

SECTION 504 PROCEDURES

Staff Responsible: Director, Special Programs

Campus Level: Special Education Teacher, School Improvement Coordinator

General Information

Section §504 is a portion of the Rehabilitation Act of 1973. It is a broad-based civil rights law which protects the rights of persons with disabilities in programs and activities which receive federal funding. The §504 student is entitled to a free appropriate public education in the least restrictive environment. Eligibility is determined by a group of persons, including those knowledgeable about the student, the evaluation data, and placement options. Annually the school district must undertake to identify and locate every §504 student who is not receiving an appropriate public education.

In order for a student to be eligible for services under §504, a student must have a physical or mental impairment that substantially limits one or more major life activities. Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, standing, lifting, bending, reading, concentrating, thinking and communicating. The impairment must substantially limit a major life activity. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.

The Office of Civil Rights (OCR) has stated that school districts may always use regular education intervention strategies to benefit students with difficulties at school. Response to Intervention (RtI) is a critical component to determining whether a student is struggling due to the manner in which the instruction is presented vs. due to a disability. Therefore, schools should utilize RtI before considering a referral to §504. This should be done through the Intervention Team (IT) process at each campus. If a student is in a dyslexia program and struggles to the extent that it is impacting the ability to learn, the teacher should refer the student to the IT team on campus. This committee will review documentation of a disability and documentation that the disability "substantially limits" a major life activity as described above.

Students may be eligible for §504 protections but not be eligible to receive a service plan.

Parents have procedural protections whether or not the child is ultimately placed into 504. Parents can be included in the §504 meeting but they are not required to participate

Request Process

- 20A referral for §504 consideration can ONLY be made by the parent/adult student or a member of the Intervention Team (IT).
- If the IT recommends referral to the §504 committee, the Intervention Coordinator should provide the parent ***Notice of Rights and Procedural Safeguards Under Section 504 (Success Ed) in their native language, and 504 Notice and Consent for 504 Evaluation (Success Ed)***.
- The student's Intervention Coordinator schedules a meeting of the §504 Committee ***Notice of Section 504 Meeting (Success Ed)***, obtains teacher input using ***504-Teacher Input for Initial 504 Meeting (Success Ed)*** and notifies relevant participants. Generally, the participants will mean one or more classroom teachers, the lead Guide on the grade level, the Special Education Administrator, and the Intervention Coordinator. The parent's participation might be needed, or the parent may ask to participate. Outside professionals who have been involved with the student may be asked to attend, if needed. For the student in programs other than regular classes, personnel from those programs might also be asked to participate.
- The participants review existing information to address the issues presented by the parent and/or IT team. Existing information includes data from the classroom teacher(s), parent comments, cumulative folder records (including standardized testing data) and any confidential file or special evaluation records available.
- In most cases, information needed for a §504 assessment is available in school records. If, however, the committee decides to request additional assessment, any tests that are utilized must (1) have been validated by a campus licensed school psychologist (LSSP) for the specific purpose for which they are used, (2) be administered by trained personnel in conformance with the producer's instructions, (3) be selected and administered so as to ensure that the instrument measures what it purports to measure, instead of the child's impaired skill, unless the test purports to measure such skill, and (4) include tests and evaluation materials tailored to assess specific areas of educational need, not merely general IQ levels.
- If, at any time throughout the 504 process, the team suspects a disability and a need for specially designed instruction for the student through special education, a referral should be made for a full and individual evaluation.
- In the case of students suspected of having dyslexia, the process begins at the time the IT team makes a referral for a dyslexia evaluation (See revised 2018 Dyslexia Handbook published by the Texas Education Agency). Determination of whether a student is

eligible for a §504 plan and accommodations is made after the results of the evaluation are shared with the §504 committee taking into account the student's eligibility as a student with dyslexia as well as whether the dyslexia substantially limits a major life activity and whether the disability presents an educational need.

- Completion of the assessment leads directly to a determination of (1) whether a disability exists, (2) whether it substantially limits a major life activity and (3) whether the disability presents an educational need.
- If there is a substantially limiting disability that presents an educational need, an individual service plan is required. The committee should complete a **§504 Plan (Success Ed)** specifying the accommodations needed for the student to have his/her educational needs met as adequately as those of non-disabled peers.
- All participants on the 504 committee meeting should sign the report, indicating titles.
- Committee members should know that the conclusions of the assessment and accommodation report obligate involved teachers and Goodwater Montessori for the recommended obligations. Campus administrators and the Intervention Coordinator should proactively remind teachers about this obligation.

Parent Initiated Evaluations

If the parent presents the campus with information regarding a possible disability, the information should be taken to the next scheduled IT for consideration. If the next scheduled IT team is more than 30 calendar days, a specially called IT should occur to review the needs of the student. The IT should follow its normal course of action to determine educational need and available interventions.

Follow-up to Meeting

- The Intervention Coordinator sends a copy of the **Section 504 Student Services Plan (Success Ed)** to the parent along with the **Parent Consent for 504 Service (Success Ed)** advising the parent to contact the Intervention Coordinator if there is a question about the §504 evaluation and/or the service plan. If the parent has a concern about either, the Intervention Coordinator should seek to provide resolution. This might occur through explanations, clarifications, offering discussion with committee participants or even reconvening the committee. If the concern is not resolved at the campus level, it is appropriate to refer the matter to the district's §504 Coordinator: _____. If resolution is still not reached, the parent must be afforded an impartial hearing with the opportunity to participate and be represented by counsel.
- If the student should be eligible for a **Section 504 Student Services Plan with a disability of dyslexia, the PEIMS clerk should be informed by sharing ???**

- The Intervention Coordinator maintains a list of §504 students who have been found eligible whether or not they have a service plan.
- The Intervention Coordinator maintains copies of §504 documents.
- A copy of the ***Section 504 Student Services Plan*** should be provided by the Intervention Coordinator to each Guide who serves the student. Following the meeting, the service plan should be uploaded by the Intervention Coordinator into the individual student folder in the Goodwater Google Drive. The Guides should be informed that the plan has been uploaded and if they have any questions regarding the accommodations in the plan to contact the Intervention Coordinator.

Review/Reevaluation:

- Under §504 regulations, the Committee is required to do periodic reevaluations for students who have been provided an individual service plan. The updated assessment is conducted by a duly constituted §504 committee ***every 3 years or more frequently if needed***, using current data about the student. Reevaluations should be scheduled for the following grade levels: 3rd, 6th, and 8th to prepare for the transition from one level to the next.
- During the reevaluation, the 504 committee should review information including whether or not the student still needs accommodations listed in the 504 Service Plan. In advance of this meeting, a copy of the ***Section 504 Snapshot for Annual Review (Success Ed)*** along with a copy of the current 504 plan should be completed/reviewed by each Guide. If Guides are not using ***all*** the listed accommodations regularly in class and the student shows grade-level mastery without the accommodations, then the committee should consider revising the 504 Service Plan to include only those accommodations that are necessary for student success.
- A student's 504 Plan should **not** contain accommodations that are not regularly needed in the classroom for the student to perform at grade-level mastery.
- During the reevaluation, if Guides indicate that the student has demonstrated grade level mastery without accommodations, then the 504 committee should consider exiting the student from 504 status.
- If, at any time throughout the 504 process, the team suspects a disability and a need for specialized instruction for the student through special education, a referral should be made for a full and individual evaluation.

NOTE: Although the 504 committee is required to reevaluate the student's plan every 3 years, at the end of each year, the Guide who has worked closely with the student during the year should fill out the ***Section 504 Year End Summary*** indicating which accommodations were essential for the student during the year and submit this information to the Intervention Coordinator. If there were accommodations that were in the plan that were not needed on a routine basis for the student, the 504 team should consider removing these accommodations.

Discipline of the §504 Student:

- Discipline of the §504 student must be done in accordance with current discipline requirements. If a disciplinary consequence involves a change of placement (10 consecutive days out of current placement or 10 days throughout the year —ie; removal to ISS, AEP, etc.), it is necessary for the §504 committee to convene to determine if there is a link between the conduct and the disability.
- The 504 committee's convening in this case is referred to as a manifestation determination ***Notice of Section 504 Manifestation Determination Evaluation Results (Success Ed)*** because the meeting's purpose is to determine whether or not there was a link between the student's conduct and the disability.
- Where there is a link, the campus administration must consider alternative methods for dealing with the disciplinary infractions. Absent a link, the disciplinary consequence should stand.
- Where there is a link, expulsion may not be utilized. Absent a link, expulsion may occur; but, in that case, services designed to prevent substantial regression must be provided.