



# Hardin-Jefferson ISD Section 504 District Plan

HARDIN-JEFFERSON ISD  
P.O. BOX 490  
SOUR LAKE, TEXAS 77659

## **Introduction**

The purpose of this manual is to create Administrative Procedures that will standardize the way Section 504 students in Hardin-Jefferson ISD are identified, tracked from grade to grade; campus to campus; and create a system that ensures records are maintained. Complete records of identified 504 students will be maintained for the purpose of compliance and accountability. The records will be housed and maintained by the HJISD Special Programs Department.

The Section 504 Procedural Guideline Manual is intended for use by all district staff. By implementing these step by step procedures students/parents rights will be protected and students will not be denied a free and appropriate education which they are entitled to under Section 504 of the Rehabilitation Act of 1973.

If you have difficulty accessing this handbook because of a disability, please contact Dr. Steven Cox, Assistant Superintendent, at (409) 981-6400.

## **HARDIN-JEFFERSON INDEPENDENT SCHOOL DISTRICT**

### **Director of Special Programs - 504, Special Education, Dyslexia, LPAC, G/T**

Jennifer Dunson, Director of Special Programs Dept.  
(409) 981-6460 X6103

### **Section 504 Coordinator**

Nicole Hunt, Coordinator  
(409) 981-6460 X6105

Jennifer Lyons - China Elementary School Campus Counselor  
(409) 981-6410 X5108

Michaela Knipple - Sour Lake Elementary School Campus Counselor  
(409) 981-6440 X4108

Hannah Carr - Henderson Middle School Campus Counselor  
(409) 981-6420 X3108

Rachel Cordova - Hardin-Jefferson High School Campus Counselor  
Stephanie McLeod - Hardin-Jefferson High School Campus Counselor  
(409) 981-6430 X2107 - Counselor's Office

**ADMINISTRATIVE PROCEDURES  
SECTION 504  
REHABILITATION ACT OF 1973**

**Purpose of Section 504**

The purpose of the Act and these procedures is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students.

**Eligibility**

An eligible student is a student who (a) has, a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, thinking, concentrating, reading, communicating, eating, sleeping, standing, lifting, bending, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

**Educational Need**

A substantial limitation on learning must be demonstrated by an educational need, ( i.e., a serious academic and/or serious behavior problem) resulting from the student’s disability and not from other causes. “Substantial limits” is measured as compared to the “average person in the general population”.

**Definition of Impairment**

“Physical or mental impairment” means (a) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory including speech organs; cardiovascular, reproductive, digestive, genito-urinary; hematic and lymphatic; skin; and endocrine; and (b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illnesses, and specific learning disabilities.

**Age**

Eligible disabled students between the ages of 3 and 21 who have not graduated are covered by these procedures.

**Child Find**

As part of an 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 home schools) of the District’s duties under 504. As part of the Child Find effort the district shall annually publish the Child Find Notice in the local newspaper, student handbooks, and/or place the Notice in locations

likely to be seen by parents of eligible students such as daycares, pharmacies, doctor's offices within the boundaries of the school district.

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.

### **Dual Eligibility**

Many disabled students will be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). The procedures set out herein are applicable only to Section 504. Parents and/or students seeking services under the IDEA are referred to the District's Special Education Division and its designated contact person.

### **Placement of Section 504-Only Students**

Students who meet the eligibility requirements for Section 504-only may receive appropriate education designed to meet their individual educational needs as adequately as the needs of non-handicapped students are met. Placement decisions and the implementation of an individual educational accommodation plan will be provided to ensure that each eligible student's needs are being met. Before a significant change in placement, the Section 504 Committee must conduct an evaluation.

### **Section 504 Coordinator**

The District has designated Jennifer Dunson, as Special Programs Director and Nicole Hunt as its Section 504 Coordinator. They can be contracted at:

P.O. Box 490, Sour Lake, TX, 77659  
Jennifer Dunson - Special Programs Director - (409) 981-6460 X6103  
Nicole Hunt - Section 504 Coordinator (409) 981-6460 X6105

### **Referrals**

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 and 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.

## **Parents Rights**

The Section 504 Coordinator or Campus 504 Facilitator will notify the parents of their rights under Section 504. There are several times during the planning process when parents/guardians should be provided their rights under Section 504:

- 1) When eligibility is determined
- 2) When an Individual Accommodation Plan (IAP) is developed
- 3) Before there is a significant change in the plan of services.

## **Pre-Placement Evaluation**

An evaluation shall be conducted before any action is taken to place a disabled student or make a significant change in placement. Evaluation data shall include aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior.

Adaptive behavior is the effectiveness with which the student meets the standards of personal independence and social responsibility expected of his or her age and cultural group.

Evaluation shall be tailored to assess specific areas of educational need. A single general IQ test does not constitute an evaluation.

Formal test instruments shall be validated for the specific purpose for which they are used. They shall be administered by trained personnel in conformance with the instructions provided by their producer.

Consent for Evaluation is necessary, the Section 504 Coordinator will send to the parent Notice of Parent Rights under 504, 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 of the District's continued desire to conduct an evaluation under 504. If a 504 Evaluation is not required, the Section 504 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 that time.

## **Parent Language**

If the district determines that the dominant language of the parent is Spanish, the district will ensure effective notice in Spanish and services necessary to provide the parent an opportunity for an effective participation in the 504 process. If the district determines that the dominant language of the parent is not English or Spanish, the District will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the 504 process through other means (interpreter).

## **Disability-Based Harassment**

The District will promptly investigate all claims of disability-based harassment and take responsible action to stop future recurrence. Where evidence of disability-based harassment is found pursuant to an investigation, and the District believes the harassment has adversely impacted upon the ability of a disabled student to have equal access to the district's program or activities, or the disabled student's entitlement to a free, appropriate public education, a 504 committee meeting will be called to consider the impact of the harassment and determine whether changes to the student's accommodations plan are required.

## **Section 504 Notice of Committee Report**

The "recipient", Hardin-Jefferson Independent School District shall interpret evaluation data and make placement decisions through a Section 504 Committee. This committee shall be composed of at least 2 staff members, including person(s) knowledgeable about the student, the meaning of the evaluation data, the placement options, the legal requirements to place a disabled child in the least restrictive environment, and the legal obligation to provide comparable facilities to disabled students.

## **Implementation of the Section 504 Services Plan.**

The District or Campus §504 Coordinator should ensure that the Student's Services Plan is delivered to each teacher, campus administration, and any other employee or third-party contractor who has responsibility to implement the plan. Monitoring of Services Plan implementation should be accomplished through parent input, the teacher appraisal process, walkthroughs, and informal checks of the student's academic, behavioral, and social progress by the Coordinator and appropriate administrative personnel.

## **Re-Evaluation**

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

Re-evaluation should also occur prior to any significant change of placement and whenever necessary to ensure the continued provision of FAPE.

Prior to a re-evaluation, the District will provide the parents with notice of the time and place of the re-evaluation meeting, inviting the parent to attend if that is the District's policy. Written notice, while not required, is preferred. If the Student remains eligible and in need of a Services Plan, the Committee should focus on the Student's changing needs due to the effects of different classroom subject matter, school demands and other factors. Should the Committee determine that the Student is no longer eligible, the Committee should dismiss the Student from 504. The Parent shall be given notice of the results of the re-evaluation.

## **Interaction with Special Education**

Each student evaluated for special education who does not qualify, as well as each student who is dismissed from special education, shall be considered for possible referral for a Section 504 evaluation on a case-by-case basis. If at any time the §504 Committee determines that the disabled Student needs special education or related aids and services in order to receive educational benefit, a special education referral should be initiated. With respect to students who are no longer served by special education due to parents' revocation of consent for continued special education services, the school will offer a Section 504 evaluation. The school should make reasonable efforts to explain to the parents the §504 process and potential protections in these situations. Should the parents refuse consent for a §504 evaluation, the school will document such refusal.

## **Interaction with Regular Education Early Intervention Efforts**

In an effort to meet the needs of struggling students as early as possible, and to reduce the over-identification and misidentification of students in both Section 504 and special education, the District uses an early intervention process, referred to as (SIP), Student Intervention Planning. This simple, campus-based process is designed to assist students struggling for any number of reasons (family issues, lack of motivation, poverty, etc.) and in any number of ways (academically, socially, behaviorally) by providing, appropriate to the student's needs, differentiated instruction, as well as additional regular educational program, services and opportunities that may vary from campus to campus . Data from these efforts is shared with the parents, and will become part of any section 504 or special education evaluation. These efforts are available to all students, including students with disabilities. Should regular education, together with these early intervention efforts be insufficient to meet the disability- related needs of these struggling students, the campus will seek parental consent for an evaluation under section 504 or special education, as appropriate to the student.

## **Mitigating Measures and Development of Section 504 Plans.**

Pursuant to the ADA, the determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; or learned behavioral or adaptive neurological modifications. The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Section 504 Services plans, however, shall not be developed unless needed, at the time, in order for the student to have his needs met as adequately as those of nondisabled students. Should need develop, the Section 504 Committee shall develop an appropriate Services Plan. Further, 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.

## **Discipline**

The following disciplinary provisions apply to students who are in receipt of a Section 504 Services Plan, together with students who are eligible under Section 504 as students with a physical or mental impairment that substantially limits one or more major life activities, but who are not in need of a Section 504 Services Plan at this time (either because the impairment is in remission or because the students have no need for a Service Plan due to the positive effects of mitigating measures currently in place). Should the District initiate a disciplinary removal of the eligible Student from his educational placement for a term of more than ten consecutive school days, the §504 Committee must first conduct an evaluation, which includes manifestation determination, and provide the Parent with another copy of the Notice of Rights. Prior to the evaluation, the Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend if that is the District's policy.

Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. The Committee's evaluation should determine: (1) was the conduct in question caused by, or directly and substantially related to the student's disabilities?; and (2) was the conduct in question the direct result of the school's failure to implement the student's §504 plan? If a link is found, a disciplinary removal of longer than ten consecutive school days cannot occur.

Removals for less than ten days can be effected without §504 Committee approval, subject to the "pattern of exclusion" rule. A series of short removals (including teacher removals under §37.002 of the Texas Education Code) over the course of the school year that exceeds ten total days may constitute a pattern of exclusion that triggers applicable procedural safeguards (a manifestation determination evaluation and a right to due process), and requires the school to provide the Parent with another copy of the Notice of Rights (Form 6).

The Committee will meet to conduct an evaluation prior to the tenth cumulative day of removals during a school year, to determine: (1) was the conduct in question caused by, or directly and substantially related to the Student's disabilities? and (2) was the conduct in question the direct result of the school's failure to implement the Student's 504 plan? Prior to the evaluation, the Coordinator shall give the Parents notice of the time and place of the evaluation meeting, inviting the Parent to attend if that is the district's policy. Written notice, while not required, is preferred, and can be accomplished utilizing the Notice of Section 504 Meeting form. If at the evaluation meeting a link is determined, the disciplinary removal cannot occur.

An eligible Student who currently is engaging in the illegal use of drugs or in the use of alcohol may be removed from his educational placement for a drug or alcohol offense to the same extent that such disciplinary action is taken against nondisabled students. Further, no §504 Evaluation is required prior to the removal and no §504 due process hearing is available.

## **Expulsion**

Before an expulsion or other exclusion that constitutes a significant change in placement, the Section 504 Committee must conduct a "manifestation determination" to determine whether the student's conduct is caused by his/her disabling condition. Such a determination should be based on current evaluation data.



If it is determined by the Section 504 Committee that the misconduct **is not** caused by the student's disabling condition, the student may be excluded from school in the same manner as similarly situated non-disabled students are excluded.

If it is determined by the Section 504 Committee that the misconduct **is** caused by the student's disabling condition, the student may not be expelled. The Section 504 Committee must then determine whether the student's current educational placement is appropriate.

Pursuant to "Appendix A" of 34 CFR Part 104, students who are substance abusers:

- (1) May be held to the same standard of performance and behavior that non-disabled students are held to; and
- (2) May not be excluded from school if they can successfully participate in the educational program, comply with the rules, and their behavior does not impede the performance of other students.

Rules concerning use or possession of drugs and alcohol will be applied to substance abusers and will be enforced evenly with respect to all students, both disabled and non-disabled.

### **Student Records**

Section 504 records, including any evaluation data, shall be kept in a separate §504 folder under the control of the Director of Special Programs, as part of the Student's cumulative folder, or in any other location determined to be appropriate by the District or campus. Regardless of location, the District will maintain the confidentiality of §504 records as required by the Family Educational Rights and Privacy Act (FERPA). Where §504 records are kept separately from the cumulative folder, a reference to the records and their location will be placed in the cumulative folder to ensure that the campus with responsibility for the Student is aware of its §504 obligations to the eligible student and that personnel and third-party contractors who have a duty to implement the plan have access to necessary records including the plan itself.

The parents or guardians shall have the opportunity to examine relevant education records upon reasonable notice during school hours or at other mutually convenient times by prior arrangement.

### **Free Appropriate Public Education (FAPE)**

No eligible Student may be excluded by the District 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:

#### **a. 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 educational setting, evaluation and placement, and procedural safeguards. The Committee may place an eligible Student in a program that the District does

not operate in order to satisfy this requirement, but in so doing, the District remains responsible for ensuring that the requirements of §504 are met.

**b. Free**

An eligible Student's educational program provided under §504 is provided without cost to the Parent 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 District is required for the eligible Student to receive FAPE, the District 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 or guardians if the student were placed in the program operated by the District. The only costs of educational services that may be assessed by the eligible Student are those borne by nondisabled students and their Parents (such as tickets to athletic events, purchases of yearbooks, gym clothes, etc.). When the District has made available a FAPE as required by §504, and the eligible Student or his or her Parents or Guardians choose to place the Student in a private school, the District is not required to pay for the eligible Student's education in the private school.

**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 Form 12 to the campus or district §504 Coordinator. In the absence of a Form 12 written refusal or revocation, the District will assume that the Parent consents to Section 504 Services. *See, for example, Tyler (TX) ISD, 56 IDELR 24 (OCR 2010)*(no parent signature required by the Section 504 regulations in order to implement a 504 Services Plan). 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**

In providing physical education courses and athletics and similar programs and activities to any of its students, the District will not discriminate on the basis of disability. Disabled students shall have equal opportunity to participate in the District's physical education courses, as well as interscholastic, club, or intramural athletics operated or sponsored by the District. The District will offer disabled students physical education and athletic activities that are separate or different from those offered to nondisabled students only if separation or differentiation is consistent with the requirements of LRE and only if no qualified disabled student is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

### **Accommodations to Extracurricular Athletics**

In its December 2013 guidance letter on extracurricular athletics, OCR announced that decisions with respect to modifications, aids and services required for Section 504 students to participate in extracurricular athletics need not be determined in a Section 504 meeting or by a Section 504 Committee. A document noting necessary accommodations in extracurricular athletics serves to describe the OCR-approved process, and to document the accommodations to be provided.

### **Comparable Facilities**

If the District operates a facility that is identifiable as being for disabled students, the District will ensure that the facility and the services and activities provided there are comparable to the other facilities, services and activities of the District.

### **Due Process Rights**

In the event of a disagreement between the parents or guardians and the school district in regard to the identification, evaluation, or educational placement of a disabled student, the parents or guardian have the right to an impartial hearing, with an opportunity to participate and be represented by an attorney.

## **Retaliation Prohibited**

No District officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

## **Grievance Process**

Parents or guardians who wish to challenge a decision of the Section 504 Committee shall file written Parents' Notice of Appeal with the Section 504 Coordinator within 15 calendar days of the date of the Section 504 Committee Report.

Within 30 calendar days of the date of the Parents' Notice of Appeal, the District will schedule a hearing before an officer and provide the parents or guardians with a written Notice of Hearing that sets out the date, time, and place for the hearing and advises them of their right to participate and be represented by an attorney. Upon good cause shown and at the discretion of the hearing officer, either party may receive a continuance of the scheduled hearing date.

The hearing officer will render a brief written decision at the conclusion of the hearing, or, if it is imperative that the decision be taken under advisement, within 15 calendar days of the hearing.

No written findings of fact or conclusions of law shall be required of the hearing officer.

The person who serves as impartial hearing officer must not be an employee of the school district and may not be related to any member of the board of trustees in a degree that would be prohibited under the Nepotism Statute.

The hearing officer need not be an attorney at law, but shall be familiar with the requirements of Section 504.

The hearing officer will be paid by the school district as an independent contractor of services rendered in regard to the hearing. The hearing will be conducted without cost to the parents or guardians.

Section 504 regulations do not establish timelines for submission of a hearing request.

Section 504 regulations do not define "impartial". However, in similar processes, impartial has been defined as a person not employed by or under contract with the district in any capacity. Employees of other districts may serve as 504 Hearing Officers, however.

Section 504 regulations do not require that the selection of the hearing officer be a mutually agreed upon decision between the school district and the parents/guardians.

## **Procedural Protections**

The following protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan. The District will ensure that a system of procedural safeguards is in place with respect to actions regarding the identification, evaluation, and educational placement of disabled students. The system shall include notice, an opportunity for the Parent or Guardian

of the disabled Student to examine relevant records, an impartial hearing with opportunity for participation by the Student's Parent or Guardian and representation by counsel, and a review procedure. The impartial hearing is governed by the District's Procedures for §504 Due Process Hearings. Should the Parent disagree with the identification, evaluation, or placement decision of a §504 Committee or the decision of a §504 hearing officer, the Parent may seek relief in state or federal court as allowed by law and /or access the review procedure.

Upon request, the District's §504 Coordinator shall provide a review procedure to ensure that the Section 504 due process hearing was properly conducted pursuant to the requirements of the §504 procedural safeguards and the District's §504 due process hearing procedures. The Parent has 30 calendar days from the date that the due process hearing officer issues a decision to request a review. The request should be in writing, and should include a brief description of the basis of the request. The request for review is made directly to the District's §504 Coordinator. Within 15 days of the receipt of a request for review, the District's §504 Coordinator shall issue a decision in writing. The decision should be based on a review of the written request, the hearing officer's decision, the District's Procedures for §504 Due Process Hearings, any additional information provided by the Parent, and any additional information deemed relevant by the §504 Coordinator.

Any person eligible to file a grievance with respect to the District's §504 obligations may file a grievance through the District's local grievance process. Information on the grievance process can be obtained from the District's §504 Coordinator.

### **Parent Language**

If the District determines that the dominant language of the parent is Spanish, the District will ensure effective notice in Spanish and services necessary to provide the Parent an opportunity for effective participation in the §504 process. If the District determines that the dominant language of the Parent is not English or Spanish, the District will make a good faith effort to accomplish notice and provide an opportunity for effective parent participation in the §504 process through other means.

### **Duty to Not Discriminate**

The District shall ensure that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any District program or activity. These protections apply regardless of whether the eligible Student currently receives a Section 504 Services Plan.

### **Retaliation prohibited**

No District officer, employee, or contractor shall retaliate against any person because of his or her exercise of rights under Section 504.

## **Disability-based harassment**

The District will promptly investigate all claims of disability-based harassment, take prompt and effective action to end the harassment and prevent it from recurring, and, as appropriate, remedy the effects of the harassment on the student. Where evidence of disability-based harassment is found pursuant to an investigation, and the District believes that the harassment has adversely impacted upon the ability of a disabled Student to have equal access to the District's programs or activities, or the disabled Student's entitlement to a free, appropriate public education, a §504 Committee meeting will be called to consider the impact of the harassment and determine whether changes to the Student's Services Plan are required.

The District's Section 504 Coordinator will periodically review disability harassment claims to determine whether additional changes, action or training is needed at the campus or District level. The Coordinator will provide training to District employees as appropriate to foster understanding of disability harassment policies, and compliance with harassment procedures. The Coordinator will also make reasonable efforts to publicize the District's policies and procedures with respect to disability harassment so that students, faculty and staff, as well as parents recognize harassment, and know how to report incidents of harassment.

### **Timelines**

Unless otherwise specified in these operational guidelines or Section 504 Hearing Procedures, the Section 504 duties and responsibilities of the District will be completed within a reasonable time. Per OCR guidance, the reasonable time requirement is satisfied by the District's compliance with analogous state IDEA timelines.

### **Notice of Parent Rights Under Section 504**

A copy of the Notice of Rights (Form 6) should be provided to the Parent, and the provision of the Notice of Rights documented: (1) at the time consent for initial evaluation for Section 504 is sought; (2) if the school declines a parental request for §504 evaluation; (3) at any time after the Notice of Rights Form is revised; (4) when the student reaches the age of majority (notice to the adult student); (5) when the Committee meets to conduct a manifestation determination; (6) when a Parent request for a Section 504 Meeting is refused by the school; and (7) at any time upon Parent request. When the notice is provided outside of an evaluation meeting, the campus should document the delivery of rights to the Parent or adult student (e.g., a note in the student's file or a Parent contact log).

### **Review Procedures**

Should the parents or guardians disagree with the identification, evaluation, or placement decision of a 504 Committee or the decision of a 504 hearing officer, the parents or guardians may appeal to state or federal court, or seek relief pursuant to the school's grievance procedure.

## **Section 504 Due Process Hearing Procedures**

### **Right to Due Process**

In the event a parent or guardian [hereinafter “parent”] wishes to contest an action or omission on the part of the District with regard to the identification, evaluation, or placement of a disabled child under §504 of the Rehabilitation Act of 1973 [“§504”], the parent has a right to an impartial hearing before an impartial hearing officer. Omissions on the part of the District with regard to a disabled child might include, for example, the District's failure to identify a child eligible for services under §504. Thus, a child’s identification as eligible for services under §504 is not an absolute prerequisite to the right to due process.

The parent must exercise the right to an impartial hearing by providing the written request for hearing (described below) within the state-law timeline for a special education due process hearing under the IDEA. In Texas, the application of this rule means that requests for a Section 504 due process hearing must be made in writing within one year of the District’s action or omission.

### **Parent Participation & Representation**

A parent has the right to participate, speak, and present information at the due process hearing, and to be represented by legal counsel or any other type of advocate or representative of their choice at their expense. If a parent is to be represented by a licensed attorney at the due process hearing, he or she must inform the District’s §504 Coordinator and the appointed hearing officer of that fact in writing at least seven (7) calendar days prior to the hearing date. Failure to notify the §504 Coordinator and the appointed hearing officer of that fact in writing shall constitute good cause for a continuance of the hearing date. (*See "Continuances" below*).

### **Initiation of Due Process Procedures**

A parent who wishes to challenge a District’s action or omission with regard to the identification, evaluation, or placement of a disabled child must submit a written Request for a Due Process Hearing to the District’s §504 Coordinator. Such a written request must make clear that the parent is seeking a due process hearing under §504 before an impartial §504 Hearing Officer. The written request may be made on a form provided by the District for that purpose. If an intent to seek a due process hearing under §504 is not clear from the face of a Request, the District’s §504 Coordinator may contact the parent to clarify the Request and ascertain whether the parent wishes to initiate a §504 due process hearing. The Coordinator may also assist the parent in clarifying any questions regarding due process rights under §504. The reasonable time involved in ascertaining whether an ambiguous or unclear Request seeks a due process hearing under §504 shall toll the time lines set forth in these procedures (meaning that such time will not count toward the time line days specified in these procedures). If after such communication, the District is still unsure whether the parent is requesting a due process hearing under §504, the District shall initiate due process procedures, and the appointed Hearing Officer will hold a pre-hearing conference to decide whether the parent is seeking a due process hearing under §504,

and whether the Hearing Officer has jurisdiction to entertain the claims and issues raised by the parent. (See *"Pre-Hearing Conferences"* below).

### **Appointment of a Hearing Officer**

Within fifteen (15) days of the date of receipt of a clear Request for a Due Process Hearing, the District will appoint an impartial Hearing Officer to preside over the hearing and issue a decision. The Hearing Officer will be hired by the District as an independent contractor at no expense to the parent. The Hearing Officer shall not be a current employee of the District, and shall not be related to any member of the District's Board of Trustees to a degree prohibited under the Texas Nepotism Statute. The Hearing Officer need not be an attorney, but shall be familiar with the requirements of §504 and the District's Hearing Procedures under §504. The District's choice of an impartial Hearing Officer is final and may not be made an issue at the due process hearing, since such an issue would not relate to the identification, evaluation, or placement of a disabled child under §504. If a parent disputes the impartiality of the appointed Hearing Officer, he or she may raise such issue in a review of the Hearing Officer's opinion by a court of competent jurisdiction (See *"Review Procedure"* below), or in a complaint to the appropriate Office for Civil Rights regional office (See *"Complaints to the Office for Civil Rights (OCR)"* below).

### **Scheduling of Hearing**

The appointed Hearing Officer shall issue an Order Setting Hearing Date to the parent and the District's §504 Coordinator in writing at his or her earliest opportunity. Such Order shall set a date for a hearing to be held within fifteen (15) days of the date of issuance of the Hearing Officer's Order. The Order shall also set forth a mutually agreeable time and place for the hearing.

### **Pre-Hearing Conference**

The Hearing Officer may also order a Pre-Hearing Conference at which the parent or his or her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference can also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties' questions regarding the hearing process.

### **Dismissals**

If, after the Pre-Hearing Conference, the Hearing Officer finds that the parent, as a matter of law, alleges and raises no factual claims or legal issues that come within his or her jurisdiction as a §504 Hearing Officer, he or she may dismiss the hearing and issue an order to that effect explaining the bases for such finding.

### **Continuances**

Upon a showing of good cause, the Hearing Officer, at his or her discretion, may grant a continuance of the hearing date and set a new hearing date by issuing a written Amended Order Setting Hearing.

### **Conduct of Hearing**



The hearing shall be conducted in an informal, non-adversarial manner. The parties shall address the Hearing Officer by name (i.e. Mr. or Ms.). The hearing shall be closed or open to the public, at the parent's request. The parties are free to provide the Hearing Officer with information or opinion as to the validity and weight to be given the information presented to him or her. Neither the Federal nor Texas Rules of Evidence or Civil Procedure, however, will apply. The Hearing Officer is not required to entertain any legal evidentiary objections to the admissibility, authenticity, or probative value of either oral testimony or documentary exhibits offered at the hearing. In the exercise of his or her discretion, however, the Hearing Officer may reasonably limit testimony and introduction of documentary exhibits for reasons of relevance. (*See also "Submission of Documentary Exhibits" below*).

### **Recording**

Instead of a formal written transcript produced by a court reporter, the entire due process hearing will be tape-recorded. The parent may obtain a copy of the tape recording at his or her request. In order for an accurate recording to be made, the parties and witnesses shall introduce themselves at the beginning of their presentations. If a parent proceeds to a review of the due process hearing decision to a court of competent jurisdiction (*See "Review Procedure" below*), the District will prepare a written transcript of the hearing tape recording to be offered to the court as an exhibit.

### **Witnesses**

Witnesses will present their information in narrative form, without the traditional question and answer format of legal proceedings. Cross-examination of witnesses will not be allowed, but a party may request that the Hearing Officer, at his or her discretion, ask a witness a certain question.

### **Format for Presentations**

The parent will present its case first, by making an opening statement which outlines the parent's position on all issues, presenting personally, calling additional witnesses, and making a closing argument. All of the preceding may be done either personally or through counsel, except for personal presentations or statements. At the end of the District's presentation, the Parent may offer a short response to the District's case. The above format is not required, but may be helpful in organizing the presentation of the case to the Hearing Officer.

### **Submission of Documentary Exhibits**

As part of their presentations, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions and that the Hearing Officer will admit at his or her discretion.

Each separate documentary exhibit submitted to the Hearing Officer by either party must be marked numerically (i.e., Parent 1, Parent 2; District 1, District 2, etc.). The Hearing Officer may, in the exercise of his or her discretion, reasonably limit the number of documents to be submitted for his or her review, as well as the number of witnesses and the length and/or scope of their presentations or statements.

### **Written Closing, Arguments or Briefs**

The parties may submit, at the Hearing Officer's discretion, a written Closing Argument summarizing and characterizing the information presented at the hearing, and providing legal authority in support of their position. Timelines for the submission of Closing Arguments shall be set by the Hearing Officer at the conclusion of the hearing.

### **Closing of Hearing**

At the conclusion of all presentations, the Hearing Officer will close the hearing and set a date for the issuance of the written decision. The Hearing Officer may make an oral ruling at the conclusion of the hearing or take the case under advisement, but must in all cases issue a written opinion addressing and ruling on all issues raised by the Petitioner and indicating what corrective action, if any, the District must take. Formal findings of fact and conclusions of law, however, are not required. Any issue or claim raised by the parent that is left unaddressed by the Hearing Officer in his or her decision will be deemed to have been denied to the parent. The decision must be issued to both parties within fifteen (15) days after the hearing.

### **Decision Timeline**

A decision must be issued within forty-five (45) days after the date the Request for a Due Process Hearing is received by the district.

### **Remedies and Relief**

The Hearing Officer must confine his or her orders and rulings to those matters that involve identification, evaluation, or placement of children under §504 and to the provisions of the regulations implementing §504.

If a parent has raised issues or claims outside of the areas of identification, evaluation, or placement, that are not within the Hearing Officer's jurisdiction, the Hearing Officer will make appropriate findings to that effect either in the written decision, or at any time prior to the issuance of a decision (for example, at a Pre-Hearing Conference). A Hearing Officer may not award attorneys' fees as a part of relief granted to a parent.

### **Review Procedure**

If not satisfied by the decision of the Hearing Officer, a parent may seek review of the hearing decision in a court of competent jurisdiction, generally the closest federal district court.

### **Complaints to the Office for Civil Rights (OCR)**

Parents or guardians who allege that the school district has violated the provision of Section 504 may: (1) initiate a local complaint with Dr. Steven Cox, Assistant Superintendent who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution; or (2) file a complaint with the Office for Civil Rights. The address of the Regional Office which covers Texas is:

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









## Summary





It is important to know that:

- Some students who have physical or mental conditions that limit their ability to access and participate in the education program are entitled to rights (protection) under Section 504 even though they may not fall into IDEA (special education) categories.
- Section 504 is not an aspect of “special education”. Rather, it is a responsibility of the comprehensive general public education system. As such, building administrators and Superintendents of schools are responsible for its implementation within districts. Special education administrators are participants but are not ultimately the responsible administrators.
- If the learning disability substantially limits a major life activity, the 504 Committee can consider the student to be eligible under Section 504. If only one factor (disability or substantial limitation of a major life activity) can be determined, the student cannot be considered eligible under Section 504.
- Section 504 does not exempt any student from the state mandated tests (i.e., STAAR, TPRI, TELPAS etc.). Mastery of Texas Essential Knowledge of Skills continues to be a requirement.

### **RED FLAGS:**

#### **WHEN SCHOOL STAFF SHOULD CONSIDER THE EXISTENCE OF A DISABILITY AND POSSIBLE SECTION 504 PROTECTION**

-  When expulsion or denial of services (e.g. transportation) is being considered for any student;
-  When retention is being considered for any student;
-  When a student shows a pattern of not benefiting from the instruction being provided;
-  When a student returns to school after a serious illness or injury, or following a hospital placement;
-  When a student is referred for evaluation but it is determined not to do an evaluation under IDEA;
-  When a student is evaluated and is found not to qualify for Special Education services under IDEA;
-  When a student is released from IDEA services;
-  When a student exhibits a chronic health condition;

- 
 When a student is identified as “at-risk”, exhibits the potential for dropping out of school, or returns from a juvenile detention facility;
- 
 When substance abuse is an issue;
- 
 When a disability of any kind is suspected;
- 
 When the school system is considering new construction, or remodeling is being considered (issues of physical access).

## **SOURCES OF EVALUATION DATA**

### *INFORMAL*

- Health Information/Records
- Observations (Classroom/Playground)
- Anecdotal Records
- Attendance Records
- State Assessment Information
- Parent Information
- Medical Records
- Records of Classroom Interventions
- Discipline Records
- Grades
- Achievement Tests
- Cumulative Record Information

### *FORMAL*

- Psycho-Educational Assessments
- Adaptive Behavior Instruments
- Intelligence Tests
- Outside Evaluations

## HARDIN-JEFFERSON INDEPENDENT SCHOOL DISTRICT

### Parent/Guardian Involvement with Evaluations

Educational evaluations from outside sources, i.e., pediatricians, counselors, psychologists, psychiatrists, are certainly to be considered by the Section 504 Committee, **but are not to be the only means** by which a disability and a substantial limitation is identified. School district employees, i.e., teachers, counselors, diagnosticians, etc., should be considered the educational experts when determining whether or not a student has a disability that limits learning. Teachers see the student every day, week after week, month after month—not just for an evaluation that possibly takes two to three hours or perhaps one hour weekly for four to six weeks.

Educational personnel make educational determinations regarding disabilities—not medical diagnoses. Medical personnel make medical diagnoses regarding disabilities.

Regardless of the educational evaluation (academic/behavior) that the parent presents to the 504 Committee, the school district is obligated to do their own evaluation—district personnel must also evaluate. The district has access to a vast amount of information—existing data as well as new evaluations—regarding the student.

Decisions should be based on all information the Section 504 Committee assesses to be a “true picture” of the student—not based solely on information from an outside source that the parent presents to the Section 504 Committee.

After a disability and substantial limitations are established, the Section 504 Committee members should determine the accommodations needed for the student.

The parents or guardians have a right to receive notice prior to any action by the school district in regard to identification, evaluation, and placement of their child. After the Section 504 Committee meeting, you must give the parents or guardians a complete copy of the Section 504 Committee meeting results. Document this action.

**504 Notice of Parent Rights**  
**Page 1 of 2**

**Notice of Rights for Disabled Students and their Parents**  
**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 with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public schools specifically, §504 applies to ensure that eligible disabled students are provided with educational benefits and opportunities equal to those provided to nondisabled 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 of their major life activities, such as learning, walking, seeing, hearing, breathing, working, and performing manual tasks. Section 504 also applies to students with a record of having substantially limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under §504, even if they do not qualify for, or receive, special education services.

The purpose of this Notice is to inform parents and students of the rights granted 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 parents of eligible students, and the students themselves, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District 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 District’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 nondisabled students are met. [34 CFR 104.33].
3. Your child has the right to free educational services, with the exception of certain costs normally paid by the parents of nondisabled 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 District 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 nondisabled students. [34 CFR 104.34].
6. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
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, proper method of administration, and appropriate test selection. [34 CFR 104.35]. The District will 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 observations, and scores on TAAS/STAAR tests, among others. [34 CFR 104.35].



**504 Notice of Parent Rights**  
**Page 2 of 2**

- 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 nondisabled children. [34 CFR 104.35].
- 9.** If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].
- 10.** You have the right to be notified by the District prior to 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 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 District with regard to 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 by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to the District's §504 Coordinator at the address below:

**Jennifer Dunson, Director of Special Programs**  
**P.O. Box 490**  
**Sour Lake , Texas 77659**  
**936-328-2205**

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.

- 14.** If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
- 15.** With respect to other issues surrounding your child's education that do not specifically involve identification, evaluation, or placement, you have a right to present a grievance or complaint to the District's §504 Coordinator (or their designee), who will then investigate the situation, taking into account the nature of the complaint and all necessary factors, in an effort to arrive at a fair and speedy resolution.
- 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 school district is:

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

**Español 504 Aviso de derechos de los padres**  
**Página 1 de 2**

**Aviso a Padres de Estudiantes Incapacitados de sus Derechos Legales**  
**bajo la Sección 504 del Decreto de Rehabilitación de 1973**

El Decreto de Rehabilitación de 1973, conocido generalmente como la “Sección 504,” es una ley federal legislada por el Congreso de los Estados Unidos. El propósito de esta ley es de prohibir discriminación contra estudiantes incapacitados y asegurar que tengan oportunidades y beneficios educativos tan adecuados como los de estudiantes sin incapacidades.

Bajo la Sección 504, un estudiante es considerado incapacitado si padece de un impedimento o condición física o mental que limita substancialmente una de sus actividades vitales, como la de aprender, caminar, ver, oír, hablar, respirar, trabajar y desempeñar tareas manuales. La ley también protege a estudiantes que han tenido un impedimento o condición física o mental substancial en el pasado, o que son considerados incapacitados aunque realmente no lo son. Estudiantes pueden ser considerados incapacitados bajo la Sección 504 y pueden recibir asistencia educativa bajo esa ley aunque no reciban educación especial.

El propósito de este Aviso es de explicarle los derechos legales garantizados bajo la Sección 504 a estudiantes incapacitados y a sus padres. Los reglamentos federales que dan efecto a la Sección 504 (los cuales se encuentran en el Título 34, Parte 104 del Código Federal de Reglamentos, o CFR) otorgan a los padres de familia y a estudiantes incapacitados los siguientes derechos:

1. Usted tiene derecho a ser informado de sus derechos bajo la Sección 504. [34 CFR 104.32]. El distrito escolar debe darle información escrita sobre sus derechos (este Aviso precisamente sirve para informarle de sus derechos). Si necesita que le expliquen o clarifiquen cualquier de los siguientes derechos, los dirigentes apropiados del distrito escolar le ayudarán a resolver sus preguntas.
2. Bajo la Sección 504, su hijo/a tiene derecho a una educación apropiada diseñada para satisfacer sus necesidades educativas individuales tan adecuadamente como las de estudiantes sin incapacidades. [34 CFR 104.33].
3. Su hijo/a tiene derecho a servicios educativos gratuitos, con la excepción de gastos que normalmente se les cobran también a estudiantes sin incapacidades (o a sus padres). Compañías de seguros, y otras terceras personas similares, no son libres de sus obligaciones normales para proporcionar o pagar por servicios para un estudiante considerado incapacitado bajo la Sección 504. [34 CFR 104.33]. El recibir asistencia educativa bajo la Sección 504 no disminuye su derecho a recibir otra asistencia pública o privada de cualquier tipo.
4. Su hijo/a tiene derecho a ser colocado en el ambiente educativo que permita máximo contacto y relaciones con estudiantes sin incapacidades. [34 CFR 104.34]. A menos que sus necesidades educativas no puedan ser satisfechas ahí, su hijo/a será colocado en clases regulares.
5. Su hijo/a tiene derecho a equipo, clases, edificios, servicios y actividades comparables a las que son proporcionadas a estudiantes sin incapacidades. [34 CFR 104.34].
6. Su hijo/a tiene derecho a una evaluación antes de determinar una colocación educativa o programa de asistencia bajo la Sección 504, y también antes de cualquier cambio importante en colocación subsecuente. [34 CFR 104.35].

7. Procedimientos utilizados para administrar pruebas y otras evaluaciones educativas deben cumplir con los requisitos de la Sección 504 en cuanto a la validez de las pruebas, su forma de administración, y las áreas necesarias de evaluación. [34 CFR 104.35]. El distrito considerará información de diversas fuentes y orígenes, incluyendo, por ejemplo: pruebas de aptitudes y aprovechamiento, recomendaciones de maestros, reportes de condición física, antecedentes sociales y culturales, análisis de comportamiento adaptado,

reportes médicos, calificaciones, reportes de progreso, observaciones de los padres, anécdotas de maestros, y calificaciones en los exámenes estatales, entre otras. [34 CFR 104.35]

## **Español 504 Aviso de derechos de los padres**

### **Página 2 de 2**

8. Las decisiones de colocación educativa deben realizarse por un grupo de personas (llamado el comité 504) que conocen la situación de su hijo/a, el significado de los resultados de las evaluaciones, las opciones de colocación, y la obligación legal de asegurar el ambiente educativo que permita el máximo contacto con estudiantes no incapacitados. [34 CFR 104.35].

9. Si es considerado incapacitado bajo la Sección 504, su hijo/a tendrá derecho a que se le den nuevas pruebas y evaluaciones a ciertos tiempos, para determinar si sus necesidades educativas han cambiado. Generalmente evaluaciones educativas se pondrán al corriente para cada niño incapacitado por lo menos cada tres años. [34 CFR 104.35.]

10. Usted tiene derecho a que el distrito escolar le avise antes de tomar cualquier acción en relación a la identificación, evaluación o colocación educativa de su hijo/a. [34 CFR 104.36].

11. Usted tiene derecho a examinar archivos y documentos relacionados a la educación de su hijo/a (normalmente archivos y documentos con relación a la identificación, evaluación o colocación educativa de su hijo/a). [34 CFR 104.36].

12. Usted tiene derecho a una audiencia imparcial si no esta de acuerdo con las acciones del distrito en relación a la identificación, evaluación, o colocación educativa de su hijo/a. Usted tiene la oportunidad de participar personalmente en tal audiencia y de ser representada por un abogado, si desea contratarlo. [34 CFR 104.36].

13. Si desea protestar o disputar las acciones del Comité 504 del distrito a través de una audiencia imparcial, debe presentar un Aviso de Apelación escrito ante el Coordinador 504 del distrito, en la siguiente dirección:

**Jennifer Dunson, Director of Special Programs**  
**P.O. Box 490**  
**Sour Lake, Texas 77659**  
**936-328-2205**

Se fijará una fecha para una audiencia ante un oficial imparcial, y serán notificados por escrito de la fecha, hora, y lugar de la audiencia.

14. Si usted está en desacuerdo con la decisión final del oficial imparcial de audiencia, tiene derecho a apelar esa decisión a una corte de jurisdicción adecuada; normalmente, la corte federal local. [34 CFR 104.36].

15. En cuanto a otros aspectos de la Sección 504 que no tengan que ver con la identificación, evaluación y colocación educativa de su hijo/a, usted tiene el derecho a presentar una queja local ante el Coordinador 504 del distrito (o su representante), quien investigará la situación, teniendo en consideración la situación, en un esfuerzo de llegar a una resolución rápida y justa.

16. Usted también tiene el derecho a presentar una queja ante la Oficina de Derechos Civiles de el Departamento de Educación de los Estados Unidos. La dirección de la Oficina Regional a la cual pertenece a este distrito es:

Director

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