



AFC'S GUIDE TO

Section 504

January 2023



Advocates for Children of New York
Protecting every child's right to learn

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This guide does not constitute legal advice. This guide attempts to summarize existing policies or laws without stating the opinion of AFC. If you have a legal problem, please contact an attorney or advocate.

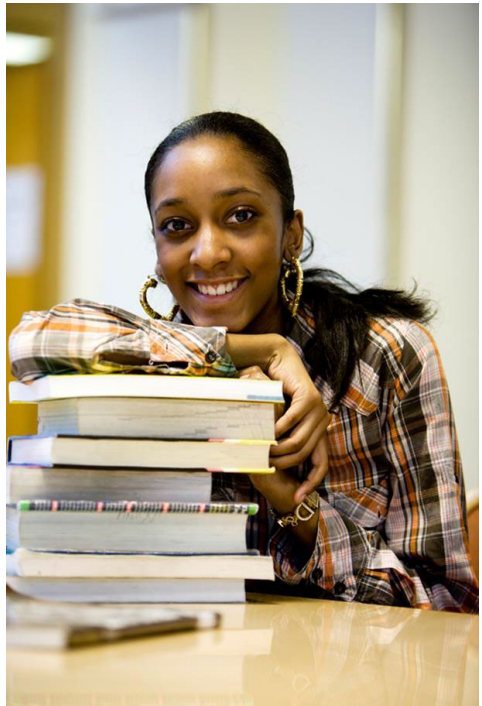
INTRODUCTION

As the parent of a child in a NYC public school, you may be familiar with the special education system. Children with disabilities can also get services and accommodations through a federal law called “**Section 504 of the Rehabilitation Act of 1973**,” or “Section 504.” This law can be especially helpful to you and your child if your child has a disability and:

1. Does not qualify for special education services, or
2. You do not want to go through the special education system to get services or accommodations for your child, or
3. Your child requires additional supports or services that are not provided through the special education system.

Because Section 504 is not widely used in NYC public schools, AFC has written this guide to explain:

1. What is Section 504?
2. What accommodations and services could a student receive under Section 504?
3. How do you get Section 504 services and/or accommodations in NYC?
4. What are your rights under Section 504?
5. How can you enforce these rights?



WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973 is a **federal civil rights law** that makes it illegal for any program receiving federal funds to discriminate against people with disabilities. Because the New York City public schools receive federal funding, New York City public schools cannot discriminate against children with disabilities. Section 504 also requires public schools to provide students with disabilities free appropriate public educations (FAPE). New York City public schools include traditional schools run by the Department of Education (DOE) and charter schools.

WHAT KINDS OF DISABILITIES ARE COVERED BY SECTION 504?

Under Section 504, a student is considered to have a disability if the following conditions are met:

1. The student has or is thought to have a **physical or mental impairment**.
2. The impairment affects a **major life activity**. Major life activities include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities can also be bodily functions including immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and/or reproductive functions.
3. The impairment must **substantially limit** the major life activity. The limiting nature of the impairment should be considered without any treatment or assistive measures, except for ordinary glasses or contacts.

Some commonly covered disabilities of students:

Anxiety	Cancer	Learning Disabilities
Asthma	Depression	Limited or no eyesight or hearing
Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD)	Diabetes	Medically fragile children
Auditory or visual processing delays	Dyslexia	Mobility issues or physical disabilities
	Epilepsy	Severe allergies/chemical sensitivities
	HIV/AIDS	

HOW DOES SECTION 504 HELP CHILDREN IN PUBLIC SCHOOLS?

Section 504 gives two important rights to students in public schools:

A public school or school district cannot discriminate against a child who has or is thought to have a disability

and

A child with a disability can get reasonable accommodations and services so that they can participate in and benefit from all federally-funded school programs and activities to the same extent as children without disabilities.

WHAT KINDS OF SERVICES AND ACCOMMODATIONS CAN MY CHILD GET UNDER SECTION 504?

Section 504 services and accommodations might be very simple. For example, a child with writing challenges might need a pencil grip or computer for writing assignments. On the more complicated side, a child who experiences seizures may need a nurse to travel with them on the school bus and to assist during school, or a child with ADD or ADHD may need an aide (also called a para-professional) to help them stay focused on school work.

Depending upon how knowledgeable your school's Section 504 Coordinator is, some of the services and accommodations for your child may be easier to get than others. Section 504 is most often used in New York City to allow schools to give students needed medications during the school day. If your child needs accommodations in the classroom, you may find that schools are less familiar with the law and you may have to educate your school about Section 504. To get accommodations and/or services that will cost the school district money, you should be prepared to provide detailed documentation and use your due process rights to fight for the accommodations.

Examples of Some Services and Accommodations

Below are listed **some** accommodations and services that may be available under Section 504. These examples are intended to give you an idea of possible accommodations and services available under Section 504 and are by no means a complete list.

FOR STUDENTS WITH MEDICAL NEEDS

- Getting medicine or nursing services during the school day.
- Receiving periodic blood tests for blood sugar levels.
- Using a nebulizer.
- Removing particular allergens such as food, chalk, bleach, or pesticides.
- Learning in a chemical-free environment (for chemical sensitive students).

FOR STUDENTS WITH PHYSICAL DISABILITIES

- Use of the school elevator or wheelchair lift.
- Modified participation in gym or adaptive physical education.
- Assistance of a health para-professional or nurse in school and/or on the bus.
- Use of a computer or other needed technology.

FOR STUDENTS WITH LEARNING DISABILITIES

- Use of a recording device or calculator.
- Testing accommodations, such as: having test directions and/or questions read aloud; more time to complete tests; or taking tests in quiet locations.
- Adjustments to high school diploma requirements.

FOR STUDENTS WITH EMOTIONAL OR OTHER BEHAVIORAL DISABILITIES

- Modified classroom schedule.
- Behavior intervention plan.
- Assistance of a para-professional.
- Access to a guidance counselor or social worker.

Accommodations for Graduation

Although students must pass 4 Regents exams with scores of 65 or higher and one other State-approved exam to graduate with a Regents diploma, a state provision known as the “Safety Net” allows students with disabilities to earn local diplomas with Regents scores between 55 and 64. In some cases, students can use the “[Compensatory Safety Net](#)” option with scores between 45 and 54. Learn more about the Safety Net and other [changes resulting from the COVID-19 pandemic](#).

The Safety Net applies automatically to students with IEPs. If a student has a disability, but does not have an IEP, the student must have a Section 504 plan that states that the Safety Net applies to be eligible for this graduation option. See a list of [frequently asked questions about the Safety Net provision](#).

WHY MIGHT I REQUEST SECTION 504 SERVICES INSTEAD OF SPECIAL EDUCATION SERVICES?

Some good reasons why you may want to consider using Section 504:

1. **Many children with disabilities do not qualify for special education.** They may not fit into one of the 13 defined disabling conditions included in special education law, or they may not need any special services to be able to learn. Nonetheless, a child with a disability may be entitled to services or accommodations under Section 504. For example, a student who cannot walk and needs to use a wheelchair may not need any specialized educational instruction or services, but would be entitled to have building access via the installation of a ramp (or some other accommodation). Another common example is of a child with a specific reading disability (such as dyslexia) who is able to read on grade level, but still reads very slowly. Even if the Committee on Special Education (CSE) does not classify them as "learning disabled" for special education, they may be entitled to testing accommodations, such as extra time to take tests, under Section 504.
2. A student may qualify for both special education services and Section 504, but **some parents prefer using Section 504 because they feel they have more control** over the process. By seeking services and accommodations through Section 504, a parent may get support for their child in a general education setting.

NOTE — A student who receives special education services through an IEP is also protected by Section 504. Therefore, they may not be discriminated against due to their disability, and they are entitled to reasonable accommodations and services. Because special education-classified students typically receive services and accommodations through their IEP, parents of students with IEPs do not need to apply separately for the same services through Section 504.

To learn more about special education in New York City, please see [AFC's Guide to Special Education](#). The guide is also available on our website, www.advocatesforchildren.org, in English, Spanish, Arabic, Bengali, and Chinese.

HOW DO I GET SECTION 504 SERVICES OR ACCOMMODATIONS FOR MY CHILD?

Although the law says that schools have a duty to identify children who may need Section 504 assistance and to evaluate those students for their needs, parents almost always have to take the first step. If you have any questions, speak with the 504 Coordinator at the school.

For all services and accommodations:

To ensure your child has access to services and accommodations, you must submit the following three forms, which are available [online](#) or may be requested from your school's 504 Coordinator:

- Parent Request for 504 Accommodations;
- Authorization for Release of Health Information Pursuant to HIPPA; and
- Medical Accommodations Request Form, which must be filled out by your child's doctor. Although not required, it also is helpful for the doctor to write a letter explaining the student's diagnosis, needs, and necessary accommodations.



On the Parent Request for 504 Accommodations, be sure to include all of the accommodations you are requesting.



Once the forms are signed and completed, make a copy for yourself and a copy for the school. Then submit the school's copy to the 504 Coordinator and request confirmation of receipt in writing.

Evaluation:

You have the right to request an evaluation from the school to be completed at no cost to you or you can seek out a private evaluation. If you would like your child's school to conduct an evaluation, submit a written request for evaluation to the school. If you would like an independent evaluation, you can either consult your child's doctor, your insurance company, or call AFC's Education Helpline. Explain that you are trying to get Section 504 accommodations and that the evaluation is an important factor in determining what accommodations your child needs. The evaluator should write a report with their diagnoses and recommendations of accommodations.

SECTION 504 ACCOMMODATIONS PLAN

Notice of Eligibility:

Before meeting with you, a school-based Section 504 Team determines whether your child is considered a student with a disability under Section 504 (see page 4 for details on what is covered). Once this determination is made, you should receive a notice of eligibility. If the notice indicates that your child does not qualify, you can appeal this decision (see pages 12 and 13 for more information on how to appeal; and look at a [sample eligibility determination letter](#)).

The Section 504 Team includes:

- The student's parent;
- At least one person familiar with the student's abilities;
- At least one person able to interpret the student's evaluations;
- At least one person who knows about the services and accommodations available to meet the student's needs; and
- The school nurse or an Office of School Health member when health services are requested for the student.

Preparing for the Section 504 Team Meeting:

If your child is found eligible for services under Section 504, you should also receive written notice of when their Section 504 Team Meeting will take place. This is a meeting to create your child's Section 504 Accommodation Plan, which determines what services and accommodations they will receive. If the student requires school health services or nursing services, the meeting must occur within 15 school days of receipt of the request. For all other requested services, this meeting must be scheduled within 30 school days after the school receives an initial written request for Section 504 services or a request for a change to a student's existing Section 504 plan. (see pages 8 and 9 for more information regarding these forms). You must receive written notice of the meeting at least 5 school days before the meeting so that you may attend.

Attending the Section 504 Team Meeting:

At the meeting, the Section 504 Team must consider all available, relevant information (e.g., evaluations, grades, health information, disciplinary referrals, standardized test scores, observations, language surveys, teachers' comments, providers' input, and parent input) in creating your child's Section 504 Accommodation Plan. The team (including you, as the parent) will determine the student's services and accommodations and list them on the plan (see page 6 for examples of services and accommodations under Section 504. See a [Section 504 Accommodation Plan Template](#).

Also note that:

- Team members must be made up of those best able to create a plan for your child— not a standardized team for all students at your child's school.
- You have the right to invite individuals who can speak about your child's needs.
- Team members may participate in the meeting in person, online, or over the phone.
- If possible, school staff (teachers, psychologists, nurses) should participate.
- The Team can hold the meeting and make decisions without you, if you were notified of the meeting and do not attend or decline to attend. At least two attempts to notify you should be made before a meeting is held without you.

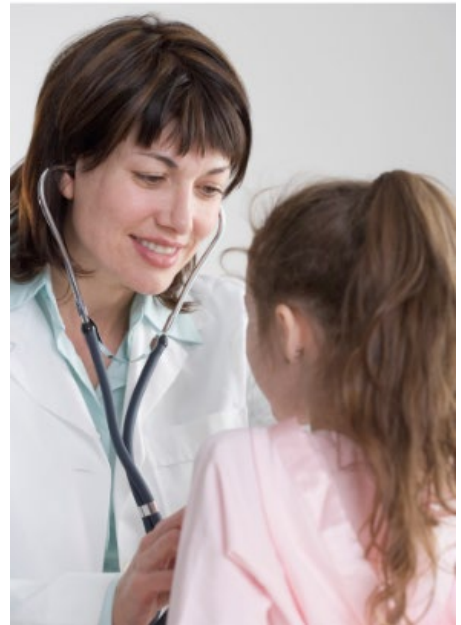
HOW DO I GET SECTION 504 SERVICES OR ACCOMMODATIONS FOR MY CHILD'S HEALTH NEEDS?

For medical services and accommodations:

If your child needs medical services or accommodations, such as access to medication or nursing services during the school day or on their way to and from school, you must work with your child's doctor to complete the following forms **in addition to the forms listed on page 8**:

- For distribution of medicine, you need to submit a *Medication Administration Form (MAF)*.
 - There are separate MAFs for allergies, asthma, diabetes, and seizure medications.
 - If none of these apply to your child's medical needs, there is also a general medication form.

- For other medical services, you must submit a *Medically Prescribed Treatment Form*. This form may be used to request **all skilled nursing treatments**, such as tube feeding, catheterization, and suctioning.
- If a student needs medication and other services, submit the MAF and the *Medically Prescribed Treatment Form*.
- The forms are available [online](#) or may be requested from your school's 504 Coordinator.
- Once the forms are signed and completed, make a copy for yourself and a copy for the school. Then submit the school's copy to your school nurse and request confirmation of receipt in writing.



Please note the Office of Student Health (OSH) requires families to submit new versions of these forms **each year**.

Acquiring Nursing Services:

If it is determined that school health services and/or school nurse services are required, those services must be provided by the school district at no cost to the parent. For students who require these services, the Section 504 Team Meeting must be scheduled within 15 school days after the school receives the initial request forms for Section 504 services and the medication/medical treatment forms for health services. For students with diabetes whose Section 504 Plan is not immediately able to be implemented, an interim arrangement must be available to provide care and services—such as blood-glucose monitoring, insulin administration, and accommodations such as access to food and water during the school day—to the students. This interim arrangement must be implemented immediately following a meeting with the parent, nurse, and other school personnel that takes place as soon as possible upon the DOE's receipt of a Diabetes Medication Administration Form (DMAF), and no later than 5 school days following such receipt.

WHAT HAPPENS IF THE SCHOOL DOES NOT APPROVE MY REQUEST FOR ACCOMMODATION FOR MY CHILD?

If the school denies your child's requested services and you want to challenge the decision, you can:

1. REQUEST A REVIEW.

You have the right to ask the Health Director in the borough in which the child's school is located to review the decision made by the school-based Section 504 Coordinator or the school-based Section 504 Team. You will need to make the request in writing within 10 school days of receiving written notice that the accommodation request has been denied. The Health Director is required to give you a written decision within 15 days of receiving your request for review.

NOTE:

Although the review process is offered in the Chancellor's Regulations, advocates have found that the process is generally ineffective. If you are concerned about time deadlines, you can skip this step and move onto the next step, a due process hearing.

2. REQUEST A DUE PROCESS HEARING.

If you receive a negative decision from the Health Director, you should receive instructions about how to appeal that decision by filing a request for an Impartial Due Process Hearing. You will need to appeal within 10 school days of receiving the Health Director's decision. The hearing is a formal process during which you will be able to contest the school's decision. You have the right to bring an attorney or advocate to represent you, to present evidence and testimony, and to question the school's witnesses. Your complaint will be decided by an Impartial Hearing Officer. If you or the school disagree with the Hearing Officer's decision, the appeal is made directly to federal district court.

DUE PROCESS refers to your right to make a complaint and have a hearing if the school makes a decision about your child's right to Section 504 services with which you disagree.

NOTE:

You, the parent, have the burden of proving that the Health Director's decision about your child's right to Section 504 services was inappropriate.

3. FILE A COMPLAINT WITH THE DOE'S OFFICE OF EQUAL OPPORTUNITY AND DIVERSITY MANAGEMENT.

If you believe that your child has been discriminated against on the basis of their disability, you may file a complaint with the Department of Education's Office of Equal Opportunity and Diversity Management.

4. FILE A FEDERAL COMPLAINT.

If the services you are seeking are not related to special education services, then you may have the option to request relief directly from federal court. We suggest that you seek the advice of an attorney before proceeding. If the services you are seeking could be provided through special education, you must fight at a due hearing process first.

5. FILE AN OCR COMPLAINT.

If you have a complaint about a procedural violation, lack of accessibility, failure to provide agreed-upon services, or discriminatory treatment, you may also file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). OCR will investigate your claim. You may file an OCR complaint even if you pursue the other options described above.

For NYC students, hearing requests should go to:

**Impartial Hearing Office
NYC Department of Education
131 Livingston Street, Room 201
Brooklyn, NY 11201**

Phone: 718-935-3280

Fax: 718-391-6181

Email: ihoquest@schools.nyc.gov

OCR Complaints should go to:

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

Phone: 646-428-3900

Fax: 646-428-3843

Email: OCR.NewYork@ed.gov

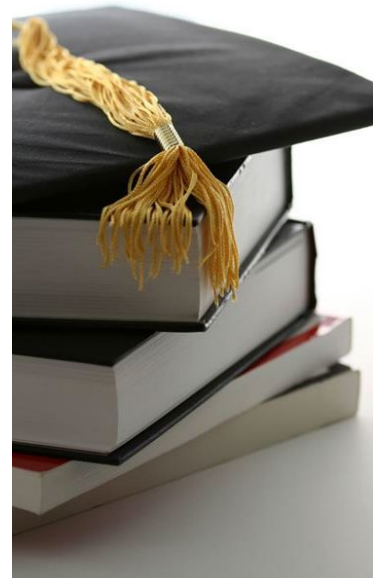
DOES SECTION 504 APPLY TO PRIVATE AND PAROCHIAL SCHOOLS OR ANY OTHER PROGRAMS?

Sometimes. **Any group that receives federal financial assistance, directly or indirectly, must comply with the Section 504 requirements** or risk losing federal funding. This includes DOE schools and charter schools. Groups receiving federal funding also may include private schools, nurseries, day care centers, community-based organizations, summer camps, after school programs, and special events. If your child has been denied services or access to a federally funded program because of their disability, you may file a complaint with the Office for Civil Rights (see page 13 for contact information) or file a complaint in federal court (we suggest asking for advice from an attorney first).

DOES SECTION 504 APPLY TO COLLEGES?

Section 504 applies to colleges and universities that receive federal financial assistance. Another anti-discrimination law, the **Americans with Disabilities Act (ADA)**, applies to state colleges and universities. Both laws provide that qualified individuals with disabilities may not be excluded from participation, denied benefits, or otherwise subjected to discrimination on the basis of disability.

The meaning of “qualified individual with a disability” is different at the college or university level. A qualified individual with a disability at a college or university must meet the academic and technical requirements for participation in the institution’s educational program or activity. The type of accommodations available are generally more limited than the accommodations available in elementary, middle, or high schools. In getting accommodations in college, it is helpful to show the college the Section 504 Plan or IEP that was in place in high school.



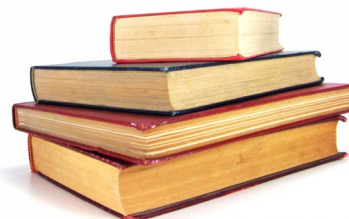
A NOTE ABOUT BULLYING

Section 504 also protects children with disabilities from discrimination, including bullying and disability-related harassment. If your child is being bullied or harassed by other students or by school staff, first contact school officials. It is helpful to send any concerns to the school in writing. If you feel that your school has not taken effective action in a timely manner, you can email RespectforAll@schools.nyc.gov, or contact Advocates for Children or the Department of Education's Office for Civil Rights for help (see page 13 for contact information).

[Chancellor's Regulation A-832](#) explains the DOE's procedure for filing, investigating, and resolving complaints of student-to-student bias-based harassment, intimidation, and/or bullying.

HOW CAN I LEARN MORE ABOUT SECTION 504?

Every DOE school has a 504 Coordinator. If you have any questions, or need assistance getting accommodations for your child, please contact the 504 Coordinator at their school.



Helpful Resources:

[New York City Department of Education Chancellor's Regulation A-710: Section 504 Policy and Procedures for Students](#)

[United States Department of Education Office for Civil Rights](#)

[Council of Parent Attorneys and Advocates](#)

[Wrightslaw](#)

If you need further information on Section 504 in schools or if you run into barriers while trying to get 504 accommodations in schools and need guidance, please call **Advocates for Children's Education Helpline at 866-427-6033.**

CONTACT INFORMATION

For questions, concerns, or complaints, you may contact the Superintendent of your child's school, the Mayor's Citywide Service Hotline via 311, or your **Borough Field Support Center Health Director**:

Borough	District(s)	Health Director	Phone & Email
Bronx	7, 8, 9, 10, 11, 12	Marleni Moreira	718-828-4785 mmoreira3@schools.nyc.gov
Brooklyn North	13, 14, 15, 16, 19, 23, 32	Noreberto Perez (I.A.)	718-935-5661 ocineus2@schools.nyc.gov ; bknorthhealth@schools.nyc.gov
Brooklyn South	17, 18, 20, 21, 22	Juliana Felix-Barret	718-759-4921 jfelixbarret@schools.nyc.gov
Manhattan	1, 2, 3, 4, 5, 6	Magdalene Gomes	212-356-7530 mgomes6@schools.nyc.gov
Queens North	24, 25, 26, 30	Carine Jean-Pierre Destin	718-391-8572 cpierre@schools.nyc.gov
Queens South	27, 28, 29	Edith Richards	718-348-2956 erichards7@schools.nyc.gov ; qshealthdirector@schools.nyc.gov
Staten Island	31	Stephanie Caloir	718-556-8383; 646-369-2502 scaloir@schools.nyc.gov
Affinity Schools	ACCESS, 79	Norberto Perez	646-413-5069 nperez4@schools.nyc.gov
District 75	75	Adam Breier Shona Gibson	718-923-5058 abreier@schools.nyc.gov 212-802-1552 sgibson4@schools.nyc.gov

Borough	Health Director	Phone & Email
Early Childhood (Pre-K)	Cherene King	212-827-2135 cking27@schools.nyc.gov ; earlychildhoodpolicy@schools.nyc.gov
Charter Schools	Greyston Holmes	212-374-6793 jholmes3@schools.nyc.gov ; charterschools@schools.nyc.gov
Non-Public Schools	Fausto Barros	718-935-2422 fbarros@schools.nyc.gov

OFFICE OF SCHOOL HEALTH

Name	Phone	Email
Cheryl Lawrence, MD <i>Medical Director</i>	718-310-2411	clawrence3@schools.nyc.gov
Gail Adman, MD <i>Director, Nursing Services</i>	718-786-4884 Cell: 347-203-0300	gadman@health.nyc.gov gadman@schools.nyc.gov
Ann Marie Ashmeade <i>Deputy Director, Nursing Services</i>	718-786-4877 Cell: 646-734-9208	ahibbert@health.nyc.gov ahibbertashmeade@schools.nyc.gov
Estherlyn Bonas <i>Assistant Director, Nursing Services</i>	718-786-4897 Cell: 917-217-3061	ebonas@health.nyc.gov

[Contact information](#) last updated November 2022

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Our Mission

AFC promotes access to the best education New York can provide for all students, especially students of color and students from low-income backgrounds. We use uniquely integrated strategies to advance systemic reform, empower families and communities, and advocate for the educational rights of individual students.

Still have more questions?

Please Call

The Jill Chaifetz Education Helpline

Monday through Thursday

10AM to 4PM

866-427-6033 (toll free)

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