

# Warrensburg R-VI School District



## Section 504 Manual

## TABLE OF CONTENTS

Introduction . . . . .	Page 1
Notice of Nondiscrimination . . . . .	Page 2
Section 504 – Overview and Definitions . . . . .	Page 3
Section 504 – Overview of Referral, Evaluation, Eligibility . . . . .	Page 7
Section 504 – Overview of Individual Accommodation Plan . . . . .	Page 9
Section 504 - Grievance Procedure and General Administration . . . . .	Page 10
Coordinators Responsibilities . . . . .	Page 13
General Provisions . . . . .	Page 14
Title IX Grievance Procedures . . . . .	Page 15
Section 504 Grievance Procedure . . . . .	Page 16
Appendix of Forms	
▪ Section 504 Procedural Safeguards . . . . .	Page 20
▪ Section 504 Contact Log . . . . .	Page 24
▪ Section 504 Checklist . . . . .	Page 25
▪ Section 504 Parent/Student Rights . . . . .	Page 26
▪ Section 504 Initial Referral Form . . . . .	Page 27
▪ Section 504 Evaluation Report and Eligibility Determination. . . . .	Page 28
▪ Section 504 Notice/Consent for Assessment. . . . .	Page 31
▪ Section 504 Notice of Action . . . . .	Page 32
▪ Section 504 Accommodation Plan. . . . .	Page 33

**Introduction**

Section 504 of the Rehabilitation Act of 1973 is a civil right statute which provides that: “No otherwise qualified individual with disabilities in the United States . . . shall, solely by reason of his/her 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 or under any program or activity conducted by any Executive agency or by the United States Postal Service.” (20 USC Section 794) This short paragraph has far reaching implications for all school districts receiving federal funds.

## **Notice of Nondiscrimination**

### **A. Anti-Discrimination Law Compliance**

As a political subdivision, employer, recipient of federal funds and educational institution, the Board of Education is prohibited from, and hereby declares a policy against, engaging in unlawful discrimination, including harassment creating a hostile environment, on the bases of race, color, religion, sex, national origin, ancestry, disability, age or use of leave protected by the Family and Medical Leave Act, in its programs, activities and with regard to employment. The Board is an equal opportunity employer.

Marital, maternal or paternal status shall not affect the rights and privileges of district students to receive an education. Those students are eligible to participate in all activities and receive all honors the same as any other students enrolled in the school district.

Warrensburg R-VI School District  
201 S Holden Street  
PO Box 638  
Warrensburg, MO 64093

## Section 504 – Overview and Definitions

Section 504 prohibits discrimination

Section 504 is a part of Public Law 93-112 known as the Rehabilitation Act of 1973. This law prohibits discrimination against all persons with disabilities, both students and employees, by agencies such as school districts receiving federal financial assistance. Section 504 of this law contains requirements including accessibility and employment practices concerning all persons with disabilities. Subpart A of Section 504 outlines eligibility criteria while Subpart D more directly addresses the needs of students with disabilities in an educational setting. Subpart D of Section 504 furnishes school districts an appropriate process for providing a free and appropriate public education (FAPE) for all students with disabilities at the preschool, elementary and secondary level.

Section 504 addressed students in public education

- The district conducts Child Find activities as required by law

---

To qualify under Section 504, the disability limits a major life activity,

Has mental or physical impairment which substantially limits one or more major life activity. (The term does not cover students disadvantaged by cultural, environmental, or economic factors).

Mental or Physical Impairment,

- A. 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, genitor-urinary, hemic and lymphatic; skin and endocrine; or
- B. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities

A minor or moderate limitation will not suffice. The question to ask yourself is: Is the student unable to perform a major life activity that the average student in the general population can perform.

## Section 504 – Overview and Definitions continued

To qualify under Section 504, cont'd

Substantial Limitation

The student must be significantly restricted as to the condition, manner or duration in which the individual can perform the major life activity compared to the condition, manner or duration under which the average person can perform that same major life activity.

Major Life Activities

Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. The disability need only substantially limit one of these activities in order to be eligible for accommodations, and services.

Non-Academic Services and Activities

Section 504 and the ADA require that students covered have equal opportunities to participate in extracurricular and other non-academic services and activities. Services such as counseling, transportation, physical education, recreational athletics, clubs, special interest groups, and other activities sponsored by the school must be accessible for students with disabilities.

Drugs

If the school staff suspects that a drug problem may be substantially limiting a major life activity, such as learning, the district is obligated to conduct an evaluation. If the evaluation verifies the existence of a disability which substantially limits a major life activity, the student would be considered disabled under Section 504.

However, individuals who are currently engaged in the use of illegal drugs would not be entitled to such an evaluation. Any student who is currently using drugs is not considered disabled under 504. The district is not required, under Section 504, to provide due process in disciplinary actions involving prohibited drug use or possession.

## Section 504 – Overview and Definitions continued

Discipline	A school district is entitled to enforce its rules provided the rules are enforced evenly with respect to all students.
• Due Process Rights	<p>If the student is eligible under Section 504, the district must evaluate the relationship between the behavior and the disability and afford the student his/her due process rights. If the results of the 504 Manifestation Determination conference is determined not to be related to the disability, the district is not required to provide 504 services.</p> <ul style="list-style-type: none"><li>• 504 requires a system of Parent/Child Rights that includes notice, an opportunity for the parents or guardian to examine relevant records, an impartial hearing with opportunity to be represented by counsel, and a review procedure</li><li>• If no hearings are provided, parents can request investigation by the Office for Civil Rights without district intervention and knowledge</li></ul>
• Manifestation	<ul style="list-style-type: none"><li>• A Manifestation Determination conference must be convened prior to implementing and/or recommending a long-term suspension.</li><li>• A “Manifestation Determination” must be made before suspending or expelling a 504 student for more than 10 days.</li><li>• The reevaluation may consist of a review of current educational, medical and disciplinary records.</li><li>• A significant change in placement requires written notice prior to initiation of the change. Expulsion or suspension of 10 days or more is considered a change of placement.</li><li>• 504 students do now have to be provided with FAPE during expulsion or suspension for behavior not related to the disability.</li></ul>
• Suspension	Section 504 provides certain protections when a student with a disability is suspended. If the proposed suspension or exclusion is permanent, indefinite, for more than ten (10) consecutive days, or creates a pattern of exclusion, and the action constitutes a significant change in placement, a reevaluation is required.

**Section 504 – Overview and Definitions continued**

Grievance Procedure

Districts must develop a grievance procedure for Section 504. Regulations also require a designated employee of the district as compliance officer.

Enforcement

Enforced by the U.S. Office for Civil Rights.



## Section 504 – Referral, Evaluation, and Eligibility Determination

### Referral

A student suspected of having a disability should be referred to the appropriate building level team so the problem or problems can be identified.

- Referrals may be made by the parent or the district.
- Section 504 regulations indicated that districts must evaluate a student only when it has reason to believe the student has a condition that substantially limits a major life activity. The district is not automatically obligated to complete an evaluation simply upon parent demand.

Alternative intervention strategies should be implemented as appropriate. In many cases, problems can be remedied and the student can be served in the regular classroom with appropriate teaching strategies or interventions.

- Alternative intervention strategies may be waived as determined by the building level team.
- Many students who are not disabled manifest educational difficulties at one time or another as a result of cultural, environmental or economic factors. It is the purpose of the building level team to screen the problem area(s) carefully to determine possible underlying disabilities.

---

### Screening

When the student is referred for possible consideration of evaluation, screening information is documented in all areas of functioning. This screening information is obtained from the regular classroom teacher and the building level team who reviews the student’s file prior to the implementation of any intervention strategies.

- Screening information is documented in the areas of vision, hearing, health (including motor), intelligence (including adaptive behavior), academics, social/emotional and speech/language.
- Parent information should be considered during the screening process, also
- Parents should be invited to participate as a member of the building level team.

## Section 504 – Referral, Evaluation, and Eligibility Determination continued

Outcomes

The screening information may indicate the need for further evaluation as determined by the building level team. It is expected that the evaluation process should not exceed 45 days to complete.

- Parent must sign a Consent for Initial Evaluation Notice prior to formal evaluation.

Sufficient evaluation information may already be available and the building level team determines that further evaluation is not required.

---

Eligibility Determination

As a result of information gathered through the screening process and/or formal evaluation the building level team may determine one of two outcomes.

- Student meets eligibility criteria to be determined disabled under Section 504 and a 504 plan is developed for the students.
- Student does not meet eligibility criteria to be determined disabled under Section 504.

---

Eligibility

It is the responsibility of school districts to evaluate all students who are suspected to have a disability as defined under 504 eligibility criteria.

- The determination of eligibility and what services are needed for 504 students must be made by a committee of school personnel who know the student, understand the meaning of the evaluation data, and are knowledgeable about accommodations and placement options. This group is responsible for reviewing the nature of the disability, determining how it affects the student’s education, and deciding what adjustments will be necessary. These decisions about 504 eligibility and needed services must be documented in the student’s file and reviewed periodically.

The school team will consider all current/pertinent information when making eligibility determination. Eligibility is determined through a district evaluation which may include an evaluation from an outside agency (doctor, psychiatrist, etc.) Any evaluation must address all areas of functioning (see section on evaluation), including information from a variety of sources and meet the evaluation standards of the district and Section 504.

## Section 504 – Overview of Individual Accommodation Plan

### Individual Accommodation Plan

#### Section 504 Individual Accommodation Plans:

- The nature of the disability and the major life activity limited
- Educational impact of the disability
- Outline specific accommodations, and who is responsible for implementation
- LRE and FAPE considerations
- Related services
- Names of the persons participating in plan development
- Date of plan
- Reviewed annually

Section 504 requires the plan be developed by a committee of person who:

- Know the student
- Understand the evaluation data
- Are knowledgeable about the placement options

The original building level team who worked with the student is the most logical group to develop and administer the Section 504 Individual Accommodation Plan.

Parents are invited to participate in the development of the plan. The Section 504 Plan is a legal document and must be implemented as *written* by the district.

---

### Accommodations

#### Accommodations should:

- Be tied to the identified impairment and substantial limitation

#### Accommodations should not:

- Be helpful suggestions that are routinely provided to all students i.e. assignment notebook, preferential seating
- Reduce expectations for students, but provide the types of accommodations that will compensate the disability.

## **Section 504 - Grievance Procedure**

Parents have a right to initiate the District’s “Section 504/ADA Grievance Plan.”

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against students with a disability. No discrimination against any student with a disability will knowingly be permitted in any of the programs or activities of the Warrensburg R-VI School District. To ensure the District’s compliance with Section 504 and the ADA, the following grievance procedures have been adopted:

### **GENERAL ADMINISTRATION**

**Policy 1310  
(Regulation 1310)  
(Form 1310)**

#### **Equal Opportunity**

#### **Civil Rights, Title IX, Section 504**

The District assures that it will comply with:

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance.

Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. The provisions of Title IX apply to students with regard to educational opportunities and freedom from harassment, employees with regard to employment opportunities and freedom from harassment, and to individuals with whom the District does business.

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

All regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

The District shall appoint an administrator(s) to assure compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. A District may designate only one employee to serve as both the Title IX and Section 504 Coordinator. In that case, the individual must assume the responsibilities of both coordinators. Those responsibilities are outlined in Regulation 1310.

It is the policy of the District to process all grievances in a fair and expeditious manner, with the intent of resolving them in a mutually agreeable manner. Regulation 1310 provides mechanisms for the resolution of grievances/complaints by employees, patrons and/or students relating to discrimination under Section 504 and Title IX.

This policy and the corresponding regulation do not pertain to the identification, evaluation or placement of students under Section 504. The topics of the identification, evaluation and placement of students under Section 504 are addressed in the following separate District policies and regulations: Policy and Regulation 2110 – Equal Education Opportunity, and Policy and Regulation 6250 – Instruction for Students with Disabilities.

For issues pertaining to freedom from harassment, refer to Policy and Regulation 2130 – Harassment, and Policy and Regulation 4810 – Sexual Harassment.

**GENERAL ADMINISTRATION**

**Regulation 1310  
(Form 1310)**

**Equal Opportunity**

**Civil Rights, Title IX, Section 504**

This Regulation outlines the responsibilities of Title IX and Section 504 Coordinators and provides mechanisms for the resolution of grievances/complaints by employees, patrons and/or students relating to discrimination based on sex under Title IX or disability under Section 504.

For appeal procedures relating to the identification, evaluation or placement of students under Section 504, see Regulation 2110 - Equal Education Opportunity.

**DEFINITIONS**

*Section 504* - Section 504 of the Rehabilitation Act of 1973.

*Title IX* - Title IX of the Education Amendments of 1972

*Grievance* - A complaint alleging a violation of (1) any District policy, procedure or practice covered by Title IX or Section 504, or (2) other federal or state civil rights laws, rules and regulations or Board of Education policy prohibiting discrimination on the basis of sex or disability - other than a complaint regarding a student's identification, evaluation or placement under Section 504. Section 504 programming for students is covered under separate District regulations (Regulation 2110 - Equal Education Opportunity, and Regulation 6250 – Instruction for Students with Disabilities).

*Federal and State Civil Rights Laws, Rules and Regulations* - The Constitutions of the United States and the State of Missouri, the Americans with Disabilities Act of 1990, and the Missouri Human Rights Act, and rules and regulations applicable thereto.

*Grievant(s)* - A student of the District, the parent/guardian of a student of the District, or a patron of the District, or an employee of the District, who submits a grievance.

*School District* – Warrensburg R-VI School District

*Section 504/Title IX Coordinator (Coordinator)* - The employee(s) designated to coordinate the District's efforts to comply with Section 504 and Title IX. This employee's responsibilities include receiving and facilitating the processing of complaints. The name of the Coordinator shall be identified in various District publications and shall be posted. If the grievance relates to an alleged wrongful act by the person(s) identified to hear the grievance, the grievant may request the Coordinator to assign a different employee to meeting the grievant.

*Day* - A working day. Saturdays, Sundays and school holidays shall not be included when calculating number of days in the grievance process. Unless otherwise noted, day will include summer vacation days, exclusive of Saturdays and Sundays.

**COORDINATOR’S RESPONSIBILITIES (Section 504 and Title IX Coordinator)**

1. Develop a Section 504 grievance procedure which provides for due process for use by students and staff; develop a Title IX grievance procedure for use by students and staff, provide information about the availability and use of the grievance procedure and maintain a record of all grievance problems and solutions.
2. Develop a job description for the Section 504 and Title IX Coordinator; inform District personnel of the Coordinator's responsibilities and assure periodic meetings to update staff on Section 504 and Title IX activities.
3. Provide ongoing review of District bulletins, catalogs, Board policies, counseling procedures, yearbooks, and administrative regulations and practices related to compliance with Section 504 and Title IX.
4. Ensure that annual notice of the Section 504 and Title IX Coordinator's name, address, and telephone number is placed in school catalogs, handbooks, etc. (See Form 1310.1)
5. Review student-sponsored organizations and suggest criteria for compliance with Section 504 and Title IX.
6. Become familiar with resources/information for assistance with LEA self-evaluation and remediation available from the Office for Civil Rights.
7. Develop a systematic procedure for monitoring compliance with Section 504 and Title IX.
8. Disseminate information about student rights in relation to Section 504 and Title IX.
9. Disseminate facility accessibility information to students and staff.
10. Assure that cooperative training agreements and/or LEA contracts have appropriate nondiscrimination statements.
11. Evaluate present treatment of practices relating to pregnant students to determine compliance with Title IX regulations.

## **GENERAL PROVISIONS**

The Coordinator shall receive complaints, actively and independently investigate the merit of those complaints, and assist the parties in resolution of those complaints. The Coordinator or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The Coordinator or designee will evaluate all relevant information and documentation relating to the grievance. The Coordinator may be utilized as a resource by any party at any level of the grievance procedures.

Students, parents of elementary and secondary school students, employees, applicants for admission and employment, and sources of referral of applicants for admission and employment with Warrensburg R-VI School District have the right to file a formal complaint alleging noncompliance with regulations outlined in Title IX or Section 504.

Relevant records shall be made available to the grievant to the extent appropriate under the particular circumstances of the specific complaint and as permitted by law.

The grievance procedures herein do not deny the right of the grievant to file formal complaints with other appropriate state or federal agencies, such as the Missouri Human Rights Commission, United States Department of Education office for Civil Rights, or the Equal Employment Opportunity Commission (employees only). Similarly, these procedures do not deny any right of the grievant to seek private counsel for complaints alleging discrimination.

In most instances involving a student under eighteen years old, the student's parent/guardian should participate in the hearing and resolution process.

No student or employee of the District shall intimidate, harass or retaliate against any person filing a grievance or any person participating in the investigation or resolution of a grievance.

If a grievance is taken to the Board of Education for a formal contested hearing, the parties shall have the right to be represented by legal counsel, to call and examine witnesses, to cross examine witnesses called by the opposing party, and to submit documentary evidence into the record.



## **TITLE IX GRIEVANCE PROCEDURE**

### **Level 1: Principal or Immediate Supervisor (Informal and Optional - may be bypassed by grievant.)**

Employees claiming sex discrimination may first discuss the grievance with their principal or immediate supervisor, with the object of resolving the matter informally. A student or parent with a sex discrimination complaint may discuss it with the teacher, counselor, or building administrator involved.

### **Level 2: Title IX Coordinator**

If the grievance is not resolved at Level 1 and the grievant wishes to pursue the grievance, it may be formalized by filing a complaint in writing on a Compliance Violation Form. This form may be obtained from the Title IX Coordinator. The complaint shall state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level 2 must be within fifteen (15) working days from the day of the event giving rise to the grievance or from the date the grievant could reasonably become aware of such an occurrence. The grievant may request that a meeting concerning the complaint be held with the Title IX Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. The Title IX Coordinator shall investigate the complaint and attempt to solve it. A written report from the Coordinator to the complainant regarding action taken will be sent within fifteen (15) working days after receipt of the complaint.

### **Level 3: Superintendent**

If the complaint is not resolved at Level 2, the grievant may proceed to Level 3 by presenting a written appeal to the Superintendent within ten (10) working days after the grievant receives the report from the Title IX Coordinator. The grievant may request a meeting with the Superintendent or his/her designee. The Superintendent or his/her designee has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Superintendent or his/her designee within ten (10) working days after receiving the written appeal.

### **Level 4: Board of Education**

If the complaint is not resolved at Level 3, the grievant may proceed to Level 4 by presenting a written appeal to the President of the Board of Education within ten (10) working days after the grievant receives the report from the Superintendent. The grievant may request a meeting with the Board of Education. The Board of Education has the option of meeting with the grievant to discuss the appeal. A decision will be rendered by the Board of Education at their next regularly scheduled meeting. The grievant will be notified in writing of the decision within ten (10) working days after the Board of Education action.

The procedure in no way denies the right of the grievant to file a formal complaint with the Missouri Civil Rights Commission, the Office for Civil Rights, or other agencies available for mediation or rectification of rights grievances, or to seek private counsel for complaints alleging discrimination.

**Regulation 1310**

**SECTION 504 GRIEVANCE PROCEDURE**

The procedures below must be utilized with regard to discrimination claims under Section 504. Claims relating to identification, evaluation, or educational placement must be challenged using the procedures outlined in Policy and Regulation 2110.

The District will take steps reasonably calculated to prevent the recurrence of discrimination and to remedy the discriminatory effects of discrimination of which it has notice.

**Level 1: Building Administrator (Informal and Optional - may be bypassed by Grievant)**

Many problems can be solved by an informal meeting with the parties and the building administrator. An individual with a complaint is encouraged to first discuss it with the teacher, counselor or building administrator involved, with the purpose of resolving the matter promptly and informally. Similarly, employees with a complaint are encouraged to first discuss the complaint with the building principal or immediate supervisor.

**Level 2: Section 504 Coordinator**

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance with the Section 504 Coordinator, which is the Assistant Superintendent of Student Services who can be reached at 201 S Holden St., Warrensburg, MO 64093, (660)747-7823. The written grievance must be filed with the Coordinator within fifteen (15) days of the event or incident giving rise to the grievance, or within fifteen (15) days of the date the grievant could reasonably have become aware of the event or incident.

Extensions of the fifteen- (15) day requirement will be granted if the grievant can establish good cause for the delay and the interests of justice and fairness so require.

The written grievance should include the following information:

1. The nature of the grievance - what is the event, incident or circumstance that is the reason for the complaint.
2. The remedy requested - what would the grievant like to see happen if the Coordinator were to sustain the grievance.
3. The grievant's signature and the date of the grievance.

The Coordinator shall have the authority to investigate all written grievances. The Coordinator may request that an independent investigator, who is not an employee of the District, be assigned by the District to conduct the investigation. When possible, the Coordinator shall work toward resolution of the grievance. This resolution shall be reduced to writing and signed by all parties. If the parties cannot agree on a resolution to the grievance, the Coordinator shall complete the investigation and make a determination regarding the merits of the complaint. The Coordinator shall notify the grievant and the Superintendent in writing of his/her determination within fifteen (15) days after receipt of the written grievance. The fifteen (15) days may be extended (1) at the request of the grievant,

**Regulation 1310**

(2) with consent of all parties, or (3) if the Coordinator is on vacation or is otherwise unavailable during the fifteen- (15) day period due to an emergency or other unforeseen circumstances.

If the Coordinator concludes that the allegations contained in the grievance have merit, the Coordinator shall make a recommendation to the Superintendent as to the appropriate action to be taken by the District. If the Superintendent agrees with the recommendation of the Coordinator, the grievance will be sustained, and the recommended remedial action will be implemented. The Superintendent may sustain the grievance, yet modify the recommended remedial action. The Superintendent shall notify all parties of his/her decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is otherwise unavailable during the five- (5) day period due to an emergency or other unforeseen circumstances.

If the Coordinator concludes that the allegations contained in the grievance are without merit, the Coordinator shall make a recommendation to the Superintendent that the grievance be denied. If the Superintendent agrees with the recommendation of the Coordinator, the grievance will be denied. The Superintendent shall notify all parties of his/her decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is other unavailable during the five-(5) day period due to an emergency or other unforeseen circumstances.

If the Superintendent disagrees with the recommendation of the Coordinator, whether sustaining or denying the grievance, the Superintendent shall state his/her reasons for disagreeing with the recommendation in writing, set out his/her conclusions and the reasons therefore, and notify all parties of the decision in writing within five (5) days of his/her receipt of the recommendation from the Coordinator. The five (5) days may be extended (1) at the request of the grievant, (2) with the consent of all parties, or (3) if the Superintendent is on vacation or is other unavailable during the five-(5) day period due to an emergency or other unforeseen circumstances. If the Coordinator or Superintendent is alleged to have violated this Policy, the grievant may request to bypass the respective individual.

**Level 3: Board of Education**

Any party aggrieved by the decision of the Superintendent or in disagreement with the proposed remedial action may make a written appeal to the Board of Education. Such written appeal shall be filed in writing with either the Superintendent or the Secretary of the Board of Education. Such written appeal must be filed within ten (10) days of receipt of the decision of the Superintendent. Extensions of the ten- (10) day requirement will be granted if the grievant can establish good cause for the delay and the interests of justice and fairness so require. Upon receipt of a written appeal, the District shall place the grievance on the agenda of the next meeting of the Board of Education following the fifth day after the appeal

**Regulation 1310**

is received, or at such Board meeting thereafter as may be agreed upon by the parties.

At the hearing before the Board, the parties shall have the right to be represented by legal counsel, to call and examine witnesses, cross-examine witnesses called by the opposing party, and to submit evidence into the record.

The Board shall render its decision within thirty (30) days. The Board shall report its decision in writing. All parties shall receive a copy of the decision.

The hearing before the Board of Education shall be considered a contested case for purposes of Chapter 536, Revised Statutes of the State of Missouri.

**Level 4: Circuit Court**

Any party aggrieved by the decision of the Board of Education may appeal the decision to the Circuit Court of the County, in accordance with Chapter 536, Revised Statutes of the State of Missouri, or to the applicable federal court.

**Other Options**

At any time during the grievance process, a grievant may file a complaint with the United States Department of Education, Office for Civil Rights (Kansas City, Missouri) or the Missouri Commission on Human Rights. Employee grievants may also file a complaint with the Equal Employment Opportunity Commission.

## Appendix

**STUDENTS**

**Regulation 2110**

**Equal Education Opportunity/Section 504 Procedural Safeguards**

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act were designed to eliminate discrimination on the basis of disability. To that end, Section 504 provides, in pertinent part, as follows:

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 . . .

A disabled person under Section 504 is defined as any person who has a physical or mental impairment that substantially limits one or more major life activities.

Pursuant to Subpart D of the 504 federal regulations, a recipient of federal financial assistance that operates a public elementary or secondary education program must establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of disability, need or are believed to need special instruction or related services, a system of procedural safeguards. The following is a description of the procedural safeguards or rights granted by federal law to students with 504 disabilities and/or their parents or legal guardians and to those students who are suspected of having a 504 disability and/or their parents or legal guardians. Parents/guardian of students who are suspected of or identified with a disability under the Individuals with Disabilities Education Act are provided with copies of the IDEA procedural safeguards unless those students have a separately identified 504 disability that is not addressed through an IEP.

**Parent and Student Rights Under Section 504:**

1. Parents/guardian and students have the right to be informed by the School District of their rights under Section 504. The purpose of these Procedural Safeguards is to advise you of those rights.
2. A student with a 504 disability has the right to a free appropriate public education. An appropriate education is defined as the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of the disabled person as adequately as the needs of nondisabled persons are met and are based upon adherence to 504 regulatory procedures.
3. The provision of a free education is the provision of educational and related services without cost to the disabled person or to his or her parents or guardian, except for those fees that are imposed on nondisabled persons or their parents or guardian. Funds available from any public or private agency may be used to meet this requirement. Under the law, insurers and other third parties are not relieved from an otherwise valid obligation to provide or pay for services for a disabled student.
4. A child with a disability has the right to take part in, and receive benefits from, public education programs without discrimination because of his/her disability.

5. The parents(s) or guardian of a child with a disability have the right to receive notice with respect to the identification, evaluation, or placement of the child.
6. A student with a disability has the right to receive services and be educated in facilities that are comparable to those provided to nondisabled students.
7. A student with a disability has the right to have evaluation, education and placement decisions made based on a variety of information sources, and by persons who know the student and are knowledgeable about the evaluation data and placement options. The student also has the right to be periodically reevaluated.
8. A student with a disability has an equal opportunity to participate in nonacademic and extracurricular activities offered by the District.
9. A student with a disability has the right to have transportation provided to and from an alternative placement setting (if the setting is in a program not operated by the District) at no greater cost to the parent/guardian than would be incurred if the student were placed in a program operated by the District.
10. The parents/guardian of a student with a disability or an eligible student (over the age of 18) have the right to examine all relevant records relating to decisions regarding the student's identification, evaluation and placement.
11. The parents/guardian of a student with a disability or an eligible student and/or the District have the right to request an impartial due process hearing relating to decisions or actions relating to the student's identification, evaluation, program or placement and the parents or guardian have the right to be represented by counsel in such hearings. The parents or guardian or eligible student and/or the District also have the right to a review procedure involving such hearings. The procedures for requesting an impartial due process hearing and the relevant review procedures are described below.
12. The parents/guardian of a student with a disability or an eligible student have the right to file a local grievance with the District for issues unrelated to the identification, evaluation, program or placement of the student. Board Policy 1621 describes the procedures for filing a grievance and can be requested by contacting: Assistant Superintendent for Student Services.

Persons who believe that the district is discriminating against eligible persons on the basis of disability may also file complaints with the District's Section 504 Coordinator and/or OCR, U.S. Department of Education, One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106. The Kansas City office's jurisdiction extends to the states of Kansas, Missouri, Nebraska, South Dakota, and Oklahoma. For a list of other regional offices and their coverage area, see [www.ed.gov](http://www.ed.gov).

The District's Section 504 Coordinator is the Assistant Superintendent for Student Services and may be reached at 201 S. Holden St., Warrensburg, (660) 747-7823.

## Due Process Appeal Procedures

This procedure should be used if the parent(s), legal guardian or eligible student intends to challenge actions the District proposes or refuses under 504 regarding the identification, evaluation, program or placement of a student with a disability. The District also has the right to initiate a 504 due process hearing regarding these same matters.

1. If a parent, legal guardian or eligible student intends to challenge the action proposed or refused by the District, the parent/guardian or eligible student must file a written Request for 504 Due Process Hearing within ninety (90) calendar days from the date of the District’s written notice of the proposed or refused action. A copy of this form is attached to these Procedural Safeguards. The Request for 504 Due Process hearing should be filed with the Assistant Superintendent for Student Services at 201 S. Holden St., Warrensburg, MO. If the District intends to initiate a Section 504 due process hearing, the District’s Section 504 Coordinator will complete the Request for a 504 Due Process Hearing within the same number of calendar days as specified above.
2. The Request for a 504 Due Process Hearing must state the specific circumstances, including all relevant facts, giving rise to the request for due process; the specific issues to be decided at the impartial due process hearing; and the relief being requested. The District will acknowledge, in writing, all parent/guardian requests for a due process hearing within fifteen (15) business days of receipt. If the District initiates the due process hearing, the District will inform the parent/guardian within fifteen (15) days of the District’s decision to so initiate.
3. The District will, within fifteen (15) business days of the District’s or parent/guardian’s receipt of the Request for a 504 Due Process Hearing, appoint and retain a single impartial hearing officer to hear and decide the due process request. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The District is not **Regulation 2110 Page 4** required to consult with the parent/guardian or eligible student with respect to the hearing officer appointment.
4. The parties to the hearing have the following rights:
  - a. The right to inspect all relevant records, including personally identifiable records of the student;
  - b. The right to be represented and advised by an attorney;
  - c. The right to present evidence and confront, cross-examine and compel the attendance of witnesses;
  - d. The right to obtain a record of the hearing; and
  - e. The right to obtain written findings of fact, conclusions of law and decision.



5. The parents or guardians have the right to open the hearing to the public; otherwise, it will be closed. The parents or guardian may elect to have the student present at the hearing.
6. The hearing officer must hold the hearing within 30 days of his/her appointment as hearing officer. This timeline may be extended upon the request of the party or parties and by agreement and order of the hearing officer.
7. Each hearing must be conducted at a time and place which is reasonably convenient to the District and the parents or guardian. The District's facilities will be presumed to be a reasonably convenient location but the parents or guardian may challenge this presumption with the hearing officer.
8. The party that requested the due process hearing may not raise issues at the due process hearing that were not addressed in the Request for a 504 Due Process Hearing unless the other party agrees.
9. The hearing officer shall render a final, written decision no later than 20 days following the completion of the hearing. A decision may be rendered after 30 days, if either party requests an extension of this timeframe, and for good cause shown. The decision of the hearing is final and binding, subject to the procedures outlined below.
10. The District is responsible for costs directly attributable to the provision of administration hearings described in these procedures, including compensation of the hearing officer, transcripts or recordings of the hearing, and other related expenses. The District is not responsible for the costs of legal counsel or other representative of the parent/guardian or eligible student or for the costs of producing or reproducing the evidence presented by the parent/guardian or eligible student.
11. Any timelines specified herein may be extended by agreement of the District and parent/guardian or eligible student or by order of the hearing officer.

Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to any court of competent jurisdiction.

Revised/Approved by BOE 03/18/2014



## Warrensburg R-VI *Section 504 Checklist*

- \_\_\_\_\_ 1. Initial Referral Form (2 pages) – parent or staff initiated
- \_\_\_\_\_ 2. Parent/Student Rights – Parent and building administrator must sign and date. Give a copy to parent.
- \_\_\_\_\_ 3. Consent for Assessment Form – Parent signature needed
- \_\_\_\_\_ 4. Summary of Screening Results (2 pages)– allow 7-10 days to route (aka – the bubble sheets)
- \_\_\_\_\_ 5. Evaluation & Eligibility Determination Report (5 pages)– completed with eligibility team; team participants’ signatures needed
- \_\_\_\_\_ 6. Parent/Student Rights – offer to parents again at “determination” meeting; show that their signed copy is on file
- \_\_\_\_\_ 7. Educational Accommodations Plan – eligibility team signatures required
- \_\_\_\_\_ 8. Copy Educational Accommodation Plan for all school employees involved with student
- \_\_\_\_\_ 9. Place *yellow* 504 indicator sheet in student’s permanent record
- \_\_\_\_\_ 10. Add *red* 504 indicator diamond to PowerSchool (Information→ Other Information→504 Alert at bottom of page→Submit)
- \_\_\_\_\_ 11. Document date of review (1 year from implementation)
- \_\_\_\_\_ 12. Notice of Action Form – allows release from 504 Plan

*Revised 2/2014*



**Warrensburg R-VI School District**  
201 South Holden, Warrensburg, MO • (660) 747-7823

**Referral Form**

Referral Date: \_\_\_\_\_ Referral Type: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

504 Case Manager: \_\_\_\_\_ Building: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Parent/Guardian: Name: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**Current Educational Program**

- Regular Education

**Nature of Your Concerns**

- Academic**
- Behavior**
- Social/Emotional**
  
- Developmental**
- Speech/Language**
  
- Visual**
  
- Physical**
  
- Hearing**
  
- Health**

**Interventions Attempted prior to Referral**

**Warrensburg R-VI School District**  
 201 South Holden, Warrensburg, MO • (660) 747-7823

**Section 504 Eligibility Determination Report**

Meeting Date: \_\_\_\_\_ 504 Type: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

504 Case Manager: \_\_\_\_\_ Building: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian: Name: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Parent/Guardian: Name: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: MO Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**The following sources of data were utilized in the evaluation of this student's Section 504 eligibility:**

- Grades
- School Records
- Parent Report
- Medical Reports
- Classroom Teacher(s) Report

**Based on the evaluation data gathered from a variety of sources, the Section 504 Team answered the following questions to determine Section 504 eligibility.**

**Does the student have a physical or mental impairment?**

The Section 504 regulations define a 'physical or mental impairment' as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems:

- 
- 

**504 Classroom Observation Form Results**

Total Number of Teachers completing 504 Classroom Observation Form |

Seeing	as good or better	weaker	significantly behind	NO
Hearing	as good or better	weaker	significantly behind	NO
Breathing History	as good or better	weaker	significantly behind	NO
Speaking	as good or better	weaker	significantly behind	NO
Walking	as good or better	weaker	significantly behind	NO
Caring for oneself	as good or better	weaker	significantly behind	NO
Performing Manual tasks	as good or better	weaker	significantly behind	NO
Eating	as good or better	weaker	significantly behind	NO
Sleeping	as good or better	weaker	significantly behind	NO
Standing	as good or better	weaker	significantly behind	NO
Bending	as good or better	weaker	significantly behind	NO
Lifting	as good or better	weaker	significantly behind	NO
Communicating	as good or better	weaker	significantly behind	NO
Concentration	as good or better	weaker	significantly behind	NO
Thinking	as good or better	weaker	significantly behind	NO
Reading Comprehension	as good or better	weaker	significantly behind	NO
Written Expression	as good or better	weaker	significantly behind	NO
Learning	as good or better	weaker	significantly behind	NO

**Does the physical or mental impairment affect one or more major life activities?**

If so, which major life activity or activities are affected? To fall within the protection of Section 504, a student's physical or mental impairment must have a substantial limitation (permanent or temporary) on one or more major life activities.

- 
- 
- 

**Does the impairment have an actual or expected duration of 6 months or more ?**

**Is the impairment mitigated by medication, mobility devices, hearing devices, etc.?**

Mitigating measures:

**Without mitigating (Medication, mobility devices, hearing devices, etc) does the impairment substantially limit a major life activity?**

Life activity affected by the impairment:

*Complete the Notice of Section 504 Eligibility Letter and 504 Change of Placement Notice.*

**Does the physical or mental impairment SUBSTANTIALLY limit a major life activity?**

*That is, as a result of the physical or mental impairment, is the student significantly restricted as to the condition, manner or duration under which the student can perform a particular life activity as compared to the condition, manner or duration under which the student of the same age/grade level in the general population can perform the same major life activity?*

Description of substantial limitation / activity or condition requiring accommodation:

Based upon the 504 Team's analysis of the evaluation data:

For Re-Evaluation:

- The student CONTINUES TO MEET criteria for eligibility under section 504.

Parent has been provided a written copy of Parents/Students Rights Under Section 504 on:

Section 504 Team		
Name	Role	Signature
	504 Coordinator	
	Business/Computer	
	Parent	
	Parent	





**Warrensburg R-VI School District**  
201 South Holden, Warrensburg, MO • (660) 747-7823

**504 Notice of Action**

Date of Notification: \_\_\_\_\_  
Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Ethnicity: \_\_\_\_\_  
504 Case Manager: \_\_\_\_\_ Building: \_\_\_\_\_ Grade: \_\_\_\_\_  
Name: \_\_\_\_\_  
Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

This notice is to inform you of the school district's intent as follows:

DESCRIPTION OF ACTION:  PROPOSED OR  REFUSED

TO:  Initiate OR  Change the following:

- Identification of your child as having a disability which requires services under Section 504/Title II
- Reevaluation to determine disability and nature, extent of services needed
- Educational placement
- Provision of Section 504
- Other:

Explanation of the proposal or refusal:

The team could deny the results of the evaluation; however, the team decided evaluation results were valid and were a true indicator

Reasons for the proposal or refusal:

Description of any options considered and reasons refused:

Description of each evaluation procedure, test, record, or report used as a basis for the proposed or refused action:

Description of any other factors relevant to the proposal or refusal:

Written notice of these actions is required at least 10 days prior to implementation unless agreement otherwise.

Parents have protection under Section 504/Title II procedural safeguards. If you have any questions regarding this notice or your rights, please contact: District/Agency: at phone number:

**Warrensburg R-VI School District**  
 201 South Holden, Warrensburg, MO • (660) 747-7823

**Section 504 Plan**

Referral Date: \_\_\_\_\_ Referral Type: \_\_\_\_\_ 504 Plan Dates: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

504 Case Manager: \_\_\_\_\_ Building: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**Section 504 Special Needs**

- The student has a mental or physical impairment that substantially limits one or more of his/her major life activities.
- The impairment substantially affects the student's overall performance at school in:
  - 
  - 
  -

**Describe the student's impairment and how the student's impairment substantially limits a major life activity.**

**Summarize the existing and/or evaluation data that supported the determination of 504 eligibility.**

**Section 504 Accommodations**

Specific Need	Accommodation that Addresses the Need	Person Responsible
Other health concerns		PE Teacher
Other health concerns		PE Teacher
Other health concerns		Teacher/Nurse
Other health concerns		Teacher
Other health concerns		Teacher/office
Other health concerns		Teacher

Any other accommodations or related services that will be provided to the student and individuals responsible for implementing said accommodations.

Section 504 Team			
Name	Role	Signature	Date
	504 Coordinator		
	Teacher		
	Parent		
	Parent		

**Parent/Guardian Statements:**

- I received a written notice of my rights under Section 504.
- I received notice of the Section 504 evaluation and accommodation plan meeting.
- I agree with the Section 504 Accommodation Plan as written.
- I understand that, if I disagree with the content of this Section 504 Accommodation Plan, I have the right to ask for a Section 504 review meeting by filing a written request with the school principal, 504 Coordinator, or designee.

\_\_\_\_\_

Print Name
Signature of Parent(s)/Guardian(s)
Date