

Lindale ISD

# **SECTION 504**

CHILD FIND AND REFERRAL

August 2025

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## **Child Find and Referral**

### **What is Required**

#### **Child Find**

Section 504 requires the District to make annual efforts to identify and locate every qualified student with a disability residing within the District's jurisdiction (ages 3 through 22) who is not receiving a public education. This extends to students attending private schools, residing in residential facilities, hospitals, and universities, and students who are homeless or highly mobile (including migrant students).

Child Find requirements under Section 504 are similar, but not identical, to Child Find requirements under the IDEA. Unlike the IDEA, Section 504 does not require the district in which the private school is located to locate and evaluate the student but rather places that responsibility on the district of residence. Moreover, unlike the IDEA, Section 504 does not require correctional facilities to undertake Child Find activities for incarcerated students in the same respect as school districts.

District Personnel will actively look to identify and locate all children with exceptional needs living in the District's jurisdiction by disseminating information to the community, including childcare centers, private schools, homeschools, residential treatment centers, day treatment centers, hospitals, and mental health institutions. Section 504 Child find activities include, but are not limited to, the following:

- Distributing written information to all schools, both public and private, in the area, as well as other agencies that may associate with students with special needs;
- Publishing information on the internet, including the District's website and individual campus websites;
- Offering training and information to private schools and homeschool parents regarding child find obligations and the intervention strategies utilized by the District;
- Drafting pamphlets about the availability of Section 504 accommodations and services and how to access them, and post these pamphlets in places where parents of a student with a disability are likely to be present, including doctor's offices, daycare centers, hospitals, therapy centers, social services agencies, residential treatment centers, school counselor offices, detention, and correctional facilities, etc.; and
- Otherwise providing outreach to the community through public service announcements, media advisories, or press releases.

District Personnel will document and maintain records of all efforts to identify, locate, and evaluate students who may be in need of supports or services under Section 504, including the date of each activity and the result of each activity. The District must also take appropriate steps to notify students with disabilities and their parents about their Child Find obligation under Section 504.

Referral of students for possible Section 504 services is part of the campus' overall regular education referral or multi-tiered system of supports and intervention system. The multi-tiered system is based on tiers of support beginning with universal supports (including screenings) provided to all students and increasing in levels of support or tiers that range from targeted to intensive interventions. As part of this system, universal screenings for all students will be performed by qualified personnel and may include general health screening (including social/behavioral health), vision screening, hearing screening, speech and language screening, screening for home language, academic screening to determine significance of academic delays (including dyslexia screening), and screening at the secondary level for students who are at-risk for dropping out or who have dropped out.

In addition, students experiencing difficulties in the regular education setting should have access to research based instructional intervention strategies provided in the general education program. The student's response to those intervention strategies is a critical component of information when a Section 504 referral is considered. Each campus will have a student support team process for tiered interventions and Section 504 referrals, which should include input from teachers, parents, and other individuals with relevant knowledge and should be used to address the student's specific needs including academic, behavioral, emotional, speech, or social difficulties ("intervention strategies").

Implementation of any intervention program or supports by the campus will not serve to delay or deny a referral for a Section 504 evaluation when students are suspected of having a disability and a need for Section 504 services.

### **Right to Information for Students with Learning Difficulties**

When a student is referred to the student support team and at least once every subsequent school year that the student is receiving interventions, Campus Personnel must provide notice to the parent of every student not receiving special education services who receives assistance from the District for learning difficulties (including students in Section 504). This notice should be written in English or, to the extent practicable, in the parent's native language and be provided when the student begins to receive assistance for that school year. It should include the following:

- A reasonable description of the assistance the student may receive, such as any intervention strategies that may be used;
- Any information collected related to interventions that have been previously used

with the student;

- An estimated duration for which the assistance will be provided;
- An estimated time frame for when the parent will receive reports on the student's progress; and
- A copy of the Texas Education Agency's explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education (TEA's "Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services").

### **Referrals**

The District's duty to evaluate a student for Section 504 protections is triggered by the suspicion that the student has a disability that substantially limits a major life activity. The District, a private or public agency or institution, or a parent may initiate a referral for a Section 504 evaluation. Campus Personnel must refer any student believed to have a physical or mental impairment that substantially limits one or more major life activities, *and* that the student is in need of either regular or special education and related services to address the impairment.

Common reasons that referrals are made include: (1) the existence of a chronic medical condition that is not covered by the IDEA; (2) the existence of one of the disabilities covered by the IDEA where the student does not demonstrate a need for specially designed instruction to qualify for special education under the IDEA; (3) the student has a hidden disability; or (4) the family has received an outside evaluation and are requesting Section 504 protections and/or accommodations.

To make a referral, the individual shall contact the Campus Section 504 Chairperson, and any request for a referral received by Campus Personnel should be promptly forwarded to the Campus Section 504 Chairperson. The Campus Section 504 Chairperson will then work with the Student Support Team to determine if a Section 504 evaluation is warranted.

### **Consent for Initial Evaluation**

The Office of Civil Rights (OCR) has interpreted Section 504 to require districts to obtain parental permission for initial evaluations. Therefore, should the student support team decide that a Section 504 evaluation is necessary, the Campus Section 504 Chairperson will seek to obtain parental consent and provide the parent *Section 504 Parent Rights* prior to commencing the evaluation. See [SECTION 504 PARENT RIGHTS]. If the parent refuses to consent to the Section 504 evaluation, the evaluation will not occur. The Campus Section 504 Chairperson shall periodically (at least once a semester) remind the parent of the District's continued desire to evaluate the student under Section 504. In addition, the District may use the Section 504 hearing procedures to seek to override the parents' denial of consent for an initial evaluation.

If, upon receipt of a parental request for a Section 504 evaluation, the student support team determines that an evaluation is not required, the Section 504 Chairperson should provide notice to the parent indicating the District's refusal to evaluate and the rationale for the refusal and provide the parent with the *Section 504 Parental Rights*. See [SECTION 504 PARENT RIGHTS].

### **Suspected Need for Special Education Services**

If the District suspects a need for special education services instead of a Section 504 evaluation, a special education referral under the IDEA should be initiated. The District may not use a Section 504 evaluation to delay or deny a referral for special education. Otherwise, the District may be found to have violated the IDEA by denying the student the rights afforded to them by federal law.

### **Evaluations**

If a student needs or is believed to have a disability that substantially limits a major life activity, the District must evaluate that student in accordance with Section 504. This is the case even if a parent does not request an evaluation. Rather, the District's independent suspicion that a student has a disability that substantially limits a major life activity alone is sufficient to trigger this duty, and the District should initiate the evaluation process based on this suspicion, even if it does not yet have an official medical diagnosis or other clear indication of an impairment. See [DETERMINATION OF ELIGIBILITY].

Evaluation does not necessarily mean "test." In the Section 504 context, "evaluation" refers to a gathering of data or information from a variety of sources so that a Section 504 Committee can make the required determinations. See [DETERMINATION OF ELIGIBILITY]. Evaluation data sources may include:

- Medical/Health - hearing and vision; school health records; Individual Health Plan; outside medical evaluations
- Social/Behavioral - behavioral data; disciplinary records; outside psychological evaluations; intervention progress monitoring data; social and developmental history
- Academic - universal screening data, intervention progress monitoring data, curriculum-based assessments, state assessment results, grades, benchmarks, quizzes, unit tests
- Observations – observations and input from student, family, teachers, behavior specialists, counselors, school nurse, interventionist, and/or campus administrators.

An assessment that is not part of the district-wide universal screening or standard assessment given to all students requires parental consent. Often, certain assessment or diagnostic information is provided by the parent while the school provides existing assessment information regarding school performance and progress. However, the definition of disability should not require extensive analysis, and parents may not be burdened or required to provide data or information in this area. If a medical or outside evaluation is required, the District must provide it at no cost to the family.

### **Health Plans**

A health plan may be a document separate and apart from a Section 504 plan. See [SECTION 504 PLAN]. Therefore, the District must not use the existence of a student's individual health plan to deny or unreasonably delay an evaluation for a student where there is reason to believe that the student may be eligible under Section 504. However, should the student be identified as eligible under Section 504, the Section 504 Committee shall review and discuss the student's prior health plan and, if appropriate, consider it as part of the student's Section 504 plan if it is necessary for the student to receive a FAPE under Section 504.

### **Evidence of Implementation**

- Child Find Materials Published and Distributed by the District
- Documentation of Meetings of Student Support Team
- Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services Statement
- Referral for Section 504
- Referral for Special Education
- *Section 504 Parent Rights*
- Section 504 Notices

## **Resources**

[Title 34, Section 104 of the Code of Federal Regulations \(“Section 504 Regulations”\) - Electronic Code of Federal Regulations](#)

[Questions and Answers on Special Education and Homelessness - U.S. Department of Education \(Feb. 1, 2018\)](#)

[The Civil Rights of Students with Hidden Disabilities Under Section 504 - U.S. Department of Education](#)

[Technical Assistance: 504 - Texas Education Agency](#)

[Section 504 Fact Sheet for Parents - Texas Education Agency](#)

[Aiding Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services: Handbook Statement - Texas Education Agency](#)

[Section 504: A Guide for Parents and Educators - National Association of School Psychologists](#)

[Child Find Duty Quick Guide - Texas Education Agency](#)

[Letter to Durham - 27 IDELR 280, U.S. Department of Education \(OCR 1997\).](#)

## **CITATIONS**

Board Policy FB and Board Policy EHB; 29 USC 794; 34 CFR 104.32(a)-(b), 104.35