

A Parent's Guide

*to Section 504 of
The Rehabilitation Act of 1973
and the Americans with Disabilities
Act Amendments Act of 2008*



Montgomery County Public Schools
Rockville, Maryland

What is Section 504?

Section 504 is a federal law that protects the civil rights of persons with disabilities. The Act prohibits any organization that receives federal funds from discriminating against otherwise qualified individuals because of a disability. The Montgomery County Public Schools (MCPS) elementary and secondary pro-

grams and activities are subject to the provisions of Section 504.

MCPS Regulation ACG-RB, *Accommodations and Services to Students Qualifying Under Section 504 of the Rehabilitation Act of 1973*, describes MCPS procedures for implementing Section 504 for students. Copies are available online and at all schools.

Who is Eligible?

A student with a disability should be considered for eligibility and accommodations under Section 504 if he/she has a physical or mental impairment which substantially limits one or more major life activities.

Examples of “impairments” include severe attentional problems, severe allergies, cerebral palsy, diabetes, and epilepsy.

“Substantially limits” refers to the degree to which the student is significantly restricted from performing one or more of the major life activities compared with an average student in the general population.

“Major life activities” include walking, seeing, hearing, speaking, breathing, learning, and caring for one’s self.

A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504. Teachers or parents who feel a student may meet the criteria for Section 504 eligibility may request an Educational Management Team (EMT)/Collaborative Problem-Solving Team meeting. The team includes school staff and other specialists and will review various sources of information (e.g., report cards, observations, medical reports, and other data necessary to determine whether a student is eligible under Section

504). Not all students eligible under Section 504 require accommodations. The team must compare the student’s performance with that of the average student in the general population to determine whether the effect of the student’s impairment is so severe that, without accommodations, he/she would be denied an equal opportunity to access educational programs and activities. Some of the factors that the team may take into consideration are whether, compared with his/her nondisabled peers, a student—

- consistently needs more time to complete school tasks
- regularly needs modification of school tasks
- frequently demonstrates behavior that significantly interferes with access to educational programs
- needs assistance to care for self

If, at any time, a review of the data suggests the presence of a disability covered under the Individuals with Disabilities Education Act (IDEA 2004), the team will refer the student to an Individualized Education Program (IEP) Team. Parents will be asked to attend a screening meeting with the IEP Team.

What is a Section 504 Plan?

If a student meets the eligibility guidelines for accommodations under Section 504, he/she will have a Section 504 Plan developed for him/her to use in school. The plan specifies the nature of the impairment, the major life activity affected by the impairment, accommodations necessary to meet the student's

needs, and the person(s) responsible for implementing the accommodations.

Although it is the responsibility of the team to develop the 504 Plan, parents are encouraged to participate in its development. A case manager will be assigned to notify teachers about the plan and coordinate reviews, as needed.

What are my Section 504 Rights?

- Parents are entitled to receive notice regarding their child's identification, evaluation, and/or recommended accommodations.
- Parents have the right to have their child afforded opportunities—equal to those of students who do not have a disability—to participate in school programs and extra-curricular activities sponsored by the school.
- Parents also have the right to examine their child's educational records and obtain a copy of those records.

The MCPS Department of Student Services, 850 Hungerford Drive, Rockville, Maryland 20850, is responsible for monitoring MCPS compliance with Section 504. The phone number is 301-279-3912. Parents may contact the Section 504 coordinator to appeal any Section 504 decisions. A copy of the MCPS brochure, Due Process Safeguards Information: Section 504 of the Rehabilitation Act of 1973, which contains more details about Section 504, is available online at each school.

Where Can I Learn More About 504?

Further information regarding Section 504 and accommodations may be obtained from the following sources:

School guidance counselor/pupil personnel worker/school-based 504 coordinator	
MCPS Section 504 coordinator	301-315-7335
MCPS Department of Student Services www.montgomeryschoolsmd.org/departments/student-services/504/	301-279-3912
Office for Civil Rights in the U.S. Department of Education	215-656-8541

This document is available in an alternate format, upon request, under the *Americans with Disabilities Act*, by contacting the Department of Public Information and Web Services, at 850 Hungerford Drive, Room 112, Rockville, MD 20850, or by telephone at 301-279-3391 or via the Maryland Relay at 1-800-735-2258.

Individuals who request (need) sign language interpretation or cued speech transliteration in communicating with Montgomery County Public Schools (MCPS) may contact Interpreting Services in the Deaf and Hard of Hearing Program at 301-517-5539.

MCPS prohibits illegal discrimination on the basis of race, color, gender, religion, ancestry, national origin, marital status, socioeconomic status, age, disability, physical characteristics, or sexual orientation. Inquiries or complaints regarding discrimination or Title IX issues such as gender equity and sexual harassment should be directed to the Office of the Deputy Superintendent for Teaching, Learning, and Programs at 301-279-3126, via the Maryland Relay at 1-800-735-2258, or addressed to that office at 850 Hungerford Drive, Room 129, Rockville, MD 20850.

