An Antidiscrimination Law

With the passage of the Rehabilitation Act of 1973, Congress required that federal fund recipients make their programs and activities accessible to all individuals with disabilities. The law states that, 'No qualified individual with disabilities, 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.'

Section 504 protects persons from discrimination based upon their disability status

A person has a disability within the definition for Section 504 if he or she:

- Has a mental or physical impairment which substantially limits one or more of such person's major life activities;
- Has a record of such impairments; or
- Is regarded as having such an impairment.

Major Life Activities

Major life activities include functions such as:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working, and
- Non-volitional bodily functions.

When a condition does not substantially limit a major life activity, the individual does not qualify under Section 504.

Section 504 has three major areas of emphasis: employment, program accessibility and requirements for preschool, elementary and secondary education. All students in special education are protected by Section 504. Section 504 regulations cover a larger group of students with disabilities than does special education. Some examples of disabilities that could be covered include:

- Attention deficit disorder (ADD)
- Attention deficit hyperactivity disorder (ADHD)
- Learning Disabilities
- Cancer
- Asthma
- Special Health Care Needs
- Parents with hearing impairments who need an interpreter
- Homebound students requiring services for when the disability substantially limits a major life activity.
Although Section 504 does not require school districts to develop an individualized plan with annual goals and objectives, it is recommended that the school document the services and/or accommodations that are provided for each eligible Section 504 student in a written plan. If a student requires 504 accommodations, a team must meet to develop a plan that outlines the student’s services and accommodations. Parent and student participation should always be encouraged. The quality of educational services provided to students with disabilities must be the equivalent to the services provided to students without disabilities.

If the student qualifies under Section 504, accommodations could be written in a Section 504 plan. Parents may request a Section 504 evaluation if they believe the child qualifies under Section 504, or the child did not qualify for special education.

This content is taken from the Utah Parent Center handbook: Parents as Partners in the IEP Process Parent Handbook