

## **Section 504**

Section 504 is part of the Rehabilitation Act of 1973. Section 504 is a federal statute that prohibits discrimination against “otherwise qualified handicapped individuals” in any program or activity receiving federal financial assistance, such as public schools. The main purpose of Section 504 is to prohibit discrimination while assuring that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. If a student is found not to be eligible under IDEA, the requirements of Section 504 may be suitable if he/she meets the Section 504 definition of a disability, which is any person who has a physical or mental impairment, which substantially limits a major life activity.

### **When Does a Student Qualify as a “Handicapped Individual” under Section 504?**

A student is considered to be handicapped under 504 if he or she:

- Has a “physical or mental impairment which substantially limits one or more major life activities”
- Has a record of such an impairment
- Or is regarded as having such an impairment; is a handicapped individual protected by Section 504.

### **What is a “Major Life Activity?”**

Major life activities include: Caring for one’s self, performing a manual task, walking, seeing, hearing, speaking, breathing, working, and learning are the nine major life activity areas.

### **What is a “Record” of Impairment?**

A record of impairment may include a history of an impairment and/or a diagnosis of assessment of an impairment.

### **When is an Individual “Regarded” as having such an Impairment?**

When the district’s perception of, response to, reaction or attitude toward the student results in treating the student as having an impairment, that the student will be considered handicapped and protected under Section 504.

### **Keeping on Track with Section 504**

Section 504 of the Rehabilitation Act is a federal anti-discrimination law intended to create a level playing field in regular education. It was not created to give unfair advantage. Accommodations must apply only to the named impairment.