

## Purpose of Section 504

Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. This act requires that no qualified student who demonstrates a physical or mental impairment that substantially limits one (or more) major life activity (e.g., self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, operation of a major bodily function, and communicating) shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by Mesa County School District 51. An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

The determination of a limitation to one or more major life activities must be made without regard to any ameliorative effects of mitigating measures (e.g., medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies).

Mesa County Valley District 51 shall offer a free appropriate public education (FAPE) to each qualified student with a disability. Services provided to qualified students are not required to produce identical results or level of achievement with nondisabled peers. Services must be designed to offer an equal opportunity to gain the same benefit within the most integrated setting appropriate.

A student who is not disabled, but has a record of, or is regarded as, having a disability under Section 504 is protected from discrimination based on disability insofar as an alleged discriminatory action based on that history or perception. The fact that a student has a “record of” or is “regarded as” having an impairment is insufficient by itself to require accommodations.

## 504 Fact Sheet

**Section 504 is designed to eliminate discrimination against any student with a disability in any program offered by the school division.**

### **Who is Covered:**

- Any student who has, has a record of, or is regarded as having a physical or mental impairment that substantially limits one (or more) major life activity.

### **What is Required:**

- Qualifying students must have an opportunity to access all activities and programs, and cannot be denied participation because of their disability.

- Qualifying students with a disability must be offered a free appropriate public education (FAPE). FAPE is the provision of accommodations, adaptations, modifications, and/or services that provides the student equal opportunity to participate.
- Each school must provide equal opportunities to students under Section 504 to obtain the same result, to gain the same benefit, or to reach the same level of achievement. However, this does not mean that the student WILL obtain the same result, gain the same benefit, or reach the same level of achievement.

#### **Qualifying Factors:**

- The Section 504 team determines initial Section 504 qualification. Written parent consent is required for all initial 504 evaluations and for any formal assessments.
- The Section 504 team must identify the presence of a physical or mental impairment and the major life activity limited by the impairment.
- The team conducts reevaluations of a student's Section 504 eligibility at least once every three years or more frequently as circumstances warrant.
- Current illegal use of drugs or alcohol is not an impairment protected under Section 504.

#### **The Plan:**

- A knowledgeable team composed minimally of the principal or school designee and a teacher of the student develops the 504 Plan for qualified students.
- The parent is invited, but does not have to attend or approve of the plan.
- The 504 Plan should reflect the unique needs of the student and relate directly to the impairment. Only the accommodations, modifications, and/or services necessary for the student to have an equal opportunity to access programs and activities should be included.
- The Section 504 team must be at least once a year to review the 504 Plan and update as appropriate.
- The Section 504 team determines if the student no longer qualifies as a student with a disability under Section 504.

#### **Disciplinary Protections:**

- The Section 504 team must conduct a Manifestation Determination meeting following the decision to remove a student from school for more than ten days in a school year.
- If there is no causal relationship between the disability and the behavior resulting in disciplinary action, the student may be disciplined in the same manner as a nondisabled student, including expulsion from educational services.
- Causality determination is not required if the student is engaging in illegal use of drugs or alcohol and is being disciplined for the use of illegal drugs or alcohol.

#### **Procedural Safeguards:**

- Parents and qualified students are entitled to certain procedural safeguards.
- Inquiries may be directed to the 504 Coordinator
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  - (970) - 254 - 5100 ext. 14104