

New Leader Orientation - Section 504 Overview

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What is Section 504?



Section 504 is a federal nondiscrimination statute that prohibits discrimination based on disability in any program or activity operated by recipients of federal funds.



“No otherwise qualified individual with a disability ... 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(a).





Section 504's Purpose

Ensure that students with a disability have educational opportunities, benefits, and **meaningful access** equal to those provided to non-disabled students.





Who is eligible?

Students eligible for services under Section 504 have:

- a mental or physical impairment that *substantially limits* major life activities; or
- have a record of such impairment; or
- be regarded as having such an impairment. (34 CFR104.3 (j) (I))





Who should be evaluated?



Evaluate students “who need, or are believed to need, services. ...”



Essentially, the obligation to refer for evaluation are students you suspect might have a disability.



“Section 504 does not require the district (or school) to evaluate a student every time a new diagnosis is made...however, it should evaluate students who are having serious problems in school and the district (or school) has reason to believe that those problems may be attributable to a disability.” Dover-Sherborn (MA) Pub. Schs., 113 LRP 27872 (OCR 04/15/13).





Physical or Mental Impairment Categorical Qualifiers*

Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting or more of the following body systems:

- Neurological
- Musculoskeletal
- Special Sense Organs
- Respiratory, including speech organs
- Cardiovascular
- Reproductive
- Digestive
- Genitourinary
- Hemic and lymphatic
- Skin
- Endocrine





Qualifiers Continued

Any Mental or Psychological Disorder such as:

- Mental retardation
- Organic brain syndrome
- Emotional or Mental Illness
- Specific Learning Disabilities

This is not an exhaustive list.





“Substantially Limited”

In determining whether an impairment is substantially limiting, courts look to:

“the nature and severity of the impairment,

the duration or expected duration of the impairment, and

the permanent or long-term impact resulting from the impairment.” *Id.*



To demonstrate that a student’s impairment is substantially limiting, a student must “advance individualized evidence that a limitation is substantial in the context of the major life activity as a whole.” *Ellenberg v. New Mexico Military Institute*, 572 F.3d 815, 821 (10th Cir. 2009).





Possible Major Life Activities

caring for
oneself

performing
manual tasks

walking

seeing

breathing

hearing

speaking

reading

learning

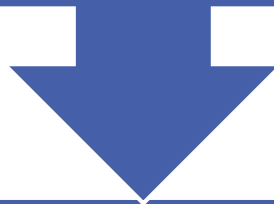
concentrating





Quick Recap

Section 504 is a federal law that prohibits discrimination on the basis of disability in order to ensure students have meaningful access to educational opportunities.



Students who are eligible for Section 504 protections have a:

physical or mental
impairment

that substantially
limits

a major life
activity.



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