

Section 504 FAQs

1. How can we be sure a student meets the definition/eligibility criteria.

ANSWER: Based on the evaluative data gathered from a variety of sources, the 504 Team will need to answer the following questions to determine eligibility:

1. Does the student have a physical or mental impairment? (34 CFR 104.3(j)) If yes, describe.
NOTE: This is an educational determination only and not a medical diagnosis for the purposes of treatment.
2. Does the physical or mental impairment affect one or more major life activities? (34 CFR § 104.3(j)(2)(u)) If yes, indicate.
3. Does the physical or mental impairment **substantially limit** a major life activity? If yes, describe the substantial limitation.
4. Does the student need Section 504 services in order for his/her educational needs to be met as adequately as those of non-disabled peers?

NOTE: If all four questions are answered “YES,” the student **is eligible** for a FAPE (Free Appropriate Public Education) under Section 504, and a 504/Individualized Service Plan (ISP) should be developed. If **any** answer is “NO,” the student **is not eligible**.

2. What are the major life activities?

ANSWER: Some major life activities are: bending, breathing, caring for one’s self, communicating, concentrating, eating, hearing, learning, lifting, operation of major body functions (including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions), performing manual tasks, reading, seeing, sleeping, speaking, standing, thinking, walking, working, other (of central importance to daily living), etc.

Keep in mind this list is not exhaustive.

3. To what extent does the disability have to substantially limit one or more major life activities?

ANSWER: **Substantially limit** is interpreted as (A.) unable to perform a major life activity that the average student of approximately the same age/grade level can perform OR (B.) significantly restricted as to the condition manner, duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique, rather than common place, when compared to the average student of approximately the same age. (29 CFR 1630.2(j) (2), 352 EHLR 413, OCR 1987, 40 IDELR 24)

4. Is it necessary to have medical documentation to support the impairment(s)?

ANSWER: For all 504 Education Plans, medical documentation of the child's disability is required. Such medical documentation must be recent (usually within the past year) in order for the 504 plan to be accepted by the local school department and enacted by the school.

5. How often should a periodical reevaluation occur?

ANSWER: At least every three years. Remember to obtain parental consent prior to the evaluation.