

**GUILFORD COUNTY SCHOOL SYSTEM**  
**SECTION 504 OF THE REHABILITATION ACT OF 1973**  
Revised following ADA Amendment of 2008

**INTRODUCTION**

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against a qualified handicapped student solely by reason of his/ her disability by any public or private institution receiving federal funds. Section 504 does not apply to private and church-based schools that do not receive federal funds. The regulations implementing Section 504 are found at Title 34 C.F.R. Part 104.

Section 504 requires a school district to provide needed accommodations and/ or adjustments to its programs so that qualified handicapped students have opportunities for participation in the least restrictive environment. Section 504 accommodations are intended to level the playing field and provide access to qualified students comparable to the access and opportunities afforded to non-handicapped peers.

Section 504 covers all programs and activities of the school district, regardless of whether the specific program or activity involved is a direct recipient of federal funds. Section 504 applies to all areas in which the student is involved, including extracurricular activities, meals, recess, physical education, transportation, health services, and the employment of students.

Section 504 does not require the school system to overcome a student's handicap so that the handicapped student achieves the same results as a non-handicapped peer. Section 504 does not require schools to ensure that a handicapped student has maximized his/ her potential. Under Section 504, the non-discrimination standard is "equal opportunity" and "equal access," not "equal results."

Section 504 requires that qualified handicapped students attending public schools be provided with a free appropriate public education (FAPE). The federal law and regulations also include child find obligations, procedural safeguards, assessment and evaluation requirements, and the provision of educational services and related aids that are designed to meet the individual educational needs of qualified handicapped students as adequately as the needs of non-handicapped students are met.

The Guilford County School System provides FAPE to qualified handicapped students with a Section 504 Accommodation Plan. The Office for Civil Rights (OCR) is the federal agency that enforces Section 504. All complaints filed with the OCR must be investigated.

**IT IS IMPORTANT TO REALIZE THE FOLLOWING:**

Section 504 is anti-discrimination law, not education law. Section 504 is NOT a default plan for students who fail to qualify under the IDEA and want accommodations in the regular classroom based solely on a medical diagnosis, evaluation, or learning weakness.

All students who are identified as disabled under the IDEA are also protected under Section 504. However, all students who have been determined to be handicapped under Section 504 may or may not also qualify as disabled under the IDEA.

For students who qualify for services under Section 504 and in special education, the school district meets the educational and 504 needs of these students by the implementation of an IEP under the IDEA. Therefore, students should not have both an IEP and a Section 504 Accommodation Plan.

## UNDERSTANDING SECTION 504 OF THE REHABILITATION ACT OF 1973

### THE LAW

The Rehabilitation Act of 1973 contains a sentence numbered "504":

**No otherwise qualified handicapped individual in the United States...shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance.... 29 U.S.C. §794(a).**

### DEFINITIONS

Students protected from discrimination under Section 504:

34 C.F.R. §104.3(j)(1) defines a handicapped person as one who

- 1) has a physical or mental impairment which substantially limits one or more major life activities,
- 2) Has a record of such an impairment, or
- 3) Is regarded as having such impairment.

NOTE: As explained in an Office for Civil Rights staff memorandum dated August 3, 1992 (19 IDELR 894), the first prong of the definition generally applies in elementary and secondary school cases when determining whether a student qualifies for a Section 504 Accommodation Plan.

#### "PHYSICAL OR MENTAL IMPAIRMENT"

34 C.F.R. §104.3(j)(2)(i) defines physical or mental impairment as

- 1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hermic and lymphatic; skin; and endocrine **OR**
- 2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

#### "HAS A RECORD OF SUCH AN IMPAIRMENT"

34 C.F.R. §104.3(j)(2)(iii) indicates that "has a record of such impairment" means that the individual has a past history of a mental or physical impairment, such as a student with a past history of a mental disease. This student is protected from discrimination but would not qualify for a Section 504 Accommodation Plan.

#### "IS REGARDED AS HAVING AN IMPAIRMENT"

34 C.F.R. §104.3(j)(2)(iv) indicates that "is regarded as having an impairment" means that the individual has a physical or mental impairment only as the result of the attitudes and perceptions of others, such as a student with HIV. This student is protected from discrimination but would not qualify for a 504 Accommodation Plan.

## “SUBSTANTIALLY LIMITS”

**“Substantially limits” means that the impairment significantly restricts the individual’s ability to perform a major life activity in a manner comparable to that of an average student of approximately the same age and grade, AND the impairment must also be substantial and atypical when compared to the average student.**

## “MAJOR LIFE ACTIVITY”

34 C.F.R. §104.3(j)(2)(ii) defines “major life activity” as functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Learning includes both the ability to learn and the physical ability to access locations for learning. *Americans with Disabilities Act Amendment of 2008 expands “major life activities” to include: communicating, thinking, reading, bending, sleeping and eating. Functions of the body systems are also considered to be major life activities.* (Jan.2009)

NOTE: When the major life activity substantially limited by the impairment impacts a student’s ability to access the curriculum, i.e., learn, read, think, communicate, see, hear, etc., the students may be more appropriately considered for services under the IDEA (special education). The school’s IST will be involved in assessing such student prior to making a referral for eligibility under Section 504 or the IDEA.

*The Office for Civil Rights notes that TESTING is NOT a major life activity and students can not be determined disabled in their ability to take tests. If a disability of another life activity as impairs the students ability to complete the tasks required when testing, the child might have accommodations for those tasks.*

## SCOPE OF SECTION 504

Compliance with Section 504 of the Rehabilitation Act of 1973 is a process by which a group of knowledgeable persons evaluates, identifies, and designs an individualized education program for every qualified handicapped student. In Guilford County, the district demonstrates compliance with Section 504 by a properly developed and implemented Section 504 Accommodation Plan that addresses the following five issues:

- 1) The nature of the student’s disability and the major life activity it limits,
- 2) The basis for determining the disability,
- 3) The educational impact of the disability,
- 4) Needed accommodations based on the handicapping condition, and
- 5) Placement in the least restrictive environment.

Section 504 mandates periodic reevaluation of qualified handicapped students. The district’s procedures comply by requiring an annual review of the 504 plan, generally at the end of the school year, and a three-year reevaluation to determine continued eligibility. A reevaluation to determine continued eligibility may occur prior to the three years. Also, a reevaluation must occur during a manifestation determination review.

Section 504 requires compliance with procedural safeguards: notice to parents of their rights, an opportunity for parents to examine relevant records, the right to an impartial hearing with the opportunity for participation by the parents and representation by counsel, and the right to a review procedure. 34 C.F.R. §104.36.

Before the district takes any action with respect to the identification, evaluation, or placement of a Section 504-qualified student, the parents must be notified. The law requires that the school notify parents of all meetings and decisions by the 504 team so that parents have an opportunity to participate in the educational decision-making of their student and have sufficient notice to appeal the school's decisions.

Parents must give their written consent to initial screenings/ evaluations and to initial placement for their student under Section 504.

### **A) CHILD FIND OBLIGATIONS**

Section 504 imposes on the school district a "child find" duty, which is the obligation to identify handicapped students in the district.

In this regard, 34 C.F.R. §104.32 provides that a recipient that operates a public elementary or secondary education program or activity shall annually

- 1) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education, and
- 2) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

The Office for Civil Rights has advised that Section 504 has a "child find" requirement but does not obligate the school district to provide services to qualified handicapped students in private schools or to handicapped students being home-schooled. OCR Response to Veir, 20 IDELR 864 (OCR 1993).

Guilford County Schools' IDEA procedures for "child find" also fulfill the Section 504 "child find" obligation. All schools have informative posters and pamphlets available to provide information regarding services for students with disabilities.

### **B) REFERRAL PROCESS**

Teachers or parents may begin the referral process for a Section 504 determination by filling out the "SECTION 504 REFERRAL" form. The "REFERRAL" form requires an explanation of the educational impact of the handicap and of the difficulties this student is having accessing educational programs. (Students who are independently able to meet local and state standards for academic progress are not considered to be substantially limited in the major life activity of *learning*.)

The Guilford County School System has an affirmative duty to refer any student suspected of qualifying as handicapped under Section 504 and to document the results in writing. If a parent requests a determination of eligibility under Section 504, the school MUST act on every request for a referral in a timely manner by convening the 504 team and considering all relevant information to determine eligibility.

### **C) IDENTIFICATION AND DETERMINATION OF ELIGIBILITY**

#### **◆ COMPOSITION OF 504 ELIGIBILITY TEAM**

A properly convened 504 team to determine eligibility should include persons knowledgeable about the needs of the student, the data being reviewed, and appropriate accommodations.

GCS procedures require attendance of the school's 504 coordinator; one of the student's regular education teachers; a health care professional to explain medical needs, if appropriate;

the parent; and the student, if appropriate. BEST PRACTICE: Ask the student about his/ her needs in the regular classroom.

If parents have received their due process notification, the 504 team may proceed with identification under Section 504 without the parents in attendance. **Parental consent, however, is required for placement under Section 504.** Schools should make diligent efforts to have parents attend all 504 team meetings.

## **D) IDENTIFICATION AND DETERMINATION OF ELIGIBILITY**

### **◆ COMPOSITION OF 504 ELIGIBILITY TEAM**

A properly convened 504 team to determine eligibility should include persons knowledgeable about the needs of the student, the data being reviewed, and appropriate accommodations.

GCS procedures note that attendance of the school's 504 coordinator; one of the student's regular education teachers; a health care professional to explain medical needs, if appropriate; the parent; and the student, if appropriate, is usually the most appropriate composition for the 504 team. Other individuals may be invited if determined appropriate by the school 504 coordinator.

If parents have received their due process notification, the 504 team may proceed with identification under Section 504 without the parents in attendance. **Parental consent, however, is required for placement under Section 504.** Schools should make diligent efforts to have parents attend all 504 team meetings.

### **◆ UNDERSTANDING ELIGIBILITY UNDER SECTION 504**

To be eligible under Section 504, the 504 team must determine that the student

- 1) Presently experiences a physical or mental impairment that
- 2) Substantially limits a major life activity.

Therefore, a medical evaluation that an impairment exists does not mean that a student automatically qualifies under Section 504. Any physical or mental impairment could qualify a student under Section 504, as long as the impairment substantially limits a major life activity relevant to the student's educational functioning and/ or access to educational programs.

**THE ELIGIBILITY PROCESS required under Section 504 is an educational determination that depends on the nature of the handicap. Federal regulations require schools to consider information from a variety of sources, including a medical diagnosis, health information, student's grades, parent and teacher information, work samples, other formal evaluations indicating the student's aptitude and achievement level, etc. No individual opinion or assessment can be used to determine eligibility, i.e, a doctor can not find a child eligible for a 504 plan. The 504 team is responsible for determination of eligibility.**

The 504 team **must** also assess the nature and extent of the handicap and its impact upon the student's ability to function in school as compared to the nondisabled student .

Not every student with a medically diagnosed impairment or a learning disorder will have a handicap covered under Section 504. A Section 504 Accommodation Plan is appropriate for a student whose impairment **substantially limits** a major life activity relevant to school, including all programs and activities sponsored by GCS.

The 504 team must also identify accommodations/ aids needed by the handicapped student to provide *equal* access and opportunities comparable to the access and opportunities afforded to his/ her non-handicapped peers in the *average* population.

#### ◆ EVALUATION REQUIRED TO DETERMINE ELIGIBILITY UNDER SECTION 504

The law does not require any specific tests for placement under Section 504 but states that in evaluating a student, the 504 team should draw upon information from a variety of sources. All sources of information must be documented and considered. 34 C.F.R. §104-35(a), (b).

Consequently, what is required for a Section 504 evaluation is determined by the type of handicap believed to be present and the accommodations and/ or services the student may need. Depending on the facts and circumstances, an evaluation for Section 504 may not require a comprehensive evaluation of the student. The evaluation for Section 504, however, must be sufficient to assess accurately and completely the nature and extent of the handicap in order to determine needed accommodations, aids, and related services.

Section 504 eligibility meetings are not intended to be as comprehensive as an evaluation for placement in special education under the IDEA. However, in every case, to determine Section 504 eligibility, the 504 team needs to investigate the specific concerns that triggered the request for a referral, including, is appropriate; aptitude and achievement tests, the student's social and cultural background and physical condition, adaptive behavior assessments, behavior plans, psychological evaluations, attendance reports, medical information, observations from teachers and parents, and information from the student's cumulative records.

Also, parents may bring a current medical diagnosis and/ or an educational evaluation. To be a current evaluation, professional standards generally require that the diagnosis/ evaluation, whether medical, physical, or psychological, is not more than a year old.

## QUESTIONS AND ANSWERS RELATING TO ELIGIBILITY

### **Q: How much is enough information to document an impairment?**

A: The amount of information required is determined by the impairment. The 504 team must draw from a variety of sources in the evaluation process, and the information obtained must be documented. Medical impairments must be verified by licensed physicians knowledgeable in the area of the medical concern.

### **Q: Should all accommodations that a teacher uses in his/ her classroom be included in a 504 Accommodation Plan?**

A: **NOT NECESSARILY.** Teachers use a variety of curriculum accommodations and accommodations to individualize instruction that help students learn. A 504 plan only includes accommodations required by the student to access educational programs, comparable to the access afforded to non-handicapped peers and based on the student's handicapping condition. **The accommodations on a 504 plan are not intended to maximize the student's potential.**

### **Q: How should evaluations provided by parents be considered?**

A: Parent-provided evaluations may be one evaluation source. The 504 team determines the relative importance of the information from a variety of sources as it applies to the student's circumstances.

### **Q: Can Section 504 eligibility be based solely on a diagnosis of ADHD?**

A: **NO. A DETERMINATION OF ELIGIBILITY UNDER SECTION 504 REQUIRES MORE THAN A DIAGNOSIS. Placement in Section 504 based on a single diagnosis or evaluation is a violation of law.** The 504 team must consider information from a variety of sources, including parent-provided information.

For ADHD students (and all students whose impairment may affect access to the curriculum), the school's IST/ Care Team should be involved to document the interventions used for academic and behavioral support. The student's regular education teachers must have input about the needs of the student for substantial accommodations.

In addition, the 504 team must convene in a timely manner to determine eligibility for every 504 referral. If the 504 team determines that the student is not eligible, the school must inform parents of their due process rights.

### **Q: How should the school respond if parents reject IDEA eligibility and demand a 504 plan?**

A: Parents may **not** reject the IDEA services and then expect the school to develop a 504 plan. A rejection of services under the IDEA amounts to a rejection of FAPE under Section 504.

**Q. Must parents agree to allow the school to communicate with the physician involved in a student's medical care?**

A. When a Physical Impairment is the reason for the referral to 504, a medical provider's documentation will be required to verify the current concern leading to the referral. If the parent refuses to allow the school system to communicate with the physician to establish the level of need, the school system may choose to have a physician assess the medical needs of the student and make recommendations for the appropriate accommodations for the student. It is best practice to communicate with the student's personal physician and parents should be encouraged to allow this communication to facilitate the process.

**D) DEVELOPING A SECTION 504 ACCOMMODATION PLAN**

In order to develop a Section 504 Accommodation Plan (APPENDIX F), 34 C.F.R. §104-35(c) specifies evaluation and placement procedures:

- 1) That information is obtained from a variety of sources, including, as appropriate, aptitude and achievement tests, teacher recommendation, physical condition, social or cultural background, and adaptive behavior assessments;
- 2) That **data** from all sources is documented and considered; and
- 3) That the 504 team should include the parents, persons from the school knowledgeable about the student, and others with expertise concerning the evaluation data and placement options.

**ACCOMMODATIONS DO NOT GUARANTEE ANY SPECIFIC OUTCOME**

**◆ TESTING ACCOMMODATIONS**

Students may receive accommodations on district, state and national tests (Benchmarks, EOG, EOC) in accordance with the accommodations on their 504 plans (accommodations must be used throughout the school year on classroom assessments). For accommodations on state tests, the 504 team should complete and attach the "North Carolina Testing Accommodations and Exemptions" form to the 504 Accommodation Plan at the time of its development.

**Accommodations on a 504 plan (or an IEP) do not guarantee accommodations on tests administered by the College Board. Schools are not required to evaluate a student for the purpose of access to College Board accommodations or post-secondary placement.**

**\*Contact the school counselor to apply for accommodations on the PSAT/ NMSQT, SAT, and AP exams. The College Board has established timelines when applying for testing accommodations: postmark deadline of five weeks prior to the test day to process the request for accommodations and seven weeks prior to the test day if the student uses the Appeal Process.**

**E) ENSURING IMPLEMENTATION**

Once the 504 Accommodation Plan has been developed, it should be implemented immediately. The school's 504 team coordinator must provide copies of the Section 504 plan to the parents and to all of the 504 student's teachers. The law requires regular education teachers to provide accommodations indicated in their students' 504 plan. Failure to implement the accommodations may result in a discrimination complaint.

**F) LEGAL TIMELINES FOR AN INITIAL 504 ACCOMMODATION PLAN**

Although Section 504 does not establish specific time frames for school districts to complete an evaluation and to implement a 504 Accommodation Plan, the OCR considers the standards established under the IDEA when determining whether the school system has acted in a timely manner in providing qualified handicapped students with access to appropriate educational services.

**G) PLACEMENT DECISIONS**

Like the IDEA, Section 504 imposes a requirement that students must be educated in the least restrictive environment (LRE) appropriate to the student's needs. The law provides that the educational setting of a qualified handicapped person shall be "with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person." 34 C.F.R. §104.34(a). In addition, a school district shall ensure that qualified handicapped students participate with non-handicapped students in non-academic and extracurricular services to the maximum extent appropriate. 34 C.F.R. §104.34(b). If removal of a handicapped student from his/ her non-handicapped peers is required for any reason, the facilities must be comparable to those provided for non-handicapped students. 34 C.F.R. §104.34(c).

**LEGAL TIMELINES FOR ANNUAL REVIEW AND REEVALUATION OF A 504 PLAN**

34 C.F.R. §104.35(d) requires periodic reevaluation of Section 504 students. GCS procedures consistent with the IDEA meet this requirement: Schools should review students' 504 plans annually and reevaluate a student's eligibility under Section 504 every three years.

**I) DUE PROCESS PROCEDURES AND PROCEDURAL SAFEGUARDS**

34 C.F.R. §104.36 requires a system of procedural safeguards that includes

- 1) Written notice to parents when their student is either eligible or no longer eligible under Section 504 and when their student needs a significant change of accommodations,
- 2) An opportunity for the parents or guardian of the person to examine relevant records,
- 3) An impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and
- 4) A review procedure.

**J) STUDENT WITH A TEMPORARY HANDICAP**

Section 504 may cover students with a temporary handicap. Schools should consider these factors when determining eligibility: impact of the handicap on the student's ability to participate in regular education programs, impact of the handicap on the student's ability to access the curriculum, and the expected time length of the temporary handicap. (Be sure to exit students from Section 504 once the temporary handicap ceases to exist.) Medical documentation is required to support the temporary handicap. Temporary handicaps are usually such things as broken hand during testing window, broken legs requiring transportation or special accommodations due to bathrooming issues, etc.

**K) ELIGIBILITY OF STUDENTS WHO TRANSFER INTO THE DISTRICT**

**HONOR PREVIOUS PLACEMENT -- THEN REEVALUATE:** When a student with a 504 plan enrolls in Guilford County, the receiving school has the legal duty to provide a free appropriate public education without delay. The GCS receiving school must have some written or verbal communication from the sending school of the student's 504 placement in order to serve the

new student under Section 504. A statement from the parents alone that their student has a 504 plan is not sufficient.

In addition, the documentation from the sending school must state an impairment, not just symptoms of learning problems, with the appropriate diagnosis. If this criterion is met, the GCS receiving school must honor previous placement and implement the student's 504 plan. After the GCS school has some knowledge about this student's needs and performance in the school environment, the 504 team may convene to reevaluate the student's eligibility in Guilford County.

NOTE: Section 504 of the Rehabilitation Act of 1973 is broadly written in the law. Every school district develops its own 504 procedures that comply with the federal law. Consequently, a student with a 504 plan who transfers into Guilford County may not be eligible under GCS 504 procedures.

## **L) CONFIDENTIALITY AND HANDLING OF EDUCATIONAL RECORDS**

Section 504 records are confidential and protected under the Family Educational Rights and Privacy Act (FERPA). Under FERPA, prior parental consent is not required before a district may transfer or disclose education records to officials of another school, school system, or institution of postsecondary education where the student intends to enroll.

### **Regular education teachers must receive copies of their students' 504 plans.**

Out-of-date records should be marked "out-of-date"; these records may be destroyed once the student transfers and/ or graduates. The current, original 504 plan and other original diagnoses and evaluations must be maintained in the student's cumulative records.

## **DISCRIMINATION PROHIBITED UNDER SECTION 504**

- 1)** Denies a handicapped person the opportunity to participate in or benefit from an aid, benefit, or service that is afforded to non-handicapped students. **For example:** The school's practices of refusing to allow any student with an IEP the opportunity to be on the honor roll; denying credit to a student whose absenteeism is related to his/ her handicapping condition; refusing to dispense medication to a student who could not attend school otherwise; or refusing an "otherwise qualified" handicapped student participation in a school club, picnic, or sports event are discriminatory practices.
- 2)** Fails to afford the handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is equal to that afforded to non-disabled peers. **For example:** Applying a policy that conditions inter-scholastic sports eligibility on the student's receiving passing grades in five subjects without regard to the student's handicapping condition is discrimination.
- 3)** Fails to provide aids, benefits, or services to the handicapped person that are "as effective" as those provided to non-handicapped peers. **For example:** Placing a student with a hearing impairment in the front row of a large lecture class, as opposed to providing him/ her with an interpreter or a person to take notes, or prohibiting a student confined to a wheel chair access to courses because the classrooms are on the second floor of the building is discrimination.

NOTE: "As effective" means equivalent as opposed to identical. **To be "as effective," an aid, benefit, and/ or service need not produce equal results for the student with the handicap.**

**Rather, aids and services must afford handicapped students an equal opportunity to achieve equal results.**

**4)** Provides different or separate aids, benefits, or services, unless such action is necessary to be “as effective” as the aids, benefits, or services provided to non-handicapped peers. **For example:** Segregating handicapped students in separate classes, schools, or facilities, unless necessary, is discrimination.

**5)** Aids or perpetuates discrimination by providing significant assistance to a person, organization, or agency that discriminates on the basis of an individual's handicap. **For example:** Sponsoring a student organization that excludes persons with handicaps is discrimination.

**6)** Selects the site or location at a facility that excludes or denies benefits to persons with handicaps or schedules handicapped students at a facility less adequate in comparison to facilities scheduled for non-disabled peers. **For example:** Locating all special education classes in trailers, wings in basements, and restrictive classrooms due to a lack of classroom space is discrimination.

## DISCIPLINE PROCEDURES UNDER SECTION 504

For a student with a Section 504 plan, federal law prohibits punishment for behavior that is a manifestation of his/ her handicapping condition. Schools do not have to consider whether the behavior is a manifestation of the handicapping condition during the first 10 school days of suspension of a school year.

As recommended by the Office for Civil Rights, compliance with the procedural mandates for discipline under the Individuals with Disabilities Education Act (IDEA) also satisfies Section 504.

GUILFORD COUNTY 504 DISCIPLINE PROCEDURES, require the school to convene a 504 team meeting/ manifestation determination review (MDR) to determine whether the student's violation is a manifestation of his/ her handicapping condition **WHEN**

- a) The school recommends suspension for more than 10 consecutive days;
- b) The school recommends long-term suspension or expulsion; or
- c) The student has been suspended MORE THAN 10 cumulative days during the school year.

### **Disciplinary Requirement Comparison between Section 504 and the IDEA**

- Unlike the IDEA, the law does not require schools to provide educational services to 504-qualified students who have been suspended from school.

## WHAT is the difference between SECTION 504 and IDEA?

### IDEA STUDENTS

**Students qualify** 1) by being identified as one or more of 14 disabling categories specified in the IDEA and 2) by needing special education instruction because the disability adversely affects educational performance. A student does not qualify under the IDEA based solely on a medical diagnosis or an evaluation. An individualized education program (IEP) is developed for each student by his/ her IEP team to allow the student to access and receive meaningful educational benefits from the general curriculum.

**Students qualify** due to a mental or physical impairment that substantially limits a major life activity. A student does not qualify under Section 504 based solely on a medical diagnosis or an evaluation. A Section 504

### SECTION 504 STUDENTS

Accommodation Plan is designed to remove barriers in order to give qualified handicapped students the same or comparable opportunities and/ or access afforded to their non-handicapped peers in the general population.

**An appropriate education** under Section 504 provides the student with equal access

**An appropriate education** under the IDEA includes an IEP that is reasonably calculated to enable the student to receive meaningful educational benefits in accordance with the student's needs and abilities. The standard for "appropriate education" under the IDEA is not measured with a comparison to the standards and needs of non-disabled students. The law does not require the school to maximize the disabled student's potential.

and equal opportunities to educational programs through reasonable accommodations in the regular education environment in comparison to the access provided to his/ her non-handicapped peers in the general population. The non-

discrimination standard is “equal opportunity,” not “equal results.” The law does not require the school to maximize the student’s potential or to make fundamental changes to its programs.

**DIRECT REFERRALS to SECTION 504 to your home school 504 coordinator.**

***Direct general questions about Section 504 to:***

***Carolyn C. McMath***

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