

# **Festus R-VI School District**



## **SECTION 504 PROCEDURES MANUAL**

**“Educating All Children to Meet Tomorrow’s Challenges”**

**The Festus R-VI School District is an equal opportunity employer and does not discriminate on the basis of age, gender, creed, color, national origin or handicap.**

## **Festus R-VI School District Section 504 Procedures Manual**

Section 504 of the Rehabilitation Act of 1973 is a federal law that prohibits discrimination against persons with disabilities in any program or activity that receives federal financial assistance from the United States Department of Education. The Festus School District is a recipient of federal financial assistance from the United States Department of Education and, therefore, is covered by Section 504.

Which students are covered? Under Section 504, a person with a disability is defined as an individual who:

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

Students who satisfy the first definition above are entitled to a free appropriate public education (FAPE) in the least restrictive environment. FAPE, under Section 504, 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.

Students who satisfy only the second and third definitions are not entitled to FAPE, but are entitled to be free from discrimination.

Mental or physical impairments are broadly defined and include any physiological disorder or condition or any mental or psychological disorder, whether formally diagnosed or not. However, an impairment, alone, is insufficient to qualify a student as Section 504 disabled. In addition, a medical diagnosis or the fact that a student takes medication is not controlling in determining whether that student has a 504 disability. The Office for Civil Rights, which is charged with the responsibility to enforce 504, has stated that finding a student 504 eligible solely on the basis of a diagnosis generally violates Section 504.

A student's eligibility under Section 504 is not determined by a doctor or psychologist but by a multidisciplinary team convened by the district. That team must include persons who are knowledgeable about the student, the evaluation data to be considered, the placement options and Section 504 requirements.

Major life activities, as defined by Section 504 and the 2008 ADAAA, include - but are not limited to - activities such as walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self, bending, standing, learning, thinking, concentrating, reading, eating, sleeping, communicating and performing manual tasks. Pursuant to the 2008 ADAAA, major life activities also include the operation of a major bodily function, including, but not limited to, the immune system, normal cell growth, digestive functions, bowel functions, bladder functions, neurological functions, brain functions, the respiratory system, the reproductive system, the circulatory system and the endocrine system.

An impairment that substantially limits one major life activity does not need to limit other major life activities for the student to be considered disabled.

To be disabled under Section 504, the student's mental or physical impairment must substantially limit one or more major life activities. Minor or moderate limitations are not sufficient for a student to be eligible under 504. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

Substantial limitation is not defined in Section 504 or the 2008 ADAAA. In the 2008 ADAAA, Congress stated that the phrase "substantially limits" must be interpreted consistently with the findings and purposes of the 2008 Amendments. However, pursuant to the 2008 ADAAA, substantial limitation means less than "significantly restricted." The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative<sup>1</sup> effects of mitigating measures<sup>2</sup> such as the following: medication; medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics, including limbs and devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable accommodations; auxiliary aids or services;<sup>3</sup>

In determining whether a student's impairment substantially limits a major life activity, the district must conduct an evaluation and, based on that evaluation, compare the student to his or her average peer in the population. Students, therefore, are measured by reference to the performance of children at the same age or grade level. Under Section 504, the student is not compared to his or her own potential.

When determining eligibility under Section 504, the district also is required to determine if environmental, cultural, or economic disadvantage are the primary reason for any limitations that the student may exhibit.

Temporary impairments may be covered by 504 if the impairment is substantially limiting and if it is of sufficient duration. A transitory and minor impairment, however, is not a disability. A transitory impairment is one with an actual or expected duration of six months or less. The district can voluntarily accommodate a student's transitory and minor impairment without violating the "regarded as" definition of disability.

### **Child Find and Evaluation**

School districts that receive federal financial assistance have the affirmative responsibility to annually undertake to locate and identify all students with disabilities located in the District's jurisdiction. The District will satisfy this obligation, known as "child find", by [Enumerate those actions, such as newspaper and other media notices, handbook notices, etc. that the District will undertake to satisfy, in part, its child find obligation. The author recommends mirroring the state's requirements under IDEA. A possible sample notice is included in the Appendix to this publication].

Students who are suspected of having a 504 disability can be referred for evaluation by parents, certified teachers, administrator, licensed professionals such as nurses and therapists, outside agencies, doctors,

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<sup>1</sup> Ameliorative is defined as "to make or become better, more bearable, or more satisfactory; improve; meliorate."

<sup>2</sup> A mitigating measure is a device or practice that a person uses to correct for or reduce the effects of the mental or physical impairment.

<sup>3</sup> Auxiliary aids and services include (a) qualifying interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and (b) qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments.

psychologists. A copy of the 504 referral form can be obtained from R-VI Assistant Superintendent of Teaching and Learning, Dr. Nickie Ruess at 1500 Mid-Meadow Lane and/or by phoning 636-937-4920.

Before identifying a student as 504 disabled, the District is required to conduct an initial or pre-placement evaluation of that student to determine if he/she has a mental or physical impairment that substantially limits a major life activity before taking any action with respect to the initial placement of the student under 504. That evaluation can consist of a review of existing data, observation, a request for medical, psychological and/or other outside information with proper authorization and/or formal assessment.

A formal medical or psychological diagnosis, standing alone, is insufficient to qualify a student as 504 disabled. Any outside information obtained from the student's outside diagnosing or treating medical or psychological professionals must be considered by the members of the multidisciplinary team convened to consider eligibility. However, outside information from medical professionals is not determinative in deciding whether a student is disabled.

The District is required to establish standards and procedures for the evaluation and placement of students who, because of disability, need or are believed to need services pursuant to 504. This section of the procedures manual describes those standards and procedures. As part of these standards and procedures, the District ensures that (1) tests and other evaluation materials have been validated for the specific purpose for which they are used and will be administered by trained personnel in conformance with the instructions provided by their producer; (2) tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and (3) tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

As part of the District's standards and procedures, the District also ensures that, in interpreting evaluation data, the student's multidisciplinary team will (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior and (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered.

If the District's multidisciplinary team believes that a current medical or psychological assessment or evaluation of the student is necessary to determine the existence of an impairment or as part of the evaluation to determine 504 eligibility, that assessment must be provided at no cost to the parent.

If the multidisciplinary team determines that a formalized initial assessment is necessary to determine whether the student has a 504 disability, informed and written parental consent must be obtained. No consent is necessary to conduct a review of existing data or to conduct school-based or other observations.

The parent of a student who is seeking 504 eligibility must provide written consent for evaluation with assessment if the student's multidisciplinary team has determined that such assessments are necessary to determine if the student has a disability. If the parent refuses to provide such consent, the student will not be considered to be disabled and will remain a regular education student. The District has the right to

use the due process procedures identified in the 504 procedural safeguards if the parent refuses to consent to a 504 evaluation, but the District is not required to do so.

As part of the District's initial/pre-placement evaluation, the student's parent and/or legal guardian may be asked to provide a written release or authorization to obtain further information from diagnosing or treating physicians, psychologist or other professional. If the District's multidisciplinary team concludes that such information is a necessary part of the initial/pre-placement evaluation and the parent refuses to provide the requested written authorization to obtain it, the District will treat such refusal as a refusal to consent to the initial/pre-placement evaluation. In that event, the student will not be considered to be disabled and will remain a regular education student. The District has the right to use the due process procedures identified in the 504 procedural safeguards if the parent refuses to consent to a 504 evaluation, but the District is not required to do so.

A District is not required to evaluate or identify a student as 504 disabled simply at a parent's request if the District does not have reason to suspect that the student has a 504 disability. If a parent initiates a 504 referral and/or requests a 504 evaluation and the District refuses that request because it has no reason to suspect a disability, the District will provide the parent with a written notice of refusal and a copy of the District's 504 procedural safeguards. There is no automatic obligation to evaluate students for 504 eligibility after a determination that a student is not eligible under the Individuals with Disabilities Education Act.

Students deemed eligible under 504 must also be periodically reevaluated and a reevaluation is required prior to any significant change in placement. OCR has stated that a significant change in placement occurs when, for a period of more than 10 days, there is a significant change in the type or amount of regular education or special education or related aids or services provided to a disabled student, such as adding or eliminating a program or service or where there is a substantial increase or decrease in the amount of time a program or service is provided.

Reevaluations can consist of a review of existing data, observation, a request for medical, psychological or other outside information with proper authorization and/or a formal assessment. Parents must be notified by the District of an intent to reevaluate under 605, but parental consent is not necessary for periodic reevaluations. The District must reevaluate students before any significant change of placement including, but not limited to, the proposed discontinuation of a student's eligibility under Section 504, graduation with a regular diploma, or a disciplinary change of placement. That reevaluation can consist of a review of existing data, observation, a request for medical psychological or other outside information with proper authorization and/or a formal assessment.

Section 504 does not provide for independent educational evaluations. However, in interpreting data and making placement decisions, the District will consider any independent or outside evaluations presented by the student's parent or guardian.

### **Provision of FAPE and Educational Placement**

After a multidisciplinary team determines that a student is 504 disabled, a multidisciplinary team that may be the same or a different group of persons will convene, within a reasonable time, to develop an individualized 504 Non-Discrimination Plan for the student in order to provide FAPE. The multidisciplinary team will include persons knowledgeable about the student, the evaluation data and the placement options. In general, a reasonable time is considered to be within fifteen (15) school days of the date that

team first determines that the student has a 504 disability. The student's parents are not required participants in that process, but the District will extend an invitation to the parent to participate and will attempt to schedule such meetings at a mutually convenient time. The team can meet without the parent's participation.

In making placement decisions, the multidisciplinary team will (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; (2) ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and the placement options, and (4) ensure that the placement decision is one in which the student will be educated with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. In making placement decision for an individual student, the team will place the disabled student in the regular educational environment unless the team concludes that the education of the student in the regular education environment with the use of supplementary aids and services cannot be achieved satisfactorily.

If the team places a student in a setting other than the regular educational environment, the team will take into account the proximity of the alternate setting to the student's home.

In making a placement decision for an individual student, a multidisciplinary team may place the disabled student or refer the student for aids, benefits, or services other than those operated or provided for by the District. If the team decides the student needs such aids, benefits or service, the District will ensure that the 504 requirements outlined in this manual are met with respect to the student so placed or referred.

If the team places a disabled student or refers a disabled student for aids, benefits, or services not operated or provided for by the District, the team will ensure that adequate transportation to and from the aid, benefits or services is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the student were placed in the aid, benefits, or services operated by the District.

If a student's multidisciplinary team determines that a public or private residential placement is necessary to provide the student with a FAPE because of that student's disability, the placement, including non-medical care and room and board, shall be provided at no cost to the student or his or her parents or guardian.

### **Placement of Disabled Students by Parents**

If the District has made available, in conformance with the 504 regulations and this procedures manual, a free appropriate public education to a disabled student and the student's parents or guardian choose to place the person in a private school, the District is not required to pay for the student's education in the private school. Disagreements between a parent or guardian and the District regarding whether the District has made FAPE available or otherwise regarding the question of financial responsibility are subject to the due process procedures outlined in the District's 504 procedural safeguards.

### **Extracurricular and Nonacademic Activities and Services**

The District ensures that it will take steps to provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for

participation in such services and activities. To avoid discrimination on the basis of disability, the District must make reasonable modifications to its policies, practices or procedures when the modifications are necessary to allow for such equal opportunity unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program or activity.

In general, the obligation to provide FAPE does not extend to extracurricular and nonacademic services unless a student's multidisciplinary team determines, as part of the team process, that the individual student requires participation in those activities or services to receive FAPE.

Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies which provide assistance to disabled students, and employment of student, including both employment by the District and assistance in making available outside employment.

If a student's multidisciplinary team decides that a student requires participation in a particular extracurricular or nonacademic activity to receive FAPE, that determination must be documented in the student's individualized 504 Non-Discrimination Plan. If a student's multidisciplinary team decides that the student does not need participation in extracurricular and nonacademic activities and services to receive FAPE, the team may still engage in discussion regarding a disabled student's right to have an equal opportunity to participate in extracurricular and nonacademic activities and may choose to document any supports or services the student will need for such participation in the student's 504 Non-Discrimination Plan, even though those supports or services will not constitute part of the offer of FAPE to that student.

### **Summer School**

For disabled students who do not qualify for extended school year services pursuant to the IDEA or Section 504, the District will ensure that qualified students with disabilities will have an equal opportunity to participate in the District's summer school programs, if offered.

For a particular student, the District may need to provide reasonable accommodations and modifications to the District's summer programs to give students with disabilities access unless those accommodations and modifications would fundamentally alter the nature of the summer programs.

Prior to the beginning of summer school, the District ensures that information regarding the educational needs of students with disabilities is provided to the relevant building administrator(s), summer school teachers(s), and/or other relevant summer school staff. The District further ensures that persons knowledgeable about the students' disabilities will determine whether qualified students with disabilities who plan to attend the District's summer school program need program modifications or accommodations in order to have an equal opportunity to participate in and benefit from the summer school programs.

### **Discipline of Section 504 Disabled Students**

Under Section 504, a disciplinary removal from a student's placement for more than 10 consecutive days constitutes a change of placement and requires that certain procedures be followed. When a student is suspended, out of school, for more than 10 consecutive days or when a student's short term removals constitute a pattern of exclusion as currently defined by the Individuals with Disabilities Education Act ("IDEA"), the District will, within 10 days of the date of the decision to change the student's placement,

convene a multidisciplinary team to determine if the student's act of misconduct is related to or a manifestation of his or her disability. The multidisciplinary team will apply the IDEA manifestation standard that is in place at that time. The parent will be invited to attend but is not a required participant.

If the team concludes that the student's misconduct is related to his or her disability, the District will not impose a long-term suspension or removal (over 10 school days) and/or will not impose additional days of suspension or removal beyond the time when a pattern is or was created.

If the team concludes that the student's misconduct is unrelated to his or her disability, the District's administrators will determine the appropriate discipline including, but not limited to, a long-term suspension or expulsion, based on the District's Code of Conduct. During the period of disciplinary removal, the District will not provide any educational services to the student unless it provides such services to its regular education students in similar circumstances.

A student is not considered to be disabled if he or she is currently engaged in the illegal use of drugs when the District is acting on the basis of that use. Therefore, when a student who had been determined to be 504 disabled is being disciplined for the current illegal use of drugs (including alcohol), that student will lose his or her 504 protection and will be disciplined as if he or she was a regular education student and no manifestation determination will be held.

For purposes of summer school discipline, the District may need to make program modifications or accommodations to its summer school discipline policy or practices to ensure that qualified disabled students have an equal opportunity to participate in such programs. Where the student's enrollment in summer school is involuntary and not part of the student's educational placement, suspension or dismissal from the program is not considered a change of placement and does not require a manifestation determination.

## **504 Procedures**

Students may be referred by parents and/or staff. The District will accept verbal or written referrals.

### **Parent Referrals**

Within 5 days of a parent/guardian verbal or written referral, the District will provide a copy of "Parent Section 504 Referral Form" (Form A) to the parent/guardian for completion. In addition to Form A, the District will also send to the parent a copy of "Parent Referral Response Letter" (Form B) and the Section 504 procedural safeguards.

Within 30 days of the parent/guardian's completion of Form A, the District will administratively decide whether, based on completed Form A and other available existing information, there is reason to suspect that the student may have a 504 disability.

If the District administratively determines that there is no reason to suspect that the student may have a 504 disability and that an initial/pre-placement evaluation is not warranted, the District will provide the parent/legal guardian with a Notice of Action (Form D) refusing the requested evaluation as well as an additional copy of the 504 procedural safeguards.



If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/pre-placement evaluation is warranted, please proceed to paragraph 11 below.

If the District administratively determines that there is reason to suspect that the student may have an IDEA disability, the counselor will provide the relevant information to the District's Special Education Administrator or other relevant personnel.

### **Staff Referrals**

If a District employee or contracted personnel is the referring party, the District will, within 5 days, provide a copy of the "Staff Section 504 Referral Form: (Form C) to the staff member for completion within 5 days.

Within 30 days of the staff member's completion of Form C, the District will administratively determine whether, based on Form C and other available existing information, there is reason to suspect that the student may have a 504 disability.

If the District administratively determines that there is no reason to suspect that the student may have a 504 disability, the District will document that decision on Form C and inform the staff member of that decision, but no further action will be necessary. The District and utilize general education interventions to address any needs that the student may have.

If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/pre-placement evaluation is warranted, please proceed to the paragraph below.

### **Post-Referral Procedures When Disability is Suspected**

If a parent or staff referral results in an administrative determination that there is reason to suspect a 504 disability, the District will convene a multidisciplinary team with 5 days of that administrative determination to conduct a Review of Existing Data on the student. The multidisciplinary team for a particular student should be comprised of persons knowledgeable about the student and the existing data such as District's 504 or building 504 coordinator or other person with decision-making authority regarding 504; the student's teacher(s), the school nurse, the building counselor and/or others. The parents are not mandatory participants, but should be invited to the meeting. Form E (Notification of 504 Meeting) should be used to invite the parent and other participants.

At this meeting, the team should review all existing relevant data and information, including data and information provided by the parent, and determine whether the existing data is sufficient to support the existence of a 504 disability and/or whether an evaluation is needed. The team should complete Form F to document the review of existing data process and the team conclusions.

If the team determines that existing data alone is sufficient to support the existence of a 504 disability and to make relevant programming decision, the team should complete Form G "504 Eligibility Determination Form." A copy of Forms F and G should be provided to the parent along with a second copy of the District's 504 procedural safeguards within 20 days of the completion of the meeting. The District also should provide the parent or guardian with a Notice of Action (Form D) describing the team's decisions.

If, after the review of existing data, the team determines that existing data demonstrates that the student *does not have a 504 disability or is suspected of having an IDEA disability*, the team should complete Form G “504 Eligibility Determination Form.” The District also should provide the parent or guardian with a Notice of Action (Form D) describing the team’s decisions. Completed copies of those Forms D, F and G should be provided to the parents, along with a copy of the 504 procedural safeguards, within a reasonable time after the meeting, but in no event more than 10 days after the meeting.

If the team determines that additional information including, but not limited to, formal assessment of observation is necessary to determine whether the student has a 504 disability or appropriate programming, the team should indicate on Form F (Review of Existing Data/Evaluation Plan Form) what additional information or assessments are needed for the student’s initial/pre-placement evaluation.

After the team decides that an initial/pre-placement evaluation is necessary, the District should provide the parent/guardian with a copy of completed Form F (Review of Existing Data/Evaluation Plan), a Notice of Action proposing an initial/pre-placement evaluation and Form H seeking the parent/guardian’s informed written consent to the initial/pre-placement evaluation.

The District will complete the initial/pre-placement evaluation and convene the team to determine whether the student has a 504 disability eligibility within 10 school days of receiving the parent/guardian’s written consent to evaluate. At that meeting, the team will review and consider all existing data information including data and information received from the parent and from the initial evaluation, and will, on the basis of that data and information, determine whether the student has a mental or physical impairment that substantially limits a major life activity. The team will complete Form G (Eligibility Determination Documentation) to document the results of the team’s decision. The District will provide the parent or guardian with completed copies of those forms within a reasonable time after the meeting, but in no event more than 10 days after the meeting. The District also should provide the parent or guardian with a Notice of Action (Form D) documenting the team’s decision.

### **Provision of FAPE Procedures**

If the student is determined to have a 504 disability, within 30 days of that decision, the District will convene a 504 multidisciplinary team to prepare an individualized 504 Non-Discrimination Plan for the student. The multidisciplinary team for a particular student should be comprised of persons knowledgeable about the student, the evaluation data and the placement options. The team may include such persons as District’s 504 or Building 504 Coordinator, the student’s teacher(s), the school nurse, the building counselor and/or others. The parents are not mandatory participants, but should be invited to the meeting. If appropriate, the student may also be invited. Form E (Notification of 504 Meeting) should be used to invite the parent and other participants.

At the meeting, the team should review Form I (504 Non-Discrimination Plan) and determine what, if any, programs, aids, services, supports, interventions or accommodations the student needs to receive a FAPE. For a particular student, the team may also need to consider whether the student requires related services to receive FAPE. If so, those related services, including the frequency and duration, should also be written in the Plan. The team should determine which District employee is responsible for monitoring implementation of the Plan.

Transportation may need to be considered, particularly if the team places the student in a program not operated by the District. In those situations, the District must ensure that adequate transportation to and

from those services is provided at no greater cost than would be incurred by parents or guardian if the student was placed in the District's programs.

If the parent/guardian makes a request from the team that the team or District refuses with respect to the provision of FAPE, the District should provide the parent/guardian with a Notice of Action (Form D) refusing the request and providing the reason for that refusal. The District should provide any relevant Notices of Action proposed or refused resulting from the 504 Plan meeting to the parent/guardian within the reasonable time, but in no event more than 10 days after the meeting.

Copies of or access to the completed 504 Non-Discrimination Plan (Form I) should be provided to all teachers and/or staff with implementation responsibilities. The District should also provide a copy of the plan to the parent within a reasonable time, but in no event more than 10 days after the meeting. The case manager is responsible for informing each staff member of his or her implementation responsibilities.

In general, the multidisciplinary team should anticipate at least an annual review of each individual student's accommodation plan although an annual review is not required. The team can meet more frequently if necessary to review and, if necessary, revise the Plan. The designated case manager is responsible for convening the team when necessary and/or appropriate and for responding to staff or parent requests to convene.

Each 504 student will have a designated case manager who will have the responsibility to ensure the completion of all necessary paperwork and who will serve as the primary contact person with the parent and student. The case manager also will be responsible to convene the team whenever necessary, to extend invitations to the parent to attend such meetings and to determine when a reevaluation is necessary.

Students with disabilities are entitled to an equal opportunity to participate in nonacademic and extracurricular services. However, the Office of Civil Rights has stated that such opportunities are not included within the definition of FAPE but instead are included with the law's discrimination prohibition. Since the 504 Non-Discrimination Plan is written to address FAPE issues, the team does not need to include within the Plan any accommodations that the student will need for this equal opportunity to participate. Parents and eligible students should be informed that those nondiscrimination issues may be addressed with the District's Section 504 Coordinator.

### **Transfer Procedures**

The District will request records from the sending school district, including copies of any 504 evaluations, eligibility determinations and accommodation plans with 2 school days of enrolling to Festus R-VI from another school district. The Building Coordinator, upon receipt of such records, will determine whether to accept the evaluation and 504 status and accommodation plan and will follow the procedures outlined in and complete Form J (504 Transfer Documentation Form) to document all decisions relating to transfers. If the building 504 coordinator determines that the eligibility determination might be incorrect, the coordinator will convene a 504 multidisciplinary team to discuss a reevaluation of the student. If the Building 504 Coordinator determines that the accommodation plan needs to be reviewed, the coordinator also will reconvene a 504 multidisciplinary team for that student. The parents will be invited to attend any such meetings, but are not required participants.

Building 504 Coordinators are responsible to contact the 504 Building Coordinator of other buildings and to discuss those students with 504 disabilities who will be transferring within the District and to determine whether a reevaluation is necessary and/or whether the student's 504 Plan needs to be revised to address the changing educational environment. If so, the student's multidisciplinary team should be convened to address reevaluation and/or a revised Plan. The parents will be invited to any such meetings but are not required participants.

When a student's team suspects that a 504 disabled student may no longer have a mental or physical impairment that substantially limits a major life activity, the case manager is responsible for convening the team to discuss a review of existing data/reevaluation to determine if the student continues to be disabled and entitled to FAPE. The parent will be invited to such meetings but is not a required participant. If the team concludes, after a review of existing data or reevaluation with assessment, that the student no longer is disabled, the team will prepare an evaluation and eligibility report that reflects that decision and will provide the parent with a properly completed Notice of Action (Form D) and a copy of the 504 procedural safeguards.

### **Reevaluation Procedures**

Section 504 requires "periodic reevaluations" of students and also requires a reevaluation prior to any significant change of placement. A significant change of placement may occur when *a student receives a long-term suspension or removal; when a student is subject to a series of short-term suspensions that, together, create a pattern of exclusion; when removal of a student's status as a disabled is being proposed; or when a student graduates with a regular diploma.*

When a reevaluation is necessary, the multidisciplinary team will convene to discuss and complete Form F (Review of Existing Data/Evaluation Plan). The team should then follow the procedures specified in the above paragraphs relating to initial or pre-placement evaluations.

Parent written consent is not required for periodic or other reevaluations.

### **Discipline Procedures**

In general, most 504 students should be expected to follow the District's disciplinary policies, rules, regulations and procedures and this should be noted by the team, when applicable, in the student's 504 Non-Discrimination Plan. When determining whether a student has a 504 disability, the multidisciplinary team should consider whether the impairment that is substantially limiting has a direct and substantial impact on a student's behavior and, if so, the team may consider conducting a functional behavioral assessment as part of the student's evaluation. If the team concludes that the substantially limiting impairment has a direct and substantial relationship to the student's behavior, the team should address that related behavior in the 504 Plan and should consider whether a behavior plan is necessary for the student to receive FAPE.

For suspensions of greater than 10 consecutive days or those cumulative short-term suspensions that constitute a pattern of exclusion as defined by the most current version of the IDEA, the team will convene to conduct a manifestation determination within 10 days of the date of the decision to change the student's placement through a disciplinary removal. The parent will be invited to participate but is not a required participant. The team should follow the procedures outlined in and complete Form K (504 Discipline/Manifestation Form).

If the team determines that there is no relationship between the disability and the behavior, the student will be treated the same as nondisabled students and can be suspended or expelled according to the District's Code of Conduct and the level of the offense. No services will be required or provided in this situation unless the District provides such services to its nondisabled students in the same or similar circumstances.

If the team determines that there is a relationship between the disability and the behavior, the student can be suspended for up to 10 consecutive days with no educational services or for any days that are less than a pattern of exclusion. If deemed necessary, the team may need to convene to determine if a change of educational placement may be needed or if the student should be referred under IDEA.

A student who is otherwise eligible under 504 but is currently engaged in the illegal use of drugs or alcohol and who is being disciplined for such use will lose his or her protection as an eligible student and will not be entitled to a manifestation determination and will be disciplined as if he or she were a nondisabled student.

### **504 PUBLIC NOTICE**

The Festus R-VI School District, as a recipient of federal financial assistance from the United States Department of Education and operates a public elementary or secondary education program and/or activity, is required to undertake to identify and locate every qualified person residing in the District who is not receiving a public education; and take appropriate steps to notify disabled persons and their parents or guardians of the District's duty.

The Festus R-VI School District assures that it will provide a free appropriate public education (FAPE) to each qualified disabled person in the District's jurisdiction regardless of the nature or severity of the person's disability. For purposes of Section 504 of the Rehabilitation Act of 1973, the provision of an appropriate education is the provision of regular or special and related aids and services that are designed to meet individual education needs of disabled persons as adequately as the need of nondisabled persons are met and are based on adherence to procedures that satisfy the requirements of the 504 Federal Regulations.

The Festus R-VI School District has developed a 504 Procedures Manual for the implementation of federal regulations for Section 504 of the Rehabilitation Act, Subpart D. This Procedure Manual may be

reviewed at the Roy Burnside Administration Building; 1515 Mid-Meadow Lane; Festus, MO 63028, Monday through Friday 8:15 am - 3:30 pm. The manual can also be viewed at the R-VI District Website, [www.festus.k12.mo.us](http://www.festus.k12.mo.us).

This notice will be provided in native languages as appropriate.