



# Advocates for Children of New York

Protecting every child's right to learn

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## Section 504

Section 504 of the Rehabilitation Act of 1973 is ***makes it illegal for any federally funded program***—such as NYC public schools—***to discriminate against an individual because they have a disability.***

Under Section 504, students with disabilities have a right to reasonable services and accommodations in all school programs and activities, such as extra time on tests, a scribe for reading, a separate location for tests, materials in a different format, or an elevator pass.

### Who is eligible?

If your child's disability limits their ability to learn, or otherwise limits their ability to perform life activities such as seeing, hearing, eating, walking, concentrating, thinking, or communicating, they may qualify for accommodations under Section 504. Some typical kinds of qualifying disabilities are: Asthma, HIV, life threatening allergies, ADHD, dyslexia, and depression.

### How do I get a 504 plan?

Have your doctor write a request for one, describing your child's disability and need for accommodations. Give this request to your child's school (the Principal or someone else there). The school should have a meeting and, if they agree with you, create a "504 Plan" that describes the accommodations for your child.

### Section 504 vs. Special Education

Students who already receive special education services through an IEP don't need a separate 504 Plan. If a student does not qualify for special education services, the student still may qualify under Section 504.

### Due Process

Due Process is your right to make a complaint and have a hearing if you disagree with the school's decision about the student's eligibility for services under Section 504. If you disagree with the school's decision you can:

- Request a review by the Network Health Liaison;
- Ask for a **Section 504 Hearing** at which an impartial hearing officer will decide whether your child is entitled to accommodations under Section 504 and what accommodations are reasonable;
- File a complaint in federal court or with the U.S. Department of Education's Office of Civil Rights.

### Questions? Concerns?

For more information, please consult AFC's "Guide to Section 504," available on our website.

**English:** [www.advocatesforchildren.org/sites/default/files/library/section\\_504\\_guide.pdf](http://www.advocatesforchildren.org/sites/default/files/library/section_504_guide.pdf)

**Spanish:** [www.advocatesforchildren.org/sites/default/files/library/section\\_504\\_guide\\_spanish.pdf](http://www.advocatesforchildren.org/sites/default/files/library/section_504_guide_spanish.pdf)

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