like a map that lays out the program of special education instruction, supports, and other services a student needs to make progress. Specific content about the child’s strengths and weaknesses are explained in detail.

How is that different than an IEP?

An IEP provides special education instruction, while a 504 Plan would not. An IEP also specifies goals and objectives and provides support for how the student will meet those learning targets. While the 504 Plan focuses on *how* a student is learning, an IEP also delineates *what* a student is learning.



How are an IEP and a 504 Plan the same?

Both types of plans can include related services, including counseling, occupational therapy, physical therapy, and/or speech and language therapy. Both can include program modifications and testing modifications as well.

You will still be invited to a meeting on a yearly basis to talk about how your child is doing and plan for the following year.

Your child will still be reevaluated periodically to make sure they are making adequate progress.

What about parental rights?

Parents do have fewer rights under 504, but they do still have rights. Contrary to public belief, Section 504 does require schools to develop a system of procedural safeguards that includes notice (presumably to parents), an opportunity for the parent to review records, and an impartial hearing and review procedure.

Many school districts, including Unatego, adopt the IDEA Procedural Safeguards for 504 students, affording them many of the same rights and protections as special education students.