



# Guidelines for Parents Regarding Section 504 of the Rehabilitation Act of 1973

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Section 504 of the Rehabilitation Act of 1973 was implemented by Congress in 1977. This Act is a civil rights act that protects the rights of people with disabilities. The law states that no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance. This includes all public schools. For many years, school districts thought their main obligation was to guarantee physical access to public buildings: ramps were installed, curbs were cut, elevators were installed in multi-level buildings, and restroom stalls were enlarged. **However, this mandate extends well beyond just physical access.** The passage of the Rehabilitation Act of 1973 required that school districts make their programs and activities accessible as well as *usable* to all individuals with disabilities. In order for an educational program to be *usable* (i.e. appropriate), students may require special accommodations such as modified assignments or testing situations.

## How is “appropriate education” defined in Section 504?

A free “appropriate education” is one provided by the public elementary or secondary school that includes general or special education and related aids and services that

- are designed to meet the individual educational needs of a person with a disability as adequately as the needs of a non-disabled person are met, and
- are based upon adherence to evaluation, placement, and procedural safeguard requirements.

## How is “disability” defined in Section 504?

Section 504 of the Rehabilitation Act of 1973 protects students from discrimination based upon their disability status. A student is disabled within the definition of Section 504 if he or she has a mental or physical impairment that substantially limits one or more of a person’s major life activities.

## What does “major life activities” mean?

Major life activities include functions such as

- \*caring for one’s self
- \*performing manual tasks
- \*walking      \*seeing      \*hearing
- \*speaking      \*breathing      \*learning
- \*working

When a condition does not substantially limit a major life activity, the individual does *not* qualify under Section 504.

## How are students with disabilities identified?

If the school and/or parent has reason to believe that, because of a disability as defined under Section 504, a student needs accommodations or services in order to participate in the school program, the school must evaluate the student.

To determine eligibility for Section 504 services, a child must be evaluated by a team of trained school professionals who are familiar with the child. The results must be shared at a team meeting in which parents or caregivers are involved.

If it is determined that a student has a disability, under Section 504, the school must develop and implement the delivery of all needed services and/or accommodations.

## What kinds of services and/or accommodations does this include?

The group that determines a child’s eligibility for Section 504 services must review the nature of the disability and how it affects the student’s education. The decisions about Section 504 eligibility and services must be documented in the student’s file and reviewed periodically.

Equal physical access must be provided so that a student in a wheelchair, or one who has limited mobility, can participate with other students. Programs cannot exclude children with disabilities from participating in activities that are available to children without disabilities.

For more information, contact the Parent Education Network toll-free: 1-877-900-9736 or log on to [www.wpen.net](http://www.wpen.net).

An appropriate education for students eligible under Section 504 may mean that they receive instruction in general classes with accommodations and programs designed to meet their unique needs.

Modifications in academic requirements and expectations may be necessary to accommodate the needs of an individual student with disabilities and thereby enable him/her to participate in the general education program.

### What is meant by “accommodations”?

Accommodations are made by the classroom teacher(s) and other school staff to help students benefit from their educational program. Examples of common accommodations may include but are not limited to the following:

- modify assignments and/or tests
- provide an extra set of textbooks for home
- adjust student seating
- use study guides
- teach organizing skills (daily planner)
- provide a peer tutor/helper
- offer counseling
- modify recess/PE/transportation
- use a study carrel
- use behavioral management techniques
- post rules and consequences for classroom behavior
- establish daily/weekly progress reports
- tape lessons so the student can listen to or watch them again
- give both oral and written instructions for assignments
- provide for oral testing
- change instructional methods/pace

Accommodations must be individualized to meet the student’s individual needs. The individual needs of the student with a disability should be met to the same extent as the needs of students without disabilities.

*Accommodations should place the student with a disability at an equal starting level with the non-disabled student.*

The definition for eligibility under Section 504 is very broad and could include any physical or mental impairment that substantially limits a major life activity. The student could receive accommodations, services, and/or related services. Some students could receive just a related service, such as physical therapy or school counseling. Some students may be eligible

for 504 status only for a short term if their disability is temporary, i.e., a broken leg from an accident or hospitalization for a serious illness or surgery. They may need accommodations or services only during the time of their temporary disability, but not after they have recovered.

*A child is not required to need special education services to be protected under Section 504.*

### What types of disabilities would be included under Section 504?

The list might include but not be limited to

- ✓ HIV/AIDS
- ✓ Tourette’s syndrome
- ✓ Attention Deficit Hyperactive Disorder (ADHD)
- ✓ Heart malfunctions
- ✓ Communicable diseases
- ✓ Urinary conditions
- ✓ Blood disorders
- ✓ Chronic Fatigue syndrome
- ✓ School phobia
- ✓ Respiratory conditions
- ✓ Blood-sugar disorders
- ✓ Post-traumatic disorders
- ✓ Pregnancy (with health issues that affect the ability to learn)
- ✓ Epilepsy
- ✓ Cancer
- ✓ Obesity
- ✓ Birth defects
- ✓ Tuberculosis
- ✓ Allergies
- ✓ Arthritis
- ✓ Asthma
- ✓ Cystic Fibrosis
- ✓ Orthopedically impaired (broken bone)
- ✓ Traumatic brain injury
- ✓ Temporary disability (accidental injury)

Not all students with health issues (long-term or temporary) will need or want accommodations or services offered by the school. However, if their health issues are deemed to limit substantially one or more major life activities, they may be eligible to receive services and to be given accommodations by the school as specified under Section 504.

Source: Wyoming Department of Education  
Section 504/ADA

Guidelines for Parents and Guidelines for Educators

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