

UNDERSTANDING SECTION 504: AN OVERVIEW FOR GRAND PRAIRIE ISD FAMILIES

What is Section 504?

The Rehabilitation Act of 1973 is a broad Civil Rights law designed to protect individuals with disabilities from discrimination in programs and activities that receive federal funding. School districts receive federal funding but do not receive additional funding to implement this particular statute. Students are evaluated for eligibility under Section 504 during a Section 504 Committee meeting.

Determination of Eligibility

All individuals with disabilities who meet eligibility criteria after undergoing an evaluation are protected under Section 504. The evaluation is not a formal test or assessment. The evaluation is a review of multiple sources of data conducted by a Section 504 Committee. In order for the committee to be able to review the student for initial eligibility, the parent/guardian must provide written consent and be present for the meeting. The result of the evaluation (review) of the multiple sources of data is what determines whether or not a student is eligible for protection under Section 504. The multiple sources of data typically include but is not limited to: parent input, teacher input, attendance records, discipline records, grades, school clinic records, State assessment scores, District assessment scores, and medical information. The committee reviews the multiple sources of data to answer two questions: 1. Does the student have a physical or mental impairment? 2. Does the physical or mental impairment substantially limit one or more major life activities? If the committee answers yes to both of those questions, then the student is eligible for protection under Section 504. The committee will then determine whether or not the student needs an accommodation plan for that student's needs to be met as adequately as those of non-disabled students. If a plan is needed, then one is developed by the Section 504 committee during the meeting. Accommodations are written into the plan, if the data indicates those accommodations are reasonable and necessary for the student's needs to be met.

The Section 504 Committee

The group of people involved in making decisions must include individuals knowledgeable about the student, the evaluation information, and placement/service options. The law does not state a parent must be present for any Section 504 meeting, except for the initial meeting. However, in Grand Prairie ISD, we firmly believe in the power of collaboration and parental involvement and invite parents/guardians to be a member of our Section 504 committees.

Review and Re-Evaluation

The Federal expectation is re-evaluation (a Section 504 meeting) will take place at least once every three years. In Grand Prairie ISD, we believe there is great value in re-evaluating students annually and have made that our practice. Anyone can call a Section 504 meeting at any point during the school year. If a parent, teacher, counselor, or other GPISD staff member believes the 504 Plan for a particular student needs to be revisited, then that person should contact the Section 504 Administrator for that particular campus and request a Section 504 meeting be held. The person requesting the meeting will need to establish the purpose for the meeting when making the request.

FAPE and Least Restrictive Environment

Students with a 504 Plan must receive the accommodations to ensure they are receiving a Free Appropriate Public Education (FAPE) comparable to the education received by nondisabled peers. Students receiving services under Section 504 are placed in a general education setting, unless the education of the child cannot be satisfactorily achieved using supplementary aids and services.

Disciplinary Procedures

A Section 504 Manifestation Determination Review (MDR) Meeting must be conducted prior to disciplinary removals constituting a change in placement (example: sending a student to DAEP). The purpose of a Section 504 MDR is to review the student's 504 information and determine two things: (1) whether or not the behavior in

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question is caused by or has a direct and substantial relationship to the disability, and (2) whether or not the behavior in question is a direct result of the school's failure to implement the Section 504 Plan. In Grand Prairie ISD, the campus administration team will conduct the discipline hearing prior to the Section 504 MDR Meeting. The Section 504 MDR meeting must be held within 10 school days of the recommendation for disciplinary removal. It is important to note that under Section 504, students found to be current users of drugs and/or alcohol are not entitled to a Section 504 MDR meeting prior to disciplinary action.

Due Process and Disagreement

Under Section 504, school districts are charged to develop a local grievance procedure and provide an impartial hearing to a parent/guardian who disagrees with the identification, evaluation, or placement of a student. In Grand Prairie, ISD, should a parent/guardian desire to take this step, then that parent/guardian will need to contact the GPISD Director of Special Services, Michelle Brinkman, at 972/237-4039. Parents/guardians may also choose to contact the Office for Civil Rights (OCR) to make a complaint that the school has violated the Section 504 rights of a student.

What is the process? What can I, the parent, expect?

If you believe your child may be eligible for Section 504, then please contact the Section 504 Administrator of your child's campus. Once you make the request for an evaluation under Section 504, the school has no more than 15 school days to conduct the meeting. The school will send you a packet of information that includes notice of the meeting, a copy of your rights under Section 504, a request for consent to contact a medical care provider for records (if necessary), and a parent input form. The items in this packet will need to be completed, signed, and returned to the school prior to the Section 504 meeting. During the meeting the data will be reviewed, eligibility will be determined, and, if needed, a plan will be developed. At the end of the meeting, all committee members will sign that they were in attendance for the meeting. The parent/guardian will get a copy of the meeting minutes. If a plan is developed, then that plan will be shared with those who have educational need (ex: teachers, counselors, administrators, or others as determined by the committee). Those who provide services to the student with a plan are expected to implement the plan in their setting as soon as they receive it, which typically is within one school day of the meeting.

How do I know which administrator is over Section 504 at my child's school?

You may call the school and ask, or you may visit the GPISD Website (www.gpisd.org) to locate this information.

If I need help from someone at the District level, who do I contact?

You may contact the Director of Special Services, Michelle Brinkman, at 972/237-4039 or michelle.brinkman@gpisd.org.

Is there any other information available regarding Section 504?

If you do an internet search, chances are you will get thousands of hits regarding Section 504. Unfortunately, not all information out there is updated and/or accurate. Grand Prairie ISD recommends contacting our campus 504 Administrator or District Director of Special Services for any questions you have. You may also visit the U.S. Department of Education's website (www2.ed.gov). It is not recommended for you to contact the Texas Education Agency for questions regarding Section 504 as Section 504 is overseen by the Office for Civil Rights (USDE) and not TEA since it is a Federal and not a State mandate.