



**BROOKFIELD R-III SCHOOL DISTRICT**

# **Section 504**

## **Manual**

*In compliance with Section 504 of the Rehabilitation Act of 1973*

*Adopted by the Board of Education  
August 15, 2023*

## **Introduction**

The Brookfield R-III School District complies with Section 504 of the Rehabilitation Act of 1973, a federal law designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. 29 U.S.C. § 794(a). The District also complies with Title II of the Americans with Disabilities Act which prohibits discrimination on the basis of disability in programs and activities of a public entity.

Eligible students under Section 504 will receive a free and appropriate public education which is defined per the Section 504 regulations as the provision of regular or special education and related services that are designed to meet the individual needs of the disabled student as adequately as the needs of nondisabled students based upon adherence to the procedures described in the 504 regulations. 34 CFR 104.33 (b).

## **Notice Of Non-Discrimination**

The Brookfield R-III School District does not discriminate on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law in its programs and activities and provides equal access to the Boy Scouts of America, the Girl Scouts of the United States or any other youth group designated in applicable federal law. The following person has been designated as the district's compliance officer to handle inquiries regarding the non-discrimination policies:

Director of Special Services  
Brookfield R-III School District  
124A Pershing Rd., Brookfield, MO 64628-9300  
Phone 660-258-2159; Fax: 660-258-2190  
E-mail: [dcarlson@brookfieldr3.org](mailto:dcarlson@brookfieldr3.org)

For further information on notice of non-discrimination, visit <https://ocras.ed.gov/contact-ocr> or call 1-800-421-3481.

## **District's Section 504 Coordinator**

The District has identified the following person to coordinate its efforts with compliance with Section 504. For inquiries regarding Section 504 referrals, process and implementation contact the District's Section 504 Coordinator, listed below:

Director of Special Services  
Brookfield R-III School District  
124A Pershing Rd., Brookfield, MO 64628-9300  
Phone 660-258-2159; Fax: 660-258-2190  
E-mail: [dcarlson@brookfieldr3.org](mailto:dcarlson@brookfieldr3.org)

The District Section 504 Coordinator, with input from the appropriate administrator(s), will designate an individual at each building level (such as the guidance counselor) to serve as the building-level Section Coordinator. This individual will assist in facilitating the Section 504 process at the building level, including but not limited to determination of eligibility, the development and implementation of individualized 504 plans, when appropriate, and communication with student, parent, and staff.

## 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 Brookfield R-III 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 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 an 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. When determining eligibility under 504, the multidisciplinary team should examine the impairment in comparison to students of the same age and/or grade level peers. This comparison should be determined based on the average student and not the student’s own level of personal potential.

Major life activities, as defined by Section 504, include – but are not limited to – activities such as walking, seeing, hearing, speaking, breathing, learning, working, caring for one’s self, bending, standing, thinking, concentrating, reading eating, sleeping, communicating and performing manual tasks. 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.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as the following:

medication; medical supplies, equipment, or appliances; low-vision devices (which do not include ordinary eye-glasses or contact lenses); prosthetics, including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable accommodations; auxiliary aids or services; learned behavioral or adaptive neurological modifications

The ameliorative effects of ordinary eyeglasses or contact lenses can be considered in determining whether an impairment substantially limits a major life activity.

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 annually completing public awareness activities through any/all of the following actions: published notice, student handbook notice, general distribution of written literature to all parents located in the jurisdiction, and posters/notices placed in all administrative offices.

Students who are suspected of having a 504 disability can be referred for evaluation by parents or District personnel who have knowledge or special expertise of the student. A copy of the 504 referral form can be obtained from the Director of Special Services or the building-level Section 504 Coordinator.

Before identifying a student as 504 disabled, the District is required to conduct an initial or preplacement 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 that 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/preplacement 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, psychologists or other professionals. If the District's multidisciplinary team concludes that such information is a necessary part of the initial/preplacement 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/preplacement 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 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 504, 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 Section 504 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 30 days of the date that a 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 maximum extent appropriate to the needs of the disabled student.

#### **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 the 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 outlines in the District's 504 procedural safeguards.

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

The District ensures that it will take steps to provide non-academic 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 or 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 Section 504 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 Section 504 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 teacher(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.

### **College/Dual Credit Courses**

Accommodations and modifications identified as necessary by the multidisciplinary team and included in the student's individualized Section 504 Plan will apply to all classes in which the student is enrolled. This would include college-level courses in which the student has applied to receive dual credit (earning both high school and college credit by meeting course requirements). Communication between the District and the involved institution(s) of higher education will occur annually to ensure coordination of required accommodations and that appropriate academic adjustments are made in college-level courses for all eligible students.

### **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 has 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 voluntary 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**

1. Students may be referred by parents or District personnel who have knowledge or special expertise of the student. The District will accept verbal or written referrals. All referrals will be directed to the attention of the Director of Special Services and/or the building-level Section 504 Coordinator.

**NOTE:** \*Section 504 timelines referenced throughout the following procedures/manual will pause during extended periods of school closure, including but not limited to, summer break, Christmas break, spring break, and other periods of extended closure.

### **Parent Referrals:**

2. Within 5 school days of a parent/guardian verbal or written referral, the building-level Section 504 Coordinator will provide a copy of the "Section 504 Referral Form" to the parent/guardian for completion. In addition to the Referral Form, the parent will also receive a copy of the Section 504 Procedural Safeguards.
3. Within 10 school days of the parent/guardian's completion/submission of the Referral Form, the District will administratively decide whether, based on the completed Referral Form and other available existing information, there is reason to suspect that the student may have a 504 disability. District personnel who will participate in the administrative determination will include but not be limited to the building level administrator(s), the Director of Special Services and the building-level Section 504 Coordinator.
4. If the District administratively determines that there is no reason to suspect that the student may have a 504 disability and that an initial/preplacement evaluation is not warranted, the Director of Special Services and/or building-level Section 504 Coordinator will provide the parent/legal guardian with a Section 504 Prior Written Notice refusing the requested evaluation as well as an additional copy of the Section 504 Procedural Safeguards.
5. If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/preplacement evaluation is warranted, please proceed to paragraph 12 below.
6. If the District administratively determines that there is reason to suspect that the student may have an IDEA disability, the relevant information will be forwarded by the Director of Special Services to appropriate special education personnel to initiate an initial special education evaluation following IDEA and District procedures.



### **Staff Referrals:**

7. If a District employee or contracted personnel is the referring party, the building-level Section 504 Coordinator will, within 5 school days, provide a copy of the "Section 504 Referral Form" to the staff member for their completion within 10 school days.
8. Within 10 school days of the staff member's completion/submission of the Referral Form, the District will administratively determine whether, based on the Referral Form and other available existing information, there is reason to suspect that the student may have a 504 disability. District personnel who will participate in the administrative determination will include but not be limited to the building level administrator(s), the Director of Special Services and the building-level Section 504 Coordinator.
9. If the District administratively determines that there is no reason to suspect that the student may have a 504 disability, the Director of Special Services and/or the building-level Section 504 Coordinator will document that decision on the Referral Form and inform the staff member of that decision, but no further action will be necessary. The District can utilize general education interventions to address any needs that the student may have.
10. If the District administratively determines that there is reason to suspect that the student may have a 504 disability and that an initial/preplacement is warranted, please proceed to paragraph 12 below.
11. If the District administratively determines that there is reason to suspect that the student may have an IDEA disability, the relevant information will be forwarded by the Director of Special Services to appropriate special education personnel to initiate an initial special education evaluation following IDEA and District procedures.

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

12. If a parent or staff referral results in an administrative determination that there is reason to suspect a 504 disability, the relevant information will be forwarded to the building-level Section 504 Coordinator who will convene a multidisciplinary team within 30 calendar 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. In addition to the building-level Section 504 Coordinator and a LEA representative that has the authority to commit agency resources and services, team participants may include (but are not be limited to) the student's teacher(s), the school nurse, the building counselor(s), the district school-based social worker, the building administrator(s), and the Director of Special Services. The parents are not mandatory participants, but should be invited to the meeting. The "Notice of Meeting: Section 504" form should be used by the building-level Section 504 Coordinator to invite the parent and other participants.
13. 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 building-level Section 504 Coordinator, with input of the team, should complete Section I of the "Review of Existing Data/Eligibility Determination Form" to document the review of existing data process and the team conclusions.
14. If the team determines that existing data alone is sufficient to support the existence of a 504 disability and to make relevant programming decisions, the building-level Section 504 Coordinator, with input from the team, should complete Section II of the "Review of Existing

Data/Eligibility Determination Form”. A copy of the Review of Existing Data/Eligibility Determination Form should be provided to the parent along with a second copy of the District’s Section 504 Procedural Safeguards within 20 calendar days of the completion of the meeting. The building-level Section 504 coordinator should also provide the parent or guardian with a Section 504 Prior Written Notice describing the team’s decisions.

- If, after the review of existing data, the team determines that existing data demonstrated that the student (1) does not have a 504 disability or (2) is suspected of having an IDEA disability, the building-level Section 504 Coordinator, with input of the team, should complete Section II of the “Review of Existing Data/Eligibility Determination Form”. The building-level Section 504 Coordinator should also provide the parent or guardian with a Section 504 Prior Written Notice describing the team’s decisions and detailing the ineligibility. Completed copies of the Review of Existing Data/Eligibility Determination Form and the Section 504 Prior Written Notice should be provided to the parents, along with a copy of the Section 504 Procedural Safeguards, within a reasonable time after the meeting, but in no event more than 20 calendar days after the meeting.
- 15. If the team determines that additional information including, but not limited to, formal assessment or observation is necessary to determine whether the student has a Section 504 disability, the building-level Section 504 Coordinator, with input from the team, should indicate on the “Review of Existing Data/Eligibility Determination Form” what additional information or assessments are needed for the student’s initial/preplacement evaluation.
- 16. After the team decides that an initial/preplacement evaluation is necessary, the building-level Section 504 Coordinator should provide the parent/guardian with a copy of the completed Review of Existing Data/Eligibility Determination Form, a Section 504 Prior Written Notice proposing an initial/preplacement evaluation and seeking the parent/guardian’s informed written consent to the initial/preplacement evaluation. A copy of the District’s Section 504 Procedural Safeguards should also be offered at the time written consent is obtained.
- 17. The building-level Section 504 Coordinator will serve as the District’s representative to oversee the completion of the initial/preplacement evaluation and will convene the team to determine whether the student has a 504 disability eligibility within 60 calendar days of receiving the parent’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 building-level Section 504 Coordinator, with input from the team, will complete the “Review of Existing Data/Eligibility Determination Form” to document the results of the team’s decision. The building-level Section 504 Coordinator will provide the parent or guardian with completed copies of the Review of Existing Data/Eligibility Determination Form a reasonable time after the meeting, but in no event more than 20 calendar days after the meeting. The building-level Section 504 Coordinator also should provide the parent or guardian with a Section 504 Prior Written Notice documenting the team’s decisions, as well as a copy of the District’s Section 504 Procedural Safeguards.

**NOTE:** The Review of Existing Data, Eligibility Determination Meeting, and drafting of a Section 504 Plan may all occur in one meeting, if appropriate, or the timelines included in the procedural guidelines may be followed if additional evaluation is needed.

### **Provision of FAPE Procedures:**

18. If the student is determined to have a 504 disability, within 30 calendar days of that decision, the building-level Section 504 Coordinator will convene a Section 504 multidisciplinary team to prepare an individualized Section 504 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. In addition to the building-level Section 504 Coordinator and a LEA representative that has the authority to commit agency resources and services, team participants may include (but are not be limited to) the student's teacher(s), the school nurse, the building counselor(s), the district school-based social worker, the building administrator(s), and the Director of Special Services. The parents are not mandatory participants, but should be invited to the meeting. If appropriate, the student may also be invited. "Notice of Meeting: Section 504" form should be used by the building-level Section 504 Coordinator to invite the parent and other participants.
19. At the meeting the team should review the "Section 504 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 into the Plan. The building-level Section 504 Coordinator will be responsible for monitoring implementation of the Section 504 Plan.
20. If the parent/guardian makes a request from the team that the team or District refuses with respect to the provision of FAPE, the building-level Section 504 Coordinator should provide the parent/guardian with a Section 504: Prior Written Notice refusing the request and providing the reason for that refusal. The building-level Section 504 Coordinator should provide any relevant Prior Written Notices proposed or refused resulting from the 504 Plan meeting to the parent/guardian within a reasonable time, but in no event more than 20 calendar days after the meeting.
21. Copies of or access to the completed Section 504 Plan should be provided to all teachers and/or staff with implementation responsibilities. The building-level Section 504 Coordinator should also provide a copy of the plan to the parent within a reasonable time, but in no event more than 20 calendar days after the meeting. The building-level Section 504 Coordinator is responsible for informing each staff member of his or her implementation responsibilities.
22. 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, when determined appropriate by the team, revise the Section 504 Plan. The building-level Section 504 Coordinator is responsible for convening the team when necessary and/or appropriate and for responding to staff or parent requests to convene.
23. The building-level Section 504 Coordinator will serve as the 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 building-level Section 504 Coordinator 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.
24. 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 Section 504 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 Compliance Officer.

25. Accommodations and modifications identified as necessary by the multidisciplinary team and included in the student's individualized Section 504 Plan will apply to all classes in which the student is enrolled. This would include college-level courses in which the student has applied to receive dual credit (earning both high school and college credit by meeting course requirements). Communication between the District and the involved institution(s) of higher education will occur annually to ensure coordination of required accommodations and that appropriate academic adjustments are made in college-level courses for all eligible students.

### **Transfer Procedures:**

26. **Out-of-District Transfers** (students with an existing 504 plan who transfer to the Brookfield R-III School District from another school district):

Within 2 days of enrollment, the District will request records from the sending school district, including copies of any Section 504 evaluations, eligibility determinations and accommodation plans. The building-level Section 504 Coordinator, upon receipt of such records and in consultation with the building administrator(s), will determine whether to accept the evaluation and 504 status and accommodation plan and will document all decisions relating to transfers. If the building-level Section 504 Coordinator determines that the eligibility determination might be incorrect, the building-level coordinator will convene a Section 504 multidisciplinary team to discuss a reevaluation of the student. If the building-level Section 504 Coordinator determines that the accommodation plan needs to be reviewed, the building-level 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. If it is determined that no changes are warranted, the building-level Section 504 Coordinator is responsible for informing each staff member of his or her implementation responsibilities.

27. **Building-to-Building Transfers:**

Before the end of each school year, each building-level Section 504 Coordinator is responsible to contact the building-level Section 504 coordinators of other buildings to discuss those students with 504 disabilities who will be transferring to another building within the District. A determination will be made at that time whether a reevaluation is necessary and/or whether the student's Section 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 Section 504 Plan. The parents will be invited to the multidisciplinary team meeting, but are not required participants.

### **Removal of Eligibility:**

28. 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 building-level Section 504 Coordinator 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 a Review of Existing Data/Eligibility Determination Form that reflects that decision and will provide the parent with a properly completed Section 504 Prior Written Notice and a copy of the Section 504 Procedural Safeguards.

### **Reevaluation Procedures:**

29. Section 504 requires “periodic reevaluations” of students. At a minimum of once every 3 years, the building-level Section 504 Coordinator will reconvene the multidisciplinary team to determine if a reevaluation is warranted. The building-level Section 504 Coordinator will complete appropriate documentation of the team’s decision regarding the need for a reevaluation.

Section 504 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 or a student’s status as a disabled student is being proposed, or when a student graduates with a regular diploma.

30. When a reevaluation is necessary, the multidisciplinary team will convene to discuss and complete the “Review of Existing Data/Eligibility Determination Form”. The team should then follow the procedures specified in paragraphs 12 through 18 above relating to initial or preplacement evaluations.
31. Parent written consent is **not** required for periodic or other reevaluations.

### **Discipline Procedures:**

32. 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 Section 504 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 include that related behavior in the Section 504 Plan and should consider whether a behavior plan is necessary for the student to receive FAPE.
33. For suspensions of greater than 10 consecutive days or those cumulative short-term suspension 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 the “Section 504 Manifestation Determination Review Form”.
34. 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.
35. If the team determines that there is a relationship between the disability and the behavior, the student can be suspended for up through 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.
36. 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.

### **Procedural Safeguards**

**NOTE:** Parents are a key participant of the Section 504 process. Parents and eligible students (18 years and older) will be provided Section 504 Procedural Safeguards, at a minimum, upon initial evaluation, before provision of the initial Section 504 plan, annually, and upon a significant change of placement, or upon request.

Brookfield R-III School District  
**Section 504 Referral Form**

Name of person making referral:

Relationship to Student:

Date:

**Student Information**

Name of Student:

Date of Birth:

Grade:

School Attending:

**REASON FOR REFERRAL**

Provide the reason for referring this student for a Section 504 evaluation:

**MEDICAL INFORMATION**

Does the student have any medical conditions or diagnoses:  
\* Note: A medical diagnosis is not required to support the existence of a 504 disability.

Diagnosis:

Diagnosed By:  
Date:

Is the student on any medication(s)? (Please list the medication and impact on the student)

Has the student ever had an IEP, 504 or other educational support plan? If yes, please describe:

\_\_\_\_\_  
Signature of Person Making Referral

\_\_\_\_\_  
Date

**For School Use Only**

Date Referral Received:

Person Receiving:

District Action:

- IDEA Disability Suspected – Refer to Special Education Department
- 504 Disability Suspected – Convene Team to Conduct Review of Existing Data
- No Disability Suspected – Provide Parent with Prior Written Notice and Safeguards

Date of District Action:



Brookfield R-III School District  
**Review of Existing Data/Eligibility Determination Form**

**SECTION I – REVIEW OF EXISTING DATA**

**STUDENT INFORMATION**

**Student's Name:**  
**Attending School:**  
**Date of Meeting:**  
**Counselor/Case Manager:**

**DOB:**  
**Grade:**

This 504 data review is being conducted as part of:

- A 504 initial evaluation
- A 504 periodic reevaluation
- Other:

In conducting this review, the student's 504 team reviewed the following existing data: (Detail information reviewed and a summary of information. Consider: general screenings, prior district assessments, medical reports, parent input, teacher input, and any other relevant information).

Information Reviewed/Summary of Information:

## **TEAM CONCLUSIONS AND DECISIONS**

Based upon the review of existing data, the team made the following decisions:

**No additional data is needed**

**Initial Evaluation**

- Existing data is sufficient to determine if student is a person with a disability as defined by Section 504 and if eligible to determine the aids, services, supports, interventions or accommodations to be deemed necessary by the team for the provision of FAPE. (Continue to Section II)

**Periodic Reevaluation**

- Existing data is sufficient to determine if the student continues to be a person with a disability as defined by Section 504 and to determine the aids, services, supports, interventions or accommodations to be deemed necessary by the team for the provision of FAPE. (Continue to Section II)

**Additional data is needed**

**Initial Evaluation**

- Existing data is **not** sufficient to determine if student is a person with a disability as defined by Section 504 and an evaluation is necessary.

**Periodic Reevaluation**

- Existing data is **not** sufficient to determine that the student continues to be a person with a disability as defined by Section 504 and a reevaluation is necessary.
- Existing data is sufficient to determine that the student continues to be a person with a disability as defined by Section 504 but a reevaluation is necessary to determine what aids, services, supports, interventions or accommodations are necessary for the provision of FAPE.
- Other: (Specify)

**If additional data is necessary, please indicate the additional data to be obtained:**

\*For evaluations where additional data is necessary, provide the parent with Prior Written Notice showing intent to evaluate and requesting written parent consent evaluation.

\*Gather additional data and re-convene team within 60 calendar days of parental consent for evaluation to review evaluation results and determine eligibility (Section II)

The following individuals constituted the members of the multidisciplinary team who met and/or conferred, conducted the review of existing data and made the above determination on \_\_\_\_ (m/d/y)

**Names**

**Role**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

# Review of Existing Data/Eligibility Determination Form

## Section II - Eligibility Determination

Date of Eligibility Determination Meeting:

Is this determination being made based upon review of existing data or upon review of additional data gathered as part of an evaluation with assessment?

Check One:

review of existing information only       additional evaluation with assessment

If this decision is based upon an evaluation with assessment, summarize the data gathered in the evaluation process:

### **Eligibility Determination:**

A student entitled to a free appropriate public education under Section 504 is a student who has a physical or mental impairment which substantially limits one or more of such person's major life activities. 29 U.S.C. § 705(20)(B)

#### **MENTAL OR PHYSICAL IMPAIRMENT**

Does the student have a mental or physical impairment?  Yes       No

List each identified impairment. *Note:* A formal diagnosis is not required for consideration of or for 504 eligibility.

Are any of the student's identified or suspected impairments episodic or in remission?

Yes       No

If Yes, state which of the identified or suspected impairments is episodic or in remission and describe the frequency of the appearance of the impairment's symptoms or characteristics.  
*Eligibility must be considered when the impairment is active:*

### MAJOR LIFE ACTIVITIES

Would the student's identified or suspected impairment(s) limit any of the following major life activities if the student does not or did not have mitigating measures in place?

Yes     No

If so, please check which of the following major life activities is or may be limited by the impairment(s). *Note: This list is not exhaustive):*

<input type="checkbox"/> Caring for One's Self	<input type="checkbox"/> Learning	<input type="checkbox"/> Eating
<input type="checkbox"/> Hearing	<input type="checkbox"/> Thinking	<input type="checkbox"/> Speaking
<input type="checkbox"/> Walking	<input type="checkbox"/> Concentrating	<input type="checkbox"/> Sleeping
<input type="checkbox"/> Bending	<input type="checkbox"/> Reading	<input type="checkbox"/> Communicating
<input type="checkbox"/> Standing	<input type="checkbox"/> Seeing	<input type="checkbox"/> Major Bodily Function
<input type="checkbox"/> Interacting with others	<input type="checkbox"/> Performing Manual Tasks	<input type="checkbox"/> Other:

## Substantial Limitation

Determine whether the limitation on a major life activity is substantially limiting (without the effects of mitigating measures). In making this determination, the student should be compared to the average student of the same age/grade in the population.

After discussion by the team, check where on this scale, compared to the average student of the same age the level of impact the impairment has on the major life activity:

Impairment:

Level of impact on major life activity (check one):

Average Population

- Mild       Moderate       Substantial

*If the team determines that the limitation on the student is between average to moderate, they are not a student with a disability under Section 504. If the limitation on the student is substantial, then the student is eligible under Section 504.*

### ELIGIBILITY DETERMINATION

- Student is eligible as a student with a disability under Section 504 (Proceed to consideration of Section 504 Plan)
- Student is not eligible as a student with a disability under Section 504 (Provide Prior Written Notice to Parent and Procedural Safeguards detailing ineligibility)

**Eligibility Team Participants**

Name

Role

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

<b>Procedural Safeguards</b>	
Date 504 Procedural Safeguards Were Provided/Offered to Parent or Legal Guardian:	
Method of Provision:	Who Presented:

Brookfield R-III School District  
**Section 504 of the Rehabilitation Act of 1973**

**Section 504 Plan**

Name:	Date of Birth:
School:	Grade:
Parent/Guardian:	Phone:
Case Manager:	Date of 504 Plan Meeting:

Impairment(s) which substantially limit a major life activity:

Major life activity/(ies) impacted:

\*An eligible student with a disability under section 504 is entitled to 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 are met and are based upon adherence to Section 504 regulatory procedures. The following regular, special education, and/or related services (“accommodations”) have been determined by a team knowledgeable about the student to be needed to meet the individual needs of this student.\*

Accommodation	Implementation Detail



This student also has the following plan in place (or is only in need of the following plan) to meet their individual needs which is incorporated herein and attached hereto and also subject to the procedural protections of Section 504:

- Behavior Plan
- Health Plan
- Food Allergy Plan
- Diabetes Management Plan
- Transportation Plan
- Other:

Members of the team involved with the development of this plan include:

Name:

Role:

Name:	Role:

## **Section 504 Annual Review Meeting**

### **STUDENT INFORMATION**

Student's Name:

DOB:

School:

Grade:

Date of Meeting:

Case Manager:

This 504 data review is being conducted as part of the student's annual review meeting. In conducting this review, the student's 504 team reviewed the following existing data:

***Parent Input (effectiveness of previous plan, concerns, areas of need):***

***Teacher Input (include input from previous teacher(s) about the need, effectiveness, and utilization of accommodations by student, and input from teachers for the applicable school year during which plan will be in place regarding accommodations in their classroom):***

***Other input (nurse, medical input, student input, etc.):***

***\*Based on consideration of all factors, draft an updated and current Section 504 plan or refer for re-evaluation if additional information is needed***

## **TEACHER INPUT FORM**

The District is gathering information regarding the following student to determine if the student is eligible as a student with a disability under Section 504 of the Rehabilitation Act of 1973 and/or if a written plan of accommodations and modifications is needed under Section 504. Please complete this form at your earliest opportunity.

Student's Name:

Grade::

Medical or Physical Impairment:

*\*When answering these questions, compare the student to the average student of the same grade\**

Describe any concerns for this student related to the classroom, academic performance, and/or functional skills as applicable:

To what degree does their impairment impact classroom behaviors:

- Negligible/none
- Mild
- Moderate
- Substantial

To what degree does their impairment impact academic skills?

- Negligible/none
- Mild
- Moderate
- Substantial

Describe concerns for the student pertaining to study skills and organization:

Have you implemented any interventions, accommodations or strategies for this student? If so, describe:

Current grade in class:

Any other relevant information you want the team to consider:

**Notice of Meeting: Section 504**

Date:

To [Parent/Guardian or Adult Student age 18+]:

This notification is to inform/confirm that a meeting has been scheduled for:

Date:

Time:

Location:

Meeting Purpose (check all those that apply):

- To review existing data as part of an initial or reevaluation related to Section 504 eligibility
- Consider initial or continued eligibility under Section 504
- Develop or review 504plan
- Conduct a manifestation determination
- Other:

The following individuals have been invited to participate in the meeting (list name and role of each individual):

Name:

Role:

Name:	Role:

If you are unable to attend this meeting, please contact me at \_\_\_\_\_ as soon as possible in order to reschedule this meeting.

Sincerely,

\_\_\_\_\_  
Name/Role

\_\_\_\_\_  
Date

***Section 504***  
**Prior Written Notice**

Name:	Date of Birth:
School:	Grade:
Parent/Guardian:	Phone:
Case Manager:	Date:
Method of Notice Delivery:	Date Procedural Safeguards were Provided/Offered:

Under Section 504 of the Rehabilitation Act, the District is required to provide you with written notice regarding the changes or refusals relating to identification, evaluation, or educational placement of your child. The following is to describe the action(s) being:

- Proposed -OR-
- Refused by the District

[Check those that apply]:

- Initial evaluation
- Initial evaluation with additional assessment
- Initial eligibility
- Reevaluation
- Significant change of placement
- Change to 504 accommodations/services
- Implementation of initial 504 plan
- Other: \_\_\_\_\_

**Explanation of the Action:**

**Basis for the Action and Factors Considered:**

\_\_\_\_\_

Name/Role

\_\_\_\_\_

Date

\*\*\*\*\*

**Parent Consent**

\*I [parent/guardian/adult student] consent to the action described above and would like the action carried out immediately from the date of my written consent as indicated by my signature below.

\_\_\_\_\_

Parent Signature

Date of written consent: \_\_\_\_\_

\*Alternatively, if I do not give my consent to the action above to take effective immediately, the proposed action detailed herein will go into effect in (10) ten calendar days from the date of this notice unless I exercise my procedural rights within ten calendar days of the date of this notice.

## **Section 504 Manifestation Determination Review Form**

Student's Name:

DOB:

Grade:

School:

Date of Meeting:

### **Student's Section 504 Disability:**

**Conduct subject to disciplinary action** (with attached discipline documentation):

### **Number of days of suspension:**

The team members, including the parent, have reviewed all relevant information, including evaluation data, information regarding the disciplinary offense, relevant observations, the current 504 and placement, previous discipline history, and other relevant information and input provided by staff and/or parents. Based on the review of all applicable information, the team makes the following conclusions:

**Was the conduct in question caused by, or directly and substantially related to, the student's Section 504 disability?**

YES     NO

**Summary of team's reasoning:**

**Was the conduct in question the direct result of the school's failure to implement the student's 504 Plan?**

YES     NO

**Summary of team's reasoning:**

\*If the team checked "yes" to either of the questions above, the student cannot be suspended, and must be returned to their current placement unless the team agrees a change of placement is warranted or another lawful exception applies. If the team checks no to both questions, the student can be suspended in the same manner as their nondisabled peers.

**Brookfield R-III School District  
Procedural Safeguards Statement**

**Notice of Parent and Student Rights Under Section 504 of the  
Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) prohibit discrimination based on disability. This district has adopted policies and procedures to ensure compliance with both Section 504 and the ADA.

An eligible student under Section 504/ADA is a student who (i) has, (ii) has a record of having, or (iii) is regarded as having, a physical or mental impairment which substantially limits one or more major life activities. Eligible students are entitled to non-discrimination protection, and any appropriate services.

The District has identified the following person to coordinate its efforts with compliance with Section 504. For inquiries regarding Section 504 referrals, process and implementation contact the District's Section 504 Coordinator, listed below:

Denise Carlson, Director of Special Services  
Brookfield R-III School District  
124A Pershing Rd.  
Brookfield, MO 64628  
660-258-2159  
dcarlson@brookfieldr3.org

Parents and/or students have the following rights under Section 504:

1. The right to a free and appropriate education designed to meet the student's needs as adequately as non-disabled students. The term "free" excludes fees that are imposed on non-disabled students.
2. The right to be education in facilities and receive services comparable to those provided to nondisabled students.
3. The right to an evaluation prior to an initial placement or any significant change in placement.
4. The right to an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
5. The right to an evaluation, if appropriate, includes an evaluation of data from a variety of sources, including cumulative data information, attendance records, discipline data, report card grades, curriculum based assessments, informal teacher observations, parent/student input, medical information and other sources as appropriate. Testing and other evaluation procedures will comply with Section 504 requirements in regards to validation, administration, and areas of evaluation.
6. If eligible, the right to placement determined by a group of persons with knowledge of (1) the child, (2) the meaning of the evaluation information and data and (3) the placement options, including the legal requirements for placement in the least restrictive environment.



7. The right to a periodic reevaluation, generally every three years.
8. Notice prior to any action by the district in regard to the identification, evaluation or placement under Section 504.
9. An opportunity to review relevant records.
10. The right to an impartial hearing with respect to the district's actions regarding identification, evaluation, or educational placement. In addition, the right to parent participation in the hearing and the right to representation by an attorney, at your own expense, if desired. (See 504 Due Process Appeal Procedures set forth Below)
11. The right to file a grievance with respect to alleged disability discrimination with the district's designated Compliance Officer.

Compliance Officer for claims of Disability Discrimination:

Denise Carlson, Director of Special Services  
Brookfield R-III School District  
124A Pershing Rd.  
Brookfield, MO 64628  
660-258-2159  
dcarlson@brookfieldr3.org

12. The right to file a complaint with the U.S. Department of Education, Office for Civil Rights. The contact information is:

Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, Missouri 64106  
Telephone: (816) 268-0550  
Fax: (816) 268-0559  
Email: OCR.KansasCity@ed.gov

### **Section 504 Due Process Appeal Procedures**

1. If parents/guardians, or eligible student, intend to challenge an action proposed or refused by the School District related to the identification, evaluation, placement or provision of Section 504 accommodations, the parents/guardians or eligible student must file a written Notice of Appeal within thirty (30) calendar days from the time that the parents/guardians or eligible student receives written notice of the proposed or refused action or within thirty (30) calendar days of the action with which the parents disagree. The Notice of Appeal should be filed with Director of Special Services, the District's 504 Coordinator, who may be reached at 660-258-2159.
2. The Notice of Appeal 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 Brookfield R-III School District will acknowledge, in writing, all Notice of Appeal within ten school days of receipt.

3. The Brookfield R-III School District will, within twenty (20) school days of the district's receipt of the Notice of Appeal, appoint and retain a single impartial hearing officer to hear and decide the Notice of Appeal. The hearing officer must have knowledge or training in Section 504 and may not be an employee of the School District. The hearing officer may not have a personal or professional interest that would conflict with his/her objectivity in the hearing. The School District is not required to consult with the parents/guardians or eligible students with respect to the hearing officer appointment.
4. Within ten (10) school days of the receipt of a Notice of Appeal, the Superintendent or his/her designee will contact the parents/guardians or eligible student in an attempt to find a resolution to the issues stated in the Notice of Appeal. The parents/guardians or eligible student will be invited to participate in an informal resolution meeting to give the parents/guardians or eligible student an opportunity to discuss the matters in dispute in an effort to resolve those matters without a need for a hearing. The parents/guardians or eligible student is not required to participate in such a meeting and the parents/guardians or eligible student's refusal to participate in such a meeting cannot delay or eliminate the right to an impartial hearing.
5. The parties to the hearing have the following rights:
  - a. The right to inspect relevant records, including personally identifiable records of the student;
  - b. The right to be represented and advised by an attorney at their own expense;
  - 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 (parents are responsible for the cost of a transcript of the hearing if they desire a copy);
  - e. The right to obtain written findings of fact, conclusion of law, and decision.
6. The hearing officer must hold the hearing within forty (40) school days of his/her appointment as hearing officer. If the hearing officer's schedule does not permit a hearing within 40 days, a hearing may be held for good reason, outside of this forty (40) day period.
7. The hearing shall be closed to the public.
8. The party that requested the due process hearing may not raise issues at the hearing that were not addressed in the Notice of Appeal.
9. The hearing officer shall render a final, written decision no later than thirty (30) calendar days following the completion of the hearing. A decision may be rendered later than thirty days for good cause shown. The decision of the hearing is final and binding subject to judicial review procedures outlined below.
10. The Brookfield R-III School District is responsible for costs directly attributed to the provision of administration hearings described in these procedures including compensation of the hearing officer, or recordings of the hearing, and other related expenses. The School District is not responsible for the cost of legal counsel or other representatives of the parents/guardians or eligible students for the cost of producing or reproducing the evidence presented by the parents/guardians or eligible student or a copy of the transcript for parents.

11. Any timeline specified herein may be extended by agreement of the School District and parents/guardians or eligible students or by order of the hearing officer.
12. Any party aggrieved by the decision of the impartial hearing officer may appeal that decision to a court of competent jurisdiction at their own expense.

Brookfield R-III School District  
**Notice of Appeal**  
**Request for a Section 504 Hearing**

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

I am in disagreement with the following decision made by my Student's Section 504 Team related to identification/evaluation/educational placement or services for my child:

Please state why you disagree with the team's decision and any applicable background information:

Please state the specific issues you would like to be decided during the Section 504 Hearing:

Please describe the relief you are requesting through the 504 Hearing:

***Please return this form to the District's Section 504 Coordinator within thirty (30) calendar days from the time that the parents/guardians or eligible student receives written notice of the proposed or refused action.***