

Section 504

Quick Reference Guide for Schools



What Is Section 504?	● Section 504 of the rehabilitation Act of 1973 is a federal law to eliminate discrimination based on disabilities. ● Individuals of all ages are covered. ● Programs and entities that receive federal funding must follow this law. ● No funding is provided to Local Education Agencies (LEAs) to implement Section 504. ● The Office for Civil Rights (OCR) enforces Section 504.
Americans with Disabilities Act of 1990 / ADA	● The Americans with Disabilities Act (ADA) is a federal law enacted in 1990 and amended in 2008. ● The ADA Amendments Act of 2008 (ADAAA) is a broader civil rights statute. ● The purpose of ADA and ADAAA is to eliminate discrimination against individuals with disabilities of all ages in private industries, public entities, public accommodations, telecommunications, and private nonsectarian schools. ● ADAAA broadened eligibility for Americans with disabilities under ADA and Section 504.
Eligibility for Children in Schools	Who is eligible for protection? Any child who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment, and may be based upon academic and non academic issues. Does the: ● Child have a physical or mental impairment? ● Impairment affect a major life activity? ● Impairment substantially limit the child as compared to average peers nationwide? The ADAAA lowered the standard of substantial when determining eligibility. The definition of disability is meant to be interpreted broadly. The LEA should not require extensive documentation or analysis to determine that a child with diabetes, epilepsy, bipolar disorder, or autism has a disability under Section 504 (as per OCR).
Potential Physical Impairments	Any physiologic disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive and genitourinary, hemic and lymphatic, skin and endocrine, and respiratory.

Potential Mental Impairments	Any mental or psychological disorder such as intellectual disability or specific learning disabilities.
Examples of Potential Qualifying Disabilities	● Attention Deficit Hyperactivity Disorder (ADHD) ● Diabetes ● Asthma ● Autism ● Cancer ● Hearing Impairment ● Visual Impairment ● Auto-Immune Deficiency ● Human Immunodeficiency Virus (HIV) ● Cerebral Palsy ● Epilepsy ● Obsessive-Compulsive Disorder (OCD)
Examples of Potential Accommodations and/or Services	List only those accommodations or services that are necessary for the student to have equal access to programs and services based on the students disability. Do not use a checklist. Need for accommodations and/or services should be considered with the use of mitigating measures. ● Extended time between classes ● Occupational Therapy (OT) ● Physical Therapy (PT) ● Counseling ● Behavior Intervention Plan (BIP) ● Peer helper ● Elevator key ● Oral testing ● Assignment notebook ● Note-taking assistance ● Accessible Instructional Materials (AIM)
What is a Major Life Activity?	Bodily Functions ● Breathing ● Caring for oneself ● Performing manual tasks ● Seeing ● Hearing ● Speaking ● Walking Learning ● Concentrating ● Reading ● Thinking

	● Working
Mitigating Measures	Prior to the ADAAA, substantial limitation was to be measured with the use of mitigating measures. Mitigating measures include medication; medical supplies; equipment or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics, including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications. Since the enactment of the ADAAA, eligibility must be considered without the ameliorating effects of mitigating measures. Conditions that are episodic or in remission are covered when active. A student cannot be denied protection because of a mitigating measure.
Substantial Limitation	● Substantial limitation is not defined in Section 504 regulations. ● The decision is made on an individual basis. ● OCR has interpreted it to mean “an important and material limitation.” ● The comparison of limitation is made relative to peers of the same age or grade level in the general (e.g., national or state) population; consider eligibility without the ameliorating effects of mitigating measures. ● The ADAAA lowered the standard by stating an impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting.
Section 504 Child Find	● Locate and identify eligible students. ● Eligible students and parents must be notified of the LEA’s responsibilities under Section 504. ● Section 504 Child Find efforts can be combined with those under IDEA into one comprehensive system.
Evaluation Considerations	● An evaluation must be conducted prior to initial placement or before any significant change in placement. ● Section 504 eligible students must be re-evaluated periodically (at least every 3 years). ● OCR typically follows IDEA evaluation timelines (60 calendar days to evaluate, then 30 calendar days from the date of the evaluation to have a Section 504 meeting). ● There are no provisions for an Independent Educational Evaluation (IEE). ● Formal testing is not required, but if formal testing is conducted, district evaluation procedures should be followed (test materials are validated, test is administered by trained professional, test addresses

	educational need, test measures aptitude and achievement, test is given at no cost to the parent). ● Outside evaluations should be considered. It is a good practice to document the critical elements of the discussion in the 504
Individual Health Plans	Individual Health plans (IHPs) need to be reviewed on an individual basis to determine if the student is eligible under the Section 504. An IHP is considered a mitigating measure. If student is eligible, incorporate IHPs into the Section 504 plan and have the campus nurse be in attendance at the Section 504 meeting to provide his/her expertise.
504 Team Members	Section 504 does not stipulate specific members of the team except for the team to consist of individuals with knowledge of the student, the evaluation data and the placement options. Best Practice: At a minimum, include the parent, a campus administrator, a teacher of the student and/or service provider of the student.
Discipline and Manifestation Determinations	An evaluation that includes a Manifestation Determination Review (MDR) must be conducted prior to any expulsion or suspension that constitutes a significant change in placement and is made by a knowledgeable group of people who decide if there is a direct link between the behavior and the disability. Was the behavior caused by or directly and substantially related to the student's disability? Was the behavior a direct result of the school's failure to implement the Section 504 plan services or accommodations?
Myths and Misconceptions	Diagnosis from a doctor trumps all decisions – Myth: A doctor's report or diagnosis is one part of the data a 504 team must consider for eligibility and services. A single piece of data does not have more weight than another, but all data must be reviewed and considered.

A medical diagnosis is NOT required under Section 504.

Resources & Support

What is Section 504

Technical Assistance: Section 504

Section 504 Fact Sheet for Families (ENGLISH)

Section 504 Fact Sheet for Families (SPANISH)

The Rehabilitation Act of 1973: Section 504

Frequently Asked Questions About Section 504 and the Education of Children with Disabilities

Supporting Students with Disabilities

Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools