



Section 504 Handbook



2025-2026 School Year

 PROUD

Introduction

The Union R-XI School District complies with Section 504 of the Rehabilitation Act of 1973, a federal law designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance from the U.S. Department of Education. Eligible students under Section 504 will receive services designed to provide a free and appropriate public education in accordance with Section 504 regulations. Eligibility and services are determined by a multidisciplinary team of individuals knowledgeable about the student, led by the school guidance counselor.

District's Section 504 Coordinator

Mr. Dustin Bailey

Coordinator of Student Services

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Eligibility

Pursuant to Section 504, a person with a disability is defined as a person with a mental or physical impairment that substantially limits one or more major life activities. 34 CFR 104.33 A Process for determining eligibility must take place in order to determine if the student is a student with a disability under Section 504. Upon referral, within no more than *30 calendar days, a multidisciplinary team will be convened by the District in order to review all pertinent information. If the multidisciplinary team believes that additional evaluation information is necessary to determine 504 eligibility, that assessment will be provided at no cost to the parent. Unlike IDEA however, Section 504 does not provide for an independent educational evaluation (at no cost to the parent) should the parent disagree with the results. If additional assessment is needed, parental consent is required in order to conduct that assessment and the assessment process will be concluded for eligibility determination within no more than *60 calendar days from the date of parental consent. If the parent refuses written consent to additional evaluation, the District will consider the student nondisabled and he/she will remain in regular education. The District is not obligated to evaluate or identify a student as 504 eligible simply at a parent's request if the District does not suspect that the student has 504 eligible impairment.

*Section 504 timelines referenced throughout this handbook will pause during extended periods of school closure, including but not limited to, summer break, Christmas break, spring break, and other periods of extended closure.

When determining eligibility under Section 504, the multidisciplinary team should examine the impairment in comparison to students of the same age and/or grade level peers. This comparison should be determined based on the average student and not the student's own level of personal potential. The impairment must also be considered without medication, medical supplies, or equipment, considered mitigating measures that lessen the severity of the impairment. Examples of mitigating measures include: medications such stimulants or insulin, medical supplies and equipment such as an insulin pump, prosthetics, cochlear implants, or augmentative communication devices.

Section 504 Plans

Upon determining eligibility, the multidisciplinary team will convene to develop a Section 504 plan within 30 days of the eligibility determination.

The developed plan is designed to provide the student with a disability with as equal an opportunity as their nondisabled peers with respect to reasonable accommodations within the educational environment. Instructional (related) services such as transportation services, health services, counseling services, physical/motor services, and speech/language services may be considered.

Beyond Initial Eligibility

Eligibility will be considered at least every three years to determine the nature and severity of the impairment over time. Information may exist to complete a review of data or additional information may be needed. Section 504 plans will be reviewed at least annually or more in the event of an eligibility evaluation/review.

Procedural Safeguards

Parents are a key participant of the Section 504 process. Parents will be provided procedural safeguards upon initial evaluation, before provision of the initial Section 504 plan, and upon a significant change of placement, or upon request.

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Section 504 Process

- o Provide Section 504 Referral Form to Parent or Staff Member.
- o Within ***30** calendar days after receipt of the Section 504 referral form, a meeting will be held to review pertinent information, consider eligibility, and consider if additional evaluation is needed.
 - A Notice of Meeting and Procedural Rights Statement will be provided to parents at least 7 calendar days prior to the initial meeting.
- o At the initial meeting (RED meeting), the team reviews applicable information (medical diagnosis, parent input, teacher input, student file) and determines if an eligibility determination can be made or if additional evaluation is required.
- o If additional assessment is needed to determine eligibility, parental consent is required and should be documented (Prior Written Notice Form).
- o If additional evaluation is required, additional information will be obtained/evaluation conducted and a meeting to determine eligibility will be held within **60** calendar days of the date of parental consent to obtain further evaluation information
 - A Notice of Meeting will be provided to parent at least 7 calendar days prior to any scheduled meetings
- o If no additional information is needed to determine eligibility, proceed to eligibility determination.
- o At the eligibility meeting, review all applicable data and information and determine if the student is an eligible student under Section 504. A student eligible under Section 504 for a free and appropriate public

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education is a student with a physical or mental impairment which substantially limits a major life activity.

- o If a student is determined not to be eligible, provide parents a Prior Written Notice detailing the ineligibility and why and provide Procedural Safeguards.
- o If a student is eligible and a written plan is determined to be needed, develop a Section 504 Plan within **30** calendar days of the eligibility determination.

☐ Parental consent is needed for the initial Section 504 plan to be in effect.

- o Review Section 504 Plans annually or as needed to make adjustments to accommodations and modifications.
- o Eligibility is reviewed every three years (on or before the date of the most recent determination).
- o Parents will be provided with a copy of the 504 Procedural Safeguards at least annually and in the event of a reevaluation or a significant change of placement occurs.

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REFERRAL FOR SECTION 504 EVALUATION

Name of person making referral:

Relationship to Student:

Date:

STUDENT INFORMATION	
Name of Student:	Date of Birth:
School Attending:	Grade:

CONCERNS
What are the concerns that prompted this referral?

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MEDICAL INFORMATION Note: *A medical diagnosis is not required to support the existence of a 504 disability.*

Does the student have any medical conditions or diagnoses? YES or NO

Diagnosis:

Diagnosed By:

Date of diagnosis:

Are there any major life functions that are significantly limited by this diagnosis?

Is the student on any medication(s)? (Please list)

Describe the impact of the medication(s) on the student?

Does the student utilize any other mitigating measures that positively impact the student educationally? A mitigating measure is something that helps to improve the impact of the impairment (i.e., assistive technology, prosthetics, etc.). If yes, please list and describe the impact of each mitigating measure.

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ACADEMIC INFORMATION

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

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

Please describe the results of any such programs:

Please note any other academic concerns/strengths:

Signature of Person Making Referral

Date

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Must a school make a manifestation determination when considering the long- term suspension or expulsion of a student with a Section 504 Plan?

Yes. Similar to suspension or expulsion of a student having a disability under IDEA, it is necessary to conduct a manifestation determination for a Section 504 disabled student when:

- The suspension or expulsion will be for more than 10 consecutive school days. Like IDEA, a suspension/expulsion of more than 10 consecutive days constitutes a significant change in placement and requires schools to determine if the cause of the behavior is the disability identified in the student's 504 Plan.
- A series of suspensions that total more than 10 days may also trigger the manifestation determination requirement of Section 504. If cumulative suspensions/expulsions for a student on a 504 Plan total more than 10 days, it must be determined if a significant placement change has occurred. This is done on a case-by-case basis. If a group of short suspensions creates a pattern of exclusion, then this constitutes a change in placement and the school must conduct a manifestation determination meeting before further suspensions or expulsions occur. The Office of Civil Rights has identified some of the key factors in determining patterns of exclusion: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

Who makes the manifestation determination for a student on a 504 Plan and what information is included in this process?

The manifestation determination should be made by a 504 Team that consists of persons who have knowledge of the student and the meaning of the information that will be reviewed. When possible, the members of the 504 Team should be the same members who designed the current school years 504 Plan. School officials responsible for school disciplinary procedures, such as the school principal or assistant superintendent may present pertinent student information to the 504 Team.

The 504 Team must have available information that competent professionals would require when making a manifestation determination. Such information might include attendance and academic records, psychological evaluation data, behavior plans, discipline records and staff observations. The information should be current enough to afford an understanding of the behavior that is the subject of the manifestation determination.

The manifestation determination should begin with the 504 Team deciding whether the student's 504 Plan is appropriate and was being properly implemented.

If the 504 Team concludes the 504 Plan is not appropriate or that the accommodations were not provided, the school should not take any further disciplinary action. The 504

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Team should review and update the 504 Plan, if necessary.

If the student's educational placement is correct, the 504 Team will next consider if the behavior is the result of the student's disability. This inquiry is resolved by considering the relationship between the student's disability and his or her ability to control and understand the consequences of his or her behavior:

- Does the disability impair the student's ability to control his or her behavior?
- Does the disability impair the student's ability to understand the consequences of his or her behavior?

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student's disability and no disciplinary action can be taken past the 10 days.

If the 504 Team determines that the behavior is not a manifestation of the disability, the District may impose whatever long-term suspension or expulsion it would impose under the same circumstances if a non-disabled student were the offender. The District has no obligation to continue to provide educational services to a 504 student during the period of a long-term suspension or expulsion unless such educational services are provided to non-disabled students.

The 504 Team must conclude its work by completing a Section 504 Manifestation Determination form.

How does a school proceed with drug/alcohol violations by a student on a Section 504 Plan?

A student who is currently engaged in the illegal use of drugs/alcohol is not considered a student with a disability. A student with a history of drug/alcohol abuse who has been successfully rehabilitated, or is participating in a drug rehabilitation program and is not currently engaging in the illegal use of drugs, is covered by Section 504. **Section 504 allows school districts to take disciplinary action pertaining to the use or possession of illegal drugs/alcohol against a 504 student who is currently engaging in the illegal use of drugs/alcohol to the same extent such discipline is taken against non-disabled students.**

Are schools required to provide parents with a list of parent/student rights under Section 504 before conducting an initial student review?

Yes. The Union R-XI School District is required to establish and implement procedural safeguards that include:

- Notice to the parent explaining any evaluation or placement decisions.

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- An opportunity for parents to review relevant records.
- An impartial hearing with opportunity for participation by the student's parent or guardian with representation by counsel.
- An appeal procedure to review the hearing decision.

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Union R-XI School District 504 Procedural Safeguards for Parents and Students

Parents/guardians and students have the right to be informed by the Union School District of their rights under Section 504 of the Rehabilitation Act of 1973. The purpose of these Procedural Safeguards is to advise you of those rights.

1. A student with a Section 504 disability has the right to a free appropriate public education. An appropriate education is defined as the provision of regular or special education and related services that are designed to meet the individual educational needs of the disabled student as adequately as the needs of nondisabled students are met and are based upon adherence to Section 504 regulatory procedures.
2. The provision of a free appropriate public education is the provision of educational and related services without cost to the disabled student or through his or her parents/guardians, except for those fees that are imposed on nondisabled persons or their parents/guardians.
3. A student with a disability has the right to take part in and receive benefits from public education programs without discrimination because of his/her disability.
4. The parents/guardians of a child with a disability has the right to receive notice with respect to identification, evaluation, or placement of the child.
5. A student with a disability has the right to receive services and be educated in facilities that are comparable to those provided to nondisabled students.
6. A student with a disability has the right to have an evaluation, education and placement decisions made based on a variety of information sources and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.
7. A student with a disability has an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
8. A student with a disability has the right to have transportation provided to and from an alternative placement setting if determined appropriate for a free appropriate public education by his/her 504 team (if the setting is a program not operated by the District) at no greater cost to the parents/guardians than would be incurred if the student were placed in a program operated by the District.

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9. The parents of a student with a disability or an eligible student (over 18 years of age) has a right to examine all relevant records relating to decisions regarding the student's identification, evaluation and placement.
10. The parents/guardians of a student with a disability, or an eligible student, have the right to request an impartial due process hearing relating to decisions or actions relating to the student's identification, evaluation, program or placement of the student. The procedures for requesting an impartial due process hearing are described below.
11. The parents/guardians of a student with a disability, or an eligible student, have the right to discuss concerns with the Union School District for issues unrelated to the identification, evaluation, program or placement of the student, by contacting their building principal. The Union School District's 504 Coordinator is Mr. Dustin Bailey, Coordinator of Student Services.

Persons who believe that the Union School District is discriminating against students on the basis of disability may also file complaints in accordance with Board of Education Policy AC with the District's Executive Director of Human Resources complianceofficer@unionrxi.org and/or the office of Civil Rights, Kansas City Office, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Mo 64106, Telephone: (816) 268-0550.

Due Process Appeal Procedures

1. If parents/guardians, or eligible student, intend to challenge an action proposed or refused by the Union School District, the parents/guardians or eligible student must file a written notice of appeal within ten (10) calendar days from the time that the parents/guardians or eligible student receives written notice of the proposed or refused action. The Notice of Appeal should be filed with Mr. Dustin Bailey, Student Services Coordinator, and he may be reached at baileyd@unionrxi.org or Office: 636-584-0157 ext. 1671.
2. The Notice of Appeal must state the specific circumstances including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The Union School District will acknowledge, in writing, all Notice of Appeal within ten school days of receipt. Parties filing a notice of appeal under this procedure are entitled to confidentiality in accordance with all applicable laws.
3. The Union School District will, within twenty (20) school days of the district's receipt of the Notice of Appeal, appoint and retain a single impartial hearing officer to hear and decide the Notice of Appeal. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the Union School District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The Union School District is not required to consult with the parents/guardians or eligible students with respect to the hearing officer appointment.

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4. Upon receipt of the Notice of Appeal, the Superintendent or his/her designee will promptly investigate the circumstances giving rise to the hearing request. That investigation shall not delay the Union School District's processing of a request for a hearing. In addition, within ten (10) school days of the receipt of a Notice of Appeal, the Superintendent or his/her designee will contact the parents/guardians or eligible student in an attempt to find a resolution to the issues stated in the Notice of Appeal. The parents/guardians or eligible student will be invited to participate in an informal resolution meeting to give the parents/guardians or eligible student an opportunity to discuss the matters in dispute in an effort to resolve those matters without a need for a hearing. The parents/guardians or eligible student is not required to participate in such a meeting and the parents/guardians or eligible student's refusal to participate in such a meeting cannot delay or eliminate the right to an impartial hearing.
5. The parties to the hearing have the following rights:
 - a. The right to inspect all relevant records, including personally identifiable records of the student;
 - b. The right to be represented and advised by an attorney at their own expense;
 - c. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
 - d. The right to obtain a record of the hearing;
 - e. The right to obtain written findings of fact, conclusion of law, and decision.
6. The hearing officer must hold the hearing within forty (40) calendar days of his/her appointment as hearing officer. If the hearing officer's schedule does not permit a hearing within 40 days, a hearing may be held for good reason, outside of this forty 40-day period.
7. The hearing officer shall render a final, written decision no later than thirty (30) calendar days following the completion of the hearing. A decision may be rendered after 45 days for good cause shown. The decision of the hearing is final and binding subject to judicial review procedures outlined below.
8. The Union School District is responsible for costs directly attributed to the provision of administration hearings described in these procedures including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The Union School District is not responsible for the cost of legal counsel or other representatives of the parents/guardians or eligible students for the cost of producing or reproducing the evidence presented by the parents/guardians or eligible student.
9. Any timeline specified herein may be extended by agreement of the Union School District and parents/guardians or eligible students or by order of the hearing officer.
10. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to a court of competent jurisdiction

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