

# Hillsboro

## Independent School District



## Section 504 Handbook

## Introduction and Definition of Section 504

Section 504 of the Rehabilitation Act of 1973 is a civil right statute which provides that: “no otherwise qualified individual with disabilities in the United States...shall, solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any executive agency or by the United States Postal Services.” 29 USC/794.

The determination of whether a student has a physical or mental impairment that **substantially limits** a major life activity must be made on the basis of an individual inquiry. The Section 504 regulation, at 34 C.F.R. 104.3(j)(2)(i), defines a **physical or mental impairment** as any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulation does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

**Major life activities**, as defined in the Section 504 regulation at 34 C.F.R. 104.3(j)(2)(ii) and 42 USC §12102(4)(a)(2)(A) include functions such as caring for one’s self, performing manual tasks, walking, standing, lifting, bending, seeing, hearing, eating, sleeping, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

### Section 504 guarantees these eligible seven things...

1. Right to be free from actions that discriminate on the basis of disability;
2. Equal right to access extracurricular activities and nonacademic services;
3. Right to manifestation determination prior to disciplinary changes in placement;
4. Right to protection from accumulations of short-term disciplinary removals that, collectively amount to a pattern of exclusion;
5. Right to make complaints to the Office for Civil Rights (OCR);
6. Right to Section 504 Due Process Hearings;
7. Right to periodic evaluations.

*Information compiled from publications and websites of Region XIII, Elgin School District, Renton School District, Department of Education Office for Civil Rights and CESD §504 Compliance Systems*

## Section 504 and Dyslexia

Hillsboro ISD meets all compliance requirements in regards to the identification of a student with, or suspected of having, dyslexia or other related disorders.

## Operational Guidelines for Section 504

The operational guidelines is the structural framework for the District's 504 program, which describes how the District will operate the program and implement the 504 regulations.

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.
2. **Referral.** The District shall refer for an evaluation of any Student who, "because of handicap, needs, or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement." 34 CFR §104.35(a).
3. **Consent for Evaluation.** If a 504 Evaluation is necessary, the Coordinator should send to the Parent the Parent Notice of Parental Rights under §504, together with a Notice and Consent for Initial Evaluation under §504, and, if applicable, a Parent Input for Section 504 Evaluation Form.
4. **Evaluation.** When the consent is received from the parent, the Coordinator shall assemble evaluation data which will in turn be evaluated by the 504 Committee.
5. **Implementation of the Section 504 Services Plan.** The Campus 504 Coordinator should ensure that the Student's Services Plan is delivered to each stakeholder in the Student's education with responsibility to implement the plan.
6. **Annual Review.** It is the District's practice to conduct an annual review for Section 504 eligible students. Annual review/re-evaluation is not required under the Section 504 regulations but is a best practice for District Section 504 programs, and HISD maintains this procedural practice.

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## Section 504 Due Process Hearing

**Right to Due Process.** In the event a parent or guardian 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, the Parent has a right to an impartial hearing before an impartial hearing officer.

The Parent must exercise the right to an impartial hearing by providing the written request for hearing within the state-law timeline for a special education due process hearing under the IDEA. In Texas, the application of this rule means that requests for a Section 504 due process hearing must be made in writing within one year of the District's action or omission.

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## **Texas Education Agency Required Statement**

### **Aiding Students Who Have Learning Difficulties or Who Need Section 504 Services**

For those students who are having difficulty in the regular classroom, all school districts and open enrollment charter schools must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts and charter schools to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individual(s) listed below to learn about the school's overall general education referral or screening system for support services. This system links students to a variety of support options, including making a referral for a Section 504 evaluation to determine if the student needs specific aids, accommodations, or services. A parent may request an evaluation for Section 504 services at any time.

Each school district or charter school must have standards and procedures in place for the evaluation and placement of students in the district's or charter school's Section 504 program. Districts and charter schools must also implement a system of procedural safeguards that includes notice, an opportunity for a parent or guardian to examine relevant records, an impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

#### **Contact Person for Section 504 Referrals:**

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is:

Contact Information:

Gaila Sanders  
254-582-8585  
gaila.sanders@hillsboroisd.org

# Hillsboro ISD

## **§504 Child Find Notice**

Pursuant to Section 504 of the Rehabilitation Act of 1973, the District has a duty to identify, refer, evaluate, and, if eligible, provide a free, appropriate public education to disabled students. For additional information about the rights of parents of eligible children, or for answers to any questions you might have about identification, evaluation, and placement into Section 504 programs, please contact the District's Section 504 Coordinator by phone at (254) 582-8585 or by mail at 121 E. Franklin St. Hillsboro, TX 76645.

## **Aviso Sobre La Identificación de Estudiantes Incapacitados bajo la Sección 504**

Bajo la Sección 504 del Decreto de Rehabilitación de 1973, el Distrito Escolar esta obligado a identificar, referir, evaluar, y proporcionar servicios educativos apropiados y gratuitos a estudiantes incapacitados que califican para recibir servicios bajo esta ley. Si usted desea más información sobre los derechos de padres de niños incapacitados, o si tiene preguntas sobre la identificación, evaluación, y colocación de niños en el programa de Sección 504, favor de ponerse en contacto con el Coordinador de 504 del Distrito (254) 582-8585 al numero, or por correo a la siguiente dirección: 121 E. Franklin St. Hillsboro, TX 76645.