

Notice of Parent and Student Rights Under Section 504

The Rehabilitation Act of 1973, sometimes referred to as "Section 504," is a federal law that prohibits discrimination against students who have disabilities. A student is eligible under Section 504 if the student (i) has, (ii) has a record of having, or (iii) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing, speaking, breathing, working and performing manual tasks.

The regulations for Section 504 provide parents and/or students with the following rights:

1. You have a right to be informed by the school Section 504 Committee of your rights under Section 504. The purpose of this notice is to advise you of those rights.
2. Your child has the right to an education designed to meet their individual educational needs as adequately as the needs of non-disabled students are met, and to free educational services except for those fees that are imposed on non-disabled students or their parents.
3. Your child has a right to an educational program in the least restrictive appropriate environment, and to facilities, services and activities that are comparable to those provided for non-disabled students.
4. Your child has a right to an evaluation prior to an initial Section 504 eligibility determination; if eligible under Section 504, your child has a right to periodic re-evaluations.
5. Testing and other evaluation procedures must have been validated for the specific purpose for which they are used and be administered by trained personnel in conformance with the instructions provided by their producer. The School 504 Committee may consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background and adaptive behavior.
6. Eligibility decisions must be made by a group of persons (the School Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the educational options and the requirements for least restrictive environment and comparable facilities.
7. You have the right to notice prior to any action by the School Section 504 Committee in regard to your child and Section 504.
8. You have the right to examine relevant records.
9. If you disagree with the actions of the School's Section 504 Committee in regard to your child's educational program, you may pursue a grievance.
10. You have the right to an impartial hearing if you believe that your child, solely by reason of their disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the district's educational programs or activities. You may participate in the hearing and be represented by an attorney. If you disagree with the decision from the hearing, you have a right to review by a court of competent jurisdiction.

Section 504 Grievance Procedure

- A. If a parent disagrees with the actions of the school's Section 504 Committee in regard to the child's educational program, the parent may pursue a grievance using the procedure described below. The purpose of this procedure is to secure, at the level closest to the student, fair solutions to complaints that may arise from time to time. Before invoking this formal grievance procedure, the parent should first informally talk to the teacher outside of regular class time (if the matter is classroom related), or the principal or designee (if the matter is not classroom related or the parent does not feel comfortable speaking with the teacher) in an attempt to informally solve the problem. If this informal process does not resolve the issue, then the parent may proceed with the following formal grievance procedure. The parent must follow each level in turn and any complaints made to the Superintendent or Board will be referred back to the appropriate level of the grievance procedure.
- B. Level 1 - Principal: The parent submits a description of the problem in writing, along with a proposed solution, to the Principal within five (5) school days after the informal discussion. The student's parent must sign the grievance. The Principal will investigate and decide how they will resolve the problem. The Principal will make their decision in writing within five (5) school days after receiving the grievance and will provide it to the parent.
- C. Level 2 - Regional Superintendent or Designee: The parent may request in writing that the Regional Superintendent or designee review the decision. The parent must request review within five (5) school days after receiving the Principal's decision. The Regional Superintendent or designee will review the Principal's decision and will decide whether to uphold the Principal's decision or to change it. The Regional Superintendent or designee will make a decision in writing within five (5) school days after receiving the request for review and will provide it to the parent. This is the final step of the grievance procedure. The next level of review is the impartial hearing (see below).

Impartial Hearing

A parent or guardian of a child may request an impartial hearing on a complaint that the child, solely by reason of their disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the District's educational programs or activities. The hearing will be conducted by an independent hearing officer. The hearing officer will be appointed, at the election of the Superintendent, either by the Florida Division of Administrative Hearings ("DOAH"), or by the parties in the following manner: The District will offer to the parent the names of three (3) independent persons to act as hearing officer. If the parent agrees to one (1) of the persons offered, then this person shall be the hearing officer. If the parent rejects all names, then the parents shall offer the names of three (3) independent persons to act as hearing officer. If the District agrees to one (1) of the persons offered, then this person shall be the hearing officer. If the District rejects all names, then the District and parent shall each select one (1) person who will then contact one another to agree upon a third person to act as hearing officer. The hearing shall be conducted under the same rules of procedure and evidence as a hearing under F.S. Chapter 120, including the Uniform Rules of Procedures. The hearing officer shall issue a recommended order containing findings of fact, conclusions of law, and a recommended ruling on the dispute, and shall direct the recommended order to the School Board as agency head for final agency action. The School Board shall consider the recommended order in accordance with the procedures contained in section 120.57(1), F.S., and shall issue a final order relating to requested relief other than monetary damages and attorney's fees, which must be sought by the party seeking such in Federal court. Appeals of the final order instituted by either party shall be in Federal court.