

Procedural Guidelines for Section 504

1. Child Find. As part of the on-going identification and referral process, the District will make reasonable efforts to identify and locate every qualified disabled student residing within the District who is not receiving a public education. The District shall inform the parents or guardians of these potentially eligible students (who may be attending private or homeschools) of the District's duties under §504. As part of the Child Find effort the District shall annually publish the Child Find Notice in the local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by parents of eligible students (such as supermarkets, pediatrician's offices, etc.) Additionally, every teacher within the District should have information regarding the District's overall pre-referral process, understand how to initiate a §504 Referral and know how to identify students who should be referred.

2. §504 Referral. When a §504 referral is complete, it should be quickly forwarded to the Campus §504 Coordinator. The referral form is designed to be filled in by the person initiating the referral, but may be supplemented as necessary by the Coordinator, utilizing information from the student's cumulative folder or other sources (Student Profile). From that basic information, the Coordinator will determine whether a 504 Evaluation is necessary.

3. Consent for Evaluation. If a 504 Evaluation is necessary, the Coordinator gives the parent Notice of Parent Rights under §504 and Notice and Consent for Initial Evaluation under 504. If no 504 Evaluation is required, the Coordinator shall forward the Notice of Parent Rights under §504 to the parent, with a note explaining why the referral did not lead to a §504 Evaluation at this time.

If no parental consent is received for 504 Evaluation, the Coordinator must remind the parent annually of the District's continued desire to conduct an Evaluation under 504.

4. Evaluation. When the consent is received from the parent, the Campus Coordinator should:

- a. gather the evaluation data. The evaluation data consists of information from a variety of sources, including aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Should current special education data exist (an evaluation upon which a student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered.
- b. determine who will be in the group of knowledgeable people (the "504 Committee"),
- c. schedule a 504 evaluation by the Committee, and
- d. give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend.

At the 504 evaluation, the Committee should:

- a. draw upon information from a variety of sources, including aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and parent input,

- b. ensure that all information received in the evaluation is documented and carefully considered, and
- c. complete the Section 504 Evaluation form. If the student is determined to be eligible, the Committee moves on to the Section 504 Student Accommodation Plan. If no eligibility is found, the parents are so informed in writing.

At the conclusion of the Evaluation/Placement meeting, the Coordinator provides notice to the parent (Notice of Section 504 Evaluation Results) of the 504 Committee's findings (whether or not the student is eligible), and copies of the completed Evaluation form and Accommodation Plan (if completed).

5. Records. Section 504 records, including all evaluation data, shall be kept in a 504 folder under the control of the 504 Coordinator. The confidentiality of the records must be maintained as required by the Family Educational Rights and Privacy Act (FERPA). Completion of the Dyslexia/504 Data Entry Form is required. Once the data has been entered into the database, the data clerk must initial and date the form and return it to the Coordinator for placement in the 504 Eligibility Folder.

6. Free Appropriate Public Education (FAPE). No eligible student may be excluded by the District from receiving a public education – elementary or secondary. When considering the educational placement for eligible students, the Committee will ensure that the services provided are **appropriate** and **free**.

- a) **Appropriate.** The §504 services are designed to meet the individual needs of the eligible student as adequately as the needs of nondisabled students, and are based upon adherence to the regulatory procedures relating to educational setting, evaluation and placement, and procedural safeguards.
- b) **Free.** An eligible student's educational program provided under §504 is provided without cost to the parent of the eligible student, regardless of where those services are provided or by whom. The only costs of educational services that may be assessed the eligible student are those borne by nondisabled students and their parents (such as tickets to athletic events, purchases of yearbooks, gym clothes, etc.). When the District has made available a FAPE as required by §504, and the eligible student or his or her parents or guardians choose to place the student in a private school, the District is not required to pay for the eligible student's education in the private school.

7. Least Restrictive Environment (LRE). The Committee will identify a placement for an eligible student which ensures educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible student. The regular classroom will be presumed to be appropriate unless it is demonstrated that the eligible student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactory.

8. Nonacademic Services & Extracurricular Activities. Nonacademic and extracurricular activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational services, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by recipient and assistance in making available outside employment) must be provided so that:

- a. eligible students are afforded an equal opportunity to participate in such services and activities, and
- b. eligible students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible student.

Counseling. If the District provides personal, academic, or vocational counseling, guidance, or placement services, those services shall be provided without discrimination on the basis of disability. The District will ensure that disabled students are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

Physical education and athletics. In providing physical education courses and athletics and similar programs and activities to any of its students, the District will not discriminate on the basis of disability. Disabled students shall have equal opportunity to participate in the District's physical education courses, as well as interscholastic, club, or intramural athletics operated or sponsored by the District.

The District will offer disabled students physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of LRE and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

9. Implementation of the Accommodation Plan. The campus 504 coordinator has the responsibility to deliver students' Accommodation Plans to each teacher and to the campus administration. Monitoring of Accommodation Plan implementation should be accomplished through PDAS, administrative walkthroughs and informal checks of grades and student progress by the 504 coordinator.

10. Re-Evaluation. The 504 Committee should meet annually to conduct a re-evaluation. Invite the parents through the Notice of Section 504 Meeting form. If the student continues to be eligible, the committee should focus on the student's changing needs due to the effects of different subject matter, school demands, and other factors for the school year to come. Should the committee determine the student is no longer eligible, the committee should dismiss the student from 504. The parent is given notice of the results of the re-evaluation. The data clerk must receive the Dyslexia/504 Data Entry form with the noted 504 exit date. Once the information is entered into the database, the form is dated and initialed by the data clerk and placed in the student's 504 Eligibility Folder.

11. Discipline. If the District attempts a disciplinary removal of a 504 eligible student from his/her educational placement for a term of more than ten consecutive school days, the §504 Committee must first conduct an evaluation. Prior to the evaluation, the coordinator must give the parents written notice of the time and place of the evaluation meeting, inviting the parent to attend.

The Committee's evaluation should determine whether the behavior leading to the discipline was directly linked to the student's disability or to an inappropriate placement. If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be effected without §504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusions which triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process). The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine whether the behavior giving rise to the latest disciplinary removal was directly linked to the student's disability or to an inappropriate placement. Prior to the evaluation, the coordinator will give the parents notice of the time and place of the evaluation meeting. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible student who currently is engaged in the illegal use of drugs or in the use of alcohol may be removed from his educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students. Further, no 504 Evaluation is required prior to the removal and no 504 due process hearing is available.

12. Interaction with Special Education. Each student referred and evaluated for special education who does not qualify and each student dismissed from special education shall be evaluated for possible 504 eligibility. If at any time the 504 Committee determines that the disabled student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. This referral is made from the 504 meeting without returning to the RtI.

13. Interaction with Texas Dyslexia Program. In accordance with the State Board of Education Rule and the Revised Procedures Concerning Dyslexia, prior to testing a student individually for Dyslexia and/or prior to placing a student in the Dyslexia Instructional Program, the District must refer and evaluate under Section 504. Placement of a 504-eligible student into the Dyslexia Instructional Program may only be accomplished by a properly constituted 504 Committee. If at any time the 504 Committee determines that the disabled student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. Should a student already be special education eligible, a dyslexia evaluation for that student must occur under the direction of the student's ARD Committee.

14. Procedural Protections. The District will ensure that a system of procedural safeguards are in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system shall include notice, an opportunity for the parent or guardian of the disabled student to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or guardian and representation by counsel, and a review procedure. The impartial hearing is governed by the District's Procedures for §504 Due Process Hearings.

15. Parent Language. If the District determines that the dominant language of the parent is Spanish, the District will ensure effective notice in Spanish and services necessary to provide the parent an opportunity for effective participation in the §504 process. If the District determines the dominant language of the parent is not English or Spanish, the District will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the §504 process through other means.

16. Duty to Not Discriminate. The District shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any District program or activity.

17. Retaliation prohibited. No District officer, employee, or contractor shall retaliate against any person because he/she exercises his/her rights under Section 504.

18. Disability-based harassment. The District will promptly investigate all claims of disability-based harassment and take reasonable action to stop further recurrence. Where evidence of disability-based harassment is found and the District believes that the harassment has adversely impacted the ability of the disabled student to have equal access to the District's programs or activities, or the disabled student's entitlement to a free, appropriate public education, a 504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the student's accommodation plan are required.