

# Santa Maria Joint Union High School District

## SECTION 504 and Students with Disabilities

### Section 504

*"No otherwise qualified individual with a disability...shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

### **SECTION 504 OF THE REHABILITATION ACT OF 1973 IS A FEDERAL CIVIL RIGHTS LAW THAT:**

- prohibits discrimination/harassment against individuals with mental or physical disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education.
- requires that students with disabilities be provide free appropriate public education.

### **WHAT IS DISABILITY-BASED DISCRIMINATION/HARASSMENT?**

Disability-based discrimination/harassment is intimidation or abusive behavior toward a student based on disability that interferes with or denies a student participation in or receipt of benefits, services, or opportunities in District programs and activities.

### **HOW DOES SECTION 504 APPLY TO STUDENTS WITH DISABILITIES?**

Under Section 504, a plan may be developed to assist those students with disabilities who do not qualify for special education services but who may need accommodations that can be provided to them within the general education program.

### **HOW DOES SECTION 504 DEFINE "DISABILITY?"**

A student is considered to have a disability if he/she has a physical or mental impairment that substantially limits one of more major life activities.

### **WHAT IS A "SUBSTANTIAL LIMITATION?"**

A student is considered to have a substantial limitation when the student is "unable to perform a major life activity that the average student in the general population can perform." The impairment must be somewhat unique when compared to the average student of approximately the same age.

### **WHAT ARE "MAJOR LIFE ACTIVITIES?"**

Major life activities may include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

### **HOW IS A STUDENT EVALUATED UNDER SECTION 504?**

A school team will conduct a Section 504 evaluation for a student who, because of a disability, may need accommodations in the general education program. The team will:

- (1) be knowledgeable about the student.
- (2) evaluate the nature of the student's disability and the impact of the disability upon the student's education.

(3) consider all available relevant information about the student drawn from a variety of sources; and

(4) develop a Section 504 Plan if the student meets the criteria and accommodations are needed.

**SOME EXAMPLES OF ASSISTANCE THAT CAN BE PROVIDED IN A SECTION 504 PLAN ARE:**

- Changing the way tests are given
- Seating the student in the front of the class
- Developing a behavior support plan
- Using additional study aids

**SECTION 504 PARENT/GUARDIAN PROCEDURAL SAFEGUARDS INCLUDES:**

- written notification of any decisions concerning the identification, evaluation, and/or accommodation of students.
- information needed to appeal any such decisions; and
- examination of relevant records.

**SECTION 504 COMPLAINT PROCESS**

Written Section 504 complaints that involve the following may be taken to the school site administrator:

- disagreements with decisions or actions taken or not taken in regard to a student's Section 504 evaluation or plan
- discrimination/harassment that is based on a student's actual or perceived disability

Please note that discrimination/ harassment complaints must be filed within six (6) months from the date that the last incident(s) occurred or from the date the complainant first obtained knowledge of the facts of the alleged discrimination.

Local school site resolutions are encouraged. However, if the complaint cannot be resolved, a written complaint may be filed with the Education Service Center Section 504 Designee.

**WHERE CAN I OBTAIN FURTHER INFORMATION OR ASSISTANCE?**

At your school site/or District Office, ask to speak to the Section 504 Designee.

To contact the District Office, you may call or visit us at:

Santa Maria Joint Union High School District  
2560 Skyway Dr.  
Santa Maria, CA 93455

Telephone:(805) 922-4573

Fax No: (805)928-9916

**Website:** [Santa Maria Joint Union High School District \(smjuhsd.k12.ca.us\)](http://smjuhsd.k12.ca.us)