

# Frisco ISD and Section 504

# Section 504 Numbers in FISD

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<b>School Year</b>	<b>Section 504</b>	
2009-2010	557	
2010-2011	1,041	46%
2011-2012 (Feb. 8)	1,359	30%

# Section 504

- The Rehabilitation Act of 1973, known as Section 504.
- **Civil rights law** that prohibits discrimination because of disability.
- It applies to public schools to ensure the eligible disabled students are provided with the educational benefits and opportunities equal to those provided to non-disabled students.

# Eligibility for Section 504

A person eligible for Section 504 protections/services:

- has a **physical or mental impairment** that **substantially limits** one or more **major life activity**
- has a **record of** such an impairment, or
- is **regarded as** having such an impairment.

# Changes in Section 504

- The Americans with Disabilities Act Amendments Act of 2008 (effective January 1, 2009) was passed by the **Congress amending provisions** of the ADA and the Rehabilitation Act of 1973 commonly referred to as Section 504. The ADA Amendment Act states that the term **“disability”** shall be ***construed in favor of broad coverage of individuals*** to the maximum extent permitted by the Act.

# Expanded §504 Eligibility and ADAAA

- **Reduced “substantial limitation” standard:**

Not “significant” impact on activity

Standard is met if performing the major life activity is more difficult or burdensome than for general population of that age

Congress does not want standard to be difficult to meet

# Expanded §504 Eligibility and ADAAA

- **Mitigating measures factored out of evaluation:**

Include medication, accommodations, prostheses, compensating strategies

Evaluation must be conducted as if student was not using mitigating measures

Example - ADHD student on meds must be evaluated as if in un-medicated state

# Expanded §504 Eligibility and ADAAA

- **Episodic conditions evaluated as if active:**

Conditions with variable ups and downs (e.g., seasonal asthma, ADHD, migraines)

Evaluation must be conducted as if condition was in its most active or worse state



# Expanded §504 Eligibility and ADAAA

- **Conditions in remission evaluated as if active:**

Conditions that are gone, but could return

Evaluation must be conducted as if condition was in its present, full-blown state

# Major Life Activities... Not all inclusive

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Working	Seeing	Hearing
Sleeping	Walking	Standing
Lifting	Bending	Speaking
Breathing	Learning	Reading
Concentrating	Thinking	Communicating
Neurological Function	Interacting with others	Functions of immune system
Normal cell growth	Bowel Function	Bladder Function
Brain Function	Respiratory Function	Circulatory Function
Endocrine Function	Digestive Function	Caring for one's self

# §504 Evaluation

- **Data gathering process**

Parent input and/or outside evaluation

Teacher input/observations

Test data (TAKS/STAAR, past sped eval)

ADHD checklist-type

Dyslexia testing

School-based data sources

**Key: Use of *various* sources of data**

# §504 Committee

- Responsible for decisions involving identification, evaluation, placement, and provision of a FAPE under §504
- Meaning, eligibility decisions, 504 plans, reviews, revisions of plans, addressing lack of progress
- Committee must include persons with knowledge about child, evaluation data, and placement options (i.e., available accommodations/services)
- Parents not required, but are invited
- *Committees may also include the nurse, LSSP, dyslexia therapist, or any other staff member necessary to address the student's needs*

# Factors Attributing to Growing Numbers

- New 504 Regulations – expansion of major life activities, mitigating measures, episodic conditions, conditions in remission
- Dyslexia – all dyslexia referrals are conducted through 504
- Child Find
- SST process
- Parent referrals