

SECTION 504

What is Section 504?

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability.

The Rehabilitation Act of 1973 is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and it applies to all programs and entities that receive federal funding. However, school districts do not receive federal money specifically for the Act. This Act was amended in 1990 to substitute “individual with disabilities” for “handicapped.” Thus, Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. Specifically, §504 of this act applies to students in public schools to ensure that students with disabilities have educational opportunities and benefits equal to students without disabilities.

Section 504 states that: “No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, 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... “[29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

Who is eligible for Section 504?

An eligible student under §504 is a student who:

- Has a physical or mental impairment which substantially limits one or more of major life activities,
- Has a record of such and impairment, or
- Is regarded as having such an impairment

What criteria are used to determine Section 504 eligibility?

Like other students, those students with a 504 eligible disability are entitled to a free appropriate public education. An appropriate education for a Section 504 disabled student may require the provision of specific accommodations and related services in order to meet the needs of the students. Section 504 focuses on assuring access to educational services and the learning process that is equal to that given students who do not have disabilities.

For a student to qualify for Section 504 protection the student must meet three criteria. The three criteria are:

1. A mental or physical impairment (or has a record of an impairment or is regarded as having an impairment),
2. Which substantially limits,
3. One or major life activities

It is important to understand that all three criteria must apply to a student before that student is eligible for Section 504 protection. In addition, this disability must be why the student cannot equally access or receive benefit from the school's programs and services.

Section 504 Referrals

Each school district or charter school must have standards and procedures in place for the evaluation and placement of student's in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Sweeny High School: Tyler Rowlett (trowlett@sweenyisd.org)

Sweeny Junior High: Fran Williams (fwilliams@sweenyisd.org)

Sweeny Elementary School: Daniel Johnson (djohnson@sweenyisd.org)