

EQUAL RIGHTS FOR ALL STUDENTS

Revised 2024

A Guide to Section 504 of the
Rehabilitation Act of 1973



The Utah State Board of Education has updated the 2019 Parent Guide. The contents of the document do not necessarily reflect the position of the U.S. Department Education's Office for Special Education Programs (OSEP) or Office for Civil Rights (OCR), and no official endorsement should be inferred. This document is meant to provide guidance only. For legal advice, always check with an attorney.

EQUAL RIGHTS FOR ALL STUDENTS

A Guide to Section 504 of the Rehabilitation Act of 1973

Utah State Board of Education

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Public Instruction

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GUIDE TO SECTION 504

This **GUIDE TO SECTION 504** provides information and describes some of the requirements of Section 504 of the Rehabilitation Act of 1973 concerning preschool, elementary, and secondary school policies involving placement of students with disabilities.

WHAT IS SECTION 504?

Section 504 prohibits discrimination based on disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education (34 C.F.R Part 104). This includes public schools. It aims to provide equal opportunity for a qualified person with a disability to participate in or benefit from educational aids, benefits, or services. Section 504 requires a level playing field for students with disabilities, not an unfair advantage.

APPROPRIATE EDUCATION

A local education agency (LEA) shall provide a free appropriate public education to each qualified person with a disability under their jurisdiction, regardless of the nature or severity of the person's disability. An LEA is a district or charter school. A free appropriate public education includes regular or special education and related aids and services that:

- (1) Are designed to meet the individual educational needs of an eligible student with a disability as adequately as the needs of a nondisabled student.
- (2) Are based on adherence to evaluation, placement, and procedural safeguard requirements (34 C.F.R. 104.33-36).

WHAT ARE SOME DIFFERENCES BETWEEN SPECIAL EDUCATION AND SECTION 504?

Section 504 and special education provided through the Individuals with Disabilities Education Act (IDEA) are two possible service options for students with disabilities. Perhaps the most significant difference between the two is that Section 504 is a civil rights law, and IDEA is an educational benefit law. As an educational benefit law, IDEA offers additional services and protections for those with disabilities not offered to those with disabilities. The following table describes some fundamental differences between Section 504 and IDEA.

Table 1: Some Fundamental Differences Between Section 504 and IDEA

Issue	Section 504	IDEA
Type	A civil rights statute	An education act
Responsibility	General education	Special education
Funding	LEA funding	State/federal/local funding
Administration	Section 504 Coordinator	Special Education Administrator
Service Tool	Section 504 Plan	Individualized Education Program (IEP)
Disabilities	Any disability, if eligible	Qualifying disability categories
Parents	Should be involved in all committee meetings	Must be involved in all committee meetings
Procedural Safeguards	Parent consent and notice is required	Parent consent and notice required for initial evaluation, placement, and reevaluation

WHICH STUDENTS ARE ELIGIBLE UNDER SECTION 504?

Section 504 does not identify any specific qualifying disabilities or disability categories. According to 34 C.F.R 104.3(j)(1), a student is eligible for related aids, services, and accommodations under Section 504 if:

- (i). the student has a physical or mental impairment that substantially limits one or more major life activities (or major bodily functions),
- (ii). the student has a record of such impairment (e.g. previously had a 504 Plan or IEP), or
- (iii). the student is regarded as having such an impairment

PHYSICAL AND MENTAL IMPAIRMENTS

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made based on an individual assessment. Section 504 defines a physical or mental impairment as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as intellectual disabilities, organic brain syndrome, emotional or mental illness, and specific learning disabilities (34 C.F.R. 104.3(j)(2)(i)).

MAJOR LIFE ACTIVITIES

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

MAJOR BODILY FUNCTIONS

Includes immune system functions; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions (ADA Amendments Act).

WHAT ARE SOME COMMON DISABILITIES THAT QUALIFY UNDER SECTION 504?

Under Section 504, disabilities are not strictly defined. However, given the characteristics of numerous impairments, certain disabilities will often qualify. For instance, a school district shouldn't require extensive documentation or analysis to confirm that a student with diabetes, epilepsy, bipolar disorder, or autism qualifies as having a disability under Section 504. Some other disabilities that often qualify for 504 related aids, services, and accommodations are attention-deficit/hyperactivity disorder (ADHD), vision impairments, chronic health conditions, such as asthma or allergies, other mental health conditions, such as anxiety and depression, or students who are deaf or hard of hearing. A physician's diagnosis is not required for 504 eligibility, nor is it enough to qualify as a person with a disability under Section 504.

DOES SECTION 504 REQUIRE EVALUATIONS?

Section 504 requires that an LEA evaluate any person who, because of disability, needs or is believed to need special education or related services before taking any action concerning the initial placement of the person in "regular" (i.e., general education classroom) or special education and any subsequent significant change in placement. An LEA must draw from various sources of information in the

evaluation process. The information from such sources must be documented, and all significant factors related to the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The information should be reviewed to determine whether it is current or needs to be updated. Evaluations must be provided at no cost to parent(s)/guardian(s). One source cannot be the sole determiner of Section 504 eligibility.

HOW IS IT DETERMINED THAT A STUDENT IS ELIGIBLE UNDER SECTION 504?

A multi-disciplinary group of persons (i.e., 504 committee) knowledgeable about the student, the meaning of the evaluation data, and the placement options determines student eligibility under Section 504. This typically involves the parent(s)/guardian(s), school principal, classroom teacher(s), and other educators working with the student. The 504 committee members must determine if they have enough information to make a knowledgeable decision as to whether the student has a disability. The decisions about Section 504 eligibility and services should be documented in the student's file and reviewed periodically.

WHAT ARE RELATED AIDS, SERVICES, AND ACCOMMODATIONS?

If it is concluded that a student has a disability as defined under Section 504, the 504 committee determines if the student requires related aids, services, and accommodations to access educational programs and activities. Service decisions must be based on evaluation information and student needs. The individualized related aids, services, and accommodations will be documented in a 504 Plan. Any related aids, services, and accommodations included in the 504 Plan should be implemented by responsible persons with fidelity. The following chart lists some possible related aids, services, and accommodations:

Table 2: Chart Listing Some Possible Related Aids, Services, and Accommodations

In the classroom	Outside the classroom
Modify assignments and tests that still meet core expectations	Allow extra time between class
Extend Time on assignments and tests and allow students to redo assignments and tests	Accommodate absences for healthcare appointments, adjust attendance policy if needed
Provide assistive technology	Modify schedule and/or arrange for home tutoring
Adjust student seating	As necessary, medication administration
Use study guides and organizing tools	Provide appropriate transportation
Provide a peer tutor/helper	Provide tutor or aide
Reduce allergens, e.g., air purifiers, disinfect surfaces, and dietary accommodations	Avoidance of allergens. Allow students to stay inside when necessary.
Record lectures/presentations and copies of notes	Provide school counseling and peer support groups
Modify physical education requirements	Modify time/activity level for recess
Allow immediate access to snacks and water	Adjust snacks and mealtimes
Permit bathroom use without restriction	Make any needed restroom accommodations

WHAT ARE THE RESPONSIBILITIES OF THE LEA UNDER SECTION 504?

To comply with Section 504, LEAs must do the following:

1. Provide grievance procedures to resolve complaints.
2. Provide a notice of nondiscrimination in admission or access to its programs or activities to the parent(s)/guardian(s) and disseminate it to the general population.
3. Identify, locate, and evaluate all children who may qualify for related aids, services, and accommodations under Section 504 (34 CFR 300.111).
4. Annually notify parent(s)/guardian(s) of their responsibilities under Section 504.
5. Provide parent(s)/guardian(s) notice of their rights (procedural safeguards).
6. Implement related aids, services, and accommodations written into a 504 Plan with fidelity.
7. Conduct an "evaluation" of the student before implementing a disciplinary removal of more than ten consecutive school days or a pattern of short-term removals that accumulate to more than ten school days in a year.

WHAT ARE RECOMMENDATIONS FOR PARENT(S)/GUARDIAN(S)?

1. Maintain open communication with the school regarding your student's needs.
2. Be involved in Section 504 meetings concerning your student, when possible.
3. Assist in developing appropriate related aids, services, and accommodations for your student.
4. When applicable, collaborate with other agencies, such as vocational rehabilitation.
5. Be actively engaged in preparing for postsecondary education. The [Preparing Students with a Disability for Post-secondary Education/Vocational Training sample checklist](#) is a good resource.

WHAT ARE THE RECOMMENDATIONS FOR STUDENTS?

1. Be involved in Section 504 meetings when appropriate.
2. Familiarize yourself with [Section 504 rights](#) at postsecondary programs before graduating from high school.
3. Be actively engaged in preparing for postsecondary college and career opportunities. [Preparing Students with a Disability for Post-secondary Education/Vocational Training sample checklist](#) is a good resource.

WHAT IF I THINK MY STUDENT'S NEEDS ARE NOT BEING MET?

If you believe the school is not meeting the requirements of Section 504 as it relates to your student, several options are available to help resolve your concerns:

- Access your LEA's grievance process, facilitated through your local Section 504 Coordinator. Information for contacting the 504 Coordinator should be listed on the LEA's website. Directories for all [Utah Section 504 Coordinators](#) are also posted on the Utah State Board of Education (USBE) website.
- Submit your concerns through the USBE [Public Education Hotline](#). The USBE does not investigate allegations of discrimination or enforce compliance, but it can provide impartial technical assistance.
- File a complaint with the Office for Civil Rights (OCR). The OCR enforces several Federal civil rights laws prohibiting discrimination in programs or activities that receive federal financial assistance from the U.S. Department of Education. The OCR offers mediation and a formal investigation process. You can find more information about the [OCR complaint process](#) online.

The contact information for the OCR is:

Office for Civil Rights, Denver Office
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303.844.5695
Email: OCR.Denver@ed.gov

WHAT IF WE THINK WE ARE EXPERIENCING RETALIATION?

A school may not retaliate against any person who has made a complaint. The U.S. Code of Federal Regulations states that “No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing” (34 CFR 100.7). Retaliation may be reported to the OCR.

RESOURCES

For more information about Section 504, contact:

Utah State Board of Education

250 East 500 South

P.O. Box 144200

Salt Lake City, UT 84114

Phone: 801.538.7828

Utah Parent Center

5296 S Commerce Drive, Suite 302

Murray, UT 84107

Phone: 801.272.1051

Toll-Free in Utah: 1.800.468.1160

Email: info@utahparentcenter.org

The person in your school who is responsible for overseeing Section 504 is:	The LEA Section 504 Coordinator is:
Name:	Name:
Telephone:	Telephone: