

# A QUICK GUIDE TO SECTION 504

## *Frequently Asked Questions*



### What is section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent American with Disabilities Amendments Act of 2008, is intended to prevent intentional or unintentional discrimination against persons with disabilities. In essence, Section 504 was enacted to “level the playing field.” This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability. Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

### When does a student qualify under section 504?

The decision regarding whether or not to identify a student under Section 504 is made on a case-by case basis. The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity.

### What is the section 504 committee?

Each school has a committee which is knowledgeable about the requirements of Section 504 and often is made up of the same members as the SBLC. The committee may consist of the principal or designee, the child’s general education teacher, specialists, or other personnel deemed appropriate by the principal.

### How does section 504 define disability?

A person is considered “disabled” if they meet both of the following criteria:

1. Have a physical or mental impairment, AND
2. that impairment substantially limits one or more major life activities.

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list.

### Are there any impairments which automatically qualify a student as having a disability under section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

## What is a “substantial limitation”?

The determination of substantial limitation must be made on a case by-case basis with respect to each individual student. The Section 504 regulatory provision requires a group of knowledgeable persons (the SBLC) to draw upon information from a variety of sources in making this determination. The standard that is followed in determining if a disability “substantially limits” a student’s ability to perform a major life activity is to compare that student to most people in the general population in that age group.

## What are “major life activities”?

Major life activities include such things as: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. This list is not exhaustive.

## Does Section 504 require an assessment?

Yes. However, “assessment” does not necessarily mean a “test” or “formal testing.” Under Section 504, an assessment refers to gathering data and/or information from a variety of sources so that the Section 504 Committee can make an informed decision. Common sources of assessment data are: grades, attendance records, health information, standardized test scores, teacher, parent, and student feedback, medical reports, comments/ observations, disciplinary referrals, etc.

## Does APSB consider private evaluations and/or doctor diagnosis submitted by parents?

Yes. All information provided by parents/guardians should be considered along with a variety of other sources of data. The information provided will also be reviewed by an appropriately qualified staff member at LeBlanc Special Services. Determinations of eligibility, accommodations, and services are made by the 504 Committee.

## Does a diagnosis of an illness or learning disability automatically mean a student can receive services under section 504?

No. A medical diagnosis of an illness does not automatically qualify a student to receive services under Section 504. The illness must cause substantial limitation

on one or more major life activity. The SBLC will consider this information as one of many sources of information in making eligibility decisions.

## My child is found eligible for 504, what is next?

If the SBLC Committee deems the student meets the criteria for eligibility, one of two things are possible:

1. The committee determines that the student is eligible and needs to receive accommodations in order to give the student “access to the general curriculum.” They would then develop an Individual Accommodation Plan (IAP)/504 Plan, which is a legally binding document. Please note that the objective of a 504 plan is not to maximize your child’s potential. The goal is to provide your child any accommodations so that he or she can perform as compared to most students in the general population in that age group. It is the goal of Ascension Public Schools to teach all children to self-accommodate so that they can be college and career ready.
2. The committee determines, based on data, that the student, while qualified as a 504 student, does not need any accommodations as they are already performing within the average range of performance. This will commonly occur when an ADHD student is taking medication or a slow reader is receiving a reading intervention that is working well.

## What will happen next year?

A 504 plan is effective for 1 year. Each year, the plan is reviewed and revised as needed, by the 504 committee, including the parent.



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