



# **Section 504 Handbook**

## **Student Services Department**

Revised October 2023

## **Introduction**

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any district program, including nonacademic services and extracurricular activities. The district seeks to identify and evaluate students who may have disabilities as defined by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The District will provide students with disabilities a free and appropriate public education as required by law. Board of Education [policy IGB](#): Accommodation of Students with Disabilities.

## **Grievance Procedure**

Complaints alleging violation of the law or failure to follow district policies or procedures regarding the identification, education, or accommodation of students with disabilities will be made to the District's Section 504 Coordinator and will be investigated immediately. Complaints may be made at any time to the U.S. Department of Education, Office for Civil Rights.

## **District Section 504 Coordinator**

Dr. Joseph Dierks, Director of Choice Programs  
[Joseph.dierks@sdownmo.org](mailto:Joseph.dierks@sdownmo.org)

## **District Section 504 and ADA Compliance Officer**

All complaints or concerns regarding illegal discrimination must be brought to the attention of the compliance officer and submitted via email to the person below. Board of Education [policy AC](#): Prohibition Against Illegal Discrimination, Harassment, and Retaliation.

Dr. Rachael Franssen, Assistant Superintendent Personnel and Support Services  
[Rachael.franssen@sdownmo.org](mailto:Rachael.franssen@sdownmo.org)

## **Building 504 Case Managers**

For inquiries regarding Section 504 considerations contact your School Counselor.

Building School Counselors

## Eligibility

Pursuant to Section 504, a person with a disability is defined as a person with a mental or physical impairment that substantially limits one or more major life activities. 34 CFR 104.33 A Process for determining eligibility must take place in order to determine if the student is a student with a disability under Section 504. Upon referral, within no more than 30 calendar days, a multidisciplinary team will be convened by the District in order to review all pertinent information. If the multidisciplinary team believes that additional evaluation information is necessary as part of the 504 eligibility, that assessment will be provided at no cost to the parent. Unlike IDEA however, Section 504 does not provide for an independent educational evaluation (at no cost to the parent) should the parent disagree with the results. If additional assessment is needed, parental consent is required in order to conduct that assessment and the assessment process will be concluded for eligibility determination within no more than 60 calendar days from the date of parental consent. If the parent refuses written consent to additional evaluation, the District will consider the student nondisabled and he/she will remain in regular education. The District is not obligated to evaluate or identify a student as 504 eligible simply at a parent's request if the District does not suspect that the student has 504 eligible impairment.

When determining eligibility under Section 504, the multidisciplinary team should examine the impairment in comparison to students of the same age and/or grade level peers. The impairment must also be considered without medication, medical supplies, or equipment, considered mitigating measures that lessen the severity of the impairment. Examples of mitigating measures include: medications such stimulants or insulin, medical supplies and equipment such as an insulin pump, prosthetics, cochlear implants, or augmentative communication devices. Severe impairments that are episodic or in remission are also subject to eligibility with a plan that addresses the impairment when it is active.

A student is not eligible solely because they have a doctor or psychologist diagnosed with impairment. The student is not eligible if a multidisciplinary team determines the impairment minor or moderate. Limitations that are considered temporary or transitory and minor (typically within six months or less) or those difficulties with the primary factor due to environmental, cultural, or economic disadvantage are not subject to eligibility.

## **Section 504 Plans**

Upon determining eligibility, the multidisciplinary team will convene to develop a Section 504 Plan within 30 calendar days of the eligibility determination. The assembled team must consider the total program including academic, nonacademic, and extra-curricular activities. The developed plan is designed to provide the student with a disability with as equal an opportunity as their nondisabled peers with respect to reasonable accommodations within the educational environment. Instructional (related) services such as transportation services, health services, counseling services, physical/motor services, and speech/language services may be considered.

### **Beyond Initial Eligibility**

Eligibility will be considered at least every three years to determine the nature and severity of the impairment over time. Information may exist to complete a review of data or additional information may be needed. Section 504 plans will be reviewed at least annually or more in the event of an eligibility evaluation/review.

### **Student Records**

Records related to Section 504 eligibility and plans will be maintained within the District student information system (Lumen). Similar to IDEA, all pertinent staff working with an eligible student/staff with a legitimate educational interest will need to have access to the current 504 records.

## Fidelity Indicators for Implementation

- ✓ Notice of Meeting and appropriate parental rights documents were provided at least 10 calendar days prior to any scheduled meetings **-OR-** documentation that the parents waived the 10 day meeting notice.
- ✓ Pertinent information was reviewed to determine student eligibility in accordance with the following timelines:
  - o Within 30 calendar days of the initial 504 referral
  - o Within 3 years of the most recent eligibility determination
  - o Within 30 calendar days of notice of a change in status of a current impairment
  - o If additional assessment was required, within 60 calendar days of the date of parental consent to obtain further evaluation information
- ✓ If additional assessment is needed to determine eligibility, parental consent is required and should be documented (Notice of Action form). Other consent items include revocation of consent and/or initial placement along with significant changes in the student's placement and/or eligibility status.
- ✓ Substantial limitations caused by the impairment are determined and documented through the evaluation process (eligibility forms).
  - o Multiple data points congruent with the suspected and/or defined impairment (grades, state/district assessments, classroom assessments compared to the average, progress points, attendance records, health records, discipline records, etc.)
  - o Data points are compared to the average student population documenting that the individual has a substantial limitation due to the disability
  - o The impact of the disability(ies)
    - substantial impacting in nature (HIV, Profound hearing loss, blindness)
    - substantial impacting due to the frequency and/or long term impact without modifications to the environment
    - Substantial impacting due to the effect of combined disabilities
  - o the disability is considered substantial in impact when the condition is active, heightened, and/or without mitigating measures.
- ✓ Section 504 Plan is developed within 30 calendar days of the eligibility determination and appropriate Notice of Meeting was provided (see first indicator).
- ✓ The total program is considered with respect to academic, nonacademic, and extra-curricular activities and all modifications and/or services are determined to provide an equal opportunity to the student's nondisabled peers.
  - o Instructional services (direct) may be considered as well as those classified as related services (health, counseling, physical/motor, speech/language, transportation)
- ✓ Section 504 Plans are reviewed annually (on or before the date of the most recent plan)
- ✓ Eligibility is reviewed every three years (on or before the date of the most recent determination)

