

### What types of accommodations will the student receive if determined eligible under Section 504?

Each student's needs are determined individually. Determination of what is appropriate is based on the nature of the disabling condition and what that student needs in order to have an equal opportunity to compete when compared to the non-disabled. There is no guarantee of A's or B's or even that the student will not fail. Students are still expected to produce. The ultimate goal of education for all students, with or without disabilities, is to give students the knowledge and compensatory skills they will need to become functional and productive citizens.

### Can students still be disciplined under Section 504?

Students under Section 504 are still expected to follow the Baldwin County Public School System's Code of Student Conduct. However, when disciplining a student under Section 504, schools must consider the relationship between the disability and the misbehavior if the student is going to be removed from the regular setting for more than 10 days. This does not mean that a student with a disability cannot be sent to an alternative placement, or that they cannot go to OCS, or be suspended from school. Your school's Section 504 Coordinator can provide more information.

### What are the rights of parents under Section 504?

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

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

#### Equal Opportunity Statement

It is the official policy of the Baldwin County Board of Education that no person shall, on the grounds of race, color, disability, sex, religion, national origin, age, or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity, or employment.



## Guide to Section 504 of the Rehabilitation Act of 1973

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## What is Section 504?

Section 504 is a federal law that protects the civil rights of persons with disabilities. The Act prohibits any organization that receives federal funds from discriminating against otherwise qualified individuals because of a disability. Section 504 requires schools to make a “reasonable accommodation” for students with disabilities to allow them to participate in school and school-related activities.

## Who is Eligible?

A student with a disability should be considered for eligibility under Section 504 if he/she:

- ✚ Has a physical or mental impairment which substantially limits one or more major life activities;
- ✚ Has a record of such an impairment; or
- ✚ Is regarded as having such an impairment.

## What is an “impairment” as used under the Section 504 definition?

An impairment as used in Section 504 may include any disability, long-term illness, or various disorders that “substantially” reduces or lessens a student’s ability to access educational opportunities in the school setting because of a learning, behavior, or health-related condition.

## What Are Major Life Activities?

Major life activities include, but are not limited to, self-care, manual tasks, walking, seeing, speaking, standing, sitting, lifting, bending, thinking, reading, learning, breathing, concentrating, interacting with others, working, etc. Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activities while they are active. Students who are currently using illegal drugs or alcohol are not covered or eligible under Section 504.

## What does “substantially limits” mean?

Substantially limits is not defined in the federal regulations; however, in a letter from the Office for Civil Rights (OCR), they state that “this is a determination to be made by each local school district and depends on the nature and severity of the person’s disabling condition.” In considering substantial limitations, students must be measured against their same age, non-disabled peers in the general population and without benefit of medication or other mitigating measures such as learned behavioral or adaptive neurological modifications, assistive technology, or accommodations.

**A diagnosis of a disability does not automatically qualify a student for eligibility under Section 504, and not all students eligible under Section 504 require accommodations.**

## The Evaluation/Eligibility Process

The teachers or parents who feel a student may meet the criteria for eligibility may request a Section 504 eligibility meeting. The team includes school staff and other specialists who will review various sources of information (e.g., report cards, teacher reports, information from parents or other agencies, state assessment scores or other school-administered tests, observations, discipline reports, attendance records, health records/medical reports, adaptive behavior information, and other data necessary to determine whether a student is eligible under Section 504.) Formalized testing is not always required; however, schools must consider a variety of information sources. A single source (such as a doctor’s report/statement) cannot be the only information considered. Schools must be able to assure that all information submitted is documented and considered. Schools may also obtain consent to conduct their own assessments.

The team must compare the student’s performance with that of the average student in the general population to determine whether the effect of the student’s impairment is so severe that, without accommodations, he/she would be denied an equal opportunity to access educational programs and activities.

## Complaint Process

When a parent/guardian disagrees with the Section 504 team’s decision regarding their child’s identification, evaluation, educational program, or placement, they have the right to challenge the decisions by filing a grievance, requesting a mediation meeting, or requesting an impartial due process hearing. A parent/guardian, or a student who is disabled, may also file a civil rights complaint with the Office for Civil Rights (OCR) if they believe they are being retaliated against because of their efforts to obtain an appropriate education for the student.

