



COVID-19 FAQ: Section 504

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On March 20, 2020, the Texas Education Agency (TEA) published [guidance](#) for Local Education Agencies (LEAs) regarding the requirement to provide free appropriate public education (FAPE) to students with disabilities receiving special education. Students who receive special education are dually protected under Section 504 of the Rehabilitation Act and the IDEA. Additionally, students with disabilities who do not require special education are protected under Section 504 and may require accommodations, instructional or related services provided by the LEA through a Section 504 accommodation plan in order to receive FAPE. FAPE may include, as appropriate, regular or special education and related services provided through distance instruction virtually or telephonically. It may be necessary for Section 504 committees to meet via online conferencing or telephone to make decisions regarding the provision of accommodations, or to address barriers to curriculum and instruction on a case by case basis.

The [March 12, 2020 guidance document](#) published by the United States Department of Education (ED) Office for Civil Rights (OCR) states that the Section 504 committee may determine if some, or all, of the identified services can be provided through alternate or additional methods. Accessible technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. While not required, following IDEA procedures through this critical time is one way of maintaining compliance with Section 504.

The United States Department of Education encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities. Consider practices such as distance instruction, teletherapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, there are low-tech strategies that can provide for an exchange of curriculum-based resources, instructional packets, projects, and written assignments.

Despite all efforts, there may be instances where the provision of a particular service is not feasible. Should this occur, the Section 504 committee must make decisions about whether and to what extent compensatory services are needed to make up for skills that may have been lost. [Please refer to the March 21st Supplemental Fact Sheet from ED for more information.](#)

Please direct questions related to Section 504 and COVID-19 to: disasterinfo@tea.texas.gov