



**SECTION**

**504**

**of the Rehabilitation Act of 1973**

**A Guide for Parents  
of Students with Disabilities**



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This booklet is designed to answer questions you may have about *Section 504* of the *Rehabilitation Act of 1973* and its impact on students with disabilities.

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### Overview

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#### ***What is Section 504?***

***Section 504*** refers to a part of the ***Rehabilitation Act of 1973***. The primary purpose of the ***Rehabilitation Act of 1973*** is to ensure that persons with disabilities are not discriminated against. ***Section 504*** State,

***“No otherwise qualified individual with a disability in the United States.. Shall, solely by reason of his or her disability, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”***

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#### ***How does this affect my child’s education?***

With respect to education this means that students with a documented disability or a record of physical and mental impairment or are regarded as having such an impairment that can be shown to substantially limit a major life skill such as breathing, walking, warning a living, or learning are entitled to reasonable accommodations.

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#### ***What does Section 504 require?***

***Section 504*** of the ***Rehabilitation Act of 1973*** prohibits discrimination against disabled persons, including students, by school districts receiving federal financial assistance.

This Law requires that every public school in the United States identify, evaluate, and provide appropriate services to disabled individuals as defined by ***Section 504***. In addition, procedural safeguards must be provided to the parents/guardians of identified students. The Office of Civil rights and/or U.S. Department of Education is responsible for enforcing ***Section 504***.

If a Student is determined to be 504 eligible, the school district must develop and implement a ***504 Plan***.

## Section 504 and IDEA

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### ***How is Section 504 Different from the Individuals With Disabilities Act (IDEA)?***

Unlike the special education law, *Individuals with Disabilities Educational Act*, which provides for specialized instruction to remediate disabilities, *Section 504* is solely focused on discrimination with regards to equal access to learning. The Key concept here is “*the avoidance of discrimination in access to learning,*” not “*remediation in learning.*” Under *Section 504* for example, the student must be academically prepared to learn the course content, but must not be kept from this opportunity because of a disability requiring reasonable accommodations.

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### ***What are “reasonable accommodations?”***

Examples of reasonable accommodations are:

- Extended time on tests and homework;
  - Use of a computer or calculator;
  - Special seating;
  - Separate sets of books for home;
  - Medication management by school nurses, or
  - Any number of reasonable accommodations that allow equal access to learning.
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### ***Are eligibility requirements the same for Section 504 and IDEA?***

The Individuals with Disabilities Education Act (IDEA) defines specific disabilities and criteria. IDEA eligibility entitles the eligible student to special education and related services. An Individualized Education Program (IEP) is designed for each special education student.

Students who are considered as disabled under *Section 504* must meet one of the disability criteria. The 504 team develops a 504 Plan, outlining the reasonable modifications and/ or accommodations in the regular education classroom.

# 4

## Qualification/Identification

### What kinds of impairments qualify?

<b>Physiological Disorders</b> Any physiological disorder affecting one or more of the following body systems:	<b>Mental, Psychological, Physical Impairments</b> Any mental, psychological or physical impairment, including, but not limited to:
<ul style="list-style-type: none"><li>• neurological;</li></ul>	<ul style="list-style-type: none"><li>• visual, speech, and hearing impairments;</li></ul>
<ul style="list-style-type: none"><li>• musculoskeletal;</li></ul>	<ul style="list-style-type: none"><li>• cerebral palsy;</li></ul>
<ul style="list-style-type: none"><li>• special sense organs;</li></ul>	<ul style="list-style-type: none"><li>• epilepsy;</li></ul>
<ul style="list-style-type: none"><li>• respiratory;</li></ul>	<ul style="list-style-type: none"><li>• muscular dystrophy;</li></ul>
<ul style="list-style-type: none"><li>• speech organs;</li></ul>	<ul style="list-style-type: none"><li>• multiple sclerosis;</li></ul>
<ul style="list-style-type: none"><li>• cardiovascular;</li></ul>	<ul style="list-style-type: none"><li>• cancer;</li></ul>
<ul style="list-style-type: none"><li>• reproductive;</li></ul>	<ul style="list-style-type: none"><li>• diabetes;</li></ul>
<ul style="list-style-type: none"><li>• digestive;</li></ul>	<ul style="list-style-type: none"><li>• attention deficit disorder;</li></ul>
<ul style="list-style-type: none"><li>• genito-urinary;</li></ul>	<ul style="list-style-type: none"><li>• drug addiction, and</li></ul>
<ul style="list-style-type: none"><li>• hemic and lymphatic;</li></ul>	<ul style="list-style-type: none"><li>• emotional or mental illness;</li></ul>
<ul style="list-style-type: none"><li>• skin, or</li></ul>	<ul style="list-style-type: none"><li>• Or alcoholism.</li></ul>
<ul style="list-style-type: none"><li>• endocrine.</li></ul>	

### How is a child identified and evaluated?

The student is referred to the 504 Team (members of the team vary based on need), which will review the information and determine eligibility under *Section 504*. A parent or staff member may refer a student to the 504 team.

Written documentation may be requested if available of the disability (e.g., medical, psychological, agency reports) and how it substantially limits a major life skill.

The team will provide written notification of the meeting to the parent/guardian.

The meeting will take place within a reasonable period of time after the parent/guardian or staff member has made the request to the school.

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## Eligibility

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### ***How do I know if my child is eligible?***

The student must meet any one of the following criteria:

- Has a physical or mental impairment which substantially limits one or more major life activities  
*(including activities such as caring for one's self, Performing manual tasks, walking, seeing, hearing, Speaking, breathing, learning, and working);*

Or

- Has a record or history of such an impairment  
*(e.g. a student with cancer or in recovery);*

Or

- Is regarded as having such an impairment  
*(e.g., a student who walks with a limp).*

Eligibility is determined by:

- Verification from written documentation, medical, psychological, or agency reports;

Or

- An evaluation in which appropriate information is gathered  
*(such as from students records, observations, anecdotal reports, teacher reports, individual and group tests, aptitude and achievement tests, medical information, nursing assessment, occupational or physical therapist assessment, doctor's orders, emergency care plans and adaptive behavior assessment);*

and

- Determination that the disability substantially limits a major life skill (breathing, walking, learning, etc.).

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### ***I think my child may be eligible. What should I do?***

If you believe that your child might qualify under *Section 504*, contact your school administrator. The 504 evaluation process will include a school team meeting to review your concerns. For a child to qualify, appropriate assessment information documenting the disability must be provided. Also, the school team must conclude that the disability substantially limits a major life activity. Parents can be an important part of the team.

If your child qualifies, a 504 plan will be written. This plan will be shared with staff responsible for making reasonable accommodations. You may ask for a review of the plan at any time. You are entitled to be aware of your parental rights and due process safeguards, which are listed in this document.

***504 Plan/Disciplinary Procedures***

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***What is a 504 Plan?***

The 504 Plan is based on the student's needs and is developed by the 504 Team.

In the student's 504 Plan, the team will determine the types of reasonable accommodations, modifications, adaptations, interventions, aids, and services that are needed to meet the student's needs.

The team will review the student's response to the effectiveness of the plan on a periodic basis. A parent may request at any time that a plan be reviewed and revised if needed.

If, at any time, the school team suspects that the student is in need of special education and related services, the team will schedule an IEP (Individual Educational Program) Team meeting with the parents.

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***What are the disciplinary procedures for 504 disabled students?*****Suspensions Totaling Ten Days or Fewer**

In any disciplinary case deemed to warrant suspension for not more Than 10 consecutive school days or when the total for the school year is Less than 10 days, a student with disabilities may be suspended in Accordance with the procedures in the Code of Student Conduct.

**Suspensions Totaling More Than Ten Days**

In suspensions cases involving over 10 total days for the year, a 504 committee meeting must be held. The committee must determine whether the conduct that prompted the disciplinary action was a manifestation of the student's disability. If the behavior that resulted in the disciplinary action was not the result of the student's disabling condition, the request for a suspension or expulsion remains and follows the regular procedures. If the behavior that resulted in the disciplinary action was a result of the disabling condition as determined by the 504 committee, the suspension or expulsion is discontinued, and the record is removed from the child's files.

# 7

## *Appeals*

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### ***What if I disagree with the school's decision?***

If the parent/guardian disagrees with school decisions, he/she has the right to an appeal hearing.

## ***Summary Of Legal Rights for Parents***

### ***You have the right to:***

- 1. Have your child take part in, and receive benefits from public education programs without discrimination based on a disability.**
- 2. Have the school advise you as to your rights under federal law.**
- 3. Receive written notice with respect to identification, evaluation, or placement of your child.**
- 4. Have your child receive a free appropriate public education. This includes the right to be educated with other students without disabilities to the maximum extent appropriate. It also includes the right to have the school make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.**
- 5. Have your child educated in facilities and receive comparable services to those provided students without disabilities.**
- 6. Have your child receive accommodations or services under Section 504 of the Rehabilitation Act of 1973 if he/she qualifies.**
- 7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by individuals who know your child, the evaluation data, and placement options.**
- 8. Have transportation provided to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the school.**
- 9. Give your child an equal opportunity to participate in non-academic and extracurricular activities offered by the school.**
- 10. Examine all records relating to decisions regarding your child's identification, evaluation, educational program, and placement.**

- 11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.**
- 12. Receive a response from the school to reasonable requests for explanations and interpretations of your child's records.**
- 13. File a complaint with the Section 504 Compliance Coordinator, under the district complaint/grievance procedures.**
- 14. Request mediation to settle disputes arising out of any decision about your child's identification, evaluation, educational program or placement.**
- 15. File a complaint with the Office for Civil Rights of the United States Department of Education.**
- 16. Request an impartial due process hearing to settle disputes arising out of any decision about your child's identification, evaluation, educational program or placement. You and your child may take part in the hearing and have an attorney represent you. You may appeal this decision to the board of education and to a court of competent jurisdiction.**