

**Bow School District  
Special Education Department  
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**SPECIAL EDUCATION DEPARTMENT REPORT  
PREPARED APRIL 22, 2011 FOR MAY 5, 2011  
SCHOOL BOARD MEETING**

What is Section 504?

Section 504 of the Rehabilitation Act of 1973, the precursor of Americans with Disabilities Act (ADA) protects the rights of individuals with disabilities in programs and activities, including schools, that receive federal funds. Section 504 provides that: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

Any program or activity that receives federal money must comply with Section 504. Therefore, protection under Section 504 can follow a student (young adult) after high school graduation.

An individual who has a mental or physical impairment, which substantially limits one or more major life function, has a record of such an impairment, or is regarded as having such an impairment would qualify as a student with a disability.

In addition, the student must meet program requirements such as age, grade and residency in the district.

Impairments may include any disability, long-term illness or a variety of disorders that "substantially" reduce or lessen a student's ability to access learning in the educational setting because of a learning, behavioral or health related condition.

It is important to note that an impairment/disability that is "transitory" or "minor" an impairment with short term duration of 6 months or less does not constitute a disability.

Anyone can make a referral for considered for a Section 504 plan. A team would meet to assess whether an evaluation is needed or has been completed, in order to determine eligibility under IDEA (Individual with Disabilities Education Act) or under Section 504 Plan.

A 504 Plan can provide classroom accommodations in order to access a free appropriate public education and related services. Perhaps the most important is, that Section 504 is intended to establish a "level playing field" - usually by eliminating barriers that exclude persons with disabilities - whereas IDEA is remedial - often requiring the provision of programs and services in addition to those available to persons without disabilities. If the evaluation determines that the student requires special education instruction and services then they would be identified under the IDEA provisions.

Respectfully submitted,

*Daniel J. Ferreira*

Director of Special Education