



504 Flow Chart Handout

Section 504 Flow Chart

How does a school determine if a child is eligible for services either under the Individuals with Disabilities Education Act (IDEA), or under Section 504 of the Rehabilitation Act of 1973? The adapted Minnesota Department of Education chart on the other side gives you an idea of how the two processes work. You can find more information in other PACER publications, such as [Understanding the Special Education Process, PACER.org/parent/php/PHP-c231.pdf](https://www.pacer.org/parent/php/PHP-c231.pdf). Following are a few explanations to help you understand the 504 side of the chart.

Disability substantially limits one or more major life activities: Under Section 504, disability is defined broadly. A student is determined to have a disability if he or she has a physical or mental impairment affecting a body system. The Code of Federal Regulations (CFR) defines a physical or mental impairment as “any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.” Other conditions may also be included. The full citation is 34 CFR 104.3(j)(2)(i).

This impairment or disability must substantially limit one or more major life activities. These activities include such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and more. The legislation also states that the school district must not consider the improvement caused by a “mitigating measure” such as medication, hearing aids, prosthetics, mobility devices, or other means when determining whether a student has a physical or mental impairment.

Education comparable to that provided to non-disabled students: School districts are required to provide students with disabilities appropriate educational services designed to meet the individual needs of students as adequately as the needs of students without disabilities are met (“Frequently Asked Questions About Section 504 and the Education of Children with Disabilities,” www2.ed.gov/about/offices/list/ocr/504faq.html, 2009).

Accommodations: When a child is determined to be eligible for services under Section 504, the school must eliminate barriers to his or her access to full participation in school activities, including the general education curriculum. Barriers often are eliminated by providing accommodations to the student. Accommodations must give the child meaningful equal opportunities, consider his or her functional limitations, and offer different ways to show what he or she knows. Examples of accommodations include testing in a quiet room, preferential seating, digital textbooks, tailored homework assignments, or a sign language interpreter for a track meet.

Accommodation plan: The school must provide a documented plan for providing reasonable accommodations and other services so a child may participate fully in the school setting. Parents are usually invited to a meeting where the plan is developed. Putting the plan in writing is an effective way to document what services the school will be providing. The federal Office for Civil Rights has stated that while Section 504 is silent about the need for a written plan, having a written plan is a good practice. That way all parties are clear about what has been agreed to and what a free appropriate public education (FAPE) looks like for this particular student. As a result, parents will have adequate notice of the team’s decisions, and those who must carry out the plan (teachers, aides, bus drivers, etc.) will know what is required.

FAPE (free appropriate public education): Section 504 requires a school district to provide a “free appropriate public education” (FAPE) to each eligible student in its jurisdiction, regardless of the nature or severity of the disability.

