

Protecting Children with Disabilities

Educational Supports for Children in Elementary School and High School

Federal Law

Section 504 - Rehabilitation Act of 1973

Children with disabilities have the right to be educated regardless of disability.

No child with a disability may be excluded from participation in a school setting simply because of that disability.

Which children are protected under Section 504?

Section 504 applies to children who:

- have a physical or mental impairment that substantially limits one or more major life activities (walking, seeing, hearing, breathing, etc)
- have a record of such impairment, or
- are regarded as having such impairment

School districts are required to identify children with disabilities and are required to notify parents and children of their rights.

Is every child with a diagnosed illness eligible for services under Section 504?

Accommodations under Section 504 are available if the illness causes a substantial limitation to the student's ability to learn or causes a substantial limitation to a major life activity.

If there is no relationship between the child's diagnosis and the child's functioning in school, a 504 Plan would not be necessary.

Are 504 accommodations available to children with a diagnosis that is episodic or in remission?

504 Plans must be developed for children with diagnoses that are episodic or in remission if the illness substantially limits a major life activity when it is active.



What services are schools required to provide?

School systems must develop a plan that provides an accommodation to the individual child's disability.

Sample accommodations include:

- Door to door transportation
- Tutoring
- Extra set of books at home
- Extra breaks to access bathroom, nurse or social worker
- Extended time for tests
- Assisted technology

School systems are required to accommodate to disabled students so that they get the same educational opportunities and experiences as their nondisabled peers. The expense of the accommodation is not relevant.

How does a child become eligible to receive services under Section 504?

1. School system convenes a “504 Team” meeting to assess eligibility. The Team consists of persons knowledgeable about the child and his/her disability (parents, teachers, social workers, medical professionals)
2. Team reviews documentation of medical condition
3. Team evaluates grades and testing to consider the impact of disability
4. Team develops accommodations

What is the difference between special education services and services under Section 504?

The Individuals with Disability Education Act (IDEA) is the special education law.

Children needing special education services under IDEA usually have limitations around learning. Special education laws require that children receive individualized learning plans and related services if necessary.

If the child who needs special education services has another disability requiring an accommodation, that accommodation would be included in his/her special education plan. A child who is classified under special education laws does not need a separate 504 Plan.

For more information on Special Education services, please see our Guide, “Understanding Special Education.”



Does Section 504 apply to post-secondary education?

Most post-secondary educational settings receive some funding from the federal government and therefore must provide Section 504 accommodations to their disabled students. Accessing these accommodations is very different than it is at the elementary or secondary school level.

For post-secondary education, differences from elementary or secondary school level include:

- No requirement that post-secondary schools identify the disabled student’s need;
- Student or family must seek accommodation
- No requirement that the substance of the academic programming be modified

For more information on post-secondary education, please see our Guide, “Starting College: Tips for Special Education and Disabled Students.”

