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# What should I do if I suspect my child has a disability?

Anyone may refer a child for evaluation. However, the school district must also suspect that the child is in need of services (*OCR Memorandum*, April 29, 1993) to conduct a Section 504 evaluation.

In Pearland ISD, each campus has an RtI team which will meet and discuss the concerns. The RtI committee is comprised of regular education teachers, an administrator, counselors, and specialists as needed. The committee will review information about the student (teacher observations, grades, attendance, STAAR scores, discipline records, medical reports, etc.) and may make recommendations for intervention in the classroom. Depending on the outcome of these interventions, the committee may recommend continuation of these interventions or further evaluation under Section 504 or Special Education.

Students who are determined to be eligible to receive protection under Section 504 may receive accommodations that are necessary on a frequent and consistent basis in order to receive a free and appropriate education.

Your permission is required prior to an initial referral to Section 504 and prior to initial placement under Section 504.

## Additional Resources

### WEBSITES:

#### ACT Services for Students with disabilities

<http://www.act.org/aap/disab/index.html>

#### ADAAA:

[www2.ed.gov/policy/rights/guid/ocr/disability.html](http://www2.ed.gov/policy/rights/guid/ocr/disability.html)

#### College Board (PSAT, SAT, AP exams) Students with Disabilities

<http://www.collegboard.com/ssd/student/index.html>

#### Life Success for Children with Disabilities

<http://www.ldsucceess.org/index.html>

#### National Center for Learning Disabilities

<http://www.nclld.org>

#### Office for Civil Rights

<http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html>

### BOOKS:

Ashley, S. (2005). *The ADD & ADHD Answer Book*.

Barkley, R. A. (2005). *Taking Charge of ADHD*.

Moats, L. Dakin, K. (2008). *Basic Facts About Dyslexia*.

Rief, S. (1998). *The ADD/ADHD Checklist, An Easy Reference for Parents & Teachers*. San Francisco: Josey-Bass.

Shaywitz, S. (2003). *Overcoming Dyslexia*.

*The purpose of this brochure is to provide general information regarding Section 504. Please contact either the campus or district Section 504 Coordinator for more information.*



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# Information Regarding Section 504 of the Rehabilitation Act of 1973

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## What is Section 504?

Part of the Rehabilitation Act of 1973, Section 504 is a civil rights law to protect disabled individuals from discrimination.

Section 504 states:

“No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance . . .” [29 U.S.C.§794(a), 34 C.F.R. §104.4(a)].

## Who is an Eligible Person under Section 504?

As defined by federal law: “An individual with a disability means any person who:

- i. Has a mental or physical impairment which substantially limits one or more life activity,
- ii. Has a record of such an impairment,
- iii. Is regarded as having such an impairment.”

The Office for Civil Rights (OCR) has clarified that it is rare for a public school student to be eligible under ii and iii. These clauses protect individuals in response to a discriminatory action.

## What is an “Impairment” as used in Section 504?

An impairment as used under Section 504 may include any disability, long-term illness, or disorder that “substantially” reduces or lessens a student’s ability to access learning in the educational setting because of a learning, behavior or health-related condition. There is no list of eligible or ineligible disabilities. However, examples include: ADHD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette’s Syndrome, digestive disorders, depression, HIV/AIDS and behavior disorders. Temporary disorders (duration of less than six months) are not considered disabilities under Section 504.

## What is Substantial Limitation?

Although not defined in the federal regulations, the OCR has stated, “[substantial limitation] is a determination to be made by each school district and depends on the nature and severity of the person’s disabling condition.” Additional guidance from Americans with Disabilities Act (ADA) states: “restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity when compared to the condition, manner, or duration under which the average person in the general population can perform the same major life activity.”

## What is a Major Life Activity?

Major life activities are “those basic activities that the average person in the general population can perform with little or no difficulty.” Examples of major life activities are caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, speaking, learning, reading, and major bodily functions.

## What are my rights as a parent under Section 504?

As a parent or legal guardian, you have the right to:

1. Receive notice regarding the identification, evaluation, and/or placement of your child;
  2. Examine relevant records pertaining to your child;
  3. File a complaint with your school district Section 504 Coordinator;
  4. Request an impartial hearing with respect to the district’s actions regarding the identification, evaluation, or placement of your child;
  5. File a complaint with the appropriate regional Office for Civil Rights.
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