

Section 504 Fact Sheet

A Section 504 plan is developed by the Section 504 team. It specifies the plan of services (accommodations) the student needs to have for an equal opportunity to access the general education classroom and school program

What does the law say?

Section 504 is part of a federal civil rights law known as the Rehabilitation Act of 1973. This law specifically prohibits discrimination against students with disabilities .

Discrimination = the failure to provide students with disabilities the same opportunity to benefit from education programs, services, or activities as provided to their nondisabled peers.

The Process

Referral

Anyone can refer a student for a 504 evaluation. This is typically done by either school personnel or parents. After a child has been referred, the school is obligated to *consider* the referral.

- *Does the student have a physical or mental impairment?*

The Section 504 team must specify the physical or mental impairment. Medical diagnoses are often helpful, but are not required, nor sufficient for establishing a disability or need for a plan under Section 504. A medical diagnosis or a medication prescription does not by itself establish an impairment.

- *Does the physical or mental impairment affect one or more major life activities or bodily functions?*

Identify the major life activities or bodily functions impacted by the impairment and how the impairment impacts functioning.

- *Does the physical or mental impairment substantially limit the major life activity or bodily function impacted by the impairment?*

Using data, determine whether the learning and/or accessibility to other school activities are limited and to what extent as compared to the learning and accessibility provided to the average population.

If the answer to all of these three questions is YES, then the student is disabled under Section 504.

Schools do not have to evaluate a student who has been referred if school personnel do not believe that the child is eligible under Section 504. This does not mean that the school has determined the child does not have a disability, but that it does not meet the 504-eligibility requirements outlined above. The school does not make medical determinations.

Evaluation

If the team determines that a student is eligible, an evaluation is completed to determine if students need a 504 plan. The Section 504 disability determination and the determination for the need for a Section 504 plan are separate determinations.

A team is formed and is composed of a group of knowledgeable individuals, including individuals who know the child, individuals who are knowledgeable about the assessment procedures, and individuals who are aware of the placement options. Best practices include student, parent, school counselor and teacher(s). Administrators or district reps *could* be part of initial 504 plans and situations which may require additional team support.

The team must decide whether there is a *substantial* limitation to a major or life activity resulting from a physical or mental impairment. This determination can be based on educator professional experience and judgment and is not restricted by regulations or norm-referenced test scores. Observations, anecdotal information, and judgments are considered legitimate sources of assessment data. Norm Referenced, standardized tests are *not required* as part of the evaluation. If data from these sources are considered necessary to make eligibility decisions and decisions regarding accommodations and modifications, then they should be used.

Some students can be eligible for 504-protection but not require a 504-plan. The Office of Civil Rights states that a student is not eligible under Section 504 as a student with a disability if the student does not need Section 504 services in order for the student’s educational needs to be met (110 LRP 7395, OCR 2009).

The Plan

After a child has been determined to be eligible and qualified for Section 504 services and protections, an individual plan must be developed. The team must determine what accommodations or modifications are necessary to provide an appropriate education based on the specific student’s needs. These accommodations and/or modifications should be specific to each child.

Reevaluation

Once a year, a meeting is held to review that 504 plan. There is not a compliance timeline for these meetings but typically they are scheduled around the same date as the previous year. The purpose of the meeting is to determine if any changes need to be made to the plan or re-evaluate the eligibility of a student and the need to continue a plan. *It is not required for an administrator to be part of the reevaluation team.*

Frequently Asked Questions

- ? *Who do I contact if I believe my child might qualify for a Section 504 plan?*
Email your child’s principal and school counselor
- ? *My child has a diagnosis (ADHD, Diabetes, Anxiety etc.). Does (s)he qualify for classroom / testing accommodations?*
Medical diagnoses are often helpful, but are not required, nor sufficient for establishing a disability or need for a plan under Section 504
- ? *My child currently has a Section 504 Plan but I have new information. What should I do?*
Email your child’s school counselor, share the information, and a team meeting *may* be called to update the plan.

References

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Council of Administrators of Special Education. (n.d.). *Student access: A resource guide for educators, Section 504 of the Rehabilitation Act of 1973*. Reston, VA: Author.

Hartwig, E. (2000). Not every ADD student is covered under Section 504. *Section 504 Compliance Advisor*, 4, 4.

Individuals with Disabilities Education Act of 1990, 20 U.S.C. § 1400 *et seq.*

Jacob-Timm, S., & Hartshorne, T. S. (1994). Section 504 and school psychology. *Psychology in the Schools*, 31, 26-39.

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Office of Civil Rights. (1988). *Free appropriate public education for students with handicaps: Requirements under Section 504 of the Rehabilitation Act of 1973*. Washington, DC: Author.

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