

## Operational 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 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 early intervention process, understand how to initiate a §504 Referral and know how to identify students who should be referred.

**2. Referral.** When a §504 referral has been initiated, the Section 504 Referral Form [hereinafter, "Referral Form"] should be quickly forwarded to the Campus or District §504 Coordinator [hereinafter "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. From that basic information, the Coordinator will determine whether a §504 Evaluation is necessary. If no §504 Evaluation is required, the Coordinator shall forward the Parent Rights form to the parents, with a note explaining why the Referral did not lead to a §504 Evaluation at this time.

**3. Consent for Evaluation.** If a §504 Evaluation is necessary, the Coordinator should send to the parent Notice of Parent Rights under §504 [hereinafter, "Parent Rights"], together with a Notice and Consent for Initial Evaluation under §504 Form [hereinafter, "Notice and Consent"], and a Parent Input for Section 504 Evaluation Form [hereinafter, "Parent Input"]. If no parental consent is received for §504 Evaluation, the Coordinator should remind the parent every semester (or at other intervals as determined by the District) of the District's continued desire to conduct an Evaluation under §504.

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

- a. Gather evaluation data and coordinate/direct the completion of the various Input Documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the student's activities/behaviors at home, and any other data the parent would like the Committee. 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. Ensure that should formalized testing be considered by the §504 Committee as evaluation data, the tests:
  - 1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;
  - 2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;
  - 3) Are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the tests results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

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- c. Determine who will be in the group of knowledgeable people [hereinafter, the “§504 Committee” or “Committee”] (including persons with knowledge of the child, the meaning of the evaluation data and the placement options).
- d. Schedule a §504 Evaluation by the Committee.
- e. Give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the District’s policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form.

At the §504 Evaluation, the Committee should:

- a. Draw upon information from a variety of sources, including, but not limited to, efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;
- b. Ensure that all information reviewed in the evaluation is documented and carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measure (as provided in paragraph 15 of these Operational Guidelines), recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation.
- d. Complete the Section 504 Evaluation form. If the student is determined to be eligible [hereinafter, “eligible student”], the Committee moves on to the Section 504 Student Accommodation Plan [hereinafter, “Accommodation Plan”] form to develop accommodations. 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 form) of the 504 Committee’s findings, and copies of the completed Evaluation form and the Accommodation Plan (if eligible).

**5. Records.** Section 504 records, including any evaluation data, shall be kept in a separate §504 folder under the control of the Coordinator, as part of the student’s cumulative folder, or in any other location determined to be appropriate by the district or campus. Regardless of location, the District will maintain the confidentiality of §504 records as required by the Family Educational Rights and Privacy act (FERPA). Where §504 records are kept separately from the cumulative folder, a reference to the records and their location will be placed in the cumulative folder to ensure that the campus with responsibility for the student is aware of its obligations to the eligible student and that personnel and third-party contractors who have a duty to implement the plan have access to necessary records including the plan itself.

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

- 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. The Committee may place an eligible student in a program that the District does not operate in order to satisfy this requirement, but in so doing, the District remains responsible for ensuring that the requirements of §504 are met.

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. Should the Committee determine that placement in a program not operated by the District is required for the eligible student to receive FAPE, the District shall ensure that adequate transportation is provided to and from the program at no greater cost that would be incurred by the eligible student or his or her parents or guardians if the student were placed in the program operated by the District. 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 shall create a placement for the eligible student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible student. The Committee will presume that the regular classroom is the appropriate placement, 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 satisfactorily. Should the Committee place the eligible student in a setting other than the regular classroom, it shall take into account the proximity of the alternative setting to the eligible student's home.

**8. NonAcademic Services & Extracurricular Activities.** The District shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, 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 the recipient and assistance in making available outside employment) are provided so that:

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

**Counseling.** Should the District provide personal, academic, or vocational counseling, guidance, or placement services to its students, those services shall be provided without discrimination on the basis of disability. The District shall 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.

**Comparable Facilities.** If the District operates a facility that is identifiable as being for the disabled students, the District will ensure that the facility and the services and activities provided there are comparable to the other facilities, services and activities of the District.

**9. Implementation of the Accommodation Plan.** The Coordinator (or designee) should ensure that the student's Accommodation Plan is delivered to each teacher, campus administration, and any other employee or third-party contractor who has responsibility to implement the plan. Monitoring of Accommodation Plan implementation should be accomplished through the PDAS (or other teacher appraisal process), through walkthroughs, and informal checks of the student's academic, behavioral and social progress by the Coordinator and other appropriate personnel.

**10. Re-Evaluation.** Annually (preferably at the end of each school year), the 504 Committee should meet to conduct a re-evaluation. Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE. Give the parents notice of the time and place of the re-evaluation meeting, inviting the parent to attend if that is the District's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If the student remains eligible, the Committee should focus on the student's changing needs due to the effects of different classroom subject matter, school demands and other factors for the school year to come. Should the Committee determine that the student is no longer eligible, the Committee should dismiss the student from 504. The parent shall be given notice of the results of the re-evaluation.

**11. Discipline.** Should the District attempt a disciplinary removal of the eligible student from his 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 shall give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the district's policy.

Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. The Committee's evaluation should determine: (1) was the conduct in question caused by or directly and substantially related to the student's disabilities?; and (2) was the conduct in question the direct result of the school's failure to implement the student's §504 plan? 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 exclusion that 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: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities? And (2) was the conduct in question the direct result of the school's failure to implement the student's 504 plan? Prior to the evaluation, the Coordinator shall give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the district's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible student who currently is engaging 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.

With respect to students who are no longer served by special education due to parents' revocation of consent for continued special education services, the school will determine on a case-by-case basis, whether the student should be referred to Section 504 for evaluation, and provide Notice of Section 504 Rights should the student not be referred. The school should make reasonable efforts to explain to the parents the §504 process and potential protections in these situations. Should the parents refuse consent for a §504 evaluation, the school will document such refusal.

**13. Interaction with Texas Dyslexia Program.** In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia (Blue Book), 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, utilizing forms 10 and 13. 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 and related 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. Interaction with regular education Early Intervention efforts.** In an effort to meet the needs of struggling students as early as possible, and to reduce the misidentification of students in both Section 504 and special education, the District uses an early intervention process, referred to as Response To Intervention. This simple, campus-based process is designed to assist students struggling for any number of reasons (family issues, lack of motivation, poverty, etc) and in any number of ways (academically, socially, behaviorally) by providing, appropriate to the student's needs, differentiated instruction, as well as additional regular education intervention programs, services and opportunities that may vary from campus to campus. Data from these efforts is shared with the parent, and become part of any Section 504 or special education evaluation. These efforts are available to all students, including students with disabilities. Should regular education, together with these early intervention efforts be insufficient to meet the needs of the struggling student, and there are grounds to suspect that the student has a physical or mental impairment, the District will seek parental consent for an evaluation under Section 504 or special education, as appropriate to the student.

**15. Mitigating Measures and Development of Section 504 Plans.** Pursuant to the ADAAA, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

Accommodation plans, however, shall not be developed unless needed, at the time, in order for the student to have his needs met as adequately as those of nondisabled students. Should need develop, the Section 504 Committee shall develop an appropriate Accommodation plan.

**16. Procedural Protections.** The District will ensure that a system of procedural safeguards is 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. Parents of eligible students may also present grievances to the Section 504 Coordinator.

**17. 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 that 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.

**18. 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 subjected to discrimination under any District program or activity.

**19. Retaliation prohibited.** No District officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

**20. Disability-based harassment.** The District will promptly investigate all claims of disability-based harassment and take reasonable action to stop future recurrence. Where evidence of disability-based harassment is found pursuant to an investigation, and the District believes that the harassment has adversely impacted upon the ability of a 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.

**21. Review Procedure.** Should the parent disagree with the identification, evaluation, or placement decision of a §504 Committee or the decision of a §504 hearing officer, the parent may appeal to state or federal court, or seek relief pursuant to a grievance to the District's §504 Coordinator.

## **Section 504 Due Process Hearing Procedures**

**Right to Due Process.** In the event a parent or guardian [hereinafter “parent”] wishes to contest an action or omission on the part of the District with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 [“§504”], the parent has a right to an impartial hearing before an impartial hearing officer. Omissions on the part of the District with regard to a disabled child might include, for example, the District’s failure to identify a child eligible for services under §504. Thus, a child’s identification as eligible for services under §504 is not an absolute prerequisite to the right to due process.

**Parent Participation & Representation.** A parent has the right to participate, speak, and present information at the due process hearing, and to be represented by legal counsel or any other type of advocate or representative of their choice at their expense. If a parent is to be represented by a licensed attorney at the due process hearing, he or she must inform the District’s §504 Coordinator and the appointed hearing officer of that fact in writing at least seven (7) calendar days prior to the hearing date. Failure to notify the §504 Coordinator and the appointed hearing officer of that fact in writing shall constitute good cause for a continuance of the hearing date. (See “Continuances” below).

**Initiation of Due Process Procedures.** A parent who wishes to challenge a District’s action or omission with regard to the identification, evaluation, or placement of a disabled child must submit a written Request for a Due Process Hearing to the District’s §504 Coordinator. Such a written request must make clear that the parent is seeking a due process hearing under §504 before an impartial §504 Hearing Officer. The written request may be made on a form provided by the District for that purpose. If an intent to seek a due process hearing under §504 is not clear from the face of a Request, the District’s §504 Coordinator may contact the parent to clarify the Request and ascertain whether the parent wishes to initiate a §504 due process hearing. The Coordinator may also assist the parent in clarifying any questions regarding due process rights under §504. The reasonable time involved in ascertaining whether an ambiguous or unclear Request seeks a due process hearing under §504 shall toll the time lines set forth in these procedures (meaning that such time will not count toward the time line days specified in these procedures). If after such communication, the District is still unsure whether the parent is requesting a due process hearing under §504, the District shall initiate due process procedures, and the appointed Hearing Officer will hold a pre-hearing conference to decide whether the parent is seeking a due process hearing under §504, and whether the Hearing Officer has jurisdiction to entertain the claims and issues raised by the parent. (See “Pre-Hearing Conferences” below).

**Appointed of a Hearing Officer.** Within fifteen (15) days of the date of receipt of a clear Request for a Due Process Hearing, the District will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by the District as an independent contractor at no expense to the parent. The Hearing Officer shall not be a current employee of the District, and shall not be related to any member of the District’s Board of Trustees to a degree prohibited under the Texas Nepotism Statute. The Hearing officer need not be an attorney, but shall be familiar with the requirements of §504 and the District’s Hearing Procedures under §504. The District’s choice of an impartial Hearing Officer is final and may not be made an issue at the due process hearing, since such an issue would not relate to the identification, evaluation, or placement of a disabled child under §504. If a parent disputes the impartiality of the appointed Hearing Officer, he or she may raise such issue in a review of the Hearing Officer’s opinion by a court of competent jurisdiction (See “Review Procedure” below), or in a complaint to the appropriate Office for Civil Rights regional office (See “Complaints to the Office for Civil Rights (OCR)” below).

**Scheduling of Hearing.** The appointed Hearing Officer shall issue an Order Setting Hearing Date to the parent and the District’s §504 Coordinator in writing at his or her earliest opportunity. Such Order shall set a date for a hearing to be held within fifteen (15) days of the date of issuance of the Hearing Officer’s Order. The Order shall also set forth a mutually agreeable time and place for the hearing.

**Pre-Hearing Conference.** The Hearing Officer may also order a Pre-Hearing Conference at which the parent or his or her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference can also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process.

**Dismissals.** If, after the Pre-Hearing Conference, the Hearing Officer finds that the parent, as a matter of law, alleges and raises no actual claims or legal issues that come within his or her jurisdiction as a §504 Hearing Officer, he or she may dismiss the hearing and issue an order to that effect explaining the bases for such finding.

**Continuances.** Upon a showing of good cause, the Hearing Officer, at his or her discretion, may grant a continuance of the hearing date and set a new hearing date by issuing a written Amended Order Setting Hearing.

**Conduct of Hearing.** The hearing shall be conducted in an informal, non-adversarial manner. The parties shall address the Hearing Officer by name (i.e. Mr. or Ms.). The hearing shall be closed or open to the public, at the parent's request. The parties are free to provide the Hearing Officer with information or opinion as to the validity and weight to be given the information presented to him or her. Neither the Federal nor Texas Rules of Evidence or Civil Procedure, however, will apply. The Hearing Officer is not required to entertain any legal evidentiary objections to the admissibility, authenticity, or probative value of either oral testimony or documentary exhibits offered at the hearing. In the exercise of his or her discretion, however, the Hearing Officer may reasonably limit testimony and introduction of documentary exhibits for reasons of relevance. (See also "Submission of Documentary Exhibits" below).

**Recording.** Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be tape-recorded. The parent may obtain a copy of the tape recording at his or her request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent proceeds to a review of the due process hearing decision to a court of competent jurisdiction (See "Review Procedure" below), the District will prepare a written transcript of the hearing tape recording to be offered to the court as an exhibit.

**Witnesses.** Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the Hearing Officer, at his or her discretion, ask a witness a certain question.

**Format for Presentations.** The parent will present its case first, by making an opening statement which outlines the parent's position on all issues, presenting personally, calling additional witnesses, and making a closing argument. All of the preceding may be done either personally or through counsel, except for personal presentations or statements. At the end of the District's presentation, the Parent may offer a short response to the District's case. The above format is not required, but may be helpful in organizing the presentation of the case to the Hearing Officer.

**Submission of Documentary Exhibits.** As part of their presentations, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions and that the Hearing Officer will admit at his or her discretion. Each separate documentary exhibit submitted to the Hearing Officer by either party must be marked numerically (i.e., Parent 1, Parent 2; District 1, District 2, etc). The Hearing Officer may, in the exercise of his or her discretion, reasonably limit the number of documents to be submitted for his or her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.



**Written Closing, Arguments or Briefs.** The parties may submit, at the Hearing Officer's discretion, a written Closing Argument summarizing and characterizing the information presented at the hearing, and providing legal authority in support of their position. Time lines for the submission of Closing Arguments shall be set by the Hearing Officer at the conclusion of the hearing.

**Closing of Hearing.** At the conclusion of all presentations, the Hearing Officer will close the hearing and set a date for the issuance of the written decision. The Hearing Officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but must in all cases issue a written opinion addressing the ruling on all issues raised by the Petitioner and indicating what corrective action, if any, the District must take. Formal findings of fact and conclusions of law, however, are not required. Any issue or claim raised by the parent that is left unaddressed by the Hearing Officer in his or her decision will be deemed to have been denied to the parent. The decision must be issued to both parties within fifteen (15) days after the hearing.

**Decision Time line.** A decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the district.

**Notice of Rights for Disabled Students and their Parents  
Under §504 of the Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public school specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially-limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

1. You have a right to be informed about your rights under §504. [34 XFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the District’s §504 Office and they will assist you in understanding your rights.
2. Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
3. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].

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7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, and mitigating measures, among others. [34 CFR 104.35].
8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].
9. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].
10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36].
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504. [34 CFR 104.36].
12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
13. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at the address below. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

**Nancy C. Roberts**  
**301 N. Kilgore Street, Kilgore, TX 75662**  
**Tel. 903-988-3900 ext. 2005**

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
15. You also have a right to present a grievance or complaint to the District's §504 Coordinator (or designee), who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.
16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is:

Director, Office for Civil Rights, Region VI  
1999 Bryan Street, Suite 1620, Dallas, Texas 75201-6810, Tel. 214-661-9600

**El aviso de Derechos para los Estudiantes Inválidos y sus Padres  
Bajo §504 de la Rehabilitación Actúe de 1973**

El Acto de la Rehabilitación de 1973, normalmente conocido en las escuelas como “Sección 504,” es una ley federal pasada por el Congreso de Estados Unidos con el propósito de prohibir la discriminación contra personas inválidas en que pueden participar, o recibe los beneficios de, recepción de los programas la ayuda financiera federal. Específicamente, en la escuela pública §504 aplican para asegurar a ese estudiantes inválidos elegibles se proporciona con los beneficios educativos y oportunidades iguale a aquéllos proporcionados a los estudiantes non-inválidos.

Bajo §504, un estudiante es considerado “inválido” si él o ella padecen un deterioro físico o mental que substancialmente limita uno o más de sus actividades de vida mayores, como aprender, caminando, viendo, oyendo, respirando, trabajando, y realizando las tareas manuales. Sección 504 también aplica a las estudiantes con un registro de tener un deterioro substancialmente-limitando, o quién se considera como ser inválido aun cuando ellos no se desactivan de verdad. Los estudiantes pueden ser considerados inválidos, y puede recibir los servicios bajo §504, aun cuando ellos no califican para, o puede recibir, los servicios de educación especiales.

El propósito de este Aviso es informar a los padres y estudiantes de los derechos los concedidos bajo §504. Se encuentran las regulaciones federales que llevan a cabo §504 a Título 34, Parta 104 del Código de Regulaciones Federales (CFR) y titula al estudiante elegible y sus padres, a los derechos siguientes,:

1. Usted tiene un derecho a ser informado sobre sus derechos bajo §504. [34 XFR 104.32] El Distrito Escolar debe proporcionarle el aviso escrito de sus derechos bajo §504 (este documento representa aviso escrito de derechos como requerido bajo §504). Si usted necesita explicación extensa o clarificación de cualquiera de los derechos descritas en este Aviso, avise a las personas del personal apropiadas en la §504 Oficina del Distrito y ellos le ayudarán entender sus derechos.
2. Bajo §504, su niño tiene el derecho a una educación apropiada diseño para encontrarse su o sus necesidades educativas son tan adecuadamente como las necesidades de estudiantes non-inválidos netas. [34 CFR 104.33].
3. Su niño tiene el derecho a los servicios educativos libres, con la excepción de ciertos costos normalmente también pagada por los padres de estudiantes non-inválidos. Las compañías de seguros y otras fiestas del tercio similares no son relevado de cualquier obligación existente proporcionar o pagar por los servicios a un estudiante que se pone elegible para los servicios bajo §504. [34 CFR 104.33].
4. A la magnitud máxima apropiado, su niño tiene el derecho a ser educado con niños que los re no desactivaron. Su niño se pondrá y se educará en las clases regulares, a menos que el Distrito demuestra que su o sus necesidades educativas no pueden satisfacerse adecuadamente en el aula regular, incluso con el uso de ayudas suplementarias y servicios. [34 CFR 104.34].
5. Su niño tiene el derecho a los servicios, medios, y actividades comparable a aquéllos proporcionados a los estudiantes non-inválidos. [34 CFR 104.34].
6. El Distrito Escolar debe emprender una evaluación de su prior del niño a determinar su o su colocación educativa apropiada o programa de servicios bajo §504, y también antes de cada cambio significante subsecuente en la colocación. [34 CFR 104.35].

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7. Si se usan los instrumentos de valoración formales como la parte de una evaluación, los procedimientos administraban las valoraciones y otros instrumentos deben obedecer los requisitos de §504 con respecto a la validez de la prueba, el método apropiado de administración, y la selección de la prueba apropiada. [34 CFR 104.35]. El Distrito considerará la información apropiadamente de una variedad de fuentes haciendo sus determinaciones, incluyendo, por ejemplo: la aptitud y el logro prueba, recomendaciones del maestro, los informes de condición física, el fondo social y cultural, la conducta adaptable, que la salud graba, las tarjetas del informe, notas de progreso, observaciones del padre, y cuentas en las pruebas de TAKS, y mitigando las medidas, entre otros. [34 CFR 104.35].
8. Decisiones de la colocación que consideran a su niño deben ser tomadas por un grupo de personas (un §504 comité) conocedor sobre su niño, el significado de los datos de la evaluación, posibles opciones de la colocación, y el requisito que a la magnitud máxima deben educarse los niños apropiados, inválidos con los niños non-inválidos. [34 CFR 104.35].
9. Si su niño es elegible para los servicios bajo §504, el él o ella tiene un derecho a las evaluaciones periódicas determinar si ha habido un cambio en la necesidad educativa. Generalmente, una evaluación tomará ponga cada tres años por lo menos. [34 CFR 104.35].
10. Usted tiene el derecho a ser notificado por el prior Distrito a cualquier acción con respecto a la identificación, evaluación, o colocación de su niño. [34 CFR 104.36].
11. Usted tiene el derecho para examinar los documentos pertinentes y archivos que consideran a su niño (generalmente documentos que relacionan a la identificación, evaluación, y colocación de su niño bajo §504. [34 CFR 104.36].
12. Usted tiene el derecho a un proceso debido imparcial que oye si usted desea disputar cualquier acción del Distrito con respecto a la identificación de su niño, evaluación, o colocación bajo §504. [34 CFR 104.36]. Usted tiene el derecho para participar personalmente al oído, y para ser representado por un abogado, si usted con para contratar uno.
13. Si usted desea disputar una acción tomada por el §504 Comité por medio de un proceso oír debido imparcial, usted debe someter un Aviso de Apelación o una Demanda por Oír al §504 Coordinador del Distrito a la dirección debajo. Una fecha se pondrá para el oído y un funcionario oyendo imparcial se fijará. Usted se notificará entonces por escrito de la fecha de oído, tiempo, y lugar.

**Nancy C. Roberts  
301 N. La Calle de Kilgore, Kilgore, TX 75662,  
El tel. 903-988-3900 ext. 2005**

14. Si usted discrepa con la decisión del funcionario de oído, usted tiene un derecho para buscar una revisión de esa decisión antes de una corte de jurisdicción competente (normalmente, su corte del distrito federal más íntima).
15. Usted también tiene un derecho para presentar un agravio o queja al §504 Coordinador del Distrito (o designee), quién investigará la situación, tendrá en cuenta la naturaleza de la queja y todos los factores necesarios, y responderá apropiadamente a usted dentro de un tiempo razonable.
16. Usted también tiene un derecho para archivar una queja con la Oficina para los Derechos Civiles (OCR) de la Sección de Educación. La dirección del OCR que Oficina Regional que cubre este distrito escolar es:

Director, la Oficina para los Derechos Civiles, la Región VI  
1999 Calle de Bryan, Colección 1620, Dallas, Texas 75201-6810, el Tel., 214-661-9600