

What is Section 504?

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funds from the U.S. Department of Education (ED). Section 504 provides: “No otherwise qualified individual with a disability in the United States . . . shall solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .”

OCR enforces Section 504 in programs and activities that receive funds from ED. Recipients of these funds include public school districts, institutions of higher education, and other state and local education agencies. The regulation implementing Section 504 in the context of educational institutions appears at 34 C.F.R. Part 104.

The Section 504 regulation requires a school district to provide a “free appropriate public education” (FAPE) to each qualified student with a disability who is in the school district’s jurisdiction, regardless of the nature or severity of the disability. FAPE consists of the provision of regular or special education and related aids and services designed to meet the student’s individual needs.

For questions contact your campus 504 Coordinator (Counselor) or the district Coordinator, Katie Allison at (979) 478-6016 or kallison@brazosisd.net

Child Find

Brazos ISD is responsible for identifying and evaluating students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

A student who may need specialized instruction or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one or more of life’s major activities; or
- Has a record of such impairment; or
- It is regarded as having such an impairment.

Students may be eligible under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities Education Act. Parents who believe that they have a child who may qualify for special services or programs under Section 504 should contact the Campus 504 Coordinator (Counselor) at the home campus. In addition, parents who believe that they have a child who may qualify for special education services or programs under the Individuals with Disabilities Education Improvement Act (IDEA) should contact the home campus office for more information.

What is an “impairment” as used in Section 504?

An impairment as used under Section 504 may include any disability, long-term illness, or various disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning, behavior or health related condition. There is no list of eligible or ineligible disabilities. However, examples include: AD/HD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s Syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, behavior disorders, and temporary disorders such as broken limbs.

What are my rights as a parent/guardian under Section 504?

As a parent or legal guardian, you have the right to:

- Receive notice regarding the identification, evaluation, and/or placement of your child;
- Examine relevant records pertaining to your child;
- File a complaint with your school district’s Section 504 Coordinator;
- Request an impartial hearing with respect to the district’s actions regarding the identification, evaluation, or placement of your child;
- File a complaint with the appropriate regional Office for Civil Rights.

What do I do if I suspect my child has a disability?

First and foremost, discuss your concerns with your child’s classroom teacher. He or she may be able to reassure you that your child is making appropriate progress. If you continue to be concerned about your child’s progress, contact your child’s campus

Counselor in writing or by phone. All referrals are processed through the campus Counselor.

Who determines whether a student is “substantially limited?”

According to the federal regulations: “...placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities” [34 C.F.R. §104.35(c)(3)]. Unlike Special Education, the federal regulations for Section 504 do not require or even mention that parents are to be a part of the decision-making committee. In Brazos ISD, parents are notified of meetings, but are not required members of the committee.

What is a major life activity?

A major life activity is an activity that is of central importance to the daily life activity of the average person in the general population. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. It also includes the operation of a major bodily function.

What is a substantial limitation?

Although not defined in the regulations, OCR has interpreted it to mean “unable to perform a major life activity that the average person in the general population can perform; or 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.”

Who is disabled under Section 504?

A qualified individual with a disability under Section 504 is an individual with an impairment that substantially limits a major life activity.

Are there any impairments that automatically qualify someone for Section 504?

No, each decision on eligibility is made on an individual basis.

My child's physician has written a note saying that my child is eligible for accommodations under Section 504. Doesn't the school district have to follow my doctor's orders?

Section 504 committees must consider information from a variety of sources, including medical information provided by a physician. However, a doctor's note alone cannot be the basis of eligibility for Section 504.

Test Accommodations for College Board and ACT Tests

Accommodations for these tests require a separate process from test accommodations which may be offered in a student's IEP or Section 504 plan within Brazos ISD. Even if your student has accommodations specified within his or her Brazos ISD- developed IEP or Section 504 plan, there is no guarantee he or she will be allowed them during the administration of the College Board and ACT tests. The allowance for test accommodation is determined solely by the College Board and ACT testing services. Families, and not Brazos ISD staff, are ultimately responsible for obtaining these accommodations. Although Brazos ISD will assist with the applications as a courtesy for all students with IEPs and 504 plans for families who timely follow the application process, families have the ability to submit their requests directly to the College Board and ACT test services. Any additional educational and neuropsychological testing needed for or requested by the College Board or ACT testing service offices is the responsibility of the family and will not be provided by Brazos ISD staff. Families will receive notification directly from the College Board or ACT testing services on the accommodations granted. It is important for families to adhere strictly to the specified or recommended timelines for submitting all requests for accommodation and to provide whatever documentation is specified. This includes making requests to the appropriate Brazos ISD staff within designated timelines as well as the timelines requested by the College Board or the ACT

test services offices. Failure to timely submit the requested information to either the testing services or Brazos ISD staff may result in your student's inability to be allowed accommodation for his or her test.

For more information on submitting accommodation requests to the College Board, please visit their website.

Will my child automatically receive accommodations on college entrance exams?

Not necessarily. Remember, you must apply through the organization that provides the testing well in advance of registration deadlines. The school counselor can assist you and your child, but you must initiate the process. In addition, testing organizations have very strict requirements regarding the diagnosis of the disability. It is not uncommon for the documentation that is required by the school for Section 504 eligibility to be different than the documentation that the testing organization requires. The school district is not required to pay for or provide this testing unless it is necessary in order to provide services in the classroom, therefore you may be required to obtain additional testing at your own expense. For specific information on the process and requirements, visit the links to the College Board website and ACT website in the "Postsecondary Resources" document located under the "Additional Resources" section of this website.

Resources:

Differences Between High School and College for Students with Disabilities:

<https://acrobat.adobe.com/link/review?uri=urn%3Aaid%3Ascds%3AUS%3Ad300a571-9146-3609-866a-175300796703>

Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools:

<https://4.files.edl.io/3a55/07/03/18/142414-39380481-648e-42fd-8389-e3d7cc4f2a2c.pdf>

TEA Resource: Section 504 (English)

<https://4.files.edl.io/3241/02/25/20/195037-b003e929-93be-4602-beb6-a391de66357a.pdf>

TEA Resource: Section 504 (Spanish)

<https://4.files.edl.io/cac3/02/25/20/195119-41a05152-ad4a-4564-b01a-eeb70cd834d8.pdf>