



504 Manual

North Kansas City School District #74

Updated August 2023

Section 504 of the Rehabilitation Act of 1973 Administrative Manual

North Kansas City School District

Kansas City, MO

Table of Contents

| | |
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| Checklist: Basic 504 Steps..... | 3 |
| Introduction | 4 |
| Equal Access | 4 |
| Referring Students for 504 Evaluations | 5 |
| Conducting an Evaluation | 6 |
| Determining Eligibility for 504 Plan..... | 7 |
| Notice to Conduct 504 Meeting | 8 |
| 504 Plan..... | 9 |
| Progress Monitoring..... | 9 |
| Annual Reviews | 9 |
| Reevaluations | 9 |
| Transition Guidelines..... | 10 |
| Terminating a 504 Plan | 11 |
| Impartial Due Process Procedure | 11 |
| Grievance Process | 11 |
| Disciplining a 504 Student..... | 12 |
| Frequently Asked Questions | 13 |
| Appendix A: Procedural Safeguards..... | 15 |
| Appendix B: Notice of Parent and Student Rights..... | 18 |
| Appendix C: Receipt for 504 Notice of Parents and Student Rights | 20 |
| Appendix D: Request for Due Process Hearing..... | 21 |
| Appendix E: 504 Grievance Form | 22 |
| Appendix F: IDEA/504 Flow Chart..... | 23 |

CHECKLIST FOR HANDLING REQUESTS FOR 504 PLANS

- 1. Principal or Principal's Designee receives referral for 504 Evaluation. Confirm in writing with the individual requesting the evaluation that the referral has been received and provide Procedural Safeguards.
- 2. The Principal/Designee selects school members who could serve on the student's 504 Team, including a potential case manager. The case manager will prepare a letter informing the parent(s) that a meeting will be held to discuss the need for evaluation. In addition to the letter, the case manager will complete the Notice to Conduct the 504 Meeting form and send it to the parent(s) along with the Notice of Parent and Student Rights and the Receipt for Notice of Parents and Student Rights. The referral must be responded to as soon as practicable within 15 school days.
- 5. If the school members of the 504 team conclude an evaluation should be conducted, evaluations should be completed within 60 school days of the date parent consent is received.
- 4. If the response is a denial, send a denial letter to the parent/guardian.
- 6. Complete the 504 Evaluation Report and schedule a meeting with parents to review the data collected for the evaluation and determine if the student: (a) has a disability; and (b) needs accommodations (*i.e.* modifications to the district's policies or procedures), services or specially designed instruction to have equal access to the district's programs and activities.
- 7. If the student has a disability and needs accommodations (*i.e.* modifications to the district's policies or procedures), services, or specially designed instruction to have equal access to the district's programs and activities the student is eligible for and the team should draft a 504 Plan. That plan can be discussed at the meeting scheduled to review the evaluation or a subsequent meeting. Team members and parents must sign the approved 504 Plan.
- 8. Distribute the 504 Plan to all staff members who work with the student or are responsible for implementing the 504 Plan. Each person receiving a copy should sign the "Documentation of 504 Plan Distribution" form or document receipt in another way.
- 9. Each individual implementing the 504 Plan should evaluate the accommodations on a semester basis using the "Progress Monitoring" form. Any new individuals responsible for implementing the 504 Plan at semester should sign the "Documentation of 504 Plan" Distribution form.
- 10. Review the plan on an annual basis. If changes are necessary, a 504 meeting including the parents should be scheduled. A "Notice to Conduct a 504 Meeting" should be sent to the parents.

Introduction

The Rehabilitation Act was passed in 1973 to prohibit entities receiving federal funds from allowing disability discrimination. Subpart C of Section 504 of that act requires school districts to make programs and activities accessible to and usable by all individuals with disabilities. It states: “*No otherwise qualified individual with a disability . . . 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.*” In addition, it is the district’s responsibility to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need specially designed instruction and/or or services so that those students may receive a free appropriate public education.

In compliance with the Rehabilitation Act, it is the policy of the Missouri State Board of Education and a priority of the Missouri Department of Elementary and Secondary Education that there will be no discrimination or harassment on the grounds of race, color sex, marital status, religion, national origin, age or disability in any education programs, activities or employment.

The Missouri Department of Elementary and Secondary Education does not administer Section 504 of the Rehabilitation Act of 1973, nor does it monitor compliance with Section 504*. Any question relating to the compliance requirements of Section 504 should be addressed to the Office for Civil Rights, United States Department of Education. The Office for Civil Rights Regional Office is located in Kansas City and can be reached at (816) 268-0550 or RELAY MISSOURI at (800) 735-2966 (telecommunication for the deaf or hard of hearing).

At each school, the responsibility for insuring Section 504 compliance rests with the building Principal or Principal’s Designee. The Executive Director of Student Services coordinates the district’s compliance with Section 504. The Executive Director of Student Services can be contacted at 2000 NE 46th St, Kansas City, MO 64116-2042; Phone number: 816-321-5000.

Equal Access

Section 504 requires the district to provide students with disabilities with a “free appropriate public education.” This means that the district must provide regular or special education and related services that are designed to meet the individual education needs of students with disabilities as adequately as the needs of nondisabled students are met. An appropriate education for a Section 504 eligible student may require the provision of specific accommodations (*i.e.* modification of district polices and/or procedures), related services and/or specially designed instruction. Student referrals are to be reviewed using this process and accompanying forms. The following procedures are implemented at the building level.

*There is some limited monitoring conducted by the Missouri Department of Elementary and Secondary Educations Vocational and Adult Education Division, of school districts and community colleges which offer vocational programs.

Referring Students for 504 Evaluations

When a student needs or is suspected to be in need of accommodations because of a qualifying disabling condition, an evaluation must be conducted by a team to determine the student's eligibility. A request for the evaluation can be made by anyone, but most frequently such requests are made by the student's parent(s), teacher(s) or school nurse.

When the nurse and parents develop an Individual Healthcare Plan for a student or there is a substantial change to a student's Individual Healthcare Plan or medical condition, the nurse will notify the student's school counselor and a collaborative decision will be made regarding whether a student should be evaluated for a 504 plan or not and who the appropriate case manager is for that student.

Other requests for 504 Plans are handled as follows:

1. The referral is directed to the building Principal or Principal's Designee who is responsible for the implementation of 504 procedures in the school.
2. The Principal or Principal's Designee will identify school members who could serve on the student's 504 Team, including a potential case manager. A staff member will be assigned to coordinate the referral and communicate with the parent(s).
 - a) The 504 Team will include individuals knowledgeable about the needs of the student, the data being reviewed, appropriate accommodation and placement options. This team can include (but is not limited to) parents/guardians, teachers, problem solving team members, counselors, related service providers, other school staff and administrators, and staff from community agencies. Parents/guardians should be included in this process unless they are unwilling or unable to do so. The team's role is to determine whether the student will be evaluated for a 504 Plan, evaluate the student to determine whether he or she is eligible for a 504 Plan (when applicable), and develop a 504 Plan (when applicable).
 - b) The staff member assigned to be the case manager should be the individual who is in a position to address the area of concern, contact the parent(s), and monitor the implementation of the process for the student. For example, if the request for evaluation or 504 Plan involves accommodations the School Nurse would need to supervise/implement, the School Nurse would likely be assigned as the case manager. However, if there are classroom specific accommodations, the counselor would likely be assigned as the case manager.
 - c) The Principal will monitor the composition of the 504 Team to ensure that qualified staff and parents/guardians participate.
3. The case manager will respond to a request for a 504 evaluation as soon as reasonably practicable, not to exceed 15 school days from the date of the referral.
 - a) The case manager will prepare a letter informing the parent(s) that a meeting will be held to discuss the need for evaluation. In addition to the letter, the case manager will complete the Notice to Conduct the 504 Meeting form and send it to the parent(s) along with the Notice of Parent and Student Rights and the Receipt for Notice of Parents and Student Rights.
 - b) The case manager will complete the Notice to Conduct a 504 Evaluation. This notice indicates the reason for the 504 evaluation. Current Office for Civil Rights (OCR) guidelines require that a school district obtain parent consent to evaluate a student and give parents prior notice of a Section 504 meeting. Parents should be fully informed regarding their child's rights and safeguards under Section 504. When the Notice to Conduct a 504 Evaluation form is sent home, it should be accompanied with the Notice of Parents and Student Rights form and the Receipt for 504 Notice of Parents and Student Rights form. The case manager is responsible for obtaining a signed Receipt from the parents. If the parents do not consent to an evaluation, the district may, but is not required to, request a due process hearing. If no due process request is made, the student will continue to be treated as all other regular education students.

- c) In certain situations, the 504 Team may conclude that an evaluation is not warranted. In those situations, a letter denying the request for evaluation should be sent to the parent(s). The letter should include a copy of the Notice of Parent and Student Rights form and the Receipt for 504 Notice of Parents and Student Rights form. The case manager is responsible for obtaining a signed Receipt from the parents.

Conducting an Evaluation

There are timelines by which the 504 evaluation must be completed and certain information should be considered when conducting the evaluation.

1. Evaluations will be completed within 60 school days of the date consent is received, unless more time is needed and written notice is given to the parent or student requesting the evaluation. The written notice must identify the reason more time is needed.
2. If the student was first evaluated to determine eligibility for special education, the 504 evaluation will be completed in an expedited manner, within 30 school days of the date the student was determined not to be eligible for special education or within 30 school days of the date of the request for a 504 evaluation, whichever is later, unless more time is needed and written notice is given to the parent or student requesting evaluation. The written notice must identify the reason more time is needed.
3. Parents/students may review education records at any time before, during, or after the 504 evaluation.
4. Section 504 evaluations are not intended to be as comprehensive as an evaluation under the IDEA (special education). However, in every case the specific concern that triggered the request for evaluation must be investigated. Information that might be considered includes (but is not limited to) grades, attendance reports, behavior plans, cumulative file information, psychological evaluations, medical information, observations, standardized testing information, teacher recommendations and parent input/interviews. If existing data is insufficient to determine whether a student needs accommodations (*i.e.* modifications to the district's policies or procedures), services or specially designed instruction to access the district's programs and activities, the team can conduct additional observations and/or assessments to obtain the necessary data. The school team may administer and use other formal and informal measures as deemed necessary. Best practice is to include parents in the evaluation process and to consider any information they provide in addition to the other items already identified.
5. The 504 evaluation procedures shall be:
 1. Necessary and appropriate to determine the nature and extent of a disabling condition or a suspected disabling condition;
 2. Tailored to evaluate the specific areas of educational need and not merely those designated to provide a single intelligence quotient;
 3. Validated for the specific purpose(s) for which they are used and administered by trained personnel in conformance with instructions provided by their author/publisher;
 4. Free of racial, cultural, language or sex bias;
 5. Appropriate for the age and stage of development of each student to whom they are administered;
 6. Selected and administered as to ensure that the test results accurately reflect the student's aptitude or achievement or other factor being measured rather than reflect the student's disability, except where those are the factors being measured; and
 7. Administered in the student's familiar language or conducted in the mode of communication most familiar to the person being assessed, unless it is clearly not feasible to do so.
6. If the student is suspected to have a disability and may be eligible for special education under the IDEA a referral for a comprehensive special education evaluation must be initiated in lieu of a Section 504 evaluation.

Determining Eligibility under Section 504

504 EVALUATION REPORT

A 504 Evaluation Report form will be completed to document the data the team will consider to determine eligibility.

A 504 meeting will be held to discuss the information in the 504 Evaluation Report. After the information collected for the evaluation is discussed, the team members must then determine whether the student: (a) has a qualifying disability and (b) needs accommodations (*i.e.* modifications to the district's policies or procedures), services or specially designed instruction to have equal access to the district's programs and activities. Guidelines for making these determinations are included below.

A copy of the final report, including the team's determination regarding eligibility, will be provided to the parent(s).

DETERMINING WHETHER A STUDENT HAS A DISABILITY

The 504 team must first determine whether the student being evaluated has a disability. To have a disability, the student must meet three criteria: (a) **have a physical or mental impairment** (b) **which substantially limits**, (c) **one or more of the student's major life activities**. It is important to understand that all three criteria must apply to a student before the team considers whether that student requires accommodations to access North Kansas City School's programs and activities. Additional detail on each of the three criteria is as follows:

(a) Physical or Mental Impairment: A physical or mental impairment is defined as physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems – neurological, musculoskeletal, special sense organs, respiratory, 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. This criterion does not limit eligibility to specific diseases or categories of medical conditions. The law was intentionally written this way so that the range of diseases or medical conditions that might be considered for Section 504 eligibility is not limited.

(b) Substantially limits: Simply having a medical condition does not automatically mean a student is disabled for purposes of Section 504; it must be one that "substantially limits" a major life activity. Section 504 does not specifically define the term "substantially limits". The basis on which we evaluate this criterion is the impact the impairment has on one or more of the student's major life activities. It is vital to understand that for a student to meet this prong of the criteria the impairment must impose a "considerable" limitation or limit "to a large degree" one or more major life activities at the current time. The eligibility team will consider the nature and severity of the disability as well as how long the disability is expected to last. The team may consider the manner, conditions, and duration in which a student performs a task in comparison to how non-disabled students perform the same task. The condition must present a barrier to the student's ability to access the same opportunities as that afforded a nondisabled student or a substantial limitation does not exist. This term must be construed in favor of broad coverage of students and should not require extensive analysis.

(c) Major life activities: Major life activities include, but are not limited to, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Major life activities also include the operation of major bodily functions, including, but not limited to, the functions of the immune and reproductive

systems; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory and endocrine systems; and other major bodily functions.

When determining whether a student has a disability, the team cannot consider any ameliorative effects of mitigating measures (with the exception of eyeglasses or contacts). Examples of mitigating measures include: 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.

Current illegal users of drugs are, with few exceptions, excluded from protection under Section 504.

DETERMINING WHETHER THE STUDENT NEEDS ACCOMODATIONS, SERVICES OR SPECIALLY DESIGNED INSTRUCTION TO ACCESS DISTRICT PROGRAMS AND ACTIVITES

If the student has a disability, the team must then determine if the student needs accommodations (*i.e.* modifications to the district's policies or procedures), services or specially designed instruction to have equal access to the district's programs and activities. For purposes of determining need, the team can consider mitigating measures (*i.e.* medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications that a student may use to eliminate or reduce the effects of his or her physical or mental impairment).

When determining need, it is helpful to consider what the "general rule" is for all students and ask whether the student requires a change to the "general rule" in order to have equal access to the district's programs and activities. For example, if the school's general rule is to allow all students unlimited time to complete a Math test, a disabled student who needs more time on Math tests will have equal access to the opportunity for extra time and an accommodation is not necessary. However, if the school's general rule is for students to have only one class period to complete a Math test, and a student, because of a disability, needs more time to complete a Math test in order to demonstrate mastery of the concepts being assessed, the disabled student would not have equal access to the exam and an accommodation would be needed.

If a student does not need any accommodations, (*i.e.* modification of the district's polices and/or procedures), related services and/or specially designed instruction, then the student does not require a 504 Plan. However, the student still has certain rights described in the Notice of Parent and Student Rights form. And, if the student's needs or the "general rules" change, the district should start the 504 Evaluation process again.

Notice To Conduct a 504 Meeting

A 504 Evaluation Report and any draft 504 Plan should be reviewed at a 504 meeting. The case manager is responsible for scheduling a meeting at a time that is mutually convenient for the school staff members and the student's parents. Once a meeting date is selected, the case manager should send to parents the Notice To Conduct a 504 Meeting form at least 10 calendar days before the meeting will be held, whenever possible. If parents cannot attend a meeting, every effort should be made to reschedule. If several attempts to reschedule the meeting are unsuccessful, the meeting may be held without parents present.

Along with the Notice, the case manager should, if possible, send home a copy of the draft 504 Evaluation Report and draft 504 Plan several days ahead of the meeting. These documents may also be presented for the first time at the 504 meeting.

Developing a 504 Plan

If the members of the team believe that the student's impairment substantially limits a major life activity and that the student needs accommodations (*i.e.* modifications to the district's policies or procedures), services or specially designed instruction to have equal access to the district's programs and activities, they can draft a proposed 504 Plan that outlines the necessary accommodations, services or specially designed instruction in advance of the meeting at which the Evaluation Report will be reviewed.

Accommodations for academics, physical education, field trips, extracurricular activities, and other nonacademic programs sponsored by the district should also be included if the student requires such accommodations to gain equal access to them.

A 504 Plan may also be drafted initially during the meeting scheduled for the purpose of reviewing the Evaluation Report.

504 Plan

Once the draft 504 Plan is reviewed and changes are made at the 504 meeting, team members, including the parent(s) will sign the 504 Plan indicating that they participated in the discussion/development of the 504 Plan. The parent also will be given the opportunity to consent or not consent to implement the 504 Plan. If the parent consents to the 504 Plan, a copy of the signed plan will be distributed to all individuals who work with the student or are involved in implementing the 504 Plan. Each individual reviewing the 504 Plan with the case manager will sign the Documentation of 504 Plan Distribution Form after the review is complete.

Progress Monitoring

All individuals responsible for implementing the 504 Plan for a student must evaluate the effectiveness of the 504 Plan on a semester basis using the Progress Monitoring Form.

Annual Review

The 504 Plan must be reviewed and rewritten (if necessary) on at least an annual basis. The case manager must schedule a meeting and send the Notice to Conduct 504 Meeting form to the parent(s). The plan may be reviewed more frequently, such as if the student's needs or the "general rules" change. The Progress Monitoring/Annual Review form should be used when reviewing whether the student remains eligible for the 504 Plan and whether any changes to the 504 Plan are needed.

File Storage

All documents associated with the 504 process shall be maintained in Sped Track. Access to 504 documents will be restricted to personnel who have a legitimate education interest in the information contained in the file and other reasons allowed by FERPA and/or other applicable law.

Reevaluations

At least once every three years and also before any significant change in placement is made, the case manager should request a parent's consent for a reevaluation. A "significant change in placement" includes an exclusion from the educational program of more than ten (10) school days (*i.e.* due to an expulsion or pattern of suspensions), the transferring of a student from one type of program to another, or terminating or significantly reducing a related service. If consent to reevaluate is given, a new Evaluation Report form should be completed,

updating information contained in the previous Evaluation Report. All evaluation information should be maintained with the student's 504 Plan in a lockable office file (separate from the cumulative file folder).

If consent to reevaluate is not given, education records should be reviewed to determine whether changes to the 504 Plan are needed. Also, the district may, but is not required to, request a due process hearing.

Transition Guidelines

Clear communication between sending and receiving grade levels and/or schools is essential for successful transitions of students with 504 Plans. The consequences of poor communication/transition of 504 materials between the sending and receiving grade levels and/or schools are numerous and include such things as inappropriate student accommodations, dissatisfied students, parents, teachers, and administrators as well as legal proceedings against the district. For this reason, special care should be given to preparing each of the student's learning and school-sponsored environments for success. When a student is moving from grade to grade, level to level (elementary to middle; middle to high school), or from one school to another it is recommended that the following steps are taken:

If moving from grade to grade within the same building:

- Consider whether the student's next learning environment will be different than the current one, creating the possibility that more or less accommodations, related services or specialized instruction will be needed.
- Consider whether the student's participation in extracurricular activities or other school sponsored events will change with advancement to the next grade.
- Establish a planning meeting with the student's current and next teacher or teachers prior to the transition.
- Include other appropriate team members in the planning meeting (including parents and the student, if appropriate).
- Rewrite/revise the plan to meet the student's needs at the next grade level, review the revised plan at a 504 meeting and request parent's consent for the revised 504 Plan.

If moving from level to level or transferring to another building:

- Each level (elementary, middle, and high school) designs plans that reflect the way in which that school level operates. That is, "general rules" at the elementary level are often different than "general rules" at the middle school level, etc. Consequently, 504 Plans developed at an elementary school may include accommodations, related services or specialized instruction that need to be adjusted for middle school. In addition, 504 Plans may need to be revised to include items available to all students in elementary school because such items would constitute accommodations, related services or specialized instruction in middle school.
- The current school should provide a copy of the current 504 Plan to the appropriate school personnel at the next level. The case manager at the current school and the case manager at the new level will determine who will be invited to attend a meeting to discuss whether a reevaluation is warranted to determine if the student needs accommodations at the next level or whether any changes to the 504 Plan are necessary when the student begins attending the next level. The case manager at the new level will contact the parents to schedule the meeting and invite the necessary team members.
- Once the student attends the next level, a meeting can be held at the request of parents or school staff to discuss any additional changes that may be warranted after the staff at the new level has had the opportunity to work with the student and reflect on the effectiveness of the 504 Plan.

Terminating a 504 Plan

If, in the professional opinion of school staff, a student no longer demonstrates a need for a 504 Plan, a meeting should be held with the student's 504 Team (which includes the parents) to discuss the possibility of terminating the 504 Plan. Parents should be given written notice of this meeting, using the Notice to Conduct 504 Meeting form. At this meeting, the Progress Monitoring/Annual Review form should be completed and the team should determine whether the student continues to be eligible for a 504 Plan.

If a parent desires to withdraw consent for a 504 Plan, the parent must give written notice of this withdrawal. The case manager must acknowledge in writing that the withdrawal of consent was received and notify the parent that accommodations will cease as of a specific date.

Impartial Due Process Hearing Procedure

Parents are entitled to an impartial due process hearing with respect to actions relating to the identification, evaluation or placement of their student. The Request for Due Process Hearing form is to be completed and sent to the Section 504 Coordinator/Executive Director of Student Services at 2000 NE 46th St, Kansas City, MO 64116-2042; Phone number: 816-321-5000.

A hearing will be scheduled as soon as practicable, on a date established by the hearing officer. The student is entitled to have his or her parents or guardians participate in the hearing and to be represented by counsel at his/her own expense.

If either the district or the student is not satisfied with the hearing officer's decision, there is a right to appeal to federal court.

Grievance Process

A grievance procedure is provided to address issues not eligible for the impartial due process hearing which cannot be resolved at the building level. The Grievance Form is to be completed and sent to the Section 504 Coordinator within five (5) school days of the decision being appealed. The review by the Section 504 Coordinator may include a meeting with the student and/or parent(s), meetings with school staff, as appropriate, and a review of the file and supporting documentation. Based on this review, the Section 504 Coordinator will make a determination in writing to grant or deny the appeal. The determination will be issued promptly and is final.

The grievance procedure may also be used to address identification, evaluation or placement issues, if parents desire. If the grievance process is elected to address any of these issues, parents retain their right to an impartial due process hearing. The impartial due process hearing procedure will not be considered an appeal of the 504 Coordinator's determination of the grievance. Issues relating to the identification, evaluation or placement can be presented to the hearing officer, even if not raised in the grievance procedure.

Department of Education -- Office for Civil Rights

Parents can file a complaint with the Regional Office for Civil Rights with respect to Section 504 matters. Contact information is found in the Notice of Parent and Student Rights.

Disciplining a 504 Student

As with special education students who are subject to IDEA, a student with a 504 Plan may not be suspended for more than 10 days, unless a manifestation determination meeting is first held to determine if the student's misconduct is a manifestation of the student's disability and/or a direct result of a failure to implement the 504 Plan. Likewise, a manifestation determination *may* be required if the student is to be suspended for less than 10 days, but that proposed suspension in combination with prior suspensions would result in total suspensions of more than 10 days during the school year.

In deciding whether a manifestation determination is required under those circumstances, school personnel must consider the length of each suspension, the proximity of the suspensions to one another, the nature of the misconduct giving rise to each suspension, and the total amount of time the student has been or will be excluded from school. If, after considering these factors, school personnel conclude that the proposed suspension will amount to a "pattern of exclusion," then a manifestation determination is required.

Those involved in a manifestation determination meeting need to be knowledgeable about the student and the meaning of the data being reviewed. When possible, it is beneficial to convene those individuals who designed the student's 504 Plan. When this is not possible teachers, parents, health professionals, counselors, etc. can serve on the team that makes a manifestation determination provided they have knowledge of the student and the data being reviewed. The Office for Civil Rights indicates that those making the manifestation determination must have available information that professionals would require when making such a decision. Examples might include attendance and academic records, psychological evaluation data, behavior plans, discipline records, staff observations, annotative records, etc. It is important that the information considered is recent enough to afford an understanding of the student's current behavior.

As with IDEA, if the student's misconduct is found to be a manifestation of the student's disability, the student cannot be suspended for more than 10 school days. The major difference between IDEA and 504 is that if a student with a 504 Plan commits an infraction that is not a manifestation of his or her disability, and is suspended for more than 10 school days, *there is no obligation to provide any educational services to the student with the 504 Plan during the period of the suspension that are not provided to nondisabled students.*

It is vitally important that the student with the 504 Plan be disciplined no more severely than a non-disabled student would be disciplined under the same circumstances.

Frequently Asked Questions

1. Are there any impairments that automatically qualify as a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.

2. Can a medical diagnosis constitute an evaluation for purposes of determining whether a student is eligible for a 504 Plan?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment that substantially limits a major life activity. Other sources include, but are not limited to, assessments administered by the district, teacher recommendations, physical condition, social and cultural background, adaptive behavior, parent input, and outside evaluations provided by parent(s).

3. Does a medical diagnosis automatically mean the student qualifies for a 504 Plan?

No. A medical diagnosis does not automatically guarantee a student a 504 Plan. The student's impairment must substantially limit a major life activity *and* the student must need accommodations (*i.e.* modification of the district's policies and/or procedures), related services and/or specially designed instruction to be eligible for a 504 Plan.

4. How should the district view a temporary impairment?

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. This must be resolved on a case-by-case basis, taking into consideration the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the student.

5. Is an impairment that is episodic or in remission a disability under Section 504?

Yes, under certain circumstances. A 504 Team can develop a 504 Plan for the student that contains accommodations available to the student when the impairment is active.

6. Are there situations when it is inappropriate to offer a 504 Plan?

Yes. Whether a student has a disability that may entitle him or her to a 504 Plan is always decided by evaluating and determining that the student has a disability and that the student needs accommodations (*i.e.* modification of the district's policies and/or procedures), related services and/or specially designed instruction to have equal access to the district's programs and activities. Common misuses of the 504 review request process include the following examples:

- A parent and/or doctor presents the school with a medical diagnosis and a 504 Plan is written without first determining if the medical condition causes substantial limitation of a major life activity and whether the student needs accommodations (*i.e.* modification of the district's policies and/or procedures), related services and/or specially designed instruction to have equal access to the district's programs and activities.
- A student is placed on a 504 Plan solely because the parent wants the student to have additional time on college qualifying examinations (e.g. ACT, SAT).
- A student fails to qualify for special education support and is automatically signed up for a 504 Plan without first qualifying him based on Section 504 criteria.

- A student has an IEP (unless it is a gifted IEP).
- A student is automatically placed on a 504 Plan when the student no longer qualifies for special education services without first utilizing the process for determining whether the student is eligible for a 504 Plan.

7. What should you do if a transferring student has a 504 Plan created by another school district?

If a student with a disability transfers into North Kansas City with a 504 Plan developed by another school district, a 504 Team should review the plan and supporting documentation. If a group of persons, including those knowledgeable about the meaning of evaluation data and knowledgeable about available accommodations determines the 504 Plan is appropriate, the 504 Plan must be implemented. If the district determines the 504 Plan is inappropriate, the evaluation process should be initiated.

8. Are students who are found to be ineligible for a 504 Plan still protected by Section 504?

Yes. Students who do not qualify for a 504 Plan may still be protected by Section 504. The law prohibits discrimination against students who have a disability. In addition, the law prohibits discrimination against students who have a record of an impairment or are regarded as having an impairment.

(a) “Has a record of such an impairment” means that a person has a history of, or has been misclassified (by a recipient of federal funding) as having a mental or physical impairment that substantially limits one or more major life activities.

(b) “Is regarded as having an impairment” means that an individual has a physical or mental impairment that does not substantially limit major life activities but that is treated (by a recipient of federal funds) as constituting such a limitation; or has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment.

Thus, in the case of “has a record of” and “is regarded as having” an impairment, individuals receive Section 504 protection not necessarily because they have a qualifying disability, but to protect them from being injured by the prejudice or stereotypic attitudes of others. Schools have no obligation to identify these students or provide them with a 504 Plan. However, schools are prohibited from discriminating against these students in all programs and activities.

9. If a 504 Plan indicates that the school will follow the Individual Healthcare Plan that has been developed by the parent(s) and nurse, and the Individual Healthcare Plan requires small adjustments from time to time, does the 504 Team need to meet to make changes to the Individual Healthcare Plan?

It depends. Sometimes teams decide to include the contents of the Individual Healthcare Plan within the 504 Plan itself. If this is the case, the entire 504 Team would need to come together to discuss any change to the Individual Healthcare Plan/504 plan before implementation.

Another option is to include a statement in the 504 Plan that addresses the need for small adjustments to the Individual Healthcare Plan between 504 meetings based upon a doctor’s recommendation or parent request. For example, the 504 Plan could include the following accommodation: “The school will implement the most recent Individual Healthcare Plan developed in consultation with and approved by the parents/guardian.” In this circumstance, the entire 504 Team would not need to meet to discuss a change to the Individual Healthcare Plan/504 Plan before implementation, but could meet if either the parent or another member of the 504 Team believe the input of other team members is necessary. When referencing an Individual Healthcare Plan in a 504 Plan, 504 teams should consider both options and choose the most appropriate option to meet the student’s needs.



Section 504
Procedural Safeguards
North Kansas City School District

Please keep this explanation for future reference
Section 504 of the Rehabilitation Act of 1973

In compliance with the procedural requirements of Section 504 of the Rehabilitation Act of 1973, hereinafter Section 504, the following Notice of Parent/Student Rights in Identification, Evaluation, and Placement shall be utilized in North Kansas City Schools.

This document is provided to ensure that you are aware of the regulations regarding the identification, evaluation or placement under Section 504 that may pertain to your child. Should you have any questions, contact the Section 504 coordinator:

Executive Director of Student Services
2000 NE 46th St., Kansas City, MO 64116
Phone (816) 321-5000; Fax (816) 321-5437

As the parents/guardians, you may also meet with the superintendent or a designee and/or the local school board to resolve any objections to the evaluation or educational placement of your child.

- I. Section 504 is enforced by the U. S. Department of Education, Office for Civil Rights (OCR). If you need information about Section 504, the contact information is as follows:

Office for Civil Rights, Kansas City Office
U. S. Department of Education
One Petticoat Lane
1010 Walnut Street, 3rd Floor, Suite 320
Kansas City, Missouri 64106

(816) 268-0550
FAX: (816) 268-0599
TDD: (800) 877-8339
Email: OCR.KansasCity@ed.gov

- II. The following is a description of some of the rights granted by this federal law pertaining to students with disabilities who are subject to identification, evaluation or placement under Section 504. (See 34 C.F.R. § 104 for a full compilation of regulations.)
- A. Your child is entitled to take part in and receive benefits from public education programs or activities without discrimination because of his or her disability. 34 C.F.R. §104.21
- B. Your child is entitled to receive a free appropriate public education regardless of the nature or severity of his or her disability. 34 C.F.R. § 104.33(a)
- C. Your child is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs as adequately as the needs of students without disabilities. 34 C.F.R. § 104.33(b)

- D. Your child is entitled to receive free educational services except for those fees that are imposed on students without disabilities or their parents. 34 C.F.R. § 104.33(c)
- E. Your child is entitled to be educated with students without disabilities to the maximum extent appropriate to the needs of your child. 34 C.F.R. § 104.34(a)
- F. Your child is entitled to be educated in facilities and receive services and activities comparable to those provided to students without disabilities. 34 C.F.R. § 104.34(b)(c)
- G. Your child is entitled to an evaluation prior to an initial placement and any subsequent significant change in placement. 34 C.F.R. § 104.35(a)
- H. Your child is entitled to be evaluated and tested with procedures in accordance with regulations pertaining to evaluation procedures. 34 C.F.R. § 104.35(b)
- I. Your child is entitled to have evaluation data and placement decisions based upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. 34 C.F.R. § 104.35(c)(1)
- J. Your child is entitled to have interpretation of data and placement decisions based on evaluation procedures that ensure information is obtained from a variety of documented and carefully considered sources. 34 C.F.R. § 104.35(b)(c)(2)
- K. Your child is entitled to have placement decisions made by persons knowledgeable about your child, the meaning of evaluation data, and placement options. 34 C.F.R. § 104.35 (c)(3)
- L. Your child is entitled to periodic evaluations. 34 C.F.R. § 104.35(d)
- M. Your child is entitled to an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district. 34 C.F.R. § 104.37
- N. You are entitled to notice prior to any action by the district pertaining to the identification, evaluation, or placement of your child. 34 C.F.R. § 104.36
- O. You are entitled to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement. 34 C.F.R. § 104.36
- P. You are entitled to request an impartial hearing and an appeal of any decisions or actions taken by the school district regarding your child's identification, evaluation, educational program, or placement. The school district will bear the costs for these due process procedures. You and your child may take part in these proceedings and have an attorney represent you. The following details the procedures:
 - i. If you disagree with the identification, evaluation, educational placement, or with the provisions of a free appropriate public education for your child, you may make a request for a hearing to the superintendent or the Section 504 coordinator, indicating the specific reason(s) for the request. Upon receipt of the request, the superintendent shall appoint the hearing officer.
 - ii. The school district may initiate a hearing regarding the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student. The school district shall notify you of the specific reason(s) for the request.

iii. The school district shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.

Q. You are entitled to request a review (appeal) of the hearing, should you not prevail.

The following details the procedure:

- i. You or any party to the hearing may petition to review (appeal) the decision of the hearing officer. The request must specify the objections and be filed with the superintendent and the opposing party within twenty (20) school days of the date the hearing officer's decision is received. The school district must appoint an independent appeals officer to conduct an impartial review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) school days of the receipt of the petition to review, unless either party requests an extension of time.
- ii. The appeals officer shall ensure that a transcript of the review is prepared and made available to any party upon request.
- iii. Any party disagreeing with the decision of the appeals officer may appeal to a civil court with jurisdiction.

This procedure does not deny the right of the grievant to file a formal complaint in federal court or with the U.S. Department of Education. Changes in the law, including timelines for filing a complaint, may affect your rights. The person in this school district who is responsible for assuring that the school district is in compliance with Section 504 is the Section 504 Coordinator. This document is not to be a substitute for legal advice. It contains portions of the Section 504 regulations. For a complete compilation of the law, see 34 C.F.R. Part 104.



Your Rights Under Section 504

North Kansas City School District

You have the right to be informed by the school district of your rights under Section 504. This is a notice of you and your child's rights under Section 504 and the rights you have if you disagree with the school district's decisions.

WHAT IS SECTION 504?

Section 504 of the Rehabilitation Act of 1973, commonly called "Section 504," is a federal law that protects students from discrimination based on disability. Section 504 assures that students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities. To be eligible, a student must have a physical or mental impairment that substantially limits one or more major life activity.

YOUR CHILD'S EDUCATION

Your child has the right to:

- Receive a free and appropriate public education.
- Participate in and benefit from the district's educational programs without discrimination.
- Be provided an equal opportunity to participate in the district's nonacademic and extracurricular activities.
- Be educated with students who do not have disabilities to the maximum extent appropriate.
- Be educated in facilities and receive services that are comparable to those provided to students without disabilities.
- Receive accommodations and/or related aids and services to allow your child an equal opportunity to participate in school activities.
- Receive educational and related aids and services without cost, except for those fees imposed on the parents of children without disabilities.
- Receive special education services if needed.

YOUR CHILD'S EDUCATIONAL RECORDS

You have the right to:

- Review your child's educational records and to receive copies at a reasonable cost. You will not be charged if the cost would keep you from reviewing the records.
- Ask the district to change your child's education records if you believe that they are wrong, misleading, or are otherwise in violation of your child's privacy rights. If the district refuses this request, you have the right to challenge the refusal by requesting an impartial hearing.
- A response to your reasonable requests for explanations and interpretations of your child's education records.

THE SECTION 504 PROCESS

Your child has the right to an evaluation before the school determines if he or she is eligible under Section 504.

You have the right to:

- Receive notice before the district takes any action regarding the identification, evaluation, and placement of your child.

- Have evaluation and placement decisions made by a group of persons, often called a “504 team”, including persons who know your child, the meaning of the evaluation information, and the placement options available.
- Have evaluation decisions based on a variety of sources, such as aptitude and achievement tests, teacher recommendations, physical conditions, medical records, and parental observations.
- Refuse consent for the initial evaluation and initial placement of your child.

If your child is eligible under Section 504, your child has a right to periodic re-evaluations, including re-evaluations before any significant change is made in your child’s placement.

IF YOU DISAGREE WITH THE DISTRICT’S DECISION

If you disagree with the district’s decisions regarding your child’s identification, evaluation, educational program, or placement under Section 504, you may request mediation or an impartial due process hearing. You and your child have the right to take part in the hearing and have an attorney represent you. Hearing requests and other concerns can be made to your district’s Section 504 Coordinator:

*Executive Director of Student Services
2000 NE 46th St., Kansas City, MO 64116
Phone (816) 321-5000; Fax (816) 321-5437*

You have the right to file a complaint of discrimination with the U.S. Department of Education’s Office for Civil Rights (OCR), or to file a complaint in federal court. Generally, an OCR complaint may be filed within 180 calendar days of the act that you believe was discriminatory. The regional office is located at 915 Second Ave, Room 3310, Seattle, WA 98174-1099.

Phone: 206-607-1600/TDD: 206-607-1647

Website: www.ed.gov/OCR



North Kansas City School District
Receipt for 504 Notice of Parent and Student Rights
(Section 504 of the Rehabilitation Act of 1973)

Student: _____ Date of Birth: _____

School: _____ Grade: _____ Student ID #: _____

Case Manager: _____

The signature below verifies that a copy of *Notice of Parent and Student Rights* under Section 504 has been received by:

Parent /Guardian

Date

If additional information is needed, please contact:

504 Building Designee Issuing Rights Notice

Telephone

Please sign and return to: _____
Case manager



North Kansas City School District
504 Plan Grievance Form

Date: _____

PERSONAL INFORMATION

Student: _____ Date of Birth: _____

Parent/Guardian: _____ Phone: _____

Address: _____ School: _____

Teacher: _____ Grade: _____

Nature of Grievance (Please describe the policy or action you believe may be in violation of Section 504 or other Civil Rights Statute):

If others are affected by the possible violation, please give their names and/or positions:

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance:

Signature

Date

Signature of Person Receiving Grievance

Date

Send To: Dr. Janelle Porter 2000 NE 46th St, Kansas City, MO 64116 816-321-5437(fax)

IDEA/504 FLOW CHART

