Frequently Asked Questions Regarding Section 504 Plans

What is Section 504?

Section 504 of the 1973 Rehabilitation Act was the first disability civil rights law to be enacted in the United States and is intended to prevent intentional or unintentional discrimination against persons with disabilities. This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against individuals on the sole basis of a disability. Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

When does a student qualify under Section 504?

The decision regarding whether to identify a student under Section 504 is made on a case-by-case basis. The Section 504 committee reviews each student's individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity.

What is the Section 504 committee?

The committee is comprised of people knowledgeable about Section 504 requirements and the student and usually includes the system's 504 coordinator, the student's principal or designee as well as his or her general education teacher/s, a school counselor, specialists, and other personnel deemed appropriate by the principal.

How does Section 504 define disability?

A person is considered "disabled" if he or she meets both of the following criteria:

1. Has a physical or mental impairment

   AND

2. That impairment substantially limits one or more major life activities. The term "disability" includes a broad range of disabilities and impairments; as such, there is no exhaustive list.

Are there any impairments which automatically qualify a student as having a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

What is a "substantial limitation"?

The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. The Section 504 regulatory provision requires a group of knowledgeable persons to draw upon

information from a variety of sources in making this determination. The standard that is followed in determining if a disability "substantially limits" a student's ability to perform a major life activity is to compare that student to most people in the general population in that age group.

What are "major life activities"?

Major life activities include such things as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. This list is not exhaustive.

Does Section 504 require an assessment?

Yes. However, "assessment" does not necessarily mean a "test" or "formal testing." Under Section 504, an assessment refers to gathering data and/or information from a variety of sources to assist the Section 504 committee in making decisions. Common sources of assessment data are grades; attendance records; health information; standardized test scores; teacher, parent, and student feedback; medical reports; comments/ observations; disciplinary referrals; etc.

Does Saraland City Schools consider outside clinical evaluations and diagnoses?

Yes. All information provided by parents/guardians should be considered along with a variety of other sources of data. Determinations of eligibility, accommodations, and services are made by the 504 committee.

Does a diagnosis of an illness or learning disability automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically qualify a student to receive services under Section 504. The illness or diagnosis must cause substantial limitation in one or more major life activities. The team will consider this information as one of many sources of information in making eligibility decisions.

If my child is found 504 eligible, what is next?

If the Section 504 committee deems the student meets the criteria for eligibility, one of two things are possible:

1. The committee determines the student is eligible and needs to receive accommodations in order to give the student "access to the general curriculum." The next step would be the development of a 504 plan. Please note that the objective of a 504 plan is not to maximize a child's potential. The goal is to meet the needs of the student to the same extent as the needs of students without disabilities are met.

2. The committee determines the student meets the Section 504 requirements but is not in need of a plan to provide accommodations.

What will happen next year?

If a 504 plan is written for a student, the plan will be reviewed annually by the 504 committee.