

The Americans with Disabilities Act Amendments Act and Section 504 of the Rehabilitation Act improve access to accommodations for students and adults with learning disabilities in school and in the workplace.

What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits discrimination on the basis of disability in programs and activities, public or private, that receive federal financial assistance. This law conforms to the definition of disability under the Americans with Disabilities Act Amendments Act (ADAAA). Section 504 does not provide funding for special education or related services, but it does permit the federal government to take funding away from programs that do not comply with the law.

How Does an Individual Qualify as Disabled Under Section 504?

There is no specific mention of learning disabilities in Section 504, however the law defines a person as disabled if he or she:

- has a physical or mental impairment which substantially limits one or more major life activities,
- has a record of such an impairment, or
- is regarded as having such an impairment. 28 CFR Sec. 36.104

Under the regulation, learning, reading, thinking and concentrating among others listed in the ADAAA are all considered major life activities. As a general rule, if a child is [eligible for services under IDEA](#), he or she qualifies for protection under Section 504. However, not all students covered by Section 504 are eligible for IDEA-related services. Section 504 has much broader definitions of disability and so it pertains to many more people.

What Does an Evaluation Involve?

For school-age children, if parents (or guardians) believe their child should qualify for protections under Section 504, they should contact their child's school about an evaluation. The law mandates that an evaluation must include a variety of assessment tools that will accurately demonstrate the child's specific areas of educational need. The evaluation process should also consider various other factors, such as teacher recommendations, physical condition, social and cultural background, behavior and any independent evaluations.

Evaluation and service decisions are made by a [multi-disciplinary team](#) of people familiar with the child who understands the means of evaluation and the special service options. Section 504 requires the use of evaluation procedures that ensure that a child is not misclassified, unnecessarily labeled as having a disability or incorrectly placed. The child must be re-evaluated periodically.

It is unlawful to consider the child's use of 'mitigating measures' in determining eligibility under Section 504. In other words, students cannot be penalized for the use of coping strategies or adaptive behaviors when being evaluated under Section 504.

What Happens If a Child Is Eligible for Services Under Section 504?

If a child is considered disabled under Section 504, school district personnel must create a Section 504 plan. If that child is also eligible for services under IDEA, then in most cases the [Individualized Education Program](#) (IEP) will take the place of a Section 504 plan. Some school districts use a separate form.

In order to determine what kind of services would be most appropriate for a child, a team of regular and special education teachers, as well as the school principal, will meet to consider the child's disability, how it affects the child's education and what services would be most helpful. Parents (or guardians) should be present for all planning sessions regarding their child.

What Services are Available Under Section 504?

Section 504 clearly states that a free and appropriate education must be made available to all qualified students with disabilities. The educational needs of students with disabilities must be met as adequately as the needs of students without disabilities.

A child may be placed in regular education classes with accommodations such as a computer or other technology, extended time for test taking or special services such as after-school tutoring. Modifications in academic requirements and expectations may also be considered. In each case, the individual educational needs of the child should be addressed in the least restrictive environment (LRE) possible.

What Is the Role of a Parent Under Section 504?

Under Section 504, a child's school district must receive permission from a parent (or guardian) to evaluate the child. Parents should also ask to participate in all aspects of planning and decision-making for the child's education.

Once a child has been evaluated the school must notify the parents (or guardians) about the results and any decisions that are made. If the parents disagree with any decisions the child's school makes, both the parents and the school have the right to use mediation to resolve any differences of opinion.

Further Reading

Understood.org offers parents an in-depth [overview of 504 plans](#), along with a handy chart that compares the [difference between IEPs and 504 plans](#) and [other information](#) like 504 plan eligibility, terms to know, and more.