

**Rio Grande City Grulla
Independent School District**

504 Handbook



2021-2022

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Section I

INTRODUCTION

This Section 504 Handbook is designed to help campus §504 Coordinators, administrators, teachers, staff, parents, and students to understand the purpose of §504, how eligibility is determined, and the referral process. Forms are provided in Google Drive, a cloud-based drive that RGCGISD employees use, that will assist campus coordinators with documentation of all steps needed to identify a student for §504 services. 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.

Vision Statement

Rio Grande City Grulla Independent School District is an educational organization that exemplifies achievement, creditability, and commitment in preparing all students to meet the academic, creative, and social challenges and responsibilities of our society.

RGCGISD MISSION STATEMENT

As an educational organizational organization committed to preparing all students to meet the academic, creative and social challenges and responsibilities of our society, we will: implement a rigorous, integrated, technological and comprehensive curricula from Pre-K to post-secondary; provide school facilities that are conducive to a safe and orderly learning environment; attract retain, and develop qualified and effective personnel; provide and maintain an effective and efficient fiscal management system, and embrace school/ community partnership. By focusing on cooperation and communication, delivering quality service, and having expectations, all students will acquire marketable job skills and/or post-secondary prerequisites to succeed in our dynamic global society.

§504 Campus Coordinator Directory

Campus 504 Coordinators

MARICELA O. GARCIA
MONIQUE P. VILLARREAL

DIRECTOR FOR SPECIAL SERVICES
DIRECTOR FOR 504/DYSLEXIA

NAME:	CAMPUS:
Saenz, Jessica	Ringgold Elementary
Garcia, Maricela	A & C Barrera Elementary
Martinez, Veronica	La Unión Elementary
Solís, Aldo	J&O Hinojosa Elementary
Hinojosa, Ana Lisa	Roque Guerra Jr. Elementary
Saldana, Arlene	Ricardo Sánchez Elementary
González, Dalinda	Dr. M. Ramírez Elementary
García, Rosalinda	Alto Bonito Elementary
Salinas, Paloma	Ac2E Elementary
Diaz, Laura	Grulla Elementary
Ramirez, Judy	Ringgold Middle School
Garcia, Raul	Veteran's Middle School
Garcia, Veronica	Ac2E Middle School
Gonzalez, Mariela	Grulla Middle School
Salinas, Melissa	Preparatory for Early College High School
Rodriguez, Leonor	Grulla High School
Trevino, Venessa	Rio Grande City High School

Section II

Section 504 Overview

The Rehabilitation Act, passed in 1973, a federal statute which included what has become known as Section 504. This legislation guarantees anti-discrimination protection for persons identified as having a disability. Eligibility for §504 includes any person who has a physical or mental impairment which substantially limits one or more life activities, has a record of such an impairment, or is regarded as having such an impairment.

Major life activities include:

Caring for oneself	Speaking	Abnormal cell growth
Seeing	Breathing	Reproductive function
Hearing	Learning	Performing manual tasks
Eating	Reading	Neurological function
Sleeping	Concentrating	Respiratory function
Walking	Thinking	Circulatory function
Standing	Communicating	Endocrine function
Lifting	Working	Digestive function
Bending	Brain function	Functions of the immune system
Bladder function	Bowel function	

Because special education students have a record of an identified disability, those special education students who are dismissed from the program either because they no longer exhibit an educational need or because they no longer exhibit a disabling condition, may be evaluated by the Section §504 committee to determine eligibility for services under §504.

Services that can be provided for §504 eligible students include classroom accommodations, health plans, behavior plans, and other related services. The campus §504 committee determines eligibility, need, and services to be provided. Parents and students should be informed of due process rights as these services are considered.

Requests for referral for consideration of eligibility under §Section 504 can be made by parents, students, or school personnel. Determination of eligibility, need, and services must be made by a group of three or more knowledgeable persons who are familiar with the needs of the student, potential interventions and/or strategies for remediating student performance, and available resources

Rio Grande City Grulla ISD Guidelines for §504

A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such impairment, or is being regarded as having such impairment.

The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The Section §504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities, but who are not in need of special education in accordance with the Individuals with Disabilities Education Act (IDEA).

The Section §504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

REFERRALS

A student may be referred by parents, teachers, counselors, administrators, or any other District employee for evaluation to determine if the student has disabilities and is in need of special instruction or services.

PARENTAL CONSENT

The Section §504 coordinator shall notify parents 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.

NOTICE TO PARENTS

Parents shall be given written notice of the District’s refusal to evaluate a student or to provide specific aids and services the parents have requested.

PREPLACEMENT EVALUATION

The results of the evaluation shall be considered before any action is taken to place a student with disabilities or make a significant change in placement in an instructional program. The evaluation shall include consideration of adaptive behavior. Adaptive behavior is the effectiveness with which the individual meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

STATE-MANDATED ASSESSMENTS

Modifications in taking the state-mandated assessments may be made for a §Section 504 student when the modifications have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

A COMPARISON OF IDEA (SPECIAL EDUCATION) AND SECTION § 504		
COMPONENT	IDEA	SECTION 504
General Purpose	General funding statute	Non-discrimination statute
Responsibility to Provide a Free and Appropriate Public Education (FAPE)	Both laws require the provision of a free appropriate public education to eligible students covered under them including individually designed instruction. The Individual Education Program (IEP) of IDEA will suffice for §504 written plan.	
	Requires a written IEP document with specific content and a required number of specific participants at the IEP meeting.	Does not require a written IEP document but does require a plan. It is recommended that the §504 committee (a group of persons knowledgeable about the student) convene and specify the agreed upon services.
	“Appropriate education” means a program designed to provide “educational benefit.” Related services are provided if required for the student to benefit from specifically designed instruction.	Appropriate” means an education comparable to the education provided to students without disabilities, requiring that reasonable accommodations be made. Related services, independent of any special education services as defined under IDEA may be the reasonable accommodation. Has regulations regarding building and program accessibility, requiring that reasonable accommodations be made.
Procedural Safeguards	Both require notice to the parent or guardian with respect to identification, evaluation, and/or placement. IDEA procedures will suffice for §504 implementation.	
Evaluations	A full comprehensive evaluation is required, assessing all areas related to the suspected disability. The child is evaluated by a multi disciplinary team or group.	Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options.
	Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school and hearing officer concurs.	No provisions for independent evaluations at district expense. District should consider any such evaluation presented.

A COMPARISON OF IDEA (SPECIAL EDUCATION) AND SECTION § 504		
COMPONENT	IDEA	SECTION 504
General Purpose	General funding statute	Non-discrimination statute
Placement Procedures	<p>When interpreting evaluation data and making placement decisions, both laws require districts to:</p> <ul style="list-style-type: none"> a. Draw upon information from a variety of sources. b. Assure that all information is documented and considered. c. Ensure that the eligibility decision is made by a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options. d. Ensure that the student is educated with his/her peers without disabilities to the maximum extent appropriate (least restrictive environment). 	
Enforcement	<p>Enforced by the U.S. Office of Special Education Programs. Compliance is monitored by the State Department of Education and the Office of Special Education Programs. The State Department of Education resolves complaints. State Department of Education has no monitoring, complaint resolution, or funding involvement.</p>	<p>Enforced by the U.S. Office of Civil Rights.</p>

Section III

RED FLAGS: WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY AND POSSIBLE SECTION § 504 PROTECTION

- Suspension or expulsion is being considered for any student
- Retention is being considered for any student
- 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 referred for evaluation but it is determined not to do an evaluation under IDEA
- A student is evaluated and is found not to qualify for Special Education

Services under the IDEA

- A student exhibits a chronic health condition
- A student is identified as “at risk” or exhibits the potential for dropping out of school
- Substance abuse is an issue
- A disability of any kind is suspected

SOURCES OF EVALUATION DATA THAT MAY BE USED TO DETERMINE SECTION § 504 PLACEMENT

- Formal/Informal
- Psycho-Educational Assessment (if IDEA referral)
- Achievement Tests
- Health Information
- Observations
- Anecdotal Records
- Attendance Records
- STAAR Information
- Portfolio
- Parent Information
- Medical Records
- Results of Classroom Interventions
- Adaptive Behavior
- Discipline Records
- Outside Evaluations
- Grades
- Intelligence Testing

*Required – 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 skills such as grooming, dressing, safety, safe food handling, school rules, ability to work, money management, cleaning, making friends, social skills, and personal responsibility.

Adaptive behavior assessments are used in evaluation of students with learning disabilities to determine what behavior strengths and weaknesses should be addressed to improve the learner's possibility for success in school and life. It is not uncommon for learning disabled students to require specially designed instruction to learn adaptive behaviors.

Adaptive behavior is usually assessed using questionnaires completed by parents, teachers, social workers, students (when possible and appropriate), or adult learners. Adaptive behavior can also be assessed based on observations of the child's actual performance of a specific skill.

Notice of Rights for Disabled Students and their Parents Under §504 of the Rehabilitation Act of 1973

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to nondisabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having a substantially- limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

- 1.** You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this notice contact appropriate staff persons at the District’s §504 Office and they will assist you in understanding your rights.
- 2.** Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of nondisabled students are met. [34 CFR 104.33].
- 3.** Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of nondisabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
- 4.** To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
- 5.** Your child has the right to services, facilities, and activities comparable to those provided to nondisabled students. [34 CFR 104.34].
- 6.** The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
- 7.** If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will appropriately

consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, and mitigating measures, among others. [34 CFR 104.35].

8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with nondisabled children. [34 CFR 104.35].

9. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].

10. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]

11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504). [34 CFR 104.36].

12. You have the right to an impartial due process hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.

13. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the Special Education Department at the address below. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

Maricela O. Garcia, RCGISD Director for Special Services
Fort Ringgold, Rio Grande City, Texas 78582
956-716-6661

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (The closest federal district court).

15. You also have a right to present a grievance or complaint to the District's §504 Coordinator (or designee), who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.

16. You have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is:

Director, Office for Civil Rights, Region VI
1301 Young Street, Suite 1169
Dallas, TX 75202, Tel. (800) 368-1019

Aviso a Padres de Estudiantes Incapacitados de sus Derechos Legales bajo Sección 504 del Decreto de Rehabilitación de 1973

El Decreto de Rehabilitación de 1973, conocido generalmente como la “Sección 504,” es una ley federal legislada por el Congreso de los Estados Unidos. El propósito de esta ley es de prohibir discriminación contra estudiantes incapacitados y asegurar que tengan oportunidades y beneficios educativos tan adecuados como los de estudiantes sin incapacidades.

Bajo la Sección 504, un estudiante es considerado incapacitado si padece de un impedimento o condición física o mental que limita sustancialmente una de sus actividades vitales, como la de aprender, caminar, ver, oír, hablar, respirar, trabajar y desempeñar tareas manuales. La ley también protege a estudiantes que han tenido un impedimento o condición física o mental substancial en el pasado, o que son considerados incapacitados, aunque realmente no lo son. Estudiantes pueden ser considerados incapacitados bajo la Sección 504 y pueden recibir asistencia educativa bajo esa ley, aunque no reciban educación especial. El propósito de este Aviso es de explicarle los derechos legales garantizados bajo la Sección 504 a estudiantes incapacitados y a sus padres. Los reglamentos federales que dan efecto a la Sección 504 (los cuales se encuentran en el Título 34, Parte 104 del Código Federal de Reglamentos, o CFR) otorgan a los padres de familia y a estudiantes incapacitados los siguientes derechos:

1. Usted tiene derecho a ser informado de sus derechos bajo la Sección 504. [34 CFR 104.32]. El distrito escolar debe darle información escrita sobre sus derechos (este Aviso precisamente sirve para informarle de sus derechos). Si necesita que le expliquen o clarifiquen cualquier de los siguientes derechos, los dirigentes apropiados del distrito escolar le ayudarán a resolver sus preguntas.
2. Bajo la Sección 504, su hijo/a tiene derecho a una educación apropiada diseñada para satisfacer sus necesidades educativas individuales tan adecuadamente como las de estudiantes sin incapacidades. [34 CFR 104.33].
3. Su hijo/a tiene derecho a servicios educativos gratuitos, con la excepción de gastos que normalmente se les cobran también a estudiantes sin incapacidades (o a sus padres). Compañías de seguros, y otras terceras personas similares, no son libres de sus obligaciones normales para proporcionar o pagar por servicios para un estudiante considerado incapacitado bajo la Sección 504. [34 CFR 104.33]. El recibir asistencia educativa bajo la Sección 504 no disminuye su derecho a recibir otra asistencia pública o privada de cualquier tipo.
4. Su hijo/a tiene derecho a ser colocado en el ambiente educativo que permita máximo contacto y relaciones con estudiantes sin incapacidades. [34 CFR 104.34]. A menos que sus necesidades educativas no puedan ser satisfechas ahí, su hijo/a será colocado en clases regulares.
5. Su hijo/a tiene derecho a equipo, clases, edificios, servicios y actividades comparables a las que son proporcionadas a estudiantes sin incapacidades. [34 CFR 104.34].
6. Su hijo/a tiene derecho a una evaluación antes de determinar una colocación educativa o programa de asistencia bajo la Sección 504, y también antes de cualquier cambio importante en colocación subsecuente. [34 CFR 104.35].
7. Procedimientos utilizados para administrar pruebas y otras evaluaciones educativas deben cumplir con los requisitos de la Sección 504 en cuanto a la validez de las pruebas, su forma de administración, y las áreas necesarias de evaluación. [34 CFR 104.35]. El distrito considerará apropiadamente información de diversas fuentes y orígenes, incluyendo, por ejemplo: pruebas de aptitudes y aprovechamiento, recomendaciones de

maestros, reportes de condición física, antecedentes sociales y culturales, análisis de comportamiento adaptado, reportes médicos, calificaciones, reportes de progreso, observaciones de los padres, anécdotas de maestros, calificaciones en los exámenes estatales, y medidas aliviantes, entre otras. [34 CFR 104.35].

8. Las decisiones de colocación educativa deben realizarse por un grupo de personas (llamado el comité 504) que conocen la situación de su hijo/a, el significado de los resultados de las evaluaciones, las opciones de colocación, y la obligación legal de asegurar el ambiente educativo que permita el máximo contacto con estudiantes no incapacitados. [34 CFR 104.35].

9. Si es considerado incapacitado bajo la Sección 504, su hijo/a tendrá derecho a que se le den nuevas pruebas y evaluaciones a ciertos tiempos, para determinar si sus necesidades educativas han cambiado. Generalmente evaluaciones educativas se pondrán al corriente para cada niño incapacitado por lo menos cada tres años. [34 CFR 104.35.]

10. Usted tiene derecho a que el distrito escolar le avise antes de tomar cualquier acción en relación a la identificación, evaluación o colocación educativa de su hijo/a. [34 CFR 104.36].

11. Usted tiene derecho a examinar archivos y documentos relacionados a la educación de su hijo/a (normalmente archivos y documentos con relación a la identificación, evaluación o colocación educativa de su hijo/a). [34 CFR 104.36].

12. Usted tiene derecho a una audiencia imparcial si no está de acuerdo con las acciones del distrito en relación a la identificación, evaluación, o colocación educativa de su hijo/a. Usted tiene la oportunidad de participar personalmente en tal audiencia y de ser representada por un abogado, si desea contratarlo. [34 CFR 104.36].

13. Si desea protestar o disputar las acciones del Comité 504 del distrito a través de una audiencia imparcial, debe presentar un Aviso de Apelación escrito ante al departamento de estudios especial del distrito, en la siguiente dirección. Se fijará una fecha para una audiencia ante un oficial imparcial, y serán notificados por escrito de la fecha, hora, y lugar de la audiencia.

Maricela O. Garcia, RGCGISD Director for Special Services
Fort Ringgold, Rio Grande City, Texas 78582
956-716-6661

14. Si usted está en desacuerdo con la decisión final del oficial imparcial de audiencia, tiene derecho a apelar esa decisión a una corte de jurisdicción adecuada; normalmente, la corte federal local. [34 CFR 104.36].

15. También tiene el derecho de presentar una queja local al Coordinador de §504 del Distrito Escolar (o su dirigente), quien investigará la situación, considerará los temas de la queja y todo factor necesario, y responderá apropiadamente a usted en un plazo de tiempo razonable.

16. Usted también tiene el derecho a presentar una queja ante la Oficina de Derechos Civiles de el Departamento de Educación de los Estados Unidos. La dirección de la Oficina Regional a la cual pertenece a este distrito es:

Director, Office for Civil Rights, Region VI
1301 Young Street, Suite 1169
Dallas, TX 75202, Tel. (800) 368-1019

Section 504 and Students with Attention Deficit Hyperactivity Disorder/Attention Deficit Disorder

Special services for children with ADHD/ADD may be obtained under Section 504, a civil rights law that prohibits discrimination against individuals with disabilities. Section 504 requires schools to provide children who have disabilities with a free and appropriate public education. Section 504 identifies a qualified person as anyone with a physical or mental impairment that substantially limits one or more major life activities, such as learning. This means that children who do not require special education are still guaranteed access to related services under Section 504 if the child is deemed to have an impairment that "substantially limits one or more major life activities" such as learning, and the school must try to adapt instructional methods to the needs of children with ADHD/ADD.

As learning is considered a major life activity, children diagnosed with ADHD are entitled to the protections of Section 504 if the disability is substantially limiting their ability to learn. It is up to the local school district to make the determination of whether this condition is met and children who are not eligible for special education may still be guaranteed access to related services if they meet the Section 504 eligibility criteria.

If the child is eligible under Section 504, the school district must develop a Section 504 plan. This plan would include accommodations/adaptations that are designed to meet the child's educational needs and may include things such as the following:

- reducing the length of homework assignments;
- allowing the child extra time on tests;
- simplifying instructions about assignments;
- providing specific assistance with planning and organizational skills;
- using behavioral management techniques in the classroom;
- use of tape recorders
- computer-aided instructions

Section IV - Guidance for Section 504 Process and Forms:

§504 – Guidance for Academic Referrals

Academic referrals usually result from information shared in the school's RTI (Response to Intervention) committee or may be the result of a doctor's note diagnosing ADD or ADHD. Students who are struggling behaviorally may be eligible for services under §504. The people who may serve on the 504 committee are a campus coordinator, administrator, classroom teacher, counselor, and a parent or guardian. The campus behavior specialist and/or school nurse may also be asked to serve on the committee for behavior referrals. All forms referenced below are found in Google Drive and are updated each year.

INITIAL REFERRAL

✓**Section 504 Referral** – This form will be used to supplement RTI paperwork if it is no more than one year old. Only questions not answered on the RTI form need to be completed.

✓**Section 504 Notice and Consent for 504 Services** – This form should be presented to a parent or guardian at a parent/teacher conference, or an RTI meeting if the parent is present.

✓**Notice of Parent Rights & Procedural Safeguards** – A requirement of the Office of Civil Rights which oversees Section 504.

✓**Teacher Input** - When all forms have been collected, the campus 504 coordinator will set a meeting to review the information.

✓**Notice of Meeting** – This form should be sent to parents inviting them to attend the decision-making meeting.

*At the §504, committee members will consider all of the information and evidence that is presented in order to make an informed decision.

✓**Initial Evaluation** – Committee members will review all paperwork and then answer 3 questions to determine 504 eligibility. They are:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment affect one or more major life activities (including major bodily functions)? The life activities mainly associated with academic referrals are learning, reading, thinking, and sometimes communicating.
3. Does the physical or mental impairment substantially limit a major life activity?

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

✓504 Service Plan – The committee will decide which, if any, accommodations the student may need to mitigate the academic problems she/he is experiencing.

Note: Match each accommodation to a demonstrated need. There should be no more than 3 or 4 accommodations needed for most students. Treating the accommodations list as an “all you can eat buffet” will result in an unwieldy situation for the student's teachers.

Annual Review

All student 504 plans will be reviewed annually. The campus can elect to have annual meetings reviewing each plan in the same month in which it was done the first year, or can hold all meetings at the end of the school year. All forms and relevant information should be kept in a **green** file folder in the PRC file. A list of students will be sent on to the sending school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

The 504-campus coordinator should also keep the Director of Instruction informed of new students as they qualify for 504 plans or students who have been exited. Lists of 504 students at each campus will be verified at the beginning of each school year and updated as needed.

§504 – Guidance for Dyslexia Referrals

Because of the new guidelines established by the Texas Dyslexia Handbook, a referral for dyslexia testing is now a process that is conducted in tandem with a §504 evaluation. The outcome in Poteet ISD will be that every student who is eligible for dyslexia services will also have a §504 plan. The Americans with Disabilities Act Amendment Act (ADAAA) has broadened §504 coverage to include students with reading, learning, and thinking problems so that all dyslexia students now qualify. This gives us a way to track students with dyslexia in PEIMS and also sets up a safety net for students after they are dismissed from dyslexia services.

INITIAL REFERRAL

✓Section 504 Review Referral – Use this form if there is no RTI paperwork or if the RTI referral is more than one year old. Otherwise staple the forms together and answer any questions on the 504 form not covered on the RTI form.

✓Section 504 Notice and Consent for 504 Services - This form should be presented to a parent or guardian at a parent/teacher conference or at an RTI meeting if the parent is present so that the reason for a 504 plan in addition to dyslexia testing can be explained. Remember to mark “Dyslexia Assessment.”

✓Notice of Parent Rights & Procedural Safeguards

✓Teacher Input

✓Parent Input

When the signed Parent Permission, Teacher Input, and the Parent Input forms have been received, pass these, along with the RTI folder, to the dyslexia teacher(s). The “clock” starts for dyslexia testing on the date Parent Permission is signed.

After the dyslexia teacher(s) have completed the evaluation and written the final report, the 504 Campus Coordinator will be contacted to schedule the 504/Dyslexia meeting for the initial placement.

Before the 504/Dyslexia Meeting

✓Notice of Meeting

At the 504/Dyslexia Meeting

✓Texas Dyslexia Law and Section 504 Initial Evaluation & Periodic Re-Evaluation will be completed. Those attending should be an administrator, the 504 Campus Coordinator, the dyslexia teacher, the teacher of record, and the parent.

✓504 Student Services Dyslexia Plan

Note: Matching of Needs and Services must be completed prior to completing Required Services & Accommodations

After the 504/Dyslexia Meeting

Committee members receive completed copies of Evaluation and the 504 Service Plan, and all teachers who work with the student are given a copy of the accommodation plan.

Annual Review

All student 504 plans will be reviewed annually. The campus can elect to have annual meetings reviewing each plan in the same month in which it was done the first year, or can hold all meetings at the end of the school year. All forms and relevant information should be kept in a BLUE file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

The 504-campus coordinator should also keep the Director of Instruction informed of new students as they qualify for 504 plans or students who have been exited. Lists of 504 students at each campus will be verified at the beginning of each school year and updated as needed.

§504 – Guidance for Behavior Referrals

Behavior referrals usually result from information shared in the school's RTI (Response to Intervention) committee or may be the result of a doctor's note diagnosing ADD or ADHD. Students who are struggling behaviorally may be eligible for services under §504. The people who may serve on the 504 committee are a campus coordinator, administrator, classroom teacher, counselor, and a parent or guardian. The campus behavior specialist and/or school nurse may also be asked to serve on the committee for behavior referrals. All forms referenced below are found in Google Drive and are updated each year.

INITIAL REFERRAL

✓**Section 504 Review Referral** – This form will be used to supplement RTI paperwork if it is no more than one year old. Only questions not answer on the RTI form need to be completed.

✓**Section 504 Notice and Consent for 504 Services** – This form should be presented to a parent or guardian at a parent/teacher conference, or an RTI meeting if the parent is present.

✓**Notice of Parent Rights** – A requirement of the Office of Civil Rights which oversees Section 504.

✓**Teacher Input**

✓**Parent Input**

When all forms have been collected, the campus 504 coordinator will set a meeting to review the information.

✓**Notice of Meeting** – This form should be sent to parents and staff inviting them to attend the decision-making meeting.

At the §504, committee members will consider all of the information and evidence that is presented in order to make an informed decision.

✓**Initial Evaluation** – Committee members will review all paperwork and then answer 3 questions to determine 504 eligibility. They are:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment affect one or more major life activities (including major bodily functions)? The life activities mainly associated with behavior referrals are learning, thinking, and concentrating.
3. Does the physical or mental impairment substantially limit a major life activity?

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

✓***Student Services Plan***– The committee will decide which, if any, accommodations the student may need to mitigate the behavior problems she/he is experiencing. Note: Match each accommodation to a demonstrated need. There should be no more than 3 or 4 accommodations needed for most students. Treating the accommodations list as an “all you can eat buffet” will result in an unwieldy situation for the student’s teachers.

If a problem arises due to behavior:

✓***Manifestation Determination Evaluation*** – When disciplinary removals cause the need for an evaluation, this form provides the structure for the committee to consider evidence for the removal and length of time that will be imposed. Two questions are answered by the committee:

1. Was the conduct in question caused by, or directly and substantially related to the student’s disabilities?
2. Was the conduct in question the direct result of the school’s failure to implement the student’s Section 504 plan, if there was any such failure?

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

✓***Notice of Evaluation Results*** is a letter to parents stating the outcome of the Manifestation Determination evaluation meeting.

Annual Review

All student 504 plans will be reviewed annually. The campus can elect to have annual meetings reviewing each plan in the same month in which it was done the first year, or can hold all meetings at the end of the school year. All forms and relevant information should be kept in a green file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

The 504-campus coordinator should also keep the Director of Instruction informed of new students as they qualify for 504 plans or students who have been exited. Lists of 504 students at each campus will be verified at the beginning of each school year and updated as needed

§504 – Guidance for Health Concerns Referrals

Referrals for health problems usually result from information shared by the parent and the student's physician. The 504 committee for this type of referral may include a campus coordinator, counselor, campus administrator, a classroom teacher, and a parent or guardian. The school nurse may also be asked to serve on the committee for health referrals. All forms referenced below are found on Frontline (formerly known as eSped) and are updated each year.

INITIAL REFERRAL

✓***Section 504 Review Referral*** – This form is given to the parent upon receiving information that a health plan needs to be instituted.

✓***Section 504 Notice and Consent for 504 Services*** – This form should be presented to a parent or guardian at a parent/teacher conference.

✓***Notice of Parent Rights*** – A requirement of the Office of Civil Rights which oversees Section 504.

✓***Teacher Input***

✓***Parent Input***

When all forms have been collected, the campus 504 coordinator will set a meeting to review the information.

✓***Notice of Meeting*** – This form should be sent to parents and staff inviting them to attend the decision-making meeting.

At the §504, committee members will consider all of the information and evidence that is presented in order to make an informed decision.

✓***Initial Evaluation*** – Committee members will review all paperwork and then answer 3 questions to determine 504 eligibility. They are:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment affect one or more major life activities (including major bodily functions)? The life activities mainly associated with behavior referrals are learning, thinking, and concentrating.
3. Does the physical or mental impairment substantially limit a major life activity?

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

✓***Student Services Plan***– The committee will decide which, if any, accommodations the student may need. This may include accommodations in the classroom, other areas of the school and grounds, or special transportation arrangements.

Annual Review

All student 504 plans will be reviewed annually. The campus can elect to have annual meetings reviewing each plan in the same month in which it was done the first year, or can hold all meetings at the end of the school year. All forms and relevant information should be kept in a BLUE file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

The 504-campus coordinator should also keep the Director of Special Services informed of new students as they qualify for 504 plans or students who have been exited. Lists of 504 students at each campus will be verified at the beginning of each school year and updated as needed.

General Operational Guidelines for Section 504

1. Child Find. As part of the on-going identification and referral process, the District will make reasonable efforts to identify and locate every qualified disabled student residing within the District who is not receiving a public education. (Students in school can become a "child find" issue if either parents or staff members suspect the child has a disability or, for example, that child is kept in RTI for several years with little or no progress.) The District shall inform the parents or guardians of these potentially eligible students (who may be attending private or home schools) of the District's duties under §504. As part of the Child Find effort the District shall annually publish the Child Find Notice in local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by parents of eligible students (such as supermarkets, pediatrician's offices, etc.). Additionally, every teacher within the District should have information regarding the District's overall early intervention process, understand how to initiate a §504. Referral and know how to identify students who should be referred.

2. Referral. When a §504 referral has been initiated, the Section 504 Referral Form [hereinafter, "Referral Form"] should be quickly forwarded to the Campus or District §504 Coordinator [hereinafter "Coordinator"]. The Referral Form is designed to be filled in by the person initiating the referral, but may be supplemented as necessary by the Coordinator, utilizing information from the student's cumulative folder or other sources. From that basic information, the Coordinator will determine whether a §504 Evaluation is necessary. If no §504 Evaluation is required, the Coordinator shall forward the Parent Rights form to the parents, with a note explaining why the Referral did not lead to a §504 Evaluation at this time.

3. Consent for Evaluation. If a §504 Evaluation is necessary, the Coordinator should send to the parent Notice of Parent Rights under §504 [hereinafter, "Parent Rights"], together with a Notice and Consent for Initial Evaluation under §504 Form [hereinafter, "Notice and Consent"], and a Parent Input for Section 504 Evaluation Form [hereinafter, "Parent Input"]. If no parental consent is received for §504 Evaluation, the Coordinator should remind the parent every semester (or at other intervals as determined by the District) of the District's continued desire to conduct an Evaluation under §504.

4. Evaluation. When the consent is received from the parent, the Coordinator should:

- Gather evaluation data and coordinate/direct the completion of the various Input Documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the student's activities/behaviors at home, and any other data the parent would like the Committee. Should current special education data exist (an evaluation upon which a student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered.

- b. Ensure that should formalized testing be considered by the §504 Committee as evaluation data, the tests:
- 1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;
 - 2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;
 - 3) Are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the tests results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- c. Determine who will be in the group of knowledgeable people [hereinafter, the "§504 Committee"] (including persons with knowledge of the child, the meaning of the evaluation data and the placement options).
- d. Schedule a §504 Evaluation by the Committee.
- e. Give the parents' notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the District's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the **Notice of Section 504 Meeting form**.

At the §504 Evaluation, the Committee should:

1. Draw upon information from a variety of sources, including, but not limited to, efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;
2. Ensure that all information reviewed in the evaluation is documented and carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measure (as provided in paragraph 15 of these Operational Guidelines), recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation.
3. Complete the Section 504 Evaluation form. If the student is determined to be eligible [hereinafter, "eligible student"], the Committee moves on to the Section 504 Student Services Plan [hereinafter, "Services Plan"] form to develop accommodations. If no eligibility is found, the parents are so informed in writing.

At the conclusion of the Evaluation/Placement meeting, the Coordinator provides notice to the parent (Notice of Section 504 Evaluation Results form) of the 504 Committee's findings, and copies of the completed Evaluation form and the Services Plan (if eligible).

5. Records. Section 504 records, including any evaluation data, shall be kept in a separate §504 folder under the control of the Coordinator, as part of the student's cumulative folder or

in any other location determined to be appropriate by the district or campus. Regardless of location, the District will maintain the confidentiality of §504 records as required by the Family Educational Rights and Privacy Act (FERPA). Where §504 records are kept separately from the cumulative folder, a reference to the records and their location will be placed in the cumulative folder to ensure that the campus with responsibility for the student is aware of its §504 obligations to the eligible student and that personnel and third-party contractors who have a duty to implement the plan have access to necessary records including the plan itself.

6. Free Appropriate Public Education (FAPE). No eligible student may be excluded by the District from receiving a public elementary or secondary education. When considering the educational placement for eligible students, the Committee will ensure that the services provided are:

a. **Appropriate.** The §504 services are designed to meet the individual needs of the eligible student as adequately as the needs of nondisabled students, and are based upon adherence to the regulatory procedures relating to educational setting, evaluation and placement, and procedural safeguards. The Committee may place an eligible student in a program that the District does not operate in order to satisfy this requirement, but in so doing, the District remains responsible for ensuring that the requirements of §504 are met.

b. **Free.** An eligible student's educational program provided under §504 is provided without cost to the parent of the eligible student, regardless of where those services are provided or by whom. Should the Committee determine that placement in a program not operated by the District is required for the eligible student to receive FAPE, the District shall ensure that adequate transportation is provided to and from the program at no greater cost than would be incurred by the eligible student or his or her parents or guardians if the student were placed in the program operated by the District. The only costs of educational services that may be assessed the eligible student are those borne by nondisabled students and their parents (such as tickets to athletic events, purchases of yearbooks, gym clothes, etc.). When the District has made available a FAPE as required by §504, and the eligible student or his or her parents or guardians choose to place the student in a private school, the District is not required to pay for the eligible student's education in the private school.

7. Least Restrictive Environment (LRE). The Committee shall create a placement for the eligible student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible student. The Committee will presume that the regular classroom is the appropriate placement, unless it is demonstrated that the eligible student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Should the Committee place an eligible student in a setting other than the regular classroom, it shall take into account the proximity of the alternative setting to the eligible student's home.

8. Non-Academic Services & Extracurricular Activities. The District shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals

to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment) are provided so that:

- a. Eligible students are afforded an equal opportunity to participate in such service and activities.
- b. Eligible students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible student.

Counseling. Should the District provide personal, academic, or vocational counseling, guidance, or placement services to its students, those services shall be provided without discrimination on the basis of disability. The District shall ensure that disabled students are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

Physical education and athletics. In providing physical education courses and athletics and similar programs and activities to any of its students, the District will not discriminate on the basis of disability. Disabled students shall have equal opportunity to participate in the District's physical education courses, as well as interscholastic, club, or intramural athletics operated or sponsored by the District. The District will offer disabled students' physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of LRE and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Comparable Facilities. If the District operates a facility that is identifiable as being for disabled students, the District will ensure that the facility and the services and activities provided there are comparable to the other facilities, services and activities of the District.

9. Implementation of the Section 504 Services Plan. The Coordinator (or designee) should ensure that the student's Services Plan is delivered to each teacher, campus administration, and any other employee or third-party contractor who has responsibility to implement the plan. Monitoring of Services Plan implementation should be accomplished through the PDAS (or other teacher appraisal process), through walkthroughs, and informal checks of the student's academic, behavioral and social progress by the Coordinator and other appropriate personnel.

10. Re-Evaluation. At least every year, the 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Services Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Services Plan at this time. Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE. It is also the District's practice to conduct annual reviews when no periodic re-evaluation is required. Prior to a reevaluation, the District will provide the parents with notice of the time and place of the re-evaluation meeting, inviting the parent to attend if that is the District's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If the

student remains eligible and in need of a Services Plan, the Committee should focus on the student's changing needs due to the effects of different classroom subject matter, school demands and other factors. Should the Committee determine that the student is no longer eligible, the Committee should dismiss the student from 504. The parent shall be given notice of the results of the re-evaluation.

11. Discipline. The following disciplinary provisions apply to students who are in receipt of a Section 504 Services Plan, together with students who are eligible under Section 504 as students with a physical or mental impairment that substantially limits one or more major life activities, but who are not in need of a Section 504 Services Plan at this time (either because the impairment is in remission or because the students have no need for a Service Plan due to the positive effects of mitigating measures currently in place). Should the District initiate a disciplinary removal of the eligible student from his educational placement for a term of more than ten consecutive school days, the §504 Committee must first conduct an evaluation, which includes manifestation determination. Prior to the evaluation, the Coordinator shall give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the district's policy.

Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. The Committee's evaluation should determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities; and (2) was the conduct in question the direct result of the school's failure to implement the student's §504 plan? If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be effected without §504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process). The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities? and (2) was the conduct in question the direct result of the school's failure to implement the student's 504 plan? Prior to the evaluation, the Coordinator shall give the parents notice of the time and place of the evaluation meeting, inviting the parent to attend if that is the district's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible student who currently is engaging in the illegal use of drugs or in the use of alcohol may be removed from his educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against non-disabled students. Further, no §504 Evaluation is required prior to the removal and no §504 due process hearing is available.

12. Interaction with Special Education. Each student referred and evaluated for special education who does not qualify and each student dismissed from special education shall

be evaluated for possible Section 504 eligibility on a case-by-case basis. If at any time the §504 Committee determines that the disabled student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. With respect to students who are no longer served by special education due to parents' revocation of consent for continued special education services, the school will determine on a case-by-case basis, whether the student should be referred to Section 504 for evaluation, and provide Notice of Section 504 Rights should the student not be referred. The school should make reasonable efforts to explain to the parents the §504 process and potential protections in these situations. Should the parents refuse consent for a §504 evaluation, the school will document such refusal.

13. Interaction with Texas Dyslexia Law. In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia, prior to testing a student individually for Dyslexia and/or prior to providing a student with dyslexia services, the District must refer and evaluate under Section 504. The provision of dyslexia instructional services to a §504-eligible student may only be accomplished by a properly constituted §504 Committee. If at any time the §504 Committee determines that the disabled student needs special education and related services in order to receive educational benefit, a special education referral should be initiated. Should a student already be special education eligible, a dyslexia evaluation for that student must occur under the direction of the student's ARD Committee.

14. Interaction with regular education Early Intervention efforts. In an effort to meet the needs of struggling students as early as possible, and to reduce the misidentification of students in both Section 504 and special education, the District uses an early intervention process, referred to as Response to Intervention (RtI). This simple, campus-based process is designed to assist students struggling for any number of reasons (family issues, lack of motivation, poverty, etc.) and in any number of ways (academically, socially, behaviorally) by providing, appropriate to the student's needs, differentiated instruction, as well as additional regular education intervention programs, services and opportunities that may vary from campus to campus. Data from these efforts is shared with the parent, and will become part of any Section 504 or special education evaluation. These efforts are available to all students, including students with disabilities. Should regular education, together with these early intervention efforts be insufficient to meet the needs of the struggling student, or there are grounds to suspect that the student has a physical or mental impairment, the District should consider seeking parental consent for an evaluation under Section 504 or special education, as appropriate to the student.

15. Mitigating Measures and Development of Section 504 Plans. Pursuant to the ADAAA, 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 ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered

in determining whether an impairment substantially limits a major life activity. Section 504 Services plans, however, shall not be developed unless needed, at the time, in order for the student to have his needs met as adequately as those of nondisabled students. Should need develop, the Section 504 Committee shall develop an appropriate Services Plan.

16. Procedural Protections. The District will ensure that a system of procedural safeguards is in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system shall include notice, an opportunity for the parent or guardian of the disabled student to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or guardian and representation by counsel, and a review procedure. The impartial hearing is governed by the District's Procedures for §504 Due Process Hearings. Should the parent disagree with the identification, evaluation, or placement decision of a §504 Committee or the decision of a §504 hearing officer, the parent may appeal to state or federal court. Any person may also file a grievance through the District's local grievance process. Information on the grievance process can be obtained from the District's §504 Coordinator. These protections apply regardless of whether the eligible student currently receives a Section 504 Services Plan.

17. Parent Language. If the District determines that the dominant language of the parent is Spanish, the District will ensure effective notice in Spanish and services necessary to provide the parent an opportunity for effective participation in the §504 process. If the District determines that the dominant language of the parent is not English or Spanish, the District will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the §504 process through other means.

18. Duty to Not Discriminate. The District shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. These protections apply regardless of whether the eligible student currently receives a Section 504 Services Plan.

19. Retaliation prohibited. No District officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

20. Disability-based harassment. The District will promptly investigate all claims of disability-based harassment and take reasonable action to stop future recurrence. Where evidence of disability-based harassment is found pursuant to an investigation, and the District believes that the harassment has adversely impacted upon the ability of a disabled student to have equal access to the District's programs or activities, or the disabled student's entitlement to a free, appropriate public education, a §504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the student's Services Plan are required.

Section V

General Education Homebound (GEH) Guidelines and Supplement

Any student who is served through the GEH program must meet the following three criteria: • The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks. The weeks **need not** be consecutive.

The student is confined at home or hospital bedside for medical reasons only. The student's medical condition is documented by a physician licensed to practice in the United States.

A student served through GEH at home/hospital bedside must be served by a certified general education teacher. Over the period of his or her confinement, the student must be provided instruction in all the courses, including elective courses, in which that student is enrolled.

Note: For guidance in determining GEH instruction for pregnant students who are or are not receiving pregnancy related services, please see campus counselor.

A student who is served through the GEH program retains the same ADA eligibility code he or she had before receiving GEH services, regardless of how many hours the student will be served through the GEH program.

GEH Policy Requirements

To qualify for GEH funding, your school district must have policy and procedures for implementation of GEH instruction that have been approved by the local school board.

GEH Committee

A designated campus committee must make decisions regarding GEH placement. Members of the committee should include but are not limited to —

- a campus administrator,
- a teacher of the student, and
- a parent/guardian of the student.

The role of the GEH committee is to review and consider the necessity of providing instruction to a general education student at home/hospital bedside. If instruction is to be provided at home/hospital bedside, the GEH committee determines the type(s) and amount of instruction to be provided. Over the period of his or her confinement, however, the student must be provided instruction in all the courses, including elective courses, in which that student is enrolled.

In making these decisions, the GEH committee must consider information from the student's physician. However, the physician's note/information **is not** the sole determining factor in the committee's decision-making process.

GEH Committee Documentation Responsibilities

In qualifying a student for and providing the student GEH services, the following documentation is required:

- a district-developed form that documents GEH committee decisions regarding whether a student is to be served through GEH, documentation on the form of the GEH committee's decision regarding the type(s) and amount of instruction to be provided to the student, including the designated amount of time per week that instruction will be provided,
- a note from a physician stating that the student has a medical condition that requires the student to be confined at home/hospital bedside for a minimum of 4 weeks, documentation of the day(s) homebound instruction started and stopped and
- the teacher's homebound instruction log.

The minimum documentation required in homebound logs (the attendance record maintained by a homebound teacher) is —

- o the name of the homebound teacher,
- o the student name and identification,
- o the date that the homebound teacher visited the homebound student, and
- o the actual time per visit that the student was served (e.g., 10:00 a.m. until 12:00 p.m.)

Additional documentation may be maintained as part of this record at the discretion of the local education agency. This documentation may include, but is not limited to, mileage records for the homebound teacher and information on subjects that were taught as part of the homebound instruction.

GEH Services for Students with Chronic Illness/Acute Health Problems The federal definition for OHI found in 34 Code of Federal Regulations, §300.8(c)(9)(i)(ii), states, "Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that —

1. is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
2. adversely affects a child's educational performance.

GEH Funding Chart

For GEH services to generate ADA, the services must be provided as follows: A general education 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. Use the following chart to calculate eligible days present:

GEH Funding Chart

Amount of Time Served per Week	Eligible Days Present Earned per Week
1 hour	1 day present
2 hours	2 days present
3 hours	3 days present
4 hours	is a 4-4 days present (if the week day week) 5 days present (if the week is a 5-day week)
More than 4 hours	4 days present (if the week is a 4-day week) 5 days present (if the week is a 5-day week)

Eligible days present are determined each week. For GEH purposes, a week starts Sunday and ends Saturday. GEH service hours may not be accumulated and carried forward from one week to the next, nor may service hours be applied to a previous week.

Test Administration and GEH

A student receiving GEH services may earn eligible days present as stated in the GEH funding chart 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 standardized, 6-weeks, semester, and final exams and the STAAR is limited to earning 1 day present for a minimum of 1 hour or more of testing in 1 calendar day. When it takes the student more than 1 hour to complete the exam, the additional contact hours cannot be credited as attendance.

If the routine, standardized, six-weeks, semester, or final exam administration or STAAR testing requires less than one hour, then the homebound instructor must complete the hour with homebound instruction for the student to earn the 1 day present. For example, say a student is administered a final exam, and it takes her 30 minutes to complete the exam. The student must receive an additional 30 minutes of homebound instruction to earn 1 day present.

A student receiving GEH services **who returns to his or her campus to take a state-required assessment instrument (e.g., STAAR) must have a medical release** from a medical or nurse practitioner licensed to practice in the United States to do so.

Transition from GEH to the Classroom

A student transitioning back to a school-based setting may continue to generate eligible days present based on the GEH funding chart during the transition period. The GEH committee must determine the length of the transition period based on current medical information. Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

Transitioning Students with Chronic Illness between Homebound and the Classroom

A student with a chronic illness or acute health problem that is a long-term condition that requires the student to be in the GEH program for at least 4 weeks will generate contact hours based on the following:

- Students transitioning back to a school-based placement may continue to be coded homebound during the transition period subject to the GEH funding chart.
- The length of the transition period must be determined by the GEH committee based on current medical information.

During the transition period, students are to be served through the GEH program for the period of time each week as specified by the GEH committee. Any student attendance in the classroom that is generated during the transition period will not be reported for funding purposes because funding will be based on the GEH funding chart.

Once the student has completed the transition period as determined by the GEH committee, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

Students with a Recurring Chronic or Acute Health Condition

A student with a chronic illness or acute health problem **that is a recurring condition** that requires the student to be in the GEH program for a period of time (which can be in daily or weekly increments) totaling at least 4 weeks throughout the school year will generate contact hours based on the following:

- Students moving back and forth between the GEH program and a school-based placement Generate eligible days present for those days they are served through the GEH program subject to the GEH funding chart.
- Students with a recurring condition generally do not require a transition period.
- Use the following chart to determine how to record attendance information for students with a recurring condition

For any week in which the student with the recurring condition —	the student earns contact hours and/or attendance —
is served solely at home/hospital bedside through the GEH program,	according to the requirements of the GEH funding chart.
is served for at least 4 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	according to the requirements of the GEH funding chart.
is served from 1 to 3 hours at home/hospital bedside through the GEH program and attends school at his or her campus,	<ul style="list-style-type: none"> ● according to the requirements of the GEH funding chart for those days the student is provided instruction at home/hospital bedside through the GEH program and ● according to whether the student is present the official attendance-taking time for those days the student attends school at his or her campus.

Regardless of how many hours of GEH instruction a student is provided or how many days that student is in attendance at his or her campus, the student may not generate more than the equivalent of one ADA.

If the student fully transitions to classroom placement, the student no longer generates eligible days present according to the GEH funding chart but instead generates attendance based on whether the student is present at the official attendance-taking time.

Attendance Accounting and Documentation: To document the changing instructional arrangements/settings for students with a recurring condition for attendance reporting and auditing purposes, district personnel must keep a log of the student's attendance information. (See **GEH Committee Documentation Responsibilities**.)

The eligible days present should be recorded in your district's student attendance accounting system. Any time not accounted for should be reported as absences.

http://www.tea.state.tx.us/index2.aspx?id=7739&menu_id=645&menu_id2=789