

SECTION 504

WHAT IS SECTION 504?

- Section 504 of the Rehabilitation Act of 1973 is a federal statute (anti-discrimination law), which protects the rights of individuals with disabilities to equal opportunity in programs and activities which receive federal funds.
- Section 504 is intended to level the playing field for individuals with disabilities so, for example, students can fully participate in school.
- The Section 504 regulation requires a school district to provide a “free and appropriate public education (FAPE) to each qualified student with a disability who is in the school district, regardless of the nature or severity of the disability.

DETERMINATION OF ELIGIBILITY?

A checklist for determining eligibility for Section 504 services:

- Does the student have a physical or mental impairment?
- Does the identified physical or mental impairment affect a major life activity?
- Does the physical or mental impairment substantially limit the student's ability to engage in a major life activity?
- Does the student require Section 504 services in order for his/her educational needs to be met as adequately as those of non-disabled peers?

SECTION 504 REFERRAL PROCESS?

- The process under Section 504 begins with a referral
- Teachers, parent or guardians may request a Section 504 evaluation by notifying the campus counselor.
- An evaluation is the collecting, gathering, and interpreting of data from a variety of sources about the student's educational progress. Data can include, but not limited to, achievement tests, teacher recommendations, health and physical information, adaptive behavior data, discipline, parent and teacher input, grades, etc.



Under Section 504, what is a major life activity?

A major life activity is an activity that is of central importance to the daily life activity of the average person in the general population. 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. It also includes the operation of a major bodily function.

What does “substantially limits a major life activity” mean?

An impairment that prevents a person from performing a life activity that the average student of approximately the same age can perform OR if the life activity is more difficult to perform as compared to the average student of approximately the same age.

What should I do if I suspect my child has a disability?

Anyone may refer a child for an evaluation. However, the school district also must suspect that the child is in need of services to conduct a Section 504 evaluation (OCR Memorandum, April 29, 1993).

If you have concerns regarding your child, you should first communicate with your child's teacher(s). You may also contact your child's counselor to request an evaluation. Your request will be considered and you will either be provided with a consent to evaluate or the campus counselor will notify you of the reasons an evaluation is not offered.

For more information on Section 504, please contact your child's campus counselor or
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FAQ'S

ADDITIONAL RESOURCES

BHISD Section 504: <https://www.bhisd.net/departments/curriculum-instruction/section-504>

A Parents Guide to Section 504 In Public Schools:
<https://www.greatschools.org/gk/articles/section-504-2/>

The Dyslexia Handbook:
<https://www.region10.org/r10website/assets/File/Dyslexia%202014%20Englishwtabs%208%202014%202014.pdf>

Children and Adults with Attention Deficit Disabilities:
<http://www.chadd.org/>

Office for Civil Rights, Section 504 Regulations:
<https://www2.ed.gov/about/offices/list/ocr/504faq.html>

Neuhaus Education Center:
<http://www.neuhaus.org/>

Region 13 Section 504 FAQ:
<https://www4.esc13.net/section504/faqs-section504/>

Attention Deficit Disorder Association:
<https://add.org/>

Understanding the ADAAA and Section 504 (National Center for Learning Disabilities):
<http://www.advocacyinstitute.org/resources/Understanding-the-ADAAA-and-Section-504.pdf>

*The purpose of this brochure is to provide general information regarding Section 504. Please contact the campus counselor or district Section 504 Coordinator for more information.

Are all schools required to adhere to Section 504?

Yes. All schools that receive any federal financial assistance must comply with Section 504 of the Rehabilitation Act of 1973.

Does a physician's diagnosis of ADD/ADHD automatically result in a student being eligible for Section 504?

No. A physician's diagnosis should be considered as one piece of information when evaluating the student. However, a physician's diagnosis alone does not automatically result in eligibility for Section 504.

Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.

Are there any impairments which automatically mean that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504. Each decision on eligibility is made on an individual basis.

Once a student is identified as eligible for services under Section 504, is that student always entitled to such services?

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. In some cases, students are no longer eligible for services because an injury or illness has been cured. In other cases, a student will learn to compensate for difficulties due to an impairment and no longer meet eligibility requirements.