

Section 504 of the Rehabilitation Act of 1973 is a Federal Civil Rights Law That:

- Prohibits discrimination/harassment against individuals with mental or physical disabilities in programs and activities that receive Federal Financial Assistance from the U.S. Department of Education.
- Requires that students with disabilities be provided a Free Appropriate Public Education (FAPE).

What is Disability-Based Discrimination/Harassment?

Disability-based discrimination/harassment is intimidation or abusive behavior toward a student based on disability that interferes with or denies a student participation in or receipt of benefits, services, or opportunities in District programs and activities.

How does Section 504 Apply to Students with Disabilities?

Under Section 504, a plan may be developed to assist those students with disabilities who do not qualify for special education services but who may need accommodations that can be provided to them within the general education program.

How does Section 504 Define “Disability?”

- A student is considered to have a disability if he/she has a physical or mental impairment that substantially limits one or more major life activities.

Examples include:

- A student with a normal ability to learn academically, but has mobility impairment, uses a wheelchair, has a neurological disorder, or is missing a limb.
- A student with a normal ability to learn academically but has a medical condition such as epilepsy, hemophilia, diabetes, AIDS, arthritis, allergies, asthma, tuberculosis, ADHD, cancer, spinal bifida or cerebral palsy.
- A student who has frequent referrals for behavioral problems or is under a doctor’s care for a psychological condition such as anxiety or depression.

What is a “Substantial Limitation?”

A major life activity is substantially limited when a person is unable to perform a major life activity that the average student of the same grade or age, or as compared to most students of the same grade or age, can perform.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, eyeglasses, assistive technology, auxiliary aids, learned behavioral or adaptive neurological modifications.

What are “Major Life Activities?”

Major life activities may include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

