

# Flowing Wells School District

## Section 504 General Information

The Rehabilitation Act of 1973, commonly referred to as "Section 504", is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

In order to be eligible for Section 504 services, the following criteria must be met:

- 1) The student must have a mental or physical impairment that substantially limits one or more of a person's major life activities. "Major life activities" include functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. When a condition does not substantially limit a major life activity, the student does not qualify under Section 504.
- 2) The student's disability must impact his/her education, as determined by a Section 504 team.

Section 504 does not specifically define the term "substantially limits." The basis for evaluating this criterion is the impact the impairment has on one or more of a student's major life activities. The 504 team will consider the nature and severity 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 that afforded a non-disabled student.**

A determination of whether a student is substantially limited in the educational setting within the meaning of Section 504 will be based upon information from a variety of sources. Possible sources include the student's parents, the student, teachers, school nurse, principal, counselors, and the Section 504 site coordinator. To determine whether a student's mental or physical impairment "substantially limits" a major life activity, the 504 team will compare the student's academic progress to that of the "average student" of comparable age, not a student of similar intellectual potential. **A student is not "substantially limited" simply because the student is not reaching his/her potential.**

A determination of whether a student is eligible for Section 504 services will be made by a consensus of participating school staff members after consideration of all relevant data, including consideration of any and all information the parent and/or student wish to provide. If the student is found eligible for Section 504 accommodation, written documentation will be placed in the student's cumulative file. The student's eligibility and the specific plan of service (504 plan) will be reviewed annually.

A general education classroom with accommodations and/or the use of supplementary materials/equipment is the appropriate setting for students who are determined disabled under Section 504. Should the Section 504 team determine a student requires more intense services, a referral to Child Study (with written documentation that includes evidence that a Section 504 services plan has been implemented over a reasonable period of time and has not resulted in student academic progress) is appropriate.

***Please note: When a student is an intra-district transfer (elementary to elementary, elementary to junior high school or junior high school to high school), the 504 Site Coordinator at the sending school will provide a copy of the Section 504 Evaluation and a copy of the current Section 504 Accommodation Plan to the 504 Site Coordinator at the receiving school.***