



# Section 504 Handbook

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## **SECTION 504 – GUIDELINES FOR PARENTS**

### **INTRODUCTION**

Section 504 of the Rehabilitation Act (“Section 504”) is a federal civil rights law (not an education law) passed by the U.S. Congress in 1973 that prohibits entities receiving federal financial assistance from discriminating against individuals on the basis of disability. In addition, the law requires that public elementary and secondary schools provide a free and appropriate public education (“FAPE”), which may include accommodations and related services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of a nondisabled student are met and are based upon adherence to evaluation, placement and procedural safeguard requirements.

The U.S. Department of Education Office for Civil Rights (“OCR”) enforces the law. Both the education and legal systems have increasingly focused attention on Section 504 requirements to ensure that education systems do not discriminate on the basis of a disability and do provide qualified disabled students equal access to public education programs and activities.

For specific details regarding referral, eligibility and equal access the district programs and activities, parents are encouraged and invited to contact the school principal who serves as the Section 504 representative for the school their child attends. At each school, the responsibility for ensuring Section 504 compliance rests with the building principal. The Director of Family and Student Services coordinates the district's compliance with Section 504. If additional information is needed, the Director of Family and Student Services can be contacted at 913-993-6405.

This handbook is intended to be utilized by parents as a resource regarding the provisions of Section 504 and school district policies (included in Appendix A) regarding equal access for disabled students. It contains general information and is not intended to address all unique and specific circumstances a student or parent may encounter or to constitute legal advice and should not be relied upon as such.

## SECTION 504 DISABILITY DEFINED

Under Section 504 an individual is disabled if he/she

(1) **has** a physical or mental impairment which substantially limits one or more major life activity, **OR**

(2) has **a record** of a physical or mental impairment that substantially limits one or more major life activity, **OR**

(3) is **regarded as having** a physical or mental impairment that substantially limits one or more major life activity.

Students are not entitled to reasonable accommodations or modifications to policies, practices and procedures or the provision of related services simply because they have a record of a disability or are regarded as having an impairment that substantially limits a major life activity. Unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a “record of” or is “regarded as” disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a FAPE.

To further define these terms:

A “**physical or mental impairment**” is either:

- a) a 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, **or**
- b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

In determining whether a student’s impairment “**substantially limits**” a major life activity, the student’s ability to perform a major life activity is compared to the ability of most people in the general population to perform that major life activity. Specific factors to consider include, but are not limited to the:

- condition under which the student performs the major life activity;
- manner in which the student performs the major life activity;
- duration of time it takes the student to perform the major life activity;
- duration for which the student can perform the major life activity;
- difficulty, effort, or time required to perform a major life activity;
- pain experienced when performing a major life activity;
- way an impairment affects the operation of a major bodily function; and
- negative impact of any mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen.

**“Major life activities”** include, but are not limited to: caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and “the operation of a major bodily function, including but not limited to, the function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.”

## **Mitigating Measures**

“Mitigating measures” are devices or practices that a person uses to correct or reduce the effect of a person’s mental or physical impairment. Examples of mitigating measures include, but are not limited to, medication, prosthetics, hearing aids, cochlear implants, mobility devices and assistive technology. The law requires that the ameliorative effects of mitigating measures (except glasses and contacts) not be considered by schools in determining whether an impairment substantially limits a major life activity. As noted above, however, the negative impact of any mitigating measures is a consideration in determining whether impairment substantially limits a major life activity.

## **EVALUATION FOR ELIGIBILITY DETERMINATION**

Section 504 regulations, at 34 C.F.R.104.35 (b), require school districts to individually evaluate a student before classifying the student as having a disability or before providing the student a 504 Accommodation Plan (“504 Plan”) outlining changes to policies, practices or procedures or the provision of related services that are needed for the student to gain equal access to the district’s programs and activities. The Shawnee Mission School District has established standards and procedures consistent with Section 504 regulations for initial evaluation and periodic re-evaluation of students who need or are believed to need a 504 Plan as a result of their disability. See Appendix B.

At the elementary and secondary level, a 504 Team determines whether a Shawnee Mission student: (1) has a disability, as that term is defined by Section 504; and (2) is eligible for a 504 Plan. The student’s 504 Team should include persons knowledgeable about the student, a person who can interpret the meaning of the evaluation data, and a person who can identify options for accommodations, modifications and/or related services. Section 504 regulations do not specify who should comprise the team, but the Shawnee Mission School District has identified the following suggested team members: the principal, the student’s teacher(s), a staff member with knowledge of evaluation data, the parent, the student when appropriate, and others as deemed appropriate.

The 504 Team must decide whether they have sufficient information in hand – including any preexisting assessment data – to make decisions. If the 504 Team determines that additional information needs to be collected through evaluation, the procedures used in that evaluation must ensure that:

- children are not misclassified;
- children are not unnecessarily labeled as having a disability;

- evaluation procedures are appropriately selected, administered, and interpreted; and
- children are not incorrectly placed.

Parental consent is required for an initial 504 evaluation.

The 504 Team must first determine whether the student has an impairment that substantially limits a major life activity. However, not every student who has a physical or mental impairment that substantially limits a major life activity will qualify for and need accommodations under Section 504. The actual presence of an identified disability is not sufficient, in and of itself, to qualify a student as eligible for a 504 Plan. The 504 Team also must determine whether the student needs changes to the district's policies, practices or procedures or the provision of related services in order to provide him or her with equal access to its programs and activities. If so, the student qualifies for a 504 Plan.

## **NON-DISTRICT EVALUATIONS**

Some students who are referred for eligibility determination under Section 504 may have medical reports and accommodation recommendations from private sources. The 504 Team may utilize that information in the decision-making process. In these instances the school members of the 504 Team may request consent from the parent to obtain copies of medical reports/accommodation recommendations and/or to speak to those diagnosing or treating the medical conditions and/or making the accommodation recommendations.

In making an eligibility determination, the 504 Team is required to consider all relevant information from a variety of sources but is not obligated to adopt the evaluation or recommendations made by other agencies or individuals. While a physician's medical diagnosis may be considered among other information in evaluating a student suspected of having a disability, a medical diagnosis alone does not suffice for the purposes of Section 504 eligibility determination. A student is eligible for a 504 Plan when the student's medical condition substantially limits a major life activity and there is a need for changes to the district's policies, practices or procedures or the provision of related services to gain equal access to the district's programs and activities.

## **EVALUATION AT PARENTAL REQUEST**

The district is not obligated to conduct an evaluation upon parent request if the 504 Team determines that there is no reason to suspect that the student might be eligible for support under Section 504. The district is required to evaluate a student only when it has reason to believe the student may need a Section 504 Plan or otherwise be eligible for special education or related services. If a 504 Team determines that a student will not be evaluated, the district will send written notice of that decision to the parent.

## **INDEPENDENT EDUCATIONAL EVALUATION (“IEE”)**

A parent does not have the right to obtain a 504 IEE of a student at public expense. The 504 Team will, however, consider any outside evaluations obtained at parent expense.

## **RE-EVALUATION**

Section 504 requires re-evaluation of student needs periodically. This may be conducted in accordance with regulations governing the Individuals with Disabilities Education Act (“IDEA”), which require re-evaluation at three-year intervals (unless the parent and public agency agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and public agency agree otherwise). In addition, dismissing a student from a 504 Plan requires a re-evaluation, except upon graduation.

The 504 Team determines the amount of information required for the re-evaluation. The team must determine if they have enough information to make a knowledgeable decision as to whether the student has an impairment that continues to present a substantial limitation and whether the student needs changes to the district's policies, practices and procedures or the provision of related services in order to gain equal access to the district's programs and activities. The re-evaluation process can be simplified and may be limited to existing data and discussion of the student's disability and its impact in the school setting, if no additional data is needed to determine appropriate revisions to the student's 504 Plan.

It is the district's practice to obtain parent consent to re-evaluate a student.

## **IDEA ELIGIBILITY**

If the 504 Team suspects that a student may be eligible for special education services under one or more of the IDEA disability categories, a referral will be made for the student to be evaluated for special education. If eligible for special education, an Individual Education Plan (“IEP”) will be developed for the student by an IEP Team. If a student is both disabled – as defined under Section 504 – and gifted – as defined by Kansas law – an IEP team will develop an IEP for special education services and a 504 Team will develop a 504 Plan for accommodations and related services related to the Section 504 disability.

## **504 PLANS FOR STUDENTS**

Support and services to be provided to a student under Section 504 are documented in a 504 Plan. In developing that 504 Plan the 504 Team must ensure that the student is educated in the least restrictive environment. The 504 Plan should include changes to the district's policies, practices or procedures (*i.e.* accommodations/modifications) and/or the provision of related services that the team has determined the student needs in order to gain equal access to the district's programs and activities.

## **PRIVATE SCHOOL/HOME SCHOOLED STUDENTS**

Section 504 does not require a public school to provide services in private or home school settings. See 34 CFR 104.333(c)(4). If the district has offered to provide the student an appropriate education in the public school setting, the district is not responsible for the provision of educational services to students enrolled in a non-public school program based on the personal choice of the parent.

## **TRANSFER STUDENTS**

When a student with a 504 Plan transfers from another district, a 504 Team will review the plan and supporting documentation. If the 504 Team determines the 504 Plan is appropriate, it will be implemented. If the 504 Team determines that the 504 Plan does not appear to be appropriate, the district will request consent for a 504 evaluation and will convene a 504 Team meeting to determine any revisions required to meet the student's needs.

## **PROCEDURAL SAFEGUARDS**

Under Section 504, the rights of the parent and student are protected by a system of procedural safeguards that include:

- notice of meetings/parent participation;
- prior written notice of evaluations, eligibility, and programmatic action proposed;
- opportunity to examine relevant records;
- notice of parent and student rights/procedural safeguards; and
- review procedures.

## **NOTICE OF MEETING AND PARENT PARTICIPATION**

While Section 504 does not specify the degree of parent participation required, the district believes it to be best practice to involve parents in the 504 process. In order to encourage parent participation, the district will provide parents reasonable notice of 504 Team meetings and will offer the opportunity to participate in these meetings.

Decisions regarding a student's eligibility and/or 504 Plan are made by the student's 504 Team, which includes the parents as equal members. The decision-making process used by the student's 504 Team is consensus building. A consensus decision involves building agreement by the whole group on a course of action. Although individual members (based on their own unique experiences and expertise) may believe that other choices may be better for one reason or another, a consensus is built when all members come together on the final choices.

Since decisions are made by consensus of the 504 Team, reports and recommendations from individuals or groups (including physicians, therapists, and other health professionals) are fully considered by the team, but cannot take the place of 504 Team decision making. If consensus cannot be achieved, the final decisions are made by the principal.



## **PRIOR WRITTEN NOTICE OF EVALUATIONS, ELIGIBILITY AND PROGRAMMATIC ACTION PROPOSED**

The district provides prior written notice of evaluations and requests parent consent. The district also provides prior written notice concerning whether the student is eligible for a 504 Plan. Finally, the district provides prior written notice and requests parent consent for the initial 504 Plan and any subsequent changes to the 504 Plan.

## **EXAMINATION OF RELEVANT RECORDS**

Under Section 504, parents have the right to examine all relevant records relating to decisions regarding their child. In Shawnee Mission, student records related to Section 504 are maintained by the student's school building administrator. If parents wish to examine their child's records, they should contact the building principal and schedule an appointment for this purpose. A member of the school staff will be available to assist the parent and to answer questions as they review records.

Parents may request copies of records in their child's file, with the exception of records that may not be duplicated due to copyright infringement laws. The school may charge a reasonable fee for copies of student records unless the fee would effectively deny the parent access to the records.

## **NOTICE OF PARENT AND STUDENT RIGHTS/PROCEDURAL SAFEGUARDS**

A copy of the district's Section 504 Notice of Parent and Student Rights/Procedural Safeguards the district provides parents is in Appendix C. A copy will be made available to the parents of eligible students at least one time each year. Parents will also be given a copy of Notice of Parent and Student Rights/Procedural Safeguards when:

- a parent requests an evaluation of a student or the district proposes to conduct such an evaluation;
- parents file an appeal of the 504 Team's decision (see page 9);
- a 504 Team conducts a manifestation determination (see page 11); and
- a copy of Notice of Parent and Student Rights/Procedural Safeguards is requested by a parent.

## **REVIEW PROCEDURES**

Two review procedures are available to parents. The first is 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 at 8200 W. 71st, Shawnee Mission, KS 66204 or via fax at 913-993-6234.

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.

The second is a grievance procedure, which is intended to address issues not eligible for the impartial due process hearing that cannot be resolved at the building level. The Grievance Form is to be completed and sent to the Section 504 Coordinator (at 8200 W. 71st, Shawnee Mission, KS 66204 or via fax at 913-993-6234) 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 schools 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.

## THE RELATIONSHIP BETWEEN SECTION 504 AND IDEA

When comparing the relationship between Section 504 and the IDEA, it is recognized that there are similarities. For the purpose of providing information regarding the relationship, the following are the most salient differences. The list is not exhaustive.

1. All individuals who receive special education and related services under IDEA are also protected by Section 504. However, not all individuals defined as disabled under Section 504 qualify for special education under IDEA.
2. The IDEA includes thirteen (13) specific disability categories: Autism, Deaf/Blind, Developmental Disabilities, Early Childhood Disabilities, Emotional Disturbance, Hearing Impaired, Learning Disabilities, Mental Retardation, Other Health Impaired, Orthopedic Impairment, Speech/Language, Traumatic Brain Injury, and Visual Impairment. Special education eligibility under the IDEA is defined by the existence of one or more of these **disabilities** that result in the **need** for special education (specially designed instruction) and/or related services. The Section 504 definition of a disability is much broader than the IDEA definition.

A student may have a physical or mental condition that substantially limits a major life activity creating a significant limitation to access and participate in the district's programs and activities but not to the extent that establishes a need for "specially designed" instruction. The student would not, therefore, be eligible under IDEA.

3. The IDEA is a special education law requiring specially designed instruction. Section 504 is a civil rights law prohibiting discrimination based on disability.

4. The district receives some federal funds to provide IDEA services to students. The district does not receive federal funds to provide changes to policies, practices, procedures or the provision of related services that a 504 Team deems necessary for a student to gain equal access to the district's programs and activities.

5. The IDEA requires an IEP for eligible students. The IEP identifies goals for which the student will receive specially designed instruction from special education certified personnel. Section 504 requires a 504 Plan for eligible students. The 504 Plan contains changes to policies, practices or procedures (*i.e.* accommodations) or identifies related services that the student needs to gain equal access to the district's programs and activities.

6. Section 504 rights are not as detailed as under IDEA.

7. The IDEA has provisions for an independent education evaluation at public expense; Section 504 does not.

## **DISCIPLINE**

Under Section 504, students with a 504 Plan cannot be suspended or expelled from school for more than 10 consecutive school days (or a pattern cumulating to 10 school days) for misconduct that was a manifestation of the student's disability. Whether or not the student's behavior was a manifestation of his/her disability is determined at a meeting of the 504 Team with the provision of at least 24 hours verbal or written notice of the meeting to the parent. If a student's misconduct is not a manifestation of his/her disability, the district may discipline the student as it would a general education student. Unlike the IDEA, students with a 504 Plan are not entitled to continued services during the term of their suspension or expulsion if the misconduct was determined not to be a manifestation of their disability.

### **Statement of Prohibition of Discrimination, Harassment, and Retaliation**

The Shawnee Mission School District is strongly committed to maintaining an educational environment and workplace that is free from discrimination, harassment, and retaliation in admission or access to, or treatment or employment in, its programs, services, activities, and facilities. The District will provide equal opportunity in all areas of education, recruiting, hiring, retention, promotion, and contracted service. As described in [Board of Education Policy AC](#), the District strictly prohibits discrimination and harassment against students, employees, or others on the basis of race, creed, religion, color, national origin, ancestry, age, sex, sexual orientation, gender identity, disability, genetic information, or any statutorily prohibited basis. Any form of discrimination or harassment toward any person associated with the District, regardless of where the conduct occurs, is a violation of this policy. The District also strictly prohibits retaliatory actions against those who engage in protected activities. More information about Policy AC can be found [here](#).

### **Statement of Compliance with Non-Discrimination and Equal Access Laws**

The District will comply with the provisions and requirements of:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities, and which protects students and employees of educational institutions from sex discrimination and sexual harassment
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs that receive federal financial assistance
- Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including discrimination on the basis of pregnancy, childbirth, and related medical conditions and discrimination based on sexual orientation or gender identity), and national origin
- Section 504 of the 1973 Rehabilitation Act, which protects qualified individuals with disabilities from discrimination in programs that receive federal financial assistance and which requires reasonable accommodations for individuals with disability
- Individuals with Disabilities Education (IDEA), which ensures students with a disability are provided with Free Appropriate Public Education (FAPE)
- Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of disability, which guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state and local government services, and telecommunications, and which requires reasonable accommodations for individuals with disabilities
- Title II Subtitle A of the Americans with Disabilities Act (ADA), which protects qualified individuals with disabilities from discrimination in the services, programs, or activities provided by State and local government entities
- Age Discrimination in Employment Act (ADEA), which protects applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment

- Genetic Information Nondiscrimination Act (GINA), which prohibits discrimination based on genetic discrimination in health insurance and employment
- Kansas Act Against Discrimination and Kansas Age Discrimination in Employment Act, which prohibit discrimination in employment on the basis of race, religion, color, sex, disability, national origin, ancestry, or age
- Boy Scouts of America Equal Access Act, which requires equal access to District facilities and related benefits and services, and which prohibits discrimination against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America, or any other designated youth groups
- U.S. Department of Agriculture (USDA) civil rights regulations and policies, which prohibit discrimination in any program or activity conducted or funded by the USDA, including the National School Lunch Program, the School Breakfast Program, and the Summer Food Service Program

**Parents of Disabled Students Have the Right To:**

- have notice of their rights under federal law.
- receive notice with respect to identification, evaluations or placement of their student.
- examine all relevant records relating to decisions or actions regarding their student's identification, evaluations, services and/or placement.
- request an impartial due process hearing regarding their student's identification, evaluations, educational program or placement. The parent and the student may take part in the hearing and have an attorney represent them, at their cost. 504 due process documents are available [here](#) and should be sent to the Section 504 Coordinator listed below.
- file a grievance to address issues not eligible for an impartial due process hearing which cannot be resolved at the building level. The grievance procedure may also be used to address identification, evaluation or placement issues, if parents desire. The Grievance Form is available [here](#) and must be 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.
  - Note: Section 504 prohibits retaliation because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing section 504.
- Contact the Office of Civil Rights. At any time in the process, parents may file a complaint by contacting the United States Department of Education Office for Civil Rights. More information is available [here](#).

In addition to the prohibitions and protections outlined above, retaliation is prohibited by civil rights laws, and individuals who exercise their rights under those laws are protected from retaliatory acts.

**Board Policy IDACC: Accommodations for Students**

In accordance with the provisions of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act, the district is committed to providing students with disabilities the opportunity to participate in and benefit from its programs and activities. Accordingly, the district will make reasonable modifications to its programs and activities to accommodate otherwise qualified students with disabilities, unless such modifications would impose an undue burden on the operation of the particular program or activity or would fundamentally alter the nature or purpose of the program or activity.

## **Appendix B – Standards and Procedures**

### **I. Procedure for 504 Evaluation**

- A. Requests for a 504 evaluation should be made to the student's teacher or principal. A 504 Team will be developed to evaluate the student to determine whether he or she is eligible for a 504 Plan.
- B. The district will respond to a request for a 504 evaluation within a reasonable time, not to exceed 15 school days. This response will seek written consent for the evaluation, if not already given, identify the members of the 504 Team and may request additional information the 504 Team needs to evaluate the student's eligibility for a 504 Plan.
- C. 504 Teams will complete evaluations within 60 school days of the date parent consent is given, 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.
- D. 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 the date consent for the 504 evaluation is given, 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.
- E. Parents or students may review student records at any time before, during, or after a 504 evaluation.

### **II. Notice of Eligibility**

- A. The 504 Team will notify the parent or student in writing whether the student is eligible for a 504 Plan.
- B. If eligible, the 504 Team will develop a 504 Plan for the student.

### **III. 504 Plans**

- A. The District will obtain consent before implementing a student's 504 Plan.
- B. The 504 Team will review the student's 504 Plan at least annually, at a time to be determined by the 504 Team. Any necessary modifications to the 504 Plan will be discussed and made during this review meeting with the parent or student.

## **Appendix C – Notice of Parent and Student Rights/Procedural Safeguards (Section 504 of the Rehabilitation Act of 1973)**

The following is a description of the rights granted by Section 504 of the Rehabilitation Act of 1973 for students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any of these decisions. Please keep this explanation for future reference.

### **DISABLED STUDENTS HAVE THE RIGHT TO:**

- take part in and receive benefits from the school district's programs and activities without discrimination because of a disability.
- receive a free and appropriate public education, which may include the provision of specific accommodations (*i.e.* modification of the district's policies and/or procedures), related services and/or specially designed instruction if required to meet individual educational needs as adequately as the needs of nondisabled students are met.
- be educated with nondisabled students to the maximum extent appropriate and in facilities which are comparable to those provided to students without disabilities.
- have evaluations, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
- have transportation provided to and from an alternate placement setting at no greater cost to the student's parents than would be incurred if the student were placed in a program operated by the district.

### **PARENTS OF DISABLED STUDENTS HAVE THE RIGHT TO:**

- have notice of their rights under federal law.
- receive notice with respect to identification, evaluations or placement of their student.
- examine all relevant records relating to decisions or actions regarding their student's identification, evaluations, services and/or placement.
- file a complaint related to decisions or actions by the district:  
Kansas Office for Civil Rights  
U.S. Department of Education  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
Telephone: (816) 268-0550  
E-mail address: [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov)
- request an impartial due process hearing regarding their student's identification, evaluations, educational program or placement. The parent and the student may take



part in the hearing and have an attorney represent them, at their cost. Hearing requests must be made to the district ADA/Section 504 Coordinator listed below.

- file a grievance to address issues not eligible for an impartial due process hearing which cannot be resolved at the building level. The grievance procedure may also be used to address identification, evaluation or placement issues, if parents desire. 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 schools 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.

Section 504 prohibits retaliation because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing section 504.

**USD 512 Section 504 Coordinator:**

**Dr. John McKinney  
Center for Academic Achievement  
8200 W. 71st  
Shawnee Mission, Kansas 66204  
JohnMcKinney@smsd.org or 913-993-6405**



# SHAWNEE MISSION

## SCHOOL DISTRICT

### **Section 504 Grievance Procedures**

Section 504 of the Rehabilitation Act prohibits discrimination based on disability. In accordance with Section 504, any program participant (student, staff member, etc.), who has reason to believe that they have been mistreated, denied services, or discriminated against in any aspect of services or employment because of a disability may file a grievance. The Shawnee Mission School District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Health and Human Services regulation (*45 DFR Part 84*) implementing Section 504 of the Rehabilitation Act of 1973 as amended (*29 U.S.C. 794*). The law and regulations may be examined in the Shawnee Mission School District Office. The Section 504 Coordinator shall service as the Superintendent's designee and coordinate the grievance procedure on behalf of the Shawnee Mission School District.

1. A grievance must be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by the regulations.
2. A grievance must be filed in the office of the Section 504 Coordinator within 30 days after the person filing the grievance became aware of the action alleged to be prohibited by the regulations. This time frame may be waived by the Section 504 Coordinator if extenuating circumstances existed which justifies an extension.
3. The Section 504 Coordinator, or his/her designee, shall conduct such investigation of a grievance as may be appropriate to determine its validity. This investigation affords all interested persons and their representative, if any, an opportunity to submit evidence relevant to the grievance. Under Section 504, Shawnee Mission Schools need not process complaints from applicants for employment.
4. The Section 504 Coordinator shall issue a written decision determining the validity of the grievance no later than 30 days after its filing.
5. If the grievance has not been resolved at this point, the grievant may request in writing that the Deputy Superintendent or designee review the decision of the Section 504 Coordinator. Such request must be made within 5 days of receipt of the decision by the Section 504 Coordinator.
6. The Deputy Superintendent shall have an additional 15 days to resolve the grievance before notifying the grievant in writing of his/her decision and list the evidence on which the decision is based.
7. If the grievance is then unresolved, the grievant will be advised in writing of the right to file a complaint with the appropriate state and federal civil rights offices and will be provided with the names and addresses of such offices, including the Office for Civil Rights of the U.S. Department of Health and Human Services at 233 N. Michigan Ave., Suite 240, Chicago, IL 60601.



**504 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:** John McKinney, 8200 W. 71<sup>st</sup>, Shawnee Mission, Kansas 66204, fax 913-993-6234 or  
[JohnMcKinney@smsd.org](mailto:JohnMcKinney@smsd.org)