



**Kermit ISD**  
**Section 504 Handbook**  
**2021-2022**

# Kermit ISD §504 Handbook

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# Section I

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# **Kermit Independent School District**

## **INTRODUCTION**

This Section 504 Handbook is designed to help campus §504 Coordinators, administrators, teachers, staff, parents, and student to understand the purpose of §504, how eligibility is determined, and the referral process. Forms are provided in SuccessEd, a computer program that Kermit ISD uses, that will assist campus coordinators with documentation of all steps needed to identify a student for §504 services.

## **PURPOSE OF Section 504**

Section §504 of the Americans with Disabilities Act was created and passed into law to prohibit discrimination on the basis of disability and to ensure that all students with disabilities have educational opportunities and benefits equal to those provided to students without disabilities.

## **§504 Contacts for 2021 - 2022**

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## Section 504 Overview

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

Major life activities include:

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

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

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

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

## **Kermit ISD Guidelines for §504**

A “student with a disability” is one who has a physical or mental impairment that substantially limits one or more of the student’s major life activities, has a record of having such impairment, or is being regarded as having such impairment. The determination of whether impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

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

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

### **RERERRALS**

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

### **PARENTAL CONSENT**

The Section §504 District Coordinator/Campus Coordinator shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

### **NOTICE TO PARENTS**

Parents shall be given written notice of Parent and Students Rights Under Section 504 upon initial evaluation, reevaluation, and at annual review’s. Notice of Parent and Student Rights will also be given when the district refuses to evaluate a student or to provide specific aids and services the parents have requested.



## **EVALUATION**

An evaluation shall be conducted before any action is taken to dismiss a student from Section 504. An evaluation shall be considered for any student who has been dismissed from special education to determine eligibility.

## **STATE-MANDATED ASSESSMENTS**

Accommodations to STAAR tests or other state mandated tests may be made for a §Section 504 student when the accommodations have been determined to be necessary for the student to participate in the assessment and are consistent with accommodations provided to the student in the classroom, and are approved by TEA.

## A COMPARISON OF IDEA (SPECIAL EDUCATION) AND SECTION §504

### Identification and Eligibility

#### IDEA

- Covers all school-aged children who fall within one or more specific categories of qualifying conditions (i.e., autism, specific learning disabilities, speech or language impairments, emotional disturbance, traumatic brain injury, visual impairment, hearing impairment, and other health impairments).
  - Requires that a child's disability adversely affects his/her educational performance.
- 

#### Section 504

- Covers individuals who meet the definition of qualified "handicapped" person -- for example, a child who has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as handicapped by others. (Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks.)
  - Does not require that a child need special education to qualify. Note: Students who are ineligible for services or are no longer entitled to services under IDEA (e.g., kids with LD who no longer meet IDEA eligibility criteria) may be entitled to accommodations under Section 504.
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#### Evaluation

**A child with a disability is assessed to determine what services, if any, are needed.**

#### IDEA

- Requires that the child be fully and comprehensively evaluated by a multidisciplinary team.
  - Requires informed and written parental consent.
  - Requires a reevaluation of the child at least once every three years, or if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.
  - Provides for independent evaluation at the district's expense if parents disagree with first evaluation.
  - Does not require reevaluation before a significant change in placement.
- 

#### Section 504

- Evaluation draws on information from a variety of sources and is documented.
  - Decisions about the child, evaluation data, and placement options are made **by** knowledgeable individuals. Such decisions do not require written consent of **the** parents, only that the parents are notified.
  - Requires "periodic" reevaluation.
  - No provisions made for independent evaluation at school's expense.
-

- Requires reevaluation before a significant change in placement.

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### **Responsibility to Provide FAPE**

**FAPE is an acronym for a Free and Appropriate Education.**

### **IDEA**

- Requires an individualized education program (IEP).
- "Appropriate" education means a program designed to provide "educational benefit" for a person with disabilities.
- Placement may be any combination of special education and general education classrooms.
- Provides related services, if required. Related services may include speech and language therapy, occupational therapy, physical therapy, counseling services, psychological services, social services, and transportation.

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### **Section 504**

- Does not require an IEP, but does require a plan.
- "Appropriate" means an education comparable to the education provided to those students who are not disabled.
- Placement is usually in a general education classroom. Children can receive specialized instruction, related services, or accommodations within the general education classroom.
- Provides related services, if needed.

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### **Due Process Procedures**

**Sometimes parents and school districts disagree about how a child with disabilities should be educated. When this happens, there are procedures in place to handle these disagreements.**

### **IDEA**

- Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student.
- Requires written consent.
- Describes specific procedures.
- An impartial appointee selects a hearing officer.
- Provides "stay-put" provision (the student's current IEP and placement continues to be implemented) until all proceedings are resolved.
- Parents must receive ten days' notice prior to any change in placement.
- Enforced by U.S. Department of Education, Office of Special Education.

## Section 504

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- Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student.
  - Does not require parental consent.
  - Requires that parents have an opportunity to participate and be represented by legal counsel -- other details are left to the discretion of the school.
  - A hearing officer is usually appointed by the school.
  - No "stay-put" provisions.
  - Does not require that parents are notified prior to the student's change of placement, but they still must be notified.
  - Enforced by U.S. Department of Education, Office of Civil Rights.
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## **RED FLAGS: WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY AND POSSIBLE SECTION §504 PROTECTION**

- \* Suspension or expulsion is being considered for any student
- \* Retention is being considered for any student
- \* A student shows a pattern of not benefiting from the instruction being provided
- \* A student returns to school after a serious illness or injury
- \* A student is referred for evaluation but it is determined that a special education evaluation is not needed
- \* A student is evaluated and is found not to qualify for Special Education

### Services under the IDEA

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

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

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

## **Notice of Rights & Procedural Safeguards for Disabled Students and their Parents**

### **Under §504 of the Rehabilitation Act of 1973**

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

**Students. Under §504, a student is considered "disabled" if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities. Section 504 also protects students with a record of an impairment, or who are regarded as having an impairment from discrimination on the basis of disability. Students can be considered disabled, and can receive services under §504, including regular or special education and related aids and services, even if they do not qualify for, or receive, special education services under the IDEA. The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following**

**rights:**

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



assessments and other instruments must comply with the requirements of §504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR104.35]. The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, statewide assessment scores, and mitigating measures, among others. [34 CFR 104.35].

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

9. If your child is eligible under §504, he or she has a right to periodic reevaluations. A reevaluation must take place at least every three years. [34 CFR 104.35].

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

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

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

13. If you wish to contest an action taken by the §504 Committee by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at the address below.

a. In the state of Texas, you must submit the required notice or request in writing within one year of the action or omission giving rise to your complaint.

Failure to make a timely request will result in the loss of your opportunity to pursue a due process hearing on that action or omission. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by a making a written request to the District's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.

15. You also have a right to present a grievance or complaint through the District's local grievance process. The District will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time. Parents may contact the District's Section 504 Coordinator for more information about the District's grievance process.

**16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR**

**Regional Office that covers this school district is:**

**Director, Office for Civil Rights, Region VI**

**1999 Bryan Street**

**Suite 1620**

**Dallas, TX 752016810**

**Telephone: (214) 661 9600**

**Telephone 2: (215) 485 7521**

## **Aviso a Padres de Estudiantes Incapacitados de sus Derechos Legales y Aseguranzas Procesales**

### **bajo la Sección 504 del Decreto de Rehabilitación de 1973**

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

Bajo la Sección 504, un estudiante es considerado "incapacitado" si padece de un impedimento o condición física o mental que limita substancialmente por lo menos una de sus actividades vitales. La ley también protege a estudiantes que han tenido un impedimento o condición física o mental substancial en el pasado, o que son considerados incapacitados, aunque realmente no lo sean. Estudiantes pueden ser considerados incapacitados bajo la Sección 504 y pueden recibir asistencia educativa bajo esa ley, incluyendo servicios educativos regulares o especiales y otra asistencia relacionada, aunque no reciban educación especial según la ley federal IDEA.

El propósito de este Aviso es de explicarle los derechos legales garantizados bajo la Sección 504 a estudiantes incapacitados y a sus padres. Los reglamentos federales que dan efecto a la Sección 504 (los cuales se encuentran en el Título 34, Parte 104 del Código Federal de Reglamentos, o CFR) otorgan a los padres de familia y a estudiantes incapacitados los siguientes derechos:

1. Usted tiene derecho a ser informado de sus derechos bajo la Sección 504. [34 CFR 104.32]. El distrito escolar debe darle información escrita sobre sus derechos (este Aviso precisamente sirve para informarle de sus derechos). Si necesita que le expliquen o clarifiquen cualquier de los siguientes derechos, los dirigentes apropiados del distrito escolar le ayudarán a resolver sus preguntas.
2. Bajo la Sección 504, su hijo/a tiene derecho a una educación apropiada diseñada para satisfacer sus necesidades educativas individuales tan adecuadamente como las de estudiantes sin incapacidades. [34 CFR 104.33]. Usted tiene el derecho de rechazar, a cualquier punto, su permiso a recibir servicios.
3. Su hijo/a tiene derecho a servicios educativos gratuitos, con la excepción de gastos que normalmente se les cobran también a estudiantes sin incapacidades (o a sus padres). Compañías de seguros, y otras terceras personas similares, no son libres de sus obligaciones normales para proporcionar o pagar por servicios para un estudiante considerado incapacitado bajo la Sección 504. [34 CFR 104.33]. El recibir asistencia educativa bajo la Sección 504 no disminuye su derecho a recibir otra asistencia pública o privada de cualquier tipo.

4. Su hijo/a tiene derecho a ser colocado en el ambiente educativo que permita máximo contacto y relaciones con estudiantes sin incapacidades. [34 CFR 104.34]. A menos que sus necesidades educativas no puedan ser satisfechas ahí, su hijo/a será colocado en clases regulares.
5. Su hijo/a tiene derecho a equipo, clases, edificios, servicios y actividades comparables a las que son proporcionadas a estudiantes sin incapacidades. [34 CFR 104.34].
6. Su hijo/a tiene derecho a una evaluación antes de determinar una colocación educativa o programa de asistencia bajo la Sección 504, y también antes de cualquier cambio importante en colocación subsecuente. [34 CFR 104.35]. Usted tiene el derecho de rechazar permiso para la evaluación inicial.
7. Procedimientos utilizados para administrar pruebas y otras evaluaciones educativas deben cumplir con los requisitos de la Sección 504 en cuanto a la validez de las pruebas, su forma de administración, y las áreas necesarias de evaluación. [34 CFR 104.35]. El distrito considerará apropiadamente información de diversas fuentes y orígenes, incluyendo, por ejemplo: pruebas de aptitudes y aprovechamiento, recomendaciones de maestros, reportes de condición física, antecedentes sociales y culturales, análisis de comportamiento adaptado, reportes médicos, calificaciones, reportes de progreso, observaciones de los padres, anécdotas de maestros, calificaciones de pruebas estatales, y medidas aliviantes, entre otras. [34 CFR 104.35].
8. Las decisiones de colocación educativa deben realizarse por un grupo de personas (llamado el comité 504) que conocen la situación de su hijo/a, el significado de los resultados de las evaluaciones, las opciones de colocación, y la obligación legal de asegurar el ambiente educativo que permita el máximo contacto con estudiantes no incapacitados. [34 CFR 104.35].
9. Si es considerado incapacitado bajo la Sección 504, su hijo/a tendrá derecho a nuevas evaluaciones, llamadas reevaluaciones, periódicamente. Generalmente reevaluaciones educativas se haran para cada niño incapacitado por lo menos cada tres años. [34 CFR 104.35.]
10. Usted tiene derecho a que el distrito escolar le avise antes de tomar cualquier acción en relación a la identificación, evaluación o colocación educativa de su hijo/a. [34 CFR 104.36].
11. Usted tiene derecho a examinar archivos y documentos relacionados a la educación de su hijo/a (normalmente archivos y documentos con relación a la identificación, evaluación o colocación educativa de su hijo/a). [34 CFR 104.36].
12. Usted tiene derecho a una audiencia imparcial si no esta de acuerdo con las acciones del distrito en relación a la identificación, evaluación, o colocación educativa de su hijo/a. Usted tiene la oportunidad de participar personalmente en tal audiencia y de

ser representada por un abogado, si desea contratarlo. [34 CFR 104.36].

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

a. En el Estado de Texas, la petición para una audiencia imparcial se debe presentar a menos de un año después de el acto u omisión que da a cabo la petición.

Peticiones tardías resultaran en la pérdida de oportunidad para una audiencia imparcial sobre tal acto u omisión. En el Estado de Texas, la petición para una audiencia imparcial se debe presentar a menos de un año después de el acto u omisión que da a cabo la petición.

14. Si usted está en desacuerdo con la decisión final del oficial imparcial de audiencia, tiene derecho a pedir por escrito un reviso de tal decisión al Coordinador de §504 del Distrito Escolar, o a través de petición formal a una corte estatal o federal tal permitida por ley. [34 CFR 104.36].

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

Si tiene preguntas sobre el proceso para presentar quejas locales, se puede comunicar con el Coordinador de §504 para obtener respuesta.

16. Usted también tiene el derecho a presentar una queja ante la Oficina de Derechos Civiles de el Departamento de Educación de los

Estados Unidos. La dirección de la Oficina Regional a la cual pertenece a este distrito es:

Director, Office for Civil Rights, Region VI

1999 Bryan Street

Suite 1620

Dallas, TX 752016810

Telephone: (214) 661 9600

Telephone 2: (215) 485 7521

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

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

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

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

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

Resources for further reading:

<http://www.mayoclinic.com/health/adhd/DS00275>

<http://www.cdc.gov/ncbddd/adhd/data.html>

<http://www2.ed.gov/rschstat/research/pubs/adhd/adhd-teaching-2006.pdf>

<http://www.kellybear.com/TeacherARTicles/TeacheRTIp49.html>

<http://www.wrightslaw.com/info/2e.gifted.adhd.pdf>

<http://www.mental-health-today.com/add/books/childbooks.htm>

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## §504 – Guidance for Academic Referrals

Academic referrals will usually result from information shared in the school's RTI/SIT (Response to Intervention) (Student Intervention Team) committee. Students who are struggling academically and are identified as needing Tier 2 or Tier 3 intervention services may also be eligible for services under §504. The people who serve on the RTI committee may also be the members of the 504 committee, which must include a campus administrator, a teacher of the student, and a parent or guardian. All forms referenced below are found in SuccessEd.

### **Initial Referral**

✓ Initial Referral – The Referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus §504 Coordinator or designee, utilizing information from the student's cumulative folder, RTI data, or other sources.

✓ Parent Permission – This form should be presented to a parent or guardian at a parent/teacher conference or at an RTI meeting if the parent is present so that the reason for a 504 evaluation can be explained.

✓ Notice of Parent Rights – A requirement of the Office of Civil Rights which oversees Section 504. (available in English and Spanish)

✓ Teacher Input

When all forms have been collected, the District 504 Coordinator/Campus 504 coordinator will set a meeting to review the information.

✓ Notice of Meeting – This form should be sent to parents inviting them to attend the decision-making meeting. At the §504 committee members will consider all of the information and evidence that is presented in order to make an informed decision.

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

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



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

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

### **Subsequent Reviews**

At least every three years, the 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Services Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Services Plan. However, at Kermit ISD, all students 504 plans will be reviewed annually. Campuses will conduct annual meetings reviewing each plan on or before the day and month the plan was developed/reviewed the previous year. All forms and relevant information should be kept in a green file folder in the student's permanent folder. A list of students will be sent on to the sending school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

In some instances a “**snapshot review**” is the most appropriate for students. For students who have had at least one annual review, a snapshot review can be conducted. Two to four weeks prior to the time an annual review would be conducted, the 504 coordinator or designee (as appropriate) will conduct a snapshot review of each eligible student's status. The snapshot review can be completed by looking at key data points and a 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 parent's input on the student's performance and well-being. Where the snapshot reveals concerns, the student will receive an annual review that year. Where the snapshot 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 504 coordinator or designee will provide the parent a letter indicating that no annual review will be held that year and informing the parent of 504 parent rights. Should the parent request an annual review, the Section 504 Committee will meet to re-evaluate.

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

## §504 – Guidance for Dyslexia Referrals

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

### **Initial Referral**

- ✓ Initial referral – This form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus §504 Coordinator or designee, utilizing information from the student’s cumulative folder or other sources.
- ✓ Notice of Consent - This form should be presented to a parent or guardian at a parent/teacher conference or at an RTI/504 meeting if the parent is present so that the reason for a 504 plan in addition to dyslexia testing can be explained.
- ✓ Notice of Parent Rights (available in English and Spanish)
- ✓ Teacher Input
- ✓ Parent Input

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

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

### **Before the 504/Dyslexia Meeting**

- ✓ Notice of Meeting

### **At the 504/Dyslexia Meeting**

- ✓ Texas Dyslexia Law and Section 504 Initial Evaluation & Periodic

Re-Evaluation will be completed. Those attending should be an administrator, the dyslexia teacher or a knowledgeable person on dyslexia and the reading process, the teacher of record, and the parent.

- ✓ 504 Student Services Plan

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

### **After the 504/Dyslexia Meeting**

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

### **Subsequent Reviews**

At least every three years, the 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Services Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Services Plan. However, at Kermit ISD, all student 504 plans will be reviewed annually. Campuses will conduct annual meetings reviewing each plan on or before the day and month the plan was developed/reviewed the previous year. All forms and relevant information should be kept in a green file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

In some instances a “**snapshot review**” is the most appropriate for students. For students who have had at least one annual review, a snapshot review can be conducted. Two to four weeks prior to the time an annual review would be conducted, the 504 coordinator or designee (as appropriate) will conduct a snapshot review of each eligible student’s status. The snapshot review can be completed by looking at key data points and a 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 parent’s input on the student’s performance and well-being. Where the snapshot reveals concerns, the student will receive an annual review that year. Where the snapshot 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 504 coordinator or designee will provide the parent a letter indicating that no annual review will be held that year and informing the parent of 504 parent rights. Should the parent request an annual review, the Section 504 Committee will meet to re-evaluate.

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

## §504 – Guidance for Behavior Referrals

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

### **Initial Referral**

✓ Initial Referral – Initial referral – This form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus §504 Coordinator or designee, utilizing information from the student's cumulative folder or other sources.

✓ Notice of Consent – This form should be presented to a parent or guardian at a parent/teacher conference, an RTI meeting if the parent is present, or a 504 meeting so that the reason for a 504 plan can be explained. (available in English and Spanish) ✓

Notice of Parent Rights – A requirement of the Office of Civil Rights which oversees Section 504. (available in English and Spanish)

✓ Teacher Input

✓ Parent Input

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

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

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

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

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

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

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

**If a problem arises due to behavior:**

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

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

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

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

**Subsequent Reviews**

All student 504 plans will be reviewed annually. Campuses will conduct annual meetings reviewing each plan on or before the day and month the plan was developed/reviewed the previous year. All forms and relevant information should be kept in a green file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

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

## §504 – Guidance for Health Concerns Referrals

Referrals for health problems usually result from information shared by the parent and the student's physician. The 504 committee for this type of referral should include a campus administrator, a teacher of the student, and a parent or guardian. The school nurse may also be asked to serve on the committee for health referrals. All forms referenced below are found on DMAC and in the 504 Campus Coordinators' folder and are updated each year. Please only use current forms (those posted).

### **Initial Referral**

✓ Initial Referral – Initial referral – This form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus §504 Coordinator or designee, utilizing information from the student's cumulative folder or other sources.

✓ Notice of Consent – This form should be presented to a parent or guardian at a parent/teacher conference, an RTI meeting if the parent is present, or a 504 meeting so that the reason for a 504 plan can be explained. (available in English and Spanish) ✓

✓ Notice of Parent Rights – A requirement of the Office of Civil Rights which oversees Section 504. (available in English and Spanish)

✓ Teacher Input

✓ Parent Input

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

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

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

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

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

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

## **Subsequent Reviews**

All student 504 plans will be reviewed annually. Campuses will conduct annual meetings reviewing each plan on or before the day and month the plan was developed/reviewed the previous year. All forms and relevant information should be kept in a green file folder that can be sent on with the student to a new school within the district (either precipitated by a transfer or the change from elementary to junior high or junior high to high school). A folder exchange will take place at the end of each school year.

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



## General Operational Guidelines for Section 504

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

Kermit ISD uses SuccessEd as the program in which to fill out appropriate forms.

The Section 504 forms are digitally adapted from the copyrighted forms created by The Council of Educators for Students with Disabilities (CESD) authors David Richards and Jose Martin. Descriptions of the forms below are excerpts from the CESD Section 504 manual and Operational Guidelines. The CESD Operational Guidelines is the structural framework for the District's §504 program. This document describes how the District will operate the program and implement the §504 regulations, including when the various forms will be used, by whom, and how. It is recommended that users continue to reference the documentation provided by CESD for a full understanding of the Section 504/Dyslexia documentation requirements. The CESD Operational Guidelines, which also include a blank copy of the paper version of their forms, can be printed from the Home screen in the application under User Guides.

For each form below, the Required Field(s) are listed. Information must be entered into these fields in order to Save or Print the form.

### Form: Referral Information

**CESD Guidelines:** When a §504 referral has been initiated, the Referral Information Form should be quickly forwarded to the Campus or District §504 Coordinator. The Referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus §504 Coordinator or designee, utilizing information from the student's cumulative folder or other sources. In the case of a parent referral, the parent is only expected to complete the first box of information. From that basic information, the Coordinator will determine whether a §504 Evaluation is necessary. If no §504 Evaluation is required, the Coordinator shall forward the Notice of Parent

Rights & Procedural Safeguards to the parents, with a note explaining why the Referral did not lead to a §504 Evaluation at this time.

**Form: Notice and Consent for Initial Section 504 Evaluation**

CESD Guidelines: Following the receipt of the Referral and the decision that a §504 Evaluation should be pursued; this form is sent home to the parents to gain consent for initial evaluation. Included with the printed form is a copy of the Notice of Parent Rights & Procedural Safeguards. If a §504 Evaluation is necessary, the Coordinator should send to the parent Notice of Parent Rights under §504, together with a Notice and Consent for Initial Evaluation under §504 Form, and a Parent Input Form. If no parental consent is received for §504 Evaluation, the Coordinator should remind the parent every semester (or at other intervals as determined by the District) of the District's continued desire to conduct an Evaluation under §504.

**Form: Section 504 Evaluation**

In SE 504, SuccessEd combines all of the CESD Evaluation forms into a single form. Based on the Type of Evaluation selected, the user will see the appropriate evaluation information to complete for the student. The following CESD evaluation forms are all covered under the single SE 504 form, Section 504 Evaluation:

**Section 504 Initial Evaluation & Periodic Re-Evaluation**

**Texas Dyslexia Law and Section 504 Initial Evaluation & Periodic Re-Evaluation**

**Section 504 Manifestation Determination**

**Section 504 Annual Review/Review as Needed**

**Type of Evaluation:**

The Type of Evaluation selected should follow the guidelines set out by CESD in the Operational Guidelines.

**Initial** – This form is used by the §504 Committee to determine initial eligibility in Section 504.

**Re-Evaluation** – This type of evaluation is used to fulfill the regulatory requirement for periodic Re-Evaluation (at least every three years).

**Annual Review** – This type of evaluation is designed to be used when a full evaluation is not required, but minor changes to the Services Plan, or no changes, are needed. This type can also be used for annual review of students who are technically eligible but have not needed a plan in the past. Annual Review for a technically eligible student is offered at the discretion of the District. The Committee must be able to answer the qualifying questions on the form before proceeding with this evaluation.

**Review (As Needed)** - This type of evaluation is designed to be used when a full evaluation is not required, but minor changes to the Services Plan, or no changes, are needed.

**Manifestation Determination** - When disciplinary removals trigger the need for evaluation, this type of evaluation walks the Committee through the required questions.

### **Dyslexia Evaluation Data and Eligibility**

This section will only appear if the dyslexia checkbox is checked on the Title section.

### **Evaluation Data Reviewed by Committee**

#### **Eligibility Determination**

This section will appear when Type of Evaluation = Initial or Re-Evaluation.

When the form is locked, the student's Areas of Impairment will be updated on Program Compliance when the Type of Evaluation is Initial or Re-Evaluation. All other Types of Evaluation Will Read the Impairment from Program Compliance.

When the form is locked, the student's Areas of Impairment will populate the field on the student's Section 504 Student Services Plan.

#### **Plan and Placement**

This section will appear when Type of Evaluation = Initial or Re-Evaluation. If the student requires a Section 504 Student Services Plan, this section should be completed to enter the broad area of need as determined by the Evaluation.

When the form is locked, the student's Identified Need, if present, will populate on the student's Section 504 Student Services Plan.

#### **Committee Decision**

The section appears on most types of Evaluation. The Decisions however may be different based on the Type of Evaluation selected on the title page.

When the form is locked and an inactive Section 504 decision is selected, the student's Status in Program Compliance will change to Not Active (i.e., Not 504 Eligible, Dismissal from 504, IDEA Eligible & 504 Dismissal).

#### **Additional Notes**

This textbox is provided for the district/user to expand on information in the Evaluation. The district can choose the function of this textbox. Student Program Compliance

When the Section 504 Evaluation form is Locked, the information on the Program Compliance screen under Student will be updated. When a new Draft is opened, some fields (i.e., Impairments) will pull the information from this screen.

**Form: Notice of Section 504 Evaluation Results**

CESD Guidelines: This notice of results form is designed to be used following any type of §504 Evaluation (initial, re-evaluation, etc.) and should be sent home to the parents with the results of any type of §504 Evaluation. At the conclusion of the Evaluation/Placement meeting, the Coordinator provides notice to the parent (Notice of Section 504 Evaluation Results form) of the 504 Committee's findings, and copies of the completed Evaluation form and the Services Plan (if eligible). Included with the printed form is a copy of the Notice of Parent Rights & Procedural Safeguards.

**Form: Notice of Section 504 Meeting**

CESD Guidelines: This document is sent to the parent prior to each §504 meeting, describing what will occur and giving the time, and place of the meeting. The district can control whether or not parents are members of the §504 Committee by selecting the appropriate option under District Admin – Districts – Form Customizations. Included with the printed form is a copy of the Notice of Parent Rights & Procedural Safeguards.

**Form: Parent Consent for Section 504**

Consistent with OCR guidance in the Frequently Asked Questions about Section 504 and the Education of Children with Disabilities, this form documents the parent's consent for Section 504 Services, refusal to consent for initial Section 504 services, as well as a parent's decision to revoke consent for continued Section 504 services. Note that the Section 504 Services Plan is still completed for the child to document the school's offer of FAPE, but no services are implemented due to the refusal to consent or revocation of consent.

The District recognizes the Parent's right to refuse consent for initial Section 504 Services as well as to revoke consent for continued Section 504 Services at any time. The Parent may exercise the right to refuse consent or revoke consent by indicating that preference in writing on the Parent Consent for Section 504 form, signing the form, and returning it to the District. In the absence of a refusal or revocation using the Parent Consent for Section 504, the District will assume that the Parent consents to Section 504 Services. Following either a refusal to consent or revocation of consent, the Parent may consent to Section 504 Services at any time (as long as the Student remains eligible for Section 504 Services) by contacting the Section 504 Coordinator to schedule a Section 504 meeting.

**Form: Accommodations in Extracurricular Athletics.** This document address and provides guidance on extracurricular athletics. The form will serve to document in writing the accommodations agreed to outside of a Section 504 meeting.

**Form: Annual Notice for Section 504 Students with Learning Difficulties in Texas.** This form is the notice required under Tex. Ed. Code §26.0081.

**Form: Section 504 Student Services Plan**

CESD Guidelines: Should the §504 Committee determine that the student is eligible and in need of a Plan, it uses this form to create a placement. The completed plan is delivered to the parent and school personnel and third-party contractors who have the duty to implement the plan. A behavior management form is part of the Plan form and is completed if necessary. Each section of the Plan should be addressed.

**Certificate of Plan Distribution:**

The district should indicate how the plan is distributed to relevant staff. The district can either use the CESD format of having each teacher/staff member initial the plan OR they can specify the process set in place by the district. Kermit ISD will distribute 504 plans electronically.

**Pre-Planning for Appropriate Services**

When the Section 504 Evaluation is locked, this area will be populated with the needs identified on the Evaluation. The user should click the pencil next to each "Need" and enter the Service to be provided.

The user should also indicate whether or not the Plan will be implemented with the dates required.

**Instructional Accommodations**

The user should indicate whether or not the student requires instructional accommodations.

If accommodations are not needed, the statement indicating such will print and the data grid will not print.

If accommodations are needed, each accommodation should be entered and the subjects for which the accommodations are needed. "Method of Implementation" is meant to give the user an area to further explain/describe/spell out how the accommodation should be implemented by the teacher. For example, if Extra Time is entered as an Accommodation, the user should explain what extra time means for each subject selected.

**ADA Effective Communication**

If the student has been identified as having an impairment in vision, hearing, or speech, the section should be completed and it will print. If not, the user should check that selection and the section will not print.

**Service Animal**

If the student is bringing a Service Animal to school, this option should be selected and the section should be completed. If not, the user should indicate 'No' and the section will not print.

**Behavior Plan**

Indicate whether the student requires a behavior plan. If so, complete the Behavior Intervention Plan form.

**Reasonable Modifications**

Indicate whether the student requires reasonable modifications of District policies, practices, or procedures.

### **Health Plan Services**

Indicate whether the student requires a health plan. If so, the Plan can either be entered into the textbox or Uploaded to the History tab.

### **Dyslexia Services**

Indicate whether the student requires services for Dyslexia and if so, the amount of the service required.

### **State Test Accommodations**

If the student requires accommodations to the state test the grid should be completed.

### **Related Services**

The user should indicate whether or not Related Services are needed by the student. If Related Services for Section 504 are required for the student, list them in the grid. When using the grid, the user **MUST** select an item from the list. If a related service is needed that is not in the list, the user should contact their District Administrator. The District Program Administrator can control which Related Services appear in the list for the user to select.

### **General Education Homebound**

The user should indicate whether General Education Homebound is required by the student and the amount.

### **Additional Notes**

The user can enter whatever information is necessary to clarify the Plan.

### **Form: Notice of Section 504 Manifestation Determination Evaluation Results**

CESD Guidelines: Use this form to ensure that parents are provided with notice of the results of the manifestation determination evaluation meeting. Attach the completed Section 504 Manifestation Determination Evaluation form together with the §504 Services Plan (if the student had a Plan and if the Plan was changed)

### **Form (Texas): Texas General Education Homebound Supplement**

CESD Guidelines: This form is designed to assist Texas §504 Committees in determining whether homebound services are available under regular education for §504-eligible students, and what types of services are appropriate. It should be used in conjunction with the §504 Evaluation form.

**Any other questions regarding Section 504 should be made to the District 504 Coordinator, Angela Florez at 432-586-1060.**