



Texas City Independent School District

2023 - 2024

Section 504

HANDBOOK

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What is Section 504?

- Section 504 of the Rehabilitation Act of 1973 is a federal law to eliminate discrimination based on disabilities.
- Individuals of all ages are covered.
- Entities that receive federal funding must follow this law.
- No funding is provided to Local Education Agencies (LEAs) to implement Section 504.
- The Office for Civil Rights (OCR) enforces Section 504.

Section 504 states that: “No otherwise qualified individual with a disability in the United States, as defined in section 706(8) of this title, shall, solely by reason of her or his disability, 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...” [29 U.S.C. §794(a), 34 C.F.R. §104.4(a)].

Who is covered under Section 504?

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

- **Physical or Mental Impairment**
- Impairment affects a **major life activity**
- Impairment **substantially limits** the child as compared to average peers for their grade/age level?

Potential Physical Impairments

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

Potential Mental Impairments

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

Potential Qualifying Disabilities*

- Attention Deficit Hyperactivity Disorder (ADHD)
- Diabetes
- Asthma
- Autism
- Dyslexia
- Cancer
- Hearing Impairment
- Visual Impairment
- Auto-immune deficiency
- Human Immunodeficiency Virus (HIV)
- Cerebral Palsy
- Epilepsy
- Obsessive Compulsive Disorder (OCD)

****This list is not exhaustive***

What is a Major Life Activity? *

- Bodily Functions
- Breathing
- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Speaking
- Walking
- Learning
- Concentrating
- Reading
- Thinking
- Working

****This list is not exhaustive***

Substantial Limitation

- Substantial limitation is not defined in Section 504 Regulations.
- The decision is made on an individual basis
- OCR has interpreted it to mean “an important and material limitation.”
- The comparison of limitation is made relative to peers of the same age or grade level in the general (e.g., national or state) population; consider eligibility without the ameliorating effects of **mitigating measures**.
- The ADAAA lowered the standard by stating an impairment need not prevent or severely or significantly restrict a major life activity to be considered substantially limiting.

Mitigating Measures

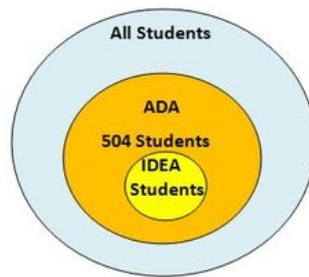
Beginning in 2009, Congress required that the positive or beneficial impact of mitigating measures should not be considered when determining eligibility. Students are to be evaluated as if they were not, for example, on medication, using compensatory skills, or receiving assistance. In an exception to the rule, the positive impact of ordinary eyeglasses and contact lenses is considered when determining substantial limitation. Once eligible, the committee will decide whether the student requires a Section 504 Plan. When determining the services and accommodations required by the student, the mitigating measure rule does not apply.

Child Find

- Locate and identify eligible students
- Eligible students and parents must be notified of the LEA’s responsibilities under Section 504.
- In Texas City ISD, Section 504 Child Find efforts are combined with those under IDEA into one comprehensive process using the [TCISD Evaluation Request Completion Form](#).

Important Note: At **any** point, if a need for specialized instruction is suspected, refer for **evaluation** under IDEA to determine if the child is a “**child with a disability**” as IDEA 2004’s

regulation defines that term at §300.8. IDEA eligible students are protected under Section 504.



Dyslexia

Dyslexia, as defined by the International Dyslexia Association, is “a specific learning disability that is neurological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities.”

- Identification: There is now a single pathway for the identification of Dyslexia under the Individual’s with Disabilities Education Act (IDEA). Therefore, all students suspected of having dyslexia must be referred for a Full and Individual Evaluation (FIE) to determine whether they may be a student with a Specific Learning Disability (SLD) under IDEA. The multi-disciplinary team of evaluators must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member with specific knowledge must also attend the initial ARD and any subsequent ARD committee meetings.
- Instruction: There is no longer a distinction between Standard Protocol Dyslexia Instruction and Specially Designed Instruction. Therefore, all students in need of direct dyslexia instruction must be referred for a Full and Individual Evaluation and receive services through an IEP, rather than a 504 plan. The providers of dyslexia instruction must be fully trained in the district’s adopted instructional materials for students with dyslexia, which may not be satisfied by the reading academy.
- Parent Notification: If a student is suspected of having dyslexia and may be a child with a disability, the parent must receive [this notice](#) explaining rights under the Individuals with Disabilities Education Act (IDEA) that may be additional to those under Section 504 of the Rehabilitation Act of 1973. This notice must be distributed along with the Notice of Procedural Safeguards.
- Progress Reports: All students receiving evidence-based dyslexia instruction must have a progress report prepared and communicated to a parent specifically

on the student's progress as a result of that program at least once per grading period.

504 Evaluations

- An evaluation must be conducted prior to initial placement or before any significant change in placement.
- Section 504 eligible students must be re-evaluated periodically (at least every 3 years).
- 504 evaluations consist of gathering data from multiple sources such as parents, teachers, and medical professionals when applicable.
- Formal testing is not required, but if formal testing is conducted, IDEA timelines will be followed (45 school days to evaluate, then 30 calendar days from the date of the evaluation to have a Section 504 meeting).
- Outside evaluations will be considered, but do not automatically ensure eligibility.
- There are no provisions for an Independent Educational Evaluation (IEE).

Potential Section 504 Accommodations and/or Services*

Section 504 Accommodation Plans will only include those accommodations or services that are necessary for the student to have equal access to programs and services based on the student's disability. Need for accommodations and/or services will be considered **with** the use of mitigating measures and may be provided in the following areas:

- Access
- Attention & Focus
- Behavior & Self-Regulation
- Expressive Language
- Math
- Memory & Recall
- Physical/Medical Needs
- Planning & Organizing
- Reading
- Scheduling
- Testing/Evaluation
- Time Awareness & Management

- Work Production & Output
- Writing
- Adapted Classroom Instruction
- Adapted or Additional Materials
- Altered Assignments or Testing
- Environmental/Accessibility

**This list is not exhaustive*

The Section 504 Committee

- Section 504 requires that the Section 504 committee or “group of knowledgeable people” contain persons with knowledge of the following:
 1. the child,
 2. the meaning of the evaluation data, and
 3. the placement options.
- In Texas City ISD, the principal designates who will serve as the Section 504 Coordinator for each campus.
- At a minimum, the 504 committee will include the parent, a campus administrator, a teacher of the student, and/or a service provider of the student.
- While parents are invited and encouraged to attend, they are not required to attend.
- The 504 team will meet periodically (at least annually) to review the student’s Section 504 Accommodation Plan.

Individual Health Plans

- Individual Health Plans (IHPs) need to be reviewed on an individual basis to determine if the student is eligible under Section 504. An IHP is considered a mitigating measure.
- The school nurse will attend all 504 meetings in which an IHP is being reviewed or discussed.

General Homebound

Students eligible for Section 504 may be eligible for General Education Homebound when documentation has been received from a physician that indicates the following:

- The student is expected to be confined at home or hospital for a minimum of

four weeks. The weeks need not be consecutive.

- The confinement is for medical or psychological reasons only.

Physician information will be considered along with other Section 504 evaluation information. The physician's information is not the sole determining factor in the committee's decision-making process. The homebound needs assessment form that must be completed by the physician must be sent directly from TCISD staff and received directly from the physician's office.

Service Animals

- Under ADA and Section 504, a service animal must be a dog or miniature horse.
- Service the animal provides must be directly related to the student's disability.
- The student/handler is responsible for the care and welfare of the animal.
- When faced with a service animal request, Texas City ISD may only ask two specific questions:
 1. Is the animal required because of a disability?
 2. What work or tasks has the animal been trained to perform?
- Texas City ISD must allow access to service animals and must not request certification or training requirements.
- "Emotional Support Animals" that only provide comfort or companionship to an individual do not meet the definition of a service animal under Title II of the ADA.
- A student's right to bring a service animal to school is a civil rights issue, not an educational issue.

Disciplinary Removals

- A disciplinary removal for more than 10 consecutive school days constitutes a significant change of placement. Similarly, a series of smaller disciplinary removals over the course of a school year that together total more than 10 days may also constitute a significant change in placement (or pattern of exclusion).
- Prior to a significant change of placement by way of disciplinary removal, a manifestation determination review (MDR) is required. At that meeting, the 504 committee will address two questions:
 1. Was the behavior caused by or directly and substantially related to the student's disability?

2. Was the behavior a direct result of the school's failure to implement the Section 504 Plan services or accommodations?
 - If the answer to either question is yes, the disciplinary change of placement cannot occur, as the behavior is related to disability. The Section 504 Committee would then determine whether changes to the Section 504 plan are necessary, including changes to behavior management.
 - If the answer to both questions is no, the student may be disciplined as would a nondisabled student committing a similar violation of the code of conduct. The Section 504 Committee would then determine whether changes to the Section 504 plan are necessary, including changes to behavior management.

****Note: Students engaged in illegal drugs or alcohol (except students with disabilities involved in a rehabilitation program who no longer engage in such use) are not protected under Section 504 and are not extended any of its protections when a school takes action based on such use. Therefore, an MDR will not be held for 504 students who engage in illegal drugs or alcohol.***

Section 504 and College Accommodations

Students who are either serviced under IDEA or Section 504 are eligible to have their accommodations in their post-secondary education. Each high school counselor will review their records during the first nine-week grading period of the school year to access if their students are in AP classes, taking an AP, PSAT, SAT, or ACT exam and will need the college board to review their accommodations prior to testing. During the second nine weeks, each high school counselor and ARD facilitator will provide a list of students and their accommodations to the campus SSD coordinator for submission to the College Board by Christmas Break. The campus SSD coordinator will submit the required paperwork to the College Board by the last Friday in January.

College Accommodation Information

- <http://www.campusexplorer.com/college-advice-tips/B6B71A43/College-Advice-For-Students-With-A-504-Plan/>
- <https://www.collegeboard.org/students-with-disabilities>
- <https://www.collegeboard.org/pdf/ssd/ssd-consent-form-accommodations.pdf>
- <http://www.pacer.org/publications/adaqa/504.asp>
- <http://www.ldonline.org/article/6082>

- <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html#E>

Helpful Resources

- Department of Education Office for Civil Rights – [Protecting Students with Disabilities](#): FAQs about Section 504 and the Education of Children with Disabilities
- [OCR Technical Assistance Documents](#) – Disability Discrimination Resources
- PACER Center – [Student’s with Disabilities & Section 504 of the Rehabilitation Act of 1973](#) (pdf)
- [A Parent’s Guide to Section 504](#) by GreatSchools.org <http://www.greatschools.org/special-education/legal-rights/868-section-504.gs>
- Understood - [The Difference Between IEPs and 504 Plans](#)
- Dept. of Education, Office for Civil Rights – [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#)

TCISD Board Policy Links

- [EQUAL EDUCATIONAL OPPORTUNITY - FB\(LOCAL\)-A - Texas City ISD](#)
- [EQUAL EDUCATIONAL OPPORTUNITY - FB\(LEGAL\)-P - Texas City ISD](#)
- [EQUAL EDUCATIONAL OPPORTUNITY - FB\(EXHIBIT\)-A - Texas City ISD](#)

Texas City ISD Campus 504 Coordinators

Elementary

Campus	Name	Extension	Email
Calvin Vincent	Jayla Weatherspoon	2360	jweatherspoon@tcisd.org
Hayley Elementary	Rachel Klipstein	5224	rklipstein@tcisd.org
Guajardo	Ayla Hamilton	1304	ayhamilton@tcisd.org
Heights	Brandi Gadberry	1504	bgadberry@tcisd.org
Kohfeldt	Kim Apyan	1413	kapyan@tcisd.org
Simms Elementary	Jaylyn Pegues	5104	jpegues@tcisd.org
Roosevelt-Wilson	Tracy Cash	1204	tcash@tcisd.org

Secondary

Campus	Name	Extension	Email
Levi Fry – 6th	Jalissa Harris	1645	jlharris@tcisd.org
Levi Fry – 5 th	Sami Johnson	1661	ssjohnson@tcisd.org
Blocker	Kamela Heuman	1712	kheuman@tcisd.org
Giles A – J	Courtney Thomas	5304	cthomas@tcisd.org
Giles K – Z	Yesenia Contreras	5305	ycontreras@tcisd.org
La Marque High	Keneshe Butler (K- Z)	5510	kbutler@tcisd.org
La Marque High	Richelle Cooper (A- J)	5511	rcooper@tcisd.org
Texas City High	Susan Buechele (Fli - L)	1816	sbuechele@tcisd.org
Texas City High	Mark Sanchez (M - RIT)	1843	msanchez@tcisd.org
Texas City High	Lindsay Owens (Riv – Z)	1817	lowens@tcisd.org
Texas City High	Meghan Davis (A - Fle)	1937	madavis@tcisd.org
LaSandra Watts	ECHS		lwatts@tcisd.org
Woodrow - Wilson	Tess Tobin	2284	ttobin@tcisd.org

Texas City ISD District 504 Contacts

- Ruben Pesina, Director of Special Education, 504, rpesina@tcisd.org
- Jerretta Temple, Coordinator of Special Education, 504, jtemple@tcisd.org