



Utah Parent Center
Special needs, extraordinary potential

Section 504 and School Field Trips

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A parent was told by the school that her son could not attend the field trip to the zoo because of his behaviors unless one of the parents could come. Another parent was told his daughter could not attend the school field trip to the public swimming pool because of her disability. Has that ever happened to you? Let's discuss Section 504 of the Rehabilitation Act of 1973 and what the law says about school field trips and students with disabilities.

Section 504 is a civil rights act with regulations that prohibit discrimination against students with disabilities. This means that public schools must provide services to meet the individual needs of students with disabilities as adequately as the schools meet the needs of students without disabilities. Thus, Section 504 ensures equal access for students with disabilities to any program offered by the public school. Under 34 CFR 104.34 of the 504 regulations, providing equal access includes serving students with disabilities in settings (academic and nonacademic) with students without disabilities. Equal access to the school program includes equal access to field trips.

Unfortunately, sometimes schools overlook including students with disabilities in field trips or assume that because the student has a disability, the student is automatically excluded from participating. That is not the case. In fact, Section 504 requires that the school district presume that a student with a disability will participate in a field trip. If the school believes the student should be excluded from the field trip, it must make that determination on an individual basis. Moreover, the school district has the burden of demonstrating that the student should not participate. (*Montebello (CA) Unified School District*, 20 IDELR 388 (OCR 1993)).

If the school or district is holding a field trip for an entire grade then it cannot exclude another class in the same grade that is serving only students with disabilities. The general rule was violated in the case of *Mt. Gilead (Ohio) Exempted Village School District*, 20 IDELR 765 (OCR 1993) where a district excluded students with disabilities from field trips accomplished by only sending home notice of the trip to students in the regular eighth grade classes but not to the eighth grade class serving developmentally disabled students.

In order to ensure that students with disabilities have equal access to the school program, Section 504 requires that schools provide accommodations. If a student with a disability needs accommodations or related aids and services to participate in the field trip, those services must be provided. When a school staff is planning field trips they need to take into account behavior supports, health care schedules and any other special needs of students with disabilities.

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On the other hand, Office of Civil Rights (OCR) has found that there are times when schools, after individual consideration, may exclude a student from a field trip if the student's participation presents an unacceptable risk to the student's health or safety. For instance a student who has had several seizures on the same day as the field trip could be excluded because of the risk to the student.

Finally, schools cannot require that parents of students with disabilities accompany their children on field trips if parents of students without disabilities are not required to accompany their children.

Field trips are a very important part of the school experience. Section 504 requires that schools presume students with disabilities will participate in field trips alongside children without disabilities. Parents should be proactive. Request a meeting early in the school year with either the school's 504 specialist, vice-principal or principal to discuss how your child will participate in school field trips and what supports might be needed. Plan ahead and work with the school team to ensure that your child will be able to participate in all field trips.

Resources

USOE Section 504 Executive Summary, Education Equity Section, Utah State Office of Education
<http://www.schools.utah.gov/equity/Section504/Summaries/2009August.aspx>

An Overview of Section 504 – Families Together Inc., David M. Richards Attorney at Law
<http://famiestogetherinc.com/wp-content/uploads/2011/08/overviewof504.pdf>

Section 504, School Field Trips, and Students with Disabilities, Disability Law Colorado
<https://disabilitylawco.org/>