

Rights granted under Section 504

- Have your child receive a free and appropriate education
- Have the school district advise you of your rights under federal law
- Receive notice with respect to the identification, evaluation, or placement of your child
- Have your child take part in, and receive benefits from, a public education program without discrimination because of his/her disabling condition
- Have your child receive services and be educated in facilities which are comparable to those provided to students without disabilities
- Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district
- Have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know the student and who are knowledgeable about the evaluation data and placement options
- Examine all relevant records relating to decisions regarding your child's identification, evaluation, and placement
- Have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the district) at no greater cost to you than would be incurred if the student were placed in a program operated by the district

What do you do if you believe your child has a disability under Section 504?

- Inform your child's teacher
- Discuss your concerns with the school counselor, school nurse, school psychologist, or administrator at your child's school
- Request further information about Section 504 from the school counselor or from the 504 coordinator

District School Board of Pasco County

Kurt S. Browning
Superintendent of Schools

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Section 504 of the Rehabilitation Act of 1973



Information for Parents and Educators

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Kurt S. Browning, Superintendent of Schools

What is Section 504?

The Rehabilitation Act of 1973 is a civil rights legislative act that protects the rights of persons with disabilities. Section 504 provides that “no otherwise qualified individual with disabilities in the United States...shall solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Assistance...” Under Section 504, school districts have the responsibility to identify, evaluate, and to afford access to appropriate educational services and procedural safeguards for these individuals.

How does Section 504 define “disability?”

Section 504 regulation defines a disabled individual as a person who (i) has a physical or mental impairment that substantially limits one or more major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such impairment.

The definition does not set forth a list of specific conditions. The key factor is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities include but is not limited to functions such as learning, walking, seeing, caring for oneself, breathing, talking, and concentrating.

An impairment that is episodic or in remission is considered a disability if it would substantially limit a major life activity when active.

As of January 1, 2009, school districts must not consider the ameliorating effects of any mitigating measures that a student is using when determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity.

Does a medical diagnosis mean automatic 504 eligibility?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have

an impairment that substantially limits a major life activity. Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

Can a student have Protections Only (without accommodations) Under Section 504?

Yes. Individuals who are regarded as having a physical or mental impairment when in fact such an impairment may or may not actually exist are protected from discrimination under Section 504. These Protections include:

- Manifestation Determination
- Procedural Safeguards
- Periodic Reevaluation (as needed)
- Nondiscrimination Protections of Section 504

What is the difference between Section 504 and IDEA?

Section 504 requires reasonable accommodations to ensure nondiscrimination against students with disabilities. IDEA requires affirmative action in providing special education and related services. IDEA compliance involves special education while Section 504 is a regular education initiative.

Does Section 504 require evaluations?

If there is a reason to believe that because of a qualifying disability, a student needs accommodations, the school district must evaluate the student and develop and implement an accommodation plan. The Section 504 Committee shall consider all relevant information on the student to determine whether or not he/she is disabled under Section 504. Relevant information could include: school records, medical records, interviews, classwork, observations, screenings, and rating scales.

What does “reasonable accommodation” mean?

Schools shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified student, which would enable the student to participate successfully in the regular school program. The decision regarding accommodations must be based upon information drawn from a variety of sources and is made by a group of persons knowledgeable about the student and the suspected disability.

Courts have required accommodations, which achieve “*meaningful equal opportunity*.” Accommodations need to take into consideration both the functional limitations of the individual and the alternative methods of performing tasks or activities. Some examples of reasonable accommodations include: preferential seating, behavior intervention plan, or the monitoring of medication.