

General Information Regarding Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of a disability in any entity receiving federal funding. Section 504 states that: "No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied, the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with a free appropriate public education (FAPE).

Section 504 defines a person with a handicap as anyone who has a mental or physical impairment that substantially limits one or more major life activities. The federal law provides the following examples of "major life activities":

- Caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Major life activities also include other general activities such as eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. In addition, major life activities include major bodily functions such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The above list of major life activities is not exhaustive.

School districts have specific responsibilities under Section 504, which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford equal access to appropriate educational services. Appropriate services are those designed to essentially "level the playing field" and meet the needs of students with disabilities to the same extent that the needs of students without disabilities have been met so that students with disabilities may enjoy full participation in educational opportunities. This law is intended to provide individuals with disabilities an equal opportunity to pursue employment, educational, and recreational goals without discrimination.

A student must meet the definition of a student with a disability as defined in the regulations to be covered under Section 504. This determination is made by a team of persons knowledgeable about the student, the evaluation data, and placement options. If the student is determined to be disabled under Section 504, the team should review the nature of the disability, how it affects the student's education, and what accommodations and services are needed. An Individual Accommodation Plan (IAP, sometimes called a "504 Plan") must be developed and implemented if needed by the student. Periodic re-evaluations are required for qualified students who receive services.

Districts are expected to establish prior notice and consent procedures to encourage parents' involvement in the educational decisions affecting their children. If the parent or legal guardian disagrees with the determination made by the professional staff of a school district, grievance and due process procedures are in place, which parents may access.