



Parent Information

Section 504

This guide describes the requirements of Section 504 of the Rehabilitation Act of 1973 for each public school district to provide a free appropriate public education (FAPE) to students with disabilities. This guide is designed to assist parents to better understand Section 504.

For more information, please feel free to contact the Section 504 Coordinator at Harlan Community School District:

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Or contact the Section 504 Coordinator at the Iowa Department of Education for further information or assistance.

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Understanding Section 504

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law designed to prevent disability discrimination in programs that receive federal funds, which includes all public school districts. This law requires that public schools provide a **free appropriate public education (FAPE)** to students with disabilities. FAPE means that the education provided must meet a disabled student's individual educational needs as adequately as those of their non-disabled peers.

Who Qualifies as a Student with a Disability?

Under Section 504, a student has a disability if they have a physical or mental impairment that substantially limits one or more major life activities.

- **Physical or mental impairment:** This is a broad definition that includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss. It also includes any mental or psychological disorder, such as emotional or mental illness and specific learning disabilities.
- **Substantially limits:** There is no single formula for this, but an impairment substantially limits a student if it limits their ability to perform a major life activity compared to their non-disabled peers. The impairment doesn't have to prevent or severely restrict the activity to be considered substantially limiting.
- **Major life activities:** These include basic functions like walking, seeing, hearing, speaking, breathing, and learning, as well as major bodily functions like those of the immune, respiratory, and neurological systems. The list is not exhaustive.

Important Considerations

When determining if a student has a disability under Section 504, certain factors are considered:

- **Mitigating measures:** Any measures a student uses to manage their impairment, such as medication or medical devices, should be disregarded.
- **Temporary impairments:** A temporary impairment that lasts six months or less can be a disability if it is severe enough to substantially limit a major life activity.
- **Episodic or remission-based impairments:** An impairment that is episodic or in remission (like epilepsy or cancer) is considered a disability if it substantially limits a major life activity when active.

The Section 504 Process

1. **Referral:** Anyone can refer a student for a Section 504 evaluation if they suspect a disability is causing the student to need special education or related aids or services.



2. **Evaluation:** After a referral, the school district must decide whether to evaluate the student and notify their parents of the decision. The evaluation scope is determined by the district and should be broad enough to determine if the student is disabled and what services they need. Parental consent is required for the initial evaluation.
3. **Section 504 Plan:** If a student qualifies, a written Section 504 plan is developed to describe the services, aids, and accommodations they need. The plan must be created by a team of people knowledgeable about the student and their evaluation data. Parents should be included on this team after eligibility is determined.
4. **Due Process:** Section 504 gives parents the right to challenge district decisions about their child's identification, evaluation, or educational placement. This includes the right to prior notice, an impartial hearing, and the ability to inspect records.

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