

Waco Charter School 2020-2021

504 Handbook



Economic Opportunities Advancement Corporation

Waco Charter School
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Table of Contents

POSITION STATEMENT 1

DEFINITION OF SECTION 504..... 1

GOALS FOR WCS..... 2

CHILD FIND..... 2

REFERRAL TO 504..... 2

504 COMMITTEE..... 4

ELIGIBILITY..... 4

DETERMINING 504 VS IDEA 5

DEFINITION OF IMPAIRMENT..... 6

SEVERITY OF IMPAIRMENT..... 7

EVALUATION 7

ANNUAL REVIEW..... 8

TRANSFER OF A STUDENT FROM ANOTHER LEA 8

DISMISSAL FROM 504 8

EDUCATIONAL SETTING..... 8

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)..... 9

LEAST RESTRICTIVE ENVIRONMENT (LRE) 9

NONACADEMIC SERVICES AND EXTRACURRICULAR ACTIVITIES 9

ACCOMMODATIONS..... 10

INTERACTION WITH TEXAS DYSLEXIA LAW 10

DISCIPLINE..... 10

GENERAL EDUCATION HOMEBOUND 11

INDIVIDUAL HEALTH PLAN (IHP)/EMERGENCY CARE PLANS 12

ASSISTIVE TECHNOLOGY..... 12

PROCEDURAL SAFEGUARDS 12

MAINTAINING 504 RECORDS 13

STUDENT OR PARENT COMPLAINTS 13

GRIEVANCE PROCEDURES..... 13

IMPARTIAL HEARING 14

OFFICE OF CIVIL RIGHTS (OCR) COMPLAINTS 15

CONFIDENTIALITY 15

NON-DISCRIMINATION NOTICE 15

STAFF DEVELOPMENT..... 16
PARENT/GUARDIAN AND COMMUNITY INVOLVEMENT 16
NOTICE OF RIGHTS..... 16

WACO CHARTER SCHOOL 504 MANUAL

POSITION STATEMENT

Waco Charter School (WCS) is committed to providing educational opportunities for each student to use to develop their unique abilities to be successful contributors to society.

DEFINITION OF 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 is eligible for protection under 504. The Local Education Agency (LEA) should not require extensive documentation or analysis to determine that a child with Diabetes, Epilepsy, Autism, or Bipolar Disorder has a disability under Section 504, per the Office of Civil Rights (OCR) requirements. Students qualifying for Section 504 services are not funded through federal allotments. To qualify under Section 504 for any disabling condition, a substantial limitation to one or more major life activities must be shown, as compared to average peers.

Section 504 of the Rehabilitation act of 1973 is a broad-based civil rights law administered by the OCR, which protects the rights of persons with disabilities. The purpose of the Act and these procedures is to prohibit discrimination and to assure disabled students have educational opportunities and benefits equal to those provided to nondisabled students. Section 504 provides that: “No otherwise qualified individual with handicaps in the United States...shall solely by reason of his handicap, be excluded from 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].

Major life activities include:

Caring for oneself	Speaking	Brain function
Seeing	Breathing	Bowel function
Hearing	Learning	Bladder function
Eating	Reading	Neurological function
Sleeping	Concentrating	Respiratory function
Walking	Thinking	Circulatory function
Standing	Communicating	Endocrine function
Lifting	Working	Digestive function
Bending	Normal cell growth	Functions of the immune system
Performing manual tasks	Reproductive function	

GOALS FOR WCS

The implementation of activities associated with 504 is expected to have a positive effect on the school. The goal of Waco Charter School's 504 services is to encourage and improve inclusion in regular classroom instruction before a referral to a more restrictive LRE.



CHILD FIND

As part of the ongoing identification and referral process, WCS will make reasonable efforts to identify and locate every qualified disabled student within the WCS education system. WCS shall inform the parents/guardians of these potentially eligible students of the LEAs duties under §504. As part of the Child Find effort, WCS shall place notifications in locations likely to be seen by parents/guardians of eligible students. Additionally, every teacher within the school should have information regarding the early intervention process, how to initiate a §504 referral, and how to identify students who should be referred.

REFERRAL TO 504

A student can be referred by himself or herself, a parent/guardian, teacher, counselor, administrator, or any other LEA employee for evaluation to determine if he/she has a substantial impairment of major life activity and may require an accommodations plan. Upon initial referral to 504, the classroom teacher must notify the WCS 504 coordinator.

The parent/guardian must be notified in writing. The parent/guardian shall provide written permission before any individual evaluations are conducted to determine if their child is disabled or to determine what educational service should be provided to the student. Parents/guardians shall also be given written notice of the LEA's refusal to evaluate a student or to provide specific aids and services the parent/guardians have requested or if the student does not qualify for services. If the parent/guardian's permission is not granted, the plan will not be implemented.

If a student has been assessed for Special Education but does not qualify for services under the Individuals with Disabilities Education Act (IDEA), the student may be referred for 504.

Reasons for referral may include, but are not limited to:

- Suspension or expulsion is being considered for the student
- The student has been retained
- Retention is being considered
- The student shows a pattern of failure to meet instructional expectations
- The student returns to school after a serious illness or injury
- The student is referred for Special Education evaluation, but it is determined an evaluation will not be conducted under IDEA
- The student is evaluated and is found not to qualify for Special Education

During the Initial Referral process, Response to Intervention (RTI) paperwork is included, not to exceed one year from completion. Notice and Consent for evaluation are then provided to the parent/guardian. A Notice of Meeting is also provided to the parent/guardian.

504 COMMITTEE

The LEA Section 504 committee shall be comprised of at least two persons, including persons knowledgeable about:

- The student in the educational setting
- The meaning of the evaluation data
- Accommodations

Other persons included in the committee may include, but not limited to:

- Parent/guardian
- General Education Teacher
- Interventionist/Specialist
- Counselor
- Dyslexia Specialist

The 504 committee reviews available data and evaluations to determine eligibility. If the student is determined to be eligible for 504 services, the committee determines the appropriate accommodations, if needed.

ELIGIBILITY

A student with a disability under Section 504 is a student who has a physical or mental impairment which substantially limits one or more major life activities. A substantial limitation on learning may be demonstrated by an educational need. Section 504 may also protect parents/guardians who have a disabling condition. A student may be eligible for programs and services under Section 504 but may not be eligible for Special Education.

A person is considered disabled under section 504 if he/she has a physical or mental impairment, which substantially limits one or more major life activities. A physical or mental impairment does not constitute a disability for purposes of this part of the definition unless its severity is such that it results in a substantial limitation of one or more activities.

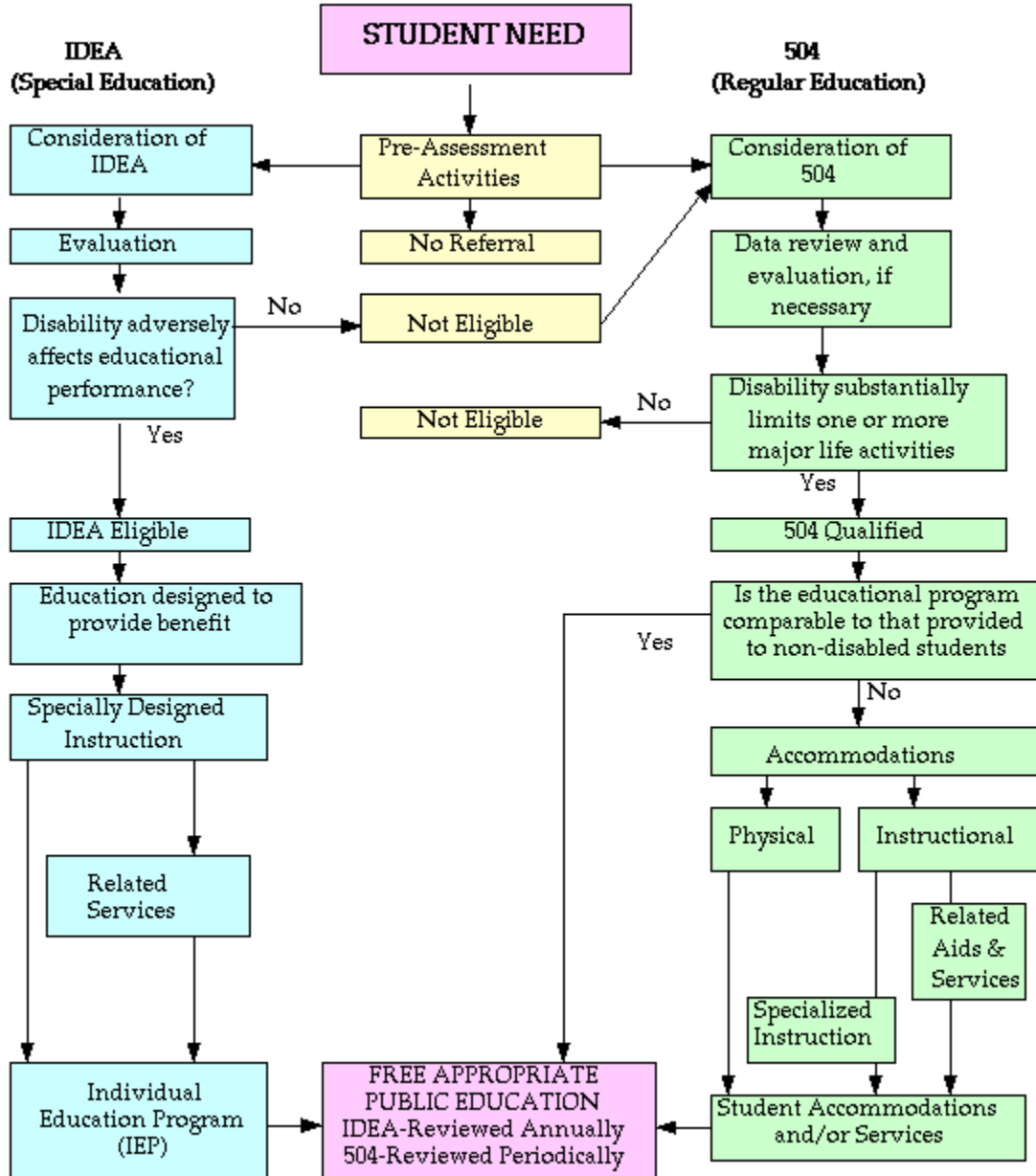
The Section 504 committee will convene to determine the eligibility of a student who has been referred for the appearance of a disability. The committee will review the information utilizing the eligibility form.

IEP vs 504

	Individualized Education Plan (IEP)	Section 504 Plan
Type of law	Special Education - Individuals with Disabilities Act (IDEA)	Civil Rights - Rehabilitation Act of 1973
Department	Department of Education	Office of Civil Rights
Requirements for eligibility	Has a disability that: a) meets criteria under IDEA, b) significantly impacts educational performance, and c) requires specialized services	Has a disability that significantly impacts a major life function.
What is included?	Specialized education services, accommodations, related services.	Accommodations, modifications.
Age limits	IEP offered through 12th grade.	No age limits with a 504 plan.
Where is the plan used?	Educationally, through the 12th grade. Does not transfer to college.	School, work, and college. 504 Plans will transfer to college.
Discipline	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension. Services are required during long-term suspension.	A Manifestation Determination meeting must be held to determine if the offense is a manifestation of the disability by the 10th day of suspension. May require reevaluation.

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DETERMINING 504 VS IDEA



DEFINITION OF IMPAIRMENT

The legal definition contained in Section 504 does not set forth a list of specific disabilities and conditions that constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list. The term includes diseases and conditions such as orthopedic, visual, speech, and hearing impairments; Cerebral Palsy; Epilepsy; Muscular Dystrophy; Multiple Sclerosis; Cancer; heart disease; Diabetes; Mental Retardation; emotional illness; Attention Deficit Hyperactivity Disorder (ADHD); Acquired Immune Deficiency Syndrome (AIDS); and Human Immunodeficiency Virus (HIV) positive.

SEVERITY OF IMPAIRMENT

These questions are used to determine the severity of impairment:

1. Does the child have a physical or mental impairment?
2. Does the impairment affect a major life activity?
3. Does the impairment substantially limit the child as compared to average peers?

If the student can perform or achieve an activity as well as common peers, he/she does not have a disability. Use the average student in the general population as a frame of reference for purposes of comparison. The 50th percentile is average, and a substantial limitation is in the 25th percentile or lower as determined in case law.

Mitigating factors may be considered to determine a substantial limitation but cannot be the reason for excluding 504 eligibility. Mitigating measures are part of the internal systems of the student, which affect the degree of limitation. Mitigating measures are devices or mechanisms that a student uses to overcome or reduce the effects of the student's impairment. Examples include corrective eyeglasses, tinted overlays, or medications. Although a person may experience no substantial limitation in any major life activity when using a mitigating measure, the committee must consider the limitations for the student with mitigating measures are not available.

EVALUATION

WCS intends to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. Students may be considered disabled under this act even though they are not eligible for services under IDEA.

Evaluation data may include physical or medical reports of a qualified professional. Additional data may include the effect of RTI strategies, formal and informal test instruments, aptitude and achievement tests, teacher recommendations, assessments for Dyslexia, adaptive behavior information, student grades, progress reports, parent/guardian observations, anecdotal reports, and test scores. Evaluations shall be tailored to assess the major life activity that is affected.

Sources of evaluation data that may be used include, but are not limited to:

- Formal/informal assessments
- Psycho-Educational assessment
- Aptitude/Achievement tests
- Health information
- Observations
- Anecdotal records
- Teacher recommendations
- Assessments for Dyslexia
- Progress reports
- Student grades
- Parent/guardian observations
- Test scores
- STAAR information
- Portfolio
- Medical records
- Results of classroom interventions
- Discipline records
- Outside evaluations
- Intelligence testing

ANNUAL REVIEW

The Section 504 committee will review annually each student's accommodation plan by addressing three areas:

- The need for additional evaluation information
- The continued eligibility as a student under Section 504, considering the educational need
- The contents and appropriateness of the Accommodations Plan

The committee can review the student's Section 504 accommodation plan without the parents'/guardians' presence, and notice to the parents/guardians is required only if a change is made. However, WCS will invite parents/guardians to each 504-committee meeting.

TRANSFER OF A STUDENT FROM ANOTHER LEA

When a student transfers to WCS, WCS may or may not have enough information from the parent/guardian or transferring LEA to properly develop a 504 accommodations plan for the student. If it is suspected that the student has a disability either from the parent/guardian or student report, the 504 committee should meet to review the student's 504 plan from the previous LEA, if available. WCS should determine if additional or new evaluation data is needed. Transfer meetings should take place within the first ten days of the student's attendance or notification of the student's disability.

DISMISSAL FROM 504

While 504 protects students, who are regarded as and/or have records of having a disability, the right to receive FAPE under 504 via an accommodation plan only extends to individuals who meet the regulator definition of a person with a disability. The committee will need to consider the student's eligibility under the definition to determine the continuation of services or dismissal.

If the student becomes qualified for Special Education services after previously being identified as a 504 student with accommodations and supports, it will become necessary to convene a 504 meeting to move the accommodations from the 504 plan to the Individual Education Plan (IEP).

EDUCATIONAL SETTING

To the extent possible, a disabled student shall be placed in the regular educational environment unless the LEA demonstrates that education in the regular environment with RTI strategies, supplemental aids, or services cannot be achieved satisfactorily. In providing or arranging for nonacademic and extracurricular services and activities, the LEA shall ensure that students with disabilities participate with nondisabled students the maximum extent appropriate to the needs of the student with disabilities.

The educational services are implemented as outlined in the student's accommodation plan. The campus Section 504 Coordinator or designee will monitor the implementation of the plan and the progress of the student.

FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

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

- **Appropriate.** The §504 services are designed to meet the individual needs of the eligible student as adequately as the needs of nondisabled students and are based upon adherence to the regulatory procedures relating to the educational setting, evaluation and placement, and procedural safeguards. The committee may place an eligible student in a program that the LEA does not operate to satisfy this requirement, but in so doing, the LEA remains responsible for ensuring that the requirements of §504 are met.
- **Free.** An eligible student's educational program provided under §504 is provided without cost to the parent/guardian of the eligible student, regardless of where those services are provided or by whom. Should the committee determine that placement in a program not operated by the LEA is required for the eligible student to receive FAPE, the LEA shall ensure that adequate transportation is provided to and from the program at no greater cost than would be incurred by the eligible student or his or her parents/guardians if the student were placed in the program operated by the LEA. The only costs of educational services that may be assessed the eligible student are those borne by nondisabled students and their parents/guardians (i.e., tickets to events, purchases of yearbooks, etc.). When the LEA has made available a FAPE as required by §504, and the eligible student or his or her parents/guardians choose to place the student in a private school, the LEA is not required to pay for the eligible student's education in the private school.

LEAST RESTRICTIVE ENVIRONMENT (LRE)

The committee shall create a placement for the eligible student that ensures the provision of educational services with persons who are not disabled to the maximum extent possible appropriate to the needs of the eligible student. The committee will presume that the regular classroom is the appropriate placement unless it is demonstrated that the eligible student's education in the regular classroom with the use of supplementary aids and services cannot be achieved satisfactorily. Should the committee place an eligible student in a setting other than the regular classroom, it shall consider the proximity of the alternative setting to the eligible student's home.

NONACADEMIC SERVICES AND EXTRACURRICULAR ACTIVITIES

The LEA shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical education, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which aid handicapped persons) are provided so that:

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

ACCOMMODATIONS

If eligible under Section 504 has been determined, the next step is to develop a student accommodation plan. The 504 committee develops student accommodations to specifically compensate for the student's identified limitations due to the impairment. Accommodations change how students access learning and physical LEA environments. Accommodations should address all impacted areas of the students learning environments including the classroom, completion of the assessments, and behavioral expectations.

A student who qualifies as 504 is not exempt from state-required assessments. Accommodations to state-required assessments are limited to those accommodations listed in the testing instructional manuals.

INTERACTION WITH TEXAS DYSLEXIA LAW

Following the State Board of Education Rule and the Texas Dyslexia Handbook, before testing a student individually for Dyslexia and/or before providing a student with Dyslexia services, the LEA must refer and evaluate under Section 504 and/or IDEA. The committee should determine the appropriate service for the student. If the student requires specialized services to receive educational benefits, Special Education services should be discussed and determined.

DISCIPLINE

LEAs are required to notify parents/guardians on the same day a decision is made to impose a long-term removal (more than 10 days) for a Section 504 student. For Section 504 students served, the LEA must conduct a Manifestation Determination Review (MDR) when considering a removal for longer than 10 school days. During the MDR, the 504 committee will determine if the impairment is related to the behavior. The 504 committee will review:

- Evaluation and diagnostic results, including information provided by the parent/guardian
- Observations of the student, including disciplinary records
- The student's accommodation plan

If the 504 committee determines the student's accommodation plan is appropriate, and the student's impairment did not impair his ability to control the behavior, which is subject to disciplinary, the student may be disciplined in the same manner as a student without a disability. If the 504 committee determines the behavior was related to the disability, the committee may consider alternative disciplinary consequences. A Behavior Intervention Plan (BIP), will be developed if not already in place.

GENERAL EDUCATION HOMEBOUND

Any student who is serviced through General Education Homebound must meet the following criteria:

- The student is expected to be confined at home or a hospital bedside for a minimum of four weeks (consecutive or nonconsecutive)
- The student is confined at home or a hospital bedside for medical reasons only
- The student's medical condition is documented by a physician licensed to practice in the United States

A student served through General Education Homebound must be served by a certified General Education teacher. The student must be provided instruction in all courses in which that student is enrolled.

A student who is serviced through General Education Homebound retains the same Average Daily Attendance (ADA) code he or she had before receiving Homebound services. Eligible days present are determined each week. Service hours cannot be accumulated and carried forward from one week to the next, nor may service hours be applied to previous weeks.

Homebound Funding Chart	
Amount of Time Served per Week	Eligible Days Present Earned per Week
1 hour	1-day present
2 hours	2-days present
3 hours	3-days present
4 hours	5-days present

A student transitioning back to a school-based setting may continue to generate eligible days present based on the funding chart during the transition period. The transition period is determined by the committee based on medical information. Once the student has completed the transition period as determined by the committee, the student no longer generates eligible days present according to the Homebound funding chart. ADA is then based on the official attendance schedule.

In qualifying a student for General Education Homebound, the following documentation is required:

- WCS developed forms that documents committee decision regarding Homebound
- Documentation of the committee decisions regarding the type and amount of instruction to be provided to the student per week including duration of services
- A note from a physician stating the student has a medical condition that requires the student to be confined at home or in a hospital bedside for a minimum of four weeks
- A Homebound teacher instruction log
 - The name of the Homebound teacher
 - The student's name and identification number

- The date(s) the Homebound teacher visited the Homebound student
- The time of each visit that the student was directly served

A student receiving General Education Homebound who returns to his or her campus to take a state-required assessment must have a medical release form completed by a medical or nurse practitioner licensed to practice in the United States to do so.

INDIVIDUAL HEALTH PLAN (IHP)/EMERGENCY CARE PLANS

The committee should develop an IHP or emergency plan for students who have conditions involving serious allergies, anaphylaxis, other life-threatening conditions. In these circumstances, the school nurse will be part of the committee. The committee responsibilities may include responses for the avoidance of allergens and reaction to exposure of allergens in classrooms, cafeterias, common areas, and on field trips. When age-appropriate, self-management to avoid allergens may be included. Other IHPs may include but are not limited to Asthma, Diabetes, and Seizure disorders.

ASSISTIVE TECHNOLOGY

Assistive technology tools can create increased educational access for students with Section 504 plans. Assistive technology tools can range from simple tools, like post-it notes, to reader software to sophisticated equipment. As part of developing an appropriate plan for the student, the committee may consider the need for and benefits of assistive technology tools. The committee will remember that the student's response, the skills of the persons using the technology, and attitudes about technology tools can positively or negatively impact the effectiveness of the plan. The 504 Coordinator will monitor the plan to make sure time is taken to train students, parents/guardians, teachers, and others as appropriate as to the proper use of the tool to support the implementation of the plan.

PROCEDURAL SAFEGUARDS

LEAs establish procedural safeguards for students and parents/guardians with concerns about LEA actions regarding the identification, evaluation, or educational placement of a student with a disability. Those safeguards include:

- Notice of their rights, including the right to a hearing concerning the identification, evaluation, or educational placement of persons with impairments under Section 504
- Written permission from parents/guardians to implement Section 504 Accommodation Plan
- An opportunity for the student's parent/ guardian to examine relevant records
- An impartial hearing with the opportunity for participation by the student's parents/guardian and representation by counsel and a review procedure

The parent/guardian or student complaints alleging discriminations against a student in the LEA program or activity in violation of Title IX and/or Section 504 provision shall be heard through the local procedure. Parents/guardians shall be given written notice of their due process right to

an impartial hearing if they have a concern or complaint about the LEA's action regarding the identification, evaluation, or educational placement of a disabled student. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the LEA or related to a member the Board of Trustees in a degree that would be prohibited under the Nepotism Statute. The impartial hearing officer is not required to be an attorney.

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period, not to exceed 45 calendar days. The LEA shall respond to reasonable requests for explanations and interpretations of the records. The cumulative record shall be made available to the parent/guardian. Records may be reviewed during regular school hours upon written request to the record custodian. The record custodian or designee shall be present to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all time, and the records shall be restricted to use only in the superintendent's, principal's, or counselor's office, or other restricted area designated by the record custodian. The original copy of the record or any documentation contained in the cumulative record shall not be removed from the school.

MAINTAINING 504 RECORDS

All 504 documents are school records. 504 working files are to be maintained professionally. This ensures a record of past interventions for future reference and accountability. All 504 documentation should be kept in the 504-student folder. At the beginning of each school year, teachers will receive a copy of the student's 504 plan.

STUDENT OR PARENT/GUARDIAN COMPLAINTS

Student or parent/guardian complaints, concerning actions regarding the identification, evaluation, or educational placement of a student who is not eligible for Special Education, shall be handled following local procedures.

GRIEVANCE PROCEDURES

LEA grievance procedures will be followed. Grievance procedures must ensure that complaints are resolved promptly and equitably. Grievance and Impartial Due Process Procedures must include procedural safeguards notification to parents/guardians. A parent/guardian may request an impartial due process hearing at any time and should be provided notice of this right. While the LEA must also offer a process for addressing complaints and grievances, the parent/guardian should not be delayed or denied in their exercise of due process. The complaint or grievance process is outlined below:

1. The grievance process starts with a meeting at the building level to review concerns and consider possible immediate solutions. The meeting should occur in a reasonable timeframe. The building administrator and/or 504 Coordinator should meet with the parent/guardian to discuss concerns and attempt to resolve the issues. Suggested meeting participants may include Parent/Guardian, Staff involved with the student's 504 plan, and

Building Administrator. The meeting outcomes should be summarized and shared with the parent/guardian.

2. The LEA Section 504 Coordinator and/or Administrator will investigate the concern and prepare a written summary of findings and recommendations.
3. Upon parent/guardian and LEA review of recommendations, the parent/guardian and LEA, by mutual agreement, may enter a facilitation meeting to reconcile any concerns that cannot be resolved through the recommended course of action.
4. If the issue does not reach a satisfactory resolution, the parent/guardian may request an impartial due process hearing through the Section 504 Coordinator or office of the Superintendent.
5. An impartial hearing officer will be appointed by the LEA.
6. The impartial hearing officer will conduct an evaluation and make written recommendations.
7. If the due process hearing does not resolve the issue, the parent/guardian may file a complaint with the OCR.

IMPARTIAL HEARING

The purpose of an Impartial Hearing is to resolve disagreements between the LEA and parents/guardians regarding the identification, evaluation, or educational placement of the student with a disability. The LEA is responsible for arranging the hearing and providing the parents/guardians the opportunity to participate and be represented by counsel if they choose.

A hearing may not be conducted by a person who is an employee of the LEA, or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. Any party to a hearing has the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge or training concerning the problems of children with disabilities
- Present evidence and confront, cross-examine, and compel the attendance of witnesses
- Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing
- Request that the hearing officer bar as evidence any evaluation or recommendation completed but not disclosed to the other party at least five business days before the hearing
- Obtain a written or electronic verbatim record of the hearing or obtain alternate forms of the verbatim record to be provided in the parent's/guardian's native language
- Obtain written or electronic findings of fact and decisions

The LEA will schedule a hearing not less than fifteen (15) or more than thirty (30) calendar days following receipt of a written request from the parent/guardian.

The Hearing Officer will, not later than thirty (30) calendar days after the hearing, do both of the following:

- Reach a final decision regarding the matter

- Send a written copy of the decision to each party

In the absence of an appeal, the decision of the Hearing Officer will be implemented by the LEA within fifteen (15) calendar days of the LEA's receipt of the decision.

OFFICE OF CIVIL RIGHTS (OCR) COMPLAINTS

Parents/guardians who allege that LEA has violated the provisions of Section 504 may file a complaint OCR. The address is:

Office of Civil Rights, Region IV
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone 214-661-9600
Fax 214-661-9587
Email OCR.Dallas@ed.gov

CONFIDENTIALITY

Confidentiality will be maintained under the Family Educational Rights and Privacy Act (FERPA).

NON-DISCRIMINATION NOTICE

WCS does not discriminate based on race, religion, color, national origin, sex, or disability in providing educational services, activities, and programs. WCS programs are under Title VI of the Civil Rights act of 1964, as amended; Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation act of 1973, as amended.

Section 504 of the Rehabilitation act of 1973 is a directive to all entities receiving federal funds issued by Congress to end discrimination based on disability in all aspects of operations. Discrimination occurs when a recipient of federal funds:

- Excludes a student with a disability from participating in, or denies the student benefits from, an aid, benefit, or service that is afforded, nondisabled students
- Fails to afford the student with a disability an opportunity to participate in, or benefit from, the aid, benefit, or services that is equal to that afforded others
- Fails to provide aids, benefits, or services to a student with a disability that is as effective as those provided to nondisabled students
- Provides different or separate aids, benefits, or services to a student with a disability that is provided to non-disabled students when such action is not necessary to provide effective aids, benefits, or services
- Aids or perpetuates discrimination against students with disabilities by providing significant assistance to any agency, organization, or person that discriminates based on disability

- Denies a student with a disability the opportunity to participate as a member of a planning or advisory board because of his or her disabling condition
- Otherwise limits a student with a disability the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or services
- In determining the size or location of a facility, makes selections that effectively exclude students with disabilities, denies them benefits, or otherwise subjects them to discrimination

STAFF DEVELOPMENT

WCS endorses the position that quality staff development cannot be overemphasized. WCS will ensure that all teachers receive ongoing, in-depth staff development for the 504 processes and compliance. Orientation and training related to 504 will be provided to explain 504 rules governing the confidentiality of information regarding individual students.

PARENT/GUARDIAN AND COMMUNITY INVOLVEMENT

Parents/Guardians and community members are invited to be a part of the site-based decision committees to provide input related to program implementation, improvement, and evaluation. Community members must play a role that is directly related to the specific student. Community members may include family members, private Speech Therapists, or private Counselors. Written permission must be provided by the parent/guardian to include community members.

NOTICE OF RIGHTS FOR DISABLED STUDENTS AND THEIR PARENTS/GUARDIANS UNDER §504 OF THE REHABILITATION ACT OF 1973

The Rehabilitation Act of 1973, commonly known in the schools as “Section 504,” is a federal law passed by the United States Congress to prohibit discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to non-disabled students.

Under §504, a student is considered “disabled” if he or she suffers from a physical or mental impairment that substantially limits one or more major life activities. Section 504 also protects students with a record of an impairment, or who is regarded as having an impairment from discrimination based on disability. Students can be considered disabled and can receive services under §504, including regular or special education and related aids and services, even if they do not qualify for, or receive, special education services under the IDEA.

The purpose of this Notice is to inform parents/guardians and students of the rights granted to them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents/guardians, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The LEA must provide you with written notice of your rights under §504 (this document represents

written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact appropriate staff persons at the LEA's §504 Office and they will assist you in understanding your rights.

2. Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33]. You have the right to refuse consent for services at any time.
3. Your child has the right to free educational services, except for certain costs normally also paid by the parents/guardians of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the LEA demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. The LEA must undertake an evaluation of your child before determining his or her appropriate educational placement or program of services under §504, and before every subsequent significant change in placement. [34 CFR 104.35]. You have the right to refuse consent for initial evaluation.
7. If formal assessment instruments are used as part of an evaluation, procedures used to administer assessments and other instruments must comply with the requirements of §504 regarding test validity, the proper method of administration, and appropriate test selection. [34 CFR 104.35]. The LEA will appropriately consider information from a variety of sources in making its determinations, including, for example, aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent/guardian observations, statewide assessment scores, and mitigating measures, among others. [34 CFR 104.35].
8. Placement decisions regarding your child must be made by a group of persons (a §504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].
9. If your child is eligible under §504, he or she has a right to periodic reevaluations. A reevaluation must take place at least every three years. [34 CFR 104.35].
10. You have the right to be notified by the LEA before any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to the identification, evaluation, and placement of your child under §504). [34 CFR 104.36].
12. You have the right to an impartial due process hearing if you wish to contest any action of the LEA regarding your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney if you wish to hire one.

13. If you wish to contest an action taken by the §504 committee through an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the LEA's §504 Coordinator at the address below. In Texas, you must submit the required notice or request in writing within one year of the action or omission giving rise to your complaint. Failure to make a timely request will result in the loss of your opportunity to pursue a due process hearing on that action or omission. A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

Section 504 Coordinator Amber Crocker
615 North 25th Street
Waco, Texas 76707
254-754-8169

14. If you disagree with the decision of the hearing officer, you have a right to seek a review of the decision by making a written request to the LEA's Section 504 Coordinator, and/or you may seek relief in state or federal court as allowed by law.
15. You also have a right to present a grievance or complaint through the LEA's local grievance process. The LEA will investigate the situation, consider the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time. Parents/guardians may contact the LEA's Section 504 Coordinator for more information about the LEA's grievance process.
16. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this LEA is:

Director, Office for Civil Rights, Region VI
1999 Bryan Street, Suite 1620
Dallas, Texas 75201-6810
Tel. 214-661-9600