

# Section 504: Implications for Physical Education Programs

## Instructional Responsibilities

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### Abstract

Major responsibility for implementation of Section 504 lies with the general education teacher. This article addresses the physical education teacher's role. Sample referral, group report, and general education intervention plan forms are provided. Considerations for possible physical education accommodations are addressed.

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Section 504 of the Rehabilitation Act of 1973 prohibits discrimination in education. Each student must be provided educational opportunities equal to those provided for all students. Day to day implementation of Section 504 requirements is the purview of classroom teachers. The present article guides health/physical education teachers in their efforts to comply with Section 504. The teacher's role includes providing and nondiscriminatory education for the students in the physical education setting, identifying and referring students for Section 504 services as appropriate, adapting the physical education environment and instructional strategies in order to accommodate for students with disabilities.

#### **Nondiscriminatory Education**

Section 504 of the Rehabilitation Act of 1973 is civil rights legislation. It prohibits discrimination against students who have a physical or mental impairment limiting major life activities, who have the record of an impairment, or who are regarded as having an impairment. Educationally, we may discriminate against students in the following ways:

- Denying a student with a disability the opportunity to participate in or benefit from a service equal to that afforded students without disabilities;
- Failing to afford the student with a disability the opportunity to participate in or benefit from a service equal to that afforded students without disabilities;
- Failing to provide aids, benefits, or services to students with disabilities that are as effective as those provided for students without disabilities;
- Providing different or separate services unless such action is necessary in order to be equally as effective as services provided for students without disabilities;
- Perpetuating discrimination by providing assistance to an organization that discriminates against students with disabilities;
- Denying a student with a disability the opportunity for participation on an advisory board on the basis of the disability
- Limiting any right, privilege, advantage, or opportunity to students with disabilities that

**Figure 1.**  
**Section 504 Referral Form**

1. Personal Information

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Parent: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ School: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_  
Referred by: \_\_\_\_\_ Date of Referral: \_\_\_\_\_

2. Background Information

Reason for Referral: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Strategies/Interventions To Date (attach copies of documentation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Information Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Referral Direction (Principal Only)

\_\_\_\_\_  
\_\_\_\_\_

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Copy to: Regular Education Teacher, Building Principal, and Superintendent

is afforded students without disabilities;

- Selecting sites or planning facilities that effectively exclude students with disabilities. Simply stated, we as teachers discriminate against our students when we do not adjust the physical education environment, and/or our instructional strategies in order to provide an opportunity for each of our students to benefit from the educational experience that we are providing.

### **Section 504 Referral**

In determining whether or not to refer a student for protection under Section 504, teachers may consider the following questions:

- Has the student shown a pattern of not benefiting from instruction?
- Has the student been identified as "at risk?"
- Is the student involved in substance abuse?
- Is suspension, expulsion, or retention being considered?
- Does the student have a chronic health condition?
- Has the student recently returned to school following a serious illness/injury?
- Has the student been referred to special education and found not to qualify for IDEA (Individuals with Disabilities Education Act) services?

If the answer to any of these questions is yes, then a Section 504 referral is in order.

Figure 1 displays a sample referral form

Once referral is made, the teacher will be involved in the Section 504 evaluation. Any tests used must be validated and given by qualified personnel. The tests used should be tailored to assess specific areas of educational need. Teacher reports, written observation of student performance, and curriculum based assessments are all valuable measures of development. After completion of the evaluation, a group of persons knowledgeable about the evaluation instruments used and about the child, convene to determine eligibility for Section 504 services. A sample group report is displayed in Figure 2. This group should assist in development of an intervention plan to be used by the child's teacher in any educational setting. Two sample intervention plan formats are displayed in Fig-

ures 3 and 4.

### **Instructional Accommodations**

The teacher's primary role in complying with Section 504 lies in making the instructional accommodations necessary for eligible students with disabilities. Accommodations may be made in any aspect or phase of the instructional process. Figure 5 suggests possible accommodations in the areas of communication, organization, and instruction. This list is certainly not meant to be exhaustive, but rather to be a spring board for teacher creativity.

Programming for access and accommodation are areas of impacted by the health/physical education teacher. The following considerations fall into the areas of attitude, access, instruction, assistance, grouping and equipment modification. These suggestions represent good teaching practice, regardless of whether a child has a disability or not.

**Attitude.** For a program to be successful, the teacher must have a positive attitude toward both the idea behind the accommodation plan, as well as toward the individual child. This is a crucial factor. A teacher's attitude can be one of resistance or a willingness to have a positive impact. Subsequent to attitude is the ability to program and plan. Without the skills to analyze and modify according to needs, the best intentions may be doomed to failure. Experience can only come with practice, and successful implementation can only come with planning. Implementation of any plan will necessitate a teacher's having a sound grasp of the abilities and limitations of individual students. Again, however, this will only be effective if there is a willingness to give full consideration, to put in extra effort, and to create a means of making the plan work. A climate of acceptance is more important to a child with a disability, than an accessible but unfriendly environment.

**Access.** At its most basic level, access is about the physical environment. As such, this should be the first area for attention. When classes are indoors, i.e., in a gymnasium, the environment may not be a barrier to access. Floor level, doors, surfaces and even bathrooms may not be prohibitive to the child with a dis-

**Figure 2.**  
**Section 504 Group Report**

1. Personal Information

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent: \_\_\_\_\_ Teacher: \_\_\_\_\_

2. Conference Participation — Multidisciplinary Group

Parent/Guardian

\_\_\_\_\_ 1. I have been given the opportunity to participate in the development of the General Education Intervention Plan (GEIP).

\_\_\_\_\_ 2. I understand the reasons for the recommended program and have received in writing a copy of the GEIP.

\_\_\_\_\_ 3. I have received a written copy of my rights under Section 504.

Comments:

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Other Participants

Principal: \_\_\_\_\_ Guidance: \_\_\_\_\_

Teacher: \_\_\_\_\_ Other: \_\_\_\_\_

Comments:

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Copy to: Regular Education Teacher, Building Principal and Superintendent

ability. However, many serious obstructions can and do arise when classes are taken outside. It behooves the conscientious teacher to review all potential obstacles before conducting the class. A first concern will be a consideration of the time and effort required to get to the instructional area. Is it prohibitive terrain? Is it a long distance for a person with limited mobility? Does it require negotiating different levels, steps, etc.? Once there, is the surface area difficult to traverse when performing activities? Are boundaries clear, and is the area manageable in terms of expected distances to be traveled during instruction? These are the types of questions that the teacher should consider before the lesson takes place. If any answer is a negative, then adjustments should be made.

**Instruction.** Of particular concern to all teachers of physical education and health is instruction. Within the context of this paper, instruction includes the following:

- Time and difficulty required in completion of a task;
- Assistance needed to perform the task;
- Organization for the implementation of activities; and
- Selection/modification of equipment.

Consideration of each of these will serve to alert the teacher to types of analysis required, while highlighting potential areas of concern. Many students with disabilities require longer to execute an assigned task. They may not be able to complete tasks to the same level as their peers due to a physical, a cognitive, or perceptual motor limitation. The teacher must create extended time for practice and implementation for a student with a disability. They may start-out below age equivalent peers (Broadbent & Rarick, 1955; Dunn & Fait, 1989; Fernall, Tymeson, & Webster, 1988; Hattin, Fraser, Ward & Shephard, 1986). Task analysis will establish the step-like sequence for the activity that will better enable a student to be engaged at the appropriate level (Thiagaragan, 1980). Complex skills need to be broken down and presented incrementally with sufficient time to allow the student maximum probability for success. Presentation of tasks that the student is not equipped to complete, or goals that are too

high, merely serve to depress the student's expectations of success. Success motivates, but many students with disabilities enter the learning environment with low levels of expectations and motivation. Confidence is found to motivate all students including those with disabilities. (Harter, 1985; Hopper, 1988). A maxim for the teacher should be: Plan for SUCCESS and structure IMPROVEMENT.

**Assistance.** Students with disabilities, because of limiting factors associated with a condition, may require special assistance. The inherent problem lies with the teacher's having to divide attention among many. It is not realistic to expect a teacher to be able to attend continuously to the ongoing needs of each child within a physical education class. Health and physical education teachers must therefore plan to use the assistance of others. The assistant should always be under the guidance of the teacher whether working with an individual or with a small group of students. The assistant might be a paraprofessional, another student, or a school volunteer. The major concern to the teacher is maximization of success for both parties, student and helper. This involves the teacher's familiarizing the helper with requirements of the situation. Pre-training is essential, as is the need for ongoing instructions. The teacher must communicate expectations for every class period and be prepared to carry out periodic monitoring.

**Grouping.** Another area in which the health/physical education teacher would expect to make changes is in grouping for instruction. Systematic instruction is particular to the student with a disability, and requires that the teacher analyze content, structure the environment, regularly monitor levels of achievement, and supply feedback.

To better achieve this, teachers should be prepared to implement individual and small group instruction. Work groups or stations are methods of helping students with disabilities in terms of time on task and receiving individual feedback.

**Equipment.** Finally, the teacher must explore the many options available when selecting equipment. The teacher should be prepared

**Figure 3.**

**Section 504 Regular Education Intervention Plan A**

1. Personal Information

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Parent: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ School: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Grade: \_\_\_\_\_  
Referred by: \_\_\_\_\_ Date of Referral: \_\_\_\_\_

2. Regular Education Intervention Plan

Sec 504 conference convened on behalf of the above student. Date: \_\_\_\_\_

Data presented: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Options discussed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Least Restrictive Environment discussed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Student's Multidisciplinary Group has determined that the disability is projected to be  
\_\_\_\_\_ short-term (three months or less)  
\_\_\_\_\_ long-term.

On the basis of the data presented, the following decision was made:  
\_\_\_\_\_ Identified as a student with a disability under Section 504 and qualifies for a GEIP.  
\_\_\_\_\_ Student is not a student with a disability.

Copy to: Regular Education Teacher, Building Principal, and Superintendent.

**Figure 4.**  
**Section 504 Regular Education Intervention Plan B**

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Date: \_\_\_\_\_

Grade: \_\_\_\_\_

Describe the nature of the concern: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the basis for the determination of disability: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe how the disability affects a major life activity: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the reasonable accommodations that are necessary: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Review/Reassessment Date: \_\_\_\_\_

Participants (Name and title):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

cc: Student's Cumulative File

Attachment: Information Regarding Section 504 of the Rehabilitation Act of 1973.

## **Figure 5.**

### **Sample Accommodations**

#### **Communication**

Modify parent/student/teacher communications

- Develop a daily/weekly journal
- Develop parent/student/school contacts
- Schedule periodic parent/teacher meetings
- Provide parents with duplicate sets of text

Modify staff communications.

- Identify resource staff
- Network with other staff
- Schedule building team meetings
- Maintain on-going communication with building principal

Modify school/community agency communication

- Identify and communicate with appropriate agency personnel working with student
- Assist in agency referrals
- Provide appropriate carryover in the school environment

#### **Organization/Management**

Modify the instructional day.

- Allow student more time to pass in hallways
- Modify class schedule

Modify the classroom organization/structure.

- Adjust placement of student within classroom
- Increase/decrease opportunity for movement
- Determine appropriate classroom
- Reduce stimuli

Modify the district's policies/procedures.

- Allow increase in number of excused absences.
- Adjust transportation/parking arrangements
- Approve early dismissal for service agency appointments

#### **Teaching Strategies**

Modifying teaching methods

- Adjust testing procedures
- Individualize classroom/homework assignments



- Utilize technology

#### Modify materials

- Utilize legible materials
- Utilize materials that address the student's learning
- Adjust reading level of materials

#### Student Precautions

Modify the classroom climate for health purposes.

- Use an air purifier in classroom
- Control temperature
- Accommodate specific allergic reactions

Modify classroom to accommodate equipment needs.

- Plan for evacuation for wheelchair-bound students
- Schedule classes in accessible areas

to modify existing equipment to enhance its usability by a student with a disability. When purchasing equipment, teachers should consider whether it will allow multi-levels of adaptation and use (Herkowitz, 1984). Tether balls, batting T's, nerf balls, volleyball training balls, lowered nets, floor marking, etc., are some of the examples of equipment that may be used by students exhibiting varied levels of ability. In short, the teacher must be a problem solver, continually monitoring limits standard equipment places on students with disabilities. Too often equipment limits the possibility of a student's performing a task correctly.

### Summary

General education teachers hold the key to educational compliance with Section 504 of the Rehabilitation Act of 1973. Teachers know their students. Teachers are the first to suspect student need for additional/alternative services. General education educators, through their concern, flexibility, and creativity, hold the key equal physical education opportunities for all students.

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