504 PLAN BASICS

504 Plans are governed by the Rehabilitation Act of 1973. They are mainly used by students who do not qualify for services under the Individuals with Disabilities Education Act (IDEA). The Rehabilitation Act is a federal civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Section 504 is enforced by the Office of Civil Rights.

Section 504 requires schools receiving federal money to provide a “Free and Appropriate Public Education” (FAPE) to each qualified student with a disability. Yet FAPE under Section 504 is very different from FAPE under IDEA. FAPE in Section 504 guarantees an education for students with disabilities which is comparable to the education given to students without disabilities. In comparison, IDEA regulations require special education and related services designed to meet each student with a disability’s “unique needs.”

A student qualifies for Section 504 assistance if (1) the student attends a school which receives federal financial assistance; (2) the student has a physical or mental impairment; and (3) the student’s impairment substantially limits one or more major life activities. The extent of an individual’s impairment should be evaluated without considering the ameliorative effects of any mitigating measures.

The school must evaluate the student before providing services under Section 504, and Section 504 requires informed parental permission for initial evaluations for students under the age of 18. (Individuals 18 or older, or their legal guardian, if any, must consent themselves.) Other procedural safeguards provided by Section 504 include notice, an opportunity to review relevant records, and the right to appeal any decision regarding evaluation and placement through an impartial hearing. There is no requirement under Section 504 that the 504 Plan be written down in a document, though frequently schools do make a written plan, and some states (including Pennsylvania) require one. Additionally, the procedural
safeguards do not require that parents or students be part of the team designing the 504 Plan.

In Pennsylvania, schools must comply with Chapter 15 of the regulations of the Pennsylvania Board of Education in order to implement Section 504. Chapter 15 requires schools to create written “service agreements” with the parents of eligible children. Requests for evaluation and notices of evaluation must be in writing. In Pennsylvania, parents who have concerns about 504 issues may request an “informal conference” in addition to the right to a hearing. Disputes about 504 issues must be brought within two years of the time the parent knew or should have known of the problem. Cyber charter schools and traditional charter schools in Pennsylvania must comply with a charter school version of Chapter 15 known as Chapter 711.

Related Articles:

- [What Services are Available Under Section 504](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [The Big I-D-E-A](#)
- [Charter Schools](#)

Additional Resources:

- [Frequently Asked Questions about Section 504](#)
- [Key Differences Between Section 504 and IDEA](#)
- [Sample Letter Requesting Evaluation and Services Under Section 504](#)
- [Sample 504 Plan](#)
- [US Department of Education – Parent and Educator Resource Guide to Section 504](#)