

Section 504 Quick Reference Guide

Section 504 is an anti-discrimination, civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met. Section 504 provides access and removes obstacles.

Section 504 does not create a plan from which the child receives educational advantage over their peers.

A 504 plan is designed to put kids on an equal footing with their peers, so that they compete on a level playing field. Unlike an IEP, a 504 plan is not able to individualize curricula (grade level work).

Section 504 provides access and reasonable accommodations to children with disabilities who qualify for accommodations.

To qualify for services and protection under Section 504, a student must be determined, as a result of an assessment, to have a *physical or mental impairment* that *substantially limits one or more major life activities*, (seeing, hearing, walking, speaking, breathing, performing manual tasks, caring for one's self, etc.), and has a record of such an impairment.

A physical or mental impairment does not automatically qualify a student for 504 accommodations, unless the severity or educational impact of the disability is such that it results in a substantial limitation of one or more major life activities. (can have record of an impairment, i.e., ADD/ADHD, and does not qualify for 504 accommodations). An impairment does not automatically qualify an individual for Section 504 accommodations.

A student is not "substantially limited" simply because the student is not reaching his/her potential.

In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population.

Accommodations must be individualized, if the whole class, grade or school has the same access, it is not an accommodation.

Accommodations cannot change what is being taught or measured.

Each child's needs are determined individually and what that child needs in order to have an equal opportunity to compete when compared to their peers. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce.

504 plans cannot be provided by demand.