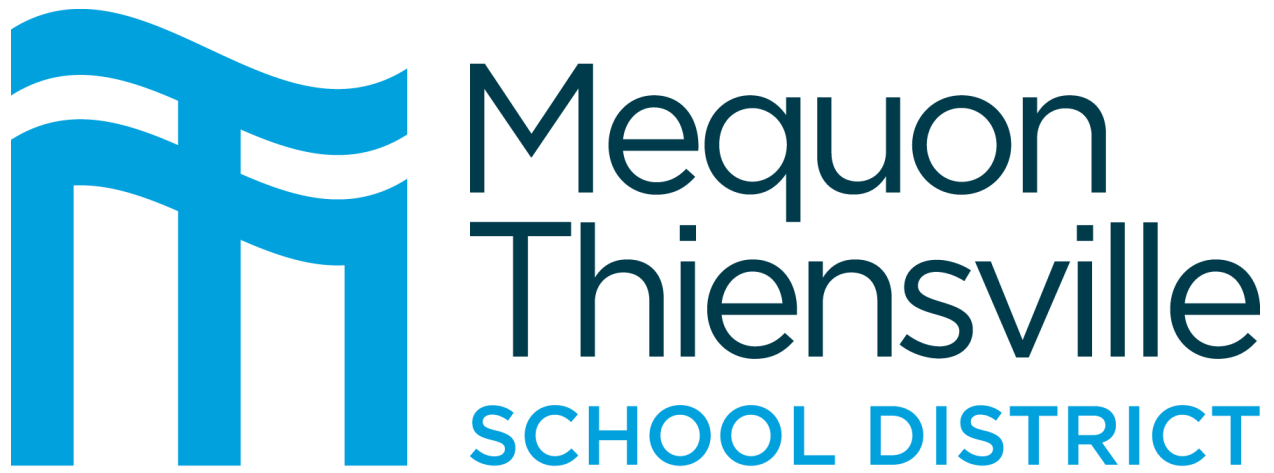




The Launchpad to Success 

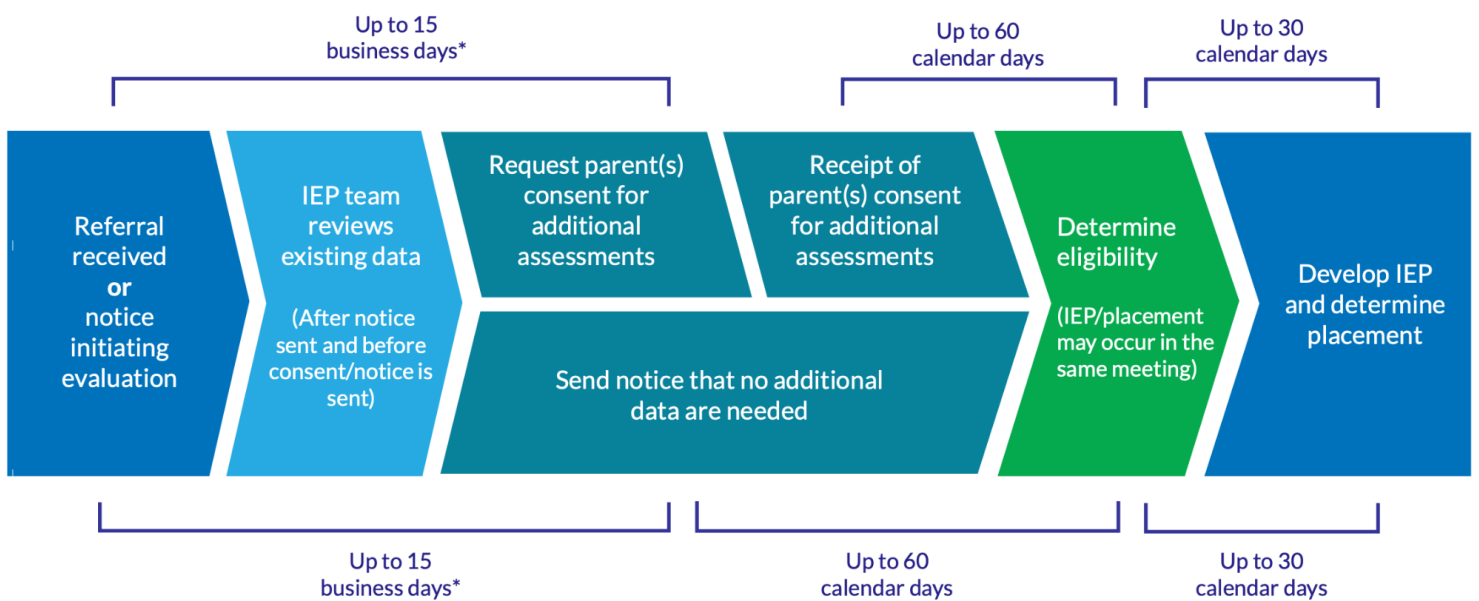
Section 504/ADA Handbook

Procedural Handbook

Table of Contents

Section 504 Evaluation Timeline (Same Timeline as Special Education Evaluations).....	3
Section 504 District Coordinator.....	4
Compliance Statement	4
Parental Validation of Physical/Mental Impairment.....	4
Discrimination Policy	4
Introduction	4
Section 504	5
• Disability Defined	6
• Physical or Mental Impairment	6
• Major Life Activity	6
• Exclusions from the 504 Disability Definition	7
• Substantial Limitation	7
• Mitigating Measures	7
• Temporary Disabilities	8
• Section 504 Plans	9
• Postsecondary Impact	9
Disabilities Under IDEA and Section 504	10
Evaluation and Review Procedures	11
• Initial Evaluation and Eligibility Determination	11
• Decision Making guidance	11
• Annual Reviews	13
• Outcomes for Students	13
• Transitions from other Schools	13
• Dismissal from 504	13
Due Process	14
• Complaint Process	14
• Impartial Hearing	14
• Office for Civil Rights Complaint Process	14
Child Find Notice	15
Parent and Student Rights	16
Decision-Making Flow Chart	17
Complaint Form	18
504 Annual Procedural Check List.....	19

Evaluation Timeline



* "Business day" means Monday through Friday except for Federal and State holidays.

****Please note that the MTSD uses the IDEA timeline as a guideline to assist in pacing for evaluations in relation to 504s. This process is followed to assist the MTSD in ensuring all Child Find obligations are met.*****

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: **William (Tres) Mansfield, 262-238-5913.**

Compliance Statement

The Mequon-Thiensville School District shall comply fully with the nondiscrimination provisions of all federal and state laws by ensuring 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. Questions concerning the interpretation or application of this policy shall be referred to the Principal, Director of Student Social Behavioral and Health Services, or Executive Director of Student Services, 5000 W. Mequon Rd, Mequon, WI 53092.

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 evaluations, 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 an 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, 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 Mequon-Thiensville School District (MTSD) 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*, <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/spec-ed-plain-lang-english.pdf>

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, school/guidance counselor, etc.) shall assume the role of the 504 building coordinator and will ensure that the development and implementation of 504 Plans are accomplished as required. The 504 building case manager(s) are also 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 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 who 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, genito-urinary, hemic/lymphatic, skin and endocrine body systems.

Mental impairments are “any mental or psychological disorder” such as, 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 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.

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 an 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 accommodations or 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.” Thus a student would qualify for 504 protections and potentially have no accommodation plan associated with the disability.

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)).

If a student has been previously diagnosed with long COVID and is experiencing long-term adverse health effects, the child may be evaluated to determine if they have a disability. Consideration for students to have a district-created health plan may be necessary in these circumstances.

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 services that will be provided to meet the individual needs of the student with a disability 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.

Post Secondary Impact

The ED Section 504 regulation defines a qualified individual with handicaps for postsecondary education programs as a person with a handicap who meets the academic and technical standards requisite for admission to, or participation in, the college's education program or activity.

A college has no obligation to identify students with handicaps. In fact, Section 504 prohibits a postsecondary education recipient from making a preadmission inquiry as to whether an applicant for admission is a handicapped person. However, a postsecondary institution is required to inform applicants and other interested parties of the availability of auxiliary aids, services, and academic adjustments, and the name of the person designated to coordinate the college's efforts to carry out the requirements of Section 504. After admission (including the period between admission and enrollment), the college may make confidential inquiries as to whether a person has a handicap for the purpose of determining whether certain academic adjustments or auxiliary aids or services may be needed.

Many students with hidden disabilities, seeking college degrees, were provided with special education services during their elementary and secondary school years. It is especially important for these students to understand that postsecondary institutions also have responsibilities to protect the rights of students with disabilities. In elementary and secondary school, their school district was responsible for identifying, evaluating, and providing individualized special education and related services to meet their needs. At the postsecondary level, however, there are some important differences. The key provisions of Section 504 at the postsecondary level are highlighted below.

At the postsecondary level, it is the student's responsibility to make his or her handicapping condition known and to request academic adjustments. This should be done in a timely manner. A student may choose to make his or her needs known to the Section 504 Coordinator, to an appropriate dean, to a faculty advisor, or to each professor on an individual basis.

A student who requests academic adjustments or auxiliary aids because of a handicapping condition may be requested by the institution to provide documentation of the handicap and the need for the services requested. This may be especially important to an institution attempting to understand the nature and extent of a hidden disability.

The requested documentation may include the results of medical, psychological, or emotional diagnostic tests, or other professional evaluations to verify the need for academic adjustments or auxiliary aids. (U.S. Department of Education, [The Civil Rights of Students With Hidden Disabilities and Section 504](#))

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 Mequon-Thiensville 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*](#),

Because the procedural requirements for referral and evaluation under IDEA are more comprehensive than those described under Section 504, MTSD 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. Alternatively, 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).

Decision-Making Guidance

The first decision the Section 504 team must make is if a mental or physical impairment is present. A **mental or physical impairment** is defined as 1) 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, genitourinary; hemic and lymphatic; skin; and endocrine; or 2) any mental or physical disorder, such as cognitive disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; cognitive disability; emotional illness; drug addiction; and alcoholism. The following are not impairments:

- (1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (2) compulsive gambling, kleptomania, or pyromania; or
- (3) psychoactive substance use disorders resulting from current illegal use of drugs

Other conditions that are not impairments include pregnancy, lactose intolerance, homosexuality, bisexuality, gender identity, etc. Without such impairment, the student is not disabled under Section 504.

Secondly, the impairment must affect one or more **major life activities or major bodily functions**. Major life activities or major bodily functions are functions such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Now included are major bodily functions, including, but not limited to, functions of the immune system, bowel, brain, endocrine, normal cell growth, respiratory, reproductive, digestive, neurological, and circulatory systems. The list of examples is not exhaustive. Other functions may be considered major life activities. **Mitigating measures** are not considered when determining if a student is eligible. As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, must not consider the ameliorating effects of any mitigating measures that the student is using. The only exception to this is that the ameliorative effects of the mitigating measures of ordinary eyeglasses and contact lenses shall be considered in determining if an impairment substantially limits a major life activity.

Third, the impairment must **substantially limit** the major life activity or major bodily function. "Substantially limited" is not defined by the Office of Civil Rights (OCR) or the Section 504 regulations. The OCR defers to the school district to define the term substantially limits. Many schools look to Title II of the ADA for a definition of the term. A person with a substantial limitation in the performance of a major life activity is substantially limited in the performance of a major life activity as compared to most people in the general population. The Section 504 team should keep in mind that an impairment need not prevent, or severely or significantly restrict a major life activity to be considered a substantial limitation. Section 504 teams will use multiple evaluation data from a variety of sources to determine whether the student is substantially limited in one or more major life activities or major bodily functions.

The definition of a student with a disability does not include conditions, but only mental and physical impairments. This means that if a student's learning and behavioral problems are attributable to cultural, environmental, or economic disadvantage rather than to a mental or physical impairment, the student is not eligible. Section 504 does not cover environmental, cultural, or economic disadvantage, which could include such conditions as: homelessness, migrant issues, EEL student, poverty, attendance, transiency, divorce, death in the family, military deployment and lack of motivation. This is not an exhaustive list of conditions.

The Section 504 team determines whether or not the impairment is temporary, episodic, intermittent or in remission. Impairments described by these terms may be substantially limiting and must be determined on a case-by-case basis. If it is determined that a temporary, episodic, intermittent, or in remission impairment is substantially limiting, the student is eligible.

If team participants determine that a student is disabled under Section 504 (i.e., he or she has an impairment that 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.

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. This process will be initiated by your school's 504 case manager, social-emotional coach, School Psychologist, or School Counselor.

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 is no longer considered disabled under Section 504. This differs from the IDEA process, which requires a reevaluation to formally discontinue special education services. Team participants deciding 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 may also find that a student continues to have a disability under the law, but does not need any Accommodations in a 504 Plan.

Students Transitioning to MTSD with a 504 Plan from a Different District

It is the responsibility of the parents/guardians to inform the district of any 504 accommodation plan a student has in place upon enrollment to MTSD. MTSD will adopt the plan as it is currently written until a meeting can be held to ensure that those accommodations can be reasonably met by the school district. The initial meeting upon intake of the new student for a 504 review shall be treated as an annual review of the 504 and should follow the same process outlined in the 504 procedural checklist on page 19th. ***The initial review meeting of students transitioning into MTSD will take place no more than 30 calendar days after the students' first day of attending any school in MTSD.***

Students being considered for dismissal of a 504 plan

Under Section 504, there are no specific requirements for considering the dismissal of students from a 504 plan. However, there should be a consensus among the parent/guardian, Case manager, and a teacher who knows the student. Notice of intent to dismiss a student from a 504 plan should be sent to the 504 coordinator before the meeting. Upon a team decision to release a student from a 504 plan, the case manager should follow the Annual review process and, in addition, complete the No longer eligible for Section 504 document (Form 5ER-5).

Outcomes for Students

Section 504 does not require aids, benefits, and services to be equally effective, or produce 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 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: **William Mansfield, Director of Student Social Behavioral and Health Services, 262-238-5913.**

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, Office for Civil Rights, Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582, 303-844-5695



SPECIAL EDUCATION and SECTION 504/ADA CHILD FIND NOTICE

The Mequon-Thiensville 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, intellectual disability, emotional behavioral disability, deaf and hard of hearing, specific learning disability, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury, blind and visually impaired, or significant developmental delay and who, because of such an 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 Executive Director of Student Services, Michael Mooren at 262-238-8501 or email at MMooren@mtsd.k12.wi.us.



PARENT and STUDENT RIGHTS

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

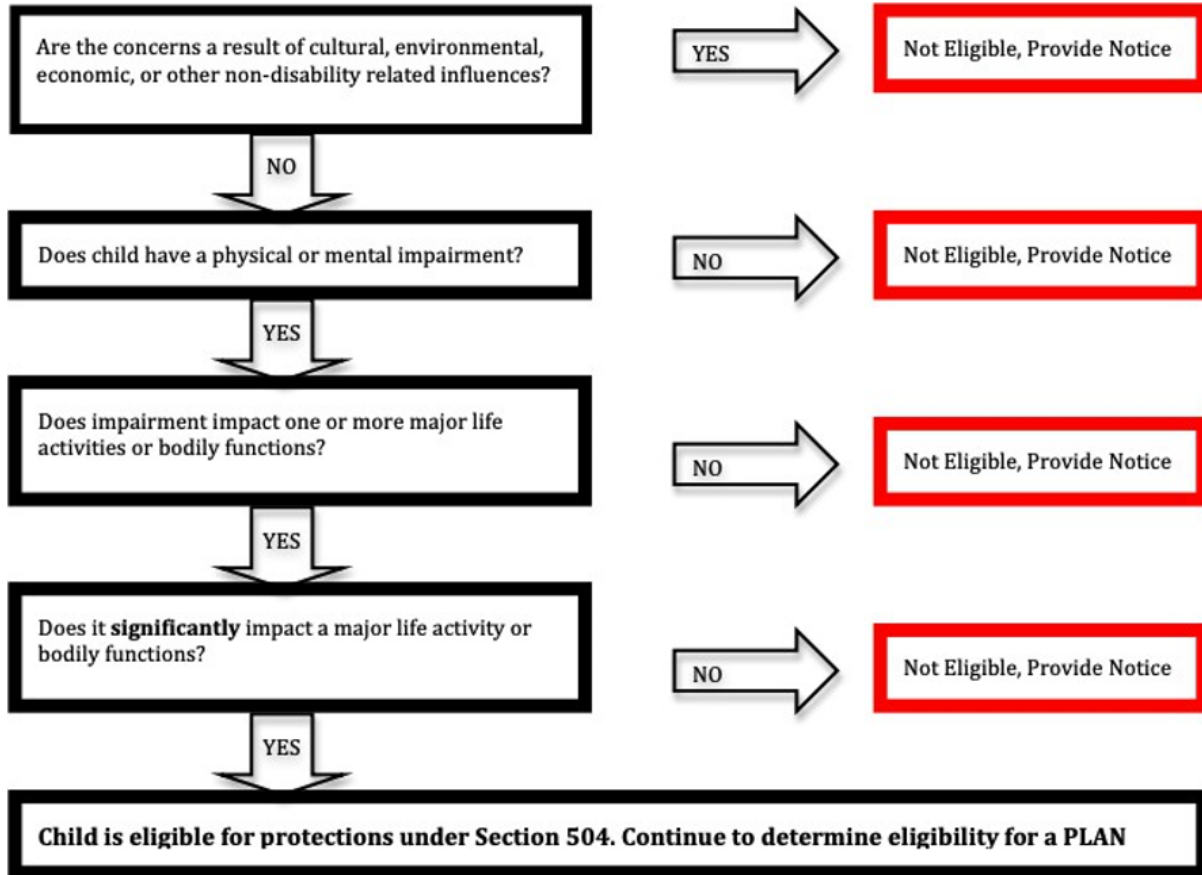
The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and of your rights if you disagree with any of the School District's decisions.

You have the right to:

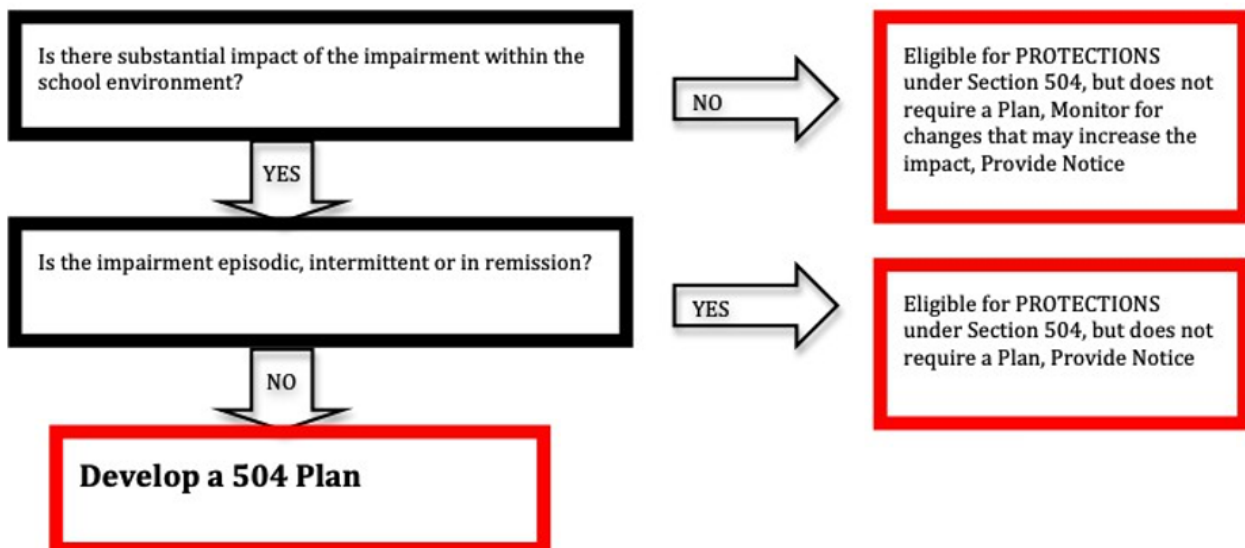
1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disability.
2. Have the Mequon-Thiensville School District advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, accommodation, 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 Mequon-Thiensville 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 Mequon-Thiensville School District.
11. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the Mequon-Thiensville 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: **William Mansfield, Director of Student Social Behavioral and Health Services**, Mequon-Thiensville School District District Office , 5000 W Mequon Rd, Mequon, WI 53092, (262) 238-5913.
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](#)
Office for Civil Rights: U.S. Dept. of Education, Office for Civil Rights, Cesar E. Chavez Memorial Building 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582, 303-844-5695

Section 504 Eligibility Decision-Making Flow Chart

Determination of Eligibility for Protection Under Section 504



Determination for Eligibility for a Section 504 Plan





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

Signature of Administrator or designee

Date received

Please submit this complaint form to the Director of Student Social Behavioral and Health Services

Section 504 Procedural Checklist: Annual Review

- Annual review of the 504 plan. Date of last plan
- Schedule annual review 2-4 weeks prior to the above due date. Include:
 - Parents
 - Necessary staff
 - Classroom Teacher
 - Nurse?
 - Interventionists?
 - Principal?
 - Other?
- Send out an **Invitation to Section 504 Meeting. (Form 5I-1)**
- Generate a **Cover Sheet (form 5I-2)** prior to the meeting
- During the meeting, determine appropriate education placement and complete/update the **Section 504 accommodation Plan (Form 5A-1)**.
- Ensure parents receive a copy of the **Parental Rights document on page 15** at the meeting, if the annual is waived, ensure they are emailed a copy.
- If still continuing with a 504 Complete **Notice of Continuing Section 504 Placement.(Form 5P-2)**
- If Parents elect to waive the annual meeting, the **Notice of Continuing Section 504 Placement (Form 5P-2)**. Should check the parent did not participate in the meeting, and in the description section, should state no meeting is needed at this time
- Send an email notice to the District 504 coordinator and the assistant to the executive director of student services for review of documents when the steps above are completed. Documents should be finalized within 10 School days following the 504 meeting date.
- Upon approval of the documents, upload the Section 504 Accommodation Plan (**Form 5A-1**) into a person's documents in Infinite Campus.
- Pupil Services Office sends a copy of the **Coversheet (form 5I-2)**, **Section 504 Accommodation Plan (Form 5A-1)**, and **Notice of Continuing Section 504 Placement.(Form 5P-2)**, and parental rights notice.
- ***Any changes in schedule/teacher during the year of the plan shall be sent via new copy of the plan by the case manager to any necessary stakeholders.