

Section 504 of the Rehabilitation Act, cont. . .

The Section 504 regulations, 34 C.F.R. Section 104.33(b)(1), defines "appropriate education" as ...the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met... Section 504 regulations focus on the child's needs as well as the adequacy of the program in comparison to the programs offered to others. Section 504 has at its heart an ongoing comparison between the programs, services and opportunities offered to children with handicaps, and those that are offered to non-handicapped children. IDEA states that "related services" are services that are required to assist a child with disabilities to benefit from special education. Section 504 makes no demand that a child even need special education. For this reason, related services do not have to allow the child to "benefit" from special education. Rather, the proof must establish that the service is needed to enable the child to have an educational program that is equally effective as that offered to other children.

Section 504 incorporates all the IDEA concepts in relation to FAPE. Section 504 will prohibit a school district from insisting that parents use their insurance proceeds to pay for related aids and services. It will also prohibit schools from denying children the opportunity to take home assistive technology devices if those devices are needed to enable those children to have an equal opportunity to participate in school.

Eligibility

To be eligible for protection under Section 504, an individual must meet the definition of a person with a disability. This definition is "Any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment." Major life activities include self-care, performing manual task, seeing, hearing, speaking, breathing, learning, and walking. Section 504 covers only those persons with a disability who would otherwise be qualified to participate and benefit from the programs or other activities receiving federal financial assistance.

For 504 Technical Assistance Contact:

Each federal agency has established regulations to govern Section 504 implementation in its respective programs. These regulations will include procedural safeguards. Discrimination complaints should be filed with the federal agency or department, which provides funding for the program in which discrimination is alleged to have occurred. If uncertain about the source of federal funding involved, an individual may file a complaint with the U.S. Department of Justice which will route the complaint to the appropriate federal agency.

U.S. Department of Justice
950 Pennsylvania Ave, NW
Civil Rights Division
Disability Rights Section - NYA
Washington, D.C. 20530
(800) 514-0301 (V)
(800) 514-0383 (TDD)
<http://www.ada.gov/>

The Client Assistance Program (CAP) can help with information, advocacy and appeals procedures regarding an individual's right under the Rehabilitation Act.

Client Assistance Program
William Ginn, Director
Office of Disability Concerns
2401 NW 23rd Ste. 90
Oklahoma City, OK 73107-2423
(405) 521-3756 (Oklahoma City, V)
(405) 522-6706 (TDD)
(800) 522-8224 (statewide, V/TDD)
FAX: (405) 522-6695
www.odc.ok.gov/cap.htm

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Office for Civil Rights
Lyndon Baines Johnson Dept. of Education Bldg.
400 Maryland Ave, SW
Washington, DC 20202-1100
(800) 421-3481
FAX: (202) 453-6012
Email: OCR@ed.gov