

Understanding the Section 504 Evaluation Process

An overview for parents

The chart below offers an overview of Section 504 of the Rehabilitation Act of 1973 (commonly referred to as Section 504). It is not designed to show all steps or the specific details.¹ It shows what happens from the time a child is referred for evaluation and is identified as having a disability through the development of an Accommodation² Plan and periodic reevaluation. An explanation of each numbered area follows the chart.

1. Parents or school district staff request a Section 504 evaluation; parent permission to evaluate is required.

2. Evaluation will determine if an impairment substantially limits one or more major life activities. If “no,” then the student is not eligible for Section 504 accommodation plan; the parents may appeal using a hearing in the district.

3. If “yes,” the student is 504 protected¹ and an accommodation plan will be developed. Protected student receives a free and appropriate public education.

4. Once a student is eligible, they must be reevaluated on a periodic basis.

How the process works

1. Parents, the student, or school district staff may request evaluation. If you request an evaluation, do so in writing to the school’s Section 504 coordinator as well as the principal if you wish. The purpose of the evaluation is to determine whether your child has a disability that substantially limits one or more major life functions, which may need accommodation. The school district may either proceed with the evaluation or refuse the request to evaluate. If the school refuses to evaluate, it must provide parents with notice of the procedural safeguard rights so parents know their opportunities to appeal the decision or proceed with an independent evaluation. Parental permission is required before an initial (first) evaluation can be conducted.

¹ For more information on Section 504 see “Students with Disabilities & Section 504 of the Rehabilitation Act of 1973” at media.pacer.org/php/php-c33.pdf

² An accommodation is a change in class work or testing conditions to help students with disabilities have access to learning and demonstrate their knowledge without lowering or changing the standard or level of the class work or of a test. A few examples include extended time for project completion, various types of assistive technology, and preferential seating.

2. A team of qualified professionals will determine through evaluation whether the student is eligible for Section 504 services and consider the placement and service options. Parents are not specifically required to be members of the team, but as people knowledgeable about the child, the federal Office of Civil Rights has stated that the school should provide them with the opportunity to participate in team meetings and decisions. If the student is not eligible, parents must be provided with an explanation. Parents can appeal the decision through a hearing in the district.
3. If the student is eligible, the team will next decide on the child's accommodations or services (referred to as the 504 Plan). The student must receive education comparable to that provided to non-disabled students. Some accommodations are physical, such as removal of physical barriers, rest periods, or visual aids. Some accommodations are instructional and may be provided through specialized instruction and/or related aids and services. Related service examples include physical therapy, counseling, speech services, and staff training. Students must be placed in a regular education classroom to the maximum extent appropriate for the student.
4. Periodic evaluation is not defined in federal regulations, but school districts may use special education procedures (from Individuals with Disabilities Education Act, IDEA) as one way of meeting this requirement. Under IDEA, reevaluations must be conducted at least once every three years. Although there is no "expiration date" for a 504 plan, periodic reevaluation ensures that the student's needs are being adequately addressed. Reevaluations must occur before any significant change in placement, including suspensions beyond 10 days.