

Franklin County Schools

**Section 504 of the
Rehabilitation Act of 1973**

2009-2010

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SECTION 504 OF THE REHABILITATION ACT OF 1973 COORDINATORS' HANDBOOK

INTRODUCTION

This handbook is designed to provide information concerning referral, evaluation, staffing, and 504 accommodation plans, and reevaluation procedures to school administrators, 504 contacts, referral coordinators, guidance counselors, school psychologists, social workers, and teachers.

For information regarding a student or parent alleging discrimination as it relates to Section 504 of the Rehabilitation Act may contact:

Al London, Section 504 Coordinator
Franklin County School
1250 Hwy 98
Eastpoint, Florida, 32328
PH: 850-670-2800.
FAX: 850-670-2801

For information regarding an employee, student, parent or applicant alleging discrimination with respect to employment, or any educational program or activity may contact:

Nick O'Grady, Equity Coordinator
Franklin School District
85 School Road, Suite 1,
Eastpoint, Florida 32328
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SECTION 504 OF THE REHABILITATION ACT OF 1973

In 1973, the Vocational Rehabilitation Act was signed into law. As part of the Act, Congress enacted Section 504. This Section states that disabled persons cannot be discriminated against based solely on their disability. This law became the first federal civil rights law to protect the rights of disabled persons. The official name of the Act is “Nondiscrimination on the Basis of Handicap in Program and Activities Receiving of Benefiting from Federal Financial Assistance.”

IMPLICATIONS OF SECTION 504 AND IDEA

The federal government views these two requirements as different but compatible, Section 504 is a basic civil rights statement on behalf of disabled persons. IDEA 2004 (Individuals with Disabilities Education Improvement Act of 2004) is a support program to assist states and districts with the provision of a free appropriate public education to disabled students. Any recipient of federal education funds is bound by the requirements of Section 504.

Both programs require:

- Child identification, location, and evaluation
- Free appropriate public education
- Nondiscriminatory testing
- Procedural safeguards
- A continuum of alternative placements

DETERMINING ELIGIBILITY UNDER SECTION 504

A student may be considered a student with a disability if the student has a mental or physical impairment that substantially limits a major life function. Students with disabilities who are not eligible under the Individuals with Disabilities Education Act (IDEA) may be eligible for services and protection including educational accommodations under Section 504 of the Rehabilitation Act of 1973. However, any student identified as a student with disability under IDEA is afforded all the protections describe under Section 504.

To be eligible as a student with disabilities under 504 for services and protection against discrimination, a student must be determined, as a result of an evaluation to have a “physical or mental impairment.” That impairment must “substantially [limit] one or more major life activities,” (Section 104.3(j) (1) & (2) of Title 34). The federal regulations define physical or mental impairment as

“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, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic lymphatic, skin, endocrine or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

Major life activities include but not limited to:

- Caring for one's self
- Seeing
- Breathing
- Working
- Walking
- Performing manual tasks
- Learning
- Hearing
- Speaking

Services and protections under Section 504 include program accessibility, prohibition of discrimination and provision of reasonable accommodations in employment practices, and non-discriminatory practices in the area of education. The provision of a non-discriminatory education ensures that the student receives a free appropriate public education in a non-segregated educational setting and has been appropriately placed through the administration of a variety of assessments. Procedural safeguards are afforded the student and the parent. The student identified as qualified under Section 504 is also afforded an equal opportunity to participate in nonacademic and extra curricular services and activities in the same manner as nondisabled peers.

Most commonly in the area of education, schools will determine if learning, as a major life activity, is impacted by the student's disability. The Office for Civil Rights (OCR) provided some guidance and stated, "By definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn." Saginaw City (MI) Sch. Dist., EHLR 352:413 (OCR 1987).

Non-academic services may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the schools, and employment of students including employment by the school and assistance in making employment outside the school.

A 504 Accommodation Plan may be necessary for a student determined to be a student with a disability as described in Section 504 to ensure this student has equal access to academic and non-academic educational activities.

Students identified as disabled and who have been determined eligible for exceptional student education services under IDEA are also afforded the protections under Section 504. The student with disabilities under IDEA is provided accommodations through the individual education plan (IEP) process and is not in need of a 504 Accommodation Plan.

DEFINITION OF TERMS

Qualified student: One who is of age during which non-disabled individuals are provide education services of any age during which it is mandatory under state law to provide such service to individual with disability or one who is entitle to FAPE under IDEA. For example if FAPE is provided to students ages 3-22, then a student within that age range is qualified with a disability under Section 504.

Disability: May include but is not limited to 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 ,including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic lymphatic, skin, endocrine or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

Major life activity: Include functions such as “care for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working...” This list is not exhaustive.

Substantial limitation: The standard for substantial limitation of a student’s ability to learn is -- “by definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn. (Saginaw City (MI) Sch. Dist. 352 EHLR 413 (OCR 1987).)”

A substantial limitation is determined by comparing how the student functions in the affected major life activity to how the average non-disabled student functions in the same major life activity (average person in the general population). If the student suspected of a disability is functioning commensurate to the average non-disabled student, the student is likely not eligible under Section 504.

Functioning below level: Students, who pass each grade while functioning further below the norm for their age, are not succeeding in general education and should be evaluated to determine eligibility for services

Temporary disability: Eligibility decisions must be made on a case-by-case basis taking into consideration the severity of the temporary impairment and how long it could potentially limit a major life activity.

Accommodation Plan: A plan developed by a team of school personnel that addresses the effects the student’s disability has on his or her access to educational opportunities. The accommodations indicated on the plan should be such as to provide the child with equal access without providing the child with an undue advantage. The plan has been said to “level the playing field” for the child. The plan must address: the nature of the student’s disability and the major life activity it limits; the basis for determining the disability; the educational impact of the disability; the necessary accommodations; and placement in the least restrictive environment.

Discrimination: The discrimination aspect of the Rehabilitation Act of 1973 applies to all students with disabilities. Students with disabilities cannot be otherwise denied access to a facility or a service solely due to their disability.

504 ACCOMMODATION PLAN PROCEDURES

Students determined to have a disability that affects a major life function may be in need of a 504 Accommodation Plan to provide the student access to the same educational opportunities as non-disabled students. A team of school personnel makes that determination if a student is a student with a disability, the disability affects a major life activity, and a 504 Accommodation Plan is needed to provide the student with a disability access to educational opportunities.

PARTICIPANTS

504 Contact/Designee: The principal designates a school-based person as the 504 contact/designee. This contact/designee facilitates parent and school communication, manages the organization of the written documentation, coordinates the evaluation activities, schedules 504 meetings regarding referral, evaluations, eligibility and plan reviews, and monitors the Accommodation Plan.

Intervention Team: The team should be comprised of persons knowledgeable about the student. The team may be the same persons who participate as members of the School Intervention Team. The team must include the 504 contact/designee, and the student's teacher. In addition, as appropriate, the team may also include the guidance counselor, the school nurse, a social worker, a psychologist, and/or a behavior specialist. Other school and district personnel as appropriate may also participate. The parents may also be a part of the team.

REFERRAL PROCESS

A student may be identified by a teacher, parent, administrator or other person with a legitimate interest and knowledge of the student. To begin the consideration process a student must be brought before the Intervention Assistance Team. Based on the discussion of the team, the intervention team form must be completed:

Intervention Assistance Team Summary (FORM revised 7/2009)

The Intervention Team reviews the request for consideration of 504 eligibility. Information reviewed by the team may include but is not limited to the student's accumulative educational record, district and statewide assessment scores, classroom student work sample and tests, anecdotal records, medical information, input from classroom teachers and parents.

During the intervention team meeting, the team needs to address the following questions:

- What area of the student's classroom performance is of most concern?
- What interventions, methods, strategies or services have been tried in an effort to deal with the concerns? What have been the results?
- Does the student use any special accommodation or modification in the class?
- How might eligibility for 504 help the student in his educational performance?

The Intervention team must complete the *Intervention Assistance Team Summary form* as the Team would for any child brought forward for discussion.

Parents may refer their child for consideration of 504 eligibility. Parents may provide a private evaluation, including but not limited a medical report, a psycho-educational evaluation, neuropsychological evaluation, or a psychiatric evaluation. These reports can be considered in determining if a referral for consideration of 504 eligibility is moved forward. Regarding parent referrals, the team should ask the following questions:

- What type of disabling tendencies do you feel your child may have or exhibit?
- What are your areas of concerns regarding your child’s educational performance?
- How do you believe your child’s disabling tendencies affect his school performance?

Medical reports provided by the parent should include the medical diagnosis with a description of the disabling condition and the medical implication if any for instruction.

Following consideration of all available and relevant information on the student, and the completion of the *Intervention Assistance Team Summary form*, the Intervention Team determines whether a referral for possible 504 eligibility should move forward. This information is documented on the *Intervention Assistance Team Form*.

EVALUATION

All available records and student data should be reviewed by the school intervention team. Data sources may include cumulative records, attendance records, student observations, documented interventions, standardized aptitude and achievement tests, teacher recommendations, student’s physical condition, and/or medical physician’s report. The team determines if any further evaluation is needed.

The team can consider a private evaluation as part of the evaluation data. If a parent provides a private evaluation, the team determines if the evaluator is a “trained clinician” with the skills necessary to make a determination as described in the DSM IV. If the team has difficulty making that determination, the Office of Student Services can determine if the evaluator is a bona fide examiner.

If the team determines that sufficient evaluation data is present to make a determination regarding Section 504 eligibility, or that no additional evaluation data is required, the team goes forward with the eligibility process for Section 504.

If the team determines that additional assessment information is necessary, the team will designate the team members to be involved in assessment process (psychologist, counselor, social worker, teacher, etc.) Additional assessment information may include behavior ratings forms, standard academic achievement assessments; screening for sensory or physical concerns; or medical information. The *Parent/Guardian Permission for Intervention Services* is provided to the parent for permission to move forward with the assessment.

If the team determines that a formal evaluation is necessary that must be conducted through the evaluation process described in the Special Programs and Procedures

Document.

At the conclusion of the evaluation process, an evaluation report is prepared by the School Intervention Team. The report should include the date of the report, the student's name, school, grade, areas of concern, areas evaluated, evaluation methods, evaluator, and findings. This report information can be recorded on the *Notice of 504 Status (FORM 504-04)*. A team meeting is scheduled to discuss evaluation findings and, eligibility or ineligibility of Section 504.

ELIGIBILITY

The 504 contact/designee is responsible for scheduling the meeting and notifying the participants of the meeting date and time. The team making the determination can be the same persons as those required for the Intervention Assistance Team. These participants may include parent(s) or guardian(s), a school guidance counselor, school social worker, the student's teachers, and other appropriate personnel. However, the team must include the 504 contact/designee, persons knowledgeable about student including classroom teachers, and individuals with the authority to commit the necessary resources to implement the plan, if developed.

The Team reviews the evaluation report, cumulative records and any other pertinent data to determine if student meets the requirements as a qualified student with a disability under Section 504 of the Rehabilitation Act of 1973.

To make the determination, the student must meet both parts of the eligibility criteria:

Does the student have a disability?

Does the disability have a substantially limit a major life activity?

The team needs to ask the following questions based on the evaluation data. The team must contemplate the possibility that the disability interferes with the student's learning or another major life activity.

- Does the child have a disability?
- Is the disability affecting a major life activity of the student?
- Is the child learning?
- Is the child progressing adequately through the general curriculum?
- Does the student's disability prevent him or her from learning?
- Does the disability limit the student's equal access to educational opportunities?
- Based on the medical report if provided by the parent, what is the medical implication for instruction?

Based on the answers to these questions, the team determines if the student is an eligible student with disabilities under Section 504. To document the decision, the team completes

Notice of 504 Status.

If the team determines the student is an eligible student with disabilities under Section 504, the next step is to develop an Accommodation Plan. The team schedules a meeting to develop the Accommodation Plan and invites the parent by sending home the

*Parent Participation and Attendance and Participation in the
Accommodation Plan Meeting*

The eligibility determination and the completion of the accommodation plan, if determined appropriate, can all be scheduled for the same meeting.

ACCOMMODATION PLAN

The parents are invited to develop the plan. The intervention team develops the plan based on the student's disability and the affect of the disability on the major life activity. The student's regular teacher is a key part of developing the plan and making the recommendations for the appropriate interventions. Specific accommodations that are currently provided in the classroom for the student may be included on the plan. The 504 Accommodation Plan is signed by those in attendance. The signature of participants is located on the parent participation form. Parents are encouraged to actively participate. Parents receive copies of the 504 Accommodation Plan and are notified of their due process rights.

Section 504 Accommodation Plan

*Franklin County Schools Notice to Parent/Student Rights afforded by
Section 504 of the Rehabilitation Act of 1973.*

At the conclusion of the meeting, the 504 Accommodation Plan along with all the other documentation, including the medical statement with diagnosis; evaluation data, and notification of 504 conference form, is placed in a "blue-colored" folder marked "504" and filed in the student's educational cumulative record. The 504 contact/designee will monitor the implementation of the plan.

What Does a Plan Look Like?

The plan assists the student with a disability in receiving equal access to educational opportunities and provides the student with the same opportunity to benefit from educational programs, services, and activities as the non-disabled peer.

The plan may address classroom accommodations in regard to

- Physical arrangements
- Assignments
- Organization
- Lesson Presentation
- Test Taking
- Behavior

The plan may address physical accommodations such as:

- Transportation
- Controlled environments
- Traveling distances
- Frequent hydration

The plan may address medical issues such as:

- Regularly scheduled time to receive insulin
- Opportunities to use inhaler
- Accommodations to address physical limitation due to disease

Implementation of the Plan

When completed, the Accommodation Plan for a specific student is provided to all relevant school personnel who are responsible for the implementation of the plan. Copies of the plan are provided to all classroom teachers of the student, and to any other person who may be responsible in the implementation of the plan such as the health-care workers, social workers, or guidance counselors. Accommodations, as appropriate are to be provided throughout the school year for the student.

Review of the Plan

On an annual basis the Accommodation Plan must be reviewed to determine if the student continues to have a need for accommodations and if the accommodations in place are still effective in assisting the student access to educational opportunities. The effectiveness of the 504 Accommodation Plan is evaluated by the 504 contact/designee and appropriate members of the team. Annually, the 504 contact meets with the student's previous year's and upcoming year's teachers to determine if accommodations provided are/were effective.

If the consensus of the student's teachers is that the plan is effective, the initials of the 504 contact, date the reviewed occurred is documented at the bottom of the form. If the plan needs to be modified or redesigned, the student is referred to the Intervention Team for the review of, revision of, or further action on his or her Accommodation Plan. This informal review process can occur for two consecutive school years.

RE-EVALUATION

The federal regulations require a periodic re-evaluation of students identified as 504 students to determine a continued need for an Accommodation Plan. In Franklin County Schools, students identified as 504 must be re-evaluated at least every three (3) years or at the time of transition. The re-evaluation process should proceed through the intervention team process. The School Intervention Team reviews current evaluation information at the time of the re-evaluation meeting. The reviewed information can include but is not limited to academic progress in the classroom, standardized test scores, behavior plans, medical needs, classroom observations, work samples, etc. If the team determines that additional evaluation data is necessary to determine continued eligibility as a Section 504

student with a disability, the team provides the parents with the *Parent/Guardian Permission for Intervention Services form*.

Upon receipt of the parent consent, the team proceeds with the reevaluation process. At the conclusion of reevaluating the student, the team reviews the assessment information and makes a determination on the student's continued need and the need to develop a revised Accommodation Plan.

If the team reviews the accommodation plan and the available evaluation data, and determines the accommodations have been ineffective, the team is to revise the Accommodation Plan. A revision of the plan may occur by considering different strategies, more effective accommodations based on the evaluation data or other placement options.

If the team reviews the accommodation plan and the available evaluation data, and determines the student is no longer eligible under Section 504 or no longer in need of an accommodation plan, the team can dismiss the student. (See Dismissal.)

To document these activities in any of these scenarios, the team is to complete the

Section 504 Reevaluation

In addition to the required three year re-evaluation process, at the time of any significant change in placement occurs, a student must be re-evaluated. (See Discipline.)

DISMISSAL

At the three year re-evaluation or at any other time that the team determines a formal review is necessary, the student can be considered for dismissal from 504 eligibility. The 504 contact/designee will schedule and notify the parents and school personnel of the re-evaluation conference using the Parental Notice. These participants may include parent(s) or guardian(s), a school administrator, classroom teacher(s), school psychologist, school social worker, guidance counselor, and other appropriate personnel. Each case is individualized. As in the initial intervention team, the participants of the team must be knowledgeable about the student.

Based on the evaluation data, the team can determine that the student is no longer in need of 504 accommodations, and is therefore no longer eligible as a Section 504 student with a disability and then dismiss the student. The meeting is documented on the

Section 504 Reevaluation

Appropriate signatures and the dismissal determination should be documented on the appropriate area of the form. Parent(s) are provided with the

Notice of Parent/Student Rights as afforded by Section 504 of the Rehabilitation Act of 1973.

TRANSFER STUDENTS

When a student enrolls in Franklin County Schools either from another Florida school district or from an out-of-state school district, the school asks, "Has your child received any special help or services at his/her former school?" The parent may also provide information about previous services on the Student Registration form that is completed upon entry into Franklin County Schools. If the answer is yes, the school should attempt to determine what type of help or services was provided and contact the previous school to verify 504 eligibility.

Upon receipt of documentation of or verification of 504 eligibility, the 504 contact/designee is directed to convene an Intervention Team meeting as outlined in these procedures to determine if accommodations are still necessary in Franklin County Schools.

ARTICULATION FROM SCHOOL TO SCHOOL

As students articulate from elementary to middle school or from middle school to high school, the 504 contact/designee of the sending school shall contact the 504 contact/designee at the receiving school and provide the receiving school a list of eligible Section 504 students with a current accommodation plan. The plan and all other documentation regarding 504 should be filed in a blue folder stamped 504 and located with the students' educational records. The district office will maintain a data base of eligible Section 504 students as well. It is necessary however for schools to notify the district office of students transferring from one school to another as it becomes known to the 504 contact/designee in order for the data base to remain as current as possible.

DISCIPLINE

A student considered a student with a disability under Section 504 cannot be removed for a long-term period (more than 10 days) if the team determines that the behavior was a manifestation of the student's disability. The long-term removal constitutes a change in placement and the school must review the 504 plan, re-evaluate the student and hold a manifestation determination hearing.

If however, through the manifestation determination hearing, the team determines the student's behavior was not a manifestation of the student's disability, the school can impose the same disciplinary action as it would for a non-disabled student.

A suspension or expulsion of a student with disabilities for more than 10 consecutive school days is considered a significant change of placement by the Office for Civil Rights, US Department of Education. In addition, in some instances, a series of short-term suspensions may also be considered a significant change of placement if the series of short-term suspensions creates a pattern of exclusion. Section 504 specifically states that a re-evaluation must be conducted for a student before the school district can make "any significant change of placement." A long term removal or a series of short term removals is considered a change of placement.

To conduct a manifestation determination meeting, the team (same team members that

participate in the eligibility and plan development) must meet and complete the
Manifestation Determination Checklist for Section 504 Eligible Students

The process is similar the to completion of the form for IDEA students with disabilities.
The parent receives a copy of the completed form and a copy of

*Notice of Parent/Student Rights as afforded by Section 504 of the
Rehabilitation Act of 1973.*

TESTING ACCOMMODATIONS

Florida Statutes allow for testing accommodations for students identified as students with disabilities under Section 504. The accommodations must be described in the 504 Accommodation Plan in order to be allowable on the statewide assessments, including the FCAT. The accommodations must be provided to student throughout the school year in classroom setting. If the student receives accommodations throughout the school year that are not allowable for FCAT testing or other statewide or district wide testing, the parent must receive a notice and the school must seek consent as described in the

Parent Notice and Consent for Student to Receive Instructional Modifications Not Permitted as Accommodations on Statewide Assessments

Additional information regarding statewide assessments and accommodations for students with disabilities can be located at <http://www.firn.edu/doe/commhome/fcatasd.htm> by viewing the following brochures:

- Descriptions of FCAT Accommodations (PDF)
- FCAT Accommodations for Students with Disabilities-Information for Parents (PDF)
- Planning FCAT Accommodations for Students with Disabilities - Information for Parents and Teachers (PDF) This pamphlet is included in the appendix of this handbook.
- The Sunshine State Standards and Students with Disabilities-(poster) (side 2) (PDF)

TRANSFER OF RIGHTS/AGE OF MAJORITY

Students in the State of Florida reach the age of majority at the age of 18. Sections 393.12, 743.07 and 744, Florida Statutes, state that the students 18 years of age or older are afforded all rights as an adult as described in the State Constitution. In addition the federal law, the Family Education Rights and Privacy Act (FERPA) transfer rights to student at the age of 18. Given these requirements, when a student with a disability, eligible under Section 504 of the Rehabilitation Act of 1973, reaches the age of majority under State law, both the parent and the student must be notified of the transfer of educational rights to the student at least one year prior to the student's eighteenth birthday. When a student with a disability reaches the age of 18 the school district will:

- will provide all notices required by Section 504, including invitations to 504 Accommodation Plan meetings, to both the parent and the student; and
- transfer all other rights including the opportunity to examine all records, the opportunity to participate in meetings, rights of consent, and the right to an impartial hearing to the student.

If a student with a disability eligible under Section 504 is determined incompetent under State law, all rights will be afforded to the individual or agency as directed by the court.

For students who have attained age eighteen (18) and are incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice.

Before the student reaches his or her 18th birthday, the student and parent must be informed that the rights afforded under Section 504 are transferred from the parent to the student. This activity can take place during a Section 504 Plan review meeting or separate meeting. The parent and the student are provided:

Parent and Student Notice of Transfer of Rights Age of Majority under Section 504.

SECTION 504 AND THE FLORIDA STATUTES

Section 504 of the Rehabilitation Act of 1973 is currently referenced in one Florida Statute that relates to promotion and retention of students.

Good Cause Promotion

Students with disabilities who are eligible for Section 504 accommodation plans can be considered for Good Cause promotion as described in Section 1008.25 (6), Florida Statutes. Students with a disability with 504 accommodation plan and who participates in the FCAT assessment can be provided a good cause exemption. The Section 504 accommodation plan must reflect that the student has received intensive remediation in reading for more than 2 years, but the student still demonstrates a deficiency in reading, and the student was previously retained Kindergarten, grade 1 grade 2, or grade 3.

Section 504 FORMS

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Procedural Safeguards for Section 504	Appears on the back side of each form.

Franklin County Schools
Parent/Guardian Permission for Intervention Services *Rev. 7/2009*

Name:	School:	Teacher:
Birthdate:	Grade:	Date Sent to Parent:

In order to obtain information or provide services that may assist your child, we are asking that you give your permission for the following:

- _____ Vision Screening
- _____ Hearing Screening
- _____ Speech Screening
- _____ Language Screening
- _____ Classroom Observations*
- _____ Classroom Interventions*
- _____ Informal Testing*
- _____ Behavior Checklists*
- _____ Individual Counseling
- _____ Group Counseling
- _____ Other:

** Consent is not required for interventions and testing completed by the classroom teacher as a normal part of the educational process.*

The information gathered will be used to assist the school in planning for your child's general education programming.

- _____ YES, I give my consent for the services selected.
- _____ NO, I do not give my consent for the services selected.

 Signature of Parent/Guardian

 Date

 Printed Name of Parent/Guardian

 Please return this form to:

If you have any questions, please call: _____ at _____

Copy to: Health Services (for vision screening only)
 Speech/Language Pathologist (for hearing, speech, and/or language screening only)
 Student Services (for School Psychological and/or School Social Work Services; attach Request for Services Form)

Franklin County Public Schools
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

If it is determined that your child has a physical or mental condition that substantially limits a major life activity and, as a result, requires instructional or other accommodations within the school environment, your child is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if your child does not have a disability but has a record of a disability or is considered disabled by school personnel, your child is protected from discrimination under Section 504. If your child is disabled or you believe that your child is disabled or has been discriminated against, you are entitled to certain rights. This notice is designed to provide you with information about those rights.

Under Section 504, you have the right to:

1. Have your child participate in all school activities without discrimination solely on the basis of disability
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students
3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP)
4. With respect to the provision of special education, related services or FAPE, you are entitled to Notice with respect to the identification/eligibility, evaluation, or educational placement to your child

Access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.

The right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator

The right to attend any hearing requested.

The right to be represented by counsel if a hearing is requested.

The right to have any decision made at a hearing reviewed.

Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

An aggrieved party may request a due process hearing from the Division of Administrative Hearings (DOAH). The decision of the hearing officer (administrative law judge (ALJ)) is final unless an aggrieved party files an appeal within thirty (30) days of the decision of the ALJ. The appeal of the hearing order may be filed with the First District Court of Appeals in Tallahassee, Florida or in a civil court of jurisdiction.

5. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of FAPE and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.

6. With respect to complaints of discrimination based on a record of a disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance procedures.

The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, FL. 32328/ 850-670-2800.

**Franklin County Schools Intervention Assistance Team
Summary**

Rev. 7/2009

Part I: Student History and Background Information Review

Part 1 of 4

Student: _____ **Birthdate:** _____ **Date Completed:** _____
School: _____ **Grade:** _____ **Teacher:** _____

Background Information	
How many schools has student attended during his/her K-12 school career? _____	Comments:
Has student been retained and/or promoted for good cause? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give grade(s) and year(s):
Does student have attendance problems? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give history:
Has student had discipline referrals and/or suspensions? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give reason(s):
Does student have medical concerns/diagnoses? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give nature of concern(s) and impact:
Does the student take prescription medication? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give name of medication:
Has the student had recent vision and/or hearing screenings? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s) and results:
Does the student have eyeglasses? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give details concerning instructions for wear (reading, distance, etc):
Has student been referred to IAT previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s), reason(s), decision(s):
Has student been referred for school psychological evaluation previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s), reason(s), outcome(s):
Is the student receiving ESE services? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give program(s) and date(s) of initial placement:
Other relevant background information:	

Assessment Information <i>(Provide most recent results when multiple test dates apply)</i>			
Test	Date	Scores <i>(Provide percentile ranks or standard scores if available)</i>	
Norm-Referenced Test <i>Test Name:</i>			
FCAT			
Writes Upon Request			
Alternative Assessment <i>Test Name:</i>			
Benchmark Testing			
Kaufman Brief Intelligence Test-2 nd Edition		<i>Verbal:</i>	<i>Nonverbal:</i> <i>Composite:</i>
Individual Achievement Test <i>Test Name:</i>			
Previous Psychological Evaluation <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i>			

Other Assessments: Test Name: Test Name: Test Name: Test Name:		
----------------------------------------------------------------------------	--	--

Franklin County Schools Intervention Assistance Team Summary

Rev. 7/2009

Part II: Intervention Design

Part 2 of 4

Reproduce this page as needed to document each area of concern and/or each intervention.

Student: _____ Birthdate: _____ School Year: _____

Target the Concern: Describe the academic and/or behavioral area of concern. Be specific.

Provide Pre-intervention/Baseline Measures: Summarize measures that reflect the student's level of performance in the area of concern prior to implementation of the intervention. Include dates of test administration/data collection.

Document Observations: Summarize two observations reflecting the area of concern.

_____ Observer 1	<i>Classroom teacher</i> _____ Title/Position	_____ Setting 1	_____ Date(s) of Observation(s)
Observation information reflecting area of concern:			

_____ Observer 2	_____ Title/Position	_____ Setting 2	_____ Date(s) of Observation(s)
Observation information reflecting area of concern:			

Develop the Intervention: Describe the intervention to be implemented to address the area of concern. Be specific.

Intervention implementation dates: From _____ to _____

Person(s) responsible for implementation of interventions: _____

Measure(s) to be used to assess the effectiveness of the intervention (must include pre-intervention/baseline measures described above): _____

Projected dates of assessment(s)/measure(s): _____

Document Parent Conference to Discuss Intervention Plan: Summarize the parent conference held to discuss area of concern, the intervention to be implemented, and the student's anticipated response to the intervention.

Date of conference: _____

Conference participants (must include parent and teacher): _____

Comments:

Franklin County Schools Intervention Assistance Team Summary

Rev. 7/2009

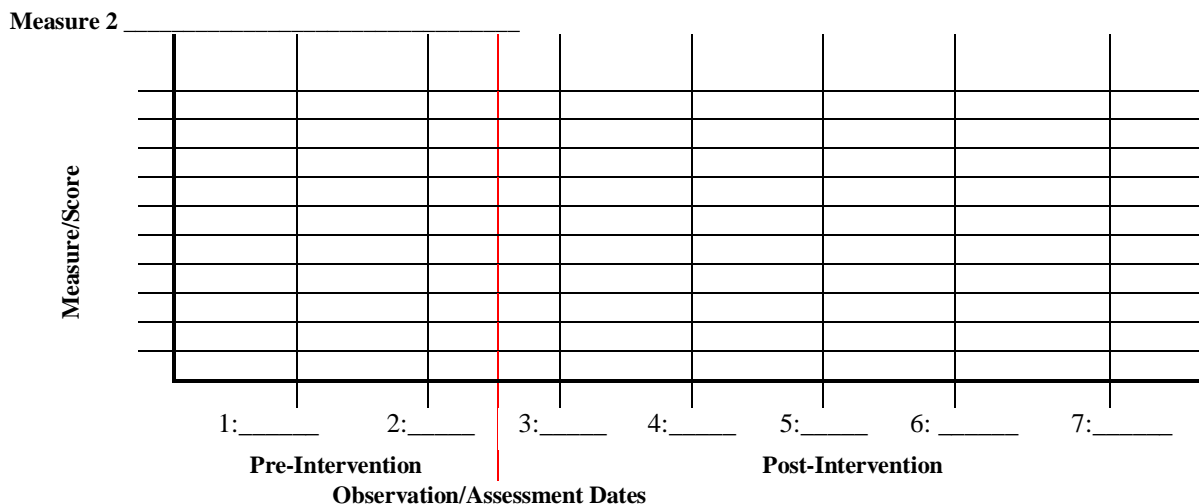
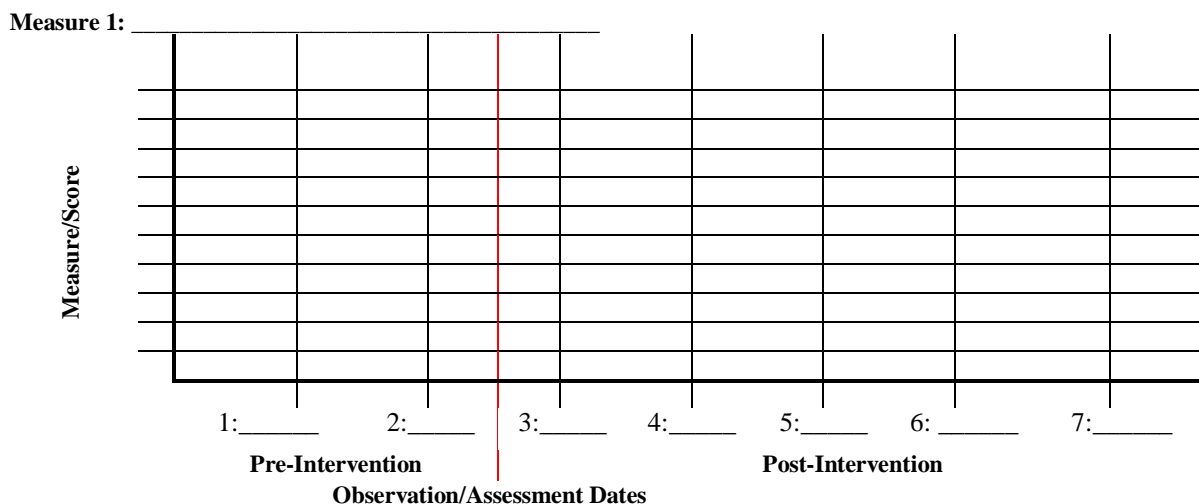
Part III: Intervention Monitoring

Part 3 of 4

Reproduce this page as needed to document each area of concern and/or each intervention.

Student: _____ Birthdate: _____ School Year: _____

Document the Student's Response to Intervention: Summarize the student's response to the intervention described in terms of the measure(s) described.



Other information reflecting student's response to the intervention:

Document Parent Conference to Discuss the Student's Response to Intervention: Summarize parent conference held to discuss the student's response to the intervention and future actions.

Date of conference: _____

Conference participants (must include parent and teacher):
Comments:

Franklin County Schools Intervention Assistance Team Summary

Rev. 7/2009

Part IV: Intervention Assistance Team Review

Part 4 of 4

Student _____ **Birthdate:** _____ **IAT Review Date:** _____
School: _____ **Grade:** _____ **Teacher:** _____

Document Intervention Assistance Team Review: Summarize Parts I, II, and III and the IAT discussion.	
Has poor attendance been ruled out as the reason for the student's academic/behavioral difficulties?	<input type="checkbox"/> Y <input type="checkbox"/> N
Has student mobility been ruled out as the reason for the student's academic/behavioral difficulties?	<input type="checkbox"/> Y <input type="checkbox"/> N
Have vision and hearing problems been ruled out as the reason for the student's academic/behavioral difficulties?	<input type="checkbox"/> Y <input type="checkbox"/> N
If the student has health concerns, has the educational impact of these concerns been considered in developing the student's educational plan? <i>(If the student has no health concerns, check NA)</i>	<input type="checkbox"/> NA <input type="checkbox"/> Y <input type="checkbox"/> N
Were at least two observations conducted (one by the classroom teacher and one by another individual) reflecting the area of concern?	<input type="checkbox"/> Y <input type="checkbox"/> N
Was at least one parent conference held to discuss the area of concern, the intervention to be implemented, and student's anticipated response to the intervention?	<input type="checkbox"/> Y <input type="checkbox"/> N
Was at least one parent conference held to discuss the student's response to the intervention?	<input type="checkbox"/> Y <input type="checkbox"/> N
Were interventions of increasing intensity implemented?	<input type="checkbox"/> Y <input type="checkbox"/> N
Were the interventions implemented as designed?	<input type="checkbox"/> Y <input type="checkbox"/> N
Were the interventions implemented for a reasonable period of time?	<input type="checkbox"/> Y <input type="checkbox"/> N
Was the effectiveness of the interventions assessed using appropriate pre- and post-measures?	<input type="checkbox"/> Y <input type="checkbox"/> N
Were the interventions implemented ineffective in meeting the student's needs?	<input type="checkbox"/> Y <input type="checkbox"/> N
Other information discussed:	

Document the Recommendations of the Intervention Assistance Team: Summarize the IAT recommendations.			
Recommendation <i>(Note that all items above must be checked "Yes" if recommendations include referral for formal/ESE evaluation.)</i>	Title of Person(s) Responsible	Initials	Date

Document the Team Members Participation			
Signature	Printed Name	Title	Date
		*Referral Coordinator	
		*School Psychologist	
		*ESE Program Specialist	
		*Regular Ed. Teacher	
		Speech/Language Therapist	
		ESE Teacher	
		School Social Worker	
		Curriculum Specialist	

		School Administrator	
		Parent	

*Signatures Required for Evaluation Referral

Franklin COUNTY SCHOOLS
Notice of Status
Section 504 of the Rehabilitation Act of 1973

Student's Name: _____ Date: _____

Student's Number: _____ Birth date: _____

School: _____ Teacher: _____ Grade: _____

Y N Evaluation was of sufficient in scope and intensity to ensure appropriate professional judgment.
Evaluation Summary (Describe the basis for making Section 504 recommendation):

Y N Does the child have a disability? (state disability) _____

Y N Is the disability affecting a major life activity of the student? (state activity) _____

Y N The child is **not** learning? (state difficulty) _____

Y N The child **is not** progressing adequately through the general curriculum? (explain) _____

Y N The child's \ disability prevents him or her from learning? (explain) _____

Y N The child's disability limits the child's equal access to educational opportunities? (explain) _____

Based on the medical report, if provided by the parent, what is the medical implication for instruction?(explain) _____

____ Student **is** eligible for assistance under Section 504. (If all the answers are yes, then the child is eligible.)

____ Student is **not** eligible for assistance under Section 504.

Team's Signatures:

Name/Title

Name/Title

Name/Title

Name/Title

Name/Title

Name/Title

You have specific rights concerning this notice which are described in the "Procedural Safeguards", which are printed on the reverse side of this notice. Should you want additional information, or an explanation of the procedural safeguards, you may contact: _____ at _____

Parental Rights on Reverse Side

Franklin County Schools is an Equal Opportunity Agency and do not discriminate on the basis of race, color, national origin, sex, religion, age or disability.

Copies: School File District Student File Parent District Designee

Franklin County Public Schools
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

If it is determined that your child has a physical or mental condition that substantially limits a major life activity and, as a result, requires instructional or other accommodations within the school environment, your child is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if your child does not have a disability but has a record of a disability or is considered disabled by school personnel, your child is protected from discrimination under Section 504. If your child is disabled or you believe that your child is disabled or has been discriminated against, you are entitled to certain rights. This notice is designed to provide you with information about those rights.

Under Section 504, you have the right to:

1. Have your child participate in all school activities without discrimination solely on the basis of disability
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students
3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP)
4. With respect to the provision of special education, related services or FAPE, you are entitled to Notice with respect to the identification/eligibility, evaluation, or educational placement to your child

Access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.

The right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator

The right to attend any hearing requested.

The right to be represented by counsel if a hearing is requested.

The right to have any decision made at a hearing reviewed.

Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

An aggrieved party may request a due process hearing from the Division of Administrative Hearings (DOAH). The decision of the hearing officer (administrative law judge (ALJ)) is final unless an aggrieved party files an appeal within thirty (30) days of the decision of the ALJ. The appeal of the hearing order may be filed with the First District Court of Appeals in Tallahassee, Florida or in a civil court of jurisdiction.

5. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of FAPE and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.

6. With respect to complaints of discrimination based on a record of a disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance procedures.

The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, FL. 32328/ 850-670-2800.

Revised 7/2009

Franklin County Public Schools
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

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The right to be represented by counsel if a hearing is requested.

The right to have any decision made at a hearing reviewed.

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The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, Florida 32328 / PH: 850-670-2800/ FAX: 850-670-2801.

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Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

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**Exceptional Student Education
Parent Notice and Consent for Student to Receive Instructional
Modifications Not Permitted as Accommodations on Statewide Assessments**

Student: _____ Student ID#: _____ Date: _____

Dear _____

Section 1008.22(3)(c)6 of the Florida Statutes requires school districts to notify parents, and to obtain your written consent when your child will receive instructional modifications in the class room that are not permitted on the statewide assessment test. Remember that modifications **change** the expectations of what a student is to learn. The implications of this decision are that your child may receive an instructional modification, such as using a calculator for completing basic math computation exercises that is not an allowable accommodation on the statewide assessment test (FCAT).

Approved accommodations for students with disabilities allowable on the statewide assessment test (FCAT) are identified as a part of your child's individual educational plan (IEP). These accommodations are generally identified in five broad categories: **Presentation, Responding, Scheduling, Setting, and Assistive Devices**. A complete description of all allowable accommodations is available from your child's teacher or the school's test coordinator.

The following instructional modification(s) used by your child in the classroom **are not** permitted on the statewide assessment test (FCAT).

We must have your consent for your child to receive any instructional modifications identified above that are not allowable on the statewide assessment (FCAT). Please indicate your choice by checking (√) one of the boxes and then sign and date below.

<input type="checkbox"/> Yes, I give my written consent for my child to receive instructional modifications not allowed on the statewide assessment test (FCAT). My signature means that I fully understand the implications of such modifications.
<input type="checkbox"/> No, I do not give my consent.
<input type="checkbox"/> I request a conference before granting consent.

Parent/Guardian/Adult Student Signature

Date

Franklin County Public Schools
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

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The right to attend any hearing requested.

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The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, FL. 32328/ 850-670-2800.

Franklin COUNTY SCHOOLS
Section 504 of the Rehabilitation Act of 1973
PARENT AND STUDENT NOTICE OF TRANSFER OF RIGHTS
AGE OF MAJORITY

Date Sent to Parent(s) and Student

Student Name	DOB	School
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Students in the State of Florida reach the age of majority at the age of 18 years old. Sections 393.12, 743.07 and 744, Florida Statutes, state that the students 18 years of age or older are afforded all rights as an adult as described in the State Constitution. In addition the federal law, the Family Education Rights and Privacy Act (FERPA) transfer rights to student at the age of 18. Given these requirements, when a student with a disability, eligible under Section 504 of the Rehabilitation Act of 1973, reaches the age of majority under State law, both the parent and the student must be notified of the transfer of educational rights to the student at least one year prior to the student’s eighteenth birthday. When a student with disabilities reaches the age of 18:

- the school district will provide all notices required by Section 504, including invitations to 504 Accommodation Plan meetings, to both the parent and the student; and
- other rights including the opportunity to examine all records, the opportunity to participate in meetings, rights of consent, and the right to an impartial hearing transfer to the student.

If a student with a disability eligible under Section 504 is determined incompetent under State law, all rights will be afforded to the individual or agency as directed by the court.

_____, is a student with a disability, eligible under Section 504, who will reach the age of majority on _____. At that time, all rights pertaining to the educational program will transfer from the parent to the student unless the school district is notified of any existing court order that prevents this transfer.

If you have any questions regarding this notice, or wish to obtain an additional copy of your Procedural Safeguards, you may contact Al London, Franklin County School, 1250 Hwy 98, Eastpoint, Florida 32328 /PH: 850-670-2800/FAX 850-670-2801.

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3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP)
4. With respect to the provision of special education, related services or FAPE, you are entitled to Notice with respect to the identification/eligibility, evaluation, or educational placement to your child

Access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.

The right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator

The right to attend any hearing requested.

The right to be represented by counsel if a hearing is requested.

The right to have any decision made at a hearing reviewed.

Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

An aggrieved party may request a due process hearing from the Division of Administrative Hearings (DOAH). The decision of the hearing officer (administrative law judge (ALJ)) is final unless an aggrieved party files an appeal within thirty (30) days of the decision of the ALJ. The appeal of the hearing order may be filed with the First District Court of Appeals in Tallahassee, Florida or in a civil court of jurisdiction.

5. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of FAPE and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.

6. With respect to complaints of discrimination based on a record of a disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance procedures.

The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, FL. 32328/ 850-670-2800.

Manifestation Determination Checklist for Section 504 Eligible Students

Date	Name of Student	Student Number	School

1. YES NO
- Has the parent received adequate prior notice of this meeting?
- Has the parent received notice of rights under Section 504 of the Rehabilitation Act of 1973?
- Are the required Section 504 Accommodation Plan Committee members (Principal/Designee and Regular Education Teacher(s)) in attendance?

If NO is checked in response to ANY of the above questions, this conference must be discontinued.

*Meeting may proceed if parents are not in attendance and school has made multiple attempts to have parent(s) attend or parent(s) have indicated they would not attend.

2. THE 504 ACCOMMODATION PLAN COMMITTEE HAS REVIEWED THE STUDENT CONDUCT REPORT AND THE CUMULATIVE RECORD AND HAS CONSIDERED ALL RELEVANT INFORMATION INCLUDING BUT NOT LIMITED TO THE ITEMS CHECKED BELOW IN TERMS OF THE BEHAVIOR SUBJECT TO DISCIPLINARY ACTION:

- | | |
|--------------------------------------------------------------|-------------------------------------------------------------|
| <input type="checkbox"/> Evaluation and diagnostic results | <input type="checkbox"/> Observations of the student |
| <input type="checkbox"/> Information supplied by the parents | <input type="checkbox"/> The student 504 Accommodation Plan |
| <input type="checkbox"/> Placement | <input type="checkbox"/> Other: _____ |

3. THE 504 ACCOMMODATION PLAN COMMITTEE HAS DETERMINED THAT THE EDUCATIONAL SERVICES AND PROGRAM ACCOMMODATIONS ARE BEING IMPLEMENTED CONSISTENT WITH THE EXISTING 504 ACCOMMODATION PLAN.
- YES NO

4. MANIFESTATION STATEMENT: In terms of the behavior(s) subject to disciplinary action, the 504 Accommodation Plan Committee has reviewed the existing plan and appropriate evaluations and has determined that the behavior subject to disciplinary action WAS WAS NOT a manifestation of the student's disability.

5. 504 ACCOMMODATION PLAN COMMITTEE PARTICIPANTS

Principal/Designee: _____ **Other:** _____

Regular Education Teacher: _____ **Other:** _____

Regular Education Teacher: _____ **Other:** _____

I have received, reviewed, and understand the attached rights afforded by Section 504 of the Rehabilitation Act of 1973.

Signature of Parent(s)/Legal Guardian(s)/Surrogate

If not in attendance, the Manifestation Determination Checklist was sent to the parent on _____.

Franklin County Public Schools
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973

If it is determined that your child has a physical or mental condition that substantially limits a major life activity and, as a result, requires instructional or other accommodations within the school environment, your child is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if your child does not have a disability but has a record of a disability or is considered disabled by school personnel, your child is protected from discrimination under Section 504. If your child is disabled or you believe that your child is disabled or has been discriminated against, you are entitled to certain rights. This notice is designed to provide you with information about those rights.

Under Section 504, you have the right to:

1. Have your child participate in all school activities without discrimination solely on the basis of disability
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students
3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP)
4. With respect to the provision of special education, related services or FAPE, you are entitled to Notice with respect to the identification/eligibility, evaluation, or educational placement to your child

Access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.

The right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator

The right to attend any hearing requested.

The right to be represented by counsel if a hearing is requested.

The right to have any decision made at a hearing reviewed.

Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

An aggrieved party may request a due process hearing from the Division of Administrative Hearings (DOAH). The decision of the hearing officer (administrative law judge (ALJ)) is final unless an aggrieved party files an appeal within thirty (30) days of the decision of the ALJ. The appeal of the hearing order may be filed with the First District Court of Appeals in Tallahassee, Florida or in a civil court of jurisdiction.

5. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of FAPE and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.

6. With respect to complaints of discrimination based on a record of a disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance procedures.

The Section 504 coordinator for the School District of Franklin County is Al London. If you have any questions or concerns, he may be contacted at the Franklin County School, 1250 Hwy 98, Eastpoint, FL. 32328/ 850-670-2800.

APPENDIX

Top Five Section 504 Errors

by Perry Zirkel, Ph.D., J.D., L.L.M.



Offering a 504 plan as a consolation prize whenever a district determines that a student is not or is no longer eligible under the IDEA.



Requiring parents to obtain a medical diagnosis of ADHD, at their own expense, or accepting such a diagnosis regardless of its lack of specificity or support.



Using a relatively small subset of learning, such as spelling, handwriting, or math calculation, as the major life activity.



Measuring “substantial” limitation— of the identified impairment on the identified major life activity—without, rather than with, the effects of a mitigating measure, such as medication.



Measuring substantial limitation in reference to the child’s potential and/ or the child’s immediate classmates rather than in reference to the performance of children at the same age or grade in the general population.

A Parent and Teacher Guide to Section 504: Frequently Asked Questions

Section 504 is part of a federal civil rights law known as the Rehabilitation Act of 1973. This law specifically prohibits discrimination against students with disabilities and guarantees them a free and appropriate public education (FAPE). Discrimination, as defined in Section 504, is the failure to provide students with disabilities the same opportunity to benefit from education programs, services, or activities as is provided to their nondisabled peers. Therefore, schools cannot exclude students with disabilities from facilities, programs, benefits, activities, or services that are provided to students without disabilities. Schools must make sure that all students receive equal access to educational opportunities. Students with disabilities receiving exceptional student education (ESE) services, as defined by the Individuals with Disabilities Education Act (IDEA), are protected under Section 504, but not all Section 504 students are eligible for ESE.

Questions and Answers

1. How does the Rehabilitation Act of 1973 define a “person with disabilities”?

The Rehabilitation Act of 1973 defines a person with disabilities as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment. Major life activities as defined in the Rehabilitation Act of 1973 include caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Learning does not have to be the major life activity affected in order for an individual to be eligible for protections and services under Section 504.

2. How are students identified as having a disability?

A parent, teacher, or other member of the school staff may raise a concern about a student’s unique need for special help. Parents, teachers, and other staff members will meet to discuss all relevant information about the student. The parents’ participation in this meeting is critical and helps to establish an accurate picture of the student’s needs. At the meeting, the team will consider whether the student has a disability that substantially limits a major life activity. (See definitions in question #1.) If the team needs more information, they will request the parent’s consent to evaluate the student. If the team determines that the student does have a disability, they will then identify what types of support, or accommodations, are appropriate to meet the student’s needs. The accommodations will be described in a document referred to as the Section 504 Accommodation plan.

3. What is included in a Section 504 accommodation plan?

A Section 504 plan describes the accommodations that the school will provide to support the student’s education. The team that determined the student’s eligibility for Section 504 and identified the needed accommodations will write the accommodation plan. While Section 504 does not require a written plan, it does require documentation of evaluations and accommodations. It is very useful to have a written plan to provide clarity and direction to the individuals delivering

services or making accommodations. While there is no time limit specified for an accommodation plan, a yearly review is recommended. Section 504 accommodation plans may be updated at any time to reflect changes and recommendations by the team.

4. *What is the role of parents?*

Parents are their child's first and most important teachers, as well as their advocates. If a parent believes his or her child has a disability or is having problems in school, the child's teacher should be contacted to discuss these concerns. Building a strong parent/school relationship begins with effective communication. Parents play a key role by providing important information to schools about their child's needs, particularly for students with disabilities. As an added benefit, this involvement demonstrates the importance the parent places on education.

5. *What is the role of teachers?*

Classroom teachers need to be flexible in their teaching techniques and expectations for students with disabilities. In order for students with disabilities to be successful in school, teachers may need to modify the classroom environment, adjust their teaching strategies, or make other accommodations. In addition to making classroom modifications, other tasks include assessment of student progress and effective communication with parents. Teachers are required under Section 504 to make necessary accommodations as specified in the Section 504 accommodation plan.

6. *What should parents or teachers do if they become dissatisfied with the plan?*

Ongoing communication between parents and teachers will help avoid disagreements related to the student's accommodation plan. When parents' or teachers' concerns are not addressed to their satisfaction, they should contact the school principal or the designated staff member responsible for Section 504. If the plan is not appropriate, it should be revised following the same procedures used to develop the original plan. Because situations change and students' needs change, flexibility in this process will help everyone meet the student's needs.

7. *What procedural safeguards are provided by Section 504?*

Procedural safeguards are rules that tell what procedures schools (and parents) must use in making decisions about services for students with disabilities. School principals should have the procedural safeguards information available for parents upon request. Under Section 504, parents have the right:

- to receive notice regarding the identification, evaluation, and placement of their child
- to receive prior notice when the school is changing or discontinuing services for their child
- to review their child's records
- to participate in an impartial hearing and review process with or without representation by counsel.

In addition, school districts must provide public notification of the following:

- policies of nondiscrimination
- grievance procedures
- the contact information for the district coordinator of Section 504 compliance.

8. *Are students with disabilities disciplined differently than are their non-disabled peers?*

While all students are expected to follow classroom and school rules, a student with a disability may need a specialized behavior plan or accommodations to support his or her appropriate behavior during all school activities. Students with disabilities are not exempt from consequences for violations of the code of student conduct. In cases of severe violations of the district's code of student conduct, disciplinary interventions are frequently based on approved school board policies and require specific consequences. However, if it is determined that the behavior was a manifestation of the student's disability, the consequence outlined in the student code of conduct may be deemed inappropriate and consideration should be given to revising the student's individual behavior plan. Revisions may include strategies and supports that will reduce the likelihood that inappropriate behavior occurs in the future and encourage more socially acceptable behaviors within the school setting. Students who are eligible under the Individuals with Disabilities Education Act (IDEA) cannot be denied a free and appropriate public education (FAPE) as a result of discipline. Although Section 504 does not specifically address discipline, best practice would suggest that districts use the policies and procedures outlined in the IDEA when making decisions about disciplinary consequences for a student eligible for a Section 504 accommodation plan.

9. *What are the major differences between IDEA and Section 504?*

Both IDEA and Section 504 guarantee students with disabilities access to a free and appropriate public education. However, there are major differences between them, specifically in the criteria used to determine eligibility and the definition of a free and appropriate public education. IDEA provides more specific categories of disabilities, including mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities. For a student to receive exceptional student education services under IDEA, the student's educational performance must be adversely affected by the disability and he or she must be in need of special education services (i.e., specialized instruction). Students with a disability who meet specific IDEA requirements are also protected under Section 504. Finally, IDEA applies only to individuals from birth through age 21.

Section 504 is not limited to specific disability categories and does not require evidence that the disability adversely affects the student's educational performance, however the definition states that in order to be eligible for an accommodation plan, the student must "have a physical or mental impairment which substantially limits one or more major life activities." Major life activities under Section 504, includes caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Students ineligible for services provided under IDEA may be eligible for accommodations under Section 504. Finally, Section 504 covers individuals of all ages.

10. Whom do I contact for information on Section 504?

Parents and teachers may contact the school principal; the school district's Section 504 coordinator; the Florida Department of Education's Student Support Services office at (850) 922-3727; the Florida Department of Education's Office of Equity and Access at (850) 245-0511; or the U.S. Department of Education's Office for Civil Rights at (404) 562-6350 or email OCR_Atlanta@ed.gov.

Florida Department of Education
Eric Smith, Commissioner