

Texans Can!

Austin Can!, Dallas Can!, Fort Worth Can!, Houston Can!, & San Antonio Can!

SECTION 504

POLICIES & PROCEDURES

Board Adopted November 2004

TOPICS

General Section 504 Responsibilities

Student Issues



## STUDENT ISSUES

### I. District Coordinator's Responsibilities Regarding Student Issues

- Develop and publish annual notice and conduct child find activities (Section 104.8(a), Section 104.32)
  - Annual Notice

Annual notice will be sent out to all students and staff members in a Texans Can! Academy Newsletter.

Annual notice will be sent out in conjunction with the Student/Staff Handbook beginning with the 05-06 school year. All parent/guardian/adult students will receive training as part of the enrollment process. All staff will receive training as part of the initial school year staff development process.
  - Child find:

Texans Can! Academy is responsible for providing a free appropriate public education (FAPE) to all individuals with disabilities age birth through 21 who live within our jurisdiction and meet the qualifications of our Charter filed with the Texas Education Agency. These eligible students are served by the school Texans Can! Academy with the assistance of the Texas Education Agency, the local Regional Education Service Center and the Early Childhood Intervention program. Regardless of the severity of the disability, Texans Can! Academy will make every effort to locate, identify, and evaluate these individuals.

The Section 504 District Coordinators and Director of Special Education are responsible for implementation and direction of the "Child Find" program, as well as annually identifying any other staff members who will participate in the organization and implementation of this program.
- Place notice in student handbooks (Section 104.8(b))
  - Annual Notice

Annual notice will be sent out in conjunction with the Student/Staff Handbook each year. All parent/guardian/adult students will receive training as part of the enrollment process. All staff will receive training as part of the initial school year staff development process.
- Develop wording and procedures for giving specific notice to parents upon referral, evaluation, and placement (Section 104.36)
  - Any students of an age addressed by the school program who are suspected of having a disability and in need of Section 504 services under Section 504 are referred for possible Section 504 intervention services within the school using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
  - Any students of an age addressed by the school program who are suspected or determined as having a disability and in need of Section 504 services under Section 504 will be evaluated using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
  - Any students of an age addressed by the school program who are determined to qualify for services under Section 504 will be placed in Section 504 as outlined in the Section 504 Policies and Procedures.
- Develop local policies and procedures on referrals, evaluations, placement, parent access to records, and due process hearing, including what documentation is needed (Section 104.33-Section 104.36)
  - Any students of an age addressed by the school program who are suspected of having a disability and in need of Section 504 services under Section 504 are referred for

possible Section 504 intervention services within the school using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.

- Any students of an age addressed by the school program who are suspected or determined as having a disability and in need of Section 504 services under Section 504 will be evaluated using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
- Any students of an age addressed by the school program who are determined to qualify for services under Section 504 will be placed in Section 504 and receive services as outlined in the Section 504 Policies and Procedures.
- Parental access to records regarding a students 504 history will be made available as outline in the Section 504 Policies and Procedures.
- Due Process Hearings rights are held by both the Texans Can! Academy and the Parent as outline in the Section 504 Policies and Procedures.
- Coordinate referrals, evaluations, multidisciplinary committee, placements, and hearing (Section 104.35-Section 104.36)
  - Any students of an age addressed by the school program who are suspected of having a disability and in need of Section 504 services under Section 504 are referred for possible Section 504 intervention services within the school using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
  - Any students of an age addressed by the school program who are suspected or determined as having a disability and in need of Section 504 services under Section 504 will be evaluated using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
  - A multidisciplinary team will be utilized in all determinations for Section 504 placements through the Student Support Team as outlined in the Section 504 Policies and Procedures.
  - Any students of an age addressed by the school program who are determined to qualify for services under Section 504 will be placed in Section 504 and receive services as outlined in the Section 504 Policies and Procedures.
  - Due Process Hearings rights are held by both the Texans Can! Academy and the Parent as outline in the Section 504 Policies and Procedures.
- Plan and provide in-service education for staff
  - Ongoing in-service will be provided for all staff through out the school year. Further information will be outlined in the Section 504 Policies and Procedures.
- Coordinate procedures with specific programs, e.g., special education, compensatory education, and dyslexia programs; if a disabling condition is suspected, follow all procedures before placing a child in a program, such as a dyslexia program or a transitional kindergarten/first grade class.
  - Section 504 works in conjunction with Special Education, Compensatory Education, and Dyslexia as outlined in the Section 504 Policies and Procedures.
  - All placement of students in any special program will be coordinated using the Student Support Team procedures as outlined in the Section 504 Policies and Procedures.
- Assure that appropriate programs and placements in the least restrictive environment are available for eligible students. (Section 104.33, Section 104.34)
  - All placement of students in Section 504 will be coordinated using the Student Support Team procedures with special attention to least restrictive environment as outlined in the Section 504 Policies and Procedures.

## II. Annual Notice

- a. Annual notice will be sent in coordination with a Texans Can! Academy/Campus level newsletter. It will be designed and developed by the Texans Can! Academy level coordinators.
- b. Beginning with the 05-06 school year, annual notice will be sent out in conjunction with the Student/Staff Handbook. All parent/guardian/adult students will receive training as part of the enrollment process. All staff will receive training as part of the initial school year staff development process.

## III. Child Find

Texans Can! Academy is responsible for providing a free appropriate public education (FAPE) to all individuals with disabilities age birth through 21 who live within our jurisdiction and meet the qualifications of our Charter filed with the Texas Education Agency. These eligible students are served by the school Texans Can! Academy with the assistance of the Texas Education Agency, the local Regional Education Service Center and the Early Childhood Intervention program. Regardless of the severity of the disability, Texans Can! Academy will make every effort to locate, identify, and evaluate these individuals. Dissemination of information to the public concerning services offered to all individuals with disabilities includes:

1. participating in a network of public information dissemination which includes the Education Service Center, other agencies, communities, and facilities providing services to students with disabilities;
2. providing information regarding availability of services;
3. determining which individuals are currently receiving needed Section 504 services and which individuals are not currently receiving needed Section 504 services;
4. identifying and referring individuals with disabilities who may or may not be in school and who may need Section 504 services;
5. provide referrals to the appropriate local LEA for those students that require identification, evaluation, and/or service that are not within our Charter filed with Texas Education Agency;
6. reviewing this process on a yearly basis, updating staff about on-going "Child Find" activities implemented in the community; and
7. maintaining confidentiality of all personally identifiable information used and collected in this system in the same manner that Section 504 records are maintained.

The Section 504 District Coordinators and Director of Special Education are responsible for implementation and direction of the "Child Find" program, as well as annually identifying any other staff members who will participate in the organization and implementation of this program.

Any students of an age addressed by the school program who are suspected of having a disability and in need of Special Education services under the Individuals with Disabilities Education Act (IDEA) are referred for possible Special Education or early childhood intervention services within the school using the Student Support Team procedures as outlined in the Special Education Policies and Procedures and Operating Guidelines. Any students of an age addressed by the school program who are suspected of having a disability and in need of Section 504 services under Section 504 are referred for possible Section 504 intervention services within the school using the Student Support Team procedures as outlined in the Special Education Policies and Procedures and Operating

Guidelines and the Section 504 Policies and Procedures.

IV. Eligibility

1. General Eligibility:

- a. Any child eligible for a Texans Can! Academy's public education program is qualified. Parents who have a disabling condition may also be protected by Section 504. 34 CFR §104.3(k), §104.38
- b. If a student needs or is believed to need special instruction (special education or modifications of regular education) or related services, the Texans Can! Academy must evaluate the student before initial placement and before any "significant change in placement." A student with disabilities who is protected by Section 504 but who has no educational need and can function in the regular learning environment does not have to be evaluated. However, the Texans Can! Academy must ensure that the student has access to the programs and is not subject to discrimination. This evaluation will take place under Section 504. 34 CFR §104.35(a)

2. Handicapping Condition:

- a. There are three ways that a person may qualify under the regulations. A person is considered disabled under Section 504 if s/he meets one or more of the following definitions:
  - i. has as a physical or mental impairment which substantially limits one or more major life activities (e.g., any student receiving services under the Individuals With Disabilities Education Act (IDEA), students with drug or alcohol addictions, students with diabetes). The term does not cover children disadvantaged by cultural, environmental, or economic factors. Analysis of 34 CFR §104.3
  - ii. has a record or history of such an impairment (e.g., a student with learning disabilities who is no longer eligible to receive special education under IDEA, a student who had cancer, a student in recovery). The term includes children who have been misclassified (e.g., a non-English speaking student who was mistakenly classified as having mental retardation).
  - iii. is regarded as having such an impairment. A person can be found eligible under this Section if s/he:
    1. has a physical or mental impairment that does not substantially limit a major life activity but is treated by the Texans Can! Academy as having such a limitations (e.g., a student who walks with a limp);
    2. has no physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others towards such impairment (e.g., a student who is obese); or
    3. has no physical or mental impairment but is treated by the Texans Can! Academy as having such an impairment (e.g., a student who tests positive with the HIV virus but has no physical effects from it).

3. Major Life Activity:

- a. Major life activities include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. This list is not exhaustive. The disabling condition must substantially limit one major life activity for the student to be eligible. 34 CFR §104.3(j) This activity need not be related to learning to come under the protection of Section 504.

V. Procedural Safeguards

Provide parents or guardians with procedural safeguards whenever Section 504 is considered or determined appropriate. Procedural safeguards will include:

- notice of their rights, including the right to a hearing concerning the identification, evaluation, or

educational placement of their child. 34 CFR §104.36

- an opportunity to review relevant records.
- a hearing conducted by an impartial person (not necessarily an attorney) who is not an employee of the Texans Can! Academy and who has no other conflict of interest. A review procedure is required. Appeal of a hearing officer decision to state or federal court satisfies this provision. 34 CFR §104.36

## VI. Referrals

A student experiencing difficulties in the general education program may be considered for eligibility for Section 504 services. All such students will be referred through the Texans Can! Academy pre-referral committee, the Student Support Team. Adaptations in the general education program are attempted, if appropriate. If these adaptations are unsuccessful and the student is suspected of having a disability Section 504 will be considered.

- A. Pre-Referral – pre-referral activities are general education initiatives to address the problems the student is experiencing in the general education program. This process is designed for students who are not eligible for Section 504 or Special Education services or for whom the Section 504 program is no longer effective.
- a. A referral may be made by any campus or Texans Can! Academy employee, adult student and/or the student's parent/guardian who has a suspicion that a disability exists and there is an educational need for Section 504 services. This referral will be forwarded to the campus SST team.
  - b. Referral packets include both formal and informal evaluation through the gathering of information from multiple sources including but are not limited to:
    - i. parent/guardian
    - ii. teachers
    - iii. academic and behavioral records
    - iv. standardized, Texans Can! Academy, and state wide testing
    - v. attendance
    - vi. language proficiency
    - vii. previous modifications and accommodations attempted to assist student
    - viii. observations
  - c. Student Support Team
    - i. A team consisting of teachers, administrators, school counselors, and/or the parent(s)
    - ii. The SST will have at least three members present at each meeting
    - iii. The SST team will meet at least monthly
    - iv. It will review the performance of a student who is experiencing difficulties in the general education program either with academics or behavior.
    - v. Student work samples, grades, standardized test results, state competency testing, anecdotal records, and discipline records may be included in this review.
    - vi. All campus staff hold a place on the SST team and are called in to participate as necessary based on the student and issue being discussed.
  - d. If any member of the Student Support Team determines that student may require

services under Section 504, they will notify the campus Student Support Team Coordinator. The SST Coordinator will provide notice to parents of due process rights and of identification, evaluation, and placement.

- e. As a result of the Student Support Team's review of student progress and records, adaptations within the general education program are documented that may include any methods the SST recommends to resolve the student's academic or behavioral difficulties including but not limited to tutorials, remedial services and compensatory services. The team may choose to reconvene to review the student's progress following implementation of the adaptations or the SST committee may determine that a Section 504 placement or a referral for Special Education services is appropriate. (Section 104.36)
- f. If the SST feels a Section 504 placement may be necessary but does not have enough data to make a decision, they will then determine what additional data is necessary in the evaluation process and content to make a data driven decision regarding placement. (Section 104.35(a))

## VII. Evaluations

1. In the Section 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 Section 504 regulations, formal testing is not required to determine eligibility. Letter to Williams, 21 IDELR 73 (OCR 1994). Common sources of evaluation data for Section 504 eligibility are the student's grades, disciplinary referrals, health information, language surveys, parent information, standardized test scores, teacher comments, etc. If formal testing is pursued, the regulations require that the tests are properly selected and performed by trained personnel in the manner prescribed by the test's creator. §104.35(b) (2). When interpreting evaluation data and making placement decisions, Texans Can! Academy will 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)
2. Procedures for an Evaluation – the evaluation of a student to determine if he/she is eligible for services under Section 504:
  - a. Variety of sources –Information is gathered from a variety of assessment tools and strategies to gain relevant functional and developmental information about the student. The sources of data must include:
    - i. Information from the parent/guardian/adult student
    - ii. Information related to the students involvement and progress in the general curriculum
    - iii. Information related to the students possible disability
    - iv. Information related to daily life skills
  - b. Areas evaluated - Depending on the area of suspected disability, other sources may include but are not limited to health information, vision and hearing, social or cultural background, adaptive behavior, emotional status, academic performance, communication status, motor ability, classroom evaluation and observations, behavioral documentation, and other school records and/or other competency testing.
  - c. The Texans Can! Academy will include more than one procedure for determining whether a student is a student with a disability, an appropriate educational program for a student, the educational needs of a student, and possible discrimination based on this data.
  - d. Formal evaluation by clinician – all standardized tests and any other evaluation materials

are validated for the specific purpose for which they are used, including those tailored to evaluate specific areas of educational need.

- e. Certifications of clinician –all standardized tests and evaluation instruments are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
3. **Reevaluation**
    - a. A comprehensive reevaluation is required every three years for each eligible student.
    - b. A comprehensive reevaluation is required before any significant change in placement.  
Example of significant changes in placement which require reevaluation:
      - i. Expulsion,
      - ii. serial suspensions which exceed 10 days in a school year (Consideration is given to the frequency of suspensions, the length of each and their proximity to one another),
      - iii. Individual suspensions which exceed six school days,
      - iv. graduation from high school, and/or
      - v. significantly changing the composition of the student's class.
  4. **Annual Review** - An annual review of the placement will be completed by the end of the following school year to determine whether changes are necessary due to differences in the child's schedule in the coming year or changes in the child's abilities and disabilities. Once the information has been gathered by the Section 504 Committee, it will determine eligibility based on the criteria previously addressed. If the child is found to be eligible, the Committee will create an accommodation plan for the child which describes the child's placement and program. 34 CFR §104.35(d)
  5. There is no right to an independent evaluation at public expense under Section 504.

#### VIII. Placement

- a. In Section 504 context, placement simply means the regular education classroom with individually planned modifications. It does not literally mean taking the child out of the regular classroom and putting him someplace else. Since Section 504 students have less severe disabilities than their special education counterparts, they will not demand the high level of modification or separate classes sometimes required for students in special education.
- b. Texans Can! Academy will ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. §104.35(c) (3).
- c. The placement will likewise be consistent with the non-segregation mandate or least restrictive environment provision. §104.35(c) (4).
- d. Appropriate placement is a blend of regular education and modifications and accommodations created and maintained that gives the Section 504 child an equal chance to succeed in the classroom.
- e. An accommodation plan is created for the Section 504 student. The plan modifies the regular classroom so that the student has equal access to the educational benefits of the school's program.
- f. Accommodations that will compensate for their disabilities so that Section 504 students have an equal chance to compete in class.
- g. Students in Section 504 must work on TEKS at grade level. Grade level TEKS may not be altered in any manner for Section 504 students. Expectations for Section 504 students may not be reduced. Modifying the General Education curriculum in any

substantial way is not appropriate for students in Section 504 as they must meet exit requirements to graduate from High School.

- h. Behavior Management Plans - Should the student exhibit behaviors that are recurring or significantly impact upon education and do not seem to be diminishing under the regular discipline management plan, they will be addressed in a Behavior Management Plan (BM P) similar to the Behavior Intervention Plan utilized for Special Education students.

IX. Least Restrictive Environment

- a. To the maximum extent appropriate, we will educate students with disabilities with non-disabled peers. To remove a child from the regular educational environment, the Texans Can! Academy must demonstrate that education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 CFR §104.34
- b. A student previously disabled under Section 504 shall not be expelled unless the Texans Can! Academy determines that the misbehavior is not a manifestation of the student's disability.

IX. Nonacademic and Extracurricular Services

- a. Texans Can! Academy will provide equal opportunity in areas such as counseling, physical education and athletics, transportation, health services, recreational activities, special interest groups or clubs, referrals to other agencies, and employment. 34 CFR §104.37
- b. Each student placed in Section 504 will be provided non-academic and extracurricular services and activities conducted by the school (e.g. meals and recess) with students without disabilities to the maximum extent appropriate to meet the needs of the student.
- c. Nonacademic and extracurricular services and activities may also include:
  - i. counseling services
  - ii. athletics
  - iii. transportation
  - iv. health services
  - v. recreational activities
  - vi. special interest groups or clubs sponsored by the school
  - vii. referrals to agencies that provide assistance to individuals with disabilities
  - viii. employment of students including both employment by the Texans Can! Academy and assistance in seeking employment in the community.

X. Access to Records

- a. Texans Can! Academy maintains the confidentiality of all Section 504 records and has developed procedures to implement confidentiality requirements consistent with federal regulations. Parents or adult students are advised of their rights pertaining to student records at least once annually.
  - i. Parent access –The parent (or adult student) may inspect and review educational records during school business hours.
  - ii. Availability – Records will be made available to the parent (or adult student) without any unnecessary delay or any hearing related to the placement of the student in Section 504 in no more than 45 days after a request has been made.
  - iii. Copies – Parent(s) (or adult students) may request copies of any documents in the student's records but the school is generally required to give copies only if

failure to do so would effectively deny access.

- iv. Cost of copies – The Texans Can! Academy maintains the right to charge a fee for copies of records but not if a fee will prevent parent access to the copies. No fee will be charged to search or retrieve any information to which the parent (or adult student) has a right.
- v. Consent – Except for specific exceptions, a parent shall provide a signed and dated written consent before a school may disclose education records. The consent must specify records that may be disclosed, purpose of disclosure and parties to whom disclosure may be made. Exceptions to prior consent as outlined in FERPA, Section 99.31, are:
  - to school officials with legitimate educational interests
  - to schools in which a student seeks or intends to enroll
  - to Federal, State, and local authorities conducting an audit, evaluation, or enforcement of education programs
  - in connection with financial aid, such as a college loan
  - to organizations conducting studies on behalf of educational institutions
  - to parents of a dependent student
  - to comply with a judicial order or subpoena
  - in a health or safety emergency
  - directory information
  - to state and local officials in connection with serving the student under juvenile justice system
- vi. Amendment –The parent (or adult student) may request an amendment to any information in the education record. Texans Can! Academy will reply in a reasonable time period with a refusal or amendment. If the parent (or adult student) still disagrees, a hearing may be requested and will be carried out in accordance with all state and federal regulations.
- vii. Destruction of records – Schools may not destroy records if request for access is pending.

XI. Staff In-service

- a. Texans Can! Academy has established a comprehensive system of staff development addressing the training needs of personnel serving students with disabilities. The training is completed during school in-service programs throughout the year, and the administrative designee assures that each individual serving the needs of students with disabilities completes all necessary training. Documentation of the presentations and a roster of staff members receiving the in-service training are accessible in the office of the administrator. The specific areas of in-service training may include:
  - 1. Philosophy of Child/Family Centered Process
  - 2. Parent/Student Rights
  - 3. Section 504 Process
    - a. Pre-referral
    - b. Referral
    - c. Evaluation/Reevaluation
  - 4. Individualized Accommodation Plan

5. Free and Appropriate Public Education (FAPE)
6. TAAS/TAKS Remediation
7. Positive Behavior Intervention Strategies
8. Personnel Credentials
9. Forms/Documentation/Records Maintenance
10. Least Restrictive Environment (LRE)
11. Confidentiality/FERPA
12. Identification of Eligible Students
13. Evaluation of Student Needs
14. Disciplinary Action
15. Enrollment/Withdrawal procedures

XII. Coordination with special programs

a. Special Education

- i. Special Education protections and rights under Section 504 - OCR has rejected that the Texans Can! Academy provide Special Education services under Section 504 so that the child is not in special education, finding that when a child qualifies under the IDEA, the Texans Can! Academy satisfies the provisions of Section 504 as to that child by developing and implementing an IEP under IDEA. Therefore, when parents reject that IEP developed under IDEA, they “would essentially be rejecting what would be offered under Section 504. The parent could not compel the Texans Can! Academy to develop an IEP under Section 504 as that effectively happened when the school followed IDEA requirements.”(Letter to McKethan, 25 IDELR 295, 296 (OCR 1996), Lyons v. Smith, 20 IDELR 16 4, 167 fn. 11 (D.C.D.C. 1993)).
- ii. IDEA list specific types of disabling conditions which qualify a child to receive special education (as defined by IDEA). In addition, to be eligible under IDEA, the disabling condition must result in a need for special education.
- iii. Section 504 is broader than IDEA—there is no categorical listing of disabling conditions. However, if a child is IDEA-eligible, s/he will also be protected under Section 504. The regulations are also clear that certain conditions which would not qualify a child under IDEA, such as drug or alcohol addiction and heart disease, may be disabling conditions under Section 504. Note that Section 504 makes a distinction between current use of drugs or alcohol and addiction to those substances. Current use is not a disability. While Section 504 requires that the condition “substantially limit a major life activity,” a student’s educational performance need not necessarily be adversely affected to be protected by Section 504. The following are examples of potentially disabling conditions under Section 504 which may or may not be covered under IDEA:
  1. dyslexia;
  2. communicable diseases such as AIDS, AIDS related complex (ARC) or asymptomatic carriers of the AIDS virus (HIV), tuberculosis;
  3. temporary disabling conditions such as injuries, short-term illnesses;
  4. behavior disorders;
  5. chronic asthma and severe allergies;
  6. physical disables such as spina bifida, hemophilia, and conditions requiring

children to use crutches; and

7. other chronic and/or life-threatening diseases such as diabetes or cancer.

- iv. NOTE: In some cases the disability may be severe enough for the student to qualify under IDEA, e.g., dyslexia, and attention deficit hyperactivity disorder (ADHD).
- v. A student experiencing difficulties in the general education program may be considered for eligibility for Section 504 services. All such students will be referred through the Texans Can! Academy pre-referral committee, the Student Support Team. Adaptations in the general education program are attempted, if appropriate. If these adaptations are unsuccessful and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE). If said adaptations are not appropriate due to the nature and severity of the student's presentation and the student is suspected of having a disability, a referral may be made for a Full and Individual Evaluation (FIE).
- vi. Students found ineligible or dismissed from Special Education will be referred to Section 504 to determine if assistance under Section 504 is required to assure nondiscrimination.

b. Compensatory Education

- i. Compensatory education is defined in law as programs and/or services designed to supplement the regular education program for students identified as at risk of dropping out of school. The purpose is to increase the academic achievement and reduce the drop out rate of these students.
- ii. Students placed in Section 504 have no effect on their ability to receive assistance from Texans Can! Academy's state compensatory education program/funds.

c. Dyslexia

- i. Section 504 is triggered when students are tested individually for dyslexia, or when a placement is contemplated in a Dyslexia Instructional Program.

XIV. Grievance Procedures (Section 104.7)

- Students, parents, and employees are entitled to file grievances. However, the grievance process may not be used to override decisions about a child's program made by the group of knowledgeable persons. 34 CFR §104.7(b)
- Grievances should be filed with the campus Principal who will investigate and make a determination within 10 school days following the filing.
- If the outcome is unsatisfactory, grievances will then be filed with the District Section 504 Coordinators who will investigate and make a determination within 10 school days following the filing.
- If the outcome is unsatisfactory, grievances will then be filed with the Superintendent who will investigate and make a determination within 10 school days following the filing.
- If the outcome is unsatisfactory, a request for a hearing will then be filed with the Superintendent.

XV. Hearings

A hearing may be initiated by the parent or adult student to challenge a proposal or refusal relating to identification, evaluation or educational placement of a child in Section 504 program after the grievance process has been completed. A written request will be filed with the Superintendent and the school representative. The school is available to assist the parent or adult student by providing necessary information if the parent requests assistance in filing a due process hearing. The Texans Can! Academy will provide an impartial person who is not connected with the school District to serve as hearing officer. (Section 104.36) Hearings will be

conducted informally. All hearings will begin within 30 school days of being filed with the Superintendent. All decisions of the hearing are final and non-appealable.

XVI. Complaints

- Parents/guardians/adult students may file complaints alleging a violation of Section 504 at:

Texas OCR Enforcement Office The Office for Civil  
Rights Dallas Regional Office 1999 Bryan, Suite 2600  
Dallas, Texas 75201

Telephone ~ (214) 880-2459 Fax ~(214) 880-3082 ~