

504 Parent Draft

We are ...



A Parent/Guardian Guide to *Section 504*
of the
Rehabilitation Act of 1973

Moore'sville Graded School District
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Moore'sville, NC 28115

MESSAGE FROM THE DISTRICT SECTION 504 ADMINISTRATORS

The purpose of this handbook is to provide parents, guardians, and school personnel with an overview of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Amendments Act (ADAAA), along with practical guidance for identifying, supporting, and serving students who are eligible for protections and services under these laws.

This handbook offers families and educators a comprehensive guide to understanding Section 504, including district board policies, key distinctions between legal frameworks, step-by-step procedural processes, and local resources available within the Mooresville Graded School District.

Our mission is to ensure that every student has equal access to educational opportunities and the ability to achieve a sound basic education in an environment free from discrimination.

Section 504 and the ADAAA are federal civil rights laws that protect individuals with disabilities from discrimination. Under Section 504, students with disabilities are entitled to a free appropriate public education (FAPE), including accommodations, supports, and related services designed to meet their individual educational needs as adequately as the needs of students without disabilities are met.

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Chief Student Services Officer

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WHAT IS SECTION 504 OF THE REHABILITATION ACT OF 1973?

Section 504 of the Rehabilitation Act is a civil rights law that applies to entities, including school districts, that receive federal funding. The purpose of the Act is to protect qualified persons with disabilities from any form of discrimination based on disability.

Definition of Disability Under Section 504

Under the Section 504 regulations, a student is considered to have a disability if they meet at least one of the three eligibility prongs outlined in 34 C.F.R. § 104.3(j)(1).

When determining a student's eligibility under Section 504, the Section 504 team must first answer the following question:

Does the student meet any of the three eligibility prongs under Section 504?

- 1) has a physical or mental impairment that substantially limits one or more major life activities;
- 2) has a record of such impairment; or
- 3) is regarded as having such an impairment.

Defining Physical or Mental Impairment

The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) defines a physical or mental impairment as:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems:
- (b) Or, any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Major Bodily Functions Description:

The list for Section 504 (found in 10 CFR 4.101(b)(1)(i) is: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary; hemic and lymphatic; skin; and endocrine.

The regulation does not provide an exhaustive list of specific diseases or categories that may constitute physical or mental impairments. The definition of physical or mental impairment under Section 504 is broad, including students with life-threatening health conditions that will put a student in danger of death during the school day if medication or treatments are not in place.

If a student does not have a physical or mental impairment, does not have a record of having such an impairment, or is not regarded as having such an impairment, the student does not meet the definition of being disabled under Section 504.

MAJOR LIFE ACTIVITIES

Major life activities specified through the US Department of Education's regulations and ADAAA include, but are not limited to:

Major Life Activities		
Breathing	Communicating	Learning
Eating	Concentrating	Working
Sleeping	Caring for one's self	Reading
Seeing	Performing manual tasks	Hearing
Standing	Thinking	Lifting
Bending	Walking	Speaking

If a student does not have a physical or mental impairment, the student does not meet the definition of being disabled under Section 504.

Section 504 does not guarantee success for students with disabilities; it guarantees an equal opportunity for success.

SUBSTANTIAL LIMITATION

A physical or mental impairment substantially limits a major life activity if the student's ability to perform a major life activity or major bodily function is decreased as compared to the student's non-disabled same-age/grade peers. There is no single formula or scale that measures substantial limitations. An impairment need not prevent or significantly or severely restrict a student in performing a major life activity to be considered substantially limiting. Title II provides three (3) factors to consider when determining whether or not the disability substantially limits a major life activity or major bodily function:

1. Nature and severity of the impairment;
2. Duration or expected duration of the impairment; AND
3. Permanent, long-term impact or expected impact of the impairment.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity or major body function must be made by the Section 504 team. Section 504 regulations do not define the term "substantial" and therefore, have left this interpretation to school districts. For the most part, "substantial" means a student is limited in the performance of a major life activity when compared to how students in the general population perform the same activity. School Section 504 teams, therefore, use data from a variety of sources to make decisions regarding a student's substantial limitation as it relates to eligibility under Section 504.

Section 504 teams must be sure that a student's disability is based on a mental or physical impairment and not a condition such as environmental, cultural, or economic disadvantage. Conditions such as homelessness, limited English ability, attendance, lack of motivation, transiency, or lack of educational opportunity are not conditions that have as a basis a mental or physical impairment. Simply having a condition or disability does not automatically qualify a student for Section 504 protection. The condition must present a barrier to the student's ability to access (equally) the same educational opportunities as a student without a disability. A condition may trigger an impairment, but the impairment is the basis for the disability and is documented through medical/other health-related diagnoses.

MITIGATING MEASURES

Mitigating measures are actions, treatments, or supports a student may use to manage a disability or reduce the impact of an impairment. These may include medication, medical devices, assistive technology, related aids, or services.

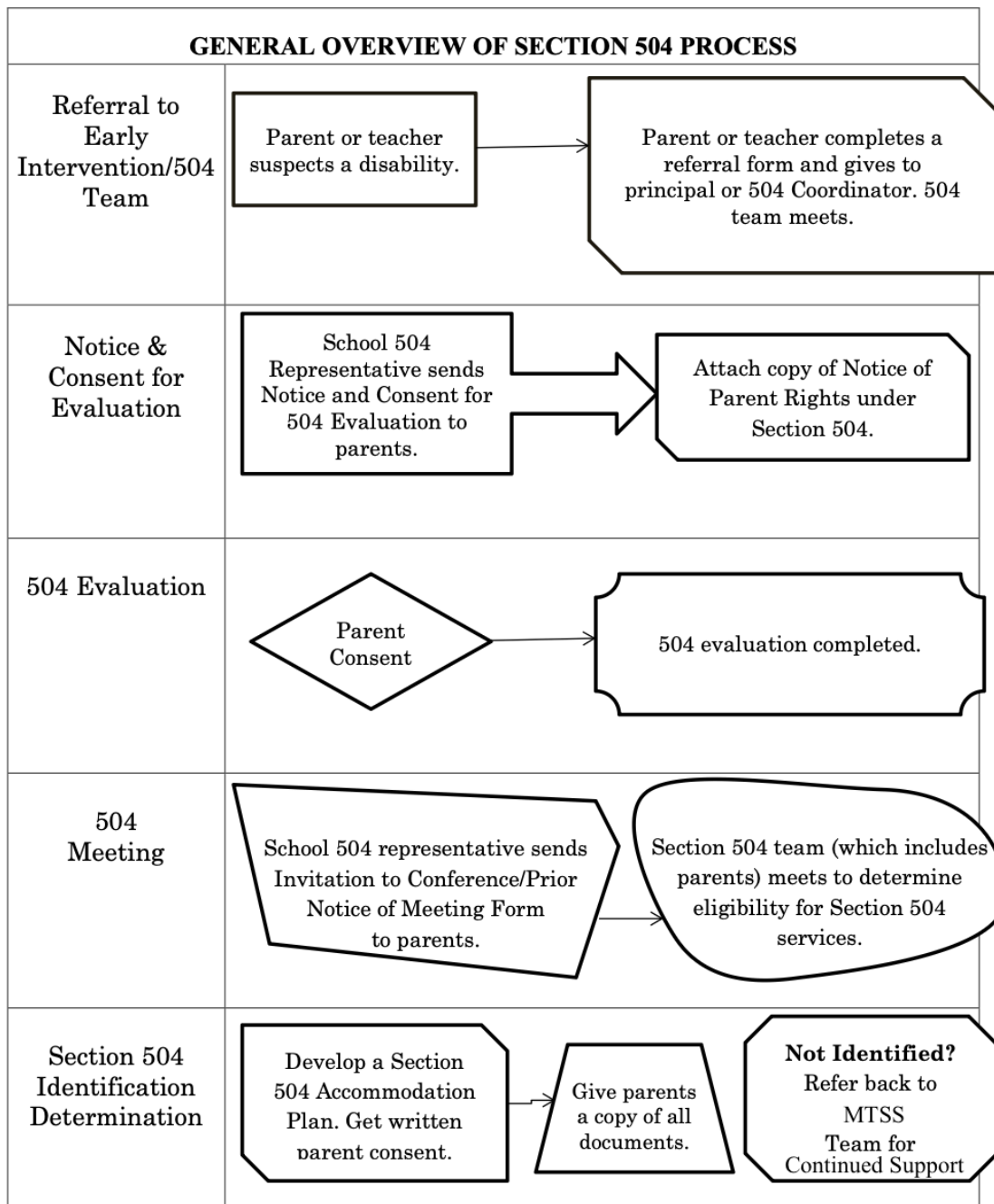
When determining a student's eligibility under Section 504, the Section 504 team must disregard the positive effects of mitigating measures. In other words, eligibility decisions should be based on how the impairment affects the student without those measures in place.

However, mitigating measures and existing supports may be considered when developing a student's accommodation or support plan, as they provide important information about strategies and interventions that are effective in helping the student access their education.

RELATED SERVICES

Section 504 requires that related services be provided for students with disabilities if these services are essential to meet the student's educational needs. A related service can be provided under Section 504 to children who do not receive any other special education services or interventions. The MGSD-related services consist of physical therapy, occupational therapy, speech therapy, and audiology services. Related services staff must be contacted to assist in evaluating a student before services are provided. The school-level Section 504 coordinator will be contacted by the related services staff to schedule the evaluation. Students who receive a related service must receive progress monitoring to determine the effectiveness of the accommodations provided. Monitoring must be completed each quarter and reported to the student's parent or guardian.

Equipment assigned to a student must be maintained and kept in working order. Equipment that is not in working order may compromise the implementation of a student's Section 504 plan. When a problem is noted with any equipment, notify the District Section 504 Office or the related service provider immediately.



SECTION 504 AND IDEA COMPARISON

Eligibility for protections and services under Section 504 is different from eligibility under the Individuals with Disabilities Education Act (IDEA). While both laws support students with disabilities, they serve different purposes and have different eligibility requirements.

Section 504 has a broader definition of disability. It is a federal civil rights law designed to prevent discrimination against students with disabilities and to ensure they have equal access

to educational programs, services, and activities. A student may qualify under Section 504 if they have a physical or mental impairment that substantially limits one or more major life activities.

In contrast, IDEA is an educational law that provides specialized instruction and related services for students who meet specific disability criteria and require specially designed instruction to make educational progress. These services are delivered through an Individualized Education Program (IEP).

Students eligible under Section 504 may need accommodations or support such as medication administration, testing accommodations, classroom modifications, health plans, or behavioral supports in order to access their education. In some cases, a student may qualify for protections under Section 504 but may not require a formal accommodation plan because mitigating measures, such as medication or therapy, effectively address their needs.

It is important to note that students who are eligible under IDEA are also protected under Section 504. However, when a student qualifies for an IEP, the district's responsibility to provide accommodations and services may be fulfilled through the IEP rather than through a separate Section 504 Plan. In some instances, a student may be served through both an IEP and a 504 plan.

A Section 504 Plan is a written plan outlining how the school will address and accommodate the individual needs of your child and allow your child to access the same programs and activities as nondisabled peers during all facets of the school day.

If you believe that your child has a mental or physical impairment that substantially limits a major life activity such that your child requires accommodations to access the educational day, please contact the school's Section 504 Coordinator. The school Section 504 Coordinator will help assemble a 504 team, including you as a parent/guardian that will determine if your child qualifies for eligibility under Section 504. A 504 team may include multiple key members of the school staff, such as the school nurse, teachers, food service personnel, coaches, counselors, and other individuals with knowledge of the child.

Please provide at the 504-team meeting any medical/health-related and other information and documentation that may assist the Team in making an eligibility determination.

Once the 504 team finds your child eligible, the team may, if the student requires accommodations/related services/interventions, create a Section 504 Plan to address the student's needs.

	IEP	SECTION 504
DEFINITION	Individualized Education Program: the provision to a student specialized instruction that is designed to meet the needs of that student.	Section 504 of the Rehabilitation Act of 1973: the provision of accommodations and related services to meet the needs of students with disabilities as adequately as the needs of nondisabled students are met.
PURPOSE	Specialized instruction with modification of actual program or curriculum materials.	Accommodations/related services for accessing standard program or curriculum materials.
ELIGIBILITY	Students must meet the State's specified disability categories, for example, Autism, Emotional, Specific Learning Disability, Sensory (Hearing, Vision, Deaf- Blind)	Students must have a physical or mental impairment substantially limiting at least one major life activity, have a record of such impairment, or be regarded as having such an impairment.
OVERSIGHT	Individuals with Disabilities Education Act (IDEA) – Education Law—Office of Special Education Programs (OSEP)	Americans with Disabilities Act Amendments Act (ADAAA); Section 504 of the Rehabilitation Act of 1973 – Civil Rights Law—Office for Civil Rights (OCR)
CONTENTS	Disability listing, vision statement, present level of academic and functional performance, annual goals, accommodations/modifications, summer services, transport needs, placement recommendation.	Plan objectives, definitions, care and self-care details, resource access, health/medical monitoring, emergency planning, testing and classroom dynamics, communication and notification instructions, additional contact details.
FUNDING	Federal funding	No federal funding
RECIPROCITY	A student covered under IDEA on an IEP is automatically covered under Section 504.	A student covered under Section 504 is not automatically eligible for specialized instruction and related services under IDEA.
TESTING	Standardized testing accommodations available.	Standardized testing accommodations available.
TRACKING	Progress reporting	No progress reporting

ADDITIONAL INFORMATION

Transfer Students

A student with an active Section 504 plan who enrolls or reenrolls in MGSD from outside the district must have a 504 Committee meeting called to determine whether implementation of their plan as it was presented is appropriate or if additional evaluation or changes to the plan are necessary for them to be served within the District. MGSD accepts the student's current plan temporarily. At the initial meeting, the Section 504 team determines if the student continues to meet eligibility under Section 504. If the student is determined to be eligible, a new accommodation plan, if needed, is written for use at the MGSD school. If the student is determined to no longer be eligible for services under Section 504, the student may always

be evaluated in the future if needs change.

DISCIPLINE AND SECTION 504 STUDENTS

Section 504 requires the implementation of certain procedural safeguards before a “significant change in placement” (a long-term suspension or a series of short-term suspensions which result in a change in placement).

Once a proposed disciplinary consequence has resulted in a significant change in placement, the Section 504 team will convene to hold a Manifestation Determination Review (“MDR”) meeting to consider the causal link between the conduct and the disabling condition.

A significant change in placement triggering a manifestation determination review occurs when a student with a disability is suspended for more than 10 school days in a single year. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the child’s MDR team must review all relevant information in the student’s file, including the child’s Section 504 Plan, teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the local educational agency's failure to implement the 504 Plan.

If, as a result of an MDR, it is decided that the student's misconduct was not related to the disability, then the student may be disciplined just as any other student.

If it is determined that the misconduct is caused by the disability, the student may not be disciplined, and the evaluation team must review the 504 Plan and determine whether the student's accommodations and current educational placement are appropriate.

Under Section 504, the same disciplinary action taken against nondisabled students for violation of school policies and rules, including the use and possession of alcohol and drugs, can be taken for students with disabilities who engage in violations of policy.

DISTRICT-WIDE INFORMATION

Notice of Non-Discrimination

Mooreville Graded School District shall take steps to notify participants, employees, and applicants of district responsibilities under Section 504. The following notice shall appear in student/parent handbooks, teacher’s handbooks, non-certified personnel handbooks, and published personnel recruiting materials: “In compliance with federal law, Mooreville Graded School District administers all educational programs, employment activities, and admissions without discrimination because of race, religion, national or ethnic origin, color, age, military service, disability, or gender, except where exemption is appropriate and allowed by law and provides equal access to the Boy Scouts and other designated youth groups.

Child-Find Activities

Mooreville Graded School District (MGSD) shall endeavor to locate and identify every qualified disabled person within the district who is not receiving a public education. The Section 504 staff will collaborate with the MGSD Federal and State Compliance Department to engage in child-find activities and communication annually. Activities may include, but are not limited to, presenting information at parent meetings at school sites and within the community, school staff meetings, posting information in the school office, and reviewing student information upon registration.

Non-Academic Services

Qualified disabled students shall be provided an equal opportunity to engage in counseling services, physical recreation, athletics, transportation, special interest clubs, etc.

For example, qualified disabled students shall:

- not automatically be counseled towards certain career objectives more than non-disabled students with similar abilities.
- have an equal opportunity to participate in physical education courses and athletics. Although qualified disabled students may participate in separate activities for the disabled, no qualified disabled student shall be denied the opportunity to try out for membership on a team or to participate in courses that are not separate or different.

Contact your local school principal for additional details on Section 504 by referencing the contact information below.

Local School Principal Directory

To initiate a local referral, locate your child's specific school contact information below:

<i>School Name</i>	<i>Principal / Contact</i>	<i>Physical Address</i>	<i>Phone Number</i>
<i>Park View Elementary</i>	<i>Dr. Misha Rogers</i>	<i>217 W. McNeely Ave., Mooresville, NC 28115</i>	<i>704-658-2555</i>
<i>South Elementary</i>	<i>Mrs. Cheryl Dortch</i>	<i>839 S. Magnolia St., Mooresville, NC 28115</i>	<i>704-658-2650</i>
<i>Rocky River Elementary School</i>	<i>Ms. Kaylor Kaemba</i>	<i>483 Rocky River Rd., Mooresville, NC 28115</i>	<i>704-658-2740</i>
<i>East Mooresville Intermediate School</i>	<i>Ms. Tracy Pratt-Dixon</i>	<i>1711 Landis Hwy., Mooresville, NC 28115</i>	<i>704-658-2700</i>
<i>Mooresville Intermediate School</i>	<i>Dr. Mark Cottone</i>	<i>1438 Coddle Creek Hwy., Mooresville, NC 28115</i>	<i>704-658-2680</i>
<i>Selma Burke Middle School</i>	<i>Mr. Dan Miller</i>	<i>235 Rinehardt Rd Mooresville, NC 28115</i>	<i>704-658-2670</i>
<i>Mooresville Middle School</i>	<i>Mr. Patrick Kosal</i>	<i>233 Kistler Farm Rd. Mooresville, NC 28115</i>	<i>704-658-2720</i>
<i>NF Woods</i>	<i>Ms. Melanie Allen</i>	<i>574 W. McLelland Ave. Mooresville, NC 28115</i>	<i>704-658-2500</i>
<i>Mooresville High School</i>	<i>Ms. Samone Graham</i>	<i>659 E. Center Ave. Mooresville, NC 28115</i>	<i>704-658-2580</i>

Handbook Registry Reference: Mooresville Graded School District Implementation Guide (Revised 2026)