

SECTION 504 OF THE REHABILITATION ACT OF 1973

SECTION 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794, a broad-based antidiscrimination statute, reaches beyond the education of children with disabilities. The statute provides that no otherwise-qualified individual with a disability shall, solely due to his or her disability, be excluded from, denied the benefits of, or subjected to discrimination by programs or activities receiving federal financial assistance. Section 504 covers more than education and more than children; for example, it prohibits recipients of federal funds (such as school districts) from discriminating against qualified disabled employees and job applicants.

- **AMENDMENT TO SECTION 504**

Effective January 2009, Congress amended the Americans with Disabilities Act (ADA) to broaden the statute's reach, especially in terms of determining eligibility for protection under the ADA. Congress also enacted a conforming amendment to Section 504. As a result, the ADA amendments directly impact the interpretation of Section 504. Specifically, Congress expanded the definition of what constitutes a disability through new language broadening the interpretation of whether a student has a "physical or mental impairment that substantially limits a major life activity."

- **FREE APPROPRIATE PUBLIC EDUCATION FOR ALL STUDENTS**

Under Section 504, school districts must provide a free appropriate public education for students enrolled in their districts. An appropriate education is an education and related aids and services designed to meet the individual educational needs of a child with a disability as adequately as the needs of nondisabled children are met. In addition, the district must comply with Section 504 regulatory requirements relating to the child's education.

- **EVALUATION REQUIRED BEFORE PLACEMENT OF THE CHILD**

Additional Section 504 requirements include an evaluation of the child prior to an initial placement and when any significant change in placement occurs. Reevaluations are also required periodically. Districts are not required to pay for a parent's independent evaluation under Section 504 (in contrast to the IDEA). When making placement decisions, the decision must be made by a group of persons who know the child, and the child should be placed in a regular educational environment unless the child's needs cannot be met satisfactorily in regular education even with supplementary aids and services.

- **EQUAL OPPORTUNITY TO THE SAME EXTENT**

In addition, the statute requires that children with disabilities be provided an opportunity to benefit from district programs—whether academic, nonacademic, or extracurricular—to the same extent as other children.

- **PROCEDURAL PROTECTIONS**

Finally, districts are required to establish procedural protections relating to access to records and notice and grievance procedures.