



Parent Training and Information (PTI) Program

Section 504 of the Rehabilitation Act of 1973

What is it?

Section 504 is a section of the Rehabilitation Act of 1973 that protects the rights of persons with disabilities. It prohibits agencies or organizations, which receive federal funds, from discriminating against otherwise qualified individuals solely on the basis of disability.

What is a disability under 504?

An individual is determined to have a disability if she/he:

1. Has a physical or mental impairment which substantially limits one or more major life activities (walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks);
2. has a record of such impairment, or;
3. is regarded as having such an impairment.

This can mean that a school-age child who has a disability and does not qualify for special education may still be entitled to accommodations or other services in regular education under Section 504.

What are “accommodations” under 504?

Accommodations must achieve meaningful, equal opportunity, must consider the functional limitations of the person and alternative methods of performance. Some examples could include (but are not limited to) the following: modified testing, preferential seating, taped textbooks, readers, tailoring homework assignments, etc.

1. Accommodations must be individualized.
2. The individual needs of the persons with a disability should be met to the same extent as the needs of persons without disabling conditions.
3. Modifications can be made to regular programs, or the provision of different programs may be necessary.
4. Accommodations must allow the student with a disability access to programs equal to that of the non-disabled student.

Are evaluations required under 504?

Yes, a district must evaluate “any person who, because of disability, needs or is believed to need special education and/or related services.” Evaluation is also required prior to a significant change in placement.

Is an Individual Education Plan(IEP) required under 504?

An IEP is not required. A plan describing placement and services must be developed. A written plan provides documentation. Placement decisions must be based on information from varied sources and must be documented. All information must be considered. Decisions must be made by a group of persons who are knowledgeable about the child, the meaning of the data and placement options.

What are the responsibilities of schools?

To be in compliance with Section 504, school districts must:

1. Provide written assurance of nondiscrimination.
2. Designate an employee to coordinate compliance.
3. Provide grievance procedures to resolve complaints.
4. Provide notice of non-discrimination in admission or access to its programs or activities. Notice must be included in a student/parent handbook.
5. Annually identify and locate all qualified children with disabilities who are not receiving a public education.
6. Annually notify persons with disabilities and their parents or guardians of the district's responsibilities under Section 504.
7. Provide parents or guardians with procedural safeguards:
 - (a) Notice of their rights
 - (b) An opportunity to review relevant records
 - (c) An impartial hearing – parents or guardians must be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabling conditions.

How do I file a complaint with the Office of Civil Rights (OCR)?

Find someone in your regional OCR office (Office of Civil Rights, Department Of Education, 2901 Third Avenue, MS 106, Seattle, WA 98121, 206-220-7900) who understands the applications of Section 504 on education, and use that person as your contact. Explain the situation, specify the issue and cite the area of concern. OCR will review the information and decide if they will do a full investigation.

How is Section 504 different from I.D.E.A.

1. Individuals with Disabilities Education Act (IDEA), lists categories of qualifying conditions. Section 504 is much broader in its definition of disability.
2. Free Appropriate Public Education (FAPE) under Section 504 means an education comparable to the education provided to students who are not disabled.
3. Under Section 504 a student is eligible if he meets the definition of "qualified disabled person." The student is not required to be in need of special education in order to be protected.
4. Section 504 does not provide additional funds.
5. Section 504 includes detailed regulations regarding building and program accessibility.
6. Section 504 requires notice of procedural safeguards; however it does not have to be written notice.
7. Section 504 requires notice, but not consent, prior to an initial evaluation.
8. Under Section 504 school districts must designate an employee to be responsible for assuring compliance and must provide a grievance procedure.
9. Section 504 protects students with disabilities, including those with IEPs, from discrimination based on disability.

This is a summary of Section 504. For further information contact: PAVE at 1-800-5- PARENT (v/tty) or (253) 565-2266 (v/tty). A Parent & Educator Guide to FAPE under 504 is available from Puget Sound ESD, Special Education Office, contact 1-800-664-4549.

We have Parent Training and Information (PTI) Offices throughout the State. Contact our main office toll-free at 1-800-572-7368 (v/tty), pave@wapave.org or visit our website www.wapave.org for the office closest to you.