

## Section 504 FACT SHEET

### What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973, a federal law that prohibits discrimination against people with disabilities in programs or activities that receive federal funding. This may include, for example, public schools, camps, daycares, colleges, trade schools, or private schools.

Section 504 requires schools to provide "reasonable accommodation" for eligible students with disabilities to allow them to participate in school and school-related activities. Section 504 requires that a district "shall ensure that students with disabilities participate with nondisabled students to the maximum extent appropriate" - including nonacademic and extracurricular services and activities, such as meals, recess periods, and other services and activities.

### Who is covered by Section 504?

Individuals of all ages who have a "mental or physical impairment that substantially limits a major life activity." This may include visible or invisible disabilities. Also covered are children who have a record of such an impairment or are regarded as having such an impairment. <sup>1</sup>

### What does Section 504 provide?

Section 504 requires a school to provide a "free appropriate public education" (FAPE) to each qualified student with a disability in the school district, regardless of the nature or severity of the disability. Under Section 504, FAPE includes regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students.

The Office for Civil Rights (OCR) has stated that districts must also ensure that students with disabilities have an equal opportunity to participate in athletic programs. If a particular modification is necessary, OCR explained, the district must offer it unless doing so would fundamentally alter the nature of the activity or give the student with a disability an unfair advantage. See *Dear Colleague Letter*, 60 IDELR 167 (OCR 2013); and *In re: Dear Colleague Letter of Jan. 25, 2013*, 62 IDELR 185 (OCR 2013).

Generally, a student with an individualized education program (IEP) is protected under Section 504 to be free from discrimination. A student who qualifies under Section 504 may not qualify under the Individuals with Disabilities Education Act (IDEA), however.

### Actions Prohibited Under 504

Section 504 prohibits discrimination based on disability, including a prohibition on such actions as:

- Unequal opportunity (ex., classrooms for students with disabilities in inaccessible locations, classrooms for students with disabilities in inferior or inadequate locations such as in the basement or trailers)

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<sup>1</sup>. <https://ldaamerica.org/info/ada-and-504/> <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>, See Q4 and Q6 for an explanation of what is covered and a non exhaustive list of major life activities.

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- Less effective opportunity (ex. students with disabilities have outdated textbooks, no computers, no internet service)
- Different or separate aids, services, or benefits (students with disabilities are not provided laptops, textbooks, curriculum as adequately as other students)
- Aid or perpetuate discrimination or otherwise limit enjoyment (ex. not holding graduation in an accessible location, limit access to field trips because there is no accessible transportation)

### What is a Section 504 Plan?

A 504 plan may be developed when a disability “substantially limits” at least one of the child’s “major life activities.” Learning, caring for oneself, walking, seeing, speaking, reading can all be considered a major life activity.<sup>2</sup> There are no specific rules for what a 504 plan should include. Although a written plan is not explicitly required by Section 504’s regulations, schools often record these services and support in a document called a 504 plan. A 504 plan may include:

#### ☐ **SERVICES and SUPPORT**

Provides services and support and/or changes to the learning environment to meet the needs of the child as adequately as other students. Services and support help the student access the general education curriculum.

*EXAMPLES: Speech or occupational therapy, transportation, an assigned case manager to assist a student with classwork, homework, and other assignments.*

#### ☐ **ACCOMMODATIONS**

Accommodations are changes or additions to the learning environment that help students with disabilities access school programs and requirements. Modifications, in contrast, are changes to the content and are generally not listed on Section 504 plans.

*EXAMPLES: extra time on tests, seating near the instructor, having a one-on-one for school field trips, use of a modified stick for lacrosse, etc.*

#### ☐ **ASSISTIVE TECHNOLOGY**

Any equipment or tool that helps people with disabilities increase, maintain, or improve their functional capabilities.

*EXAMPLES: iPad, computer, calculators, speech-to-text, visual organizers*

### How does a parent get services for their student under Section 504?

Write a formal letter to your child’s school that includes information about your child’s disability and how it impacts their learning. Include requests for accommodations, services or support, and a request for an evaluation for your child

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<sup>2</sup> See FN 1 or <https://www2.ed.gov/about/offices/list/ocr/504faq.html#> for more information.

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to determine if they qualify for services and support under Section 504. Schools have an obligation to evaluate students under 504 without delay, however, there is not a specific timeline. If, however, you have documentation that your child has a disability and needs accommodation and/or support, you can request a 504 meeting to discuss identification as a student who qualifies for 504 services and development of a 504 plan. At the 504 meeting you should receive a document that outlines your rights, the school's responsibilities, and how to dispute actions with which you do not agree.

### **What's the difference between an IEP and a 504 plan?**

An IEP is developed following the requirements of the regulations of IDEA. An IEP is a written document that lays out the individualized program of special education instruction (specially designed instruction), supports, and services a student needs to make progress and thrive in school. The purpose of a 504 plan is an explanation of what the school will do to ensure equal access, commit to ensuring the accommodations, services and supports are provided as well as explain how the school will provide special education<sup>3</sup>, support, services, and remove barriers so a student can access the same opportunities, curriculum, and learning as their peers. If a student requires modifications of the curriculum in order to access the general education curriculum, that student would likely qualify for an IEP. If a student requires accommodations, such as seating near instruction, repetition of directions, quiet space to take a test, then that student might qualify for a 504 Plan. Keep in mind that these decisions are individualized so it is not possible to capture each scenario for qualifying for either an IEP or a 504 Plan. Be prepared to discuss why your child might need an IEP due to modifications of curriculum, the delivery of instruction or a smaller setting may all be reasons why a student may need an IEP. If a student does not need changes to curriculum but just needs accommodations to access and participate, then that student may be eligible for a 504 Plan.

### **What is the process to settle disputes with my school regarding Section 504?**

If you believe that your child has been discriminated against or unfairly denied a 504 plan, services, supports, or accommodations, you can request an impartial hearing in writing, directed to the school district's Section 504 Coordinator, or the person designated in that district to coordinate the districts compliance with its responsibilities under Section 504. You should request your school district's policies on Section 504 and note whether there is a time limit for filing for a hearing. You may also choose to [file a complaint](#) with OCR.

### **Where can I get more information about 504?**

See: "[Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#)," Office for Civil Rights, 2023.

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<sup>3</sup> There is no definition of special education in the Section 504 regulations, however, there is nothing that prohibits the school from providing special education services and specially designed instruction in a 504 Plan. <https://www2.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html> As an example: a school may commit to providing reading or math instruction using a specific methodology as a special education service.



The Council of Parent Attorneys and Advocates



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See also: [Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools](#) , November 2014