
SECTION 504 FREQUENTLY ASKED QUESTIONS

What is Section 504?

A civil rights law that prohibits discrimination based on disability in programs and activities receiving federal funds. This law requires the needs of students with disabilities to be met as adequately as the needs of their non-disabled peers. Furthermore, it is intended to level the playing field for students with disabilities to provide access to the learning environment.

Who is an "individual with a disability?"

As defined by federal law: "An individual with a disability means any person who 1) has a mental or physical impairment that substantially limits one or more major life activities 2) has a record of such an impairment; or 3) is regarded as having such as impairment".

Who is eligible for Section 504?

Students may qualify for protection under Section 504 if they have a mental or physical impairment that substantially limits one or more major life activities. A label, disability, or diagnosis alone, does not make a student eligible under Section 504. Furthermore, having a disability does not automatically qualify a student.

What is an "impairment" as used in Section 504?

An impairment as used under Section 504 may include any disability, long-term illness, or various disorders that "substantially" reduces or lessens a student's ability to access learning in the educational setting because of a learning, behavior or health-related condition. There is no list of eligible or ineligible disabilities.

Are there any impairments that automatically qualify someone for Section 504?

No, each decision on eligibility is made on an individual case-by-case basis.

What are examples of physical or mental impairments?

Section 504 may include conditions such as (but not limited to) dyslexia, cerebral palsy, Attention Deficit/Hyperactivity Disorder, epilepsy, multiple sclerosis, hearing impairments, asthma, neurological impairments, asthma, neurological impairments, emotional illness, visual impairments, learning disabilities, muscular dystrophy, diabetes, orthopedic, auto-immune impairment disorders, other disorders of major body functions.

What are examples of major life activities?

(This list is not an exhaustive list and an activity or function not specifically listed in Section 504 regulatory provision can however be a major life activity.)

Major life activities include, but are not limited to, caring for one's self, performing manual tasks, eating, sleeping, walking, seeing, hearing, breathing, communicating, reading, thinking, concentrating, and learning. It also includes, major bodily functions such as, respiratory, digestive, bowel, immune, brain, bladder, neurological, bladder, and circulatory.

Who do I contact to determine if my child is eligible for 504 services?

If you suspect your child or a student has a disability, contact the student's school - each school has a designated Section 504 Coordinator.

What is a 504 evaluation or reevaluation?

Unlike the special education process, the 504 evaluation does not necessarily mean “test”. Instead, it means the gathering of data from a variety of sources so the school 504 Team can make the required determinations. No formal testing is required. Common sources of evaluation data for 504 eligibility include, but are not limited to, grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, teacher comments, attendance records, etc. An evaluation is required prior to developing a 504 plan and prior to any significant change of placement.

Who is on the school’s Section 504 Team?

The Section 504 Team should consist of a group of individuals comprised of the following: a parent, the student (if appropriate), the student’s teacher, a person knowledgeable about the evaluation data, the school’s Section 504 Coordinator, a school administrator, and any other persons knowledgeable about the student, e.g. counselor or nurse, etc.

What are considered reasonable accommodations?

A reasonable accommodation is one that enables a qualified student with a disability to participate fully in a program, take advantage of a service, or meet educational requirements. An example of an accommodation might be allowing a student with a disability to use a computer for writing assignments. Other examples of accommodations that can be used to support various student needs are: using preferential seating, accommodating special diets, accessible electronic and information technology, modifying class schedule, ramps, posting rules and consequences for classroom behavior, taping lessons, using computer-aided instruction and other audiovisual equipment, providing peer tutors/helpers, providing rest periods, writing out homework assignments, providing extra time on tests, adapting assignments, using checklists to keep student organized.

How is Section 504 different from Special Education?

Section 504 is similar to special education in some ways, yet very different in other ways. Section 504 eligibility is broader than special education, in that special education limits eligibility to 13 categories of “disabilities” and requires an educational need for services. Section 504 law does not specify a list of impairments that may qualify a student and requires a substantial limitation to a major life activity, which may or may not be learning. In addition, most services (typically accommodations) that students receive in Section 504 are provided within the classroom by the classroom teacher. Section 504 procedures, paperwork and parental rights are also very different than in special education.

Can my child be disciplined if he or she is eligible for Section 504?

Students eligible for Section 504 may still be disciplined in the same manner as their peers unless the discipline becomes a significant change in placement. A significant change in placement is when the student is suspended or expelled for more than 10 days. In this case, a Section 504 committee must determine whether the student's conduct is a manifestation, or caused by, the identified disability. If it is a manifestation, the student remains in his or her placement. If the conduct is not a manifestation, the student will receive the same discipline that a non-disabled student would receive. In cases where the student is under the influence of drugs or alcohol at school, the student is not entitled to this manifestation determination.