

Section 504 Plan FAQs

The following are FAQ's from the U.S. Department of Education and the Office of Civil Rights (OCR) that are relevant to the Section 504 process. Click [here](#) to view the website.

Are there any impairments which automatically mean that a student has a disability under Section 504? No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

Can a medical diagnosis suffice as an evaluation for the purpose of providing Free Appropriate Public Education (FAPE)? No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

What does "substantial limitation" mean? The determination of whether there is a substantial limitation on any major life activity due to the physical or mental impairment must be made on a case-by-case basis for each student. The term "substantial limitation" is generally construed to mean that a person is unable to perform a major life activity that the average person in the general population can perform.

What is a physical or mental impairment that substantially limits a major life activity? The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. Major life activities, as defined in the Section 504 regulations, include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not exhaustive.

How should a recipient school district handle an outside independent evaluation? Do all data brought to a multi-disciplinary committee need to be considered and given equal weight? The results of an outside independent evaluation may be one of many sources to consider. Multi-disciplinary committees must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student's learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee given the student's individual circumstances.

What about a temporary impairment?

A temporary impairment (typically one with an actual or expected duration of six months or less) does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

Additional FAQs

My doctor recommended a Section 504 Plan as part of a neuropsychological report. Does this mean that my student automatically gets one? We respect the recommendation of our outside providers; however, they are often not aware that each school has a Section 504 process. Please see the answers above for further clarification.

What are some common misunderstandings about Section 504? A common misunderstanding regarding a Section 504 Plan is that it can be used as a way to provide assistance to a student who "only needs a little bit of help." However, as previously outlined, in order to be eligible for a Section 504 Plan, a student must have a physical or mental impairment and the physical or mental impairment must result in a substantial limitation of a major life activity and result in a need for related services. A student who may benefit from sitting near the teacher, having directions repeated, or using an assignment book, for example, would not be considered eligible simply because he/she needs one or two of these types of commonly used regular education interventions.

A second common misunderstanding is that Section 504 is about maximizing students' performance at school. A parent may say, "I know my child is doing reasonably well in school, but he/she could be doing so much better if he/she had these accommodation(s)." Section 504 is about meaningful access to education, or what courts have called "a reasonable opportunity to participate and/or learn." It is very important to focus on educational access and Free Appropriate Public Education (FAPE) issues when considering the need for a Section 504 Plan, not the potential for maximizing student performance.

My student is doing well academically, but still struggling at school, what are the options? Our class house (School Counselors and Social Workers) work with teachers, students, and parents/guardians regarding academic scheduling, social/emotional support, post-secondary planning, and other school-related concerns. Students are encouraged to visit their respective class house or email their counselor/social worker directly to make an appointment. Parents/guardians are also welcome to call or email to make an appointment as needed. Students do not need a Section 504 Plan to get support from the class house.

What if the teacher's feedback during the progress-monitoring period doesn't reflect what we are seeing at home? For the purpose of Section 504, we are looking at performance in the educational setting. If there are concerns about what is occurring in the home, please reach out to the School Counselor to discuss.

What if the concerns that are being observed during the progress-monitoring are not easily observable? The teachers will look at how the student is performing and their non-verbals (body language, facial expressions, eye contact, etc.) during instructional time, independent work time, group work, and assessments. They will review their performance on classwork, homework, and assessments to gauge if instruction was missed, there was a lack of preparation, understanding, etc.