



Guidance Document: Section 504

Section 504 is a federal anti-discrimination law that prohibits public agencies from discriminating against students with disabilities. Section 504 has considerable overlap with IDEA in the special education context, but there are significant differences between the two statutes and how they operate.

Under IDEA, only children who have certain specific types of disabilities and who, because of those conditions, need specialized instruction and related services, are eligible. The Section 504 definition of a disability is much broader, including any physical or mental impairment that substantially limits one or more major life activity, including, but not limited to, learning. Section 504 covers all children who meet this definition, even if they do not fall within one of the 13 special education eligibility categories and do not need specialized instruction under the IDEA.

Like IDEA, Section 504 requires schools to provide a free appropriate public education to “qualified students with disabilities”; however, unlike IDEA, Section 504 does not provide funding. For this and other reasons, the vast majority of students with disabilities who require special education or related services are served under IDEA, while Section 504 most frequently provides protections for students who require only accommodations.

Both IDEA & Section 504 require teams to consider individual students’ eligibility in accordance with established standards. The following details similarities as well as differences between students with disabilities supported by a Section 504 Plan and those on an Individual Education Program (IEP).

Law applies:

Section 504 Rehabilitation Act of 1973

The Individuals with Disabilities Education Act (IDEA)

Determining Eligibility?

- (1) have a physical or mental impairment that
- (2) substantially limits
- (3) one or more major life activities.

Meet criteria in 1 of 13 IDEA eligibility categories

Who is the Team?

Created by a team familiar with student and understands evaluation data & special services options

Created by a team which must include: parent, at least one general educator, at least one special educator, specialist who can interpret data, district representative with authority to commit resources

Evaluation?

A student has a disability and that disability substantially limits a major life activity

A student meets specific criteria in 1 of the 13 eligibility categories. The student requires specialized instruction and the use of supplementary aids and services to benefit from general education.

Provides:

Services and changes to the learning environment to ensure access

Specialized instruction, accommodations and modifications

Parent Rights

Office of Civil Rights provides that informed parental consent is required prior to an initial evaluation of a student suspected of having a qualifying disability under Section 504.