

## LANGUAGE OF SECTION 504

### **accommodation**

Any action or service provided for a student with a disability in an effort to meet the educational needs of such a student as adequately as the educational needs of a nondisabled student are met. The term may include specialized education, related services, and aids and/or be limited to a physical modification.

### **accommodation, physical**

Any action, assistive device, equipment, or other consideration to equalize opportunity. It does not include change(s) in instructional programs. The term is exemplified when accommodation is limited to providing special equipment, administering medication, assigning preferential seating, and making other considerations.

### **accommodation plan** (Section 504 plan)

Written document developed by a team that outlines accommodations necessary for a student who has a physical or mental impairment which substantially limits one or more major life activities (i.e., student is protected by Section 504 from discrimination due to a current disability).

### **barrier-free environment**

A school environment that contains no obstacles to accessibility and usability by students with disabilities. Barrier means physical and nonphysical.

### **comparability test**

A method to attempt to determine what accommodations are needed to meet the educational needs of students with disabilities as adequately as the needs of nondisabled students are met.

### **compliance officer**

The person specifically named by the school district to coordinate the requirements of Section 504 of the Rehabilitation Act of 1973.

### **disabled person**

Any person 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 an impairment. The term is not necessarily synonymous with disabled children as set forth in IDEA-B. ADA Amendments Act of 2008 specifies that the definition of disability shall be construed in favor of broad coverage of individuals. Specifically, from the ADA as follows:

- i. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- ii. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- iii. The determination shall be made without regard to the ameliorative effects of mitigating measures.

### **eligible student**

In order to be eligible for a Section 504 plan, the student must have a physical or mental impairment that impacts one or more major life activity area, and substantially limits the student's opportunity to access programs and activities provided by the school district. The Section 504 team may also determine that a disability is present, with no current substantial limitation of a major life activity because of the use of mitigating measures, or because of remission or episodic conditions. In such circumstances, a Section 504 plan is not required, but protection from discrimination due to a disability must be provided. This student is also an "eligible student."

### **free appropriate public education (FAPE)**

The provision of an appropriate education is the provision of general or special education services that are (1) designed to meet the needs of students with disabilities as adequately as the needs of nondisabled students are met, and (2) are based upon adherence to procedural requirements of Section 504. *Subpart D, Section 104.33 (b)*.

### **major life activity**

Functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

### **Office for Civil Rights (OCR)**

This agency enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. OCR has three primary responsibilities: investigating complaints, conducting compliance reviews, and providing technical assistance. There are twelve regional offices located throughout the United States; specific contact information is posted at [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

### **reasonable accommodation**

The definition [§104.12] includes a reference to "undue hardship," with further explanation of that term. The term "reasonable" applies more specifically to employment issues than to FAPE (student education issues). School districts are required to make any accommodations necessary to allow a student with disabilities to have access to an education that is comparable to the education received by nondisabled students (FAPE). OCR has indicated that the reasonable consideration does apply to nonacademic and extracurricular activities.

### **recipient**

Any agency receiving federal financial assistance in any of its programs.

### **Section 504 team**

Two or more persons who have knowledge about the child, the meaning of evaluation data, and accommodations/placement options. Usually there is a Section 504 coordinator assigned at the school level who determines membership of the Section 504 team.

**special education**

“Neither the Section 504 regulation nor OCR has further defined the phrase ‘special education’ as it is used in the regulations. What constitutes ‘special education’ under the civil rights statutes and regulations is a decision for a local education agency to make in conformance with whatever other local, state and federal laws apply—such as the IDEA.” [23 IDELR 504(1995)]

**substantial limitation**

This term is to be defined by each local district. Most use the definition similar to the one found in ADA. The student, when compared to the average student of the same age in the general population, is unable to perform, or is restricted in the level of performance in a major life activity area.