



Lipan Independent School District

LISD Section 504 Handbook

ASSURANCE OF NONDISCRIMINATION

Lipan ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

The following district staff members have been designated to coordinate compliance with these legal requirements:

- Title IX Coordinator, for concerns regarding discrimination on the basis of sex:
- Section 504 Coordinator, for concerns regarding discrimination on the basis of disability:
- Or other concerns regarding discrimination:

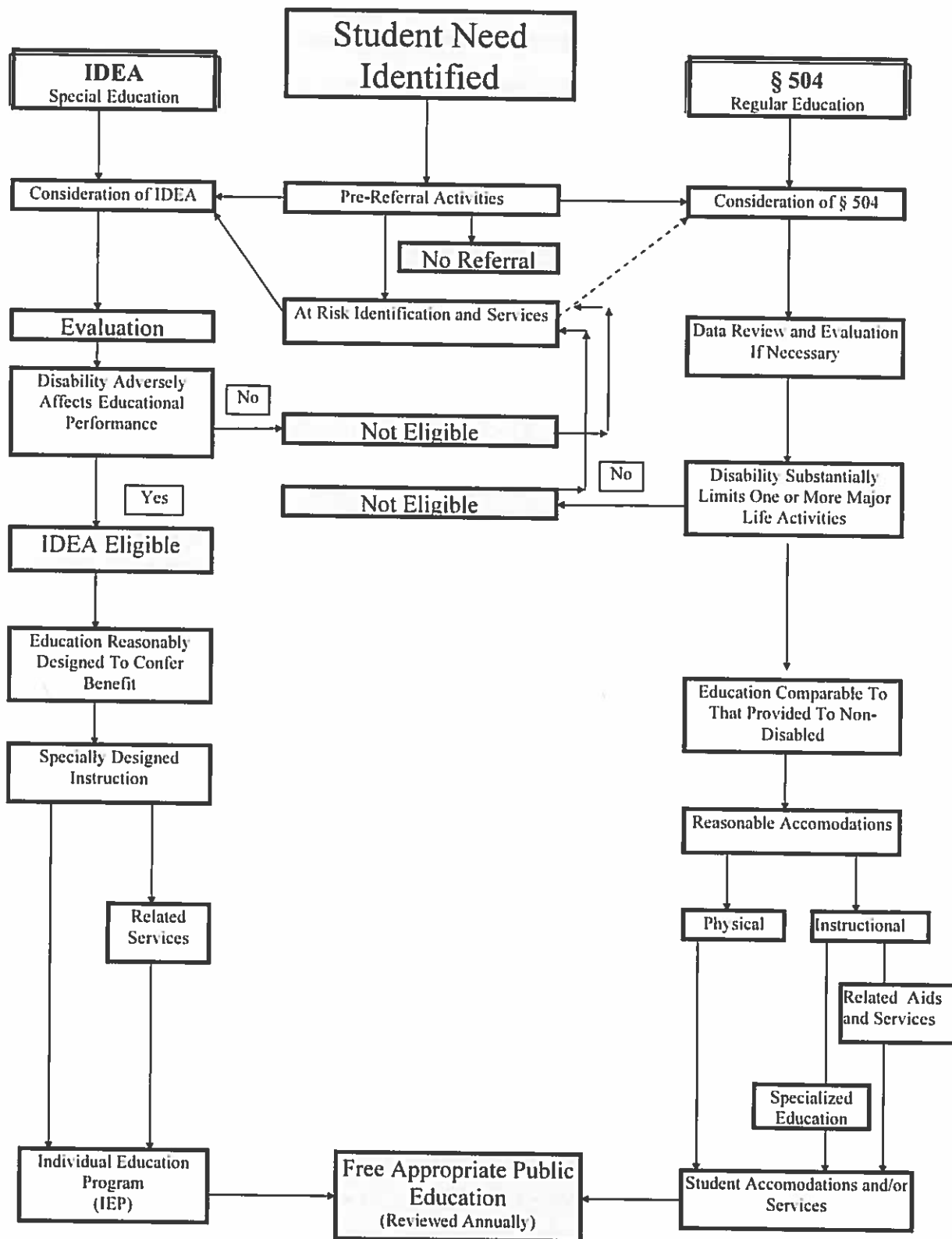
Lipan ISD Superintendent
211 N. Kickapoo Street
Lipan, TX 76462
(254) 646-2266
superintendent@lipanindians.net

All complaints shall be handled through established channels and procedures beginning with the building principal, followed by appeal to the Superintendent, and finally to the board of trustees, in accordance with Policy FNG.

If you need the assistance of the Office for Civil Rights (OCR) of the Department of Education, the address of the OCR Regional Office that covers Texas is:

Dallas Office
Office for Civil Rights, U.S. Department of Education
1999 Bryan Street, Suite 1620
Dallas, TX 75201-6810
Telephone: (214) 661-9600
Facsimile: (214) 661-9587
Email: OCR.Dallas@ed.gov

LIPAN ISD – § 504/IDEA PROCESS



SECTION 504 CAMPUS COMMITTEE PROCEDURES

1. Each campus will have a Section 504 Committee consisting of at least two members of the faculty, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities. One of those members must be a campus administrator. Other members may include the counselor, teachers, and/or nurse.

2. The Section 504 Campus Committee will attempt to identify and notify any eligible student under Section 504, the Rehabilitation Act of 1973. An eligible student under Section 504 is a student who (a) has, (b) 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, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks. Conditions may include, but not be limited to the following:

- ADHD (see guidelines for ADHD screening)
- obesity
- Chronic Fatigue Syndrome
- diabetes
- cerebral palsy
- other
- sleep disorders, i.e. Dyssomnia
- asthma
- muscle dysfunction related diseases
- dyslexia
- allergies

3. When a student is referred to the Section 504 Campus Committee the following steps will be taken:

- (a) The Committee will initiate the referral and gather data to be considered by the Section 504 Campus Committee. The committee members, which may include the student's teacher(s), shall accumulate all pertinent campus data as necessary.
- (b) Parent(s)/guardian(s) will receive written notification that the Section 504 Campus Committee will provide an initial evaluation and will also receive Notice of Parent and Student Rights under Section 504, The Rehabilitation Act of 1973. The due process requirements of Section 504, as set out in 34 CFR 104.36 do not contain a consent requirement; however, because of an OCR ruling, consent must be provided prior to evaluation. The committee will meet to make a determination of the student's eligibility under Section 504.
- (c) If a determination is made that the identified student qualifies under a Section 504 disability, the Section 504 Campus Committee will complete the Section 504 Accommodation Plan, determine the appropriate Section 504 Modifications and complete the Behavior Management Plan if needed. Parent(s)/guardian(s) attending the meeting will receive copies of all forms. Parent(s)/guardian(s) invited but unable to attend the 504 meeting will receive, by mail, copies of all forms. All completed forms will be kept in a designated Section 504 file separate from the student's cumulative folder. These files should be kept in a locked cabinet.
- (d) The Section 504 Committee will send copies of the Section 504 Modifications to each of the student's teachers and one copy will be placed in the 504 folder for administrators and other personnel.
- (e) The Section 504 Committee will monitor, as instructed in the Section 504 Accommodation Plan, the progress of the 504 identified student by sending the 504 Monitor Sheet to teachers and administrators, as determined by the 504 committee (minimally each nine weeks). The monitor sheets will be filed in a designated Section 504 file.
- (f) The Section 504 Campus Coordinator will complete a Section 504 re-evaluation on each identified student every three years or sooner upon the occurrence of the following:
 - parental request
 - receipt of new data that indicate the need for consideration of a significant placement change
 - notification from student or school personnel that a significant change in placement should be considered
- (g) The Section 504 Campus Committee will maintain a record of all students who have Section 504 accommodation plans.
- (h) If a determination is made that the identified student does not qualify under a Section 504 handicapping condition, all gathered data will be retained at the campus for as long as the student is enrolled at that campus.

ADMINISTRATIVE GUIDELINES FOR DISABLED STUDENTS – SECTION 504 REHABILITATION ACT OF 1973

PURPOSE

The purpose of the Section 504 Rehabilitation Act of 1973 is to prohibit discrimination and to assure that disabled students are provided equal benefits and educational opportunities as nondisabled students.

ELIGIBILITY

An eligible student is a person who:

- a. Is of mandatory school age and resides within the boundaries of LISD or is within permissible school age, enrolled and attending classes in LISD.
- b. Has, has a record of having, or is regarded as having a physical or mental impairment which substantially limits a major life activity such as self-care, learning, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

EDUCATIONAL NEEDS

A substantial limitation on learning must be demonstrated by an educational need, i.e., a serious academic deficit and/or serious behavior problems resulting from the student's disability and not from other causes. Where the physical or mental impairment substantially limits the major life activity of learning, the student should be considered for special education evaluation.

DEFINITION OF IMPAIRMENT

Some students are eligible for services under both Section 504 and the Individuals with Disabilities Education Act (IDEA). The procedures set out herein are applicable only to Section 504. Where the physical or mental impairment substantially limits the major life activity of learning, the student should be considered for special education evaluation. Parents and/or students seeking services under the Individuals with Disabilities Education Act are referred to the district's Special Education Department.

"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, speech organs, cardiovascular, reproductive, digestive, hemic lymphatic, genitourinary, skin, and endocrine.
- b. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

SECTION 504 COORDINATOR

The District has designated a Section 504 Coordinator who may be contacted at:

Lipan ISD Superintendent
211 N. Kickapoo Street
Lipan, Texas 76462
(254) 646-2266

superintendent@lipanindians.net

SECTION 504 COMMITTEE

The Section 504 Committee shall be composed of the Campus 504 Coordinator and one or more teacher(s) knowledgeable about the student and other personnel as appropriate such as counselors, diagnosticians, curriculum director, nurse, or other persons possessing knowledge of the student. The parent/guardian shall be invited to attend 504 Committee meetings.

REQUEST FOR SECTION 504 CONSIDERATION

Parents, guardians, and/or school personnel may request the consideration of a student suspected of having a disability from the campus Section 504 Coordinator. A written request must be made to the Section 504 Campus Coordinator who will present it to the campus Section 504 Committee.

PARENT'S RIGHT

The campus Section 504 Coordinator will provide the parents with a copy of their rights under Section 504. Written notice will be provided and consent received from the parents/guardians prior to taking any action regarding the Section 504 identification, evaluation, or placement of a student believed to be in need of Section 504 services.

REVIEW OF DATA

A review to assess specific areas of educational need shall be conducted before any action is taken to adjust the student's instructional program.

To the extent possible, the review may include, but shall not be limited to, formal and informal tests, IQ scores, aptitude and achievement tests, grades, progress reports, teacher recommendations, physical and medical reports, parent and teacher observations, anecdotal records, and TAKS/STAAR scores.

The review shall include a consideration of the effectiveness with which the student meets the standards of personal independence and social responsibility expected of his/her age and cultural group.

TEST VALIDATION

If used, 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 the producer.

ANNUAL SECTION 504 ACCOMMODATION PLAN REVIEW

The student's Section 504 Accommodation Plan must be reviewed annually to determine if it is appropriate, if the plan needs modification, or if exit from Section 504 services should be considered.

REEVALUATION

Eligible 504 students shall be reevaluated every three years or more frequently if reassessment is warranted.

DISCIPLINARY REMOVALS

Before disciplinary removal including ISS, DAEP, expulsion, or other action that constitutes a significant change in placement, the 504 Committee must conduct a "manifestation determination" to determine whether the student's conduct was caused by his/her disabling condition. Such a determination should be based on current evaluation data.

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

If it is determined by the 504 Committee that the misconduct is connected to the student's disability, the student may not be expelled. The 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 currently substance abusers:

- a. May be held to the same standards of performance and behavior to which non-disabled students are.
- b. 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.
- c. Rules concerning use or possession of drugs and alcohol will be applied to substance abusers and will be enforced evenly with respects to all students.

STUDENT RECORDS

A parent or guardian, upon reasonable notice, shall have the opportunity to examine his/her child's educational records. This shall be conducted during school hours or at other times mutually agreeable to LISD and the parents or guardians.

DUE PROCESS

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 guardians have the right to an impartial hearing with an opportunity to participate and be represented by counsel.

Nondiscrimination	<p>A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. <i>Education Code 1.002(a)</i></p> <p>No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. <i>Civ. Prac. & Rem. Code 106.001</i></p> <p>A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. <i>Education Code 1.002(b)</i></p>
Federal Funding Recipients	<p>No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:</p> <ol style="list-style-type: none">1. Sex.2. Race, color, or national origin.3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]4. Age. <p><i>20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)</i></p>
Sexual Harassment	<p>Sexual harassment of students is discrimination on the basis of sex under Title IX. <i>Franklin v. Gwinnett County Schools</i>, 503 U.S. 60 (1992) [See also DIA and FFH]</p>
Grievance Procedures	<p>A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. <i>34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504)</i> [See FFH]</p>
Retaliation	<p>A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation and enforcement proceedings under these laws. <i>34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)</i> [See FFH]</p>
Students with Learning Difficulties	<p>The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or</p>

who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. *Education Code 26.0081(c)*

**Disability
Discrimination**

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Designation of
Responsible
Employee

A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. *34 C.F.R. 104.7(a), 28 C.F.R. 35.107*

Definitions

*Student with a
Disability*

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

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, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being "regarded as" having an impairment if the student establishes that he or she has been subjected to a prohibited action 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. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)-(4)

Qualified Individual with a Disability

The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

Major Life Activities

"Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Major life activity" also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Direct Threat

"Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and

3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Free Appropriate
Public Education
(FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

Evaluation and
Placement

A district shall conduct an evaluation of any person who, because of disability, 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.

*Evaluation
Procedures*

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

*Placement
Procedures*

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. 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; and
4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

Reevaluation

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

<i>Military Dependents</i>	In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. <i>Education Code 162.002 art. V, § C</i> [See FDD]
Procedural Safeguards	<p>A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.</p> <p>The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. <i>34 C.F.R. 104.36</i></p>
Children Who Are Homeless	A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]
Liaison	<p>A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]</p> <p><i>42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)</i></p>
Religious Freedom	A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. <i>Civ. Prac. & Rem. Code 110.003</i> [See also DAA and GA]
Adverse Action Prohibited	Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. <i>Gov't Code 2400.002</i> [See GA]

**Discrimination on
the Basis of Sex**

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)* [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34* [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]

Separate Facilities

A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 C.F.R. 106.33*

Human Sexuality
Classes

Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

Vocal Music
Activities

A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 C.F.R. 106.34

Single-Sex
Programs

A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. *34 C.F.R. 106.35*

Pregnancy and
Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40* [See FND]

Physical Education
Classes

A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

*Skills
Assessment*

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

Contact Sports

A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby,

ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 C.F.R. 106.34, .43

Athletic Programs

A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

*Single-Sex
Teams*

A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

*Equal Athletic
Opportunities*

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;
9. Provision of housing and dining facilities and services; and
10. Publicity.

34 C.F.R. 106.41

Note: The following provisions address equal educational opportunity for all students in accordance with law. For provisions addressing discrimination, harassment, and retaliation involving District students, see FFH.

Title IX Coordinator The District designates and authorizes the Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. [See FB(EXHIBIT)]

ADA / Section 504 Coordinator The District designates and authorizes the ADA/Section 504 coordinator for students to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973 ("Section 504"), as amended. [See FB(EXHIBIT)]

Superintendent The Superintendent shall serve as coordinator for purposes of District compliance with all other nondiscrimination laws.

Equal Educational Opportunity
General Education The District shall provide necessary services and supports to provide students equal access to educational opportunities. [See EHBC] Certain instructional or other accommodations, including on state-mandated assessments, may be made when necessary, when allowable, and when these accommodations do not modify the rigor or content expectations of a subject, course, or assessment. [See EKB]

Additional Services and Supports If the District has reason to believe that a student has a disability that may require additional services and supports in order for the student to receive an appropriate education as this term is defined by law, Section 504 and/or the Individuals with Disabilities Education Act (IDEA) shall govern the evaluation, services, and supports provided by the District. [See also EHBA series]

[For information regarding dyslexia and related disorders, see EHB.]

Note: The following provisions address the District's compliance efforts and system of procedural safeguards as required by federal regulations for a student with a disability as defined by Section 504. A report of discrimination or harassment based on a student's disability shall be made in accordance with FFH.

Section 504 Committees The District shall form Section 504 committees as necessary. The Section 504 coordinator and members of each Section 504 committee shall receive training in the procedures and requirements for

identifying and providing educational and related services and supports to a student who has a disability that results in a substantial limitation of a major life activity.

Each Section 504 committee shall be composed of a group of persons knowledgeable about the student, the meaning of the evaluation data, placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

Referrals	If a teacher, school counselor, administrator, or other District employee has reason to believe that a student may have a disability as defined by Section 504, the District shall evaluate the student. A student may also be referred for evaluation by the student's parent.
Notice and Consent	The District shall seek written parental consent prior to conducting a formal evaluation. Ordinary observations in the classroom or other school setting shall not require prior parental consent.
Evaluation and Placement	The results of an evaluation shall be considered before any action is taken to place a student with a disability or make a significant change in placement in an instructional program. The Superintendent shall ensure that the District's procedures for tests and other evaluation materials comply with the minimum requirements of law. In interpreting evaluation data and when making decisions related to necessary services and supports, each Section 504 committee shall carefully consider and document information from a variety of sources in accordance with law.
Review and Reevaluation Procedure	<p>To address the periodic reevaluation requirement of law, the District shall adhere to the reevaluation timelines in the IDEA regulations.</p> <p>A parent, teacher, or other District employee may request a review of a student's services and supports at any time, but a formal reevaluation shall generally occur no more frequently than once a year.</p>
Examining Records	A parent shall make any request to review his or her child's education records to the campus principal or other identified custodian of records. [See FL]
Right to Impartial Hearing	A parent shall be given written notice of the due process right to an impartial hearing if the parent has a concern or complaint about the District's actions regarding the identification, evaluation, or educational placement of a student with a disability. The impartial hearing shall be conducted by a person who is knowledgeable about Section 504 issues and who is not employed by the District or related to a member of the Board in a degree that would be prohibited under the nepotism statute [see DBE]. The impartial hearing officer is

not required to be an attorney. The District and the parent shall be entitled to legal representation at the impartial hearing.

Records Retention

Records specific to identification, evaluation, and placement as these pertain to Section 504 shall be retained by the District in accordance with law and the District's local records control schedules. [See CPC]

Lipan ISD
111902

EQUAL EDUCATIONAL OPPORTUNITY

FB
(EXHIBIT)

Title IX Coordinator

The District designates and authorizes the following person as the Title IX coordinator to be responsible for coordinating the District's efforts to comply with Title IX of the Education Amendments of 1972, as amended, for students:

Name: Dr. Ralph Carter
Position: Superintendent
Address: 211 N. Kickapoo, Lipan, TX 76462
Email: [Title IX coordinator](mailto:superintendent@lipanindians.net) (superintendent@lipanindians.net)
Telephone: (254) 646-2266

ADA/Section 504 Coordinator

The District designates and authorizes the following person as the ADA/Section 504 coordinator to be responsible for coordinating the District's efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, for students:

Name: Jodi Overton
Position: Principal
Address: 211 N. Kickapoo, Lipan, TX 76462
Email: [ADA/Section 504 coordinator](mailto:joverton@lipanindians.net) (joverton@lipanindians.net)
Telephone: (254) 646-2266