

## Myths Regarding Section 504

The statements below are common myths associated with Section 504:

- Some impairments make students automatically eligible for Section 504 and accommodations.
- A physician can simply prescribe Section 504 services and accommodations and a district must provide them.
- Doctor's notes trump all other data in regards to eligibility, accommodations and services.
- Students dismissed from special education are automatically eligible for Section 504.
- A student with good grades cannot be eligible for Section 504.
- Section 504 requires schools to maximize a student's potential.
- It is a violation to have a Section 504 meeting without a parent present.
- Once eligible for Section 504, a student will always be eligible.
- All students eligible for Section 504 receive accommodations.
- Students eligible for Section 504 cannot be disciplined.
- Colleges and universities are required to follow all service plans that students received in public schools.

## Additional Resources

**Office for Civil Rights, Section 504 Regulations** <http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>

**OCR Section 504 FAQs** <http://www2.ed.gov/about/offices/list/ocr/504faq.html>

**Clear Creek ISD Section 504 Website** [http://www.ccisd.net/departments/section\\_504](http://www.ccisd.net/departments/section_504)

**ADAAA and Section 504: Understanding Section 504** <https://www.nclد.org/archives/action-center/learn-the-law/understanding-section-504>

**A Parents Guide to Section 504 in Public Schools** <http://www.greatschools.org/gk/articles/section-504-2/>

**American Academy of Child & Adolescent Psychiatry** <http://www.aacap.org>

**Children and Adults with Attention Deficit Disabilities** <http://www.chadd.org>

**Managing Chronic Health Conditions in School** <https://www.cdc.gov/healthyschools/chronicconditions.htm>

**National Center for Learning Disabilities** <http://www.nclد.org/>

**National Institute of Mental Health** <https://www.nimh.nih.gov/index.shtml>

**Parent and Educator Resource Guide to Section 504 in the Public Elementary and Secondary Schools** <https://www2.ed.gov/about/offices/list/ocr/docs/504-resource-guide->

*The purpose of this brochure is to provide general information regarding Section 504. Please contact either the campus or district Section 504 coordinator for more information.*

Rev: 3/16/18

# Information Regarding Section 504 of the Rehabilitation Act of 1973



## What is Section 504?

Part of the Rehabilitation Act of 1973, Section 504 is a civil rights law to protect disabled individuals from discrimination. Section 504 states:

“No otherwise qualified individual with a disability in the United States, as defined in section 706 (8) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...” [29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

## What is an Evaluation Under Section 504?

An evaluation under Section 504 is the collecting, gathering, and interpreting of data from a variety of sources about the student's educational functioning. Data can include aptitude and achievement tests, teacher recommendations, physical and health information, adaptive behavior data, discipline information, parent input, privately-obtained data, prior IDEA evaluations, grade and progress reports, and any other relevant information

## What Does an Eligible Student Receive under Section 504?

Eligible students receive:

- Non-discrimination protection;
- Procedural safeguards;
- FAPE—a free and appropriate education which may or may not include a service plan that includes accommodations;
- Periodic re-evaluations;
- Manifestation determination if the student receives a disciplinary placement in excess of 10 days.



## Who is an Eligible Person under Section 504?

As defined by federal law: “An individual with a disability means any person who (i) has a mental or physical impairment which substantially limits one or more life activity; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment.”

## What is An “Impairment” as Used in Section 504?

Section 504 regulations do not specify a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list. However, examples include ADHD, cancer, diabetes, asthma, severe allergies, HIV/AIDS, depression and learning disabilities.

## What is a Substantial Limitation?

Although not defined in the federal regulations, the Office for Civil Rights has stated, “this is a determination to be made by each school district and depends on the nature and severity of the person’s disabling condition.”

## What is a Major Life Activity?

Examples of major life activities are caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, speaking, learning, reading, eating, sleeping, concentrating, thinking, communicating and the operation of a major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, circulatory and endocrine system, etc. This list is not exhaustive.

## ADAAA

In 2008, Congress amended the American’s with Disabilities Act (ADA). Key points of the ADA Amendment Act (ADAAA) include:

- Broadened eligibility;
- Expansion of major life activities;
- Inclusion of impairments that are episodic or in remission;
- The exclusion of the effects of mitigating measures when determining substantial limitation;
- Lowering of the “substantial limitation” standard.

These changes apply to Section 504 as well.

## What Are My Rights as a Parent under Section 504?



As a parent or legal guardian, you have the right to:

1. Receive notice regarding the identification, evaluation, and/or placement of your child;
2. Examine relevant records pertaining to your child;
3. File a complaint with your school district Section 504 Coordinator;
4. Request an impartial hearing with respect to the district’s actions regarding the identification, evaluation, or placement of your child;
5. File a complaint with the appropriate regional Office for Civil Rights.