



Section 504 **Fact Sheet**

What is Section 504?

Section 504 is a federal civil rights law under the Rehabilitation Act of 1973. It provides protection against discrimination for individuals with disabilities. Students in school settings fall under the protection of Section 504 as this law prohibits discrimination on the basis of disability from all school programs and activities in both public and private schools that receive direct or indirect federal funding.

Is Section 504 the same as special education for students with an IEP?

No. Section 504 is the service option available to students with disabilities who **are not already** receiving specially-designed instruction and related services through an Individualized Education Program (IEP) under the eligibility requirements of the Individuals with Disabilities Education Act (IDEA). Section 504 is designed to provide equal access and fairness in general education to students with disabilities, thereby leveling the playing field for them through what is known as a Section 504 Accommodation Plan. It is **not** a plan designed to enhance a student's performance. It is a plan to provide accommodations and program accessibility only.

Who is eligible for a Section 504 Accommodation Plan?

A student is eligible and entitled to a Section 504 Accommodation Plan if an evaluation shows that he or she has a mental or physical impairment that **substantially limits** one or more major life activities **and significantly affects** the student's education. Students with special health care needs often qualify for Section 504 accommodations.

Where does the process start?

In New Mexico, the Student Assistance Team (SAT) is the starting point to consider whether or not a student needs to be evaluated for a Section 504 Plan. Therefore, a student needing consideration for a Section 504 Plan should be referred to the school's SAT.

Who makes decisions about the Section 504 Plan?

Responsibility for considering and developing a Section 504 Accommodation Plan lies with a core group of individuals that includes the principal or administrator, the referring and/or classroom teacher, the school counselor, and the parent—virtually the same as the core members of the SAT. In fact, the school's SAT may also serve as the Section 504 team, as necessary.

Where can I learn more?

The U.S. Department of Education's Office for Civil Rights (OCR) administers and enforces Section 504. Go to: <http://www.ed.gov/about/offices/list/ocr/index.html>. For frequently asked questions, go to <http://www.ed.gov/about/offices/list/ocr/504faq.html>.

The New Mexico Public Education Department has published a comprehensive Section 504 Guide for schools and parents. Go to: <http://www.ped.state.nm.us> and then look for it on the A-Z Directory.

If you have questions about the Section 504 process at your school, please contact the school principal or the district's or charter school's Section 504 Coordinator.