

**TEAM**

**ANAPHYLAXIS**



Anaphylaxis is REAL.™

504 plans  
for food allergies & anaphylaxis  
what you need to know  
“Getting Started”

VOLUME ONE

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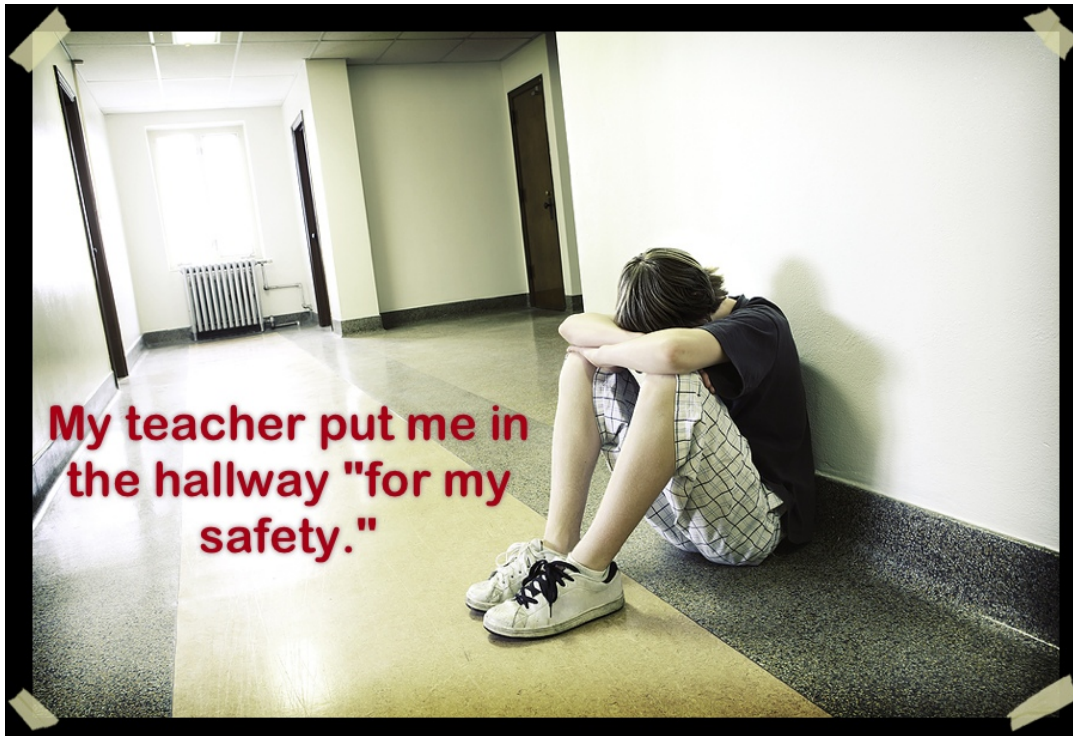
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Thank you for contacting **Team Anaphylaxis** to inquire about getting a 504 plan for your child. Here is some information to help you get started. We would suggest printing the linked studies, articles, etc. and present them to the school if you encounter any difficulties.

## Education \* Advocacy \* Support

**Team Anaphylaxis** is a grassroots group of experienced **parent advocates**. We are committed to educating the public about food allergies and **anaphylaxis**, a life threatening and legally recognized disability. We equip, empower and support parents with the tools and resources necessary for the successful management of this highly complex, chronic health condition. We seek to promote the fair treatment and inclusion of all individuals. We believe food free classrooms provide the Least Restrictive Environment to ensure a Free and Appropriate Public Education.

*Information presented here is not intended to replace the advice of a medical or legal professional. Please seek your own professional advice. We assume no liability.*

*Team  
Anaphylaxis*

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# Pre-test worksheet

Does your child have a life threatening food allergy (anaphylaxis)?

Did you know anaphylaxis is a disability?

Did you know your child qualifies for a 504 plan?

What is a 504 plan?

How does anaphylaxis qualify as a disability?

How do I request a 504 for my child?

FACT

FACT

FACT



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# What is a 504 plan?

## What is a 504 Plan?

A **504 Plan** is an **accommodation** plan that ensures that a child with a disability has **equal ACCESS** to an education. **1**

## Fact ✓

**504 Plans** are enforced by the Office for **Civil Rights** (OCR) **2**

**Section 504 of the Rehabilitation Act of 1973** and the **Americans with Disabilities Act of 1990** *prohibit* recipients of federal financial assistance from *discriminating* against people on the basis of *disability*. **3**

Students with disabilities, which include *students with food allergies*, must be given an **equal opportunity to participate in academic, nonacademic, and extracurricular activities**. **4**

These laws are enforced for schools, by the Office for Civil Rights (OCR) in the U.S. Department of Education. **5**

## FAQ

Difference between a **504** and an Individualized Education Plan (**IEP**) **6**

504: Regular education

IEP: Special education

## FAQ

Q: What if the school tells me they have never done a 504 before for 'food allergies'? What do I tell them?

A: Then you tell the school - this is your first! Present printed and highlighted resources.

# How severe food allergies and anaphylaxis qualify as a disability

## How does anaphylaxis qualify as a disability?

Food allergies and **anaphylaxis** limit the major life activities of **eating** and **breathing** (*among others*). **7**

## Fact ✓

**1 in 13 children in the U.S.** are affected by food allergy. **8**

The ADA Amendments Act of 2008 expanded **major life activities** to include bodily functions. Food allergies affect the immune, digestive, neurological, respiratory and cardiovascular systems. It also broadened the definition to include conditions that substantially limit major life activities. Food allergies may limit the life activities of eating, breathing, caring for oneself and more. Additionally, impairments that are episodic or in remission that substantially limit a major life activity when active must be considered. **9**

Mitigating factors (the availability of epinephrine) cannot be used to determine non-eligibility.

## FAQ

Q: Do we need a 504 if our child's school is food allergy aware?

A: Yes, 504 plans provide recourse to parents when students are put at risk or excluded. Section 504 compliance is NOT optional. All public schools must offer evaluations to students identified as possibly disabled.

## Tip: Acknowledge that Anaphylaxis is a disability ✓

This is a fact not an opinion. Some people find it hard to acknowledge the "term" disability. What feelings does that elicit in you to know it is a disability?

# Requesting the 504 PLAN

## How I request a 504 plan?

Send a **written** request to your child's school for a Section 504 **evaluation** based on your child's food allergy or **anaphylaxis** diagnosis. (see sample on page 10)

## Fact ✓

Learning need not be affected to **qualify**. **10**

All that is required to qualify for a **504 plan** is a **letter** from your allergist stating that the allergy is **life threatening** and **epinephrine** has been prescribed.

It's very important that the allergist states in the letter:

**"Anaphylaxis can be fatal"**

Schools cannot succeed in denying a 504 plan for food allergies. The Office for Civil Rights (OCR) will not allow it. (Gloucester). **11**

## Tip: Establish Eligibility 1st ✓

Get 504 plan eligibility established **before** you discuss any accommodations with the school. Often they will backpedal once they hear what accommodations are being requested. **In other words, get them to approve your child FIRST before you discuss any accommodations whatsoever.**

## Tip: Communicate in the context of a 504 meeting ONLY ✓

Do not engage in *off the record* side bar discussions about accommodations with anyone outside of an official 504 meeting with the 504 team present.

**It is best to have two letters.**

- 1) A letter written by you to **request** a 504 plan. (see sample on page 10)
- 2) A letter written by your allergist stating the **medically necessary accommodations** required for your child to access the learning environment (this includes all aspects of school day, field trips, lunch, extra curricular activities, etc.)

You do not need to think of every single accommodation to list in this letter, just the major ones like an **allergen free classroom**, hand washing, etc.

"Reasonable" is not the legal standard for accommodations. Schools use the term "reasonable" frequently, and it is not correct.

Schools must accommodate disabled students to the **maximum extent appropriate** based on the *unique* needs of the individual. (We recommend printing this resource to present if the school is only willing to provide "reasonable accommodations"). **12**

Read the definitions of a **Free and Appropriate Public Education (FAPE) and Least Restrictive Environment (LRE)** and understand what they mean and how they apply to your child so you can counter when the school says they can't do something. Also, 504 Plans address the *unique* needs of the individual with a disability, so it does not matter what they do or have done in the past for other food allergic children. Memorize this last concept as you will likely have to repeat it often. **13**

**Tip: Document Everything ✓**

Maintain ALL correspondence in writing via emails, letters, etc. Keep it in a file. If you speak with someone in person compose a follow up "letter of understanding" email stating what your conversation was about. Send it to the person you spoke with and CC the 504 Team with that letter.



# Post-test worksheet

Does your child have a life threatening food allergy (anaphylaxis)?

Did you know anaphylaxis is a disability?

Did you know your child qualifies for a 504 plan?

What is a 504 plan?

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Did you successfully advocate for a 504?  
congratulations!





# Sample 504 Request Letter from caregiver:

DATE: XX-XX-XXXX

To Whom it May Concern, (Principal, 504 Coordinator, District Nurse etc...)

I am writing to request a Section 504 evaluation for my child \_\_\_\_\_, based on her diagnosis of food allergies and/or anaphylaxis to \_\_\_\_\_. It is my understanding she may qualify for accommodations or related services to ensure equal access to an education based on her unique needs as a student with a disability.

I look forward to meeting with you to discuss how we may work together to provide a safe and inclusive environment for \_\_\_\_\_. I may be reached at email address: XXXXX@XXXXX.com

Sincerely,  
XXXX

# RESOURCES

1	WRIGHT'S LAW - <a href="http://WRIGHTSLAW.COM">WRIGHTSLAW.COM</a>
2	U.S. DEPARTMENT OF EDUCATION - <a href="http://WWW.2ED.GOV">WWW.2ED.GOV</a>
3	U.S. DEPARTMENT OF EDUCATION - <a href="http://WWW.2ED.GOV">WWW.2ED.GOV</a>
4	U.S. DEPARTMENT OF EDUCATION - <a href="http://WWW.2ED.GOV">WWW.2ED.GOV</a>
5	U.S. DEPARTMENT OF EDUCATION - <a href="http://WWW.2ED.GOV">WWW.2ED.GOV</a>
6	WRIGHTS LAW - <a href="http://WRIGHTSLAW.COM">WRIGHTSLAW.COM</a> AND <a href="http://LDONLINE.COM">LDONLINE.COM</a>
7	ADA
8	PEDIATRICS 2011
9	<a href="http://WWW.ACCESS-BOARD.GOV/ABOUT/LAWS/ADA-AMENDMENTS.HTM">WWW.ACCESS-BOARD.GOV/ABOUT/LAWS/ADA-AMENDMENTS.HTM</a>
10	U.S. DEPARTMENT OF EDUCATION - <a href="http://WWW.2ED.GOV">WWW.2ED.GOV</a>
11	<a href="http://WWW.WRIGHTSLAW.COM/BLOG/?P=58">HTTP://WWW.WRIGHTSLAW.COM/BLOG/?P=58</a>
12	<a href="http://WWW.DUEPROCESSILLINOIS.ORG/ZIRKEL.HTML">HTTP://WWW.DUEPROCESSILLINOIS.ORG/ZIRKEL.HTML</a>
13	<a href="http://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/504FAQ.HT">HTTP://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/504FAQ.HT</a>

## CONNECT

### TEAM ANAPHYLAXIS:

<http://bit.ly/teamanaphylaxis>

For our most up to date resources regarding a 504 plan please visit our website:

<http://bit.ly/Team Anaphylaxis 504 Plan>

## MORE RELEVANT LINKS

[http://articles.chicagotribune.com/2010-12-20/news/ct-met-allergic-death-cps-1221-20101220\\_1\\_food-allergy-epipens-allergic-reaction](http://articles.chicagotribune.com/2010-12-20/news/ct-met-allergic-death-cps-1221-20101220_1_food-allergy-epipens-allergic-reaction)

<http://www.cnn.com/2012/01/04/health/virginia-allergy-death/index.html>

<http://www.ketv.com/Boy-Survives-Delayed-Reaction-To-Peanut-Allergy/-/9675214/11671584/-/7hpu9gz/-/index.html>

<http://www.mountsinai.org/about-us/newsroom/press-releases/new-study-finds-that-children-with-food-allergies-are-targeted-by-bullies>

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