
Americans with Disabilities Act/Section 504

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4 Section 504 of the Rehabilitation Act of 1973 (“Section 504”) prohibits discrimination against
5 individuals with a disability in any program receiving Federal financial assistance. Similarly, Title
6 II of the Americans with Disabilities Act of 1990 (“Title II” or “ADA”) prohibits discrimination
7 against individuals with a disability by state and local governments. To be protected under Section
8 504 and the ADA (“collectively, “Section 504/ADA”), an individual must (1) have a physical or
9 mental impairment that substantially limits one or more major life activities; (2) have a record of
10 such an impairment; or (3) be regarded as having such an impairment.

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12 In order to fulfill its obligation under Section 504/ADA, the Madison Public Schools recognize a
13 responsibility to avoid discrimination in policies and practices regarding its personnel, students,
14 parents/guardians and members of the public who participate in school sponsored programs, which
15 may require reasonable modifications to such policies and practices. In this regard, the Madison
16 Public Schools prohibit discrimination against any person with a disability in any of the services,
17 programs or activities of the school system.

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19 The ~~school district~~ District has specific responsibilities under Section 504 to identify, evaluate and
20 provide an educational placement for students who have a physical or mental impairment that
21 substantially limits a major life activity. The school district’s obligation includes providing access
22 to a free appropriate public education (“FAPE”) for students determined to be eligible under
23 Section 504/ADA. Under Section 504, FAPE is defined as the provision of regular or special
24 education and related services that are designed to meet the individual educational needs of a
25 student with a disability as adequately as the needs of students without disabilities are met, and
26 that are provided without cost (except for fees similarly imposed on nondisabled students/parents).

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28 If ~~the parent/guardian of~~ a student’s parent/guardian disagrees ~~disagrees~~ with the decisions made
29 by the professional staff of the school district with respect to the identification, evaluation or
30 educational placement of his/her/their child, ~~the~~ such parents/guardians ~~has~~ have ~~has the~~ a right to
31 request an impartial due process hearing.

33 In addition, a student or parent/guardian of a student may also file an internal grievance/complaint
34 on these issues or any other type of discrimination on the basis of disability by or within the district
35 by utilizing the grievance/complaint procedures outlined in the Board’s Administrative
36 Regulations Regarding Students and Section 504 of Rehabilitation Act of 1973 and Title II of
37 Americans with Disabilities Act, and/or may file a complaint with the Office for Civil Rights, U.S.
38 Department of Education (“OCR”):

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40 Office for Civil Rights, Boston Office
41 U.S. Department of Education
42 8th Floor
43 5 Post Office Square
44 Boston, MA 02109- 3921
45 (617) 289-0111
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47 Anyone who wishes to file a grievance/complaint with the district, or who has questions or
48 concerns about this policy, should contact the Director of Special Education, the Section
49 504/ADA Coordinator for the Madison Public Schools, at 203-245-6341.

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51 Legal References:

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53 29 U.S.C. §§ 705, 794
54 34 C.F.R. Part 104
55 42 U.S.C. § 12101 et seq.
56 28 C.F.R. Part 35
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58 *Protecting Students with Disabilities, Frequently Asked Questions About Section 504 and the*
59 *Education of Children with Disabilities*, Office for Civil Rights (March 17, 2011), available at
60 <http://www.ed.gov/about/offices/list/ocr/504faq.html>

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62 *Dear Colleague Letter*, United States Department of Education, Office for Civil Rights (January
63 19, 2012)

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65 [*Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline*](#)
66 [*Under Section 504 of the Rehabilitation Act of 1973*](#), Office for Civil Rights (July 2022),
67 available at [https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-](https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term)
68 [guidance.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm](#)
69 [term](#)

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