

SECTION 504 FACT SHEET

Section 504 is Civil Rights legislation which prohibits discrimination against people with disabilities. Children, who qualify under this law, receive services and/or accommodations in the public school system without being classified under IDEA/IDEIA and their school district's Committee on Special Education.

BASIC REQUIREMENTS

Every public school system must:

- Provide a "free appropriate public education" to each qualified person in the district's jurisdiction, regardless of the nature or severity of the person's disability and in the most integrated setting;
- Ensure that the concept of least restrictive environment is followed which means "handicapped persons must be educated with persons who are not handicapped to the maximum extent appropriate";
- Operate its programs or activities in a way that "when viewed in its entirety, it is readily accessible to handicapped persons." This program is called "program accessibility" since each unique program must be accessible. This means that every building or facility does not have to be accessible, as long as the program as a whole is accessible.

WHO IS ELIGIBLE?

Students whose illness, 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 chronic health conditions.

WHAT SERVICES ARE AVAILABLE?

Required 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 a tape recorders or calculators, note taking, adjusting class schedule, following a behavior management plan, testing modification, and extended time on all tests.

STEPS TO ACCESSING SECTION 504 ACCOMODATIONS:

After the child has been tested, request for services and all relevant documents may be submitted to the Principal.

Within 30 school days of receipt of all required written information, the Principal or the Chancellor's Designee (NYC) shall:

- inform the parent in writing whether or not the student is eligible for Section 504 services
- if services are approved; prepare a written plan;
- if services are denied, notify the parents in writing about the appeal process.

IN THE CASE OF AN UNFAVORABLE DECISION

Within 10 days of receiving an unfavorable decision, a parent can request a Section 504 hearing. Section 504 hearings follow the same procedures used in IDEA/IDEIA Impartial Hearings, except that the parent has the burden of proving that the Department of Education erred in its decision. A parent may request an impartial hearing even if the parent requested an initial conciliation and did not get a favorable decision.