

Lindale ISD

Section 504

District Handbook

2022-2023

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OVERVIEW

Section 504 of the Rehabilitation Act of 1973 is a non-discrimination 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...” The law went into effect in 1977. In 1990, Congress passed the Americans with Disabilities Act, which extended these rights to most of the private sector. However, when cases involving Section 504 and ADA went to court in the 1990s and the first few years of the 21st century, the courts were defining disability more narrowly than Congress had intended. Because of this trend in case law, Congress decided to amend the ADA in 2008, and these changes were also applied to Section 504. The goal of the amendment was to provide the broadest possible coverage and to strengthen the disability laws. The Office of Civil Rights (OCR) of the USDE, which is responsible for enforcement of these laws in public elementary and secondary schools, provided guidance for their implementation following the 2008 amendments.

Under Section 504 as amended in 2008, an eligible student is one who has, or has a record of, or is regarded as having a physical or mental impairment that substantially limits a major life activity such as seeing, hearing, eating, sleeping, breathing, working, standing, walking, lifting, bending, speaking, reading, concentrating, communicating or learning. This disability must be determined to cause substantial limits without mitigating measures (hearing aids, medication, behavioral adaptations) and have a duration, or expected to have a duration, longer than 6 months. Accordingly, the District has adopted policies and procedures to ensure that discrimination does not take place.

Section 504 procedures and practices at Lindale ISD are based on the laws and regulations from the following sources:

- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- Case law shared through various attorneys
- The Texas Education Agency

- LISD legal counsel
- CESD (Council of Educators for Students with Disabilities) state conferences and written materials presented by attorneys Dave Richards and Jose Martin who specialize in Section 504, IDEA, and Dyslexia law

The Section 504 program is coordinated and overseen by the District Section 504 Coordinator, Christy Clouse, Director of Federal Programs and Assessment, 903-881-4000.

Students with disabilities are ensured a Free Appropriate Public Education (FAPE) regardless of the nature or severity of disability. All IDEA-eligible special education students are also protected under Section 504, but not all Section 504 eligible students are special education students. Section 504 also guards students against segregation or exclusion of students with disabilities.

OPERATING PROCEDURES

This document is considered the Lindale ISD Section 504 Operating Procedures.

CHILD FIND

The District Staff have a positive duty to locate and evaluate students with disabilities who are suspected of being eligible for services under Section 504. District Section 504 administrators will be responsible for developing and publishing Child Find activities. In deciding whether a disability is suspected, expected duration of the impairment and need for accommodations and/or services must be considered. Generally, a short-term impairment (less than 6 months) is not considered a disability and would not qualify a student under Section 504; however, the severity of the impairment and degree of need must also be considered. Additionally, the District does not have an obligation to evaluate students who may technically meet the definition of disability under Section 504 but who do not need accommodations or services.

OVERSIGHT OF SECTION 504

The Office of Civil Rights (OCR), a component of the Department of Education (DOE), enforces Section 504 of the Rehabilitation Act of 1973 as amended (Section 504), a civil rights statute which prohibits discrimination against individuals with disabilities. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which extends this prohibition against discrimination to the full range of state and local government services, programs and activities (including public schools) whether or not they receive federal funds. The Office of Special Education and Rehabilitative Services (OSERS), also a component of the DOE, administers IDEA, a statute which partially funds special education programs. State education agencies are responsible for administering IDEA within the state and distributing the funds for special education programs. IDEA is a grant statute which attaches many conditions to the receipt of funds; Section 504 and ADA are antidiscrimination laws and do not provide any funding.

OCR provides technical assistance to school districts, parents, and students upon request. It also receives complaints from parents, students, or advocates and conducts agency initiated compliance reviews. Except in extraordinary circumstances, OCR does not review the results of individual placement or other educational decisions as long as the District complies with the procedural requirements of Section 504. OCR will generally not evaluate the content of a services plan or attempt to resolve any disagreement between the parent and the school. However, OCR will investigate specific situations in which a student with a disability is allegedly treated differently than students without disabilities (e.g., excluded from certain activities or programs). Additionally, a grievance or complaint by a parent could trigger a general OCR compliance visit. If noncompliance is found, OCR will negotiate with the District to try to bring it into voluntary compliance. If this is unsuccessful, OCR may initiate administrative proceedings to terminate DOE financial assistance to the District or refer the case to the Department of Justice for judicial proceedings. Below are some of the ways the District can be proactive in avoiding sanctions imposed by OCR:

- Closely follow District standard practices with regard to Section 504. ● Maintain complete Section 504 files.
- Maintain documentation of all contacts (phone calls, conversations, emails, etc.) involving Section 504.
- Be sure that documentation supports procedural compliance.
- Ensure that decisions are based on data/documentary evidence.

PROCEDURAL SAFEGUARDS

The procedural safeguards must be provided to parents, guardians, and/or adult students at least once annually. A copy of the procedural safeguards will be sent with the Notice of Section 504 Meeting.

Procedural Safeguards must be provided in the following circumstances:

- At the time of the initial consent for evaluation
- At each Section 504 meeting
- At any Section 504 meeting that ends in disagreement
- Any instance when the campus denies a request for evaluation and issues a Prior Written Notice

ANNUAL NOTICE FOR TEXAS SECTION 504 STUDENTS WITH LEARNING DIFFICULTIES

The Annual Notice for Texas Section 504 Students with Learning Difficulties is provided to parents through the Success Ed software system at each initial evaluation and annually thereafter.

CONFIDENTIALITY

LISD maintains strict confidentiality of student information and records. Student records may include student work, notes, files, meeting documents, and other materials which are maintained in writing, found in computer memory banks, or on film. Personally identifiable information regarding a given student or information about Section 504 committee meeting proceedings should never be discussed with another person unless that person has an “educational need to know” the information. Materials distributed in Section 504 committee meetings (copies of evaluation reports, draft accommodations plans, etc.) must be kept out of the hands and out of the view of other students, staff (unless they have a need to know in order to serve the students), and parents of other students. Students should not be discussed with others outside of the school setting in a way which identifies them without a release of confidential information form signed by the parent or adult student.

In accordance with Family Educational Rights and Privacy Act (FERPA), LISD employees must have written permission from the parent or adult student in order to release any information from a student's education record, with the following exceptions. Records may be released without written permission to:

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- In order to comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

LISD staff also maintains confidentiality of all information relating to Section 504 Committee Meeting proceedings. With the exceptions of release of records listed above, LISD staff may not discuss such

proceedings or provide Section 504-related documents to any person or organization without the written consent of the parent or adult student. Confidentiality of information must be maintained during the times of collection, storage, disclosure, and destruction of information.

RESPONSIBILITIES

District Section 504 Coordinator:

- Coordinate and monitor Lindale ISD's compliance with Section 504 requirements in an effort to prevent Section 504 violations
- Investigate complaints of Section 504 discrimination within the district
- Attend annual professional development to stay current on issues involving Section 504 to inform district practices and procedures

Campus Section 504 Coordinators:

- Coordinate with the District Section 504 Coordinator regarding rules, regulations, and district practices and procedures
- Ensure that campus staff are trained with regard to Section 504 rules, regulations, procedures, and teacher responsibilities
- Ensure that ALL teachers have access to the Student Service Plans for applicable accommodations, behavior plans, health plans, and/or any other necessary information (including elective, PE, and "specials" teachers)
- Inform staff that they can be held personally liable if accommodations are not implemented according to the Student Service Plan
- Ensure that a valid data method is in place for teachers to document and turn in their accommodation implementation forms
- Ensure that the documentation of accommodation implementation forms are kept for 2 full calendar years from the end of the school year
- Act as the "Case Manager" for all Section 504 students under his/her care

Campus Instructional Staff: (including Coaches and Sponsors)

- Be knowledgeable of which students for whom he/she is responsible that fall under Section 504 protections
- Access and review the Student Service Plans. If there is any clarification necessary, seek guidance from campus personnel
- Adequately and regularly document implementation of accommodations
If the student refuses to accept the accommodation, document as such and discuss with Campus 504 Coordinator scheduling a 504 meeting to review accommodations
- Provide valid feedback to the Section 504 committee regarding any accommodations that are recommended for elimination or addition.
- Turn in documentation of accommodation implementation according to campus procedures

USING THE SUCCEEDED DATA MANAGEMENT SYSTEM

Campus Section 504 Coordinators will have an account and have access to your campus(es) and students under Section 504. Your District Section 504 Coordinator will train you in using the system efficiently.

CREATING A STUDENT IN SUCCEEDED

When initiating a Referral for Section 504, follow these steps to create the student in Section 504:

1. On the HOME page, choose the "Students" tab.
2. On the next page, select "Add a New Student."
3. Enter the student ID and follow the directions for adding a new student.
4. Once you have an "Edit Student Information" page, be sure to enter all text boxes that are yellow. This is required information. If information is already displayed, verify accuracy. Click SAVE.
5. Choose the "Enrollment" tab.
6. Input or verify the Home Campus, Current Campus, Next Home Campus, Next Current Campus, and grade information.
7. Select "Section 504" under "Accessible to the following Programs." Click SAVE.
8. Choose the "Program Compliance" tab.
9. Choose "Section 504" listed in the horizontal list of options above "Special Education Compliance."
10. Make the student's status "Referral." The other data should populate after the forms are completed and locked in the system. Click SAVE.

USE OF FORMS WITHIN THE SYSTEM

Refer to the Checklists and Procedures forms located in the Section 504 LiveBinder to know which forms to use under what circumstances. Some forms are not located in SuccessEd due to the district variety across the state.

All forms used within the system should be either LOCKED or deleted by the end of the school year. The Reports within SuccessEd will only pull data from the LOCKED forms. The only reason for DRAFT forms at the end of the year is if the referral that was received late in the school year is still in process.

WITHDRAWN or DISMISSED STUDENT - INACTIVE

If a student withdraws, is dismissed, or revokes consent for services, the status needs to be changed within the SuccessEd system. To do this:

1. Find the student's name under the "Students" tab on the Home screen.
2. Click on the pencil next to the student's name.
3. Choose the "Enrollment" tab.
4. Indicate a "Date Student Left District." Click SAVE.
5. Choose the "Program Compliance" tab.
6. Scroll down to Section 504 information and change "Status" to "Not Active." Click SAVE.

[ACCESS AN INACTIVE STUDENT](#)

If you need to edit any SuccessEd information on a student who has withdrawn, moved, a DNQ, or any other "INACTIVE" status, make the student's status "REFERRAL" and then make the changes rather than making him "ACTIVE." Once completed, change the student's status back to the original status. This way, the system will not create an error or PEIMS 163 entry.

[FORMS IN LISD 504 LIVEBINDER](#)

LISD utilizes a Section 504 LiveBinder for forms, procedures and information not included in Success Ed. All campus Section 504 coordinators and administrators have been given access to the LISD Section 504 LiveBinder.

[CONSENTS](#)

There are three types of CONSENTS under Section 504. Although signatures are not required on the Annual meetings, these CONSENTS are mandatory.

[CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION](#)

To obtain information from a medical or mental health provider, the parent/guardian/adult student must provide consent for LISD staff to contact the provider. The form should be addressed to the specific provider set up in a "to/from" manner that allows for two-way communication. The "From" section should list "all LISD personnel" or several titles, such as Section 504 Coordinator, campus counselor, campus nurse, etc. rather than only one person. This allows multiple people to follow up if needed. This form will be faxed along with the Documentation of Disability prior to the INITIAL eligibility meeting or any time that additional diagnoses are considered to be added or removed. This form is valid for one calendar year and should be uploaded into the "History" tab of SuccessEd.

[CONSENT FOR EVALUATION](#)

In order to evaluate a child for eligibility under Section 504, a parent/guardian/adult student must provide consent. This consent only allows for examination of data to determine INITIAL eligibility. Additional consent for re-evaluation is not necessary. Sometimes the parent is not present when Section 504 consideration is discussed and consent must be sent home for signatures. If this happens, leave the CONSENT form in "draft" in SuccessEd until the form with the signature is received. Once the CONSENT form is received with a signature date, the date on the form in SuccessEd will need to be changed and LOCKed. The form with a signature will then be uploaded into SuccessEd on the "History" tab.

Consent and notice documents should be sent to all persons who have the right to make educational decisions for the student. If parents are divorced or there is a living arrangement other than with two biological parents, please check the documents in the cumulative file, or request a copy of the divorce decree and/or any other legal documents showing custody and parental rights. Although notice and the opportunity to give consent must be provided to all parents with educational decision-making rights, consent need only be obtained from one parent in order to proceed. If one parent with rights is actively refusing consent and the other is providing consent and wanting to move forward, consult with Christy Clouse.

CONSENT FOR SERVICES

Following an INITIAL eligibility determination, the campus coordinator will need to collect a *Consent for Services* form from the parent/guardian/adult student. This form will only be collected once. This form is not needed each year - but will be needed when a student transfers into LISD from another district where he/she was eligible for Section 504. Sometimes the parent is not present at the INITIAL Section 504 meeting and consent must be sent home for signatures. If this happens, leave the CONSENT form in "draft" in SuccessEd until the form with the signature is received. Once the CONSENT form is received with a signature date, the date on the form in SuccessEd will need to be changed and LOCKED. The form with a signature will then be uploaded into SuccessEd on the "History" tab.

REVOKING CONSENT

There may be situations in which a parent wants to revoke consent for certain services while maintaining eligibility under Section 504 for accommodations. For example, a parent may not want his/ child to receive dyslexia services any longer. If this occurs, a Section 504 meeting should be held to discuss the parent request. If the committee is in agreement, the *Consent for Services* form will need to be printed and the campus coordinator will need to write on the form that only the dyslexia services are being revoked at parent request. The parent will sign and the form will be uploaded on the "History" tab in SuccessEd. The Campus Section 504 Coordinator will need to follow the steps to notify all pertinent district staff of the change in services.

INITIAL REFERRALS

Referrals for Section 504 can be made by parents or staff, or the student may self-refer. Examples of situations in which a student may meet eligibility as a student protected under Section 504:

- The student has a chronic health condition such as asthma, diabetes, epilepsy, etc.
- The student has a disability identified under IDEA, but does not qualify for special education supports and services.
- The student has low vision, poor hearing, heart disease, or some other "hidden disability."
- The student has been evaluated by an agency outside of school and the parents provide the report and recommendations.

SPECIAL EDUCATION VS. SECTION 504

Best Practice dictates that students suspected of having a disability and needing special education services should be referred for a full evaluation through special education. A Section 504 eligibility and plan should not delay or deny a referral for special education.

It should be noted that special education services and supports are considered an "entitlement" due to a disability so that the child has access to his/her learning so that academic and social/emotional progress can be made. Section 504 supports, however, are to ensure "anti-discrimination" due to a disability so that the child has equal access and opportunity as comparable to non-disabled peers.

Once a student is identified as a special education student under IDEA, all needs are addressed through the IEP rather than Section 504. When a student is IDEA eligible, the ARD Committee takes over. There is no dual eligibility.

If the student has been identified only as Section 504, but they are entering the Special Education

Program following an initial assessment, the campus counselor or Campus Section 504 Coordinator will conduct a Section 504 meeting simultaneously with the Initial ARD meeting and will dismiss the student from Section 504 (see DISMISSAL FROM SECTION 504 ELIGIBILITY). If the student is not eligible for IDEA, then the Section 504 committee will consider the recent assessment information to determine whether changes need to be made in his/her Student Service Plan.

PARENT REQUEST FOR EVALUATION

Upon receiving a request for a Section 504 evaluation and parental consent, the Section 504 Coordinator will begin procedures for the Section 504 evaluation, including providing prior written notice and procedural safeguards to the parents. All IDEA timelines for obtaining consent and evaluation will be followed.

Should the LISD determine that an evaluation is not necessary, the parent should be provided prior written notice following IDEA procedures and must be provided Section 504 procedural safeguards.

If LISD is unsure if a need for special education services is suspected, a referral through IDEA should be initiated.

Students who are suspected of having a disability and needing special education services should immediately be referred for an evaluation under IDEA. Section 504 evaluations cannot be used to delay or deny a referral for a special education evaluation.

PRIOR WRITTEN NOTICE

You are required to provide Prior Written Notice when:

1. The staff deny the request to evaluate. (This is not recommended. It is LISD's policy to accept all parent requests for 504 evaluations.)
2. The staff have offered an FIE under special education, but the parent refuses the offer. The diagnostician will create this PWN in Success Ed.
3. The Section 504 committee determines that the behavior in question during an MDR is not related to the student's disability. THE PWN notice will be included through the MDR paperwork process in Success Ed.
4. The staff make multiple attempts to obtain consent for services and the parent is not responsive. If this happens, contact Christy Clouse for assistance.

CAMPUS RTI TEAMS

Response to Intervention (RtI) is meant to close the learning gap within one academic school year. If a child has been in the RtI program longer than a year, then a special education referral may be warranted. RtI is not designed to be a deterrent to a special education referral; however, in most cases, interventions should be attempted prior to formally evaluating a student to determine effectiveness and gather pertinent data. RtI services can certainly be provided while a student is in the evaluation process.

Best practice would suggest that Campus Section 504 Coordinators be involved in any discussions regarding potential Section 504 referrals. Likewise, diagnosticians and/or service providers should be involved in any discussions regarding potential special education referrals.

THE EVALUATION

The district must conduct an evaluation before the initial provision of Section 504 services can be provided to the child with a disability. Consent from a parent or guardian must be obtained prior to an evaluation. Best practice dictates that the campus counselor have this conversation with the parent and include any other campus personnel. If the Campus Section 504 Coordinator is someone other than the campus counselor, then he/she should be invited to the meeting with the parent as well.

Evaluation under Section 504 does not necessarily mean a test or assessment. Rather, the evaluation consists of reviewing data from multiple sources and asking pertinent questions to determine eligibility. This process occurs within the context of a Section 504 meeting.

TIMELINES

The Office of Civil Rights encourages school districts to follow the evaluation timelines similar to those of special education.

Evaluations (the INITIAL Section 504 meeting) must be completed within 45 school days of the receipt of Consent for Evaluation. If a student has excessive absences, this timeline can be extended. Best practice would dictate that, because formal evaluation is not required, the Section 504 evaluation should occur within a much shorter time frame.

Reevaluations should be conducted every 3 years. Extensive data collection should occur at this time to determine continued eligibility.

Section 504 review meetings should occur annually, unless the campus coordinator chooses a Section 504 Snapshot instead. (See Snapshot section)

DATA TO COLLECT AND CONSIDER IN A SECTION 504 EVALUATION

The following is a list of data examples to be reviewed in a Section 504 evaluation. This is not an exhaustive list as each evaluation is specific to the needs of the student. The Section 504 committee should consider:

- Parent and Teacher input
 - Medical information - from campus nurse and/or outside providers
 - Academic information - grades, progress monitoring data, universal screening data, state assessment data, etc.
 - Behavioral information - discipline reports, behavioral observations
 - Outside evaluations

When collecting information from outside providers, the Campus Section 504 Coordinator will need to obtain additional consent for release of confidential information. The Campus Section 504 Coordinator will possibly need to work alongside the campus nurse in obtaining and/or understanding the

information obtained. If the information obtained is vague in nature, the Campus Section 504 Coordinator is expected to call the provider and ask clarifying questions. Documentation of the conversation should be kept in the Contact Log in SuccessEd.

Although verification of a medical diagnosis is not required, Lindale ISD exhausts all efforts to obtain such information. It is important to remember, however, that protections cannot be denied if campus personnel also suspect a disability, and the parent is not able to produce a statement from a medical or mental health provider.

ELIGIBILITY

In order to be considered eligible for Section 504 protections and supports, these questions must be answered:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment substantially limit one or more major life activities?
3. Does the physical or mental impairment substantially limit a major life activity?

The Section 504 committee must answer “yes” to all of these questions and be able to explain the supports necessary for the student to access all academic and extracurricular activities to the same extent as their peers.

Federal law explains that a person eligible under Section 504 must have a disability, have a history of a disability, or be regarded as having a disability. The terminology here is explained as follows:

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1. “Has a disability” means that the campus has received documentation from a physician or mental health care provider indicating the name, severity, and impact of the disability either through an outside evaluation (that should be uploaded into SuccessEd) or by completing the *Documentation of Student Disability by Physician or Mental Health Care Provider* form located in the Google Drive.
2. “Has a history of a disability” does not apply to K-12 educational institutions, but is meant for post-secondary institutions based on assessment during K-12. Therefore, when a student is being dismissed from special education and being considered for Section 504, the student must still have a disability. For example, if the student has recent re-evaluation data that indicates he/she does not qualify for special education, he/she may still have a disability in that reading scores are lower than peers and low for his/her cognitive ability. He/she could possibly qualify with a reading disorder impacting comprehension. The Section 504 committee would diagnose him for educational reasons as a “reading disorder.”
3. “Is regarded as having” indicates that the Section 504 committee can make a diagnosis for educational reasons based on a pattern of evidence. For example, a child may exhibit multiple characteristics of ADHD, but may never have been formally diagnosed. In cases such as this, the Section 504 committee can make a determination that the student is ADHD based on the exhibited characteristics. It is important that parents understand the committee is not making a medical diagnosis, only an educational diagnosis for the purpose of accommodations supporting educational functioning.

Also, the regulations stipulate that the disability must “substantially limit” one or more major life

activities such as breathing, walking, seeing, reading, hearing, eating, running, concentrating, and/or learning. For a disability to be considered “substantially limiting,” it must create such a limitation without the application of mitigating measures that requires intervention so that the student has equal opportunity to access school-related activities without discrimination. “Substantially limits” should be considered without regard to the helpful effects of mitigating measures (ADHD medications, hearing aids, behavioral therapy, etc.), with the exceptions of ordinary glasses or contact lenses. If a medical or mental health provider indicates that the disability is “mild” in nature, then the child would not require any intentional interventions to prohibit discrimination. The impact must be classified as “moderate” to “severe” to be considered “substantial.”

There is not an exhaustive list of impairments nor a list of every possible life activity. The decision of eligibility is up to the Section 504 committee. Diabetic or ADHD students are the only exceptions to the questions because they are always found eligible for Section 504. Some students, however, may be eligible for Section 504 protections, but not require a Student Service Plan due to mitigating measures (i.e., medication) and/or remission (i.e., cancer patients).

MITIGATING MEASURES

A Section 504 committee must consider the impact of the suspected disability **without** the mitigating measures. Mitigating measures are things that lessen the effects of the impairment, including, but not limited to: medication, medical supplies, equipment (except eyeglasses/contacts), hearing aids, mobility devices, assistive technology, reasonable accommodations, and/or behavioral modifications. For example, a committee may find a student is not “substantially limited “ due to his ADHD, but find out that he is taking medication regularly. Without the medication, the student has extreme challenges in attention and concentration. The committee must consider his disability (ADHD) without the mitigating measure (medication). Would the disability be “substantially limiting” without the medication? If so, then the student qualifies under Section 504.

REEVALUATIONS

Parental consent is not needed to conduct a re-evaluation, but may be necessary to obtain new data from outside providers. All reevaluations should include updated data similar to what was collected at the initial evaluation (see DATA TO COLLECT section).

TRANSFER SECTION 504 STUDENTS

If a student enrolls in LISD with a Section 504 eligibility, the Campus Section 504 Coordinator should contact the prior school to obtain records or verbal confirmation as soon as possible. If the data is deemed inadequate, the campus should conduct a Section 504 reevaluation to determine eligibility. If the data is adequate, a *Consent for Services* form from the parent/guardian/adult student will need to be collected. This form will only be collected once. This form is not needed each year, but will be needed when a student transfers into LISD from another district where he/she was eligible for Section 504. Sometimes the parent is not present when Section 504 consideration is discussed, and consent must be sent home for signatures. If this happens, leave the CONSENT form in “draft” in SuccessEd until you receive the signature. Once you receive the CONSENT form with a signature date, change the date on the form in SuccessEd and LOCK the form. Upload the form with a signature into SuccessEd on the “History” tab.

If the data is deemed inadequate, then the Campus Section 504 Coordinator will begin the data

collection for an evaluation and attempt to have the permanent meeting within 30 school days. If the data and Student Service Plan from the previous school is adequate, then the committee can accept the plan as written, and the Campus Section 504 Coordinator can upload the plan into the LMS for teacher access. A new plan would not need to be developed until the next ANNUAL meeting date.

ADDITIONAL SERVICES

If a student appears to need services beyond nursing services, accommodations, or other minimal services, the Section 504 committee should refer for an evaluation under special education. The district Occupational Therapist, Physical Therapist, Assistive Technology Specialist, and Speech/Language Pathologists can consult with teachers regarding interventions and accommodations. If, however, the student is in need of direct services from these professionals, then a special education evaluation is warranted. Students with hearing and/or visual impairments may be served by the Deaf Education Teacher or the Visual Impairment Specialist through a consultation manner.

IMPAIRMENTS

The following generic terminology should be used when indicating the “Impairment” in a Section 504 meeting. If more detail is needed, provide the more detailed information in the deliberations/data information in the evaluation.

- ADHD
- Dyslexia
- Hearing Impairment (specific type described in the deliberations/data)
- Visual Impairment (specific type described in the deliberations/data)
- Diabetes
- Epilepsy
- Orthopedic impairment (specific type described in the deliberations/data)
- Mental Health condition - XXX
- Medical condition – XXX

If a student has multiple impairments, indicate the impairment that most significantly impairs him/her at school. If the student has multiple impairments plus dyslexia, please list “Dyslexia” as the first impairment. This makes it easier to run reports necessary for a variety of reasons.

ADDING OR REMOVING IMPAIRMENTS

If a parent provides updated information indicating a new diagnosis and/or wants to remove another diagnosis, the Section 504 committee should meet for a re-evaluation and consider the new information. A new diagnosis does not necessarily mean it needs to be included in the Section 504 paperwork. If the new diagnosis doesn't impact the child at school, then the information does not need to be added. If the new diagnosis could potentially impact the child at school, then a new *Documentation of Disability* form would need to be completed by the physician or mental health provider. If the parent wants a diagnosis removed from the child's eligibility, the committee would need to decide whether the diagnosis affects the child at school and to what degree. If the committee agrees that the child is still exhibiting characteristics of the impairment and it is (or could) impact the child at school, then the diagnosis should remain.

TEMPORARY IMPAIRMENTS

In order for a student to meet eligibility under Section 504, the physical or mental impairment must have been or be expected to last 6 months or more. A broken leg or arm will not be considered a physical impairment in need of Section 504 protections. Recovery from a significant accident may produce qualifying impairments that last longer than 6 months. The input from the physician will be important to consider when determining eligibility under these circumstances.

DISMISSAL FROM SECTION 504 ELIGIBILITY

If dismissal from eligibility under Section 504 is recommended, a re-evaluation must be conducted. The re-evaluation can be conducted using progress monitoring data, educational data, teacher input, professional opinion, parent input, and other informal data. The evaluation will be completed using the Section 504 Evaluation form in SuccessEd and discussed within the context of a Section 504 meeting.

If the student is a current Section 504 student and has been evaluated for services under special education, the Section 504 meeting happens concurrently with the INITIAL ARD meeting. The data can be documented as presented by the special education staff and then a decision is made at the conclusion of the ARD meeting. If the student qualifies under special education, the student will no longer qualify under Section 504 and will be dismissed. If the student is found to not qualify under special education, the data and information presented during the ARD meeting can inform the decisions made in altering the Student Services Plan under Section 504.

SECTION 504 MEETINGS

ATTENDEES

Section 504 regulations require members who:

1. Have knowledge of the student
2. Can make decisions regarding placement and/or services
3. Can interpret the meaning of the evaluation data
4. Have knowledge of the reading process and/or dyslexia (for dyslexia only)

In Lindale ISD, there should be a minimum number of 3 meeting participants (4 if considering a student with dyslexia) aside from the parent/guardian. Members cannot serve dual roles except when dealing with dyslexia concerns. When discussing dyslexia concerns, the person who understands “the reading process” can also serve as the person who understands dyslexia, related disorders, and dyslexia instruction. Although parents are not required to attend the Section 504 meetings, Lindale ISD recognizes the importance of parent participation and diligently seeks to partner with parents in the Section 504 process. The Campus Section 504 Coordinator should indicate in the deliberations of the meeting what attempts were made to include the parent in the meeting. If however, the parent is not able to attend the meeting, it can be conducted without the parent.

Staff who have knowledge of the student could include the parent/guardian, the teacher, the student, or a campus counselor. Although the parent/guardian does have knowledge of the student, Lindale ISD’s practice is to also include another staff member and list the parent in the deliberations of the meeting as “in attendance.” Staff who can make placement and/or service decisions can include a campus administrator or a district administrator.

Staff who can interpret evaluation data could include a school nurse, a campus counselor, an academic interventionist, an LPAC representative, or a campus diagnostician. Staff who have knowledge of the reading process and/or dyslexia include the campus dyslexia teacher, a district Dyslexia Specialist, or a campus/district Reading/ELAR Intervention Specialist.

Staff names and positions should be listed on the Evaluation Information form in SuccessEd.

Notice documents should be sent to all persons who have the right to make educational decisions for the student. If parents are divorced or there is a living arrangement other than with two biological parents, please check the documents in the cumulative file, or request a copy of the divorce decree and/or any other legal documents showing custody and parental rights. Notice and the opportunity to participate must be provided to all parents with educational decision-making rights. If you have any questions regarding a divorced or separated situation, consult with Christy Clouse.

DURING THE MEETING

Following introductions, the Section 504 Coordinator will start with parent input and/or discuss any concerns or purpose of the meeting. Committee members are encouraged to express strengths as well as areas for improvement. Any data presented or discussed should be documented within the context of the meeting and copies should be uploaded into the “History” tab in SuccessEd. Every section on the SuccessEd Evaluation form should be addressed with either data or a statement such as “no concerns” or “does not apply.” If all teachers are not able to attend the meeting, then the Campus Section 504 Coordinator should make every effort to gather input from all of the student’s teachers. This data gathering can be accomplished through input forms or electronically through a Google Form.

As appropriate, students should be encouraged to attend the Section 504 meetings so that they can better understand the process and advocate for their needs.

The evaluation forms in SuccessEd walk you through the meeting. Be sure to address all sections on the form. The eligibility questions are also spelled out in the forms and will guide the campus coordinator through the process.

When documenting deliberations in a meeting, use terminology such as: “the parent reported that ...” rather than “the student is ...”
“the parent is concerned that ...”

If a medical or mental health diagnosis from a physician or mental health provider is not supplied, the Section 504 committee can make a determination of a disability for educational purposes. This determination should be noted in the meeting deliberations as well. For example, the Section 504 committee agrees that the student exhibits characteristics of ADHD that substantially limit his ability to concentrate and learn in the classroom and a Student Services Plan is warranted. The parent/guardian does not have any documentation from a physician noting an ADHD diagnosis and the school has not been able to secure any additional information. The committee can make an educational decision based on a “suspicion of ADHD.” However, it is perfectly acceptable for the Campus Section 504 Coordinator to indicate the disability as “ADHD.”

Signatures are not required to indicate participation or agreement. All participants, discussion notes, and decisions should be documented in the deliberations of the Section 504 meeting.

DELIBERATIONS

The following guidelines shall be followed in writing deliberations for all Section 504 Committee meetings:

- The members present for the meeting shall be listed with first and last name. If an individual other than the parent or a school employee is present for the meeting, the individual's title (e.g., parent advocate, private therapist, etc.) should also be listed.
- The purpose of the meeting should be outlined briefly. One or two sentences are sufficient to explain the purpose of the meeting. Example: "The Section 504 committee met to conduct an initial evaluation under Section 504 and to develop a Services Plan if needed."
- Deliberations should reflect the general "flow" of discussion. However, all Section 504 meeting notes should not look alike. You should be able to discern something unique about the child's current needs and status, concerns that were discussed, how concerns were addressed, etc.
- Note-takers should be careful to reflect that "draft" documents, such as Section 504 Plans, have been reviewed first and then accepted.
- Any concerns brought up or requests made by the parents/adult student should be reflected in the deliberations, along with the school's response to the concern(s)/request(s).
- While the deliberations are not intended to be a "transcript" of the meeting, they should accurately reflect the general discussion of the meeting, as well as any specific issues or concerns that were addressed.

ACCOMMODATIONS

Accommodations should be necessary rather than beneficial and individualized across students and settings. The Section 504 committee should review various sources of data with particular attention to teacher and student input when deciding on accommodations.

Remember that accommodations should be adaptations to instruction that the student needs in order to have access to a free, appropriate public education (FAPE). The Section 504 committee should individualize across subjects and/or settings including PE, electives, and other classes. Also, instructional accommodations should be connected to testing accommodations.

When listing accommodations in the Section 504 documents, include:

- If the student has an Individual School Health Plan
- If the student has a BIP or pertinent behavior information
- Specific wording for accommodations that relate directly to the student's disability (for example, rather than stating "extra time" indicate how much extra time and under what circumstances/assignments)

AGREEMENT VS. DISAGREEMENT

It is important that the staff at Lindale ISD collaborate to present a united recommendation to a Section 504 committee. If the campus Section 504 Coordinator believes that there is disagreement between staff, then a pre-meeting/staffing should occur to talk through the circumstances.

The Section 504 committee should work collaboratively with parents and students to create an effective Section 504 plan that addresses the student's disability and any accommodations or services that are needed to ensure anti-discrimination. That said, parents/guardians do not have to agree with the Section 504 decisions and/or plans. If the parent/guardian does not agree with the decisions made, provide a copy of Rights/Procedural Safeguards to the parents. Please contact the District Section 504 Coordinator to make him/her aware of the disagreement.

AFTER THE MEETING

Follow the instructions on the Section 504 Checklists to be sure to complete the Section 504 Process. Be sure to mail a copy of all documents to parents. Upload the Student Services Plan and other related documents into the Learning Management System so that all teachers have access to the plans.

Distribute copies of the Student Services Plans to after-school care, transportation, and/or extra-curricular coaches/sponsors as appropriate.

Documents should be sent to all persons who have the right to make educational decisions for the student. If parents are divorced or there is a living arrangement other than with two biological parents, please check the documents in the cumulative file, or request a copy of the divorce decree and/or any other legal documents showing custody and parental rights. Consent need only be obtained from one parent in order to proceed with Section 504 services. If one parent with rights is actively refusing consent and the other is providing consent and wanting to move forward, consult with Christy Clouse. Also, in the case of an INITIAL evaluation only, if the parent was not present at the meeting, provide the form entitled *Parent Consent for Section 504 Service* and request that parent complete and return it.

Ensure that parent signs and returns the *Parent Consent for Section 504 Service* form within 5 school days if possible, but in no case more than 10 school days. If consent is not obtained within 10 school days, the case manager must have documentation of at least 3 attempts using multiple methods (phone call followed by form sent home in backpack, form sent through the mail, home visit, request to come to school and sign the form, etc.) to obtain the consent. In this circumstance, please consult Christy Clouse about what action should be taken.

SENDING DOCUMENTS TO PARENTS via EMAIL

Parents need to be informed that sending confidential Section 504 paperwork can only be sent to personal email accounts and is not considered secured. If you receive verbal consent to email Section 504 documents, indicate it in the meeting deliberations and on the **Contact Log** (including the email address).

NOTIFICATION TO DISTRICT PEIMS COORDINATOR

Each time a student is initially identified for eligibility for services under Section 504 or dismissed from eligibility under Section 504, the campus PEIMS clerk must be notified within two work days. State law requires that all Section 504 eligible students are tracked in PEIMS. The campus PEIMS clerk must also be notified specifically if a student qualifies as a student with dyslexia or dysgraphia or no longer qualifies under this eligibility category, as the number of students identified as having dyslexia or dysgraphia must be tracked in PEIMS as well. She will also need to know the dyslexia codes recorded on the "Compliance" tab for INITIAL dyslexia students or if services change at an ANNUAL meeting.

MANIFESTATION DETERMINATION

A Manifestation Determination Review (MDR) must be held prior to a student exceeding 10 days out-of-placement, including ISS, OSS, or DAEP. The MDR is scheduled to review the relationship between the student's disability and the behavior that is subject to disciplinary action/ placement. It is critical that all members of the Section 504 committee be aware of all of the relevant circumstances before making a manifestation determination. It's also very important that the Student Services Plan was implemented with fidelity.

The questions to consider during an MDR include:

1. Was the behavior caused by or directly related to the disability?
2. Was the behavior due to the failure to implement the Section 504 Student Services Plan? In other words, were services and/or accommodations not provided as outlined in the Plan?

In the event that the student is receiving services as a student with ADHD, depression or anxiety, a campus counselor needs to be in attendance. If the student has a diagnosis of Autism Spectrum Disorder, the Campus Section 504 Coordinator may need to contact the District Section 504 Coordinator for guidance.

If a **link** between the student's disability and behavior **is not established**, then the disciplinary consequences can be comparable to the student's non-disabled peers.

In the event a **link is established**, then a Functional Behavior Analysis (FBA) must be requested, the Behavior Intervention Plan (BIP) must be created or adjusted, and the committee determines additional strategies/ supports to be put in place. Discipline does not move forward. You cannot punish a student for their disability. For support in completing an FBA and/or creating a BIP, please contact the District Section 504 Coordinator. The Section 504 committee may also consider a referral to special education if additional supports and services are needed.

Students under Section 504 are subject to the same disciplinary procedures as those of their non-disabled peers with regard to **alcohol and drugs**. Section 504 protections do not apply in these situations and the Section 504 committee is not required to conduct an MDR.

SECTION 504 SNAPSHOT IN PLACE OF AN ANNUAL MEETING

If there appears to be no pressing concerns and the student is managing well with the accommodations in place, the Campus Section 504 Coordinator may consider completing a Snapshot for Annual Review rather than a full Annual Review. Ideally two to four weeks prior to the time an annual review would be conducted, the Campus Section 504 Coordinator will conduct a snapshot review of each eligible student's status. This review is not intended to be a lengthy or formal exercise. Rather, it is anticipated that the snapshot can be completed by looking at key data points and holding a conversation with the parent. The snapshot will focus on the following areas of performance:

- Attendance;
- Grades and classroom performance;
- State assessment and benchmarks testing;
- Disciplinary record (including number of removal days);
- Informal inquiries with the counselor and teachers (and school nurse, where appropriate) regarding the student's performance, health, and social/emotional well-being; and
- Communication with the parent via phone, email, or personal contact to inquire as to the parent's input on the student's performance and wellbeing.

When the snapshot data reveals concerns, the student will receive an annual review that year. When the snapshot data reveals that the student is functioning within the average range for students of the same age or grade, with no indication that the Section 504 Plan requires revision, the Campus Section 504 Coordinator will complete the *Section 504 Snapshot for Annual Review* form in SuccessEd. Should the parent request an annual review, the Section 504 committee will meet to re-evaluate.

DOCUMENTATION OF IMPLEMENTATION

Accommodations that are written into a Section 504 plan are legally binding. For the student to receive their free appropriate public education, he or she must receive the accommodations written in the Student Service Plan. Compliance with the accommodations are non-negotiable.

ACCOMMODATION TRACKING

It is the responsibility of campus administration to create, communicate, and monitor a designated method of collecting documentation of accommodation implementation from all of their teachers. This documentation may need to be accessed if the District is investigating a parent complaint or if requested by an agency (TEA investigation and/or OCR investigation). Some campuses require teachers to turn in documentation each six weeks and some require it to be turned in at the end of the year. Each campus designates someone to keep track of which teachers participate. The documentation can include Section 504 and special education students on the same document and must be kept for two calendar years following the end of the school year. It can be stored physically or electronically.

The documentation should include the teacher's name, the grading period/dates, the student names, and the accommodations provided. Also, the teacher should document the provision of the accommodations and the refusal on the part of the student, if appropriate. This information should also be valuable when making suggestions for the upcoming Section 504 meetings. If a student is refusing to use an accommodation and he or she is making educational progress, then the teacher should

recommend that the accommodation be removed for that subject during a Section 504 meeting.

SHORTENED SCHOOL DAY

A shortened school day is permissible under certain circumstances for students protected under Section 504. For example, a student may be dealing with a type of mental health or medical condition that requires a temporary transitioning period back to a full school day. The campus may not, however, shorten a school day due to behavior issues solely. The campus Section 504 committee must be able to justify the decision to shorten the school day and develop a transition plan when the shortened day is discussed. The justification may include the fact that the child is medically fragile/recovering from an accident and could not benefit from a full day. Another justification may be that attending a full day for a student could cause more distress at this time. The transition plan should outline the timeframe and parameters for building back up to a full day of instruction. Ideally, the full transition plan for a shortened school day should not extend past a six-week period. Should a student need more than a six-week period due to his/her disability, the student should be referred to special education for evaluation. The Section 504 committee should also determine a periodic review of the student's progress in fulfilling the transition plan.

When determining a shortened school day, the Section 504 committee should ask:

1. How will FAPE be provided?
2. Will the shortened school day impact least restrictive environment?

ADDITIONAL POTENTIAL DOCUMENTS

INDIVIDUAL SCHOOL HEALTH PLAN

The purpose of the Individualized School Health Plan (ISHP) is to translate the medical information and/or directives from a doctor into teacher-friendly information that applies in the school setting. This is accomplished through collaboration with the campus nurse.

School nurses have been notified that whenever they receive instructions by a physician for handling a medical issue other than administering routine medication (e.g., seizure protocol, diabetes protocol, etc.) to a student, they need to notify the Campus Section 504 Coordinator because of Child Find requirements. (For example, if the student is not already served under Section 504 or special education, this needs to be considered, since most children with complex medical issues will at least qualify under Section 504.) For a child identified under Section 504, the Section 504 committee must approve any medical plan or protocol that goes beyond routine medication administration.

The counselor/Campus Section 504 Coordinator will notify the nurse whether or not the child is currently under Section 504 and, if not, whether or not he or she will be evaluated under Section 504.

For children who are identified under Section 504, the Campus Section 504 Coordinator must work closely with the nurse to ensure that there is only one medical plan/health protocol in place. There should never be two plans (e.g., one set of physician's orders for dealing with seizures in the nurse's office and a different school health protocol developed for Section 504 in the counselor's office). Instead, the nurse and case manager should work together to ensure that there is one school health plan or protocol that is in both the nurse's office and the Section Campus 504 Coordinator's office, and it is

distributed to staff working with the child as needed.

The campus nurse will draft the School Health Plan based on doctor's orders. The Campus Section 504 Coordinator will collaborate with the nurse to complete the "Accommodations" section of the Health Plan. If the nurse already has a current plan for dealing with a complex medical issue (e.g., "seizure protocol," "diabetes protocol," etc.) from the physician that is a separate document from other medical orders, then this document can be provided to the Campus Section 504 Coordinator, who may take it as a draft to a Section 504 committee meeting and propose its formal adoption.

A copy of the document should be marked "Adopted by the Section 504 Committee on (date) _____." The Campus Section 504 Coordinator is responsible for distributing this document to staff as needed and ensuring that it is uploaded into SuccessEd under the "History" tab. The school nurse is responsible for providing any training needed by staff for implementing the school health plan/protocol.

If a child under Section 504 has a complex medical issue but the nurse does not have physician's orders for dealing with the issue, the Campus Section 504 Coordinator or nurse should request a school health protocol from the physician. The Campus Section 504 Coordinator or nurse will gain parental consent to communicate with the physician, and the Campus Section 504 Coordinator and school nurse will work together to get the needed input from the physician.

The Campus Section 504 Coordinator is expected to ensure that all service providers, teachers, and support staff receive the adopted ISHP. If training is required, the school nurse will conduct training and document it on the ISHP form prior to uploading into SuccessEd and the learning management system for teacher access.

BEHAVIOR INTERVENTION PLAN

A behavioral intervention plan is a plan that is based on the results of a functional behavioral assessment (FBA) which can be formal or informal. You must obtain consent if a formal FBA is being requested. However, a Campus Section 504 Coordinator, campus counselor, or any Section 504 committee member who has already observed behavior or has input to share can be used as data for the committee to consider. The BIP provides a description of the target behavior, a hypothesis as to why the problem behavior occurs, and intervention strategies that must include positive behavioral supports.

The BIP can be drafted by a Section 504 committee with the Campus Section 504 Coordinator. If a methodology or equipment is used for behavioral intervention, it will be documented in the BIP. For example, if a teacher uses "time out" or a student utilizes a "cooling off period," then the parameters of such should be spelled out in the BIP. Procedures should be outlined in the BIP to monitor progress. The effectiveness of the BIP can be monitored through discipline referrals as well as teacher data collection.

Each BIP will contain a statement indicating whether a student can follow the district Code of Conduct. If a child is cognitively able to understand interpersonal interactions, cause/effect, and how his/her behavior affects others, then he or she can follow the Code of Conduct. Students whose behavior is interfering with their education progress and access to instruction should be considered for a Behavior Intervention Plan.

For more significant behavioral concerns contact the Special Education office.

TRANSPORTATION

LISD provides equal opportunity in areas such as transportation. When a student is determined to be in need of special transportation, please contact the District Section 504 Coordinator to discuss the need. If determined eligible for special transportation, complete the form entitled *Transportation Information* in SuccessEd. A copy should be sent to the Director of the Transportation Department.

EXTRA-CURRICULAR ACTIVITIES

Schools have a duty to provide reasonable accommodations to students with disabilities, if necessary, in order for them to participate in extracurricular activities. Accommodations are not necessary if they would fundamentally change the nature of the activity. An example of fundamentally altering an activity would be removing a base from the baseball field or allowing a student to start a few seconds before his or her peers in a race. Fundamental alterations are those that change such an essential aspect of the activity or game that it would be unacceptable even if it affected all competitors equally. Equal opportunity is to be decided on an individual basis and is not meant to provide an unfair advantage to students.

AP AND DUAL CREDIT COURSES

Students cannot be discredited or denied an opportunity to participate in advanced academics because they are served under Section 504. If a student with a disability requires accommodations in their general education classes in order to access FAPE, they must be provided with those accommodations in advanced placement or dual enrollment classes offered by the LEA so long as the advanced nature of the course is not altered. Failure by the LEA to ensure that the Section 504 accommodations are implemented may result in a violation of Section 504, and all decisions about accommodations must be made on a case by case basis through evaluation by the Section 504 committee.

LISD provides equal opportunity in areas such as athletics, advanced academics, or special interest groups or clubs. If general education students must compete for, meet certain criteria for, or try out for membership or participation in an advanced academic placement or a non-academic organization or activity, then students with disabilities are not guaranteed that they will be chosen, but only that reasonable accommodations will be made to allow them to try out or compete such that they have an equal opportunity to demonstrate the required skill, ability, or attribute.

HOMEBOUND

Homebound placement is the most restrictive environment because it takes students away from any opportunity to interact with their non-disabled peers. This placement should be reserved for students who are unable to attend school for a medical reason. Students who may need homebound services should be evaluated under Section 504. Campus Section 504 Coordinators will use the homebound supplement forms in Success Ed. Campus Section 504 Coordinators are responsible for working with

campus administrators to secure a general education teacher for Section 504 students who receive homebound services.

In order to be eligible for homebound services, a student 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 medical provider's recommendation for homebound placement is only a piece of data. The decision for homebound placement lies with the Section 504 committee and should be weighed carefully. If the student is able, the district should work toward a partial day of attendance rather than a full homebound placement.

If a student received homebound services at the end of a school year, the Campus Section 504 Coordinator must have updated medical information each year. Homebound placement does not carry over from year to year.

Contact Special Programs for more information and forms to use for homebound students.

DYSLEXIA

Dyslexia/Dysgraphia evaluations will be recommended under Special Education so that a Full Individualized Evaluation (FIE) can be completed. Lindale ISD follows the procedures outlined in the most recently adopted version of The Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders produced by the Texas Education Agency (TEA), including domains to assess and procedures for identification.

Dyslexia teachers must be certified and trained in dyslexia intervention as well as the dyslexia curriculum.

REFERRALS

A referral for a dyslexia assessment is a trigger for Child Find, and the campus diagnostician needs to be involved in this process. The default is a Full and Individual Evaluation. If a parent disagrees with the special education evaluation, the diagnostician will have the parent indicate denial on the Success Ed Special Education Consent form. Procedural Safeguards and Prior Written Notice will be provided to the parent.

If a parent refuses a special education evaluation for dyslexia, the parent will be offered a Section 504 evaluation. The diagnostician will provide an opportunity for the parent to sign the consent for the Section 504 evaluation and notify the Campus Section 504 Coordinator of the Section 504 evaluation. The Section 504 evaluation process will be followed. Specific instructions of this process are in the LISD Section 504 LiveBinder.

EVALUATION

When conducting an evaluation, the diagnostician should ensure that input from the parent is considered, including time spent on homework, difficulty completing academic tasks independently at home, and the student's overall educational experience. Use the Teacher and Parent Input forms specific

to dyslexia. Additionally, classroom data, teacher input, and observation is as important, if not more so, as standardized scores. Decisions will be based on multiple sources of data.

DYSLEXIA COMPONENTS

When writing the evaluation, the diagnostician will address the student's abilities in relation to some/all of the components of dyslexia as outlined in the **TEA Dyslexia Handbook** (2018). These components include, but are not limited to:

- Letter knowledge (name and associated sound)
- Reading words in isolation
- Decoding unfamiliar words accurately
- Reading fluency (rate, accuracy, and expression)
- Reading comprehension
- Spelling
- Vocabulary
- Listening Comprehension
- Written Expression
- Verbal Expression
- Handwriting

DECISIONS

As the ARD Committee or Section 504 Committee considers information from all areas including, but not limited to, formal assessment, classroom performance, teacher input, parent input, and student input, when appropriate, there should be some evidence of dyslexia indicated in the formal evaluation. A cognitive deficit is not necessary for a diagnosis of dyslexia under general education (Section 504). Anecdotal data can not be the sole deciding factor as to whether a child is dyslexic. The committee should also recognize that other issues can be affecting performance such as ADHD and emotional issues.

A student can demonstrate a specific learning disability in basic reading and/or reading comprehension, but not meet qualifications for dyslexia. A student can also demonstrate characteristics of dyslexia and not meet qualifications as a student with a specific learning disability under special education.

The evaluation process could yield several diagnostic options.

Evidence of Dyslexia only (RtI or Section 504) - If the student does not have a cognitive deficit, but exhibits characteristics of dyslexia as described in the most recent Dyslexia Handbook published by TEA, he/she may be found as dyslexic only. The scores may show a relative weakness in a cognitive area and not a definite deficit. The examiner should consider all areas of cognitive functioning when determining the needs of the student. While a student may demonstrate characteristics of dyslexia, he/she may not indicate a need for specialized supports and services. If the child is only receiving **minor** accommodations and making educational progress, the child may be identified as dyslexic, but not in need of special education services. In this situation, the student would not qualify as a special education student and learning differences could be accommodated through RtI or Section 504.

Evidence of a Specific Learning Disability in Reading with a condition of Dyslexia (SpEd with dyslexia services in GenEd or SpEd) - If a student exhibits cognitive deficits in reading/writing-related

areas and meets the criteria for diagnosis of dyslexia as described in the Dyslexia Handbook published by TEA, he/she may be identified as a student with a specific learning disability in reading/writing with the condition of dyslexia. If the student is also in need of significant accommodations in the general education setting to address the concerns, he/she could qualify for special education. The committee may choose to have the student's dyslexia intervention provided through the general education intervention or through the special education intervention.

The dyslexia teacher should be invited to attend the ARD or Section 504 meeting of any student when dyslexia is discussed. While the decision of whether or not a student is identified as "dyslexic" lies with the ARD committee or Section 504 committee, the decision should correspond with the evaluation. As the committee considers information from all areas including, but not limited to, formal assessment, classroom performance, teacher input, parent input, and student input, when appropriate, there should be some evidence of dyslexia indicated in the formal evaluation. A cognitive deficit is not necessary for a diagnosis of dyslexia. Anecdotal data can not be the sole deciding factor as to whether a child is dyslexic. Other issues can be affecting performance such as ADHD and emotional issues which must be considered.

PROGRAMMING/PLACEMENT

If the student receives Dyslexia Services through the Dyslexia Program, the **PEIMS coding documentation** should follow:

01 = identified as dyslexic

02 = receiving instructional services through GenEd or SpEd programs
03 = receiving accommodations specific to dyslexia

Students may receive more than one code. This information is documented on the "Program Compliance" tab in SuccessEd under the Section 504 Information. It is the Campus Section 504 Coordinator's responsibility to verify this information for accuracy and to submit the information on the PEIMS Notification form to the campus PEIMS clerk.

Progress Monitoring in the General Education Dyslexia Program will be done using the Quick Phonics Screener (QPS) whereby the teacher gives the instructions verbally and the student responds in written form. For example, write the letter that makes the /f/ sound. Begin at the level that meets your students' ability levels. Secondary will use tasks 8 and 9 (or lower, if needed) Instruction can be done at a separate time from dyslexia – or you can have the dysgraphic students join when your class is doing spelling and writing tasks in the curriculum. The dyslexia teacher may also choose to "push-in" to the classroom during writing activities.

In the Section 504 meeting, indicate a minimum number of minutes per week for direct services that correlate with the dyslexia curriculum/intervention requirements.

The campus PEIMS staff must be notified if a student has been newly identified as a student with dyslexia. See the PEIMS Notification form in the 504 or Evaluation LiveBinder.

DYSGRAPHIA

The definition of dysgraphia for LISD is the following: "Dysgraphia is viewed as a primary impairment in graphomotor skills and the production of written forms, which can then affect handwriting and spelling development."

Nancy Mather and Barbara Wendling, co-authors of Essentials of Dyslexia Assessment and Intervention, Essentials of Evidence- Based Academic Interventions, Writing Assessment and Instruction for Students with Learning Disabilities, and more.

Intervention for students with dysgraphia will include: Handwriting primarily using **Handwriting without Tears**, but can supplement with other materials and activities as well.

Spelling – primarily use class spelling lists and/or dyslexia curriculum to teach word families and/or spelling rules.

Writing – with the ultimate goal of self-generated, spontaneous written expression. Students may start with writing letters, small words, larger words, phrases, sentences, and the paragraphs according to ability level.

If you suspect dysgraphia, the LISD occupational therapist can observe and make recommendations.

If you suspect a current dysgraphic student has written expression deficits due to a processing disorder, you can consult with his reading/ELA teacher, look at work samples, and request a meeting to ask for dyslexia testing through a special education evaluation to determine a specific learning disability in written expression.

For more information about the Dyslexia/Dysgraphia process, please refer to the *LISD Dyslexia and Related Disorders Handbook* in the LISD 504 LiveBinder.

PARENT MEETINGS

Each year, the Lindale ISD Dyslexia Program conducts at least one Information Night for Parents and interested individuals. Topics covered could include definitions, supporting activities at home, spelling techniques, understanding accommodations, using technology, and/or transition past high school. These topics could be presented by the dyslexia teachers, other district staff, or guest speakers.

EXITING THE DYSLEXIA PROGRAM

A student may be exited from the dyslexia program at any time if he/she meets most or all of the criteria on the Exit Form based on a thorough examination of the evidence. Exiting dyslexia services constitutes a change in placement and requires a Section 504 Evaluation meeting.

PARENT COMMUNICATION

Relevant communication should be documented in the Success Ed Contact Log. Make sure you **lock** the Contact Log after you have saved your information. District and campus staff should not share their personal contact information with parents or contact parents using their personal communication device. Parents should contact school personnel through school methods such as email or office phone.

PARENT RIGHTS

The **Notice of Procedural Safeguards** is provided annually to all parents of Section 504 students when invited to the Annual Section 504 Meeting. They will be printed with the Section 504 meeting invitation printed through SuccessEd. Make sure you indicate in Section 504 paperwork that the Procedural Safeguards have been distributed to the parent.

The parent has a right to meaningfully participate in each Section 504 meeting. The Campus Section 504 Coordinator should ask the parent/guardian if they have any concerns or needs to be addressed in the meeting. The parent is always encouraged to contact the Campus Section 504 Coordinator if he/she has any concerns or questions.

Parents have the right to invite advocates, outside providers, or others to attend the Section 504 meetings. If, however, the parent involves legal counsel, the District Section 504 Coordinator should be notified so that Lindale ISD legal counsel can also participate.

Parents also have the right to record the Section 504 meeting. If the Campus Section 504 Coordinator or campus administrator has knowledge of such a recording, the meeting should also be recorded on a Lindale ISD device and stored in an accessible location, such as a Google drive.

DISPUTE RESOLUTION

LISD will provide an impartial hearing to parents/adult students who disagree with the identification, evaluation, or placement of a student with disabilities. The hearing will be conducted at the local level by an impartial person not connected with the District (see Policy FB Local). The hearing officer need not be an attorney. Hearing officer decisions may be appealed to state or federal court.

The parent/adult student must request a hearing within 30 calendar days from the time he or she received written notice of the decision of the Section 504 Committee with which the complainant disagrees. Written notice of the request for a due process hearing must be provided by the parent/adult student to the District 504 Coordinator. The written notice should specify the area of disagreement, and provide reasons for the disagreement. The parent/adult student should also include any documented evidence or data that supports their position. The parent(s) may not raise issues during the due process hearing that were not raised at the time of the original request for a hearing.

The parent has the right to participate, speak, and present information at the due process hearing, and to be represented by legal counsel or any other type of representative of their choice at their expense. If a parent is to be represented by a licensed attorney, he or she must inform the District's Section 504 Coordinator and the appointed hearing officer of that fact in writing at least 7 calendar days prior to the hearing date. Failure to do so shall constitute good cause for a continuance of the hearing.

Within 15 days of the receipt of a clear request for a Due Process Hearing, the District will appoint an impartial hearing officer to preside over the hearing and issue a decision. The hearing officer will be hired by the District as an independent contractor at no expense to the parent. The hearing officer will not be a current employee of the District. The hearing officer need not be an attorney, but shall be familiar with the requirements of Section 504 and the District's hearing procedures under Section 504. The District's choice of an impartial hearing officer is final and may not be made an issue at the due process hearing.

The appointed hearing officer shall issue an Order Setting Hearing Date for the parent and the District's Section 504 Coordinator in writing at his or her earliest opportunity, and shall set a date for a hearing to be held within 15 days of the issuance of the order. The order will set forth a mutually agreeable time and place for the hearing.

The hearing officer may also order a Pre-Hearing Conference at which the parent or his or her representative will state and clarify the issues to be addressed at the hearing. The pre-hearing conference can also serve to resolve preliminary matters, clarify issues, and answer questions about the process.

Witnesses will present their information in narrative form, without the question and answer format of formal legal proceedings. Cross examination will not occur, but a party may request that the hearing officer at his/her discretion ask another party a question.

The decision of the hearing officer will be made within 45 days of the day of request for a due process hearing. The decision will be made on substantive grounds based on a determination of whether the child received a free, appropriate public education (FAPE) and was not subjected to discrimination on the basis of his/her disability. Procedural inadequacies will not contribute to a finding against LISD unless they significantly impeded the child's right to FAPE or led to discrimination against the student with a disability.

The parent/adult student has the right to appeal the decision of the hearing officer to the state or federal court.

STUDENTS

Serving students is our most important job. They are our clients. We should ensure that all decision making is in the best interest of the student. As much as is appropriate, a student should attend and participate in his or her Section 504 meeting. If the student is unable to participate in the meeting, his or her input should be provided for the Section 504 committee to consider.

ADULT STUDENT

Adult students (18 years old) decide who can be invited to the Section 504 meeting (including whether parents can attend or not). While we always want to maintain a collaborative spirit with parents, the adult student has the last say. Even if the student has agreed to allow the parent to share in decision making, the adult student is the person responsible for any grievance issues, if desired. He is still in the "drivers' seat."

We have an obligation to notify the parent of an upcoming Section 504 meeting by mailing the notice to the last known address.

RETURNING FROM RESIDENTIAL FACILITIES

Students returning from placements at residential facilities should receive transition support through general education services. According to recent law, a transition plan should be developed by the campus administration and/or counselor to identify supports and services for the student. This Transition Plan would be developed for students returning from mental health facilities as well as juvenile justice facilities. The Section 504 committee may also convene to discuss any additional supports and service that could be provided through Section 504. A special education referral should also be considered by the 504 committee if the student needs additional supports and services.

STATE AND NATIONAL ASSESSMENTS

Section 504 committees make recommendations regarding state assessments on an individual basis. The committee must decide whether a student utilizes the accommodations routinely and effectively.

If a parent wants to request accommodations on a national level (SAT or ACT) and indicate that the child has a disability, the Section 504 committee is obligated to evaluate the student to determine if he or she indeed has a disability and to what extent the disability is limiting to the child. Data will be gathered and teacher input will be vital to determine whether or not the student is currently using and/or is in need of any accommodations due to the suspected/identified disability.

LPAC REPRESENTATIVE

If the child is identified as an English language learner, the Section 504 committee must include a professional member of the language proficiency assessment committee (LPAC) to serve on the ARD committee as follows:

First Year Monitor Student (PEIMS code "F") – LPAC representative is present for the Section 504 meeting.

Second Year Monitor Student (PEIMS code "S") – LPAC representative only attends the Section 504 meeting if the student is failing one or more subjects.

Third Year Monitor Student (PEIMS Code "M3") and Fourth Year Monitor Student (PEIMS Code "M4") – No LPAC representative required.

An LPAC representative is not required to attend the Section 504 meeting for Third and Fourth Year Monitor students because these students are not eligible to return to EL services if the student is struggling.

COMMUNITY AGENCIES AND/OR ADVOCATES

The parent or adult student has the right to bring an individual who does not meet the definition of a "parent." If this happens, the Campus Section 504 Coordinator will document his or her attendance in the meeting deliberations.

Community agency representatives and/or advocates are allowed to attend any Section 504 meeting as requested by the parents. If school personnel request that a community agency representative attend a meeting, the parent or adult student must give permission for the community agency to attend. No one should attend a Section 504 meeting without the knowledge of the parent.

If the parent brings an Advocate to the meeting, the Campus Section 504 Coordinator will contact the District Section 504 Coordinator to determine whether additional district staff need to be present at the Section 504 meeting.

The Campus Section 504 Coordinator will document the attendance of all participants in the meeting, including those of community agency representatives and/or advocates.

Lindale ISD has policies and procedures in place for classroom observations either by parent or community agency representative. Please contact your campus administrator for further information.

PRIVATE SCHOOL - HOMESCHOOL

For private and homeschool students, the district is not obligated to evaluate students under Section 504 for eligibility. If a parent is requesting an evaluation for dyslexia or other services, please refer the parent to the District Director of Special Education for an evaluation under special education.

Lindale ISD is responsible for ChildFind regarding students living in the district and attending private schools outside of our district as well as students who live outside of Lindale ISD, but attend a private school within the district.

If the Section 504 student has been a homeschool or attending a private school and is enrolling as a public school student, transfer procedures will be followed. If the student had been a LISD student and was gone for less than one year, the campus can use the last developed Student Service Plan as the student's plan until the next annual meeting.

SERVICE ANIMALS

Service animals related to Section 504 are limited to dogs. If you are asked about whether or not a Service Animal is permitted in the school setting, you should ask the questions: "Is the service animal necessary for FAPE? What service can the animal perform that an adult cannot? How is that service related to the child's disability?" The Section 504 committee must document how they are already accommodating for the need. Any time that a service animal is requested, the District Section 504 Coordinator should be contacted so that legal consultation can occur.

The animal can be excluded if it cannot be controlled by the handler (the student) or if the presence of the animal fundamentally alters the child's program. The animal must be under the student's control at all times including bathroom break (but it is reasonable that an adult accompanies). The animal must be under the care and control (tethered to the student) all day.

BUDGET

SUPPLIES AND PROFESSIONAL DEVELOPMENT

The Lindale ISD Special Education and Federal Programs department manages all budgets for Campus Section 504 Coordinators and dyslexia teachers. All requests should be made through the District Section 504 Coordinator or Director of Special Programs.

Each dyslexia teacher will receive typical classroom supplies from his/her campus budget. This includes such items as pens, pencils, markers, tape, staples, paper, etc. Typical classroom furniture will also be covered by the campus budget. If a dyslexia teacher needs materials specific to dyslexia curriculum or programming, he/she will submit a request to the District Section 504 Coordinator. Each dyslexia teacher

will be requested to submit their materials budget in the spring of each year. These materials could include earphones, manipulatives, materials for tactile activities, etc. If a need for more significant funds arises, the requests will be handled on a case-by-case basis.

Other expenses, such as professional development, will be reviewed as requested and as the budget allows

Please direct any questions regarding the budget to the District Section 504 Coordinator.

[RESOURCES](#)

The Lindale ISD Section 504 Handbook is published in the LISD 504 LiveBinder. This livebinder also contains additional information and resources regarding Section 504.

[TEA 504 Technical Assistance](#)

[Parent and Educator Resource Guide to Section 504](#)