

GETTING “TRIPPED” UP BY SECTION 504’S CHILD FIND REQUIREMENT

- Section 504 requires schools to identify and evaluate students who, because of a disability may need special education and related services.
 - When determining whether a student should be identified and evaluated under Section 504 best practice should include the following:
 - Complete a full set of evaluations and other services to students with poor academic performance .
 - Consider the impact of the student’s disability on the “*major life activities*” not only learning, when you are making a decision to evaluate.
 - Students who miss a substantial amount of school based on a severe illness or serious injury may require Special Education or related services.
 - Remember a student with a medical diagnosis or illness does not automatically qualify them to receive Section 504 services; unless the illness adversely affects one or more of the major life activities identified by the ADA
 - The Office of Civil Rights (OCR) has determined that a temporary impairment does not qualify for Section 504 services unless the “*severity*” results in a “*substantial limitation*” of one or more of the life activities for an extended period of time (generally 6 months or more)
 - Review and evaluate all temporary impairments on a “*case-by-case*” basis.
 - Always consider the expected duration of the impairment and the extent to which it actually “*limits*” the major life activity.
 - If a parent requests an evaluation then provide the evaluation. Have your team decide if there is a valid reason the district and/or parent believes the student needs special education services related to a disability.
 - If a decision, is made by the team, to **NOT** evaluate and/or provide services, then parents must be

notified of your decision in writing and their right to an impartial “Due Process Hearing”.

- OCR ruled in favor of a North Carolina district and their decision to **NOT** evaluate a student because the district had previously secured an evaluation which had been completed two years prior, and found the student ineligible at that time in addition no further change in the student’s condition had been reported by the parent(s).

*This and more Executive Summaries available at

<http://www.schools.utah.gov/equity/section504/default.html>



- Adapted and condensed from: Sec. 504 Compliance Advisor, December 2009