

RICE ISD



SECTION §504 HANDBOOK

2022-2023

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RICE INDEPENDENT SCHOOL DISTRICT
Section §504 Handbook
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Intent of Handbook

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

Free Appropriate Public Education (FAPE)

Under Section §504, a Free Appropriate Public Education (FAPE) is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met. The processes and procedures to ensure that students are evaluated and qualified under Section §504 appropriately are designed to ensure the student has been afforded a FAPE.

Section §504 is primarily a regular education responsibility. Section §504 includes the following protections:

- Prohibits the exclusion of any qualified disabled person from participation in any preschool education or daycare program, adult education, or vocational program offered by the district;
- Requires that each qualified disabled person be provided the same health, welfare, and/or social services as the district provides other persons;
- Requires a system of identification of eligible students and monitoring progress
- Requires that facilities, programs, and activities of the school district be accessible, usable, and open to qualified persons; and
- Requires that a free appropriate public education (FAPE) be provided to each qualified disabled person, including nonacademic and extracurricular activities

Child Find and General Operational Guidelines for Section §504

As part of the ongoing identification and referral process, RISD will make reasonable efforts to identify students with disabilities that may qualify for services under Section §504 (“Child Find”). RISD shall inform the parents or guardians of these potentially eligible students of the District’s duties under Section §504. As part of the Child Find effort, the District shall annually publish the Child Find Notice. Additionally, staff within the District are provided information regarding the District’s overall early intervention process, are trained on how to initiate a Section §504 referral, and how to identify students who should be referred.

Section §504 Directory

Campus coordinators are responsible for coordinating and monitoring the school compliance with Section §504 and Title II of the ADA. Coordinators also oversee efforts to prevent Section §504 and ADA violations from occurring.

Rice High School
903-326-4502

Gina McDonald
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Rice Intermediate/Middle School
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Rice Elementary School
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Rice Independent School District
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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 Section §504 includes any person who has a physical or mental impairment which substantially limits one or more life activities, has a record of such 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
- Performing manual tasks
- Brain function
- Bowel function
- Bladder function
- Neurological function
- Respiratory function
- Circulatory function
- Endocrine function
- Digestive function
- Reproductive function

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 Section §504.

Services that can be provided for Section §504 eligible students include classroom accommodations, health plans, behavior plans, and other related services. The campus Section §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.

RICE ISD Guidelines for Section §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 such an impairment, or is being regarded as having such impairment. The determination of whether the 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 of 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.

Referrals

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 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 prescriptions of specific education services.

Notice to Parents

Parents shall be given written notice of parents and Students Rights Under Section §504 upon initial evaluation, reevaluation, and at annual reviews. 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 Section §504 students 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.

Transfer Students

When students transfer into RISD with a Section §504 Plan, the campus Section §504 coordinator will schedule a Transition Section §504 meeting. The Section §504 Committee will complete a records review and determination of eligibility in order to make a local decision to confirm the student is eligible and whether revisions to the existing plan are necessary. Until the meeting occurs, the transfer Section §504 Plan will be implemented to the extent feasible. Parent(s)/guardian(s) should inform the school of the previous Section §504 plan during registration.

A Comparison of IDEA (Special Education) and Section §504

IDENTIFICATION AND ELIGIBILITY

IDEA	Section §504
<ul style="list-style-type: none">● 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.	<ul style="list-style-type: none">● 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 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	Section §504
<ul style="list-style-type: none"> ● 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. 	<ul style="list-style-type: none"> ● 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 provision made for independent evaluation at school’s expense. ● Requires reevaluation before a significant change in placement.

RESPONSIBILITY TO PROVIDE FAPE

FAPE is an acronym for a Free and Appropriate Education.

IDEA	Section §504
<ul style="list-style-type: none"> ● Requires an Individualized Education Program (IEP) ● “Appropriate” education means a program designed to provide 	<ul style="list-style-type: none"> ● Does not require an IEP, but does require a plan. ● “Appropriate” means an education comparable to the education

<p>“educational benefit” for a person with disabilities.</p> <ul style="list-style-type: none"> ● 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. 	<p>provided to those students who are not disabled.</p> <ul style="list-style-type: none"> ● 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	Section §504
<ul style="list-style-type: none"> ● 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 the US Department of Education, Office of Special Education. 	<ul style="list-style-type: none"> ● Must provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the students. ● 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 the US Department of Education, Office of Civil Rights.

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 students
- 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

Least Restrictive Environment

Per TEA, Section §504 regulations mandate that students with disabilities are to be educated with their peers without disabilities to the maximum extent appropriate. The expectation for students protected under Section §504 is placement in the general

education setting unless the school can demonstrate that the education of the student in the general education setting with supplementary aids and services cannot be achieved. If this cannot be achieved a referral for a special services evaluation should be made.

Section §504 – Academic Referrals

Academic referrals generally stem from information shared in the campus RTI/MTSS committee meeting. Students who are struggling academically and identified as needing Tier 2 or Tier 3 intervention services may also be eligible for services under Section §504. The RTI/MTSS committee may also be the members of the Section §504 Committee, which must include a campus administrator, at least one teacher of the student, the student (if age appropriate), and a parent or guardian. Below are Success Ed forms parents/guardians and coordinators will complete through the process.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- **Initial Referral** – The referral form is designed to be completed by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- **Parent Consent to Evaluate** – This form should be provided to, and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation.
- **Notice of Parent and Student Rights** – Requirement of the Office for Civil Rights and available in English and Spanish.
- **Teacher Input** - To be completed by all the student’s teachers. ✓ **Parent Input** - To be completed by the student’s parents/guardians. ✓ **Health Form** - To be completed by the school nurse

When all forms have been collected, the Campus 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 Section 504 meeting, 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 three questions to determine 504 eligibility.
 - Does the student have a physical or mental impairment?
 - 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.
 - Does the physical or mental impairment substantially limit a major life activity?

If the answer to all three questions are yes, then the committee will decide

what type of plan is needed to best serve the student's needs.

- Section §504 Services Plan – The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.
- Note - Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be made as such.

During the Section §504 Meeting

During the meeting the Section §504 Committee will address/discuss the following:

- Celebration of student's strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student's impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data

After the Section §504 Meeting

Parents/guardians will receive a copy Section §504 service plan. All teachers and staff with a need who work with the student are given a physical copy and/or access to a digital copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed annually or as needed and reevaluated at least every three years. All forms and relevant information will be housed electronically and a copy placed in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

Section §504 – Dyslexia Referrals

Based on recent guidelines established by the Texas Dyslexia Handbook, initial referrals for a possible learning disability in the area of reading, including a student suspected or identified as having dyslexia, are initiated through the special education referral process. The diagnostician will meet with parents/guardians to provide the Notice of Consent for Evaluation and a copy of the Notice of Procedural Safeguards and to solicit completion of the parent input survey for the referral packet. Depending on the input provided, a parent may choose to request dyslexia testing under Section §504 and may indicate this selection by denying special services testing. The parent meeting to seek consent for special education testing will need to occur no less than 15 school days following the date of the written request for assessment was received by the school from

the parent. If Section §504 is selected the campus Section §504 coordinator will work with a dyslexia specialist to coordinate testing.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Teachers

- ✓ Initial Referral – The referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- ✓ Parent Consent to Evaluate – This form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation.
- ✓ Notice of Parent and Student Rights – Shared with parents/guardians and is a requirement of the Office for Civil Rights and available in English and Spanish.
- ✓ Teacher Input - To be completed by all the student’s teachers in initial special services paperwork.
- ✓ Parent Input - To be completed by the student’s parents/guardians in initial special services paperwork.
- ✓ Health Form - To be completed by the school nurse.

When the signed parent consent, teacher input, and parent input forms have been received, the dyslexia specialist will begin testing the student and must be completed within 45 school days of receiving the signed consent form.

After the dyslexia specialist has completed the evaluation and written the final report, the Section §504 campus coordinator will contact parents/guardians to schedule the Section §504 Dyslexia initial meeting to discuss the assessment findings and the potential next steps based on the data presented.

Before the Meeting

- ✓ Notice of Meeting - Make multiple efforts by a variety of media (phone call, email, or formal letter sent to parent(s)) to work with the parents to determine a mutually agreeable date and time for the meeting. Once agreed, a notice of the meeting will be sent to the parent inviting them to attend the meeting.

During the Meeting

- ✓ Texas Dyslexia Law and Section §504 initial evaluation - will be completed. Committee members present should include an administrator, the dyslexia teacher or a knowledgeable person on dyslexia and the reading process, the teacher of record, the student (if age appropriate), and the parent.
- ✓ Section §504 Student Services Plan - outlining specific accommodations and services the student will be receiving based on the specific literacy needs. During the meeting the Section §504 Committee will address/discuss each of the following:
 - Celebration of student’s strengths
 - Student input related to educational experience and challenges
 - Parent input relevant to the student’s impairment and the educational impact
 - Staff input regarding student performance in academics and behavior

- Review of all evaluation data to determine if the student exhibits the characteristics of dyslexia
- If identified, the discussion takes place in regard to needed/appropriate accommodations.

Dyslexia is a physical or mental impairment. Therefore, when determining whether the student qualifies for Section §504 accommodations, a finding the student struggles with Dyslexia satisfies the first question allowing the committee to move to the next question regarding whether the student’s Dyslexia substantially limits one or more major life activities and how.

After the Meeting

Committee members receive completed copies of the Section §504 Service Plan, and all teachers who work with the student are given a copy of the accommodation plan. If the student is identified as having dyslexia, appropriate documents are completed and coding is assigned following the dyslexia indicator codes.

Subsequent Reviews

Section §504 plans will be reviewed as needed, at least every two years, and at designated grade levels (campus matriculation and state testing). Campuses will strive to conduct review meetings on or before the day and month the plan was developed/ reviewed most recently. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically in the student’s digital file and the original will be placed in the student's permanent file.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving RISD campus.

Section §504 – Behavior Referrals

Behavior referrals usually result from information shared by teacher observations and in the school’s RTI/MTSS 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 Section §504. RTI committee members may also serve as members of the Section §504 Committee, which must include a campus administrator, a teacher of the student, the student (if age appropriate), and a parent or guardian. Based on the unique needs of the student, the campus behavior specialist and/or school nurse may also be asked to serve on the Section §504 Committee for behavior referrals.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- Initial Referral – The referral form is designed to be filled in by the person

initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.

- Parent Consent to Evaluate – This form should be provided to and completed by the parent/guardian after the referral is made prior to the beginning of the evaluation.
- Notice of Parent and Student Rights – Requirement of the Office of Civil Rights and available in English and Spanish.
- Teacher Input - To be completed by all the student’s teachers.
- Parent Input - To be completed by the student’s parents/guardians.

When all forms have been collected, the campus Section §504 coordinator will set an initial Section §504 meeting to review the information.

- **Notice of Meeting** - Parents/guardians will be called, emailed, or sent a letter as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, 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 information presented and then answer the 3 questions below to determine Section §504 eligibility.
 - Does the student have a physical or mental impairment?
 - 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.
 - 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.

- **Section §504 Services Plan** – The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.
- **Note** - Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be developed based on the individual needs of the qualified student.

During the Section §504 Meeting

During the meeting the Section §504 Committee will address/discuss the following:

- Celebration of student’s strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student’s impairment and the educational impact
- Staff input regarding student performance in academics and behavior

- Review of all evaluation data

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of Section §504 service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed as needed, in 2-year intervals, and at designated grade levels. Campuses will strive to conduct review meetings on or before the day and month the plan was developed/reviewed the prior year. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically and a copy will be placed in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

If an Issue Arises Due to Behavior - Manifestation Determination Review (MDR)

- **Manifestation Determination Evaluation (MDR)** – Disciplinary removals of more than ten days constitute a significant change in placement, and Section §504 regulations require a reevaluation prior to any change in placement. The ten days can be consecutive or nonconsecutive. Further, the reevaluation before a change in placement must consider whether the behavior is a manifestation of the student's disability.

When disciplinary removals cause the need for an reevaluation, two questions are posed and answered by the committee:

- Was the conduct in question caused by, or directly and substantially related to the student's disabilities?
- 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 placed in ISS, expelled or placed in the school's disciplinary alternative education setting (DAEP) for more than 10 school days.

Note - A school may remove a student to DAEP/JJAEP without regard to whether the behavior is a manifestation of a disability, for up to 45 school days for the following:

- bringing a weapon to school or a school function;
- possessing, selling, soliciting, or using illegal drugs or a controlled substance;

- inflicting serious bodily injury upon another person at school or at a school function

Notice of the Results is a letter to parents/guardians stating the outcome of the manifestation Determination evaluation meeting.

Threat Assessments

A Threat Assessment is a guide designed to assist in the investigation of potential danger (identify circumstances and situational factors that may increase concern for potential youth aggression) and to assist school staff in the development of an intervention plan. Threat Assessments are conducted when:

- There is a weapon or report of a weapon at school or an attempt to bring a weapon to school.
- An administrator determines or is unable to determine if a situation poses a risk to school personnel or the community.
- Threat or aggression is causing considerable fear or disruption to normal activity.
- There is continued intent to carry out a threat.
- Threat or aggression is specific to an identified target, and there is a motive and plan.
- There is a history of threats or extreme aggression (violence).
- Staff, parent, student, or community member perceives threatening circumstances.

After a Threat Assessment has been conducted, the Team will determine if the student requires updated Section §504 accommodations. If so, the Section §504 Coordinator will schedule a Section §504 meeting, utilizing the Threat Assessment as a critical piece of data. If not, the Section §504 Coordinator will continue to monitor the student. If a Section §504 student is the claimant (i.e., alleged victim) in the incident requiring a Threat Assessment, the Section §504 student who is the claimant will have a re-evaluation meeting to address whether additional accommodations are needed for the Section §504 student as the claimant.

Section §504 – Health Concerns Referrals

Referrals for health issues usually result from information shared by the parent and the student’s doctor. The Section §504 Committee for this type of referral should include a campus administrator, a teacher of the student, the student (if age appropriate), and a parent or guardian. The school nurse should also be asked to serve on the committee for health referrals.

Initial Referral Forms to be Completed and Shared with Parents/Guardians and Staff

- **Initial Referral** – The referral form is designed to be filled in by the person initiating the referral, and supplemented as necessary by the Campus Section §504 coordinator.
- **Parent Consent to Evaluate** – This form should be provided to and completed by the parent/guardian after the referral is made prior to the onset of the beginning of the evaluation.
- **Notice of Parent and Student Rights** – Requirement of the Office of Civil Rights and available in English and Spanish.
- **Teacher Input** - To be completed by all the student’s teachers.
- **Parent Input** - To be completed by the student’s parents/guardians.
- **Health Form** - To be completed by the school nurse.

When all forms have been collected, the campus Section §504 coordinator will set an initial Section §504 meeting to review the information.

- **Notice of Meeting** - Parents/guardians will be called, emailed, or sent a letter as an invitation to attend the meeting as a Section §504 Committee member. In the initial Section §504 meeting, 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 information presented and then answer the following 3 questions to determine Section §504 eligibility.
 - Does the student have a physical or mental impairment?
 - 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.

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.

- **Section §504 Services Plan** - The committee will determine which, if any, accommodations the student may need to mitigate the academic or behavioral difficulties they are experiencing based on the data.
- **Note** - Accommodations are aligned to a demonstrated need. Research has shown that there have been no more than 3 or 4 accommodations needed for most students; however, all students are unique and plans will be made as such.

During the Section §504 Meeting

During the Meeting the Section §504 Committee will address/discuss the following:

- Celebration of student’s strengths
- Student input related to educational experience and challenges
- Parent input relevant to the student’s impairment and the educational impact
- Staff input regarding student performance in academics and behavior
- Review of all evaluation data

After the Section §504 Meeting

Parents/guardians will receive a copy or have shared electronic access to copies of the Section §504 service plan. All teachers and staff with a need who work with the student are given a copy of the accommodation plan.

Subsequent Reviews

Section §504 plans will be reviewed as needed, in 2-year intervals, and at designated grade levels. Campuses will strive to conduct review meetings on or before the day and month the plan was developed/reviewed the prior year. However, if for some reason this date is not attainable due to scheduling conflicts, etc., all plans will be reviewed within the academic year. All forms and relevant information will be housed electronically and a copy will be placed in the student's permanent folder.

Students Section §504 plans transitioning from elementary to middle school, middle to high school, or changing schools within the district will follow the student to the next campus. All accommodations in a Section §504 plan will be provided at the receiving campus.

Section §504 Homebound

Per TEA, in some situations, students suffer from an illness or injury that causes excessive absences as the result of hospitalization or other severe illness. Immediately after receiving a licensed physician's written recommendation that a student be confined at home or hospital bedside for a minimum of four weeks, the Section §504 coordinator will schedule an initial evaluation meeting if the student has not been previously served under Section §504, or a reevaluation to consider a change in placement if the student is already served under Section §504. The committee will follow Section §504 evaluation procedures and consider transition plans for leaving and returning to the school environment. The committee that makes the determination is composed of the Director of Homebound Services, a campus administrator, a teacher of the student, the student's counselor, the student (if age appropriate), and a parent or guardian and nurse if needed.

Homebound education is provided by a certified general education teacher in core academic subjects. In order to qualify for the General Education Homebound (GEH) status, a student must meet the following conditions:

- Will be confined at home or in a hospital for a minimum of 4 weeks (need not be consecutive).
- The confinement is for medical reasons only.
- The medical condition is documented by a physician licensed to practice in the US.

Section §504 Dismissal Meetings

When a Section §504 student no longer demonstrates a substantial limitation of a major life activity based on a physical or mental impairment, no longer demonstrates the need for accommodations per their current disability based on student, teacher and/or parent data and feedback, or is determined to be eligible for Special Education services, a dismissal meeting must be held to review the evaluation data.

Further, a student's parent/guardian may request a student be dismissed from Section §504 or revoke consent to Section §504 at any time. If a parent requests dismissal or revokes consent, a Section §504 review is generally conducted to discuss the dismissal. However, there are times when this may have been discussed in a prior Section §504 review meeting and it is confirmed between the parent/guardian and campus Section §504 coordinator. A student dismissed from Section §504 remains eligible for Section §504 protections, and is still a student with a disability. However, the students are no longer eligible for Section §504 services (accommodations). Dismissal paperwork will be sent to the parent/guardians. Should a parent/guardian change their decision at a later time, RISD may reactivate the Section §504 process at that time by convening a Section §504 meeting or reevaluation depending on how much time has elapsed.

Student Participation in Section §504 Meetings

RISD recommends that students participate in their Section §504 meetings as soon as they can and be encouraged to provide input and voice into their accommodation and services plan. Students are automatically invited to the Section §504 meetings starting in middle school as students should be aware of the accommodations created by the Section §504 Committee and have a full understanding of how to appropriately advocate for their needs.

Attendance

Section §504 Committees meet to address students with disabilities who miss significant amounts of school and are not served by homebound services. The campus attendance coordinator and Section §504 Coordinator will monitor student attendance and convene the Section §504 Committee as needed to proactively prevent truancy and provide support as needed.

The Section §504 Plan and Accommodations

Section §504 plans include the following:

- Description of the disability or impairment.
- List of major activities substantially limited by disability or impairment.
- Data sources used to make plan decisions.
- Overview of meeting discussion.
- Accommodations for the classroom, testing, and behavior.
- Who will monitor the plan?

- Names of committee members present and their signatures.
- Documentation of parent receipt of Notice of Parent and Student Rights.

The procedures outlined herein for development of the Section §504 Plan and accommodations were developed in accordance with state and federal laws and regulations. Fidelity to these procedures ensures both the District generally and individual student Section §504 Plans specifically, are legally compliant.

Accommodations are designed to change how students access learning and the physical school environment and must be created based on the impact of the impairment on each individual student’s ability to access the aid, benefits, and services of the general education environment and calculated in such a way to remove the barriers to access. Accommodations should “level the playing field” as opposed to providing an advantage to the student and should never alter what a student learns, which would be a modification. Section §504 regulations mandate that students be educated with their non-disabled peers to the maximum extent appropriate based on their individual needs. The first setting choice is in a general education setting with accommodations that provide supports that connect the student to curriculum and instruction. Accommodations should address all impacted areas of the student’s school environment including the classroom, testing, and behavior.

The following are common examples of types of accommodations (NOT an EXHAUSTIVE LIST) a student may receive but are meant to provide examples of ways to think about accommodating students with disabilities.

- **Instructional** – changing the parameters of instruction (extra time, chunking assignments, organizational strategies, etc.)
- **Environmental** – adapting the environment around the student (change student seating, making space for certain tasks, etc.)
- **Behavioral** – promoting positive behavior through accommodations (positive verbal and/or nonverbal reinforcements, reward systems, redirection, frequent reminders, etc.)
- **Supplemental Aids** – highlighted test and manipulatives, color transparencies
- **Medical** - creation/implementation of an individualized health plan, access to the nurse, access to the restroom as needed, and ability to have snacks as needed for diabetic sugar regulation

Accommodations will be decided by the committee based on the individual needs of the student.

Determining Which Accommodations

When determining the accommodations for students, 2 primary questions are considered:

- What is the data basis for the proposed accommodation(s)?
- What is the data that justifies that this accommodation(s) is necessary?

Accommodations should address all impacted areas based on the disability, including the classroom, testing, state and district assessments, and behavior.

Note: When developing accommodations, please know that some accommodations that are appropriate at one level (elementary), may not be appropriate for the next level (middle school). These will be addressed in review and transition Section §504 meetings. For example, a 5th-grade student may utilize working at the teacher's table in their elementary school to avoid distractions. At the middle schools, there may not be a designated teacher table, so the accommodation would need to be adjusted to meet the students' needs in the middle school environment.

For example, an appropriate adjustment may be:

- “Allow student to wear noise-canceling headphones while working to eliminate distractions.”

Advanced Placement and Dual Enrollment

Section §504 and Board Policy FFH(LOCAL) prohibits discrimination based on disability in recommending, enrolling, and serving students in advanced placement and dual enrollment programs. Academic programs offered at high school campuses that generate high school credit on a student's transcript are subject to FAPE. This means that Section §504 students must be provided with those accommodations in advanced placement or dual enrollment classes offered by the campus so long as the advanced nature of the course is not altered.

The College Board determines what accommodations students will receive on Advanced Placement tests and other national normative tests administered by the College Board. Section §504 Committees will be cognizant of general College Board guidance in developing student testing accommodations. Annually, the District will work with Section §504 Students in applying to the College Board for testing accommodations commensurate with their Section §504 Plan. Students will receive the same testing accommodations they have been approved for by the College Board on tests in Advanced Placement courses.

After School and Summer Programs

Per TEA, schools that offer after-school or summer programs must ensure that all students have equal opportunity for PARTICIPATION. This means that the school may need to make reasonable accommodations to provide students with disabilities access to the program. The accommodations do not have to be identical to those listed in the Section §504 plan and are not a required component of the Section §504 accommodations plan. RISD will work to provide accommodation in such programs to the best extent reasonable.

Section §504 Plans, Individual Health Plans (IHP), & Emergency Care Plans (EAP)

Protecting students with serious allergies and anaphylaxis at school is approached in a team-based manner in order to limit exposure to life-threatening allergens. Students with severe food allergies are likely to meet eligibility requirements under Section §504 as a person with a physical impairment that substantially limits one or more major life activities. An individual health plan or emergency action plan filed with the campus nurse may be implemented in addition to the Section §504 accommodation plan, and the school nurse should be a member of the Section §504 Committee.

Special Education Referrals

Special education referrals can occur in the following ways:

- A student is currently served through Section §504 and is still unable to access learning appropriately which is, in turn, affecting academics.
- A parent or fellow educator has requested a special education evaluation due to student concerns.

15 school days	If a parent requests an evaluation, the school must, no later than the 15th school day after the date of the request, provide the parent with a meeting to discuss the parent's request or a Notice of Refusal.
45 school days	From the date of receipt of signed consent, the Initial Evaluation/FIE report must be completed (and provided to the school a minimum of 2 weeks before the ARD).
30 calendar days	From the date of the initial FIE, an ARD must be held.

Grievances

RISD welcomes and encourages students and parents/guardians to discuss their concerns with the appropriate teacher, principal, or another campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolutions are encouraged between the campus and family. Neither the Board nor any

District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint. See Board Policy FNG (Local).

Forms for Section 504

- Forms that are underlined, in bold print and accompanied by a single star (*) are required by law, OCR guidelines, and/or district procedural protections for all students placed in the Section 504 program, and must be used for ALL students if applicable.
- Forms accompanied by a double star (**) are required by law/OCR guidelines only under specific circumstances, as described below.
- Forms accompanied by a triple star (***) are required by RISD standard practices.
- Other forms are optional.

Name of Form	Location	When Form is Used
<u>Annual Notice for Texas Section 504 Students with Learning Difficulty*</u>	SuccessEd	Required by law to be provided annually to the parent or adult student who the district serves under the Section 504 umbrella. This form can be printed in English or Spanish.
Behavior Intervention Plan**	SuccessEd	Required by law only when a student's behavior interferes with his/her learning or the learning of others, including when misbehavior leading to removal from the general education setting is found to be a manifestation of the disability.
Contact Log	SuccessEd	Campus Section 504 Coordinators may use this form to document contact with parents and/or conversations with students and staff. DO NOT LOCK this form until the end of the school year.
<u>Notice/Consent for Initial Section 504 Evaluation*</u>	SuccessEd	Required by law/OCR guidelines prior to any evaluation or reevaluation. It also contains the plan for the nature and scope of

		the evaluation. This form can be printed in English or Spanish.
<u>Notice of Denial of Parent Request for Section 504 Evaluation*</u>	SuccessEd	To be provided to the parent/physician upon denial of 504 evaluation within 15 working days of request.
Notice of Release/Consent to Request Confidential Information**	SuccessEd	Required by law any time information is exchanged about a student with any person or organization except employees of RISD with educational need to know. Sent to parents at the beginning of the evaluation process so that the 504 coordinator can seek input from the health care provider or other outside services, such as counseling. This form can be printed in English or Spanish.
<u>Notice of Rights and Procedural Safeguards under Section 504*</u>	SuccessEd	Required by law to be provided annually to the parent or adult student who the district serves under the Section 504 umbrella. This form can be printed in English or Spanish.
Notice of Section 504 Evaluation Results***	SuccessEd	This form will be used after a Section 504 meeting has occurred as a summary for the parents/guardians of the decisions made. This form can be printed in English or Spanish.
Notice of Section 504 Manifestation Determination Evaluation Results***	SuccessEd	This form will be used after a Section 504 Manifestation Determination meeting has occurred as a summary for the parents/guardians of the decisions made. This form can be printed in English or Spanish.
<u>Notice of Section 504 Meeting*</u>	SuccessEd	Although an invitation to the meeting is not required by law, it is District standard practice to do so and includes our Section 504 Notice of Rights and Procedural Protections, so this form must be provided to parent or adult student to notify parent of the meeting and encourage participation. This form can be

		printed in English or Spanish.
<u>Parent Consent for Section 504 Service</u>	SuccessEd	Required by law/OCR guidelines only one time upon initial placement in 504 by parent or adult student. This form is also used if a parent chooses to revoke consent and remove a student from Section 504 evaluation or placement and services. This form can be printed in English or Spanish.
Parent Input	SuccessEd	Collected as part of an initial evaluation or re- evaluation to help the committee to make placement decisions. In lieu of using the form, the 504 coordinator may gather information in a parent meeting, over the telephone, or in the actual Section 504 meeting. However, all information on this form is needed for dyslexia evaluations. This form can be printed in English or Spanish.
Referral Information	SuccessEd	This optional form can be used to gather pertinent background information for a new referral. If this form is NOT used, all of the information must be addressed and documented in the Section 504 Evaluation form.
RISD Section 504 Meeting Agenda*** (Annual/Re-eval, Initial, etc.)	District provided form	Forms that can be used for organizational purposes or to ensure compliance.
RISD Section 504 Receipt of Accommodations***	Google form with electronic signatures	Collected as a part of the distribution of the Student Services Plan and kept for documentation purposes.
RISD Section 504 Signatures Sheet***	District provided form	Collected as documentation of the committee attendance and agreement to plan implementation.
<u>Section 504 Evaluation*</u>	SuccessEd	This form is required by law for all Section 504 committee meetings to determine eligibility and placement recommendations. These

		meetings could include initial evaluations, annual reviews, periodic reviews, three-year reevaluations, or manifestation determination meetings. Manifestation determination meetings are required by law prior to a change of placement (within 10 days of disciplinary removal) to determine whether the behavior in question is a manifestation of the disability and whether the change in placement can proceed. This form can be printed in English or Spanish.
<u>Section 504 Student Services Plan*</u>	SuccessEd	Spells out the accommodations and services the student will receive. Must be provided to all school personnel who will be responsible for implementation. This form can be printed in English or Spanish.
Teacher Input Form***	District provided digital form	Collected as part of an evaluation to help the committee to make placement decisions. Teacher information may be gathered in other ways. However, all information on this form is needed for dyslexia evaluations.
<u>Texas General Education Homebound Supplement*</u>		This form should be completed in the event that a Section 504 committee agrees that the student is in need of homebound services. This form can be printed in English or Spanish.
Transportation Information***		To be used when a student qualifies under Section 504 for special transportation as a related service or if other information for transportation needs to be sent to the District Executive Director of Operations.

Glossary of Terms

Link to TEA created Glossary of Terms:

https://fw.escapps.net/Display_Portal/glossary