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# Canutillo Independent School District

**504 Operational Guidelines, Policy and Procedures**

**Vol. 9**

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# Section 504 Guidelines

## Introduction

### CISD Mission Statement

*Provide high quality educational opportunities that will inspire all students to acquire and use the knowledge and skills needed to become leaders and productive citizens in a culturally diverse and technologically sophisticated world.*

### CISD Vision Statement

*To become a premier school district with nationally-ranked, bi-literate graduates that will be able to create, collaborate, communicate, critically think and apply the knowledge and skills to be successful in post-secondary and the workforce; and more importantly, in life.*

*The Canutillo Independent School District does not discriminate on the basis of race, color, national origin, gender, age or disability in its employment practices, or in providing education services, activities and programs, including technical education programs. For more information regarding the Canutillo Independent School District policy of non-discrimination contact: Executive Director for Human Resources, (915) 877-7423, 7965 Artcraft Rd., El Paso, TX 79932.*

*El Distrito Escolar Independiente de Canutillo no discrimina en cuanto a raza, color, origen, género, edad o discapacidad en lo que se refiere a sus prácticas de empleo, o al proveer servicios, actividades y programas educativos y vocacionales. Para mayor información respecto a la política de no discriminación del Distrito Escolar Independiente de Canutillo, favor de contactar a: Director Ejecutivo de Recursos Humanos, (915) 877-7423, 7965 Artcraft Rd., El Paso, TX 79932.*

The procedures set forth in this document provide information and guidelines for the implementation of the Section 504 services to students as identified under Section 504 of the Rehabilitation Act of 1973. Components of this Act prohibit discrimination against disabled persons by school districts receiving federal funds, regardless of whether the specific program or activity involved is a direct recipient of federal funds.

The overall goal of Canutillo Independent School District is to ensure that students who are disabled as defined under section 504 criteria are identified, evaluated and provided with appropriate educational services. This document is written to assist CISD personnel responsible for the education of student with disabilities, and is designed to provide an overview of the requirements and benefits of Section 504.

This document is intended to be a resource for CISD personnel in complying with the federal and state laws and regulation focusing on the education of students with disabilities. *It does not replace the legal advice of a school board attorney when question arise as to the application of Section 504 and other disability laws with respect to a particular student or situation.*

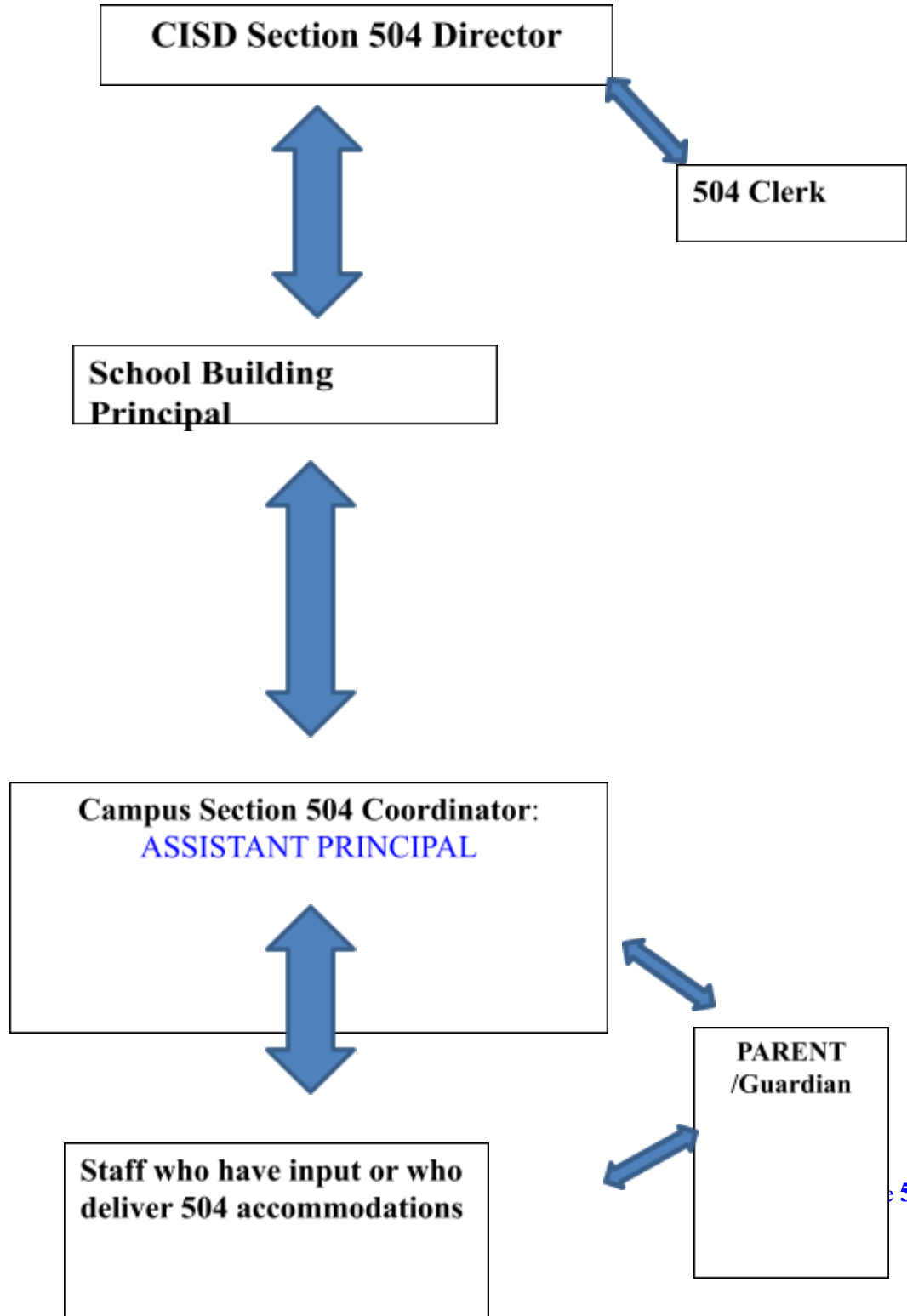
Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act (IDEA). In other words, a student may have a disabling condition (As defined by Section 504) but evidence not significant cognitive or academic impairment (and not be IDEA eligible) yet remain eligible for receipt of related services and or accommodations. Any questions regarding these procedures should be directed to the Section 504 Director at CISD.

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**504 Director**

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Canutillo, TX 79835  
915-877-7450

[cchambers@canutillo-isd.org](mailto:cchambers@canutillo-isd.org)

## CISD 504 Chain of Responsibility and Communication



### Directory - Section 504 Contacts at CISD Schools

Name	Position	Contact Information	Site
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	Dean of Students	877-1704	NECHS
<b>Devin Roush</b>	Assistant Principal	877-6604	Alderete Middle School
<b>Barbara Peterson Andrea Esparza</b>	Assistant Principal	877-7904	Canutillo Middle School
<b>Maria Varela</b>	Assistant Principal	877-7704	Bill Childress Elementary
<b>Veronica Frias</b>	Assistant Principal	877-7604	Canutillo Elementary
<b>Guadalupe Montano</b>	Assistant Principal	877-6404	Davenport Elementary
<b>Robert Seeburg</b>	Assistant Principal	877-6804	Jose Damian Elementary
<b>Ruben Aguirre</b>	Assistant Principal	877-1204	Garcia Elementary
<b>Maria Castillo</b>	Assistant Principal	877-2304	Reyes Elementary

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Central Office Resources	Job Description	Contact	Site
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Lezli Leyva	Diagnostician	<a href="mailto:lleyva@canutillo-isd.org">lleyva@canutillo-isd.org</a>	CMS
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### *CISD School Nurse Directory*

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**Canutillo ISD**  
**Section 504 Staff Handbook**  
**(Operating Procedures)**

**SECTION I**

**General Information**

**WHAT IS SECTION 504?** In 1973 when the Rehabilitation Act was passed, the intent was to encourage participation and equal access to federally funded programs by the disabled. As applied to schools, the language of the Act broadly prohibits the denial of public education participation, or enjoyment of the benefits offered by public school programs because of a child's disability. The law was enacted to "level the playing field" for disabled students.

## Who is covered under Section 504?

### Definition of "Disabled" Under Section 504 and the Americans with Disabilities Act. (Section 504 of the Rehabilitation Act of 1973)

A. Definition of an "individual with disabilities": An *individual with disabilities* under Section 504 is ***any person*** who:

**Has a physical or mental impairment which *substantially limits* one or more *major life activities***; 34 C.F.R. 104.3(j)(1)(i) U.S.C. 12102(4) (a)(1)(A) See Chart pg 12

- a. **Physical or mental impairment**; Any physiological disorder of condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic skin, and endocrine, or
- b. **Any mental or psychological disorder** such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability. (34 C.F.R. 104.3(j)(2)(i))

**Substantially limited**: "*Substantially limits*" is not meant to be a demanding standard. Impairment is a disability if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population.

**Example**: A person who is on crutches is substantially limited in the major life activity of walking since his impairment makes the person unable to walk (Unable to perform the major life activity of walking). Impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. *Nonetheless, not every impairment will constitute a disability under Section 504.*

The determination of whether an impairment substantially limits a major life activity requires *an individual assessment*. The comparison of an individual's performance of a major life activity to the performance of the same major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical analysis.

An Impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

**Major life activities:**

Caring for one's self	Performing manual tasks	Walking	Seeing
Hearing	Speaking	Breathing	Learning
Working	Sleeping	Standing	Lifting
Bending	Reading	Concentrating	Thinking
Communicating	Operation of a major bodily function		

**\*\*Note:** EVIDENCE: The 504 Committee **must document** the student's disability with appropriate medical/professional evidence, and **must justify why** the committee is taking action for the student and *note in eSped/Frontline 504 document on page 7 of the 504 plan AND in the 504 Deliberations*

**B. Student has a record of such an impairment: or**

While a "record of an impairment of being "regarding as having" an impairment by the recipient gives rise to anti-discrimination protection under Section 504 , this factor alone (in the absence of the next item) does not trigger the school division's obligation to provide a free appropriate public education or FAPE. "Logically, since the student is not, in fact, mentally or physically handicapped, there can be no need for special education or related aids and services." OCR senior staff memo, 191DELR 894 (OCR 1992)

**C. Student Is regarded as having such an impairment.**

The second and third sections cover persons with a history of a disability or persons who are perceived as having a disability. The second and third sections create a very different type of Section 504 eligibility. While a "record of" an impairment or being "regarded as having" an impairment by the recipient give rise to anti-discrimination protection under Section 504, these two prongs do not trigger Canutillo Independent Schools obligation to provide a free and appropriate public education (FAPE). These two prongs are meant to reach situations where individuals either were or are "considered" to be disabled, and are currently being treated by others as if they were. Consequently, the only duty as to these students is to not discriminate against them on the basis of the history or perception of impairment.

**A "qualified" disabled person** for public preschool, elementary, secondary, or adult education services is one who is an individual with a disability (defined above) AND:

- a. Is of an age during which person without disabilities are provided such services.

- b. Is of an age during which it is mandatory under state law to provide such services to persons with disabilities.
- c. Is a resident of a state / county that is required to provide free and appropriate public education under IDEA.
- d. Is currently enrolled and participating in the public school for which services are being sought.

***Further Clarification:***

*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, reasonable accommodations, hearing aids and cochlear implants, mobility devices, assistive technology, etc. The use of ordinary eyeglasses or contact lenses is the only exception and may be considered in the determination of eligibility.*

***When a qualified disabled child needs a systematic, consistently implemented battery of accommodations in order to have his/her needs met as adequately as non-disabled children, or when a student exhibits intermittent conditions that substantially limit a major life activity, 504 becomes necessary.***

Temporary conditions may qualify a student for Section 504 if the condition substantially impairs a major life activity and is of unknown origin.

**A. Exceptions to “Physical or Mental impairment.”** Thus, environmental, cultural, and economic disadvantage are not in themselves covered, nor are age, or homosexuality. Of course, if a person who has any of these characteristics also has a physical or mental handicap, the person is included within the definition of handicapped person.

*Homosexuality and bisexuality are not considered impairments under 504. 1992 OCR Memorandum on Differences Between ADA Title II and 504 Regulations (OCR 1992). Transvestitism was excluded under 504 (1) ...pedophilia, exhibitionism, voyeurism, gender identity disorder not resulting from physical impairment, or other sexual behavior disorders; (2) compulsive gambling, (3) kleptomania, (4) pyromania. Americans With Disabilities Act, 42 U.S.C. 12211.1992*

## 504 – FAQ

### **Q: Does Section 504 qualification occur only after an evaluation?**

**Yes.** However “evaluation” does not necessarily mean a formal test or assessment. The evaluation is the process of gathering information (data) from a variety of sources to help the 504 committee make a determination regarding qualification. If the committee believes a formal test/assessment is required prior to making a decision, the parental consent must first be obtained.

### **What is the “evaluation” timeline?** [CISD maintains the same evaluation timeline for 504 that it does for Special Education.](#)

- a. 15 school days to respond to parent as to whether an evaluation will be conducted at this time or at all.
- b. 45 school days total to conduct an evaluation. (the 15 days is part of the 45 days)
- c. 30 calendar days to conduct a 504 meeting.

**Note:** These are the maximum timelines for “evaluation”. CISD personnel are strongly encouraged to conduct assessments ASAP to be able to intervene with a program for the student that addresses his or her needs.

### **Are Medical diagnosis always placed in 504?** [\(From Office of Civil rights FAQ\)](#)

#### **Q: Are there any impairments which automatically mean that a student has a disability under Section 504?**

**No.** An impairment in and of itself is not a disability. **The impairment must substantially limit one or more major life activities in order to be considered a disability under Section 504.**

#### **Q: Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?**

**No.** A physician's medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. As noted in OCR FAQs, *the Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.*

#### **Q: Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?**

**No.** A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered a student in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity, or only results in some minor limitation in that regard.

**Q: What committee or team determines whether a child qualifies under Section 504?**

In CISD, There are two ways a student may receive a referral or support from 504 services:

1. **The Student has a documented Physical or Mental condition.** The school 504 committee makes a determination as to what services are needed either temporarily or for the school year.
2. **If an Academic Need arises, the Student Support Team makes the referral through the RtI process.**

**All students fall under the umbrella of Response to Intervention (RtI).** (See the charts on page 17 & 18) When those interventions utilized with all students are not successful, the team looks at how the student can best be served with interventions in the regular classroom setting.

When the student is not successful despite the interventions, the SST recommends a 504 referral or in more severe cases when the disability is going to require **modification to the regular education setting** referral may be for special education evaluation.

**Q: What happens if a child is qualified as disabled under Section 504?**

A 504 Plan is developed to document reasonable accommodations that are necessary for that student.

**Q: What Team develops a 504 Plan?**

The 504 Plan is developed for the student by the 504 committee within the student's school. Federal regulations state at least 3 persons comprise the committee. **In CISD, the committee is comprised of school administration or designee, at least one teacher of the student, other staff who will be implementing the 504 Plan, and the Parent.**

**Q: What goes into a 504 Plan?**

A 504 Plan should include only those reasonable accommodations and modifications to the regular classroom or educational environment that are required for the student to have equal access to the educational benefits of the school program.

**Q: How often should the 504 Plan be reviewed?**

The 504 plan must be **reviewed annually and re-evaluated every three years.** The 504 committee can designate timelines if it wishes.

**Q: What happens if a student no longer requires accommodations in the school setting?**

The 504 committee can meet at any time and make a determination that accommodations can be added, reduced, or eliminated altogether. However, a student can remain qualified as disabled under Section 504 and not require accommodations.

**Q: In the discipline process, must a school conduct a Manifestation Determination Hearing for a 504 qualified student who is being suspended for more than 10 consecutive school days in a school year or a series of suspensions that total more than 10 school days in a school year?**

**YES.** The 504 committee must convene to conduct a Manifestation Determination. The one exception is if the student is a current user of illegal drugs or is currently using alcohol and is being disciplined for the use or possession of illegal drugs or alcohol. No manifestation determination is required in this case.

**Q: Are there Procedural Safeguards?** (Available in eSped/Frontline online 504 Document)

**YES.** Procedural safeguards are provided to parent at several points during the process. They are provided prior to initial evaluation, during reevaluation, with the 504 Plan, and during any disciplinary action that may require a manifestation meeting.

***504. – Implications for Schools*** Excerpt from “**What School Districts Need to Know About The Amendments To The Americans With Disabilities Act Of 2008- Jan Watson – Attorney at Law.**

The ADA Amendments Act represents an effort by Congress to correct the narrow interpretation of the courts that resulted in the exclusion of persons with disabilities who Congress intended to protect from discrimination. Changes to definitions used in the ADA Amendments Act directly impact Section 504. If a school chooses to ignore the changes, the ongoing practice of incorrectly applying standards overruled by Congress makes the school vulnerable to claims of discrimination. However, careful consideration of the ADA Amendments Act (1) with special attention to analyzing whether a physical or mental impairment substantially limits a major life activity and (2) without considering the ameliorative (making something better) effects of mitigating (qualifying) measures, will assist schools in appropriately determining eligibility for Section 504 services designed to provide the student an equal opportunity.

**Section 504 is designed to eliminate discrimination against any student with a disability in any program offered by CISD.**

**Who is Covered:** Any student who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more of life's major activities.

**What is Required:** Qualifying students must have an opportunity to access all activities and programs, and cannot be denied participation because of their disability.

Qualifying students with a disability must be offered a free appropriate public education (FAPE). FAPE is the provision of reasonable accommodations, adaptations, or modifications to the environment or activity that allows the student equal opportunity to participate.

**Accommodations** must be designed to offer equal opportunity to gain the same benefit as non-disabled peers, within the most integrated setting appropriate, but are not expected to produce identical results or the same level of achievement.

**Transfers:** If a student that is disabled under Section 504 transfers schools, a knowledgeable committee at the receiving school should convene and review the 504 plan to determine if it is appropriate for the current educational environment.

Qualifying Factors:



**The Student Support Team (SST)** determines initial Section 504 qualification. Through the validation of complete data and information from certified medical or psychological personnel, the SST must identify the suspected presence of a physical or mental impairment and the major life activity limited by the impairment. Current illegal use of drugs or alcohol is not an impairment protected under Section 504.

**The Plan:** \* A knowledgeable committee composed minimally of the principal or designee and a teacher of the student develops the 504 Plan for qualified students.

- \* The parent is invited, but does not have to attend or approve of the plan.
- \* The 504 Plan should reflect the unique needs of the student and relate directly to the impairment. Only the accommodations necessary for the student to have an equal opportunity to access programs and activities should be included.

The knowledgeable committee must meet at least once a year to review the 504 Plan.

- \* The knowledgeable committee determines if the student no longer qualifies as disabled under Section 504.

**Disciplinary Protections:** \* The knowledgeable committee must conduct a causal review following a decision to remove a student from school for more than 10 days in a school year.

If there is no causality, the student may be disciplined in the same manner as a non-disabled student, including cessation of educational services. Causality determination is not required if the student is engaging in the illegal use of drugs or alcohol, and is being disciplined for the use or possession of illegal drugs or alcohol.

**Procedural Safeguards:** Parents and qualified students are entitled to certain procedural safeguards. Inquiries may be directed to 504 Director (915-877-7449).

**Practical Suggestions:** The ADA Amendments Act makes for substantial changes and there is more to come when the EEOC Regulations come out. So, where do we go from here?

1. Anticipate that more employees and students will qualify under the ADA Amendments when the revised definition disability, including “**substantially limits**,” and the mandate for “**broad coverage**” is applied.
2. Determine whether an individual student is a student with a disability under Section 504 by applying a substantial limitation analysis without resorting to the now inappropriate “**significantly restricts**” thinking.
3. Realize that an extensive analysis to determine whether a student is substantially limited in a major life activity and disabled is inconsistent with Congressional expectations.
4. Anticipate more litigation until the term “substantially limits” is clarified by regulation of case law.
5. Ongoing training for campus student support teams regarding when impairment rises to the level of a suspected disability becomes increasingly important.
6. Trained campus support teams should provide procedural safeguards to parents who request an evaluation for the student who is struggling. However, new sensitivity regarding whether a student who develops and employs compensatory skills or strategies is needed to address the possibility that an individual student, possibly at Tier II or Tier III of Response to Intervention, or a student who responds to instruction, such as interventions to address dyslexia, may be disabled under Section 504.
7. Data obtained through the Response to Intervention Process is important documentation of how the student performs without ameliorative effects of mitigating measures, important information in determining eligibility.

8. An analysis of the ameliorative or beneficial effects of mitigating measures assists Section 504 committees in determining needed accommodations for an eligible student.
9. For students whose disability is episodic or in remission, consider developing a plan to address accommodations when the condition becomes active or recurs, including monitoring, staff training, and planning for a crisis.
10. Strike a balance to ensure that reasonable accommodations are designed to provide an equal opportunity without creating an unfair advantage.
11. Comply with obligations to develop and implement reasonable accommodations once a student is determined eligible for Section 504 services.
12. If treatment of a student's impairment is successful, the individual student may be eligible under Section 504 if the student would be substantially limited in a major life activity without the mitigating measure, such as medication or a hearing aid.

### Discrimination Defined - Examples

**“No qualified person with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives federal financial assistance” (34 CFR §104.4(a)).**

**“Discrimination under Section 504 (34 CFR §104.4(b)) is essentially the same as under Texas Law and occurs when an institution engages in any of the following practices:**

**Denying a qualified person with a disability the opportunity to participate in or benefit from the aids, benefits, or services that are afforded student without disabilities.”**

Examples:

- **Denying credit to; or retaining a student whose excused absenteeism is related to his/her disabling condition.**
- Expelling a student and denying access to services for behavior caused by his/her disability.
- Refusing to dispense medication to a student who could not attend school otherwise.
- Failing or retaining a student with a disability when accommodations have not been created or adhered to.

“Providing the qualified person with a disability an opportunity to participate in or benefit from the aids, benefits, or services that are not equal to that afforded others.

Example:

- Allowing a student with a physical disability to be enrolled only in science courses without science laboratory activities because the laboratory stations are not accessible.

“Providing aids, benefits, or services to a qualified person with disabilities that are not as effective as those provided to persons without disabilities. (To be equally effective, an aid, benefit, or service need not be identical or produce equal results; it merely must afford equal access to achieve equal results.)

Example;

- Continuing to provide the same level of amplification to a student with a hearing impairment in a lecture hall as that provided for all students, despite the student having an accommodation plan requiring additional amplification.

“Providing different or separate aids, benefits, or services to a qualified person with a disability unless such an action is necessary to provide aids, benefits, or services that are equally effective as those provided others.”

Examples;

- Requiring all students wearing leg braces to participate in modified physical education, regardless of mobility.
- Requiring all students with hearing impairments to register for the same classes if they need an interpreter.

“Aiding or perpetuating discrimination by providing significant assistance to an agency, organization, or person that discriminates on the basis of a disability.”

Examples;

- Honoring a request to place only students without disabilities as work-study students with specific employers.

## CHILD FIND AND STUDENT SUPPORT TEAM

### A. CHILD FIND

At least annually, the school shall make an effort to identify and locate every eligible child with a disability. Appropriate steps must be taken to find any eligible child and notify the child's parent or guardian, and if appropriate, the student, of the school division's use of Child Find procedures (e.g. record reviews, general screenings, preschool advertisements, distribution of information in the community) or through any other means necessary to comply with this requirement under Section 504.

### B. Student Support Team - SST

The Student Support Team (SST) provides a school-based mechanism to enable school personnel to meet the needs of individual children within the regular education setting. The Committee is child-centered and facilitates a process that results in the implementation of accommodations, services and intervention that will enable to child to be successful in school. The options to be considered exist along a wide continuum of support.

**This is the basic structure of Response to Intervention that all schools utilize to address student needs.**

*The first consideration is **always** how the student can be served in **the general education setting**:*

- *Is the school utilizing research strategies in a consistent manner based on aligned curriculum and aligned services for students?*
- *Best practices, based upon educational research?*
- *Techniques that are used with ALL students who may be at risk of falling behind?*
- *(See Appendix RtI beginning Page 74)*

*Children may be referred to the SST through a variety of sources. The charge to the committee and the process to be followed is a consistent one. Regardless of the referral, the responsibility of the SST is to review any problems (academic/developmental, **language**, behavioral, social/emotional) interfering with the child's performance in school. The SST brainstorms solutions, to make recommendations to meet the child's needs, and to monitor/review the results of the recommendations. **The services provided through Student Support Team are not Section 504 services, but RtI Services.** **\*\*Note The SST CANNOT DETERMINE WHETHER OR NOT A CHILD HAS A DISABILITY.***

***The SST process does not preclude the student support committee from making a referral for evaluation for Special education under the Individual with Disabilities Education Act or Section 504 planning prior to implementing strategies.***

***Should the student study team move to refer the student for a Section 504 Eligibility Evaluation, the chairperson shall refer the child to the Section 504 Coordinator.***

**Please refer to CISD flow chart on the next two pages.**



**TIER I**

All students receive regular instruction

Student in need of RtI interventions identified

Teacher consults with other classroom teachers and specialized support staff. Tier II packet completed if RtI interventions are not working for a period of time, Packet is given to SST Coordinator.

- SST**  
*Instructional Liaison*
- Administrator
  - Teacher
  - Nurse
  - Interventionist
  - SPED Personnel
  - Counselor
  - Other

Observations will be conducted by one or more of the Instructional Liaisons

**Tier II meeting: Student Support Team members review progress monitoring and develop intervention plan**

**TIER II**

**Tier II follow-up meeting to review progress and revise intervention plan if student is not responding to interventions.**

SST Follow up Meeting

Concern for a possible exception to RtI: Profound learning difficulty, medical condition, etc.

Goal met discontinue

Goal met continue to monitor  
**Continue with Tier II Interventions**

Acceptable progress continue or modify  
**Continue with Tier II Interventions**

Progress slow/stopped modify &/or give support.  
**Continue with Tier II Interventions**

No progress or "worsening"  
Modify or seek more sources.  
**Continue with Tier II Interventions or consider other options**

Exception Tier III evaluation recommended by SST

Section 504 or Dyslexia or Special Education Referral

Section 504 initial meeting



**TIER III**  
**TIER III**

The student is identified as a Tier III qualifier through the RtI process.

- Parent/Guardian gives permission for evaluation:
- Receives rights and responsibilities
  - An evaluation is conducted within 45 school days of referral.
  - The LEA has 30 days to complete the evaluation once started.

Determination: Does the handicap/disability limit one or more major life activities?  
*Determine Severity of the Disability to determine eligibility. SST recommends:*

**Sped Eligible**

**504 Eligible**

**Not Eligible**

**ARD committee:**  
Parent, Child (if appropriate), Reg. Ed teacher(s), Sped teacher, CISD Admin, Diag (As appr), Related services (As appr), and *any other person* with knowledge or expertise regarding the child.

**504 committee:**  
Parent, Child (if appropriate), School Nurse, Reg. Ed teacher(s), CISD Admin, Intervention Specialist, Counselor, Diagnostician (As appr), other (as appropriate)

Documentation of reasons for non-eligibility

**Return to RtI Interventions**

IDEA Services Recommended By ARD committee

Special Education Services Implemented and reviewed annually.  
Case Manager assigned:  
*Modified educational or*

Note: A Student cannot be 504 *and* Special Education. Must qualify for one or the other according to severity of the disability. 504 is not a "screener" for Special Education

504 Services Recommended by 504 committee

Accommodation Plan developed by the 504 Committee:  
**Accommodations** put into place and reviewed annually.

## THE STUDENT SUPPORT TEAM (SST)

The SST **may not conduct its own evaluations** to make the determination of whether or not a child has a suspected disability. Rather, the SST should review the existing evidence to make the determination as to whether there is a basis for a special education or Section 504 evaluation. In addition, **the SST may not identify a disability.**

**The only CISD staff authorized to make a determination whether a student “may exhibit characteristics” of a disability are highly trained diagnosticians, Speech Language Pathologists, or other State Licensed professionals such and Psychologists, or Medical Doctors.**

**Supposition by other members of staff who are merely “making a best guess” or a personal observation based on personal experience could result in litigation being brought against the district.**

*These are issues that may only be addressed through the evaluation process following the referral for an evaluation under Section 504 or the IDEA.*

1. *Referral for SST intervention and RtI intervention.*
2. *Referral for 504 evaluation*
3. *Referral for Special Education evaluation*

If the referral to the SST is in response to a referral to review/screen for Section 504 eligibility, the school is responsible for notifying parents of the purpose of the SST meeting. A copy of the 504 Rights and Procedural Safeguards should be included with the Notice. Parental permission is not required to conduct the child study team meeting; however, every effort should be made to ensure parental/guardian attendance. If an HB4545 meeting is scheduled, the parent must attend.

Note: As per HB 1153, LEAs are also reminded that the 85th Texas Legislature passed Senate Bill (SB) 1153 to improve outcomes for struggling learners receiving services through intervention strategies, including the RtI process. Accordingly, during each school year when a child begins receiving assistance through the RtI process, LEAs must provide the child’s parents with written notice containing the following information:

1. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;
2. Information collected regarding any interventions in the base tier of a multi-tiered system of supports that has previously been used with the child;
3. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;
4. The estimated time frames within which a report on the child’s progress with the assistance, including any intervention strategies used, will be provided to the parent; and
5. Information about the parent’s right to request, among other things, a special education evaluation at any time.

The notice must be written in English or, to the extent practicable, the parent's native language.



The child study committee should review information available in the student's cumulative and confidential files. Any additional or other relevant materials such as work samples, reposts of observations, medical reports and /or anecdotal records should be considered and recorded on the **eSped.Frontline forms**.

Prior to referral for Section 504 eligibility, a school has the option of attempting to address academic, social, or behavioral problems through documented school based intervention and /or modifications, prior to conducting an evaluation. Furthermore, if such intervention and or modifications are successful, a division is not obligated to evaluate a student for special education or related services.

Karnes City (TX) ISD,31 IDLR 64 (OCR 1999). *A student should be referred to 504 when the District suspects that the student may be eligible, i.e., when the District believes that the student has a physical or mental impairment that substantially limits one or more major life activities, AND that the student is in need of either regular education with supplementary services or special education or related services. Letter to Mentink, 19 IDLR 1127 (OCR 1993)*

**a. Referral for 504 eligibility – Sufficient Data**

The Student Support Team has decided that there is a likelihood of consideration for 504 eligibility and that there exists sufficient school and outside data to make such a decision.

**Parental permission must be secured using the online eStar documentation system.**

The student shall be referred for consideration for 504 eligibility by the chairperson by completing a Referral to 504 Committee for Eligibility Meeting (and forwarding the child's case to the School 504 Coordinator (ie. Assistant Principal.)

A referral should occur within five business days following the determination by the committee that the child should be referred for an evaluation for Section 504 services.

**b. Referral for 504 Eligibility – Insufficient Data**

The committee may determine on the basis of existing data documentation that there is a likelihood of 504 eligibility. However, additional information may be required/requested to determine whether or not a child has a suspected disabling condition under Section 504.

The Student Support Team should include suggested information below, sources of data or assessment to be used as part of the 504 eligibility determination. Parental permission must be secured using the **online eSped/Frontline system**. The student shall be referred for consideration for 504 eligibility by the chairperson by forwarding the Form, describing the child's case, to the Section 504 Coordinator. The referral will occur within five business days following the determination by the committee that the child should be referred for an evaluation for Section 504 services.

**Note:** *“Evaluation” does not necessarily mean “test”. In the §504 context, “evaluation” refers to a gathering of data or information from a variety of sources so that the committee can make the required determinations. §104.35(C)(1). Since specific or highly technical eligibility criteria are not part of the §504 regulations, formal testing is not always required to determine eligibility. Letter to Williams, 21 IDELR 73 (OCR 1994)*

*Common sources of evaluation data for §504 eligibility are the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, teacher comments, work samples, etc. If formal testing is pursued, the regulations require that the tests are properly selected, non-discriminatory and performed by trained personnel in the manner prescribed by the test's creator. §104.35(b)(2).*

**c. No referral for 504 eligibility**

The committee may determine on the basis of existing documentation that there is no basis for 504 eligibility. Parents should be informed that this decision will end the process, that the student is not eligible under Section 504 and they should be provided another copy of the Section 504 Parental Rights.

Note: Even though the student does not qualify for 504 accommodations, the student should have RtI Interventions continue. If the issues are behavior related, a student discipline contract is recommended.

NOTE: *Any party may, through an impartial hearing, challenge the Section 504 eligibility decisions.*

## LEGAL GUIDELINES FOR REFERRAL TO SPECIAL EDUCATION

### Regarding the need for Documentation; **Where is the evidence?**

**IDEA 2004 300.311(a) 34 Code of Federal Regulations §300.311.**

#### **Specific documentation for the eligibility determination**

- (a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in **§300.306(a)(2)**, must contain a statement of:
- (1) Whether the child has a specific learning disability;
  - (2) **The basis for making the determination**, including an assurance that the determination has been made in accordance with **§300.306(c)(1)**;
  - (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child is academic functioning;
  - (4) The educationally relevant medical findings, if any;
  - (5) Whether-
    - (i) The child does not achieve adequately for the child's age or to meet State-approved gradelevel standards consistent with **§300.309(a)(1)**; **and**
    - (ii) (A) The child does not make sufficient progress to meet age or State approved grade-level standards consistent with **§300.309(a)(2)(i)**; **or**  
 (B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with; **§ 300.309(a)(2)(ii)**;
  - (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or *Limited English Proficiency* on the child's achievement level;

**and**

- (7) **If the child has participated in a process that assesses the child's**

**Response to scientific, research-based Intervention** -

- (i) The instructional strategies used and the student-centered data collected; and
  - (ii) The documentation that the child’s parents were notified about -
- a. The State’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;
  - b. Strategies for increasing the child’s rate of learning; **and**
  - c. The parents ' right to request an evaluation.

### CISD - Parental Request for 504 Evaluation Flowchart

There is a signed, dated parent consent obtained for an evaluation at the School site obtained by the Assistant Principal.

#### Step One

The School 504 Coordinator provides parents with a copy of the procedural safeguards. Parent signs receipt of P.S.

#### Step Two

The 504 Committee explains “the district’s overall, general education referral or screening system” to parents.

*\*Note unqualified staff cannot determine a disability, nor should staff promise evaluation without following the district guidelines.*

#### Step Three

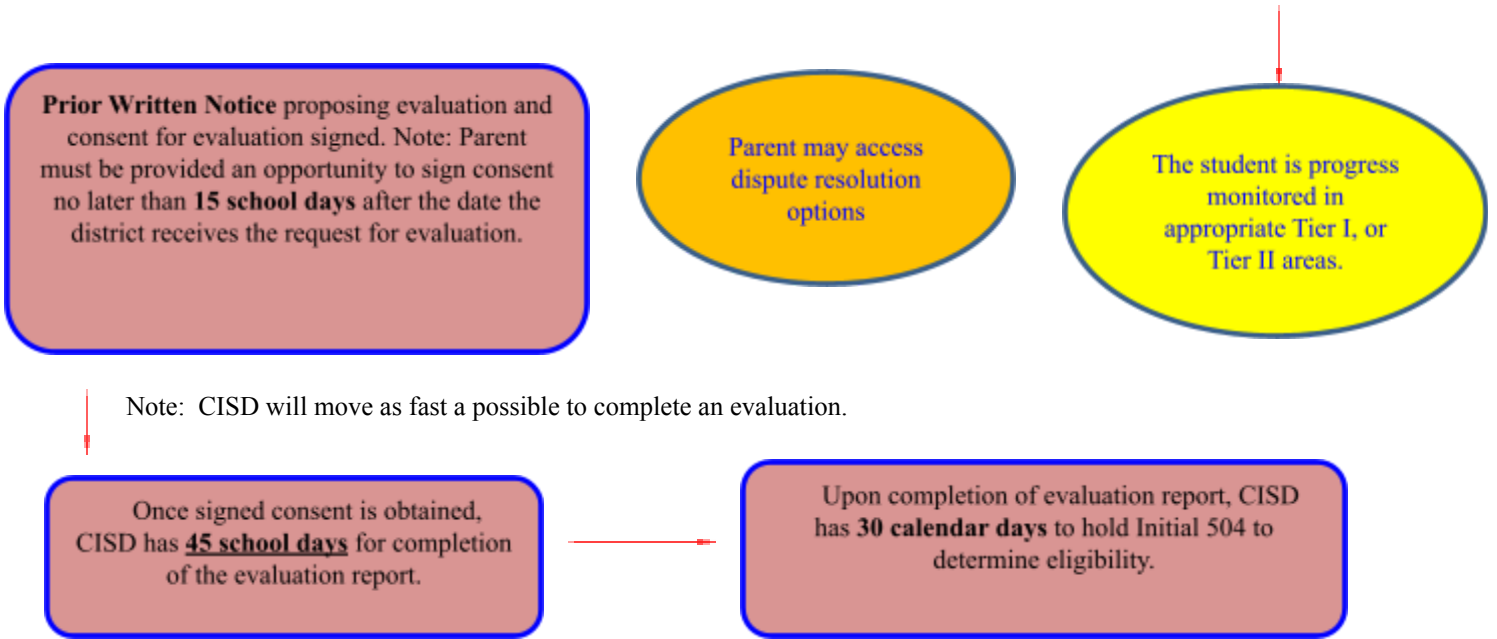
The School 504 committee reviews student data from campus and parents. *See Chart next page of 504 handbook.*

**Evidence Found:**  
Step Four: Referral for 504 services

Is there **Documented Evidence of a possible disability?**

#### **NO documented Evidence:**

Prior Written Notice no later than 15 school days after the school receives the written request from Parent. Prior Written Notice indicates that CISD will not evaluate at this time due to insufficient data, incomplete data, or other issue. This stops the evaluation clock.



## Review of Data – The 6 components

Before any decision is made regarding whether to grant or refuse a request for a 504 Evaluation, district personnel should review data the school has at its disposal regarding the student including any data provided by the parent as part of the request for evaluation. Data could include, but is not limited to the following:

<b>Academic</b>	Standardized Test Performance	District Benchmarks	Formal and Informal observations.	Work Samples	Report Cards
<b>Language</b>	Language proficiency	Language used at home	Formal and informal observations		
<b>Behavioral</b>	Formal and informal evaluations	Office referrals	Teacher Comments	Report Cards	Parent Input
<b>Health</b>	Vision Screenings	Hearing Screenings	Documentation of other health problems		
<b>Environmental, Cultural, Economic Factors</b>	Cumulative Folder review	At Risk status	Data from classroom teachers, counselors, and other support personnel such as social workers		
<b>Intervention History</b>	Interventions provided	Duration of interventions	Performance data collected during intervention	Data from tutorials, compensatory, and other academic or behavior support services	Data from a Response to Intervention system in place*

\* RtI involves activities that typically occur in the general education setting as schools assist struggling students prior to and in lieu of a referral for a special education evaluation.

**Review of Data Continued** -Data collected should be used to inform a district's or charter school's decision as to whether to proceed with a referral. The comments to the federal regulations state the following:

**Comment:** A few commenters recommended that the regulations clarify whether a public agency has the right to deny a parent's request for an initial evaluation.

**Discussion:** The regulations are sufficiently clear on this point. Section 300.503(a), consistent with section 615(b)(3) of the Act, provides that: *A public agency may refuse to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child, if the public agency provides written notice.*

This includes situations in which a public agency wishes to deny a parent's request for an initial evaluation. The written notice must meet the requirements in § 300.503(b). Thus, for situations in which a public agency wishes to deny a parent's request for an initial evaluation, the written notice would provide, among other things, an explanation of why the public agency refuses to conduct an initial evaluation and the information that was used to make that decision.



# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION II**

#### **General Information**

##### **Eligibility**

## SECTION 504 ELIGIBILITY

The purpose of the Section 504 assessment is to provide accurate data;

- To determine whether or not a disabling condition exists:
- To determine if the student meets the definition of “qualified disabled person”.
- To collect information that can be utilized to develop an appropriate Section 504 Plan if the child is determined eligible.

*This process should be completed and eligibility determined within nine weeks, (forty-five (45) school days) from the screening meeting.* Written permission to evaluate shall be obtained from parents and a copy of the 504 rights and Procedural Safeguards form shall be included with the notice. A copy of this form shall be retained at the school.

If permission to conduct the Section 504 assessment is obtained, the principal/designee is responsible for ensuring that the assessment proceeds according to the established timelines. As the assessment components are completed, they shall be forwarded to the principal/designee.

*Determinations regarding Section 504 eligibility and the provision of appropriate services may not be based on administrative convenience, staff shortages, and /or financial constraints. Any eligibility decision regarding a particular student must be made on an individual basis.* When interpreting evaluation data and making placement decision, the Division is required to “draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Information obtained from all such sources is to be documented and carefully considered. **§104.35(C)(1)&(2)**

The identification of students eligible for protection under Section 504 of the Rehabilitation Act will be conducted at the building level with consultation and support from the central office staff as appropriated. Under the direction of a building administrator, *each school shall establish a Section 504 committee whose purpose shall be to process referrals for students suspected of having disabilities under Section 504.*

The first step in the Section 504 eligibility process is a referral to the Student Study Team. *The process to initiate an evaluation for Section 504 eligibility can **only** begin with written receipt of records from the SST and parental permission for an evaluation to be conducted.*

### **A. The 504 Committee:**

- B.** The Committee is a group of at least three persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. **§104.35(C)(3).**

*CISD policy states that 504 committee should minimally include: School 504 Coordinator (ie. Assistant Principal) , **Parent**, Teacher(s), other persons with knowledge of the student (Principal, Assistant Principal, Counselor, At Risk coordinator, Instructional Coordinator, School Nurse, etc.)*

*Note: Parents are not required members of the 504 committee. However, best practices suggest that parental involvement be emphasized at every stage of the 504 planning process.*

**\*\*NOTE: CISD requires that the parent is included as a part of the committee. The parent is a vital part of the**

*team process that contributes to student success.*

*C. The chain of communication process will be much like the communication process utilized in Special Education. See page 111 of the Special Education Manual.*

#### **D. Notify Parents of the Eligibility Meeting**

Whenever an Eligibility Meeting or 504 Planning (*Staffing*) Conference Meeting is to be held, notification to Parents of Section 504 Meeting Form must be sent to the parent via mail, or physically given to the parent. The meeting should be scheduled at a mutually agreed upon time and place.

When a case is referred to the Section 504 eligibility Committee the principal/designee will schedule a meeting, notify the parents/guardians, ensure written notification is delivered and encourage them to attend. A copy of the notification is kept in the student's educational record. (eSped/Frontline will be utilized from the beginning of the process; ie. Referral, invitation, etc.)

#### **E. Conduct Section 504 Eligibility Meeting**

The purpose of the eligibility meeting is to determine:

- a. Whether or not a physical or mental impairment is present;
- b. Whether or not the impairment results in a substantial limitation of a major life activity.

The Section 504 Eligibility Committee should review all information presented and make a determination regarding the specific needs of the student as they relate to the definition of a qualified individual with disabilities un Section 504. *When interpreting evaluation data and making placement decisions, the District is required to "draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Information obtained from all such sources is to be documented and carefully considered. §104.35(C)(1)&(2).*

#### **Complete Section 504 Eligibility Minutes Form (Online) eSped/Frontline**

F. A written summary of the proceedings during the eligibility meeting must be maintained. The written summary must include a brief statement reflecting the basis for the decision and what information was considered. The summary must be signed by each eligibility member present.

If the parent(s)/guardian(s) disagree with the Section 504 eligibility committee decision, they should be informed of their rights (given another copy of their parental rights under section 504) and advised that they may exercise their due process rights, including their right to as hearing.

Requests for an impartial hearing must be made to the CISD Section 504 Director.

1. **Student Eligible** Section 504 Notification to Parents ( 504 eSped/Frontline Page 19) the principal/designee/504 Coordinator should schedule a conference with the parents to develop a Section 504 Plan as soon as possible and generally within 30 calendar days of determination that the student is a "qualified individual with disabilities" under Section 504.
2. **Student Ineligible** Section 504 Notification to Parents (504 eSped/Frontline Page 19) along with a copy of Parental Rights for Section 504.

#### **G. Enter Data Into Student Information System eSped/Frontline**

Once the eligibility is completed all the appropriate information should be entered into the student's file electronically and a



hard copy placed in the student file according to established CISD regulations.

## H. Maintenance of Educational Record

The 504 forms should be utilized in the electronic system (eSped/Frontline ) and maintained according to CISD standards to ensure confidentiality.

A hard copy (file) of all correspondence, notification, and forms used in the Section 504 process should be:

- **Kept in the student's educational record at the home school.**
- Educational Records may include the following:
  - a. Handwritten Notes
  - b. Computer Media
  - c. Printed documents
  - d. Video/Audio/
  - e. Film
  - f. Microfilm and microfiche
  - g. USB drive.
  - h. Email
  - i. Notes

### FERPA CONSIDERATIONS:

1. Keep 504 Records separate from Cumulative Folders and Special Education Folders.  
(Comment: With the onlin eSped/Frontline e system, this should not be an issue, but hard copies need to be kept separately.
- 2. Records (Hard copy files) should be kept by the 504 Coordinator at the campus level.**
3. Records should be kept in a locked area with monitored access.
4. ONLY Appropriate staff should receive copies with the same expectation as #3 above.
5. Records, when outdated and no longer in use should be properly destroyed.

### \*\*Sample -Timelines of 504 documentation due to Central office and protocols for doing so.

- Complete the RtI process through the SST. (See CISD RtI Handbook)
- Complete Referral Process – set an Initial 504 Meeting
- Conduct the 504 Meeting
- eStar archive timeline – Archive the document (*Save in the system*) as soon as possible following the 504 Meeting.
- Email Consuelo Luna at the Sped office with the ***student number*** and a short disposition of the 504 case, cc Mr. Chambers.
- Email Student accommodations to appropriate staff members who will be applying the accommodations.
- Weekly Reports – eSped/Frontline generates notice of upcoming 504 Meetings each Monday.
- \* 504 meetings will be held annually on or before the anniversary date of the initial 504 meeting.
- \*\*A re-evaluation will be held every three years to determine continuing eligibility.
- \*\*\* A 504 update can be called at any time to review the progress of the student.



# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION III**

#### **General Information**

#### **504 Eligibility Plan and Implementation**

## RE-EVALUATION FOR SECTION 504 ELIBILITY

An **annual review** should be scheduled by the Building Level 504 Coordinator where the student is enrolled. A re-evaluation of eligibility should be scheduled at least **every three years**.

**The following is a breakdown of the sequence of steps to be used for the annual review.**

- A. **Notify parents of Section 504 Plan conference using appropriate eSped/Frontline forms.** (See page 47)

*Note on the form that both a re-evaluation for Section 504 services and review of the Section 504 Plan will be conducted.*

- B. **Review for section 504 evaluation by Section 504 committee.**

1. Referral for 504 eligibility – **Sufficient Data**

The 504 committee decides that there exists sufficient school and outside information to make a decision. Continue to Eligibility Meeting.

2. Referral for 504 Eligibility – **Insufficient Data**

The 504 committee may determine on the basis of existing documentation that additional information is required to determine whether or not a child has a suspected disabling condition under Section 504. Insufficient data can be recorded on the eligibility summary as well as data requested. If there is insufficient data, eligibility should not be reviewed or a 504 plan developed until the new data is obtained. The eligibility committee should re-convene as soon as possible to consider further data and make its determination before proceeding with this process.

- C. **Conduct Section 504 Eligibility Meeting**

- D. **Complete Section 504 Eligibility Minutes**

- E. **Enter Data into - eSped/Frontline**

*It is highly recommended that a Draft 504 document be completed online before the 504 committee meeting to facilitate communication and organization during the meeting. Members can be notified of any accommodations/concerns prior to the meeting in order to prepare effectively. The Parent/Guardian should be notified and advised on the considerations/options of the 504 plan before the meeting.*

*The draft document can then be agreed upon to provide the appropriate accommodations for the student. The final document is then archived in the system permanently.*

**\*\*Note: EVIDENCE:** The 504 Committee *must document* the student's disability with appropriate medical/professional evidence, and *must justify why* the committee is taking action for the student. See page 7 on the 504 eSped/Frontline form. This information must be completed.

## THE SECTION 504 PLAN

### A. Notify Parents of Section 504 Plan (Use eSped/Frontline forms)

The principal/Section 504 Coordinator should schedule a conference with the parents to develop a Section 504 Plan as soon as possible and generally *within 30 calendar days after the determination that the student is a "qualified individual with disabilities" under Section 504*. This plan should address any services and accommodations which the student may require based on his/her disabling condition. The 504 committee is responsible for developing this plan. *\*\*Note: The Section 504 Plan can be completed at the same meeting in which the eligibility is completed if the parents have been given notification that such a conference would take place. Again, have a draft ready for all committee members. eSped/Frontline is projected on large screens to make sure everyone can observe proposed actions and accommodations at the same time.*

### B. Conduct Section 504 Plan conference (Use eSped forms)

The Section 504 Plan Conference (i.e. 504 Staffing) serves as a communication vehicle between school personnel. The committee must determine the types of accommodation/services that are required to enable the student to receive a Free and Appropriate Education (FAPE). The 504 Plan describes the school's offer of a free and appropriate education. The Section 504 Plan sets forth in writing a commitment to the specific accommodations/services necessary to ensure FAPE. Services will be coordinated by the building 504 Coordinator. *The 504 draft can be completed at this time, or members can input information by accessing their assigned pages on the plan.*

### C. Least Restrictive Environment

The least restrictive environment is the setting that allows the disabled student to be educated to the maximum extent *appropriate* with non-disabled peers while still allowing the student to receive a Free Appropriate Public Education. §104.34(a)(1).

§504 creates the presumption that each disabled child can be educated in the regular classroom.

*Should the school segregate disabled students on buses, at recess, during lunch class time, field trips, it must stand ready to demonstrate that the segregation was necessary for the disabled child or children in question to benefit. §104.34(b). If FAPE cannot be achieved in the regular education setting, even with accommodations, then qualified Section 504 may access special education and related services.*

### D. Determine Approval/Disapproval of the Section 504 Plan

Once the Section 504 Plan is developed, approval or disapproval from the parents is determined. Although the parents are not required to give permission to implement a 504 plan, best practice suggests that having their cooperation and approval of the 504 plan is advantageous for student success. If the parent(s)/guardian(s) disagree

with the Section 504 eligibility committee decision, they should be informed of their rights (given another copy of their parental rights under section 504) and advised that they may exercise their due process right at this time, including the right to request a hearing. The parent(s)/guardian(s) request an impartial hearing by notifying the CISD 504 Director in writing.

#### E. Enter Data into the eSped/Frontline system

Once the plan is completed, all the appropriate information should be entered into the student's file *electronically* and a *hard copy* placed in the student's school file. (Cumulative file). It is the responsibility of the local school 504 Coordinator to maintain this information.

#### F. Maintenance of Educational Record

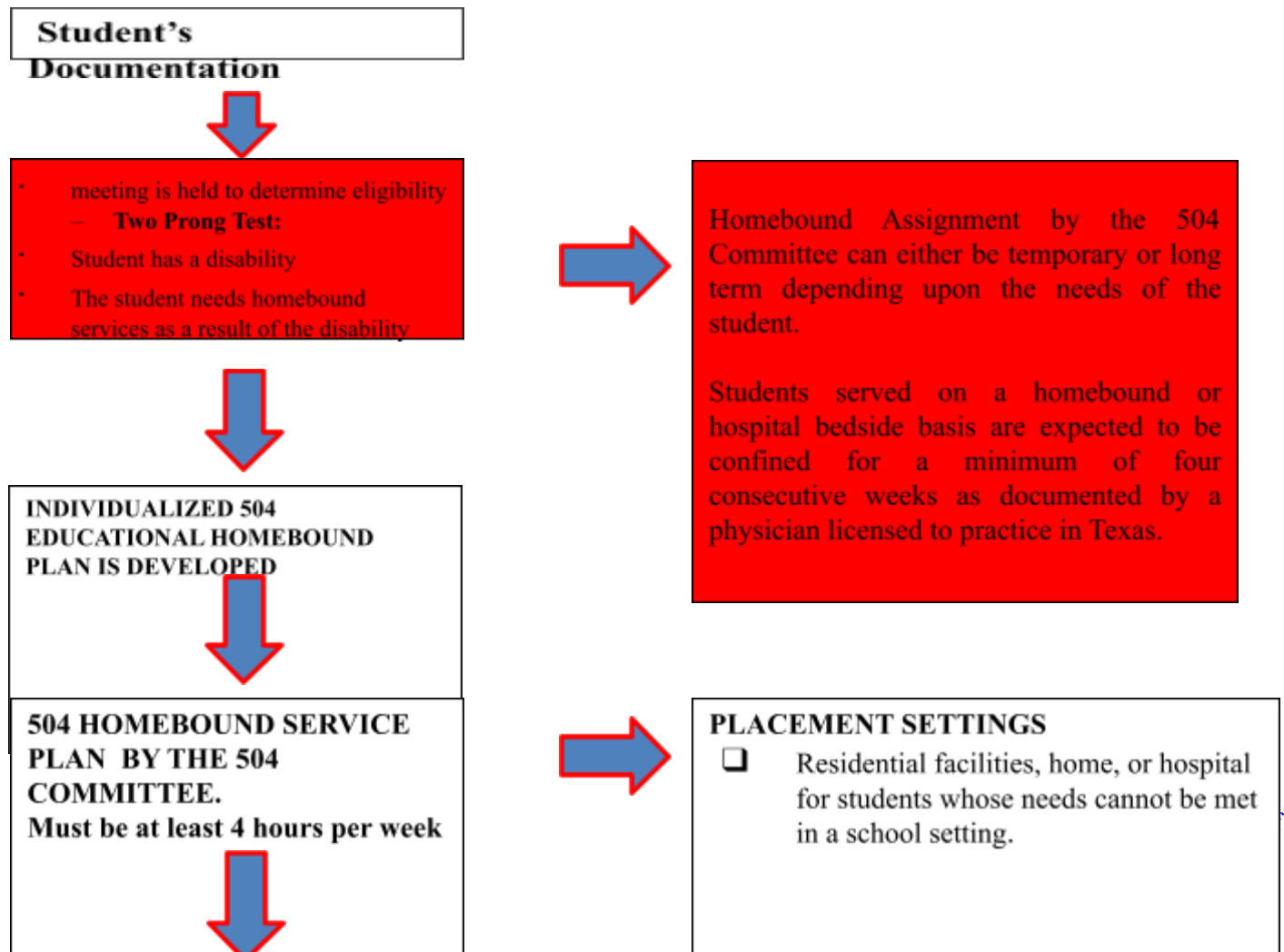
A copy of all correspondence, notification, and forms used in the section 504 process should be kept in the student's educational record and maintained according to CISD standards to ensure confidentiality.

## HOMEBOUND SERVICES

*If the 504 Team determines that student may have a disability that warrants HOMEBOUND education services: The 504 Team will consider all data and pertinent information before referral for homebound services.*

*Central Office personnel are notified by email immediately following a 504 or ARD committee referral for Homebound services.*

### Homebound Flow Chart



## IMPLEMENTATION OF THE 504 Homebound PLAN

When the planning meeting is complete, the Section 504 plan should be shared with the appropriate staff. Services, and /or accommodations should be implemented as soon as possible.

- A. The parents receive a hard copy of the 504 documentation and parental rights at the meeting.**

**NOTE: If the parent does not attend the meeting, use every device necessary to notify the parent/guardian of the details of the 504 meeting.**

- B. Documentation of services, persons responsible, and the accommodations will be sent electronically to the appropriate staff through star. This task can be accomplished immediately following the 504 Plan meeting.*

- C. The final documentation will be archived at the completion of the meeting and placed permanently on electronic file. A hard copy of the 504 Plan will be kept in the student's school file.**

- D. Central Office (Sped) is notified through email regarding entrance or exit into the Homebound 504 program: Lety Dominguez & Consuelo Luna.cc Mr. Chambers**

**AND: Entry of 504 details into the Google docs 504 tracking system.**

- E. Terminate Services:**

If school personnel or the parent/guardian (s) of the student determine that the student is no longer eligible for 504 services, the building 504 Coordinator in the building should be notified and a 504 committee meeting scheduled to address the issue.

The 504 committee will determine if a student requires addition data or assessments prior to a re-evaluation of eligibility. The 504 committee will determine if a student continues to require services to participate in or benefit from his/her educational program. The procedures for evaluation/re-evaluation should be followed to ensure compliance with regard to documentation of this process.

- F. Modify 504 Services:**

If school personnel/parent/guardian, or student determine that accommodations or services should be added, changed or deleted from the Section 504 Plan, the building 504 Coordinator should be notified and a 504 committee meeting scheduled to address the issue. The procedures for conducting a 504 Plan Conference should be followed.

## **Homebound - Homebound Overview** *(For more specific information, see CISD Homebound Handbook 21-22)*

Students who are chronically ill, or who have other medical conditions, which result in the student being confined to their home for at least four consecutive or cumulative weeks during the school year, may be eligible to receive instruction at home. This placement requires documentation from a physician indicating the type and severity of the condition as well as the anticipated length of confinement to the home. (Please refer to the Eligibility for Homebound Services process for the steps in considering a homebound placement.)

**Homebound services for all students are considered short-term solutions.** Campuses, including 504 and IEP Committees, need to periodically review the homebound services for each student and, if appropriate, develop a plan to transition the student back to his/her home campus as soon as possible.

Homebound placement only covers a specific span of time during one school year. If services are to continue from school year to school year, **new documentation is required** and a homebound meeting is required to be held for all general education homebound students. (Documentation for homebound special education students would be noted at the student's ARD meeting.) Once again, Homebound is considered a short-term plan. Our goal is to get students to return to the school setting as soon as possible.

While homebound, students are not to come on campus without permission from their physician and a campus administrator. Likewise, a student being served in the Homebound Program may not participate in school athletics or extra-curricular activities.

### **Homebound Basics**

- Students are not eligible without a completed Homebound Needs Assessment form signed by a certified physician in the state of Texas.** On the form, the physician should explain why the student will need to be confined to their home for a minimum of four weeks and the specific reason the student cannot attend school for this length of time.  
(Please note that absences accumulated before the placement meetings are not considered as part of the four week confinement time.) Once this form is completed, homebound services will be considered.  
*(The Homebound Needs Assessment form is not a prescription or the final determination for a homebound placement.)*
- Homebound is intended to be a temporary placement and is not an alternative placement for students who are habitually absent or simply refuse to attend school.
- If a 504 or special education student qualifies for homebound, a 504 or ARD meeting must be held and the committee must document this placement.
- The student's campus teacher(s) will remain the teacher(s) of record, will provide lesson plans, materials, student books and tests in a timely manner, and will assign grades. (Clear and effective communication between the teacher(s) of record and the homebound teacher(s) is vital.)
- Courses to be continued during homebound instruction for general education homebound students are determined by the general education homebound committee. A Highly Qualified Teacher under the No Child Left Behind (NCLB) guidelines must provide instruction for high school students.
- For Homebound Services, one hour of instruction is equivalent to one full day present.**



7. Dismissal from Homebound requires documentation from a physician.

This instructional arrangement/setting is for providing 504 services to students who are served at home or hospital bedside.

- Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States.
- Homebound or hospital bedside instruction may, as provided by local district policy, also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States.
- The student's 504 committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in subsection (b) of this section.

(B) Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3-5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee. This arrangement/setting also applies to school districts described in Texas Education Code, §29.014. Homebound Notes

To be placed in the 504 homebound instructional arrangement/setting, a student with a disability must meet the following three criteria:

- The student is expected to be confined at home or hospital bedside for a minimum of 4 weeks (the weeks need not be consecutive).
- The student is confined at home or hospital bedside for medical reasons only.
- The student's medical condition is documented by a physician licensed to practice in the United States.
- You can access the Texas Medical Board's searchable database of licensed physicians at [http://reg.tmb.state.tx.us/OnLineVerif/Phys\\_SearchVerif.asp](http://reg.tmb.state.tx.us/OnLineVerif/Phys_SearchVerif.asp). Throughout Section 4.6.2 and other parts of Section 4 related to the homebound instructional arrangement/setting and the licensure of physicians, "licensed" means licensed to practice in the United States.
- The student's 504 committee determines the amount of services to be provided to the student in this instructional arrangement/setting.
- The teacher serving a student at home or hospital bedside ("homebound teacher") while the student is in the 504 homebound instructional arrangement/setting must be a highly qualified teacher if the homebound teacher is the teacher of record and is providing the student with direct instruction in the core academic subject area.
- However, *the homebound teacher does not have to be highly qualified if the homebound teacher is not the teacher of record and is serving in a support role by providing the student with only direct assistance with the support of a Highly Qualified teacher at the assigned school*
- See the TEA Guidance for the Implementation of NCLB Highly Qualified Teacher Requirements, available on the TEA web page at: [www.tea.state.tx.us/index4.aspx?id=4650&menu\\_id=798](http://www.tea.state.tx.us/index4.aspx?id=4650&menu_id=798)

### General Education Homebound (GEH)

Any general education student should be referred to the local campus GEH committee.

Student Attendance Accounting Manual - Section III (4-21)

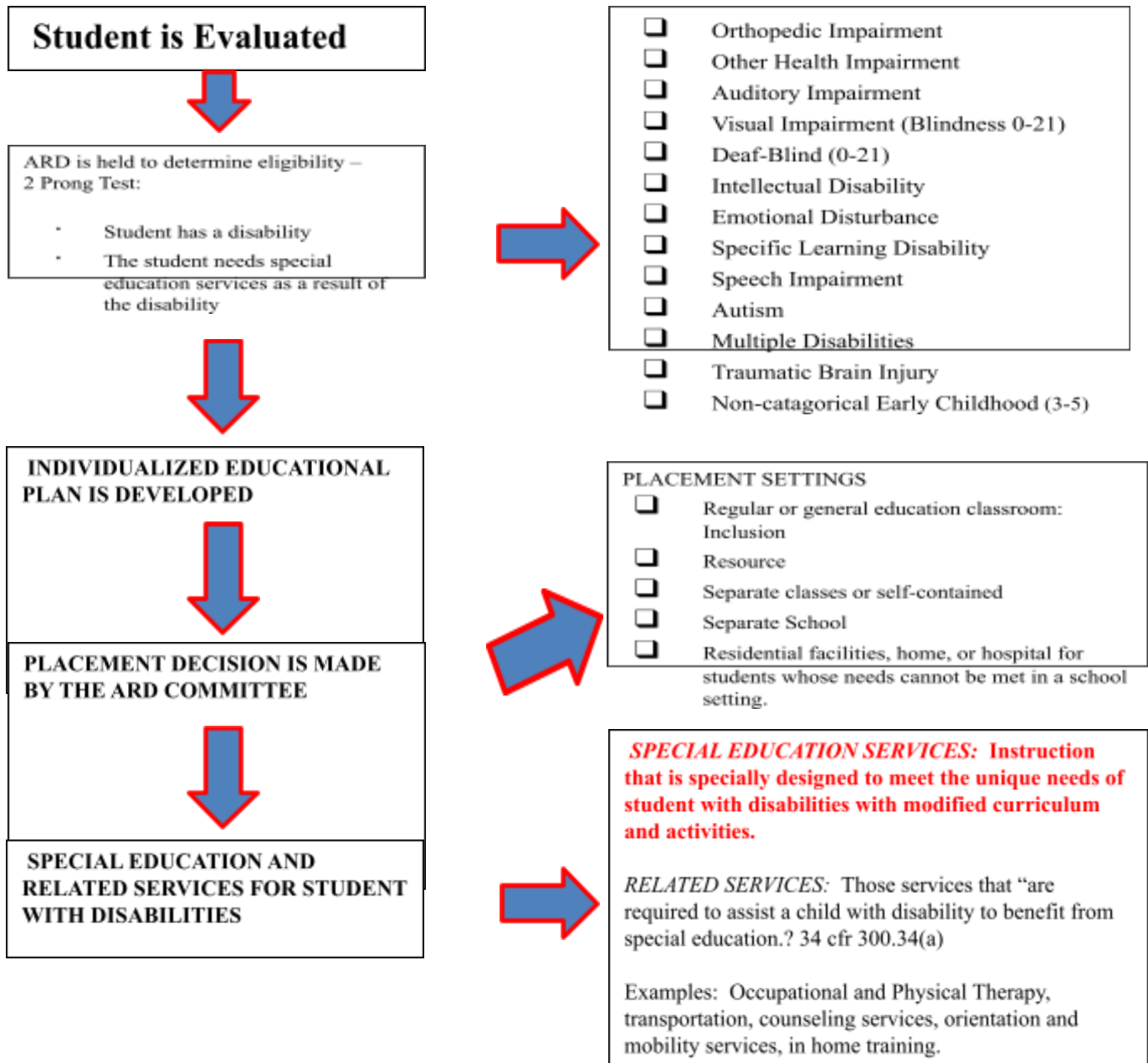
# SPECIAL EDUCATION SERVICES

*If the 504 Team determines (based upon documented evidence from a qualified professional) that student may have a disability that warrants possible special education services, it is recommended that the 504 Committee refer to any other data the Student Study Team has acquired.*

*The 504 Committee will consider all data and pertinent information before referral for special education testing. Testing referral is then made for evaluation, but must follow the process.\* Central Office personnel are notified by email immediately following a committee referral for Special Education Evaluation*

*(\*\*Note: A student does not necessarily have to go through 504 as a step to Special Education).*

## Special Education Flow Chart





# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION IV**

#### **General Information**

#### **Student Discipline**

## DISCIPLINE AND SECTION 504

1. ***Canutillo Independent School District is under no obligation to provide educational services to any student suspended or expelled who is eligible for Section 504 services unless the behavior is determined to be a manifestation of the child's disability. (See CISD Student Discipline Code)***
2. ***All CISD Discipline Policies and the Student Code of Conduct will be followed.***

### SUSPENSION

A student with a disability may be removed from the student's current educational setting for 10 cumulative days in a school year for any violation of school rules to the extent removal would be applied to a student without a disability. The principal or other appropriate administrator may suspend a student who engages in conduct identified in the Student Code of Conduct as conduct for which a student may be suspended. A suspension may not exceed three consecutive school days. (*Education Code 37.005*)

***DEFINITIONS: There are three types of suspension:***

1. ***Short Term Suspension***
2. ***Serial Suspensions***
3. ***Long Term Suspension or Expulsion***

#### **Short Term Suspension:**

*A short term suspension occurs when a child is removed from school for 10 school days or less. It does not constitute a change in placement. The child is subject to normal disciplinary procedures.*

#### **Serial Suspensions:**

*A series of short term suspensions that aggregate to more than 10 school days constitutes a serial suspension. A student with a disability may be removed from the student's educational setting for a period of time that cumulatively exceeds 10 school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. A pattern of suspensions is considered a significant change in placement that requires reevaluation and procedural protections.*

*CISD determines on a case-by-case basis whether a pattern of removals constitutes a significant change in placement. The District determines when isolated, short-term removals for unrelated instances of misconduct are considered a pattern by considering the following:*

1. *The removals cumulate to more than 10 school days in a school year;*
2. *The student's behavior is substantially similar to the student's behavior in previous incidents that results in a series of removals;*
3. *Such additional factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.*

*If a pattern exists, the removals constitute a significant change in placement, and the school must, (for each suspension after the 10<sup>th</sup> day):*

- (i) *Schedule, notify parents and conduct a Manifestation Determination immediately, if possible, but no later than 10 school days after the decision to take disciplinary action is made.*

- (ii) *If a Functional Behavioral Assessment and Behavior Intervention Plan already exists, review them. Adjustments may need to be made to Behavior Plans.*

### **Long Term Suspension or Expulsion**

*A long term suspension or expulsion occurs when a child is removed from class for more than 10 consecutive days. If an identified student with a disability as defined under Section 504 is referred for long term suspension or expulsion, a Section 504 Plan committee must be convened immediately to determine whether a manifestation exists between the child's disability and his/her misconduct.*

*The School must:*

- a. Schedule, notify parent/guardian(s) and conduct a Manifestation Determination immediately, if possible, but not later than 5 days after the decision to take disciplinary action is made.*
- b. The Section 504 Plan committee should make its determination within 10 school days of the school's formal recommendation for long term suspension or expulsion.*
- c. If a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP) already exists, review the documents. Was the plan followed? If not, the student should be placed back into the previous educational setting, and the Behavior Plan should be implemented correctly for a period of at least 6 weeks.*
- d. **Long Term Suspension or Expulsion Discipline may not be imposed if a manifestation of the student's disability exists.** If a manifestation exists, the Section 504 Plan committee should review the Section 504 plan and, if relevant, the BIP for appropriateness.*
- e. The 504 committee in tandem with school administration should update the Behavior Intervention Plan or, if the plan has not been followed, make sure the BIP is implemented correctly.*

### **Drug and Alcohol Violations**

#### **Current Drug/Alcohol Exception to the Procedural Safeguard**

*"Local educational agencies may take disciplinary action pertaining to the possession and use of illegal drugs or alcohol against any disabled Section 504 student who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against non-disabled students. Furthermore, the due process procedures at 34 C.F.R. 104.36, **Procedural Safeguards shall not apply to such disciplinary action.**" 29 U.S.C. §706 (8)(C)(iv)*

*\*\*\*Note: The OCR has interpreted this phrase to mean that if a student is currently using illegal drugs or alcohol, and is to be disciplined by the school for possession and use, the student loses the procedural protections provided by §504, including the manifestation determination prior to a change in placement for disciplinary reasons even if the child has another disability (for example, ADHD) that could be related to the misconduct. 1991 OCR Policy Memo on ADA Amendments to §504 (OCR 1991).*

## MANIFESTATION DETERMINATION

1. Manifestation Determination Review – (See form in the 504 appendix [page 39 on eSped]) must take place if the school determines that a change of placement has occurred.
2. Should it be determined that a change of placement has occurred, a Manifestation Determination review (See form in 504 appendix) must be conducted immediately, if possible, but not later than 10 days after the decision to take disciplinary action is made. In addition, the following procedures are required:
  - € Give notice of the disciplinary decision and of the procedural safeguards to the parents on the date on which the decision is made to take disciplinary action.
  - € Notify parent/guardian(s) in writing, immediately, if possible, but not more than 10 days after a decision to take action occurs, of the Manifestation Determination Review.
  - € The purpose of the meeting is to determine whether there was a causal relationship between the incident for which the student was suspended and their disability.
  - € Notification should include identification of time, date, location, and participants who will be in attendance.
  - € This meeting is, in essence, a Section 504 meeting. Parents should participate in the meetings; however, if they refuse to attend, they should be given a copy of any final decision.
  - € Complete demographic information is needed (ESPED has all information available).
  - € Date of the meeting. (Will be automatically included on the ESPED program)
3. **Participants at the meeting:** The names of each person will be recorded. CISD will ensure that each meeting includes: School Administration, Parent, School 504 Coordinator, Staff who have been involved in the implementation of the 504 plan, and persons who may have knowledge of the student's behavioral or academic needs.
4. **Data Review:** The team must consider:
  - € All relevant information in the student's file.
  - € The student's 504 Plan
  - € Relevant information provided by the parents
  - € Any Functional Behavior Assessment, Behavioral Intervention Plan or behavior contract.
  - € Discipline History
  - € Attendance, school records
  - € Teacher observations
5. **Incident Review:** This should include: *(Usually documented in the School discipline report)*
  - € Who was involved in the incident?
  - € What happened?
  - € When the incident occurred?

- € Where the incident occurred.
- € Why the incident occurred.
- € How the incident occurred.

6. **Committee Determination:** The committee must determine if the behavior is a manifestation of the student's disability. The team just determine, after the [data](#) and incident review that:

- € If the conduct in question was caused by , or had a direct and substantial relationship to, the child's disability; or
- € If the conduct in question was the direct result of the local educational agency's failure to implement the Section 504 Plan.

#### **Parameters of the Review;**

**Question # 1: Is the Behavior or Incident a Manifestation of the disability? IF the answer is YES: the behavior IS a manifestation of the student's disability;**

If the relevant member of the Section 504 Committee determine that either condition above is "True" for the student, the conduct shall be determined to be a manifestation of the student's disability and the student cannot be disciplined like his/her non-disabled peers.

#### **As a result of the Section 504 Committee's determination of the Disability:**

- € Schedule a formal Section 504 meeting to review the Section 504 Plan and consider whether a Functional Behavior Assessment needs to be conducted and Behavioral Intervention Plan developed.

\*\*\*Note: If the team is in agreement to conduct the FBA and BIP after the Manifestation Determination Meeting, complete the notification form ([eStar](#)) and provide a copy to the parent/guardian(s) prior to the meeting to conduct the FBA/BIP.

- € Conduct a Functional Behavioral Assessment
- € Develop a Behavior Intervention Plan
- € If a BIP already exists, review the plan to make sure it addresses the behavior adequately. (Find why the BIP was not successful in this discipline case.
- € If the Section 504 Team and other qualified personnel determine deficiencies in the student's 504 Plan or placement, CISD will take immediate steps to remedy those deficiencies through the 504 process.

#### **The behavior or incident IS NOT a Manifestation of the student's disability:**

If the Section 504 Team and other qualified personnel determine that both conditions are **FALSE**, the behavior is **NOT a Manifestation of the student's Disability:**

- € The relevant disciplinary procedures applicable to a student without a disability may be applied to the student with a disability in the same manner and for the same duration in which the procedures would be applied to a student without a disability.
- € If the school initiates disciplinary procedures, providing rights that are applicable to all students, CISD will ensure that the Section 504 and disciplinary records of the student with a disability are placed in the hands of the person or persons making the final determination regarding the disciplinary action.
- € Parents may appeal the Manifestation Determination findings. A formal impartial hearing request must be made in writing. The 504 Director can facilitate this process.
- € Parents may appeal to the Superintendent regarding the disciplinary action that was taken by using the regular disciplinary procedures outlined in CISD Board Policy.





### **A. Functional Behavior Analysis:**

Conducting a functional behavior assessment is the first step in developing a Behavior Intervention Plan. The functional assessment gathers information about when, where and why challenging behavior occurs, so that interventions can be designed and put into action.

While functional assessments have been used for many years with students who have severe disabilities (Under IDEA), they have recently been found to be helpful in addressing the inappropriate behavior of students with milder disabilities, when their behaviors do not improve with the use of typical school interventions.

#### **The Functional Behavior Assessment includes:**

- € Identifying the behavior(s) that need to change.  
*It is important that the Section 504 Team members (including parents) clearly define the problem behavior in terms of specific observable actions. Many times, students exhibit more than one challenging behavior that may be destructive, disruptive, or interfering behaviors that affect the learning of the student or others.*
- € Gathering information about the behavior (Utilize the same form Sped does – see eStar)  
*This can be accomplished through interviews with school personnel and parents and by observing the student in different settings over a period of time (usually two weeks).*
- € Developing a hypothesis (best guess) as to the reason for the problem behavior.  
Figuring out why the student is utilizing these behaviors is very important in the development of the behavior intervention plan. What are the triggers to these behaviors?
- € What benefit does the student get from the behavior? (Attention? Escape? Satisfaction?)

### **B. Behavior Intervention Plan**

Developing a behavior intervention plan is the second part of the functional behavior analysis process to address behavior that interferes with the student's learning or the learning of others. The plan spells out the details and routines of interventions utilized to change the student's behavior. The plan may include teaching new coping skills or change the circumstances surrounding the behavior.

The plan includes who is responsible for the intervention and the dates a follow up meeting is to be conducted. The School administration, the teaching staff, the parent, and the student are required to attend the behavior plan meeting. The student should be encouraged to take responsibility and accountability for his/her actions, and communicate with staff and parents.

Even though a functional assessment may take more time initially, it can make a difference for those students for whom typical intervention have not been successful. Developing an understanding of the cause of the behavior(s) may be key to helping the student learn more effective behavioral options.



# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION V**

#### **General Information**

# Impartial Hearing Procedures

## SECTION VII – Section 504 Impartial Hearing Procedures

### A. Issues Giving Rise to a Hearing

*A hearing may be requested by any currently enrolled student or parent/guardian(s) of a currently enrolled student over a dispute concerning the identification, evaluation, FAPE and educational placement of students.*

*Note: If the complaint relates to the Individuals with Disabilities ACT, hearings should be conducted in accordance with the requirements of that statute and its implementing regulations. (See CISD Special Education Operating Guidelines.)*

### Section 504 Due Process Hearing Procedures

- A. **Right to Due Process.** In the event a parent or guardian [hereinafter "parent"] wishes to contest an action or omission on the part of the District 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 impartial 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 an absolute prerequisite to the right to due process.
- B. **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*).
- C. **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. The written request may be made on a form provided by the District for that purpose. 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*).

- D. **Appointment of a Hearing Officer.** Within fifteen (15) days of the date of receipt of a clear Request for a Due Process Hearing, the District will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by the District 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; -3 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*).
- E. **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.
- F. **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.
- G. **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.
- H. **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.
- I. **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*).
- J. **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 tape 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.
- K. **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.
- L. **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.
- M. **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.
- N. **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.
- O. **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.
- P. **Decision Time line.** 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.
- Q. **Remedies and Relief.** The Hearing Officer must confine his or her orders and rulings to those matters which 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.
- R. **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.

- S. **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.



# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION VI**

#### **General Information**

## **Roles and Responsibilities, Meetings, eSped/Frontline**



## CISD 504 Roles and Responsibilities

**Roles and Responsibilities - 504 TEAM**: 504 meetings or any meeting that concerns a child can become a highly charged negative environment if someone says or does the wrong thing. As highly skilled professionals who have been trained to interact with the public, we have a responsibility to set a high standard of decorum in meetings that affect the future of a child.

### **Goals:**

- Develop greater expertise and knowledge of the 504 process.
- Commit as professionals to deliver the best service possible to our students,
- Make the process more efficient.

Here are the protocols we will follow: The structure is very similar to the way Special Education is run.

**Administration:** Run the meeting, Keep everyone on task. Utilize the provided agenda. – make sure the 504 Meeting stays on agenda and respects the time of all stakeholders. Keep notes. Work hand in hand with the Committee. Schedule the meetings with the school and invite all staff who will be involved with the student. Provide technical/compliance support and interpret student data for all stakeholders.

**Parent:** Advocate for the child, ask questions, be part of the team decision making process.

**Teacher/Case Manager/Counselor:** Also facilitate the meeting, and **keep the minutes**. (Since you are the person who knows the child the best and can relate the appropriate information.) Provide information/guidance regarding the child's academic/behavioral performance/progress in your class. Communicate with the parent and staff regarding progress.

- **Keep the official minutes/deliberations – they can be put into esped/Frontline during the meeting.**
- 504 Invitation at least 5 days in advance.
- Accommodations (Draft) are completed and inputted in advance on ESPED/ESTAR
- Bring your working file with updated information such as:  
Current accommodations, previous accommodations, new proposed accommodations
- Personal Graduation Plan: Review as necessary
- Data: Grades, STAAR scores, attendance, behavior, and other pertinent information.

**Other Personnel:** Provide information/guidance/reports on the accommodations provided.

**Advocates:** Support/advise the parent.

.\*\*Note: Each professional is responsible for preparing and inputting their own segment in a timely manner. Suggestion: When you receive your invitation to the 504, input your part of the information ASAP.

## Section 504 Roles and Responsibilities:

**504 Director** – Oversee 504 program, provide organizational and compliance supervision.

**Building Principal:** Campus supervision of 504, site compliance officer, liaison with central office.

**Assistant Principal - 504 Coordinator** – Focus on CISD 504 Compliance, Action Plans, and the daily work of 504.

- Responsible for record keeping & Notification to Central Office.
- eStar access and training
- 504 Compliance & Guidance
- 504 Action Plan
- Attend 504 Trainings – Site resource for staff.
- Site compliance officer
- **If not the Principal, it must be an AP or a person with supervisory capacity in the absence of the Principal.)**
- Presides over campus 504 meetings.
- Meets with Student Support Team as necessary to discuss next level options.
- **Responsible for record keeping** – Access to eStar 504 Documentation pages of the 504 forms online.
- Responsible for 504 Student list on campus
- Assigns staff responsibilities: ie scheduling meetings, gathering information for student “informal screenings”

**504 Staff: Nursing/Teaching Staff or assigned Paraprofessional**

- **Takes Deliberations/Minutes**
- Persons who deliver accommodations to students. (Teaching staff, or 504 Aides)
- Provide input on the 504 plan.
- Person who knows the student’s functioning at academic, behavioral, & physical levels.
- Tracks student progress.

**Parent:**

- Provides input on student assists in the development of the 504 Plan.
- Attends 504 meetings.

## 504 Roles and Responsibilities of School Staff

Administration	School 504 Coordinator	Teaching Staff	Paraprofessionals
<p><i>Supervision</i></p> <p><i>Compliance</i></p> <p><i>Assignment of personnel</i></p>	<p><b>ASSISTANT PRINCIPAL</b></p>	<p><i>504 Staff: Teaching Staff, Counselor, At Risk Teacher, School Nurse.</i></p>	<p><i>504 Staff: Paraprofessional</i></p> <p><i>Assigned to students</i></p> <p><i>Assigned Clerical duties</i></p>
<p><i>Runs the 504 Meetings, provides guidance, input, knowledge of issues.</i></p>	<p><i>Site compliance officer</i></p> <p><i>Presides over campus 504 meetings.</i></p> <p><i>Meets with Student Support Team for data.</i></p> <p><b><i>Responsible for record keeping – Access to eSped/Frontline 504 Documentation.</i></b></p> <p><i>Responsible for the updated 504 Student list on campus</i></p> <p><i>Assigns staff responsibilities: i.e. scheduling meetings, gathering information for student “evaluations”</i></p>	<p><i>Follows through on 504 accommodations for the students.</i></p> <p><i>Monitors progress.</i></p> <p><i>Advises on updates to accommodations</i></p>	<p><i>Completes duties as assigned.</i></p> <p style="margin-left: 20px;"><i>A. Monitors student(s)</i></p> <p style="margin-left: 20px;"><i>B. Works with students on accommodations.</i></p> <p style="margin-left: 20px;"><i>C. May assist with some clerical duties Such as student logs. Parent contacts, or setting up 504 meeting schedule.</i></p> <p><b><i>**Note: Para professionals will not have access to eStar.</i></b></p>



## 504 Meetings and Protocols

### 504 COMMITTEE MEETING- Operating Procedures

- All decisions regarding students with disabilities are made in the 504 committee meetings.
- Any changes in student goals, objectives, instructional placement, general education or related services must be decided in the 504 meeting.
- You may access the Section 504 Guidelines on the district web site.
- For additional questions or support regarding eStar contact your campus diagnostician or Special Education Department staff.

Question: (Based upon what goes on in the 504 meetings.) If you were the parent in the Canutillo School District, what would your impression of the school and the professionals that work there be by how our meetings are conducted?

**Normal operating procedure:** In order to facilitate compliance, efficiency, and professionalism for 504 meetings, (or any meeting involving educational professionals and stakeholders), the following expectations are now in place. (See also – 504 Agenda for meeting norms and expectations)

1. ALL Professionals are expected to check their calendars and attend the 504 meetings on time and participate without interruptions.
2. Persons who service the student will give any pre-meeting information to the AP to download 504 Documents on eSped/Fronline at least 5 days in advance of the 504 Meeting to be approved by the 504 Committee. (No decisions are made until the 504 Committee meets.)
3. Any other information such as assessments that are relevant to student progress (progress reports, behavior logs, or other documentation) is to be entered/downloaded into the appropriate online 504 form at least 5 days in advance of the 504 meeting.
4. Addendums may be entered electronically during the 504 meeting if there has been a scheduling of an emergency 504.
5. We will follow 504 guidelines for attendance at those meetings. **See Section III page 21** of the CISD Operating Guidelines.
6. All 504 meetings will have projection units to project 504 forms and other relevant materials on a screen or wall. This facilitates communication and engagement of all committee members.

## AGENDA - SECTION 504 SEQUENCE OF EVENTS AND COMMITTEE MEETING .

\_\_\_ Section 504 Meeting Notice (See Page 47 of handbook for sequence) **Completed Before Meeting**

\_\_\_ Introductions - Required Members are Present: (Parent, Administration, or administrative designee, Regular Education teacher, Counselor, LPAC, Interpreter, Other.

\_\_\_ Norms for the meeting: Be respectful, turn off cell phones, One person speaks at a time.

No side conversations, Focus on student progress and how the 504 Team can best service the student.

\_\_\_ Inform and provide copy of Parent rights and remind all members that the meeting is confidential.

\_\_\_ Statement of Purpose of 504: (Provide parent a copy of the 504 Draft to follow along or project on screen.)

\_\_\_ Procedural Safeguards and signatures:

\_\_\_ Date of Notice:

\_\_\_ Review of Evaluation Data: Formal/Informal data. *(See Section II page 12 & 13)*

🌐 Include Parent / Adult/Student input in this and each section

🌐 Include review of progress on previous year's accommodations (may hold this discussion until just prior to discussing new draft.)

🌐 Planning of any additional evaluations needed.

\_\_\_ Determine Present Level of Academic Achievement and Functional Performance

🌐 Physical

🌐 Behavioral

🌐 Prevocational

🌐 Academic/Developmental Test Scores

\_\_\_ Determination of the Student's Eligibility as a Student with a Disability - **Where is the evidence of the disability?**

(This evidence needs to be referred to in the deliberations that justify the accommodations.)

\_\_\_ Accommodations Needed/Supplementary Aids and Services

🌐 Assistive Technology

\_\_\_ Accommodations Developed

\_\_\_ Discuss New Proposed Draft Accommodations (after review of progress on previous accommodations)

\_\_\_ State and / or District-wide Testing: STAAR, STAAR-M, STAAR-ALT.

\_\_\_ What Interventions are going to be or currently being utilized?

🌐 Participation in Extracurricular Activities

🌐 (Schedule of Services)

🌐 Related Services or Supplementary Aids and Services

- 🌐 Personal Graduation Plan Review (*PGP*)
- 🌐 Transition/College or Career planning.

\_\_\_ Assurances and any Additional Supplement forms if required  
 \_\_\_ Complete Minutes, Agreement, Adjourn  
 \_\_\_ 504 Admin Initial

## **eStar - 504 FORMS and Sequence**

**\*\*\*Highlighted Section is Mandatory for all 504 meetings**

### **Already in the system:**

Screen 1.	Student Information
Screen 2.	Contact Information
Screen 3.	District Information

### **To be completed before the 504 Meeting;**

#1	Screen 4.	Section 504 Committee Referral – (Reason for referral)
#2	Screen 5.	Section 504 Notice of Consent
#3	Screen 6.	Section 504 Meeting Notice

### **To be completed during the 504 Meeting:**

<b>**Screen 7.</b>	Section 504 Committee Plan (1) – ( See Text Boxes for input - Deliberations & Accommodations.)
Screen 8.	Section 504 Committee Plan (2)
Screen 9	Section 504 Committee Members
Screen 10	Section 504 Student Information

Screen 11	504 Dyslexia
Screen 12	504 Amendment
Screen 13	General Education Homebound
Screen 14	504 Testing Accommodations
Screen 14/15	Notice of Parental rights (Form will be printed and given to parents)

Screen 15	Receipt Of Rights contact Info
Screen 16-21	Transportation Eligibility
Screen 22-28	Teacher Input
Screen 29-34	Parent Input
Screen 36	Former 504 Committee referral
Screen 37	Former 504 Committee Plan (1)
Screen 38	Former 504 Committee Plan (2)





# **Canutillo ISD**

## **Section 504 Staff Handbook**

### **SECTION VII**

#### **Appendix**

# Appendix — (Forms and related resources)

## Glossary of Compliance Documents

### IDEA/ 504 Comparison

### Legend of §504 Codes

(ie. reasons for referral or documented disability from the §504 Committee)

#### Qualifying disability:

1. Physical
2. Academic
3. Behavioral
4. Medical
5. Other

<b>CISD 504 REASON CODE NAME</b>	<b>LABEL</b>	<b>CATEGORY</b>	<b>BEGIN YR</b>	<b>END YR</b>
ADD*	ADD	504 Services	2010	2020
ADHD*	ADHD	504 Services	2010	2020
Allergies	Alrg	504 Services	2010	2020
Anemia	Anma	504 Services	2010	2020
Anxiety	Anx	504 Services	2010	2020
Asthma	Asth	504 Services	2010	2020
Attention	Att	504 Services	2010	2020
Auditory Processing	APro	504 Services	2010	2020
Bending	Bend	504 Services	2010	2020
Bipolar	Bipo	504 Services	2010	2020
Brain Trauma	BrTr	504 Services	2011	2020
Breathing	Brea	504 Services	2010	2020
Cancer	Cncr	504 Services	2011	2020
Cardio	Crdo	504 Services	2010	2020
Central Core Myopathy	CCM	504 Services	2010	2020
Cerebral Palsy	CP	504 Services	1980	2020
Communicating*	Comm	504 Services	2010	2020
Comprehension*	Comp	504 Services	2010	2020
Concentrating*	Cnct	504 Services	2010	2020
Cystic Fibrosis	CyFi	504 Services	2011	2020
Depression	Dprn	504 Services	2010	2020
Diabetes	Diab	504 Services	2010	2020
Dysgraphia*	Dysg	504 Services	2010	2020
Dyslexia*	Dys	504 Services	1980	2020

Eating	Eat	504 Services	2010	2020
Encopresis	Enco	504 Services	2010	2020
<b>CISD 504 REASON CODE NAME</b>	<b>LABEL</b>	<b>CATEGORY</b>	<b>BEGIN YR</b>	<b>END YR</b>
Epilepsy	Epsy	504 Services	2010	2020
Epstein-Barr Virus	EpBV	504 Services	2011	2020
Focal Seizures	FSz	504 Services	2010	2020
Focus*	Foe	504 Services	2010	2020
Fragile Bones	FrBn	504 Services	2010	2020
Gastritis	Gast	504 Services	2010	2020
Hand Tremors	HT	504 Services	2010	2020
Hearing*	Hear	504 Services	2010	2020
Hepatomegaly	Hepa	504 Services	2010	2020
High Blood Pressure	HBP	504 Services	2010	2020
Hyper/Hypoglycemia	Hygl	504 Services	2010	2020
Hyper/Hypothyroid	Hyth	504 Services	2010	2020
Hyperhidrosis	Hyhi	504 Services	2010	2020
Incontinence	Inco	504 Services	2010	2020
Irritable Colitis	ICol	504 Services	2010	2020
Kidney	Kdny	504 Services	2010	2020
Lifting	Lift	504 Services	2010	2020
Mathematics*	Math	504 Services	2010	2020
MCAS	MCAS	504 Services	2010	2020
Migraines	Migr	504 Services	2010	2020
Multiple Sclerosis	MS	504 Services	2010	2020
Muscular Dystrophy	MD	504 Services	2010	2020

Obesity	Obsy	504 Services	2010	2020
Pulmonic Stenosis	PlmS	504 Services	2010	2020
Polyarthritis	Poly	504 Services	2010	2020
Post-Op	P-Op	504 Services	2011	2020
<b>504 REASON CODE NAME</b>	<b>LABEL</b>	<b>CATEGORY</b>	<b>BEGIN YR</b>	<b>END YR</b>
Processing*	Pro	504 Services	2010	2020
Retention	Retn	504 Services	2010	2020
Seizures	Sz	504 Services	2010	2020
Sleeping	Slep	504 Services	2010	2020
SpEd Release	SpEd	504 Services	2010	2020
Speaking*	Spek	504 Services	2010	2020
Standing	Stnd	504 Services	2010	2020
Temporary	Temp	504 Services	2010	2020
Thinking*	Thnk	504 Services	2010	2020
TMJ	TMJ	504 Services	2010	2020
Tourettes Syndrome	TS	504 Services	2010	2020
Turner Syndrome	TSyn	504 Services	2010	2020
Vision*	Visn	504 Services	2010	2020
Visual Memory	VisM	504 Services	2010	2020
Visual Perceptual Skills*	VPS	504 Services	2010	2020
VonWillebrand's	VonW	504 Services	2010	2020
Walking	Walk	504 Services	2010	2020
Written Expression	WExp	504 Services	2010	2020
Read*	Read	504 Services	2010	2020

A student may be “at risk” but may not necessarily have a disability.

- Any “disability” related to education performance has to have professional or medical evidence. A disability may or may not be indicated when a student is struggling in academics.
- Justification of a disability follows the same pathway as special education; Have other causal factors been eliminated such as;
  - Language
  - Attendance (opportunity to be educated)
  - Environment
  - Numerous transitions between schools

## Section 504 Glossary

**FAPE:** Free Appropriate Public Education. Special education or specially designed instruction and related services for students ages three through 21.

**FBA:** Functional behavioral assessment is a systematic process for defining a student's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a behavioral intervention plan should be developed.

**Handicapped:** An individual with a disability is the same as "handicapped person" defined in 34 CFR

104.3(j). That definition is as follows:

(j) "Handicapped person: 'Means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

28 CFR Part 35.103 states that the definition of the term "disability" is comparable to the definition of the term "individual with handicaps: 'Furthermore, since July 1991, the term "person with a disability" is correct and proper.

**IDEA:** Individual with Disabilities Education Act. IDELR: Individuals with Disabilities Education Law Report.

**IEP:** An IDEA term. At the federal level, the IEP refers to an Individualized Education Program (20 USC)

The term **IEP** refers to an individual educational plan. In this title, an IEP means a written statement for each student with a disability that is developed, reviewed, and revised in accordance with state and federal guidelines governing the education of students with disabilities.

**ISS:** In-school Suspension

**LEA:** Local Education Agency.

**Major life activities:** Activities that include, but are not limited to, caring for one's self, performing manual tasks, seeing, hearing, eating, speaking, walking, breathing, learning, reading, concentrating, thinking, communicating, and working.

**Mitigating measures:** Medical treatments or devices that lessen the effects of an impairment. These measures are not to be taken into account when determining whether an individual is disabled. Examples of mitigating measures listed in the ADA are as follows: medication; medical supplies, equipment or appliances; low-vision devices, defined as magnifying, enhancing, or augmenting a visual image (excluding ordinary

glasses and contact lenses); prosthetics, including limbs and devices; hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

**Nondiscrimination:** Section 504 mandates nondiscrimination. No otherwise qualified individual with a disability can, solely by reason of his or her disability, be subjected to discrimination.

**OCR:** Office for Civil Rights. The office within the United States Department of Education responsible for monitoring Section 504.

**OSEP:** Office of Special Education Programs.

**OSERS:** Office of Special Education and Rehabilitative Services.

**PL:** Public Law.

**PS/RtI:** Problem Solving/Response to Intervention. The practice of providing high quality instruction and intervention matched to student needs and using the student's learning rate over time and level of performance to make instructional decisions.

RtI a multi-tiered system of support that uses a systematic problem-solving process and student performance data to determine need and to monitor the effectiveness of the instruction and interventions provided.

**Q&A:** Referring to, Protecting Students with Disabilities: Frequently Asked Questions about Section 504 and the Education of Children with Disabilities.

**Related services:** Developmental, corrective, and other supportive services, including psychological counseling and medical diagnostic services, and transportation.

**Section 504:** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals with disabilities in federally funded programs and activities.

**Section 504 of the Rehabilitation Act of 1973** is a civil rights statute providing that "No otherwise qualified individual with handicaps in the United States...shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or activity conducted by any Executive agency or by the United States Postal Service:•(29 U.S.C.,s. 794)

**U.S.C.:** United States Code, the codification of laws passed by Congress. A citation "29 U.S.C. 794" means Title 29 of the United States Code, Section 794.

**USDE:** United States Department of Education.



**VPK:** Voluntary Pre-Kindergarten preparing children for school and enhancing their pre-reading, pre-math, language, and social skills.

**IDEA and 504 Brief Overview of Differences IDEA 504 Appendix B**

**IDEA**

**504**

<b>Primary Focus</b>	
Educational benefit	Equal access for students with disabilities
<b>Who is covered?</b>	
Handicapping conditions are defined - Adversely affects educational performance and requires special education and related services	There are no eligibility categories Those with impairments that substantially limit a major life activity
<b>Purpose of the Plan</b>	
Goals and objectives outlined for the student. (What the student will do.)	Parent consent required for eligibility, for initial services, change in placement. Reasonable accommodations provided to the eligible student by the teacher(s) or relevant school staff members. (What the teacher or staff member will do.)
<b>Purpose of the Plan</b>	
Goals and objectives outlined for the student. (What the student will do.)	Parent consent required for eligibility, for initial services, change in placement. Reasonable accommodations provided to the eligible student by the teacher(s) or relevant school staff members. (What the teacher or staff member will do.)
<b>Consent</b>	
Parent <u>consent is required for eligibility</u> , for initial services, change in placement	Parent consent is not required. Parents are invited to participate.
<b>Regulations</b>	
II DEA-many specifics	OCR - few specifics
<b>Parent Participation</b>	
Procedural rights to participate	Best practice to invite parent participation
<b>Due Process</b>	
Due Process Rights	Right to an impartial hearing
<b>Stay Put</b>	
Last agreed upon placement	No stay-put provisions

<b>Funding</b>	
All States receiving IDEA funding	No Funding
<b>Monitoring</b>	
VDOE is required to develop regulations and to monitor the provision of special education. USDOE oversees implementation.	VDOE has no responsibility for - or jurisdiction over LEA's implementation of 504 Plans. OCR oversees Implementation.

**Comparison Table: Section 504 & IDEA**

	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Year of Initial Enactment	1973	1975
Legal Citation	29 u.s.c. 794 34 CFR Part 104	20 U.S.C. 1400 et seq. 34 CFR Part 300
General Purpose	A civil rights law that protects the rights of individuals with disabilities in programs, services, and activities that receive federal financial assistance from the U.S. Department of Education.	A federal funding statute whose purpose is to provide financial aid to states in their efforts to ensure adequate and appropriate educational services for children with disabilities. (34 CFR §300.1)

Individuals Covered	<p>Students with disabilities who meet the following definition: The individual (1) has or (2) has a record of a physical or mental impairment that substantially limits one or more major life activities or (3) is regarded as having such an impairment.</p> <p>Major life activities include walking, Seeing, hearing, speaking, breathing, learning, working, caring for one's self, and performing manual tasks. The disability need only substantially limit one major life activity for the student to be eligible.</p>	Children ages 3-21 who meet the definition of one of the specific dis- abilities applicable to school-age children.
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**Comparison Table :Section 504 & IDEA**

	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Definition of a Disability	<p>Much broader than the IDEA since it contains no categorical listing of disabling conditions. If a student is determined to be disabled under IDEA, she or he is also protected under Section 504. Section 504 regulations also make clear that certain mental and psychological impairments that would not qualify a student under IDEA may be disabling conditions under Section 504. The disability need not necessarily affect the student's educational performance adversely.</p> <p><i>Section 504 defines disability as follows: Physical or mental impairment means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genital urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities (34 CFR §104.3j(2)(i)).</i></p>	<p>Includes the following broad categories of disabilities: mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities. The IDEA lists the specific eligibility criteria that may entitle a child or student to receive educational services as outlined under the law and school board policy. Additionally, for a student to qualify under IDEA, the disabling condition must result in a need for special education and related services.</p>
Age Eligibility	<p>Applies to qualified persons with a disability at all educational levels, including preschool, elementary, secondary, postsecondary, vocational, and adult education programs and activities that receive or benefit from federal financial assistance.</p>	<p>Applies to all eligible individuals with a disability living in a school district's attendance area, ages birth through 21 years of age.</p>



<b>Comparison Table: Section 504 &amp; IDEA</b>		
	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Funding	Does not provide additional funds.	Provides federal funding for IDEA-eligible students with disabilities.
Monitoring Agency	A civil rights law that the USDE, OCR Monitors and enforces.	An education law that the U.S. Department of Education, Office of Special Education and Rehabilitative Services (OSERS) monitors.
Consequences for Non-compliance	If an agency receives federal funding for any program, it must comply with the requirements of Section 504 or all federal funds may be jeopardized.	If the receiving agency does not comply with the provisions of IDEA, these funds may be forfeited and/ or corrective actions taken.
Program Access	<p>No qualified individual with a disability shall, because a recipient's facilities are inaccessible or unusable by disabled individuals, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity.</p> <p>Does not require recipients to make each of the existing facilities or every part of an existing facility accessible.</p> <p>The program may:</p> <ol style="list-style-type: none"> <li>(1) Redesign equipment</li> <li>(2) Re-assign classes to accessible buildings</li> <li>(3) Assign an aide, etc.</li> </ol> <p>with priority to those methods that offer programs and activities to disabled persons in the most integrated setting appropriate.</p> <p>New construction or alterations after June 3, 1977 must be accessible</p>	Each public agency shall take steps to provide academic and non- academic services and activities in such manner as is necessary to afford children with disabilities an equal opportunity for participation in those services and activities.



<b>Comparison Table: Section 504 &amp; IDEA</b>		
	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Notice	<p>Requires notice to the parent or guardian with respect to identification, evaluation, and/or placement. Written notice is not required, but is indicated by good professional practice.</p> <p>Requires notice only before a "significant change" in placement.</p>	<p>Requires prior written notice to the parent or guardian with respect to identification, evaluation placement, and/or FAPE. Delineates required components of written notice.</p>
Consent	<p>Requires consent for evaluation if additional assessments are needed.</p>	<p>Requires written, informed parental/guardian consent before conducting an initial evaluation or reevaluation of the child and before providing special education and related services to a child with a disability.</p>



<p>Responsibility to Provide a Free and Appropriate Public Education</p>	<p>Requires the provision of a free and appropriate public education to eligible students covered under the law.</p> <p>Although a written plan is not specialized documentation of evaluation procedures and accommodation or service decisions is required. OCR does require a written plan to ensure FAPE. In addition, a written plan provides clarity and direction to individuals delivering services or making accommodations. A written plan is considered best professional practice.</p> <p>"Appropriate education" means an education with accommodations be comparable to the education provided to nondisabled students. Related services may be the accommodations.</p>	<p>Requires the provision of a free and appropriate public education to eligible students covered under the law, including specially designed instruction and related services.</p> <p>Requires a written IEP with specific content and specified participants at the IEP meeting.</p> <p>"Appropriate education" means a program, including special instruction, designed to meet the student's individual needs and that meets the standards of the LEA.</p> <p>Related services are provided if required for the student to benefit from specially designed instruction.</p>
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**Comparison Table: Section 504 & IDEA**

	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Least restrictive environment	The student shall be placed in the general educational environment unless the child's education cannot be achieved satisfactorily even with the use of supplementary aids and services.	The placement of students with disabilities in special classes, separate schools, or other removal from the general educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aides and services cannot be satisfactorily achieved. In addition, the placement must provide special education, to the maximum extent appropriate to the needs of the student, with other students who are nondisabled, and be as close as possible to the student's home.
Members of decision-making team	Group of individuals knowledgeable about the student, evaluation results, and placement options.	Specific membership of the IEP team is specified in IDEA. Teams frequently consist of: parent, evaluator, general education teacher, representative of LEA, special education teacher, others as invited.
Evaluation	Evaluation draws on information from a variety of sources in the area of concern; decisions made by a group knowledgeable about the student, evaluation data, and placement options. Requires notice, with written parental consent being best practice.	A full comprehensive evaluation is required, assessing all areas related to the suspected disability. Trained and knowledgeable personnel are to administer an evaluation. Requires informed consent before conducting an initial evaluation.

<b>Comparison Table :Section 504 &amp; IDEA</b>		
	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Eligibility Procedures	<p>When evaluation data are interpreted and accommodation decisions made, the law requires the following:</p> <p>Draw upon information from a variety of sources.</p> <p>Assure that all information is documented and considered.</p> <p>Ensure that a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options make the eligibility decision.</p>	<p>When evaluation data are interpreted and placement decisions made, the law requires the following:</p> <p>Draw upon information from a variety of sources.</p> <p>Assure that all information is documented and considered.</p> <p>Ensure that a group of persons including those who are knowledgeable about the child, the meaning of the evaluation data, and placement options make the eligibility decision.</p>
Placement	<p>Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate in the LRE.</p>	<p>Obtain parental consent prior to provision of special education and related services. Placement decision based on IEP.</p> <p>Ensure that the student is educated with his/her nondisabled peers to the maximum extent appropriate in the LRE.</p> <p>Convene an IEP review meeting before any change in placement.</p>
Undue Hardship	<p>Consider the size of the program and its budget, type of operation, nature, and cost of accommodation.</p>	<p>None.</p>

<b>Comparison Table: Section 504 &amp; IDEA</b>		
	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Reevaluation	<p>Requires periodic reevaluations. A triennial schedule for reevaluation will suffice.</p> <p>Reevaluation is required before a significant change in placement.</p> <p>No provision for independent evaluations at district expense. District should consider any evaluations presented.</p> <p>Reevaluation does not require a comprehensive evaluation. The reevaluation may be a review of current data on student progress. The 504 team determines if additional information is required.</p>	<p>Requires triennial reevaluation; review of existing data is used to determine what, if any, additional information is required. A reevaluation is not required before a significant change in placement, but a review of current data is recommended.</p> <p>Provides for independent educational evaluation at district expense if parent disagrees with evaluation obtained by school district. Informed parental consent is required for administration of a formal assessment through the reevaluation process, unless school district can show parent did not respond to attempts made.</p>
Drug and Alcohol Use	<p>Schools may take disciplinary action pertaining to use or possession of illegal drugs or alcohol against any student to the same extent such disciplinary action is taken against students who are not disabled. No due process procedures are required for students currently engaged in the illegal use of drugs or alcohol.</p>	<p>Civil rights protections under Section 504 apply.</p>
Protection Against Retaliation	<p>Incorporates prohibition against retaliation, intimidation, coercion, threats, and discrimination found in regulations under Title VI of Civil Rights Act.</p>	<p>Civil rights protections under Section 504 apply.</p>
Self-Evaluation by Recipient	<p>Requires recipients to conduct a self-evaluation to identify discriminatory policies and practices.</p>	<p>None</p>

Internal Grievance Procedure	Requires districts with 15 or more employees to designate a Section 504 compliance officer and a grievance procedure to investigate complaints alleging noncompliance with Section 504.	State complaint procedures required. Prior to due process, district must offer early resolution.
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<b>Comparison Table: Section 504 &amp; IDEA</b>		
	<b>Section 504 of the Rehabilitation Act</b>	<b>IDEA 2004</b>
Discipline	District should review all pertinent data regarding the child prior to any disciplinary removal for more than 10 days. Is the behavior caused by the student's disability? If "yes;" the child may not be removed for more than 10 consecutive school days unless the behavior is drug/alcohol related. If determined behavior was not a manifestation of a disability, the student may be disciplined the same way a student without a disability is disciplined.	Any disciplinary removal of more than 10 consecutive days is a significant change of placement triggering the procedural safe- guards of IDEA, including the right to remain in the current educational placement pending appeal. Cumulative removals of more than 10 school days within the school year may be considered a change of placement and thus trigger the procedural safeguards under IDEA. FAPE cannot be terminated as a disciplinary measure.
Due Process	Requires districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student. Requires that the parent have an opportunity to participate and be represented by counsel. Other details are left to the discretion of the local school district. Policy statements should clarify specific details.	Requires districts to provide due process hearings for parents or guardians who disagree with the identification, evaluation, or placement of a student. Delineates specific requirements.
Exhaustion	Administrative hearing not required prior to OCR involvement or court action ;compensatory damages possible.	Requires the parent or guardian to pursue administrative hearing before seeking redress in the courts.

Compliance/ Enforcement	Enforced by the OCR, USDE.  State Department of Education has no monitoring, complaint resolution, or funding involvement.  Noncompliance may result in loss of all federal funds.	Oversight and monitoring by the Office of Special Education Programs (OSEP).  The FDOE and the USDE Office of Special Education Programs monitor compliance.  The FDOE investigates complaints, monitors compliance, conducts state-sponsored mediation, and tracks due process hearings. Non-compliance may result in loss of IDEA funds and state aid and/or implementation of corrective action.
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### Canutillo Independent School District – 504 Self Audit – 2021-2022

Administrator: \_\_\_\_\_ Date of 504 Compliance Review: \_\_\_\_\_

School Reviewed: \_\_\_\_\_

*We are surveying where we are as a district in relation to 504 compliance. What can we do better as a district to improve communication, efficiency, training, etc? Please complete and send by email to Carey Chambers*

Building Section	Yes	No	In progress
Who is the school building 504 coordinator? <i>Name:</i>			
Does the school have a building 504 team? *			
Does the 504 team have a scheduled meeting time and place for 504 meetings?*			
Is there a list of team members on file in the front office?*			
Is there a supply of parent's rights and responsibility paperwork available in English and Spanish?			
Is there a parent handbook or brochure detailing 504 information?			
Has the school administration and staff reviewed the updated Handbook?			
<i>*Comment:</i>			
Staff Section	Yes	No	In Progress
Has staff been trained/informed of their responsibilities under Section 504?			
Is staff aware of accommodations for each 504 student?			
How is staff notified of student 504 accommodations?			
Did appropriate staff take part in the development of accommodations?			
<i>Comment:</i>			
Medical System	Yes	No	In progress
Is the school nurse aware of student's 504 plan? (ie. Medical diagnosis/concerns)			
If the student takes medication at the school, is their medication housed in the nurse's office?			
Is there a medication school form for the student filled out and on file?			
If the student has a specific medical diagnosis, is it from a qualified physician and is it on file?			
<i>Comment:</i>			
Student Files Section	Yes	No	In progress
Are the School Section 504 files secure and separate from the student's cumulative file?			
Have the files been reviewed or scheduled for review from the previous year?			
Has the 504 plan been archived on <b>eSped/Frontline</b>			
Does the school keep an updated database of all 504 students?			
<i>Comment:</i>			
Random Individual Folder Review	Yes	No	In progress
Is the consent form signed by the parent/guardian?			
If the student was <b>not</b> eligible, was the parent notified and report documented in <b>eSped/Frontline</b> .			
Is there an individual accommodation plan?			
Do the accommodations seem reasonable and appropriate for this student?			
Is all appropriate documentation downloaded into the <b>eSped/Frontline</b> system?			
<i>Comment:</i>			



**Response to Intervention (504) Functional Behavioral Assessment**  
Parental Consent

Student ID #	Student First Name	Student Last Name	Gender	Current Date
School ID	School		Grade	Birth Date
Person Completing Form		Title	Telephone/email	

The Student Study Team/504 Committee is requesting your permission to conduct a Functional Behavioral Assessment (FBA) of your child. The purpose of an FBA is to systematically explore the relationship between the student's environment and the student's behavior to look for certain patterns that are interfering with student progress.

The process consists of three parts:

A review of the student's records, interviews with relevant individuals, and data collection from direct observation.

- The timeline for completing an FBA is approximately 3 to 6 weeks, depending upon the individual situation with the student.
- Based on the information gathered from the FBA process, a Behavior Intervention Plan (BIP) will be developed.
- Parts of the plan may include, but are not limited to, environmental modifications, replacement skills and consequence strategies.
- It's important to remember that the purpose of a Behavior Intervention Plan (BIP) is not to outline punishments, but rather to define what can be done differently to better support the needs of the student.
- The SST team would like to complete an FBA to identify the function of the behavior in order to assist the team in determining interventions to help your child.

Yes, I give permission to conduct an FBA.

No, I do not give permission to conduct an FBA.

I would like more information before I give my consent. Contact me to schedule a meeting.

Parent Contact information: Phone/email: \_\_\_\_\_

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Printed Parent Name: \_\_\_\_\_

CISD RtI/504 (Rev. 1/31/2020)

COPY – Parent/Student File

### Uploading and Archiving the 504 document on eSped.

#### Why do I have to Archive (Save) the 504 Plan?

- o Archiving means we are sending (saving) a copy to the *esped archive file* intact.
- o When you hold a **new** 504 meeting you will be over writing all old information.
- o In order to keep from losing a record of all meetings, you must archive each time you make changes on the 504 form.

#### How do I archive the 504 plan?

- o After all data, deliberations and signatures have been entered:
  - ✓ Click on “Print Archive Tab
  - ✓ Check small box “Automatically Archive”
  - ✓ Enter comment, choose folder [504 2018-2019] then archive type.
    - Click on either Plan Annual or
    - 504 plan with referral (for initial 504s only)
  - ✓ Click on Print
  - ✓ You will see a message that your document has been archived.

#### How do I view my archived 504 Plan?

- o From home screen, click Archive Manager
- o Enter student information (ID or name)
- o Click on the Student
- o Click on “View” next to Document title and view your 504 plan.

#### What else needs to be in the Archive manager?

- o **Any signature and/or hand written documents**
  - Signed Consent Form
  - Signed notice of 504 meeting
  - Signed Receipt of Procedural Rights**
  - Teacher/Parent Information Forms
  - Nurse Health Information Form
  - Physician documents

#### How do I upload documents?

- o Scan the documents to your computer or USB
- o From home screen, click on Archive Manager
- o Enter student information (ID or Name)
- o Click on the student
- o Click on Upload Document
- o Click on Choose file and find your scanned documents
- o Click Open, then Send File to Server
- o Enter Title, Archive Type, Archive class [504] and folder [504 18-19]

**504 Deliberations Template: While there are many vital pieces of the 504, The Deliberations section can be the most helpful when a question may arise concerning what was discussed and agreed upon during the 504 meeting.**

A 504 meeting \_\_\_\_\_ for \_\_\_\_\_  
Annual//Revision/3 year Review student's name

was held on \_\_\_\_/\_\_\_\_/\_\_\_\_/\_\_\_\_

Committee members were introduced. *(Must have Parent, Admin, Gen Ed, At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.*

Invitation and Procedural Safeguards were **given to parent on;** \_\_\_\_\_

Invitation and Procedural Safeguards were **signed for by parent on;** \_\_\_\_\_

Procedural Safeguards were reviewed and explained by; \_\_\_\_\_

Procedural Safeguards explanation was waived by parent.

(Student) \_\_\_\_\_

Note: Where is the **EVIDENCE** documented how the disability affects the student's academic or behavioral performance?? Do the goals and objectives fit the evidence? Is it reflected in the PLAAPF?

PLAAPFs were presented by the special education teacher and by Related personnel.

**Parent concerns:** \_\_\_\_\_

The General Ed Teacher(s), \_\_\_\_\_, reported student progress/needs.

Accommodations were selected, discussed, and accepted.

State assessment results were discussed. Student meets participation requirements for STAAR for Math, Reading, etc.

The Schedule reflects student needs.

Intensive Program of Instruction or Accelerated Instruction is discussed and planned if needed.

The assurances were read to the committee.

The deliberations were read and accepted by the committee.

**Is the EVIDENCE of Disability noted in the deliberations?**

Are all members are in agreement?

