

## What is Section 504?

Section 504 of the Rehabilitation Act of 1973 parallels with the Americans with Disabilities Act (ADA) of 1990.

It is a Federal Civil rights law that was initially applied to employment, then amended in 1974 to extend coverage into all areas of civil rights including: education, employment, health, welfare, and other social service programs.

504 was enacted to “level the playing field” and to eliminate impediments to full participation by persons with disabilities.

### Two Primary Requirements:

- “No otherwise qualified individual with a disability... shall solely by reason of his/her disability, be excluded in the participation in, be denied the benefits of, or be subjected to discrimination under the program or activity receiving federal financial assistance.”
- FAPE – 504 requires districts to provide a “Free Appropriate Public Education” to each qualified person with a disability who is in the school district’s jurisdiction.

## NOTICE OF NONDISCRIMINATION

The Arts Academy of New Hampshire does not discriminate on the basis of race, color, national origin, age, sex, or disability in admission to, access to, treatment in, or employment in its programs and activities.

Any student, parent on behalf of their child, or employee who believes that he/she has a disability and thinks that accommodations are necessary to afford an equal opportunity for success, should contact the School Counselor.

Inquiries concerning the application of nondiscrimination policies may also be referred to:

The U.S. Department of Education,  
Office for Civil Rights  
5 Post Office Square, Eighth Floor  
Boston, Massachusetts 02109

**Janessa Fletcher**  
School Counselor  
19 Keewaydin Drive Suite #4  
Salem, NH 03079

603-912-4944  
j.fletcher@artsacademynh.org



# Section 504

## Understanding 504 Referral and Eligibility

## Referral Process

Referral to 504 begins through the student's School Counselor.

The referral may be initiated by:

- The student
- The student's parent or guardian
- A faculty member

**The School Counselor will schedule a Team Meeting.**

504 Team Meeting Participants may include:

- Student
- Parent/Guardian
- School Counselor
- A teacher
- 504 Coordinator and/or Case Manager
- The Local Education Agency (LEA) - designated person from the town in which the student resides

**If the Team determines that the student is eligible, a 504 Accommodation Plan will be developed and include reasonable accommodations as they directly relate to the student's disability.**

## Eligibility

**An Individual Who:**

- Has a *physical or mental impairment* which *substantially limits* a major life activity (learning, walking, hearing, seeing, thinking, concentrating, operation of a major bodily function, etc.)

**A physical or mental impairment is defined as:**

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Substantially limits is defined as:**

1. Unable to perform a major life activity that the typical peer in the general population can perform, or
2. Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the typical peer in the general population can perform that same major life activity.



# FAQ

## Frequently Asked Questions

**If a student is referred to 504, does that mean he/she automatically qualifies?**

- No. Each case is received on an individual basis and reviewed carefully by the team. There are eligibility criteria that must be met including appropriate evaluation and/or documentation of a mental or physical impairment and the life activity that is limited as the result of the impairment. Severity and duration are two factors that most likely determine whether an impairment **substantially limits** a major life activity.

**How do the teachers know a student has a 504 Plan?**

- All plans are confidential and each teacher receives a copy of the plan via the PowerSchool system. The School Counselor are available to review the accommodations with the teacher.

**How long does a 504 Plan last?**

- The 504 Plan is a fluid document that may be reviewed annually. Depending on the disability, many plans stay with a student each year and accommodations are reviewed. If accommodations are no longer necessary, continued eligibility for 504 services is discussed.