

Section 504 Overview

What is Section 504? Section 504 of the Rehabilitation Act of 1973 is a Civil Rights Law that provides that *“No otherwise qualified individual with disabilities* in the United States...shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”*

Who must comply with Section 504? Recipients of this assistance include (but are not limited to), public school districts, institutions of higher education, and other federal, state, and local education agencies.

Who is eligible for services under Section 504? Any person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such impairment, or (c) is regarded as having such impairment.

What is a Major Life Activity? Major life activities include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The person must be qualified for the services or job. In the case of school services, the person must be of an age when non-disabled peers are typically served or would be eligible under IDEA.

Is a student on a 504 plan entitled to FAPE? Yes. Section 504 requires provision of educational and related aids and services that are designed to meet individual educational needs of the child that will assure a free and appropriate public education.

Is a student on a 504 plan entitled to Related Services? Yes. Students can receive related services under Section 504 even if they are not provided any special education.

How do you get services under Section 504? In order to receive services a student must be evaluated. Anyone can refer the student for evaluation. However, according to an OCR Memorandum April 29, 1993 *“the school district must also have reason to believe that the child is in need of services under Section 504 due to disability”*. If a parent requests a referral for evaluation and the district refuses, the school must provide the parent with a notice of their procedural rights under Section 504.


What type of evaluation is required for Section 504? While no formalized test is required, the 504 Committee should look at grades, teacher reports, information from parents or other agencies, state and district-wide assessments, observations, discipline reports, attendance records, health records, etc. Schools are required to consider a variety of sources when making decisions.

How is placement decided for my child? Placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities.

How often will my child be reevaluated? There are not specific time-lines for reevaluation, but students should be reevaluated whenever a significant change in placement is going to occur, or at least every three years. The students plan should be reviewed every year to make sure that accommodations are still appropriate. The plan can be reviewed anytime during the school year if needed.

Can my child still be suspended under Section 504? Yes, but when disciplining a student under Section 504, if the removal is going to be longer than 10 days the school district must consider the relationship between the student’s disability and their behavior. It is strongly suggested that students with behavior components also have behavior intervention plans in place.

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