

## 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 any form of federal funding 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; and
- 8) Background information.

In Oklahoma, a written complaint should be filed with:

**Office for Civil Rights  
Kansas City Office  
U.S. Department of Education  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Phone: (816) 268-0550  
Fax: (816) 268-0599  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)**

On-line 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.**

## Mission Statement:

The Oklahoma Parents Center 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.



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Oklahoma Parents Center



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

**Toll Free: 877-553-4332**

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

## What is Section 504?

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

*No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...*

## 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; **or**
- 2) Has a record of such an impairment; **or**
- 3) Is regarded as having such impairment.

Disabilities may include conditions such as specific learning disabilities, diabetes, epilepsy and allergies. In addition, hidden disabilities such as low vision, poor hearing, heart disease or chronic illness may not be obvious, but if they substantially limit that child's ability to receive an appropriate education as defined by Section 504, they may be considered to have an "impairment" under Section 504 standards.

As a result, these students, regardless of their intelligence, will be unable to fully demonstrate their ability or attain educational benefits equal to that of non-disabled students.

## What's New with Section 504?

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

**Some students who did not qualify 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 results of the Americans with Disabilities Act Amendments Act (ADAAA).

**Programs which receive ANY Federal financial assistance cannot exclude your child from participating in activities that are available to others.**

## What is the connection between Section 504 and the ADAAA?

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—they mirror each other.

**The newly expanded coverage under the ADAAA also applies to Section 504.**

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

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. 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).

**It also means that schools may be responsible for providing special education and related services to students who qualify as disabled under Section 504.**

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

The U.S. Department of Education's website has tons of information regarding Section 504.

**[www2.ed.gov/about/offices/list/ocr/504faq.html](http://www2.ed.gov/about/offices/list/ocr/504faq.html)**

The Oklahoma Parents Center's website has more information regarding Section 504. Please visit our Brochures and Fact Sheets.

**<http://oklahomaparentscenter.org/resources/brochures/>**