

## What is a Section 504 Plan?

A Section 504 Plan is a legally binding document. It is designed to assist an eligible student by setting out the services the student will need in order to participate in the regular or general education program as adequately as her non-disabled peers.

## What are accommodations/services?

Depending on the nature of the disability, a student covered by Section 504 might need accommodations in order to have access to, or participate in, general education programs to the same extent as they are offered to students without disabilities. Examples are oral administration of assessments for students with dyslexia, or increased access to the nurse for a student with diabetes. Some accommodations are permitted on state assessments as well in the classroom. If a student requires a modified or reduced curriculum, or other specialized instruction considered by the district to be special education, then the student will be served under a special education Individual Education Plan (IEP).

## Can the Section 504 Committee ensure accommodations to ACT/SAT/AP Exams?

No. If a student's Section 504 Plan lists testing accommodations as part of the general education instructional program, parents/guardians may request that a school release information to the testing program that governs the ACT/SAT/AP or other such exam. The testing organization will make an independent determination of whether modifications to college entrance/credit exams will be allowed. If there is a requirement for assessment data, it is the responsibility of parents/guardians to obtain that data. Humble ISD holds no responsibility to provide assessments in order for students to apply for accommodations on tests administered by other entities. Accommodation can be utilized for general education tests, the STAAR and EOC exams.

## Can a student be exited from Section 504?

Yes, with notice to the student's parents/guardians of the change in eligibility status and the procedural safeguards. As with the initial eligibility determination, this is a collaborative effort between school staff and parents/guardians.

## What are procedural safeguards?

In Humble ISD, parents/guardians and students age 18 and older have the right to:

- Notice of proposed actions related to eligibility and/or a plan or program;
- Consent to the initial assessment and initial placement of their child;
- Have an assessment that considers information from a variety of sources;
- Have a committee knowledgeable about their child, the nature of the suspected disability, and assessment procedures that determine eligibility;
- Examine all relevant records of their child, challenge that information and consent to the release of information;
- Periodic reassessments, including a reassessment before any significant change of placement;
- Have their child educated in the least restrictive environment;
- Appeal a decision to the District Section 504 coordinator;
- Request an impartial hearing over disagreements and be represented by counsel in the hearing;
- Appeal the impartial hearing officer's decision to court;
- File a complaint with the Office for Civil Rights; and,
- A manifestation determination subsequent to any disciplinary action that results in a change of placement.

## Questions, Comments, or Concerns?

**Step 1: School Level**  
Principal or designee  
For specific school  
Information, visit  
<http://www.humbleisd.net>  
Or call (281) 641-1000

**Step 2: District Level**  
Section 504 Coordinator  
Rick Meyer  
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4810 Magnolia Cove Dr.  
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For more information regarding Section 504 visit:  
<http://www.humbleisd.net/domain/8017>



**Humble**  
Independent School District

# Section 504

# Questions, Answers, & Rights

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## What is Section 504?

Section 504 of the Rehabilitation Act of 1973, and the subsequent Americans with Disabilities Amendments Act of 2008 is intended to prevent intentional or unintentional discrimination against persons with disabilities. In essence, Section 504 was enacted to eliminate impediments to full participation by persons with disabilities.

This legislation protects the civil rights of people with disabilities, i.e., physical or mental impairments that substantially limit one or more major life activities. It prohibits organizations that receive federal funds from discriminating against otherwise qualified individuals on the sole basis of a disability.

Section 504 of the Rehabilitation Act of 1973 is enforced under guidelines provided by the U.S. Department of Education, Office for Civil Rights (OCR).

## What is an impairment?

- Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, & endocrine; or
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, attention deficit disorder, or specific learning disability.

## How does Section 504 Define “disability”?

Under Section 504, a person is considered a person with a disability if they meet one or more of the following criteria:

- Have a physical or mental impairment, which substantially limits one or more major life activities,
- Have a record of such and impairment, or
- Are regarded as having such impairment

The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list. Additionally, determination in favor of a disability should not demand extensive analysis.

## When does a student qualify under Section 504?

The determination of whether a particular impairment qualifies for Section 504 protections can be complex and must be made on a case-by-case basis. In all cases, however, there must be a physical or mental impairment that substantially limits a major life activity. The Section 504 Committee reviews each student’s individual information to determine whether there is a physical or mental impairment that substantially limits a major life activity. The committee considers the nature and severity of the impairment, its duration or expected duration, and the long-term impact of the impairment on the student’s opportunity to access and benefit from programs and activities offered by Humble ISD. If a student is eligible for, and receives special education services, the student is likewise eligible under Section 504; however, all decisions re: placement options will be discussed in ARD.

## Does Humble ISD consider private evaluations submitted by parents?

Yes. All information provided by parents/guardians will be considered along with a variety of other sources of data. The information provided will be reviewed by the appropriately qualified school staff who will assist the committee in determining what additional information, if any, is needed. Determinations of eligibility, accommodations, and services are made by the 504 committee.

## What is a Section 504 Committee?

When a student is referred under Section 504, the school will request parent consent to evaluate the child. A committee of persons who are knowledgeable about the student, who have expertise interpreting data, and are knowledgeable about placement options will evaluate findings and make decisions particular to that individual student. The committee may consist of a campus administrator, counselor, general education teacher, specialist, or other personnel deemed appropriate by the administrator. Parents will be informed of meeting dates and may participate, though they are not required to do so. If a student qualifies under Section 504, the committee will meet annually to review or re-evaluate the student as needed. Parents are provided with notice of the results of each of these meetings.

## Does qualification for Section 504 require an evaluation?

Yes. However, “evaluation” does not necessarily mean a formal “test”. Under Section 504, an evaluation is a collection of data and/or information from a variety of sources that is used by the Section 504 committee to determine eligibility & placement decisions. Depending on the type of suspected disability, common sources of evaluation data include grades, attendance records, health information, standardized test scores, teacher comments, observations, parental and student input, previous eligibility components, medical reports, disciplinary referrals, etc. If the committee determines that individually administered, formal testing is necessary, parental consent is required prior to administering such tests to the student. Testing should be specific to the concern; thus, in many cases, a Section 504 formal evaluation is narrower in scope than an IDEA (special education) assessment.

## What are “major life activities”?

Section 504 considers an individual’s impairments in term of how impactful they are on major life activities. Examples include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentration, thinking, communicating, or working. Activities regarding normal cell growth, bladder and bowel function, and functions relating to the reproductive, neurological, circulatory and respiratory systems are also considered major life activities under Section 504. This list is not exhaustive of all life activities that may be considered under Section 504.

## What is a “substantial limitation”?

Neither Section 504 nor its regulations define the term “substantial limitation.” The ADA Amendments Act of 2008 clarifies that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis.

## What if a Section 504 Committee consensus can’t be reached?

While every effort will be made to reach a decision, based on the data, and in the best interest of the student, there are times in which a whole committee consensus can’t be reached. In this situation the campus 504 coordinator will consider all input to make the determinations regarding qualification and 504 Plans. Parents may revoke consent to provision of the 504 Plan by providing notice in writing to the campus 504 Coordinator.