

Notice of Rights for Disabled Students and their Parents Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act As Amended

Section 504 of the Rehabilitation Act of 1973 is federal law designed to prohibit discrimination against persons with a disability. As it applies to public schools, it is written to ensure that eligible students with a disability are provided with educational benefits and opportunities equal to those provided to students without disabilities.

Under Section 504, a student is considered a "student with a disability" if he or she has a physical or mental impairment that substantially limits one or more of their major life activities such as learning, walking, seeing, hearing, breathing, working and performing manual tasks. Section 504 also applies to students with a record of having a substantially limiting impairment, or who are regarded as being disabled even if they are truly not disabled. Students can be considered disabled, and can receive services under Section 504, even if they do not qualify for or receive, special education services.

We are in the process of reviewing your student's records in relation to Section 504 of the Rehabilitation Act of 1973 [and The Americans with Disabilities Act As Amended (Section 504/ADAAA)]. Selected school staff are involved in collecting information needed to evaluate your student's possible or continued eligibility under Section 504/ADAAA. We plan to keep you fully informed concerning any decisions considered by the District.

The purpose of this Notice is to inform parents and students of the rights granted them under Section 504 and the Americans with Disabilities Act As Amended.

YOU HAVE THE RIGHT TO:

1. Have the School District inform you of your rights under federal law. The School District must provide you with written notice of your rights under Section 504 (this document serves as written notice of your rights as required by Section 504). If you need further explanation or clarification of any of the rights described in this notice, please contact:

Contact Person(s)	Phone Number	Email Address
504 Coordinator (Grades 6-12)	(850) 245-3711	mmccloskey@fsu.edu
504 Coordinator (Grades K-5)	(850) 245-3875	awhelms@fsu.edu
ESE Director	(850) 245-3800	mbroome@fsu.edu

2. Have your student take part in, and receive benefits from, a free and appropriate public education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met.
3. Have your student receive free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services for a student who becomes eligible for services under Section 504.
4. Have your student be educated with children who are not disabled, to the maximum extent appropriate. Your student will be placed and educated in general education classes unless the School District demonstrates that his or her educational needs cannot be adequately met in the general education setting even with the use of supplementary aids and services.
5. Have your student receive services, be educated in facilities, and participate in nonacademic activities offered by the School District comparable to those provided to non-disabled students.
6. Have an evaluation of your student by the School District prior to determining his or her appropriate educational placement or program of services under Section 504 and also before every subsequent significant change in placement.

7. If formal assessment instruments are used by the School District as part of an evaluation, procedures used to select and administer assessments and other instruments must comply with the requirements of Section 504 so as not to be discriminatory on a racial or cultural basis and to have been validated for the specific purpose for which they were used. The School District will appropriately consider information from a variety of sources in making its determination, including for example: aptitude and achievement tests, including FSA and benchmark tests, teacher recommendations, reports of physical conditions, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations and other information supplied by parents, and mitigating measures, among others.
8. Have placement decisions about your student be made by a group of people (a Section 504 team) knowledgeable about your student, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children.
9. Have your student, once determined eligible for services under Section 504, be re-evaluated periodically to determine if there has been a change in educational need. Generally such a re-evaluation will take place at least every three years.
10. Be notified by the School District, in writing in your native or preferred language, prior to any action regarding the identification, evaluation, or placement of your student.
11. Examine relevant documents and records regarding you student (generally documents related to the identification, evaluation, and placement of your student under Section 504).
12. Have an impartial due process hearing if you wish to contest any action of the School District with regard to your student's identification, evaluation, placement, or provision of services under Section 504.

You have the right to participate personally at the impartial due process hearing and to be represented by an attorney if you wish to hire one. If you believe that your student, solely by reason of his/her 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 a signed, written request for an impartial due process hearing should be submitted to the District contact below:

Monica Broome, ESE Director
Florida State University Schools
3000 School House Road
Tallahassee, FL, 32311
(850) 245-3800
mbroome@fsu.edu

A date will be set for the hearing and an impartial hearing officer knowledgeable about Section 504 will be appointed. You will then be notified in writing of the hearing date, time and place. All meetings at which the complainant is to attend shall be scheduled at a time mutually convenient to the complainant and to District personnel. The impartial due process hearing must be held in a timely manner and the District aspires to allow no more than thirty (30) days to lapse from the request for hearing until the written decision is issued.

It is the District's responsibility to contact the Division of Administrative Hearings who will contract with the District to provide a hearing office. The impartial due process hearing must be at least tape-recorded with a copy provided to complainant and the District; however, transcripts are not required. Both parties in the hearing may make informal presentations, providing evidence and calling witnesses. The formal question-and-answer format of IDEA is not required.

The impartial hearing officer gathers the evidence that s/he feels is required to make a decision. Legal objections to evidence or testimony are not recognized. The hearing on this must issue a written decision with findings of fact and conclusions of law; however, they do not have final order authority. The District will accept the hearing officer's recommendations as a final decision; however, the complainant has the right to appeal the decision of the hearing officer.

13. Seek a review of the decision rendered by an impartial hearing officer before a court of competent jurisdiction (normally our closest federal district court) if you disagree with the decision of the hearing officer.

14. Engage in a local GRIEVANCE RESOLUTION PROCESS for any complaint of discrimination or other concerns not related to the student's identification, evaluation, placement, or provision of services under Section 504. Use of this procedure is solely limited to the questions and concerns that arise from Title IX of the Education Amendments Act, that prohibits sex discrimination in education or the Florida Equality Act, which prohibits discrimination in public education on the basis of race, color, national origin, gender, disability, marital status, age, or religion of the student, or any other basis prohibited by law. This grievance procedure does not apply to the appeal of school disciplinary actions unless it is asserted that the disciplinary sanction are the result of discrimination as defined by Title IX or the Florida Equity Act.

15. A complaint or appeal may be withdrawn by the person making it at any level without prejudice. At each of the above three levels the individual registering the complaint will be given opportunity to be present (if there is a meeting) to be heard, and to be represented by an attorney if the individual hires one. All decisions at levels two and three shall be in writing and shall include supporting reasons.

16. File a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office is:

Atlanta Office of Office for Civil Rights
US Department of Education
61 Forsyth St. S.W. , Suite 19T10
Atlanta, Georgia 30303-8927
Telephone: (404) 974-9406
Fax: (404) 974-9471
TDD: (800) 877-8339
E-mail: OCR.Atlanta@ed.gov