



KAUKAUNA AREA SCHOOL DISTRICT
1701 County Road CE • Kaukauna, WI 54130 • (920)766-6100

Section 504/ADA Procedural Manual

2015 – 2016

Frequently Asked Questions

I. SECTION 504

1. What is a physical or mental impairment that substantially limits a major life activity?
2. Does OCR endorse a single formula or scale that measures substantial limitation?
3. What about students who are described as at-risk? Isn't "at risk" another way of describing Section 504-eligible students?
4. May school districts consider "mitigating measures" used by a student in determining whether the student has a disability under Section 504?
5. With regard to "mitigating measures," do the terms "accommodations" and "learned behavioral modifications" include plain old differentiated instruction, which is nothing more than instructional interventions available in regular classes to all students who need them? Would it include Response to Intervention (RtI) procedures, scientifically based interventions for students who are at risk of failing to meet grade level standards?
6. How should the School District view a temporary impairment?
7. Is an impairment that is episodic or in remission a disability under Section 504?
8. Once a student has been identified as eligible for services under Section 504, is that student always entitled to such services?
9. Are current illegal users of drugs excluded from protection under Section 504?
10. Are current users of alcohol excluded from protection under Section 504?

II. DISABILITIES UNDER IDEA AND SECTION 504

11. What is the jurisdiction of the Office for Civil Rights (OCR), the Office of Special Education and Rehabilitation Services (OSERS) and state department of public instruction regarding educational services to students with disabilities?

12. What evaluation procedure does the Kaukauna Area School District use when a student is suspected of having a disability under Section 504?
13. Does Section 504 require action similar to IEP meetings?
14. Many students who meet the definition of disability under Section 504 also will be eligible for special education under IDEA. What is the School District's legal responsibility for these students?
15. If a student is eligible under both IDEA and Section 504, can the school just comply with IDEA and thereby fulfill its duty?
16. If a student is found eligible under IDEA, is there a requirement to go on to address Section 504?
17. A student has a disability referenced in the IDEA, but does not require special education services. Is such a student eligible for services under Section 504?
18. What are the District's responsibilities for student who are eligible under 504 but not IDEA?
19. What if parents want special services for their child but request a Section 504 plan rather than have the child identified as disabled under IDEA?
20. What if a parent refuses consent for placement in special education after IDEA eligibility has been determined by the IEP team?
21. Who should serve as case manager when an IEP determines that a student is not eligible for special education services under IDEA but determines that a 504 plan is necessary to address the student's educational needs as a student with a disability under Section 504? Who writes the 504 plan?

III. EVALUATION AND REVIEW PROCEDURES

22. What is reasonable justification for referring a student for evaluation for services under Section 504?
23. What constitutes a Section 504 evaluation?
24. How much is enough information to document that a student has a disability?

25. Is there any impairment which automatically means that a student has a disability under Section 504?
26. Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?
27. Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?
28. What if the team cannot come to an agreement regarding eligibility, placement or programming?
29. A student is receiving services that the Kaukauna Area School District maintains are necessary under Section 504 in order to provide the student with an appropriate education. The student's parent no longer wants the student to receive those services. If the parent wishes to withdraw the student from a Section 504 plan, what can the School District do to ensure continuation of services?
30. Under Section 504, does the District have an obligation, upon parent request, to provide an Independent Educational Evaluation (IEE) at District expense as it does under IDEA?
31. When must a Section 504-only student be evaluated?
32. Who should serve as the Section 504 case managers when the Section 504 annual review procedures are being followed?
33. Should students be invited to Section 504 annual review meetings?
34. Is there a transition requirement under Section 504?
35. Does Section 504 have anything to do with extracurricular activities?
36. What if a student's participation poses a significant risk of harm, even with accommodations?

IV. PLACEMENT

37. Must the School District develop a Section 504 plan for a student who either "has a record of disability" or is "regarded as disabled?"
38. Are there circumstances where a student may be found to have a disability (i.e. have a physical or mental impairment that substantially limits a major life activity) but does not require accommodations?

39. What is the School District's responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?
40. What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans?
41. What is the difference between a regular education intervention plan and a Section 504 plan?
42. Can the District attempt to address a student's difficulties through school-based interventions prior to conducting an evaluation?

V. DISCIPLINE

43. What does Section 504 require regarding discipline?
44. If a student who has a disability only under Section 504 is expelled, is that student still entitled to FAPE?
45. When is suspension or expulsion considered a change in placement?
46. When is disciplinary action not considered discriminatory under Section 504?

VI. PROCEDURAL SAFEGUARDS and DUE PROCESS

47. What procedural safeguards are required under Section 504?
48. During evaluation and review procedures, do the procedural safeguards under Section 504 take the place of those granted to parents and students under IDEA?
49. Must the School District obtain parental consent prior to conducting an initial evaluation?
50. What can a school district do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?
51. What are parents' due process rights under Section 504?
52. What does the complaint process look like?
53. What does the impartial hearing process look like?

54. How does a parent file a complaint with the federal Office for Civil Rights?
55. Is there a medication requirement under Section 504?
56. If there is a complaint to OCR regarding team findings, will OVR review the eligibility determination made by the team participants?
57. Can the School District insist that parents/guardians use the District complaint process before filing a complaint with the Office for Civil Rights?

Section 504

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that provides protection from discrimination for individuals with disabilities. Section 504 is enforced by the Office for Civil Rights (OCR) in the Department of Education and does not convey any funding. Section 504 requires that: “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...” (29 U.S.C. Sec. 794). Under Section 504 a qualified individual with a disability means “...any individual who has a physical or mental impairment, which substantially limits one, or more, of such person’s major life activities, has a record of such impairment, or is regarded as having such impairment.”

1. What is a physical or mental impairment that substantially limits a major life activity?

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. The Section 504 regulatory provision at 34 C.F.R. 104.3(j)(2)(i) defines a physical or mental impairment as 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; genitor-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activities, as defined in the Section 504 regulations at 34 C.F.R. 104.3(j)(2)(ii) and the Americans with Disabilities Amendments Act of 2008 (Amendments Act), include functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, which includes, but is not limited to the operation of following bodily functions: function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive function. This list is not exhaustive or exclusive, and any activity or function not specifically listed can nonetheless be a major life activity.

2. Does OCR endorse a single formula or scale that measures substantial limitation?

No. The determination of substantial limitation is made on a case-by-case basis with respect to each individual student and requires that a group of knowledgeable persons draw upon information from a variety of sources in making its determination. Whatever the degree of limitation, it must be measured as against the average person in the general population. For students this means as measured against his/her grade level peers, but on national versus local norms. See www.eeoc.gov/policy/docs/902cm.html. The following factors may be useful in making the determination: the nature and severity of the impairment; the duration or expected duration of the impairment; and the permanent or long-term impact or the expected permanent or long-term impact resulting from the impairment.

3. What about students who are described as at-risk? Isn't "at risk" another way of describing Section 504-eligible students?

No. Section 504 applies to physical or mental impairments. For example, students with gifted intelligence who are not working up to their potential, but appear to be performing in the average range, likely are not eligible, at least under the major life activity of learning. Limited English proficiency is not a physical or mental impairment. A lack of educational opportunity is not a physical or mental impairment. Poverty is not a physical or mental impairment. Typical pregnancy is not a physical or mental impairment. Growing up in a dysfunctional family is not a physical or mental impairment. Special assistance may be required for students who present these conditions or live with these hardships, but the students should not be labeled as disabled under Section 504 since they do not present a physical or mental impairment. See www.eeoc.gov/policy/docs/psych.html.

4. May the District consider "mitigating measures" used by a student in determining whether the student has a disability under Section 504?

No. In determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, The Kaukauna Area School District must not consider the ameliorating effects of any mitigating measures that student is using. A non-exhaustive list of mitigating measures is as follows: medication; medical supplies; equipment or appliance; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids and cochlear implants and other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; auxiliary aids or services; and learned behavioral or adaptive neurological modifications. The one exception is that the ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining if the impairment substantially limits a major life activity.

5. With regard to “mitigating measures,” do the terms “accommodations” and “learned behavioral modifications” include plain old differentiated instruction, which is nothing more than instructional interventions available in regular classes to all students who need them? Would it include Response to Intervention (RtI) procedures, scientifically based interventions for students who are at risk of failing to meet grade level standards?

For those students who are doing well by virtue of interventions that are regularly made available to any student who needs them in the regular curriculum, but who might struggle without those interventions, school districts should not ignore the use of those supports when determining whether the impairment is substantially limiting. Guidance from OCR suggests that regular education interventions available to all students do not constitute mitigating measures. If RtI interventions work well for a student and it appears as though a student’s learning returns quite quickly to where it ought to be, schools should not be required to ignore the RtI interventions when looking for a substantial limitation. But if RtI is not easily succeeding and the need for interventions that are different from what is regularly available to students in the classroom continues for some time, that long term struggle could indicate a substantial impairment.

6. How should the School District view a temporary impairment?

A temporary impairment does not constitute a disability for purposes of Section 504 unless its severity is such that it results in a substantial limitation of one or more major life activities for an extended period of time. The issue of whether a temporary impairment is substantial enough to be a disability will be resolved on a case-by-case basis, taking into consideration the duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity of the affected individual. An individual is not regarded as an individual with a disability if the impairment is transitory or minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

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

Yes, under certain circumstances. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. A student with such an impairment is entitled to a free appropriate public education under Section 504.

8. Once a student has been identified as eligible for services under Section 504, is that student always entitled to such services?

Yes, as long as the student remains eligible. The protections of Section 504 extend only to individuals who meet the regulatory definition of a person with a disability. If a recipient school district re-evaluates a student in accordance with the Section 504 regulatory provision at 34 C.F.R. 104.35 and determines that the student’s mental or physical impairment no longer

substantially limits his/her ability to learn or any other major life activity, the student is no longer eligible for services under Section 504.

9. Are current illegal users of drugs excluded from protection under Section 504?

Generally yes. Section 504 excludes from the definition of a student with a disability, and from Section 504 protection, any student who currently is engaging in the illegal use of drugs when a covered entity acts on the basis of such use. (There are exceptions for persons in rehabilitation programs who are no longer engaging in the illegal use of drugs).

10. Are current users of alcohol excluded from protection under Section 504?

No. Section 504's definition of a student with a disability does not exclude users of alcohol. However, Section 504 allows schools to take disciplinary action against students with disabilities using drugs or alcohol to the same extent as students without disabilities.

II. DISABILITIES UNDER IDEA AND SECTION 504

Under the Individuals with Disabilities Education Act (IDEA), a student is considered disabled when, by reason of at least one categorical impairment, he or she needs special education services. Wisconsin Chapter 115 provides the legal basis for eligibility criteria specified in DEPARTMENT OF PUBLIC INSTRUCTION, Chapter PI, CHILDREN WITH DISABILITIES, Section 11.36, and Areas of Impairment (PI 11.36) and further directs Individualized Education Program (IEP) teams to consider the need for special education whenever a student is found to be categorically eligible through an IEP team evaluation.

In contrast to IDEA's categorical definitions that lead to disability determination, Section 504 provides a functional definition of disability. Disability under Section 504 means " ...any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities..."

11. What is the jurisdiction of the Office for Civil Rights (OCR), the Office of Special Education and Rehabilitation Services (OSERS) and the State Department of Public Instruction (DPI) regarding educational services to students with disabilities?

OCR, a component of the U.S. Department of Education, enforces Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs, and activities (including public schools) regardless of whether they receive any Federal financial assistance. The Americans

with Disabilities Act Amendments Act of 2008 (Amendments Act), effective January 1, 2009, amended the Americans with Disabilities Act of 1990 (ADA) and included a conforming amendment to the Rehabilitation Act of 1973 (Rehabilitation Act) that affects the meaning of disability in Section 504.

Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. Title II prohibits discrimination on the basis of disability by state and local governments. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the U.S. Department of Education, administers the Individuals with Disabilities Education Act (IDEA), a statute which funds special education programs. Each state educational agency is responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute and attaches many specific conditions to the recipient of Federal IDEA funds. Section 504 and the ADA are antidiscrimination laws and do not provide any type of funding.

12. What evaluation procedure does the Kaukauna Area School District use when a student is suspected of having a disability under Section 504?

Because the procedural requirements for referral and evaluation under IDEA are more comprehensive than those described under Section 504, the Kaukauna Area School District will use the IDEA evaluation procedures when a student is suspected of having a disability, and will consider a student's eligibility under both laws whenever an evaluation is conducted. Though stated differently, the disability definitions provided by these two statutes converge upon the same population of school age children whose educational needs can be identified using the referral and evaluation process established by IDEA.

13. Does Section 504 require action similar to IEP meetings?

Placement decisions must be made by a "group of persons." While IDEA defines the IEP team and specifically includes the parent as a participant, Section 504 does not define the group other than to say that participants must be "knowledgeable about the child, the meaning of evaluation data, and the placement options." The characteristics of an IEP team under IDEA meet these requirements.

14. Many students who meet the definition of disability under Section 504 also will be eligible for special education under IDEA. What is the School District's legal responsibility for these students?

If the student is eligible for special education under IDEA, the District will offer to provide the student with an Individualized Education Program (IEP) and free appropriate public education (FAPE).

15. If a student is eligible under both IDEA and Section 504, can the school just comply with IDEA and thereby fulfill its duty?

Yes. The Section 504 regulations say “Implementation of an IEP developed in accordance with IDEA is one means of meeting the standard required by 504” 34 C.F.R.103.33 (b)(2).

16. If a student is found eligible under IDEA, is there a requirement to go on to address Section 504?

No. As stated above, implementation of an IEP developed in accordance with IDEA is one means of meeting the standards required by Section 504.

17. A student has a disability referenced in the IDEA, but does not require special education services. Is such a student eligible for services under Section 504?

The student may be eligible for services under Section 504. The School District must determine whether the student has an impairment which substantially limits his/her ability to learn or another major life activity and, if so, make an individualized determination of the student’s educational needs for regular or special education or related aids or services. For example, such a student may receive adjustment in the regular classroom.

18. What are the District’s responsibilities for students who are eligible under 504 but not IDEA?

For those students determined to meet Section 504 only, the school’s general duty is similar to its duty under IDEA. The school must evaluate the student’s condition, design a plan to accommodate the disability, if a plan is needed, place the student in the least restrictive environment and provide procedural safeguards.

19. What if parents want special services for their child but request a Section 504 plan rather than have the child identified as disabled under IDEA?

The School District must fulfill its responsibility under IDEA. When school officials believe a student is eligible for special education, IDEA requires the school to refer the student and seek consent for an evaluation. If the parent refuses consent for the evaluation, the school can seek mediation or a due process hearing in order to complete an evaluation. The Office for Civil Rights addressed this issue in 1996 by stating that for students considered disabled under both IDEA and Section 504, the requirements of Section 504 are through the implementation of an IEP under IDEA. If a parent rejects services developed under the IDEA, the parent is rejecting

what would be offered under Section 504. The parent could not compel the District to develop an IEP under Section 504 instead, as that already happened when the school followed IDEA requirement. Therefore, if the school believes a student to be IDEA eligible the school should identify the student as such.

20. What if a parent refuses consent for placement in special education after IDEA eligibility has been determined by the IEP team?

Parental consent for initial evaluation does not mean that they also have given their consent for the School District to start providing special education and related services to the student. Parents may deny and/or revoke consent for their child to receive special education and related services at any time. If parents revoke consent, the School District will provide a written notice explaining when it will stop providing special education and related services to the student. Once special education and related services end, the School District:

1. is not required to make a free and appropriate public education (FAPE) available to the student;
 - Is not required to have an individualized education program (IEP) meeting or develop an IEP for the student;
 - Is not required to evaluate the student for eligibility under Section 504 or develop a Section 504 Plan for the student;
2. is not required to offer the student the discipline protections under IDEA; and
3. is not required to amend the student’s educational records to remove any reference to the student’s

21. Who should serve as case manager when an IEP determines that a student is not eligible for special education services under IDEA but determines that a 504 plan is necessary to address the student’s educational needs as a student with a disability under Section 504?

Who writes the 504 plan?

Following an initial evaluation, if the IEP team recommends a Section 504 plan, the IEP team’s case manager maintains responsibility for the process through completion under the direction of the Local Education Agency representative (LEA). The case manager may be the building school psychologist or school social worker.

III. EVALUATION AND REVIEW PROCEDURES

At the elementary and secondary school levels, determining whether a child is a qualified disabled student under Section 504 begins with the evaluation process. The Kaukauna Area School District uses the evaluation process under IDEA, which meets the Section 504 standard requiring the use of evaluation procedures that ensure students are not misclassified,

unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

22. What is reasonable justification for referring a student for evaluation for services under Section 504?

School districts may always use regular intervention strategies to assist students with difficulties in school. Section 504 requires recipient school districts to refer a student for an evaluation for possible special education or related aids and services or modification to regular education if the student, because of disability, needs or is believed to need such services.

23. What constitutes a Section 504 evaluation?

In the Kaukauna Area School District, it is required that any child suspected of having a disability under Section 504 be evaluated using the current procedures specified under IDEA and as represented in Chapter 115 of Wisconsin Statutes. The Section 504 regulations state that a Section 504 evaluation must include information from a variety of sources including that relating to aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. The evaluation data must be “documented and carefully considered” and that the “placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.” 34 C.F.R. S104.35. These evaluation requirements are met through the use of IDEA evaluation procedures.

24. How much is enough information to document that a student has a disability?

At the elementary and secondary education level, the amount of information required is determined by the team gathered to evaluate the student. Compliance with the IDEA regarding the group of persons present when an evaluation or placement decision is made satisfactory under Section 504 and shall be utilized by the Kaukauna Area School District evaluation team. The evaluation team will draw from a variety of sources in the evaluation process and may include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The information obtained from all such sources must be documented and all significant factors related to the student’s learning process must be considered.

25. Are there any impairments which automatically mean that a student has a disability under Section 504?

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

26. Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician’s medical diagnosis may be considered among other resources in evaluation a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background and adaptive behavior.

27. Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student’s ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student’s ability to learn or other major life activity, or only results in some minor limitation in that regard.

28. What if the team cannot come to an agreement regarding eligibility, placement or programming?

Team decisions will be made by consensus. It is not appropriate to make eligibility, placement, or programming decisions based on a majority “vote.” In the absence of a consensus, the LEA, Section 504 Coordinator or designee at the meeting will make the final decision regarding a student’s eligibility and, if needed, the placement accommodations and related aids and/or services that the student needs to access school programming, subject to any due process that the parents/guardians may choose to access.

29. A student is receiving services that the Kaukauna Area School District maintains are necessary under Section 504 in order to provide the student with an appropriate education. The student’s parent no longer wants the student to receive those services. If the parent wishes to withdraw the student from a Section 504 plan, what can the School District do to ensure continuation of services?

The Kaukauna Area School District may initiate a Section 504 due process hearing to resolve the dispute if the district believes the student needs the services in order to receive an appropriate education.

30. Under Section 504, does the District have an obligation, upon parent request, to provide an Independent Educational Evaluation (IEE) at District expense as it does under IDEA?

There are no provisions for IEEs under Section 504. Therefore, parents are not entitled to an IEE if the request is focused narrowly on the appropriateness of a Section 504 Plan. However,

because IDEA evaluation procedures are used to determine Section 504 eligibility, parents are entitled to an IEE as defined by the IDEA procedural safeguards if they question the IEP team's evaluation procedures, findings, or eligibility determination. If a parent's disagreement with a Section 504 Plan is related to these procedures or finding, the District may have an obligation to provide an IEE under IDEA, upon parental request.

31. When must a Section 504-only student be evaluated?

The Section 504 regulations provide that an evaluation must be conducted prior to initial accommodations/placement under Section 504, and prior to any "subsequent significant change of placement." Three years is the standard for reevaluations under IDEA and is the same standard applied to Section 504-only students by the Kaukauna Area School District.

32. Who should serve as the Section 504 case managers when the Section 504 annual review procedures are being followed?

The building LEA, Section 504 coordinator(s) determine(s) who is responsible for serving as Section 504 case managers when Section 504 review procedures are being followed. In the Kaukauna Area School District the case manager is the guidance counselor, school psychologist, or school social worker.

33. Should students be invited to Section 504 annual review meetings?

Section 504 does not address student participation in team meetings. However IDEA does state that, whenever appropriate the student should be considered a team participant. It is recommended that students participate in IEP team meetings and Section 504 annual reviews whenever appropriate. This determination is a team responsibility and should be made in consultation with the student's parents.

34. Is there a transition requirement under Section 504?

No. There is a transition requirement under IDEA but not under Section 504. If transition services are needed to promote a student's success in school, and would otherwise be jeopardized by his/her disability, then these services should be included in the student's Section 504 Plan. It also is advised that a transition conference be held for all students with disabilities prior to their high school graduation, not just those considered disabled under IDEA. Students who are considered to have a disability under Section 504 only, need documentation of their disability and the strategies and services that have been provided to them while in high school. It also is advised that graduation/transitioning students be made aware that they may be eligible for protections under Section 504 and the ADA.

35. Does Section 504 have anything to do with extracurricular activities?

Yes. The 504 regulations require that nonacademic and extracurricular services must be provided in such manner as is necessary to afford students with disabilities “an equal opportunity for participation in such services and activities.” Section 504 also covers IDEA-eligible students in this regard. Any student with a disability is entitled to an equal opportunity to participate and accommodation while participating in extracurricular activities.

“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 recipients, referrals to agencies which provide assistance to disabled persons, and employment of students, including both employment by the recipient (SDE) and assistance in making available outside employment” 34 C.F.R. s 104.37(a)(2).

36. What if a student’s participation poses a significant risk of harm, even with accommodations?

When there is no accommodation that will reduce the risk of harm, the student may be excluded from participation. Caution is advised when determining whether a substantial risk of injury exists.

IV. PLACEMENT

Once a student is identified as being eligible for regular or special education and/or related aids or services, a decision must be made regarding the type of services the student needs.

37. Must the School District develop a Section 504 plan for a student who either “has a record of disability” or is “regarded as disabled?”

No. In public elementary and secondary schools, unless a student actually has an impairment that substantially limits a major life activity, the mere fact that a student has a “record of” or is “regarded as” disabled is insufficient, in itself, to trigger those Section 504 protections that require the provision of a free appropriate public education (FAPE).

38. Are there circumstances where a student may be found to have a disability (i.e. have a physical or mental impairment that substantially limits a major life activity) but does not require accommodations?

Yes, under certain circumstances. For example, the School District may not consider the ameliorating effects of mitigating measures (such as medication for ADHD or an inhaler for asthma) when determining whether a student has an impairment that substantially limits a major life activity. But if the impairment is well controlled by virtue of some mitigating

measure, the student may not need any accommodations and supports in a 504 plan, even though the student is considered disabled under the law. Similarly, a student whose impairment is episodic or in remission but is considered a disability if it would substantially limit a major life activity when active, also may not need accommodations and supports of a 504 plan while the impairment is dormant.

39. What is the School District’s responsibility under Section 504 toward a student with a Section 504 plan who transfers from another district?

If a student with a disability transfers from another school district with a Section 504 plan, the Kaukauna Area School District will review the plan and supporting documentation. If a group of persons in the School District, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the District will implement the plan. If the District determines that the plan is inappropriate, the District will evaluate the student consistent with the Section 504 procedures at 34 C.F.R. 104.35 and determine which educational program is appropriate for the student. There is no Section 504 bar to the receiving school district honoring the previous IEP during the interim period.

40. What are the responsibilities of regular education teachers with respect to implementation of Section 504 plans?

Regular education teachers must implement the provisions of Section 504 plans when those plans govern the teachers’ treatment of students for whom they are responsible. Failure to implement the plans can cause the School District to be in noncompliance with Section 504.

41. What is the difference between a regular education intervention plan and a Section 504 plan?

A regular education intervention plan is appropriate for a student who does not have a disability or is not suspected of having a disability, but may face challenges in school.

42. Can the District attempt to address a child’s difficulties through school-based interventions prior to conducting an evaluation?

The District has the option of addressing academic and behavioral difficulties through documented school-based interventions and/or modifications, prior to conducting an evaluation. If such interventions and/or modifications are successful, a District is not obligated to subsequently evaluate a student for special education or related services.

V. DISCIPLINE

43. What does Section 504 require regarding discipline?

A school district has procedures to ensure that students are not discriminated against on the basis of disability. Discipline of students under Section 504 is very similar to discipline of the IDEA eligible student. The Section 504 team must approve any long-term change of placement (over ten cumulative days). Student should not be punished for behavior that arises from the disability – thus a manifestation determination is necessary. There is one significant difference in discipline of students under Section 504 as opposed to students under IDEA. If the student is a Section 504-only student, and the student is charged with a violation of school rules concerning drugs or alcohol, the school can take disciplinary action just as if the student were not identified under Section 504. Section 504 states, “For purpose of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore the due process procedures at 34 C.F.R. 104.36 shall not apply to such disciplinary action.” 20 U.S.C. 706(8)(C)(iv)

44. If a student who has a disability only under Section 504 is expelled, is that student still entitled to FAPE?

There is no requirement in Section 504 for the continuation of FAPE following expulsion of the student. However, it may be the District’s decision to do so, even in the absence of such a requirement.

45. When is suspension or expulsion considered a change in placement?

Under Section 504, OCR considers that a change in placement occurs if:

- (a) The expulsion or suspension of a student with a disability exceeds ten consecutive school days (in-school discipline is regarded as suspension if it removes the student from his/her educational program), or
- (b) A student is subjected to a series of removals that constitute a pattern because they accumulate to more than ten school days in a school year. Such a significant change in placement necessitates a reevaluation of the student.

The reevaluation of the student includes a determination of whether the student’s misconduct is caused by his/her disability.

Occasional detentions and similar forms of discipline do not require reevaluation or determination of the cause of the misconduct under Section 504. Generally, detentions would

not constitute a significant change in placement, particularly if they occur before or after instructional hours. If a pattern of disciplinary actions for behaviors caused by or symptomatic of the student's disability develops, there might be sufficient cause to believe that a Section 504 violation is occurring.

46. When is disciplinary action not considered discriminatory under Section 504?

Court rulings suggest that disciplinary actions are not considered discriminatory when they occur prior to the determination that a student has a disability. Therefore, a District is not required to determine if behavior being sanctioned is a manifestation of a disability if the student is not believed to be a student with a disability.

Under Section 504, school districts are required to conduct an evaluation of any student who is believed to need special education or related services before taking any action with respect to the initial placement of the person in a regular or special education program and any subsequent significant change in placement. Therefore, if a student is suspected of being a student with a disability and is being considered for disciplinary action, the student must be evaluated to determine if the behavior that is being considered for sanction is a manifestation of a disability.

VI. PROCEDURAL SAFEGUARDS and DUE PROCESS

Public elementary and secondary schools must employ procedural safeguards regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need accommodations, special education, and/or related aids and services. Parents must be told about these procedures. In addition, parents or guardians must be notified of any evaluation or placement actions, and must be allowed to examine the student's records. The due process procedures must allow the parents or guardians of students in elementary and secondary schools to challenge evaluation and placement procedures and decisions.

If parents or guardians disagree with the school's decisions, they must be afforded an impartial hearing, with an opportunity for their participation and for representation by counsel. A review procedure also must be available to parents or guardians who disagree with the hearing decision.

47. What procedural safeguards are required under Section 504?

Under the Section 504 regulations, parents are expressly entitled to notice of certain actions, an opportunity to review relevant records, access to a complaint process, and an opportunity for an impartial hearing that permits parent participation, representation by counsel and review procedure. Under Section 504, notice should be sent at the same times the District would send notice in a special education matter, such as prior to an evaluation or reevaluation, prior to a

change in placement, and whenever the District has refused to conduct a requested evaluation, or made a requested change in placement.

48. During evaluation and review procedures, do the procedural safeguards under Section 504 take the place of those granted to parents and students under IDEA?

Procedural safeguards under IDEA and Section 504, though not exactly the same, are comparable. Compliance with the requirements under Section 504 can be accomplished through compliance with the more specific IDEA procedural safeguards. Because IDEA evaluation procedures are used in all cases where a disability is suspected or already is identified, procedural safeguards granted to parents and students under IDEA are in effect when students undergo an initial evaluation or reevaluation. If an IEP team determines that a student does not have a disability under IDEA, completes the evaluation process documenting this, and subsequently determines that the student has a disability under Section 504, the procedural rights under Section 504 become effective. To signify this, a copy of these procedural safeguards is provided with the parent invitation to the Section 504 team meeting at which the student's Section 504 Plan will be developed. While this meeting may be a part of the IEP team meeting addressing eligibility, the point at which the Section 504 Plan is being developed marks the transition from the IDEA process to the less defined procedures required under Section 504.

49. Must the School District obtain parental consent prior to conducting an initial evaluation?

Yes. OCR has interpreted Section 504 to require school districts to obtain parental permission for initial evaluations. If the School District suspects a student needs or is believed to need special instruction or related services and parental consent is withheld, the IDEA and Section 504 provide that districts may use due process hearing procedures to seek to override the parents/denial of consent for an initial evaluation.

50. What can the School District do if a parent withholds consent for a student to secure services under Section 504 after a student is determined eligible for services?

Section 504 neither prohibits nor requires a school district to initiate a due process hearing to override parental refusal to consent with respect to the initial provision of special education and related services. Nonetheless, the School District will consider that IDEA no longer permits school districts to initiate a due process hearing to override a parental refusal to consent to the initial provision of services.

51. What are parents' and students' due process rights under Section 504?

In the event of a disagreement between the parent/guardian and the School District in regard to the identification, evaluation, procedural guidelines, or educational placement of a student

under Section 504, the parent/guardian have the right to file a District complaint, request an impartial hearing, or file a complaint with the Office for Civil Rights.

52. What does the complaint process look like?

When a parent/guardian or adult student believes the Section 504 team did not follow Section 504 procedural guidelines in the evaluation process, he/she may: Contact the school administrator or designee with the complaint. The school administrator may pursue an informal resolution of the complaint with the agreement of the parties involved; complete the *Section 504 Complaint Form* and present it to the school administrator or designee for review. With a resolution due within 10 school attendance days, the school administrator or designee will interview the complainant. A resolution shall be made in writing to the complainant; if the complainant is dissatisfied with the resolution, an appeal may be made in writing to the Superintendent/designee within 10 school attendance days after receiving notice of the resolution. With a resolution due within 10 school attendance days, the Superintendent or designee will review the complaint and resolution and may conduct further investigation if deemed appropriate. The Superintendent's or designee's decision shall be made in writing to the complainant.

53. What does the impartial hearing process look like?

When a parent/guardian or adult student believes the Section 504 team did not follow Section 504 procedural guidelines in the evaluation process, he/she may request a hearing conducted by an impartial hearing officer from outside the School District. Parent/guardian may contact Rae McClain to obtain an impartial hearing officer. The District will choose an impartial hearing officer and will work with the parent/guardian to schedule a hearing date. The parent and student may take part in the hearing and have an attorney represent them at their own cost. Questions regarding how to request a hearing under this section should be directed to the Director of Pupil Services, (920)766.6100 ext. 6105

54. How does a parent file a complaint with the Federal Office for Civil Rights?

When a parent/guardian or adult student believes the Section 504 team did not follow Section 504 procedural guidelines in the evaluation process, he/she may request a hearing conducted by an impartial hearing officer from outside the School District. Parent/guardian may contact the Director of Pupil Services to obtain an impartial hearing officer. The District will choose an impartial hearing officer and will work with the parent/guardian to schedule a hearing date. The parent and student may take part in the hearing and have an attorney represent them at their own cost. Questions regarding how to request a hearing under this section should be directed to the Director of Pupil Services, (920)766.6100 ext. 6105

55. Is there a medication requirement under Section 504?

No.

56. If there is a complaint to OCR regarding team findings, will OCR review the eligibility determination made by the team participants?

In a 1997 statement OCR noted "...except in extraordinary circumstances, it is not the intention of OCR to review the results of individual placement and other educational decisions, so long as the process requirements of the Section 504 regulations have been followed."

57. Can the School District insist that parents/guardians use the District complaint process before filing a complaint with the Office for Civil Rights?

No. The School District cannot insist that parents/guardians use the District complaint process before utilizing other due process procedures. Parents/guardians may utilize any of the due process procedures they deem appropriate to their needs.

Table of Contents

Section 504 District Coordinator

Compliance Statement

Parental Validation of Physical/Mental Impairment

Discrimination Policy

Introduction

Section 504

- **Disability Defined**
 - **Physical or Mental Impairment**
 - **Major Life Activity**
 - **Exclusions from the 504 Disability Definition**
 - **Substantial Limitation**
 - **Mitigating Measures**
 - **Temporary Disabilities**
 - **Section 504 Plans**

Disabilities Under IDEA and Section 504

Evaluation and Review Procedures

- **Initial Evaluation and Eligibility Determination**
- **Reevaluation**
- **Annual Reviews**
- **Outcomes for Students**

Due Process

- **Complaint Process**
- **Impartial Hearing**
- **Office for Civil Rights Complaint Process**

Child Find Notice

Parent and Student Rights

Complaint Form

Section 504 District Coordinator

The School District designates the following employee to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended: **Director of Special Education/Pupil Services – 920.766.6100 Ext. 6105**

Compliance Statement

The Kaukauna Area School District shall comply fully with the nondiscrimination provisions of all federal and state laws by assuring that no person shall be denied admission to any public school in the District or be denied participation in, be denied the benefits of or be discriminated against in any curricular, co-curricular, pupil services, recreational or other program or activity because of the person's gender, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

Discrimination Policy

The District is firmly committed to an educational environment that is free from discrimination and harassment in any form and maintains a Pupil Nondiscrimination/Anti-Harassment Policy. Please refer to **District Policy 343**. Questions concerning the interpretation or application of this policy shall be referred to The Director of Special Education/Pupil Services, Kaukauna Area School District, 1701 County Road CE, Kaukauna, Wisconsin, 54130, (920)766.6100 ext. 6105.

Parental Validation of Physical/Mental Impairment

Parents are required to produce validation of a child's physical or mental impairment when the impairment is beyond the parameters of assessments/evaluations that can legally be performed by public school personnel (i.e., medical evaluation(s), psychological evaluation(s), etc.) 34 C.F.R. § 104.35. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504, just as impairment in and of itself is not a disability. The illness and/or impairment must substantially limit one or more life activities, as determined by a Section 504 team, in order to be considered a disability under Section 504.

Introduction

The Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act are Federal laws that address the rights of individuals with disabilities. IDEA is a federal funding statute that provides limited financial aid to states to ensure adequate and appropriate services for children with disabilities. Section 504 is a broad civil rights law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. The Americans with Disabilities Act (ADA) was enacted in 1990 and extends the prohibition of discrimination established by Section 504 to entities that do not receive federal financial assistance. Specifically, Title II of the ADA protects individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments.

IDEA and Section 504 have several basic requirements in common:

- 1) Persons with disabilities must be provided a free appropriate public education (FAPE);
- 2) Students with disabilities must be educated with non-disabled students to the maximum extent appropriate to their needs;

- 3) Educational agencies must undertake to identify and locate all unserved students with disabilities;
- 4) Evaluation procedures must be comprehensive and utilize multiple sources of information to ensure that students are not misidentified or misclassified, and
- 5) Procedural safeguards must be established to enable parents and guardians to influence decisions regarding the evaluation and placement of their children.

The U.S. Department of Education, Office for Civil Rights allows school districts to determine their own procedures for evaluating student eligibility under Section 504, as long as the procedures are aligned with the requirements specified in the Section 504 regulatory provision at 34 C.F.R. §104.35. The Kaukauna Area School District has adopted the IEP team process under IDEA as the sole procedure used to address eligibility and service issues for students suspected of having a disability under either IDEA or Section 504. All students with suspected disabilities are provided with a comprehensive evaluation to determine their eligibility status under both laws. Please refer to *Special Education in Plain Language: User-friendly Handbook on Special Education Laws, Policies and Practices in Wisconsin*, available at www.specialed.us/pl-07/pl07-ieppro.html

Students who require 504 Plans (those identified as having a disability under Section 504 only) remain the responsibility of the general education system despite the District's use of the IEP team process to identify them. Accordingly, the building principal or designee (i.e., school psychologist, school social worker, guidance counselor, etc.) shall assume the role of the 504 building coordinator and will assure that the development and implementation of 504 Plans are accomplished as required. The 504 building coordinator also is responsible for assuring the timely transfer of information related to each student's eligibility status and the content of his/her 504 plan to all appropriate personnel. Assuring that staff members are fully informed of the unique educational needs of the students with whom they currently work, and transferring this information to receiving schools as students move from grade to grade, will maintain the effectiveness of the interventions and services provided through 504 Plans.

Section 504

Section 504 of the Rehabilitation Act of 1973 is a civil rights statute that provides protection from discrimination for individuals with disabilities. Under this statute, all school districts receiving federal financial assistance must provide appropriate educational services designed to meet the individual needs of these students to the same extent that the needs of students without disabilities are met. Provisions of Section 504 that are of particular relevance to school districts include:

- A functional definition of who qualifies as disabled;
- The provision of a free appropriate public education (FAPE),
- Evaluation and placement procedures,
- Procedural safeguards.

Section 504 is enforced by the Office for Civil Rights (OCR) in the Department of Education and does not convey any funding. Section 504 requires that:

“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...” (29 U.S.C. Sec. 794)

Disability Defined

Under Section 504 a qualified individual with a disability means “...any individual who has a physical or mental impairment, which substantially limits one, or more, of such person’s major life activities, has a record of such impairment, or is regarded as having such impairment.”

The Office for Civil Rights has made it clear that there is a distinction between (1) students who actually have a physical or mental impairment, and (2) those that have a record of or are regarded as having such impairment. In elementary and secondary schools, unless a student actually has a disabling condition that presently substantially limits a major life activity, the mere fact that a student has a “record of” or is “regarded as having” a disability is insufficient to trigger 504 protections that require the provision of a free appropriate public education (FAPE). Rather, these phrases are meant to address situations in which a student never had or does not currently have a disability, but is treated by others as such. It is the negative action taken against the student, based on the record or perception, which entitles such a student to protection against discrimination under 504.

For a student to be identified under Section 504, the school must conclude that the student has: 1) a physical or mental impairment that 2) substantially limits 3) a major life activity.

Physical or Mental Impairments

The regulations define “physical or mental impairments” through examples. Physical impairments are: “any physiological disorder or condition, somatic disfigurement, or anatomical loss affecting one or more” listed body systems. These include neurological, musculoskeletal, special sense organs, respiratory or speech, cardiovascular, reproductive, digestive, genitor-urinary, hemic/lymphatic, skin and endocrine body systems.

Mental impairments are “any mental or psychological disorder” such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The Equal Employment Opportunity Commission has provided guidance on this category of impairment under the ADA. This guidance would also likely apply under Section 504 for student issues. Those guidelines note that the identification categories in the current Diagnostic and Statistical Manual of Mental Disorders (DSM) or other respected source, if not excluded under Section 504/ADA (e.g., illegal drug use; see www.ada.gov/taman2.html#II-2.2000), are relevant sources in identifying mental impairments, although those categories are not legally binding.

See www.eeoc.gov/policy/docs/psych.html.

The phrase physical or mental impairment includes, but is not limited to such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, Cerebral Palsy, epilepsy, Muscular Dystrophy, Multiple Sclerosis, cancer, heart disease, diabetes, mental retardation, mental illness,

Major Life Activity

Major life activities are defined as activities considered important to daily life. The law includes a long list of major life activities, but it is not exclusive. The listed categories are:

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function, which includes, but is not limited to the operation of following bodily functions: function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive function.

Exclusions from the 504 Disability Definition

The terms “individual with a disability” and “impairment” do not include an individual who is currently engaging in the illegal use of drugs or exhibiting psychoactive substance disorders resulting from current illegal use of drugs. However, former users or those participating in drug rehabilitation programs may be considered individuals with disabilities.

Substantial Limitation

For a physical or mental impairment to substantially limit a major life activity, the impairment should limit that activity to an ample or considerable degree. It should be more than a minor limitation. Generally, the substantial limitation should be expected to last more than six months in duration. The substantial limitation should be in comparison to the average student in the general population. Conditions that are episodic or in remission still might qualify, as long as they substantially limit a major life activity when active. The ADA regulations, at 28 C.F.R. § 1630.2 (j), state that “substantially limits” means:

- (i) Unable to perform a major life activity that the average person in the general population can perform (compared to national norms, not local norms); or

- (ii) Substantially restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity.

While the term “significantly restricted” no longer applies, per the ADA Amendments Act of 2008, the focus on the “condition, manner or duration” of the limitation survives, as there is no indication that Congress meant to remove the comparative element of this standard, which had also been picked up by a number of courts. Therefore, whatever the degree of limitation, it must be measured as against the “average person in the general population.” This would mean that 504/ADA eligibility would require a physical or mental impairment amply or considerably limit the person in a major life activity when compared to the average person in the general population. For students, this means as measured against his/her grade level peers, but on national versus local norms. See www.eeoc.gov/policy/docs/902cm.html.

The following factors may be useful in making the determination:

- a) The nature and severity of the impairment;
- b) The duration or expected duration of the impairment; and
- c) The permanent or long-term impact or the expected permanent or long-term impact resulting from the impairment.

Mitigating Measures

Section 504 and the ADA state that when determining whether impairment is substantially limiting, the beneficial effects of any “mitigating measures” the student may be receiving or could receive should be ignored. The law defines “mitigating measures” to be factored out of the eligibility decision as including:

- (i) 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; or oxygen equipment and supplies;
- (ii) Use of assistive technology;

- (iii) Accommodations or auxiliary aids or services; or
- (iv) Learned behavior or adaptive neurological modifications.

Thus, if a student seems fine as a result of some medication, accommodation or assistive technology the student receives, but without it he or she would be substantially limited in a major life activity, the student may be a qualified person with a disability under Section 504 and the ADA. Please note that if the impairment is well-controlled by virtue of some mitigating measure, the student may not need any interventions and supports in a 504 Plan, even though the student is considered disabled under the law. As a general matter, typical supports or interventions provided by regular education teachers to any student in the classroom, whether or not the student has a disability, are not considered a “mitigating measure.”

Temporary Disabilities

The determination to extend coverage for temporary impairments must be made on a case-by-case basis, taking into consideration factors such as how long and how severely the temporary impairment limits a major life activity for the particular student. Generally, the substantial limitation should be expected to last more than six months in length. The substantial limitation should be in comparison to the average student in the general population. Conditions that are episodic or in remission still might qualify, as long as they substantially limit a major life activity when active. See ADA Amendments Act of 2008, Sec. 4(a) (amending 42 U.S.C. § 12102(4)(D)).

Section 504 Plans

Section 504 does not require that a 504 Plan be developed to provide a student with FAPE. However, a Section 504 Plan may be developed for any student with a substantial limitation of a major life activity who is subsequently regarded as disabled under Section 504 and does not require an IEP. This plan provides important documentation of the regular or special education and related services that will be provided to meet the individual needs of the disabled student to the same extent that the needs of students without disabilities are met.

The determination of whether a particular impairment qualifies for Section 504 protections can be complex and must be made on a case-by-case basis in accordance with District policies and procedures. In all cases, however, there must be a physical or mental impairment that substantially limits a major life activity.

Disabilities under IDEA and Section 504

Under the Individuals with Disabilities Education Act (IDEA), a student is considered disabled when, by reason of at least one categorical impairment, he or she needs special education services. Wisconsin Chapter 115 provides the legal basis for eligibility criteria specified in DEPARTMENT OF PUBLIC INSTRUCTION, Chapter PI, Section 11.36, (PI 11.36) and further directs Individualized Education Program (IEP) teams to consider the need for special education whenever a student is found to be categorically eligible through an IEP team evaluation.

In contrast to IDEA’s categorical definitions that lead to disability determination, Section 504 provides a functional definition of disability. Disability under Section 504 means “ ...any person who has a physical or mental impairment which substantially limits one or more of such person’s major life activities....”

The procedures used by the Kaukauna Area School District to evaluate students suspected of having disabilities, and the means in which eligibility determinations are made, reflect the fact that there is substantial overlap between the disability definitions established through IDEA and Section 504. It is the view of the courts and OCR that students identified as having a disability under IDEA also qualify under Section 504. In contrast, few students

who are not eligible under IDEA are found to have a disability under Section 504. IDEA is generally used as the principle statute guiding the identification and provision of services for students with disabilities in public education. Please refer to *Special Education in Plain Language: User-friendly Handbook on Special Education Laws, Policies and Practices in Wisconsin*, available at www.specialed.us/pl-07/pl07-ieppro.html

Because the procedural requirements for referral and evaluation under IDEA are more comprehensive than those described under Section 504, SDE will use the IDEA evaluation procedures when a student is suspected of having a disability, and will consider a student's eligibility under both laws whenever an evaluation is conducted. This practice provides a consistent evaluation process for each referred student. The District believes that this practice also will help ensure that every student with a disability receives a free appropriate public education. The IDEA process for the referral and evaluation of students suspected of having a disability under Section 504 reflects the close relationship between the categorical definitions that must be considered under IDEA and the functional definition of disability under Section 504. The IEP team must first establish eligibility on the basis of one or more of the categorical impairments and subsequently determine whether special education services are needed. When a student with an identified categorical impairment is found not to need special education services, he/she is not considered to have a disability under IDEA and an IEP is not developed. It is this student who might be identified as disabled under Section 504 only. While it is possible for a student who does not meet the eligibility criteria for an impairment under IDEA to still be regarded as disabled under Section 504, the categorical definitions under IDEA stand as reliable guides for determining whether a student's impairment "substantially limits" a major life activity as is required under Section 504, and should be used by IEP teams for that purpose.

Despite their origins, IDEA and Section 504 of the Rehabilitation Act of 1973 share a common goal: that no otherwise qualified student shall be excluded from, or be denied the benefits of, a free appropriate public education. Though stated differently, the disability definitions provided by these two statutes converge upon the same population of school age children whose educational needs can be identified using the referral and evaluation process established by IDEA.

Evaluation and Review Procedures

Initial Evaluation and Eligibility Determination

If a student is suspected of having a disability under either Section 504 or IDEA, the IEP team process for conducting referrals and evaluations as specified in IDEA and Chapter 115 of Wisconsin Statutes shall be utilized. The District's current practices for assignment of case managers and for delegating team responsibilities will be followed.

Using the IEP team process, participants will determine if the student meets the criteria for one or more of the categorical impairments, as defined in Wisconsin PI 11.36, and if the student, by reason of the impairment(s) identified, requires special education services. Meeting the eligibility criteria for impairment does not automatically mean that the student has a need for special education.

To establish the need for special education, IEP teams must review previous interventions and their effects and discuss what modifications, if any, can be made in the regular education program to meet the student's needs. Inherent in this discussion is the obligation that schools must address some variability in the achievement levels of students within every general education classroom. When the IEP team reviews the student's classroom performance, a need for special education may be found if the student's performance is significantly outside the range of student performance expected within any classroom. If adaptations of content, methodology, or delivery

of instruction can be provided to allow the student to access the general curriculum and meet the standards that apply to all students, the student may not need special education services. Alternately, if the IEP team identifies necessary additions or modifications that cannot be provided through the general education program, the team may identify the student as having a disability under IDEA.

If the team determines that special education is necessary, an IEP shall be developed and special education services offered. If the student meets eligibility criteria for one or more categorical impairments but does not require special education services, the IEP team must then determine if the student is disabled under Section 504 and, if so, whether a 504 Plan is necessary for the student to receive a free appropriate public education (FAPE).

If team participants determine that a student is disabled under Section 504 (he or she has an impairment which substantially limits a major life activity) and requires a Section 504 Plan, the IEP team process concludes and, in name, becomes a Section 504 team. While Section 504 is not as specific as IDEA regarding who should participate in evaluations and team decisions, the regulations do require that decisions be made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options. For this reason, the IEP team participants who represent such a knowledge group will complete the Section 504 process and, if necessary, the Section 504 Plan and seek permission for its implementation from the student's parents. Team decisions are made by consensus. In the absence of a consensus, the Section 504 Coordinator or designee at the meeting makes the final decision regarding eligibility and, if needed, the Plan accommodations and related aids and/or services the student needs to access school programming.

Reevaluation

A child identified as having a disability under either IDEA or Section 504 shall be reevaluated as least every three years. The reevaluation procedures required under IDEA will be used in both cases. District practices do not include a separate reevaluation process for students considered disabled only under Section 504. By using the reevaluation process outlined in IDEA, teams will have the necessary participants to address any changes in a student's eligibility status.

PI 11.36 does not require the strict application of eligibility criteria for IDEA categorical impairments when teams conduct a reevaluation. This allows reevaluation teams to acknowledge the positive impact of previous interventions without requiring them to withdraw services because of a student's improving skills. Students with disabilities are expected to make progress because of the special education services or Section 504 interventions provided. Therefore, upon reevaluation, 504 Teams may conclude that a student continues to be disabled and needs accommodation plans even if *initial* categorical impairment criteria are no longer met. A student undergoing reevaluation is still considered disabled when a continuing need for services, either through an IEP or a Section 504 Plan, is identified by the evaluating team. If the impairment is well-controlled by virtue of some mitigating measure, the student may not need any interventions and supports in a 504 Plan, even though the student is considered disabled under the law.

Annual Reviews

Section 504 Plans should be reviewed and rewritten at least annually. While Section 504 regulations do not require specific personnel to participate in the review process, it is recommended that all personnel responsible for the implementation of a student's Section 504 Plan contribute to the review process.

At any meeting to review a child's Section 504 Plans, participants can determine that the Plan is no longer required and that the student no longer is considered disabled under Section 504. This differs from the IDEA process, which requires a reevaluation to formally discontinue special education services. Team participants making the decision to discontinue a Section 504 Plan at an annual review must be knowledgeable about the student and his or her needs. It is recommended that all staff involved in the implementation of a student's current Section 504 Plan be included in this decision. A team also may find that a student continues to have a disability under the law, but does not need any interventions and supports in a 504 Plan.

Outcomes for Students

Section 504 does not require aids, benefits, and services to be equally effective, or produce the identical result or level of achievement for disabled and nondisabled individuals. Rather, they must afford the student with a disability equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the student's needs.

Due Process

In the event of a disagreement between the parent/guardian and the School District in regard to the identification, evaluation, procedural guidelines, or educational placement of a student under Section 504, the parent/guardian has the right to file a District complaint, request an impartial hearing, or file a complaint with the Office for Civil Rights.

Complaint Process

When a parent/guardian or adult student believes the Section 504 team did not follow Section 504 procedural guidelines in the evaluation process, he/she may:

- Contact the school administrator or designee with the complaint. The school administrator may pursue an informal resolution of the complaint with the agreement of the parties involved.
- Complete the *Section 504 Complaint Form* and present it to the school administrator or designee for Review. With a resolution due within 10 school attendance days, the school administrator or designee will interview the complainant. A resolution shall be made in writing to the complainant.
- If the complainant is dissatisfied with the resolution, an appeal may be made in writing to the Superintendent/designee within 10 school attendance days after receiving notice of the resolution. With a resolution due within 10 school attendance days, the Superintendent or designee will review the complaint and resolution and may conduct further investigation if deemed appropriate. The Superintendent's or designee's decision shall be made in writing to the complainant.

Impartial Hearing

In the event of a disagreement between the parent/guardian and the School District in regard to the identification, evaluation, procedural guidelines, or educational placement of a student under Section 504, he/she may request a hearing conducted by an impartial hearing officer from outside the School District. The parent/guardian may contact the District Section 504 Coordinator to obtain an impartial hearing officer. The District will choose an impartial hearing officer and will work with the parent/guardian to schedule a hearing date. The parent and student may take part in the hearing and have an attorney represent them at their own cost. Questions regarding how to request a hearing under this section should be directed to the District Section 504 Coordinator: **Director of Special Education/Pupil Services, (920)766.6100 ext. 6105**

Office for Civil Rights Complaint Process

A parent/guardian, student or others also may file a complaint with the federal Office for Civil Rights alleging any violations of Section 504 and/or the ADA. To make an inquiry or file a complaint under Section 504, an individual may contact: Office for Civil Rights: U.S. Dept. of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, (312)730-1560.

**SPECIAL EDUCATION and SECTION 504/ADA
CHILDFIND NOTICE**

The Kaukauna Area School District has a duty to locate, evaluate, and identify any student residing in the District who qualifies for Special Education services or any student attending public schools who may require Section 504 accommodations or services.

Students eligible for special education include those students with disabilities who have autism, cognitive disability, emotional behavioral disability, hearing impairment, specific learning disability, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury, visual impairment, or significant developmental delay and who, because of such impairment, need special education services.

Students eligible for Section 504 accommodations or services include those students who have a physical or mental impairment that substantially limits a major life activity.

If you suspect your child has a disability and may need special education services or 504 accommodations, or if you would like additional information, please contact your child's teacher, or call the District's Special Education/Pupil Services Director, (920)766.6100 ext. 6105

PARENT and STUDENT RIGHTS

§ 504 OF THE *REHABILITATION ACT* AND TITLE II OF THE *AMERICANS WITH DISABILITIES ACT*

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 of your rights if you disagree with any of the School District's 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 Kaukauna Area School District advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, accommodation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated in the least restrictive environment to the maximum extent appropriate. It also includes the right to have the Kaukauna Area School District make 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 to non-disabled students.
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals With Disabilities Education Act (IDEA) [20 U.S.C. Chapter 33, P.L. 101-476]
7. Have your child re-evaluated at least triennially, once he/she is identified as 504 eligible, to the extent necessary, including before any significant changes are made to your child's educational program or placement.
8. Re-refer your child for IDEA/Section 504 eligibility, in the event that your child did not qualify for IDEA/Section 504, no more than one time per year;
9. Have evaluation, eligibility, accommodation, and placement decisions made based upon a variety of information sources and by persons who know your child, the evaluation data, and the placement options.
10. Have transportation provided to and from an alternative placement at no greater cost to you than would be incurred if the student was placed in a program operated by the Kaukauna Area School District.
11. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the Kaukauna Area School District.

12. Examine all relevant records relating to decisions regarding information, evaluation, eligibility, accommodation, and placement of your child under Section 504 and Title II.
13. Obtain copies of education records at a reasonable cost unless the fee would effectively deny you access to the records.
14. Obtain a response from the School District to reasonable requests for explanations and interpretations of your child's records.
15. 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, in accordance with FERPA. If the School District refuses this request for amendment, the District shall notify you within a reasonable time and advise you of your right to an impartial hearing.
16. File a complaint in accordance with the District's 504 complaint procedures. The Section 504 District Coordinator is the Director of Special Education/Pupil Services, Kaukauna Area School District, 1701 County Road CE, Kaukauna, Wisconsin 54130, (920)766.6100.
17. Request an impartial hearing, to be conducted by a person who is not an employee of the District, related to decisions or actions regarding your child's identification, evaluation, or placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
18. Have the decisions made by hearing officers or others reviewed in state or federal court. File a complaint with the Office for Civil Rights (OCR): U.S. Dept. of Education, Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661, (312)730-1560.

SECTION 504/ADA COMPLAINT FORM

§ 504 OF THE *REHABILITATION ACT* AND TITLE II OF THE *AMERICANS WITH DISABILITIES ACT*

Student:		Parent/Guardian:	
School:	Grade:	Phone Number:	
Address:			

1. Please describe your specific complaint about the 504 referral process, eligibility determination or Accommodation Plan, or about the behavior you believe discriminates against your child based on his or her disability. Attach additional pages if necessary. [If this complaint is made directly by a student, a copy of the complaint will be provided to the parent/guardian.]

2. Please describe how you would like this issue to be resolved:

Signature of Parent/Guardian

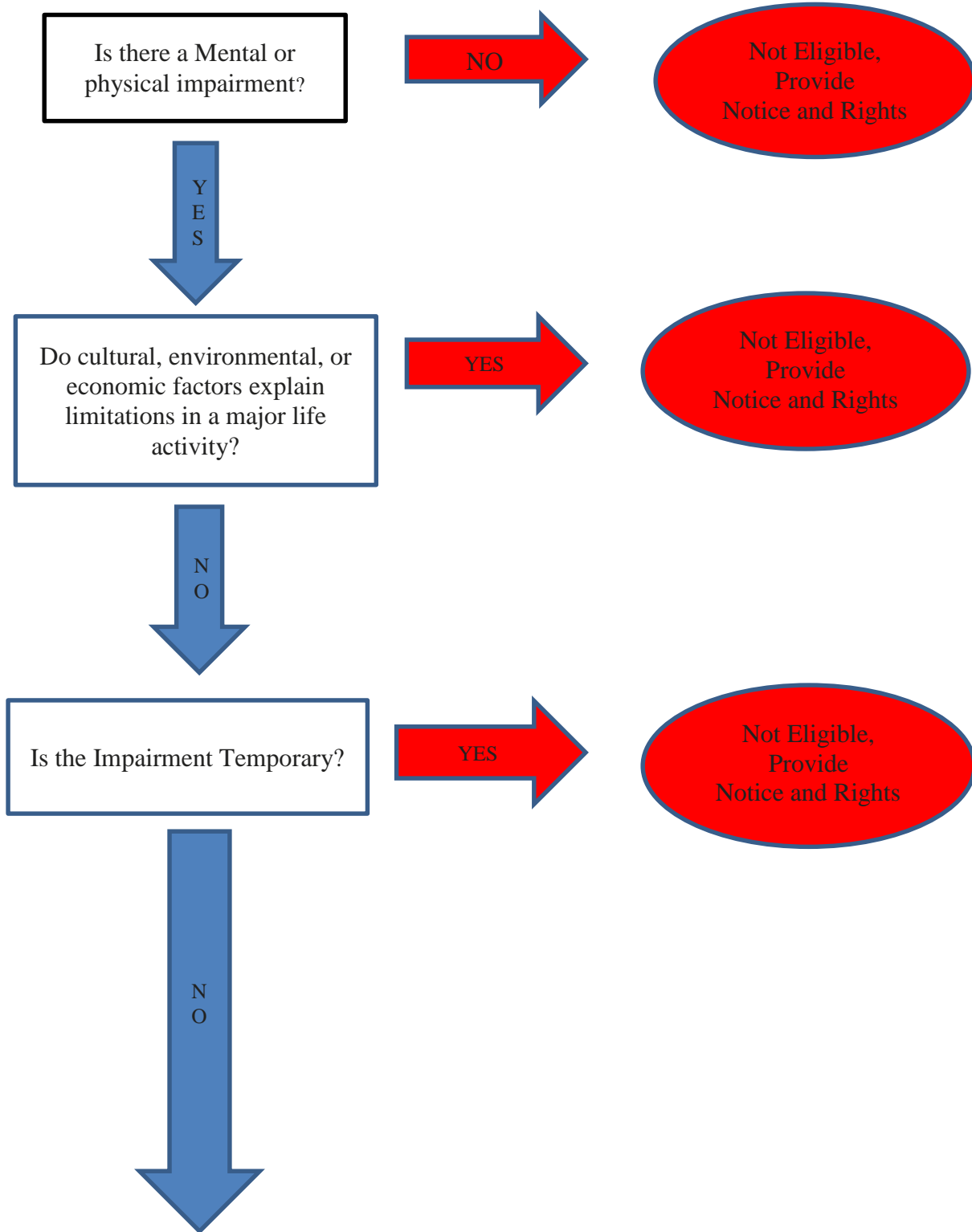
Date

Signature of Student, if completed by Student

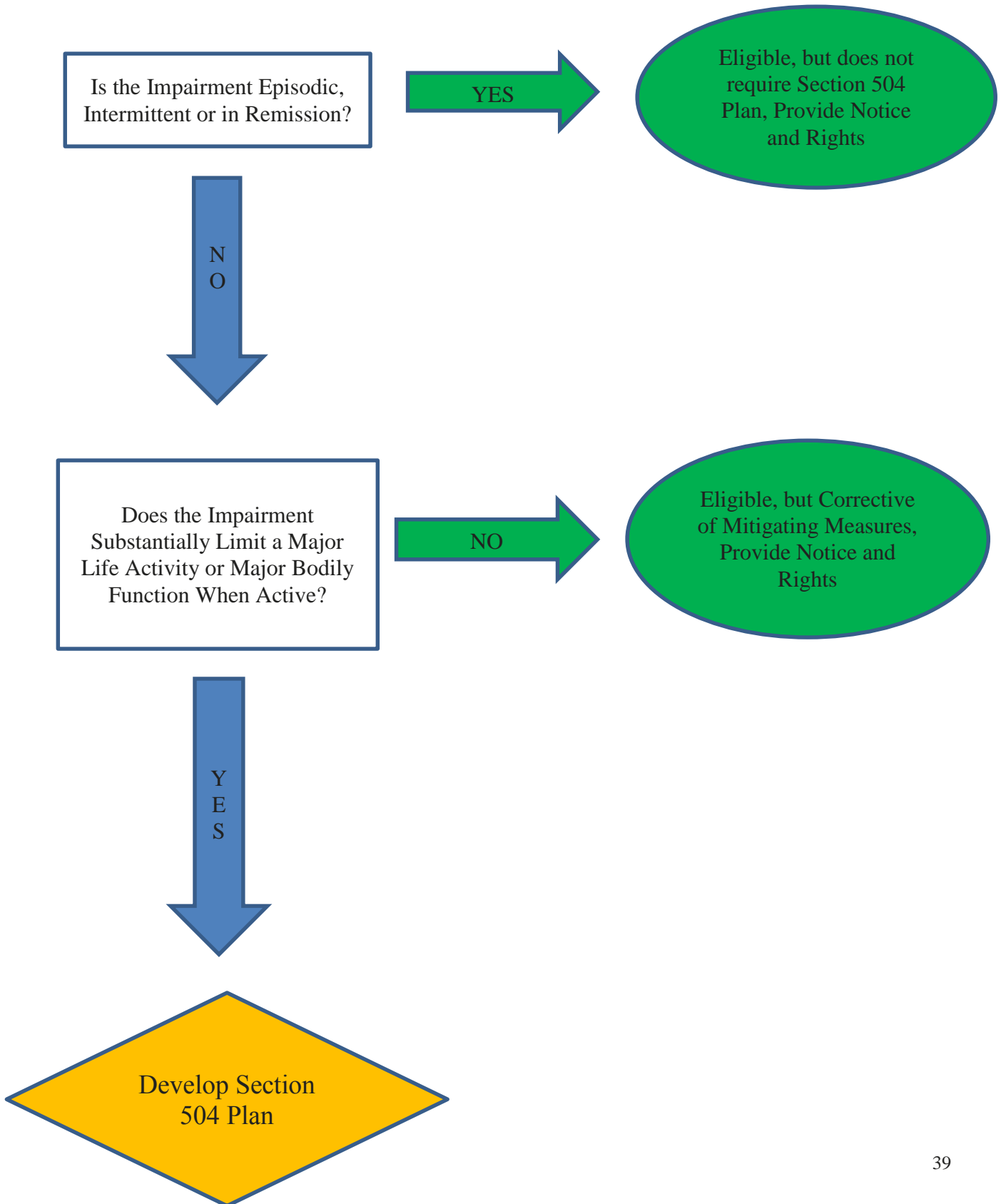
Date

Please submit this complaint form to the School Administrator or designee.

Section 504 Decision Making Flowchart



(Cont. Section 504 Decision Making Flowchart)



(504 – 1a) Section 504: Referral Form

Kaukauna Area School District

Section 504: Referral Form

REFERRAL DATE; _____ SCHOOL _____

STUDENT'S NAME (Last, First, Middle) _____

AGE _____ GRADE _____ DATE OF BIRTH _____

Parent/Guardian Name _____ Parent/Guardian Name _____

Address _____ Address _____

City, State, Zip _____ City, State, Zip _____

Home Phone _____ Home Phone _____

Work Phone _____ Work Phone _____

Student Referred By _____ Date _____ Interpreter Needed _____

Staff Member Accepting Referral _____ Date Parent Notified _____

Definition of 504 Disabilities (34 Part 104.3): The person making this referral is concerned that this child may have a physical or mental impairment that substantially limits one or more major life activities, such as: (1) caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; or (2) the operation of a major bodily function such as, functions of the immune system, special sense organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, lymphatic, musculoskeletal, and reproductive functions.

1. Describe the nature of the concern, including a description of the concern, including a description of the suspected mental or physical impairment. (Please include a specific and detailed description and analysis. Attach additional pages, if appropriate).

(504 – 1b) Section 504: Referral Form

2. The student is suspected of having a physical or mental impairment that may substantially limit one or more of the following major life activities when compared to the average student:

- Caring for one's self Speaking Breathing Eating Sitting
- Performing manual tasks Seeing Learning Sleeping Reaching
- Walking Hearing Working Standing Lifting
- Communicating Thinking Bending Reading Concentrating
- Other _____

The student is suspected of having a physical or mental impairment that may substantially limit one or more of the following major bodily functions when compared to the average student: (check as appropriate)

- functions of the immune system special sense organs and skin normal cell growth
- digestive functions bowel functions bladder functions
- neurological functions respiratory functions lymphatic function
- circulatory functions endocrine functions brain functions
- musculoskeletal functions reproductive functions
- other _____

3. Explain how the suspected impairment may substantially limit a major life activity as identified above. (Please include a specific and detailed description and analysis. Attach additional pages, if appropriate.)

(504 – 1c) Section 504: Referral Form

4. Describe or attach any relevant progress reports, behavior reports, attendance reports, test data, or physician's reports.

5. Describe the regular education interventions the District has provided to address the concern described above, the date(s) the District implemented the interventions, and the results of those interventions. (Please include a specific and detailed description and analysis. Attach additional pages, if appropriate.)

(Signature of Referring Party)

(Date Received)

(Signature of Section 504 Coordinator/Chairperson)

(Date Received)

(504 – 2) Section 504: Notice of Initial Evaluation or Reevaluation

Kaukauna Area School District

**Section 504: Notice of Initial Evaluation or
Reevaluation**

Student Name _____

Date _____

Initial Section 504 Evaluation

Section 504 Reevaluation

Dear _____,

Your child has been referred for an initial evaluation / a reevaluation under Section 504 of the Rehabilitation Act.

For initial 504 evaluations, a copy of the referral is enclosed. A notice of parent and student rights under Section 504 is also enclosed.

If you have any questions, please contact [Staff Member] at [School], [Phone Number] or [Email].

Sincerely,

Section 504 Coordinator/Chairperson

(504 –3a) Section 504: Consent for Additional Testing

Kaukauna Area School District
Section 504: Consent for Additional Testing

Student Name _____ Date _____

Dear: _____,

Your child’s Section 504 team has reviewed existing data regarding your child. The team considered the following existing evaluation procedures, test, records or reports:

- Previous Evaluation Reports Formal/Informal Assessments Medical Reports
- Parent Information Attendance Reports Functional Behavioral Plan
- Classroom Performance Previous Interventions & Effects Discipline Reports
- Outside Agency Reports District and State-wide Assessments Other _____

Your child’s team has determined that additional tests will be necessary to determine if your child:

- Qualifies as a child with a disability under Section 504 (initial evaluation).
- Continues to qualify as a child with a disability under Section 504 (reevaluation).

A representative of the District consulted/attempted to consult with you so that you could participate in making this decision.

The District made the following attempts to seek your input:

Date	Method of Contact	Parent Response

(504 – 3b) Section 504: Consent for Additional Testing

The District proposes to conduct the following tests: (attach additional page if necessary)

Area To Be Evaluated	Description of Test, Other Evaluation Materials And Titles, if Known	Name of Evaluator

The District is seeking your consent to conduct these tests so that the Section 504 evaluation process may continue.

Parent Permission to Conduct Additional Tests

I give my consent for the District to conduct the tests outlined above. I have received, read and understand my Notice of Parent and Student Rights under Section 504.

I do not give my consent for the District to conduct the test outlined above. I have received, read and understand my Notice of Parent and Student Rights under Section 504.

Parent/Guardian Signature

Date

If you have any questions, please contact Section 504 Coordinator/Chairperson at [School], [Phone] or [Email].

(504 –4) Section 504: Notice No Additional Testing Needed

Kaukauna Area School District

Section 504: Notice No Additional Testing Needed

Student Name _____

Date _____

Dear _____,

Your child’s Section 504 team has reviewed existing data regarding your child and has determined that additional tests are not necessary to determine whether your child:

[] is a child with a disability under Section 504.

[] continues to be a child with a disability under Section 504.

A representative of the District [] consulted / [] attempted to consult (check one) with you so that you could participate in making this decision. The District made the following attempts to seek your input:

Date	Method of Contact	Parent Response

If you have any questions, please contact 504 Coordinator/Chairperson [staff] at [phone] or [Email].

Kaukauna Area School District

Section 504: Invitation to Section 504 Meeting

Student Name _____

Date _____

Dear _____,

The District has scheduled a Section 504 team meeting for your child for the following purpose:

- to determine whether your child is (or continues to be) a child with a disability under Section 504 of the Rehabilitation Act. If your child does qualify, the Section 504 team may develop a Section 504 accommodation plan for your child during the meeting.
- to develop a Section 504 accommodation plan for your child.
- to review your child’s Section 504 plan and determine whether revisions to the plan are appropriate.
- Other (Please Specify): _____

You are encouraged to attend this meeting and you may bring a friend or advisor. The meeting will be held at:

Date: _____

Time: _____

Building and Room Number: _____

Telephone: _____

Email: _____

(504 –5b) Section 504: Invitation to Section 504 Meeting

The following individuals will attend your child’s Section 504 meeting. This group includes persons who are knowledgeable about your child, the meaning of the evaluation data, and the placement options available:

NAME	TITLE

If you have any questions, please contact Section 504 Coordinator/Chairperson [Staff] at [Phone] or [Email].

(504 –6a) Section 504: Evaluation Meeting Report and Determination of Eligibility

Initial Section 504 Evaluation

Section 504 Reevaluation

STUDENT INFORMATION	
Student	Date of Birth
Grade	School
Parent 1	Parent 2
Parent 1 Address	Parent 2 Address
Parent 1 Phone	Parent 2 Phone

Meeting Information			
Date Invitation Sent:	Date of Meeting:	Location:	Parent Attended: <input type="checkbox"/> Yes <input type="checkbox"/> No

I. Section 504 Evaluation Team Members:

NAME	TITLE

(504 –6b) Section 504: Evaluation Meeting Report and Determination of Eligibility

II. Summary of Section 504 Evaluation Findings:

1. Summary of background information and reason for referral:

2. Summary of information provided by parent or guardian:

3. Summary of previous medical information and evaluation:

(504 –6c) Section 504: Evaluation Meeting Report and Determination of Eligibility

4. Summary of previous school performance including previous interventions and their effects:

5. Summary of information from classroom teacher(s):

6. Summary of additional assessment and evaluation:

(504 –6d) Section 504: Evaluation Meeting Report and Determination of Eligibility

7. Summary of cultural, economic, or environmental factors that may impact the student:

III. Determination of Eligibility for Protection Under Section 504:

<p>1. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Does the child have a physical or mental impairment?</p> <p>The team must determine if the child has an identified impairment <u>without</u> mitigating measures. Identified impairments are medically or professionally diagnosed outside the school. Mitigating measures include, but are not limited to the following: medication, medical supplies, equipment, or appliances, low-vision devices (but not 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, assistive technology, reasonable accommodations, auxiliary aids and services, learned behavioral or adaptive neurological modifications. The team must include impairments that are episodic or in remission. The team should <u>not</u> include transitory or minor impairments (with actual or expected duration of 6 months or less.) If “YES” identify the impairments: _____</p> <p>_____</p>
<p>2. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Does the impairment impact one or more life activities?</p> <p>Major life activities include, but are not limited to caring to one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, communicating, thinking, eating, sleeping, standing, lifting, bending, reading, concentrating, and the operation of a major bodily function, including but not limited to, the function of the immune system, normal cell growth, digestive, bladder, bowel, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.</p> <p>If “Yes” identify the major life activity(ies):</p> <p>_____</p> <p>_____</p>

(504 –6e) Section 504: Evaluation Meeting Report and Determination of Eligibility

<p>3. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Does the impairment substantially limit a major life activity?</p> <p>To what degree does the impairment limit the major life activity?</p> <ul style="list-style-type: none"> • Impairment that substantially limits one major life activity need not limit other major life activities. • Consider whether the student’s performance is due to other factors, that is, non-disability related influences, such as normal moods, lack of motivation, or the immediate situation or environment. • The term “substantially limits” means that the student is: <p>Unable to perform a major life activity that the average student of approximately the same age can perform</p> <p style="text-align: center;">Or</p> <p>Significantly restricted as to the condition, manner or duration under which a particular life activity is performed as compared to the average student of approximately the same age. The impairment must be substantial and somewhat unique rather than commonplace, when compared to the average student of approximately the same age.</p>
<p>4. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Is the child a child with a disability under Section 504 of the Rehabilitation Act of 1973?</p> <p>(May only be “YES” if the team answered “YES” to #1, #2, and #3. If “YES” the student is protected under Section 504.</p>

IV. Determination of Eligibility for an Accommodation Plan Under Section 504:

<p>1. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Is there substantial impact of the impairment within the school environment?</p> <p>Students with temporary conditions, or those where mitigating factors result in little or no impact on equitable educational opportunities, may not need an accommodation plan unless conditions change.</p> <ul style="list-style-type: none"> • If YES, student is eligible for Section 504 accommodations Plan • If NO, student is eligible for accommodations as other students are. Student should be monitored for changes in impact within school environments.
<p>2. <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p>Is the impairment episodic, intermittent, or in revision? If YES, student is eligible, but does not require Section 504 Plan.</p>

If you have questions, please contact 504 Coordinator/Chairperson [Staff] at [Phone] or [Email]

(504 –7a) Section 504: Individual Accommodation Plan (IAP)

Kaukauna Area School District

Section 504: Individual Accommodation Plan (IAP)

Student Information	
Student	Date of Birth
Grade	School
Parent 1	Parent 2
Parent 1 Address	Parent 2 Address
Parent 1 Phone	Parent 2 Phone

Meeting Information			
Date Invitation Sent:	Date of Meeting:	Location:	Parent Attended: [] Yes [] No
Participants			
Section 504 Coordinator/Designee	Classroom Teacher		
Parent/Guardian	Parent/Guardian		

Summary of Information:

1. Description of the disability, significant life activity impacted by disability

(504 –7b) Section 504: Individual Accommodation Plan (IAP)

2. Description of how the disability impacts the student within the school environment (each area must be addressed in the IAP)

(504 –7c) Section 504: Individual Accommodation Plan (IAP)

Part I: Special considerations and Parental Input: Include any information the team needs to have in developing this plan. May include other professionals involved with the student, parent concerns, etc. Please reference any documentation such as an Individual Health Plan or Emergency Care Plan that are addendums to this document.

--

Part II: Accommodations and Modifications: Accommodations and modifications are considered first as they maximize opportunities within the general education environment.

Area addressed by accommodation or modifications.	Specific directions on providing accommodation or modification	Person Responsible

[] If checked there is an additional page of accommodations and modifications.

(504 –7d) Section 504: Individual Accommodation Plan (IAP)

Part III: Special Education and Related Services: Specific services are provided only if modifications and accommodations are insufficient in offering student equitable educational opportunity. Specific criteria for progress and exit criteria must be established when the service need is identified.			
Special Education or Related Services	Amount, Frequency and Duration of Services	Progress Outcome or Exit Criteria	Person Responsible

(504 –7e) Section 504: Individual Accommodation Plan (IAP)

<p>Part IV: Review and Parental Involvement: Includes ways in which parents will be informed of student progress such as communication type or frequency as well as specific contacts if a concern or issue arises.</p>		
<p>Communication of Progress:</p>		
<p>Addressing Concerns or Issues:</p>		
Primary Contact:	Phone:	Email:
Projected Frequency Review:	Projected Date of Next Review:	Purpose of Next Meeting: <input type="checkbox"/> Progress Monitoring <input type="checkbox"/> Annual Review <input type="checkbox"/> Other _____

<p>Part V: Notice of Placement</p> <p>This Section 504 IAP will be implemented beginning on _____ at _____</p>
<p>Parent Notices:</p> <ul style="list-style-type: none"> • I have been provided written notice of my rights under Section 504. • I understand that if I disagree with the implementation of this plan, I can refuse consent of the plan. I understand that no accommodations outside those available to general education students will be provided.

- I understand that if I disagree with the content of this plan, or want consideration of changes to the plan, I have the right to request a Section 504 review meeting or an impartial hearing by filing a written request with the District 504 Coordinator.
- Once I provide consent for services, a written notice requesting that services be stopped must be submitted to the District 504 coordinator.

(504 –8) Section 504: Additional Accommodations and Modifications

Kaukauna Area School District

Section 504: Additional Accommodations and Modifications

Part II: Accommodations and Modifications: Accommodations and modifications are considered first as they maximize opportunities within the general education environment.		
Area addressed by accommodation or modifications	Specific directions on providing accommodation or modification	Person Responsible

--	--	--

(504 –8) Section 504: Notice and Consent for Initial Placement

Kaukauna Area School District
Section 504: Notice and Consent for
Initial Placement

Student Name: _____ Date: _____

Dear _____,

Screenings, interviews and evaluations, as required, have been completed for your child. As a result, your son/daughter is eligible and in need of accommodations under Section 504, which are described on your child’s Individual Accommodation Plan (IAP). Prior to implementing the IAP, you must give the District your consent.

Parent Response

[] **I consent** for my son/daughter to receive accommodations and services outlined on the Individual Accommodation Plan and I understand that:

- The Section 504 team may be reconvened at least annually and more often at my request or the request of school personnel.
- At least every three years a re-evaluation will be conducted
- My consent is voluntary and maybe revoked at any time.

[] **I do not give my consent** for my son/daughter to receive accommodations and services outlined on the Individual Accommodation Plan. I understand that my child will not receive the accommodations and safeguards provided by Section 504 of the 1973 Rehabilitation Act.

Parent Signature

Date

(504 –9) Section 504: Notice and Consent for Continuing Placement

Kaukauna Area School District
Section 504: Notice and Consent for
Continuing Placement

Student Name _____

Date _____

Dear _____,

The Individual Accommodation Plan developed on _____ will be implemented at _____ in the Kaukauna Area School District with a projected date of implementation of _____. As a result, the IAP team determined your son/daughter continues to be eligible and in need of accommodations under Section 504, which are described on your child’s Individual Accommodation Plan (IAP). Your consent is not needed for your child to continue to receive the accommodations and services outlined on the IAP. Please understand the following:

- The Section 504 team may be reconvened at least annually and more often at my request or the request of school personnel.
- At least every three years a re-evaluation will be conducted
- Your consent is voluntary and may be revoked at any time.

If you would like to revoke your consent for your child to receive these accommodations and services you must do so in writing. I understand that my child will not receive the accommodations and safeguards provided by Section 504 of the 1973 Rehabilitation Act. You have received a copy of the parent and student rights. If you would like another copy of the

rights or have questions, please contact _____ at
_____.

Sincerely,

Section 504 Coordinator/Chairperson