

WHAT IS SECTION 504?

Section 504 is the abbreviation for Title 34 Section 504 of the Rehabilitation Act of 1973. It is a civil rights law that prohibits discrimination on the basis of disability. It applies to all institutions, including public schools, which receive financial assistance from the federal government. In the public school context, children with disabilities may be protected under Section 504, IDEA or both. Parents and educators may view the full original text of Section 504, Subpart D – Preschool, Elementary and Secondary Education, Regulations 104.31-104.39 at the U.S. Office for Civil Rights web site.

(Office for Civil Right Home Page, "Title 34—Education, Subtitle B – Regulations of the Offices of the Department of Education, Chapter 1, Office for Civil Rights, Part 104, Non Discrimination on the Basis of Handicap in Programs or Activities Receive Federal Financial Assistance." < <http://www.ed.gov/offices/OCR/regs/34cfr104.html>>.)

WHO IS ELIGIBLE FOR PROTECTION UNDER SECTION 504?

"The ED [U.S. Department of Education] Section 504 regulation defines an 'individual with handicaps' as any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

The regulation further defines a physical or mental impairment as

(A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

The definition 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 Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973." January 1, 1995. < <http://www.ed.gov/offices/OCR> >. Keywords: hidden disabilities.)

WHAT IS THE KEY FACTOR THAT DETERMINES WHO IS ELIGIBLE FOR PROTECTION UNDER SECTION 504?

"The key factor in determining whether a person is considered an 'individual with handicaps' covered by Section 504 is whether the physical or mental impairment results in a substantial limitation of one or more major life activities. Major life activities, as defined in the regulation, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working."

("The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973.")