



## Teachers' Desk Reference: Practical Information for Pennsylvania's Teachers

### Chapter 15/Section 504 Services

As a classroom teacher, it is likely you have taught students who have Individualized Education Programs (IEPs) and Chapter 15/Section 504 service agreements; however, you may not understand how services under Section 504 of the Rehabilitation Act of 1973 are different from services under the Individuals with Disabilities Education Act (IDEA). This *Teachers' Desk Reference* will clarify the legal requirements for Chapter 15/Section 504 services, explain how students are determined eligible for Chapter 15/Section 504 services, and describe your role in educating students who receive these services.

#### Chapter 15/Section 504 Defined

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that is intended to give all individuals the same advantages and opportunities, so that individuals with disabilities have an equal chance for success. Chapter 15 of the Pennsylvania Code describes the school's responsibility in implementing Section 504. In the area of education,

Eligibility under Chapter 15/Section 504 includes a broader range of disabilities than that of special education eligibility. It is the responsibility of the general education program to develop and implement a plan to meet the needs of the student.

Chapter 15/Section 504 protects the individual who has or has had a physical or mental impairment that substantially limits a major life activity, or who is regarded by others as having a disability. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self, and performing tasks (see the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act for additional examples of major life activities). The impairment needs only to substantially limit one major life activity for the student to be determined to have a disability. Chapter 15/Section 504 differs from IDEA in that it protects the rights of individuals with disabilities, while IDEA is an educational benefits law that requires special education and related services as determined by a student's IEP team. All students with IEPs are also covered under Chapter 15/Section 504.

A student who is determined to have a disability can receive any services or accommodations determined necessary to allow for equitable participation in educational programs and extra-curricular activities.

## Student Eligibility

In Pennsylvania, a student who is identified for services under Chapter 15/Section 504 is considered to be a “Protected Handicapped Student.” The student must meet the following conditions:

- The student is of an age at which public education is offered in that school.
- The student has a physical or mental disability that substantially limits or prohibits participation in or access to an aspect of the student’s school program.
- The student is not eligible as defined by Chapter 14 (relating to special education services and programs).
- The student is eligible for special education and related services, and is raising a claim of discrimination.

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## Student Identification

To protect the civil rights of all students, the school is responsible to annually inform the parents of all students that the school does not discriminate against students with disabilities.

A student may be determined to have a disability and may be recommended for services in a number of ways. An IEP team may determine that special education services are not necessary, but that accommodations would provide the means to an education that is equitable to the student’s nondisabled peers. A teacher may recommend that a student be evaluated for services and accommodations

under Chapter 15/Section 504. A parent may request, in writing, that a student be evaluated for Section 504 services. Evaluations are conducted by professionals familiar with handicapping conditions. The evaluation should include information from a variety of sources, including parents, medical personnel, school psychologists, teachers, and anyone who interacts with the student on a regular basis. If a student is determined to be eligible for services, a written service agreement must be developed to meet the needs of the student.

## The Service Agreement

Chapter 15 requires that a service agreement be written for each “Protected Handicapped Student.” The service agreement outlines those accommodations that have been agreed to by the school and parents. The LEA requires parental consent prior to providing services. It is recommended that the service agreement be reviewed annually to ensure that it remains current. All personnel working with the student should be aware of the provisions of the service agreement so they can implement it. Parental notification is required if there is a change to the service agreement or if the student’s eligibility for services or accommodations changes. Any substantial change in placement requires an evaluation.

## The Role of the General Education Teacher

As a general education teacher, you may work with one or more students with Chapter 15/Section 504 service agreements. You can provide valuable information regarding the student’s ability to participate equitably with his/her nondisabled peers. As the content expert for your particular subject area, your contributions are invaluable in ensuring that the student has equal opportunity to access the general education curriculum.

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## Sample Chapter 15/Section 504 Accommodations\*

Below are examples of accommodations that should reduce or eliminate the effects of a student's disability in the educational setting.

### Environmental Strategies

Provide seating away from distractions:

- Near teacher/good role buddy
- Away from door, pencil sharpener
- Quiet place to complete work/tests

Adjust class schedule:

- Schedule classes requiring most mental focus at beginning of day
- Schedule regular breaks to allow for movement
- Adjust nonacademic times

### Organizational Strategies

Modify classroom/homework assignments:

- Shorten assignments/Extend time to complete assignments
- Break down long-term assignments with separate due dates
- Provide assistance with note taking

Provide clear/simple directions:

- Repeat directions
- Post homework assignments
- Supplement verbal instructions with written instructions

### Behavioral Strategies

Set up a positive behavioral management system:

- Use prompts, feedback, redirection as needed
- Post rules and consequences for behavior
- Reinforce self-monitoring and self-recording of behaviors

Set up a home/school communication system:

- Notebook for progress reports
- Regular emails/phone calls
- Notify parents of upcoming assignments

### Presentation Strategies

Modify teaching methods:

- Visual cues and hands-on activities
- Highlight important parts of tasks
- Reduce demands on memory/teach memory skills

Use multisensory techniques:

- Provide guided notes, outlines, study guides on overhead to accompany lecture
- Utilize small groups to complete written assignments
- Set up peer tutors/cross-age tutors

### Evaluation Methods

Modify the test format and delivery:

- Chunk tests into smaller sections
- Provide breaks between sections
- Provide multiple choice/fill-in-the-blank format

Provide assistance with test preparation:

- Provide sample/practice test
- Provide personal copy of test tools
- Allow for color coding/highlighting in extra set of texts

\* Sample accommodations excerpted from:

Low, K. (2012). Helping students with ADHD: Section 504 accommodations. [Online]. Available: <http://add.about.com/od/schoolissues/a/Helping-Students-With-Adhd-Section-504-Accommodations.htm>

Milestones Day School. (n.d.) Sample 504 accommodations. [Online]. Available: [www.advancingmilestones.com/PDFs/m\\_resources\\_504-accommodations-sample.pdf](http://www.advancingmilestones.com/PDFs/m_resources_504-accommodations-sample.pdf)

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The following is a checklist of responsibilities of general education teachers related to students in the classroom who receive Chapter 15/Section 504 services:

- Be aware of which students in your classes have service agreements
- Implement the accommodations of the service agreement
- Monitor progress to ensure that the service agreement is appropriate
- Be a content expert
- Communicate with parents and teachers
- Access resources
- Ask questions

Since schools are charged with the responsibility of developing systems for implementation of Chapter 15/Section 504 services, the following

are some questions you may want to ask your Chapter 15/Section 504 coordinator:

- How are parents and the school informed of nondiscrimination policies against students with disabilities?
- Who are the members of the evaluation team for Chapter 15/Section 504 requests?
- What is the school's timeframe for reevaluating students under Chapter 15/Section 504 service agreements?
- Who is responsible for overseeing Chapter 15/Section 504 compliance in my school?

As a classroom teacher, understanding how services under Chapter 15/Section 504 differ from services under IDEA will enable you to provide appropriate services to your students, communicate effectively with parents, and maintain compliance with the law.

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## Commonwealth of Pennsylvania

Josh Shapiro, Governor

