

# The Medical-Legal Partnership for Children | Miami Valley

## WORKING TOGETHER FOR CHILDREN'S HEALTH

The MLPC is a partnership among: Advocates for Basic Legal Equality, Inc. (ABLE), Legal Aid of Western Ohio, Inc. (LAWO), Dayton Children's Hospital, Five Rivers Health Centers, and the Community Health Centers of Greater Dayton.

## SECTION 504 OF THE REHABILITATION ACT

**What is Section 504?** Section 504 is a federal civil rights law protecting the rights of individuals with disabilities to equal treatment and equal access to opportunities. Section 504 applies to all programs and agencies receiving federal funding including all public schools and all private and vocational schools which receive funding from the federal government. Under Section 504, a student with a disability may be entitled to accommodations, modifications, and additional services.

**Section 504 Eligibility:** Section 504 protects individuals with a mental or physical impairment that substantially limits one or more major life activity. Major life activities include:

- » Learning
- » Walking
- » Seeing
- » Hearing
- » Speaking
- » Breathing
- » Reading
- » Writing
- » Performing math calculations
- » Working
- » Caring for oneself
- » Performing manual tasks

A school must evaluate a student to determine whether he is covered by Section 504. The evaluation can simply involve a process of information gathering from different sources including reviewing tests and evaluations completed by various professionals. If a child is determined to be eligible under Section 504, a 504 plan should be developed to provide for the necessary accommodations and modifications for the child. Modifications and accommodations under Section 504 can include: preferential seating, extra time to complete assignments, alternate formats for work, shortened assignments, schedule modifications, assistance with health needs, modifications to the school building, etc.

**The differences between Section 504 and special education:** Section 504 protects student access to education. This is different from a student's right to benefit from their education as required for special education students pursuant to the Individuals with Disabilities Education Act. Providing access means providing students with disabilities the same opportunities as students who do not have disabilities. For example, a child who needs a wheelchair may need ramps built in the school to allow access to classrooms. A child with an impairment that affects her ability to read may need additional time on tests.

All students who receive special education services are protected by Section 504. However students protected under Section 504 are not necessarily entitled to special education services. Students entitled to special education services generally have more severe impairments which affect educational performance and need special education and related services.

### What can be done when Section 504 is violated?

**File a complaint with the United States Department of Education Office of Civil Rights:** A complaint must be filed within 180 days of the alleged discriminatory incident or action. To file a complaint with OCR call (216) 522-4970 or file a complaint online: <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

**File a law suit in Federal court:** It is not necessary to file a complaint with OCR before filing a lawsuit in Federal court. However, if an OCR complaint was filed, a lawsuit cannot be filed until after the OCR complaint has been resolved or 180 days from the date the complaint was filed has passed and no determination has been made by OCR.



Any legal information provided in this publication is the sole responsibility of ABLE. This publication is intended only as general information and should not be relied on as specific legal advice for any individual case or circumstances. **For legal advice applicable to your individual situation, please ask your medical provider for a referral to the MLPC, contact Legal Aid Line at 1-888-534-1432, or consult with an attorney of your choice.**

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