

## What Every Parent Needs to Know about Section 504

### What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973, which is a civil rights act that prohibits discrimination based upon disability. The law states that “no person with a disability can be excluded from or denied benefits of any program receiving federal financial assistance either directly or indirectly”; this includes all public schools. With passage of the Rehabilitation Act of 1973, Congress required that school districts make their programs and activities accessible as well as usable to all individuals with disabilities. The requirement means more than just physical access; a child may require special accommodations in order to benefit from their education.

### Who is Eligible under Section 504?

There are three ways a person is eligible under Section 504:

- (i) Has a physical or mental impairment, which substantially limits one or more major life activities (e.g., drug addicted or alcoholic students; students with diabetes). The definition in the regulations does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list. The term does not include persons disadvantaged by cultural, environmental or economic factors, prison records, age or homosexuality.
- (ii) Has a record or history of such an impairment (e.g., a student who had cancer; a student in recovery). The term also includes children who have been misclassified (e.g., a non-English speaking student who was mistakenly classified as having mental retardation).

- (iii) Is regarded as having such an impairment. A person is considered eligible if he/she:
  - a. has a physical or mental impairment that does not substantially limit a major life activity but is treated by the LEA as having such a limitation (e.g., a student who has scarring, a student who walks with a limp);
  - b. has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment; or
  - c. has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV virus but has no physical effects from it). 34 CFR 104.3(j)

### What is a Major Life Activity?

“Major Life Activities (MLA)”—functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The ADAAA08 added: reading, concentrating, thinking, sleeping, eating, lifting, bending, communicating, and the operation of a Major Bodily Function (MBF) such as the immune system, normal cell growth, and digestive, bowel, and bladder functions.

### Accommodations vs. Modifications

An **accommodation** is an alteration of the environment, curriculum format, or equipment that allows an individual with a disability to gain access to content and/or complete assigned tasks. Accommodations allow students with disabilities to pursue a regular course of study. Since accommodations do not alter what is being taught, teachers should be able to implement the same grading scale for students with disabilities as they do for students without disabilities.

An accommodation can be made for **any student**, not just students with a Section 504 plan or an IEP. An accommodation

does not alter what the student is expected to learn. An accommodation makes learning accessible to the student and allows the student to demonstrate what they know.

A **modification** is a change in the curriculum. Modifications are made for students with disabilities who are unable to comprehend all of the content an instructor is teaching. For example, assignments might be reduced in number and modified significantly for an elementary school student with cognitive impairment that limit his/her ability to understand the content in the general education class in which they are included.

Modifications are generally made for students with significant cognitive or physical disabilities. A modification does alter content knowledge expectations as well as assessment administration practices.

*Note: It is important to note that accommodations level the playing field, where as modifications change the game entirely.*

### Individualized Health Care Plans

Students who have serious, acute, chronic or life threatening medical conditions often have special health care needs at school and school events. They may need an Individual Health Care Plan (IHP). An IHP is a formal written plan developed by the school staff together with the student’s family, school nurse, health care professionals and the student.

### Why An Individualized Health Care Plan?

- Ensures the school has information and authorization
- Addresses family & school concerns
- Clarifies roles and responsibilities
- Establishes ongoing teamwork, communication and evaluation
- Addresses accommodations to child’s environment (i.e., medical chairs, PT/OT)

**Student who might need an IHP may include, but is not limited to:**

- Asthma
- Seizure Disorder
- ADHD
- Chronic or acute medical conditions (cystic fibrosis, diabetes, cancer)
- Physical disabilities
- Medication and medical needs
- Serious allergies

**What should an IHP include?**

- Child's diagnosis and health care needs
- Required accommodations
- Interventions, outcomes & timelines regarding appropriate self-care
- How instructional time is impacted by health care needs
  - Medication dosage schedule or necessary medical interventions
  - Emergency plan
  - Special services required, including field trips
  - Required rest Periods
  - Environmental Temperature Requirements

**District Contact for IHP's:**  
**Brandi Johnson, RN**  
**(931)-920-7976**  
**[brandi.johnson@cmcss.net](mailto:brandi.johnson@cmcss.net)**

## **What is the Process for Determining Section 504 Eligibility?**

1. **Referral** – Parents, teachers, diagnosticians, and building administrators may refer a student who is suspected of having a Section 504 disabling condition that substantially limits a major life activity or major bodily function.
2. **Evaluation**-The school must conduct an evaluation to determine if the student is indeed eligible and what services would be required to ensure FAPE. The evaluation process should provide information related to two definition-derived criteria:
  - a. Is a physical or mental impairment present?
  - b. Does the impairment result in a substantial limitation of a major life activity or major bodily function?
3. **Eligibility Determination**-The key element is *average performance* in the general population. Substantial limitation is defined as:
  - a. unable to perform a MLA/MBF that the average person in the general population can perform, or
  - b. significantly restricted as to the condition, manner, or duration under which an individual can perform a MLA/MBF as compared to the average person in the general population.
4. **Program Planning**- School personnel should use all available assessment information to determine the program planning needs of students who are eligible under Section 504.
5. **Placement**- This decision should reflect a balance of the following factors:
  - a. The nature, severity, and duration of the student's impairment, and
  - b. A predisposition to place the student in general education whenever possible.
6. **Reevaluation**-Schools are required to develop a process for annually reviewing the progress of students to determine if the accommodations are effective and whether or not they should continue on Section 504.

## **Who Enforces Section 504?**

The Office for Civil Rights (OCR) enforces four federal statutes that prohibit discrimination in programs and activities receiving federal financial assistance from the U.S. Department of Education. Discrimination on the basis of race, color, and national origin is prohibited by Title VI of the Civil Rights Act of 1964; sex discrimination is prohibited by Title IX of the Education Amendments of 1972; discrimination on the basis of disability is prohibited by Section 504 of the Rehabilitation Act of 1973; Title II of the American with Disabilities Act of 1990; and age discrimination is prohibited by the Age Discrimination Act of 1975. OCR has authority to enforce these laws in all programs and activities that receive federal funds. OCR investigates complaints filed by individuals, or their representatives, who feel they have been discriminated against because of race, color, national origin, sex, handicap, or age. It also initiates compliance reviews of recipient institutions and agencies, and monitors the progress in eliminating discriminatory practices of institutions and agencies that are implementing plans negotiated by OCR. OCR attempts to resolve compliance problems through negotiation. However, if unable to do so, OCR initiates the actions necessary to enforce the law. Parents who allege that the LEA has violated a provision of Section 504 may file a complaint with the OCR.

The address of the regional office that covers Tennessee is:

United States Department of Education  
Office for Civil Rights  
Atlanta Office, Southern Division  
61 Forsyth St., S.W.  
Suite 19T70  
Atlanta, GA 30303  
(404) 562-6350

---

**District Section 504 Coordinator:**  
**Dr. Kim Sigears**  
**430 Greenwood Ave.**  
**Clarksville, TN 37040**  
**Office: (931) 216-9097**  
**Fax: (931) 920-9834**  
**Email: [kim.sigears@cmcss.net](mailto:kim.sigears@cmcss.net)**

---

**Sango 504 Coordinator:**  
**Pam Moses****3585 Sango Road**  
**Clarksville, TN 37043**  
**Office: (931) 358-4093**  
**Email: [pam.moses@cmcss.net](mailto:pam.moses@cmcss.net)**