

A Parent's Guide to SECTION 504 of the Rehabilitation Act of 1973

This guide is not intended to and does not add to or subtract from any otherwise applicable requirements contained in any federal or state law. This guide is not intended to describe all legal requirements that apply to children with disabilities. This guide is intended to provide suggestions that school systems and parents may find helpful in addressing the issue of services for children with disabilities. The U.S. Department of Education, Office for Civil Rights, does not require any school department, school district or school to make use of this guide. Information and materials cited herein are provided for illustrative purposes only and are not specifically endorsed or approved by the Office for Civil Rights.

What is Section 504?

Section 504 is the part of the Rehabilitation Act of 1973 that applies to persons with disabilities. Section 504 is a civil rights act that protects the civil and constitutional rights of individuals with disabilities.

Section 504 states that no person with a disability can be excluded from or denied the benefits of any program receiving federal financial assistance.

Historical Background

Section 504 of the Rehabilitation Act of 1973 was passed by the U.S. Congress in 1973. With passage of the Rehabilitation Act of 1973, Congress required that school districts make their programs and activities accessible and usable to all individuals with disabilities. For many years school districts felt their main obligation under 504 was to ensure physical access to public buildings (*e.g.*, ramps installed, curbs cut, elevators installed in multi-floor buildings, rest rooms enlarged, *etc.*). Within the last several years, the Office for Civil Rights (OCR) has become active in assisting school districts in further defining "access." The definition of access means more than physical access; a child may require special accommodations such as modified assignments in order to benefit from their education.

How Does Section 504 Define "Appropriate Education"?

A free appropriate education is one provided by the public elementary or secondary school that includes services that:

- Are designed to meet the educational needs of an individual with a disability as adequately as the needs of non-disabled individuals are met and
- Are based upon adherence to evaluation, placement, and procedural safeguard requirements.

How does Section 504 define "disability"?

Section 504 protects individuals from discrimination based upon their disability status. An individual is disabled within the definition of Section 504 if he or she

- Has a mental or physical impairment which substantially limits one or more of that individual's major life activities; the impairment must impact that individual's education.
- "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. When a condition does not substantially limit a major life activity, the individual does not qualify under Section 504.

Children diagnosed as having asthma, HIV, Tourette's syndrome, attention deficit hyperactivity disorder (ADHD), heart malfunctions, communicable diseases, urinary conditions, blood disorders, post traumatic disorders, epilepsy, cancer, birth defects, tuberculosis, *etc.*, may qualify for Section 504 protection if their disability impacts their education.

What about eligibility and services under Section 504?

If the school or parent has reason to believe that, because of a disability as defined under Section 504, a child needs services in order to participate in the school program, the school must evaluate the child. If through the evaluation it is determined that a child is eligible under Section 504, the school must develop and implement the delivery of all needed services and/or accommodations.

The determination of what services and/or accommodations are needed must be made by a group of persons knowledgeable about the child. This group usually includes the school principal, classroom teacher(s) and other educators working with the child. The parent and the child should be included in this process whenever possible. The group must review the nature of the disability and how it affects the child's education. The decisions made about Section 504 eligibility and services must be documented in the child's file and reviewed periodically.

An appropriate education for children eligible under Section 504 may consist of education in general classes with accommodations and programs designed to meet the unique needs of a particular child. Modification of academic tasks and expectations may be necessary to accommodate the needs of an individual with disabilities to enable participation in the general education program.

What does making accommodations mean?

Accommodations are adjustments made by the classroom teacher(s) and other school staff to help children benefit from the local educational program. Examples of accommodations may include: modification of assignments and tests, an extra set of textbooks for home use, adjusting the student's seating, providing study guides and organizing tools, providing a peer tutor, school counseling, use of a student planner, development of a health plan, *etc.*

Is Section 504 general or special education?

Section 504 falls under the management responsibility of the general education program. Section 504 is part of civil rights law, whereas special education is part of education law. Funding for 504 services is the responsibility of the local school district.

What are some guidelines for parents?

- 1) Become involved in Section 504 meetings concerning your child.
- 2) Assist in developing appropriate accommodations/services for your child.
- 3) Encourage your child to cooperate with school staff and do their best.
- 4) When appropriate, collaborate with other agencies such as vocational rehabilitation.
- 5) Share your concerns with the school early before problems become big.
- 6) Consider mediation as an option if a difference cannot be resolved with the school.
- 7) When appropriate, have your child become involved in his or her Section 504 meetings.