

# What is Section 504?

*The Rehabilitation Act of 1973  
Section 504*



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## What is Section 504?

The term “504” comes from the Rehabilitation Act of 1973 Section 504, which is a **civil rights law** that states a child with a disability is entitled to a free, appropriate public education the same as a child without a disability. This law ensures children with disabilities do not face barriers interfering with them receiving an education. Unlike the Individuals with Disability Education Act (IDEA), which is an **education law** that mandates a child receive the necessary educational supports and services to progress in the general education curriculum, the intent of 504 is to prevent discrimination in not providing equal access to education. Section 504 is more about accommodations than special education services.

Many children with tuberous sclerosis complex (TSC) do not need special education and support services; they just need a few accommodations so they can participate in school activities, such as:

- Seizure crisis plan
- Air-conditioned classroom
- Medication administered by an adult
- Adult aide on the bus to help if seizures occur
- Allow time to make up work when absent for medical reasons
- Adapt activity level for recess, physical education class
- Provision of a keyboard for children with poor writing abilities
- Additional time for completing work assignments and/or exams

The above are a few examples of accommodations that can be implemented on a 504 Plan. It is important to have a formal plan in place to make sure there is consistency and follow-through. A 504 Plan is a good way to make everyone accountable for the support and safety of a child with TSC at school.

Unlike an Individualized Educational Plan (IEP), which is provided under IDEA, children do not qualify for services unless they meet a certain criteria or category. Under Section 504, if the child’s disability affects his or her access to learning, he/she is entitled to accommodations under 504.

## Why a 504 Plan?

A Section 504 Plan may cover anyone with a disability who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment;
- Is regarded as having such an impairment.

Under 504 all students who qualify are entitled to a free appropriate public education (FAPE). Public schools are required to provide FAPE to students with disabilities who are:

- of an age during which it is mandatory under state law to provide such services to persons with disabilities;
- of an age during which persons without disabilities are provided such services; or
- a person for whom a state is required to provide a free appropriate public education under IDEA.

Sometimes children with TSC will not qualify for special education services or will test out. IDEA requires re-evaluation every 3 years. Because of different situations, some children with TSC may not meet the requirement for an IEP either for the initial evaluation or the re-evaluation. For example:

- Seizures have stopped with medication and/or surgery.
- The child is cognitively functioning on grade level.

There can be any number of reasons why he/she does not qualify for an IEP under IDEA. But, because of the complexities of TSC and its ever-changing manifestations, a 504 Plan should be put into place.

This plan not only supports the child in the academic setting, but it also supports the school in monitoring the TSC manifestations and how they are affecting the student's education. Just because a child does not meet the requirement for special education under IDEA does not mean he or she doesn't need support and accommodation to succeed in school.

## **Requesting an Evaluation for Section 504**

When considering educational support for your child, the school system should first evaluate him/her under IDEA, because IDEA is an education law whose criteria for evaluation is very detailed and specific to the suspected disability. If your child does not qualify under IDEA, then look next to an evaluation under Section 504. Because the law is not as specific, the school can use the IDEA evaluation information to qualify your child for a Section 504 Plan and expedite the process.

Under a 504 Evaluation a disability must substantially limit a life function such as learning. Just because your child has a diagnosis of TSC it does not mean he/she will automatically qualify for a Section 504 plan. School systems do not have to recognize your child's disability and providing a diagnosis from your doctor sometimes is not enough. The manifestations from the TSC must substantially affect his or her education if the appropriate accommodations are not received.

To request a 504 plan you submit a written request to the school asking for an evaluation to determine if there is a significant impact on your child's learning or behavior. In your letter request a copy of your School District Policies and Procedures on Section 504. Any school that receives any type of federal funding must have in place 504 Policies and Procedures and a designated 504 Coordinator on staff. Every school system signs a document stating it is in compliance with 504 to get federal dollars.

*“No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or 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...”*

Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794

When requesting an evaluation under 504 it is important to have a copy of the school's evaluation procedures. An individualized evaluation must be conducted before any action is taken with respect to the initial placement of a child who has a disability. Most school systems will want to rule out your child qualifying under IDEA first before placing them on a 504 Plan. The

evaluation under IDEA can be used to set up a 504 if your child does not meet the criteria under IDEA. The law states that evaluation under 504 must meet the following criteria:

- Tests and other evaluation materials have been validated
- Evaluations are administered by trained personnel
- Evaluations are tailored to assess specific areas of educational needs
- Tests are selected and administered that accurately reflect the factors the test is to measure

Under 504 there are no timelines for the completion of the evaluation; the regulations only state that the evaluation be completed “within a reasonable period of time.” There are very few regulations, but testing must be nondiscriminatory. There are also no procedures relating to the frequency of testing or to the consideration of outside evaluations, and does not require parent consent for testing. The advantage of 504 is that it can support more children with disabilities, because the criteria are broader than under IDEA.

The disadvantage is that the law itself is broad and general. Parent’s rights are not defined and school systems’ responsibilities are not as well defined as under IDEA. There is also no required testing for any change in the child’s Section 504 Plan. Getting a copy of your school district’s 504 policy and procedures should outline each of these areas.

Since 504 is a civil right’s law and not an education law, the least-restrictive environment and FAPE should be in the regular education classroom with appropriate accommodations. The law does not state who should be on the 504 team deciding what these accommodations should be--only that they should be knowledgeable about the child’s disability. It is up to the school district to decide if parents are to be part of the team. It’s strongly suggested that you request to be part of that team in writing.

A school district is required to provide notice to the parent/caregivers of any identification, evaluation, and placement under 504 requirements. This notice does not have to be in writing as the law just states that parents/caregivers have to be notified. This is called “child find.” Every school district is to locate and identify students with disabilities. Every year a school district has to make efforts to locate and identify students with disabilities to receive federal funding. Refusing to evaluate a child under

504 would be in violation of “child find” because requesting an evaluation is stating you suspect your child of having a disability.

Section 504 does not give school districts guidelines for the content of the 504 plan, unlike IDEA, which requires present levels of performance, goals, and services and supports to be addressed. A 504 plan can be as simple as a sheet of paper with a list of accommodations, to something as involved as an IEP. In fact an IEP form can be used as a 504 plan. Either one is legal, so it is up to you as a parent to get as much information on the 504 plan as possible such as:

<b>Accommodation/Service</b>	<b>Who is Responsible</b>	<b>Effective Date</b>
Adult on the bus to administer seizure medication	Person trained in how to administer seizure medication	First day of school through the last day of the school year
Air conditioning when room gets over 80°	School District	First day of school through the last day of the school year

The more detailed the 504 plan the better chance for consistency and follow through for all those involved with implementing the plan.

Even though most school systems look at a 504 plan as basically accommodations, special education services can be provided. The law does not state that special education and support services cannot be provided on a 504 plan.

Because 504 is a civil rights law and not an education law, school districts do NOT receive any federal funding for implementing 504. Because of this, schools do not want to provide costly services such as therapies and support services. However, the law does not prohibit them from providing these services. Once you have a 504 Plan, there are no requirements to update or redevelop the 504 Plan annually. This will be the responsibility of the parent to request a 504 meeting. Always request a meeting in writing and offer a time frame for them to set up the meeting.

One advantage to having a 504 Plan is it will follow your child into college, unlike an IEP, which is no longer in effect after graduation. Colleges are required to provide the necessary services under 504 for your child to be successful. Most colleges want a copy of the 504 plan and a current evaluation to support the accommodations in the 504 plan. There are special education departments at all public colleges to assist students with disabilities in being successful in college.

### **Disagreements Under 504**

School systems are required to provide parents/caregivers Procedural Safeguards under Section 504. Many school systems use the IDEA Procedural Safeguards, but they can also have their own set of Procedural Safeguards. The law says that Procedural Safeguards under 504 must include:

- Notice to parents/guardians of evaluation and identification.
- Opportunity for parents/guardians to examine relevant records.
- Opportunity for parents /guardians to participate in an impartial hearing with representation.
- The right to review all procedures associated with Section 504.

Many states use the IDEA hearing officers to consider and rule on Section 504 issues. In states that don't use IDEA hearing officers, the school system must provide an alternative hearing procedure. The law is again broad, and in general, it does not specify the timelines or impartiality in conducting the hearing. The Office of Civil Rights (OCR), however, does apply the standard of "fundamental fairness," which is guided by IDEA case law and other court cases.

### ***Questions and Answers When Disagreements Occur***

**What happens when you go through the process of evaluation, put a 504 plan in place, but not all teachers follow the plan?**

When you have a 504 Plan in place and you have teachers not willing to follow it your first step is to call a 504 meeting. You write a letter requesting a 504 meeting and give them a time frame to get back with you. (Please get back with me within 3 school days.) At this meeting ask for the school's procedural safeguards under 504. Their procedural safeguards will

tell you how to file for an impartial hearing under 504 if the meeting does not go well. If you still have issues with the teachers and are not satisfied with the outcome of a impartial hearing then you can file a formal complaint with the Office of Civil Rights. This process is outlined in the following pages.

### **How do you ensure that the plan is followed from one year to the next?**

The law states that a 504 plan should be reviewed periodically. Because the law is not specific it is up to the parent to request a 504 meeting annually. Always request the 504 meeting in writing with a time frame for the school to get back to you. You can do this at the beginning of the new school year or at the end of the present school year preparing for the next year. You need to request the team members you want in the meeting (this year's teacher(s) or next years.)

### **What happens if the school says the student should have an accommodation but then says they can not afford it?**

Because 504 is a civil rights law and not an education law the size of the program and its budget, type of operation, nature and cost of accommodation CAN be taken into consideration. The student getting an education is not a priority. The priority is accessibility not progress in the curriculum. It is always best to think outside the box and try and come in with ideas/suggestions ready in case the school uses this loop hole in the law. But, if they say this they have to have evidence that in fact the accommodation will cause them hardship they need evidence to back it up. If they do not have evidence then request the school's procedural safeguards under 504. Their procedural safeguards will tell you how to file for an impartial hearing under 504.

If you do not get satisfaction with the impartial hearing you can file a formal complaint with the Office of Civil Rights. The Office of Civil Rights monitors the compliance of complaints. There are no requirements under Section 504 for state education agencies to establish a state complaint system. A complaint should be filed with the Office for Civil Rights.

## Office of Civil Rights Contact Information

### Headquarters

Office of Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202-1100  
(202) 245-6800; 1-800-421-3481  
E-mail: [OCCR@ed.gov](mailto:OCCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

### Educational Regional Offices

#### *Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont*

Boston Office  
Office for Civil Rights  
U.S. Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921

Telephone: 617-289-0111  
FAX: 617-289-0150; TDD: 877-521-2172  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

#### *New Jersey, New York, Puerto Rico, Virgin Islands*

New York Office  
Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500

Telephone: 646-428-3900  
FAX: 646-428-3843; TDD: 877-521-2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

***Delaware, Maryland, Kentucky, Pennsylvania***

Philadelphia Office  
Office for Civil Rights  
U.S. Department of Education  
100 Penn Square East, Suite 515  
Philadelphia, PA 19107-3323

Telephone: 215-656-8541  
FAX: 215-656-8605; TDD: 877-521-2172  
Email: [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

***Alabama, Florida, Georgia, Tennessee***

Atlanta Office  
Office for Civil Rights  
U.S. Department of Education  
61 Forsyth St. S.W., Suite 19T70  
Atlanta, GA 30303-8927

Telephone: 404-974-9406  
FAX: 404-974-9471; TDD: 877-521-2172  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

***Illinois, Indiana, Minnesota, Wisconsin, Iowa, North Dakota***

Chicago Office  
Office for Civil Rights  
U.S. Department of Education  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661

Telephone: 312-730-1560  
FAX: 312-730-1576; TDD: 877-521-2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

***Michigan, Ohio***

Cleveland Office  
Office for Civil Rights  
U.S. Department of Education  
600 Superior Avenue East, Suite 750  
Cleveland, OH 44114-2611

Telephone: 216-522-4970  
FAX: 216-522-2573; TDD: 877-521-2172  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

***Kansas, Missouri, Nebraska, South Dakota, Oklahoma***

Kansas City Office  
Office for Civil Rights  
U.S. Department of Education  
8930 Ward Parkway, Suite 2037  
Kansas City, MO 64114-3302

Telephone: 816-268-0550  
FAX: 816-823-1404; TDD: 877-521-2172  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

***Arizona, Colorado, New Mexico, Utah, Wyoming***

Denver Office  
Office for Civil Rights  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582

Telephone: 303-844-5695  
FAX: 303-844-4303; TDD: 877-521-2172  
Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

***Arkansas, Louisiana, Mississippi, Texas***

Dallas Office  
Office for Civil Rights  
U.S. Department of Education  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810

Telephone: 214-661-9600  
FAX: 214-661-9587; TDD: 877-521-2172  
Email: [OCR.Dallas@ed.gov](mailto:OCR.Dallas@ed.gov)

***North Carolina, Virginia, Washington, D.C., South Carolina***

Washington, D.C. (Metro) Office  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475

Telephone: 202-453-6020  
FAX: 202-453-6021; TDD: 877-521-2172  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

***California***

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105

Telephone: 415-486-5555  
FAX: 415-486-5570; TDD: 877-521-2172  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

***Alaska, Hawaii, Idaho, Nevada, Oregon, Montana, Washington, American Samoa, Guam, and the North Mariana Islands***

Seattle Office  
Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174-1099

Telephone: 206-607-1600  
FAX: 206-607-1601; TDD: 206-607-1647  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

If a complaint is filed, the Office of Civil Rights will investigate. OCR will then issue a “letter of finding.” If a school is found to have violations, they will provide the school with corrective actions that will need to be taken. If a school system does not comply it can lead to an administrative hearing and the possibility of Federal education funds being terminated. OCR findings will focus on whether the school system has followed the policy and procedural requirements of the law and regulations.

All educational agencies receiving federal funding of any kind were to conduct a self-assessment in 1977. They were to evaluate their service, policies, and practices under Section 504 and the American with Disabilities Act. If your school states they do not have policies and procedures under 504 you should ask them for a copy of what they provided to the federal government in 1977.

## **Frequently Asked Questions in Filing a Complaint with OCR**

### ***How do I file a complaint of discrimination with OCR?***

You may contact an OCR enforcement office to obtain a complaint form or you may file a discrimination complaint by using the on-line complaint form. Go to [www.ed.gov/](http://www.ed.gov/) and type “OCR Complaint Form” in the search engine.

### ***What do I need to include in my complaint?***

You should state which school, college or other educational institution you are complaining about, the person(s) who has been discriminated against, and when the discrimination occurred. You should sign and date the letter and let them know how you can be reached by phone and letter. If filing online, you will still need to provide an original signature by mail, which may be done by printing and mailing a "Consent Form" linked from the bottom of the online complaint form.

### ***How soon after the discrimination do I need to file?***

You need to file your complaint within 180 calendar days after the discrimination. There are certain limited circumstances that allow the agency to grant a waiver. If you need more information about your situation, contact

the OCR enforcement office responsible for the state in which the institution is located.

***How promptly will OCR respond to my complaint?***

OCR will promptly acknowledge receiving your complaint and will contact you by letter or telephone to let you know whether it will proceed further with your complaint.

***What is OCR's role during the complaint process?***

OCR's role is to be a neutral fact-finder and to promptly resolve complaints. OCR has a variety of options for resolving complaints including facilitated resolutions and investigations. OCR does not act as an advocate for either party during the process.

***What if I am already pursuing my complaint within the school district or college or with another agency?***

OCR does not handle cases that are being addressed by another agency or within a school's or college's formal grievance procedure if OCR anticipates that the agency you filed with will provide you with a resolution process comparable to OCR's. Once the other complaint process is completed, you have 60 days to re-file your complaint with OCR. OCR's first step will be to determine whether to defer to the result reached in the prior process.

***Do I have to file an OCR complaint before I can file a claim in court?***

The regulations under Title VI, Title IX, Section 504 and Title II do not require you to file with OCR prior to filing a claim under these laws in Federal court. The regulations under the Age Discrimination Act, however, allow you to file a claim in Federal court under that law only after: 1) 180 days have elapsed since you filed the complaint with OCR and OCR has made no finding; or 2) OCR issues a finding in favor of the recipient. If this occurs, OCR will promptly notify you and remind you of your right to file in court.

If you are considering filing in court, bear in mind that OCR does not represent complaining parties or provide advice regarding court filings. You would need to use the services of your own attorney. Also, if you proceed

with your claim in a court, OCR will not continue to pursue your OCR complaint.

### Differences Between Section 504 and IDEA

Area	Section 504	IDEA 2004
Purpose	A civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.	A federal funding statute that provides financial aid to states in their efforts to ensure adequate and appropriate educational services for children with disabilities.
Students Served	Students with disabilities who meet the following definition: The individual (1) has, or (2) has a record of a physical or mental impairment that substantially limits one or more major life activities, or (3) is regarded as having such an impairment. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self and performing manual tasks. The disability need only substantially limit one major life activity in order for the student to be eligible.	Infants and toddlers with disabilities birth through 2 years; children 3 through 21 years who meet the definition of one of the specific disabilities applicable to school-age children.

Funding to Schools	Does not provide additional funds.	Provides federal funding for IDEA eligible students with disabilities.
Required Support in Education	No qualified individual with a disability shall, because a recipient's facilities are inaccessible or unusable by disabled individuals, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity. Does not require recipients to make each of the existing facilities or every part of an existing facility accessible. The program may (1) redesign equipment, (2) reassign classes to accessible buildings, or (3) assign an aide, etc. with priority to those methods that offer programs and activities to disabled persons in the most integrated setting appropriate. New construction or alterations after June 3, 1977 must be accessible.	Each public agency shall take steps to provide academic and non-academic services and activities in such manner as is necessary to afford children with disabilities an equal opportunity for participation in those services and activities.
Notice Requirements	Requires notice to the parent or guardian with respect to identification, evaluation,	Requires prior written notice to the parent or guardian with respect to identification, evaluation,

	and/or placement. Written notice not required, but indicated by good professional practice. Requires notice only before a "significant change" in placement.	placement, and/or FAPE. Delineates required components of written notice.
Parent Involvement & Consent	Requires consent for evaluation if additional assessments are needed but does not require parent involvement.	Requires written, informed parental/guardian consent before conducting an initial evaluation or re-evaluation of the child and before providing special education and related services to a child with a disability.
FAPE Requirements	Requires the provision of a free appropriate public education to eligible students covered under the law including specially designed instruction. Although a written plan is not specified, documentation of evaluation procedures and accommodation or service decisions is required. OCR does require a written plan to ensure FAPE. In addition, a written plan provides clarity and direction to individuals delivering services or making accommodations. A written plan is	Requires the provision of a free appropriate public education to eligible students covered under the law, including specially designed instruction and related services. Requires a written IEP document with specific content and specified participants at the IEP meeting. "Appropriate education" means a program, including special instruction, designed to meet the student's individual needs and that meets the standards of the local education agency. Related services are provided if required for the student to benefit from specially designed instruction.

	<p>considered best professional practice. "Appropriate education," means an education with accommodations must be comparable to the education provided to non-disabled students. Related services may be the accommodations.</p>	
<p>Least Restrictive Environment</p>	<p>The student shall be placed in the general educational environment unless the child's education cannot be achieved satisfactorily even with the use of supplementary aids and services.</p>	<p>The placement of students with disabilities in special classes, separate schools, or other removal from the general educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. In addition, the placement must provide special education to the maximum extent appropriate to the needs of the student with other students who do not have a disability and be as close as possible to the student's home.</p>
<p>Team Members in decision making</p>	<p>Group of individuals knowledgeable about the student, evaluation results, and placement options.</p>	<p>Specific membership of the IEP team is specified in IDEA 2004. Teams frequently consist of parent, evaluator, general education teacher, representative of local education agency, special education teacher, and others as invited.</p>

Evaluation	Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options. Requires notice, with written parental consent being best practice.	A full comprehensive evaluation is required assessing all areas related to the suspected disability. An evaluation is administered by trained and knowledgeable personnel. Requires informed consent before an initial evaluation is conducted. An evaluation must be completed within 60 calendar days of the date the school receives written consent.
Re-evaluation	Requires periodic re-evaluations. A triennial schedule for re-evaluation will suffice. Re-evaluation is required before a significant change in placement. No provision for independent evaluations at district expense. District should consider any evaluations presented. Re-evaluation does not require a comprehensive evaluation. The re-evaluation may be a review of current data on student progress. The 504 team determines if additional information is required.	Requires triennial re-evaluation; review of existing data is used to determine what, if any, additional information is required. A re-evaluation is not required before a significant change in placement, but a review of current data is recommended. Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school district. Informed parental consent is required for administration of a formal assessment through the re-evaluation process, unless school district can show parent did not respond to attempts made.
Placement	Ensure that the student is educated with his/her non-disabled peers to the	Obtain parental consent prior to provision of special education and related services. Placement

	maximum extent appropriate, LRE.	decision is based on IEP. Ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate LRE. Convene an IEP review meeting before any change in placement.
School's can take in consideration when developing the student's program (Undue Hardship)	Size of the program and its budget, type of operation, nature and cost of accommodation CAN be taken into consideration.	The effect (undue hardship) of the program to the school can NOT be taken into consideration.
Drugs and Alcohol	Schools may take disciplinary action pertaining to use or possession of illegal drugs or alcohol against any student to the same extent such disciplinary action is taken against students who are not disabled. No due process procedures are required for students currently engaged in the illegal <i>use</i> of drugs or alcohol.	Civil rights protections under Section 504 apply.
Internal Appeal Process	Requires districts with 15 or more employees to designate a Section 504 compliance officer and a grievance procedure to investigate complaints	State complaint procedures required. Prior to due process, district must offer early resolution (mediation). All complaints and request for mediation must be written and meet both federal

	alleging noncompliance with Section 504.	and state procedures.
Discipline	District should review all pertinent data regarding the child prior to any disciplinary removal for more than 10 days. Is the behavior caused by the student's disability? If "yes," the child may not be removed for more than 10 consecutive school days unless the behavior is drug/alcohol related. If determined behavior was not a manifestation of the disability, the student may be disciplined the same way the student without a disability is disciplined.	Any disciplinary removal of more than 10 consecutive days is a significant change of placement triggering the procedural the safeguards of IDEA, including the right to remain in the current educational placement pending appeal. Cumulative removals of more than 10 school days within the school year may be considered a change of placement and thus trigger procedural safeguards under IDEA. FAPE cannot be terminated as a disciplinary measure.
Due Process	Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student. Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify	Requires districts to provide due process hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student. Delineates specific requirements.

## References

Florida State Department of Education, “Section 504,” 2006

U.S. Department of Education,  
<http://www2.ed.gov/about/offices/list/ocr/edlite-consentform.html>

Wrightslaw-Section 504 and IDEA 97 Compared by Rosenfeld  
[www.wrightslaw.com/advoc/articles/504\\_IDEA\\_Rosenfeld.html](http://www.wrightslaw.com/advoc/articles/504_IDEA_Rosenfeld.html)

Rehabilitation Act 1973 Section 504 (29 USC 794) (34 CFR Part 104)

Individuals with Disabilities Act 2004 (20 USC 14 et seq.) (34 CFR Part 300 and 303)

Tuberous Sclerosis Alliance “Behavioral Issues and Tuberous Sclerosis Complex,” 2010