

Section 504

Rehabilitation Act of 1973

and

Americans with Disabilities Amendments Act of 2008

Administrative Procedures Manual

Wharton Independent School District

2017-2018

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Wharton Independent School District
ADMINISTRATIVE PROCEDURES FOR DISABLED STUDENTS
UNDER SECTION 504, REHABILITATION ACT OF 1973

PURPOSE OF SECTION 504 The purpose of the Act and these procedures is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

PURPOSE OF THE ADA AND ADAAA The purpose of the ADA and ADAAA is to eliminate discrimination against individuals with disabilities of all ages in private industries, public entities, public accommodations, telecommunications, and private nonsectarian schools. The ADAAA broadened eligibility for Americans with disabilities under ADA and Section 504.

ELIGIBILITY Any child who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment, and may be based upon academic or nonacademic issues.

Since the enactment of the ADA in 2008, eligibility must be considered without consideration of the ameliorating effects of mitigating measures (except for ordinary eyeglasses and contact lenses). Thus a student may be *substantially limited* even though he is doing fairly well with the assistance of aids, services, medication and/or learned behaviors that compensate for the disability. See **Mitigating Measures** below.

These provisions will also provide protection for individuals with impairments that are episodic or in remission if the disability would substantially limit a major life activity when active. Thus, schools may need to identify as *disabled* those students with seizure disorders or asthma, even though there has been no recent activity.

A substantial limitation on one or more major life activities must be determined by the 504 committee on an individual basis. The 504 committee must make the comparison of limitation relative to peers of the same age or grade level in the general population, and consider eligibility without the ameliorating effects of mitigating measures.

The ADAAA lowered the standard by stating an impairment need not prevent or severely restrict a major life activity to be considered substantially limiting.

DEFINITION OF IMPAIRMENT

Any physiologic disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive and genitourinary, hemic and lymphatic, skin and endocrine, and respiratory*.

Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, or a specific learning disorder*.

* These lists are not intended to be all-inclusive.

DEFINITION OF "MAJOR LIFE ACTIVITIES"

Includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Additional functions now include major bodily functions (such as the immune system, normal cell growth, etc.) as well as sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.

AGE

Eligible school-aged students who have not graduated are covered.

DUAL ELIGIBILITY

Many disabled students will be eligible for educational services under both Section 504 and Individuals with Disabilities Education Act (IDEA). The procedures set out herein are applicable only to Section 504. Parents and/or students seeking services under the IDEA are referred to the District's Special Education Department.

PROGRAM AVAILABILITY

Wharton ISD will provide to each Section 504 eligible student, as determined by the District, a free, appropriate, public education regardless of the nature or severity of the disability.

SECTION 504 COORDINATOR

Wharton ISD has selected a Campus 504 Coordinator(s) on each campus, who will perform all the duties of the Section 504 Coordinator on that campus.

CHILD FIND

As part of the on-going identification and referral process, Wharton ISD makes reasonable efforts to identify and locate every qualified disabled Student residing within the District who is not receiving a public education. WISD informs 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 annually publishes the Child Find Notice in local newspapers, student handbooks, and/or places the Notice in locations likely to be seen by Parents of eligible. Additionally, every teacher within the District has 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.

REFERRAL

Wharton ISD shall refer for an evaluation of any Student who, "because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement." 34 CFR §104.35(a). Students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs. The Parent may also initiate a Section 504 referral.

**CONSENT FOR
EVALUATION AND
PARENTS' RIGHTS**

If a §504 Evaluation is necessary, the Coordinator should send to the Parent Notice of Parent Rights under §504 [hereinafter, "Parent Rights"], together with a Notice and Consent for Initial Evaluation under §504 Form [hereinafter, "Notice and Consent"], and a Parent Input for Section 504 Evaluation Form [hereinafter, "Parent Input"]. 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.

EVALUATION

When the consent is received from the parent, the Coordinator should:

a. Gather evaluation data and coordinate/direct the completion of the various Input Documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical, health and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the Student's activities/behaviors at home, and any other relevant data the parent would like to present. Should current special education data exist (an evaluation upon which a Student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered.

b. Ensure that should formalized testing be considered by the §504 Committee as evaluation data, the tests:

1) Have been validated for the specific purpose for which they are used and are administered by trained personnel in accordance with the instructions provided by the tests' creators;

2) Include those tailored to assess specific areas of educational need and are not merely designed to provide a single intelligence quotient;

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

c. Determine who will be in the group of knowledgeable people [hereinafter, the “§504 Committee” or “Committee”] (including persons with knowledge of the Child, the meaning of the evaluation data and the placement options).

d. Schedule a §504 Evaluation by the Committee.

e. Dyslexia evaluations shall be completed by the professional trained in dyslexia assessment.

e. Provide written notice to the Parents notice of the time and place of the evaluation meeting, inviting the Parent.

At the §504 Evaluation, the Committee should:

a. Draw upon information from a variety of sources, including, but not limited to, efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, physical condition, social or cultural background, adaptive behavior and the Parent and Teacher/Administrator input forms;

b. Ensure that all information reviewed in the evaluation is documented and carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measures, recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation.

d. Complete the Section 504 Evaluation form. If the Student is determined to be eligible [hereinafter, “eligible student”], the Committee moves on to the Section 504 Student Services Plan [hereinafter, “Services Plan”] form to develop appropriate services and accommodations. If no eligibility is found, the Parents are so informed in writing.

e. Should the Parent refuse consent to the initial provision of Section 504 services, they should document in writing, and the Services Plan should be appropriately annotated with the Parent’s refusal to consent. Section 504 services detailed

on the Services Plan will not be provided to the Student, but the completed Plan will serve as documentation of the District's offer of FAPE to the Student.

At the conclusion of the Evaluation/Placement meeting, the Coordinator provides notice to the parent of the 504 Committee's findings, and copies of the completed Evaluation form, the Services Plan (if eligible).

**INTERACTION
WITH TEXAS
DYSLEXIA LAW**

In accordance with State Board of Education Rule and the Revised Procedures Concerning Dyslexia (Maroon Book), prior to testing a student individually for Dyslexia and/or prior to providing a student with dyslexia services, the District must refer and evaluate under Section 504. The provision of dyslexia instructional services to a §504-eligible student may only be accomplished by a properly constituted §504 Committee. If at any time the §504 Committee determines that the disabled student needs special education and related services in order to receive educational benefit, a special education referral should be initiated. If the Student is currently under-going special education assessment (but is not yet IDEA-eligible) or if the Student is already IDEA-eligible, a dyslexia evaluation for the Student must occur under the direction of the Student's ARD Committee.

RECORDS

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

**FREE APPROPRIATE
PUBLIC
EDUCATION (FAPE)**

No eligible Student may be excluded by the District from receiving a public elementary or secondary education. When considering the educational placement for eligible students, the Committee will ensure that the services provided are:

a. Appropriate. The §504 services are designed to meet the individual needs of the eligible Student as adequately as the needs of nondisabled students, and are based upon adherence to the regulatory procedures relating to educational setting, evaluation and placement, and procedural safeguards. The Committee may place an eligible Student in a program that the District does not operate in order to satisfy this requirement, but in so doing, the District remains responsible for ensuring that the requirements of §504 are met.

b. Free. An eligible Student's educational program provided under §504 is provided without cost to the Parent of the eligible Student, regardless of where those services are provided or by whom. Should the Committee determine that placement in a program not operated by the District is required for the eligible Student to receive FAPE, the District shall ensure that adequate transportation is provided to and from the program at no greater cost than would be incurred by the eligible Student or his or her parents or guardians if the student were placed in the program operated by the District. The only costs of educational services that may be assessed the eligible Student are those borne by nondisabled students and their Parents (such as tickets to athletic events, purchases of yearbooks, gym clothes, etc.). When the District has made available a FAPE as required by §504, and the eligible Student or his or her Parents or Guardians choose to place the Student in a private school, the District is not required to pay for the eligible Student's education in the private school.

**LEAST
RESTRICTIVE
ENVIRONMENT
(LRE)**

The Committee shall create a placement for the eligible Student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible Student.

**NONACADEMIC
SERVICES &
EXTRACURRICULAR
ACTIVITIES**

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

- a. Eligible Students are afforded an equal opportunity to participate in such service and activities.
- b. Eligible Students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible Student.

Counseling. Wharton ISD provides personal, academic, or vocational counseling, guidance, or placement services to all students, and those services are be provided without discrimination on the basis of disability. WISD ensures that disabled students are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

Physical education and athletics. In providing physical education courses and athletics and similar programs and activities to any of its students, WISD does not discriminate on the basis of disability. Disabled students have equal opportunity to participate in the WISD's physical education courses, as well as interscholastic, club, or intramural athletics operated or sponsored by WISD. WISD offers disabled students physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of LRE and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Comparable Facilities. WISD ensures that facilities, services and activities provided are comparable to the other facilities, services and activities of the District.

**IMPLEMENTATION
OF THE §504
SERVICES PLAN**

The Campus Coordinator should ensure that the Student's Services Plan is delivered to each teacher, campus administration, and any other employee or third-party contractor who has responsibility to implement the plan. Monitoring of Services Plan implementation should be accomplished through the teacher appraisal process, through walkthroughs, and informal checks of the student's academic, behavioral and social progress by the Coordinator and other appropriate personnel.

**REVIEW AND
REEVALUATION**

All Section 504 plans are reviewed by the 504 committee annually.

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 at this time. Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE. It is also the District's practice to conduct annual reviews when no periodic re-evaluation is required. Prior to a re-evaluation, the District will provide the parents with written notice of the time and place of the re-evaluation meeting. The Committee should focus on the Student's changing needs due to the effects of different classroom subject matter, school demands and other factors.

For re-evaluation of Students with dyslexia, the assessments must be completed by the campus dyslexia specialist.

DISCIPLINE

The following disciplinary provisions apply to students who are in receipt of a Section 504 Services Plan, together with students who are eligible under Section 504 as students with a physical or mental impairment that substantially limits one or more major life activities, but who are not in need of a Section 504 Services Plan at this time (either because the impairment is in remission or because the students have no need for a Service Plan due to the positive effects of mitigating measures currently in place), and those students for whom the parents have denied or revoked consent. Should the District initiate a disciplinary removal of the eligible Student from his educational placement for a term of more than ten consecutive school days, the §504 Committee must first conduct an evaluation, which includes manifestation determination. Prior to the evaluation, the Coordinator shall give the Parents written notice of the time and place of the evaluation meeting.

The Committee's evaluation should determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities?; and (2) was the conduct in question the direct result of the school's failure to implement the student's §504 plan? If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be effected without §504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process). The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine: (1) was the conduct in question caused by, or directly and substantially related to the Student's disabilities? and (2) was the conduct in question the direct result of the school's failure to implement the Student's 504 plan? Prior to the evaluation, the Coordinator shall give the Parents written notice of the time and place of the evaluation meeting. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

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

INTERACTION WITH SPECIAL EDUCATION

Each student referred and evaluated for special education who does not qualify and each student dismissed from special education shall be evaluated for possible Section 504 eligibility on a case-by-case basis. If at any time the §504 Committee determines that the disabled Student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated.

MITIGATING MEASURES

Pursuant to the ADAAA, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. Further, students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

PROCEDURAL PROTECTIONS

The following protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan. WISD ensures that a system of procedural safeguards is in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system includes notice, an opportunity for the Parent or Guardian of the disabled Student to examine relevant records, an impartial hearing with opportunity for participation by the Student's Parent or Guardian and representation by counsel, and a review procedure. The impartial hearing is governed by the District's Procedures for §504 Due Process Hearings. Should the Parent disagree with the identification, evaluation, or placement decision of a §504 Committee or the decision of a §504 hearing officer, the Parent may seek relief in state or federal court as allowed by law and /or access the review procedure.

Upon request, the District's Section 504 Coordinator shall provide a review procedure to ensure that the Section 504 due process hearing was properly conducted pursuant to the requirements of the §504 procedural safeguards and the District's §504 due process hearing procedures. The Parent has 30 calendar days from the date that the due process hearing officer issues a decision to request a review. The request should be in writing, and should include a brief description of the basis of the request. The request for review is made directly to the District's Section 504 Coordinator. Within 15 days of the receipt of a request for review, the District's Section 504

Coordinator shall issue a decision in writing. The decision should be based on a review of the written request, the hearing officer's decision, the District's Procedures for §504 Due Process Hearings, any additional information provided by the Parent, and any additional information deemed relevant by the Section 504 Coordinator.

Any person eligible to file a grievance with respect to the District's Section 504 obligations may file a grievance through the District's local grievance process. Information on the grievance process can be obtained from the District's §504 Coordinator.

**PARENT
LANGUAGE**

If the District determines that the dominant language of the parent is Spanish, the District will ensure effective notice in Spanish and services necessary to provide the Parent an opportunity for effective participation in the §504 process. If the District determines that the dominant language of the Parent is not English or Spanish, the District will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the §504 process through other means.

**DUTY NOT TO
DISCRIMINATE**

WISD ensures that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. These protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan.

RETALIATION

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

**DISABILITY-
RELATED
HARASSMENT**

WISD will promptly investigate all claims of disability-based harassment, take prompt and effective action to end the harassment and prevent it from recurring, and, as appropriate, remedy the effects of the harassment on the student. Where evidence of disability-based harassment is found pursuant to an investigation, and WISD believes that the harassment has adversely impacted upon the ability of a disabled Student to have equal access to the District's programs or activities, or the disabled Student's entitlement to a free, appropriate public education, a

§504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the Student's Services Plan are required.

The District's Section 504 Coordinator will periodically review disability harassment claims to determine whether additional changes, action or training is needed at the campus or District level. The Coordinator will provide training to District employees as appropriate to foster understanding of disability harassment policies, and compliance with harassment procedures. The Coordinator will also make reasonable efforts to publicize WISD's policies and procedures with respect to disability harassment so that students, faculty and staff, as well as parents recognize harassment, and know how to report incidents of harassment.

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Section 504 Due Process Hearing Procedures

RIGHT TO DUE PROCESS

In the event a parent or guardian wishes to contest an action or omission on the part of WISD with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 [“§504”], the parent has a right to an hearing before an impartial hearing officer. Omissions on the part of the District with regard to a disabled child might include, for example, the District's failure to identify a child eligible for services under §504. Thus, a child’s identification as eligible for services under §504 is not a prerequisite to the right to due process.

PARENT PARTICIPATION & REPRESENTATION

A parent has the right to participate, speak, and present information at the due process hearing, and to be represented by legal counsel or any other type of advocate or representative of their choice at their expense. If a parent is to be represented by a licensed attorney at the due process hearing, he or she must inform the District’s §504 Coordinator and the appointed hearing officer of that fact in writing at least seven (7) calendar days prior to the hearing date. Failure to notify the §504 Coordinator and the appointed hearing officer of that fact in writing shall constitute good cause for a continuance of the hearing date. (*See “Continuances” below*).

INITIATION OF DUE PROCESS PROCEDURES

A parent who wishes to challenge a District’s action or omission with regard to the identification, evaluation, or placement of a disabled child must submit a written Request for a Due Process Hearing to the District’s §504 Coordinator. Such a written request must make clear that the parent is seeking a due process hearing under §504 before an impartial §504 Hearing Officer. If an intent to seek a due process hearing under §504 is not clear from the face of a Request, the District’s 504 Coordinator may contact the parent to clarify the Request and ascertain whether the parent wishes to initiate a §504 due process hearing. The Coordinator may also assist the parent in clarifying any questions regarding due process rights under §504. The reasonable time involved in ascertaining whether an ambiguous or unclear Request seeks a due process hearing under §504 shall toll the time lines set forth in these procedures (meaning that such time will not count toward the time line days specified in these procedures). If after such communication, the District is still unsure whether the parent is requesting a due process hearing under §504, the District shall

initiate due process procedures, and the appointed Hearing Officer will hold a pre-hearing conference to decide whether the parent is seeking a due process hearing under §504, and whether the Hearing Officer has jurisdiction to entertain the claims and issues raised by the parent. (See "Pre-Hearing Conferences" below).

**APPOINTMENT OF
A HEARING
OFFICER**

Within fifteen (15) days of the date of receipt of a clear Request for a Due Process Hearing, WISD will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by WISD as an independent contractor at no expense to the parent. The Hearing Officer shall not be a current employee of the District, and shall not be related to any member of the District's Board of Trustees to a degree prohibited under the Texas Nepotism Statute. The Hearing Officer need not be an attorney, but shall be familiar with the requirements of §504 and the District's Hearing Procedures under §504. The District's choice of an impartial Hearing Officer is final and may not be made an issue at the due process hearing, since such an issue would not relate to the identification, evaluation, or placement of a disabled child under §504. If a parent disputes the impartiality of the appointed Hearing Officer, he or she may raise such issue in a review of the Hearing Officer's opinion by a court of competent jurisdiction (See "Review Procedure" below), or in a complaint to the appropriate Office for Civil Rights regional office (See "Complaints to the Office for Civil Rights (OCR)" below).

**SCHEDULING OF
HEARING**

The appointed Hearing Officer shall issue an Order Setting Hearing Date to the parent and the District's §504 Coordinator in writing at his or her earliest opportunity. Such Order shall set a date for a hearing to be held within fifteen (15) days of the date of issuance of the Hearing Officer's Order. The Order shall also set forth a mutually agreeable time and place for the hearing.

**PRE-HEARING
CONFERENCE**

The Hearing Officer may also order a Pre-Hearing Conference at which the parent or his or her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference can also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process.

DISMISSALS If, after the Pre-Hearing Conference, the Hearing Officer finds that the parent, as a matter of law, alleges and raises no factual claims or legal issues that come within his or her jurisdiction as a §504 Hearing Officer, he or she may dismiss the hearing and issue an order to that effect explaining the bases for such finding.

CONTINUANCES Upon a showing of good cause, the Hearing Officer, at his or her discretion, may grant a continuance of the hearing date and set a new hearing date by issuing a written Amended Order Setting Hearing.

CONDUCT OF HEARING The hearing shall be conducted in an informal, non-adversarial manner. The parties shall address the Hearing Officer by name (i.e. Mr. or Ms.). The hearing shall be closed or open to the public, at the parent's request. The parties are free to provide the Hearing Officer with information or opinion as to the validity and weight to be given the information presented to him or her. Neither the Federal nor Texas Rules of Evidence or Civil Procedure, however, will apply. The Hearing Officer is not required to entertain any legal evidentiary objections to the admissibility, authenticity, or probative value of either oral testimony or documentary exhibits offered at the hearing. In the exercise of his or her discretion, however, the Hearing Officer may reasonably limit testimony and introduction of documentary exhibits for reasons of relevance. (See also "Submission of Documentary Exhibits" below).

RECORDING Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be tape-recorded. The parent may obtain a copy of the audio recording at his or her request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent proceeds to a review of the due process hearing decision to a court of competent jurisdiction (See "Review Procedure" below), the District will prepare a written transcript of the hearing tape recording to be offered to the court as an exhibit.

WITNESSES Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the Hearing Officer, at his or her discretion, ask a witness a certain question.

FORMAT FOR PRESENTATIONS

The parent will present its case first, by making an opening statement which outlines the parent's position on all issues, presenting personally, calling additional witnesses, and making a closing argument. All of the preceding may be done either personally or through counsel, except for personal presentations or statements. At the end of the District's presentation, the Parent may offer a short response to the District's case. The above format is not required, but may be helpful in organizing the presentation of the case to the Hearing Officer.

SUBMISSION OF DOCUMENTARY EXHIBITS

As part of their presentations, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions and that the Hearing Officer will admit at his or her discretion. Each separate documentary exhibit submitted to the Hearing Officer by either party must be marked numerically (i.e., Parent 1, Parent 2; District 1, District 2, etc.). The Hearing Officer may, in the exercise of his or her discretion, reasonably limit the number of documents to be submitted for his or her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

WRITTEN CLOSING, ARGUMENTS, OR BRIEFS

Written Closing, Arguments or Briefs. The parties may submit, at the Hearing Officer's discretion, a written Closing Argument summarizing and characterizing the information presented at the hearing, and providing legal authority in support of their position. Time lines for the submission of Closing Arguments shall be set by the Hearing Officer at the conclusion of the hearing.

CLOSING OF HEARING

At the conclusion of all presentations, the Hearing Officer will close the hearing and set a date for the issuance of the written decision. The Hearing Officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but must in all cases issue a written opinion addressing and ruling on all issues raised by the Petitioner and indicating what corrective action, if any, the District must take. Formal findings of fact and conclusions of law, however, are not required. Any issue or claim raised by the parent that is left unaddressed by the Hearing Officer in his or her decision will be deemed to have been denied to the parent. The decision must be issued to both parties within fifteen (15) days after the hearing.

DECISION TIMELINE

A decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the district.

**REMEDIES AND
RELIEF**

The Hearing Officer must confine his or her orders and rulings to those matters that involve identification, evaluation, or placement of children under §504 and to the provisions of the regulations implementing §504. If a parent has raised issues or claims outside of the areas of identification, evaluation, or placement, that are not within the Hearing Officer's jurisdiction, the Hearing Officer will make appropriate findings to that effect either in the written decision, or at any time prior to the issuance of a decision (for example, at a Pre-Hearing Conference). A Hearing Officer may not award attorneys' fees as a part of relief granted to a parent.

**REVIEW
PROCEDURE**

If not satisfied by the decision of the Hearing Officer, a parent may seek review of the hearing decision in a court of competent jurisdiction, generally the closest federal district court

**COMPLAINTS TO
THE OFFICE FOR
CIVIL RIGHTS
(OCR)**

At any time, a parent may file a complaint with OCR if he or she believes that the District has violated any provision or regulation of §504. The filing of a complaint does not affect the hearing process or the time lines set forth above. OCR addresses §504 complaints separately and independently of the local hearing process, in accordance with the guidelines set forth in OCR's Complaint Resolution Manual.

The Regional Office of Civil Rights, which has jurisdiction over Texas, can be contacted as follows:

**Texas OCR Enforcement Office
The Office for Civil Rights
Dallas Regional Office**

1999 Bryan, Suite 2600
Dallas, TX 75201

Telephone: (214) 661-9600

Fax: (214) 661-9587

TDD: (877) 521-2172

Email: OCR.Dallas@ed.gov

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Notice of Rights 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 non-disabled 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 non-disabled 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 non-disabled 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 non-disabled 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 CFR 104.35]. 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 non-disabled 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. 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, Texas 75201-6810, Tel. 214-661-9600

Aviso a Padres de Estudiantes Incapacitados de sus Derechos Legales 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 re-evaluaciones, periódicamente. Generalmente re-evaluaciones educativas se harán 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 está 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. 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.

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, Texas 75201-6810, Tel. 214-661-9600

WHARTON INDEPENDENT SCHOOL DISTRICT

RECEIPT OF SECTION 504 ACCOMMODATION PLAN

Student _____ Date _____

School _____ Grade _____ ID# _____

Circle the appropriate semester: Semester 1 2

The following staff members are responsible for the implementation of the Accommodation Plan for the student listed above.

Staff Member	Position	Signature	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

All staff members listed above must sign this form.

ATTACH THIS FORM TO THE ACCOMMODATION PLAN AND FILE IN THE STUDENT'S 504 FOLDER.

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WHARTON INDEPENDENT SCHOOL DISTRICT

SECTION 504 - MANIFESTATION DETERMINATION CHECKLIST

To ensure compliance a Section 504 Committee considering manifestation determination should address the following questions.

Prior to the 504 Committee Meeting

- | | Yes | No | |
|----|-------|-------|--|
| 1. | _____ | _____ | Could the discipline action result in a change in placement for more than 10 <i>cumulative</i> school days? |
| 2. | _____ | _____ | Have district procedures been followed in notifying the student and parent of the disciplinary offense within appropriate timelines? (no later than day on which decision to take disciplinary action is made) |
| 3. | _____ | _____ | When must the Manifestation Determination be conducted? As soon as possible, but in no case later than 10 school days after the date on which the decision to take disciplinary action is made. |
| 4. | _____ | _____ | Have parents received notification of their Section 504 rights? |
| 5. | _____ | _____ | Does the Campus 504 Committee consist of people who are knowledgeable of the student, the meaning of the evaluation data, and placement options? |
| 6. | _____ | _____ | Have parents received notification of the date and time to furnish the 504 committee with any additional or more current evaluation data they may have? |
| 7. | _____ | _____ | Is the district's evaluation data current? If not, what additional information or assessment is appropriate prior to the 504 committee meeting? |
| 8. | _____ | _____ | Is the 504 Accommodation Plan available to the 504 committee for review? |
| 9. | _____ | _____ | If a Behavior Intervention Plan has been implemented, is it available to the 504 committee for review? |

MANIFESTATION DETERMINATION CHECKLIST (Continued)

Following the Campus 504 Committee Meeting

Yes

No

1. ___ ___ Did the Campus 504 Committee make a determination as to whether the behavior in question was a manifestation of the student’s disability?

2. ___ ___ If there was no manifestation, has the district gone forward with regular education disciplinary procedures?

3. ___ ___ If there was no manifestation, has the Campus 504 Committee determined what educational services will be provided to the student during the term of expulsion, in order to prevent significant regression (*including, but not limited to, a behavior intervention plan*)?

4. ___ ___ If the behavior in question was a manifestation of the student’s disability, did the Campus 504 Committee review the 504 Accommodation Plan/Behavior Intervention Plan to assure their appropriateness?

5. ___ ___ Have teachers been given (*and signed for*) a copy of the updated 504 Accommodation Plan/Behavior Intervention Plan (home campus and disciplinary placement teachers)

6. ___ ___ Have parents received notification of the determination and the resulting actions?

WHARTON INDEPENDENT SCHOOL DISTRICT

504 QUESTIONS AND ANSWERS

504 REFERRALS

1. *When should a student be considered by a Campus 504 Committee?*
 - a. When a student does not qualify for Special Education services, either through the initial evaluation or the three-year reevaluation.
 - b. When a parent requests a 504 Committee meeting.
 - c. When school personnel observe that a student is not performing satisfactorily in school.
 - d. When school personnel are notified of, or suspect a student has, a disability.
 - e. When the 504 committee has a question regarding whether or not a student is eligible, best practice suggests that committees err on the side of eligibility.

DOCTOR'S DIAGNOSIS

2. *Does a diagnosis from a doctor automatically mean a student is eligible for 504 services?*

No. A doctor's report or diagnosis is one part of the data a Campus 504 Committee must consider for eligibility and services. A single piece of data does not have more weight than another, but all data must be reviewed and considered. *Neither a doctor's note nor an ADHD evaluation is required for eligibility.*

RETENTION

3. *Should a student who is retained in a grade level be considered by a 504 Committee?*

Yes. While research indicates that retention is not an effective remediation strategy, best practice suggests that a 504 Committee should review students suspected of having a disability that may substantially limit a major life function in this situation.

MONITOR

4. *Who monitors the progress of a 504 student?*

After a student qualifies under 504, the student should be monitored by the Administrator or their designee.

504 QUALIFICATION 5. *Who determines whether or not a student is 504 qualified?*

The Campus 504 Committee makes the determination *based on an evaluation*. Students who are considered by Campus 504 Committees are NOT automatically 504 qualified.

HEALTH PLANS 6. *Are all students with Health Plans eligible for 504 Services?*

All students with Health Plans on file should be reviewed by a Campus 504 Committee. OCR has determined that both Health Plans and Emergency Plans are mitigating measures, and without those mitigating measures, the student's disability may significantly impair a major life activity.

7. *Are all students with a medical condition noted on the annually-completed School Emergency form automatically considered eligible for Section 504 services?*

Probably. Campus 504 committees should review the emergency cards annually and determine if the student's condition meets the eligibility criteria for Section 504. It is possible for a condition to not significantly impair a major life activity.

PARENT DISAGREEMENT 8. *What if a parent disagrees with Campus 504 Committee decisions or recommendations?*

First and foremost, the campus should work with the parent to attempt to resolve disagreements. At all times, however, the parent has the right to begin due process, as stated in "Notice of Parent and Student Rights under Section 504, The Rehabilitation Act of 1973."

9. *Can a parent revoke consent for Section 504 services once the student has been served?*

Yes. The student's parents can revoke services. However, the campus must remember that the student is then "Technically Eligible" for services, and is still required to receive all of the rights, including manifestation determination, procedural safeguards, periodic reevaluation, and the nondiscrimination protections of Section 504.

**BEHAVIOR
MANAGEMENT**

10. *Are 504 qualified students required to have a Behavior Intervention Plan?*

The 504 Accommodation Plan allows for modifications in the area of student behavior and discipline if deemed necessary by the Campus 504 Committee. Behavior Intervention Plans should be well documented within the Individual Accommodation Plan.

DOCUMENTATION

11. *To whom in administration do we send copies of documentation after Campus 504 Committee meetings?*

Original copies of all 504 documents should be sent to ESC of WISD. Copies should be kept in the Campus 504 Coordinator's student file. Originals should be sent within five days of the 504 meeting, and all documents must be submitted prior to the last day of school.

**NOTIFICATION TO
STAFF**

12. *What procedure is to be followed to ensure that the 504 qualified student's Accommodation Plan is followed by campus personnel?*

It is the responsibility of the Campus 504 Coordinator to provide a copy of the 504 Accommodation Plan to each of the student's teachers and to other staff who have a need to know. Teachers should be fully informed regarding a student's disability and all needed accommodations. A written acknowledgement or receipt of the 504 Accommodation Plan is required and must be filed in the student's campus 504 folder.

Campus Administrators should have a complete list of

all 504 qualified students. A Campus 504 Committee must be held prior to a 504 student's significant change in school placement in order to complete a Manifestation Determination Review.

**CHANGE IN
PLACEMENT**

13. *What is considered a "significant change in placement" for 504 qualified students?*

Any change for 10 or more **cumulative** school days is considered significant and requires a Campus 504 Committee review.

**STATE MANDATED
TESTING**

14. *Can 504 qualified students' state mandated testing be modified?*

No. Only an ARD committee has the authority to modify state testing for students receiving Special Education services. 504 qualified students may be eligible for accommodations in state testing as delineated by TEA.

**SPECIAL
EDUCATION**

15. *When students do not meet IDEA eligibility based on a Full and Individual Evaluation, will they be eligible for 504 services?*

Maybe. Since a special education evaluation was requested, the student is clearly suspected to have a disability. A Campus 504 Committee must meet to consider the student's educational needs. It is suggested that in this case the Campus 504 Committee meet immediately following the ARD Committee.

16. *When students receiving Special Education Services (including Speech Therapy) are dismissed from Special Education, are they still referred to a Campus 504 Committee for consideration?*

Yes, because these students now “have a history of having a disability.” It is suggested that the Campus 504 Committee meet immediately following the ARD committee to discuss the student’s eligibility.

EDUCATIONAL RECORDS

17. *What procedures for filing 504 records will be followed?*
 - a. Original 504 documentation should be filed in the student’s 504 file at the Admin Building.
 - b. Required documents to be filed: The annual 504 IAP and any subsequent review meetings (including detailed minutes), The 504 evaluation and any supporting documentation, the consent for evaluation, the consent for placement, and the signed receipt of parental rights.
 - c. A copy of all 504 documentation should be kept in a student file on the campus with the Campus 504 Coordinator.
 - d. If a student transfers to another school within the District, 504 records must follow the student. The receiving school will also need a copy of the Accommodation Plan and/or BIP.
 - e. When 504 students transfer out of the district, 504 records must be forwarded by the campus to the receiving school through usual school records transfer processes. Written parental request is not necessary, as these are regular education records.