



# 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.