

What is Section 504?

The Rehabilitation Act of 1973 as amended through P.L. 114-95 and enacted on December 10, 2015, was created to establish special responsibilities for the Secretary of Education for coordination of all activities with respect to individuals with disabilities within and across programs administered by the federal government. This act was our country's first civil rights law for people with disabilities.

Section 504 of the Rehabilitation Act of 1973 as amended (Section 504) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education. Section 504 states, "No otherwise qualified individual with a disability in the United States . . . 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 financial assistance" 34 C.F.R. 104.4

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

What is the meaning of a disability under Section 504?

An individual with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as 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; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities include certain acts a person does, such as hearing, speaking, reading, and a person's bodily functions. A student between the ages of 3 and 21 whose disability substantially limits a major life activity may qualify for services under Section 504. It must be determined that an educational need exists because of the student's disability.

Major life activities under Section 504 includes, but is not limited to:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working

Major bodily functions are also major life activities under the law, and these major bodily functions include functions of the bowel, bladder, and brain; normal cell growth; and the immune, endocrine (for example, thyroid, pituitary, and pancreas), respiratory, reproductive, circulatory, digestive, and neurological systems.

Under Section 504, school districts have the responsibility to identify, evaluate, and to afford access to appropriate educational services and procedural safeguards for these individuals.

Inquiries regarding services for students under Section 504 should be made to the campus counselor. The campus counselor is designated under district guidelines as the campus 504 coordinator.

What services are available for students with disabilities under Section 504?

Section 504 requires districts to provide students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met.

Operational Guidelines for Section 504

1. Child Find. As part of the on-going identification and referral process, the district will make reasonable efforts to identify and locate every qualified disabled student residing within the district who is not receiving a public education. The district shall inform the Parents or Guardians of these potentially eligible students (who may be attending private or homeschools) of the district's duties under Section 504. As part of the Child Find effort the district shall annually publish the Child Find Notice in local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by parents of eligible students (such as supermarkets, pediatrician's offices, etc.). Additionally, every teacher within the district should have information regarding the district's overall early intervention process, understand how to initiate a Section 504 Referral, and know how to identify students who should be referred.

2. Referral. The district shall refer for an evaluation of any student who, "because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement." 34 CFR §104.35(a). Students with physical or mental impairments whose needs are addressed through early intervention, Rtl, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs. The Parent may also initiate a Section 504 referral. The District acknowledges and respects the parent's right to request a special education or 504 evaluation for their child at any time.

3. Consent for Evaluation. If a Section 504 Evaluation is necessary, the District or Campus Coordinator should send the Parent the Notice of Parent Rights under Section 504 [hereinafter, "Parent Rights"], together with a Notice and Consent for Initial Evaluation under Section 504 form [hereinafter, "Notice and Consent"]. If no parental consent is received for a Section 504 Evaluation, the Coordinator should remind the Parent every semester of the district's continued desire to conduct an Evaluation under Section 504.

4. Evaluation. When the consent is received from the parent, the District or Campus Coordinator should:

- a. Gather evaluation data and coordinate/direct the completion of the various input documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the student's activities/behaviors at home, and any other data the parent would like the Committee to consider. Should current special education data exist (an evaluation upon which a student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered.
- b. Ensure that should formalized testing be considered by the Section 504 Committee as evaluation data, the tests:
 - 1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;
 - 2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;

3) Are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the tests results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

c. Determine who will be in the group of knowledgeable people [hereinafter, the "Section 504 Committee" or "Committee"] (including persons with knowledge of the Child, the meaning of the evaluation data and the placement options).

d. Schedule a Section 504 Evaluation by the Committee.

e. Give the Parents written notice of the time and place of the evaluation meeting.

At the Section 504 Evaluation, the Committee will:

a. Draw upon information from a variety of sources, including, but not limited to, efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;

b. Ensure that all information reviewed in the evaluation is documented and carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measures, recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation.

c. If the Student is determined to be eligible [hereinafter, "eligible student"] and is determined to need accommodations, aids or services from the school, the Committee completes the Section 504 Student Services Plan to develop appropriate services and accommodations.

d. Should the Parent refuse consent to the initial provision of Section 504 services by completing, signing, and returning the Committee Members signature page to the District or Campus Section 504 Coordinator, the Services Plan should be appropriately annotated with the Parent's refusal to consent. Section 504 services detailed on the Services Plan will not be provided to the Student, but the completed Plan will serve as documentation of the District's offer of FAPE to the Student.

At the conclusion of the Evaluation/Placement meeting, the Coordinator provides to the parent copies of the completed 504 Plan (if eligible), and the Refusal of Consent Form (if appropriate).

5. Records. Section 504 records, including any evaluation data, shall be kept as part of the Student's cumulative folder. The district will maintain the confidentiality of Section 504 records as required by the Family Educational Rights and Privacy Act (FERPA).

6. Free Appropriate Public Education (FAPE). No eligible Student may be excluded by the District from receiving a public elementary or secondary education. When considering the educational placement for eligible students, the Committee will ensure that the services provided are:

a. **Appropriate.** The Section 504 services are designed to meet the individual needs of the eligible Student as adequately as the needs of nondisabled students and are based upon adherence to the regulatory procedures relating to educational setting, evaluation and placement, and procedural safeguards. The Committee may place an eligible Student in a program that Abilene ISD does not operate in order to satisfy this requirement, but in so doing, Abilene ISD remains responsible for ensuring that the requirements of Section 504 are met.

b. **Free.** An eligible Student's educational program provided under Section 504 is provided without cost to the Parent of the eligible Student, regardless of where those services are provided or by whom. When the District has made available a FAPE as required by Section 504, and the eligible Student or his or her Parents or Guardians choose to place

the student in a private school, the district is not required to pay for the eligible Student's education in the private school.

7. Parental Rights to Refuse Consent & Revoke Consent for Section 504 Services. Abilene ISD recognizes the Parent's right to refuse consent for initial Section 504 Services as well as to revoke consent for continued Section 504 Services at any time. The Parent may exercise the right to refuse consent or revoke consent by completing, signing, and returning a written refusal or revocation to the District or Campus Section 504 Coordinator. Following either a refusal to consent or revocation of consent, the Parent may consent to Section 504 Services at any time (as long as the student remains eligible for Section 504 Services) by contacting the District or Campus Section 504 Coordinator to schedule a Section 504 meeting.

8. Least Restrictive Environment (LRE). The Committee shall create a placement for the eligible Student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible Student. The Committee will presume that the regular classroom is the appropriate placement, unless it is demonstrated that the eligible Student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Should the student require additional placement, a referral will be made to the Special Education department.

9. Non-Academic Services & Extracurricular Activities. Abilene ISD shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment) are provided so that:

- a. Eligible Students are afforded an equal opportunity to participate in such service and activities.
- b. Eligible Students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible Student.

10. Implementation of the Section 504 Services Plan. The District or Campus Section 504 Coordinator should ensure that the Student's Services Plan is delivered to each teacher and the appropriate campus administration. The District or Campus Coordinator and appropriate administrators should accomplish monitoring of the Services Plan implementation through parent input, the teacher appraisal process, walkthroughs, and informal checks of the student's academic, behavioral, and social progress.

11. Re-Evaluation. The 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Services Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Services Plan yearly. If the Committee determines there are no significant changes in the student's impairments or the student's need for accommodations and services, it may complete the periodic re-evaluation form, as these screening answers have confirmed continued Section 504 eligibility and need for services. Should the Committee, following its completion of the screening questions determine that there are significant changes to the student's impairments or need for services, it should conduct the periodic re-evaluation of these changes.

Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE. It is also the District's practice to conduct annual reviews when no periodic re-evaluation is required.

Prior to a re-evaluation, Abilene ISD will provide the parents with notice of the time and place of the re-evaluation meeting, inviting the parent to attend. If the Student remains eligible and in need of a Services Plan, the Committee should focus on the Student's changing needs due to the effects of different classroom subject matter, school demands and other factors. Should the Committee determine that the Student is no longer eligible, the Committee should dismiss the Student from 504.

12. Discipline. The following disciplinary provisions apply to students who are in receipt of a Section 504 Services Plan, together with students who are eligible under Section 504 as students with a physical or mental impairment that

substantially limits one or more major life activities, but who are not in need of a Section 504 Services Plan at this time (either because the impairment is in remission or because the students have no need for a Service Plan due to the positive effects of mitigating measures currently in place). Should the District initiate a disciplinary removal of the eligible Student from his educational placement for a term of more than ten consecutive school days, the Section 504 Committee must first conduct an evaluation, considering various sources of data recent enough to afford an understanding of the behavior and disability, which includes manifestation determination using the 504 Manifest Determination form, and provide the Parent with another copy of the Notice of Rights. Prior to the evaluation, the District or Campus Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend.

The Committee's evaluation should determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities? and (2) was the conduct in question the direct result of the school's failure to implement the student's Section 504 plan? If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be affected without Section 504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Texas Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process), and requires the school to provide the Parent with another copy of the Notice of Rights. The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine: (1) was the conduct in question caused by, or directly and substantially related to the Student's disabilities? and (2) was the conduct in question the direct result of the school's failure to implement the Student's 504 plan? Prior to the evaluation, the Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible Student who currently is engaging in the illegal use of drugs or in the use of alcohol may be removed from his educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students. Further, no Section 504 Evaluation is required prior to the removal and no Section 504 due process hearing is available.

13. Interaction with Special Education. Each student evaluated for special education who does not qualify, as well as each student who is dismissed from special education, shall be considered for possible referral for a Section 504 evaluation on a case-by-case basis. If at any time the Section 504 Committee determines that the disabled Student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. With respect to students who are no longer served by special education due to parents' revocation of consent for continued special education services, the school will offer a Section 504 evaluation. The school should make reasonable efforts to explain to the parents the Section 504 process and potential protections in these situations. Should the parents refuse consent for a Section 504 evaluation, the school will document such refusal. Abilene ISD acknowledges and respects the parents' right to request a special education evaluation for their child at any time.

14. Interaction with Texas Dyslexia Law. The Texas Dyslexia Handbook is developed and adopted into administrative rule by the Texas State Board of Education. [The Dyslexia Handbook 2021 Update](#) contains guidelines to follow as Abilene ISD identifies and provides services for students with dyslexia. Child Find is a provision in the federal Individuals with Disabilities Education Act (IDEA), which is a federal law that requires the state to have policies and procedures in place to ensure that every student in the state who needs special education and related services is located, identified, and evaluated. The purpose of the IDEA is to ensure that students with disabilities are offered a free and appropriate public education (20 U.S.C. §14009d0; 34 C.F.R. §300.1) Because a student suspected of having dyslexia may be a student with a disability under the IDEA, the Child Find mandate includes these students. Therefore, when referring and evaluating students suspected of having dyslexia, Abilene ISD must follow procedures for conducting a full individual and initial evaluation (FIIE) under the IDEA.

15. Interaction with regular education Early Intervention efforts. In an effort to meet the needs of struggling students as early as possible, and to reduce the misidentification of students in both Section 504 and special education, Abilene ISD uses an early intervention process, referred to as Response to Intervention (RtI) or Multi-Tiered System of Supports (MTSS). This simple, campus-based process is designed to assist students struggling for any number of reasons (family issues, lack of motivation, poverty, etc.) and in any number of ways (academically, socially, behaviorally) by providing, appropriate to the student's needs, differentiated instruction, as well as additional regular education intervention programs, services and opportunities that may vary from campus to campus. Data from these efforts is shared with the parent, and will become part of any Section 504 or special education evaluation. These efforts are available to all students, including students with disabilities. Should regular education, together with these early intervention efforts be insufficient to meet the needs of the struggling student, or there are grounds to suspect that the student has a physical or mental impairment, Abilene ISD will consider seeking parental consent for an evaluation under Section 504 or a full individual and initial evaluation (FIIE) through special education, as appropriate to the student. Further, students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

16. Mitigating Measures and Development of Section 504 Plans. Pursuant to the ADAAA, 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—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; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. 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. Section 504 Services plans, however, shall not be developed unless needed, at the time, in order for the student to have his needs met as adequately as those of nondisabled students. Should need develop, the Section 504 Committee shall develop an appropriate Services Plan. Further, students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

17. Procedural Protections. Abilene ISD will ensure that a system of procedural safeguards is in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system will include notice, an opportunity for the Parent or Guardian of the disabled Student to examine relevant records, an impartial hearing with opportunity for participation by the Student's Parent or Guardian and representation by counsel, and a review procedure. The impartial hearing is governed by Abilene ISD's Procedures for Due Process Hearings. Should the Parent disagree with the identification, evaluation, or placement decision of a Section 504 Committee or the decision of a Section 504 hearing officer, the Parent may seek relief in state or federal court as allowed by law and /or access the review procedure.

Upon request, Abilene ISD's District of Campus Section 504 Coordinator shall provide a review procedure to ensure that the Section 504 due process hearing was properly conducted pursuant to the requirements of the procedural safeguards and Abilene ISD's due process hearing procedures. The Parent has 30 calendar days from the date that the due process hearing officer issues a decision to request a review. The request should be in writing, and should include a brief description of the basis of the request. The request for review is made directly to Abilene ISD's Section 504 Coordinator. Within 15 days of the receipt of a request for review, Abilene ISD's Section 504 Coordinator shall issue a decision in writing. The decision should be based on a review of the written request, the hearing officer's decision, Abilene ISD's Procedures for Due Process Hearings, any additional information provided by the Parent, and any additional information deemed relevant by the Section 504 Coordinator.

Any person eligible to file a grievance with respect to the District's Section 504 obligations may file a grievance through Abilene ISD's local grievance process. This grievance policy and procedure serves to provide a mechanism for students,

parents/guardians, and/or employees to raise complaints alleging violations of the district's obligation to not discriminate on the basis of disability in any of its programs or activities under Section 504 of the Rehabilitation and Vocational Act of 1973 (29 U.S.C. §794a) and its implementing regulations at 34 C.F.R. Part 104.

Grievances must be submitted to the District Section 504 Coordinator within 180 calendar days of the date the person filing the grievance becomes aware of the alleged discriminatory action or omission in violation of Section 504. Lateness in filing a grievance under this Procedure shall result in a dismissal of the grievance as untimely.

A grievance must be in writing, containing the name and address of the person filing it, as well as the name of the student and campus of enrollment, if any. The grievance process documentation shall ensure the confidentiality of the student and/or parent/guardian filing the grievance pursuant to the requirements of the Family Educational Rights and Privacy Act (FERPA, at 20 U.S.C. §1232g) and its regulations. The grievance must contain a brief and plain statement of the action or omission alleged to be discriminatory, facts underlying the claim, and the remedy or relief sought. The Grievant may attach relevant documents for consideration and shall have the opportunity to submit documentary evidence no later than 20 school business days after the date of the filing of the grievance. Lateness in submitting documents may result in the documents not being considered as part of the grievance.

The Section 504 District or Campus Coordinator must notify the Grievant in writing of the receipt of the grievance, the steps of the grievance process (i.e. receipt of grievance, investigation, consideration of documentary evidence, and decision), and the timeline for submitting written evidence for consideration. The Section 504 District or Campus Coordinator shall conduct an investigation of the factual bases for the grievance. This investigation may be informal, but it must be thorough, considering relevant information and also affording the campus staff an opportunity to submit written information relevant to the grievance no later than 20 school business days after the date of the filing of the grievance. The Section 504 District or Campus Coordinator may seek out relevant information for consideration beyond that provided by the Grievant and campus staff. The Section 504 District or Campus Coordinator will maintain all records relating to each grievance. The Section 504 Coordinator may attempt to mediate a resolution of the grievance claims, if feasible, although a grievant shall not be required to participate in any mediation or informal resolution of the grievance claims.

The Section 504 District or Campus Coordinator will consider all information deemed relevant, the applicable legal requirements, application of the legal requirements to the facts, and issue a brief written decision on the grievance claims no later than 30 school business days after the date of its filing. A copy of the decision shall be provided to the Grievant within three school business days of its completion. Such decision may be appealed to the Superintendent or their designee by the filing of a written appeal, which must be submitted to the Superintendent's office within 5 school business days after the date of the grievance decision. Missing of the appeal timeline under the Procedure shall result in dismissal of the appeal as untimely. The Grievant shall have access to other remedial options, as well, as indicated below.

The availability and use of this grievance procedure does not prevent a person from filing a complaint with the Office for Civil Rights (OCR), a due process hearing request, or a civil action in federal or state court, either before, after, or together with, the grievance process. Resort to the grievance process shall not be required prior to any other remedial option.

Any person with a question with respect to the appropriate grievance procedures for disability discrimination or harassment may contact the District Section 504 Coordinator for clarification.

18. Parent Language. If Abilene ISD determines that the dominant language of the parent is Spanish, Abilene ISD will ensure effective notice in Spanish and services necessary to provide the Parent an opportunity for effective participation in the Section 504 process. If the District determines that the dominant language of the Parent is not English or Spanish, Abilene ISD will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the Section 504 process through other means.

19. Duty to Not Discriminate. Abilene ISD shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District

program or activity. These protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan.

20. Retaliation prohibited. No Abilene ISD officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

21. Disability-based harassment. Abilene ISD will promptly investigate all claims of disability-based harassment and bullying of students with disabilities and take prompt and effective action to end the harassment and prevent it from recurring, and, as appropriate, remedy the effects of the harassment on the student. Where evidence of disability-based harassment or bullying is found pursuant to an investigation, and Abilene ISD believes that the harassment or bullying has adversely impacted the ability of a disabled Student to have equal access to Abilene ISD's programs or activities, or the disabled Student's entitlement to a free, appropriate public education, a Section 504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the Student's Services Plan are required.

22. Timelines. Unless otherwise specified in these operational guidelines or Section 504 Hearing Procedures, the Section 504 duties and responsibilities of the District will be completed within a reasonable time. Per OCR guidance, the reasonable time requirement is satisfied by the District's compliance with analogous state IDEA timelines. Where the student's physical or mental impairment and needs are readily ascertainable, Abilene ISD recognizes that full use of the time allowed under IDEA timelines is unreasonable, and the Section 504 evaluation should be completed more quickly.

23. Notice of Parent Rights Under Section 504. A copy of the Notice of Rights should be provided to the Parent, and the provision of the Notice of Rights documented: (1) at the time consent for initial evaluation for Section 504 is sought; (2) if the school declines a parental request for Section 504 evaluation; (3) at any time after the Notice of Rights Form is revised; (4) when the student reaches the age of majority (notice to the adult student); (5) when the Committee meets to conduct a manifestation determination; (6) when a Parent request for a Section 504 Meeting is refused by the school; and (7) at any time upon Parent request. When the notice is provided outside of an evaluation meeting, the campus should document the delivery of rights to the Parent or adult student (e.g., a note in the student's file or a Parent contact log).

24. Temporary Impairments. "A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability must be resolved on a case-by-case basis, taking into consideration both the duration (and expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual. Impairments causing limitations that last, or are expected to last, for six or fewer months may still be substantially limiting, and thus, an individual analysis of each case is required." *Esparto (CA) Unified School District*, 115 LRP 37669 (OCR 2015).

25. Transfer of Rights to the Adult Student. Upon reaching eighteen years of age, the Section 504 rights previously held by the student's parents transfer fully to the now-adult student.