

Technical Assistance:
Section 504

January 2024

Texas Education Agency

Table of Contents

Welcome Letter 4

Guidance Document Terms, Key, and Revisions: 4

- Terms: 4
- Key: 5
- Revisions: 5

Overview 6

- Texas Education Agency (TEA) 6
- Section 504 6
- The Americans with Disabilities Act/Amendment Act. 6
- Local Education Agency Responsibilities Under Section 504. 9
- Section 504 Coordinators 9
- Collaboration is Key! 10

Eligibility 11

- The Referral Process. 11
- Initial Evaluation 12
- Eligibility for Section 504. 12
- Evaluation 13
- Least Restrictive Environment (LRE). 13

Section 504 Meetings 14

- How to Facilitate an Initial Section 504 Meeting 14
- During the Initial Meeting 15
- Other Types of Section 504 Meetings 16
- Partner with Families 18
- Discipline 19
- Manifestation Determination Reviews (MDRs) 19

Homebound 21

- Pregnancy 22
- Attendance 23

The 504 Plan 24

Accommodations 25

- Selecting Accommodations for Students with Disabilities. 26
- Examples and Non-Examples of Documented Accommodations 26
- STAAR Accommodations/Accessibility 27

Section 504 Special Circumstances 28
Competing Plans – IDEA vs. Section 504 28
Title II Effective Communication 28
Nonacademic Services and Extracurricular Activities 30
Additional Considerations 30
Section 504 Plan, Individual Health Plan, & Emergency Care Plans 32
Allergies/Anaphylaxis 33
Attention Deficit Hyperactivity Disorder 34
Chronic Illness 35
Diabetes 36
Seizures 37
Visual Impairments 37
Dispute Resolution 38
Procedural Safeguards 38
Local Grievance Procedures 38
Impartial Hearing 39
Office for Civil Rights 39
Retaliation 39
Resources 40
Accommodations 40
Communication (Title II) 40
Disability Information 40
Office for Civil Rights 40
State and Federal Laws, Regulations, and Code 41
Texas Education Agency 42
Miscellaneous 42
Appendix 43
Appendix A: 44
Appendix B: 45
Appendix C: 47

Welcome Letter

Dear Fellow Texas Educators,

Thank you for your service and dedication to all students in the Lone Star state! As a committed stakeholder in public education, you are charged with preparing all students for success in college, a career, or the military by providing students access to high-quality learning experiences, curriculum, and instruction.

The Special Education Technical Assistance Team at the Texas Education Agency (TEA) has developed a series of technical assistance guidance documents. These technical assistance guides are intended for use by Texas educators to support the implementation of services for students with or suspected of having disabilities.

There is so much useful information out there for school staff! Our goal with these guides is to gather and link information into one, easy-to-read resource. While you can read the documents from beginning to end, you do not have to use them that way. The table of contents links each section, so you can click to skip directly to that area. These guides help clarify TEA's recommendations for practice.

For a glossary of special education terms, please see: The Texas Legal Framework Glossary. At the end of the document there is a resource page that provides links to the Texas SPED Support website, the TEA Special Education webpage, and other key state-level resources.

If you ever have a question, concern, comment, suggestion, or find a broken link within these documents, please email the TEA Special Education Division at sped@tea.texas.gov.

Again, thank you for all you do, and we hope this document helps you in your journey of serving our students with disabilities and their families.

Sincerely,

The Special Education Technical Assistance Team at TEA

The Texas Education Agency has developed this document to provide technical assistance to local education agencies and parents. The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to a specific legal situation. This document may not include a complete rendition of federal law.

Guidance Document Terms, Key, and Revisions:

Terms:

"Parent or parents":

In this document, references to "parent(s)" are defined by the Individuals with Disabilities Education Act (IDEA) definition of "parent." Throughout this guide when the term "parent or parents" is used, the term includes the definition aligned to 34 CFR § 300.30. That definition includes biological or adoptive parent, foster parent, guardian, an individual acting in the place of a biological parent with whom the child lives or is legally responsible for the child's welfare, or a surrogate parent as defined in 34 CFR § 300.519. Additionally, Section 504 regulations refer to "impairment" and has not been updated to current standards; therefore, the words "impairment" and "disability" are used interchangeably throughout this document.

"A student identified as emergent bilingual" or "emergent bilingual"

The federal language currently used to describe students as Limited English Proficient or English Language Learner is different from Texas regulations and language, which uses "a student identified as emergent bilingual" or Emergent Bilingual (EB). Throughout this guide the term "a student identified as emergent bilingual" or "emergent bilingual" will be used. The federal language currently used to describe students as Limited English Proficient or English Language Learner is different from Texas regulations and language, which uses "a student identified as emergent bilingual" or Emergent Bilingual (EB). Throughout this guide the term "a student identified as emergent bilingual or emergent bilingual" will be used.

Key:

Included in the guide are legal citations, informational links to resources, best practice tips, changes/updates, and more. The following information will help you navigate the technical assistance guides:



➡ **NOTE:** "Notes" point out important reminders or considerations.

➡ **Best Practice Tips:** are highlighted with blue rectangle.

links ➡ **Informational Links:** Links that are in lowercase will take you to a related website, resource, or document that supports the information which you are reading.

LINKS ➡ **LEGAL CITATION LINKS:** Links that use all capital letters will take you to a legal citation and definition.

Resources ➡ **Resources:** Various resources are linked within each section. All resources are provided in a categorized list at the end of the guide.

Revisions:

In addition to the changes/updates and new/added icons above, as each guide is updated, the following global revisions are also made:

- Repaired broken links, including updated Texas Legal Framework and Texas SPED Support hyperlinks
- Updated Table of Contents, Welcome Letter, and added Guidance Document Terms, Key, and Revisions section
- Added additional resources to the "Resources" section and reorganized them into a list by category
- Corrected minor changes and copyedit errors
- Deleted any outdated or irrelevant information
- Updated graphics throughout the guide



NOTE: The Technical Assistance: Section 504 Guide has been entirely updated and revised so a change document and icons indicating updates and revisions has not been included.

Overview

Texas Education Agency (TEA)

Texas Education Agency does not have the authority to investigate Section 504 complaints. The Office for Civil Rights (OCR) investigates complaints regarding Section 504. For information about the complaints that TEA will investigate, please access the TEA Complaints and Investigations webpage. TEA provides technical assistance on Section 504 and a recipient's due process rights. This guidance document serves as one facet of available technical assistance.

Section 504



Despite the signing of the Rehabilitation Act of 1973, which was intended to end societal discrimination and provide protections for people with disabilities, the lack of regulations to implement the law resulted in courts interpreting the law. Unfortunately, no regulations accompanied the law, and the decisions regarding the interpretation of the law were left up to the courts. In a 1977 New York Times article, Daniel Yohalem, an advocacy group member wrote, "The Department's failure to issue regulations has meant that hundreds of thousands of intended beneficiaries of HEW [Health, Education and Welfare] funded programs throughout the country who are handicapped continue to be subjected to discrimination in employment, health, and social services, education and access to programs." (Hicks, New York Times, 4/11/1977). After intense pressure from disability activists that included sit-ins and protests, the HEW signed the regulations into law in January 1978, five years after the law was first passed. TITLE 34, Section 104, of the Code of Federal Regulations (CFR) implemented Section 504 of the Rehabilitation Act and created a framework for providing equal access to all students in any program or activity receiving federal financial assistance.

Video: The Power of 504

The Americans with Disabilities Act/Amendment Act



The Americans with Disabilities Act of 1990 (ADA), signed by President George H.W. Bush, is a "sister act" to Section 504 of the Rehabilitation Act of 1973. Much of the language of the law is the same or similar to that of Section 504 and broadens the scope of civil rights protections for people with disabilities from only entities receiving federal financial assistance to all of society, including the private sector. Congress amended the ADA in 2008, called the ADA Amendment Act (ADAAA), in part in response to court decisions that had narrowed the definition of impairment. In amending the ADA, Congress sought to reestablish the original intent of the law by underscoring the broad definition of impairment and clarifying its intent that impairments should be determined without reference to or consideration of MITIGATING MEASURES. In addition, the Department of Justice (DOJ) published regulations implementing the ADA for Title II (State and local government) which includes guidance on service animals.

> **"One of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life..."**
>
> - Civil Rights Division of the DOJ

Federal Laws	Description
SECTION 504 OF THE REHABILITATION ACT OF 1973	Section 504 is a provision of the Rehabilitation Act of 1973 that prohibits discrimination based on 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. The Office for Civil Rights of the US Department of Education (USDE) has jurisdiction to enforce Section 504 in instances of discrimination, harassment, or retaliation against anyone based on disability.
The Individuals with Disabilities Education Act (IDEA 2004)	According to the USDE, the purpose of the IDEA is to provide a free appropriate public education (FAPE) to children with disabilities who qualify for and receive special education and related services. These services are individually determined to meet the needs of students, including preparation for post-secondary transition. IDEA is a funding statute that provides financial assistance to states, education service centers (ESCs), and local education agencies (LEAs). The Texas Legal Framework provides a side-by-side publication of IDEA, State Board of Education Rules, Commissioner's Rules, and Texas State Laws titled: Special Education Rules & Regulations. Compliance with IDEA timelines is one way of ensuring compliance with Section 504 requirements for child find, evaluation, meetings, notice, and procedural safeguards.
AMERICANS WITH DISABILITIES ACT (ADA) OF 1990 Title II	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. See the ADA guidance page titled ADA Update: A Primer for State and Local Governments for more information._

Federal Laws	Description
AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA) OF 2008	The ADAAA restored the original definition of "substantially limited" - that the impairment simply is a substantial limitation rather than a "significant" or "severe" restriction- and broadened the definition of "major life activities." 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 LEAs, including school districts and open-enrollment charter schools, to define substantial limitation. The law also clarified that the impairment must limit at least one major life activity, not necessarily learning, to be considered a disability under the ADA. LEAs must make Section 504 determinations based on the child's disability as it presents itself without mitigating measures (e.g., hearing aids, medications, learned behavioral adaptations). The use of eyeglasses or contact lenses is the exception to this rule. **Example:** A student with attention deficit hyperactivity disorder (ADHD) takes medication daily 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. The ADA 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. **Example:** A student has broken the arm used 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. 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.

Texas Law	Description
TEXAS EDUCATION CODE (TEC)	TEXAS LAW requires LEAs to publish explanations of the options and requirements for providing assistance to students who need or may need special education or supplementary aids, accommodations and services under Section 504 of the Rehabilitation Act of 1973. The explanation must include a statement of the parent's right to request an evaluation for either a full and individual initial evaluation (FIIE) under the IDEA for special education or Section 504. TEA provides the following required handbook statement that LEAs must use to fulfill this requirement.

Local Education Agency Responsibilities Under Section 504

FAPE

- Free Appropriate Public Education (FAPE) regardless of the nature or severity of disability
- Provided to each qualified student in the LEA
- May be general or special education and related services
- Protects against the segregation or exclusion of students with disabilities

Notice of Non-Discrimination

- Must provide Notice of Non-Discrimination
- Does not discriminate on the basis of race, religion, sex, national origin, age, disability, or handicap
- Adopt anti-bullying and harassment policies
- Establish protections from harassment based on disability

Implementation

- LEAs must implement Section 504 plans and accommodations as written
- No individual or staff member may alter or otherwise interpret the plan
- No individual or staff member may deny accommodations granted to the student

504 Coordinators

- LEAs with 15 or more employees must have a coordinator of Section 504 services tasked with compliance and named in procedural safeguards
- Must be identified in Notice of Non-Discrimination
- Establish complaint procedures
- May also administer ADA compliance

Section 504 Coordinators

Section 504 coordinators have various duties, such as:

- Coordinating and monitoring the LEA's compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability
- Overseeing efforts to prevent Section 504 and ADA violations from occurring
- Implementing the LEA's discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment
- Investigating complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment
- Additional responsibilities may be determined by the LEA. (The law does not require that the same person coordinate both Section 504 and ADA compliance.)



Best Practice Tips:

- Routinely take steps to ensure staff members are trained in Section 504 rules and procedures
  - For example, offer ongoing professional development, hold campus Section 504 coordinator meetings, facilitate professional learning communities
- Perform internal self-audits for Section 504 compliance
  - For example, periodic folder reviews
- Post Section 504 procedural safeguards on a prominent place on the LEA website that is easily accessible for families
- Post the designated Section 504 Coordinator and contact information prominently on the LEA website so that it is easily accessible for families

Collaboration is Key!



To better understand the interplay between Section 504, the ADA, and the IDEA, visualize civil rights protections as a big umbrella. Students under the Section 504 umbrella are entitled to a FAPE which may consist of regular or special education with supplementary aids and services or related services. Congress enacted the IDEA to provide financial assistance to states so that they could create special education programs to meet the needs of students whose disabilities require specially designed instruction and related services.

The IDEA defines FAPE as:

> "Free appropriate public education or FAPE means special education and related services that -
>
> (a) Are provided at public expense, under public supervision and direction, and without charge;
>
> (b) Meet the standards of the SEA [state education agency], including the requirements of this part;
>
> (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
>
> (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR §300.320 through §300.324."

Not all students who are eligible for services and accommodations under Section 504 will be eligible for special education and related services under the IDEA. However, all students provided special education services are protected under both the civil rights umbrella and the IDEA. The FAPE standard is defined differently by each law.

To receive special education, a student must have a DISABILITY that falls within at least one of the 13 eligibility categories identified in the IDEA and, because of that disability, requires special education and related services. It is possible that some students with disabilities may not require special education for the entirety of their educational career. Collaboration between Special Education and Section 504 can create a bridge to provide services in a fluid progression according to student growth, progress, and individual need.

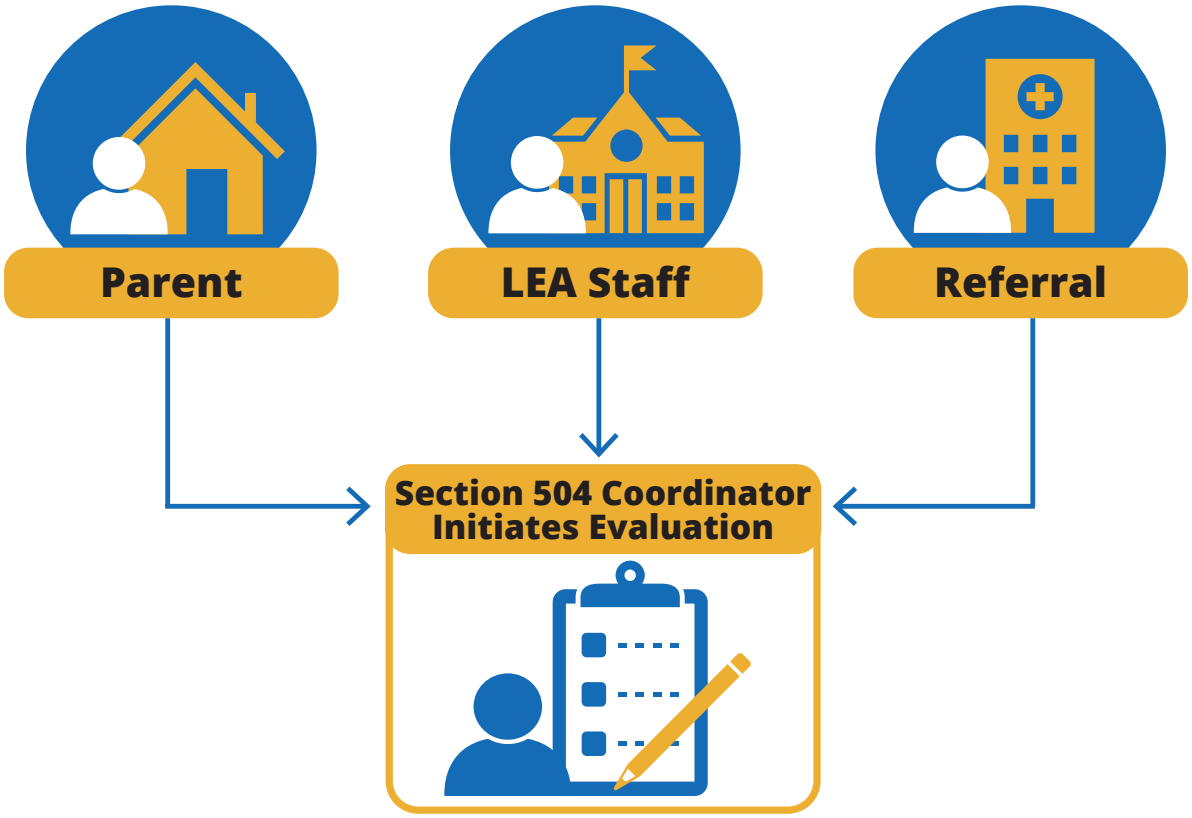
Eligibility

The Referral Process

The LEA's duty to evaluate a student for Section 504 protections is triggered by the suspicion that the student has a disability that substantially limits a major life activity. The TEA is required by TEXAS LAW to provide school districts and charter schools with a written statement, which they must communicate to parents, of the options and requirements for providing assistance to students who have learning difficulties or who need, or may need, special education services. The statement includes notifying a parent that he or she is entitled to request aids, accommodations, or services through Section 504 at any time.

Referrals can be made by families or LEA staff and should be requested in writing. Examples of circumstances in which referral requests are often made include:

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



Best Practice Tips:

- Upon receiving a request for a Section 504 evaluation and parental consent, the Section 504 Coordinator will follow LEA procedures for the Section 504 evaluation, including providing prior written notice, and notice of procedural safeguards (NPS) to the family.
- Should the LEA determine that an evaluation is not necessary, the parent should be provided prior written notice (following the IDEA procedures – sometimes referred to as notice of refusal) and must be provided Section 504 procedural safeguards.
- If an LEA is unsure if a need for special education services is suspected, a referral through IDEA should be initiated.

Initial Evaluation

SECTION 504 regulations require LEAs to individually evaluate students before determining eligibility for protections under Section 504 or the IDEA. Procedures must be established at the LEA level for initial evaluation of students who need or are believed to need special education, Section 504, and/or related services. If formal, standardized testing is deemed appropriate by the Section 504 committee, it must be provided free of charge to families. TEST materials must be valid for the purpose for which they are being used and administered by trained personnel according to publisher instructions. The evaluation must be tailored to address areas of educational need. Tests administered to students with impaired sensory, manual, or speaking skills must accurately reflect the student's aptitude or achievement level or the factor that the test is created to measure, rather than impaired sensory, manual or speaking skills.

Eligibility for Section 504

Definition	Major Life Activities**
Physical or mental impairment* that substantially limits a major life activity	Walking, bending, speaking, breathing, learning, reading
	Concentrating, thinking, standing, communicating, lifting, working
	Caring for oneself, manual tasks, seeing, hearing, eating, sleeping

* Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, attention deficit hyperactivity disorder, human immunodeficiency virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Physical and mental impairment may also include, cosmetic disfigurement, physiological/ psychological disorder or condition, and anatomical loss affecting one or more body systems (e.g., neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, endocrine).

**This is not an exhaustive list of major life activities.

Evaluation

Evaluation does not necessarily mean "test." In a Section 504 context, "evaluation" refers to a gathering of data or information from a variety of sources so that the committee can make the required determinations (OCR FAQ 17-34). Below are some examples of types of data to collect for a Section 504 evaluation.

Evaluation Data Sources:

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

EVALUATIONS should be completed in a timely manner. The OCR encourages LEAs to follow state special education timelines for evaluation after receiving parental consent (pg. 17, scenario 5). In TEXAS, special education evaluations must be completed within 45 school days of receipt of parental consent, subject to certain exceptions. For more information, see the Technical Assistance: Child Find and Evaluation Guide.



NOTE:

- When evaluating a student suspected of having a disability, it is unacceptable to rely on presumptions and stereotypes regarding persons with disabilities or classes of such persons.
- According to the ADA, the definition of disability should not require extensive analysis, and parents may not be burdened or required to provide data or information.
- If a medical or outside evaluation is required, it must be provided at no cost to the families. Refer to page 19 of the Dear Colleague Letter and Resource Guide on Students with ADHD. Although this document is specific to ADHD, the information applies generally to all 504 decisions.

Least Restrictive Environment (LRE)

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 LEA can demonstrate that the education of that student in the general education setting with supplementary aids and services cannot be achieved. If the LEA is able to demonstrate this, the LEA would refer the child for a special education evaluation.

When Section 504 committees are considering evaluation data and appropriate placement, the OCR advises that the following questions should be asked and answered:

> 1. **Does the student have a disability under Section 504?**
> 2. **If so, does the student need regular or special education, related aids and services, or supplementary aids and services because of the disability, and in what setting should the student receive them?**
>
> - Dear Colleague Letter and Resource Guide on Students with ADHD, page 19

Section 504 Meetings

How to Facilitate an Initial Section 504 Meeting

Initial Section 504 meetings can be intimidating to families and students. Care should be taken to conduct a positive, solution focused meeting, protecting the dignity of students and families.



Who must attend the Section 504 Meeting?

Section 504 regulations require members who:

- Can make placement decisions (and allocate resources)
- Are knowledgeable about the student
- Can interpret the meaning of the evaluation data

Can Make Placement Decisions



Example of Members:
Principal, Vice/Assistant Principal, Counselor, LEA 504 Coordinator, or Campus 504 Coordinator

Is Knowledgeable about the Student



Example of Members:
Student, Parents or Guardians, Teachers, Counselor, Behavior Specialist, Campus 504 Coordinator, or other Related Service Providers

Can Interpret the Meaning of Evaluation Data



Example of Members:
School Nurse, Diagnostician, School Psychologist, a Person with specific knowledge in reading process, dyslexia, and related disorders, Language Proficiency Assessment Committee (LPAC) Representative, or Texas Workforce Commission (TWC) Representative

NOTE: Parents are not required members of the Section 504 committee but, at minimum, parental input should be collected by the LEA. In addition, if the student is changing campuses, consider inviting a representative from the receiving campus to attend the Section 504 meeting.

During the Initial Meeting

In a Section 504 meeting, several key areas will be discussed to ensure the most appropriate plan is developed.

- Committee discussion could include:
  - Student's strengths,
  - Student input related to educational experience and challenges,
  - Parent input relevant to the student's impairment and the educational impact, and
  - Staff input regarding student performance in academics and behavior.
- Committee will review all evaluation data.
- Committee will confirm whether the student meets Section 504 eligibility requirements.
  - The student must be QUALIFIED, which means that they must be of an age in which services are provided to non-disabled students.
  - The student must have a physical or mental impairment
  - The physical or mental impairment substantially limits one or more major life activities without consideration of mitigating measures other than glasses.

Best Practice Tips:

- The person designated to make placement decisions also may allocate LEA resources to fulfill the Section 504 plan and needs of the student such as purchasing equipment, providing related services, and reassigning staff. Be prepared to represent the LEA during the meeting to make these decisions; don't stop the meeting to rely on someone outside of the Section 504 committee.
- Students should be encouraged to attend their meetings in order to provide input about their disability, experience in the educational setting, and supports that they find helpful. Best practice suggests following IDEA requirements for including students in IEP meetings and transition planning at 14 years old as a guide for Section 504 meetings.
- Prepare an agenda or checklist to make sure that all necessary components of eligibility are addressed. Agendas guide discussion and keep meetings on track.
- Introduce all meeting participants. If the student is in attendance, spend a few minutes to make them feel comfortable and included.
- One member of the committee should be assigned to take detailed meeting minutes. While a written summary is not mandated under federal guidelines, it provides required DOCUMENTATION of the discussion and data sources considered and captures key points.
- Document in meeting minutes that discussion between staff responsible for extracurricular activities and nonacademic activities will be facilitated in order to provide an equal opportunity for participation.

Other Types of Section 504 Meetings

Types of Meetings	Description
Annual Reviews	While Section 504 regulations merely require "periodic reevaluation," some LEAs may choose to require annual reviews of Section 504 plans as a best practice or establish their own procedures for alternatives to in-person meetings. Examples of alternatives may include: Section 504 reevaluation and monitoring year schedules, quarterly monitoring activities with documentation, and "snapshot" reviews that are shared with parents in lieu of a yearly meeting. These processes may be beneficial in providing structures for ongoing progress monitoring that may illuminate students who are struggling and in need of further assistance and intervention or those who are performing well due to effective Section 504 plans. If the student is changing campuses, consider having a Section 504 meeting to discuss any considerations related to the move.
Periodic Reevaluations	Section 504 regulations require LEAs to develop procedures for periodic REEVALUATION of students served by Section 504. The Section 504 regulatory guidelines for reevaluation procedures are the same as for initial evaluations. A reevaluation procedure that mirrors the IDEA timeline is one way of complying with the requirement. IDEA timelines require reevaluations not more than one time per year, unless agreed upon by the parents and LEA, and at least one time every three years (Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools, OCR, pg. 18, footnote 60).
Manifestation Determinations	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. Changes in placement due to discipline require that the reevaluation include consideration whether the behavior is a manifestation of the student's disability. (see page 3 of the Section 504 Discipline Fact Sheet and the Manifestation Determination section of this guide)
Homebound	In some cases, students suffer from an illness or injury that causes excessive absences. The Student Attendance Accounting Handbook (SAAH) and LEA policies provide procedures for facilitating a homebound educational experience. 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 504 coordinator should 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 should follow Section 504 evaluation procedures (see Appendix C) and consider transition plans for leaving and returning to the school environment. (see Homebound section of this guide)

Best Practice Tips:

In some instances, committees may need to convene more frequently to adjust the plan when a student is struggling or has experienced any change in impairment status.

Examples could include, but are not limited to:

- A REFERRAL for special education
- To change accommodations based on a need or lack thereof
- When students experience difficulty in the general education classroom
- Prior to any change of placement (such as moving to another campus)
- To discuss a student's pattern of absences



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 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 Section 504 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.

Partner with Families

Families and Section 504

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 LEA 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 school district 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.

Best Practice Tips:

- Provide frequent positive communication with parents about their student.
- Seek parent input and collaboration in creating Section 504 Plans.
- Always invite parents to Section 504 meetings. If parents live at separate addresses, invite both as allowed and subject to any child custody agreements to which the LEA has access.
- Send home draft documents prior to meetings so that parents know what to expect and have time to read and understand the information to be discussed.
- Ensure that the Section 504 committee includes individuals who meet the regulatory criteria as well as those who have specific knowledge of the student's needs (e.g., school nurse, behavior specialist, teachers in all subjects).
- Plan for the Section 504 meeting to be a positive, solution focused meeting by setting expectations for decorum and providing an agenda.
- In the case of disagreement, consider pausing the meeting with a plan to reconvene within 10 days to gather additional data. Provide parents with procedural safeguards.
- Request an interpreter if the family speaks another language and or has limited command of the English language. See page 43 of the Parent and Educator Resource Guide to Section 504 for more specific information.

Discipline

Students under Section 504 follow the same requirements as any other general education student. The USDE OCR developed the two guidance documents below to assist LEAs in supporting students served under Section 504 and to avoid the discriminatory use of student discipline.

OCR makes the following points:

- Schools must take steps to ensure that any staff responsible for providing a student with the services necessary to receive FAPE understand the student's needs and have the training and skills required to implement the services. (page 3)
- For students with disability-based behavior that interferes with their own or others' ability to learn, their Section 504 plan may identify individualized behavioral supports for responding to the behavior and supporting the student's behavioral needs, explain how the school will implement the supports, and describe how the team can assess whether the supports are effective. (page 5)
- Providing the needed services and supports can help the student appropriately engage in learning, build and maintain social relationships, and avoid behaviors that otherwise would lead the school to consider disciplinary measures. (page 5)

NOTE: A school's responsibility not to discriminate against students with disabilities applies to the conduct of everyone with whom the school has a contractual or other arrangement, such as lunch or recess monitors, cafeteria staff, bus drivers, security staff, private security companies or other contractors, school district police officers, or school resource officers (SROs).

RESOURCES:

- Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973 (July 2022).
- FACT SHEET Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973 (July 2022).

Manifestation Determination Reviews (MDRs)

Disciplinary removals of more than ten consecutive days or ten days in a cumulative pattern are considered long term removals and constitute a change in placement. Section 504 regulations require a reevaluation (pg. 22) prior to change in placement. Therefore, changes in placement due to discipline require that the reevaluation include consideration of whether the behavior is a manifestation of the student's disability (Disability Rights Enforcement Highlights, OCR,USDE, see page 10).



The Section 504 committee must consist of a group of persons who can make placement decisions, are knowledgeable about the student, and can interpret the meaning of the evaluation data and placement options. Documentation should be recent and comprehensive, including parent information and behavioral data.

Utilizing all available information, the Section 504 committee must answer the following questions:



Was the behavior caused by or directly related to the disability?

The first question addresses whether there is a direct and significant relationship between the student's disability and the behavior in question. In other words, the committee needs to assess if the disability contributed to or caused the student's misconduct.

Was the behavior due to the LEA's failure to implement the Section 504 Plan?

The second question examines whether the school has fulfilled its obligations under Section 504. If the student's behavior resulted from the school's failure to implement the Section 504 plan or provide the necessary accommodations and services, the misconduct is considered a manifestation of the disability.

If the answer to either of these questions is yes, the behavior is a manifestation of the disability and the student cannot be removed from the current placement (see pg. 3). A student whose behavior inhibits their ability to learn, or that of others, may require an evaluation for special education and/or related services (see pg. 3-4). Committees should consider requesting additional evaluations, including a referral for special education along with additional interventions and supports such as data-based individualization, behavior intervention plans, and related services. Parents must be provided with PROCEDURAL SAFEGUARDS which stipulate that parents have the right to challenge the decision.

If it is determined, based upon the 504 committee's answers to these questions, that the behavior is not a manifestation of the disability, then the student may be disciplined according to the student code of conduct in the same manner as their non-disabled peers (see pg. 3). Parents must be provided with the Notice of Procedural Safeguards (NPS) and informed of their rights to challenge the decision. The Section 504 plan should be reviewed and updated by the Section 504 committee to prevent future challenges.

When implementing disciplinary procedures for behavior that does not trigger consideration of change of placement, LEAs should avoid assigning harsher disciplinary procedures for students with disabilities than those APPLIED to students without disabilities.

Limited Exception Regarding FAPE and Discipline for Current Illegal Substance Use

There is one limited exception in which Section 504 FAPE requirements do not apply. Students with disabilities who are currently engaging in the illegal use of alcohol and/or drugs are subject to the state and LEA disciplinary procedures to the same extent as their non-disabled peers. Due process protections under TITLE 34, SECTION 104.36 do not apply in this situation even if the behavior is a manifestation of the disability, and the LEA is not required to conduct a manifestation determination review. TEXAS EDUCATION CODE requires the removal from class and placement at a disciplinary alternative education program (DAEP) for certain conduct, including when students sell, give, or deliver controlled substances, marijuana, or alcohol.

More information regarding discipline of students with disabilities can be found in the OCR document titled: "Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973."

Homebound

Eligibility for General Education Homebound (GEH) services is typically determined based on a student's medical condition or other circumstances that temporarily prevent them from attending school. A healthcare professional's recommendation is involved in the eligibility determination process. The criteria for GEH eligibility is listed in the SAAH starting in section 3.7. It states that students served through GEH program must meet the following conditions:

- Will be confined at home or hospital bedside for a minimum of 4 weeks (weeks need not be consecutive).
- The confinement at home or hospital bedside is for medical or psychological reasons only.
- The medical or psychological condition is documented by a physician licensed to practice in the United States.

Homebound education is provided by a certified general education teacher in core academic subjects. If possible, elective courses should be addressed as well. Each LEA is required to have policies and procedures for implementing homebound instruction that are school board approved. In addition, a designated campus committee (a GEH committee) comprised of a campus administrator, the student's teacher, and a parent/guardian, must make decisions regarding GEH placement. For students served under Section 504, the Section 504 committee would serve as the student's GEH committee. A GEH committee convenes to review and consider the necessity of providing instruction to a general education student at home or hospital bedside. The GEH committee (SAAH, Section 3.7.2) must evaluate a variety of data, including documentation from the student's licensed physician. In these cases, it may be beneficial to include the school nurse as a member of the committee. However, documentation from the licensed physician is not the sole determining factor in the committee's decision-making process.



All homebound educational plans must be created on a case-by-case basis. Consideration should also include state and LEA assessments, transition away from campus, and returning to campus (including academic, behavioral, and social/emotional needs). This means that the GEH committee may need to meet frequently to adjust the transition plans according to individual student needs and current medical information. Each GEH committee must consider if a referral to Section 504 or IDEA is warranted based on the unique needs of each individual student. The GEH committee must consider the following: "Does the child have a physical or mental impairment that substantially limits a major life activity?" Some students in GEH may not be eligible for Section 504 services due to the transitory nature and degree of impact of the disability. TEA's recommendation is to err on the side of caution and refer to Section 504 or IDEA for each student in GEH to ensure their rights are being protected and each student is provided FAPE.

Pregnancy

As it relates to serving students with pregnancy and related conditions, Section 504 and its implementing regulations require schools to do the following:

1) engage in an interactive process with the student with pregnancy-related conditions, and

2) consider whether the student's pregnancy caused a temporary disability requiring academic adjustments.



Although a student with pregnancy and related conditions *may* be eligible for homebound services, pregnancy alone does not automatically equate to a determination that a student has a disability as defined by Section 504 regulations, or that the student would benefit from Section 504 accommodations. Rather, schools must engage students who are pregnant in a collaborative process to determine whether the pregnancy is causing a temporary disability requiring academic adjustments during and after the pregnancy.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs, which includes students with pregnancy-related conditions. According to OCR's Pregnancy Fact Resource, schools must treat pregnancy and related conditions the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students.

Further clarification of homebound and pregnancy-related services can be found in sections 3.7 and 9 in the SAAH. Additional information about leave (i.e., absences) can be found in TITLE IX ((b)(5)).

As a reminder, OCR enforces Title IX which states:

> **"A recipient [schools] shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient."**

Attendance

Section 504 committees may need to address attendance issues when it impacts a student's ability to make progress or falls outside of state guidelines in the SAAH (Section 3.5) and TEXAS EDUCATION CODE. The minimum standards for the truancy prevention measures an LEA MUST implement include "establishing procedures to notify the admission, review, and dismissal (ARD) committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student's individualized education program or Section 504 plan, as appropriate."



Additionally, the LAW states "A school district shall offer additional counseling to a student and may not refer the student to truancy court under this section, Section 25.0951, or any other provision if the school determines that the student's truancy is the result of:

(1) pregnancy;

(2) being in the state foster program;

(3) homelessness;

(4) severe or life-threatening illness or related treatment; or

(5) being the principal income earner for the student's family."

Section 504 committees must meet to address students with disabilities who miss large amounts of school and are not served by homebound services. Section 504 REGULATIONS protect the rights of students to have access to the general or special education environment through FAPE in the LRE.

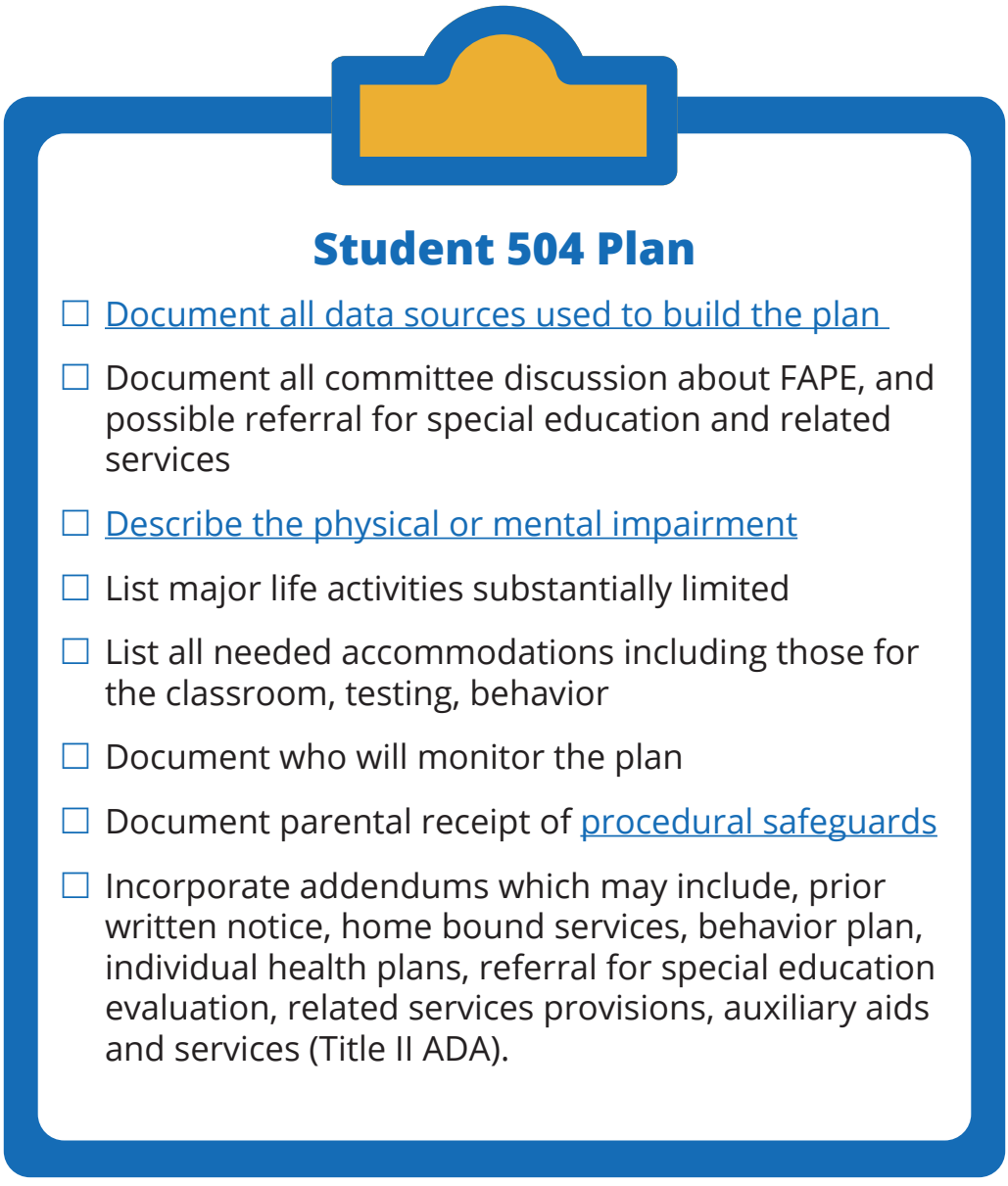
Best practice

The Section 504 coordinator should monitor student attendance for all absences (excused and unexcused) and convene the Section 504 committee as needed to proactively prevent truancy by creating an individualized plan that may modify LEA attendance policy and document the needs and situations where the student may be absent from school.

NOTE: STATE LAW outlines the requirements for student attendance to receive credit. Districts have policies and procedures for the necessary time required to receive credit for the grade level/course which aligns with state law. If an LEA chooses to shorten the school day, TEA recommends they review their local policy on awarding credit or promotion to the next grade level, otherwise, the student may need to attend summer school or repeat a grade level.

The 504 Plan

The purpose of the Section 504 plan is to create an educational blueprint that is unique to each student and provides the student access to a FAPE. An APPROPRIATE education is one that is designed to meet the individual needs of the student as adequately as that of their non-disabled peers. The Section 504 plan is the bridge that facilitates the provision of an appropriate education.



Student 504 Plan

- ☐ Document all data sources used to build the plan
- ☐ Document all committee discussion about FAPE, and possible referral for special education and related services
- ☐ Describe the physical or mental impairment
- ☐ List major life activities substantially limited
- ☐ List all needed accommodations including those for the classroom, testing, behavior
- ☐ Document who will monitor the plan
- ☐ Document parental receipt of procedural safeguards
- ☐ Incorporate addendums which may include, prior written notice, home bound services, behavior plan, individual health plans, referral for special education evaluation, related services provisions, auxiliary aids and services (Title II ADA).

While Section 504 regulations do not require a written plan, practical requirements such as documentation of evaluation sources, the impairment and substantial limitations, committee discussion and decisions, and accommodations make it necessary to put the plan in writing. In addition, should a disagreement take place, the written document may provide clear information regarding the intent of the LEA to provide FAPE.

Accommodations

Accommodations are intended to reduce or even eliminate the effects of student's disability on academic tasks but do not change learning expectations. The objectives of the course or activity remain the same. Accommodations change how the student learns or demonstrates knowledge. Section 504 committees should consider whether changes in presentation, response, setting, or timing/scheduling are required for students.

The provision of FAPE is foundational to the creation of a highly effective accommodation plan. 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 choice for that setting is in general education with accommodations that provide the bridge connecting the student to curriculum and instruction. The LEA must demonstrate that the provision of supplementary aids and services are not effective prior to removing a student from general education. Accommodations should "level the playing field" as opposed to giving any advantage and should never change what a student learns, which would be a modification.

Accommodations should address all impacted areas of the student's school environment such as classroom, testing, and behavior. A student's needs may change each year or throughout the year depending on the context and content required to learn. It is important to do regular checks with the student, teacher, and family to ensure the accommodations implemented are providing the appropriate access to information.



Campus Responsibilities:

Accommodations that are written into a Section 504 plan are legally binding. This means that for the student to receive their FAPE, 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.

NOTE:

- Accommodations should be unique and written in such a way that teachers are able to implement them with fidelity.
- Section 504 coordinators should schedule time to check-in with teachers regarding student progress and support them with the implementation of the accommodation plan.
- Do not use phrases such as "at student request" for accommodations. If the committee has carefully considered the impact of the impairment and has determined an accommodation is necessary to provide FAPE, it must be provided to the student as directed in the plan as opposed to requiring the student to request them. The LEA is responsible for implementing the accommodations and not the student.

Selecting Accommodations for Students with Disabilities

Accommodations 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. Many websites and organizations have a list of recommended accommodations related to a specific disability which may be requested at the Section 504 meeting. However, not all students with the same disability will have the same needs, and all decisions must be made based upon the data collected and the unique needs of the individual student.

Examples and Non-Examples of Documented Accommodations

Small Group Testing - Limit Distractions

Exemplar:

Student will take tests and quizzes in the learning lab for math and science (test materials will be delivered to the testing center prior to the class period).

Non-Example:

Student will take tests and quizzes in the learning lab at student request.

Behavior - Cue Student to Stay On Task

Exemplar:

During independent work time, monitor and provide frequent verbal or nonverbal reminders to return to task (student will put his head down or take out his phone when off task) - All Classes

Non-Example:

Cue student to return to task.

Extra Time to Complete Assigned Work

Exemplar:

Student will receive one day of extra time to complete assigned work after check-in with teacher to review progress and provide feedback.- ELA and Social Studies

Non-Example:

Student will receive extra time to complete assigned work

STAAR Accommodations/Accessibility

Accommodations similar to those documented in the student's Section 504 plan for classroom instruction may also be allowable on the State of Texas Assessments of Academic Readiness (STAAR) or the Texas English Language Proficiency Assessment System (TELPAS). Please reference the Accessibility Policy documents listed on the Accommodation Resources webpage and in the District and Campus Coordinator Resources online for more specific information about TEA state assessment accessibility policies.

Best Practice Tips:

- If a student is regularly benefiting from accommodations during instruction, they should be documented as accommodations in the Section 504 plan.
- LEAs should work with campus testing coordinators to determine local procedures and practices to ensure proper implementation of all STAAR (and TELPAS if applicable) accommodations in accordance with TEA's policy documents related to each.

Section 504 Special Circumstances

Competing Plans – IDEA vs. Section 504

The OCR states if a student is DETERMINED ELIGIBLE UNDER IDEA he or she must have an IEP. One way to meet the Section 504 requirements for a FAPE is to implement an IEP. If a student served through special education services has a disability not covered under IDEA, LEAs should document the additional needs and address them in the IEP if appropriate considering the child's individual circumstances.

There may be very narrow circumstances when a student may have both plans due to temporary accommodations needed through a Section 504 plan. An impairment that is EPISODIC or in remission is considered a disability if it substantially limits a major life activity when it is active. However, ARD and Section 504 committees should ensure that the 504 plans and IEPs do not compete with one another. Failure to address the Section 504 needs in the IEP may cause LEAs to fail to meet FAPE for a student. Students under the Section 504 umbrella are entitled to FAPE which may consist of regular or special education with supplementary aids and services or related services.

Title II Effective Communication

Title II of the ADA requires public entities, including schools, to ensure effective communication with individuals with disabilities. This means that schools must provide AUXILIARY AIDS and services, such as interpreters or accessible formats, to ensure that communication is as equally effective for individuals with disabilities as it is for those without disabilities. The goal is to remove barriers to communication and ensure that individuals with disabilities have equal access to information, programs, and services provided by public entities.

In the case of effective communication for students with vision, hearing, or speech disabilities, the ADA published FAQs on Effective Communication for Students with Hearing, Vision, or Speech Disabilities. According to USDE and the DOJ, "In some instances, in order to comply with Title II, an LEA may have to provide the student with services that are not required under the IDEA." (USDE and DOJ, 2014 p.2) In addition, LEAs are to give primary consideration to the auxiliary aid or service requested by the student with the disability when determining what is appropriate. This means that the student or parent must be given the opportunity to request the aid or service that they think is needed to provide effective communications. LEAs will then make an individualized determination considering the communication used by the student, the nature, length, and complexity of the communication involved and the context in which the communication is taking place.

Examples of auxiliary aids and services for students who are deaf, deaf-blind, or hard of hearing include, but are not limited to:

- Qualified sign language interpreters
- Note takers
- Exchange of teacher notes
- Real-time, computer-aided transcription services
- Assistive listening systems
- Accessible electronic and information technology
- Open and closed captioning



Examples of auxiliary aids and services for students who are blind, deaf-blind, or have low vision include, but are not limited to:

- Qualified readers
- Taped texts
- Audio recordings
- Braille materials and displays
- Screen reader software
- Magnification software
- Optical readers
- Secondary auditory programs (SAP)
- Large print materials
- Accessible electronic and information technology



Examples of auxiliary aids and services for students who have a speech disability include, but are not limited to:

- Word or letter board
- Writing materials
- Spelling to communicate
- Qualified interpreter
- Taped texts
- Computer
- Portable device that writes and/or produces speech
- Telecommunications services

NOTE: LEAs that provide interpreting services to students who are deaf or hard of hearing must ensure that interpreters hold appropriate CERTIFICATIONS from the Texas Board for Evaluation of Interpreters (BEI) or the National Registry of Interpreters for the Deaf (RID).

Section 504 committees must "CONSIDER the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode including opportunities for direct instruction in the child's language and communication mode" when making placement decisions.

Best Practice Tips:

Sign Language Interpreting Services: If a student's needs are not met through interpreting services alone, an evaluation for special education services may be necessary to ensure the student receives FAPE.

Nonacademic Services and Extracurricular Activities



According to Section 504 regulations, the LEA is required to provide students with disabilities an equal opportunity for participation in nonacademic and extracurricular services. 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 people with a disability, and employment of students, including both employment by the LEA and making available outside employment.

LEAs must make reasonable accommodations 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 at 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 may offer 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 without disabilities, unless the LEA can demonstrate the education of the student in the general education setting with supplementary aids and services cannot be achieved. According to a 2013 Dear Colleague Letter from the Assistant Secretary for Civil Rights regarding extracurricular athletics, 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. However, students with disabilities must meet the skill level requirements 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.

Separate activities must be provided with LEA support equal to other athletic activities (e.g., wheelchair basketball team). LEAs may collaborate with community organizations to find creative ways to match student interests with opportunities for participation in athletic experiences.

Additional Considerations

Now let's review a few additional considerations Section 504 committees may face as they make determinations about a student's educational programming.

Advanced Placement and Dual Enrollment

Students who receive Section 504 services can participate in both advanced placement and dual enrollment programs. LEAs are responsible for providing reasonable accommodations to ensure equal access to educational opportunities for these students. Section 504 plans play a crucial role in guiding the accommodations and support provided to students with disabilities in these advanced academic settings. Academic programs offered by the LEA that generate high school credit on a student's transcript are subject to FAPE.

If a student with a disability requires accommodations in their general education classes in order to access FAPE, they must be provided with those accommodations in advanced placement or dual enrollment classes offered by the LEA so long as the advanced nature of the course is not altered. All decisions about accommodations must be made on a case-by-case basis through evaluation by the Section 504 committee. Failure by the LEA to ensure that the Section 504 accommodations are implemented may result in a violation of Section 504. An OCR Dear Colleague Letter explains why the practice of denying, on the basis of disability, a qualified student with a disability the opportunity to participate in an accelerated program violates both Section 504 and Title II.

After School and Summer Programs

Equal opportunity for participation in after-school and summer programs is a fundamental principle that applies to all students, including those with disabilities. LEAs that offer after school or summer programs must ensure that all students have equal opportunity for PARTICIPATION. This includes activities not specifically sponsored by the LEA but located on school property (e.g., YMCA program, Karate lessons held at an elementary). This means that the LEA may need to make reasonable accommodations to provide students with disabilities access to the program. These accommodations need not be identical to those listed in the Section 504 plan and are not a required component of it.



Counseling Services

Section 504 regulations require LEAs that provide COUNSELING, guidance, or placement services to students must provide them to all students without discrimination due to disability. In addition, students with disabilities should not be counseled toward more restrictive career objectives than their peers with similar interests without disabilities.

Intradistrict and Interdistrict Transfers

Intradistrict and interdistrict transfers are processes where students move from one school or district to another within the same district (intradistrict) or between different districts (interdistrict). When students receiving Section 504 accommodations are involved, these transfers must consider the continuation of services and accommodations to ensure the students' needs are met appropriately.

Some districts allow intradistrict and interdistrict transfers for a variety of reasons. Administration may choose to revoke transfers due to student absences and/or behavior concerns. If a transfer revocation could in any way be related to the student's disability, this could be a form of disability discrimination. If a campus is considering revocation of a student who has a Section 504 plan, the Section 504 committee should meet to determine if additional accommodations or a referral for a special education are necessary. Approved transfers and revocations fall under the TEC § 25.031-25.034. It states:

Parents may:

- file a request to transfer or,
- file objections to an assignment to the school board, including to review the documented request or,
- request a hearing.*

** Each LEA has policies and procedures for revocations and transfers, which vary. Please see your local board policies and procedures for the appropriate timelines and steps to follow.*



Best practices for Approved Transfers/Revocations

- The district Section 504 coordinator contacts the receiving district Section 504 coordinator to set up a meeting.
- Meet to review the student's Section 504 plan and discuss any special needs to make the transition successful (e.g., transfer of needed equipment, assignment of staff to implement the plan).
- Discuss with your district legal counsel prior to revocation for any student under Section 504.

Section 504 Plan, Individual Health Plan, & Emergency Care Plans



The task of protecting students with individual health plans (IHPs) and emergency care plans at school can be daunting and should be approached in a team-based framework. A student may need an IHP or emergency care plan for a variety of reasons such as diabetes, epilepsy, asthma, allergies, etc.

The IHP may be implemented in addition to the Section 504 accommodation plan, and the school nurse should be a member of the Section 504 committee. Section 504 protects the rights of the students to a FAPE and procedural safeguards while the IHP does not, in of itself, provide civil rights protections.

The following list of disabilities will typically require a Section 504 plan which includes the IHP or emergency care plan. This section is not meant to address every disability that might be eligible for a Section 504 accommodation plan but serves instead to provide information on some frequently occurring disabilities based on feedback from LEAs. Section 504 and ADA regulations mandate a broad interpretation of physical or mental impairment and substantial limitation. In addition, you can find more information about classroom resources for teachers to use in addressing individual student health needs on the TEA website.

Allergies/Anaphylaxis



Allergies for some students are far more than a mere inconvenience; they are life threatening. According to the Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis published by The Commissioner of the Texas Department of State Health Services (DSHS), a food allergy is an abnormal response to a food triggered by the body's immune system that can range from mild to life threatening. Other common causes of anaphylaxis include, latex, insect stings or bites and medication.

Anaphylaxis is a severe reaction that occurs quickly and can result in the death of the student. The Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis states that there is no cure for food allergies (pg. 13). The only way to avoid the risk of symptoms is strict avoidance of the allergen.

TEC requires LEA boards of trustees and governing bodies to create and adopt policy for the care of students at risk for ANAPHYLAXSIS based on guidelines developed by DSHS. See the DSHS Special Health Care Needs - Texas Guide to School Health Services webpage for resources and more information on Section 504 in schools.

It is important to note that service animals may cause allergic reactions for some students. However, LEAs should find a solution that meets both students' needs and does not penalize either. For more information, see Frequently Asked Questions about Service Animals and the ADA. In addition, The Texas Association of School Boards provides guidance in their document "Legal Questions about Service Animals in Schools."

Best Practice

When planning on addressing allergies, campuses are encouraged to form food allergy management teams, including the school nurse and parents, to create plans that will help ensure a safe learning environment for students who suffer from serious food allergies.



LEA Responsibilities:

- Comply with federal and STATE LAWS and LEA policy.
- Include students with allergies in all LEA activities.
- Train all staff in how to recognize symptoms and respond to an emergency anaphylactic reaction.
- Work to eliminate allergens from the LEA environment.
- Distribute Emergency Care plans and Section 504 plans to LEA staff, including bus drivers and other support staff, with support from the school nurse in understanding and implementing the accommodations and emergency procedures.
- Plan for field trips and extracurricular activities with LEA staff and parents.
- Confirm that all consent forms are signed to administer medications.



Family Participation:

- Families should NOTIFY the school if their child has a food allergy that may impact his or her safety.
- Families should specify what the child is allergic to and the nature of the allergic reaction.
- Families should complete consent forms for medication ADMINISTRATION by the school nurse or appropriate staff.

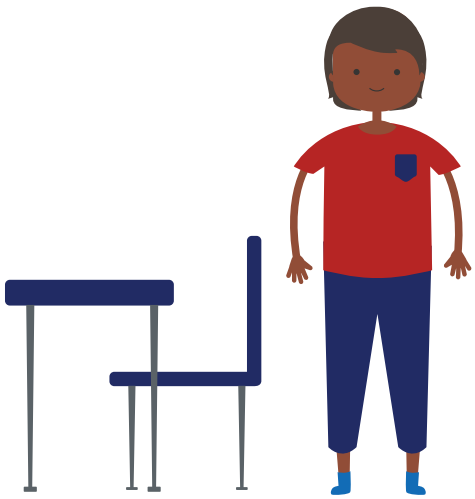


Student Participation:

Students of an appropriate age, as determined by physician and parents, should understand their disability and work towards self-management of avoiding the allergen, identifying symptoms, communicating with an adult when they are having a reaction, reading food labels, and carrying and administering their personal medications.

Attention Deficit Hyperactivity Disorder

Attention Deficit Hyperactivity Disorder (ADHD) can significantly impact major life activities, such as learning, concentrating, thinking, and interacting with others, which means students who are diagnosed with ADHD may require a Section 504 plan. If a student with ADHD is found ineligible for services through special education, the LEA bears the obligation to consider whether they are eligible for Section 504 accommodations. The OCR advises that a diagnosis of ADHD provided by a licensed clinician with expertise in ADHD, as the result of a comprehensive evaluation, may be considered evidence of a disability, and the presumption may be made that there is a substantial limitation in one or more major life activities.



In 2016, the OCR published a Dear Colleague Letter and Resource Guide specific to students with ADHD in order to clarify LEA responsibilities under Section 504 and address the increase in complaints to the OCR alleging discrimination against students with ADHD. The OCR states that a comprehensive evaluation should be provided at no cost to the parent and include "information from a variety of sources which can include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, ... adaptive behavior, ... information from the student, the student's parents and caregivers, teachers, and other professionals...." (Dear Colleague Letter and Resource Guide, p. 19). Once the comprehensive evaluation has been completed, placement decisions must be made by a group of individuals who are knowledgeable about the student, the meaning of the evaluation data, and the various placement options. Decisions about appropriate accommodations, supplementary aids and services, and other supports to address the student's individual needs should be discussed. The committee may consider supports such as, but not limited to, assistance with medication disbursement, behavior modifications, organizational and/or time management strategies or skills, and instructional accommodations. However, the OCR emphasizes that LEAs "cannot simply group together a few aids and services and provide them in a blanket fashion to any student with ADHD." (Dear Colleague Letter and Resource Guide, p. 26)

Chronic Illness

Creating a plan for a student with a chronic illness can be challenging for all involved. According to the OCR, "A chronic illness involves a recurring and long-term disability such as diabetes, heart disease, kidney and liver disease, high blood pressure, or ulcers."

Chronic disease may cause a student to miss a significant amount of instruction due to the severity of the disability or frequent, required medical visits. Section 504 regulations protect the rights of students to have the opportunity to participate in or benefit from the aid, benefit, or services of the LEA environment with their peers without disabilities in the LEAST RESTRICTIVE ENVIRONMENT to the maximum extent appropriate. Most likely these students will be serviced through a combination of homebound and classroom instruction.

When reviewing and analyzing a variety of evaluation data, Section 504 committees should consider:

- The medical description of the disorder including common symptoms
- The type of treatment plan the student requires
- If an IHP is needed (see page 32)
- If an emergency care plan is needed (see page 32)
- Whether any medical equipment is needed
- The unique impact of the student's chronic illness in the following areas:
  - Classroom environment – seating, temperature, access to assistive technology
  - Class work and tests – May include a statement regarding student's ability to make up work missed due to chronic absenteeism
  - Access to water, bathroom, and nurse
  - Participation in LEA activities
  - Rest time
  - Physical education - Allowed level of physical exertion during recess or other LEA activities
  - Physical navigation on campus
  - Nutrition (breakfast, lunch, snacks)
- Communication to LEA staff, including substitutes
- Collaboration with school nurse for training for LEA staff
- The unique student requirements during emergency drill procedures
- Transportation and other necessary related services
- Transition procedures for absences from school and return to school including academic, behavioral, and social emotional supports



Diabetes

There are statutes in TEXAS LAW that protect and provide support to students who have diabetes. One support includes the requirement to have a diabetes management and treatment plan, which must be developed and implemented for each student with diabetes who may need care while participating in a school activity.

A diabetes management and treatment plan must:

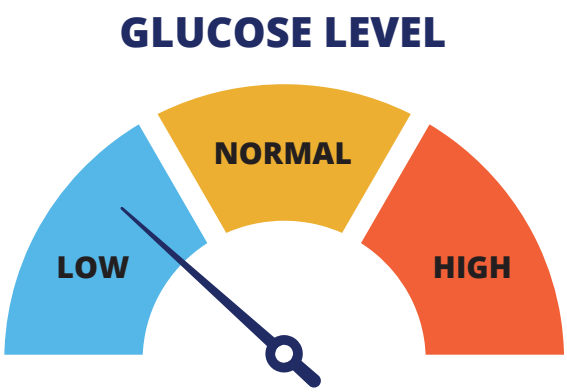
- identify the health care services the student may receive at school;
- evaluate the student's ability to manage and level of understanding of the student's diabetes; and
- be signed by the student's parent and the physician responsible for the student's diabetes treatment.

If a parent is seeking care for the student's diabetes while at school, a copy of the student's diabetes management and treatment plan should be submitted to and reviewed by the school:

(1) before or at the beginning of the school year;

(2) on enrollment of the student, if the student enrolls in the school after the beginning of the school year; or

(3) as soon as practicable following a diagnosis of diabetes for the student.



An IHP is a coordinated plan of care designed to meet the unique healthcare needs of a student with diabetes in the school setting. An IHP must be developed for each student with diabetes who will seek care for diabetes while at school or while participating in a school activity. Once the school receives a student's diabetes management and treatment plan, the Section 504 committee, which should include the school nurse, if a school nurse is assigned to the school, must develop a student's IHP in collaboration with the student's parent and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers. A student's IHP must incorporate components of the student's DIABETES MANAGEMENT AND TREATMENT PLAN. The Section 504 plan would include the IHP.

In addition, the school principal should seek school employees who are not health care professionals to serve as unlicensed diabetes care assistants and care for students with diabetes. Effort should be made to ensure the school has at least one unlicensed diabetes care assistant if a full-time nurse is assigned to the school or at least three if a full-time nurse is not assigned to the school. Principals must ensure training is provided by either the school nurse or a health care professional knowledgeable about diabetes care if the school does not have a nurse.

OCR has additional guidance outlined in a Dear Colleague letter regarding students with diabetes. This letter refers to The U.S. Department of Health and Human Services National Diabetes Education Program (NDEP) guide, Helping the Student with Diabetes Succeed: A Guide for School Personnel. This guidance gives school administrators and health services personnel a comprehensive resource that:

- Lays out a team approach to diabetes management in the school setting;
- Provides a basic primer and glossary about diabetes;
- Reviews components for planning and implementing effective diabetes management;

- Contains sample action plans that alert school personnel to common signs and symptoms of high and low blood glucose levels and how to handle emergencies; and
- Reviews the federal laws pertaining to schools' responsibilities to educate students with disabilities.

Seizures

TEXAS EDUCATION CODE contains provisions relating to students who experience seizures. The parent of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the school district at which the student is enrolled a copy of a seizure management and treatment plan developed by the student's parent and the physician responsible for the student's seizure treatment.

TEA's Seizure Management and Treatment Plan Form is to be used in submitting a seizure management and treatment plan to a student's school that includes a specific list of information and the signatures of the student's parent or guardian and the physician responsible for the seizure treatment. This form consists of several questions about seizure history, medications, precautions, and other considerations.



A school nurse employed by a school district must complete an agency-approved online course of instruction for school nurses regarding managing students with seizure disorders that include information about seizure recognition and related first aid. Information about TEA-approved online courses that meet this requirement can be found on TEA's Healthy and Safe School Environment of the Coordinated School Mental Health Model webpage. The Section 504 committee should be familiar with these resources and requirements.

Visual Impairments

Under IDEA, "visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance." Based on this definition and TAC §89.1040 (12), the majority of students who are visually impaired are eligible to be served under IDEA. Therefore, the mandate under child find is to refer any student who has a suspected visual impairment for an FIIE. Refer to Students with Visual Impairments: Eligibility for Special Education for more guidance on the topic.



However, in some cases, a student with a visual impairment may not qualify for special education services and may need a Section 504 plan. For a student who qualifies for Section 504 services, the committee should determine the need for any related services specific to his or her needs. For instance, the student may not receive services from a teacher of students with visual impairments (TVI) as these services are only available under IDEA; however, the student may need orientation and mobility services (O&M) which is a related service and can be provided under Section 504. It is important to note that a TVI may consult with the Section 504 committee when making determinations specific to visual impairments.

> **"When consulting with a 504 committee, a TVI may not utilize tests or procedures that would be used in their FVE [functional vision evaluation] or LMA [learning media assessment]. They should never be asked to observe with the specific viewpoint of determining a need for services. It is best to approach an observation with the mindset of helping the team to understand possible issues with vision that may be improved with accommodations or instructional strategies. For example, it would be beneficial to help the 504 committees understand the process of patching for amblyopia or to explain how the loss of vision in only one eye could be accommodated. There is a limit to a TVI's ability to identify accommodations and instructional strategies without a formal evaluation. If it is suspected that the student has an impairment in vision and needs special education and related services, an FIIE [must] be initiated"**
>
> - Students with Visual Impairments: Eligibility for Special Education, page 20

Dispute Resolution

There are times when families feel like their child's civil rights may be violated. When a dispute does occur, Section 504 has the following resolution options available and should be detailed in the LEA's Section 504 procedural safeguards.

Procedural Safeguards

Section 504 regulations require that LEAs establish and implement a system of PROCEDURAL SAFEGUARDS that includes:

Notice	**Opportunity for parents to examine relevant records**	**Impartial hearing with parent participation & representation by counsel**	**Review procedure following hearing**

Compliance with IDEA procedural safeguards is one way of meeting this requirement.

Local Grievance Procedures

Section 504 regulations require LEAs with 15 or more employees to adopt grievance procedures that incorporate due process standards and that provide prompt, equitable resolution of complaints alleging any prohibited action. Families and LEAs have a powerful tool at the local level for resolving disagreements before escalating to the federal or judicial level. LEAs should adopt easily understood and accessible procedures for parents to submit grievances which are responded to quickly in a solution focused manner.

> **Note, a school district cannot satisfy the requirement to have due process procedures by relying on its grievance procedure, nor can a district require a parent to pursue a FAPE-related complaint through the grievance procedure before a hearing under the system of procedural safeguards will be granted. Districts must ensure that they have due process procedures that are available to parents, as required.**
>
> - Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools, pg. 35

Impartial Hearing

The purpose of the impartial hearing is to resolve disagreements between the LEA and parents regarding the identification, evaluation, or educational placement of a student with a disability. It is the LEA's responsibility to arrange for the hearing, providing the parents the opportunity to participate and to be represented by counsel if they so choose.

Office for Civil Rights

According to the OCR, anyone can file a civil rights complaint whether they are the complainant or are filing the complaint on behalf of an individual, with written consent. Complaints should be filed online or via email, mail, or fax within 180 days of the last act of discrimination.

Retaliation



Federal civil rights laws prohibit RETALIATION against individuals who assert their rights. The ADA Title II mandates that no public or private entity may discriminate, coerce, intimidate, threaten, or interfere with any individual who has asserted their rights, opposed any act or practice, made a charge or testified, assisted, or participated in an investigation, proceeding, or hearing.

Additionally, Section 504 regulations cite the procedural provisions regarding intimidation or retaliation in Title VI of the Civil Rights Act of 1964. The regulations directly prohibit intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege that is protected by law because they complained, testified, assisted or participated in an investigation, proceeding, or hearing.

Best Practice Tips:

- Build and maintain positive relationships with families and community members.
- Respond promptly to concerns in a solution focused manner.
- Provide professional development and coaching to staff in how to communicate with families and manage parent concerns, crucial conversations, or negative feedback.
- Ensure that LEA grievance procedures are accessible and easy to follow for parents and staff in order to resolve problems at the local level.

Resources

Accommodations 40
Communication (Title II) 40
Disability Information 40
Office for Civil Rights 40
State and Federal Laws, Regulations, and Code 41
Texas Education Agency 42
Miscellaneous 42

Accommodations

Accommodations Central

Communication (Title II)

ADA Requirements - Effective Communication

Communicating Effectively with People with Disabilities

Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools

Nondiscrimination on the Basis of Disability in State and Local Government Services

Disability Information

ADA Guidance and Resource Materials

Attention-Deficit/Hyperactivity Disorder

What is ADHD?

Guidelines for the Care of Students With Food Allergies

Students with ADHD and Section 504: A Resource Guide

Office for Civil Rights

The Civil Rights of Students with Hidden Disabilities Under Section 504 of the Rehabilitation Act of 1973

Disability Discrimination

Dual Enrollment OCR Resolution

Identification of Students 504-Only Students: An Alternate Eligibility Form

Office for Civil Rights | U.S. Department of Education

OCR Topical Index

OCR Complaints

OCR Dear Colleague Letter 2012 - Americans with Disabilities Amendment Act

OCR Dear Colleague Letter 2010 - Bullying and Harassment

OCR Dear Colleague Letter 2013 - Extracurricular Athletics

OCR Dear Colleague Letter 2013 - Retaliation

Discrimination Based on Pregnancy and Related Conditions: A Resource for Students and Schools

OCR Parent And Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools

OCR Section 504 FAQ: Procedural Safeguards

OCR Questions and Answers on the ADA Amendments Act of 2008 for Students with Disabilities Attending Public Elementary and Secondary Schools

OCR Disability Discrimination

State and Federal Laws, Regulations, and Code

ADA Laws, Regulations, and Standards

The Americans with Disabilities Act

Americans with Disabilities Act Title II Regulations

Civil Rights Act of 1964 - Retaliation

File a Complaint

IDEA

Section 504

Section 504 Regulations Subpart D – Preschool, Elementary, and Secondary Education

Special Education Regulations

Service Animals – ADA Requirements

Texas Administrative Code, Title 19, Part 2

Texas Administrative Code Full Individual and Initial Evaluation

Texas Association of School Boards – Legal Questions about Service Animals in Schools

Texas Disability Law – Service Animals

Texas Education Code Chapter 26 Parental Rights and Responsibilities

Texas Education Code 26.0081: Right to Information Concerning Special Education and Education of Students with Learning Difficulties

Texas Education Code 38.0151 – Policies for Care of Certain Students at Risk for Anaphylaxis

Title 42 - The Public Health and Welfare

U.S. Department of Justice – Frequently Asked Questions about Service Animals and the ADA

Texas Education Agency

Student Assessment Division: Accommodation Resources

Child Find

Complaints and Investigations

Dyslexia and Related Disorders

Responsibilities and Timelines Regarding Parent Requests for Special Education Evaluations under IDEA, TEC, and TAC

School Health - Students with Special Health Needs

Section 504

Section 504 Fact Sheet for Families

Student Handbook Statement

Student Attendance Accounting Handbook

Student Assessment Division

The Texas Legal Framework

Special Education Rules & Regulations

Miscellaneous

The Power of Section 504

The Public Schools' Obligation for Impartial Hearings Under Section 504

Request for Special Education Testing

Appendix

A - Section 504 Meeting – Sample Checklists

B - Manifestation Determination Review Meeting – Sample Checklist

C - General Education Homebound Meeting – Sample Checklist

Appendix A:



SECTION 504 MEETING - SAMPLE CHECKLIST

- ☐ Call or email parents to schedule meeting
- ☐ Send home an invitation to the meeting with a Notice of Procedural Safeguards
- ☐ Assemble evaluation data and be ready for review
- ☐ Invite all applicable participants, including student (as appropriate):
  - Follow LEA established procedures for procuring substitutes
  - Obtain parental consent to invite or obtain information from any outside service providers
- ☐ Document parent intent to attend or need to reschedule
- ☐ Prepare the room ahead of time for the meeting
  - Technology – if meeting virtually, ensure the meeting platform is secure
  - Seating – if meeting in person, ensure there is enough seating for everyone
- ☐ Introduce participants
- ☐ Explain eligibility requirements
  - Physical or mental impairment
  - Impacts on major life activities
- ☐ Discuss student strengths
- ☐ Discuss student challenge areas (impact of the disability)
- ☐ Review and document the evaluation of data regarding the student's physical or mental impairment
- ☐ Review and document identification of major life activities that are substantially limited
- ☐ Document committee discussion regarding the need for special education and related services
- ☐ Document committee deliberations regarding the LRE and FAPE for the student
- ☐ Create plan outlining services and accommodations
- ☐ Review minutes
- ☐ Document participants in attendance (signatures are not required unless required by the LEA's written operating procedures)
- ☐ Provide a copy of the Section 504 plan to parents and make sure to obtain signed receipt of Procedural Safeguards if not returned with invitation
- ☐ Distribute the Section 504 plan to all appropriate staff with consult for clarification or assistance in implementation
- ☐ Obtain and file signed receipt of Section 504 plan from LEA staff

Appendix B:



MANIFESTATION DETERMINATION MEETING – SAMPLE CHECKLIST:

- ☐ Call or email parents to schedule meeting
- ☐ Send home invitation to the meeting with Notice of Procedural Safeguards
- ☐ Assemble relevant information from a variety of sources that may include (pages 16-17):
  - ☐ student's Section 504 plan (including any behavioral supports the student needs), any updates to the plan, and information about whether the current Section 504 plan is being implemented with fidelity
  - ☐ psychological or medical evaluation data related to the behavior at issue
  - ☐ information provided by the student's parents or guardians
  - ☐ academic records
  - ☐ discipline records, including information on whether previous disciplinary actions led to changes in behavior, and incident reports, including any involving Student Resource Officers (SRO) or other law enforcement officials, consistent with applicable Federal or State privacy protections and
  - ☐ teacher notes, observations, data collected about the behavior
- ☐ Invite all applicable participants, including people knowledgeable about the student and someone who can interpret evaluation data
  - ▶ Follow LEA established procedures for procuring substitutes
  - ▶ Obtain parental consent to invite or obtain information from any outside service providers
- ☐ Document parent intent to attend, not attend, or need to reschedule
- ☐ Prepare the room ahead of time for the meeting
  - ▶ Technology – if meeting virtually, ensure the meeting platform is secure
  - ▶ Seating – if meeting in person, ensure there is enough seating for everyone
- ☐ Introduce Participants
- ☐ Explain eligibility requirements
  - ▶ Physical or mental impairment
  - ▶ Impacts on major life activity
- ☐ Discuss student strengths
- ☐ Discuss student challenge areas
- ☐ Review and document the evaluation of data regarding the student's physical or mental impairment, the behavior, and disciplinary consequence under consideration
- ☐ Review and document identification of major life activities that are substantially limited

- ☐ Document committee discussion regarding the following:
  - Was the behavior caused by or directly related to the disability?
  - Was the behavior due to the LEA's failure to implement the Section 504 plan?
- ☐ If the answer is "No" to both, the behavior is not a manifestation and discipline will be decided in accordance with student code of conduct
- ☐ If the answer is "Yes" to either question, the behavior is a manifestation; document any additional evaluations, such as a functional behavior assessment and an evaluation for special education and related services, that will be requested
- ☐ Revise Section 504 plan as needed to include additional accommodations and supports to mitigate future behaviors
- ☐ Review minutes
- ☐ Document participants in attendance (signatures are not required unless required by the LEA's written operating procedures)
- ☐ Provide a copy of the Section 504 plan to include the MDR decision to parents and make sure to obtain signed receipt of Procedural Safeguards if not returned with invitation.
- ☐ Distribute the Section 504 plan to all appropriate staff with consult for clarification or assistance in implementation
- ☐ Obtain and file signed receipt of Section 504 plan from LEA staff

Appendix C:

GENERAL EDUCATION HOMEBOUND MEETING – SAMPLE CHECKLIST

- ☐ Call or email parents to schedule meeting
- ☐ Send home invitation to the meeting with Notice of Procedural Safeguards
- ☐ Assemble evaluation data, and be ready to review. Review and be familiar with SAAH 3.7 General Education Homebound Program
- ☐ Invite all applicable participants, including but not limited to a campus administrator, a teacher of the student, the parent, and the student (if appropriate)

While the school nurse is not a required participant, according to the SAAH 3.7.2, they are valuable members of the committee and should be invited as a best practice to assist in understanding evaluation data

  - Follow LEA established procedures for procuring substitutes
  - Obtain parental consent to invite or obtain information from any outside service providers

- ☐ Document parent intent to attend, not attend, or need to reschedule
- ☐ Prepare the room ahead of time for the meeting
  - Technology – if meeting virtually, ensure the meeting platform is secure
  - Seating – if meeting in person, ensure there is enough seating for everyone
- ☐ Introduce Participants
- ☐ Explain eligibility requirements
  - Physical or mental impairment
  - Impacts on major life activity
- ☐ Discuss student strengths
- ☐ Discuss student challenge areas
- ☐ Review and document the evaluation of data regarding the student's physical or mental impairment, including notification from a licensed physician about the need for homebound for a minimum of 4 weeks
- ☐ Review and document identification of major life activities substantially limited
- ☐ Document committee discussion regarding the need for special education and related services
- ☐ Document committee deliberations regarding the LRE and FAPE for the student
- ☐ Create the GEH plan including location (home or hospital), amount of time per week, and type of instruction to be provided. Provide start and completion dates
- ☐ Plan to reconvene to plan for the student's transition back to school
- ☐ Complete any LEA developed forms
- ☐ Document discussion of how the plan will meet the core instruction requirement and include all other courses the student is enrolled in, if possible

- ☐ Identify person responsible for collecting the homebound teacher's instruction log and any additional LEA required documentation following requirements of SAAH 3.7.2.1 GEH Committee Documentation Responsibilities
- ☐ Review minutes
- ☐ Document participants in attendance (signatures are not required unless required by the LEA's written operating procedures)
- ☐ Provide a copy of the Section 504 plan to the parents and make sure to obtain signed receipt of Procedural Safeguards and Parent and Student Rights if not returned with invitation
- ☐ Follow LEA policy for coordinating with homebound instruction



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