

What is Section 504?

What is Section 504? Section 504 is a federal civil rights law that prohibits discrimination based on disability. For school-age children, roughly ages 3 through 22, Section 504 requires that students with disabilities receive a free and appropriate public education (FAPE). This means that school districts must provide services and accommodations to enable a student with a disability to benefit from education—that is, to the greatest extent possible, to participate with their peers. They do this by developing a 504 accommodation plan for students with disabilities. Section 504 services are different from special education services. Students can receive aids and services under Section 504 even if they do not receive special education services.

What is a student with a disability? A student with a disability is one who has a mental or physical impairment or condition that substantially limits one or more major life activities, such as school attendance and participation. FAPE for students with disabilities can mean any combination of regular education and related services designed to accommodate student needs, including school health services, counseling, accommodations including modification of grading/schedule/curricula, speech therapy, mobility services, occupational and physical therapy, and transportation. A 504 plan must provide a combination of services and/or accommodations necessary to enable the student with a disability to receive some benefit from education.

Who can refer a child for evaluation? Anyone, including parents, guardians and school staff, can refer a child for a 504 evaluation. Parents are advised to make such an evaluation request to the school in writing and to keep a copy. The school district decides on the necessity and scope of the evaluation based on student attendance, school and academic competence and social responsibility and independence. The district must provide the parent with written notice of the proposed evaluation.

Who makes up the 504 team? A 504 team is comprised of teachers, school staff members, and usually the parent. This team makes decisions on the particulars of the plan and implementation. This team also makes “manifestation determinations” in the case of proposed suspensions or expulsions. A manifestation determination is the decision on whether a problem behavior results from the student’s disability.

How often is the plan reviewed? A 504 plan is generally reviewed annually. The child must be reevaluated for disability periodically; this is generally considered to be every three years or prior to a significant change of placement.

What rights do parents have? Parents have a right to consent to initial evaluation and initial placement, receive notice of evaluation and plan placements, inspect records, complain to the district’s 504 coordinator under a district grievance procedure, request an impartial due process hearing, and complain to the federal Office of Civil Rights. Parents may also have the right to bring a federal or state lawsuit for violation of the law.

Some Section 504 and IDEA Comparison Information

<i>Component of Legislation</i>	<i>IDEA*</i>	<i>Section 504</i>
Services	provides supplemental education services and support to ensure access to the general curricula	requires elimination of barriers that prevent full student participation in general curricula
Service Delivery Requirements	requires a written individualized education Plan (IEP)	requires a documented plan
Evaluation Procedures	requires multi-factored evaluation, using multiple assessment tools	evaluation based on information from a variety of sources/does not require affirmative testing
Independent Evaluation	allows parents to request independent evaluation at district expense	does not allow for independent evaluation at district expense
Notice to Parents	requires written notice to parents before evaluation and/or placement of child	does not require written notice; notice must be given before significant change in placement
Placement Decisions	IEP meeting required before change in placement or services	meeting not required before change of placement
Due Process	requires resolution sessions and due process hearings	requires grievance process and a district-identified 504 coordinator

* Individuals with Disabilities Education Act (special education)