

Lindale ISD

SECTION 504

SECTION 504 SERVICES

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Section 504 Services

What is Required

Under Section 504, the District must provide students with disabilities appropriate educational services designed to meet a student's unique educational needs as adequately as the needs of non-disabled students are met. FAPE under Section 504 includes education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services. A student may receive services under Section 504 even if the student does not require special education under the IDEA.

Following an evaluation and determination of eligibility under Section 504, the Section 504 Committee will determine the services that are necessary and appropriate for the student to receive FAPE. See [DETERMINATION OF ELIGIBILITY]. The services provided should be tailored to the individual student to meet their unique needs. The provision of services will be documented in the student's Section 504 plan, which should outline the time, duration, location, and frequency of the services. The District is ultimately responsible for ensuring that there are sufficiently qualified personnel available to provide supplemental aids and services to students under Section 504.

While Section 504 does not indicate the specific types of aids or services the District must offer to an eligible student, the following are common examples of related aids and services commonly provided to students: tutors, note-takers, or one-on-one aides; interpreters; assistive technology; psychological and counseling services; physical therapy, occupational therapy; administration of medication and other health-related services; transportation; and athletics and extracurricular activities. See [ATHLETICS AND EXTRACURRICULAR ACTIVITIES].

The student's Section 504 Committee will review the services provided in the student's Section 504 plan to determine whether they are still necessary and appropriate at least once annually and upon request. See [ANNUAL REVIEWS]. A student remains eligible for services under Section 504 as long as the student continues to have a mental or physical impairment that substantially limits the ability to learn or any other major life activity and continues to demonstrate a need for the services.

Least Restrictive Environment

Students must receive Section 504 services in their least restrictive environment—meaning that they must be educated with their peers without disabilities to the maximum extent appropriate. Campus and District Personnel shall provide services in the general education setting unless the District can demonstrate that educating the student in the general education setting with supplementary aids and services cannot be achieved.

Placement decisions relating to the setting in which services will be provided are made by the Section 504 Committee in a Section 504 meeting and should be documented in the Section 504 plan (i.e. small group instruction, pull-out related service instruction, and/or other accommodations, services and/or instruction provided outside the general education classroom).

Outside Service Providers and Private Placement

Where necessary and appropriate, the District may provide services to a student through a third-party provider or outside agency/organization. Additionally, the District may place a student in a program not operated by the District if the District is unable to provide the necessary services to enable the student to receive FAPE under Section 504. However, the District remains obligated under Section 504 to ensure that the student receives all services required by the Section 504 plan. Thus, the District shall have a plan to provide services to the student when the outside provider is absent or otherwise unavailable or when the student returns to the District.

The District cannot require the parent to pay the financial obligations related to the provision of services from an outside service provider or private placement. Furthermore, the District cannot require the parent to incur additional costs relating to transporting the student to or from the location where services will be provided.

Implementation of Services

Services provided in a student's Section 504 plan are legally binding, and the failure to provide services required by a student's Section 504 plan may result in the denial of FAPE. Thus, Campus and District Personnel are responsible for providing services to a student as directed in the student's Section 504 plan.

It is essential that the District have sufficient documentation supporting the provision of services for each eligible student. The Campus Section 504 Chairperson is responsible for disseminating a student's Section 504 plan and ensuring that Campus and District Personnel are providing the services outlined in a student's Section 504 plan with fidelity. The Campus Section 504 Chairperson shall obtain verification from all Campus and District Personnel responsible for implementing the Section 504 plan, confirming receipt and understanding of the Section 504 plan. Furthermore, the Campus Section 504 Chairperson shall ensure that Campus and District Personnel are conducting ongoing monitoring of student progress to determine if the services provided are effective and still appropriate and maintaining documentation relating to such progress. Specifically, Campus and District Personnel shall keep detailed logs of services provided, indicating the following:

- The service that was provided;
- When and where the service was provided;

- Who provided the service;
- The student's progress; and
- Any additional information regarding the provision of the service, such as absences or other issues with providing the service.

Changes to Services

No individual or Campus Personnel may refuse to provide services granted to the student in a Section 504 plan. To change the schedule of services based on a need, or lack thereof, the Section 504 Committee must hold a Section 504 meeting to review the student's progress and determine whether the service(s) listed within the Section 504 plan should be altered or removed. Should the Section 504 Committee determine that a service is no longer necessary, the Campus Section 504 Chairperson must provide the parent with notice of the changes and a copy of the *Section 504 Parent Rights* prior to making any changes to the service(s) provided.

Additionally, if a student has not made adequate progress despite the provision of services, a referral for a special education evaluation under the IDEA should be considered. Services provided to a student in a Section 504 plan may not be used to delay or deny a referral for special education but may be a valuable tool in determining eligibility during a special education evaluation.

Evidence of Implementation

- Written Section 504 Plan
- Service Logs
- Annual Review
- Documentation of Communication with Parent
- Invitation for Parent to Attend Section 504 Meeting
- Acknowledgement of Receipt of Section 504 Plans by Campus Personnel and Other Service Providers
- Referral for IDEA Evaluation
- Section 504 Notices
- *Section 504 Parent Rights*
- Documentation of Progress Provided to Parents
- Documentation of Services Provided to Parents

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](#)

[Dear Colleague Letter - U.S. Department of Education \(Jan. 25, 2013\)](#)

[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools - U.S. Department of Education \(Dec. 2016\)](#)

CITATIONS

Board Policy FB; 29 USC 794; 34 CFR 104.33, 104.35, 104.37