

What are the evaluation procedures?

Any individual can refer a student for a Section 504 evaluation. The student's counselor should be contacted so that a referral can be made to begin the process.

**It should be noted that the process can be started at any point in the school year.*

In order to determine whether a student is eligible for accommodations/modifications/specially designed instruction/related services under Section 504, the school district must conduct an evaluation. The scope of the evaluation will be determined by individuals such as teachers, guidance counselors, school psychologists and the student's parent. An initial evaluation cannot be conducted without written consent from the student's parent. In the event that a parent refuses to consent to an evaluation, the evaluation will not be conducted.

How is the 504 plan developed?

If the team determines that the student does not have a substantial limitation of a major life activity, no further action is taken (although the student could receive assistance through the intervention assistance team). If the team determines that there is a substantial limitation of a major life activity, in other words, that the student is eligible under Section 504, a Section 504 Plan may be developed. (*A child may be eligible but a 504 plan may not be needed for them to take part in and receive benefit from public education programs.)

If a plan is needed, the Section 504 Plan will list the accommodations the student will receive and which staff members from the district will be responsible for providing the accommodations.

What if there is a disagreement?

If the members of the team from the district and the student's parents do not agree about either the student's eligibility under Section 504 or with the accommodations included in the Section 504 plan, the district will provide the parent with written notice that documents the disagreement. The district will also provide information on the procedural safeguards available to the parent/student. The parent will then decide whether he/she wishes to challenge the district's decision using the available procedural safeguards (i.e., due process complaint, OCR complaint, etc.).

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*Jackson
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Section 504



**Parent/Child
Rights and
Procedural
Safeguards**

How does section 504 define “handicap”?

A person is considered “handicapped” if he/she has a physical or mental impairment which substantially limits one or more major life activities.

Physical or mental impairments may include, but are not limited to: hearing impairments, visual impairment, orthopedic impairment, epilepsy, diabetes, chronic asthma, severe allergies, and attention deficit disorder.

What is a major life activity?

Major life activities include such things as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, communicating, and working.

Major life activities also include the operation of major bodily functions, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, brain, respiratory, circulatory, endocrine, and reproductive functions.

What is section 504?

Section 504 is the section of the Rehabilitation Act of 1973, Public Law (P.L.) 93-112, which applies to persons with disabilities. It is a civil rights law that is designed to provide equal access to the school environment for individuals with disabilities. Section 504 prohibits organizations which receive federal funds from discriminating against otherwise qualified individuals solely on the basis of disability.

Section 504 requires schools to provide children with disabilities a free appropriate public education by providing reasonable accommodations giving them with access to the district’s programs and services in the same manner as their non-disabled peers. Section 504 is enforced by the U.S. Department of Education, Office for Civil Rights (OCR).

What does “Substantially Limit” Mean?

The decision whether a condition creates a substantial limitation is made on a case-by-case basis by a team of knowledgeable individuals, including the student’s parents. The team determines if the student is unable to perform a major life activity that a similar student of approximately the same age can perform, or that the student is significantly restricted as to the condition, manner or duration under which a particular major life activity is performed as compared to a similar student of approximately the same age.

What does “reasonable accommodation” mean?

School districts that receive federal funds must make reasonable accommodations that allow an otherwise qualified person to access the school district’s programs. Accommodations are determined on a case-by-case basis depending on the individual’s needs. Accommodations must be necessary in order to allow a disabled individual to access the district’s programs in the same manner as a non-disabled individual.