

Dimmitt ISD

Section 504 Procedures

Child Find

The Special Education Department and the Section 504 Department coordinate efforts to identify, locate and evaluate students with disabilities who reside within the Dimmitt ISD boundaries. As part of the Child Find effort, the district shall annually publish the Child Find Notice in the Student Handbook. The Student Handbook is located in the Parents section on the DISD website. Teachers in the district have information regarding the district's overall early intervention process and information on how to initiate a referral. The Special Education Director and district 504 Coordinator provide annual training on the child find / referral process. Campus 504 Coordinators are responsible for answering questions from campus staff or referring questions to the district 504 coordinator.

Referral

Parent/Guardian Referrals

If parents suspect their student to have an impairment that is substantially limiting them in a major life activity, they may contact their student's campus to request a Section 504 referral.

If DISD determines that an evaluation is not necessary, the parent will be provided with prior written notice of the refusal to evaluate, including an explanation of why the district refuses to conduct an initial evaluation and the information that was used as the basis for the decision, and will be provided Section 504 procedural safeguards.

DISD Staff Referrals

Prior to any school initiated Section 504 referral, the Campus Assistance Team (CAT) shall meet, determine if it is appropriate to use interventions for an amount of time, and analyze data from the interventions. There are circumstances (for example, medical or physical needs) where the campus principal may bypass the CAT process and proceed to the Section 504 referral.

Once the referral is completed the campus 504 Coordinator will notify the District 504 Coordinator by email of the student referral.

Students Evaluated Under IDEA Who Do Not Meet the Criteria for Special Education Services

When a student does not meet the eligibility criteria for special education the ARD committee may make a recommendation to the campus team to consider Section 504 services. Special Education evaluation personnel will work in conjunction with the campus 504 coordinator to share information.

Consent for Evaluation

If a Section 504 Evaluation is necessary, the Section 504 campus coordinator will give the parent Notice of Parent Rights Under Section 504, together with the Notice & Consent for Section 504 Evaluation form, and Section 504 Parent Information form. The parent should address each statement (YES or NO), sign/date and return the Notice & Consent for Section 504 Evaluation form to the Section 504 campus coordinator. If the parent does not return the Notice & 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 again for a Section 504 evaluation.

Evaluation

When the Consent for Section 504 Evaluation is received from the parent, the Section 504 campus 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 from early intervention activities, aptitude and achievement testing, teacher information, parent information, medical/psychological records or reports supplied by parent to support diagnosis of a physical or mental impairment, school health records/information, results from state assessments, attendance, grades, and behavior records. Should current special education data exist (an evaluation upon which a student was either dismissed from special education or was not IDEA eligible), that data should also be considered.

B. Ensure that should formal testing be considered by the Section 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; and
- 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 factors 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).

The gathering of evaluation data must be completed within 45 school days from the date the school received the signed consent form from the parent. If the student is absent 3 or more school days within the 45 school days, these days are added to the initial 45 school day timeline. The 504 committee will meet to review the evaluation data 30 calendar days from the completion of the evaluation.

If consent is received by the school at least 35 school days but less than 45 school days before the last day of instruction and the student has 3 or more absences, the evaluation is due 45 school days after the consent is signed. The 504 committee will meet to review the evaluation data 30 calendar days from the completion of the evaluation.

If consent is received by the school at least 35 school days but less than 45 school days from the last day of instruction, the evaluation is completed and a report given to the parent by June 30. The 504 committee will meet on or before the 15th instructional day of the next school year to review the evaluation data.

If consent is received by the school less than 35 school days before the last day of instruction, the evaluation is due 45 school days after the consent is received. The 504 committee will meet to review the evaluation data 30 calendar days from the completion of the evaluation.

Section 504 Committee Meeting

The Section 504 campus coordinator shall provide parents with Invitation to Section 504 Meeting form and Notice of Parent Rights Under Section 504 at least 5 school days prior to the meeting. Parents and school may agree to meet without 5 school days notice. If parents are not present or do not respond to the Section 504 meeting notice, the

meeting shall proceed without them. The following DISD staff shall be notified and attend the meeting: DISD administrator, Section 504 campus coordinator, and at least one teacher or counselor of the student. The DISD administrator, Section 504 campus coordinator, and student's teacher or counselor collectively have knowledge of the child, meaning of the evaluation data, and the placement options. If the suspected disability is a physical disability, then the school nurse may be a member of the Section 504 committee in place of the teacher and/or counselor.

The committee shall:

- Draw upon information from a variety of sources in the evaluation process so that the possibility of error is minimized.
- Document and consider all such sources of information and significant factors related to the student's impairment and its effects on the major life activities.
- Review the Evaluation Summary Report.
- Not consider the ameliorating effects of any mitigating measures in determining whether the student has a disability under Section 504. The only exception to consideration of mitigating measures is ordinary eyeglasses or contact lenses.
- If the student has an impairment that is episodic or in remission, consider the impact of the impairment when it is active.
- If the student is identified for Section 504, decide whether a Service/Accommodation plan is needed. A Service/Accommodation plan, however, shall not be developed unless needed, at the time, in order for the student to have his/her needs met as adequately as those of non-disabled students. Mitigating measures will be considered when developing a Service/Accommodation plan.

After the meeting, the Section 504 campus coordinator will send to the parent, within three school days, the Notice to Parents of Section 504 Meeting Results form, a copy of the Meeting Summary form, Service/Accommodation Plan (if one was developed) and Parental Consent for Services (if Service/Accommodation Plan was developed). DISD will assume parent consent for their child to receive Section 504 services unless the parent has indicated their refusal to consent or revocation of consent by completing, signing and returning the DISD Section 504 Parent Consent for Services form to the campus or district Section 504 Coordinator.

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 review meeting.

Service/Accommodation Plan

If the Section 504 Committee determined a need for a Service/Accommodation Plan, the Section 504 campus coordinator shall be responsible for providing a copy of the student's Service/Accommodation Plan to each teacher, campus administrator(s), or any other DISD employee who has responsibility to implement the plan. The campus coordinator is also responsible for monitoring the progress of the student at least once each six weeks.

Parental Rights to Refuse Consent & Revoke Consent to 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. A parent may exercise the right to refuse consent or revoke consent by completing, signing and returning the DISD Section 504 Parent Consent for Services form to the campus or district Section 504 Coordinator.

Reevaluation

Every three years (or sooner if necessary) or prior to a significant change of placement, a Section 504 reevaluation shall be conducted by the 504 Committee. Reevaluation consists of a review of the previous Section 504 evaluation

data pertaining to the diagnosis of the impairment, in addition to any new data that may be available at the time of reevaluation. The Section 504 Committee will determine what, if any, additional evaluation information is needed, as well as whether the student will continue to be identified as Section 504. If additional evaluation information has been requested by the Section 504 Committee, another Section 504 meeting will be conducted to review the additional evaluation information.

Discipline

Should the District initiate a disciplinary removal of the eligible 504 student from his educational placement for a term of more than 10 consecutive school days, the Section 504 Committee will hold a meeting. Removals of less than ten school days can be effected without the Section 504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers the Section 504 Committee to hold a meeting.

The Section 504 Committee must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior and disability. Relevant educational data shall be reviewed at this meeting. The Manifestation Determination form shall be completed at this meeting.

After the manifestation determination meeting, the Section 504 campus coordinator will send the parent, within three school days, with Notice to Parents of Section 504 Meeting Results form and a copy of the Manifestation Determination form.

A student identified as Section 504 who is currently engaging in the illegal use of drugs or in the use of alcohol may be removed from his/her educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against non-disabled students. Further, no Section 504 Committee meeting (manifestation determination) is required prior to removal and no Section 504 due process hearing is available.

Section 504 Students Enrolling from Out-of-District

The Section 504 campus coordinator will review the previous district's Section 504 records for the newly enrolled student. Within 30 calendar days, the Section 504 campus coordinator will either (1) approve the use of the previous district's service/accommodation plan until the next annual review meeting or (2) conduct a Section 504 Committee meeting to develop a new Service/Accommodation Plan, if one is needed.

Referrals to Special Education

If at any time the Section 504 Committee determines that the student may need special education in order to receive educational benefit, the campus should consider seeking parental consent for a special education evaluation. The Section 504 campus coordinator will notify the Director of Special Education of the 504 Committee's decision.

Nonacademic Services & Extracurricular Activities

The District shall ensure that the provision of nonacademic and extracurricular services and activities (such as lunch time, recess, recreational athletics/activities, special interest groups or clubs sponsored by DISD, and transportation) are provided so that identified students are afforded an equal opportunity to participate in such service and activities and may participate with non-disabled students to the maximum extent appropriate to the needs of the eligible student.

Records

Section 504 records, including any evaluation data, shall be kept in a separate Section 504 folder under the control of the Section 504 campus coordinator. The District will maintain confidentiality of Section 504 records/information as required by the Family Educational Rights and Privacy Act (FERPA).