

10 Tasks to Ensure Compliance

Promote broad understanding of Section 504 to avoid costly civil rights violations

By Tom E.C. Smith

Section 504 of the Rehabilitation Act of 1973 continues to be a factor in how schools meet the needs of students with disabilities. Many school personnel might not understand their role in ensuring these students' civil rights, nor the procedures that should be used to implement Section 504. This can result in civil rights violations.

Ignorance of the law or lack of district support is not a defense, however; schools must comply to avoid costly lawsuits. Here are 10 ways to ensure a better understanding of 504 requirements in order to ensure compliance:

1. Designate a 504 Coordinator

One of the most important requirements of Section 504 is for each school district to name a 504 coordinator, whose responsibility it is to oversee compliance. This individual must have a thorough understanding of the requirements of Section 504 and the resources necessary to ensure compliance.

The coordinator can facilitate compliance by providing professional development to school staff, ensuring documentation is current, developing and maintaining district policy for Section 504, and fostering a positive attitude toward Section 504. Schools might also consider appointing a person in each school as 504 coordinator to provide another layer of oversight.

2. Ensure Staff Understand Section 504

Schools need to provide professional development to teachers, counselors, teacher aides, administrators, bus drivers, lunchroom workers, and

others to ensure that they are aware of and understand the requirements of the law. While providing professional development is not required by law, it helps ensure compliance.

3. Form a Team to Make 504 Decisions

Section 504 says a group of knowledgeable individuals must be involved in making key decisions about students, including

decisions regarding eligibility and accommodations. Obvious participants would include the child's teacher, the school and/or district 504 coordinator, someone representing the administration, and the child's parents. Depending on student needs, additional team members might include a school nurse, an occupational therapist, or a physical therapist.



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4. Understand 504 Eligibility Criteria

Section 504 eligibility does not require a specific disability diagnosis nor the need for special education. It requires that a student have a mental or physical impairment that substantially limits a major life activity. The 2008 amendments to the Americans with Disabilities Act expanded eligibility by adding students with episodic impairments and students with mitigated disabilities.

5. Understand the Referral and Evaluation Process

Schools must initiate the referral process if there is reason to believe that a child would be eligible under 504, so school staff must understand eligibility criteria and the steps they must take if they think a particular child is eligible. Offering easy-to-use 504 forms will make it more likely for teachers to refer students appropriately.

Once students are referred, the school must conduct an evaluation of the child in all areas of suspected need, but it can't require parents to obtain evaluations from outside professionals. If the school determines the student is eligible, it should make a plan that includes any accommodations or services that enable it to provide a free appropriate public education to the child.

6. Ensure Students Have Access to Extracurricular Activities

Schools must ensure that students with disabilities have equal access to everything the school provides for students without disabilities, including extracurricular activities, while ensuring the student is otherwise qualified to participate in the activity and provided with any needed accommodations that enable participation.

7. Ensure Due Process Rights

As under IDEA, students and parents have due process rights under Section 504. These rights include parental consent prior to initial evaluation and placement and notice of other actions such as scheduling 504 plan meetings. Schools can't refer, evaluate, and develop 504 programs for students without involving parents.

8. Discipline Students Protected Under 504 Similarly as Under IDEA

Section 504 students are treated similarly to students served under IDEA in regard to discipline. Students may not be excluded from school for more than 10 days if it is determined that a student's behavior is related to his or her disability. A student may be suspended or expelled similarly to a student without disabilities if it is determined that there is no relationship.

9. Develop a 504 Policy Handbook

To ensure staff understand Section 504, provide a school handbook that includes an overview of the law; specific responsibilities of the school and staff; steps in the referral, identification, and program process; and due process rights of students and parents. Furnish the handbook and periodic professional development to ensure staff understanding.

10. Embrace the Intent

The intent of Section 504 is to require what good teachers and school leaders have always done: Treat individuals equally and give them an equal opportunity to be successful. Section 504 does not guarantee students pass or receive A's; it guarantees only that students have an equal opportunity to pass and make A's. By embracing the law's purpose, schools are more likely to comply with Section 504 and give students with disabilities equal opportunities. 

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