

## Purpose of Section 504

Section 504 of the Vocational Rehabilitation Act of 1973 forbids discrimination, on the basis of disability, in any program or activity receiving federal money from the U.S. Department of Education.

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

- 1) Denied the opportunity to participate in a service or activity open to other persons;
- 2) Offered a service or activity not equal to that afforded others;
- 3) Provided a service that is not as effective as that provided to others;
- 4) 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;
- 5) 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 is a qualified disability?

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

- 1) Has a physical or mental impairment which substantially limits one or more major life activities;
- 2) Has a record of such an impairment; or
- 3) Is regarded as having such an 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 mental retardation, 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.

## What does this mean for my child who has a disability?

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

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 impairments,
- Hearing impairments,
- Visual impairments,
- Orthopedic impairments,
- Cerebral palsy,
- Epilepsy,
- Muscular dystrophy,
- Multiple sclerosis,
- Cancer,
- Diabetes,
- Heart disease,
- Mental retardation,
- Emotional illness,
- Specific learning disabilities,
- Perceptual handicaps,
- Dyslexia,
- Minimal brain dysfunction,
- Developmental aphasia,
- Alcohol and drug addictions,
- Rheumatoid arthritis,
- Asthma, and
- Consistent academic failure (may at least prompt an evaluation under 504).

## 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). 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**

**On-line complaint form:**

[www2.ed.gov/about/offices/list/ocr/complaintintro](http://www2.ed.gov/about/offices/list/ocr/complaintintro)

**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.*

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

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## What's New

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

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.

### 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's the connection between Section 504 and the ADA?

What does the ADA Amendments Act of 2008 (ADAAA) have to do with Section 504? Both are civil rights laws that protect individuals with disabilities from discrimination. 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 ADAAA related to school-age students is protecting students with disabilities

from being discriminated against in public schools. The ADAAA includes a conforming amendment to Section 504 of the Rehabilitation Act; meaning that the newly expanded coverage under the ADAAA also applies to Section 504.

### How things have changed with the ADAAA

The ADA Amendments Act of 2008 includes several significant changes, which also apply to Section 504:

- The definition of "major life activities" was expanded to include learning, reading, concentrating and thinking. Also, the definition of "major bodily functions" has been expanded to include neurological and brain functions.
- The ADAAA requires that the limitation on a major life activity be broadly, rather than narrowly, interpreted.
- Conditions that are episodic or in remission are covered when they are active. For example, a student with AD/HD may be affected by his symptoms differently and at different times and under different conditions.
- Under the ADAAA a person cannot be denied protection simply because he uses a mitigating measure, such as taking medication for AD/HD or being allowed extra time when taking tests to accommodate for an LD.
- Limitation in one major life activity need not impact other major life activities in order to trigger ADAAA protection.

## For 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 school district has a 504 Coordinator who can answer questions about the availability of services and how the process works.**

## Mission Statement

The Oklahoma Parents Center, Inc. is dedicated to the equality of children and adults with disabilities.

Our mission is to train, inform, educate and support parents, families, professionals and consumers in building partnerships that meet the needs of children and youth with the full range of disabilities ages birth through twenty-six.

## About Us

(OPC) is a 501 (c)(3) non-profit agency that operates the only statewide federally funded Parent Training and Information Center (PTI) in Oklahoma. We are funded in part by the U.S. Department of Education, Office of Special Education Programs (OSEP) and the Oklahoma State Department of Education (OSDE).

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# A Parents Guide to **Section 504** of the Rehabilitation Act of 1973



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[www.OklahomaParentsCenter.org](http://www.OklahomaParentsCenter.org)