



# Section 504 Handbook

## Introduction

This 504 Handbook is designed to provide an overview of Section 504 of the Rehabilitation Act of 1973 as it pertains to the Commerce ISD. While Section 504 defines equal access for both students and employees, this publication will focus on students. Please note that when working with disabled students, Section 504 serves the same purpose as the ADA (Americans with Disabilities Act). Consequently, this publication focuses solely on Section 504.

## What is Section 504?

Section 504 of the Rehabilitation Act of 1973 is Civil Rights legislation intended to prohibit discrimination and to protect the rights of individuals with disabilities. Section 504 states, “No otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.” Since the CISD receives federal funding, it is required to provide eligible disabled students with equal access to programs, services, and activities offered by our district. Section 504 is a civil rights statute and not a special education statute. Therefore, it is the responsibility of regular education staff and building administration to implement the practices and procedures necessary to fulfill the law. It is also important to understand that schools receive no additional funding to implement Section 504 procedures or accommodations. At each campus, the responsibility for ensuring 504 compliance rests with the principal or the principal’s designee. The district Section 504 Coordinator will work with campus staff to assure compliance with the section 504 program requirements. The campus will serve as the first contact point for Section 504 referrals. Once a referral is completed, the district 504 Coordinator will assure that all needed information, including assessment is compiled. Once this is done they will arrange for a Section 504 Committee meeting, if necessary.

## Free Appropriate Public Education (FAPE)

The Section 504 regulations require a school district to provide a “free appropriate public education” to each qualified student with a disability who is in the school’s jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual educational needs as adequately as the needs of non disabled students are met. Students qualifying and demonstrating a need for special education will be served under the district’s special education program.

## Disability under Section 504

An appropriate education for a Section 504 disabled students may require the provision of specific accommodation and/or services in order to meet the needs of the student. Section 504 focuses on non-discrimination and insuring the level of access to educational programs and services for disabled students that is equal to that given to non disabled students.

Students eligible for 504 services must meet three criteria: (1) A mental or physical impairment (2) which substantially limits (3) one or more major life activities as compared to most in the general population. It is important to understand that all three criteria must be present for a student to be eligible for a service plan under Section 504. Equally important, this disability must be why the student cannot equally access or receive benefit from the school's programs and services. Here is additional information on each of the three criteria.

### 1) Mental or physical impairment:

A mental impairment is any mental or psychological disorder such as: intellectual disability, organic brain syndrome, emotional or mental illness. A physical impairment is any 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, genitor-urinary, hemic, lymphatic, skin and endocrine. This criterion does not limit eligibility to specific diseases or conditions. The law was intentionally written to avoid limiting the range of diseases or medical conditions that might be considered for 504 eligibility. An impairment may be considered a disability even if it is controlled or managed with measures such as medication, medical devices, or other modifications. An impairment may be considered a disability even if it is intermittent, episodic, or in remission, or if the condition substantially limits a major life activity or major bodily function only when it is in an active state.

### 2) Substantially limits:

The term "substantially limits" means:

- Unable to perform a major life activity that most people in the general population can perform, or
- Significantly restricted as to the condition, manner or duration under which an individual

can perform a major life activity as compared to the condition, manner or duration under which most people in the general population can perform that same major life activity.

The basis for evaluating this criterion is the impact a disability has on one or more of a student's major life activities. It is important to understand that for a student to qualify for Section 504, the impairment must impose a considerable limitation on one or more major life activities. The eligibility team will consider the nature of the disability as well as how long the disability is expected to last. Simply having a condition or disability does not automatically qualify a student for section 504 protection. The condition must present a barrier to the student's ability to access the same educational opportunities as a non disabled student.

### 3) Major life activities:

Major life activities are considered essential to a person's daily functioning. Major life activities include such things as: seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself, and performing manual tasks. The operation of major bodily functions (*e.g.*, the functions of the immune system, normal cell growth, digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) count as major life activities. Please note that this is not an exhaustive list. Also, even if a student's impairment impacts a major life activity, they are only eligible for services under section 504 if the disability prevents them from benefiting from the school's programs and activities.

### Mitigating Measures

Schools must determine section 504 eligibility by considering the student's condition without the use of mitigating measures. Mitigating measures, including assistive devices (other than eyeglasses and contact lenses) have no bearing in determining whether a disability qualifies under the law.

### Section 504 Protection vs. Plans

A student may qualify as disabled under Section 504 but due to the status of the student's disability, they may not need a Section 504 Plan. For example, a student that has a documented disability but does not meet all of the three criteria would be protected based on their disability, but would not receive a service plan.

### Health Plans

Students who have current health plans may be considered for protection under section 504 (Child Find). All decisions for 504 placements will be considered on a case-by-case basis with respect to each individual student. If the student's health condition causes a

substantial limitation in a major life activity, they may be eligible for 504 protections. If accommodations are required, then a 504 plan will be developed to address the limitations posed by the disability. For eligible students, the 504 Plan will often refer to the health plan for accommodations

### Transitory (Temporary) Impairment

A transitory impairment does not constitute a disability for purposes of section 504 unless it is so severe that it results in a severe limitation of one or more major life activities for an extended period of time. A temporary injury or illness with duration of six months or less would not be considered an impairment that substantially limits a major life activity. The Office of Civil Rights has consistently stated that temporary, non-chronic impairments that heal normally within a few months are not commonly regarded as impairments under Section 504.

### The Process of Identification for Section 504

Parents, teachers, school nurses, counselors, or other school personnel can initiate a section 504 referral if the child is known, or thought to have, a disabling condition that substantially limits a major life activity. Due to the severity of the condition and/or the need for specialized services, a referral to special education may be more appropriate. This will be determined at the campus level through a referral to the campus RTI team, in coordination with the CISD 504 Coordinator and Special Education Coordinator.

### What is an Evaluation under Section 504?

Evaluations to determine 504 eligibility are different than evaluations required for special education services. For purposes of Section 504, evaluation means reviewing information from a variety of sources. This typically includes, but is not limited to: parent information, assessments, (including dyslexia assessments), medical records, teacher reports, report cards, discipline reports, work samples, rating scales and attendance information. The 504 Team must include individuals who are knowledgeable about the child, the type of disability, the evaluation data, and accommodations options. Teachers always play an important role in 504 decisions.

### Outside Evaluations

It is not uncommon for a school to receive a doctor's letter or an outside evaluation stating that the child has a certain disability or needs certain accommodations. While the school team always considers the recommendations of doctors or other professionals who work with the child, it remains the school's responsibility to review multiple sources of information and to fully assess all areas of suspected disability. This may be accomplished by a 504 Team. However, in some cases it may require a referral to special education.

### What is the Section 504 Eligibility Meeting?

The campus 504 contact (principal or designee) will arrange a 504 meeting. The parent is not a required member at 504 meetings, however parental input is important. Parental attendance is especially desired when discussing initial student placement into 504 services. If the parent is unable to attend the meeting, efforts will be made to obtain parental input through other means. Parent information along with evaluation data will be presented at the eligibility meeting. The team will use their collective professional judgment to determine if the student is eligible under Section 504 Guidelines.

### Section 504 Eligibility Meeting Outcomes

A student may be eligible under Section 504, which requires a written plan that clearly documents the accommodations that are designed to meet the student's needs. A student may qualify as disabled under Section 504 but due to the status of the student's disability, they may not require a Section 504 Plan. Students who fall into this category qualify for section 504 protections, such as non-discrimination, but are not provided a written plan with accommodations.

### What is a Section 504 Plan?

Students who meet the eligibility guidelines and receive services will have a written Section 504 Plan developed for use in the school. The plan will specify the nature of the impairment, the major life activity affected by the impairment, accommodations necessary to provide access based on the student's needs, and the person(s) responsible for implementing the accommodations. Each student's plan is tailored to their specific needs.

### How Are Services Determined and Documented?

Services are specific and determined on a case-by-case basis. When the eligibility team determines that a student has a disability that meets the criteria for a Section 504 Plan, the team will identify the specific accommodations or services that will provide the student the same access as their non-disabled peers. Documentation is done in a Section 504 Plan. This plan lists the accommodations or services, how they will be implemented and who is responsible. In the CISD, copies of this plan are maintained on the home campus and by the section 504 Coordinator.

## What Services are Provided under 504 and Where are They Delivered?

Implementation of most section 504 Plans occurs in the regular classroom. Usually this involves minor adjustments, such as: seating arrangements, visual aids, video recordings, colored overlays, lesson presentation, assignments, and other facets of the learning environment that provide the student with equal access to learning opportunities.

## Section 504 and STAAR Accommodations

In order for a student with disabilities, not served by special education, to receive testing accommodations, it must be documented in their 504 Plan. Students identified as dyslexic must be served under 504 to receive state testing accommodations. Accommodations must be routinely used during instruction and similar classroom assessments. In order to allow sufficient time for the testing accommodation to be routinely used, there should not be additions/changes to the testing accommodation in the Section 504 Plan thirty (30) days prior to testing unless the student's eligibility criteria has changed. If a student does not have at least 30 calendar days prior to the test date to use the accommodation, then the use of the accommodation can not be considered "routinely used" during instruction or similar classroom assignments.

## Sharing the Section 504 Plan

Each campus in CISD has a designated 504 Contact (principal or designee). The 504 contact at each school is responsible for providing the 504 Plan to each teacher and staff member as appropriate. Every teacher must follow the plan and provide the accommodations that are listed. Once the student has a 504 Plan it moves with them from year to year and from campus to campus.

## Section 504 Annual Reviews and Re-evaluation

The Section 504 Team will review active 504 Plans yearly with more frequent meetings if needed. The purpose of a yearly review is to collect information and, if necessary, modify the student's plan. If evidence suggests 504 services are no longer needed a (REED) Review of Existing Evaluation Data will be conducted. Additional evaluation will be conducted if needed. At least every three years, the 504 Team will meet to determine continued eligibility for 504 Services. The re-evaluation meeting is conducted in the same manner as the initial meeting, but the team will be reviewing evaluative data to determine continued eligibility for 504 services. Based on the review, the student may continue with the same accommodations, have their plan adjusted, or be dismissed from 504 services.