FREQUENTLY ASKED QUESTIONS (FAQs): SECTION 504
Reference: Educator’s Guide to Section 504,
Los Angeles County Office of Education

What types of disabilities might qualify students for 504 accommodations?

- Physical disabilities such as severe asthma, diabetes, severe allergies or seizure disorder.
- Temporary disabilities affecting a student for six months or more.
- Specialized health care services such as catheterization, oxygen administration, tracheostomy care, or gastric tube feedings.
- Others: Obesity, complications of pregnancy, emotional or mental illness such as depression, bipolar disorder, post-traumatic stress disorder, obsessive compulsive disorder, and schizophrenia.

Are children entitled to the “best” education? Should they receive an education that will “maximize” their potential?

- In the Rowley case, the parents requested a sign language interpreter, even though Amy Rowley, a deaf student, was achieving “educationally, academically, and socially” without such assistance [Barger IIow Group, 2a3].
- The Supreme Court held that children are not entitled to the “best” education, or to “maximized potential” in their education. The purpose of the IDEA is to identify and evaluate children with disabilities and provide access to specialized instruction and related services, that would prove educationally beneficial. [Board of Education, Hendrick Hudson Central School District V. Amy Rowley (1982), 458 U.S. 176].

Is there a Child Find Responsibility Under Section 504?

School districts are obligated to identify, evaluate and if eligible, afford access to appropriate educational programs. This may also include notification about Section 504 in the annual notification parent handbook or by other means.
Can 504 students be suspended?

A district must conduct a reevaluation before making any “significant change in placement.” [34 CFR 104.35(a)]. An exclusion of more than 10 consecutive school days is considered a “significant change in placement.”

Similar to IDEA, OCR interprets a “significant change in placement” to also encompass a series of short-term suspensions when they total more than 10 days and constitute a “pattern of removals.” [34 CFR 300.536].

Is a Manifestation Determination Review Required in Section 504?

The process for evaluating whether a student's misconduct is related to his disability has historically been referred to as the manifestation determination (MD). While the term does not appear in the 504 regulations, OCR has stated 504 requires an MD review for disciplinary actions that constitute a significant change in placement. A district may not exclude a student beyond 10 days unless it conducts an MD review and finds that the student’s misconduct is not related to his/her disability.

Is there a Stay Put Provision under Section 504?

During the Section 504 Appeal Process, there is no Stay Put provision, as found under IDEA. In other words, there is no requirement to provide the desired service or placement, and the 504 Plan is not implemented and accommodations are not provided during an appeal.

What is the purpose of a Section 504 Evaluation Meeting?

The purpose of the evaluation is:

1. To determine whether your child has a physical or mental impairment which may be substantially limiting one or more major life activities (e.g., walking, seeing, hearing, speaking, breathing, learning, working, caring for one’s self, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, speaking).

2. To develop a special accommodation plan so that your child can have access to and receive an appropriate education if he/she is determined to be handicapped under Section 504.