

SECTION §504 HANDBOOK

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Intent of Handbook

This Section §504 Handbook is designed to help campus 504 Coordinators, administrators, teachers, staff, parents/guardians, and students understand the purpose of Section §504, how eligibility is determined, and the referral process. 504 forms are generated in Frontline, a computer program that PISD utilizes to assist campus coordinators with documentation of all processes and steps needed to identify and serve a student that qualifies for Section §504 services.

Purpose of Section §504

Section §504 of the Americans with Disabilities Act (ADA) was created and passed into law to prohibit discrimination on the basis of disability and to ensure that all students with disabilities have educational opportunities and benefits commensurate to those provided to students without disabilities.




Section §504 Overview



The Rehabilitation Act of 1973 is a federal statute also known as Section §504. This legislation guarantees anti-discrimination protection for persons identified as having a disability in school. Eligibility for Section §504 includes any individual who has a physical or mental impairment that substantially limits one or more life activities, has a record of such an impairment, or is regarded as having such an impairment. The term “disability” includes a broad range of disabilities and impairments; as such, there is no exhaustive list. In order for a disability or impairment to meet the definition of disability under Section §504, the impairment must substantially limit one or more major life activities.

Major life activities include, but are not limited to:

- Caring for oneself • Speaking
- Brain functioning • Seeing
- Breathing
- Reading
- Neurological function • Sleeping
- Concentrating
- Respiratory function • Walking
- Thinking
- Circulatory function • Standing
- Communicating
- Endocrine function • Lifting
- Working Digestive function • Bending
- Normal cell growth Reproductive function
- Functions of the Immune System • Performing manual tasks

Federal and State Regulations

Federal Laws	Description
<p>Section 504 of the Rehabilitation Act of 1973</p> 	<p>Section 504 is a provision of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. SECTION 504 is a civil rights statute that requires the needs of students with disabilities to be met as adequately as the needs of the non-disabled are met.</p> <p>The Office for Civil Rights of the U.S. Department of Education has jurisdiction to enforce Section 504 in instances of discrimination, harassment, or retaliation against anyone based on disability.</p>
<p>Americans with Disabilities Act (ADA of 1990 Title II)</p> 	<p>The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. NON-DISCRIMINATION STATE AND LOCAL SERVICES</p>
<p>Americans with Disabilities Act Amendments ACT (ADAAA) of 2008</p> 	<p>The Americans With Disabilities Act Amendments Act (ADAAA) restored the original definition of “substantially limited” - that the impairment simply be a substantial limitation rather than a “significant” or “severe” restriction and broadened the definition of “major life activities.”</p> <p>The determination of substantial limitation is made based on a comparison to the ability of students without disabilities to carry out major life activities. It is up to local education agencies (school districts and open-enrollment charter schools, LEAs) to define substantial limitation. The law also clarified that the impairment limit at least one major life activity, not necessarily learning, to be considered a disability under the ADA.</p> <p>LEAs must make their Section 504 determinations based upon the child’s disability as it presents itself <i>without</i> mitigating measures (e.g., hearing aids, medications, learned behavioral adaptations). The use of eyeglasses or contact lenses is the exception to this rule.</p> <p>Example: A student with ADHD takes medication daily to enable them to focus and learn at school. Without the medication, the student’s hyper attention or non-attention would impair the major life activity of learning. Therefore, the determination of eligibility must be made according to the impact of the impairment without medication even if the student is making progress when using the mitigating measure.</p> <p>The ADAAA defines transitory or minor disability as “an impairment with an actual or expected duration of 6 months or less.” Thus, not requiring a Section 504 plan.</p>

	<p>Example: A student has broken the arm they use for writing and needs help completing schoolwork. Because this disability will likely be resolved within six months or less, it is “transitory and minor.” This does not preclude the LEA, however, from creating a temporary campus support plan for the student in order to accommodate the student’s needs during recovery.</p> <p>An impairment that is episodic or in remission is considered a disability if it substantially limits a major life activity when it is active. Example: A student with epilepsy may experience episodic seizures that, while not frequent, substantially limit major life activities when seizures occur.</p>
<p>The Individuals with Disabilities Education Act (IDEA 2004)</p> 	<p>According to the United States Department of Education, the purpose of the IDEA is to provide a free appropriate public education to children with disabilities who qualify for and receive special education and related services. These services are individually calculated to meet the needs of students, including preparation for post-secondary transition. The IDEA is a funding statute that provides financial assistance to states, education service centers, and local education agencies. Compliance with the IDEA timelines is one way of ensuring compliance with Section 504 requirements for child find, evaluation, meetings, notice, and procedural safeguards. Region 18 Education Service Center provides a side-by-side publication of the IDEA, State Board of Education Rules, Commissioner’s Rules, and Texas State Laws titled: Special Education Rules & Regulations. For further information about the similarities and differences between the IDEA and Section 504, please refer to The Dyslexia Handbook -- 2021 Update: Procedures Concerning Dyslexia and Related Disorders</p>
Texas Law	Description
<p>Texas Education Code (TEC)</p> 	<p>According to the United States Department of Education, the purpose of the IDEA is to provide a free appropriate public education to children with disabilities who qualify for and receive special education and related services. These services are individually calculated to meet the needs of students, including preparation for post-secondary transition. The IDEA is a funding statute that provides financial assistance to states, education service centers, and local education agencies. Compliance with the IDEA timelines is one way of ensuring compliance with Section 504 requirements for child find, evaluation, meetings, notice, and procedural safeguards. Region 18 Education Service Center provides a side-by-side publication of the IDEA, State Board of Education Rules, Commissioner’s Rules, and Texas State Laws titled: Special Education Rules & Regulations. For further information about the similarities and differences between the IDEA and Section 504, please refer to The Dyslexia Handbook -- 2021 Update: Procedures Concerning Dyslexia and Related Disorders</p>

Free Appropriate Public Education (FAPE)

Under Section §504, a Free Appropriate Public Education (FAPE) is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met. The processes and procedures to ensure that students are evaluated and qualified under Section §504 appropriately are designed to ensure the student has been afforded a FAPE.

Section §504 is primarily a regular education responsibility. Section §504 includes the following protections:

- ☐ Prohibits the exclusion of any qualified disabled person from participation in any preschool education or daycare program, adult education, or vocational program offered by the district;
- ☐ Requires that each qualified disabled person be provided the same health, welfare, and/or social services as the district provides other persons;
- ☐ Requires a system of identification of eligible students and annual notice
- ☐ Requires that facilities, programs, and activities of the school district be accessible, usable, and open to qualified persons; and
- ☐ Requires that a free appropriate public education (FAPE) be provided to each qualified disabled person, including nonacademic and extracurricular activities

Child Find and Other Operational Guidelines

As part of the ongoing identification and referral process, PISD will make reasonable efforts to identify students with disabilities that may qualify for services under Section §504 (“Child Find”). PISD shall inform the parents or guardians of these potentially eligible students of the District’s duties under Section §504. As part of the Child Find effort, the District shall annually publish the Child Find Notice. Additionally, staff within the District are provided information regarding the District’s overall early intervention process, are trained on how to initiate a Section §504 referral, and how to identify students who should be referred.

Campus and District Section §504 Coordinators

Campus Name	Campus 504 Coordinator	Contact Information
Poteet Elementary	Laura Oliva	loliva@poteetisd.org
Poteet Intermediate	Joseph Grote	jgrote@poteetisd.org
Poteet Junior High	Julieta De La Cruz	jdelacruz@poteetisd.org
Poteet High	Christina Talley	cgillespie@poteetisd.org
Poteet ISD District Coordinator	Dr. Bernie Batto	bbatto@poteetisd.org
Executive Director of Curriculum and Instruction	Sheryl Mills	smills@poteetisd.org

Campus coordinators are responsible for coordinating and monitoring the school’s compliance with Section §504 and Title II of the ADA. Coordinators also oversee efforts to prevent Section §504 and ADA violations from occurring.

In PISD Campus Coordinators coordinate all Section §504 activities including the referral, evaluation, eligibility determination, and provision of services. Responsibilities include, but are not limited to:

- Training campus staff on campus Section §504 processes and accommodations
- Responding to inquiries/questions from parents/guardians and school staff members regarding

general Section §504 and Section §504 issues

- Participating in Response to Intervention meetings for Section §504 referrals
- Coordination and scheduling of meetings and distribution of notices to appropriate individuals
- Collection of data or necessary information for all Section §504 meetings types - initial, dismissals, reviews, and reevaluations
- Conducting initial eligibility, dismissal, reviews, and reevaluation meetings ● Sharing appropriate documents with parents and guardians
- Sharing and reviewing current accommodation plans with all individuals/school personnel who need to know about the individual student's Section §504 plan at the beginning of the year, transfer between campuses, or at initial school enrollment; and,
- Coordinating the notification of teachers or relevant staff members of the updated plans when modifications or changes have been made

Central Administration Section §504 Coordinator

PISD's District Section §504 Coordinator serves as the liaison between campuses and central administration. The District Section §504 Coordinator's main responsibility is to provide continual training in accordance with federal, state, and local mandates, provide support for all campus Section §504 Coordinators, and ensure federal mandates and regulations are implemented with fidelity. Dr. Bernie Batto serves as the District Section §504 Coordinator and can be contacted at bbatto@poteetisd.org.

Referrals

The student (if age appropriate), teacher, administrator, counselor, parent/guardian, private practitioner, agency representative, or another individual who suspects that a student may have an impairment and may be eligible for services under Section §504, can make a referral to the District. A Section §504 referral should be made to the campus Section §504 Coordinator.

Notice to Parents and Parent Consent

Parents/guardians shall be given written notice of Parent and Students Rights Under Section §504 when asked for informed consent to evaluate their student and at all meetings of the Section §504 Committee. Parent/guardian consent will be obtained before the initial student evaluation procedures for the identification, diagnosis, and determination of specific education services are executed through Section §504.

State-Mandated Assessments

Accommodations for STAAR tests or other state-mandated tests will be made for a Section §504 student when the accommodations:

1. have been determined to be necessary for the student to participate in the assessment,
2. are supported and consistent with accommodations provided and utilized by the student in the classroom, and
3. are approved by TEA.

Transfer Students

When students transfer into PISD with a Section §504 Plan, the campus Section §504 coordinator will schedule a Transition Section §504 meeting within 30 school days. The Section §504 Committee will complete a records review and determination of eligibility in order to make a local decision to confirm the student is eligible and whether revisions to the existing plan are necessary. Until this meeting occurs, the transfer Section §504 Plan will be implemented to the extent feasible. Parent(s)/guardian(s) should inform the school of the previous Section §504 plan during registration.

IDEA (Special Services) and Section §504 Identification and Eligibility

Both the Individual with Disabilities Act (IDEA) and Section §504 require students receive a free appropriate public education (FAPE); but they differ in how they define FAPE and how they qualify students. Below is a review of how the two statutes compare.

IDEA

- Requires that the child be fully and comprehensively evaluated by a multidisciplinary team.
- Requires informed and written parental/guardian consent.
- Requires a reevaluation of the child at least once every three years, or if conditions warrant a reevaluation, or if the child's parent/guardian or teacher requests a reevaluation.
- Does not require reevaluation before a significant change in placement.

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- The evaluation draws on information from a variety of sources and is documented.
- Decisions about the child, evaluation data, and placement options are made by knowledgeable individuals through the Section §504 Committee
- Requires "periodic" reevaluation.
- No provisions made for independent evaluation at the school's expense.
- Requires reevaluation before a significant change in placement.

IDEA

- Requires an individualized education program (IEP).
- "Appropriate" education means a program designed to provide "educational benefit" for a person with disabilities.
- Placement may be any combination of special education and general education classrooms.
- Provides related services, if required. Related services may include speech and language therapy, occupational therapy, physical therapy, counseling services, psychological services, social services, and transportation.

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- Does not require an IEP, but does require a plan.
- "Appropriate" means an education comparable to the education provided to those students who are not

disabled.

- Placement is usually in a general education classroom. Children can receive specialized instruction, related services, or accommodations within the general education classroom.

IDEA

- Must provide impartial hearings for parents/guardians who disagree with the identification, evaluation, or placement of the student.
- Requires written consent.
- Describes specific procedures.
- An impartial appointee selects a hearing officer.
- Provides "stay-put" provision (the student's current IEP and placement continues to be implemented) until all proceedings are resolved.
- Parents/guardians must receive ten days' notice prior to any change in placement.
- Enforced by U.S. Department of Education, Office for Special Education and the Texas Education Agency (TEA).

Section §504

- Must provide impartial hearings for parents/guardians who disagree with the identification, evaluation, or placement of the student.
- Does not require parental consent.
- Requires that parents/guardians have an opportunity to participate and be represented by legal counsel -- other details are left to the discretion of the school.
- A hearing officer is usually appointed by the school. ● No "stay-put" provisions.
- Does not require that parents/guardians are notified prior to the student's change of placement, but they still must be notified.
- Enforced by U.S. Department of Education, Office for Civil Rights and the Texas Education Agency.

When Schools Should Consider the Existence of a Disability & Possible Section §504 Plan

- A student shows a pattern of not being successful with current instruction.
- RTI interventions are not successful over time.
- Suspension or expulsion is being considered for any student.
- Retention is being considered for any student.
- A student returns to school after a serious illness or injury.
- A student is referred for evaluation but it is determined that a special education evaluation is not needed.
- A student is evaluated and is found not to qualify for special services under IDEA.
- A student exhibits a chronic health condition.
- A student is identified as "at-risk" or exhibits the potential for dropping out of school.
- Substance abuse is a known issue.
- A disability of any kind is suspected.

Evaluation Data That Can Be Utilized to Determine Section 504 Placement

- Parent Information
- Achievement Tests
- Health Information/Records
- Results of Classroom Interventions
- Observations
- Anecdotal Records
- Attendance Records
- STAAR and other assessment data
- Portfolios
- Medical Records
- Discipline Records
- Outside Evaluations
- Grades
- Intelligence and Aptitude Testing
- Any other relevant information

Evaluation Data Sources	Medical/Health	Social Behavioral	Academic	Individuals
Examples	Hearing & Vision, School Health Records, Individual Health Plan, Outside Medical Evaluations	Behavioral Data, Disciplinary Records, Outside Psychological Evaluations, Intervention Progress Monitoring Data, Social and Developmental History	Universal Screening Data, Intervention Progress Monitoring Data, Curriculum Based Assessments, State Assessment Results, Grades, Benchmarks, Quizzes, Unit Tests	Observations and Input From: Student, Family, Teachers, Behavior Specialists, Counselors, School Nurse, Interventionist, Campus Administrator

LEA Responsibilities and Participation



LEA Responsibilities: The LEA must follow all legal requirements for Section 504 meetings and ensure that the committee consists of qualified members, that the Section 504 accommodation and services plan is provided to staff and followed with fidelity, and that ongoing monitoring of student progress is implemented. Periodic reevaluations are required.



Family Participation: Parents should request that they be invited to all meetings regarding their student. They should be given the opportunity to provide meaningful input about their student's impairment, and possible accommodations, collaborate with campus staff and encourage their student to utilize the supports and services provided. Parents are encouraged to keep and review all documents, familiarize themselves with procedural safeguards, and learn about Section 504 regulations.



Student Participation: As soon as they are old enough, students should participate in their Section 504 meetings and be encouraged to provide input into their accommodation and services plan. Students should be aware of the accommodations created by the Section 504 committee. Best practice suggests following IDEA requirements for including students in IEP meetings and transition planning at 14 years of age.

While federal law does not require that families participate in a Section 504 meeting, they should be provided ample opportunity to participate. If they are not able to attend, they should be given the opportunity to provide meaningful input. The relationship between the family and the local education agency is foundational to creating supports and services that meet the needs of students. Texas Education Code states: “[PURPOSE](#). (a) Parents are partners with educators, administrators, and LEA boards of trustees in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children.”

Section 504 meetings are powerful opportunities for LEA staff to celebrate student progress and collaborate with families in a solution focused way to ensure a “level playing field” for eligible students.



Student Participation in Section 504 Meetings

PISD recommends that students participate in their Section §504 meetings as soon as they can and be encouraged to provide input and voice into their accommodation and services plan. Students are automatically invited to the Section §504 meetings starting in middle school as students should be aware of the accommodations created by the Section

Attendance

Section §504 Committees meet to address students with disabilities who miss significant amounts of school and are not served by homebound services. The campus attendance coordinator and Section §504 Coordinator will monitor student attendance and convene the Section §504 Committee as needed to proactively prevent truancy and provide support as needed.

The Referral Process

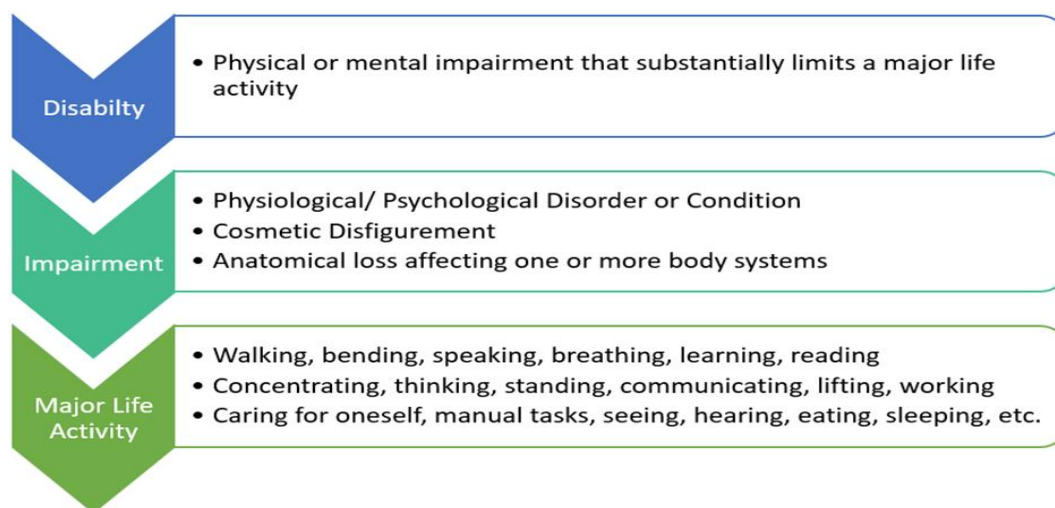
Section §504 referrals can be made by families or campus staff to the campus Section §504 coordinator. Below are examples of circumstances in which referral are often made:

- The student has a “hidden disability,” such as low vision, poor hearing, heart disease, or a chronic illness, such as diabetes.
- Parents/guardians have received an outside evaluation and are requesting Section §504 protections and/or accommodations.
- The student has a chronic medical condition that is not covered by the IDEA.
- The student has a disability identified by IDEA, but is not eligible for special services and related services because the student does not need specially designed instruction.

After the referral is made, parents/guardians will be provided with a consent to evaluate form and the Notice of Rights and Protections. Upon receiving a referral for a Section §504 evaluation and parental consent, campuses have 30 school days after the date they received signed consent in which to gather data to evaluate the student’s needs and conduct an initial Section §504 meeting.

Initial Section §504 Meeting

After the Section §504 coordinator has gathered data related to the Section §504 referral, this data will be reviewed and discussed with the Section §504 Committee which collectively determines Section §504 eligibility and possible accommodations needed.



Least Restrictive Environment

Per TEA, Section §504 regulations MANDATE that students with disabilities are to be educated with their peers without disabilities to the maximum extent appropriate. The expectation for students protected under Section §504 is placement in the general education setting unless the school can demonstrate that the education of the student in the general education setting with supplementary aids and services cannot be achieved. If this cannot be achieved a referral for a special services evaluation should be made.

Section §504 – Academic Referrals

Academic referrals generally stem from information shared in the campus RTI committee meeting. Students who are struggling academically and identified as needing Tier 2 or Tier 3 intervention services may also be eligible for services under Section §504. The RTI committee may also be the members of the Section §504 Committee, which must include a campus administrator, at least one teacher of the student, the student (if age appropriate), and a parent or guardian. Below are Frontline forms parents/guardians and coordinators will complete through the process.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- ▶ **Initial Referral** – The referral form is designed to be completed by the person initiating the referral and supplemented as necessary by the Campus Section §504 coordinator – include HLS, grades, attendance, RTI, discipline, test scores
- ▶ **Parent Consent to Evaluate** – this form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation.
- ▶ **Notice of Parent and Student Rights** – Requirement of the Office for Civil Rights and available in English and Spanish
- ▶ **Teacher Input** – To be completed by all the student's teachers
- ▶ **Parent Input** – To be completed by the student's parents/guardians
- ▶ **Health Form** – To be completed by the school nurse

When all forms have been collected, the campus Section §504 coordinator will set an initial Section §504 meeting to review the information.

- ▶ **Notice of Meeting** -- Parents/guardians will be called, emailed, or sent a form as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, committee members will consider all of the information and evidence that is presented in order to make an informed decision.
- ▶ **Initial Evaluation** -- Committee members will review all information presented and then answer 3 questions to determine Section §504 eligibility.



If the answers to all three questions are yes, then the committee will decide what type of plan is needed to best serve the student's needs.

During the Section §504 Meeting

During the meeting the Section §504 Committee will address/discuss the following:

- Celebration of student's strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student's impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data

► **Section §504 Services Plan** -- The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.

Note: Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be made as such.

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of Section §504 service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed every year. Campuses will strive to conduct review meetings on or before the day and month the plan was developed/reviewed the previous year. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically in Frontline and will be a record in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

Section §504 – Dyslexia Referrals

Based on recent guidelines established by the Texas Dyslexia Handbook, initial referrals for a possible learning disability in the area of reading, including a student suspected or identified as having dyslexia, are initiated through the special education referral process. The campus coordinator will meet with parents/guardians to complete the initial referral packet. Depending on the input provided, a parent may choose to request dyslexia testing under Section §504 and may indicate this selection by denying special services testing. In the event of a parent request, the parent meeting to seek consent for special education testing will need to occur no less than 15 school days following the date of the written request for assessment was received by the school from the parent. If Section §504 is selected the campus Section §504 coordinator will work with a dyslexia specialist to coordinate testing.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Teachers

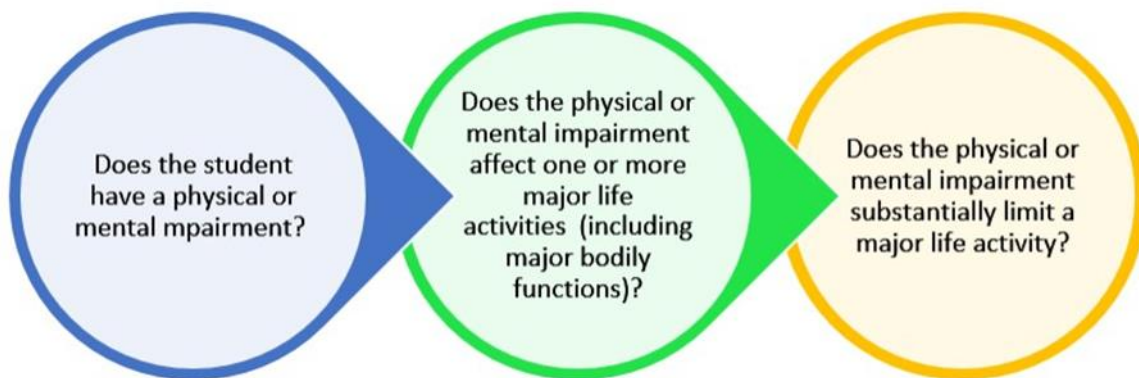
- ▶ **Initial Referral** -- The referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- ▶ **Parent Consent to Evaluate** – this form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation
- ▶ **Notice of Parent and Student Rights** -- Shared with parents/guardians and is a requirement of the Office for Civil Rights and available in English and Spanish
- ▶ **Teacher Input** – To be completed by all the student's teachers in initial special services paperwork
- ▶ **Parent Input** – To be completed by the student's parents/guardians in initial special services paperwork
- ▶ **Health Form** – to be completed by the school nurse

When the signed parent consent, teacher input, and parent input forms have been received, the dyslexia specialist will begin testing the student and must be completed within 45 school days of receiving the signed consent form.

After the dyslexia specialist has completed the evaluation and written the final report, the Section §504 campus coordinator will contact parents/guardians to schedule the Section §504 Dyslexia initial meeting to discuss the assessment findings and the potential next steps based on the data presented.

▶ **Notice of Meeting** - Make multiple efforts by a variety of media (phone call, email, or formal letter sent to parent(s)) to work with the parents to determine a mutually agreeable date and time for the meeting. Once agreed, a notice of the meeting will be sent to the parent inviting them to attend the meeting.

▶ **Initial Evaluation** -- Committee members will review all information presented and then answer 3 questions to determine Section §504 eligibility.



If the answers to all three questions are yes, then the committee will decide what type of plan is needed to best serve the student's needs.

During the Meeting

Texas Dyslexia Law and Section §504 Initial Evaluation -- will be completed. Committee members present should include an administrator, the dyslexia teacher or a knowledgeable person on dyslexia and the

reading process, the teacher of record, the student (if age appropriate), and the parent.

► **Section §504 Student Services Plan** -- outlining specific accommodations and services the student will be receiving based on the specific literacy needs.

During the meeting the Section §504 Committee will address/discuss each of the following:

- Celebration of student's strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student's impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data to determine if the student exhibits the characteristics of dyslexia
 - If identified, the discussion takes place in regard to needed/appropriate accommodations

Dyslexia is a physical or mental impairment. Therefore, when determining whether the student qualifies for Section §504 accommodations, a finding the student struggles with Dyslexia satisfies the first question allowing the committee to move to the next question regarding whether the student's Dyslexia substantially limits one or more major life activities and how.

After the Meeting

Committee members receive completed copies of the Section §504 Service Plan, and all teachers who work with the student are given a copy of the accommodation plan. If the student is identified as having dyslexia, Frontline Section §504 documents are completed and coding is completed following the dyslexia indicator codes.

Subsequent Reviews

Section §504 plans will be reviewed yearly, and at designated grade levels (campus matriculation and state testing). Campuses will strive to conduct review meetings on or before the day and month the plan was developed/ reviewed most recently. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically in Frontline and will be a record in the student's permanent folder.

Students Section §504 plans transitioning to the next campus within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving PISD campus.

Section §504 – Behavior Referrals

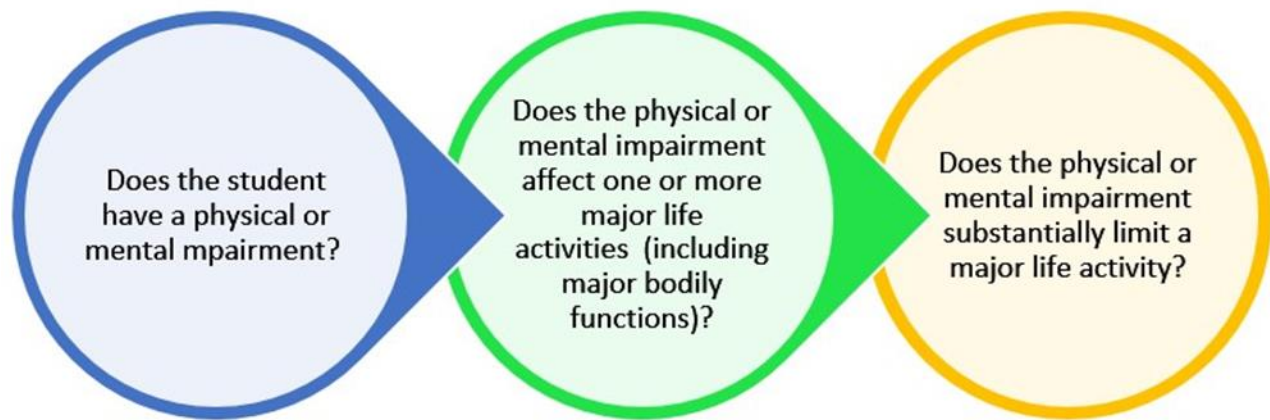
Behavior referrals usually result from information shared by teacher observations and in the school's RTI committee or may be the result of a doctor's note diagnosing ADD or ADHD. Students who are struggling behaviorally may be eligible for services under Section §504. RTI committee members may also serve as members of the Section §504 Committee, which must include a campus administrator, a teacher of the student, the student (if age appropriate), and a parent or guardian. Based on the unique needs of the student, the campus behavior specialist and/or school nurse may also be asked to serve on the Section §504 Committee for behavior referrals.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- ▶ **Initial Referral** -- The referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- ▶ **Parent Consent to Evaluate** – this form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation
- ▶ **Notice of Parent and Student Rights** -- Shared with parents/guardians and is a requirement of the Office for Civil Rights and available in English and Spanish
- ▶ **Teacher Input** – To be completed by all the student’s teachers in initial special services paperwork
- ▶ **Parent Input** – To be completed by the student’s parents/guardians in initial special services paperwork
- ▶ **Health Form** – to be completed by the school nurse

When all forms have been collected, the campus Section §504 coordinator will set an initial Section §504 meeting to review the information.

- ▶ **Notice of Meeting** -- Parents/guardians will be called, emailed, or sent a form as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, committee members will consider all of the information and evidence that is presented in order to make an informed decision.
- ▶ **Initial Evaluation** -- Committee members will review all information presented and then answer 3 questions to determine Section §504 eligibility.



If the answers to all three questions are yes, then the committee will decide what type of plan is needed to best serve the student’s needs.

During the Section §504 Meeting

During the Meeting the Section §504 Committee will address/discuss the following:

- Celebration of student’s strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student’s impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data

► **Section §504 Services Plan** -- The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.

Note: Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be made as such.

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of Section §504 service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed yearly. Campuses will strive to conduct review meetings on or before the day and month the plan was developed/reviewed the prior year. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically in Frontline and will be a record in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

Section §504 – Health Concerns Referrals

Referrals for health issues usually result from information shared by the parent and the student's doctor. The Section §504 Committee for this type of referral should include a campus administrator, a teacher of the student, the student (if age appropriate), and a parent or guardian. The school nurse should also be asked to serve on the committee for health referrals.

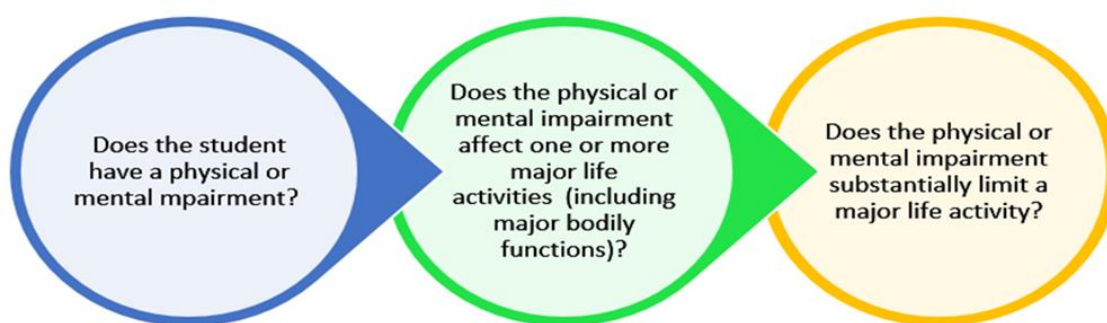
Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- **Initial Referral** -- The referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- **Parent Consent to Evaluate** – this form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation
- **Notice of Parent and Student Rights** -- Shared with parents/guardians and is a requirement of the Office for Civil Rights and available in English and Spanish
- **Teacher Input** – To be completed by all the student's teachers in initial special services paperwork
- **Parent Input** – To be completed by the student's parents/guardians in initial special services paperwork
- **Health Form** – to be completed by the school nurse

When all forms have been collected, the campus Section §504 coordinator will set an initial Section §504 meeting to review the information.

► **Notice of Meeting** -- Parents/guardians will be called, emailed, or sent a form as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, committee members will consider all of the information and evidence that is presented in order to make an informed decision.

► **Initial Evaluation** -- Committee members will review all information presented and then answer 3 questions to determine Section §504 eligibility.



If the answers to all three questions are yes, then the committee will decide what type of plan is needed to best serve the student's needs.

During the Section §504 Meeting

During the Meeting the Section §504 Committee will address/discuss the following:

- Celebration of student's strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student's impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data

► **Section §504 Services Plan** -- The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.

Note: Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be made as such.

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of Section §504 service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed yearly. Campuses will strive to conduct review meetings on or before the day and month the plan was developed/reviewed the prior year. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically in Frontline and will be a record in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

If an Issue Arises Due to Behavior – Manifestation Determination Review (MDR)

Manifestation Determination Evaluation (MDR) – Disciplinary removals of more than ten days constitute a significant change in placement, and Section §504 regulations require a reevaluation prior to any change in placement. The ten days can be consecutive or non-consecutive. Further, the reevaluation before a change in placement must consider whether the behavior is a manifestation of the student’s disability.

When disciplinary removals cause the need for a reevaluation, two questions are posed and answered by the committee:



If either of the questions is answered “yes,” the behavior must be considered to be a manifestation of the student’s disability. In that event, the student cannot be placed in ISS, expelled or placed in the school’s disciplinary alternative education setting (DAEP) for more than 10 school days.

NOTE: A school may remove a student to DAEP/JAEP without regard to whether the behavior is a manifestation of a disability, for up to 45 school days for the following:

- ☐ bringing a weapon to school or a school function;
- ☐ possessing, selling, soliciting, or using illegal drugs or a controlled substance;
- ☐ inflicting serious bodily injury upon another person at school or at a school function

Notice of the Results is a letter to parents/guardians stating the outcome of the manifestation Determination evaluation meeting and must be sent along with a copy of the MDR paperwork.

Before the Meeting

- **Collect all relevant data regarding the student** – discipline data, grades, attendance, etc.
- **Notice of Meeting** -- Parents/guardians will be called, emailed, or sent a form as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, committee members will consider all of the information and evidence that is presented in order to make an informed decision.

During the Section §504 Meeting

During the Meeting the Section §504 Committee will address/discuss the following:

- Discipline action from the hearing officer

- The student's current eligibility and services
- Parent input relevant to the student's impairment and the educational impact in relation to the activity in questions
- Staff input regarding student performance in academics and behavior
- Functional Behavioral Analysis/Behavior Intervention Plan development

► **Section §504 Services Plan** -- The committee will determine which, if any, accommodations or other services the student may need to mitigate the behavioral difficulties they are experiencing based on the data.

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of Section §504 MDR service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan and/or BIP.

Section §504 Homebound

Per TEA, in some situations, students suffer from an illness or injury that causes excessive absences as the result of hospitalization or other severe illness. Immediately after receiving a licensed physician's written recommendation that a student be confined at home or hospital bedside for a minimum of four weeks, the Section §504 coordinator will schedule an initial evaluation meeting if the student has not been previously served under Section §504, or a reevaluation to consider a change in placement if the student is already served under Section §504. The committee will follow Section §504 evaluation procedures and consider transition plans for leaving and returning to the school environment. The committee that makes the determination is composed of a campus administrator, a teacher of the student, the student's counselor, the student (if age appropriate), and a parent or guardian and nurse if needed.

Homebound education is provided by a certified general education teacher in core academic subjects. In order to qualify for the General Education Homebound (GEH) status, a student must meet the following conditions:

1. Will be confined at home or in a hospital for a minimum of 4 weeks (need not be consecutive).
2. The confinement is for medical reasons only.
3. The medical condition is documented by a physician licensed to practice in the US.

Section 504 Dismissal Meetings

When a Section §504 student no longer demonstrates a substantial limitation of a major life activity based on a physical or mental impairment, no longer demonstrates the need for accommodations per their current disability based on student, teacher and/or parent data and feedback, or is determined to be eligible for Special Education services, a dismissal meeting must be held to review the evaluation data.

Further, a student's parent/guardian may request a student be dismissed from Section §504 or revoke consent to Section §504 at any time. If a parent requests dismissal or revokes consent, a Section §504 review is generally conducted to discuss the dismissal. However, there are times when this may have been discussed in a prior Section §504 review meeting and it is confirmed between the parent/guardian and campus Section §504 coordinator. A student dismissed from Section §504 remains eligible for Section §504 protections, and is still a student with a disability. However, the students are no longer eligible for Section §504 services (accommodations). Dismissal paperwork will be sent to the parent/guardians. Should a parent/guardian change their decision at a later time, PISD may reactivate the Section §504 process at that time by convening a Section §504 meeting or reevaluation depending on how much time has elapsed.

Section §504 Plan and Accommodations

Section §504 plans include the following:

- ▶ Description of the disability or impairment.
- ▶ List of major activities substantially limited by disability or impairment.
- ▶ Data sources used to make plan decisions.
- ▶ Overview of meeting discussion.
- ▶ Accommodations for the classroom, testing, and behavior.
- ▶ Who will monitor the plan?
- ▶ Names of committee members present and their signatures.
- ▶ Documentation of parent receipt of Notice of Parent and Student Rights.

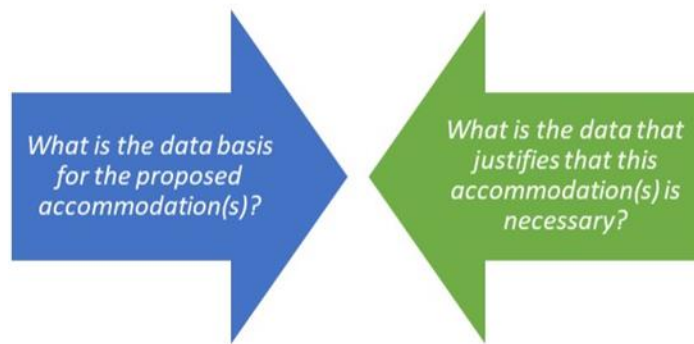
The procedures outlined herein for development of the Section §504 Plan and accommodations were developed in accordance with state and federal laws and regulations. Fidelity to these procedures ensures both the District generally and individual student Section §504 Plans specifically, are legally compliant.

Accommodations are designed to change how students access learning and the physical school environment and must be created based on the impact of the impairment on each individual student's ability to access the aid, benefits, and services of the general education environment and calculated in such a way to remove the barriers to access. Accommodations should "level the playing field" as opposed to providing an advantage to the student and should never alter what a student learns, which would be a modification. Section §504 regulations mandate that students be educated with their non-disabled peers to the maximum extent appropriate based on their individual needs. The first setting choice is in a general education setting with accommodations that provide supports that connect the student to curriculum and instruction. Accommodations should address all impacted areas of the student's school environment including the classroom, testing, and behavior.

The following are common examples of types of accommodations (NOT an EXHAUSTIVE LIST) a student may receive but are meant to provide examples of ways to think about accommodating students with disabilities.

- ▶ **Instructional** – changing the parameters of instruction (extra time, chunking assignments, organizational strategies, etc.)
- ▶ **Environmental** -- adapting the environment around the student (change student seating, making space for certain tasks, etc.)
- ▶ **Behavioral** -- promoting positive behavior through accommodations (positive verbal and/or nonverbal reinforcements, reward systems, redirection, frequent reminders, etc.)
- ▶ **Supplemental Aids** -- highlighted test and manipulatives, color transparencies
- ▶ **Medical** -- creation/implementation of an individualized health plan, access to the nurse, access to the restroom as needed, and ability to have snacks as needed for diabetic sugar regulation

Accommodations will be decided by the committee based on the individual needs of the student.



Accommodations should address all impacted areas based on the disability, including the classroom testing, stat and district assessments, and behavior.

Note: When developing accommodations, please know that some accommodations that are appropriate at one level (elementary), may not be appropriate for the next level (middle school). These will be addressed in review and transition Section §504 meetings. For example, a 5th-grade student may utilize working at the teacher’s table in their elementary school to avoid distractions. At the middle schools, there may not be a designated teacher table, so an accommodation would need to be adjusted to meet the students’ needs in the middle school environment. For example, an appropriate adjustment may be:

“Allow student to wear noise-cancelling headphones while working to eliminate distractions.”



Campus Responsibilities:

Accommodations that are written into a Section 504 plan are legally binding (pg. 4). This means that for the student to receive their free appropriate public education, they must receive the identified accommodations as written in the plan. Compliance with Section 504 accommodations is non-negotiable.

The campus Section 504 coordinator should disseminate Section 504 accommodation plans and collaborate with campus staff responsible for implementing the plan to ensure fidelity of implementation. In addition, the campus Section 504 coordinator should work with campus staff to monitor student progress to determine if the accommodations are effective. If a student does not make adequate progress, a Section 504 meeting or referral for special education evaluation should be considered.



Family Participation:

Parents should provide input about the impact of the impairment on their student and in the creation of the accommodation plan for their child. Parents can partner with teachers to monitor student progress.



Student Participation:

Students should be encouraged to provide input about the impact of their impairment and in the creation of accommodation plans. The Section 504 committee can help students understand the accommodations that are provided for them. Older students can participate in their Section 504 meetings and should be encouraged to self-advocate for their accommodations.

Advanced Placement and Dual Enrollment

Section §504 and Board Policy FFH(LOCAL) prohibits discrimination based on disability in recommending, enrolling, and serving students in advanced placement and dual enrollment programs. Academic programs offered at high school campuses that generate high school credit on a student’s transcript are subject to FAPE. This means that Section §504 students must be provided with those accommodations

in advanced placement or dual enrollment classes offered by the campus so long as the advanced nature of the course is not altered.

The college Board determines what accommodations students will receive on Advance Placement tests and other national normative tests administered by the College Board Section §504 Committee will be cognizant of general College Board guidance in developing student testing accommodations. Annually, the district will work with Section §504 students in applying to the College Board for testing accommodations commensurate with the Section §504 Plan. Students will receive the same testing accommodations they have been approved by the College Board on tests in Advance Placement courses.

Extracurricular Activities

Nonacademic services and extracurricular services may include activities such as: LEA sponsored special interest groups or clubs, recreational activities and recreational athletics, counseling services, transportation, health services, referrals to agencies that provide assistance to handicapped persons, and employment of students, including both employment by the LEA and making available outside employment. According to Section 504 regulations, the LEA is required to provide students with disabilities an equal opportunity for participation in nonacademic and extracurricular services.

LEAs must make reasonable modifications and provide the necessary aids and services to allow students an equal opportunity for participation, unless they can show that the modification would fundamentally alter the program. Equal opportunity for participation is to be decided on an individual basis and is not meant to provide unfair advantage to students. If a modification would result in an unfair advantage or would fundamentally alter the program, LEAs may consider alternative accommodations, aids, or services.

Physical Education and extracurricular athletic activities including club, intramural or interscholastic athletics of all grade levels are an important part of many students' educational experiences. According to Section 504 regulations, the LEA is required to provide an equal opportunity for participation to all students with disabilities. LEAs offer many separate or different athletic activities only if the separation or differentiation is consistent with the regulatory requirement that students with disabilities are educated to the maximum extent with their peers with disabilities, unless the LEA can demonstrate the education of the student in the general education setting with supplementary aids and services cannot be achieved. LEAs have an obligation under federal regulations to ensure that no student may be rendered ineligible to participate in any aid, benefit, or service due to their disability. (2013 Dear Colleague Letter from the Assistant Secretary for Civil Rights regarding extracurricular activities) However, students with disabilities must meet the skill level requirement of any selective or competitive program.

As previously noted, LEAs may not rely on generalizations, assumptions, prejudice, or stereotypes about disabilities regarding student capability to participate in an athletic activity. While LEAs should not provide unnecessarily different or separate athletic opportunities, they may provide a wide variety of extracurricular athletic experiences for all students. Students who are able to participate in extracurricular athletics even with supplementary aids and services should have the opportunity to benefit from participation in physical activities.

After School Programs

Per TEA, schools that offer after-school or summer programs must ensure that all students have equal opportunity for PARTICIPATION. This means that the school may need to make reasonable

accommodations to provide students with disabilities access to the program. The accommodations do not have to be identical to those listed in the Section §504 plan and are not a required component of the Section §504 accommodations plan. PISD will work to provide accommodation in such programs to the best extent reasonable.

Section 504 Plans, Individual Health Plans (IHP), and Emergency Care Plans (EAP)

Protecting students with serious allergies and anaphylaxis at school is approached in a team-based manner in order to limit exposure to life-threatening allergens. Students with severe food allergies are likely to meet eligibility requirements under Section §504 as a person with a physical impairment that substantially limits one or more major life activities. An individual health plan or emergency action plan filed with the campus nurse may be implemented in addition to the Section §504 accommodation plan, and the school nurse should be a member of the Section §504 Committee.

Special Education Referrals

Special education referrals can occur in the following ways:

- A student is currently served through Section §504 and is still unable to access learning appropriately which is, in turn, affecting academics.
- A parent or fellow educator has requested a special education evaluation due to student concerns.

15 School Days	If a parent requests an evaluation, the school must, no later than the 15 th school day after the date of the request, provide the parent with a meeting to discuss the parent's request or a Notice of Refusal.
45 School Days	From the date of receipt of signed consent, the Initial Evaluation/FIE report must be completed (and provided to the school a minimum of 2 weeks before the ARD).
30 Calendar days	From the date of the initial FIE, an ARD must be held

Threat Assessment

A Threat Assessment is a guide designed to assist in the investigation of potential danger (identify circumstances and situational factors that may increase concern for potential youth aggression) and to assist school staff in the development of an intervention plan. Threat Assessments are conducted when:

- ☐ There is a weapon or report of a weapon at school or an attempt to bring a weapon to school.
- ☐ An administrator determines or is unable to determine if a situation poses a risk to school personnel or the community.
- ☐ Threat or aggression is causing considerable fear or disruption to normal activity.

- ☐ There is continued intent to carry out a threat.
- ☐ Threat or aggression is specific to an identified target, and there is a motive and plan.
- ☐ There is a history of threats or extreme aggression (violence).
- ☐ Staff, parent, student, or community member perceives threatening circumstances.

After a Threat Assessment has been conducted, the Team will determine if the student requires updated Section §504 accommodations. If so, the Section §504 Coordinator will schedule a Section §504 meeting, utilizing the Threat Assessment as a critical piece of data. If not, the Section §504 Coordinator will continue to monitor the student. If a Section §504 student is the claimant (i.e., alleged victim) in the incident requiring a Threat Assessment, the Section §504 student who is the claimant will have a re-evaluation meeting to address whether additional accommodations are needed for the Section §504 student as the claimant.

Grievances

PISD welcomes and encourages students and parents/guardians to discuss their concerns with the appropriate teacher, principal, or another campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolutions are encouraged between the campus and family. Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint. See Board Policy FNG (Local).

Additional concerns or questions can be discussed with the district's Section 504 Coordinator, Dr. Bernie Batto, at bbatto@poteetisd.org.

Appendix A: Sample Section §504 Accommodations Based on Disability

Note: These are common accommodations per common disabilities/impairments seen with Section §504 students. These accommodations are not exhaustive and are not meant to be utilized as a menu in which to pick accommodations. Accommodations for students are created based on their individual needs and should address providing equitable access. All Section §504 Plans should be data driven and incorporate teacher expertise and available resources.

<p style="text-align: center;">Allergies</p> <ul style="list-style-type: none"> ❑ Health care plan for management of condition in the school setting and in emergencies ❑ Avoid exposure to allergy-causing substances: soap, weeds, pollen, food ❑ Allow time for shots/clinic visits ❑ Adapt physical education curriculum during high pollen time 	<p style="text-align: center;">Anxiety</p> <ul style="list-style-type: none"> ❑ Preferential seating next to a peer or teacher with whom they feel comfortable or where there are minimal distractions ❑ Provide calming items during instructional periods ❑ Provide warnings or notifications before transitions or changes ❑ Schedule times for the student to be able to get up and walk around or have a specific task for the student to complete
<p style="text-align: center;">Arthritis</p> <ul style="list-style-type: none"> ❑ Incorporate accommodations for writing tasks (copy of notes or outlines, use of computer for note-taking) ❑ Incorporate assistive devices for writing (e.g. pencil grips, non-skid surface, computer, etc.) ❑ Health care plan for management of condition in the school setting and in emergencies ❑ Incorporate movement plan to avoid stiffness 	<p style="text-align: center;">Asthma</p> <ul style="list-style-type: none"> ❑ Allow the student to have unlimited access to water and use of the restroom (due to medication use) ❑ Allow the student to stay indoors during cold weather and/or poor air quality days ❑ Health care plan for management of condition in the school setting and in emergencies ❑ Adapt activity level for recess, physical education, etc.
<p style="text-align: center;">Attention Deficit Disorder (ADD) and ADHD</p> <ul style="list-style-type: none"> ❑ Seat away from distractions and in close proximity to the teacher/instruction ❑ Provide breaks as needed ❑ Use a timer to assist student to focus on given task or number of problems in time allotted ❑ Provide cool down area 	<p style="text-align: center;">Bipolar Disorder</p> <ul style="list-style-type: none"> ❑ Break down assignments into manageable parts with simple directions ❑ Monitor clarity of understanding and alertness (triggers, warning signals) ❑ Allow student to see counselor when needed ❑ Provide extended time on assignments and tests when needed
<p style="text-align: center;">Cancer/Leukemia</p> <ul style="list-style-type: none"> ❑ Extended time on tests, classwork, and homework if needed ❑ Health care plan for management of condition in the school setting and in emergencies ❑ Consider possible Section §504 Homebound depending on need ❑ Provide rest breaks and breaks as needed 	<p style="text-align: center;">Cerebral Palsy</p> <ul style="list-style-type: none"> ❑ Access to copy of class notes ❑ Preferential seating near the front of the classroom or where learning is best ❑ Provide appropriate assistive technology ❑ Alternative test taking methods (i.e. oral, computer based, etc.)

<p style="text-align: center;">Cystic Fibrosis</p> <ul style="list-style-type: none"> <input type="checkbox"/> Health care plan for management of condition in the school setting and in emergencies <input type="checkbox"/> Provide trash can near student to discard of tissues coughed into <input type="checkbox"/> Apply universal precautions such as the correct disposal of fluids <input type="checkbox"/> Allow student privacy in which to cough as needed 	<p style="text-align: center;">Diabetes</p> <ul style="list-style-type: none"> <input type="checkbox"/> Health care plan for management of condition in the school setting and in emergencies <input type="checkbox"/> Allows breaks and access to supplies to check blood glucose levels <input type="checkbox"/> Extended time to complete assignments <input type="checkbox"/> Allow bathroom and fast passes to the school nurse
<p style="text-align: center;">Dyslexia</p> <ul style="list-style-type: none"> <input type="checkbox"/> Oral administration of tests <input type="checkbox"/> Provide appropriate low- and high-tech assistive technology (audio books, electronic readers, audio recorders, text-to-speech software, and speech-to-text programs) <input type="checkbox"/> Extended time to complete assignments and tests <input type="checkbox"/> Mnemonic devices to support learning and memorization 	<p style="text-align: center;">Emotional Disturbance</p> <ul style="list-style-type: none"> <input type="checkbox"/> Utilize behavior management contracts and/or create <input type="checkbox"/> BIP <input type="checkbox"/> Provide breaks as needed <input type="checkbox"/> Prepare the student ahead of time for transitions (set visible timer) <input type="checkbox"/> Provide a daily and weekly schedule to reduce anxiety
<p style="text-align: center;">Encopresis/Enuresis</p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow student to utilize a bathroom pass/secret signal when urgent bathroom needs arise <input type="checkbox"/> Allow student to have a change of clothes available at school in the clinic or alternative location <input type="checkbox"/> Preferential seating - seat close to the door for quick exit access <input type="checkbox"/> Health care plan for management of condition in the school setting and in emergencies 	<p style="text-align: center;">Epilepsy</p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow for academic make-up work, extended time on tests/classwork, or shortened assignments if needed following seizure <input type="checkbox"/> Health care plan for management of condition in the school setting and in emergencies <input type="checkbox"/> Observe for consistent triggers (e.g. smells, bright light, perfume, hair spray) <input type="checkbox"/> Warn student (auditory and/or visual warnings) student before displaying potentially sensitive or triggering visuals
<p style="text-align: center;">Hearing Impairments</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide captioning for videos used for instruction <input type="checkbox"/> Provide assistive technology; acquire assistive equipment for school use (i.e.: FM system) <input type="checkbox"/> Preferential seating where learning is best <input type="checkbox"/> Checks for understanding - repeating of instructions as needed 	<p style="text-align: center;">Hemophilia</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide student with an extra set of books to keep at home <input type="checkbox"/> Provide the student with a seating arrangement that allows them to easily access the classroom and the exits <input type="checkbox"/> Provide extra time to make transitions <input type="checkbox"/> Provide the student with additional supervision during recess

<p style="text-align: center;">Learning Disabilities</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide student with an extra set of books to keep at home <input type="checkbox"/> Provide the student with a seating arrangement that allows them to easily access the classroom and the exits <input type="checkbox"/> Provide extra time to make transitions <input type="checkbox"/> Provide the student with additional supervision during recess 	<p style="text-align: center;">Orthopedically Impaired</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide extra time to get to class <input type="checkbox"/> Ensure accessibility to all school facilities - sinks and water fountains <input type="checkbox"/> Provide a copy of class notes <input type="checkbox"/> Develop a health care and emergency plan
<p style="text-align: center;">Tourette's Syndrome</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide supervision for transition activities, during periods of "acting out" <input type="checkbox"/> Provide alternative/larger work-space or appropriate space for the student to act out if indicated <input type="checkbox"/> Provide student with a printed copy of instructions in addition to the ones given verbally <input type="checkbox"/> Give the student directions in small chunks and check for understanding of the directions given 	<p style="text-align: center;">Traumatic Brain Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Monitor for seizure activity and fatigue/mental exhaustion <input type="checkbox"/> Provide frequent short breaks during periods of intense concentration <input type="checkbox"/> Provide alternative testing environment or structure <input type="checkbox"/> Health care plan for management of condition in the school setting and in emergencies
<p style="text-align: center;">Visual Impairments</p> <ul style="list-style-type: none"> <input type="checkbox"/> Preferential seating - seat where vision is best <input type="checkbox"/> Provide copies of text/reading materials for adaptation (i.e.: larger print) <input type="checkbox"/> Enlarged print materials, textbooks, workbooks, worksheets <input type="checkbox"/> Extended time to complete assignments due to visual fatigue 	<p style="text-align: center;">Remember:</p> <p>Accommodations are to be customized to each student's individual needs based on your sources of data.</p>

Appendix B: 504 Sample Meeting Checklist

- Call or Email parents to schedule the meeting. District preference is at least one week prior to the meeting.
- Send home an invitation to the meeting with a Notice of Procedural Safeguards and Receipt of Rights.
- Evaluation data is assembled and ready for presentation.
- Invite all applicable participants, including student.
 - Arrange for possible substitutes.
 - Obtain parental consent to invite or obtain information from any outside service providers by securing a Consent for Disclosure of Confidential Information.
- Signed Invitation and receipt for Procedural Safeguards returned and filed documenting parent intent to attend, not attend, or need to reschedule.
- Prepare the room ahead of time for the meeting.
- At the meeting:
 - Participants are introduced and documented in the deliberations
 - Discussion of eligibility requirements – disability, physical or mental impairment, or major life activity effected – and documentation to support.
 - Discussion of student strengths
 - Discussion of student challenge areas (impact of disability)
 - Documentation of committee discussions regarding:
 - Dyslexia, if applicable
 - Instructional Accommodations
 - State Testing Accommodations
 - Functional Behavior Analysis and Behavior Intervention Plan, if applicable
 - Document committee decision regarding the need for further evaluation or Special Education Referral
 - Explanation to parents that services or accommodations provided pursuant to a plan under Section 504 or services offered as part of the LEA's multi-tiered systems of support (MTSS) may not be used to delay or deny a referral for special education
- Review the deliberations and document agreement.
- Obtain parent signatures, either electronically or handwritten.
- Copies to parents – make sure to obtain signed receipt of Procedural Safeguards/Parent and student Rights if it was not returned with the invitation. If a signed invitation was not returned, a signed copy should be obtained.
- Distribute the Section 504 plan to all appropriate staff and provide consult for clarification or assistance in implementation, if needed.
- Archive the completed plan and any supporting documents in Frontline.

Appendix C: Procedural Safeguards for Section §504

The Procedural Safeguards document should be provided to parents with the invitation of the Section §504 meeting for their students in the language that they communicate in. If a parent needs a Spanish version of the Procedural Safeguards, the report can be chosen from the Reports tab and selecting “Foreign Language/Blank Reports”.



**NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION
504: THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, reading, concentrating, thinking, communicating, caring for oneself, walking, standing, bending, lifting, seeing, hearing, eating, sleeping, speaking, breathing, working, performing manual tasks or the operation of a major bodily function. The District must provide appropriate services to identified students. The District may not discriminate against students with disabilities.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An Explanation of Rights and Procedural Safeguards (SPE 216E) prepared by the Texas Education Agency is available through the school district's Special Education Program and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA. Please keep in mind that Section 504 is not a program. It is an anti-discrimination law.

The enabling regulations for Section 504 as set out in 34 Code of Federal Regulations (CFR) Part 104 provide parents and / or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice is to advise you of those rights.) 34 CFR 104.32
2. Your child has the right to an appropriate education designed to meet his / her individual 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 except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34
6. Your child has a right to an evaluation prior to an initial Section 504 accommodation plan and any subsequent significant change in plan. 34 CFR 104.35
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and State Assessment scores. 34 CFR 104.35
8. Decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about; your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35
9. If eligible under Section 504, your child has a right to periodic reevaluation, generally every three years. 34 CFR 104.35
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or accommodation plan of your child. 34 CFR 104.36



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11. You have the right to examine relevant records. 34 CFR 104.36
12. You have the right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney, if desired.
13. If you have questions or concerns or wish to file a complaint regarding your child's identification, evaluation, or educational services, you may call the District's Section 504 Coordinator at 830-742-3567.
If you nevertheless, wish to challenge the actions of the District's Section 504 Committee in regard to your child's identification, evaluation, or educational services, you should file a written Notice of Appeal with the District's 504 Coordinator (Dr. Bernie Batto, 1100 School Drive Poteet, 830-742-3567) within 30 calendar days from the time you received written notice of the Section 504 Committee's action(s). If you request an appeal hearing, a hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36
15. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers Texas is:

Dallas Office
Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810
Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 877-521-2172
Email: OCR.Dallas@ed.gov



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NOTIFICACIÓN DE LOS DERECHOS DEL PROGENITOR Y DEL ALUMNO SEGÚN LA SECCIÓN 504: LA LEY DE REHABILITACIÓN DE 1973

La Ley de rehabilitación de 1973, comúnmente denominada "Sección 504", es un estatuto de no discriminación promulgado por el Congreso de los Estados Unidos. El objeto de la ley es el de prohibir la discriminación a la vez que garantizar que los alumnos discapacitados opten a las mismas oportunidades y ventajas académicas de que disfrutaban los alumnos sin discapacidades.

Un alumno reunirá los requisitos necesarios según la Sección 504 si dicho alumno (a) sufre, (b) tiene un historial de haber sufrido, o (c) se considera que sufre un impedimento físico o mental que limita considerablemente una actividad esencial de la vida, como puede ser el aprendizaje, la lectura, la concentración, el razonamiento, la comunicación, el ser capaz de cuidarse a sí mismo, el caminar, el mantenerse en pie, el doblarse, el levantarse, el ver, el oír, el comer, el dormir, el hablar, el respirar, el trabajar, el realizar tareas manuales o el llevar a cabo una función corporal principal. El distrito deberá proporcionar unos servicios adecuados a los alumnos que cumplan tales requisitos. El distrito no podrá actuar de forma discriminatoria frente a alumnos con discapacidades.

REUNIR LOS REQUISITOS NECESARIOS DOBLEMENTE: Es posible que muchos de los alumnos reúnan los requisitos necesarios para recibir servicios académicos tanto según la Sección 504 como conforme a la Ley de educación de individuos con discapacidades (IDEA por sus siglas en inglés). Los alumnos que reúnan los requisitos necesarios conforme a la IDEA disfrutarán de un gran número de derechos específicos a los que no tendrán acceso los alumnos que únicamente reúnan los requisitos necesarios según la Sección 504. Se puede obtener la Explicación de los derechos y salvaguardas de procedimiento (SPE 216E) elaborada por la Agencia de Educación de Texas a través del programa de educación especial del distrito escolar; en ella, se exponen los derechos garantizados por la IDEA. El objeto de este formulario de notificación es el de exponer los derechos garantizados por la Sección 504 a aquellos alumnos discapacitados que no reúnan los requisitos necesarios conforme a la IDEA. Por favor, recuerde que la Sección 504 no es un programa. En una ley antidiscriminación.

El reglamento de la Sección 504 que figura en el artículo 34 del Código de Regulaciones Generales (CRG) de la sección 104 proporciona a los padres o a los alumnos los siguientes derechos:

1. Tiene el derecho de ser informado por el distrito escolar sobre sus derechos según el artículo 504. (El objetivo de esta Notificación es la de advertirle sobre dichos derechos). 34 CFR 104.32
2. Su hijo tiene el derecho a una educación adecuada diseñada según sus necesidades educacionales individuales de la forma más adecuada según las necesidades de un alumno no discapacitado 34 CFR 104.33
3. Su hijo tiene el derecho a servicios educativos gratuitos exceptuando los honorarios impuestos en alumnos no discapacitados o en sus padres. Las aseguradoras y otras terceras partes no están excluidas de dicha obligación válida en cuanto a proporcionar o pagar servicios dirigidos a los alumnos discapacitados. 34 CFR 104.33
4. Su hijo tiene el derecho a permanecer en el ambiente menos restrictivo posible. 34 CFR 104.34
5. Su hijo tiene derecho a instalaciones, servicios y actividades que son comparables a aquellas proporcionadas para los estudiantes sin discapacidad. 34 CFR 104.34
6. Su hijo tiene derecho a una evaluación antes de (véase Sección 504) cualquier plan de alojamiento y de cualquier cambio significativo subsecuente del plan. 34 CFR 104.35
7. Los exámenes o los procedimientos de evaluación deben corresponder con los requisitos del punto 34 CFR 104.35 para su validación, administración, zonas de evaluación, etc. El distrito debe considerar la información de muchas fuentes, incluidos los exámenes de aptitud y logro, recomendaciones de los profesores, condición física, nivel social y cultural, conducta adaptativa, informes físicos o médicos, notas de los estudiantes, informes de progreso observaciones de los padres, los informes anecdóticos y los resultados del TAKS. 34 CFR 104.35
8. Las decisiones deben tomarse por un grupo de personas (es decir, el comité de Sección 504), incluyendo aquellas personas conocedoras, su hijo, el significado de los datos de evaluación, las opciones de ubicación, los requisitos jurídicos para conseguir el entorno menos restrictivo y las instalaciones comparables. 34 CFR 104.35



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**NOTIFICACIÓN DE LOS DERECHOS DEL PROGENITOR Y DEL ALUMNO SEGÚN LA SECCIÓN
504: LA LEY DE REHABILITACIÓN DE 1973**

9. Si se reúne los requisitos según el Sección 504, su hijo tiene el derecho de reevaluaciones periódicas cada tres años. 34 CFR 104.35
10. Tiene el derecho que el distrito le informe con antelación antes de realizar cualquier acción en relación con la identificación, la evaluación o el plan de alojamiento de su hijo. 34 CFR 104.36
11. Tiene el derecho de examinar los registros relevantes. 34 CFR 104.36
12. Tiene derecho a una audiencia imparcial con respecto a las acciones del Distrito en relación la identificación de su hijo, su evaluación o su lugar de educación con opción de participación de los padres en dicha audiencia y de ser representado por un abogado, si se desea.
13. Si usted tiene preguntas o inquietudes o desea elevar una queja con respecto de la identificación de su hijo/a, evaluación o servicios educativos, puede llamar al coordinador de la sección 504 del Distrito al 830-742-3567. Si, sin embargo, usted decide no aceptar las acciones del Comité de la sección 504 del Distrito acerca de la identificación, evaluación o servicios educativos de su hijo, debería realizar una Notificación de Apelación al Coordinador del Distrito 504 (Dr. Bernie Batto, 1100 School Drive Poteet, 830-742-3567) en 30 días naturales desde el momento en el cual usted recibió la notificación por escrito de la acción o acciones del Comité de la Sección 504. Si usted solicita una audiencia de apelación, se programará una audiencia ante un oficial imparcial y a usted se le notificará por escrito de la fecha, hora y lugar para la audiencia.
14. Si no está de acuerdo con la decisión del oficial imparcial de la audiencia, usted tiene el derecho de que un tribunal en la jurisdicción competente revise tal decisión. 34 CFR 104.36
15. También tienes derecho a presentar una queja en la Oficina de Derechos Civiles. La dirección de la Oficina Regional que cubre Texas es:

Oficina de Dallas
Oficina Pro Derechos Civiles
Departamento de Educación de los EUA
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Teléfono: 214-661-9600
FAX: 214-661-9587; TDD: 877-521-2172
E-mail: OCR.Dallas@ed.gov