

SECTION 504 GUIDELINES**FB-R****General Information**

Dumas ISD will ensure that students with disabilities within its boundaries are identified, evaluated, and provided a free appropriate public education pursuant to Section 504 of the Rehabilitation Act of 1973. No qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activity shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by Dumas ISD. Dumas ISD does not discriminate on the basis of disability with regard to admission, access to educational services, treatment, or employment in its programs or activities.

Section 504 of the Rehabilitation Act of 1973 is a civil rights law that prohibits recipients of federal funding from discriminating against individuals with disabilities. In Section 504, the focus is on non-discrimination. As it relates to public education, the law states that a school cannot place a student in segregated classes or facilities "solely by reason of her or his disability." Students with disabilities must be given the same opportunities to participate in academic, nonacademic and extracurricular activities as their non-disabled peers.

Under Section 504, students with disabilities may receive accommodations and services to ensure that their individual educational needs are met as adequately as those of non-disabled students. Under Section 504, children with disabilities must be educated with their non-disabled peers "to the maximum extent appropriate."

All students who qualify for special education and related services under the Individuals with Disabilities Act (IDEA) are also covered by the provisions of Section 504. However, not all students who qualify for Section 504 are eligible for IDEA services. That's because Section 504's definition of "a student with a disability" is broader than the IDEA's definition and not limited to specific disability categories.

Section 504 is the "umbrella" civil rights law covering persons who have a "physical or mental impairment that substantially limits one or more major life activity."

Under Section 504 a disability is defined 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 as well as digestive, bowel, bladder, brain, circulatory, endocrine, and reproductive organs.

Under Section 504, "major life activities" include caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, reading, writing, calculating math problems, concentrating, interacting with others, learning and working. This list is not exhaustive. Other functions can be major life activities for purposes of Section 504.

Parents typically ask for services under Section 504 when:

- their child has a chronic medical condition, such as asthma or diabetes, that is not covered by the IDEA or
- their child has a disability covered by IDEA, such as ADHD or a mild learning disability, but who does not require IDEA services to benefit from their education.

For information about Section 504 on your child's campus, ask the campus administrator and schedule a time to visit with them.

Pursuant to Section 504 of the Rehabilitation Act of 1973, Dumas ISD has a duty to identify, locate, and evaluate and if eligible, provide a free, appropriate education to disabled students within the district boundaries. For additional information, contact:

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Operational Guidelines for Section 504

Child Find: The District will make reasonable efforts to identify, locate, and evaluate students with disabilities (birth through 21 years of age) who reside within the Dumas ISD boundaries and who are in need of services. Teachers in the district have information regarding the District's overall intervention process and information on how to initiate a referral.

Referral:

Parent/Guardian Referral: If parents suspect their child to have a mental or physical impairment that is substantially limiting a major life activity, they may contact their child's campus Administration to request a Section 504 referral.

Students Dismissed from Special Ed. or Students Who Do Not Qualify for Special Education: All special education students who have been dismissed from special education or who did not qualify for special education shall be reviewed by the Section 504 campus team for a possible Section 504 Evaluation. If a child does not qualify for Special Education under IDEA, the evaluating diagnostician will contact the campus Administrator and/or the campus 504 Coordinator and discuss why the student does not qualify for Special Education and the possibility for a Section 504 referral. The campus Administrator and/or campus Section 504 coordinator will then be responsible for providing the parents with the Notice and Consent for Evaluation, along with the Parents Rights.

DISD Staff Referrals: Prior to any school initiated Section 504 referral, the campus RTI committee shall meet, use interventions for the specified amount of time and analyze data from the intervention. There are circumstances (for example, medical or physical needs) where the campus principal may by-pass the RTI process and proceed to the Section 504 referral.

Consent for Evaluation: If a Section 504 Evaluation is necessary, the campus 504 Coordinator will send to the parent Notice of Parent Rights under Section 504, together with the Notice and Consent for Section 504 Evaluation form, and Section 504 Parent Information form. The parent should appropriately address each statement (YES or NO), sign/date and return the Notice and Consent for Section 504 Evaluation form to the campus 504 Coordinator. If the parent does not return the Notice and Consent for Section 504 Evaluation form to the school, the school has fulfilled their child find duties. The parent may, at any time, contact their student's campus and request a Section 504 evaluation.

Evaluation: When the consent is received from the parent, the campus 504 Coordinator shall:

- a. Gather evaluation data and coordinate/direct the completion of the evaluation/input forms (parent, health, education, teacher, etc.). The evaluation data consists of information from a variety of sources, including but not limited to efforts and results of early intervention activities, aptitude and achievement testing, teacher information, parent information, medical information/records, school health records/information, results of state assessments, attendance, grades, and behavior records. Should current special education (IDEA) data exist, that data should also be considered.
- b. Ensure that formalized testing is considered by the 504 Committee as evaluation data, the tests:
 - 1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;
 - 2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;

- 3) Are selected and administered to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the tests results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Timelines should be congruent to those for IDEA as required by State and Federal laws.

Evaluation Section 504 Committee Meeting: The Section 504 Campus Coordinator shall provide the parents with an invitation to the 504 meeting. The following staff shall attend the meeting: Campus Administrator/Campus 504 Coordinator, student's teachers and/or counselor. The committee shall collectively have knowledge of the child, meaning of the evaluation data, and the placement options.

The 504 committee shall:

- a. Draw upon information from a variety of sources, including aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;
- b. Ensure that all information reviewed in the evaluation is documented and carefully considered;
- c. Complete the Section 504 Evaluation form. If the student is determined to be eligible, the committee moves on to the Section 504 Student Accommodation Plan form to develop accommodations. If no eligibility is found, the parents are so informed in writing.

At the conclusion of the Evaluation/Placement meeting, the 504 Coordinator provides notice to the parent (Notice of Section 504 Evaluation Results form) of the 504 Committee's findings (whether or not the student is eligible), copies of the completed Evaluation form and the Accommodation Plan, Section 504 Notice of Parental Rights and Safeguards form, and the Section 504 Consent for Services form.

Annual Review Meeting: A Section 504 review meeting shall be held on an annual basis, on or before the month of the previous year's annual meeting. The Campus 504 coordinator or Campus Administrator shall provide the parents with an invitation to the meeting.

After the Annual Review meeting, a copy of the meeting summary, Accommodation/Service Plan shall be provided to the parent, Section 504 Notice of Parental Rights and Safeguards form, Eligibility Determination form, and the Section 504 Consent for Services form shall be provided to the parent.

Implementation of the Accommodation Plan: The Coordinator shall ensure that if a student is determined eligible and an accommodation plan was developed, the student's accommodation plan is delivered to each teacher, campus administration, and any other employee with or third-party contractor who has responsibility to implement the plan.

Parental Rights to Refuse Consent and Revoke Consent for Section 504 Services/Accommodations: Parents have the right to refuse consent for initial Section 504 Services/Accommodations as well as to revoke consent for continued Section 504 Services/Accommodations at any time.

Re-Evaluation: Re-evaluation consists of a review of the previous Section 504 evaluation data pertaining to the diagnoses of the impairment. Every three years a Section 504 reevaluation shall be conducted.

Discipline: A student with a disability under Section 504 shall not be removed from the current section 504 placement for more than 10 consecutive school days in a school year or a total of ten school days because a series of removals that constitute a pattern without first conducting a Section 504 Manifestation Determination meeting. Parents shall be given notice and invited to attend.

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

Interaction with Special Education: Each student referred and evaluated for special education who does not qualify and each student dismissed from special education shall be evaluated for possible 504 eligibility. If at any time the 504 Committee determines that the disabled student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated.

Interaction with Texas Dyslexia Program: In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia, prior to testing a student individually for Dyslexia and/or prior to placing a student in the Dyslexia Instructional Program, the District must refer and evaluate under Section 504. Placement of a 504-eligible student into the Dyslexia Instructional Program may only be accomplished by a properly constituted 504 Committee. If at any time the 504 Committee determines that the disabled student needs special education and related services in order to receive educational benefit, a special education referral should be initiated. For students currently receiving special education services, the student's ARD Committee must determine the need for a Dyslexia evaluation and any subsequent changes to services and/or placement.

Least Restrictive Environment (LRE): The Section 504 Committee shall ensure that 504 services are provided with persons who are not disabled to the maximum extent possible appropriate to meet the needs of the eligible student. The Committee will presume that the regular classroom is the appropriate placement, unless it is demonstrated that the eligible student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily.

Non-Academic Services & Extracurricular Activities: The District shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment) are provided so that:

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

Duty to Not Discriminate: The District shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity.

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

Disability-based harassment: Dumas ISD will promptly investigate all claims of disability-based harassment as per district policy. When it is determined that disability harassment has occurred that limits or denies a student's ability to participate in or benefit from the district's program or activity and/or limits or denies a student's right to a free appropriate public education, Dumas ISD will take a prompt and effective action to end the harassment and prevent it from recurring and, where appropriate, remedy the effects on the student who was harassed.

Records: Section 504 records, including any evaluation data, shall be kept in either a separate 504 folder under the control of the Coordinator, or as part of the student's cumulative folder. Regardless of location, the District will maintain the confidentiality of 504 records as required by the Family Educational Rights and Privacy Act (FERPA). Where 504 records are kept separately from the cumulative folder, a reference to the records and their location will be placed in the cumulative folder to ensure that the campus with responsibility for the student is aware of its 504 obligations to the eligible student and that personnel and third-party contractors who have a duty to implement the plan have access to necessary records including the plan itself.