



DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

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Section 504 Accommodation and Nondiscrimination Program

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that prohibits discrimination against individuals with disabilities.

The law requires school districts with students with disabilities to be provided reasonable accommodations to allow access to educational programs and associated activities to the same extent as students without disabilities.

A student may be eligible to receive Section 504 Accommodations if he/she:

- Has a physical or mental impairment, and
- The impairment substantially limits one or more major life activities.

DoDEA schools provide a free appropriate public education (FAPE) to students with disabilities by implementing reasonable Section 504 Accommodations upon establishing that a student has a disability requiring such Section 504 Accommodations.

Section 504 FAQs

[What is Section 504?](#)

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that prohibits discrimination against individuals with disabilities. The law requires school districts with students with disabilities to provide accommodations to allow access to educational programs and associated activities to the same extent as students without disabilities. A student is considered disabled and may be eligible to be considered if he/she: Has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

What is meant by “substantially limits one or more life activities”?

DoDEA defines a “substantial limitation” as a disability that is a barrier to the student performing one or more major life activities, as compared to an average (non-disabled) student in the school population.

What are considered major life activities?

Under Section 504, major life activities include, but are not limited to the following: caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. Major bodily functions may also be considered major life activities and may include: functions of the immune system; bending, reading, concentrating, thinking, and communicating. Major bodily functions may also be considered major life activities and may include: functions of the immune system; normal cell growth; and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Can a student with an eligible disability receive Section 504 protections without a formal DoDEA Section 504 Plan?

Yes. For example, a student who has been diagnosed with cancer (eligible disability) but during the course of treatment, the cancer goes into remission. That student is still entitled to the general nondiscrimination protections of Section 504.

How is the need for Section 504 different from special education?

All students who are considered disabled under IDEA (Individuals with Disabilities Education Act) are also considered to be disabled and protected from nondiscrimination under the Section 504 (Americans with Disabilities Act (ADA)).

IDEA: To be found eligible under IDEA, it must be determined that the student has a qualifying disability and requires special education and/or related services in the school setting (e.g., specialized instruction due to a reading disability, necessary to make meaningful educational progress.

Section 504: Students who are eligible under Section 504 have a disability that substantially limits one or more major life activities and do not satisfy the more specific criteria for eligibility under IDEA with a special education Individual Education Program (IEP).

Must a disability be permanent?

No. A student may be eligible for a DoDEA Section 504 Plan as long as the disability substantially interferes (limits) with a major life activity and the disability is not transitory and minor.

What are reasonable accommodations?

DoDEA schools provide a free appropriate public education (FAPE) to students with disabilities by implementing accommodations upon establishing that a student has a disability that requires a DoDEA Section 504 Plan. The goal of a DoDEA Section 504 Plan is to provide a student with a disability accommodations that give the student access to educational programs and activities to the same extent as a student without a disability.

Example: A student who requires the use of an assistive mobility device (e.g., crutches, a walker, or a wheelchair) may require a Section 504 accommodation to leave his/her classes 15 minutes early to avoid hallway congestion.

Who determines eligibility for a DoDEA Section 504 Plan?

The Section 504 Team is responsible for identification, eligibility, and development of accommodations and the DoDEA Section 504 Plan.

Note: A determination that the student has a disability or a medically diagnosed illness or condition does not guarantee eligibility for a DoDEA Section 504 Plan. However, a student may be found to be eligible for Section 504 nondiscrimination protections without requiring an accommodation plan.

Who is responsible for implementing the DoDEA Section 504 Plan?

All school personnel are responsible for implementing the accommodations identified within the DoDEA Section 504 Plan.

What are the steps to identify if a student requires a DoDEA Section 504 Plan?

Step 1: A student may be identified as a student with a possible disability at any time by a parent, teacher, student, counselor, administrator, other school personnel, medical personnel, or community agency staff member.

Step 2: Referral: A referral may be initiated by a parent, teacher, student, counselor, administrator, other school personnel, medical personnel, or community agency staff member.

Step 3: Notice of Rights of Sponsor, Parent, Legal Guardian, and Student: The Section 504 School Coordinator ensures the parents are provided a copy of the student's rights and the complaint procedures following a referral.

Step 4: Review: The Section 504 School Coordinator schedules a meeting to review the referral.

Step 5: Evaluate: The Section 504 Team will evaluate the student's needs by completing a review of existing records and information from a variety of sources, such as observations, teacher reports, and results of informal and formal assessments.

Step 6: Eligibility: The Section 504 Team determines if the impairment substantially limits one or more major life activities.

Step 7: Develop Plan: The Section 504 Team will develop a DoDEA Section 504 Plan for the student to be implemented immediately or when impairment is active. Federal law and DoDEA regulations require the creation of a written plan which describes the accommodations and services to be provided. The DoDEA Section 504 Plan must be reviewed yearly (at a minimum) to ensure the student is able to access his/her educational program/activities.

Section 504 - Common Sources of Evaluation Data

- Observations
- Data of academic and/or behavior interventions
- Physical/health/medical information
- Student's grades and progress reports
- Student work samples
- Parent interviews and input
- Teacher reports, interviews, and recommendations
- Standardized test scores/data
- Information health plan (IHP)
- Disciplinary referrals/reports
- Attendance records
- Language surveys
- OT/PT/SL screenings
- Aptitude and achievement tests
- Adaptive behavior data
- Privately obtained data (ex. neurologist, pediatrician, psychiatrist)
- Prior IDEA evaluations or special education records
- Other assessments (BASC, ABLLS, PEP-3, Conners, CARS, ADOS)

OCR FAQs

[How much is enough information to document that a student has a disability?](#)

At the elementary and secondary education level, the amount of information required is determined by the multi-disciplinary committee gathered to evaluate the student. The committee should include persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered. These sources and factors may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. In evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made is satisfactory under Section 504.

Thus, although tests may be conducted along the lines of IDEA evaluations, it is not required for Section 504 compliance. The keys are collection of information from various sources, documentation and consideration of the collective data, and an eligibility determination based on the regulations and not on presumptions or stereotypes. Each team has to determine when it has sufficient information to render the eligibility determination.

What about private evaluation data, such as a medical diagnoses provided by the parent?

A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

It is not uncommon or inappropriate for parents to submit reports of private evaluations of their child, or medical diagnoses made by the child's pediatrician or medical provider. These are pieces of data to be reviewed and considered together with school-based data. However, we must keep in mind that the nature of the eligibility determination has to do with the degree of the disability's impact on the student's functioning at school, and thus, school-based data is likely to be more useful to the committee's determination.

Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.

How should a recipient school district handle an outside independent evaluation? Does all data brought to a multi-disciplinary committee need to be considered and given equal weight?

The results of an outside independent evaluation may be one of many sources to consider. Multi-disciplinary committees must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student's learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee given the student's individual circumstances.

Resources

DoDEA Administrative Instruction 1365.01



DODEA ADMINISTRATIVE INSTRUCTION 1365.01
SECTION 504 ACCOMMODATION AND
NONDISCRIMINATION BASED ON DISABILITY IN DODEA
CONDUCTED EDUCATION PROGRAMS AND ACTIVITIES

Originating Division:	Education - Student Services
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Incorporates and Cancels:	DoDEA Administrative Instruction 2500.14, "Nondiscrimination and 504 Accommodation on the Basis of Disability in DoDEA Conducted Education Programs and Activities," April 29, 2009, as amended
Approved by:	Thomas M. Brady, Director

Purpose: This issuance establishes policy, assigns responsibilities, and implements procedures for the identification, evaluation, and accommodation of students in education programs and activities conducted by DoDEA who have disabilities in accordance with Section 794 of Title 29, United States Code, also known and referred to in this issuance as "Section 504 of The Rehabilitation Act of 1973."

For additional information, contact your school's Section 504 School Coordinator or School Administrator.

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