

SECTION 504

Unlike IDEA, a student with a physical or mental impairment may be covered under §504 even if he/she requires no accommodation or services. The purpose of including these students is to protect them from being injured by prejudice or stereotypical attitudes of others. Also, there is nothing in either the statute or regulations that expressly states that a disability must be permanent for §504 protections. The determination of the Section 504 review committee to extend services to a student with a temporary disability must be made on a case by case basis. The 504 review committee should take into consideration how long and how severely the temporary impairment limits a major life activity for a particular student.

A student is eligible under §504 if the student:

1. Has a physical or mental impairment, which substantially limits one or more major life activities (e.g., any student receiving services under IDEA; drug addicted or alcoholic students; students with diabetes). The definition in the regulations does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of any such list. The term does not include children disadvantaged by cultural, environmental or economic factors nor are prison records, age or homosexuality.
2. Has a record or history of such an impairment (e.g., a student with learning disabilities who has been decertified as eligible to receive special education under IDEA; a student who had cancer; a student in recovery). The term also includes children who have been misclassified (e.g., a non-English speaking student who was mistakenly classified as having mental retardation).
3. Is regarded as having such an impairment. A person is considered eligible if he/she:
 - a.) has a physical or mental impairment that does not substantially limit a major life activity but is treated by the LEA as having such a limitation (e.g., a student who has scarring, a student who walks with a limp);
 - b.) has a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment; or
 - c.) has no physical or mental impairment but is treated by the district as having such an impairment (e.g., a student who tests positive with the HIV virus but has no physical effects from it). 34 CFR 104.3(j).

Examples of other potentially disabling conditions under Section 504 (if they substantially limit a major life activity) which are not typically covered under IDEA are:

1. Communicable diseases: AIDS, AIDS related complex (ARC) or symptomatic carriers of the AIDS virus (HIV); tuberculosis;
2. Temporary disabling conditions: Students injured in accidents or suffering short-term illnesses;
3. Behavior disorders;
4. Chronic asthma and severe allergies;
5. Physical handicaps such as spina bifida, hemophilia and conditions requiring children to use crutches;
6. Diabetes.

If you think your child may be eligible for §504 services, please contact the campus principal for more information.