



PEPP, INC
Parents Educating Parents and Professionals

Together, We Can Make A Difference
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504 Accommodation Record

AREA OF DIFFICULTY	ACCOMMODATIONS (Refer to 504 Accommodation Plan)	Starting Date	Person Responsible	Outcome
Completing classroom assignments	Shortening assignment-break into smaller units. Using self monitoring devices. Cuing student.	9-10-95	Teacher	Improvement in amount of work completed. Student seems less frustrated.
Test taking	Give exam orally. Give frequent short quizzes, not long exams. Allowing extra time for exam.	9-10-95	Teacher Guidance	Improvement in test scores.
Fails to complete homework assignments	Send daily progress reports home along with homework assignments.	9-10-95	Teacher Parent	Homework coming in better.
Poor Handwriting	Not grading handwriting. Allow typewritten or computer printed	9-10-95	Teacher	Student seems less frustrated. Student completing

	assignments. Allow use of tape recorder.			more classroom assignments.
Often losses temper.	Provide positive verbal reinforcement. Make time to talk alone with student. Peer counseling.	9-10-95	Teacher Guidance	No change. Student still gets frustrated.

USING 504 TO ASSERT YOUR CHILD’S RIGHTS TO EDUCATION

Parents have learned that there is a law which entitles their child with a disability to a free appropriate education (PL 94-142). Very often they are not aware that there are other laws which can also be helpful.

Section 504 of the federal Rehabilitation Act of 1973 prohibits discrimination based on handicapping conditions. It guarantees equal access to education (also employment, medical care and higher education) and the opportunity to achieve a benefit from education that is comparable to that received by children without disabilities.

Section 504 is particularly useful for children who have a disability, but who need no “educational” services, such as a child with spina bifida who only needs a lift-bus and handrails in the bathroom. This would be a 504 issue rather than a 94-142 issue. Section 504 has been successfully used to obtain educational assistance for children with Attention Deficit Disorder (ADD). While 94-142 does not recognize ADD as an eligibility disability, 504 does. In recent cases in Alabama, North Carolina, and Georgia, school systems have been ordered to do appropriate testing and make necessary modifications in curriculum and classroom requirements to make the “accessible” to ADD children and to give these children a comparable opportunity to benefit from education.

Section 604 is particularly useful, however in providing another reinforcement avenue for all special education issues. The United States for Civil Rights (OCR) is charged with the enforcement of 504. When a complaint is filed, they have employees who investigate the complaint and if the school system is found in non-compliance, OCR has the authority to order compliance. They also have the ultimate weapon to enforce their findings. They can order that federal dollars be withheld from the recalcitrant school systems, as they did last year with Dekalb County.

Because Section 504 and PL 94-142 regulations were being developed concurrently in the mid 1970’s they complement each other, The education rights delineated under Section 504 have much in common with 94-142. In many respects however, 504 is a broader entitlement and needs to be approached slightly differently.

Under 94-142 a person must have a disability which interferes with certain educational processes. Section 504 covers anyone who has a “physical or mental impairment which substantially limits one or more major life activity: or “has a record of such an impairment” or “is regarded as having such an impairment. “For purposes of eligibility to comparable education those covered are “of an age during which non-handicapped persons are provided such services” or of any age during which it is mandatory under state law to provide such services to handicapped person” or “to whom a state required to provide a free and appropriate public education under (PL 94-142).”

The key words in 504 are discrimination, benefit, comparability, access and opportunity.

Discrimination is prohibited as follows:

No qualified person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance.

.....may not deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit or service.

.....may not afford a qualified handicapped person with an opportunity to participate in or benefit from an aid, benefit or service that is not equal to that afforded others.

.....may not provide a qualified handicapped person with an aid, benefit or service that is not as effective as that provided to others.

.....may not provide different or separate aid, benefit, or service, to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped person with aids, benefits or services that are as effective as those provided to others.

.....may not otherwise limit a qualified handicapped person on the enjoyment of any right, privilege, advantage or opportunity enjoyment by others receiving and aid, benefits or service.

.....aids, benefits and services to be equally effective, are not required to produce identical results... but must afford... equal opportunity to obtain the same result, to gain the same benefit or to reach the same level of achievement in the most integrated setting appropriate to the person’s needs.

.....may not deny... the opportunity to participate in such programs or activities that are not different.

.....shall place a handicapped person in the regular educational environment...unless it is demonstrated by (school system) that the education of the person in the regular

environment with the use of supplementary aids and services cannot be achieved satisfactorily.

The above are only some of the guarantees in Section 504. The law also covers procedural safeguards, counseling services, evaluations, extracurricular activities, placement and other areas.

When filling a complaint with OCR, a parent should use the language of 504 not 94-142. Under 94-142, a parent may feel that a child has been denied a needed related service such as speech therapy. In writing a 504 complaint, one might state that the child has been “denied the opportunity to participate in a service” or has been “denied the opportunity to obtain that same result” i.e., spoken language or has been “limited in the enjoyment of the right “(to learn to talk). To get the best results from a 504 complaint, the appropriate language should be used.

There is NO COST to any person who files a complaint under 504 with OCR and there are penalties if anyone harasses or threatens someone who does file a complaint. Any person can file a complaint on behalf of any other person or himself. Once a letter of acknowledgement is received a number is given to your complaint, it is a good idea to in telephone contact regularly with the OCR investigator. In this way you can correct any misperceptions and be prepared to give the investigator any particulars that might help in the investigation.

Filing a complaint with OCR is a good alternative to obtain relief when you feel that your child has not received and appropriate education.

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