

## DEFINITION OF SECTION 504 TERMS

**Section 504:** Section 504 prohibits discrimination against individuals with disabilities who meet qualifications as defined by Section 504 and who participate in federally funded programs and activities. Section 504 of the Rehabilitation Act of 1973 is a civil rights statute providing that:

*No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap 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 or activity conducted by any Executive agency or by the United States Postal Service. (29 U.S.C., s. 794)*

**Change in Placement:** Section 504 requires that the parents are notified prior to any significant change in placement. Examples of significant change in placement are: expulsion, repeated suspensions which exceed ten days in a school year, progression from elementary to middle school, progression from middle school to high school, graduation from high school, placement in an alternative educational setting, or a significant change in the delivery of education.

**Disability:** (Section 504, CFR 104.3(2)(1). *“Physical or mental impairment- An individual has a disability covered by Section 504 if he or she has a physical or mental impairment includes but is not limited to: (1) 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 (2) any mental or physical disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.”*

The student who has a physical or mental impairment that substantially limits one or more major life activities is entitled to free and appropriate public education (FAPE) and may be entitled to Section 504 accommodations. The student who has a record of having impairment, or is regarded as having impairment is considered disabled under Section 504 for purposes of anti-discrimination protection. “Regarded as” does not apply to impairments that are transitory and minor, expected to last six months or less.

**Major Life Activity:** Major life activities under Section 504 include, but are not limited to, such activities as caring for one’s self, seeing, breathing, walking, hearing, speaking, learning, reading, concentrating, thinking, communicating, performing manual tasks, and working. These definitional criteria track those of the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

**Mitigating Measures:** Mitigating measures refer to any treatments or devices that serve to ameliorate or lessen the effects of a disability. MTSS/PS Teams must assess the limitations resulting from the student’s impairment(s) without consideration of such

measures in determining if the student is disabled. Specific examples of these measures are provided in the Florida Department of Education (FLDOE) District Implementation Guide for Section 504 (p. 108-109). The only exception to mitigating circumstances is the use of ordinary eye glasses or contact lenses.

**Substantial Limitation:** A person is substantially limited when he or she is restricted in terms of the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

**Discipline:** School staff must reevaluate students with Section 504 services prior to suspending or expelling them for more than ten days. A team of people knowledgeable of the student must convene to complete a manifestation determination to assess if the behavior in question was related to the student's disability. If not, the MTSS/PS Team then must consider if other strategies, interventions, or assessments are appropriate.

**Evaluation:** Section 504 evaluation includes a review of information from a variety of sources, such as teacher observations, attendance, behavioral information, standardized test scores, report cards, and information from parents and medical providers. Section 504 requires periodic reevaluations.

**FAPE:** FAPE refers to the provision of a free and appropriate public education as required by law. The provision of FAPE applies both to the IDEA and Section 504. Students ages three through 21 must be provided access to regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities. The instruction must be individually designed to meet the needs of these students as adequately as the needs of non-disabled students. An appropriate education is based upon an adherence to procedures that satisfy the requirements for least restrictive environment, evaluation and placement, and procedural safeguards. Students with disabilities who qualify for Section 504 services must be provided with aids, benefits, or services that are as effective as those provided non-disabled persons.

**Monitoring:** Section 504 Plans are reviewed annually or sooner if requested by the parents/guardians or District personnel. Annual reviews are to be conducted at the end of the first quarter of each school year. Reevaluations are conducted every three years or at the time of a significant change in placement. Reevaluations are also conducted when the school has received new information on a student indicating a change in physical or mental status and the need for modification of the Plan.

**Referral:** Referral refers to any verbal or written (letter or email) request for Section 504 evaluation, eligibility determination, and/or Accommodation Plan made by parents/guardians, District personnel, community service providers, or others who have knowledge of student. Upon receipt of a referral, the MTSS/PS Team has 60 days of attendance to complete the evaluation.