

### FREQUENTLY ASKED QUESTIONS

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

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

Schools are required to:

- 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);
- Monitor non-discrimination in non-academic 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).

#### ***Does a medical diagnosis of illness automatically mean a student can receive services under Section 504?***

□ No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity.

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 who has (1) a physical or mental impairment that substantially limits learning or another major life activity; (2) a record of such an impairment or; (3) is "regarded as" having such an impairment.

### ***What is IDEA?***

The Individuals with Disabilities Education Act (IDEA, 20U.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.

### ***What are the non-accommodation Section 504 protections for 504 students?***

- The right to be free from actions that discriminate on the basis of disability,□
- The right to manifestation determinations prior to disciplinary changes in placement,□
- The right to protection from accumulations of short-term disciplinary removals that collectively, amount to a pattern of exclusion, □
- The right to make complaints to the office for Civil Rights (OCR),□
- The right to Section 504 due process hearings,□
- The right to periodic reevaluations,
- Equal right to access extracurricular activities and nonacademic services.

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