



Statewide Parent
Advocacy Network

Empowering families,
professionals, and others
interested in the well-being
and education of children
and youth

In this fact sheet:

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SPAN

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Section 504 and the Americans with Disabilities Act (ADA) are important federal civil rights laws. They both prohibit discrimination on the basis of disabilities.

SECTION 504 AND THE AMERICANS WITH DISABILITIES ACT (ADA) IN SCHOOLS

What protections does Section 504 offer to students with disabilities?

Section 504 provides that students with disabilities have a right to a free, appropriate public education (FAPE), even if those disabilities do not interfere with the child's ability to learn. Students must have meaningful access to academic programs, such as gifted and talented schools, magnet schools, and other special programs, as well as non-academic activities such as field trips, graduation ceremonies, and extra curricular activities. Schools must provide necessary educational services, aids, and accommodations to ensure non-discrimination.

How does the ADA protect students with disabilities?

ADA is a civil rights law with broad application. It prohibits discrimination against people with disabilities in a wide range of settings, including employment, transportation, state and local government programs, and public accommodations. The ADA does not contain specific special education rules or requirements.

Who is protected by Section 504 and the ADA?

Section 504 and the ADA protect people of all ages who have disabilities that "substantially limit" one or more of the following "major life activities:"

Caring for oneself
Seeing, hearing, or speaking
Breathing
Learning

Performing manual task
Walking
Learning

Covered disabilities and conditions include many mental or psychological disorders, such as ADHD, learning and intellectual disabilities, and medical conditions such as allergies, asthma and diabetes..

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How is a student referred for services under Section 504?

Anyone can refer a student for evaluation under Section 504. If a parent believes a child may be eligible for services, he/she should inform the school in writing and provide records or documentation. Parents should also ask for a copy of the district’s Section 504 plan. Within 30 days of receipt of all the relevant documentation (or sooner), the district should respond to the request in writing. In the written response, the school will indicate whether the child will be evaluated to determine eligibility. If denied, the letter must describe the steps needed to appeal the decision.

How is eligibility determined?

If formal testing is needed to confirm the disability, then formal testing must be conducted. If a child’s disability has already been confirmed by a doctor or specialist, then there may be no need for additional testing.

Schools must consider a variety of sources such as a student’s grades over several years, teacher’s reports, information from parents, test scores, observations, discipline reports, attendance records, health records and adaptive behavior information. A single source of information (such as a doctor’s report) cannot be the only information considered. The law does not require that parents be a part of the eligibility decision-making committee, but they should be asked to contribute any information that they may have (e.g., doctor’s reports, outside testing reports, etc.). All information submitted must be documented and considered.

Does Section 504 guarantee FAPE and LRE in a public school setting?

Like IDEA, Section 504 requires that all services and accommodations be provided in the “least restrictive environment” (LRE). A student may not be removed from the regular class unless his/her needs cannot be met in the regular class even with the provision of supplementary aids and services. FAPE consists of the provision of 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. Section 504 does not require FAPE for childcare centers, private schools, and universities, merely “reasonable accommodations.”

How do I file a Section 504 complaint?

If you believe that Section 504 has been violated, you may file a complaint with the Office of Civil Rights. A complaint must be filed within 180 calendar days of the date of the alleged discrimination.

A 504 Plan

If a child is determined eligible for Section 504 services, a Section 504 plan must be developed. Accommodations, modifications, and services must be determined on an individual basis and designed to ‘level the playing field.’ It can be helpful to consider the following strategy areas:

- **Environmental:** removing physical barriers, modified seating, extra time, special lighting, and use of specialized writing tools.
- **Organizational:** adjustments to class schedules, peer-assisted note taking, an extra set of books for use at home, and study guides.
- **Behavioral:** positive reinforcement, counseling, and positive behavior support plans.
- **Presentation:** highlighted text books, books on tape, enlarged print, computer-aided instruction, access to teacher outlines, and tutors.
- **Assignments:** use of calculators, computers, and extra time for assignments, and reduced homework.
- **Evaluations:** extended time on tests, testing modifications, oral tests, and testing at alternate times/locations.
- **Health and Medical:** administration of oral medications, inhalers, injections including epi-pens, and intermittent catheterization.
- **Related Services:** counseling, occupational, physical and/or speech therapy.

Learn more:

To learn about filing a Section 504 complaint, visit: <http://www2.ed.gov/about/offices/List/ocr/docs/howto.html>

Phone: 800-421-3481; TDD: 800-877-8339

Go online to Learn more about this topic, including:

What are some of the conditions covered under Section 504?

Can Section 504 and ADA help a parent with a disability?

What are my rights as a parent under Section 504?

What are the childcare requirements under Section 504 and ADA?

I programs?



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