

Section 504 of the Rehabilitation Act Eligibility Determination

District _____ School: _____
 Student's Name: _____ DOB: _____
 Date Plan Completed: _____

Section 504 Committee members must be collectively knowledgeable about (1) the student; (2) the meaning of the evaluation data; and (3) the placement options.

Name	Title

CHILD FIND DETERMINATION

___ YES ___ NO. Does the Committee suspect the student has a disability under either Section 504 or the Individuals with Disabilities Education Act (IDEA)? *If "no," then refer the student to the Student Support Team (SST) to address the student's non-disability-related needs.*

___ YES ___ NO. If the student is found to have a disability, does the Committee suspect that the student will need specially designed instruction by reason of the student's disability? *If "yes," IDEA's Child Find provisions are triggered and the 504 Committee must refer the child for a full and individual evaluation to determine eligibility under the IDEA. No further action by the Section 504 Committee is needed unless the student does not qualify for services under the IDEA and a Section 504 disability is still suspected.*

*"Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of **instruction** —*

- (i) To address the unique needs of the child that result from the child's disability; and

(ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.” 34 C.F.R. §300.39(b)(3) (emphasis added).

SECTION 504 DISABILITY

DISABILITY- The term “disability” under Section 504 of the Rehabilitation Act “means, with respect to an individual—

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment....”

1. Does the student have a PHYSICAL or MENTAL IMPAIRMENT limiting a MAJOR LIFE ACTIVITY to some degree? ____Yes ____No

If “no,” then refer the student to the Student Assistance Team (SAT) to address the student’s non-disability-related needs. If “YES” specify the impairment

2. What MAJOR LIFE ACTIVITIES are limited by the student’s PHYSICAL OR MENTAL IMPAIRMENT?

Check all applicable activities:

- | | | |
|--|---|-------------------------------------|
| <input type="checkbox"/> Learning | <input type="checkbox"/> Seeing | <input type="checkbox"/> Sleeping |
| <input type="checkbox"/> Reading | <input type="checkbox"/> Hearing | <input type="checkbox"/> Standing |
| <input type="checkbox"/> Concentrating | <input type="checkbox"/> Walking | <input type="checkbox"/> Lifting |
| <input type="checkbox"/> Thinking | <input type="checkbox"/> Eating | <input type="checkbox"/> Bending |
| <input type="checkbox"/> Communicating | <input type="checkbox"/> Breathing | <input type="checkbox"/> Performing |
| <input type="checkbox"/> Speaking | <input type="checkbox"/> Caring for oneself | <input type="checkbox"/> Working |
| <input type="checkbox"/> Manual Tasks | <input type="checkbox"/> Other _____ | |

3. DEGREE OF LIMITATION: Consider the student’s performance of the MAJOR LIFE ACTIVITY in comparison with the average person of the same age in the general population of the United States, **disregarding mitigating measures** utilized by the student except ordinary eye glasses and contact lenses.

“An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.” 42 U.S.C. §12102.

Disregarding Mitigating Measures When Determining Eligibility under Section 504

“(i) The determination of whether an impairment substantially limits a major life

activity shall be made without regard to the ameliorative effects of mitigating measures such as—

- (I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- (II) use of assistive technology;
- (III) reasonable accommodations or auxiliary aids or services; or
- (IV) learned behavioral or adaptive neurological modifications.

“(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

“(iii) As used in this subparagraph—

- (I) the term ‘ordinary eyeglasses or contact lenses’ means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
- (II) the term ‘low-vision devices’ means devices that magnify, enhance, or otherwise augment a visual image.” 42 U.S.C. 12102(4)(E).

The MAJOR LIFE ACTIVITY of : _____ is limited by the student’s physical or mental impairment as follows:

DEGREE OF LIMITATION:			Specific Information that Justifies the Rating (if impairment is episodic or in remission, provide an active and inactive rating):
3		Substantially	
2		Moderately	
1		Mildly	
0		Negligibly	

Duplicate as needed, for each major life activity checked in #2 above.

The MAJOR LIFE ACTIVITY of :_____ is limited by the student's physical or mental impairment as follows:			
DEGREE OF LIMITATION:		Specific Information that Justifies the Rating (if impairment is episodic or in remission, provide an active and inactive rating):	
3		Substantially	
2		Moderately	
1		Mildly	
0		Negligibly	

Duplicate as needed, for each major life activity checked in #2 above.

The MAJOR LIFE ACTIVITY of :_____ is limited by the student's physical or mental impairment as follows:			
DEGREE OF LIMITATION:		Specific Information that Justifies the Rating (if impairment is episodic or in remission, provide an active and inactive rating):	
3		Substantially	
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The MAJOR LIFE ACTIVITY of :_____ is limited by the student's physical or mental impairment as follows:			
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3		Substantially	
2		Moderately	
1		Mildly	
0		Negligibly	

Duplicate as needed, for each major life activity checked in #2 above.

SECTION 504 ELIGIBILITY DETERMINATION Based on Existing Impairment

YES NO The Committee has determined that the student presently has a physical or mental impairment that **substantially limits** the student in the following major life activities:

If "YES," the student is a student with a disability under Section 504 and is eligible to receive reasonable accommodations and/or reasonable modifications. Proceed to number 4 below to determine nature of the disability.

If "NO," then proceed to SECTION 504 ELIGIBILITY DETERMINATION Based on Record of an Impairment

4. NATURE OF DISABILITY. The student's disability is:
- in remission
 - episodic
 - active

IF IN REMISSION, develop an Accommodation Plan to monitor the student.

IF EPISODIC, develop an Accommodation Plan to monitor the student and accommodate the student when active.

IF ACTIVE, develop an Accommodation Plan to address the student's ongoing needs.

SECTION 504 ELIGIBILITY DETERMINATION Based on a Record of an Impairment

YES NO The Committee has determined that the student has a **record of having** a physical or mental impairment that substantially limited the student in the following major life activities:

If "YES," the student is a student with a disability under Section 504 and may not be subjected to discrimination based on his/her record. If the student was recently exited from IDEA or Section 504 services, develop an Accommodation Plan to address any transition needs the student may have as necessary to ensure nondiscrimination.

If "NO," then proceed to SECTION 504 ELIGIBILITY Due to Being Regarded as Having an Impairment.

SECTION 504 ELIGIBILITY Based on Being Regarded as Having an Impairment

Negative reactions of others to a perceived disability can impair a student to a substantial degree even though the student's physical or mental capabilities are not diminished. Section 504 protects students from being denied educational opportunities because of prejudiced attitudes or the ignorance of others regarding disabilities. The district assures that students will not be subjected to discrimination based on the perception of a disability. Any concerns regarding discrimination should be directed to the district's Section 504 Coordinator. However, the district need not provide reasonable accommodations or reasonable modifications to a student who meets the Section 504 definition of disabled solely because of being REGARDED as having a physical or mental impairment that substantially limits a major life activity.