



Section 504
of the Rehabilitation
Act of 1973

Handbook

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Table of Contents

PISD Section 504 Handbook

POSITION STATEMENT -----	3
DEFINITION AND BACKGROUND-----	3
GOALS -----	3
PROGRAM GUIDELINES-----	3
<i>Initial Intervention/Pre-referral</i> -----	3
<i>Referral to Section 504</i> -----	4
<i>Parent Notification and Consent</i> -----	4
<i>Data Collection</i> -----	5
<i>Evaluation</i> -----	5
<i>Identification Criteria</i> -----	5
<i>Eligibility</i> -----	6
<i>Implementation of Section 504 Accommodation Plan</i> -----	6
ANNUAL REVIEW AND PROGRAM MONITORING-----	7
PROGRAM EVALUATION -----	7
MAINTAINING SECTION 504 RECORDS -----	7
<i>Confidentiality</i> -----	8
STAFF DEVELOPMENT -----	8
PARENT AND COMMUNITY INVOLVEMENT-----	8
ADDITIONAL INFORMATION AND CONTACTS -----	8

POSITION STATEMENT

Princeton ISD recognizes that Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.

The purpose of this handbook is to:

- Familiarize staff, Section 504 committee members, and parents with Section 504 and provide information regarding state laws and district guidelines for identifying and serving these students.

DEFINITION AND BACKGROUND

Section 504 of the Rehabilitation Act of 1973 is a civil rights law designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance. Section 504 guarantees certain rights to individuals with disabilities, including the right to full participation and access to a *free and appropriate public education* (FAPE) to all children regardless of the nature or severity of the disability. Specifically, 34 C.F.R. §104 states:

"No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 504 ensures that a qualified child with a disability has equal access to education. The child may receive appropriate accommodations and modifications tailored to the child's individual needs. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

GOALS

Under Section 504, Princeton ISD's goal is to provide appropriate educational services that are designed to meet the individual needs of qualified students to the same extent that the needs of students without a disability are met.

PROGRAM GUIDELINES

Princeton ISD has established the following guidelines and procedures for initial evaluations, annual reviews, and periodic re-evaluations of students who need or are believed to need Section 504 services because of disability.

Initial Intervention/Pre-referral

PISD Section 504 services are an integral part of our Response to Intervention (RTI) program. See *PISD RTI Handbook* for additional information. If a child experiences educational difficulties, and no

known impairment exists, the intervention process begins. To ensure that appropriate instruction directly addresses students' academic and behavioral difficulties in the general education setting, a RTI multi-tiered service delivery model is used. Tiers of increasingly intense intervention are implemented to respond to student-specific needs prior to a Section 504 referral:

- **Tier 1:** The classroom teacher shall provide and document ongoing interventions, evidence of progress monitoring, and evaluate the effectiveness of interventions, as needed, for all students in the general education classroom and shall work collaboratively with other teachers in the grade level or department for support.
- **Tier 2:** Students who have not successfully responded to Tier 1 interventions provided in the classroom will be referred to the student's individualized Student Support Team (SST). Through the SST, students are identified for individual or small group intervention in addition to core class instruction. This level includes scientific research-based programs, strategies, and procedures designed and employed to supplement, enhance, and support Tier 1 activities.

Referral to Section 504

Students who have not responded adequately to RTI interventions in Tiers 1 and 2 shall be moved to **Tier 3** for a Section 504 referral by his or her SST for an evaluation to determine if there is a significant impact on the student's learning or behavior.

If the parent or other professional informs the school that the student has an impairment or the parent requests an evaluation, a referral is made to the campus 504 Coordinator.

- The person(s) referring a student for a Section 504 evaluation shall complete the **Section 504 Referral** form and turn it in to the campus 504 Coordinator.
- The campus 504 coordinator shall complete the **Section 504 Process Flow Chart and Checklist** to monitor progression through the next steps in the referral and evaluation process.

Parent Notification and Consent

Section 504 requires informed parental permission for initial evaluations. The campus 504 coordinator shall send the **Parental Consent for Initial Section 504 Evaluation** to the parent and wait for a reply before proceeding with the evaluation.

If a parent refuses consent for an initial evaluation and a recipient school district suspects a student has a disability, the IDEA and Section 504 provide that school districts may use due process hearing procedures to seek to override the parents' denial of consent. Section 504 requires districts to provide notice to parents explaining any evaluation and placement decisions affecting their children and explaining the parents' right to review educational records and appeal any decision regarding evaluation and placement through an impartial hearing.

Data Collection

Once parent consent is obtained, the campus 504 coordinator shall:

1. Select a multi-disciplined 504 committee to evaluate the student that includes persons knowledgeable about the student and the meaning of the evaluation data. Members shall include the student's teacher(s), parent, and an administrator and/or counselor.
2. Schedule and send a notice to campus 504 committee members for a Section 504 meeting, allowing enough time in between for data collection.
3. Send the following forms to the parent(s):
 - a. ***Parent Notification of Section 504 Meeting***
 - b. ***Notice of Parent and Student Rights***
 - c. ***Section 504 Evaluation Information from Parents***
4. Send each of the student's classroom teachers a ***Section 504 Evaluation Information from Classroom Teacher*** form.
5. Along with the information from the parent(s) and classroom teachers, the campus 504 coordinator shall collect all other relevant data from school records such as grades, test scores, attendance, medical reports, behavior reports, etc.

The amount of information required to identify a student for Section 504 is determined by the 504 committee. The committee members must determine if they have enough information to make a knowledgeable decision as to whether or not the student has a disability. The Section 504 regulatory provision at 34 C.F.R. 104.35(c) requires that school districts draw from a variety of sources in the evaluation process so that the possibility of error is minimized. The information obtained from all such sources must be documented and all significant factors related to the student's learning process must be considered.

Evaluation

At the elementary and secondary school level, determining whether a child is a qualified disabled student under Section 504 begins with the evaluation process. A school district MUST evaluate a student prior to providing services under Section 504. Section 504 requires the use of evaluation procedures that ensure that children are not misclassified, unnecessarily labeled as having a disability, or incorrectly placed, based on inappropriate selection, administration, or interpretation of evaluation materials.

The initial evaluation takes place at the scheduled 504 meeting by the 504 committee. Using the ***Checklist for Determining 504 Eligibility*** form, ***Section 504 Evaluation Information from Teachers and Parent*** forms, and data collected from school records, the committee determines if the student is eligible for Section 504 services based on the following identification criteria:

Identification Criteria

To qualify under Section 504 a student must:

- Be determined to have a physical or mental impairment that **substantially limits* one or more major life activities including learning and behavior.
- Have a record of having such an impairment OR
- Be regarded as having such impairment.

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

Eligibility

If the 504 committee determines that the student has a physical or mental impairment which substantially impairs a major life activity and is in need of Section 504 accommodations and services, a specific, custom-designed individual instruction plan will be developed beyond the interventions implemented in RTI program Tiers 1 and 2.

If the 504 committee determines more information is needed to determine eligibility or the student may be eligible under IDEA, a referral is made for further evaluation.

If the 504 committee determines that the student does NOT have a physical or mental impairment which substantially impairs a major life activity and further evaluation is NOT needed, the child is referred back to Tier 2 of the RTI program where current classroom interventions shall be revised and implemented.

Implementation of Section 504 Accommodation Plan

When a student is identified as eligible under Section 504, the following steps shall be taken:

During the 504 initial evaluation meeting, the 504 committee shall:

- Develop an individualized plan for accommodations and services using the **Section 504 Student Accommodation Plan** and/or **The Section 504 Behavior Intervention Plan** forms. Parents should have input in the process and are given a copy of the plan.

After the meeting, the campus 504 coordinator shall:

- Disseminate information and provide a copy of the **Section 504 Student Accommodation Plan** and/or **Behavior Plan** to teachers and others as appropriate.
- Have the PEIMS clerk flag the student's 504 status on the Infinite Campus database.
- Place copy of the **Notice of 504 Identification** form in the student's cumulative folder.
- Create a 504 folder for the student containing previous documents from RTI Tiers 1 and 2 as well as all documents accumulated through Section 504 services.

ANNUAL REVIEW /PROGRESS MONITORING

PISD conducts an annual review for Section 504 services that is unique and individualized to each student. The purpose of this review is the collection of data that allows staff to evaluate whether the accommodations are effective.

The campus 504 coordinator shall:

- Schedule an Annual 504 Review Meeting, invite campus 504 committee members, and send the parent(s) *Notification of Section 504 Meeting* and *Notice of Parent and Student Rights*
- Collect data from teachers and school records to determine the effectiveness of current accommodations.
- During the meeting, complete *the Section 504 Annual Review* form and a new *Section 504 Accommodation Plan* and/or *Behavior Intervention Plan*.

Periodic re-evaluation is also required. This shall be conducted in accordance with the IDEA regulations, which require re-evaluation at three-year intervals (unless the parent and the 504 committee agree that re-evaluation is unnecessary) or more frequently if conditions warrant, or if the child's parent or teacher requests a re-evaluation, but not more than once a year (unless the parent and 504 committee agree otherwise). For a re-evaluation, the campus 504 coordinator will use the same forms and steps taken for an initial evaluation.

PROGRAM EVALUATION

PISD Section 504 services are reviewed and evaluated annually by the District Site-Based Committee.

MAINTAINING SECTION 504 RECORDS

If the student qualifies for Section 504 services, the student's SST folder will be discarded and the contents of the SST folder containing Tier 1 and Tier 2 interventions will be placed and maintained in a Section 504 folder. The contents of this folder shall include:

- Copy of *Notice of Section 504 Identification*
 - Copy of *Parental Consent*
 - Copy of *Section 504 Referral*
 - Copy of *Section 504 Evaluation* and data collected
 - Copy of *Teacher and Parent Information* forms
 - Copy of *Section 504 Student Accommodations* and/or *Behavioral Plan*
 - Copy of all *Section 504 Annual Review* forms and data collected
 - Records from SST folder of previous Tier 1 and Tier 2 interventions
- Because Section 504 records are kept separately from the cumulative folder, a copy of the form titled *Notice of 504 Identification* shall be placed in the cumulative folder to inform staff that additional 504 documents exist in another location.

- All campuses shall forward Section 504 folders to the next campus in the district receiving the student. This transfer of records shall be made at the end of each school year.
- At the beginning of each school year, the student's teachers shall receive a copy of the ***Section 504 Student Accommodation Plan*** and/or ***Behavior Intervention Plan*** prior to the first day of instruction.

Confidentiality

Princeton ISD ensures that individual school based 504 procedures regarding confidentiality are in accordance with the Family Educational Rights and Privacy Act (FERPA). Parents have access to any documentation involving their child, including Section 504 records.

STAFF DEVELOPMENT

Princeton ISD endorses the position that quality staff development cannot be overemphasized. Princeton ISD will ensure that all teachers receive ongoing, in depth staff development for teaching students with disabilities. The district shall provide training through district and/or campus in-service sessions or Region 10 Educational Service Center.

PARENT AND COMMUNITY INVOLVEMENT

Parents are a member of the 504 Committee making decisions about their child's instructional program. Parents and community members are invited to be a part of the district and campus site-based decision committees to provide input related to program implementation, improvement, and evaluation.

ADDITIONAL INFORMATION

For further information on this or any program offered at Princeton ISD, please contact the following personnel:

Campus Principal or Counselor	(469) 952-5400
Dr. Jackie Hendricks, Deputy Superintendent	(469) 952-5400