



Section 504 of the Vocational Rehabilitation Act of 1973

What is Section 504 ?

Section 504 of the Vocational Rehabilitation Act of 1973 forbids discrimination, on the basis of disability, in any program or activity receiving any form of Federal financial assistance.

A person with a qualified disability, on the basis of that disability, cannot be:

- Denied the opportunity to participate in a service or activity open to other persons;
- Offered a service or activity not equal to that afforded others;
- Provided a service that is not as effective as that provided to others;
- Provided different or separate services or activities unless it is necessary to do so for the service to be as effective as are provided to others;
- Otherwise limited in the enjoyment of any right, privilege, advantage, or opportunity offered to others.

It is also important to know that a qualified person with a disability cannot be denied the opportunity to participate in programs with people who are not disabled even if a separate program exists.

What does this mean for my child?

Equal physical access must be provided so that a student in a wheel chair or one who has limited mobility can participate with other students. It also means that schools may be responsible for providing special education and related services to students who qualify as disabled under Section 504. A student may be disabled within the meaning of Section 504, and therefore be entitled special education and related services even though the student may not be eligible for special education under IDEA (Individuals with Disabilities Education Act).

Programs which receive money from the U.S. Department of Education or receive ANY Federal financial assistance cannot exclude your child from participating in activities that are available to others.

What is a qualified disability?

Section 504 defines a person with a disability as any person who:

- 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 impairment.

What is a physical or mental impairment?

This means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:

Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine; or any mental or psychological disorder; such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

What are major life activities?

Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.



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Disabilities that are recognized under Section 504, **include but are not limited to**, if limitation in one or more major life functions exist:



- Attention deficit disorder,
- Speech, Hearing, Orthopedic or Vision impairments,
- Cerebral palsy,
- Epilepsy,
- Muscular dystrophy,
- Multiple sclerosis,
- Cancer,
- Diabetes or Heart disease,
- Intellectual Disability
- Emotional illness,
- Specific learning disabilities,
- Perceptual handicaps,
- Dyslexia,
- Minimal brain dysfunction,
- Developmental aphasia,
- Rheumatoid arthritis,
- Asthma, and
- Consistent academic failure (may at least prompt an evaluation under 504).

What's new with Section 504?

Some students who did not qualify for Section 504 in the past, or who were not eligible for services and supports under the Individuals with Disabilities Education Act (IDEA), may now qualify for Section 504 plans. Students with such plans may now qualify for additional supports, services, auxiliary aids and/or accommodations in public schools. These positive changes are the result of recent amendments to the Americans with Disabilities Act (ADA), a broad civil rights law that also impacts Section 504.

Effective January 2009, eligibility for protection under Section 504 of the Rehabilitation Act became broader.

You will be especially interested if:

- Your child was previously evaluated for Section 504 but was found ineligible.
- Your child was previously evaluated under IDEA but was found ineligible.
- Your child is currently receiving informal accommodations in school.
- Your child has a Section 504 plan in place.
- Your child needs accommodations on the SAT or ACT
- Your teenager is getting ready to go college.

What is the connection between Section 504 and the ADA?

Section 504 was enacted in 1973 and applies to all programs and activities that receive federal financial assistance. So the common denominator between Section 504 and the ADA related to school-age students is protecting students with disabilities from being discriminated against in public schools.

The ADA includes a conforming amendment to Section 504 of the Rehabilitation Act; meaning that the newly expanded coverage under the ADA also applies to Section 504.



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What do I do if I think my child is being discriminated against?

Any person who has a complaint that discrimination on the basis of disability exists in any program funded with Federal funds may notify the Office for Civil Rights (OCR).

The complaint should explain:

- 1) Who was discriminated against;
- 2) In what way;
- 3) By whom or what institution;
- 4) When the discrimination took place;
- 5) Who was harmed;
- 6) Who can be contacted for further information;
- 7) The name, address and telephone number of the complainant;
- 8) Background information.

In Oklahoma, a written complaint should be filed with:

Office for Civil Rights
Kansas City

U.S. Department of Education
1010 Walnut Street, Suite 320
Kansas City, MO 64106
Tel.: (816) 268-0550
Fax: (816) 268-0599

Online complaint form:

<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

The Office for Civil Rights will review only those actions which occurred within six months (180 days) of the date a complaint is filed.

What if I need more information?

Ask the principal or your special education director who the 504 coordinator is and schedule a time to talk to that person. Each Oklahoma school district has a 504 Coordinator who can answer questions about the availability of 504 services/accommodations and how the process works.

Each district must have a
Section 504 Grievance Policy in place.

The U.S. Department of Education's website has tons of information regarding Section 504. Please visit their website at:

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>