

Section 504 Overview

Section 504 is short for Section 504 of the Rehabilitation Act of 1973. Section 504 is a Federal Law designed to protect the rights of individuals with disabilities in both programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 prevents discrimination solely on the basis of disability in providing all services, activities, and programs.

- Code of Federal Regulations CFR 34 CFR 104

"The mission of the Office for Civil Rights (OCR) is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights." -- The Case Processing Manual (CPM)

U.S. Department of Education, Office for Civil Rights, **Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools** December 2016.

Did You Know?!

The Office for Civil Right (OCR) is responsible to eliminate discrimination on the basis of disability against students with disabilities. It states: "No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

Did You Know?!

The Office for Civil Rights (OCR) provides 'technical assistance' to school districts, parents, and students, upon request. Regulations and policy guidance is available on OCR's website at <http://www.ed.gov/policy/rights/guid/ocr/disability.html>.

Did You Know?!

Every school district must designate one (1) person as the Section 504 Coordinator. They are to ensure everyone in the school district is familiar with Section 504, the policies and procedures for addressing 504 issues.

Did You Know?!

Every school district should have listed on their website the details, handbook, etc., listing their procedures for Section 504.

Did You Know?!

The definition of “**handicapped**” person under Section 504 regulations is **broader** than the definition of a “student with a disability” under the Individuals with Disabilities Education Act (IDEA). Meaning there may be students with disabilities that are protected under Section 504 against discrimination however they are not found eligible for Special Education and Related Services under the IDEA.

Did You Know?!

A person is “handicapped” under Section 504 who has a **physical** or **mental** impairment which **substantially limits** one of more major life activities, has a record of such impairment, or is regarded as having such an impairment.

- Code of Federal Regulations CFR 34 CFR 104.3 (j)(1)

Did You Know?!

Almost anything could be considered a “major life activity” under Section 504, including the “ability to control one’s behavior”.

- Code of Federal Regulations CFR 34 CFR 104.3 (j)(2)

Did You Know?

Learning is not the only major life activity to consider when determining whether a student has a disability under Section 504.

Example: A student in a wheelchair with straight A's is still a student with a disability.

Did You Know?!

School districts may not consider the effects of any **mitigating measures** that the student may be using.

Examples (not an exhaustive list): Medication, medical supplies, low vision devices, hearing aids, use of assistive technology, learned behavior modifications, behavioral therapy, physical therapy

Did You Know?!

A student who has been found eligible for Special Education and Related Services under the Individuals with Disabilities Education Act (IDEA) would also be considered "disabled" under Section 504 and cannot be discriminated against on the basis of their disability.

Did You Know?!

Section 504 regulations do not require that parents be a part of the "knowledgeable" team invited to a meeting however best practices would include the parent.

- Code of Federal Regulations CFR 34 CFR 104.35 (c)

Did You Know?!

A reevaluation under Section 504 is only required "periodically". School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under the Individuals with Disabilities Education Act (IDEA).

- Code of Federal Regulations CFR 34 CFR 104.35 (b)(d)

Did You Know?!

Section 504 requires school districts to conduct a reevaluation prior to a significant change of placement. Office for Civil Rights (OCR) considers an exclusion from the educational program of more than ten (10) school days a significant change of placement and transferring a student from one type of program to another or terminating or significantly reducing a related service a significant change in placement.

Did You Know?!

General Education teachers must implement Section 504 plans. If the teacher fails to implement the plan, it can cause the school district to be in noncompliance with Section 504.

Did You Know?!

School districts must provide nonacademic and extracurricular services and activities in "such a manner as is necessary to afford students with a disability an equal opportunity for participation in such services and activities."

- Code of Federal Regulations CFR 34 CFR 104.37 (a)(1)

Did You Know?!

Anyone can refer a student for a Section 504. It should be in writing. School districts are responsible to make a Section 504 referral for every student they believe or suspects, has a disability and may need accommodations, aids, or services.

Did You Know?!

The Superintendent signs an "Assurance of Compliance" every school year that is sent to the Secretary of Education.