



**KAUKAUNA**  
AREA SCHOOL DISTRICT

**Section 504**  
**Procedural Manual**

Revised May 2023

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# Notice of Nondiscrimination

The Kaukauna Area School District does not discriminate on the basis of sex, sexual orientation, race, national origin, ancestry, color, creed, religion, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability, or any other legally protected status or classification. Employees of this District are required to comply with the provisions of Title VI and VII of the Civil Rights Act of 1964, as amended, and Title IX, Education Amendments of 1972. For additional information on the nondiscrimination policy and/or complaint procedure, contact the District at (920) 766-6100.

## Section 504 Introduction

Section 504 is a Federal law that prohibits disability discrimination by recipients of Federal financial assistance. All public schools and school districts, as well as all public charter schools and magnet schools, that receive Federal financial assistance must comply with Section 504.

Section 504 provides a broad spectrum of protections against discrimination on the basis of disability. For example, all qualified public school students who meet the definition of an individual with a disability under Section 504 are entitled to receive regular or special education and related aids and services that are designed to meet their individual educational needs as adequately as the needs of students without disabilities are met. Section 504 also requires, among other things, that a student with a disability receive an equal opportunity to participate in athletics and extracurricular activities, and to be free from bullying and harassment based on disability.

### What is a Disability Under Section 504?

Below is a discussion of what it means to be a student or individual with a disability, and of related terms that help to comprehensively define *disability* as it is used in Section 504.

#### Disability

Under Section 504, an individual with a disability (also referred to as a student with a disability in the elementary and secondary education context) is defined as a person who: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case-by-case basis. In addition, when determining if someone meets the definition of a disability, the definition must be understood to provide broad coverage of individuals.

#### Physical or Mental Impairments

Section 504 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.

The Section 504 definition of physical and mental impairment also includes any mental or psychological disorder. The definition does not include all specific diseases and conditions that may be physical or mental impairments because of the difficulty of ensuring the completeness of such a list.

### **Major Life Activities**

The list of major life activities under Section 504 includes but is not limited to, the activities listed below.

- caring for oneself
- bending
- performing manual tasks
- speaking
- seeing
- breathing
- hearing
- learning
- eating
- reading
- sleeping
- concentrating
- walking
- thinking
- standing
- communicating
- lifting
- 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.

These lists, however, do not provide every possible major life activity or bodily function; therefore, an activity or bodily function might still be considered a major life activity under Section 504.

### **Mitigating Measures**

When determining if a person has a disability, a school cannot consider the ameliorative effects of mitigating measures when determining how the impairment impacts the major life activities under consideration.

The mitigating measures are as follows: 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; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if an impairment substantially limits a major life activity. “Ordinary eyeglasses or contact lenses” are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas “low-vision devices” (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

### **Substantial Limitation**

A substantial limitation means that a student is restricted as to the conditions, manner, or duration under which a major life activity can be performed. The restriction must be somewhat unique when compared to the average student of approximately the same age and is material/important. The determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. Section 504 requires that a group of knowledgeable persons draw upon information from a variety of sources in making this determination.

## **Temporary Impairment**

A temporary impairment is an impairment with an actual or expected duration of 6 months or less. An individual is not “regarded as” an individual with a disability if the impairment is transitory and minor. 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 (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual.

## **What is a Section 504 Plan?**

Students who are qualified individuals with disabilities, as defined by Section 504, and need individual accommodations and/or services are entitled to a Free Appropriate Public Education (FAPE). For schools, this means that equal access to education is provided. The Office for Civil Rights defines equal access as equal opportunity for a qualified person with a disability to participate in or benefit from educational aids, benefits, or services.

### **How is an Appropriate Education Defined?**

According to the US Department of Education and the Office for Civil Rights, an appropriate education will include:

- education services designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met;
- the education of each student with a disability with nondisabled students, to the maximum extent appropriate to the needs of the student with a disability;
- evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic reevaluation of students who have been provided special education or related services; and
- establishment of due process procedures that enable parents and guardians to:
  - receive required notices;
  - review their child’s records; and
  - challenge identification, evaluation, and placement decisions.

Due process procedures must also provide for an impartial hearing with the opportunity for participation by parents and representation by counsel, and a review procedure.

Though not explicitly required by Section 504 regulations, school districts often document the elements of an individual student’s accommodations and/or supports under Section 504 in a document, typically referred to as a Section 504 Plan. In general, a Section 504 Plan describes the regular or special education and related aids and services a student needs and the appropriate setting in which to receive those services. If required, a Section 504 plan is developed by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. The plan specifies what individualized accommodations and/or services will be provided so the individual educational needs of students with disabilities are met as adequately as the needs of non-disabled students.

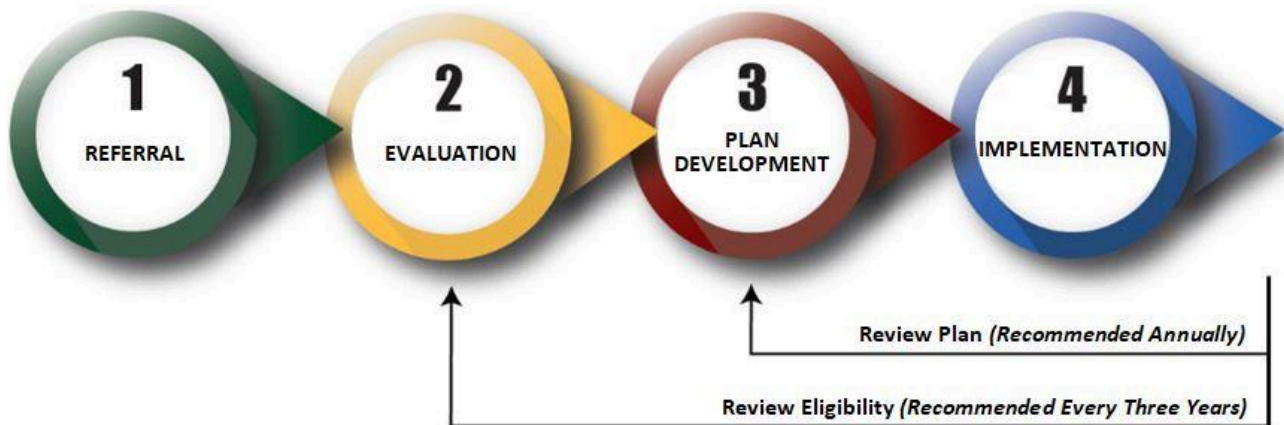
## **Is Section 504 the Same Thing as Special Education or an IEP?**

No. Special Education and Section 504 both provide accommodations and support for students with disabilities, but they do so in different ways and have different eligibility criteria. Not all students who have disabilities require specially designed instruction. For students with disabilities who do require specially designed instruction, the Individuals with Disabilities Education Act (IDEA) outlines the procedural requirements, and an Individualized Education Program (IEP) is developed. The IDEA process is more involved than that of Section 504 of the Rehabilitation Act and requires documentation of measurable growth. For students with disabilities who do not require specially designed instruction but

need the assurance that they will receive equal access to public education and services, an Individualized Section 504 Accommodation Plan is created to outline their specific accessibility requirements.

An IEP is provided for eligible students at ages 3-21 who have not yet graduated from high school in a K-12 public school system, while an Individualized Section 504 Accommodation Plan is provided for eligible students at both the K-12 and post-secondary levels. Students with disabilities who have an IEP are not required to also have an Individualized Section 504 Accommodation Plan even though they are protected under Section 504. Please work with your student's school psychologist to determine if your student has qualifying disabilities under Section 504 or IDEA.

## The Section 504 Evaluation and Plan Development Process



### Referral

A referral is made to the Kaukauna Area School District if a student is suspected of having an eligible impairment under Section 504. Referrals can be made by parent(s)/guardian(s), healthcare professionals, teachers, other school staff members, or anyone with knowledge of the student. A referral can be made by contacting your student's school psychologist. The school psychologist will ask you to share your concerns about the physical or mental impairment(s) that may be impacting the student's major life activity/activities.

### Evaluation

The school psychologist will be assigned as the Team Manager and serve as the primary point of contact during the Section 504 evaluation process. The school psychologist will notify the parent(s)/guardian(s) of receipt of the referral in writing and appoint appropriate members to the Section 504 team. Parent(s)/Guardian(s), the student (*when appropriate*), a general education representative, and the 504 Team Manager are part of the Section 504 team. Additional members may be appointed to the Section 504 team if they have applicable knowledge of the student. The Section 504 Team will review the available information and determine if additional assessment is needed. The district must obtain parent(s)/guardian(s) consent if additional assessment is needed. The school psychologist will coordinate the completion of any necessary additional assessments prior to the Section 504 team meeting. The Team Manager will contact the parent(s)/guardian(s) to establish a mutually agreeable time and date for the Section 504 team meeting to determine whether the student is eligible under Section 504. During the Section 504 team meeting, the Section 504 team will review all applicable information and determine if the student has an impairment that substantially limits a major life activity and whether an Individualized Section 504 Accommodation Plan is required.

## **Plan Development**

If an Individualized Section 504 Accommodation Plan is required, the Section 504 team will develop a plan to address the educational impact of the child's impairment. The plan will specify what individualized accommodations and/or services related to the identified impairment(s) will be provided and the staff members responsible for implementation.

## **Implementation**

The Section 504 team will meet periodically (recommended annually) to review the student's Individualized 504 Accommodation Plan and make any necessary updates or revisions. Parent(s)/Guardian(s) can also request a meeting if they believe the Individualized 504 Accommodation Plan needs to be reviewed. Periodically, the Team Manager will initiate a reevaluation to determine whether or not the student continues to be eligible for services under Section 504 (recommended every 3 years.)

# **Due Process**

## **Complaint Process**

The District encourages informal resolution of complaints and concerns regarding the implementation of Section 504 procedures. Accordingly, the Section 504 Coordinator shall make efforts to address a parent's, or guardian's complaints or other concerns by appropriate means that may include scheduling additional meetings of relevant members of the applicable Section 504 team or attempting to mediate a resolution. Any informal resolution of a complaint or concern that requires a modification to a student's 504 plan shall be incorporated into the plan using appropriate procedures.

Any person who believes that a student with a disability has been discriminated against retaliated against, or harassed on the basis of the student's disability, or who believes that the District has otherwise violated Section 504 or its implementing regulations, may file a complaint through the internal complaint procedure established under the District's student nondiscrimination policy. A person who wishes to file such a complaint, or who requires more information about the complaint procedure, should contact the District's Section 504 Coordinator or, if the Section 504 Coordinator is temporarily unavailable or if the complaint in question involves any alleged improper conduct by the Coordinator, the District Administrator and/or designee.

## **Impartial Hearing**

In the event of a disagreement between the parent/guardian and the School District in regard to the identification, evaluation, procedural guidelines, or educational placement of a student under Section 504, the parent/guardian may request a hearing conducted by an impartial hearing officer from outside the School District. The parent/guardian may contact the Section 504 Coordinator to obtain an impartial hearing. The District will choose an impartial hearing officer and work with the parent/guardian to schedule a hearing date. The parent and student may take part in the hearing and have an attorney represent them at their own cost. Questions regarding how to request a hearing under this section should be directed to the District Section 504 Coordinator.

## **Office for Civil Rights Complaint Process**

A parent/guardian, student, or others may file a complaint with the federal Office for Civil Rights alleging any violations of Section 504. To make an inquiry or file a complaint under Section 504, an individual may contact: the Office

## Parental/Student Rights

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have the Kaukauna Area School District advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation, and/or placement of your child.
4. Provide, or refuse to provide, your consent prior to an initial Section 504 evaluation.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the Kaukauna Area School District make accommodations to allow your child an equal opportunity to participate in school and school-related activities.
6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. Have your child receive special education and related aids and services if he/she is found to be eligible under Section 504 of the Rehabilitation Act of 1973 [29 U.S.C § 794] and in need of those education and related aids and services.
8. Have evaluation, educational, and placement decisions made based upon a variety of information sources and by persons who know the student, the evaluation data, and the placement options.
9. Provide, or refuse to provide, your consent prior to the implementation of an initial Section 504 plan.
10. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the Kaukauna Area School District.
11. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
12. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
13. Obtain a response from the Kaukauna Area School District to reasonable requests for explanations and interpretations of your child's records.
14. Request mediation or file a grievance in accordance with the Kaukauna Area School District's Section 504 mediation, grievance, and hearing procedures.
15. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
16. File a formal complaint with the U.S. Department of Education.

Office for Civil Rights, Region V  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661  
Phone: (312) 730-1560



# Child Find Requirement

The Kaukauna Area School District is required to locate, identify, and evaluate all children with disabilities, including children with disabilities attending private schools in the school district, and homeless children. The process of locating, identifying, and evaluating children with disabilities is known as child find.

If you suspect your child has a disability and may need special education services or 504 accommodations, or if you would like additional information, please contact your child's School Psychologist, or call the District's Special Education & Pupil Services Director, at (920) 766-6100.

## Section 504 Coordinator

### District Section 504 Coordinator

The District Section 504 Coordinator assists schools in meeting the requirements of Section 504, provides resources, and helps educators and administrators fulfill their responsibilities under Section 504. The District Section 504 Coordinator in the Kaukauna Area School District is:

Director of Special Education & Pupil Services  
Kaukauna Area School District  
1701 County Road CE  
Kaukauna, WI 54130  
Telephone: (920) 766-6100

### School Section 504 Coordinator

Each school within the Kaukauna Area School District has a designated School Section 504 Coordinator. The School Section 504 Coordinator oversees the Section 504 evaluation and plan development process outlined above and ensures that appropriate staff are providing the accommodations and/or services outlined in the Individualized Section 504 Accommodation Plan. Please contact the principal to find out who the School Section 504 Coordinator is at your student's school.

## Resources

[U.S. Department of Education - Office for Civil Rights](#)

[Parent and Educator Resource Guide](#)