



Jean Massieu Academy

Section 504 Handbook & Policies

Compliance Statement of Section 504: Jean Massieu Academy at 823 N. Center, Arlington, Tx, shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, trainings, promotion, retention, or any other personnel action, or be denied any benefits or participation in any education programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration.) Jean Massieu Academy is an Equal Opportunity employer.

Information Regarding Section 504 of the Rehabilitation Act of 1973, including the ADA Amendments Act of 2008 Section 504 is an Act, which prohibits discrimination against persons with a disability in any program receiving Federal financial assistance. The Act defines a person with a disability as anyone who:

“SEC. 3. DEFINITION OF DISABILITY. As used in this Act

“(1) DISABILITY.—The term ‘disability’ means, with respect to an individual— “(A) a physical or mental impairment that substantially limits one or more major life activities of such individual; “(B) a record of such an impairment; or “(C) being regarded as having such an impairment (as described in paragraph (3).

“(2) MAJOR LIFE ACTIVITIES.— “(A) IN GENERAL.—For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. “(B) MAJOR BODILY FUNCTIONS.—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. “(3) REGARDED AS HAVING SUCH AN IMPAIRMENT.—For purposes of paragraph (1)(C): “(A) An individual meets the requirement of ‘being regarded as having such an impairment’ if the Individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. “(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor.

A transitory Impairment is an impairment with an actual or expected duration of 6 months or less. In order to fulfill its obligation under Section 504, Jean Massieu Academy recognizes a responsibility to avoid discrimination in policies and practices regarding its personnel and students. Discrimination against any person with a disability will not be permitted in any program and/or practice at Jean Massieu Academy. The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and, if the child is determined to be eligible under Section 504, to afford access to appropriate educational services. If the parent or guardian disagrees with the determination made by the professional staff of the school district, he/she has the right to a hearing with the district Section 504 coordinator. The Family Educational Rights and Privacy Act (FERPA) also specify rights related to educational records. This Act gives the parent or guardian the right to: 1) inspect and review his/her child’s educational records; 2) make copies of these records; 3) receive a list of all individuals having access to those records; 4) ask for an explanation of any item in the records; 5) ask for amendment to any report on the grounds that it is

inaccurate, misleading, or violates the child's rights; and 6) a hearing on the issue if the school refuses to make the amendment.

Child Find

As part of the on-going identification and referral process, the District will make reasonable efforts to identify and locate every qualified disabled Student residing within the District who is not receiving a public education. The District shall inform the Parents or Guardians of these potentially eligible Students (who may be attending private or homeschools) of the District's duties under §504. As part of the Child Find effort the District shall annually publish the Child Find Notice in local newspapers, student handbooks, and/or place the Notice in locations likely to be seen by Parents of eligible Students (such as supermarkets, pediatrician's offices, etc.).

Additionally, every teacher within the District should have information regarding the District's overall early intervention process, understand how to initiate a §504 Referral and know how to identify Students who should be referred.

Referral Process for 504

The District shall refer for an evaluation of any student who, "because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement." 34 CFR §104.35(a). Students with physical or mental impairments whose needs are addressed through early intervention, RtI, or health plans will not be excluded from consideration for possible Section 504 referral, even when current interventions, services or health plans successfully address their impairment-related needs.

The Parent may also initiate a Section 504 referral. When a §504 referral has been initiated, the Section 504 Referral Form, should be quickly forwarded to the Campus or District §504 Coordinator. The Referral Form is designed to be filled in by the person initiating the referral, but may be supplemented as necessary by the Coordinator, utilizing information from the Student's cumulative folder or other sources. From that basic information, the Coordinator will determine whether a §504 Evaluation is necessary. If no §504 Evaluation is required, the Coordinator shall forward the Parent Rights form to the Parents, with a note explaining why the Referral did not lead to a §504 Evaluation at this time.

Consent for Evaluation

If a §504 Evaluation is necessary, the Coordinator should send to the **Parent Notice of Parent Rights** together with a Notice and Consent for Initial Evaluation under §504 Form and a Parent Input for Section 504 Evaluation Form. If no parental consent is received for §504 Evaluation, the Coordinator should remind the Parent every semester (or at other intervals as determined by the District) of the District's continued desire to conduct an Evaluation under §504.

Evaluation

When the consent is received from the parent, the Coordinator should: a. Gather evaluation data and coordinate/direct the completion of the various Input Documents. The evaluation data consists of information from a variety of sources, including efforts and results of early intervention activities, aptitude and achievement testing, teacher recommendations, student's historical and current physical and mental condition (including data on conditions in remission and episodic conditions), social or cultural background, adaptive behavior, and mitigating measures; the Teacher Input form to be completed by one or more teachers, and the Parent Input form with information about the Student's activities/behaviors at home, and any other data the parent would like the student support team (SST) to consider. Should current special education data exist (an evaluation upon which a Student was either dismissed from special education or upon which a finding of no IDEA eligibility was made), that data should also be considered. Once data is considered an evaluation

Completion of Evaluation

Once Evaluation is completed by an LSSP, Certified Diagnostician, LPC, CPE, and/or Physician or other licensed practitioner, results, findings and recommendations should be carefully considered, and that Section 504 decisions are made consistently with the Americans with Disabilities Act Amendments Act of 2008, including appropriate consideration of mitigating measure (as provided in paragraph 16 of these Operational Guidelines), recognition of changes made to major life activities, the appropriate consideration of impairments that are episodic or in remission, and Congressional declarations on the definition of substantial limitation. d. Complete the Section 504 Evaluation form.

If the Student is determined to be eligible [hereinafter, "eligible student"], the Committee moves on to the Section 504 Student Accommodation Plan [hereinafter, "Accommodation Plan"] form to develop appropriate services and accommodations. If no eligibility is found, the Parents are so informed in writing. e. Should the Parent refuse consent to the initial provision of Section 504 services by completing, signing, and returning Form 12 to the campus or district Section 504 Coordinator, the Accommodation Plan should be appropriately annotated.)

Parental Rights to Refuse Consent & Revoke Consent for Section 504 Services. The District recognizes the Parent's right to refuse consent for initial Section 504 Services as well as to revoke consent for continued Section 504 Services at any time. The Parent may exercise the right to refuse consent or revoke consent by completing, signing, and returning a revocation form. If no form is received, the District will assume that the Parent consents to Section 504 Services.

Following either a refusal to consent or revocation of consent, the Parent may consent to §504 Services at any time (as long as the Student remains eligible for §504 Services) by contacting the §504 Coordinator to schedule a Section 504 meeting.

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 take into account the proximity of the alternative setting to the eligible Student's home.

Non-Academic Services & Extracurricular Activities

The District shall ensure that the provision of nonacademic and extracurricular services and activities (such as meals, recess, counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the recipients, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the recipient and assistance in making available outside employment) are provided so that: a. Eligible Students are afforded an equal opportunity to participate in such service and activities. b. Eligible Students participate with nondisabled students to the maximum extent appropriate to the needs of the eligible Student. Counseling. Should the District provide personal, academic, or vocational counseling, guidance, or placement services to its students, those services shall be provided without discrimination on the basis of disability. The District shall ensure that disabled students are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities. Physical education and athletics.

Re-Evaluation

At least every three years, the 504 Committee should meet to conduct a periodic re-evaluation of students on Section 504 Accommodation Plans as well as those students who are eligible under Section 504 but not in need of a Section 504 Accommodation Plan at this time if necessary.

For more information regarding 504 please contact:

Jean Massieu Academy

Special Programs Coordinator

817-460-0396

Or visit

<https://tea.texas.gov/academics/special-student-populations/section-504>