



Understanding Section 504

Rehabilitation Act of 1973

Amended September 25, 2008



What is Section 504?

- Rehabilitation Act of 1973
- Civil Rights legislation
- Americans with Disabilities Act
- Office of Civil Rights



What's the difference between Section 504 and IDEA (Special Ed)?

- Section 504 is a Civil Rights Act protecting the rights of disabled individuals to accessibility through reasonable accommodations.
- IDEA is an educational law that provides substantive and procedural due process rights to individuals whose disabilities prevent them from learning without the provision of specially designed instruction.



What does Section 504 say?

- “No otherwise qualified individual with a disability...shall, solely by reason of his/her 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”.



Who does Section 504 protect?

- Individuals who are “otherwise qualified”.
- What does “otherwise qualified” mean?

How is “individual with a disability defined”?

- Disability means “(A) physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment.”

What are “major life activities”?

Major life activities include, but are not limited to:

- Caring for oneself, performing manual tasks, lifting, working, thinking, concentrating, seeing, hearing, eating, sleeping, walking, standing, breathing, bending, speaking, learning, reading, communicating.....
- Include the operation of major body functions.



What are “mitigating measures”?

- Determination of whether an impairment “substantially limits” a major life activity shall be made without regard to ameliorative effects of “mitigating measures”.



What does “regarded as disabled” mean?

- Under ADA and Section 504, establishment of a disability should not require “exhaustive” evaluation to determine that the disability exists. Though evaluation is required to varying degrees depending on the disability, ruling that a disability exists should be fairly obvious. For example, an individual in a wheel chair, an individual with a medically diagnosed illness, or prosthetic limb.



What do I do if I suspect a student has a disability but does not have an educational handicap?

- Refer this student to your building 504 coordinator.
- Complete referral documentation provided by your coordinator.
- Complete the Section 504 Accommodation plan with a team who is knowledgeable about the student.
- Revise annually as long as student is eligible.

How does Special Ed fit in?

- Students who exit Special Education should be considered for eligibility under Section 504 protections.
- Sometimes Special Education evaluations (which are more exhaustive than Section 504 evaluations) result in Section 504 eligibility rather than SPED.