

IDENTIFYING STUDENTS FOR 504

What criteria are used to determine 504 eligibility?

For a student to qualify for Section 504 protection, the student must meet three criteria: (1) a mental or physical impairment, (2) which substantially limits, (3) one or more major life activities. If the student has an impairment that substantially limits a major life activity, the impairment is a qualifying disability if it creates a barrier to the student's ability to access the same educational opportunities afforded to non-disabled students. It is important to understand that all three criteria must be met before the student is eligible for Section 504 protection. Additional details on each of the three criteria follows.

Mental or physical impairment:

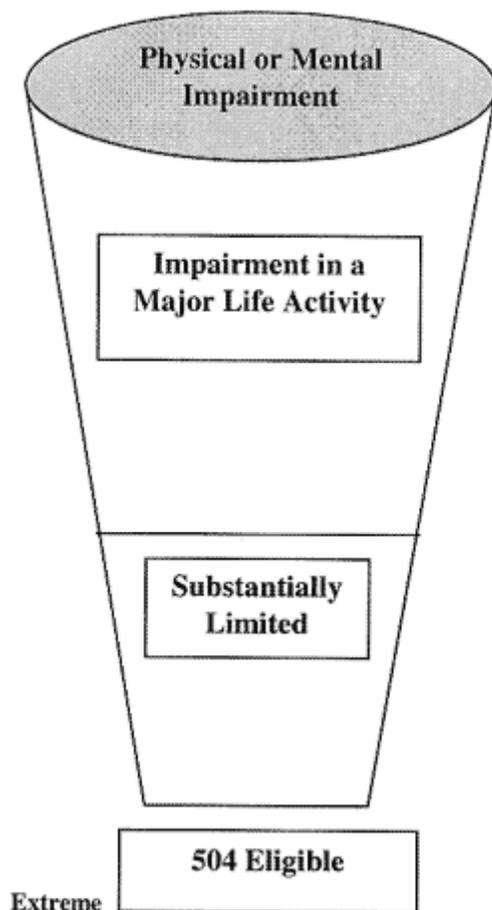
This criterion includes any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems. Mental or psychological disorders are also covered. Section 504, in contrast to IDEA, does not limit eligibility to specific diseases or categories of medical conditions. Environmental, cultural and economic disadvantages are not covered unless the student who has any of these characteristics also has a physical or mental impairment.

Substantially limits:

Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact the impairment has on one or more of a student's major life activities. It is vital to understand that for a student to qualify for 504, the impairment must impose, to a "considerable" or "large degree," a limitation to one or more major life activities.

The 504 Team will consider the nature and severity of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for Section 504 protection.

The condition must present a barrier to the student's ability to access the same educational opportunities as that afforded a non-disabled student, or a substantial limitation does not exist.



1. Physical or Mental Impairment

Any physical or mental impairment may result in qualification under Section 504. Unlike IDEA, there are no categories of qualifying disabilities. The definition of "major life activity" was expanded by the 2008 ADA Amendments (the new language appears in bold): "major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

2. Major Life Activity

The identified physical or mental impairment must affect a major life activity: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.

3. Substantially Limited

The impairment must substantially limit the major life activity, and thereby create a barrier to the student's ability to access the same educational opportunities afforded to non-disabled students.

