



Section 504

What is a 504 Plan?

Section 504 is federal civil rights legislation which prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Children who are not eligible for an IEP (Individual Education Plan) and related services through their school, or whose parents have refused an IEP, but who have a disability within the meaning of Section 504, may be able to access some services under Section 504.

Who is Eligible?

Students whose illness or physical or mental disability substantially limits one or more life activities, such as caring for oneself, seeing, breathing, learning and walking, are protected under Section 504. Examples of students who are eligible include children with asthma, diabetes, allergies, cerebral palsy, cancer, HIV related illness, epilepsy, dyslexia, dysgraphia, spina bifida, ADD/ADHD, and children with other chronic health conditions.

Congress also provided a non-exhaustive list of examples of “major bodily functions” that are major life activities, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

What Services Are Available?

Section 504 provides a legal structure to ensure that students have access to accommodations that allow them to participate in school on an equal basis with their non-disabled peers. Services may include, but are not limited to, administration of medication, intermittent catheterization, provision of services in an accessible location, testing of blood levels, use of equipment such as tape recorders or calculators, note taking, adjusting class schedules, books on tape, personalized homework or assignments, following a behavior management plan, testing modification, and extended time on tests.

An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services. Typically, however, special education and related services would be provided under IDEA through an IEP (Individualized Education Plan).

Access to Section 504 Accommodations:

Parents should contact their child’s school in writing to express interest in determining eligibility for a 504 plan. School districts must evaluate a student before classifying the student as having a disability and considering an IEP or 504 plans. School districts may use the same process to evaluate the needs of students under Section 504 as they use to evaluate the needs of students under IDEA. If they chose to adopt a separate process for evaluating the needs of students under Section 504, they must follow the requirements for evaluation specified in the Section 504 regularity provisions.



School districts may not consider “mitigating measures” used by a student in determining whether the student has a disability under Section 504. Some examples of “mitigating measures” are things such as prosthetics, hearing aids and cochlear implants, medication and mobility devices. Congress did not define the term “mitigating measures” but rather provided a non-exhaustive list of some of these measures.

After notification evaluation must be performed in a timely manner, if disability is suspected.

- The school must consider all areas of needs
- Parental consent must be obtained for initial evaluation
- If a child is eligible, then a plan that describes the services to be provided, including necessary accommodations, is required
- Periodic re-evaluations are required
- A re-evaluation must occur before any or change of placement (Note: An exclusion from the educational program of more than 10 school days is considered a significant change of placement. Transferring a student from one type of program to another or terminating or significantly reducing a related service is considered a significant change in placement also.

Procedural Safeguards Requirements:

Section 504 establishes specific requirements concerning legal rights and the protection given by procedural safeguards:

- Districts are required to establish policies to insure the general public is aware of services provided under Section 504.
- Districts must take appropriate steps to ensure persons with disabilities and their parents are aware of districts’ duties under Section 504 including:
 - An opportunity for parents to review relevant records
 - An impartial hearing with opportunity for participation by the student's parents or guardian
 - Notice and representation by counsel and a review procedure

Where to Learn More:

Indiana’s federally funded parent training and information center, IN*SOURCE, has staff that can provide families additional guidance about Section 504:

IN*SOURCE, the Indiana Resource Center for Families with Special Needs
Website: www.insource.org
Phone: (800) 332-4433

Programs and systems change often. It is important to ensure that you are using the most current information. This Fact Sheet was updated June 2016. Please check http://fvindiana.org/fact_sheets for the most recent edition.

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