

Section 504 of the Rehabilitation Act of 1973

WHAT IS SECTION 504?

Section 504 is the part of the Rehabilitation Act of 1973 which applies to persons with disabilities. It is a civil rights act that states that no otherwise qualified individual with a disability can be excluded from or denied benefits of any program receiving federal financial assistance. Section 504 focuses on “access.”

Original concerns regarding issues of “access” for persons with disabilities centered around physical access – ramps, curb cuts, elevators and rest rooms, for example. Within the last several years, the Office of Civil Rights has become active in broadening the definition of “access” to include the implementation of special accommodations in the classroom in order to allow disabled students to have equal access to education.

HOW DOES SECTION 504 DEFINE “DISABILITY?”

A person who qualifies for a 504 plan has a mental or physical impairment (disability) which substantially limits one or more of a person’s major life activities. For an impairment to be substantially limiting, it must impede student access to a “large or considerable degree.” Common examples of impairments include communicable diseases (HIV, TB, for example), medical conditions or disorders, traumatic brain injury, psychological disorders and temporary medical conditions due to illness or accident.

WHAT IS A MAJOR LIFE ACTIVITY?

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. At school “learning” is frequently identified as the affected major life activity.

HOW DO WE KNOW IF A STUDENT IS ELIGIBLE FOR A 504 PLAN?

If school staff members have reason to believe that a student needs special accommodations or services in the general education classroom in order to participate in the school program, then they must refer the student to the Child Study or Student Intervention Team. The Team, including the parent/guardian, will look at existing information such as grades, attendance reports, discipline reports, CA-60 file information, observation and standardized and/or informal test information. In addition, it is critical for the team to review the student’s current academic and functional performance at school. Parents/guardians can provide information about home and medical issues. The Team will then develop an intervention plan. If the student continues to have difficulty, even with the supports provided by the intervention plan, the Team may consider a referral for a 504 evaluation.

After the 504 referral is made, the student will be evaluated. A group of persons knowledgeable about the student will determine if the student qualifies for a 504 plan or not. To qualify for 504, a student must have an identifiable impairment that substantially limits a major life activity. If the student qualifies, an individualized accommodation plan is written and reviewed at least annually. Students eligible for 504 will be re-evaluated at least every three years to see if they continue to qualify.

WHY ARE GENERAL EDUCATION STAFF MEMBERS INVOLVED IN THE 504 PROCESS?

Section 504 falls under the responsibility of the general education program. Staff members and parents must collaborate to help guarantee that students are provided with the necessary and reasonable accommodations and/or services that will give them equal access to education.

At a 504 Meeting, general education teachers and other staff members, along with parents and students, develop a plan that outlines the accommodations that meet the unique needs of that particular student. The student’s general education teachers are legally responsible for implementing the plan.

WHAT ARE ACCOMMODATIONS?

Accommodations are adjustments or modifications made by classroom teachers and other staff members to help students benefit from their educational program to the same degree that non-disabled students benefit. It is important that the plan specify a number of accommodations that are necessary at that point in time to place the student who qualifies for 504 at an equal starting level with the non-disabled student. Examples of accommodations include extra time to complete assignments, having tests read, and having a behavior support plan.