



Section 504
of the Rehabilitation
Act of 1973

Handbook

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PISD Section 504 Handbook

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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 referred to **Tier 3** for a Section 504 evaluation by his or her Student Support Team (SST) 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 a Section 504 Review Committee Referral form and turn it in to the campus 504 coordinator. (*See Frontline Form*).

Note: For **dyslexia evaluation referrals** through Section 504, see special instructions in the *PISD Dyslexia Handbook*.

A staff member or parent may request to skip the multi-tiered process and request an evaluation through Section 504 or IDEA at any time to better meet a student's individual needs.

Parent Notification and Consent

Section 504 requires informed parental consent for initial evaluations. The campus 504 coordinator shall send the Section 504 Notice and Consent for 504 Evaluation and Notice of Parent and Student rights under Section 504 to the parent and wait for a reply before proceeding with the evaluation. (*See Frontline Form*)

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. Create a Frontline Section 504 profile for the student, and complete as many screens as possible prior to the meeting to save time.
2. 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, administrator and/or counselor, and LPAC representative if applicable. Enter their names on the *Frontline Section 504 Committee Members* screen. (**Frontline Form**)
3. Schedule and send a notice to campus 504 committee members for a Section 504 meeting, allowing enough time in between for data collection.
4. Send the following forms to the parent(s)/guardian(s):
 - a. *504 Meeting Notice* (**Frontline Form**)
 - b. *504 Parent Input* (**Frontline Form**)
5. Send each of the student's classroom teachers a *Teacher Input* form (**Frontline Form**) and input the data returned into the corresponding Frontline screens.
6. 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:
 - *Health Information* form from nurse (**Frontline Form**). 504 Coordinator or nurse can input data directly on corresponding screen in Frontline.
 - *STAAR/TELPAS scores* - (**Frontline**)
 - *Academic Progress* (**report cards PEIMS**)
 - *Attendance* (**PEIMS**)
 - *Behavior* – (**PEIMS**)
 - *RTI, LPAC, SPED records* (**Frontline**)

The amount of information required to identify a student for Section 504 is determined by the 504 committee based on the suspected disability of the student. 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

Committee Checklist for Determining 504 Eligibility form (**Google Share Drive – 504 Resources**), Parent and Teacher Input Forms (Frontline 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 services, a specific, custom-designed individual 504 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 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 *Section 504 Plan* for services to match the student's needs. (**Frontline 504 Plan and/or 504 Behavior Intervention Plan screens**).

- Determine *504 Instructional Accommodations (Frontline screen)*
- Complete any other Frontline screens relevant to the student's disability, i.e., dyslexia, manifestation determination, etc.
- Allow parents input in the development of the plan and give them a copy.

After the meeting, the campus 504 coordinator shall:

- Disseminate information and provide a copy of the *504 Instructional Accommodations* to the student's teachers as appropriate. (*Frontline Form*)
- Provide the PEIMS secretary a copy of the *PEIMS Indicator* form (*Frontline Form*) and instruct him/her to 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. (*Google Shared Drive – 504 Resources*).
- Archive the meeting and upload documents collected for the evaluation.

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) *504 Meeting Notice* and *Notice of Parent and Student rights under Section 504*. (*Frontline Forms*)
- Collect school records and data from teachers using the *504 Accommodations Data Collection* form (*Frontline Form*) to determine the effectiveness of current accommodations and any revisions that are recommended by the committee based on the data.
- During the meeting, complete a new *504 Plan* and/or *Behavior Intervention Plan, and 504 Instructional Accommodations* form. (*Frontline Screens*)
- Follow the same procedures from the initial meeting described above to archive records and provide the required documents to the parents, teachers, and PEIMS secretaries.

The 504 Plan can be amended at any time by calling an additional meeting, completing the *504 Amendment* screen, (*Frontline*) and following the same procedures to archive records and provide the required documents to the parents, teachers, and PEIMS secretaries as necessary.

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.

APPEALS

The Texas Education Agency has no jurisdiction over Section 504 implementation. Complaints alleging a violation of Section 504 may be addressed to your local district 504 Coordinator or to the Office of Civil Rights.

If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, please file a written Notice of Appeal with the district's Section 504 Coordinator within 15 calendar days from the time you received written notice of the Section 504 Committee's action(s). An impartial hearing will be scheduled and you will be notified in writing of the date, time, and place for the hearing. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction 34CFR 104.36.

On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution. You also have the right to file a complaint with the Office of Civil Rights.

PROGRAM EVALUATION

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

MAINTAINING SECTION 504 RECORDS

Section 504 records are created and maintained in the district's Frontline Education database throughout the student's years in school. The students' 504 records can be accessed through Frontline as the student moves to each grade level/campus in the district.

- 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. (***Google Share Drive – 504 Resources***).
- At the beginning of each school year, the student's teachers shall receive a copy of the *504 Instructional Accommodations* and/or *Behavior Interventions* prior to the first day of instruction. (***Frontline Form***)

Confidentiality

PISD 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
The Office for Civil Rights OCR Dallas Regional Office	(214) 880-2459