

Student Services

Section 504 of the Rehabilitation Act of 1973

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

—[29 U.S.C. § 794](#)—

Overview

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination on the basis of disability in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 establishes a student’s right to full access and participation to education and all school-related activities and require schools provide appropriate services to meet the individual needs of qualified students.

Who Qualifies?

A student is considered “qualified” under Section 504 if the student is between the ages of 3 and 22 years of age and has a disability, which is defined as a physical or mental impairment that substantially limits one or more major life activities. Major life activities include caring for one’s self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments that may substantially limit major life activities, even with the help of medication, aids or devices are: attention deficit hyperactivity disorder (ADHD), asthma, allergies, blindness or visual impairment, deafness or hearing impairment, diabetes, epilepsy, heart disease, and mental illness.

With the passage of the ADA Amendments Act in 2008, Congress expanded the scope of “major life activities” and clarified that a disability determination under the ADA and Section 504 should not demand extensive analysis, which is why the ameliorating effects of mitigating measures (other than ordinary eyeglasses or contact lenses) are no longer considered when making a determination.

Difference Between a 504 Plan and an IEP

504 Plan vs IEP

A 504 plan refers to a plan which has been developed to make sure that a child identified under the [law](#) as having a disability is receiving accommodations in elementary school or secondary school which will ensure his/her access in the learning environment and also academic success. An IEP, or Individualized Education Plan, is a program or plan developed to make sure that a child identified under the law as having a disability is receiving individualized instructions and [services](#) related to his/her disability.

504 Plan

A 504 Plan is considered a Federal civil rights law and protects persons with disabilities under the Rehabilitation Act. It does not guarantee or mean that the plan is designed in a way that a child receives

individual educational needs thus not necessarily qualifying under the IDEA or Individuals with Disabilities Education Act.

One is eligible for Section 504 after an evaluation, which is drawn from various sources. For eligibility under a 504 Plan, the child should have a [mental](#) or physical impairment, which impairs at least one life activity. These major activities are: hearing, seeing, walking, breathing, speaking, reading, writing, learning, and caring for oneself, math calculation performance, and manual tasks.

A child under the 504 Plan receives fewer rights than a child who receives special [education](#) services, but a child receiving special education services is already protected under the 504 plan.

There are many modifications and accommodations allowed and given under a 504 plan. Basically, in a 504 Plan the child is identified as requiring special accommodations and modifications by [schools](#) but does not need a specialized education plan.

IEP (Individualized Education Program)

IEPs are designed to help an individual child with his/her needs in school. Children identified under the Individuals with Disabilities Education Act, or IDEA, are eligible for an IEP.

The child identified under the IEP receives more rights than a child identified under a 504 Plan. The IEP is designed to help a child individually to reach his/her educational goals. It involves many things like: developing objectives and goals for students, helping the teachers in understanding the student's disability, and most importantly, choosing placement for the student in an environment which is the least restrictive for the student.