

Parent's Guide to Understanding Section 504 of the Rehabilitation Act of 1973

**The purpose of this information is to
provide a brief description of the
process used to identify and evaluate
students who may have qualifying
disabilities under Section 504.**

The following is a description of the rights granted by federal law to students, and parents/guardians of students, identified as students with disabilities under Section 504 of the Rehabilitation Act of 1973. The intent of this brochure is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of the decisions. Please keep this information for future reference.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition.
2. Have the Madison Metropolitan School District advise you of your rights under federal law.
3. Receive notice with respect to Section 504 identification, evaluation, and/or placement of your child.
4. Provide, or refuse to provide, your consent prior to an initial Section 504 evaluation.
5. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the Madison Metropolitan School District make accommodations to allow your child an equal opportunity to participate in school and school-related activities.

6. Have your child educated in facilities and receive services comparable to those provided to non-disabled students.
7. Have your child receive special education and related aids and services if they are found to be eligible under Section 504 of the Rehabilitation Act of 1973 [29 U.S.C § 794] and in need of those education and related aids and services.
8. Have evaluation, educational, and placement decisions made based upon a variety of information sources and by persons who know the student, the evaluation data, and the placement options.
9. Provide, or refuse to provide, your consent prior to implementation of an initial Section 504 plan.
10. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by Madison Metropolitan School District.
11. Examine all relevant records relating to decisions regarding your child's Section 504 identification, evaluation, educational program, and placement.
12. Obtain copies of educational records at reasonable cost unless the fee would effectively deny you access to the records.
13. Obtain a response from the Madison Metropolitan School District to reasonable requests for explanations and interpretations of your child's records.
14. Request mediation or file a grievance in accordance with the Madison Metropolitan School District's Section 504 mediation, grievance, and hearing procedures.
15. Request an impartial hearing regarding the Section 504 identification, evaluation, or placement of your child. You and the student may take part in the hearing and have an attorney represent you.
16. File a formal complaint with the U.S. Department of Education, Office for Civil Rights, Region V, 401 S. State Street, 700-C, Chicago, IL 60605-1202 (312) 353-2520.

A complaint of discrimination can be filed by anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability or age. The person or organization filing the complaint need not be the victim of the alleged discrimination but may complain on behalf of another person or group.

The Madison Metropolitan School District does not discriminate in its education programs, related activities (including School-Community Recreation), and employment practices as required by applicable local, state, and federal laws.

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The purpose of this information is to provide a brief description of the process used to identify and evaluate students who may have qualifying disabilities under Section 504.

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 (“Section 504”) is a federal law which protects persons with qualifying disabilities from discrimination. Specifically, Section 504 is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. For schools, this means that equal access to education is provided for all students. Access is not limited to physical access to a building. Section 504 is for students who would not have a comparable opportunity to an appropriate education without modification or intervention. If a student is found eligible under Section 504, Section 504 also requires that the MMSD provide a free appropriate public education to that student.

How does 504 define disability?

A student is considered to have a disability within the definition of Section 504 if they have a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an Impairment.

What are major life activities?

They include, but are not limited to, functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and operation of a major bodily function.

What does substantially limit mean?

Substantially limit means that a student is restricted as to the conditions, manner, or duration under which a major life activity can be performed as compared to the average student. The restriction is material/important.

How are students identified for Section 504 in MMSD?

Students with Section 504 qualifying disabilities are identified by evaluation. In MMSD, when learning, reading, speaking, concentrating, thinking, or communicating are the major life activities in question, a special education (or IDEA) evaluation may be initiated, in order to determine eligibility under IDEA and/or Section 504.

A health care provider may state that a student has a disability and needs certain accommodations or modifications at school. They may even state exactly what services are needed. The MMSD will consider any relevant information provided to the school district, including any information from a health care provider. However, while it is the health care provider's responsibility to provide a medical diagnosis, it is the school district's responsibility to evaluate and, if eligible, develop and implement a Section 504 plan.

What is the relationship between Section 504 and special education?

This has been an area of confusion over the years. Some students who have disabilities that limit their ability to access the regular education program may be students with disabilities under Section 504, even though they may not be eligible for special education and related services under IDEA. All students receiving special education under IDEA are protected under Section 504. For students who are eligible for IDEA services, the student's IEP is also their Section 504 Plan. MMSD follows the same legally required processes, including timelines, evaluations, and review meetings, for students with an IEP and those with a 504 Plan in order to ensure compliance with Section 504 of the Americans with Disabilities Act.

What is the evaluation process?

The District must seek and obtain informed parent consent prior to conducting an initial Section 504 evaluation. After informed parent consent is obtained, a group of persons knowledgeable about the child, knowledgeable about placement options, and who have the ability to interpret evaluation data is appointed by the school principal to do the 504 evaluation. Typically, this team will include the parent, student, if able, teacher, principal or designee, and other staff who are knowledgeable about the disability and the student. The evaluation will draw from a variety of sources to determine if a physical or mental impairment substantially limits a major life activity.

Relevant information could include, but is not limited to:

- Information gathered from school records, observations, interviews, medical records, rating scales, or work that the student has produced.
- Interviews with teacher(s), parents, medical or mental health providers.
- Educational records, including standardized test scores, grades, attendance records, disciplinary records, hearing or vision screening results, or samples of daily work.
- Direct observation of the student.

Please note that a medical diagnosis by itself will not suffice as an evaluation for the purpose of determining that a student has a disability under Section 504.

If a student is eligible, what is provided?

If required, a Section 504 plan will be developed by a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. If a 504 plan is necessary, that plan will specify what individualized accommodations, aids, benefits, or services will be provided. These services are for the purpose of placing the student with the disability at an equal starting level with non-disabled students.

Who do I talk to at my child's school if I think he or she has a Section 504 disability?

Your child's teacher, principal, or any member of the student services team (school counselor, school nurse, school psychologist, or school social worker). You may also contact a District Section 504 Administrator (see below) for

information regarding referring your child for a Section 504 evaluation or further information regarding Section 504.

What is the 504 coordinator?

District 504 Administrators assist schools in meeting the requirements of Section 504. The Administrators provide resources and help educators and administrators fulfill their responsibilities under Section 504. MMSD's Section 504 Administrators are:

Scott Zimmerman, East Feeder Pattern + Early Childhood (districtwide)
608-212-3043

Amy Hefty, West Feeder Pattern + Professional Learning (districtwide)
608-516-2740

Sean Bielmeier, LaFollette Feeder Pattern- Capital Shabazz High Schools +
DHH/VI 608-576-5094

Julie Evert, Memorial Feeder Pattern + Transition Services (districtwide)
608-561-3816

Nancy Molfenter, Associate Superintendent of Student Services & Section 504
+ OT/PT, SLP, AT, IDEA Records, Transportation, & Grow Our Own 608-575-4269