Civil Rights Law

Section 504 began as part of the Rehabilitation Act of 1973. It is a mandatory civil rights law that prohibits discrimination against people with disabilities in public and private sectors that accept federal funding. This area of federal law is also upheld by the American's with Disabilities Act (ADA) passed in 1990. The Amendments Act of the ADA (ADAAA) in 2008 served to broaden the scope of this civil rights law. Section 504 & ADAAA are often used interchangeably

For More Assistance

Each public and charter school district is required to designate a Section 504 Coordinator. For more specific information about local policies and practices contact the Section 504 Coordinator in your resident public or charter school district.

ESC•20
Serving the Educational Community

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SECTION 504

Informational Guide

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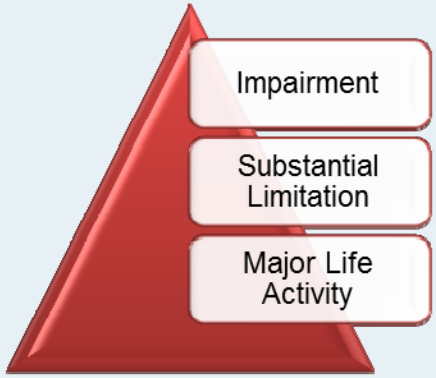
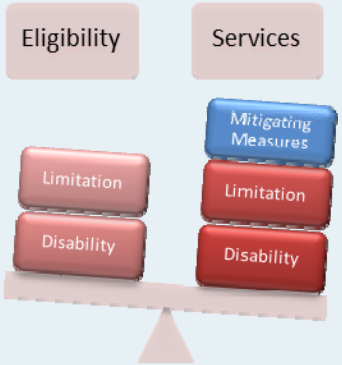


Section 504 Eligibility

In order to qualify for Section 504 protections in public or charter schools, a student must undergo evaluation to determine if a physical or mental impairment exists that substantially limits one or more major life activities. The evaluation process must always begin with informed written consent from the parent and be provided at no expense. Evaluation typically refers to a collection and analysis of data from a variety of sources. The Section 504 committee is responsible for conducting the evaluation and determining program eligibility. Eligibility determines qualification for anti-discriminatory protection and rights.

Determination of Services

General guidance interprets substantial limitation to occur when the disabling condition makes a major life activity more burdensome for the student when compared to the functioning of peers.



Students can be eligible for Section 504 protections if they have a physical or mental impairment that **WOULD** substantially limit them in a major life activity **DESPITE** taking advantage of mitigating measures. Mitigating measures are strategies or supports utilized by the student with a disability and should **NOT** be considered in the eligibility decision. However, beneficial effects of mitigating measures **ARE** considered when determining if a student needs services.

Accommodation Plan

Section 504 outlines that students with disabilities be given an equal educational opportunity. This is commonly defined as the provision of a documented plan that includes accommodations or services that level the playing field so Section 504 students can access curriculum as adequately as non-disabled peers. Section 504 accommodations are determined individually based on need by the Section 504 committee and documented within a written plan. Once a student is eligible under Section 504 a reevaluation must be conducted on a periodic basis. Annual reviews are not required, but are highly recommended to review student progress and determine the most appropriate accommodations and services each year.

The Section 504 committee must include persons:

- knowledgeable about the child
- knowledgeable about evaluation data
- knowledgeable about placement options

The local education agency has the discretion to invite parents to attend 504 Committee meetings.