

# Section 504 of the 1973 Rehabilitation Act

## Local Education Agency Toolkit



Office of the State  
Superintendent of Education

810 First St. NE, Washington, DC 20002

# NON-REGULATORY GUIDANCE

## SECTION 504 OF THE 1973 REHABILITATION ACT

### BACKGROUND AND OVERVIEW

The Office of the State Superintendent of Education (OSSE), Division of Specialized Education (DSE), issues this guidance and model forms to assist Local Education Agencies (LEAs) in complying with requirements of Section 504 of the Federal Rehabilitation Act of 1973.<sup>1</sup>

Section 504 of the Rehabilitation Act of 1973 (Section 504), is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance. Specifically, Section 504 provides: "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 . . . ." The U.S. Department of Education promulgated regulations implementing Section 504, at 34 C.F.R. Part 104. These regulations apply to recipients of financial assistance from the Department of Education. The Office of Civil Rights (OCR), a component of the U.S. Department of Education, has administrative authority to enforce Section 504.

The Section 504 regulations require an LEA to provide a "Free Appropriate Public Education" (FAPE) to each student with a qualifying disability who is enrolled in the LEA's jurisdiction. FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs and ensure that students with disabilities are educated with their non-disabled peers to the maximum extent appropriate.

While both Section 504 and the Individuals with Disabilities Education Act (IDEA) are designed to ensure FAPE to students with qualifying disabilities, there exist important distinctions.

IDEA is a federal statute that provides funding to support delivery of special education and related services. IDEA places specific conditions on the receipt of Federal funds. Qualified students under IDEA have one of thirteen defined disabilities, including a classification for multiple disabilities. LEAs must determine if a student 1) has a qualifying disability under IDEA and 2) if the disability requires special education and related services. If both of these criteria are met, then the child should be provided a Free and Appropriate Public Education (FAPE) via implementation of an Individualized Education Program (IEP).

Section 504 is an antidiscrimination law that does not provide any type of funding. Eligible students must have a physical or mental impairment that substantially limits one or more major

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<sup>1</sup> 29 U.S.C. § 794.

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life activities. Section 504 applies to children who have special education needs but also applies to children with disabilities who do not need special education. Hence, children eligible for services under the IDEA are a subset of children protected under Section 504. As used in this guidance, and for purposes of clarity in highlighting the difference between IDEA and Section 504, Section 504 will refer to the requirements and services applicable to eligible children with disabilities who do not have a need for special education.

### **LEA Obligations under Section 504 the Federal Rehabilitation Act of 1973**

#### **I. Child Find Obligations**

An LEA shall identify and locate every qualified student under Section 504 who is not receiving FAPE and take appropriate steps to notify students and their parents or guardians.

##### ***Parental Consent***

Section 504 requires informed parental permission for initial evaluations of a student prior to providing services under Section 504. If a parent refuses consent for an initial evaluation and an LEA suspects a student has a disability, Section 504 provides that LEAs may use due process hearing procedures to seek to override the parents' denial of consent.<sup>2</sup>

##### ***504 Team***

Once a student is identified as potentially being eligible for services under Section 504, a multi-disciplinary team is required to gather information about the student. The team should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The team members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability.

##### ***Evaluation and Re-evaluation***

Determining whether a child is a student with a qualifying disability under Section 504 begins with the evaluation process. LEAs are required to establish standards and procedures for the evaluation and placement of students who, due to a mental or physical impairment, need or are believed to need related aids or services under Section 504. LEAs are required to individually evaluate a student before classifying the student as having a qualifying disability and providing required services and supports.

Similar to requirements under IDEA, tests used for this purpose must be selected and

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<sup>2</sup>U.S. Department of Education Office of Civil Rights. "Frequently Asked Questions about Section 504 and the Education of Children with Disabilities" <http://www2.ed.gov/about/offices/list/ocr/504faq.html>

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administered so as best to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured. Section 504 also requires that tests and other evaluation materials include those tailored to evaluate the specific areas of educational need and not merely those designed to provide a single intelligence quotient. The tests and other evaluation materials must be validated for the specific purpose for which they are used and appropriately administered by trained personnel.<sup>3</sup>

The Section 504 regulations require that re-evaluations be conducted “periodically,” but the regulations do not specify how often re-evaluations need occur. It is acceptable for LEAs to re-evaluate in accordance with the re-evaluation requirement of the IDEA.<sup>4</sup> In addition, LEAs must conduct a re-evaluation prior to a significant change of placement.<sup>5</sup> OCR considers an exclusion from the educational program of more than 10 school days a significant change of placement as well as transferring a student from one program to another or terminating or significantly reducing a related service.

### II. Eligibility

To be protected under Section 504, a student must be determined to: (1) have a physical or mental impairment that substantially limits one or more major life activities; or (2) have a record of such an impairment; or (3) be regarded as having such an impairment.<sup>6</sup>

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. A physical or mental impairment is defined as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.<sup>7</sup> The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 regulations at 34 CFR 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list also is not exhaustive. Other functions can be major life activities for purposes of Section 504. In the Americans with Disabilities

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<sup>3</sup> 34 CFR 104.35(b)(1)-(3)

<sup>4</sup> 34 CFR 104.35(d)

<sup>5</sup> 34 CFR 104.35(a)

<sup>6</sup> 34 CFR 104.3(j)

<sup>7</sup> 34 CFR 104.3(j)(2)(i)

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Amendments Act of 2008 (Amendments Act) which included a conforming amendment to Section 504 (see FAQ 1), Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Congress also provided a non-exhaustive list of examples of “major bodily functions” that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

In interpreting evaluation data and in making placement decisions, an LEA shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is made in conformity with 104.34<sup>8</sup>

### III. 504 Plan

The provision of FAPE is ensured through a 504 service plan. LEAs shall provide qualified students under Section 504 with appropriate services designed to meet their individual needs to the same extent as the needs of students without a mental or physical impairment. The 504 service plan must also be designed to ensure access to non-academic and extracurricular services and activities in a manner that affords qualified students an equal opportunity to participate in such services and activities to the maximum extent appropriate. Such services may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEAs.<sup>9</sup>

All accommodations and related services in the 504 service plan shall be provided by the LEAs.<sup>10</sup> 504 service plans should be reviewed and updated periodically to accurately reflect the needs of the student.

### IV. Procedural Safeguards

LEAs are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, and access to impartial hearing which provides for 1) an opportunity for the student's parents or guardian to participate and be represented by counsel, and 2) a review procedure.<sup>11</sup>

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<sup>8</sup> 34 CFR 104.35(c)

<sup>9</sup> 34 CFR 104.37

<sup>10</sup> 34 CFR 104.33(b)(3)

<sup>11</sup> 34 CFR 104.36

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### **Discipline**

Students who have been identified with physical or mental impairment that substantially limits one or more major life activities under Section 504 and who commit a disciplinary infraction have the same protections afforded to students identified with a disability under IDEA.<sup>12</sup>

### **V. Documentation**

All information reviewed during the 504 evaluation process shall be retained and uploaded into relevant data systems in accordance with OSSE's LEA data management policy issued December 9, 2010.

### **VI. LEA Responsibility to Establish Policies and Procedures**

It is the responsibility of the LEAs to establish policies and procedures to ensure compliance under Section 504. One means of meeting compliance is adopting policies and procedures similar to those under IDEA. Should an LEA adopt a separate process, this process must comply with requirements specified at 34 CFR 104.35.

### **VII. Section 504 Complaint Procedures**

OCR has been given administrative authority to enforce Section 504. A written complaint of disability discrimination must be filed with OCR within 180 days of the incident. OCR will examine procedures by which LEAs identify and evaluate students with disabilities and the procedural safeguards which those LEAs provide students. OCR will also examine incidents in which students with disabilities are allegedly subjected to treatment which is different from the treatment to which similarly situated students without disabilities are subjected. Such incidents may involve the unwarranted exclusion of disabled students from educational programs and services.

Except in extraordinary circumstances, OCR does not review the result of individual placement or other educational decisions so long as the LEA complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such students, and due process. Accordingly, OCR generally will not evaluate the content of a Section 504 plan or of an individualized education program (IEP); rather, any disagreement can be resolved through a due process hearing. The hearing would be conducted under Section 504 or the IDEA, whichever is applicable.

More information regarding the complaint process can be found from the OCR website:

<http://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

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<sup>12</sup> 34 CFR 104.35(a); OSEP Memorandum 95-16, 22 IDELR 531 (OSEP 1995)

# FREQUENTLY ASKED QUESTIONS

## FREQUENTLY ASKED QUESTIONS (FAQ)

### **1. What is the primary focus of Section 504?**

Section 504's primary focus is on the prohibition of discrimination, on the basis of disability, by programs receiving federal funds. Section 504 obligates LEAs in two primary ways: first, LEAs must ensure full access to their programs, and second, LEAs must ensure that they have adequate policies and procedures in place to ensure the provision of a Free Appropriate Public Education (FAPE) to any student with an identified disability.

### **2. What are LEA obligations under Section 504 related to ensuring accessibility?**

In general, LEAs may not use any criteria that have the effect of subjecting qualified persons with disabilities to discrimination. In determining application and enrollment policies and procedures, LEAs must ensure that questions related to disability status are not asked until after a child is accepted.

In determining the site or location of a facility, LEAs may not make selections that have the effect of excluding persons with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives Federal financial assistance. However, LEAs are not required to make each of its existing facilities or every part of a facility accessible to people with a disability; instead, the LEA must operate its program so that when each part is viewed in its entirety, it is readily accessible to people with disabilities.

### **3. How is a child with a disability defined under Section 504, and how does it differ from how a child with a disability is defined under the Individuals with Disabilities Education Act (IDEA)?**

Both Section 504 and IDEA are intended to provide students with disabilities with supports designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met. Section 504 requires LEAs to provide FAPE to qualified students who have a physical or mental impairment that substantially limits one or more major life activities. The provision of FAPE is ensured through a 504 service plan.

IDEA requires LEAs to provide FAPE to students who have one of the thirteen disabilities defined within IDEA and who, as a result of that disability, need special education and related services. The provision of FAPE is ensured through an Individual Educational Program (IEP). In general, if the nature of a student's disability requires specially designed instruction, an IEP should be utilized to ensure the provision of FAPE. In the District of Columbia, related services other than speech-language pathology services, vocational education, travel training, and instruction in physical education cannot be stand-alone services on IEPs.



## FREQUENTLY ASKED QUESTIONS

### **4. How is “substantial limitation” defined under Section 504?**

The determination of a substantial limitation must be made on a case-by-case basis. No one measure, formula, or scale should be used; instead, a group of knowledgeable persons should draw upon a variety of information in making the determination (34 C.F.R. 104.35 (c) As of 2009, “mitigating measures”, such as medication or medical supplies, may not be considered in the determination, with the exception of “ordinary glasses or contact lenses.” An impairment is considered transitory if it has an actual or expected duration of 6 months or fewer.

### **5. How are “major life activities” defined under Section 504?**

Major life activities include functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Additional examples provided in the 2008 ADA Amendment Act are eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

### **6. Are there specific protections for students with a disability defined under Section 504 who commit a disciplinary infraction?**

Yes. Students who have been identified with a disability under Section 504 and who commit a disciplinary infraction have the same protections afforded to students identified with a disability under IDEA.

### **7. Are there any exclusions to Section 504 protections?**

Yes. Any student with a disability who is engaging in the illegal use of drugs is excluded from Section 504 protections. Students who have been identified as disabled under Section 504 and are recommended for discipline arising from the current use or possession of alcohol, illegal drugs, or a weapon may be disciplined by using the procedures applicable to regular education students. The disciplinary action taken must be consistent with the disciplinary action applied to regular education students for these same offenses.

### **8. What are the requirements for a 504 evaluation?**

Section 504 requires LEAs to individually evaluate a student before classifying a student as having a disability (34 C.F.R. 104.35 (b)). LEAs must establish standards for initial 504 evaluations and periodic re-evaluations of students who need or are believed to need related aids or services because of disability. An LEA may use the same process to evaluate the needs of students under Section 504 that they use for evaluation under IDEA. If an LEA chooses to adopt a separate process, the process must comply with requirements specified at 34 C.F.R. 104.35.

### **9. Is a Section 504 re-evaluation similar to an IDEA re-evaluation? How often should it be done?**

Whereas IDEA requires re-evaluation at least once every three years, Section 504



## FREQUENTLY ASKED QUESTIONS

regulations require that re-evaluations be conducted periodically. Section 504 also requires a school district to conduct a re-evaluation prior to a significant change of placement. Alignment with IDEA requirements is recommended to ensure that student needs are met.

### **10. What types of services and supports should be included on a 504 service plan?**

Section 504 requires that each LEA must make an individualized determination of the child's educational needs for related aids or services that are needed.

### **11. What is the difference between a regular education intervention plan and a Section 504 plan?**

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability but may be facing challenges in school. LEAs vary in how they address performance problems of regular education students. Some LEAs employ teams at individual schools, commonly referred to as student support teams. These teams are designed to provide regular education classroom teachers with instructional support and strategies for helping students in need of assistance. These teams are typically composed of regular and special education teachers who provide ideas to classroom teachers on methods for helping students experiencing academic or behavioral problems. The team usually records its ideas in a written regular education intervention plan. The team meets with an affected student's classroom teacher(s) and recommends strategies to address the student's problems within the regular education environment. The team then follows up with the student's primary teacher(s) to determine whether the student's performance or behavior has improved.

### **12. What are the LEA's requirements related to procedural safeguards under Section 504?**

LEAs are required to establish and implement procedural safeguards that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure.

Section 504 requires LEAs to obtain parental permission for initial evaluations. If an LEA suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the IDEA and Section 504 provide that districts may use due process hearing procedures to seek to override the parents' denial of consent for an initial evaluation. Section 504 also requires LEAs to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

## **ADDITIONAL GUIDANCE**

For additional information, please see the resources located on the OSSE website at <http://www.osse.dc.gov> or email OSSE.Section504Hotline@dc.gov. Please direct any

## FREQUENTLY ASKED QUESTIONS

questions regarding the content of this document to **Grace Chien, Director of Policy, at (202) 741-5089 or by email at [Grace.Chien@dc.gov](mailto:Grace.Chien@dc.gov)**. OSSE has the authority as the state educational agency (SEA) to issue additional guidance regarding LEA policy and related practice.

## Section 504 and IDEA Comparison

	Section 504	IDEA
<b>Type of Law</b>	A federal civil rights law and regulations	A federal funding law and regulations
<b>Title</b>	The Rehabilitation Act of 1973	Individuals with Disabilities Education Act
<b>Funding</b>	No federal funding. No additional funding beyond basic school support.	Federal funding formula based on student population, number of students with qualifying disabilities, and poverty factor. Increased state basic school support.
<b>Purpose</b>	Prohibits disability discrimination in all programs and activities that receive federal funds. Ensures public agency compliance with obligations to serve individuals with qualifying disabilities.	Provides federal funds to states and school districts to assist with meeting the special education needs of students with disabilities. Ensures public agency compliance with obligations to serve individuals with qualifying disabilities.
<b>Administrator</b>	Authorized LEA designee and Section 504 Coordinator or other appropriate Civil Rights Coordinator.	Authorized LEA designee and Special education director or other appropriate administrator.
<b>Team</b>	Requires evaluation and 504 plan/placement decisions to be made by a team that includes someone knowledgeable about the student, about evaluation data and about accommodations/placement options.	IEP team requires parent, district representative, general education teacher, special education teacher or provider, someone knowledgeable about the educational implications of evaluation data and may include others.
<b>Service Plan</b>	Section 504 plan.	Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP)
<b>Population</b>	Students who have or have had a physical or mental impairment that substantially limits a major life activity (or are regarded as disabled by others) who do not require special education.	Students with one of thirteen qualifying disabilities, including a classification of multiple disabilities, who require special education and related services.
<b>Free Appropriate Public Education</b>	Requires the provision of a free appropriate education. "Appropriate" means a program designed to meet the needs of individual disabled students as adequately as education provided to non-disabled students. Students may receive related services or accommodations without a need for special education services.	Requires the provision of a free appropriate education. "Appropriate" means a program designed to meet the needs of individual disabled students as adequately as education provided to non-disabled students.
<b>Accessibility</b>	Has regulations regarding building and program accessibility.	Requires that modifications must be made if necessary to provide access to a free appropriate public education.
<b>Notice</b>	Requires notice to the parent or guardian with respect to	Requires prior written notice to the parent or guardian with

	identification, evaluation, and placement.	respect to identification, evaluation, and placement.
<b>Evaluations</b>	<p>Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group of persons knowledgeable about the student, evaluation data, and placement options.</p> <p>Requires informed consent before an evaluation is conducted.</p> <p>Requires periodic reevaluations.</p> <p>Reevaluation is required before a significant change in placement.</p>	<p>Requires a full comprehensive evaluation assessing all areas related to the suspected disability.</p> <p>Requires evaluation by a knowledgeable team. Requires informed consent before an evaluation is conducted.</p> <p>Requires reevaluations to be conducted at least every 3 years.</p>
<b>Independent Educational Evaluations</b>	No provision for independent evaluations at district expense. District should consider any such evaluations presented.	Parent may request an independent educational evaluation at district expense if parent disagrees with evaluation obtained by school.
<b>Placement</b>	A meeting and evaluation are required for change of placement.	An IEP/placement meeting must be conducted before any change in placement. Must give prior written notice of change in placement.
<b>Grievance Procedure</b>	Requires districts with more than 15 employees to designate an employee to be responsible for assuring district compliance with Section 504 and provide a grievance procedure for parents, students, and employees.	Does not require a grievance procedure, nor a compliance officer.
<b>Due Process</b>	Requires impartial hearings for parents or guardians who disagree with identification, evaluation, or placement decisions, or provision of FAPE to the student.	Requires impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement decisions or provision of FAPE to the student.
<b>Federal Jurisdiction</b>	US Department of Education Office for Civil Rights	US Department of Education Office of Special Education and Rehabilitation Programs.
<b>State Jurisdiction</b>	District of Columbia Office of the State Superintendent of Education solely in regard to programs of vocational education and training. (34 CFR 104, Appendix B, incorporating by reference 34 CFR 100, Appendix B)	District of Columbia Office of the State Superintendent of Education
<b>Local Jurisdiction</b>	LEA	LEA

# [LEA MODEL FORM]

## Section 504 Referral

Student Name:	Date:
Street Address:	DOB:
City, State, Zip:	Student ID:
Parent/Guardian Name:	School:

Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Students eligible for 504 assistance are those who (1) have physical or mental impairment, which substantially limits one or more major life activities, (2) have record of such impairments or (3) are regarded as having such an impairment. If you feel the student identified qualifies for assistance under section 504, please complete the following information:

Referred by:	Referral Date:
Position:	Phone:
Street Address:	Email:
City, State, Zip:	

Please indicate the specific reason and/or situations which make you feel this student should receive a Section 504 Evaluation:

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Has the student ever been referred, evaluated, or received services within Special Education?

Yes

No

If yes, indicate current status:

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## [LEA MODEL FORM]

### Notice and Consent to Evaluate Under Section 504

Date:

To:

From:

#### Prior Written Notice and Consent to Evaluate Under Section 504

We have reason to suspect that \_\_\_\_\_ may have a physical or mental impairment that substantially limits a major life activity. We propose to evaluate your child to determine if he/she has a disability under Section 504 of the Rehabilitation Act of 1973 and is eligible for services.

Under Section 504, your child may be entitled to receive direct health services in addition to reasonable accommodations. It is important for us to know your child's medical history; we may need to access your child's medical records and speak with your family physician. If your child has any medical conditions, please describe them below:

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You will be invited to participate in a meeting to review the evaluation results and to determine if your child is eligible for a plan under Section 504. If you have any questions, please contact the 504 Coordinator listed below. Otherwise, please sign and return this form to the 504 Coordinator.

Section 504 Coordinator:
Phone:
Email:

#### Parent Consent

- Yes, I consent to the proposed screening/evaluation
- No, I do not consent to the proposed screening/evaluation

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Parent Signature, Date

## [LEA MODEL FORM]

### Section 504 Student and Parental Rights

The rights granted by Federal law to students with disabilities are described below. The intent of the law is to keep you fully informed concerning decisions about your child and inform you of your rights if you disagree with any of these decisions.

As a parent you have the right to the following:

- Participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- Receipt of free educational services to the extent they are provided to students without disabilities;
- Receipt of information about your child and your child's educational programs and activities in your native language;
- Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- Inspect and review your child's educational records including a right to copy those records for a reasonable fee; you also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate; should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;
- A hearing before an impartial hearing officer if you disagree with your child's evaluation or placement; you have a right to counsel at the hearing and have the decision of the impartial hearing officer reviewed.



**[LEA MODEL FORM]**  
**Section 504 Eligibility Determination**

Student Name:	School:
Student ID:	DOB:

**Evaluation Summary**

Educational History and Present Educational Placement Status:

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Sources of Evaluation Information (include date and description):

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Results of Assessments:

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Does the student have a physical or mental impairment?

- Yes \_\_\_\_\_
- No, a Section 504 Non-eligibility form will be completed

Does the student's impairment substantially limit one or more major life activities? If yes, check appropriate box below. (Note: do not consider medication, assistive devices, or other ameliorating factors, except that eye-glasses and contact lenses may be considered)

- |                                |                                     |  |
|--------------------------------|-------------------------------------|--|
| <input type="radio"/> Seeing   | <input type="radio"/> Concentrating | <input type="radio"/> Breathing              |
| <input type="radio"/> Hearing  | <input type="radio"/> Learning      | <input type="radio"/> Other Bodily Functions |
| <input type="radio"/> Speaking | <input type="radio"/> Reading       | <input type="radio"/> Other                  |
| <input type="radio"/> Thinking | <input type="radio"/> Walking       |  |

If yes, describe how the activity is substantially limited:

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Does the student need accommodations, services or supports to access the benefits of public education at a level similar to the average student? (Note: Consider student as student presents in school setting, which may include medication, assistive devices, and other ameliorating factors)

- Yes, a Section 504 Plan will be written.
- No, a Section 504 Plan is not needed at this time.

**[LEA MODEL FORM]**  
**Section 504 Eligibility Determination**

Eligibility Determination Team Members:

Name:	Title: Section 504 Coordinator
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Name:	Title:
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Name:	Title:
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Name:	Title:
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**[LEA MODEL FORM]**  
**Section 504 Meeting Invitation**

Student Name:	School:
Student ID:	DOB:

Date:

Dear Parent/Guardian,

You are invited to discuss your child's educational program in accordance with Section 504 of the Rehabilitation Act of 1973. We are planning a conference as follows:

School:	
Meeting Location:	Meeting Date/Time:

The purpose of this conference will be:

- To review and discuss your child's present educational status/options
- To discuss the evaluation/re-evaluation of your child
- To discuss the following:

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The following persons have also been invited to attend this meeting:

Name:	Title:
_____	_____
Name:	Title:
_____	_____
Name:	Title:
_____	_____
Name:	Title:
_____	_____

Please sign and return this document to your child's school by: \_\_\_\_\_

- I will attend the Section 504 Meeting.
- I will not be able to attend the Section 504 Meeting.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

# [LEA MODEL FORM]

## Section 504 Plan

Student Name:	School:
Student ID:	DOB:

### 504 Team Members:

Name:	Title: 504 Coordinator
Name:	Title:
Name:	Title:
Name:	Title:
Name:	Title:

Physical or mental impairment(s) of the child:

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List the accommodations, services, or supports necessary to address the student's disability in the educational setting:

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Start date for accommodations: \_\_\_\_\_

### **Parent/Guardian Consent for Initial Provision**

I have received notice of my procedural due process rights and understand that I have a right to contest the decisions made by the 504 Team contained in this 504 Plan. I understand that no accommodations will be provided until I return this signed consent to the 504 Coordinator.

By signing, I agree with the 504 Plan as written above and consent to the provision of accommodations to my child as recommended by the 504 Team.

\_\_\_\_\_  
Parent/Guardian Signature, Date

## Glossary of Terms

### 1973 Rehabilitation Act

The 1973 Rehabilitation Act is a federal law that prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors. Section 504 of the 1973 Rehabilitation Act has provided opportunities for children and adults with disabilities in education, employment, and various other settings. It allows for reasonable accommodations as necessary for each student.

### Evaluation

The evaluation process consists of the administration of tests that accurately reflect the student's aptitude, achievement, or other factor being measured. Schools are required to individually evaluate students before classifying them as having disabilities under Section 504 and providing required services and supports.

### IDEA

The Individuals with Disabilities Education Act (IDEA) is a federal law ensuring services to children with disabilities. IDEA governs how states and public agencies provide early intervention, special education, and related services.

### IEP

An Individualized Education Program is a written document for each child with a qualifying disability under IDEA that includes the child's present levels of academic achievement, measurable academic and functional goals, and an outline of necessary specialized instruction, related services, supplementary aids, and accommodations.

### 504 Service Plan

A 504 Service Plan is a written document for each child with a qualifying disability under Section 504 that includes an outline of necessary related services, supplementary aids, and accommodations.

## Parent and student rights

In accordance with Section 504 of the Rehabilitation Act of 1973, parents and guardians are provided with the following procedural safeguards for their child:

1. Parents have a right to written notification on an individual basis with regard to referral for evaluation or reevaluation, decisions regarding eligibility, services available, placement and any significant change in placement.
2. A right to receive a copy of this notice upon the district's identification, evaluation, refusal to provide an evaluation, educational placement, denial of educational placement, and any significant change in placement of their child.
3. A right to an evaluation of their child if the District has reason to believe that the child has a mental or physical impairment that substantially limits learning or some other major life activity before the initial placement and before any subsequent significant change in placement.

## How do I file a complaint?

Parents or guardians who believe that the provisions of Section 504 were violated with regard to their child are entitled to file a complaint with the Office of Civil Rights (OCR), at the U.S. Department of Education. A written complaint must be filed within 180 days of the incident and must include:

- Complainant's name, address, telephone number
- Information about the student
- Name and location of the institution that performed the violation
- Description of the alleged violation in detail

The complaint may be emailed to [ocr@ed.gov](mailto:ocr@ed.gov), or filed online at <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

# A Parent's Guide: Section 504 of the 1973 Rehabilitation Act



Office of the State  
Superintendent of Education

# Frequently Asked Questions about Section 504



## What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a federal law designed to protect the rights of individuals with disabilities in programs that receive federal funding.

## How is a child with a disability defined under Section 504?

To be protected under Section 504, a student must be determined to have a physical or mental impairment that substantially limits one or more major life activities.

## What is a physical or mental impairment under Section 504?

A “physical impairment” in this context is defined as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

## What is a major life activity in the context of Section 504?

Major life activities include, but are not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

## How does Section 504 help my child?

Section 504 ensures that children with disabilities have equal access to education as their peers without disabilities. Under Section 504 children may receive accommodations and modifications; the provision of these services is outlined in a Section 504 Plan.

## How do I know if my child qualifies for Section 504 services?

If you think your child qualifies for Section 504 services, contact your school 504 Coordinator. You will be asked to share documentation regarding your child’s disability and/or medical records. The 504 Coordinator will then meet with you to discuss the eligibility process.



## What is the eligibility process?

Once a student is identified as potentially being eligible for services under Section 504, the 504 Coordinator will convene a multidisciplinary team to gather information about the student. Schools are required to evaluate students in order to classify the student as having a disability. Tests used for this purpose are selected and administered to ensure that they accurately reflect the student’s aptitude. Your school will provide any evaluations necessary. After the evaluation, qualified students are provided with a Section 504 service plan to ensure appropriate services are designed to meet their individual needs to the same extent as the needs of students without a mental or physical impairment. All accommodations and services will be provided by your child’s school. Periodic re-evaluation is required.

## If my child has an IEP, does he/she also need a 504 plan?

Typically, if a student’s disability requires specialized instruction, this will be ensured through an IEP. Under IDEA, there are specific procedural criteria that outline the IEP process. Section 504 plans are created to outline specific accessibility requirements for students whose disabilities generally do not require specialized instruction, but need the assurance that they will receive equal access to public education and services.