

Department of Special Education and Preschool

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What is Section 504 Evaluation?

Parents might request a Section 504 evaluation if they suspect their child has a disability that substantially limits a major life activity, like learning, and needs accommodations to access their education adequately.

Suspected Disability

If a parent believes their child has a physical or mental impairment that affects their ability to learn, walk, talk, breathe, care for themselves, or other major life activities, they may request a Section 504 evaluation.

Need for Accommodations

The purpose of a Section 504 evaluation is to determine if a student's disability substantially limits a major life activity, and if they need accommodations or modifications to their education to ensure they have equal access to the general education curriculum. Accommodations provided through a Section 504 plan are intended to allow a student to access the educational environment. Accommodations are not intended to allow a student to optimize the educational experience.

Evaluation Before Plan

A team must conduct a Section 504 evaluation that concludes a student has a disability that substantially limits a major life activity, and requires accommodations to access the educational environment, before a Section 504 plan can be created and implemented. A Section 504 plan must be aligned to the student needs identified in the Section 504 evaluation.

Section 504 is Not Necessarily Special Education

A Section 504 plan is different from an Individualized Education Program (IEP), which is for students who require specialized instruction. A 504 plan provides accommodations within the regular education setting, while an IEP provides specialized instruction and services.

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Examples of Conditions

Students with conditions like attention deficit hyperactivity disorder (ADHD), autism spectrum disorder (ASD), or other disabilities that impact their ability to learn or participate in school activities may be evaluated for a Section 504 plan.

Section 504 is a civil rights law

Section 504 of the Rehabilitation Act of 1973 is an anti-discrimination law that prohibits discrimination based on disability in programs and activities that receive federal funding, including schools.

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**Consideration for Evaluation for Section 504 Disability
Team Conversation Framework**

The district representative, with the support of the team provided evidence, must determine if there is enough evidence to conduct a Section 504 evaluation.

A student's team, which would include parents, could use the following questions to help facilitate team conversation regarding the need for a Section 504 evaluation. The guiding questions do not determine the outcome of the referral request. The guiding questions can be used in conjunction with additional team evidence, to support team conversation to determine the outcome.

To qualify for accommodations for a disability in learning under Section 504, a student must have a physical or mental impairment that substantially limits learning within the educational setting.

If a student does not need accommodations or modifications at school **beyond those normally made available to all students**, then the team shall consider this and an evaluation may not be necessary.

The following questions will help guide the team in determining whether the student's learning is substantially limited as a result of the impairment. Generally, there should be multiple indications of difficulty before the team and/or district determines the student's learning is substantially limited.

Has the student demonstrated a consistent need for substantially more time to complete homework assignments or in-class assignments than required by students without disabilities?
Has the student demonstrated a consistent need for accommodated testing to be able to demonstrate their knowledge?
Does the student have significant difficulty with planning, organization and performing school related assignments and other activities?
Is the student chronically absent or tardy due to a physical or mental impairment?

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Does the student exhibit frequent behaviors (such as impulsivity, inattentiveness, aggression, drowsiness) that are commonly associated with the student's physical or mental impairment or medication?

Do those behaviors significantly interfere with the student's educational performance/progress?

Has the student experienced a significant decline in academic performance that is not due to any cause other than the physical or mental impairment?

Does the student have significant discipline problems that are not due to any cause other than the physical or mental impairment?

After appropriate intervention strategies have been attempted in the regular education classroom, does the student still have significant learning needs?