

*This brochure describes the requirements of Section 504 of the Rehabilitation Act of 1973 as it applies to West Virginia public schools. It is designed to help parents and educators to understand what Section 504 is and where to locate further resources.*

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**Section 504:**  
*Guidance for West Virginia  
Schools and Districts*



West Virginia DEPARTMENT OF  
**EDUCATION**



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# What is Section 504?

Section 504 refers to a portion of the federal Rehabilitation Act of 1973 that states:

*“No otherwise qualified individual with a disability shall, solely by reason of 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.”*

In plain English, that means that no student in West Virginia public schools may be kept from participating in any school program or activity solely because of his/her disability, nor may that student may not be discriminated against at school or during school activities because of the disability.

Because the Rehabilitation Act of 1973 is a civil rights statute rather than a special education statute, county school systems receive no additional funding for providing Section 504 compliance or accommodations. Although 504 borrows language from the federal special education statutes (IDEA) and the federal Americans with Disabilities Act (ADA), its focus is on regular education students who may be subject to discrimination at school because of a disability or perceived disability.

## Child Find Requirements

Districts are charged with identifying students with disabilities living within their district annually. The Section 504 regulations expressly require evaluation for individuals who, by reason of an impairment that substantially limits a major life activity, need or are believed to need special education or related services.

## Who Is Eligible for a Section 504 Plan?

Any regular education student is eligible for Section 504 protections if he/she meets three (3) qualifications:

- » Has a mental or physical impairment;
- » That substantially limits (the limitation must impose an important and material limitation and it must be expected to continue for a while);
- » A major life activity such as the following: caring for oneself, performing manual tasks, sleeping, standing, walking, lifting, bending, hearing, seeing, speaking, writing, concentrating, learning, eating, working,

breathing, reading, thinking, communicating, social interaction, and functions of the bowel, bladder, digestive, immune system, circulatory and/or endocrine system.

## Section 504 Plans

A Section 504 plan team consists of persons knowledgeable about:

1. The student,
2. The meaning of the evaluation data being reviewed,
3. Available options for accommodations, supports, and services.

Once the team determines that the student meets the criteria, the team is responsible for crafting a Section 504 Plan. The goal is to ensure that the student is educated with his nondisabled peers to the maximum extent appropriate for the student — in IDEA and Section 504 terms, educating the student in the least restrictive environment (LRE).

Accommodations usually are minor adjustments in the regular classroom such as seating arrangements, lesson presentations, and assignments which provide the student with equal access to the learning opportunities available to the other students in the class.

The team must identify the student’s needs, determine which accommodations are appropriate, and document them on the Section 504 Plan. Teachers are required to read and implement Section 504 Plans for their students.