



WHAT IS SECTION 504?

“Section 504” of the Rehabilitation Act of 1973, and the subsequent Amendment Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities. As it pertains to education, Section 504’s purpose is to provide access to the activities and programs in a school. This access should be at the same levels for disabled students and non-disabled students.

HOW DOES SECTION 504 DEFINE “DISABILITY?” Under Section 504, a person is considered a person with a disability if he or she has a physical or mental impairment that noticeably restricts one or more major life activities.

WHAT ARE PHYSICAL AND MENTAL IMPAIRMENTS? Any physiological disorder or condition, cosmetic disfigurement or anatomical loss that affects one or more of the following body functions: neurological, brain, normal cell growth, respiratory, immune, digestive, bowel and bladder, circulatory, reproductive and endocrine systems. A mental impairment is any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, and specific learning disability. These are just examples – there are many more.

WHAT ARE “MAJOR LIFE ACTIVITIES”? Examples of major life activities are caring for oneself, performing manual tasks, eating, walking, seeing, hearing, breathing, speaking, learning, concentrating and working. This list is not exhaustive.

DOES SECTION 504 REQUIRE ASSESSMENT? Yes. However, “assessment” does not necessarily mean “formal testing” under Section 504; it refers to gathering data and/or information from a variety of sources so that the 504 Committee can make the required determinations. Common sources of assessment data are grades, attendance records, health information, teacher comments and observations, medical reports, disciplinary referrals, etc. Parents/guardians may submit any documentation they have and it will be reviewed by appropriate school staff members. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

WHEN DOES A STUDENT QUALIFY UNDER SECTION 504? The decision regarding whether or not to identify a student under section 504 is made on a case-by-case basis. The 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. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access and benefit from programs and activities offered by the district.

WHO MAKES UP THE SECTION 504 COMMITTEE? Each school has a committee which is knowledgeable about the requirements of Section 504. The committee includes MCPS staff members who know the student, understand the student's impairment, and know what a school is able to offer to help the student. The membership may include the principal, the general education teacher, specialists or other personnel deemed appropriate.

CAN A STUDENT BE EXITED FROM SECTION 504? Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with all eligibility determinations, this is a collaborative effort between school staff and parents/guardians.

WHAT IS A SECTION 504 PLAN? A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by defining the services the student will need in order to participate in the regular or general education program.

WHAT ARE SOME COMMON ACCOMMODATIONS? Accommodations are intended to give the student an equal opportunity to participate in the general education program. Depending on the nature of the disability, examples include note taking assistance, assignments broken into smaller tasks, extra time to get to classes, or a less distracting environment to take a test.

WHAT ARE PROCEDURAL SAFEGUARDS? In Montgomery County Public Schools, parents/guardians and students age 18 or older have the right to:

- Be notified prior to evaluation, re- evaluation, and/or significant change in placement.
- Be provided an opportunity to examine the student's educational records.
- An impartial hearing to mediate disputes regarding the student's identification, evaluation, and/or placement.

WHAT SHOULD I DO IF I SUSPECT A STUDENT HAS A DISABILITY AND MIGHT NEED ACCOMMODATIONS? If you think you know of a student who attends Montgomery County Public Schools or resides within the district, or if you have any questions regarding Section 504, reach out to the Supervisor of School Counseling and Section 504, Jane Greenough, at janegreenough@mcps.org. In addition, you can reach a 504 Building Representative by calling the main number of each MCPS school.

Montgomery County Public Schools does not discriminate in its programs and activities for reasons of race, religion, color, gender, national origin, disability, age or on any other basis prohibited by law. The following persons have been designated to handle inquiries regarding non- discrimination policies: Director of Human Resources and the Assistant Director of Human Resources 750 Imperial Street SE Christiansburg, VA 24073 (540) 382-5100