

SECTION 504 PROCEDURES CHECKLIST

1. "Child Find" activities are implemented both inside and outside of the school setting. These activities would include:
 - a. Providing information to parents/guardians and to staff regarding Section 504 obligations, including examples of disabilities covered under Section 504;
 - b. Examining files of incoming students to see if there are existing 504 plans;
 - c. Examining files of incoming students/performance of existing students to see if there are red flags suggesting the possibility of a disability (e.g., cumulative days of suspension, repeated school retention, poor school performance/not benefiting from instruction or educational interventions, reports of chronic health problems or serious illness, medical treatments, including psychotropic medications that impact school performance, evaluations for/receipt of special education services where the student was subsequently determined ineligible or services were terminated.)
2. A situation is recognized that calls for consideration of a referral: a disability is suspected. This may result from screening the records of newly enrolled students, from Individuals with Disabilities Education Act (IDEA) activities, or from staff working with existing students who come to suspect that the students in question may have a disability under Section 504. A Section 504 Referral, Form A, is completed.
3. A 504 Committee meeting is scheduled to review the referral and discuss the possible need to evaluate or reevaluate the student. If the parent is not the referral source, the parent is sent a copy of the Section 504 referral. The parent is also invited to the 504 meeting (Meeting Invitation to Parents, Form B), and provided with a copy of Parent/Student Rights, Form C. If not already done as part of child find, staff will complete the Student Record Review, Form D in preparation for the 504 meeting. The building principal (Building 504 Coordinator) serves as the chair and assures that staff attendees will include staff knowledgeable about the student, evaluation data, and program/placement options.
4. At the 504 Committee meeting the team discusses the referral and determines the need for additional evaluation. The team may decide that no additional information is required to make an eligibility decision or that additional evaluation is required. This determination is documented on the bottom portion of the Section 504 Referral Review, Form E. If it is determined that further evaluation is needed, a written evaluation plan is developed and the parent is asked for consent to evaluate (Permission for the Section 504 Evaluation, Form F). If permission is denied, either at the meeting or subsequently contact the District 504 Coordinator (District Coordinator). The Parent/Student Rights form, 504 Referral Review form, and the Parent Permission for Section 504 Evaluation (evaluation plan), if one is developed, are provided to the parent.
5. When the evaluation is completed (within 60 calendar days), the Evaluation Report and a 504 Meeting Invitation to Parents, Form B, are sent to the parent. The Invitation should note that the 504 meeting is scheduled to discuss the evaluation results and to determine 504 eligibility.

6. The 504 meeting must include persons knowledgeable about the student, the evaluation results, and program and service options. At the meeting the 504 Eligibility Determination, Form G, is completed to document the team's decision. A copy of the 504 Eligibility Determination form is given to the parent, along with Parent/Student Rights, Form C.
7. If the student is determined to be ineligible under Section 504, no 504 Plan will be developed, but the team should consider the development of a general education intervention plan. If the student is eligible under Section 504, the Section 504 Plan, Form H, is developed at the meeting. With parent consent, implementation begins as promptly as possible. The 504 Plan is placed in the 504 file, with all other 504 documentation. A copy is kept in the student's cumulative folder. Copies of the 504 Eligibility Determination, Form G, and the 504 Plan, Form H, are given to the parent and sent to the District 504 Coordinator.
8. If the parent disputes the 504 Plan (either at the time of its creation or after implementation) and files a written request for due process hearing, "stay put" is triggered, meaning that the student will stay in the status quo as of the time that the hearing was requested and during the pendency of the hearing. Section 504 Procedures and a copy of Parent/Student Rights, Form C, should be given to any parent filing a written hearing request or seeking information on how to file a hearing request. A copy of the hearing request must be immediately sent to the District 504 Coordinator.
9. Progress monitoring of 504 Plan implementation and efficacy will be done on a quarterly basis.
10. Unless otherwise agreed by the 504 committee and the parent, the 504 Committee will convene at least annually to review the 504 Plan. A Meeting Invitation to Parents, Form B, is sent to the parents. The 504 Committee will review progress monitoring data and determine whether the plan continues to be appropriate as is, requires modification, or whether reevaluation is needed to make decisions regarding continuing disability status and/or 504 Plan content. Notes of the 504 Plan Review meeting are kept on Form I. An updated 504 Plan, Form H, is developed as appropriate unless following a reevaluation, a reconvened 504 Committee determines, as documented on the 504 Eligibility Determination, Form G, that the student is no longer eligible. A copy of Parent/Student Rights, Form C, and other forms are given to the parent and also sent to the District 504 Coordinator.
11. A reevaluation is conducted at least every three years, or whenever there is a question of continued eligibility or a significant change in placement. A Meeting Invitation to Parents, Form B, is sent to the parent, and a meeting is held to formulate an evaluation plan. Upon completion of any necessary reevaluation, a 504 Committee meeting is convened, again with Meeting Invitation to Parents, Form B, and the 504 Eligibility Determination, Form G, is completed. A new 504 Plan, Form H, is developed if appropriate. A copy of those forms and Parent/Student Rights, Form C, is given to the parent.
12. When a student with a current 504 Plan graduates, the student will be given a copy of Summary of Performance Upon Completing School, Form J. Copies are placed in the 504 file and sent to the District 504 Coordinator.

**NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION
504: THE REHABILITATION ACT OF 1973**

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, reading, concentrating, thinking, communicating, caring for oneself, walking, standing, bending, lifting, seeing, hearing, eating, sleeping, speaking, breathing, working, performing manual tasks or the operation of a major bodily function. The District must provide appropriate services to identified students. The District may not discriminate against students with disabilities.

DUAL ELIGIBILITY: Many students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An Explanation of Rights and Procedural Safeguards (SPE 216E) prepared by the Texas Education Agency is available through the school district's Special Education Program and sets out the rights assured by the IDEA. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA. Please keep in mind that Section 504 is not a program. It is an anti-discrimination law.

The enabling regulations for Section 504 as set out in 34 Code of Federal Regulations (CFR) Part 104 provide parents and / or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice is to advise you of those rights.) 34 CFR 104.32
2. Your child has the right to an appropriate education designed to meet his / her individual educational needs as adequately as the needs of non-disabled students are met. 34 CFR 104.33
3. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33
4. Your child has a right to placement in the least restrictive environment. 34 CFR 104.34
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34
6. Your child has a right to an evaluation prior to an initial Section 504 accommodation plan and any subsequent significant change in plan. 34 CFR 104.35
7. Testing and other evaluation procedures must conform with the requirements of 34 CFR 104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, anecdotal reports, and State Assessment scores. 34 CFR 104.35
8. Decisions must be made by a group of persons (i.e., the Section 504 Committee), including persons knowledgeable about; your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35
9. If eligible under Section 504, your child has a right to periodic reevaluation, generally every three years. 34 CFR 104.35
10. You have the right to notice prior to any action by the district in regard to the identification, evaluation, or accommodation plan of your child. 34 CFR 104.36
11. You have the right to examine relevant records. 34 CFR 104.36

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12. You have the right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney, if desired.
13. If you have questions or concerns or wish to file a complaint regarding your child's identification, evaluation, or educational services, you may call the District's Section 504 Coordinator at .
If you nevertheless, wish to challenge the actions of the District's Section 504 Committee in regard to your child's identification, evaluation, or educational services, you should file a written Notice of Appeal with the District's 504 Coordinator within 30 calendar days from the time you received written notice of the Section 504 Committee's action(s). If you request an appeal hearing, a hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. 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. 34 CFR 104.36
15. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office which covers Texas is:

Dallas Office
Office for Civil Rights
U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810

Telephone: 214-661-9600
FAX: 214-661-9587; TDD: 877-521-2172
Email: OCR.Dallas@ed.gov