

Standards and Procedures for Implementation of Section 504 of the Rehabilitation Act of 1973

In the Alleghany County School Division, no 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 program or activity which receives or benefits from federal financial assistance.

With respect to public preschool, elementary, secondary, or adult educational services, a disabled person (i) of any age during which non-disabled persons are provided such services, (ii) of an age during which it is mandatory under state law to provide such services to disabled persons, or (iii) to whom a state is required to provide a free appropriate public education under Sec. 612 of Individuals with Disabilities Education Act.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. 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 body systems.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii), include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Congress provided additional examples of general activities that are major life activities, including eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must **not** consider the ameliorating effects of any mitigating measures that student is using in determining if a person is an individual with a disability.

Disabled Person

"Disabled Persons' means any person who:

1. has a physical or mental impairment, which substantially limits one or more major life activities;
2. Has a record of such an impairment;
3. is regarded as having such an impairment.

Examples of Disabilities that may merit Section 504 Eligibility:

1. AIDS
2. Alcohol/chemical Dependency
3. Asthma
4. Attention Deficit Hyperactivity Disorder
5. Diabetes
6. Epilepsy

7. Hepatitis B
8. Injuries
9. Obesity
10. Tourette's Syndrome
11. Respiratory Disorders
12. Allergic Reactions
13. Genito-urinary Conditions
14. Skin and Endocrine Conditions
15. Neurological or mental health disorders

Adopted: November 17, 1997

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