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What is Section 504?

The U.S. Department of Education enforces Section 504 of the Rehabilitation Act of 1973, as amended, (Section 504) a civil rights statute which prohibits discrimination against individuals with disabilities. Section 504 is a civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.

Definition

Physical or mental impairment that substantially limits a major life activity

What is an "impairment" as used in Section 504?

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, attention deficit hyperactivity disorder, human immunodeficiency virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Physical and mental impairment may also include, cosmetic disfigurement, physiological/ psychological disorder or condition, and anatomical loss affecting one or more body systems (e.g., neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, endocrine).

What is a substantial limitation?

A substantial limitation under Section 504 of the Rehabilitation Act means that a person is unable to perform a major life activity, or can only perform it in a restricted way, compared to the average person.

What is a major life activity?

To summarize, major life activities include certain acts a person does (such as hearing, speaking, lifting) and a person's bodily functions (such as lung disease that affects a person's respiratory system, or a traumatic brain injury that affects the function of the brain).

The list of major life activities under Section 504 includes, but is not limited to, the activities listed below.

- caring for oneself • bending • performing manual tasks • speaking • seeing • breathing • hearing • learning • eating • reading • sleeping • concentrating • walking • thinking • standing • communicating • lifting • working

Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.

Eligibility for Section 504

Definition	Major Life Activities
Physical or mental impairment that substantially limits a major life activity	Walking, bending, speaking, breathing, learning, reading Concentrating, thinking, standing, communicating, lifting, working Caring for oneself, manual tasks, seeing, hearing, eating, sleeping

Evaluation

Evaluation does not necessarily mean “test.” In a Section 504 context, “evaluation” refers to a gathering of data or information from a variety of sources so that the committee can make the required determinations (OCR FAQ 17-34). Below are some examples of types of data to collect for a Section 504 evaluation.

Medical Health	Hearing & Vision, School Health Records, Individual Health Plan, Outside Medical Evaluations
Social Behavior	Behavioral Data, Disciplinary Records, Outside Psychological Evaluations, Intervention Progress Monitoring

Academic

Universal Screening Data, Intervention Progress Monitoring Data, Curriculum Based Assessments, State Assessment

Individuals

Observations and Input From: Student, Family, Teachers, Behavior Specialists, Counselors, School Nurse,

Section 504 Meetings

Who must attend the Section 504 Meeting?

Section 504 regulations require members who:

- ▶ Can make placement decisions (and allocate resources)

Example of Members: Principal, Vice/Assistant Principal, Counselor, LEA 504 Coordinator, or Camp

- ▶ Are knowledgeable about the student

Example of Members: Student, Parents or Guardians, Teachers, Counselor, Behavior Specialist, Campus 504 Coordinator, or other Related Service Providers

- ▶ Can interpret the meaning of the evaluation data

Example of Members: School Nurse, Diagnostician, School Psychologist, a Person with specific knowledge in reading process, dyslexia, and related disorders, Language Proficiency Assessment Committee (LPAC) Representative, or Texas Workforce Commission (TWC) Representative

During the Initial Meeting

In a Section 504 meeting, several key areas will be discussed to ensure the most appropriate plan is developed.

- ▶ Committee discussion could include:

- ▷ Student's strengths,

- ▷ Student input related to educational experience and challenges,

- ▷ Parent input relevant to the student's impairment and the educational impact, and

- ▷ Staff input regarding student performance in academics and behavior.

- ▶ Committee will review all evaluation data.

- ▶ Committee will confirm whether the student meets Section 504 eligibility requirements.
- ▷ The student must be QUALIFIED, which means that they must be of an age in which services are provided to non-disabled students.
- ▷ The student must have a physical or mental impairment
- ▷ The physical or mental impairment substantially limits one or more major life activities without consideration of mitigating measures other than glasses.

Other Types of Section 504 Meetings

Types of Meetings	Description
Annual Reviews	While Section 504 regulations merely require “periodic reevaluation,” some LEAs may choose to require annual reviews of Section 504 plans as a best practice or establish their own procedures for alternatives to in-person meetings. Examples of alternatives may include: Section 504 reevaluation and monitoring year schedules, quarterly monitoring activities with documentation, and “snapshot” reviews that are shared with parents in lieu of a yearly meeting. These processes may be beneficial in providing structures for ongoing progress monitoring that may illuminate students who are struggling and in need of further assistance and intervention or those who are performing well due to effective Section 504 plans. If the student is changing campuses, consider having a Section 504 meeting to discuss any considerations related to the move.
Periodic Reevaluations	Section 504 regulations require LEAs to develop procedures for periodic REEVALUATION of students served by Section 504. The Section 504 regulatory guidelines for reevaluation procedures are the same as for initial evaluations. A reevaluation procedure that mirrors the IDEA timeline is one way of complying with the requirement. IDEA timelines require reevaluations not more than

	one time per year, unless agreed upon by the parents and LEA, and at least one time every three years (Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools, OCR, pg. 18, footnote 60).
Manifestation Determinations	Disciplinary removals of more than ten days constitute a significant change in placement, and Section 504 regulations require a reevaluation prior to any change in placement. Changes in placement due to discipline require that the reevaluation include consideration whether the behavior is a manifestation of the student’s disability. (see page 3 of the Section 504 Discipline Fact Sheet and the Manifestation Determination section of this guide)
Homebound	In some cases, students suffer from an illness or injury that causes excessive absences. The Student Attendance Accounting Handbook (SAAH) and LEA policies provide procedures for facilitating a homebound educational experience. Immediately after receiving a licensed physician’s written recommendation that a student be confined at home or hospital bedside for a minimum of four weeks, the 504 coordinator should schedule an initial evaluation meeting if the student has not been previously served under Section 504, or a reevaluation to consider a change in placement if the student is already served under Section 504. The committee should follow Section 504 evaluation procedures (see Appendix C) and consider transition plans for leaving and returning to the school environment. (see Homebound section of this guide)

Resources

Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools

<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-resource-guide-201612.pdf>

Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973

<https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-discipline-guidance.pdf>

Section 504 Resources in Spanish

<https://www.ed.gov/about/ed-offices/ocr/file-a-complaint-foreign-language-discrimination-forms-us-department-of-education#spanish>