

# Gilroy Unified School District

## Frequently Asked Questions about Section 504

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### **What is Section 504 of the Rehabilitation Act of 1973?**

Section 504 is a federal civil rights law that protects students with disabilities from discrimination. It applies to school districts that receive federal funding.

Section 504 of the Rehabilitation Act of 1973 states: “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, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance”. A student with a disability is eligible for accommodations and/or services specified in a Section 504 Plan.

### **Are there differences between Section 504 and Special Education? What are they?**

There are major differences between Special Education and Section 504. Special education falls under the Individuals with Disabilities Education Act or IDEA and is a funded mandate. It is specific to 13 categories of disability, and must affect a student’s educational performance. Section 504 protects all students who are defined as having a physical or mental impairment that substantially limits one or more major life activities.

### **What is considered a physical impairment?**

A physical impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hematologic and lymphatic; skin and endocrine.

### **What is considered a mental impairment?**

A mental impairment is any mental or psychological disorder, such as traumatic brain injury, behavioral disorder, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

### **What does substantial limitation mean?**

Not all impairments affect a student in a major life activity such that the student is substantially limited. To determine if an impairment is substantially limiting, the student will be compared *to an average student of the same age and grade*.

### **What are major life activities?**

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.

### **How did the ADAAA changes apply to Section 504?**

On September 25, 2008, the President signed the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA, enabling more public school students to qualify for Section 504 accommodations and/or services.

### **What evaluations are required to qualify a student for Section 504?**

Information should be taken from a variety of sources when considering a student's eligibility for Section 504 accommodations and/or services. The student's impairment(s) and the major life activity being affected should determine the extent and type of evaluation necessary to establish eligibility. Qualification is not based on one specific set of tests and evaluations.

School districts must establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need accommodations and/or services because of a disability. Section 504 requires school districts to individually evaluate each student before classifying the student as having a disability.

### **Who decides which students can qualify for a Section 504 plan?**

The school site 504 team, which should include people knowledgeable about the student, the meaning of the evaluation data, and the placement options, must consider a variety of sources of information to determine a student's eligibility for Section 504 accommodations and/or services.

### **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.

### **What services may be provided under a Section 504 plan?**

Section 504 requires public schools to provide students with disabilities appropriate services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An example of a service might be providing nursing services for a student with Type I diabetes.

### **Questions?**

If you have questions regarding Section 504 please contact your School Site Principal or the GUSD District Section 504 Coordinator, James Howrath (408) 337-3532.