

Section 504 Questions and Answers

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a broad based civil rights law which protects the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education. The law says, "No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to the discrimination under any program or activity receiving federal financial assistance or activity conducted by any executive agency. (29 U.S.C. 794)

What is the purpose of Section 504?

The purpose of this act is to prohibit discrimination and to ensure that eligible disabled students have educational opportunities and benefits equal to those provided to non-disabled students. In a nutshell, it is to level the playing field.

What is the Americans With Disabilities Act Amendment Act (ADAAA)?

This is the Amendment to the original American's with Disabilities Act passed by Congress in 1990. It was amended in 2008 and became effective January 1, 2009.

Why did Congress amend the ADA?

In late 2008, Congress became increasingly concerned that the ADA and its sister precursor statute, Section 504 of the Rehabilitation Act of 1973, were being interpreted too restrictively. Congress felt that the Supreme Court decisions had established a too demanding standard for eligibility under 504 and the ADA, and clearly wanted those standards relaxed so that more people would qualify.

Who administers section 504?

The Office of Civil Rights administers section 504.

Who qualifies for Section 504?

Students who (1) have a physical or mental impairment that substantially limits one or more major life activities (such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working), (2) have a record of such an impairment, or is regarded as having or, (3) is regarded as having such an impairment.

What disabilities qualify as substantially limiting?

The legal definition of Section 504 does NOT set forth a list of diseases or disabilities which qualify as substantial limitations to a major life activity. The Office for Civil Rights directs school districts to make this determination for each student on an individual basis, keeping in mind the new "relaxed" standards set forth through the ADAAA.

May school districts consider "mitigating measures" used by a student in determining whether a student has a disability under Section 504?

No. As of January 1, 2009 school districts could no longer consider the effects of "mitigating measures" when determining if a student is eligible for Section 504.

Mitigating Measures are the beneficial effects of anything the student is using to reduce his disability such as medication, medical supplies, equipment or appliances, low vision devices (except ordinary eye glasses or contact lenses), hearing aids or cochlear implants, mobility devices, oxygen therapy equipment, use of assistive technology,

reasonable accommodations, and dyslexia instruction . You must look at the student in their “worst” state as when they do not have use of (or before) the mitigating measure.

Who determines 504 eligibility?

A committee of knowledgeable person(s) makes eligibility decisions for 504, and will be designated by the 504 campus coordinator. This committee will be responsible for reviewing data and making determinations of eligibility.

Who should be on a Section 504 committee?

The Section 504 committee is a group of people (at least two) who are knowledgeable about the student, have an understanding of the evaluation data, and are knowledgeable about available service options. Possible representatives are, the Section 504 Campus Coordinator, Administrator, Classroom Teacher, Counselor, and/or Nurse. The parents should be invited to be on the committee as well, although their attendance is not mandatory.

Who may refer a student for a Section 504 evaluation?

Anyone concerned about the student may initiate a referral. This includes (but is not limited to) the parent, teacher, counselor, nurse, administrator, or the student.

Who pays for 504 programs?

Regular education funds are used to pay for expenses for students who are qualified as disabled under Section 504. There are no federal or state funds associated with serving Section 504 students.

Are dyslexic students automatically served under Section 504?

No, dyslexic students fall under three different areas. Milder cases of dyslexia, although it is a disability, may not substantially limit a major life activity, and therefore might not be 504 eligible. If the dyslexia substantially limits a major life activity, then the student should qualify as a student with a disability under Section 504. Some dyslexic students may be more severe and need more specialized instruction in order to have their needs met as adequately as their non-disabled peers and may qualify as a special education student under IDEA guidelines. In any case, the decision as to how these students will be served must be made by a 504 committee or an ARD committee.

What is my role in 504?

Your role is to notify the campus Student Intervention Team of any student(s) in your care who are identified with an impairment and seem to be below their peers in a major life activity.

Where can I find information on Section 504?

<http://www.tea.state.tx.us/index2.aspx?id=2147496918>

Who do I talk to if I have questions about Section 504?

Campus 504 Coordinators:

Corinth Elementary-Dee Smith

Lake Dallas Elementary-Dee Smith

Shady Shores Elementary-Dee Smith

Lake Dallas Middle School-Deborah Franklin

Lake Dallas High School-Kim Crenshaw