

Red Oak Independent School District

What is Section 504?

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.

Under Section 504, what is a major life activity?

- Standing
- Reading
- Concentrating
- Breathing
- Communicating
- Hearing

the list is not all inclusive...

- 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.

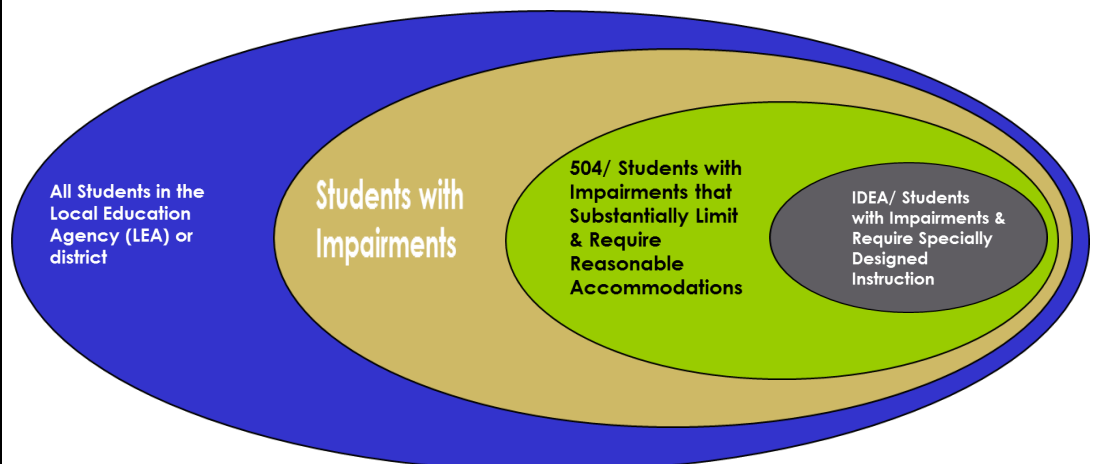


Eligibility for Section 504

A person eligible for Section 504 protections/services:

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

How Does Section 504 Fit Into Our System?



Section 504 Referral

- The process under Section 504 begins with a referral.
- The school district will take measures to identify and locate students with a disability.
- A parent or guardian may also request a 504 evaluation for student by notifying the campus administrator, counselor, or 504 coordinator. Such a request is best made in writing.

Who could I contact for additional information about Section 504?

Contact the campus 504 Coordinator at your student's school.

**You may also contact:
Executive Director of
Specialized Learning**

Shana.Owen@redoakisd.org

or

**Assistant Director
Magda.Davis@redoakisd.org**

**109 W Red Oak Rd.
Red Oak, Texas
972-617-2941**

Section 504 Questions and Answers

Q: Are all schools required to adhere to Section 504?

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

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

A: 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.

Q: Must a school district develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled"?

A: No. In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a "record of" or is "regarded as" disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE). This is consistent with the Amendments Act, in which Congress clarified that an individual who meets the definition of disability solely by virtue of being "regarded as" disabled is not entitled to reasonable accommodations or the reasonable modification of policies, practices or procedures. The phrases "has a record of disability" and "is regarded as disabled" are meant to reach the situation in which a student either does not currently have or never had a disability, but is treated by others as such. In the Amendments Act Congress clarified that an individual is not "regarded as" an individual with a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

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

A: 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.

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

A: 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.

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

A: 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.

Q: When a student exits special education should they be considered for Section 504 eligibility?

A: Yes. Section 504 eligibility is a committee decision and will depend on the unique needs of the student. Many exiting special education students will not require Section 504 accommodations or services. If the committee decides to consider Section 504 eligibility, a referral would be made to the Section 504 committee for determination.