




Section 504 & Education: What Parents & Schools Need to Know

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What is Section 504?




- Part of the Rehabilitation Act of 1973
- National civil rights law
- Grants "equal access" to qualified persons with disabilities to all programs and activities receiving federal funding
- ADA Amendments Act of 2008 modified some parts of Section 504

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What Section 504 Says...


"No qualified person with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal assistance."



Section 504(a) of the Rehabilitation Act of 1973, as amended

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What type of schools does Section 504 apply to?




Section 504 applies to schools or programs that receive federal funding, such as:

- Early childhood programs like Head Start
- Public preschools
- Elementary schools
- Secondary schools
- Private schools that receive federal funding
- Technical colleges
- Universities

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Under Section 504, a school district cannot:



- Discriminate on the basis of disability
- Deny accommodations and modifications
- Deny access to programs, facilities or services
- Provide programs or services that are not "equal"


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Under Section 504, a school district also cannot:



- Provide programs or services which aren't as effective as programs or services for students without disabilities
- Provide different or separate services (unless necessary to provide equal opportunity)

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Schools Must... 

<p><u>HAVE IN PLACE:</u></p> <ul style="list-style-type: none"> • A written assurance of nondiscrimination in student/parent handbook • A designated 504 Coordinator • Procedures to resolve complaints 	<p><u>DO THE FOLLOWING:</u></p> <ul style="list-style-type: none"> • Provide parent/guardian with procedural safeguards • Annually identify & locate all students with disabilities
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Qualifying for services: IDEA vs 504


- Eligibility for Section 504 is different than eligibility for protection under IDEA!
- Just because a child doesn't qualify under IDEA, does not mean that they won't qualify under Section 504.



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Children are eligible for protection under Section 504 if:


1. They have a physical or mental impairment, *(or record of an impairment, or are regarded as having an impairment)*, which
2. Substantially limits one or more major life activities.



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1st Requirement (Impairment)– A child has an impairment if he/she:

- (a) has a physical or mental impairment
- OR
- (b) has a record of having an impairment
- OR
- (c) is regarded as having an impairment



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2nd Requirement: “Substantially Limits”

- Substantial is not defined in Section 504
- But, under the ADA Amendments Act of 2008, mitigating measures can no longer be considered when determining whether an impairment substantially limits. This is a good thing!

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2nd Requirement: “Major life activities”

• Walking	• Working
• Seeing	• Caring for one’s self
• Hearing	• Lifting
• Speaking	• Bending
• Breathing	• Reading
• Learning	• Concentrating
• Eating	• Thinking
• Sleeping	• Communicating
• Standing	• Major bodily functions



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Section 504 Accommodation Plan


If the student qualifies under 504, a plan is developed which describes what accommodations, services or programs will be provided to meet the student's needs. This may look similar to or very different than an IEP.



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Services under Section 504


- Services must be individually designed & provided so they meet the educational needs of students with disabilities.
- Services should be designed so that students with disabilities have the same access to all programs as students without disabilities.



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Examples of Accommodations & Modifications under Section 504

- Removal of physical barriers
- Extended time for testing
- Adjustment of class schedule
- Rest periods
- Use of aids (calculators, recorders, notetakers, etc.)
- Individualized homework assignments



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More Examples...

Modifying Health & Safety Procedures


- Administer meds
- Special diets
- Plan for emergency needs
- Elevator key
- Staff training
- Transportation



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Examples of Related Services

- Physical therapy
- Counseling
- Assistive technology
- Speech & language

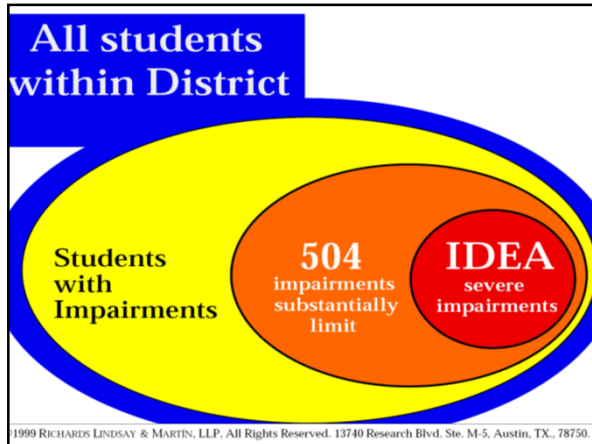


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COVID-19 and Section 504


- All Section 504 provisions and grievance procedures remain in place
- No real specific guidance issued
- Evaluation timelines may be extended
- States have no oversight

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Why is it important for EVERYONE to know about Section 504?



Even if your child is on an IEP in high school, once a student exits high school either by graduating or aging out, IDEA no longer applies. Only Section 504 is available at college or in the workplace. There are no IEPs after high school!

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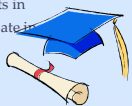
Accommodations NOT provided in college

- Unlimited time on tests
- Modified assignments/tests
- Reduced workload
- Modified deadlines
- One-on-one aide
- "Check-in" & "Check-out" w/instructors

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Entitlement vs. Eligibility

- **Entitlement (high school/IDEA) =**
You have a right by law to services or programs. *If a student has an IEP, they are "entitled" to the services in their IEP.*
- **Eligibility (college, work/Section 504) =**
You must meet certain requirements in order to receive services or participate in programs. Services and accommodations are not a given.




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Section 504/ADA & College Students/Work

- Sec. 504/ADA gives college students the rights to have **equal access** to:
 - Courses, Programs & Activities
 - Services
 - Jobs
 - Facilities
- Sec. 504/ADA gives college students the right to have equal opportunity to:
 - Work & Learn
 - Receive **reasonable, effective and appropriate** accommodations

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Remember...




- There are no IEP's in college or in the workplace.
- After high school, the only way to get accommodations, is to ask!
- Self-advocacy skills are really important for students to practice before they leave high school.

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Procedural Safeguards

- A child with a disability that is under an IEP has more protections and remedies than a child under a 504 Plan.
- District is required to have written procedures for resolving conflicts with Section 504. Ask the Section 504 Compliance Person at the District for a copy.



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What can you do if there is a problem?



1. Section 504 requires districts to conduct impartial hearings for parents who disagree with identification, evaluation, or placement.
2. File a complaint with the Office of Civil Rights. For more info and to obtain a complaint form. <http://www.ed.gov/about/offices/list/ocr/qa-complaints.html>
3. Pursue legal action in Federal Court.

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Contacting the Office of Civil Rights (OCR)

The regional OCR office that oversees Wisconsin is located in Chicago, Illinois.

Office of Civil Rights
 US Department of Education
Chicago Office
 U.S. Department of Education
 Citigroup Center
 500 W. Madison Street,
 Suite 1475
 Chicago, IL 60661-4544
 Telephone: (312) 730-1560
 Facsimile: (312) 730-1576
 Email: OCR.Chicago@ed.gov

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Questions?

Call WI FACETS' main office:
(414) 374-4645 or
Toll-Free (877) 374-0511
Contact Matthew at
mzellmer@wifacets.org

For additional resources, please
visit www.wifacets.org
