

West Linn-Wilsonville School District
Section 504 Eligibility Quick Facts

1. What is Section 504?

- a. Section 504 of the Rehabilitation Act has been statute since 1973. It prohibits discrimination against persons with disabilities by school districts receiving federal financial assistance.

2. Which students qualify for a Section 504 plan?

- a. Any student who has a physical or mental impairment which substantially limits one or more major life activities.
 - i. Major life activities include:
 - 1. **Motor** activities such as walking, lifting, bending, standing, performing manual tasks;
 - 2. **Sensory** functions such as seeing and hearing;
 - 3. **Communication** functions such as speaking;
 - 4. **Bodily functions** such as sleeping, breathing/respiratory, digestive, bowel/bladder, neurological, endocrine, etc;
 - 5. **Other** functions of learning, working, caring for oneself, thinking, concentrating, and reading.
- b. The district must evaluate any student it knows or has reason to know, has a disabling condition and because of that condition, the student may need accommodations or related services. Accommodations are designed to provide the student an equal opportunity to participate compared to other nondisabled students.
- c. All students with a disability, a history of a disability, or regarded as having a disability are protected from discrimination.

3. Who determines if a student qualifies for a Section 504 plan?

- a. The School District determines this, through the 504 Team evaluation.
- b. The extent of the evaluation must be sufficient to accurately assess the nature and extent of the disability and recommended services. This can look very different, case by case, depending on the disability and the information at hand.
 - i. For a student with a medical statement from a doctor regarding a diagnosis of diabetes, the evaluation may consist of the school nurse meeting with the parent, speaking with the doctor, and reviewing information from classroom teacher.
 - ii. For a student with an ADHD diagnosis, the team may review academic records, behavioral and discipline data for an evaluation, or may determine that additional assessments may be necessary to determine if there is a substantial limitation to a major life activity.
- c. Information to establish the presence of a physical or mental impairment may be considered from outside evaluators under the following conditions:
 - i. Medical professionals licensed by the State Board of Medical Examiners or a Physician's Assistant or Nurse Practitioner acting within the scope of his or her license

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- ii. Mental health professionals licensed by the Board of Licensed Professional Counselors.
- iii. State Board Licensed Clinical Psychologists, Speech Language Pathologists, Occupational Therapists, Physical Therapists,
- iv. TSPC Licensed School Psychologists, Speech Language Pathologists, Occupational Therapists, Physical Therapists, or Special Education Teachers.

4. What are guiding principles around the term *substantially limits* in a school context?

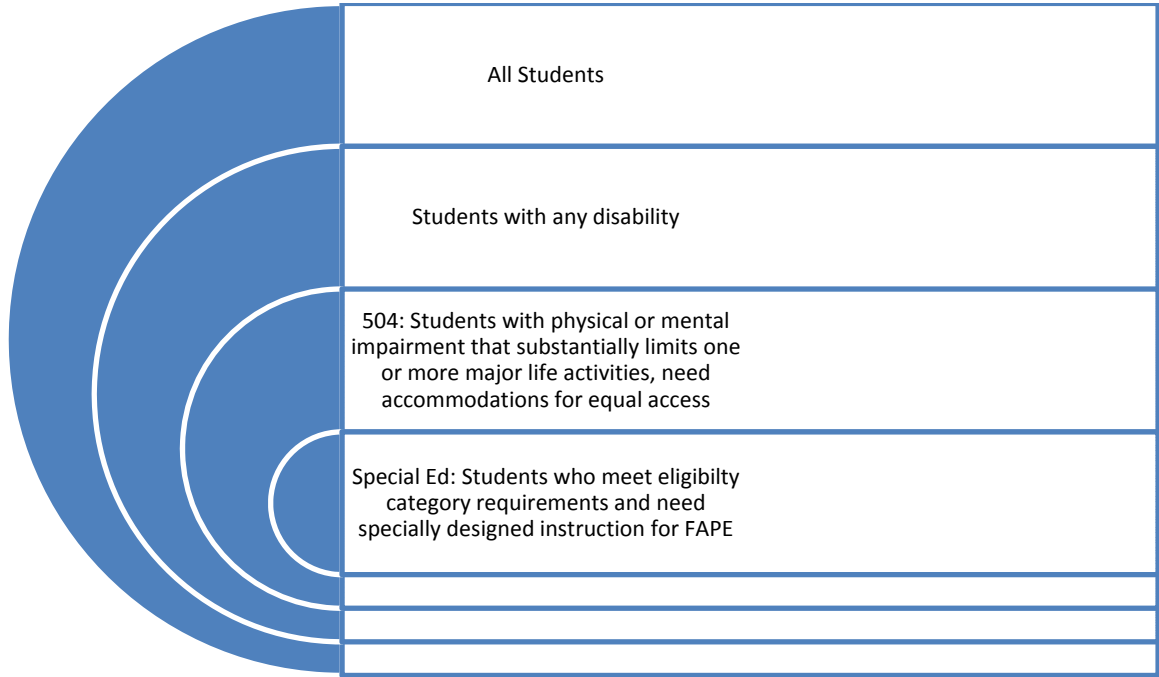
- a. The actual presence of an identified disability is not sufficient to qualify for a 504 Plan.
- b. Section 504 does not provide a specific formula or scale for measuring substantial limitation.
- c. The ADA has long defined *substantially limits* as meaning that a person is **unable** to or is **significantly restricted** as to the condition, manner, or duration under which he or she can perform the major life activity as compared to an average person.
 - i. *Average person* means average for the student's age or grade across a large population--like the state or the country.
 - ii. The comparison is **not** to the student's potential, to the student's other siblings, or to other students in the class or school.
- d. Examples
 - i. A student may be substantially limited in the area of hearing if, due to a hearing impairment, the student cannot hear instruction without amplification (*condition*).
 - ii. A student may be substantially limited in the area of reading if, due to dyslexia, the student's reading is so slow (*duration*) that the student takes twice as long to read as an average student at the student's grade level, based on national norms.
 - iii. A student may be substantially limited in the area of learning if, due to major depression, the student will no longer engage in speaking in class or learning activities as compared to national norms in the at risk or clinically significant range of the BASC (*manner*) and a significant drop in student's grades.
 - iv. A student may be substantially limited in the area of concentrating if, due to ADHD, the student's ability to attend to tasks is significantly less (*duration*) than all peers, as measured by observations and review of educational records.

5. How often does the student's re-eligibility for a 504 plan and creation of a new or updated plan need to occur?

- a. Annually, at any time throughout the year.
- b. It may need to occur sooner or at a particular time if other circumstance occur that may shift a student's needs, such as a significant change in the student's health situation.

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Different Circles of Support for Students with Disabilities



The 504 Eligibility Process

