

Trigger Signs for Evaluation

School staff should consider the existence of a disability and possible Section 504 protections when:

- * Parent requests an evaluation for a 504 Plan.
- * Suspension or expulsion is being considered.
- * Academic performance is lower than expected.
- * Student is evaluated and is not IDEA-eligible.
- * Student exhibits a chronic medical problem.
- * Student enrolls with a 504 Plan from another county or state.
- * Student is chronically absent due to medical or health issues.
- * Student receives medication on school grounds.
- * Student formerly found ineligible for Section 504 due to mitigating measures.
- * Student is dismissed from Hospital/Homebound.

Substantial Limitation

The evaluation team must consider the impact of the impairment on any major life activity. "Substantial" relates to the limitation of a major life activity, not the condition or impairment. An impairment that is episodic or in remission meets the definition of a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity is made without regard to the ameliorative effects of mitigating measures, with one exception; that of ordinary eyeglasses or contact lenses.

Ask the question: "Is the student afforded an equal opportunity to participate and benefit from educational services, programs, facilities, and activities when compared to average nondisabled peers?"

Identification

In order to comply with Section 504 and the ADA, school personnel must identify students who are eligible for ADA/504 protections and services and implement procedures to ensure that they receive a Free Appropriate Public Education (FAPE). For many students, this results in a need for schools to develop and implement accommodations and modifications based on individual student needs, as documented on their 504 Accommodation Plan.

Remember:

If you suspect a student has a physical or mental impairment, it is your responsibility to contact your school 504 designee.

School District of Palm Beach County
Exceptional Student Education Department

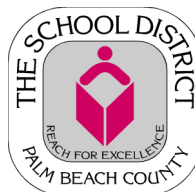
District ADA/504 Coordinator

Kim Doyle

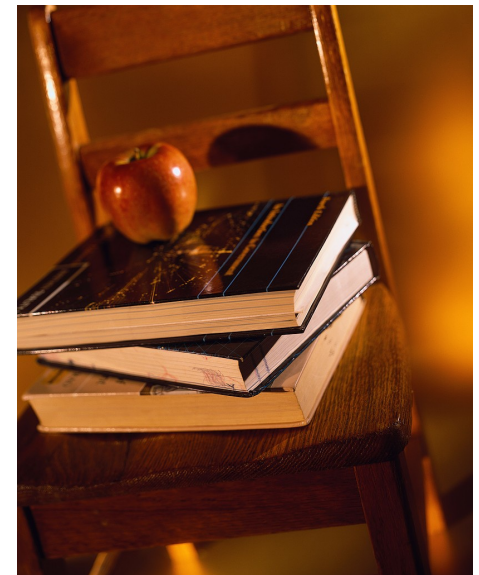
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**For more information contact the
504 Designee at your school site**



SECTION 504 of the Rehabilitation Act of 1973



Educator's Responsibility



What is Section 504?

Section 504 of the Rehabilitation Act of 1973, an unfunded mandate, is designed to protect the civil rights of individuals with disabilities. The intent of the law is to prevent any form of discrimination based on disabilities.

How does Section 504 Define “Disabled”?

To be protected under Section 504, a student must be determined to:

- * have a physical or mental impairment that substantially limits one or more major life activities;
- * have a record of such an impairment, or
- * be regarded as having such an impairment.

What is a physical or mental impairment that substantially limits a major life activity?

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on an individual basis. Section 504 defines a physical or mental impairment as; any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions or any mental or psychological disorder.

Major Life Activities

Major life activities include, but are not limited to, functions such as: learning, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating and working. As there is no exhaustive list of major life activities, an activity or function not specifically listed in the law as a major life activity can still qualify as one.

The Section 504 Evaluation

- * Is based on information from a variety of sources: e.g., teachers, school staff, parents/guardians, physician or persons in the community.
- * Documents all pertinent information: e.g., records, assessment data, and medical records, related to the suspected physical/mental impairment, which may substantially limit a major life activity.
- * Is conducted by a team or group of persons including those who are knowledgeable about the child, the suspected impairment, evaluation procedures, the meaning of evaluative data and accommodation/placement options.
- * Utilizes assessment materials, tests and/or evaluation procedures which are tailored to assess specific areas of educational need, are not racially or culturally discriminatory, and are validated for the specific purpose for which they are used.

Section 504 Evaluation Procedures May Include:

- * Review of school records
- * Interviews with persons knowledgeable about the child's functioning
- * Observations in the school, home or community environments
- * Gathering of new information as needed
- * Medical information provided by parent

What are Mitigating Measures?

Mitigating measures are devices or practices that a person uses to correct or reduce the effects of that person's mental or physical impairment. The ameliorative (positive) effects of one or more mitigating measures cannot be considered, except ordinary eyewear, in determining if an impairment substantially limits a major life activity. The 504 team must focus on whether the individual would be substantially limited in performing a major life activity without consideration of any mitigating measure that may eliminate or reduce the symptoms or impact of an impairment.

Accommodations and Modifications

There are innumerable accommodations and modifications that may be necessary for students on an individual basis under Section 504. Because the disabilities resulting in students being eligible are so broad, the number and types of accommodations are endless. The key is that necessary accommodations and modifications are made, related to their disability, that provide the opportunity for these students to be successful, by leveling the playing field. Many accommodations are merely best-teaching practices.

Benefits of 504

- ◇ Accommodations in the classroom setting
 - * Physical environment
 - * Instructional materials
 - * Instructional methods
 - * Testing
 - * Homework
- ◇ Protection from Discrimination
 - * Academically
 - * Access to Activities
 - * Program Access
 - * Discipline
- ◇ Equal Access
- ◇ Free and Appropriate Public Education (FAPE)