

Section 504 Procedures Manual



Savannah-Chatham County Public School System
August 2012

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Purpose of Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, is designed to eliminate discrimination based on disability in any program or activity receiving federal financial assistance. This act requires that no qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activities, (i.e. self-care, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, learning, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, operation of a major bodily function, and communicating) shall be excluded from participation in, be denied the benefit of, or be subject to discrimination in any program or activity offered by Savannah-Chatham County Public School System (SCCPSS). An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.

The determination of impact to one or more major life activity must be made without regard to any ameliorative effects of mitigating measures (i.e. medication, medical supplies, equipment, low-vision devices, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies).

It is the policy of the SCCPSS Board of Education to provide a free appropriate public education to each qualified student with a disability within its jurisdiction, regardless of the nature or severity of the disability. It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be disabled under this policy even though they do not require services pursuant to the Individuals with Disabilities Education Act. Under Section 504, due process rights of qualified students with disabilities and their parents or guardians are guaranteed in the SCCPSS with respect to the identification, evaluation or educational placement, (including notice, an opportunity to examine relevant records, an impartial hearing with opportunity for participation and representation by counsel) and a review procedure.

The Executive Director of the Department for Exceptional Children is the District Coordinator of Section 504 for the SCCPSS. SCCPSS shall offer a free appropriate public education (FAPE) to each qualified student with a disability. Services provided to qualified students are not required to produce identical results or level of achievement with nondisabled peers. Services must be designed to offer an equal opportunity to gain the same benefit within the most integrated setting appropriate.

A student who is not disabled, but has a record of, or is regarded as, disabled is protected under Section 504 insofar as an alleged discriminatory action based on that history or perception. The fact that a student has a “record of, or is “regarded as” having an impairment is insufficient by itself to require reasonable accommodations.

School Board Regulation JAA-R (1) designates procedures for the implementation of Section 504.

Identification and Evaluation Procedures

SCCPSS has a responsibility to identify and evaluate those children who are believed to qualify as disabled under Section 504. *All documents needed to conduct a Section 504 meeting are found in TieNet.*

1. Referral:

When there is reason to suspect that a student has a disability and is in need of accommodations within the general education classroom, a referral can be made to the Student Support Team (SST) for review.

Referrals can be made either orally or in writing; both types of referrals are documented by the school's 504 Coordinator on a *Section 504 Referral Form*. The parent will be asked to have their child's doctor complete the *Health Care Provider's Certification of Medical Impairment* form to assist with the process.

If parents make a referral to a teacher, they should be directed to the school's 504 Coordinator to begin the referral process.

2. Student Support Team:

The student support team (SST) will convene following the receipt of a referral. The date the referral was received will be documented on the *Section 504 Referral Form*.

For all referrals, the student support team must consist of the following members, at a minimum:

- Principal or 504 Coordinator
- General education teacher
- Referral source, except if inclusion of the referral source would breach confidentiality of the student

The parent must be invited to the SST/504 meeting in writing by way of a *Notification of Section 504 Meeting* form. The parent must be notified of the meeting early enough to ensure they have an opportunity to participate.

During the SST/504 meeting, the team should review information from a variety of sources. The information reviewed should pertain to the student's functioning in the school environment, and should include, as needed: the referral; educational records such as aptitude and achievement tests, report cards and/or teacher recommendations; oral or written observations; evaluations of adaptive behavior; social and cultural background; medical, psychological, and/or other specialty reports; and parent information. Following this review, the 504 Coordinator will complete the *Section 504/ADA Educational Services Eligibility Establishment under Section 504 & the ADA* form to determine whether the student qualifies as disabled under Section 504 of the Americans with Disabilities Act (ADA).

3. Making Initial Qualification Decisions:

The 504 Coordinator must complete the *Section 504/ADA Educational Services Eligibility Establishment under Section 504 & the ADA* form for students being considered as disabled under Section 504. The information listed on this form must document:

Identification of the physical or mental impairment(s):

- “Physical or mental impairment” means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disability.

The major life activity impacted by the impairment(s):

- “Major life activity” includes but is not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating.
 - A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
 - An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
 - Description of the impact of the student’s impairment on the identified major life activity:
 - An impairment that is episodic or in remission is a disability if it substantially limits a major life activity when active.
 - Individuals being considered for qualification under Section 504 should not be penalized because they manage their own adaptive strategies or receive accommodations (including informal or undocumented ones) that have lessened the deleterious impact of the disability. The determination of impact to one or more major life activities must be made without regard to any ameliorative effects of mitigating measures which include, but are not limited to: medication, medical supplies, equipment, low-vision devices*, prosthetics, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment and supplies, assistive technology, reasonable accommodations, auxiliary aids or services; or learned behavioral or adaptive neurological modifications.
- Any medications that must be dispensed by school personnel.
 - Any records on file that document the existence of and nature of the disability.
 - Previous Special Education services or other factors relevant to 504 Eligibility.
 - A list of the team members participating in the determination.

A copy of this form, along with the *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards*, shall be provided to the parent.

* Note – Low-vision devices do not include ordinary eyeglasses or contact lenses. The ameliorative effects of ordinary eyeglasses or contact lenses may be considered in determining whether the impairment substantially limits a major life activity. Ordinary eyeglasses are those that are intended to fully correct visual acuity or eliminate refractive error: and low-vision devices are those that magnify, enhance, or otherwise augment a visual image.

Knowledgeable Team and 504 Plans

1. Knowledgeable Team Membership:

The 504 plan is a statement of the required accommodations and services that SCCPSS will provide to a student. If the student qualifies as disabled under Section 504, a team of knowledgeable people shall develop a 504 plan. Typically, the knowledgeable team is comprised of staff members who work directly with, or supervise the student in the educational setting.

The knowledgeable team must include:

- Principal or 504 Coordinator.
- Teacher(s) who are, or will be, working with the student (Whenever possible, the team should include those persons who will be responsible for implementing the proposed accommodations).

Other team members, such as the school psychologist, public health nurse, school social worker, or counselor, may be included as appropriate to the needs of the student.

It is best practice to invite the parent to participate and provide input into the development of the plan.

2. Plan Development:

The knowledgeable team reviews the specific needs of the student in the educational setting and completes the *Section 504/ADA Individual Accommodation Plan/Minutes* page. Accommodations necessary to provide the student an equal opportunity to access programs and activities and to demonstrate achievement are included in the 504 plan. The reasonable accommodations shall:

- Reflect the unique needs of the student
- Relate directly to the area of impairment
- Address only what is necessary to ensure that the student has the opportunity to access programs and activities in the school setting
- Be specific enough in description to clearly indicate when and where the accommodation(s) will be provided during the school day

The focus is on *reasonable accommodations*.

The knowledgeable team shall determine whether the student that qualifies as disabled under Section 504 requires classroom testing accommodations, and whether those accommodations should be provided for any state and districtwide assessments. These decisions shall be recorded on the appropriate *504 Assessment and Accommodation* page. Testing accommodations should be consistent with the classroom instructional accommodations that are already part of the student's 504 plan.

The knowledgeable team shall determine whether the student that qualifies as disabled under Section 504 should be considered for the Georgia Alternative Assessment (GAA). The appropriate GAA guidelines shall be followed to determine if the student meets the state criteria for participation in the GAA.

If the knowledgeable team determines that there is currently no specific educational impact that requires accommodations, this should be noted on the *Section 504/ADA Individual Accommodation Plan/Minutes* page. This decision should be reviewed if concerns are noted by either the parent or school staff members.

A copy of the 504 plan shall be provided to the parent following its completion. Parental consent is not required prior to the provision of accommodations for a student.

The principal is responsible for adherence to the overall procedures and implementation of a 504 plan.

Each individual working with or supervising the student shall be provided a copy of the 504 plan and will comply with the applicable components.

The plan remains in effect as specified until either a new plan is developed, or the knowledgeable team determines through the annual reevaluation that the student no longer qualifies as disabled under Section 504.

3. Plan Review and Revision:

The principal or 504 Coordinator is responsible for ensuring that 504 plans are reviewed at least annually or more frequently as conditions warrant. The purpose of this review is to determine the appropriateness of the plan and to make any needed modifications. The participants in the annual meeting should be those individuals relevant to the discussion of the student's accommodations. At minimum, the committee must consist of at least one of the student's teachers and a principal or designee. It is best practice to invite the parent to the annual plan review.

4. Discipline Procedures:

The knowledgeable team shall convene to assess whether the behavior requiring disciplinary action is related to a qualified student's disability when:

- A decision is made to remove a 504-qualified student from school for *more than* 10 consecutive school days in a school year.
- The 504-qualified student is subjected to a series of removals during a school year that accumulates to *more than* 10 school days.

While not required, it is best practice to invite the parent to participate and provide input at the 504 Manifestation Determination Review. Parents should be notified with sufficient time to allow them the opportunity to attend. The school may use the *Notification of Section 504 Meeting* page to notify the parent of the meeting. A copy of the *Section 504 of the Rehabilitation Act of 1973 Procedural Safeguards* shall be included with the meeting notification letter. The 504 Coordinator shall complete a *Section 504 Manifestation Determination* form and forward it to the District Coordinator of Section 504 for SCCPSS when there is a recommendation for expulsion or exclusion:

- If a student is qualified under Section 504 and there is a causal relationship between the disability and the behavior resulting in disciplinary action, the committee shall determine whether the student's educational program should be modified.
- If a student is qualified under Section 504 and there is no causal relationship between the disability and the behavior resulting in disciplinary action, the student may be disciplined in the same manner as a nondisabled student, including the cessation of services.
- If a student qualified under Section 504 is receiving disciplinary action based on the illegal use and/or possession of drugs or alcohol, and the individual is currently engaging in the illegal use of drugs or alcohol, a committee of knowledgeable persons is not required to convene, reevaluate the student, or determine whether there is a causal relationship between the behavior and the disability.

5. Transfers:

When a student transfers into a school and is qualified as disabled under Section 504, a knowledgeable team in the receiving school shall review the existing 504 plan to determine the plan's appropriateness to the current educational setting. The knowledgeable team may decide to implement the plan as received, write a new plan more appropriate to the current educational setting, or reevaluate the student in order to consider if the student no longer qualifies as disabled under Section 504.

6. Special Diets Procedure

The United States Department of Agriculture (USDA) requires that the child's healthcare provider submit documentation specifying the dietary modification and to specify what changes need to be made. The district will follow the standard procedures for Special Diets established by the Savannah Chatham County School Nutrition Program.

- Parent obtains Diet Order Form
- Parents or Guardian must complete the Diet Order Form.
- Part II of the Diet Order Form must be completed by the child's physician
- Parent returns the completed form to the child's school nutrition manager
- The site nutrition manager and the 504 Coordinator will call a meeting with key people involved in the student's welfare, which might include the Parent, Coordinator, Principal, Teacher, Nurse, Case Worker, and Related Service Providers
- The 504 Coordinator will follow the procedures for initial 504 eligibility and develop an emergency plan of action that shall be documented on the *Section 504/ADA Individual Accommodation Plan/Minutes* page.
- The site nutrition manager will prepare a file specifically for the student and file the physician's statement and include the 504 plan of action information
- The manager will meet with the assistants to discuss:
 1. The diet modifications or restrictions necessary and why these modifications are important to the child's health or life
 2. Menus and substitutions that can be made
 3. Emergency Plan

Special Diets Policies

POLICY TITLE

SPECIAL DIETS

Date Adopted _____ Number 0810

The Savannah Chatham County School Nutrition Program will make accommodations for children with special diet needs based on a prescription written by the child's healthcare provider.

USDA regulation (7CFR – 15B) requires substitutions to the standard meal pattern for children who are considered disabled* and whose disability restricts their diet; and permits substitutions for other children who are not disabled but are unable to consume the regular meal because of medical or other special dietary needs, when that need is certified by the child's healthcare provider.

Parents may print the **Diet Order** form on the web site or obtain a copy from the School Nutrition Manager at the child's school.

Annual Review

The knowledgeable team shall conduct a review of each student's qualification as disabled under Section 504:

- Annually.
- More frequently if conditions warrant.

The date of the student's initial or most recent reevaluation of qualification as disabled under Section 504 is documented on the 504 plan. Prior to the annual review date, the information should be collected from teachers and other school staff members who work with the student for review at the annual review meeting.

The knowledgeable team shall convene an annual review meeting with the purpose of reviewing evaluation information and determining if the student continues to qualify as disabled under Section 504. If it is determined that the student no longer qualifies, the 504 dismissal procedures shall be followed and reasons shall be documented very clearly on the *Section 504/ADA Individual Accommodation Plan Minutes* page.

The principal or 504 Coordinator is responsible for keeping a record of those students for whom a 504 plan has been developed, along with the anticipated review date for each student's 504 plan.

SCCPSS Operating Procedures for Section 504 Impartial Hearings

Any student or parent or guardian ("grievant") may request an impartial hearing due to the school system's actions or inactions regarding their child's identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system's Section 504 Coordinator; however, a grievant's failure to request a hearing in writing does not alleviate the school system's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system's Section 504 Coordinator. The school system's Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

1. Requesting an Impartial Hearing

Requests for an impartial hearing shall be made in writing and delivered to the school system's Section 504 Coordinator. The request shall include: the name of the student, the address of the residence of the student (or available contact information in the case of a homeless student), the name of the school the student is attending, the decision that is the subject of the hearing, the requested reasons for review, the proposed remedy sought by the grievant, the name and contact information of the grievant. Within 10 business days from receiving the grievant's Request for Hearing, the district Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

2. Mediation

The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated

without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

3. Hearing Procedures

- a. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant's Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
- b. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
- c. The grievant will have an opportunity to examine the child's educational records prior to the hearing.
- d. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
- e. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the recipient to defend its position/decision regarding the claims (i.e. A recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. §104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.
- f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue pre-hearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
- g. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
- h. The hearing shall be closed to the public.
- i. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
- j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
- k. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.
- l. Unless otherwise required by law, the impartial review official shall uphold the action of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
- m. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

4. Hearing Decision

The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

5. Review

If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

**Section 504
Staff Responsibilities**

Section 504 Coordinator:

- Coordinates district efforts to comply with Section 504 regulations including training of staff
- Establishes school 504 team and serves as chairperson
- Guides 504 referral, evaluation and service delivery process
- Consults with District 504 Coordinator as needed
- Maintains a master list of those students with 504 plans, including name, grade, major life activity area impacted, annual review date, and projected reevaluation date
- Receives and reviews a copy of all Section 504 plans
- Organizes district response to any complaint filed with the Office of Civil Rights

Principal:

- Coordinates school efforts to comply with Section 504 procedures, including training of school staff
- Oversight over Guidance and Building staff to ensure that all Section 504 requirements are met
- Ensures that 504 Plans are shared with all staff

Building Staff:

- Attends Section 504 training at the school level
- Initiates referral of students to SST for possible 504 services
- Relays parent requests for 504 services for their child to 504 Coordinator
- Serves as a 504 team member when appropriate as determined by the 504 Coordinator
- Implements accommodations of 504 plan(s)

**IDEA and 504
Brief Overview of Differences**

IDEA	504
Primary Focus	
Educational <i>benefit</i>	Equal <i>access</i> for students with disabilities
Who is Covered	
Handicapping conditions are defined Adversely affects educational performance and requires special education and related services	There are no eligibility categories Those with impairments that substantially limit a major life activity
Purpose of the Plan	
Goals and objectives outlined for the student. (What the <i>student</i> will do.)	Reasonable accommodations provided to the eligible student by the teacher(s) or relevant school staff members. (What the <i>teacher</i> or staff member will do.)
Consent	
Parent consent required for eligibility, for initial services, change in placement.	Parent consent is not required. Parents are invited to participate.
Regulations	
IDEA—many specifics	OCR – few specifics
Parent Participation	
Procedural rights to participate	Best practice to invite parent participation
Due Process	
Due process rights	Right to an Impartial Hearing
Stay Put	
Last agreed-upon placement	No stay-put provisions
Funding	
All states receiving funding	No funding
Monitoring	
GaDOE is required to develop regulations and to monitor the provision of special education. USDOE oversees implementation.	GaDOE has no responsibility for, or jurisdiction over, LEA's implementation of 504

504 Fact Sheet

Section 504 of the Rehabilitation Act of 1973

Section 504 is designed to eliminate discrimination against any student with a disability in any program offered by the school division.

Who is Covered:

- ★ Any student who has, has a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more of life's major activities.

What is Required:

- ★ Qualifying students must have an opportunity to access all activities and programs, and cannot be denied participation because of their disability.
- ★ Qualifying students with a disability must be offered a free appropriate public education (FAPE). FAPE is the provision of reasonable accommodations, adaptations, or modifications to the environment or activity that allows the student equal opportunity to participate.
- ★ Accommodations must be designed to offer equal opportunity to gain the same benefit as non-disabled peers, within the most integrated setting appropriate, but are not expected to produce identical results or the same level of achievement.
- ★ Transfers: If a student that is disabled under Section 504 transfers schools, a knowledgeable team at the receiving school should convene and review the 504 plan to determine if it is appropriate for the current educational environment.

Qualifying Factors:

- ★ The Student Support Team (SST) determines initial Section 504 qualification.
- ★ The SST must identify the presence of a physical or mental impairment and the major life activity limited by the impairment.
- ★ Current illegal use of drugs or alcohol is not an impairment protected under Section 504.

The Plan:

- ★ A knowledgeable team composed minimally of the principal or designee and a teacher of the student develops the 504 Plan for qualified students.
- ★ The parent is invited, but does not have to attend or approve of the plan.
- ★ The 504 Plan should reflect the unique needs of the student and relate directly to the impairment. Only the accommodations necessary for the student to have an equal opportunity to access programs and activities should be included.
- ★ The knowledgeable team must meet at least once a year to review the 504 Plan.
- ★ The knowledgeable team determines if the student no longer qualifies as disabled under Section 504.

Disciplinary Protections:

- ★ The knowledgeable committee must conduct a manifestation determination meeting following a decision to remove a student from school for more than 10 days in a school year.
- ★ If there is no causality, the student may be disciplined in the same manner as a non-disabled student, including cessation of educational services.
- ★ Causality determination is not required if the student is engaging in the illegal use of drugs or alcohol, and is being disciplined for the use or possession of illegal drugs or alcohol.

Procedural Safeguards:

- ★ Parents and qualified students are entitled to certain procedural safeguards.
- ★ Inquiries may be directed to the Department for Exceptional Children (912-395-5583)

Notice of Rights of Students and Parents under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following address:

Dr. Mikki Garcia , Section 504 Coordinator
208 Bull Street, Savannah, Georgia 31401
912-395-5877
Mikki.Garcia@sccpss.com

The implementing regulations for Section 504 as set out in 34 CFR Part 104 provide parents and/ or students with the following rights:

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 04.34.
4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34. 5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
5. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
6. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
7. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
8. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.

9. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
10. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
11. You have the right to examine your child's educational records. 34 CFR 104.36.
12. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
13. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.
14. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure.
34 CFR 104.36.
15. You have the right to, at any time; file a complaint with the United States Department of Education's Office for Civil Rights.

504 Questions and Answers

Q. What is Section 504?

In 1973 when the Rehabilitation Act was passed, the intent was to encourage participation and equal access to federally funded programs by the disabled. As applied to schools, the language of the Act broadly prohibits the denial of public education participation, or enjoyment of the benefits offered by public school programs because of a child's disability. The law was enacted to "level the playing field" for disabled students.

Q. Who is covered under Section 504?

A student "qualifies" if he or she has a mental or physical impairment which substantially limits one or more major life activities. The list of major life activities is not exhaustive, but includes functions such as seeing, hearing, learning, breathing, walking, speaking, ability to care for oneself, performing manual tasks, sleeping, standing, lifting, bending, speaking, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of a major bodily function including but not limited to: functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Q. Does Section 504 qualification occur only after an evaluation?

Yes. However, "evaluation" does not necessarily mean a formal test or assessment. The evaluation is the process of gathering information from a variety of sources to help the team make a determination regarding qualification. If the team believes a formal test/assessment is required prior to making a determination, then parental consent must first be obtained.

Q. What team determines whether a child qualifies under Section 504?

In Savannah-Chatham County Public School System (SCCPSS), the student support team makes that determination.

Q. What happens if a child is qualified as disabled under Section 504?

A 504 Plan is developed to document reasonable accommodations that are necessary for that student.

Q. What team develops a 504 Plan?

A 504 Plan is developed for a student by a knowledgeable committee within the student's school. Minimally, this is a team composed of a principal or designee, and at least one teacher of the student. The parent is not a required member of the team, but it is best practice for the parent to be involved in the discussion regarding accommodations.

Q. What goes into a 504 Plan?

A 504 Plan should include only those reasonable accommodations and modifications to the regular classroom or educational environment that are required for the student to have equal access to the educational benefits of the school program.

Q. How often should the 504 Plan be reviewed?

The 504 Plan must be reviewed at least annually.

Q. What happens if a student no longer requires accommodations in the school setting?

The knowledgeable team can meet at any time and make a determination that accommodations can be added, reduced, or eliminated altogether. However, a student can remain qualified as disabled under Section 504 and not require accommodations.

Q. In the discipline process, must a school conduct a manifestation determination meeting for a 504 qualified student who is being suspended for more than 10 consecutive school days in a school year or a series of suspensions that total more than 10 school days in a school year?

Yes. The knowledgeable team must convene to conduct a manifestation determination. The one exception is if the student is a current user of illegal drugs or is currently using alcohol and is being disciplined for the use or possession of illegal drugs or alcohol. No manifestation determination is required in this case.

Q. Are there procedural safeguards?

Yes. Procedural safeguards are provided to parents at several points during the process. They are provided prior to initial evaluation, during reevaluation, with the 504 Plan, and during any disciplinary action that may require a causality meeting.



Section 504 Request for Due Process Hearing/Mediation

Parents who have a complaint relating to the identification, eligibility, evaluation or educational placement of their child may request mediation and/or an impartial due process hearing. Though the district offers mediation as an alternative, mediation is not a federal or state parental right under Section 504. If mediation is requested, both parties must agree to enter into the mediation and neither party waives the right of due process.

Directions:

This form should be completed by individuals who wish to request a Section 504 Due Process Hearing and/or Section 504 Mediation. Please complete, sign, and submit a copy of this form to Dr. Mikki Garcia, Section 504 Coordinator, 208 Bull Street, Savannah, Georgia 31401, 912-395-5877, Fax: 912-201-5581

I _____ the undersigned do hereby request a:
Print name

- Section 504 Due Process Hearing;
- Section 504 Mediation;
- Section 504 Due Process Hearing pending the outcome of the Mediation.

Please use the space below to write a description of the issue(s) of your complaint. You may attach an additional sheet of paper if more space is needed. _____

Please use the space below to write a proposed resolution of the problem or issues. You may attach an additional sheet of paper if more space is needed _____

Student Information:

Last Name: _____ First Name: _____ Middle Initial: ____
 Date of Birth: / / Student Grade: _____ Student's School: _____
 Student's Address: _____
 Home Phone Number: _____ Alternate Phone Number: _____
 Complaint submitted by: _____ Relationship to student: _____
 Signature: _____ Date of Request: _____