

What is 504?

Section 504 of the Rehabilitation Act of 1973, is a federal civil rights statute which protects the rights of persons with disabilities. Section 504 prohibits discrimination against disabled persons, including both students and staff members by school districts receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that disabled students be provided with Free Appropriate Public Education (FAPE). These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

Who is eligible for services?

An eligible student is a student who:

1. has a record of having or
2. is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning.

Who is considered to have a disability?

A person is considered to have a disability under Section 504 if he/she meets one or more of the following definitions:

1. has a physical or mental impairment which substantially limits one or more major life activities.
The term does not cover children disadvantaged by cultural, environmental, or economic factors
2. has a record or history of such an impairment
3. is regarded as having such an impairment
 - a. has physical or mental impairment that does not substantially limit a major life activity but is treated by the district as having such a limitation;
 - b. has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment, or;
 - c. has no physical or mental impairment but is treated by the district as having such an impairment.

What are "major life activities," for purposes of coverage of students under Section 504?

Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. The disability must substantially limit learning activities for the student to be eligible for 504 educational services (34 CFR § 104.3(1)). This activity need not be related to learning to come under the protection of Section 504. The determination of whether an impairment is "substantially limiting" must be made on a case-by-case basis by the Section 504 Review Committee. The nature, severity, duration, and permanence of the impairment should be taken into consideration.