

Section 504 of the Rehabilitation Act

Policies and Procedures

Reminder

- Civil rights law
 - “Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED).”
 - "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance“

Reminder

- Educational responsibility
 - “The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.”
 - “Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.”

Reminder

- Two parts
 - Identify that there is a disability and a need for protection under the law
 - Determine need for an educational plan (504 Plan)

Preschool and Day Care

- “A recipient to which this subpart applies that provides preschool education or day care or adult education may not, on the basis of handicap, exclude qualified handicapped persons and shall take into account the needs of such persons in determining the aid, benefits or services to be provided.

Procedural Safeguards Under Section 504

- “Recipient school districts are required to **establish and implement procedural safeguards** that include notice, an opportunity for parents to review relevant records, an impartial hearing with opportunity for participation by the student's parents or guardian, representation by counsel and a review procedure.”
- “Compliance with the procedural safeguards of **section 615 of the Education of the Handicapped Act** is one means of meeting this requirement.”

Noncompliance

- “A school district is out of compliance when it is violating any provision of the Section 504 statute or regulations.”
- “OCR does not review the result of individual placement or other educational decisions so long as the school district complies with the procedural requirements of Section 504 relating to identification and location of students with disabilities, evaluation of such students, and due process”

Noncompliance

- “...OCR generally will not evaluate the content of a Section 504 plan or of an individualized education program (IEP);”
 - Decisions should be made by a team
- jeja

Take Aways

- IDEA and Section 504 of the Rehabilitation act are separate laws.
- Separate policies and procedures for Section 504
 - May follow IDEA but not required
 - IDEA requires more
- Read the law to determine procedures
- Provide training for school personnel
- Documentation, oversight, and supervision

Contact Information

Elise James, Program Specialist
Transition Postschool Outcomes and Section 504
404-326-0421
ejames@doe.k12.ga.us