



★ Section 504 of the Rehabilitation Act of 1973

★ FCPS Regulation 1454.4

**Section 504 is designed to eliminate discrimination against any student with a disability in any program offered by the school division.**

**Who is Covered:**

- ★ Any student who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more of life's major activities.

**What is Required:**

- ★ Each qualified student must have an opportunity to access all activities and programs, and cannot be denied participation because of their disability.
- ★ Each qualified student with a disability must be offered a free appropriate public education (FAPE). FAPE is the provision of reasonable accommodations, adaptations, or modifications to the environment or activity that allow the student equal opportunity to participate.
- ★ Accommodations must be designed to offer equal opportunity to gain the same benefit as non-disabled peers, within the most integrated setting appropriate, but are not expected to produce identical results or the same level of achievement.
- ★ Transfers: Students who transfer into FCPS with 504 plans must be considered by the local screening committee (LSC) for qualification. 504 plans of students qualified in-county must be reviewed by the Knowledgeable Committee at the receiving school.

**Qualifying Factors:**

- ★ Only the LSC can determine Section 504 qualification.
- ★ The LSC must identify the presence of a physical or mental impairment.
- ★ The LSC must determine whether the student's opportunity to access programs and activities is substantially limited by the impairment.
- ★ Current illegal use of drugs or alcohol is not an impairment protected under Section 504.

**The Plan:**

- ★ A knowledgeable committee composed minimally of the principal or designee and a teacher of the student develops the 504 Plan for qualified students.
- ★ The parent is to be invited, but does not have to attend or approve of the plan.
- ★ The 504 Plan should reflect the unique needs of the student and relate directly to the impairment. Only the accommodations that are necessary for the student to have an equal opportunity to access programs and activities should be included.
- ★ The Knowledgeable Committee must meet at least once a year to review the 504 Plan.
- ★ The Knowledgeable Committee determines if the student no longer qualifies for Section 504 accommodations.

**Disciplinary Protections:**

- ★ The Knowledgeable Committee must conduct a causal review following a decision to remove a student from school for more than 10 days (expulsion and exclusion).
- ★ If there is no causality, the student may be disciplined in the same manner as a non-disabled student, including cessation of educational services.
- ★ Causality determination may not be required if the student is engaging in the illegal use of drugs or alcohol.

**Procedural Safeguards:**

- ★ Parents and qualified students are entitled to certain procedural safeguards.
- ★ Inquiries may be directed to the office of Monitoring and Compliance (571-423-4210).