

What is Section 504?

Part of the Rehabilitation Act of 1973, Section 504 is a civil rights law to protect disabled individuals from discrimination.

Section 504 states:

"No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, 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 assistance..." [29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].



What are my rights as a parent under Section 504?

As a parent or legal guardian, you have the right to:

- 1. Receive notice regarding the identification, evaluation, and/or placement of your child;*
- 2. Examine relevant records pertaining to your child;*
- 3. File a complaint with your school district Section 504 Coordinator;*
- 4. Request an impartial hearing with respect to the district's actions regarding the identification, evaluation, or placement of your child;*
- 5. File a complaint with the appropriate regional Office for Civil Rights.*

For More Information
Contact

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Section 504

Of the

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Act of 1973

What does an Eligible Student Receive under Section 504?

Eligible students receive:

- *Non-discrimination protection;*
- *Procedural safeguards;*
- *FAPE—a free and appropriate education which may or may not include a service plan that includes accommodations;*
- *Periodic re-evaluations;*
- *Manifestation determination if the student receives a disciplinary placement in excess of 10 days*



Who is an Eligible Person under Section 504?

As defined by federal law: “an individual with a disability means any person who

- i. Has a mental or physical impairment which substantially limits one or more life activity;*
- ii. Has a record of such an impairment; or*
- iii. Is regarded as having such an impairment.”*

What is an “Impairment” as used in Section 504?

An impairment as used under Section 504 may include any disability, long-term illness, or disorder that “substantially” reduces or lessens a student’s ability to access learning in educational setting because of a learning, behavior or health-related condition. There is no list of eligible or ineligible disabilities. However, examples include: ADHD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s Syndrome, digestive disorders, depression, HIV/AIDS and behavior disorders. Temporary disorders (duration of less than six months) are not considered disabilities under Section 504.

What is Substantial Limitation?

Although not defined in the federal regulations, the OCR has stated, “[substantial limitation] a determination to be made by each school district and depends on the nature and severity of the person’s disabling condition.” Additional guidance from Americans with Disabilities Act (ADA) states: “restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity when compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.”

What is a Major Life Activity?

Major life activities are “those basic activities that the average person in the general population can perform with little or no difficulty.” Examples of major life activities are caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, speaking, learning, reading, and major bodily functions.