

Lindale ISD

SECTION 504

REEVALUATION

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CONTENTS

Reevaluation	3
What is Required	3
Procedures During the Reevaluation	3
Considerations During the Reevaluation	4
Analysis During the Reevaluation	4
Evidence of Implementation	5
Resources	6
CITATIONS	6

Reevaluation

What is Required

The Section 504 Committee must conduct periodic reevaluations not more than once per year—unless agreed upon by the parents and the District—and at least one time per every (3) years. The Section 504 Committee shall also conduct periodic reevaluations for those students who are eligible under Section 504 based on disability but have been deemed not currently in need of Section 504 services. Should the Section 504 Committee suspect that a student who is eligible under Section 504 but not currently receiving services may be in need of services, the Section 504 Committee should proceed to re-evaluate the student immediately rather than waiting for the three (3) year reevaluation.

Further, a reevaluation must occur prior to any significant change in placement of the student. A change in placement requiring a reevaluation includes but is not limited to a disciplinary exclusion from the educational program for more than ten (10) consecutive school days or a series of short-term exclusions that create a pattern of removal; a transfer from one type of program to another; and the termination or significant reduction of a Section 504 service. However, a reevaluation is not required when a student graduates with a regular high school diploma. The Section 504 Committee shall also conduct a reevaluation if a student's grades or behavior dramatically change or if there are repeated instances of bullying or harassment involving the student. Finally, the Section 504 Committee should also conduct a reevaluation if requested by either parents or the adult student.

Procedures During the Reevaluation

The District's reevaluation procedures mirror District procedures for initial evaluations. See [DETERMINATION OF ELIGIBILITY]. The Campus Section 504 Chairperson must provide the parent with written notice consistent with the notice requirements for the initial evaluation prior to conducting the reevaluation, as well as a copy of the *Section 504 Parent Rights*. The Campus Section 504 Chairperson will document all efforts to provide notice to the parent regarding the Section 504 reevaluation, including phone calls, emails, and other written communications.

Consent of the parent is not required before reviewing existing data as part of the reevaluation or administering tests or other evaluations that are administered to all students unless consent is required for every student. The Campus Section 504 Chairperson should attempt to obtain parent consent if additional formal evaluations are needed for the reevaluation. However, parental consent is not required for a reevaluation if the school can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent failed to respond. The Campus Section 504 Chairperson must properly document all communication attempts to obtain consent, if needed.

Considerations During the Reevaluation

Reevaluation under Section 504 does not require a comprehensive evaluation or formal testing (unless needed to determine continued eligibility). During the reevaluation process, the Section 504 Committee should consider all relevant data and information relating to the student, including, but not limited to: input from teachers, service providers, the parent, and the student; data collected by Campus Personnel and other service providers, including outside service providers; medical documentation; report cards and progress reports; standardized testing reports; benchmark data; attendance data; student records; behavior and discipline data; work samples; and any additional information the parent may provide.

Analysis During the Reevaluation

During the reevaluation, the Section 504 Committee must answer the following:

- Does the student have a physical or mental impairment?
- Does the physical or mental impairment substantially limit one or more major life activities?
- Does the student require Section 504 services in order for the student's educational needs to be met as adequately as those of non-disabled peers?

If the answer is "yes" to those questions, the student remains eligible to receive services under Section 504.

Should the student remain eligible as a qualified individual with a disability, the Section 504 Committee should review whether the student's needs have changed since the previous evaluation. The Section 504 plan will be developed and implemented in a manner consistent with the initial plan development and implementation procedures of the District. The parent will be notified of the Section 504 Committee's decisions, however, parent consent or concurrence with the Section 504 Committee decision is not required.

The parent may revoke consent for Section 504 services at any time. Should a parent choose to revoke consent for Section 504 services, the parent shall complete a Revocation of Consent form for all Section 504 accommodations and services and such form shall be included in the student's Section 504 file. A parent does not have the option of revoking consent for some, but not all Section 504 accommodations and services. Instead, if a parent disagrees with some, but not all provisions of the student's Section 504 Plan, the Parent may then challenge the decisions of the Section 504 Committee through the Section 504 hearing process. See [SECTION 504 HEARINGS].

Following either a refusal to consent for initial services or a revocation of consent, the Parent may reinstate consent for Section 504 accommodations and services at any time (as long as the student remains eligible) by contacting the Campus Section 504 Chairperson to schedule a Section 504 meeting.

If the Section 504 Committee determines that the student continues to have a physical or mental impairment that substantially limits one or more major life activities but no longer requires Section 504 services, the student will remain eligible for nondiscrimination protections under Section 504. The Section 504 Committee may then remove the student's Section 504 plan and provide the parent with notice of this change and a copy of the *Section 504 Parent Rights*. However, the Section 504 Committee should continue to conduct periodic reviews of the student's need for services and re-convene to develop an appropriate Section 504 plan, should the student demonstrate a need in the future. See [PERIODIC REVIEWS].

Should the Section 504 Committee determine that the student no longer qualifies as a student with a disability under Section 504, the Section 504 Committee may dismiss the student from Section 504 and provide the parent with notice of this dismissal and the rationale for such dismissal along with a copy of the *Section 504 Parent Rights*. If the parent disagrees, they may then challenge the decision through the Section 504 hearing process. See [SECTION 504 HEARINGS].

Finally, if the Section 504 Committee suspects through the reevaluation process that a student may be eligible for special education under the IDEA, the Section 504 Committee shall make a referral to District Assessment Personnel for a special education evaluation. However, the Section 504 Committee must continue to provide services under Section 504 while the evaluation is pending.

Evidence of Implementation

- Section 504 Reevaluation
- Review of Eligibility
- Documentation of Section 504 Committee Meeting
- Documentation of Information Considered by Section 504 Committee
- Section 504 Plan
- Section 504 Notices
- *Section 504 Parent Rights*
- Referral for Special Education Evaluation
- Section 504 Revocation of Consent Form

Resources

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

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

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

[Letter to Durham - U.S. Department of Education \(1997\)](#)

CITATIONS

Board Policy FB; 29 USC 794; 34 CFR 104.35