## QUESTIONS & ANSWERS

### *What is the Section 504 process?*

The 504 process includes: child-find, identification, evaluation, committee decision-making, individualized service plan, and periodic reviews.

Schools are required to:

- Implement the Response to Intervention process to determine student need;
- Provide provisions for eligible students (evaluating, considering them for eligibility in the Section 504 committee process, developing individualized accommodation plans, implementing the plans, and providing periodic reviews);
- Non-discrimination in non-academic and extracurricular programs and activities; and
- Comply with Section 504 procedural requirements (notices, access to relevant records, opportunity for impartial due process hearings, and a review process).

### *Can a student be disabled but not qualify under Section 504?*

Yes, since some disabled students may not be substantially limited in learning or another major life activity by their disability. If a student with disabilities is able to function adequately in the school setting, they may not be substantially limited, and thus, not eligible under Section 504.

### *Who is disabled under Section 504?*

Any student with (1) a physical or mental impairment (2) that substantially limits learning or

another major life activity (breathing, seeing, hearing, walking, working, performing manual tasks, etc.).

***What is IDEA?***

The Individuals with Disabilities Education Act (IDEA, 20 U.S.C. §1400), is the federal special education statute. It applies only to about 14% of the student population, since it focuses on students with more severe disabilities and needs. IDEA has stricter and more specific requirements than Section 504, which offers more general non-discrimination protections.

***Why is there a need for two statutes addressing educational rights of students with disabilities?***

IDEA is the funding statute that helps provide resources for the education of the more seriously disabled students. It focuses its resources fairly specifically to a subset of disabled persons. Section 504, however, is a broader, unfunded, non-discrimination civil rights law emphasizing equal opportunity in any program receiving federal funding.

***Why does Section 504 address non-educational issues such as nonacademic services and extracurricular activities?***

Because of the non-discrimination nature of this law, this focuses on equality of opportunity. Congress wanted to ensure that students have an equal opportunity to participate in all school programs, not just the educational ones.

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