



“THE DISTRICT”

Section 504 Handbook

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1. INTRODUCTION

This Section 504 Handbook is designed to help campus Section 504 Coordinators, administrators, teachers, staff, parents, and students to understand the purpose of Section 504, how eligibility is determined, and the referral process. Forms are provided in SuccessEd, a database that Donna ISD uses, that will assist campus coordinators with documentation of all steps to identify a student for Section 504 services.

2. PURPOSE OF SECTION 504

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

3. DONNA ISD MISSION STATEMENT

The mission of Donna ISD is to provide a rigorous and supportive learning environment with meaningful and relevant learning experiences that inspire creativity, character development, and critical thinking that ensures educational excellence for all students.

4. DONNA ISD VISION STATEMENT

The vision of Donna ISD is to be a bold district at the forefront of educating all students to be passionate, motivated leaders who will be a powerful force for positive change in our community, state and nation.

5. SECTION 504 CAMPUS COORDINATOR DIRECTORY

Campus	Name	Contact Number
Runn Elementary	Jose Manrique	956-464-1864
Guzman Elementary	Veronica Izeta	956-464-1920
Stainke Elementary	Yvette Trevino Cardenas	956-464-1940
Ochoa Elementary	Jo Lynn Herrera	956-464-1900
Rivas Elementary	Erica Rivera	956-464-1990
Caceres Elementary	Rumaldo Cisneros	956-464-1995
Salinas Elementary	Virginia Casas	956-783-1332
Salazar Elementary	Linda Levine Eunice Vasquez	956-464-1977
Garza Elementary	Romeo Flores	956-464-1886
Singleterry Elementary	Melissa Schmutz Magda Trevino	956-464-1845
Munoz Elementary	Joanna De Leon Vanessa Gonzalez	956-464-1310
Adame Elementary	Marissa De La Garza	956-461-4010
Price Elementary	Olga Cervantes	956-464-1303
Lenoir Elementary	Karen Nieto Ariana Casares	956-464-1685
Solis Middle School	Thelma Luna	956-464-1650
Todd Middle School	Melanie Rodriguez Baldemar Oliva	956-464-1800
Veterans Middle School	Michelle Gamboa Beltran (A-L) JoAnna Padilla Vela (M-Z)	956-464-1350
Sauceda Middle School	Anibal Gonzalez Mara Martinez	956-464-1360
Donna High School	Michelle Garza	956-464-1700
Donna North High School	Sandra Gonzalez (A- De La Calleja) Thelma Lira (De La Cruz-Hernandez, N.) Maria Lara (Hernandez, V. – Moreno) Patricia Sanchez (Morin- Rodriguez, S.) Viola Perez (Rodriguez, T. – Z)	956-464-4190
3D Academy	Elizabeth Villegas	956-464-1254
Donna Early College High School	Soledad Garza	956-464-1820

6. SECTION 504 CAMPUS COORDINATOR RESPONSIBILITIES

A Section 504 campus coordinator serves as the case manager for all students evaluated and/or served under Section 504. The Section 504 campus coordinator coordinates all aspects of the Section 504 referral and evaluation process. Case manager responsibilities for Section 504 campus coordinators include the following duties:

Child Find:

- Fulfills child find duties by referring any child suspected of having an impairment that creates a substantial limitation in one or more major life activities, creating a need for accommodations and /or services.
- Sets up meetings throughout the school year with Child Find committee members such as the school nurse, social worker, LPC, campus administrator, campus counselor to review student needs and determine next steps.

Referrals/Evaluations:

- Maintains record of all referrals and evaluation due dates
- Knows when a referral for special education should be considered and follow district procedures for consulting with special education administrators about a possible special education referral
- Accepts Section 504 referrals from parents
- If the referral is for dyslexia or a related disorder, the Section 504 campus coordinator contacts the campus educational diagnostician to determine the appropriateness of the referral
- If the referral is not considered appropriate and will not be accepted, the Section 504 campus coordinator sends the parent a letter that will serve as the written notice that the district is refusing to evaluate under Section 504.
- If the referral will be accepted, the Section 504 campus coordinator obtains parent written consent to communicate with the health care provider who has made the diagnosis and solicits input regarding the student's impairment and the degree to which it causes limitation to one or more major life activities.
- Provides parents with all notices and obtains their consent for placement and evaluation as required under Section 504
- Completes evaluations and monitors completion of evaluations for dyslexia and related disorders within established timelines (45 school days)
- Ensures all 12th grade students have a new re-evaluation prior to graduation.

Data Gathering & Distribution:

- Gathers background data for initial evaluations, reviews of existing data, 3 year re-evaluations and additional evaluations prior to any change in placement
- Shares background data with other evaluators (ex. educational diagnostician testing for dyslexia)
- Leads the Section 504 Committee meeting in completing Section 504 eligibility evaluations during Section 504 meetings

- Notifies staff with an educational need to know of Section 504 accommodations and service plans
- Notifies staff responsible for implementing Section 504 Student Services Plan within 2 school days of the date of initial services or the beginning of a new school year
- Provides updated state assessment accommodation list of Section 504 students to campus testing coordinator throughout the school year as requested

Section 504 Committee Meetings:

- Schedules, provides notice, chooses multidisciplinary team members and leads the Section 504 Committee meetings as needed
- Ensures that evaluation and placement are conducted by a team of knowledgeable persons about the student, the evaluation data and placement options and that decisions about placement are based on the student's individual needs and consideration of the least restrictive environment (LRE)
- For students with dyslexia, knowledgeable persons include individuals who have knowledge of the dyslexia evaluation, dyslexia related disorders, the reading process and dyslexia instruction.
- Facilitates evaluation/eligibility by gathering and reviewing appropriate data concerning student's eligibility for service and data to make a decision regarding the nature of the substantial limitation in one or more major life activities, the impact upon the student in the educational setting, and the necessary accommodations for the student to receive services comparable to those of his or her nondisabled peers

Timelines:

- Completes all required paperwork before, during and after the initial evaluation meeting according to district regulations

Records:

- Maintains appropriate documentation and records, including records of all contacts with parents and staff

Training:

- Trains and informs campus staff and parents about Section 504 related to students with disabilities
- Guides teachers on the implementation of the Section 504 Student Services Plan
- Attends Section 504 trainings and meetings at the district and regional level

Supervision:

- Keeps campus and district administrators informed regarding any issues involving a Section 504 student that may require administrative attention
- Ensures the implementation of all legal requirements and district standard practices relating to Section 504 on campus
- Monitors the implementation of Section 504 Student Services Plans

- Monitors grades of Section 504 students and schedules review meetings if students have failing grades and if changes in 504 services are recommended.

Parent Grievance and Due Process:

- Receives parent grievance and requests for due process hearings as applicable and works with the district Section 504 administrator as appropriate to resolve grievances/conduct hearings

Confidentiality:

- Maintains confidentiality of all Section 504 student data

Documentation:

- SuccessEd is the Section 504 program management system that will serve as the student's official Section 504 student file.
- Required documentation will be obtained in SuccessEd.
- All forms will be completed in SuccessEd or uploaded to SuccessEd under the "history" tab and locked in SuccessEd 5 school days after the date of a Section 504 Committee meeting.
- Notice and consent is required prior to conducting an evaluation and placing a student into Section 504.
- The parent should receive the Notice of Rights and Procedural Protections under Section 504.
- After a Section 504 meeting, the parents should be provided with a copy of the following documents:

Any consent forms signed by the parent

Section 504 evaluation meeting form

Section 504 Student Services Plan

Notice of Section 504 Evaluation Results

Behavior Intervention Plan- if applicable

Individualized School Health Plan—if applicable

Transportation Information—if applicable

PEIMS:

- Each time a student is initially identified for eligibility for services under Section 504 or dismissed from eligibility under Section 504, student information must be properly coded in PEIMS.
- State law requires that all Section 504 students are identified in PEIMS.

Resource:

- Serves as a daily resource to campus administrators, teachers, and community members regarding Section 504

- Advises the campus administrator regarding discipline issues and procedures for Section 504 eligible students being considered for suspension or expulsion

7. SECTION 504 DISTRICT COORDINATOR

The Section 504 program is coordinated and overseen by the Director of Academic Support who oversees the district’s provision of free and appropriate public education (FAPE) for students with disabilities under Section 504. Dr. Diana Villanueva can be reached at 956-464-1600 Ext. 1270.

8. SECTION 504 AND IDEA

In public schools, regular education students make up a majority of the school’s population. Section 504 students and Individuals with Disability Education Act (IDEA) or special education students make up a smaller portion of the student population. The goal behind Section 504 or Special education services is to provide additional assistance to students who meet eligibility.

Special education and Section 504 both serve students with disabilities, but “disability” is defined differently under these two statutes. Under federal law of IDEA, “disability” (for special education) is defined as having one of 14 specifically listed impairments and on the basis of the impairment, having a need for special education and related services that cannot be provided through general education.

Section 504 defines a student as having a disability if the student has a mental or physical impairment that substantially limits one or more major life activity, a record of such impairment or regarded as having such impairment. All students who qualify under IDEA for special education also qualify under Section 504, but their needs under Section 504 are addressed by the ARD committee.

Not all students who qualify under Section 504 qualify under special education. Special education is focused on student’s needs with regard to learning and education and only considers other types of impairments if they fall under one of the 14 categories under IDEA and impact learning or the educational process. For example, a student who uses a wheel chair but whose education and learning are not affected would not qualify for special education. However, this same student would likely qualify under Section 504, since this law covers a wider array of major life activities, including the major life activity of “walking”.

9. STUDENTS AND IDEA

Students may qualify for IDEA services under one or more of the following disabling conditions and has an educational need:

Autism	Deaf-Blindness	Deafness
Developmentally Delayed	Emotional Disturbance	Hearing Impairment
Intellectual Disability	Multiple Disabilities	Orthopedic Impairment
Other Health Impairment	Specific Learning Disability	Speech Impairment
Traumatic Brain Injury	Visual Impairment	

An Individualized Educational Plan (IEP) is created by an Admission Review Dismissal (ARD) committee for each student who has one or more of the following conditions. Students qualifying for IDEA services are federally and state funded.

10. STUDENTS AND SECTION 504

- A student who has a physical or mental impairment that substantially limits one or more major life activities,
- A student who has a record of such an impairment or
- A student who is regarded as having such an impairment

Students based upon academic and nonacademic issues may be eligible for protection under Section 504. Only students in the first bullet may be considered for a possible Accommodation Plan.

11. REFERRAL BY COMMITTEES

REFERRAL TO SECTION 504 BY THE ARD COMMITTEE

In some cases, a student may be dismissed from special education but may be referred to Section 504. Disability is defined differently under the two laws. Therefore, a student who no longer has a disability under IDEA may continue to have a disability as defined under Section 504.

REFERRAL TO SPECIAL EDUCATION BY THE SECTION 504 COMMITTEE

A student may be referred to special education by the Section 504 Committee when it is believed that based on the student's impairment, the student needs services that can only be provided through special education.

12. SECTION 504 COMMITTEE

The Section 504 Committee makes decision regarding the evaluation and/or placement of students under Section 504. The Section 504 Committee shall be composed of at least 2 persons, including persons knowledgeable on the following:

1. The student
2. The meaning of the evaluation data
3. placement options

Members of the Section 504 Committee may include the school nurse, teacher(s), counselor, LPC, administrator or any other appropriate school personnel member. A single person can fulfill multiple roles, dependent upon qualifications and interactions with the student. There must be at least 2 persons or more serving in the Section 504 Committee. The Section 504 Committee determines the scope of evaluations, if a student qualifies for Section 504, develops a Section 504 Plan, and makes "manifestation determinations" for purposes of disciplinary exclusion from school.

For students with dyslexia, the committee members must also have additional knowledge of the following:

1. The meaning of dyslexia evaluation data
2. The reading process
3. Dyslexia and related disorders
4. Dyslexia instruction

It is Donna ISD's best practice and expectation to invite parents to any Section 504 Committee meeting in which the student's eligibility, placement, or services will be discussed.

13. TYPES OF SECTION 504 COMMITTEE MEETINGS

Initial Evaluation Meeting	This is the initial meeting in which eligibility is first determined.
Annual Review Meeting	<p>This meeting is to review one year's progress and plan for next school year. Eligible Section 504 students shall have their Section 504 plan reviewed annually and revised if necessary.</p> <p>Each school must ensure that the annual review process is completed and any necessary evaluations and program changes are done in a timely manner. Section 504 Campus Coordinators are expected to begin the process of preparing for the annual review at least one month before the date the Section 504 Plan will expire, including gathering information on the student's progress and working with the Section 504 Committee to identify a meeting date in advance of the date when the Section 504 Plan will expire, so if necessary, a re-evaluation can occur before the Section 504 Plan expires.</p> <p>The Section 504 Committee may complete a file review and observation of the student, if observations are determined to be necessary. The Section 504 Committee determinations:</p> <ul style="list-style-type: none"> • The plan continues to be appropriate • Changes in the plan may be necessary and/or • The student should be referred for a re-evaluation
3 Year Re-Evaluation	<p>Three areas to be reviewed include the following:</p> <ol style="list-style-type: none"> 1) the need for additional evaluation information, 2) the continued eligibility as a student with a disability under Section 504, 3) the contents and appropriateness of the student's plan.
Review Meeting	<p>These are additional meetings that are held as needed such as to review an outside evaluation, to consider a change of accommodations and/or services, to address parent concerns, or to modify the Section 504 Plan if needed. The Section 504 Committee will determine what modifications, if any, are necessary to the Section 504 Plan.</p> <p>If the Section 504 Committee determines that no new services, accommodations are necessary, the Section 504 Committee will renew/continue the Section 504 Plan. Parent(s)/guardian(s) will be provided notice of continuation of the Plan. Parent(s)/guardian(s) will be provided notice of the changes. Within one week, the Section 504 Campus Coordinator will provide the teachers a copy of the new Plan and ensure a copy of the Plan is provided to the nurse or other staff as necessary.</p>
Manifestation Determination	<p>A manifestation determination review needs to be conducted by the Section 504 Committee when a student's placement may change by disciplinary action for his/her misconduct.</p> <p>A manifestation determination answers two questions:</p> <ol style="list-style-type: none"> 1. Is the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability? 2. Is the conduct in question the direct result of a failure to implement the Section 504 Plan?

14. STEPS FOR CONDUCTING A SECTION 504 COMMITTEE MEETING

1. Schedule a time and location of the Section 504 Committee meeting.
2. Invite Section 504 Committee members.
3. Parents should be invited and provided a Notice of Section 504 Meeting form at least 5 school days prior to the meeting date.
4. If parents are unable to attend a Section 504 meeting and wish to re-schedule, it is the decision of the Campus Section 504 Coordinator whether or not to reschedule. We encourage a partnership with parents while also considering our timelines.
5. It is highly recommended to assigned Section 504 Committee members roles such as time keeper, recorder and facilitator for a smooth meeting.
6. Prepare in advance a draft Section 504 Student Services Plan form in SuccessEd as appropriate based on the Teacher Input, Parent Input and or other information gathered.
7. Develop and approve the final plan in the meeting and not any time prior.
8. Use the Section 504 Evaluation form to document decisions made in the meeting, present the form entitled Parent Consent for Section 504 Service (consent from only one parent is required).

15. IF PARENTS ARE NOT ABLE TO ATTEND A SECTION 504 COMMITTEE MEETING

If parents are unable to attend a Section 504 meeting and wish to re-schedule, it is the decision of the Campus Section 504 Coordinator whether or not to reschedule. When the input or information is needed from parents, the meeting will need to be re-scheduled. On the other hand, if the district has sufficient information to proceed without the parents and the parents do not respond to the invitation, the meeting may proceed without them as long as consent for the evaluation has been obtained if applicable. We encourage a partnership with parents while also considering our timelines.

16. AUDIO RECORDING OF SECTION 504 COMMITTEE MEETINGS

The campus, parent or adult student may audio record the Section 504 Committee meeting. All participants in the meeting shall be informed that the meeting is being recorded. If a parent or adult student notifies the Section 504 Committee that he or she will be recording the meeting, the campus will also record the meeting and make reference to the audiotape in the minutes of the meeting. The meeting will not begin until recording is also conducted by the district.

17. WHAT CONSTITUTES DISCRIMINATION UNDER SECTION 504

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs receiving federal financial assistance including public schools. A person with a disability cannot be denied the opportunity to participate in or benefit from an aid, benefit, or service and may not be offered an aid, benefit or service that is not equal to that afforded to persons without disabilities. The aids, benefits or services

provided to persons with disabilities can only be different for those provided to persons without disabilities to the extent that the difference is necessary in order for the person with a disability to receive equally effective aids, services, or benefits.

Section 504 of the Rehabilitation Act of 1973 is a directive to all entities receiving federal funds issued by Congress to end discrimination on the basis of disability in all aspects of operations. Discrimination occurs when a recipient of federal funds:

- (1) Excludes a student with a disability from participating in or denies the student benefits from, an aid, benefit or service that is afforded to non-disabled students.
- (2) Fails to afford the student with a disability an opportunity to participate in, or benefit from, the aid, benefit or service that is equal to that afforded others.
- (3) Fails to provide aids, benefits or services to a student with a disability that are as effective as those provided to a non-disabled student.
- (4) Provides different or separate aids, benefits or services to a student with a disability than are provided to non-disabled students where such action is not necessary to provide effective aids, benefits or services.
- (5) Aids or perpetuates discrimination against students with disabilities by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability.
- (6) Denies a student with a disability the opportunity to participate as a member of a planning or advisory board because of his or her disabling condition.
- (7) Otherwise limits a student with a disability the enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving an aid, benefit or service.
- (8) In determining the site or location of a facility, makes selections that effectively exclude students with disabilities, denies them benefits, or otherwise subjects them to discrimination.

18. FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE)

Section 504 regulation requires a recipient of federally funded programs to provide a free and appropriate public education (FAPE) to each qualified person with a disabling condition who is in the recipient's jurisdiction, regardless of the nature or severity of the person's disability.

An appropriate education will include the following:

1. Nondiscriminatory evaluation and placement procedures established to guard against misclassification or inappropriate placement of students, and a periodic re-evaluation of students who have been provided special education and related services.
2. Educational services designed to meet the individual educational needs of disabled students as adequately as the needs of nondisabled students are met;
3. The education of each disabled student with nondisabled students, to the maximum extent appropriate to the needs of the student with an impairment; and who have been provided special education and related services;

4. Educational services designed to meet the individual educational needs of disabled students as adequately as the needs of nondisabled students are met;
5. The education of each disabled student with nondisabled students, to the maximum extent appropriate to the needs of the student with a handicap; and
6. Establishment of due process procedures that enable parents and guardians to review evaluation and placement decisions and that provide for an impartial hearing with opportunity for participation by parents and representations by counsel and a review procedure. (U.S. Department of Education: Office for Civil Rights, April 1988).

Under Section 504, FAPE is the provision of services such as accommodations, designed to meet the educational needs of the disabled students as adequately as the needs of nondisabled students are met. No fees will be imposed upon the parents of the student except the same fees imposed on the parents of non-disabled students. FAPE under Section 504 consists of equal educational opportunity.

19. RELATED AIDS AND SERVICES

Related aids and services are aids and services that a disabled student needs to participate in an or benefit from the district's educational program. Related aids and/or services may include but are not limited to the following:

- | | |
|------------------------|----------------------------------|
| school health services | transportation services |
| counseling services | provision of a modified schedule |

20. SECTION 504

Section 504 of the Rehabilitation Act of 1973 is a non-discrimination mandatory federal statute enacted by the United States Congress, the purpose of which is to prevent discrimination and to ensure that persons with disabilities have opportunities and benefits comparable to those provided to persons without disabilities. Section 504 states in part, that "No otherwise qualified individual in the United States shall, solely on the basis of his handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

A student may be eligible for programs and services under Section 504, but may not be eligible for special education. Therefore, a student approved for the Section 504 program will be considered a non-special education student and will be educated in regular education. A disabled student may qualify if he or she is between the ages of 3 and 21.

Under Section 504, FAPE does not include a specially designed instruction. Students who are suspected of being in need of special designed instruction may be referred for a Special Education eligibility evaluation.

AMERICANS WITH DISABILITY ACT (ADA)

In 1990, Congress passed the Americans with Disability Act (ADA), which prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation and extended these rights to most of the private sector. In 2008, Congress decided to amend ADA in 2008 also applying to Section 504. The goal of the amendment was to provide the broadest possible coverage and to strengthen the disability laws including individuals with ADHD/ADD, dyslexia, cancer, diabetes, severe allergies, chronic asthma, Tourette's syndrome, digestive disorders, cardiovascular disorders, depression, conduct disorder, oppositional defiant disorder, HIV/AIDS, behavior disorders and temporary disabilities (such as broken leg). Conditions that are episodic or in remission are also now covered if they create a substantial limitation in one or more major life activity while they are active.

The Office of Civil Rights (OCR), which is responsible for enforcement of these laws in public schools, provided guidance for their implementation following the 2008 amendments.

Physical or Mental Impairment

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

Major Life Activities

Major life activities as defined in Section 504 regulations at 34 C.F.R. 104.3(j)2(ii) include the following:

caring for oneself	performing manual tasks	walking
seeing	hearing	speaking
breathing	learning	working

This list is not exhaustive. An activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

AMENDMENTS ACT OF AMERICAN WITH DISABILITIES ACT (ADAAA)

The Amendments Act of American with Disabilities Act (ADAAA) lowered the standard of “substantial” when determining eligibility. The local education agency (LEA) should not require extensive documentation or analysis to determine that a child with diabetes, epilepsy, bipolar disorder or autism has a disability under Section 504 as per OCR.

In the Americans with Disabilities Act Amendments Act (ADAAA) 42 U.S.C 12102 (b)(2)(A)., Congress provided additional examples of general activities that are major life activities including:

Eating	Sleeping	Standing
Lifting	Bending	Reading
Concentrating	Thinking	Communicating

Congress also provided a nonexhaustive list of examples of “major bodily functions” that are major life activities such as the following 42 U.S.C. 12102(b)(2)(B):

Functions of the immune system	Normal cell growth	Digestive function
Bowel function	Bladder function	Neurological function
Brain function	Respiratory function	Circulatory function
Endocrine function	Reproductive function	

At the elementary and secondary educational level, a “qualified student with a disability” is a student with a disability who is of an age at which students without disabilities are provided elementary and secondary educational services; of an age at which is mandatory under state law to provide elementary and secondary educational services to students with disabilities or a student to whom a state is required to provide a free and appropriate public education under IDEA.

21. SECTION 504 AND STUDENTS WITH ATTENTION DEFICIT HYPERACTIVITY DISORDER/ATTENTION DEFICIT DISORDER

that substantially limits one or more major life activity such as learning. Students who do not require special education may still be eligible to access to related services under Section 504 if the student is deemed to have an impairment that substantially limits one or more major life activity such as learning. As learning is considered a major life activity, student diagnosed with ADHD are entitled to the protections of Section 504 eligibility if the disability is substantially limiting their ability to learn. It is up to the Section 504 Committee to make the determination of whether this condition is met. If the student is eligible under Section 504, the school must develop a Section 504 student services plan.

22. MITIGATING MEASURES

Mitigating measures are strategies or supports utilized by the person with the disability. Students are eligible under Section 504 if they have a physical or mental impairment that would substantially limit them in a major life activity despite taking advantage of mitigating measures.

Common mitigating measures include the following:

medication	learned behavioral modifications	medical supplies
equipment	oxygen therapy equipment and supplies	appliances
prosthetics	informal accommodations	hearing aids
interventions	adaptive neurological modifications	cochlear implants
mobility devices	assistive technology	compensatory skills
low vision devices		

Exceptions to mitigating measures are the use of eye glasses and contact lenses.

Beneficial effects of mitigating measures are not considered in an evaluation for Section 504 eligibility. However, they are considered in determining whether or not services and/or accommodations are necessary.

Section 504 guarantees the following:

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

Information compiled from publications, Department of Education of Office of Civil Rights and CESD Section 504 Compliance Systems.

23. ILLEGAL DRUGS

Students who are currently using illegal drugs are not covered or eligible under Section 504.

24. WHEN STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY AND POSSIBLE SECTION 504

Staff should consider the existence of a possible student disability if they observe the following:

- A student shows a pattern of being suspended or expelled
- Retention is being considered
- A student shows a pattern of not benefiting from the instruction being provided
- A student returns to school after a serious illness or injury
- A student is evaluated and is found not to meet eligibility under IDEA

25. PURPOSE OF SECTION 504 EVALUATION

1. Determine whether the student has a physical or mental impairment that substantially limits a major life activity; a record of such impairment; or being regarded as having such an impairment and has a need for accommodations and services under Section 504.
2. Determine eligibility
3. If the student is eligible, determine services, accommodations or change in placement if any are needed in order to provide a free, appropriate public education and determine accommodations and service plan if needed.

26. STUDENT REFERRAL

Any individual can refer a student for evaluation under Section 504 (IDELR 1127 (OCR) 1993). Referral to Section 504 should occur when a school suspects a disability is present (or has knowledge a disability has been identified) and the student may be in need of services due to the disability.

Students suspected of having a disability may be referred to the campus Section 504 coordinator. Referrals should be made for students who require frequent implementation of a school health plan, who have engaged in suicidal gestures or made suicide threats, who self-mutilate or who have potentially life threatening disease or disorder such as epilepsy or diabetes.

Participation in Response to Intervention (RTI) program does not exclude students from Section 504 referral. Being in RTI should not delay, deny, or prevent students from access to Section 504 evaluation or services. If a parent requests a referral for evaluation and the school district refuses, the school district must provide the parent with notice of their procedural rights under Section 504.

27. PARENT(S)/GUARDIAN(S)

Parent(s)/guardian(s) are referred as natural or adoptive parent, a legal guardian, a foster parent, and /or a person acting in the place of a parent with whom a student resides with.

ADULT STUDENT

The term “parent(s)/guardian(s)” will also be used to refer to the “adult student”. An adult student is a student who is 18 years or older and who has not been judged incapacitated by a court of law. An adult student assumes and is entitled to exercise all Section 504 rights, duties, and/or responsibilities that were previously held by his or her parent(s)/guardian(s). All legal rights of the parent transfer to the student at age 18 unless the parents have obtained legal guardianship. The adult student will be involved and encouraged to participate in the Section 504 Committee meetings and will have all the rights of parents described in the Procedural Safeguards. All consents must be granted and signed by the adult student.

28. HOW A SECTION 504 REFERRAL IS INITIATED

Referrals may be initiated verbally or in writing by school personnel, by the student’s parent or legal guardian, or by outside service providers. All referrals should be routed to the campus Section 504 coordinator. The campus Section 504 coordinator is responsible for coordinating all aspects of the Section 504 referral and evaluation process.

REFERRAL BY CAMPUS SECTION 504 COORDINATOR TO SECTION 504 COMMITTEE FOR POSSIBLE EVALUATION

Within 5 school days of receipt of a request for a referral, the campus Section 504 coordinator presents the referral to the Section 504 Committee for consideration of a Section 504 evaluation. A referral to the Section 504 Committee may also be made in the following circumstances:

- When a student is referred to IDEA but the decision is not to evaluate or is deemed ineligible for special education services.
- When a student is not responding to the general education academic interventions or when a student continues to display behavior problems despite classroom interventions
- When a student is returning to school after a serious illness or injury or after alcohol treatment
- When a student has a life threatening health condition
- When a student has a temporary impairment that will be substantially limiting for an extended period of time
- When a student has an impairment that is episodic or in remission that is substantially limiting.
- If the campus Section 504 coordinator knows or suspects that the student is eligible as a disabled student under IDEA or has other needs

CONSIDERATION OF A SECTION 504 REFERRAL

The campus Section 504 coordinator will coordinate a meeting with the Section 504 Committee to consider the referral and examine existing school medical and or other records in the possession of the parent, district, or other public agency and determine whether or not to conduct an evaluation. The Campus Section 504 Coordinator must notify the student's parent/guardian of its decision.

As a general rule, students should be evaluated if staff know or suspect that a student, because of a disability, is not attending school, advancing grade from grade, meeting the standards of personal independence or social responsibility expected of his or her age group or otherwise needs special education or related services to participate in or benefit from the district's education program. This decision must be communicated using the Notice and Consent for Evaluation Form.

NOTICE OF DENIAL OF PARENT REQUEST FOR SECTION 504 EVALUATION TO PARENTS

If the district decides not to evaluate, parents shall be give written notice of the district's refusal to evaluate or to provide aids and services the parent has requested or if the student does not qualify for services.

The following must be provided to the parent:

1. A letter explaining the district's refusal to evaluate.
2. Notice of Rights and Procedural Protections under Section 504

In general, the district will err on the side of caution in responding to parent requests to evaluate under Section 504.

NOTICE OF RIGHTS AND PROCEDURAL SAFEGUARDS FOR DISABLED STUDENTS AND THEIR PARENTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

The campus coordinator should meet with the parent to explain the Section 504 process and provide the Notice of Rights and Procedural Safeguards for Disabled students and their Parents under Section 504 of the Rehabilitation Act of 1973.

NOTICE AND INFORMED CONSENT

The Section 504 Coordinator shall notify parents in writing and obtain written permission through the Notice and Consent for Initial Evaluation Form prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

The parent/guardian must be fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication.

Parents/guardian may accept or decline the evaluation. Consent need only be obtained from one parent, but all required notices should be sent to all persons who have the right to make educational decision for the student. If parents are divorced, please check the documents in the cumulative file or request a copy of the divorce decree or any other legal documents showing custody and parental rights.

29. TIMELINES FOLLOWING REQUEST FOR INITIAL EVALUATION

If the district decides to evaluate, the evaluation process begins once there is written informed consent by the student's parent/guardian.

2 signed consent forms must be received from the parent within 15 school days from the day a request for evaluation under Section 504 is received:

1. Notice of Release/Consent to Request Confidential Information (for health care provider if applicable)
2. Notice of and Consent for Initial Section 504 Evaluation

METHODS TO OBTAIN PARENT CONSENT WITHIN TIMELINES

The campus Section 504 coordinator who is unable to obtain written consent within 15 school days should have documentation of at least 3 attempts to obtain the consent using multiple methods.

TIMELINES FOR COMPLETING EVALUATIONS

Evaluation results (with exception of dyslexia) are due and presented to the 504 Committee by the 45th school day following date of signed parental consent.

For dyslexia evaluations, an additional 30 calendar days are allowed to hold the Section 504 evaluation meeting.

TIMELINE EXCEPTIONS

Timelines may be extended with permission of Section 504 administrators in extreme circumstances such as when the student has been absent for more than 3 consecutive days in a row. In such cases the extension may only be as many days as the student has been absent since consent for testing was obtained.

If the district receives written consent by a student's parent at least 35 school days but less than 45 school days before the last instructional day of the school year, the evaluation must be completed by the end of the school year. If the campus receives written consent less than 35 school days before the last instructional day of the school year, the usual timeline of 45 days applies. School days does not include summer school.

30. HOW SECTION 504 ELIGIBILITY IS DETERMINED

As per federal regulations, placement decisions are to be made by a group of persons who are knowledgeable about the child, the meaning of the evaluation data, placement options, least restrictive environment requirements, and comparable facilities [34 C.F.R. 104.35 © (3)].

31. DECISIONS ABOUT TYPE AND AMOUNT OF DATA NEEDED FOR EVALUATIONS

Decisions about the type and amount of data that need to be gathered for a given evaluation are made on a case-by-case basis. The Section 504 Committee will determine the scope of data to be gathered and reviewed. The Section 504 Committee will identify what additional information, if any, is needed to fully evaluate the student. If the Section 504 Committee determines additional information is necessary, the Section 504 Committee will identify how this information will be obtained and who will be responsible for obtaining the information.

Dyslexia evaluations require extensive gathering of background information, since many factors including second language issues, cultural factors, intellectual disability, emotional factors, sensory factors and general health factors should be ruled out as the primary cause of the student's reading problems before dyslexia should be diagnosed. The Teacher Input form and the Parent Input Form shall be used for dyslexia and related evaluations. For these evaluations, more extensive information shall be gathered including information about grades, attendance, behavior and health from school records and school personnel.

When a disability for which the student is being evaluated is based on a medical disorder that affects a major life activity other than reading or learning, less extensive data will need to be collected from the school. For example, if a student has an orthopedic impairment due to an amputation following a car accident, grades and attendance may not be particularly relevant in making a decision about the presence of a disability. You may enter data such as "average" or "above average" in the section on grades and "adequate" under attendance without being more specific.

SOURCES OF EVALUATION DATA

formal/informal	parent information
psycho-educational assessment data	medical records
achievement/state assessment data	results of classroom interventions
health information	adaptive behavior
observations	discipline records
outside evaluations	intelligence testing
attendance records	grades

Adaptive behavior includes the age appropriate behaviors necessary for people to live independently and to function safely and appropriately in daily life. Adaptive behaviors include real life skill such as grooming, dressing, safety, and safe food handling, school rules, ability to work, money managements, cleaning, making friends, social skills and personal responsibility. Adaptive behavior is usually assessed using questionnaires completed by parents, teachers, social workers, students (if appropriate). Adaptive behavior can also be assessed based on observations of the student's actual performance of a specific skill.

32. TYPES OF EVALUATIONS

INITIAL EVALUATION

An evaluation may include a review of assessments conducted by staff or can be a review of outside assessments. Any evaluation should be broad enough to enable the Campus Section 504 Committee to determine whether a student has a disability that necessitates services, and/or accommodations for the student to receive FAPE.

DYSLEXIA/DYSGRAPHIA EVALUATIONS

The district follows the procedures outlined in the most recently adopted version of The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorder produced by the Texas Education Agency. Evaluation for Section 504 accommodations and services as a student with dyslexia/dysgraphia in a 3 step process as follows:

1. A qualified evaluator first evaluates the student for Dyslexia and or dysgraphia and makes recommendations regarding a diagnosis.
2. The Section 504 Committee reviews the evaluation and makes the determination as to whether or not the student is diagnosed with dyslexia or dysgraphia.
3. The Section 504 Committee determines whether or not the dyslexia or dysgraphia causes a substantial limitation in a major life activity (ex. Reading) thereby qualifying the student for services under Section 504.

Dyslexia and dysgraphia evaluations will be conducted jointly by the Section 504 Committee and the campus educational diagnostician. The Section 504 Coordinator will enter all background information in SuccessEd. The educational diagnostician will conduct the standardized testing, enter the data, and provide the interpretation.

SCHOOL HEALTH PROTOCOLS/EVALUATIONS

School nurses must notify the school counselor and the Section 504 campus coordinator whenever they are provided with instructions by a physician for handling a medical issue other than administering routine medication to a student as this raises a Child Find issue since most students with complex medical issues may likely qualify under Section 504.

The Section 504 Committee must approve any medical plan or protocol that goes beyond routine medication and administration. In these cases, the school nurse should be a member of the Section 504 Committee. The Section 504 Committee Coordinator will notify the nurse if the student is currently under Section 504 or if the student will be evaluated under Section 504.

For students who are identified under Section 504, the Section 504 Campus Coordinator shall work closely with the school nurse to ensure that there is only one medical plan/health protocol in place that is in both the nurse's office and Section 504 Campus Coordinator's office and is distributed to the appropriate staff working with the student as needed.

If the nurse already has a current plan for managing a complex medical issue from the physician that is a separate document from other medical orders, then this document will be provided to the Section 504 Campus Coordinator, who will take it as a draft to the Section 504 committee and propose its formal adoption. A copy of the document should be marked "Adopted by the Section 504 Committee on "date"." The Section 504 Campus Coordinator is responsible for distributing this document to staff as needed in ensuring that it is uploaded in SuccessEd under the "History" tab. The school nurse is responsible for providing any training needed for staff for implementing the school health plan protocol.

If a student under Section 504 has a complex medical issue but the nurse does not have a physician's orders for managing the issue, the Section 504 Committee should request a school health protocol from the physician. The Section 504 campus coordinator will obtain parental consent both for the school nurse and himself/herself to communicate with the physician, the Section 504 campus coordinator and school nurse will work together to get the information needed from the physician.

RE-EVALUATIONS

The purpose of a re-evaluation is to determine if the student continues to be qualified for Section 504 services or accommodations because the student continues to have an impairment that substantially limits a major life activity. The re-evaluation also provides information for decisions about the appropriateness of the Section 504 Plan. Re-evaluations are conducted every 3 years or more frequently if conditions warrant or if the student's parent or committee member requests a re-evaluation, but not more than once a year unless parent and district agree otherwise.

Before a re-evaluation for eligibility is conducted, the campus should thoroughly review any previous evaluations, including previous Section 504 eligibility evaluations. Some data may be accepted again from previous evaluations.

The Section 504 Committee will review existing evaluation data and obtain input from the student's teachers and parent(s)/guardian(s) on the student including:

- Prior evaluations and information provided by the parent(s)/guardian(s) of the student
- Current classroom based assessment and observations
- Observations by teacher or related service providers

The Section 504 Committee will identify and obtain additional data, if any, is needed to determine:

- Whether the student continues to have a disability
- Whether the student continues to need services and/or accommodations under Section 504
- Whether more tests and evaluations are needed to make a determination of the nature and amount of services, and/or accommodations
- If no other data is needed, then eligibility can be established using current data

CHANGE OF PLACEMENT

Re-evaluations must be conducted prior to any change of placement such as the following:

- Expulsion
- Serial suspensions that exceed 10 school days
- Significant change in programming or related services
- Transferring a student to homebound instruction
- Exit from Section 504

This re-evaluation may consist solely of an informal review of data, but a new Evaluation for Section 504 Eligibility and Placement form should be completed.

Parent(s)/guardian(s) will be provided with written notice consistent with the notice requirements for the initial evaluation prior to conducting the re-evaluation. Parental consent is not required for a re-evaluation.

If the Section 504 Committee determines that the student is no longer eligible for services, accommodations under Section 504, the Section 504 Committee will document the reasons for that determination. The Campus Section 504 coordinator will ensure that the student's teachers and other appropriate staff are informed of the determination, that the student's Section 504 eligibility status is updated in PEIMS.

If the Section 504 Committee determines that the student continues to be eligible under section 504, a new Section 504 Plan will be developed and implemented.

33. EVALUATION MATERIALS

Tests and other evaluation materials and procedures used for the purposes of evaluation and placement of students with disabilities must be selected and administered so as not to be racially or culturally discriminatory. For a student with impaired sensory, manual, or speaking skills, tests will be selected and administered to accurately reflect the student's aptitude, achievement level or other factors the test purports to measure rather than reflecting the child's impairment. A trained/licensed evaluator will choose the standardized tests that have been validated for the specific purpose for which they were used, and will administer them in conformance with the instructions provided by their producer.

All tests and evaluation materials will be provided and administered in the student's native language or other mode of communication. Materials and procedures used to assess a

child as an English Learner will be selected and administered to ensure that they measure the extent to which the child has a disability rather than measure the child's English language skills. No single procedure will be used as the sole criterion for determining an appropriate educational program for a student.

34. STEPS FOR COMPLETING SECTION 504 EVALUATIONS

1. Unless the district will be testing for dyslexia or a related disorder, confirm with the parent that a licensed or certified health care provider has diagnosed an impairment that might substantially limit a major life activity. Ensure the parent is able to specify the health care provider and the diagnosis.
2. If possible, meet with the parent to discuss Section 504 and review the following items:
 - Notice and Consent for Initial Section 504 Evaluation-for parents to sign and return within 15 school days of referral and prior to evaluation. This form is only required for initial evaluations or in an instance where the Section 504 Committee is requesting additional information through individualized assessment.
 - Notice of Rights and Procedural Protections under Section 504
 - Parent Input-for parents to complete and return. This form is required for dyslexia and related disorders and is generally beneficial for other Section 504 evaluations, though depending on the nature of the referral, the needed information may be gathered from the parent in other ways.
 - Notice of Release/Consent to Request Confidential Information-allows you to communicate with the health care provider making the diagnosis and to send the Documentation of Student Disability by Certified/Licensed Health Care Provider form to the provider for their official diagnosis and input. This form may not be needed for dyslexia evaluation.
3. Once you have obtained consent for the evaluation and the Notice of Release/Consent to Request Confidential Information form from the parent to communicate with the health care provider, send the Release and the Documentation of Student Disability by Certified/Licensed Health Care Provider form to the provider for their official diagnosis and input.
4. Ensure the parent has signed and returned the Notice of and Consent for Initial Section 504 Evaluation and Notice of Release/Consent to Request Confidential Information form.
5. Ensure the parent returns the Parent Input form if applicable.
6. Record the referral information and due dates for report and meeting.
7. Ensure the evaluation is conducted within timelines (45 school days from the day the parent obtained written consent with an additional 30 calendar days to hold the meeting/eligibility evaluation in the case of an evaluation for dyslexia or a related disorder. Exception: for referrals obtained 35-44 school days before the last instructional school day, the evaluation is due by the end of the school year.

Regular timelines apply for referrals received less than 35 school days before the last instructional day.

8. If applicable, review any previous evaluations including outside evaluations provided by the parent.
9. Gather background data for the evaluation as needed and enter this data into the Section 504 Evaluation form found in SuccessEd prior to the meeting. Information should include:

grades	attendance records	behavioral records
health records	teacher information	school medical records

10. For dyslexia, dysgraphia, or related evaluation only, notify the campus educational diagnostician of timelines, enter background information into the Evaluation for Dyslexia template, monitor timelines, receive completed evaluation report, send a copy to parent in advance of the meeting, and make copies for the Section 504 meeting.
11. Hold the Section 504 meeting to complete the Section 504 Evaluation as documentation of the meeting and evaluation results. Complete Section 504 Student Services Plan and any additional forms as appropriate.

[CONSENT FOR RELEASE/CONSENT TO REQUEST CONFIDENTIAL INFORMATION](#)

Parents are encouraged to share any information they have that is relevant to determine if the student is eligible under Section 504. The Section 504 coordinator should obtain authorization from the parent to speak with the student's health care providers using the Consent for Release/Consent to Request Confidential Information Form.

35. NOTICE OF SECTION 504 MEETING

A Notice of Section 504 Meeting shall be sent to parents inviting them to attend the Section 504 meeting.

36. SERVICES PROVIDED THROUGH SECTION 504

Accommodations provided under Section 504 are meant to level the playing field for the student with a disability, not to give a student unfair advantage over non-disabled peers. Section 504 accommodations are determined individually based on need as per the Section 504 committee and documented within a written plan. Accommodations may involve changes in the method information is presented to a student, changes in method a student is allowed to provide a response, or changes that affect assessment of knowledge. Other accommodations/services may include a behavior intervention plan for students with behavioral difficulties, an individual health plan for students with medical needs.

Once a student is eligible under Section 504, a re-evaluation must be conducted at least once every three years or as needed to ensure students' needs are being adequately addressed, and before any significant change in placement. on a periodic basis.

NON-ACADEMIC SERVICES, EXTRACURRICULAR ACTIVITIES, FIELD TRIPS, TRANSPORTATION, AND MODIFICATIONS TO PHYSICAL STRUCTURES

The district will provide non-academic and extracurricular services and activities in such a manner as is necessary to afford disabled students an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities are ones sponsored by the district and may include

Counseling services	health services
Physical recreation athletics	recreational activities
Transportation	

The district will observe reasonable health and safety standards of all students.

Extracurricular Activities

A school must provide disabled students an equal opportunity to participate in extracurricular activities. A school can impose eligibility requirements to participate in extracurricular activities as long as they are essential to the activity in question, and applied equally to disabled and non-disabled students. A school may be required to modify an eligibility requirement if the requirement discriminate against the student in question based on disability and modification of the requirement would not fundamentally alter the nature of the activity in question.

Schools have a duty to provide reasonable accommodations to students with disabilities if necessary in order for them to participate. When a disabled student requests series, accommodations, and or modifications so that he or she can participate in the extracurricular activity, such as request should be evaluated by the Section 504 Committee. If the request creates a fundamental alteration in the nature of the program or activity, the student may not be qualified to participate. Accommodations are not necessary if it would fundamentally change the nature of the activity.

For students with disabilities requesting participation in extracurricular activities and after school programs, it is the decision of the Section 504 Committee whether the required accommodations are unreasonable. If not, the district must provide the accommodations.

Field Trips

As a general rule, schools cannot exclude a disabled student from participating in a field trip for which the student is otherwise eligible to attend unless the school has a legitimate, nondiscriminatory justification for excluding the student. Any decision to exclude a disabled student from participating in such a field trip is a placement decision and must be based upon procedures that satisfy the evaluation, placement, and or due process requirements of Section 504. It is not permissible under Section 504 to exclude a disabled student from a field trip due to:

The student needs and related aids or services to participate in the field trip and /or. The student's parent(s)/guardian(s) is unable to attend the field trip, unless the participation of the parent(s)/guardian(s) of non-disabled students is required.

When questions arise regarding the student's ability to participate in a field trip due to disability, the Section 504 Committee should consider supplementary aids and services and or other support that can be provided to enable the student to participate without changing the basic purpose and/or nature of the program. The student's Section 504 Plan shall include any series, accommodations, and /or services needed to help the student participate in field trips.

Transportation

The campus Section 504 campus coordinator will contact the Transportation Department of all Section 504 students requiring transportation services. Unless a specific transportation service is identified as a necessary service by the Section 504 Committee, Section 504 students are subject to the same eligibility criteria as all other students.

Modifications to Physical Structures

A student's access to educational facilities is an inherent right of all students in the district and barriers to that access must be removed if possible or make arrangements to make necessary modifications.

When reviewing a request for a physical modification, the Section 504 Committee must consider the student's disability and how the disability affects the student's access to the programs inside and out of the building. The Section 504 Committee should consider the following:

Student's disability

- How the student's disability affects their access to the building
- What other alternatives may be available to meet the student's disability related needs before changing the physical structure
- Any interim measures necessary to achieve immediate access, including temporary relocation if necessary.

If the Section 504 Committee determines that the building is in need of a physical modification in order to provide access for the student, a request should be submitted by the Campus Section 504 Coordinator and or campus administrators to the District Section 504 Coordinator.

SECTION 504 STUDENT SERVICES PLAN

Once the Section 504 Committee has determined that a student is eligible for Section 504 services and has completed the evaluation, the Section 504 Committee will meet and

determine appropriate services, accommodations that will be provided to address the student's disability related needs. The Section 504 Committee shall have developed the Section 504 Plan which is a written plan that describes the educational and related aids and services that the Section 504 Committee determines a student needs to receive FAPE. The content of the Section 504 Plan is fluid and may change within a school year as a student's needs and services change. A Section 504 Plan must be sufficiently detailed to allow teachers to address the individual needs of the student and should outline specific accommodations, and or other related aids and services to be provided to the student to ensure the ability to access FAPE.

For a student who's with a health condition, documentation should also be shared with the school nurse and campus Section 504 coordinator.

37. TERMINATION OF SECTION 504 SERVICES

When a student will no longer be served under the Section 504 program, either because the student no longer needs services or because the student will now be served under special education, the Section 504 campus coordinator will make the appropriate notes on the Section 504 Evaluation Form in SuccessEd.

38. SECTION 504 PLACEMENT

Placement under Section 504 means the related aids, services, accommodations that a student needs to receive FAPE. Placement decisions under Section 504 must be documented, be based upon a student's evaluated needs, be made by persons knowledgeable about the student, who know the meaning of the student's evaluation data, and have the authority to make placement decisions. Placement decisions must ensure that disabled students are educated in the least restrictive environment. Parental consent must be obtained before a student is placed on a Section 504 Plan.

PLACEMENT DECISIONS

Placement decisions regarding a child who is identified under Section 504 are made by the Section 504 Committee, which is composed of individuals who collectively are knowledgeable about the student, the meaning of the evaluation data, and placement options. In interpreting data and in making placement decisions, the district will

- 1) draw upon information from a variety of sources including the following:

Aptitude tests	physical condition	adaptive behavior
achievement tests	social or cultural background	
- 2) establish procedures to ensure that information from all sources is documented and carefully considered
- 3) ensure that the student is educated with his/her non-disabled peers to the maximum extent appropriate.

Parents will be invited to any Section 504 Committee meeting in which the student's eligibility, placement, or services will be discussed. A re-evaluation is required prior to any change in placement. The district ensures placement is in the least restrictive environment.

CONSIDERATIONS FOR PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

Donna ISD ensures the provision of educational and related services to eligible students in the least restrictive environment (LRE) appropriate for the student. Students with disabilities must have the opportunity to participate in educational programs and activities with non-disabled students whenever appropriate. The Section 504 Committee should consider how services provided under Section 504 can allow the student access to the general curriculum and extracurricular activities to the same extent as a student without disabilities. The instructional day for students with disabilities will be commensurate with that of non-disabled students unless a shortened school day is medically required as determined by the Section 504 Committee after reviewing input from the physician.

39. PARENT REFUSAL OR WITHDRAWAL OF CONSENT

If the parent refuses or withdraws consent for an initial evaluation or placement/services, the district may pursue a due process hearing under Section 504 but is not required.

40. ANNUAL SECTION 504 REVIEW

Eligible Section 504 students shall have their Section 504 plan reviewed annually and revised if necessary.

Each school must ensure that the annual review process is completed and any necessary evaluations and program changes are done in a timely manner.

Campus Section 504 coordinators are expected to begin the process of preparing for the annual review at least one month before the date the Section 504 Plan will expire, including gathering information on the student's progress and working with the Section 504 Committee to identify a meeting date in advance of the date when the Section 504 Plan will expire, so if necessary, a re-evaluation can occur before the Section 504 Plan expires.

If the school receives information indicating a student may have a disability that due to a change in circumstances or other factors (ex. Student has stopped attending school), are not currently being addressed by the student's Section 504 Plan, the school or staff who have received the information will take prompt and appropriate steps to notify the Campus Section 504 Coordinator. The campus Section 504 Coordinator will schedule a Section 504 Committee meeting to consider the information and determine whether a change in the student's Section 504 Plan is needed to address the information.

The Section 504 Committee may complete a file review and observation of the student, if observations are determined to be necessary. The Section 504 Committee may determine that:

- The plan continues to be appropriate
- Changes in the plan may be necessary and/or
- The student should be referred for a re-evaluation

Renewing/Continuing a Section 504 Plan

If the Section 504 Committee determines that no new services, accommodations are necessary, the Section 504 Committee will renew/continue the Section 504 Plan. Parent/guardian will be provided notice of continuation of the Plan. Parental consent of concurrence with the Committee's decision is not required.

Modifying the Section 504 Plan If Needed

The Section 504 Committee will determine what modifications, if any, are necessary to the Section 504 Plan. Parent(s)/guardian(s) will be provided notice of the changes. Within one week, the Campus Section 504 Coordinator will provide the teachers a copy of the new Plan and ensure a copy of the Plan is provided to the nurse or other staff as necessary.

41. STATE ASSESSMENTS AND ACCOMMODATIONS

Accommodations in taking state assessments may be made for a Section 504 student when accommodations have been determined not to destroy the validity of the test, are necessary for the student and are consistent with accommodations provided in the student in the classroom and are approved by TEA. State assessment accommodations must be used routinely, independently and effectively.

42. BEHAVIOR INTERVENTION PLAN (BIP)

A BIP may be developed for students served under Section 504.

43. DYSLEXIA PROGRAM AND SECTION 504

Dyslexia services fall under Section 504 if the student with dyslexia meets the criteria eligibility under Section 504. A qualified evaluator will first evaluate the student for dyslexia. The Section 504 Committee will review the data and recommendations from the evaluation and will make the determination as to whether or not the student is identified with dyslexia. If the student is determined to have dyslexia, the Section 504 Committee must determine whether the dyslexia causes a substantial limitation in the major life activity of reading, thereby qualifying the student for services under Section 504. Determination of services for dyslexia includes: 1) dyslexia formal evaluation; 2) dyslexic diagnostic determination by the Section 504 Committee; 3) evaluation for eligibility under Section 504.

44. GENERAL EDUCATION HOMEBOUND AND SECTION 504 COMMITTEE

Any Section 504 students who is considered for general education homebound (GEH) must meet the following three criteria:

The student is expected to be confined at home for a minimum of 4 weeks.

The student is confined at home.

The student's medical condition is documented by a U.S. licensed physician

A student served through general education homebound must be served by a certified general education teacher.

For guidance in determining general education homebound instruction for pregnant students who are or are not receiving pregnancy related services, see campus counselor.

The Section 504 Committee reviews and considers the necessity of providing instruction to a Section 504 student at home. If instruction is to be provided at home, the Section 504 Committee determines the type(s) and amount of instruction to be provided. The Section 504 Committee must consider the information from the student's physician. However, the physician's information is not the sole determining factor in the Section 504 Committee's decision making process.

A Section 504 student served at home earns eligible days present based on the number of hours the student is served at home by a certified teacher each week. Homebound service hours may not be accumulated and carried forward from one week to the next and service hours may not be applied to a previous week.

TEST ADMINISTRATION AND GENERAL EDUCATION HOMEBOUND

A Section 504 student receiving general education homebound services may earn eligible days present when a homebound instructor administers routine quizzes, daily or weekly classroom exams, etc., that are required as part of the instructional requirements of a class.

A student being administered exams including district assessments or state standardized assessments is limited to earning 1-day present for a minimum of 1 hour or more of testing in one day. If it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited for additional attendance. If the testing requires less than one hour, the homebound teacher must complete an hour of homebound instruction for the student to earn the 1-day present.

A Section 504 student receiving GEH services who returns to his or her campus to take a state assessment must have a medical release from a US licensed physician.

45. DISCIPLINE

Section 504 protects disabled students from being improperly removed from school for misconduct that is related to their disability. As a general rule, Section 504 apply to the disciplinary action that constitutes a change in placement, it must evaluate the student to

determine whether the student's misconduct was caused by, or had a direct and substantial relationship to, the student's disability or was the direct result of the district's failure to implement the student's Section 504 Plan.

If a disabled student's misconduct is a manifestation of his or her disability, the district cannot implement a disciplinary action that constitutes a change in the student's placement. If a disabled student's misconduct is not a manifestation of his or her disability, the district can discipline the student in the same manner that it disciplines non-disabled students for the same misconduct.

Change in Placement

A change in placement is a change in the type or amount of educational or related aids or services that the district provides to a disabled student. A change in placement includes but is not limited to the following:

- Significantly increasing or decreasing the amount of service
- Disciplinary actions that exclude the student from school for more than 10 school days in a school year
- Disciplinary action that creates a pattern of exclusion from school for short term removals

A campus has 10 FAPE free days of removal before a manifestation determination (MDR) review is required. Campuses are required to notify parents on the same day as the decision to impose a longer term removal (more than 10 school days) for a Section 504 student. The school must conduct a manifestation determination review when considering an off-campus suspension.

Manifestation Determination

A manifestation determination is needed by the Section 504 Committee when a student's placement may change by disciplinary action for his/her misconduct.

A manifestation determination answers two questions:

1. Is the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?

This determination must be based upon evaluation data related to behavior and must be recent enough to afford an understanding of the student's current behavior. Misconduct is a manifestation of a disability if it is caused by the disability or has a direct and substantial relationship to the disability.

2. Is the conduct in question the direct result of a failure to implement the Section 504 Plan?

This determination must be based upon information from a variety of sources. If the Section 504 Committee determines that a student's misconduct was a manifestation of

the student's disability, the student must be returned to the student's educational placement that the student was in at the time of the incident.

If the Section 504 Committee determines that the student's misconduct was not a manifestation of the student's disability, the student may be disciplined in the same manner as a student without a disability.

If the answer to both questions is "no", the student's behavior will not be considered a manifestation of his or her disability. If the answer to either question is "yes", then the behavior in question will be considered to be a manifestation of his or her disability.

46. FUNCTIONAL BEHAVIORAL ASSESSMENT (FBA) AND BEHAVIOR INTERVENTION PLAN (BIP)

A school should conduct a functional behavioral assessment and implement a BIP for any Section 504 student who has been removed from school more than ten days during the school year, even if their original qualifying disability was not behavior related. A BIP should be implemented when a student's behavior interferes with the learning of self or others. The Section 504 Committee should review the BIP after each removal and exclusion from school to determine whether modifications to the Section 504 Plan are needed.

At the MDR, a BIP will be developed if not already in place.

Best practice should be exercised by intervening before the student reaches the 10th day of removal by holding a parent conference, offering counseling services or other types of interventions.

47. APPEAL RIGHTS AND PLACEMENT DURING APPEALS

On the day in which a decision is made to remove a student with a disability from his/her placement for disciplinary reasons, the campus will notify the parents of the decision and provide them with a copy of the Notice of Rights or otherwise notify them of applicable procedure safeguards. If a parent/guardian disagrees with a determination that a student's behavior was not a manifestation of the student's disability, the parent(s)/guardian(s) may request a hearing to appeal the determination.

48. PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SECTION 504

A student who has not been evaluated and made eligible for Section 504 protection may assert any of the protections provided for in these procedures if the school or district had knowledge that the student was possible eligible for Section 504 before the behavior that precipitated the disciplinary action occurred.

49. APPROPRIATE FUNDING

Students qualifying for Section 504 services are not funded through federal allotments. The district recognizes that the regular education funding of the district is the funding

source for serving students who are qualified as a disabled student under Section 504 only. If the Section 504 committee believes the student may be eligible for special education and has been referred for a formal evaluation, the district may use funding under special education to evaluate a Section 504 student.

50. HOW DECISIONS AND SERVICES ARE DOCUMENTED

Donna ISD will use SuccessEd as the primary Section 504 program management system to document Section 504 decision and services and will supplement as needed. SuccessEd forms are updated annually to comply with all legal requirements. Copies of health plans including health conditions should be maintained in the student's nursing file.

51. PARENT RIGHTS TO REVIEW RECORDS

The district must permit parents to inspect and review educational records relating to their child. The district may presume that the parent has authority to inspect and review the student's records, unless the district has been advised that the parent does not have the authority under applicable State and law governing such matters as guardianship, separation and divorce.

52. PROCEDURES AFTER A SECTION 504 COMMITTEE MEETING

Once the student's Section 504 Plan is finalized and the parent(s)/guardian(s)/adult student consent for initial placement is received, the Campus Section 504 Coordinator shall notify each of the student's teachers about the services, accommodations, etc. and shall ensure that all services are being provided to the student through periodic monitoring. Section 504 Committee members receive copies of the Section 504 Plan and all teachers and appropriate staff who work with the student are given a copy of the Section 504 Plan.

Provide parent(s)/guardian(s) with paperwork from the meeting and evaluation. Send parent(s)/guardian(s) a copy of the applicable forms. For initial evaluations, ensure the parent signs and returns the Parent Consent for Section 504 Service. All documents and information from the Section 504 meeting must be entered and locked in SuccessEd within 5 school days from the date of the Section 504 Committee meeting.

53. LOCATION OF SECTION 504 DOCUMENTS

The signed originals of all Section 504 documents will be kept in a secure location by the campus Section 504 Coordinator. A copy of the Section 504 Plan should be provided to each of the student's teachers. Copies of the plan addressing health issues should also be kept in the nurse's files.