LOUISA MUSCATINE COMMUNITY SCHOOL DISTRICT

Section 504 Handbook

INTRODUCTION AND PURPOSE

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that states:

"No otherwise qualified individual with a disability 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."

As a recipient of federal funds, the Louisa Muscatine Community School District provides students meeting Section 504 eligibility equal access to services, programs, and activities. The district is responsible for ensuring that all students with disabilities have the opportunity to participate in school programs and receive appropriate accommodations to ensure equal educational access.

PUBLIC NOTICE

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against persons with a disability by any institution receiving federal financial assistance.

These Acts define a person with a disability as anyone who:

- Has a **mental or physical impairment that substantially limits one or more major life activities and/or major bodily functions** (including caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, reading, concentrating, thinking, sleeping, eating, lifting, bending, communicating, and the operation of major bodily functions such as the immune system, normal cell growth, digestive, bowel, and bladder functions);
- Has a **record of such impairment**, or
- Is **regarded as having such an impairment**

To fulfill obligations under Section 504, the Louisa Muscatine Community School District has the responsibility to:

- Avoid discrimination in policies and practices regarding its personnel and students
- Identify, evaluate, and provide appropriate educational services to students determined eligible under Section 504

A parent may request a referral form by contacting the principal of any school or the 504 Coordinator.

PARENT AND STUDENT RIGHTS AND RESPONSIBILITIES UNDER SECTION 504

Parents/Students Have the Right to:

1. Have your child/you take part in, and receive benefits from public education programs **without discrimination based on a disability**.
2. Have the District advise you as to your **rights under federal law**.
3. Receive **notice with respect to the identification, evaluation, or placement of your child/yourself**.
4. Have your child/you **receive a free appropriate public education**. This includes the right to be educated with nondisabled students to the maximum extent appropriate. It also includes the right to have the District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child/you **educated in facilities and receive services comparable to those provided to students without disabilities**.
6. Have your child/you **receive special education and related services** if she/he is found to be eligible under the Individuals with Disabilities Education Act (IDEA), or to **receive reasonable accommodations under Section 504** of the Rehabilitation Act.
7. Have **eligibility and educational placement decisions made** based upon a variety of information sources, and by individuals who know the student, the eligibility data, and placement options.
8. Have **transportation provided** to a school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the District.
9. Give your child/you an **equal opportunity to participate in nonacademic and extracurricular activities** offered by the school District through the provision of reasonable accommodations.
10. **Examine all relevant records** relating to decisions regarding your child's/your identification, eligibility, educational program, and placement.

11. **Obtain copies of educational records** at a reasonable cost unless the fee would effectively deny you access to the records.
12. **Receive a response from the District** to reasonable requests for explanations and interpretations of your child's/your records.
13. **Request an amendment of your child's/your educational records** if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the District refuses this request, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. **Request an impartial due process hearing** related to decisions regarding your child's/your identification, eligibility, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
15. **File a complaint with the District** when you believe your child's/your rights have been violated.

Parents/Students Have the Responsibility to:

- **Share concerns early** with the school about your child's educational needs
- **Participate actively** in Section 504 meetings to help develop appropriate accommodations and services
- **Keep emergency contact information current** with the school
- **Encourage your child** to work cooperatively with school staff
- **Work with the school** to resolve issues and concerns
- **Follow school procedures** for student pickup and release during emergencies

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SECTION 504 CONTACTS

The persons responsible for Section 504 compliance are:

Name	Title	Location	Phone	Email

Amy Wedeking	Elementary Principal / 504 Coordinator	14506 170th St., Letts, IA 52754	319-726-3634	awedeking@lmcsd.org
Amy Underbakke	Student Services Coordinator / Section 504 Coordinator	14354 170th St., Letts, IA 52754	319-726-3421	aunderbakke@lmcsd.org

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FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act specifies rights related to educational records. This Act gives the parent/guardian or adult student the right to:

- **Inspect and review** his/her child's educational records
- **Make copies** of these records
- **Receive a list** of all individuals having access to those records
- **Ask for an explanation** of any item in the records
- **Ask for an amendment** to any report on the grounds that it is inaccurate, misleading, or violates the child's rights
- **Request a hearing** on the issue if the school refuses to make the amendment

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SECTION 504 ELIGIBILITY

Definition of Disability Under Section 504

A student is eligible for Section 504 protections if they have a **physical or mental impairment that substantially limits one or more major life activities and/or major bodily functions**.

Major Life Activities include: caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Major Bodily Functions include: reading, concentrating, thinking, sleeping, eating, lifting, bending, communicating, and the operation of major bodily functions such as the immune system, normal cell growth, and digestive, bowel, and bladder functions.

Three Criteria for Eligibility

A student must meet **all three** of the following criteria to be eligible for Section 504:

1. The student has a **mental or physical impairment**
2. The impairment **substantially limits** one or more major life activities and/or major bodily functions
3. The impairment creates a **barrier to accessing educational opportunities** available to nondisabled students

How to Request a Section 504 Eligibility Review

A parent, guardian, teacher, counselor, or other school staff may request a Section 504 eligibility review by:

1. **Contacting the school principal or 504 Coordinator** to discuss concerns
2. **Completing a Section 504 Referral Form** and submitting it to the building administrator or 504 Coordinator
3. The **SIT team will review** the referral and current student information
4. The team will **determine eligibility** based on the three criteria above

Temporary Disability

A student with a temporary disability that substantially limits a major life activity for a period of time that will significantly disrupt their education may be eligible for Section 504 accommodations for the duration of the disability. The determination to extend eligibility is made on an individual basis.

SECTION 504 ACCOMMODATIONS

What is an Accommodation?

An accommodation is a **change or adjustment** that allows a student with a disability to:

- Complete the same assignment or test as other students

- Access educational programs and activities equally
- Participate fully in school life

Accommodations change **timing, formatting, setting, scheduling, response, and/or presentation** but **do not change** what is being taught or tested.

Examples of accommodations include:

- Extended time on tests
- Preferential seating
- Separate, quiet testing location
- Simplified or repeated instructions
- Use of assistive technology
- Restructured nonacademic times (lunch, recess, PE)

Section 504 Accommodation Plan

When a student is determined eligible for Section 504, the SIT team develops a **Section 504 Accommodation Plan** that outlines:

- The student's disability and how it affects major life activities
- The specific accommodations and services the student will receive
- How accommodations will be monitored and reviewed
- The responsibilities of school staff in implementing accommodations

Common Misunderstandings About Section 504

The following practices do **NOT** meet Section 504 requirements and should not be used:

1. Medical Diagnosis Alone is Not Enough

A Section 504 Accommodation Plan **cannot be created** based solely on a parent or doctor providing a disability diagnosis. Simply having a diagnosis (such as ADHD, asthma, diabetes, or anxiety) does not automatically qualify a student for Section 504 accommodations. The school must first determine whether the diagnosed condition **substantially limits a major life activity**. The student's actual functioning in school must be evaluated to determine if accommodations are needed.

2. Plans Cannot Be Written "Just in Case"

Section 504 plans are for students who **currently need accommodations** to access education equally. A plan cannot be created in anticipation of future needs or for potential future situations. For

example, a plan cannot be created "in case" a student might need accommodations in high school or college if the student does not currently need them. When a student's needs change or new situations arise, the team will meet again to determine if accommodations are necessary at that time.

3. Extended Testing Time for College Entrance Exams Alone is Not Qualifying

A student cannot be placed on a Section 504 Accommodation Plan **solely to obtain extended time** on college entrance exams (such as the State Assessment, ACT, or SAT). While extended time may be an appropriate accommodation for a student who qualifies based on the three Section 504 criteria, the desire for extended time on standardized tests is not, by itself, a reason to create a Section 504 plan. The student must have a disability that substantially limits a major life activity in the school setting.

4. Failure to Qualify for Special Education Does Not Mean Section 504 Eligibility

A student who does **not qualify for special education services under IDEA** is **not automatically eligible** for Section 504 accommodations. Section 504 and IDEA have different eligibility criteria. If a student is evaluated for special education and found ineligible, they must still go through the Section 504 eligibility determination process separately. The team must gather evidence that the student meets all three Section 504 criteria before a plan can be created.

5. Exiting Special Education Does Not Automatically Mean Section 504 Eligibility

When a student **no longer qualifies for special education services** under IDEA, they are **not automatically placed on a Section 504 plan**. The three Section 504 criteria are different from IDEA eligibility criteria. If a student is exited from special education, the SIT team must conduct a separate evaluation to determine if the student meets the three Section 504 criteria. If the student does not meet those criteria, they are not eligible for Section 504 accommodations.

6. Section 504 Cannot Be Used as a Substitute for Special Education

Section 504 plans **cannot be created as an alternative way** to provide special education services when a parent declines special education enrollment. Section 504 is a civil rights law designed to provide accommodations for equal access, not a substitute for special education. If a student is found eligible for special education services under IDEA and the parent declines that placement, the school cannot use Section 504 as a workaround. Parents have the right to decline special education, but Section 504 cannot be used to circumvent that decision.

7. Section 504 plans are not written to allow students to participate in extracurricular activities.

Section 504 plans are not created as a way to bypass eligibility rules and requirements. This means even if your child qualifies for a 504, it does not mean the eligibility rules do not apply to them.

ROLES AND RESPONSIBILITIES

District Section 504 Coordinator

The District Section 504 Coordinator:

- Provides resources and guidance to schools on Section 504 requirements
- Assists in the implementation of eligibility determinations
- Ensures documentation and accuracy of Section 504 Accommodation Plans
- Monitors implementation of accommodations
- Maintains confidentiality of student records
- Sends out eligibility determination meeting notices
- Informs Principal of all letters and requests that need approval

School Administrator

The school administrator:

- Ensures all school staff adhere to Section 504 procedures
- Facilitates appropriate 504 eligibility determination meetings
- Maintains Section 504 records and plans
- Monitors accommodation implementation
- Ensures annual review of active Section 504 plans
- Communicates with the District 504 Coordinator
- Sends out eligibility letters and notices

Classroom Teacher

Teachers:

- Assist in the eligibility determination process
- **Implement identified Section 504 accommodations** in the classroom
- Provide evidence on the effectiveness of accommodations
- Participate in annual reviews of Section 504 plans
- Document student progress and use of accommodations

Parents

Parents:

- **Share concerns early** with the school
- **Participate in Section 504 meetings** and help develop accommodations
- Provide information about their student to help the team understand needs
- Encourage their child to work with school staff
- Communicate regularly with the school about their student's progress
- Current Office of Civil Rights (OCR) guidelines require that parents receive prior notice of a Section 504 Eligibility meeting. However, it is not necessary to secure parental consent in order to conduct an initial eligibility review meeting. Parent permission is to be secured before administering any diagnostic evaluations designed to determine Section 504 eligibility. **However, the Louisa-Muscatine CSD believes it is imperative to get, if at all possible, parental consent to conduct a review.**

Section 504 Eligibility Team

The Section 504 eligibility team includes:

Core Members:

- School Principal
- Head of Special Education
- School 504 Coordinator
- Classroom Teacher(s)
- Parent/Family/Student
- School Counselor

Additional Members (as needed):

- Superintendent
- School Nurse
- Related service providers
- Other school staff with knowledge of the student

ANNUAL REVIEW/REEVALUATION

Active Section 504 Accommodation Plans must be **reviewed annually** with the SIT team and parent/guardian to determine:

- Whether accommodations continue to be necessary
- Whether accommodations are being effectively implemented
- Whether modifications to accommodations are needed
- Whether the student continues to meet Section 504 eligibility criteria

*Parents are not required to attend annual reviews or reevaluations. Letters of annual review notices as well as reevaluation notices need to be sent to parents by Principal/504 Coordinator.

SUSPENSION AND EXPULSION

When a student with a Section 504 plan faces suspension or expulsion for **more than 10 consecutive or cumulative school days**, the school must conduct a **Manifestation Determination Review** to determine whether the misconduct is related to the student's disability.

The SIT team will review:

- The relationship between the disability and the misconduct
- Whether the school implemented the Section 504 plan appropriately
- Whether additional accommodations are needed

TERMINATION OF SECTION 504 PLAN

A Section 504 plan may be terminated when the SIT team determines that:

- The student no longer has a qualifying disability, or
- The disability no longer substantially limits a major life activity, or
- The student no longer needs accommodations to access education

A **Section 504 Plan Termination Form** is completed and kept in the student's cumulative file for future reference.

DUE PROCESS AND COMPLAINT PROCEDURES

If a parent disagrees with a decision made by the SIT team regarding Section 504 eligibility or accommodations, they have the right to due process:

Step 1: School Level (10 working days)

- Submit a **Section 504 Complaint Form** to the school principal
- The principal will respond in writing within 10 working days

Step 2: District Level (15 days)

If not resolved at the school level:

- Submit the complaint form to the **District 504 Coordinator** within 15 days
- The District will investigate and meet with you
- A written report of action will be sent within a reasonable time

Step 3: Superintendent Appeal (5 working days)

If still not resolved:

- Appeal in writing to the **Superintendent** within 5 working days
- Request a meeting with the Superintendent if desired
- The Superintendent will provide a written decision within a reasonable time

Step 4: Board of Education Appeal (5 working days)

If still not resolved:

- Appeal to the **Board of Education** within 5 working days
- The Board will determine whether to hear the appeal

Step 5: Office for Civil Rights (OCR)

Parents have the right to contact the U.S. Department of Education Office for Civil Rights if they believe the district is discriminating based on disability:

U.S. Department of Education
Office for Civil Rights, Chicago Office
500 W. Madison Street Suite 1475
Chicago, IL 60661

Phone: (312) 730-1560
Fax: (312) 730-1576
TDD: (312) 730-1609
Email: OCR.Chicago@ed.gov

CONFIDENTIALITY

All Section 504 records and information about students are kept **confidential** in accordance with the Family Educational Rights and Privacy Act (FERPA) and state law. Only authorized school personnel with a legitimate educational need have access to Section 504 plans and related documentation.

CONTACT INFORMATION

Louisa Muscatine Community School District
14354 170th St, Letts, IA 52754
Website: www.louisa-muscatine.k12.ia.us

Secondary School: 319-726-3421
Elementary School: 319-726-3634