



E W I N G M A R I O N

KAUFFMAN SCHOOL

6401 Paseo Blvd • Kansas City, MO 64131
816.268.5660 • www.kauffmanschool.org

Section 504 Procedures Manual

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NOTICE OF NONDISCRIMINATION

Ewing Marion Kauffman School, Inc. admits students of any race, color, national origin, ethnic origin, age, religion, creed, sex, sexual orientation, veteran's status, disability, or any other legally recognized classification to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. The School does not discriminate, exclude people, or treat them differently on the basis of race, color, national origin, ethnic origin, age, religion, creed, sex, sexual orientation, veteran's status, disability, or any other legally recognized classification in administration of its hiring, retention and its other employment policies, educational policies, admission policies, scholarship and loan programs, and athletic and other school-administered programs, and the School provides equal access to the Boy Scouts and other designated youth programs.

The School complies with the regulations implementing Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and other state and federal laws and regulations.

Inquiries: Inquiries concerning the School's non-discrimination policies:

Cat Cain, Operations Manager
Ewing Marion Kauffman School
6401 Paseo Blvd
Kansas City, Missouri 64131
(816) 816-612-8625 phone
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For further inquiry, may also be directed to Office for Civil Rights
at: OCR.KansasCity@ed.gov

504 PUBLIC NOTICE

The Ewing Marion Kauffman School, as a recipient of federal financial assistance from the United States Department of Education and operates a public elementary or secondary education program and/or activity, is required to undertake to identify and locate qualified persons residing in the School's attendance area who is not receiving a public education; and take appropriate steps to notify disabled persons and their parents or guardians of the School's duty.

The Ewing Marion Kauffman School assures that it will provide a free appropriate public education (FAPE) to each qualified disabled person in the School's jurisdiction regardless of the nature or severity of the person's disability. For purposes of Section 504 of the Rehabilitation Act of 1973, the provision of an appropriate education is the provision of regular or special and related aids and services that (i) are designed to meet individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met and (ii) are based on adherence to procedures that satisfy the requirements of the 504 federal regulations.

The Ewing Marion Kauffman School has developed a 504 Procedures Manual for the implementation of federal regulations for Section 504 of the Rehabilitation Act, Subpart D. This Procedures Manual may be reviewed upon request at the Ewing Marion Kauffman School, 6401 Paseo Blvd, Kansas City, Missouri 64131, Monday through Friday, between the hours of 9:00 a.m. and 4:00 pm.

This notice will be provided in native languages as appropriate.

PURPOSE

This manual provides guidelines for the uniform implementation of student-related requirements for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (as amended in 2008) in the Ewing Marion Kauffman School. The focus of the manual is the application of Section 504 to students with disabilities in elementary and secondary programs within the School. **This manual is a guide and does not provide legal advice.**

PROCEDURAL REQUIREMENTS OF SECTION 504

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal law that is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance from the United States Department of Education. The Ewing Marion Kauffman School is a recipient of federal financial assistance from the United States Department of Education and, therefore, is covered by Section 504. Section 504 of the Rehabilitation Act is enforced by the Office for Civil Rights ("OCR") within the United States Department of Education.

To comply with Section 504, the Ewing Marion Kauffman School agrees to do the following:

1. Provide written assurance of nondiscrimination whenever the School receives federal money (e.g., on the LEA application). 34 CFR Section 104.5(a)
2. Designate an employee to coordinate compliance with Section 504. 34 CFR Section 104.7(a)
3. Provide grievance procedures to resolve complaints of discrimination; this does not apply to denial of employment. 34 CFR Section 104.7(b) Note: students, parents or employees are entitled to file grievances.
4. Provide notice to students, parents, employees, unions, and professional organizations of nondiscrimination in admission or access to, or treatment or employment in, its programs or activities. 34 CFR Section 104.8
5. Annually identify and locate all Section 504 qualified children with disabilities in the School's geographic area who are not receiving a public education. 34 CFR Section 104.32(a)
6. Annually notify persons with disabilities and their parents or guardians of the School's responsibilities under Section 504. 34 CFR Section 104.32(b)
7. Provide parents or guardians with procedural safeguards:
 - a. Notice of their rights (the Kauffman School's Notice can be found in the appendix);

- b.** An opportunity to review relevant records; and
- c.** An impartial hearing. It is important that parents or guardians be notified of their right to request a hearing regarding the identification, evaluation, or educational placement of persons with disabilities. If the School proposes to change the student's placement and the parent files a request for a hearing, the School is obligated to maintain the student's placement until administrative proceedings are completed. The parents' right to an impartial hearing includes the right to an opportunity for participation and representation by counsel, and the right to a review procedure.

WHICH STUDENTS ARE COVERED?

Under 504, a person with a disability is defined as an individual who:

1. Has a mental or physical impairment that substantially limits one or more major life activities;
2. Has a record of such an impairment; or
3. Is regarded as having such an impairment.

Students who satisfy the first definition above are entitled to a free appropriate public education (“FAPE”) in the least restrictive environment. FAPE, under Section 504, is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of the disabled student as adequately as the needs of nondisabled students.

Students who satisfy only the second and third definitions are not entitled to FAPE, but are entitled to be free from discrimination.

Mental or physical impairments are broadly defined and include any physiological disorder or condition or any mental or psychological disorder, whether formally diagnosed or not.

However, an impairment, alone, is insufficient to qualify a student as Section 504 disabled. In addition, a medical diagnosis or the fact that a student takes medication is not controlling in determining whether that student has a 504 disability. The Office for Civil Rights, which is charged with the responsibility to enforce 504, has stated that finding a student 504 eligible solely on the basis of a diagnosis generally violates Section 504.

A student’s eligibility under Section 504 is not determined by a doctor or psychologist but by a multidisciplinary team convened by the School. That team must include persons who are knowledgeable about the student, the evaluation data to be considered, the placement options and Section 504 requirements.

Major life activities, as defined by Section 504 and the 2008 ADA, include – but are not limited to – activities such as walking, seeing, hearing, speaking, breathing, learning, working, caring for one’s self, bending, standing, learning, thinking, concentrating, reading, eating, sleeping, communicating, and performing manual tasks. Pursuant to the 2008 ADA, major life activities also include the operation of a major bodily function, including, but not limited to, the immune system, normal cell growth, digestive functions, bowel functions, bladder functions, neurological functions, brain functions, the respiratory system, the reproductive system, the circulatory system, and the endocrine system.

An impairment that substantially limits one major life activity does not need to limit other major life activities for the student to be considered disabled.

To be disabled under Section 504, the student's mental or physical impairment must **substantially limit** one or more major life activities. Minor or moderate limitations are not sufficient for a student to be eligible under 504. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Substantial limitation is not defined in Section 504 or the 2008 ADA. In the 2008 ADA, Congress stated that the phrase "substantially limits" must be interpreted consistently with the findings and purposes of the 2008 Amendments. However, pursuant to the 2008 ADA, substantial limitation means less than "significantly restricted." The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative¹ effects of mitigating measures² such as the following: medication; medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eye-glasses 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; the use of assistive technology; reasonable accommodations; auxiliary aids or services;³ learned behavioral or adaptive neurological modifications; the acquisition or modification of equipment or devices; and other similar services and actions. The ameliorative effects of ordinary eyeglasses or contact lenses can be considered in determining whether an impairment substantially limits a major life activity.

In determining whether a student's impairment substantially limits a major life activity, the School must conduct an evaluation and, based on that evaluation, compare the student to his or her average peer in the population. Students, therefore, are measured by reference to the performance of children at the same age or grade level. Under Section 504, the student is not compared to his or her own potential. When determining eligibility under Section 504, the School also is required to determine if environmental, cultural, or economic disadvantage are the primary reason for any limitations that the student may exhibit.

Temporary impairments may be covered by 504 if the impairment is substantially limiting and if it is of sufficient duration. A transitory and minor impairment, however, is not a disability. A transitory impairment is one with an actual or expected duration of six months or less. The School can voluntarily accommodate a student's transitory and minor impairment without violating the "regarded as" definition of disability.

¹ Ameliorative is defined as "to make or become better, more bearable, or more satisfactory; improve; meliorate."

² A mitigating measure is a device or practice that a person uses to correct for or reduce the effects of the mental or physical impairment.

³ Auxiliary aids and services include (a) qualifying interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and (b) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.

CHILD FIND AND EVALUATION

Schools and school districts that receive federal financial assistance have the affirmative responsibility to annually undertake to locate and identify all students with disabilities located in the School's jurisdiction. The School will satisfy this obligation, known as "child find," by:

- Media Notices;
- Registration Packets; or
- Handbook Notices.

Students may be referred by administrators, certified teachers, or licensed nurses knowledgeable about the student, and parents/guardians. The School will only accept written referrals. A copy of the 504 referral form can be obtained from any school counselor or the 504 Coordinator. Within ten (10) days of a written referral, School will respond to a referral and send to the parent(s) a copy of the Section 504 procedural safeguards. Within 30 days, the School will act upon the referral.

The School will administratively decide whether there is reason to suspect that the student may have a 504 disability. Before identifying a student as 504 disabled, the School is required to conduct an initial or preplacement evaluation of that student to determine if he/she has a mental or physical impairment that substantially limits a major life activity before taking any action with respect to the initial placement of the student under 504. That evaluation can consist of reviewing existing data, an observation, a request for medical, psychological, and/or other outside information with proper authorization and/or formal assessment.

A formal medical or psychological diagnosis, standing alone, is insufficient to qualify a student as 504 disabled. Any outside information obtained from the student's outside diagnosing or treating medical or psychological professionals must be considered by the members of the multidisciplinary team convened to consider eligibility. However, outside information from medical professionals is not determinative in deciding whether a student is disabled.

If the School's multidisciplinary team believes that a current medical or psychological assessment or evaluation of the student is necessary to determine the existence of an impairment or as part of the evaluation to determine 504 eligibility, that assessment must be provided at no cost to the parent.

If the multidisciplinary team determines that a formalized initial assessment is necessary to determine whether the student has a 504 disability, informed and written parental consent must be obtained. If the parent refuses to provide such consent, the student will not be considered to be disabled and will remain a regular education student. No consent is necessary to conduct a review of existing data or to conduct school-based or other observations.

As part of the School's initial/preplacement evaluation, the student's parent and/or legal guardian may be asked to provide a written release or authorization to obtain further information from diagnosing or treating physicians, psychologists, or other professionals. If the School's multidisciplinary team concludes that such information

is a necessary part of the initial/preplacement evaluation and the parent refuses to provide the requested written authorization to obtain it, the School will treat such refusal as a refusal to consent to the initial/preplacement evaluation. In that event, the student will not be considered to be disabled and will remain a regular education student. The School has the right to use the due process procedures identified in the 504 procedural safeguards if the parent refuses to consent to a 504 evaluation, but the School is not required to do so.

A School is not required to evaluate or identify a student as 504 disabled simply at a parent's request if the School does not have reason to suspect that the student has a 504 disability. If a parent initiates a 504 referral and/or requests a 504 evaluation and the School refuses that request because it has no reason to suspect a disability, the School will provide the parent with a written notice of refusal and a copy of the School's 504 procedural safeguards.

There is no automatic obligation to evaluate students for 504 eligibility after a determination that a student is not eligible under the Individuals with Disabilities Education Act.

Reevaluation

A reevaluation shall be conducted every three (3) years. The reevaluation may occur sooner, though no more than one time each year, when requested by parents or school personnel and determined necessary by the multidisciplinary team. In addition, the 504 team will conduct a reevaluation prior to any significant change of placement, e.g., changing from a regular education setting to a special education setting, or facing a long-term suspension/expulsion. The discontinuation of services is a significant change of placement. (34 CFR §104.35(d)).

Reevaluations can consist of a review of existing data, observation, a request for medical, psychological, or other outside information with proper authorization and/or a formal assessment. Parents must be notified by the School of an intent to reevaluate under 504, but parental consent is not necessary for periodic reevaluations. Section 504 does not provide for independent educational evaluations.

PROVISION OF FAPE AND EDUCATIONAL PLACEMENT

After a multidisciplinary team determines that a student is 504 disabled, a multidisciplinary team that may be the same or a different group of persons will convene, within a reasonable time, to develop an individualized 504 Non-Discrimination Plan for the student in order to provide FAPE. The multidisciplinary team will include persons knowledgeable about the student, the evaluation data, and the placement options. In general, a reasonable time is considered to be within **30 days** the date that a team first determines that the student has a 504 disability. The student's parents are not required participants in that process, but the School will extend an invitation to the parent to participate and will attempt to schedule such meetings at a mutually convenient time. The team can meet without the parent's

participation.

In making placement decisions, the multidisciplinary team will (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; (2) ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is one in which the student will be educated with students who are not disabled to the maximum extent appropriate to the needs of the disabled student.

In making placement decisions for an individual student, the team will place the disabled student in the regular educational environment unless the team concludes that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR Section 104.34).

Transportation may need to be considered, particularly if the team places the student in a program not operated by the School. In those situations, the School must ensure that adequate transportation to and from those services is provided at no greater cost than would be incurred by parents or guardian if the student was placed in the School's programs.

Placement of Disabled Students by Parents:

If the School has made available, in conformance with the 504 regulations and this procedures manual, a free appropriate public education to a disabled student and the student's parents or guardian choose to place the person in a private school, the School is not required to pay for the student's education in the private school. Disagreements between a parent or guardian and the School regarding whether the School has made FAPE available or otherwise regarding the question of financial responsibility are subject to the due process procedures outlined in the School's 504 procedural safeguards.

Extracurricular and Nonacademic Activities and Services:

The School ensures that it will take steps to provide non-academic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. In general, the obligation to provide FAPE does not extend to extracurricular and nonacademic services unless a student's multidisciplinary team determines, as part of the team process, that the individual student requires participation in those activities or services to receive FAPE.

Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School, referrals to agencies which provide assistance to disabled students, and employment of student, including both employment by the School and assistance in making available outside

employment.

If a student's multidisciplinary team decides that a student requires participation in a particular extracurricular or nonacademic activity to receive FAPE, that determination must be documented in the student's individualized 504 Non-Discrimination Plan. If a student's multidisciplinary team decides that the student does not need participation in extracurricular and nonacademic activities and services to receive FAPE, the team may still engage in discussion regarding a disabled student's right to have an equal opportunity to participate in extracurricular and nonacademic activities and may choose to document any supports or services the student will need for such participation in the student's 504 Non-Discrimination Plan, even though those supports or services will not constitute part of the offer of FAPE to that student.

Summer School:

For disabled students who do not qualify for extended school year services pursuant to the IDEA or Section 504, the School will ensure that qualified students with disabilities will have an equal opportunity to participate in the School's summer school programs, if offered.

TRANSFER PROCEDURES

Students with an existing 504 plan who transfer to the Ewing Marion Kauffman School from another school district are subject to these transfer procedures. Within **five (5)** days of enrollment, the Kauffman School will request records from the sending school district, including copies of any 504 evaluations, eligibility determinations and accommodation plans. The **Section 504 Coordinator**, upon receipt of such records, will determine whether to accept the evaluation and 504 status and accommodation plan. If the 504 coordinator determines that the eligibility determination might be incorrect, the coordinator will convene a 504 multidisciplinary team to discuss a reevaluation of the student. If the building 504 Coordinator determines that the accommodation plan needs to be reviewed, the coordinator also will reconvene a 504 multidisciplinary team for that student. The parents will be invited to attend any such meetings, but are not required participants.

REMOVAL OF ELIGIBILITY

When a student's team suspects that a 504 disabled student may no longer have a mental or physical impairment that substantially limits a major life activity, the case manager is responsible for convening the team to discuss a review of existing data/reevaluation to determine if the student continues to be disabled and entitled to FAPE. The parent will be invited to such meetings but is not a required participant. If the team concludes, after a review of existing data or reevaluation with assessment, that the student no longer is disabled, the team will prepare an evaluation and eligibility report that reflects that decision and will provide the parent with a written notice and a copy of the 504 procedural safeguards.

DISCIPLINE OF SECTION 504 DISABLED STUDENTS

Under Section 504, a disciplinary removal from a student's placement for more than 10 consecutive days constitutes a change of placement and requires that certain procedures be followed. When a student is suspended, out of school, for more than 10 consecutive days or when a student's short-term removals constitute a pattern of exclusion as currently defined by the Individuals with Disabilities Education Act ("IDEA"), the School will, within ten (10) days of the date of the decision to change the student's placement, convene a multidisciplinary team to determine if the student's act of misconduct is related to or a manifestation of his or her disability. The multidisciplinary team will apply the IDEA manifestation standard that is in place at that time. The parent will be invited to attend but is not a required participant.

If the team concludes that the student's misconduct is related to his or her disability, the School will not impose a long-term suspension or removal (over 10 school days) and/or will not impose additional days of suspension or removal beyond the time when a pattern is or was created.

If the team concludes that the student's misconduct is unrelated to his or her disability, the School's administrators will determine the appropriate discipline including, but not limited to, a long-term suspension or expulsion, based on the School's Code of Conduct. During the period of disciplinary removal, the School will not provide any educational services to the student unless it provides such services to its regular education students in similar circumstances.

A student is not considered to be disabled if he or she is currently engaged in the illegal use of drugs when the School is acting on the basis of that use. Therefore, when a student who has been determined to be 504 disabled is being disciplined for the current illegal use of drugs (including alcohol), that student will lose his or her 504 protection and will be disciplined as if he or she was a regular education student and no manifestation determination will be held.

SECTION 504 GRIEVANCE PROCEDURE

It is the policy of The Ewing Marion Kauffman School not to discriminate on the basis of disability. The Ewing Marion Kauffman School has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of Teresa Beshore, Director of Special Education Fellow/Section 504 Coordinator, 816-268-5660, who has been designated to coordinate the efforts of The Ewing Marion Kauffman School to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for The Ewing Marion Kauffman School to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Procedure:

- Grievances must be submitted to the Section 504 Coordinator within 30 days of the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall investigate the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of The Ewing Marion Kauffman School relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.
- The person filing the grievance may appeal the decision of the Section 504 Coordinator by writing to the Chief Executive Officer within 15 days of receiving the Section 504 Coordinator's decision. The Chief Executive Officer shall issue a written decision in response to the appeal no later than 30 days after its filing.
- The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights.

Chief Executive Officer will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

**PARENT/STUDENT RIGHTS IN IDENTIFICATION,
EVALUATION AND PLACEMENT**

Section 504 of the Rehabilitation Act of 1973

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

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided nondisabled students;
6. Have your child receive special education and related services if s/he is found to be eligible under the Individuals with Disabilities Education Act (PL 94-142) or Section 504 of the Rehabilitation Act;
7. 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 placement options;
8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement;
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district to reasonable requests for explanations and interpretations of your child's records;
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;

- 14. Request an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you;
- 15. Ask for payment of reasonable attorney fees if you are successful on your claim; and,
- 16. File a local grievance.

The person in this district who is responsible for assuring that the district complies with Section 504 is:

Name Teresa Beshore Telephone number 816-268-5660

*(Section 504 of the Rehabilitation Act statute and regulations: 29 U.S.C. 706(7), Section 794; 34 C.F.R. Part 104, the Individuals with Disabilities Education Act statute and regulations: 20 U.S.C. Section 1232g; 34 C.F.R. Part 99)

RELEVANT DEFINITIONS AND TERMINOLOGY⁴

Free appropriate public education (FAPE): a term used in the elementary and secondary context. For purposes of 504, refers to the provision of regular or special education and related aids and services that are designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and is based on adherence to procedures that satisfy the Section 504 requirements pertaining to educational setting, evaluation and placement, and procedural safeguards. (Source: March 2009 OCR FAQ and 34 C.F.R. § 104.33).⁵

Handicapped person: handicapped persons means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (Source: 34 C.F.R. § 104.3).

Major life activities: describes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (Source: 34 C.F.R. § 104.3).

Physical or mental impairment: means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Source: 34 C.F.R. § 104.3).

Placement: a term used in the elementary and secondary school context. Refers to the regular and/or special educational program in which a student receives educational and/or related services. (Source: March 2009 OCR FAQ).

Qualified Handicapped Person: with respect to public preschool, elementary, secondary or adult educational services, a qualified handicapped person is an individual (i) of an age during which nondisabled persons are provided such services, (ii) of an age during which it is mandatory under state law to provide such services to disabled persons, or (iii) to whom a state is required to provide a free appropriate public education. (Source: 34 C.F.R. § 104.3(l)(2)).

Reasonable accommodation: a term used in the employment context that employers make with respect to employees or prospective employees. According to the OCR, “this term is sometimes used incorrectly to refer to related aids and services in the elementary and secondary school context or to refer to academic adjustments, reasonable modifications, and auxiliary aids and services in the postsecondary school context.” (Source: March 2009 OCR FAQ).

⁴ © IDEAs in Education, LLC 2009

⁵ A copy of pertinent current 504 federal regulations is included in the Appendix to this publication.

Record of impairment: means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. (Source: 34 C.F.R. § 104.3).

Regarded as having an impairment: means (A) has a physical or mental impairment that does not substantially limit major life activities but is treated as a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in the regulations but is treated by a recipient as having such impairment. (Source: 34 C.F.R. § 104.3).

Related services: a term used in the elementary and secondary school context to refer to developmental, corrective, and other supportive services, including psychological, counseling and medical diagnostic services and transportation. (Source: March 2009 OCR FAQ).

Special Education: this term is not defined by the OCR or in the 504 federal regulations. In *Letter to McKethan* (OCR Jan. 4, 1995), the OCR stated that “[w]hat constitutes ‘special education’ under the civil rights statutes and regulations is a decision for the local education agency to make in conformance with whatever other local, state, and Federal laws apply (such as the IDEA).” In that same letter, the OCR also stated that “Students may have a disability that in no way affects their ability to learn, yet they may need extra help of some kind from the system to access learning. For instance, a child may have very severe asthma (affecting the major life activity of breathing) that requires regular medication and regular use of an inhaler while in school. Without regulation administration of the medication and inhaler, the child cannot remain in school. Whether that help is called special education, or related services, or supplementary services is irrelevant under Section 504 and Title II.”

APPENDIX

Meeting Checklist

504 Meeting Checklists

Before the Meeting

- Contact parents to explain the purpose of the meeting and address questions and concerns
- Schedule meeting with participants, including parents
- Send meeting notice reminding parent of date, time, and location of meeting
- Gather pertinent information to be shared at the meeting: updates from teachers, assessment reports, medical/health information, etc.
- Develop meeting agenda
- Arrange for any necessary interpreters or accommodations for meeting participants
- Complete portions of the Section 504 Eligibility Determination Report that can be populated before the meeting
- Bring all current forms to the meeting

During the Meeting

- Introduce participants and their roles
- Clarify purpose of meeting
- Review agenda
- Identify note-taker and time-keeper for meeting
- Facilitate student's input or participation
- Lead group through agenda
- Complete Section 504 Eligibility Determination Report (if new to 504)
- Complete Section 504 Student Accommodation Plan (if needed), or revise as needed
- Provide copies of Report and Plan to parents or inform them of how /when a copy can be obtained
- Provide Statement of Parent Rights to parent (keep signed copy for cumulative folder)
- Thank everyone for participation and cooperation

After the Meeting

- Place final copy of all Section 504 meeting paperwork in the student's cumulative file
- If parents did not receive documents at meeting, provide copies
- Complete Student Plan
- Email initial student paperwork to the School Section 504 Office
- Be sure all teachers know and understand their responsibilities under the Section 504 plan
- Schedule all check-ins to monitor implementation of plan. Keep log of contacts related to implementation of plan
- Schedule annual review date, and at least one month earlier to begin "before meeting" review process