

Moran ISD Section 504

What is Section 504?

The purpose of the Rehabilitation Act is to prohibit discrimination and to assure that students who are disabled, (a physical or mental impairment), have educational opportunities and benefits equal to those provided to non-disabled students.

What is the Section 504 process?

Parents or staff may refer any student for consideration to Section 504 Coordinator, Jill Bennett or Campus Principal, Jo Hise. All students with physical or mental impairment must have documented evidence by a credible source (such as a physician) except for the educational diagnosis of some learning impairments.

Parents must sign a consent and return the consent to the Section 504 Coordinator at their campus in order to have their child evaluated.

A Section 504 committee must review the data (from all relevant sources), to ensure that there is an agreed upon educational need.

Once the committee agrees that the student does have an impairment and the impairment substantially limits that child in one or more major life activities; then the committee creates an Individual Accommodation Plan that is shared with Teachers and staff for use in the general education classroom.

All students who are receiving Section 504 Accommodations are re-evaluated every three years.

For definition: Students who qualify for 504 coverage meet three criteria.

They are:

- 1) Has a physical or mental impairment that
- 2) substantially limits them
- 3) in a major life activity.

Listed below are Key Terms in reference to 504:

Disability: a physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment

Physical or Mental Impairment: 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,

including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. The ADA and Section 504 are not designed to address problems that may arise from conditions that do not amount to a physical or mental impairment.

Major Life Activity: (New categories have been added) A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The list of “major life activities” has never been exhaustive. The definition of the term has always used the phrase “include, but are not limited to...” to indicate that other activities may qualify.

Substantially Limits: Neither the ADA nor Section 504 provide a definition of this critical term. The ADA amendments simply state: “The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.” For many years the Equal Employment Opportunity Commission (EEOC) has defined “substantially limits” as follows
1) unable to perform a major life activity that the average person in the general population can perform; or 2) 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 the average person in the general population can perform that same major life activity.”

Mitigating Measures

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

- I. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- II. use of assistive technology
- III. reasonable accommodations or auxiliary aids or services; or
- IV. learned behavioral or adaptive neurological modifications.

So under the ADAA, students and employees are disabled Section 504 if they have a physical or mental impairment that WOULD substantially limit them in a major life activity IF THEY WERE NOT taking advantage of mitigating measures. The only exceptions are for ordinary eyeglasses and contact lenses.