

What is Section 504 and why is Section 504 important for students with disabilities?

Section 504 of the Rehabilitation Act is a Federal Civil Rights law that provides protections against discrimination based on race, color, national origin, disability, age, religion and sex by agencies receiving federal funding.

Section 504 prohibits discrimination against individuals, including students with disabilities. A 504 plan provides accommodations that allow the individual to access education, services, programs, activities and facilities benefitting them the same as their non-disabled peers.

Who must comply with Section 504?

According to the Office for Civil Rights, all elementary and secondary public schools (including public charter schools), private schools, local educational agencies, or State educational agencies that receive Federal financial assistance from the Department of Education (i.e. dollars for meal programs) must comply with Section 504.

Section 504 also applies to students in college or educational programs that receive federal financial assistance. Postsecondary school is required to provide appropriate academic adjustments as necessary to ensure that it does not discriminate on the basis of disability.

Who is eligible for a 504 plan?

For an individual to be eligible under Section 504, they must:

1. Have a disability that substantially limits one or more major life activities; AND
2. Need accommodations to prevent discrimination based on disability.

What constitutes a physical or mental disability?

Under Section 504, an individual with a disability (or impairment) is defined as a person who:

- has a physical or mental impairment that substantially limits a major life activity;
- has a record of the impairment; or
- is regarded as having an impairment.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity is determined by the 504 team on an individual basis.

What is considered a major life activity?

Major life activities under Section 504 includes, but is not limited to, the following activities:

- walking/standing/lifting/bending;
- seeing/hearing/speaking;
- breathing;
- learning;
- reading;
- concentrating/thinking;
- working;
- caring for oneself/major bodily functions; and
- performing manual tasks.

There is no complete list of major life activities provided by the federal government.

How does a 504 plan ensure that a child receives a Free and Appropriate Public Education (FAPE)?

Under Section 504, services are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities. Students with disabilities should receive

access and opportunities equal to their non-disabled peers.

A 504 plan provides reasonable accommodations a student needs in order to participate in and benefit from their education and school activities. FAPE entitles each student eligible for a 504 plan the right to educational services that:

- are provided at public expense and under public supervision;
- are at no additional cost to the parents;
- meet the Iowa Department of Education standards;
- meet the unique needs of each student;
- are provided from ages 3 to 21;
- include students who have been suspended or expelled;
- include related services and supports and;
- include participation in school sponsored and extracurricular activities.

How is a 504 plan different than an Individualized Education Program (IEP)?

504 plans and IEPs both offer accommodations for students in their Pre-K-12 education and school activities. The difference is an IEP includes goals that are needed to close the gap toward grade level through specially designed instruction.

A 504 plan is typically provided through general education and does not provide any additional funding to schools. IEP services and supports can be provided in a variety of settings and includes additional funding to the district. Section 504 accommodations can also apply in the post-secondary education setting but an IEP ends at high school graduation.

How is eligibility determined for a 504 plan?

Each district determines their own policies and procedures around evaluation and eligibility under Section 504. Each district will have at least one coordinator that oversees Section 504. Parents can request a copy of the District 504 Policy Manual and Procedures Guide which describes how the district meets these obligations. Parents must sign consent for an initial evaluation. Some districts also require medical documentation identifying a disability.

What can a parent expect when an eligibility decision is made under Section 504?

Regardless of the outcome, when an eligibility decision is made for Section 504, parents should receive notice in writing that explains evaluation and placement decisions. Parents will also receive information on the right to appeal these decisions.

What should be included in a 504 plan and who is responsible for implementing the plan?

If an evaluation determines that a child is eligible for Section 504 and parents give consent, a 504 plan is developed. A 504 plan documents the student's disability and the student's needs. It also outlines the accommodations needed, including who, where and when the accommodations will be provided.

A 504 team could include the Section 504 coordinator, an at-risk coordinator, an administrator, the child's teacher(s), a school nurse, the parent and the student if appropriate. One person should be designated as responsible for ensuring that the 504 plan is distributed and implemented by all staff. Teams should meet annually or more often if needed to review the plan to see if accommodations have been successful or if changes are needed.

What is an accommodation?

Accommodations are changes to the environment or expectations that are designed to allow a student to participate and make progress in the general education curriculum. Accommodations should be individualized and are decided on by the 504 team.

Can an Individual Health Plan (IHP) be a part of the child's 504 plan?

Yes, for a student whose only disability is a life-threatening health condition, an IHP, emergency or nursing care plan may serve as the student's Section 504 plan.

Can a student with a 504 plan be suspended?

Yes. Students with disabilities can be suspended like any other student, up to 10 school days per year before it is considered a "change of placement" and additional protections go into effect.

The 504 team is required to hold a meeting called a “Manifestation Determination” to decide if the child’s behavior was related to their disability. The Manifestation Determination is required:

- when a student with a 504 plan has been suspended for more than 10 days in a row.
- when a student has been suspended on multiple occasions for similar behaviors that add up to more than 10 total days throughout the year.
- if a child’s school day is shortened due to behavior which is considered a change of placement.

What can be expected in a Manifestation Determination meeting?

When a Manifestation Determination meeting is held the team must make a decision about whether or not the child’s behavior was caused by their disability or problems with the plan being followed.

If the team determines that the behavior is related to the child’s disability then the student should be returned to their original educational placement. If not, then the suspension can continue.

What can a parent do if they believe their child’s 504 plan is not being implemented or is not working?

If a parent has concerns that their child’s 504 plan is not being implemented or is not working, they can request a meeting with the 504 team. A meeting can be used to problem solve with the team about what is working and what isn’t. Each district must have a grievance procedure available to parents. The Section 504 coordinator for the district is typically the contact to initiate the district’s grievance process.

Iowa has no state level system supporting the 504 process. The Office for Civil Rights (OCR) has authority to enforce rights under Section 504. A complaint can be filed with OCR if parents believe that there has been a violation of Section 504.

Related Resources

Look for the following resources on the ASK website:

- Sample Letter Requesting 504
- Comparison of Section 504 and IDEA
- Removal of Students with Disabilities from School
- Manifestation Determinations

ASK Essential Questions

- Have I requested an evaluation, in writing, from my district for a 504 plan?
- Do I believe that my child needs a 504 plan in order to receive a Free and Appropriate Public Education (FAPE)?