



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.

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 access to education. Students with special health care needs are often identified for Section 504 accommodations. However, some students have learning, behavioral, or other mental or physical impairments which meet the criteria to be served through Section 504.

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 evaluation and plan should be referred to the school's SAT. Students who are exited from special education or ones who are evaluated and do not qualify for special education services are also referred to the SAT for consideration under Section 504.

Who makes decisions about the Section 504 Plan?

Responsibility for considering a Section 504 evaluation, completing an identification process, and developing an 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, in New Mexico, the school's SAT usually serves as the Section 504 team, as necessary.

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

No. A student eligible for special education under the federal Individuals with Disabilities Education Act (IDEA) has an Individualized Education Program (IEP) for specially-designed instruction and related services. A student identified under Section 504 has a Section 504 Accommodation Plan designed to provide accommodations and program accessibility only in order to give the student equal access to education. It is **not** a plan designed to enhance a student's performance.

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 under "S" 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.