

Section 504 – What is it and who is eligible?



What is Section 504?

Section 504 is a federal nondiscrimination statute that prohibits discrimination on the basis of 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 should be evaluated?

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

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



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))



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 Cont'd

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:

- (1) “the nature and severity of the impairment,
- (2) the duration or expected duration of the impairment, and
- (3) 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:
 1. physical or mental impairment
 2. that substantially limits
 3. a major life activity.



CSI Section 504 Resource Page

- <https://resources.csi.state.co.us/504/>



Have a great day!

