

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 establishes a student's right to full access and participation to education and all school-related activities and require schools provide appropriate services to meet the individual needs of qualified students.

A student is considered "qualified" under Section 504 if the student is between the ages of 3 and 22 years of age and has a disability, which is defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments that may substantially limit major life activities, even with the help of medication, aids or devices are: attention deficit hyperactivity disorder (ADHD), asthma, allergies, blindness or visual impairment, deafness or hearing impairment, diabetes, epilepsy, heart disease, and mental illness.

With the passage of the ADA Amendments Act in 2008, Congress expanded the scope of "major life activities" and clarified that a disability determination under the ADA and Section 504 should not demand extensive analysis, which is why the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) are no longer considered when making a determination.

In addition to providing required services and program modifications, school districts are also required to have written procedures regarding their administration of services under Section 504. These procedural safeguards include notice of the law and its applicability, an opportunity for students and their parents or guardians to examine relevant records, an impartial hearing with the student's parents or guardians and representation by counsel, and a review procedure. The procedural safeguards used to comply with IDEA are one means of meeting this requirement. If a child does not meet the entitlement criteria for IDEA then a 504 should be considered.

Angie Hyde-504 coordinator

ahyde@pawneeschools.org