

**Summersville R-II
Public Schools**

**SECTION 504
PROCEDURES
MANUAL**

Revised 2024

Notice of Non-Discrimination

It is the policy of th Summersville R-II School district and its Board of Education that there will be no discrimination or harassment on the grounds of race, color, sex, marital status, sexual orientation, religion, national origin, age or disability in any educational programs, activities, or employment.

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504 PUBLIC NOTICE

The Summersville R-II School District, 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 every qualified person residing in the District who is not receiving a public education; and take appropriate steps to notify disabled persons and their parents or guardians of the District's duty.

The Summersville R-II School District assures that it will provide a free appropriate public education (FAPE) to each qualified disabled person in the District'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.

Summersville R-II Public Schools 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 at your child's school by contacting your child's 504 coordinator.

INTRODUCTION

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 Americans with Disabilities Act (“ADA”), passed by Congress in 1990, serves the similar purpose of eliminating discrimination on the basis of disability. The ADA applies to employers who employ fifteen or more persons.

Pursuant to Section 504 and the ADA, a person with a disability is defined as a person with a mental or physical impairment that substantially limits one or more major life activities. Under these two laws, the definition of a person with a disability also includes (a) a person who has a record of a physical or mental impairment that substantially limits a major life activity, and (b) a person who is regarded as having a physical or mental impairment that substantially limits a major life activity. Because the definition of disability has been virtually identical under these two federal laws, the courts consistently have analyzed cases under one of the laws by looking to cases interpreting the other.

In 2008, Congress amended the ADA and Section 504. This amending legislation, known as the Americans with Disabilities Act Amendments Act (“ADAAA”), was signed into law by President George W. Bush on September 25, 2008. The amended law became effective January 1, 2009. A copy of the 2008 ADAAA is included in the Appendix to this publication.

In enacting the ADAAA, Congress explicitly sought to overturn prior court interpretation, including interpretation by the United States Supreme Court, that “narrowed the broad scope of protection intended to be afforded by the ADA.” More specifically, Congress rejected the Supreme Court’s interpretation of the term “disability” in the cases of *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999), and *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams*, 534 U.S. 184 (2002). In rejecting the holdings and rationale of those cases, Congress noted that “lower courts have incorrectly found in individual cases that people with a range of substantially limiting impairments are not people with disabilities.” Accordingly, Congress’ stated purpose in enacting the 2008 amendments was to expand the class of individuals who are entitled to protection under the ADA and Section 504 and “[t]o restore the intent and protections of the Americans with Disabilities Act of 1990.” As noted by Congress, the definition of disability “shall be construed . . . in favor of broad coverage of individuals . . . to the maximum extent permitted by the terms of this Act.”

Although Congress did not modify the definition of disability in the ADAAA, it modified past interpretations of that definition in several ways. First, in the ADAAA, Congress explicitly rejected the Supreme Court’s prior *Sutton* holding that “whether an impairment substantially limits a major life activity is to be determined with reference to the ameliorative effects of mitigating measures.” Second, Congress stated that the Supreme Court, in the *Williams* case, required a higher degree of limitation than Congress intended when passing the 1990 ADA.

Although Congress did not provide a definition of “substantially limits” in the 2008 amendments, it rejected the definition of “significantly restricted” as previously applied by the Equal Employment Opportunity Commission. In summary, the ADAAA specifically provides that, when determining whether an impaired individual is substantially limited, the ameliorative or improving effects of mitigating measures may not be considered and that the standard for “substantially limits” is less than “significantly restricted.” In the ADAAA, Congress also provided a definition of mitigating measures as well as a non-exclusive list of mitigating measures.

In addition and third, Congress rejected the Williams Court’s analysis that the term “major” as used in the definition of disability must be interpreted strictly so as to create a demanding standard for disability. In relation to the phrase “major life activities,” Congress extensively expanded the prior non-exclusive list of what constitutes a major life activity and further provided that an impairment that substantially limits one major life activity need not limit other major life activities.

Another significant change resulting from the ADAAA is a provision that states that an impairment that is episodic or in remission constitutes a disability if, when active, the impairment substantially limits a major life activity.

Section 504 of the Rehabilitation Act is enforced by the Office for Civil Rights (“OCR”) within the United States Department of Education. In March 2009 and in response to the ADAAA, the OCR published “Frequently Asked Questions About Section 504 and the Education of Children with Disabilities.”¹ As noted by OCR in the FAQ, “[t]he Amendments Act does not require ED to amend its Section 504 regulations. ED’s Section 504 regulations as currently written are valid and OCR is enforcing them consistent with the Amendments Act. In addition, OCR is currently evaluating the impact of the Amendments Act on OCR’s enforcement responsibilities under Section 504 and Title II of the ADA, including whether any changes in regulations, guidance or other publications are appropriate.”

The purpose of this publication is provide a sample 504 procedures manual and sample forms that public school districts can use to promote effective compliance with Section 504 as amended by the ADAAA, and as defined by the current 504 federal regulations, informal guidance issued by the OCR and new cases as they are decided. Because of the recent enactment of the ADAAA and because, at this time, little judicial or agency guidance is available to provide further meaning to the amendments, the procedures and forms included within this publication are intended to satisfy compliance with Section 504 as it is known as of July 2009. As additional court interpretation or agency guidance becomes known, the publication, procedures manual and forms may need to be revised. School districts that are purchasers of this publication periodically should consult with the district’s legal counsel to determine if further changes to the procedures and forms should be made.

IDEAs in Education, LLC and the author of this publication anticipate future revisions to the publication as new court cases and possible new regulations become available.

¹ The OCR’s March 2009 FAQ is available at www/ed.gov/print/about/offices/list/ocr/504faq.html.

RELEVANT DEFINITIONS AND TERMINOLOGY

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).²

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 Disabled Person: with respect to public preschool, elementary, secondary or adult educational services, a qualified disabled 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)).

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).

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).

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

² A copy of pertinent current 504 federal regulations is included in the Appendix to this publication.

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.”

SUMMERSVILLE R-II PUBLIC SCHOOLS

504 PROCEDURES MANUAL

Section 504 of the Rehabilitation Act of 1973 is a federal law that prohibits discrimination against persons with disabilities in any program or activity that receives federal financial assistance from the United States Department of Education.

Summersville R-II Public Schools are a recipient of federal financial assistance from the United States

Department of Education and, therefore, is covered by Section 504.

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 District. 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 ADAAA, 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 ADAAA. In the 2008 ADAAA, 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 ADAAA, 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 ameliorative³ effects of mitigating measures⁴ such as the following: 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; the use of assistive technology; reasonable accommodations; auxiliary aids or services;⁵ 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 District 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 District also is required to determine if environmental, cultural, or economic disadvantage are the primary reason for any limitations that the student may exhibit.

³ Ameliorative is defined as "to make or become better, more bearable, or more satisfactory; improve; meliorate."

⁴ 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.

⁵ 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.

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 District can voluntarily accommodate a student's transitory and minor impairment without violating the "regarded as" definition of disability.

Child Find and Evaluation:

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 District's jurisdiction. The District will satisfy this obligation, known as "child find," by:

- Newspaper
- Radio
- Registration Packets
- Handbook Notices
- Posted in Administrative Offices

Students may be referred by administrators, certified teachers, or licensed nurses knowledgeable about the student, and parents/guardians. The District will only accept written referrals. A copy of the 504 referral form can be obtained from any school counselor.

Before identifying a student as 504 disabled, the District 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 a review of existing data, 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.

The District is required to establish standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need services pursuant to 504. This section of the procedures manual describes those standards and procedures. As part of these standards and procedures, the District ensures that (1) tests and other evaluation materials have been validated for the specific purpose for which they are used and will be administered by trained personnel in conformance with the instructions provided by their producer; (2) tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and (3) tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired

sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

As part of the District's standards and procedures, the District also ensures that, in interpreting evaluation data, the student's 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 and (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered.

If the District'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. As part of the District'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 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. No consent is necessary to conduct a review of existing data or to conduct school-based or other observations.

The parent of a student who is seeking 504 eligibility must provide written consent for evaluation with assessment if the student's multidisciplinary team has determined that such assessments are necessary to determine if the student has a disability. If the parent refuses to provide such consent, the student will not be considered to be disabled and will remain a regular education student. The District 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 District is not required to do so.

A District is not required to evaluate or identify a student as 504 disabled simply at a parent's request if the District 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 District refuses that request because it has no reason to suspect a disability, the District will provide the parent with a written notice of refusal and a copy of the District'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.

Students deemed eligible under 504 must also be periodically reevaluated and a reevaluation is required prior to any significant change in placement. OCR has stated that a significant change in placement occurs when, for a period of more than 10 days, there is a significant change in the type or amount of regular education or special education or related aids or services provided to a disabled student, such as adding or eliminating a program or service or where there is a substantial increase or decrease in the amount of time a program or service is provided.

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 District of an intent to reevaluate under 504, but parental consent is not necessary for periodic reevaluations. The District must reevaluate students before any significant change of placement including, but not limited to, the proposed discontinuation of a student's eligibility under Section 504, graduation with a regular diploma, or a disciplinary change of placement. That reevaluation 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.

Section 504 does not provide for independent educational evaluations. However, in interpreting data and making placement decisions, the District will consider any independent or outside evaluations presented by the student's parent or guardian.

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 60 days of 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 District 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.

If the team places a student in a setting other than the regular educational environment, the team will take into account the proximity of the alternate setting to the student's home.

In making a placement decision for an individual student, a multidisciplinary team may place the disabled student or refer the student for aids, benefits, or services other than those operated or provided for by the District. If the team decides the student needs such aids, benefits or services, the District will ensure that the 504 requirements outlined in this manual are met with respect to the student so placed or referred.

If the team places a disabled student or refers a disabled student for aids, benefits, or services not operated or provided for by the District, the team will ensure that adequate transportation to and from the aid, benefits, or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the student were placed in the aid, benefits, or services operated by the District.

If a student's multidisciplinary team determines that a public or private residential placement is necessary to provide the student with a FAPE because of that student's

disability, the placement, including non-medical care and room and board, shall be provided at no cost to the student or his or her parents or guardian.

Placement of Disabled Students by Parents: If the District 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 District is not required to pay for the student's education in the private school. Disagreements between a parent or guardian and the District regarding whether the District has made FAPE available or otherwise regarding the question of financial responsibility are subject to the due process procedures outlined in the District's 504 procedural safeguards.

Extracurricular and Nonacademic Activities and Services: The District 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. To avoid discrimination on the basis of disability, the District must make reasonable modifications to its policies, practices or procedures when the modifications are necessary to allow for such equal opportunity unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

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 District, referrals to agencies which provide assistance to disabled students, and employment of student, including both employment by the District 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 District will ensure that qualified students with disabilities will have an equal opportunity to participate in the District's summer school programs, if offered.

For a particular student, the District may need to provide reasonable accommodations and modifications to the District's summer programs to give students with disabilities access unless those accommodations and modifications would fundamentally alter the nature of the summer programs.

Prior to the beginning of summer school, the District ensures that information regarding the educational needs of students with disabilities is provided to the relevant building administrator(s), summer school teacher(s), and/or other relevant summer school staff. The District further ensures that persons knowledgeable about the students' disabilities will determine whether qualified students with disabilities who plan to attend the District's summer school program need program modifications or accommodations in order to have an equal opportunity to participate in and benefit from the summer school programs.

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 District will, within 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 District 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 District's administrators will determine the appropriate discipline including, but not limited to, a long-term suspension or expulsion, based on the District's Code of Conduct. During the period of disciplinary removal, the District 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 District 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.

For purposes of summer school discipline, the District may need to make program modifications or accommodations to its summer school discipline policy or practices to ensure that qualified disabled students have an equal opportunity to participate in such programs. Where the student's enrollment in summer school is voluntary and not part of the student's educational placement, suspension or dismissal from the program is not considered a change of placement and does not require a manifestation determination.

504 PROCEDURES

1. Students may be referred by administrators, certified teachers, or licensed nurses knowledgeable about the student, and parents/guardians. The District will only accept written referrals.

Parent Referrals:

2. Within 10 days of a parent/guardian written referral, the District will provide a copy of “Parent Section 504 Referral Form” (Form A) to the parent/guardian for completion. In addition to Form A, the District will also send to the parent a copy of “Parent Referral Response Letter” (Form B) and the Section 504 procedural safeguards.
3. Within 30 days of the parent/guardian’s completion of Form A, the District will administratively decide whether, based on completed Form A and other available existing information, there is reason to suspect that the student may have a 504 disability.
4. If the District administratively determines that there is no reason to suspect that the student may have a 504 disability and that an initial/preplacement evaluation is not warranted, the District will provide the parent/legal guardian with a Notice of Action (Form D) refusing the requested evaluation as well as an additional copy of the 504 procedural safeguards.
5. If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/preplacement evaluation is warranted, please proceed to paragraph 11 below.
6. If the District administratively determines that there is reason to suspect that the student may have an IDEA disability, the counselor will provide the relevant information to the Process Coordinator at the student’s grade-level.

Staff Referrals:

7. If a District employee or contracted personnel is the referring party, the District will, within 10 days, provide a copy of the “Staff Section 504 Referral Form” (Form C) to the staff member for completion within 10 days.
8. Within 30 days of the staff member’s completion of Form C, the District will administratively determine whether, based on Form C and other available existing information, there is reason to suspect that the student may have a 504 disability.
9. If the District administratively determines that there is no reason to suspect that the student may have a 504 disability, the District will document that decision on Form C and inform the staff member of that decision, but no further action will

be necessary. The District can utilize general education interventions to address any needs that the student may have.

10. If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/preplacement evaluation is warranted, please proceed to paragraph 11 below.

Post-Referral Procedures When Disability is Suspected:

11. If a parent or staff referral results in an administrative determination that there is reason to suspect a 504 disability, the District will convene a multidisciplinary team within 30 days of that administrative determination to conduct a Review of Existing Data on the student. The multidisciplinary team for a particular student should be comprised of persons knowledgeable about the student and the existing data and the building 504 coordinator. The student's teacher(s), the school nurse, the building counselor and/or others. The parents are not mandatory participants, but should be invited to the meeting.
Form E
(Notification of 504 Meeting) should be used to invite the parent and other participants. The team has no required members; each team should be developed based on the student's needs.
12. At this meeting, the team should review all existing relevant data and information, including data and information provided by the parent, and determine whether the existing data is sufficient to support the existence of a 504 disability and/or whether an evaluation is needed. The team should complete Form F to document the review of existing data process and the team conclusions.
13. If the team determines that existing data alone is sufficient to support the existence of a 504 disability and to make relevant programming decisions, the team should complete Form G "504 Eligibility Determination Form." A copy of Forms F and G should be provided to the parent along with a second copy of the District's 504 procedural safeguards within 20 days of the completion of the meeting. The District also should provide the parent or guardian with a Notice of Action (Form D) describing the team's decisions.
14. If, after the review of existing data, the team determines that existing data demonstrates that the student (1) does not have a 504 disability or (2) is suspected of having an IDEA disability, the team should complete Form G "504 Eligibility Determination Form." The District also should provide the parent or guardian with a Notice of Action (Form D) describing the team's decisions. Completed copies of those Forms D, F and G should be provided to the parents, along with a copy of the 504 procedural safeguards, within a reasonable time after the meeting, but in no event more than 20 days after the meeting.
15. If the team determines that additional information including, but not limited to, formal assessment or observation is necessary to determine whether the student has a 504 disability or appropriate programming, the team should indicate on Form F ("Review of Existing Data/Evaluation Plan Form") what additional information or assessments are needed for the student's initial/preplacement evaluation.

16. After the team decides that an initial/preplacement evaluation is necessary, the District should provide the parent/guardian with a copy of completed Form F (“Review of Existing Data/Evaluation Plan”), a Notice of Action proposing an initial/preplacement evaluation and Form H seeking the parent/guardian’s informed written consent to the initial/preplacement evaluation.
17. The District will complete the initial/preplacement evaluation and convene the team to determine whether the student has a 504 disability eligibility within 60 days of receiving the parent’s written consent to evaluate. At that meeting, the team will review and consider all existing data information, including data and information received from the parent and from the initial evaluation, and will, on the basis of that data and information, determine whether the student has a mental or physical impairment that substantially limits a major life activity. The team will complete Form G (Eligibility Determination Documentation) to document the results of the team’s decision. The District will provide the parent or guardian with completed copies of those forms within a reasonable time after the meeting, but in no event more than 20 days after the meeting. The District also should provide the parent or guardian with a Notice of Action (Form D documenting the team’s decisions.

Provision of FAPE Procedures:

18. If the student is determined to have a 504 disability, within 30 days of that decision, the District will convene a 504 multidisciplinary team to prepare an individualized 504 Non-Discrimination Plan for the student. The multidisciplinary team for a particular student should be comprised of persons knowledgeable about the student, the evaluation data and the placement options. The team may include such persons as the student's teacher(s), the school nurse, the building counselor (504 Coordinator) and/or others. The parents are not mandatory participants, but should be invited to the meeting. If appropriate, the student may also be invited. Form E (Notification of 504 Meeting) should be used to invite the parent and other participants.
19. At the meeting, the team should review Form I ("504 Non-Discrimination Plan) and determine what, if any, programs, aids, services, supports, interventions, or accommodations the student needs to receive a FAPE. For a particular student, the team may also need to consider whether the student requires related services to receive FAPE. If so, those related services, including the frequency and duration, should also be written into the Plan. The team should determine which District employee is responsible for monitoring implementation of the Plan.
Transportation may need to be considered, particularly if the team places the student in a program not operated by the District. In those situations, the District 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 District's programs.
20. If the parent/guardian makes a request from the team that the team or District refuses with respect to the provision of FAPE, the District should provide the parent/guardian with a Notice of Action (Form D) refusing the request and providing the reason for that refusal. The District should provide any relevant Notices of Action proposed or refused resulting from the 504 Plan meeting to the parent/guardian within a reasonable time, but in no event more than 10 days after the meeting.
21. Copies of or access to the completed 504 Non-Discrimination Plan (Form I) should be provided to all teachers and/or staff with implementation responsibilities. The District should also provide a copy of the plan to the parent within a reasonable time, but in no event more than 20 days after the meeting. The case manager is responsible for informing each staff member of his or her implementation responsibilities.
22. In general, the multidisciplinary team should anticipate at least an annual review of each individual student's accommodation plan although an annual review is

not required. The team can meet more frequently if necessary to review and, if necessary, revise the Plan. The designated case manager is responsible for convening the team when necessary and/or appropriate and for responding to staff or parent requests to convene.

23. Each 504 student will have a designated case manager (Building 504 Coordinator), who will have the responsibility to ensure the completion of all necessary paperwork and who will serve as the primary contact person with the parent and student. The case manager also will be responsible to convene the team whenever necessary, to extend invitations to the parent to attend such meetings, and to determine when a reevaluation is necessary.
24. Students with disabilities are entitled to an equal opportunity to participate in nonacademic and extracurricular services. However, the Office of Civil Rights has stated that such opportunities are not included within the definition of FAPE but instead are included with the law's discrimination prohibition. However, the student's 504 team may address such issues in the 504 Non-Discrimination Plan but the Plan should denote that any supports offered for that purpose do not fall within the District's offer of FAPE].

Transfer Procedures:

25. **Out-of-District transfers:** Students with an existing 504 plan who transfer to Summersville R-II Public Schools from another school district. Within 2 business days of enrollment, the District will request records from the sending school district, including copies of any 504 evaluations, eligibility determinations and accommodation plans. The building 504 coordinator, upon receipt of such records, will determine whether to accept the evaluation and 504 status and accommodation plan and will follow the procedures outlined in and complete Form J (504 Transfer Documentation Form) to document all decisions relating to transfers. If the building 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.
26. **Building-to-Building Transfers:** Before the end of each school year, each building 504 coordinator is responsible to contact the 504 building coordinators of other buildings and to discuss those students with 504 disabilities who will be transferring within the District and to determine whether a reevaluation is necessary and/ or whether the student's 504 Plan needs to be revised to address the changing educational environment. If so, the student's multidisciplinary team should be convened to address reevaluation and/or a revised Pan. The parents will be invited to any such meetings, but are not required participants.

Removal of Eligibility:

27. 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 properly completed Notice of Action (Form D) and a copy of the 504 procedural safeguards.

Reevaluation Procedures:

28. Section 504 requires “periodic reevaluations” of students and also requires a reevaluation prior to any significant change of placement. A significant change of placement may occur when a student receives a long-term suspension or removal, when a student is subject to a series of short-term suspensions that, together, create a pattern of exclusion, when removal of a student’s status as a disabled is being proposed, or when a student graduates with a regular diploma.
29. When a reevaluation is necessary, the multidisciplinary team will convene to discuss and complete Form F (Review of Existing Data/Evaluation Plan). The team should then follow the procedures specified in paragraphs 11 through 17 above relating to initial or preplacement evaluations.
30. Parent written consent is *not* required for periodic or other reevaluations.

Discipline Procedures:

31. In general, most 504 students should be expected to follow the District's disciplinary policies, rules, regulations and procedures and this should be noted by the team, when applicable, in the student's 504 Non-Discrimination Plan. When determining whether a student has a 504 disability, the multidisciplinary team should consider whether the impairment that is substantially limiting has a direct and substantial impact on a student's behavior and, if so, the team may consider conducting a functional behavioral assessment as part of the student's evaluation. If the team concludes that the substantially limiting impairment has a direct and substantial relationship to the student's behavior, the team should address that related behavior in the 504 Plan and should consider whether a behavior plan is necessary for the student to receive FAPE.
32. For suspensions of greater than 10 consecutive days or those cumulative short-term suspensions that constitute a pattern of exclusion as defined by the most current version of the IDEA, the team will convene to conduct a manifestation determination within 10 days of the date of the decision to change the student's placement through a disciplinary removal. The parent will be invited to participate but is not a required participant. The team should follow the procedures outlined in and complete Form K (504 Discipline/Manifestation Form).
33. If the team determines that there is no relationship between the disability and the behavior, the student will be treated the same as nondisabled students and can be suspended or expelled according to the District's Code of Conduct and the level of the offense. No services will be required or provided in this situation unless the District provides such services to its nondisabled students in the same or similar circumstances.
34. If the team determines that there is a relationship between the disability and the behavior, the student can be suspended for up through 10 consecutive days with no educational services or for any days that are less than a pattern of exclusion. If deemed necessary, the team may need to convene to determine if a change of educational placement may be needed or if the student should be referred under IDEA.
35. A student who is otherwise eligible under 504 but is currently engaged in the illegal use of drugs or alcohol and who is being discipline for such use will lose his or her protection as an eligible student and will not be entitled to a manifestation determination and will be disciplined as if he or she were a nondisabled student.

SECTION 504 FORMS

Form A

SUMMERSVILLE R-II PUBLIC SCHOOLS

PARENT REFERRAL FOR SECTION 504 INITIAL EVALUATION

STUDENT INFORMATION	
Name of Student:	Date of Birth:
School Attending:	Grade:
Parent/Guardian Name:	
Address:	
Phone Number:	Email:

REASON FOR REFERRAL
Provide all reasons that you have for referring your child for a 504 evaluation:

MEDICAL INFORMATION Note: A medical diagnosis is not required to support the existence of a 504 disability.		
Does the student have any medical conditions or diagnoses:		
Diagnosis:	Diagnosed By:	Date:

Is the student on any medication(s)? (Please list)	
Describe the impact of the medication(s) on the student?	
Does the student wear glasses, contacts or other corrective lenses?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the student wear an assistive hearing device?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the student utilize any other mitigating measures that positively impact the student educationally? A mitigating measure is something that helps to improve the impact of the impairment. If yes, please list and describe the impact of each mitigating measure.	

EDUCATIONAL INFORMATION
List all schools attended and the dates of attendance at each:
Has the student ever been home schooled? If Yes, please provide dates:
Has the student participated in any on-line or virtual instructional programs: If Yes, please provide name of programs and dates of attendance:

Has the student ever been on an IEP, 504 or other educational support plan? If yes, please describe:

Is the student considered to be bilingual or is English the student's second language? YES NO

List any alternative programs in which the student has participated at this or other school districts and the dates of participation: (Examples include but are not limited to Title I programs, Alternative School, English as a Second Language Programs, Response to Intervention programs)

Please describe the results of any such programs:

CULTURAL, ECONOMIC, AND ENVIRONMENTAL FACTORS

Describe any cultural, economic, or environmental factors that you believe may have impacted or limited the student at school or in the school environment:

Signature of Parent/Guardian

Date

For School Use Only:	
Date Referral Received:	Person Receiving:
District Action: <ul style="list-style-type: none"> <input type="checkbox"/> IDEA Disability Suspected – Refer to Special Education Department <input type="checkbox"/> 504 Disability Suspected – Convene Team to Conduct Review of Existing Data <input type="checkbox"/> No Disability Suspected – Provide Parent with Notice of Action and Safeguards <input type="checkbox"/> No Disability Suspected - Recommend General Education Interventions – Provide Parent with Notice of Action and Safeguards 	
Date of District Action:	
Individual(s) participating:	

FORM B

SUMMERSVILLE R-II PUBLIC SCHOOLS

Parent Referral Response Letter

Parent/Guardian Name
Address

This letter is to acknowledge receipt of your referral of your son/daughter for consideration of 504 eligibility. Section 504 is a federal law that provides for certain protections as well as the provision of a free appropriate public education for students who are determined to be disabled under that law. Under 504, a student is disabled if he or she has a mental or physical impairment that substantially limits a major life activity.

In response to your referral, enclosed please find a 504 Parent Referral Form for your completion as soon as possible. Please return the completed form to _____. Upon receipt of completed Form A – Parent Referral Form, the District will administratively determine whether there is reason to suspect that your child may have a 504 disability and whether a preplacement/initial evaluation is necessary. The District will complete this administrative review and notify you of the District’s decision within 30 days of the District’s receipt of completed Form A.

I also am enclosing a copy of the District’s 504 procedural safeguards for parents. If you have any questions, please feel free to call me at _____.

504 Coordinator

Encl. 504 Parent Safeguards 504
Referral Form – Form A

FORM C

SUMMERSVILLE R-II PUBLIC SCHOOLS

SECTION 504 STAFF REFERRAL FORM

Name of Staff Member Referring Student: _____

Date of _____

STUDENT INFORMATION	
Name of Student:	Date of Birth:
School Attending:	Grade:
Parent/Guardian Name:	
Address:	
Phone Number:	Email:

REASON FOR REFERRAL: Note: A disability exists under 504 only if the student has a mental or physical impairment that substantially limits one or more major life activities.
Impairment or Suspected Impairment(s):
Major Life Activities Possibly Impacted:
Describe Possible Impact of Impairment(s) on the Major Life Activities Listed:

MEDICAL INFORMATION Note: A medical diagnosis is not required to support the existence of a 504 disability.		
Does the student have any medical conditions or diagnoses of which you are aware:		
Diagnosis:	Diagnosed By:	Date:

Diagnosis:	Diagnosed By:	Date:
Diagnosis:	Diagnosed By:	Date:
Is the student on any medication(s)? (Please list if known)		
Describe the impact of the medication(s) on the student, if known:		
Does the student wear glasses, contacts or other corrective lenses? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Does the student wear an assistive hearing device? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Does the student utilize any other mitigating measures that positively impact the student educationally? A mitigating measure is something that helps to improve the impact of the impairment. If yes, please list and describe the impact of each mitigating measure.		

EDUCATIONAL INFORMATION
List all schools attended and the dates of attendance at each, if known:
Has the student ever been home schooled? If Yes, please provide dates, if known:

Has the student ever been on an IEP, 504 or other educational support plan? If yes, please describe:

Is the student considered to be bilingual or is English the student's second language? YES NO

List any alternative programs in which the student has participated at this or other school districts and the dates of participation: (Examples include but are not limited to Title I programs, Alternative School, English as a Second Language Programs, Response to Intervention programs, Gifted, Tutoring, Vocational)

CULTURAL, ECONOMIC, AND ENVIRONMENTAL FACTORS

Describe any cultural, economic, or environmental factors that you believe may have impacted or limited the student at school or in the school environment:

EXISTING EDUCATIONAL INFORMATION

Current School Year Attendance: Days Present: _____ Days Absent: _____

List reasons for absences:

Past School Year Attendance: Days Present: _____ Days Absent: _____

List reasons for absences:

Existing Testing Data: List or attach a copy of the student's State or District-wide testing data, the results of any evaluations previously administered for IDEA or 504, and any relevant curriculum based or classroom assessments.

Current Grades:

Promotion/Retention: Has the student ever been retained? Yes No

Describe grades and dates, if known:

Academic Characteristics: The Current or Prior Year's Teachers should estimate the student's current grade levels in the following academic areas and state the basis for that estimate.

Reading Fluency	Reading Comprehension	Basic Reading
Math Calculation	Math Reasoning	Spelling
Written Expression	Other	

General Education Interventions:

List any generally available general education interventions that have been used with this student and indicate on a scale of 1 to 3 (with 1 being of no assistance and 3 being of great help) whether the interventions assisted the student to be successful in regular education.

- | | |
|---------------------------------------|---|
| Modified instructional methods (list) | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Modified instructional pacing | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Modified instructional materials | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Reteaching | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Parent conferences | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Behavior contract or plan | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |
| Other (list) | <input type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 |

Discipline: Attach a copy of student's disciplinary records for the past two school years.

For Classroom Teacher Completion: Based on your knowledge and observation of this student, please rate this student's performance in comparison with the average student in the classroom.

Observations		1-Unsatisfactory to 5-Exellent			
Classroom Work		Homework		Tests	
Reading		Math		Written Expression	
Following Oral Directions		Following Written Directions		Attendance	
Attention Span		Organization		Behavior/Compliance	

For Administrator Use Only:

Date Referral Received:	Person Receiving:
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District Action:

- IDEA Disability Suspected – Refer to Special Education Department
- 504 Disability Suspected – Convene Team to Conduct Review of Existing Data
- No Disability Suspected
- No Disability Suspected - Recommend General Education Interventions and/ or referral to [examples – Teacher Support Team; RTI Process]

Date of District Action:

Individual(s) participating:

FORM D

SUMMERSVILLE R-II PULBIC SCHOOLS

504 NOTICE OF ACTION

Student's Name: _____ Grade: _____

Parent/Guardian Name and Address: _____

Date Notice Provided: _____

Method of Provision:

- Mailed – First Class Mail
- Mailed – Certified Mail
- Emailed as Attachment
- Hand Delivered to Parent/Guardian

Under Section 504 of the Rehabilitation Act of 1973, the District is required to provide you with written notice regarding changes in or refusals relating to the identification, evaluation, or educational placement of your child. The following is to describe the action(s) being

- Proposed or
- Refused by the District

- Initial Evaluation
- Initial Eligibility
- Reevaluation
- Significant Change of Placement
- Removal of Eligibility
- Other _____

Explanation of Action:

Basis for the Action:

A copy of the 504 Procedural Safeguards is enclosed. If you have any questions regarding this Notice, you may contact me at the following number: _____.

_ Name

_ Title

FORM E

SUMMERSVILLE R-II PUBLIC SCHOOLS
504 MEETING NOTIFICATION

Date: _____

To: [Parent/Legal Guardian/Adult Student (age 18+ or emancipated minor)]

This notification is to [inform you/confirm with you] that a meeting with you has been scheduled

for _____ at _____ at _____.
(Date) (Time) (Location)

The purpose of this meeting is to: (check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Review existing data as part of an initial evaluation or reevaluation | <input type="checkbox"/> Conduct Manifestation Determination |
| <input type="checkbox"/> Develop an evaluation plan | <input type="checkbox"/> Review the results of an evaluation |
| <input type="checkbox"/> Consider continued 504 eligibility | <input type="checkbox"/> Determine initial 504 eligibility |
| <input type="checkbox"/> Develop or review 504 Plan | <input type="checkbox"/> Conduct Manifestation Determination |
| | <input type="checkbox"/> Other: _____ |

The following individuals have been invited to participate in the meeting:

<u>Name:</u>	<u>Role:</u>
_____	_____
—	—
_____	_____
—	—
_____	_____

If you are unable to attend this meeting, please contact me at _____ as soon as possible.

_____	_____	_____
_ Name	_ Title	_ Date
_____	_____	_____

SUMMERSVILLE R-II PUBLIC SCHOOLS
504 REVIEW OF EXISTING DATA/EVALUATION PLAN FORM

Student's Name: _____

Date of

Age: _____

Birth: _____

_ This 504 data review is being conducted as part of:

Grade: _____

- A 504 preplacement/initial evaluation
- A 504 periodic reevaluation
- A 504 significant disciplinary change of placement
- A 504 nondisciplinary significant change of placement
- Graduation as a significant change of placement
- Other: _____

Student's 504 multidisciplinary team met conferred to review all relevant existing data and information to determine what additional data, if any, was needed to determine:

- Whether the student has a disability as defined by Section 504 or, in the case of a periodic reevaluation, whether the student continues to have a 504 disability.
- What programs, aids, services, supports, interventions or accommodations the student needs to have his or her needs met as adequately as those of his/her nondisabled peers.

In conducting this review, the student's multidisciplinary team reviewed the following existing data and, if necessary, also determined the indicated evaluation/assessments needed to be conducted:

Major Life Activity or Bodily Function	Description of Data



If additional data is necessary, please indicate the additional data to be obtained:

For initial evaluations where additional data is necessary, provide the parent with a written notice of action showing intent to evaluate and requesting written parent consent to preplacement/initial evaluation.

For periodic reevaluations where additional data is necessary, provide the parent with a written notice of action showing intent to evaluate. Parental consent is not required for periodic reevaluations.

The following individuals constituted the members of the multidisciplinary team who met and/or conferred, conducted the review of existing data and made the above determination on _____ (m/d/y).

Names

Title/Role

A copy of this form was provided to the Parent/Legal Guardian on _____
(m/d/y) by In person Regular Mail Certified Mail Other
_____.

SUMMERSVILLE R-II PUBLIC SCHOOLS

MENTAL OR PHYSICAL IMPAIRMENT

Does the student have a mental or physical impairment? Yes No

List each identified or suspected impairment and, if formally diagnosed, the physician, psychologist or other professional who made the diagnosis. Note: A formal diagnosis is not required for consideration of or for 504 eligibility.

Impairment	1. _____	Diagnosed	By: _____	Date: _____
Impairment	2. _____	Diagnosed	By: _____	Date: _____
Impairment	3. _____	Diagnosed	By: _____	Date: _____
Impairment	4. _____	Diagnosed	By: _____	Date: _____

Are any of the student's identified or suspected impairments episodic or in remission?
 Yes No

If Yes, state which of the identified or suspected impairments is episodic or in remission and describe the frequency of the appearance of the impairment's symptoms or characteristics:

MAJOR LIFE ACTIVITIES

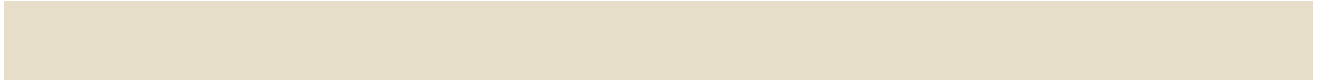
Would the student's identified or suspected impairment(s) limit any of the following major life activities if the student does not or did not have mitigating measures in place?

Yes No

If so, please check which of the following major life activities is or may be limited by the impairment(s):

Caring for One's Self	<input type="checkbox"/>	Learning	<input type="checkbox"/>	Eating	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	Thinking	<input type="checkbox"/>	Speaking	<input type="checkbox"/>
Walking	<input type="checkbox"/>	Concentrating	<input type="checkbox"/>	Sleeping	<input type="checkbox"/>
Bending	<input type="checkbox"/>	Reading	<input type="checkbox"/>	Communicating	<input type="checkbox"/>
Standing	<input type="checkbox"/>	Seeing	<input type="checkbox"/>	Other: _____	<input type="checkbox"/>







SUMMERSVILLE R-II PUBLIC SCHOOLS



FORM I

SUMMERSVILLE R-II PUBLIC SCHOOLS
INDIVIDUAL 504 NON-DISCRIMINATION PLAN

STUDENT INFORMATION	
Name:	Date of Birth:
School:	Grade:
Parent/Guardian Name:	
Address:	
Phone:	Email:
Case Manager:	
Date of 504 Plan Meeting:	

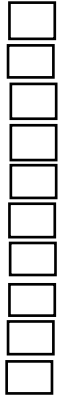
INFORMATION RELATING TO NATURE OF DISABILITY

1. Describe the student's mental or physical impairment(s) that serve as the basis for the student's 504 disability and how the student's impairment(s) substantially limits a major life activity or activities.

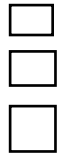
2. Describe how the student's 504 disability limits or impacts the student in the educational setting.



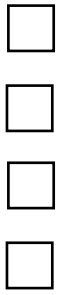








SUMMERSVILLE R-II PUBLIC SCHOOLS





SECTION 5: 504 PLAN AND EVALUATION REPORT/ELIGIBILITY DOCUMENT RECEIVED

Evaluation Report/Eligibility Documentation – Acceptance indicates that the documentation includes all information necessary to determine that the student has a 504 disability.

Upon receipt of the evaluation report/eligibility documentation, the District administratively reviewed the evaluation report/eligibility documentation to determine whether to accept it or reject it.

Date evaluation report/eligibility documentation reviewed (m/d/y): _____

Decision:

Accepted

Rejected

If the evaluation report/eligibility documentation is rejected, the District must initiate a reevaluation to determine if the student has a 504 disability.

Name/role of individual(s) making decision:	Date of decision:
---	-------------------

504 Plan – Acceptance indicates that the 504 plan satisfies all relevant 504 regulations and District procedures and can be implemented as written without any revisions.

Date 504 Plan reviewed (m/d/y): _____

Documentation of Decision:

Accepted – 504 Plan implemented on _____

Rejected – New 504 Plan implemented on _____

Rejected – Reevaluation initiated on _____

Name/Role of Individual(s) Making Decisions:	Date of Decision:
--	-------------------

SUMMERSVILLE R-II PUBLIC SCHOOLS

5. Does the current suspension/removal create a pattern of exclusion? Note: A pattern of exclusion occurs when (1) the series of short-term removals/suspensions (each less than 11 school days) totals more than ten (10) school days in the current school year; (2) the student’s behavior is substantially similar to the student’s behavior in the prior incidents that resulted in the series of removals; and (3) because of additional factors such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. The District will administratively determine whether a series of short-term removals constitutes a pattern of exclusion. If the administrative decision is that a pattern has been created, the relevant members of the student’s multidisciplinary team must convene to conduct a manifestation determination.

Yes No

Pattern of Exclusion Analysis Chart			
Total number of days during the current school year the student has been suspended or removed, including the current infraction:			
Date	Description	Number of Days of Suspension/Removal	Dates Removed

MANIFESTATION DETERMINATION DOCUMENTATION

1. 504 Impairment _____
2. Describe the manner in which the student’s impairment(s) substantially limit his/her major life activities:



7. If the conduct in question *is* related to the student's 504 disability, does the team
- a. Need to convene to determine if a change in programming or placement is necessary? Yes No
 - b. Need to refer the student for a possible IDEA evaluation?
 Yes No
 - c. Need to conduct a functional behavioral assessment or develop a behavior intervention plan?
 Yes No
 - d. Need to conduct a review of existing data to determine if a reevaluation is necessary?
 Yes No

List of Participants and Roles:	
Name	Role

Copy of form provided to parent on: _____
 Method of delivery: _____ By: _____

Parent/Guardian Documentation

I/We have reviewed this discipline/manifestation documentation. I/We have been provided with a copy of our 504 procedural rights and have had an opportunity to review those rights.

 Signature of Parent/Guardian Date

Parent not in attendance, Section 504 determination and rights sent on _____.

FORM L

**TRANSITORY AND MINOR IMPAIRMENT VOLUNTARY
ACCOMMODATION DOCUMENTATION FORM**

Pursuant to the 2008 ADAAA and Section 504, a student who has a transitory and minor impairment is not a student with a disability under Section 504 and is, therefore, not entitled to a free appropriate public education or a Section 504 Non-Discrimination Plan. A transitory impairment is one with an actual or expected duration of six months or less. In addition, the District’s decision to voluntarily provide certain accommodations and interventions to assist a student with a transitory and minor impairment will not result in “regarded as” discrimination under Section 504 and/or the ADAAA. Summersville R-II Public Schools has administratively determined that the student for whom this voluntary plan was developed has only a transitory and minor impairment and the District, therefore, has no reason to suspect that this student has a disability as defined by the ADA, Section 504 or the Individuals with Disabilities Education Act. Because the student is not a disabled person, the District is not required to conduct a preplacement evaluation of the student nor is the District required to convene a multidisciplinary team of knowledgeable persons to determine what accommodations and/or interventions this student may need for the six month or less duration of this Plan.

Date of Plan:	
Student’s Name:	Grade:
Nature of the Student’s Transitory and Minor Impairment:	
Actual or expected duration of the impairment:	
Describe the voluntary accommodations and/or interventions that the District will implement for this student for the duration of the Plan:	
Anticipated Expiration Date of Plan:	
Individuals/roles of persons participating in the development of the Plan:	

504 PROCEDURAL SAFEGUARDS

PROCEDURAL SAFEGUARDS

Summersville R-II Public Schools SECTION 504 PROCEDURAL SAFEGUARDS

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act were designed to eliminate discrimination on the basis of disability. To that end, Section 504 provides, in pertinent part, as follows:

No otherwise qualified individual with a disability in the United States . . . 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. . . .

A disabled person under Section 504 is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities.

Pursuant to Subpart D of the 504 federal regulations, a recipient of federal financial assistance that operates a public elementary or secondary education program must establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards. The following is a description of the procedural safeguards or rights granted by federal law to students with 504 disabilities and/or their parents or legal guardians and to those students who are suspected of having a 504 disability and/or their parents or legal guardians. Parents/guardian of students who are suspected of or identified with a disability under the Individuals with Disabilities Education Act are provided with copies of the IDEA procedural safeguards unless those students have a separately identified 504 disability that is not addressed through an IEP.

PARENT AND STUDENT RIGHTS UNDER SECTION 504:

1. Parents/guardian and students have the right to be informed by the School District of their rights under Section 504. The purpose of these Procedural Safeguards is to advise you of those rights.
2. A student with a 504 disability has the right to a free appropriate public education. An appropriate education is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the disabled person as adequately as the needs of nondisabled persons are met and are based upon adherence to 504 regulatory procedures.
3. The provision of a free education is the provision of educational and related services without cost to the disabled person or to his or her parents or guardian, except for those fees

that are imposed on nondisabled persons or their parents or guardian. Funds available from any public or private agency may be used to meet this requirement. Under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.

4. A child with a disability has the right to take part in, and receive benefits from, public education programs without discrimination because of his/her disability.

5. The parent(s) or guardian of a child with a disability have the right to receive notice with respect to the identification, evaluation, or placement of the child.

6. A student with a disability has the right to receive services and be educated in facilities that are comparable to those provided to nondisabled students.

7. A student with a disability has the right to have evaluation, education and placement decisions made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.

8. A student with a disability has an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.

9. A student with a disability has the right to have transportation provided to and from an alternative placement setting (if the setting is in a program not operated by the District) at no greater cost to the parent/guardian than would be incurred if the student were placed in a program operated by the District.

10. The parents/guardian of a student with a disability or an eligible student (over the age of 18) have the right to examine all relevant records relating to decisions regarding the student's identification, evaluation and placement.

11. The parents/guardian of a student with a disability or an eligible student and/or the District have the right to request an impartial due process hearing relating to decisions or actions relating to the student's identification, evaluation, program or placement and the parents or guardian have the right to be represented by counsel in such hearings. The parents or guardian or eligible student and/or the District also have the right to a review procedure involving such hearings. The procedures for requesting an impartial due process hearing and the relevant review procedures are described below.

12. The parents/guardian of a student with a disability or an eligible student have the right to file a local grievance with the District for issues unrelated to the identification, evaluation, program or placement of the student. Board policy and regulation 1310 describes the procedures for filing a grievance and can be requested by contacting: The Summersville R-II Public Schools, Director of Special Services.

Persons who believe that the District is discriminating against eligible persons on the basis of disability may also file complaints with the District's Section 504 Coordinator and/or OCR, U.S. Department of Education, 601 E. 12th St., Kansas City, Missouri 64106. The District's Section 504 Coordinator is Special Education Director and may be reached at (417) 932-4929.

DUE PROCESS APPEAL PROCEDURES:

This procedure should be used if the parent(s), legal guardian or eligible student intends to challenge actions the District proposes or refuses under 504 regarding the identification, evaluation, program or placement of a student with a disability. The District also has the right to initiate a 504 due process hearing regarding these same matters.

1. If a parent, legal guardian or eligible student intends to challenge the action proposed or refused by the District, the parent/guardian or eligible student must file a written request for 504 Due Process Hearing within 10 calendar days from the date of the District's written notice of the proposed or refused action. A copy of this form is attached to these Procedural Safeguards. The Request for 504 Due Process Hearing should be filed with:

**504 and Title II Coordinator
525 Rogers Ave
Summersville, MO 65571
(417)932-4929**

If the District intends to initiate a Section 504 due process hearing, the District's Section 504 Coordinator must complete the Request for a 504 Due Process Hearing within the same number of calendar days as specified above.

2. The Request for a 504 Due Process Hearing must state the specific circumstances, including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The District will acknowledge, in writing, all parent/guardian requests for a due process hearing within 30 business days of receipt. If the District initiates the due process hearing, the District will inform the parent or guardian within 30 days of the District's decision to so initiate.

3. The District will, within 30 business days of the District's or parent/guardian's receipt of the Request for a 504 Due Process Hearing, appoint and retain a single impartial hearing officer to hear and decide the due process request. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The District is not required to consult with the parent/guardian or eligible student with respect to the hearing officer appointment.

4. The parties to the hearing have the following rights:
 - a. The right to inspect all relevant records, including personally identifiable records of the student;
 - b. The right to be represented and advised by an attorney;
 - c. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
 - d. The right to obtain a record of the hearing;
 - e. The right to obtain written findings of fact, conclusions of law, and decision.
5. The parents or guardian have the right to open the hearing to the public; otherwise, it will be closed. The parents or guardian may elect to have the student present at the hearing.
6. The hearing officer must hold the hearing within 30 days of his/her appointment as hearing officer. This timeline may be extended upon the request of the party or parties and by agreement and order of the hearing officer.
7. Each hearing must be conducted at a time and place which is reasonable convenient to the District and the parents or guardian. The District's facilities will be presumed to be a reasonably convenient location but the parents or guardian may challenge this presumption with the hearing officer.
8. The party that requested the due process hearing may not raise issues at the due process hearing that were not addressed in the Request for a 504 Due Process Hearing unless the other party agrees.
9. The hearing officer shall render a final, written decision no later than 60 days following the completion of the hearing. A decision may be rendered after 90 days, if either party requests an extension of this timeframe, and for good cause shown. The decision of the hearing is final and binding, subject to the procedures outlined below.
10. Summersville R-II Public Schools are responsible for costs directly attributable to the provision of administration hearings described in these procedures, including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The District is not responsible for the costs of legal counsel or other representative of the parent/guardian or eligible student or for the costs of producing or reproducing the evidence presented by the parent/guardian or eligible student.
11. Any timelines specified herein may be extended by agreement of the District and parent/guardian or eligible student or by order of the hearing officer.
12. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.

SUMMERSVILLE R-II PUBLIC SCHOOLS
NOTICE OF APPEAL

Request for an Impartial Due Process Hearing Under Section 504)

Student's Name: _____

Parent/Guardian Name: _____

Address: _____

Phone Number: _____ E-Mail: _____

I am in disagreement with the following decisions made by the District pertaining to my child's identification/evaluation/educational placement under Section 504:

Please describe the facts and circumstances giving rise to the disagreement:
(Please state the background leading to the disagreement and why you disagree with the multidisciplinary team's decision(s):

Please state the specific issues to be decided at the due process hearing:

Please describe the relief you are requesting through the due process hearing (what result you would like the hearing officer to provide if the hearing officer decides in your favor):

Signature of parent/guardian

Date of Signature