

## Section 4

### **Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA)<sup>2</sup>**

Section 504 prohibits recipients of Federal financial assistance from discriminating against people on the basis of disability. Title II of the ADA prohibits discrimination on the basis of disability by public entities, regardless of whether the public entities receive Federal financial assistance. Public school districts that receive Federal financial assistance are covered by both Title II and Section 504, and the obligations of public schools to students with disabilities under each law are generally the same. For schools, these laws are enforced by the Office for Civil Rights (OCR) in the U.S. Department of Education.

Section 504 outlines a process for schools to use in determining whether a student has a disability and in determining what services a student with a disability needs. This evaluation process must be tailored individually because each student is different and his or her needs will vary. Historically, students with diabetes have been covered by Section 504 and the ADA.

Under Section 504, students with disabilities must be given an equal opportunity to participate in academic, nonacademic, and extracurricular activities. The regulations also require school districts to identify all students with disabilities and to provide them with a free appropriate public education (FAPE). Under Section 504, FAPE is the provision of regular or special education and related aids and services designed to meet the individual educational needs of students with disabilities as adequately as the needs of students who do not have disabilities are met.

A student does not have to receive special education services, however, in order to receive related aids and services under Section 504. Administering insulin or glucagon, providing assistance in checking blood glucose levels, and allowing the student to eat snacks in school are a few examples of related aids and services that schools may have to provide for a particular student with diabetes. The most common practice is to include these related aids and services as well as any needed special education services in a written document, sometimes called a “Section 504 Plan.”

Private schools that receive Federal financial assistance may not exclude an individual student with a disability if the school can, with minor adjustments, provide an appropriate education to that student. Private, nonreligious schools are covered by Title III of the ADA.

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<sup>2</sup> Both the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA) were amended by the ADA Amendments Act of 2008, P.L. 110–325.