



SAYDEL COMMUNITY
SCHOOL DISTRICT

Section 504 Handbook

September 2023

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Purpose of Section 504 Handbook

The purpose of the Saydel Community School Section 504 Handbook is to provide community members, parents, students, and school staff with information regarding Section 504. The contents of the handbook are intended to inform the reader of program procedures and services.

Section 504 District Contacts

Building:	Coordinator of Section 504:	Email:
District Office	Katie Despotovich	despotovichkatie@saydel.net
Cornell Elementary	Jen Van't Hul	vanthuljennifer@saydel.net
Woodside Middle School	Amy Smith	smithamy@saydel.net
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What is Section 504

[Section 504 of the Rehabilitation Act of 1973](#) is the law that prohibits schools from discriminating against students with disabilities. Section 504 sets minimum standards for providing related services and aids to students with disabilities that substantially limit a major life activity. All accredited Iowa schools must comply with Section 504. Section 504 applies to elementary and secondary education, preschool and adult education, and private education.

Section 504 Definitions

Section 504 Definition of Disability

The meaning of "disabled student" under Section 504 was substantially broadened by the Americans with Disabilities Amendments Act of 2008, which became effective on January 1, 2009. Congress amended the ADA in 2008 in the following specific ways to create "clear, strong, consistent, enforceable standards" to broaden who qualifies as a "disabled person" under Section 504 and the ADA. Here is what the changes mean for schools:

1. Interpret the term "physical or mental impairment" broadly: The term "physical or mental impairment" is not limited to any specific diseases or categories of medical conditions;

- 2. Interpret the term "substantially limits" broadly:** An impairment need not prevent, or significantly or severely restrict a student in performing a major life activity to be considered "substantially limiting." Compare a student to his or her non-disabled age/grade peers to determine whether an impairment substantially limits a major life activity for the student;
- 3. Interpret the term "major life activities" broadly:** Just about any activity that is of importance to a school-aged student's daily life now qualifies as a "major life activity" under Section 504 and an impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability under Section 504 or the ADA;
- 4. Disregard mitigating measures used by a student:** Mitigating measures used by a disabled student to manage his or her impairment or lessen the impact of his or her impairment (e.g. medication, medical devices, related aids and services, etc.) should be disregarded when determining whether a student's impairment constitutes a disability under Section 504 or the ADA;
- 5. Consider whether a temporary impairment is a disability:** A temporary impairment (with an actual or expected duration of six months or less) is a disability under Section 504 and the ADA if it is severe enough that it substantially limits a major life activity for a student. The duration (or expected duration) of the impairment and the extent to which it actually limits a major life activity for a student should be the key considerations; and
- 6. Consider whether an impairment that is episodic or in remission is a disability:** An impairment that is episodic or in remission (e.g. epilepsy, cancer, bipolar disorder, etc.) is a disability under Section 504 and the ADA if it substantially limits a major life activity for a student when active.

Section 504 Definition of Appropriate Education

A free appropriate public education (FAPE) is an education that is designed to meet a disabled student's individual educational needs and is based upon procedures that satisfy Section 504's identification, evaluation, placement, and due process requirements. An appropriate education can consist of education in regular classes, education in regular classes with related aids or services, special education, or a combination of such services. The definition of related aids and services under Section 504 is broad and includes any service that a student needs to participate in and benefit from a district's education program. Related aids and services include but are not limited to the following: school health services; counseling; environmental, instructional, and behavioral accommodations; and transportation.

Section 504 Definition of Mental and Physical Impairment

Physical or mental impairment means any physical or mental disorder or condition. The definition of physical or mental impairment under Section 504 is broad, and includes students with life-threatening health conditions (conditions that will put a student in danger of death during the school day if a medication or treatment order and a nursing plan are not in place), and is not limited to any specific diseases or categories of medical conditions.

The determination of whether a student has a physical or mental impairment that substantially limits a major life activity must be made on the basis of an individual inquiry. A physical or mental impairment may be 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; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The list of specific diseases and conditions that may constitute a physical or mental impairment is not exhaustive.

Section 504 Definition of Major Life Activity

Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Major life activities also include other general activities such as eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating. In addition, major life activities include major bodily functions such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. The above list of major life activities is not exhaustive; a major life activity or function not specifically listed above may be a major life activity. For example, the ability to meet the standards of personal independence and social responsibility expected of one's age and cultural group is a major life activity for a school-aged student. In addition, the ability to participate in and benefit from school is a major life activity for a school-aged student

Section 504 or Special Education

The basic difference between an IEP and a 504 plan can be summed up in one sentence: both plans provide for accommodations, but only an IEP provides for specialized instruction for students in grades K–12 (or until the age of 21), while a 504 plan can serve students at both the K–12 and college levels.

Section 504	Both	IEP
<ul style="list-style-type: none"> ● Provides accommodations without instruction ● No age limits 	<ul style="list-style-type: none"> ● Free for parents ● Meets the child's needs ● Requires a disability and an evaluation process ● Provides accommodations 	<ul style="list-style-type: none"> ● Provides specially designed instruction, not just accommodations ● Has goals and progress monitoring ● Age limits to 21 or under

Section 504 and Individual Health Plans

The Federal Office of Civil Rights has made clear that a district may not forgo evaluating a student with asthma, food allergies, diabetes, or other health issues for Section 504 based on the fact that the student has an Individual Health Plan at school. If a district has reason to suspect that any student has a disability and may need accommodations or related services, it must determine eligibility under Section 504 and provide procedural safeguards.

Section 504	Individual Health Plan
<ul style="list-style-type: none"> ● Provides services, learning modifications, or accommodations to students determined to be eligible ● Under the umbrella of federal civil rights law ● A whole school process ● Eligibility is determined based upon the 	<ul style="list-style-type: none"> ● Provides health services to reach "desired" medical outcomes ● Under the umbrella of Iowa law ● A school nursing process ● Eligibility is determined based on the student having a health condition that requires routine

<p>student having a disability that impacts their success at school</p> <ul style="list-style-type: none"> • Services general education students • Services are written into a plan that is of contractual status 	<p>nursing services</p> <ul style="list-style-type: none"> • Serves both general education and special education students • Services are written into a plan
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Eligibility

A student qualifies for and is entitled to receive a free appropriate public education under Section 504 when a student has a physical or mental impairment that “substantially limits one or more major life activities.” The presence of the disability is *not* sufficient, in and of itself, to qualify a student as eligible; nor is a medical diagnosis. When a child is determined eligible, Section 504 ensures that accommodations and services are provided to remove barriers and allow equitable access.

Evaluation Process

Parental consent for evaluation is required. Without a signed parental/ guardian consent an evaluation will not be conducted. Section 504 requires that eligibility determination be made based on a careful review of information from a variety of sources. Some of these sources may be but are not limited to:

- Communication from health care professionals
- Information gathered from school records, observations, and student work
- Interviews, medical or hospital records
- Interview with the student’s teacher(s), parents, health providers, or mental health professionals who have evaluated the student
- Direct observations of the student

Understanding how the student functions in different settings can be important in formulating ideas for accommodations and services. Once this information is gathered, a determination of eligibility will be made and the team will get together to discuss appropriate accommodations and services.

Annual Reviews

All accommodation plans for students who are Section 504 eligible will be reviewed and updated on an annual basis. Parents/Guardians will be notified when the annual review is due and the 504 building lead will schedule a meeting to include the parent either in person or by speaker phone. If after repeated documented attempts to identify an agreeable meeting date and when within 5 days of the annual meeting due date, the meeting can be held without the parent and the parent will then be notified in writing of any decisions made.

During an annual review meeting, the team will:

- Review all accommodations and update/edit if needed
- Provide parents a copy of parental rights

- Provide parents with a copy of the current plan

Three-Year Reevaluations

Every three years, or sooner if there are significant changes in physical or mental health status, a Section 504 eligibility determination meeting will be scheduled. Before the team meeting, the Section 504 Building Coordinator will request and obtain information from parents and the team to determine if the Section 504 plan is still needed to best support the student. The Section 504 Coordinator may collect data such as:

- Parent interview
- Student interview
- Teacher input
- School nurse input
- School records
- Outside sources such as physician, counselor or psychologist

During the meeting, the team will complete the *Section 504 eligibility determination form* to insure continued eligibility for accommodations. If the team finds the student no longer eligible, the plan will be discontinued. If the team finds the student to continue to be eligible, they will continue the meeting as an annual meeting and update the accommodations/plan as necessary.

Decision Makers

Section 504 guidelines indicate that decisions should be made by an educational team. This team is to be composed of the school staff who are:

1. Knowledgeable of the student
2. Knowledgeable about the meaning of assessment data and;
3. Knowledgeable of placement options and able to commit district resources

Some members that may be present and part of the team could include:

- Parents
- Student
- School counselor/ 504 lead contact
- School nurse
- General education teacher
- Building administrator
- District office administrator

Parents should be invited to participate in this process. The Office of Civil Rights has ruled that parents have a special knowledge of their child's impairment and are uniquely positioned to provide information about the student. If a parent is scheduled to attend and does not appear at the meeting the team may proceed and notify the parent in writing regarding any decisions made. The student may also choose to be involved in the process, depending upon the age of the child, the nature of the disability, and the surrounding circumstances. Other individuals may participate on the team as necessary.

Parent Information

A *Guide to Section 504 of the Rehabilitation Act* is available through Heartland AEA at: <https://www.heartlandaea.org/app/uploads/2020/09/A-GUIDE-TO-SECTION-504-OF-THE-REHABILITATION-ACT-OF-1973.pdf>

This brochure should be provided to the parent at the time of inquiry about Section 504.

Support for Accommodations Request (SAR) Form

Students who receive Section 504 services, graduate from high school, and go on to an institution of higher learning may need accommodations at that setting. The Support for Accommodations Request (SAR) form has been developed as a tool for summarizing documentation from a student's secondary school experience. School staff can use this form to summarize relevant and useful information from a variety of sources (accommodation plans, assessments, reevaluations, high school records). The SAR can be used as the basis for verifying eligibility and supporting requests for accommodations, academic adjustments, and/or auxiliary aids at the post-secondary level. Completing this form can be helpful to students as they transition to a post-secondary setting.

Extracurricular Sports and Activities

A school district that offers extracurricular activities and sports must do so in such a manner as is necessary to afford qualified students with disabilities an equal opportunity for participation. This means school districts must make responsible modifications and provide accommodation that are necessary to ensure an equal opportunity to participate, unless the school district can show that doing so would be a fundamental alteration to its program. A school district may adopt bona fide safety standards needed to implement its extracurricular athletic program or activity. A school district, however, must consider whether safe participation by any particular student with a disability can be assured through reasonable modifications or the provision of accommodations.

Discipline

Students who are eligible for Section 504 accommodations and services, as well as services under the IDEA, are disciplined consistent with the IDEA. To discipline a student who is receiving Section 504 accommodations, but who is NOT receiving services under the IDEA, administrators need to conduct an analysis similar to IDEA, but it may have different results. In disciplining a student:

- The administrator needs to determine whether the student committed the infraction of which the student is accused;

- The student's team needs to determine whether the behavior was caused by the disability (manifestation conference).
 - If so, the student's team determines whether the accommodation plan is appropriate and whether the student needs a change in the plan.
 - If the team determines the behavior was not caused by the disability, the student is referred to the administration for discipline as a general education student.

Grievance Procedures

Step 1: Any person with a complaint or concern regarding a Section 504 Plan is encouraged to first talk with the Section 504 Building Coordinator and the building administrator.

Step 2: If the matter is not resolved, the grievant shall file a written complaint with the District Office Director that oversees Section 504 to attempt to resolve the complaint. The director shall meet with the complainant within 10 days of the written complaint unless the director requests in writing additional time necessary to dispose of the complaint. During the team meeting, the director will serve as a mediator and help the parents and the school consider and/or develop alternatives to the dispute.

Step 3: If the matter is not resolved following the meeting with the director, the parent then may request, in writing, a meeting with the Superintendent of Saydel Community School District. The superintendent must meet with the parents within 10 days of the written request unless the superintendent requests in writing additional time necessary to dispose of the complaint.

Step 4: if the matter is yet to be resolved, the complainant may contact the Office of Civil Rights (OCR). An external grievance procedure is always available. At no time shall the internal grievance procedure prevent a grievant from contacting the:

Iowa Civil Rights Commission Grimes State Office Building 400 E. 14th Street Des Moines, IA 50319-0201 515-281-4121 1-800-457-4416 Fax: 515-242-5840
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Forms

All of our Saydel Section 504 forms can be found on Heartland AEA's website:

<https://www.heartlandaea.org/educators/cia/section-504/forms-processes/>

[504 Plan Master Template](#)

[504 Parent Consent Form](#)

[Medical Release Form](#)

[504 Eligibility Form](#)

[Manifestations Determination Form](#)

[SAR Form](#)