

SECTION: 504

What is Section 504?

The Rehabilitation Act of 1973 is a civil rights legislative act that protects the rights of persons with disabilities. Section 504 provides that “no otherwise qualified individual with disabilities in the United States...shall solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Assistance...” **Under Section 504, school districts have the responsibility to identify, evaluate, and to afford access to appropriate educational services and procedural safeguards for these individuals.**

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.**

What Does Section 504 Require Schools To Do?

- Do a complete study of your child to learn about her disability and needs. This is known as an educational evaluation.
- Provide special or regular education and support services that meet your child's needs. This is done through a "Section 504 Plan," which in some cases is very similar to the [Individualized Education Program \(IEP\)](#) required by IDEA.
- Ensure that your child receives a [free appropriate public education \(FAPE\)](#).
- Teach your child in the regular classroom unless his needs cannot be met there even with support services. Like IDEA, Section 504 requires schools to educate children with disabilities in the [least restrictive environment \(LRE\)](#).
- Make changes in the way the school does things to take into account your child's needs. These changes are called "accommodations." Examples are letting a child who has trouble writing use a computer, or providing a student with a copy of class notes.

What can parents do if they are dissatisfied with the way schools are serving students eligible for Section 504 protections?

- Parents have the right to an impartial due process hearing if they wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. They have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
- Parent may contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at the address below. A date will be set for the hearing and an impartial hearing officer will be appointed.
- If parent disagrees with the decision of the hearing officer, they have a right to seek a review of the decision by a making a written request to the District's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.
- Parents have a right to present a grievance or complaint through the District's local grievance process. The District will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.
- Parents also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education.

Does Section 504 require evaluations?

If there is a reason to believe that because of a qualifying disability, a student needs accommodation, the school district must evaluate the student and developed and implement an accommodation plan. The Section 504 Committee shall consider all relevant information on the student to determine whether or not he/she is disabled under Section 504. **Relevant information could include: school records, medical records, interviews, classwork, observations, etc.**

Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

No, a physician's diagnosis should be considered as one piece of documentation when evaluating the child. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.

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

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

Invalid Reasons for a Section 504 Plan

- There are a number of invalid reasons for placing a student on a Section 504 plan, including the following.
- The parent and/or doctor presents the school with a disability diagnosis and a 504 plan is written without first determining if the disability substantially limits a major life activity.
- A student is placed on a 504 plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g., ACT, SAT).
- A student fails to qualify for special education support and is automatically signed up for a 504 accommodation plan without first qualifying them based on Section 504 criteria.

Section 504 Decision Process Flowchart

BEFORE you convene a Section 504 Meeting...

- Provide parents /guardian with rights & gain consent for 504 evaluation (for initial). Schedule a meeting and provide notice. For review, no consent is required, provide parents notice of meeting and rights
- Gather SST or other documentation/ data necessary for evaluation
- Obtain completed parent input forms and completed teacher forms
- Obtain reports/diagnosis from appropriate outside agencies and/or medical practitioners or completed physician information IF NEEDED (May be in SST documents)
- Follow up as needed before the meeting to be sure you have all required documentation

