

Section 504: Beyond the Basics

Purpose

This handout is intended to accompany OSPI's "Section 504: Beyond the Basics" webinar. It includes a summary of Section 504 itself, information about the Section 504 process, and a list of supplemental resources where additional information on each of the different subtopics can be found.¹

Legal framework

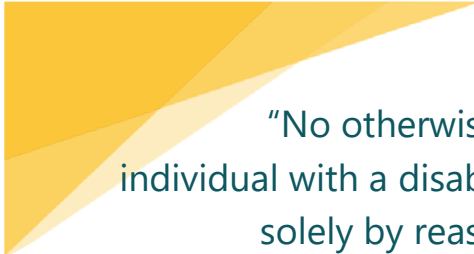
Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal civil rights law that prohibits discrimination against individuals with disabilities. Local Educational Agencies (LEAs), including school districts and charter schools, are required to provide a free appropriate public education (FAPE) to qualified students with disabilities.

FAPE consists of regular or special education and related aids and services designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met. The goal of Section 504 is to level the playing field, not to maximize potential.

Importance of following the Section 504 process

Under Section 504, LEAs are required to **refer** and **evaluate** a student they know or suspect has a disability and may need services to access and benefit from their education. If eligible for services, the LEA must then **develop a Section 504 plan** for the student, **implement the plan**, and **periodically reevaluate** the student to determine if they still need accommodations.



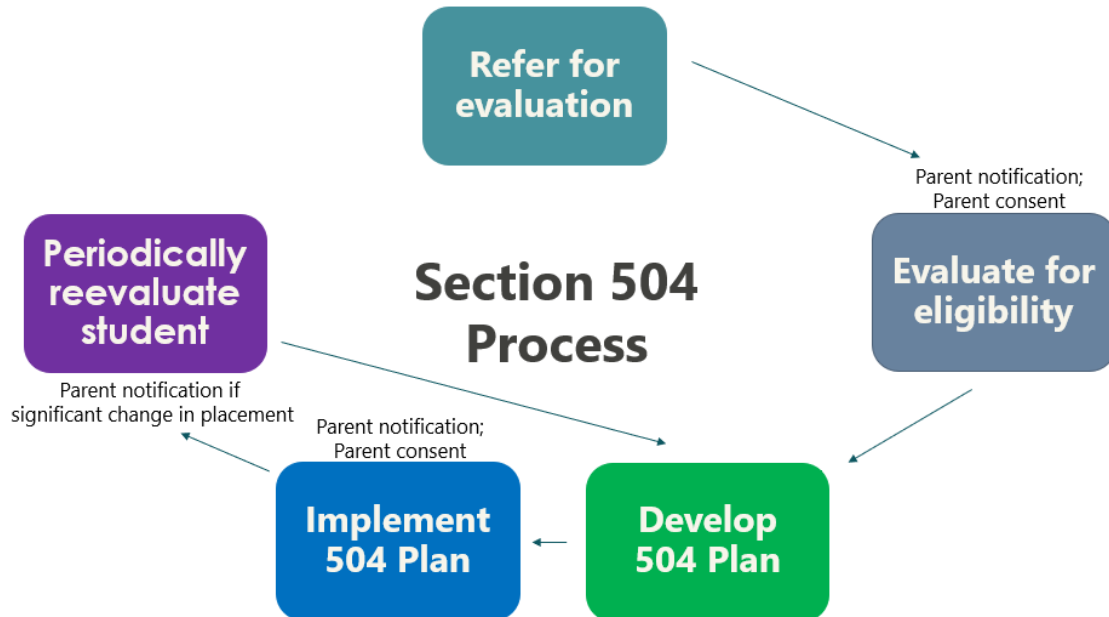
"No otherwise qualified individual with a disability...shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

29 U.S.C. § 794 ("Section 504")

¹ Resources with links were last verified for accuracy on November 2, 2022.



Following the required Section 504 process allows LEAs to: meet their legal obligations under Section 504 to identify, evaluate, and serve students with disabilities; ensure that proper Section 504 decisions are made; and keep parents informed.



Key Section 504 Resources

General

- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#), U.S. Department of Education, Office for Civil Rights (OCR) (December 2016) ("OCR's Parent & Educator Guide").
- OSPI's Section 504 [webpage](#).

Students with health conditions

In general

- [Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools](#), OCR (September 2011) ("OCR's Q&A").

Diabetes

- [RCW 28A.210.336\(2\)](#) (parent-designated adult)
- [OCR's Q&A](#), FAQ 4.
- [Guidelines for Care of Students with Diabetes](#), OSPI and the Washington State Department of Health (April 2018).

Food allergies

- [OCR's Q&A](#), FAQ 13.
- [Accommodating Disabilities in the School Meal Programs: Guidance and Q&As](#), U.S. Department of Agriculture, Food and Nutrition Service, (April 25, 2017).

ADHD

- [Dear Colleague Letter and Resource Guide on Students with ADHD](#), OCR (July 26, 2016).

Long COVID

- [Long COVID Under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#), OCR and U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) (July 26, 2021).

Athletics

- [OCR's Parent & Educator Guide](#), pp 27-28.
- [Dear Colleague Letter, Students with Disabilities in Extracurricular Athletics](#), OCR (January 25, 2013).

Field trips and non-athletic extracurricular activities

- [OCR's Parent & Educator Guide](#), pp 27-28.

HIB and discriminatory harassment

- [RCW 28A.600.477](#) and [WAC 392-190-059](#) (HIB)
- [RCW 28A.642.080](#) (transgender students)
- [WAC 392-190-0555](#) (discriminatory harassment)
- [Dear Colleague Letter: Responding to Bullying of Students with Disabilities](#), OCR (October 21, 2014).
- [Parent Fact Sheet: What Are Public Schools Required to Do When Students with Disabilities are Bullied?](#) OCR (October 2014).
- [Dear Colleague Letter: Bullying of Students with Disabilities](#), OSERS (August 20, 2013).
- [Dear Colleague Letter: Reminder of Responsibilities under Section 504 and Title II](#), OCR (July 25, 2000).

Student discipline

- [OCR's Parent & Educator Guide](#), pp 22-23.
- [Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities](#) (FAQ 29), OCR (October 16, 2015).
- [Preventing and Addressing Discrimination in Student Discipline](#), Appendix A, OSPI (October 2019).

Private schools

- [34 C.F.R. § 104.39\(a\)](#)
- [34 C.F.R. § 104.33\(c\)\(4\)](#)
- *Letter to Veir*, 20 IDELR 864, Q3, (OCR 1993) (If a recipient has made FAPE available to a student with a disability and the student's parent/guardian chooses to place the student in a private school, Section 504 does not require the recipient to provide FAPE in the private school).

Service animals

- [Guide to Service Animals & the Washington Law Against Discrimination](#), Washington State Human Rights Commission (February 2019). See page 3 (Service animals in places of public accommodation).

This document does not include all LEA obligations required under federal and state laws, or under a district's individual policies and procedures. LEAs must ensure their policies, procedures, and practices comply with all applicable state and federal laws and constitutional requirements.

Nothing in this publication should be construed as guidelines that would subject any school district to legal liability in a civil action brought pursuant to RCW 28A.640.040 or 28A.642.040.

In addition, information obtained from the listed resources is subject to change based on future legal and policy changes. Before taking action based on the information in this document, please review relevant state and federal laws and regulations or consult with legal counsel familiar with your particular circumstances.