



Special Education Compliance Services

What Everyone Needs to Know About... Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disabilities in any program or activity that receives federal financial assistance, including federal funds. The Office of Civil Rights (OCR) in the U.S. Department of Education (ED) enforces Section 504 in programs and activities that receive funds from ED. All students who meet the 504 definition of “person with a disability” have protection from discrimination based on their disability. For some students this protection will include the provision of a “free appropriate public education” (FAPE) so that their individual educational needs can be met as adequately as the needs of their nondisabled peers. Thus, the Section 504 regulations issued by the ED require school districts operating elementary or secondary education programs to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the student’s disability. Implementation of an IEP under IDEA fulfills the FAPE requirement for IDEA eligible students with disabilities. A 504 Plan is developed to provide FAPE to qualified students who have disabilities under Section 504 but not IDEA.

Who Is a Person With a Disability Under 504?

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

- (i) has a physical or mental impairment which substantially limits one or more major life activities,
- (ii) has a record of such an impairment, or
- (iii) is regarded as having such an impairment.”

To determine disability status, districts are to follow five “rules of construction” in implementing this definition: 1. above definitions to be construed broadly; 2. substantial limitation does not mean prevent/severely restrict; 3. only need a substantial limitation in one major life activity; 4. determine limitation when episodic impairment is active; and 5. determine limitation without regard to mitigating measures.

Who Is Entitled to FAPE?

In determining whether a student has a disability that may trigger a FAPE responsibility, only prong (i) of the definition is used. Determination of disability status is a separate question from whether the student requires a 504 Plan.

What is FAPE?

A free appropriate public education may be comprised of education in regular classes, education in regular classes with the use of related aids and services, or special education and related services in separate classrooms for all, or portions, of the school day. (OCR defines “related aids and services” to include modification of policies, practices and procedures, related services and aids such as administration of medication and health care plan activities.)

An appropriate education will include:

- Education services designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met;
- The education of each student with a disability with nondisabled students, to the maximum extent appropriate;
- Evaluation/periodic reevaluation procedures established to guard against misclassification or inappropriate placement of students; and placement procedures drawing upon documented information from a variety of sources, carefully considered by a group of persons knowledgeable about the student, the meaning of evaluation data, and placement options; and
- Establishment of due process procedures that enable parents and guardians to:
 - Receive required notices of actions regarding identification, evaluation or educational placement of students who need or are believed to need special instruction or related services
 - Review their child’s records; and
 - Challenge identification, evaluation and placement decisions by requesting impartial hearing process (with review)

Related regulations, guidance and resources

[Federal Regulations](#)

[Office of Civil Rights \(OCR\)](#)

[Free Appropriate Public Education for Students with Disabilities: Requirements under Section 504 of the Rehabilitation Act of 1973](#)

[Frequently Asked Questions about Section 504 and the Education of Children with Disabilities](#)

[Department of Education Dear Colleague Letter: ADA Amendments Act Guidance Under Amended Legal Standards](#)

[Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools](#)

[U.S. Department of Justice Americans with Disabilities Act](#)

OCR Customer Service Team toll-free at 1-800-421-3481

NOTE: The content of this one-pager reflects general aspects of Section 504 as of the date of the page’s creation. It is not intended to constitute or serve as legal advice. Districts should consult legal counsel for advice with regard to specific situations.