PARENT RESOURCE TO SECTION 504



TITLE 34 EDUCATION

SUBTITLE B REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

CHAPTER I -- OFFICE FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION

PART 104 -- NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Subpart D -- Preschool, Elementary, and Secondary Education

This resource guide highlights key requirements under the Section 504 in the public education. This guide is not a substitution or in any way, a comprehensive overview of Section 504. For more detailed information, parents may go to http://www2.ed.gov/about/offices/list/ocr/index.html or may email The Office for Civil Rights at ocr@ed.gov.

Moore Public Schools makes every possible effort to ensure every student has equal accessibility to all educational environments, general education curriculum, and appropriate accommodations to ensure educational benefit. Section 504 is one way a student with a disability may be eligible for protections and accommodations.

This guide outlines:

The meaning of "Disability" under Section 504

Definitions under Section 504

Overview of eligibility process and placement on a Section 504 Student Plan

Procedural Safeguards

Disputes Resolution

WHAT IS A DISABILITY UNDER SECTION 504?

Under Section 504, an individual with a disability (also referred to as a *student with a disability)* is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.7

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis.

> *Physical or mental impairments:* Defined under Section 504 as a physiological disorder or condition; cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; cardiovascular; reproductive; digestive; genito-urinary; hemi and lymphatic; skin; and endocrine. This definition also includes any mental or psychological disorder. This definition is not all – inclusive.

Major Bodily Functions: Functions of the bowel, bladder, brain, normal cell growth, immune and endocrine system, reproductive systems, circulatory, digestive, and neurological systems. Each student's disability must be evaluated on a case-by-case basis as to if the child's disability meets the requirement and definition of a disability under Section 504.

Major Life Activities: include certain acts a person does and a person's bodily functions such as:

Caring for oneself	Lifting
Performing manual tasks	Bending
Seeing	Speaking
Hearing	Communicating
Eating	Breathing
Sleeping	Learning
Walking	Concentrating and Thinking
Standing	Working

Mitigating measures: When determining if a student has a disability, as defined under Section 504, a school cannot consider the ameliorative effects of mitigating measures when determining how the impairment impacts their major life activities. Examples of mitigating measures are; medications, prosthetic devices; assistive technology devices; wheelchairs, scooters, walkers, canes and crutches; learned behavior; and adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment. The one exception to mitigating rule is that of ordinary eyeglasses or contact lenses. If a student's vision is corrected with ordinary eyeglasses or contact lenses, the school may consider how the eyeglasses and contact lenses help the student see when determining if the student has a disability.

Substantial Limitation: This determination must be made on a case-by-case basis and Section 504 requires that a group of knowledgeable persons convene to use current information from a variety of sources to make eligibility determinations. This group of knowledgeable persons makes up the Section 504 Committee.

Episodic impairments: If an impairment only occurs periodically or is in remission, it is a disability, if when active, it substantially limits a major life activity. The student does not have a disability, under the definition of Section 504, if the physical or mental impairment is transitory. This means that if the impairment is expected to have a duration of six months or less and is minor, this impairment is not considered a disability. However, even though the student's

temporary impairment may not require a Section 504 Plan, the school district can provide any accommodation or adaptation necessary to assist the student in accessibility of all educational benefit.

ELIGIBILITY AND PLACEMENT UNDER SECTION 504

School districts must conduct an evaluation to determine if a student's disability or impairment is covered under Section 504. The district, at no cost to parents, must evaluate the student suspected of having a disability in all specific areas of educational need in a timely manner. "*Timely manner*" is not defined under Section 504; however, under the more expansive Individuals with Disabilities Education Act (IDEA), school districts must complete evaluation and determine eligibility within 45 school days. This time frame is considered appropriate when evaluating a child for Section 504.

Section 504 requires parental consent for initial evaluations. If a parent refuses consent for an initial evaluation and the school determines or suspects that the student does, in fact, have a disability, and evaluation is necessary, the district may file due process procedures in order to override the parent's denial of consent. Section 504 urges all Committee members to seek active participation in all aspects of the eligibility to and creation of the 504 Plan.

Section 504 requires that school districts conduct periodic re-evaluations (typically every three years) to determine continued eligibility of in the case of attempting to make significant changes in the student's placement.

A Section 504 Student Plan must be reviewed annually to determine if changes are necessary to appropriate provide accommodations or adaptations for the student.

PROCEDURAL SAFEGUARDS

Under Section 504, schools must develop and implement a system of procedural safeguards to ensure students receive a free, appropriate public education (FAPE), such as identification, evaluation, and placement of students with disabilities; an opportunity for records review by parents/guardians; impartial due process hearings with opportunities for participation and representation by counsel; and a review procedure.

School districts must provide notice to parents explaining why an evaluation or placement decision is being proposed and the parent's right to review relevant records and contest any decision involving the evaluation and placement.

DISPUTE RESOLUTION UNDER SECTION 504

Conflicts between parents and school district personnel may be resolved through a due process or through the school district's established grievance procedures. Moore Public Schools grievance procedure is located at http://www.mooreschools.com/Domain/1 on the main page under the "Anti-discrimination Policy and Procedure". Formal district complaints can be filed through the district grievance procedures to the Section 504/Title II Compliance Coordinator. Contact information for the Coordinator is below:

Name and/or Title: Kim Heard

Address: 1500 S.E. 4th Street, Moore, OK. 73160

Telephone Number: 405-735-4310

Email address: kimheard@mooreschools.com

RESOURCES & REFERENCES

More information on Section 504, parents may visit The U.S. Department of Education Office for Civil Rights at www.ed.gov. Information within this Parent Guide was compiled from multiple sources, including the U.S. Department of Education OCR office's, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools,* (December, 2016.)

For technical assistance, please contact the OCR Regional office serving your state or territory by visiting: http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm or calling OCR's Customer Service Team at 1-(800)-421-3481; or emailing at ocr@ed.gov.

Parents may receive more information on Section 504 in alternate forms such as Braille or large print by making a request to the Alternate Format Center by called (202)-260-0852 or emailing om_eeos@ed.gov.

If parents need information on Section 504 in another language, other than English, request language assistance services by calling 1-(800)-USE-LEARN or email at Ed.Language.Assistance@ed.gov.