Section 504 System Manual

Chattooga County
School District
Expect Success

Chattooga County School System
206 East Penn Street
Summerville, Georgia 30747
706-822-9902

Updated
July 2025

The Chattooga County School System does not discriminate on the basis of race, color, national origin, sex, disability, or age in admission, treatment, or access to its programs or activities.

Contact Information

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following address:

Section 504 Coordinator: Kelli Johnson
Chattooga County Schools
206 East Penn Street
Summerville, GA 30747
706-822-9902 ext. 2800
kjohnson@chattooga.k12.ga.us

Section 504 falls under the jurisdiction of the US Department of Education's Office for Civil Rights (OCR). https://www2.ed.gov/about/offices/list/ocr/index.html

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

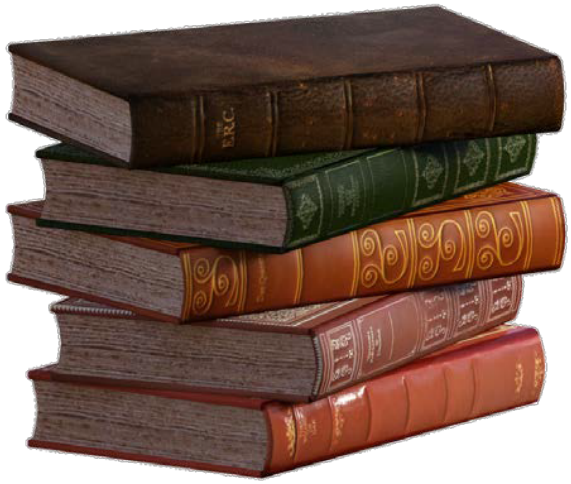
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339 Email: OCR@ed.gov

Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927

Telephone: 404-974-9406
FAX: 404-974-9471; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov

Chapter 1: An Overview of Section 504

- What Is Section 504?
- Who Is Eligible Under Section 504?
- How Does Section 504 Define A Physical Or Mental Impairment?
- How Does Section 504 Define A Major Life Activity?
- What Does It Mean For A Disorder To Limit A Major Bodily Function?
- How is “Substantial Limitation” Determined?
- What Is An Evaluation Under Section 504?
- Eligibility And Section 504 ○ The Categories Of Eligibility On The 504 Plan Are:
- Mitigating Measures
- What Is The Difference Between A Section 504 Plan And IDEA?



What Is Section 504?

Section 504 of the Rehabilitation Act of 1973 is a civil rights law designed to protect the rights of individuals with disabilities in programs and activities that receive federal funding from the United States Department of Education (USDOE, 2016).

Section 504 ensures that no otherwise qualified individual with a disability in the United States shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The Office of Civil Rights enforces Section 504 in public school systems. Section 504 regulates that school systems provide a free and appropriate education (FAPE) to each qualified student with a disability, regardless of the nature or severity of the disability.

Who Is Eligible Under Section 504?

Under Section 504, an individual with a disability is defined as a person who:

1. Has a physical or mental impairment that substantially limits a major life activity, or
2. Has a record of such an impairment, or
3. Is regarded as having such an impairment (USDOE, 2016)

How Does Section 504 Define A Physical Or Mental Impairment?

A physical or mental impairment is defined as any of the following:

- Physiological disorder or condition • Anatomical loss
  - Diabetes ○ Loss of one or more limbs ○ Muscular Dystrophy ○ Blindness ○ Rheumatoid Arthritis ○ Deafness
- Cosmetic disfigurement • Mental or psychological disorder ○ Cleft Lip ○ Intellectual Disability ○ Cranio-Facial Condition ○ Emotional Disability
  - Physical Injuries such as burns, ○ Specific Learning Disability accidents and car crash injuries ○ Attention Deficit Hyperactive Disorder

Please note: The above list is not exhaustive due to the extensive number of medical and mental diseases and conditions that exist and continue to emerge. The Chattooga County School System will consider all documented medical conditions presented by parents and/or medical professionals when determining Section 504 eligibility.

How Does Section 504 Define A Major Life Activity?

Major life activities as defined by Section 504 include, but are not limited to the following:

- Caring for oneself
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Performing manual tasks
- Learning
- Working
- Eating
- Sleeping
- Standing
- Lifting
- Bending
- Reading
- Concentrating/focusing
- Thinking
- Communicating, and
- The operation of a major bodily function

When a disability significantly interferes with a student's ability to engage in one or more of the above mentioned activities, it is considered to substantially limit a major life activity.

Additionally, any disorder that impacts normal cell growth or the function of the immune, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and/or reproductive systems is considered to substantially limit a major life activity.

What Does It Mean For A Disorder To Limit A Major Bodily Function?

Major bodily functions as defined by Section 504 include, but are not limited to the following systems, organs, or abilities:

- Neurological
- Musculoskeletal
- Respiratory
- Cardiovascular
- Digestive
- Reproductive
- Genito-urinary
- Hemic and Lymphatic
- Endocrine
- Special Sense Organs
- Speech Organs
- Skin
- Intellectual Ability
- Emotional Stability
- Learning Ability

When a disability significantly interferes with one or more of the above mentioned systems, organs, or abilities, it is considered to substantially limit a major life activity.

How is "Substantial Limitation" Determined?

According to the US Department of Education (2016), the determination of substantial limitation must be made on a case-by-case basis with respect to each individual student. Section 504 requires that a group of knowledgeable persons draw upon information from a variety of sources when making this determination.

What Does "*Record Of*" Or "*Regarded As*" Having A Disability Mean?

Record Of A Disability

A student may have a history of an impairment or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. Therefore, they should not be discriminated against based upon a recorded past impairment.

Regarded As Having A Disability

A student could also meet the definition of an individual with a disability by being regarded as a person with a disability. This could mean, for example, that the student does not have any impairment, but is treated by others as having a disability (US DOE, 2016).

Under Section 504, a student:

- May have a physical or mental impairment that **does not** substantially limit major life activities, **BUT** is treated by others as having a disability
- May have a physical or mental impairment that **does** substantially limit major life activities **ONLY** as a result of the attitudes of others toward such an impairment.

What Is An Evaluation Under Section 504?

An evaluation under Section 504 draws upon a variety of sources including, but not limited to a review of the student's:

- Standardized test data
- Classroom test data
- Current and previous grades
- School discipline data
- Medical documentation
- Data from private providers
- Attendance history, and
- Teacher observation

NOTE: An evaluation under Section 504 does not require a student to meet with a School Psychologist. Section 504 requires that tests and all other evaluation materials be tailored to evaluate the student's specific area of need and not those designed to identify a specific intelligence quotient (USDOE, 2016).

Eligibility Determination

Eligibility for Section 504 is determined by a multi-disciplinary team. The team may consist of parents, teachers, school administrators, district administrators, counselors, the parent mentor for the Chattooga County School System and all other personnel that are able to make knowledgeable decisions regarding whether or not a student has a disability that substantially limit's a major life activity.

Eligibility for Section 504 cannot be obtained solely from a physician's or psychologist's medical diagnosis. Although the Section 504 team will consider medical documentation, a diagnosis alone is insufficient for establishing Section 504 eligibility.

The 504 team should gather information from a variety of sources in the evaluation process and determine the student's eligibility using the Section 504 Eligibility Form.

Mitigating Measures

A school system may not consider mitigating measures when determining Section 504 eligibility. Mitigating measures include, but are not limited to the following:

- Medication
- Medical supplies
- Prosthetics
- Hearing aids and Cochlear implants or other implanted devices
- Mobility devices
- Oxygen therapy equipment
- Assistive technology
- Learned behavioral or adaptive neurological modifications
- Reasonable accommodations or auxiliary aids or services

This means the Section 504 Team must determine the impact of a student's disability **without** the use of mitigating measures (i.e. if a student takes medication to treat a diagnosis of ADHD, the Section 504 team must determine how the diagnosis would impact the student if he or she were not taking medication). In some cases, there may be documentation of a student's behavior and/or educational performance prior to introducing a mitigating measure. When this type of documentation is available it should be reviewed and considered. In other cases, there will not be documentation of how a student performed prior to the use of the mitigating measure. In this case the team must rely on professional judgment.

Exception: Ordinary eyeglasses or contact lenses can be considered when determining if an impairment limits a major life activity.

Key Eligibility Questions

The Section 504 Eligibility Form will help guide the team in their review of the evaluation data and help the team answer the following questions to determine whether the student is a student with a disability under Section 504:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment substantially limit a major life activity?

The answers to these questions will help determine the student's Section 504 eligibility and their need for a 504 Accommodation Plan

Determination Of Need For A Section 504 Plan

Based upon all the evaluative information reviewed and answers to the questions in the Section 504 Eligibility Form, the 504 Team will determine one of the following:

Eligibility Options

- The student is not disabled because there is no physical or mental impairment that substantially limits a major life activity.
- The student is disabled because there is a physical or mental impairment that substantially limits a major life activity and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers. A Section 504 Plan will be developed.

- The student is disabled because there is a physical or mental impairment that substantially limits a major life activity, but the student does not need a Section 504 Plan because the student's educational needs are met as adequately as those of nondisabled peers and no services are needed.

  While the student currently is not in need of a Section 504 Plan, it is understood that the student is protected by Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of the disability.
- ***For Disabilities That Are Episodic:*** The student is disabled because there is an episodic physical or mental impairment that, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers.

  A Section 504 Plan will be developed that will be implemented when the impairment is active. When the impairment is inactive, the 504 Plan will not be implemented, but it is understood that the student will still be protected by Section 504's antidiscrimination provisions and the school cannot discriminate against the student on the basis of disability.
- ***For Disabilities That Are In Remission:*** The student is disabled because there is a physical or mental impairment that is in remission but, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers.

  The need for a Section 504 Plan will be addressed if/when the impairment comes out of remission. When the impairment is inactive, it is understood that the student is protected by Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of disability.

Section 504 Accommodations

Section 504 accommodations or services must meet the needs of the person as adequately as the needs of nondisabled individuals are met, but should not fundamentally alter the nature of the activity or provide a student with an unfair advantage (NASP, 2010).

The accommodations should be specific and unique to the student and not provided in a blanket fashion to any student with a specific disability (Weatherly, 2018). For example, not every student with attention deficit- hyperactivity disorder (ADHD) needs small group testing or extra time.

Testing Accommodations

Testing accommodations should not be made that interfere with the valid measurement of what is being tested or alter the nature of the activity or examination. For example, if the purpose of the test is to measure reading comprehension, reading the test aloud as an accommodation may not be appropriate since doing so would alter the assessment and not provide a valid measure of the skill being assessed (NASP, 2010).

Standardized assessments, such as State Milestones or EOC examinations, typically have strict requirements regarding the types of testing accommodations allowed. The requirements can change periodically. Therefore, 504 Teams should review and carefully consider what current testing accommodations are allowed.

What Is The Difference Between A Section 504 Plan And IDEA?

The chart below highlights some of the differences between a Section 504 Plan and IDEA:

Section 504	IDEA
Governed by Civil Rights Law	Governed by Special Education Law
Must Provide Access to Education	Must Provide Educational Benefit
Student has no right to FAPE if expelled	Student must receive FAPE even if expelled
Student may receive an Accommodation Plan	Student receives an IEP
Educational needs of the student must be met as adequately as other students. Student does not receive specialized instruction	Educational needs of the student are based on the unique needs of the individual student. Student receives specialized instruction
Funded through the General Education Program	Funded through the Special Education Program
School System receives no additional funding to support students who receive a Section 504 Accommodation Plan	School System receives Additional Funding to support students who receive an IEP

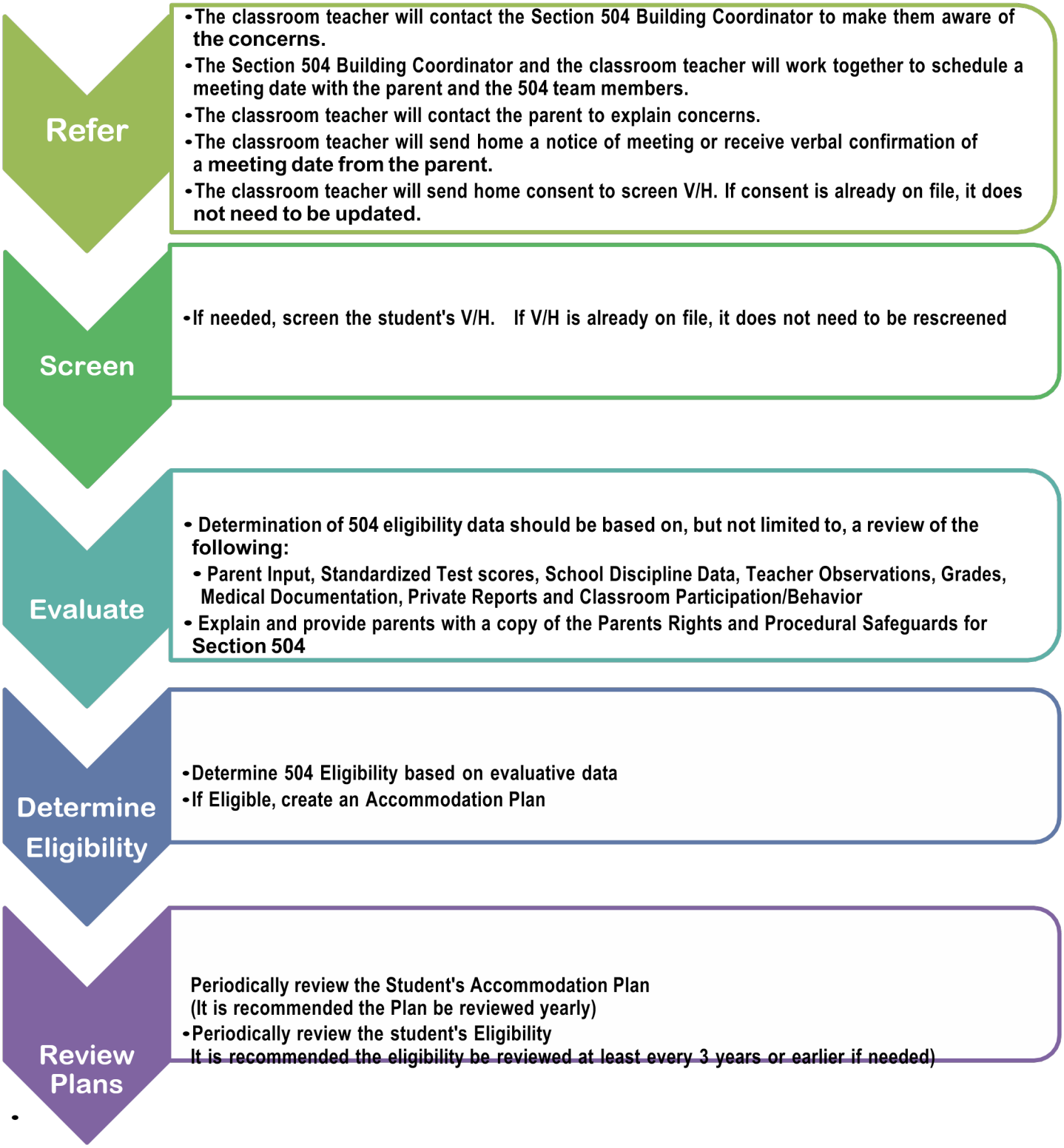
Chapter 2: Section 504 Referral Procedures

- Section 504 Referrals
  - Teacher/Staff Referrals
  - Parent Referrals
- Eligibility Process

- Determination Of Need For A Section 504 Plan ○ Eligibility Options:
- Accommodation Plan
- Roles and Responsibilities



Section 504 Referrals



Teacher/Staff Referrals

A 504 referral can be initiated by a teacher, parent, school nurse, or other school staff as appropriate. As always, teachers and other school staff should consult with their school's Section 504 Building Coordinator regarding their concerns as soon as possible.

Parent Referrals

When a parent makes a request for a Section 504 Accommodation Plan, the Section 504 Building Coordinator should schedule a meeting with the parent and the 504 team to address their request.

During the meeting,

1. Provide the parents with a copy of their Section 50 Parental Rights
2. Explain the Section 504 process and the types of accommodations that can be provided
3. Determine the need to move forward with the 504 Eligibility process, OR
4. The need to move forward with another, more appropriate process/program such as, special education services.

Parental Consent and Involvement

Section 504 regulations do not require parental consent to be obtained prior to the provision of 504 services or prior to conducting a "504 evaluation" and determining what services will be provided. However, best practice is that parents should be invited to attend and participate in 504 Team determination and services/placement meetings and afforded the opportunity to be a participant in such meetings (Weatherly, 2018).

If a parent does not wish to have their child evaluated or served under Section 504 after being notified, the school may wish to discontinue to the Section 504 process. Please consult with your System's Section 504 Coordinator.

Eligibility Process

To document the presence of a disability the Chattooga County School System *requests* all parents submit a Chattooga County Physician's Report to the School Based 504 Coordinator.

If a parent is unable to submit a Chattooga County Physician's Report due to unforeseen circumstances, the School Based 504 Coordinator can accept a medical report with a documented diagnosis from a medical doctor, psychologist, or psychiatrist.

In the event that the Chattooga County School System does not receive medical documentation, a student can be considered for 504 eligibility plan if there is historical documentation of a disability, if the disability is apparent, or if the 504 team agrees the student displays symptoms or characteristics of students who do have a documented disability, therefore the 504 team regards the student in question as having a disability.

The 504 team should gather information from a variety of sources in the evaluation process and determine the student's eligibility using the Section 504 Eligibility Form.

The Section 504 Eligibility Form will help guide the team in their review of the evaluation data and help the team answer the following questions to determine whether the student is a student with a disability under Section 504:

1. Does the student have a physical or mental impairment?
2. Does the physical or mental impairment substantially limit a major life activity?

The answers to these questions will help determine the student's Section 504 eligibility and their need for a 504 Accommodation Plan

Determination Of Need For A Section 504 Plan

Based upon all the evaluative information reviewed and answers to the questions in the Section 504 Eligibility Form, the 504 Team will determine one of the following:

Eligibility Options

- The student is not disabled because there is no physical or mental impairment that substantially limits a major life activity.
- The student is disabled because there is a physical or mental impairment that substantially limits a major life activity and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers. A Section 504 Plan will be developed.
- The student is disabled because there is a physical or mental impairment that substantially limits a major life activity, but the student does not need a Section 504 Plan because the student's educational needs are met as adequately as those of nondisabled peers and no services are needed.

  While the student currently is not in need of a Section 504 Plan, it is understood that the student is protected by Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of the disability.
- ***For Disabilities That Are Episodic:*** The student is disabled because there is an episodic physical or mental impairment that, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers.

  A Section 504 Plan will be developed that will be implemented when the impairment is active. When the impairment is inactive, the 504 Plan will not be implemented, but it is understood that the student will still be protected by Section 504's antidiscrimination provisions and the school cannot discriminate against the student on the basis of disability.
- ***For Disabilities That Are In Remission:*** The student is disabled because there is a physical or mental impairment that is in remission but, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers.

  The need for a Section 504 Plan will be addressed if/when the impairment comes out of remission. When the impairment is inactive, it is understood that the student is protected by

Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of disability.

Accommodation Plan

If a student is found to be eligible for a Section 504 Accommodation Plan, the accommodations must be developed by the 504 eligibility team and must be based on the student's unique needs.

Accommodations for a Section 504 Plan are funded by the general education program, therefore accommodations that require services and/or equipment outside of what is traditionally provided by the classroom teacher, must be approved by a building administrator prior to making the recommendation.

If the team recommends an accommodation that requires approval, the team can table the development of the accommodation plan for 7 days and reconvene after discussing the recommendation with a building administrator.

Roles and Responsibilities

In order to facilitate the implementation of a 504 plan, it is important that each stakeholder understand their role and responsibility regarding Section 504.

System Section 504 Coordinator

The system level coordinator will support each school in the district's compliance with the Office of Civil Rights (OCR). The system level coordinator will help to establish rules and procedures regarding Section 504 and provide training to Building Level Coordinators as needed.

Principal/Assistant Principal

The principal and assistant principal(s) will oversee the individual school's implementation of the Section 504 procedures and accommodations so that the school is following the district's policies and procedures regarding Section 504. School administrators will ensure teachers implement Section 504 accommodations and that the school follows the disciplinary procedures for students protected under Section 504.

Section 504 Building Coordinator

The building level coordinator will serve as a contact person when questions arise regarding Section 504. The building level coordinator will also help to coordinate 504 meetings with parents and teachers and help implement the 504 process. Additionally, the building coordinator will ensure the school reviews the Section 504 accommodation and eligibility plans within the appropriate time frames.

School Psychologist

The school psychologists will aid in making appropriate recommendations regarding 504 accommodations, will provide school personnel with information to better understand the student's disability, and how that disability may impact the student educationally, socially, emotionally and/or behaviorally.

School Nurse

The school nurse plays an important role in identifying health-related limitations. The school nurse will collaborate with school personnel when a student has a disability that may impact his or her physical health. The school nurse will aid in identifying how a specific disability may impact a major life function and will help to recommended appropriate accommodations for those disabilities.

Teachers

The teacher will inform and collaborate with the building coordinator if they identify students who may benefit from receiving Section 504 Accommodations. The teacher will also help to facilitate 504 meetings after collaborating with the building coordinator and will ensure Section 504 Accommodations are implemented with fidelity.

Parents

The parent's role is to share their concerns with school personnel and serve as a member of the 504 team. Parents are encouraged to share pertinent information regarding their child's disability that may aid in the eligibility determination.

Chapter 3: Discipline

- Change in Placement
- Manifestation Determination
- Suspension



Change in Placement

When a student with a disability is suspended for **10 days or more**, the Office of Civil Rights (OCR) usually considers it to be a change in placement and considers it a disruption to the district's obligation to provide the student with a free and appropriate education (FAPE). Prior to engaging in a change in placement, it is recommended that the Section 504 team conduct a manifestation determination.

Manifestation Determination

If a student protected under Section 504 has **10 days of in or out of school suspension**, the school administrator must collaborate with members of the 504 team to determine if the student's misbehavior is a manifestation of his or her disability.

The manifestation determination should take place **within** 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct.

The 504 team shall determine:

- ☐ If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability, OR

☐ If the conduct in question was the direct result of the school's failure to implement the 504 plan.

If the determination of the team is "**Yes**" to either of the above statements, the behavior must be considered a manifestation of the student's disability.

Suspension

If the 504 team determines a student's misbehavior **is a manifestation** of the student's disability, the student **should not** be expelled or suspended for more than 10 days. The district also recommends that the 504 team revise the student's accommodation plan to better address the student's needs. The team may want to refer the student to the Student Support Team (SST) in order to develop a Functional Behavioral Assessment (FBA) and a Behavior Intervention Plan (BIP) for the student.

If the 504 team determines a student's misbehavior is **not a manifestation** of the student's disability, the team should follow the same disciplinary procedures used to discipline students who do not have a disability. This means that the student **can be** suspended or expelled for more than 10 days.

When students violate the district's code of conduct, the Section 504 team must determine if the violation was a manifestation of the student's disability regardless of the number of days the student has been suspended. The manifestation determination policy outlined above should be followed in these circumstances.

Chapter 4: Continuations, Terminations, and Grievances

- Process for Transfer Students
- Terminating a Section 504 Plan
- Responding to Section 504 Discrimination Complaints
- Grievance Procedures:
- Procedures to Request an Impartial Hearing ○ Hearing Request ○ Mediation ○ Hearing Procedures ○ Decision ○ Review/Appeal



Process for Transfer Students

If a student transfers into the Chattooga County School System with an existing Section 504 Plan a copy of the plan must be submitted to the Section 504 Building Coordinator.

The existing 504 Plan should be honored until the school schedules a 504 meeting to review the plan and supporting documentation.

504 Review Meeting:

- If the team determines that the 504 Plan is appropriate, the school is required to implement the plan.

- If the team determines that the 504 Plan is inappropriate, then a 504 evaluation should be conducted in order to determine the student's eligibility. Depending on the eligibility determination, a more appropriate 504 Plan could be created.

Terminating a Section 504 Plan

A section 504 Accommodation Plan can be discontinued if the student no longer meets eligibility requirements or no longer needs an Accommodation Plan. To terminate a Section 504 Plan, the Section 504 Building Coordinator must convene a meeting with the parent and the 504 team and complete the 504-Letter of Dismissal.

If a student qualifies for special education services under IDEA, the Section 504 plan will be discontinued and the IEP will address all areas of the student's disability.

Responding to Section 504 Discrimination Complaints

It is the policy of the Chattooga County School System not to discriminate on the basis of disability. The Chattooga County School System has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29

U.S.C. 794) of the U.S. Department of Health and Human Services regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of the school system's Section 504 Coordinator (See Below), who has been designated to coordinate the efforts of the Chattooga County School System to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for the Chattooga County School System to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following address:

Kelli Johnson:
Section 504 Coordinator
Chattooga County Schools
206 East Penn Street
Summerville, GA 30747
706-822-9902 ext. 2800
kjohnson@chattooga.k12.ga.us

Grievance Procedures:

- Grievances must be submitted to the Section 504 Coordinator as soon as possible, but no later than 60 days from the date the person filing the grievance becomes aware of the alleged discriminatory action.
- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.
- The Section 504 Coordinator (or her/his designee) shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The Section 504 Coordinator will maintain the files and records of the Chattooga County School System relating to such grievances.
- The Section 504 Coordinator will issue a written decision on the grievance no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights.

Procedures to Request an Impartial Hearing

Any student, parent, or guardian ("grievant") may request an impartial hearing due to the school system's actions or inactions regarding a student's identification, evaluation, or educational placement under Section 504.

NOTE: The grievant **does not** have to go through the grievance process first before requesting an impartial hearing. An impartial hearing can be requested at any time.

Request for an impartial hearing must be in writing to the school system's Section 504 Coordinator; **however**, a grievant' failure to request a hearing in writing does not alleviate the school system's obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system's Section 504 Coordinator.

A school administrator and/or the school system's Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

Hearing Request

The Request for Hearing must include the following:

a. The name of the student
b. The address of the residence of the student
c. The name of the school the student is attending
d. The decision that is the subject of the hearing
e. The requested reasons for review
f. The proposed remedy sought by the student
g. The name and contact information of the grievant

Within 10 business days of receiving the grievant' s Request for Hearing, the System Section 504 Coordinator will acknowledge the Request for Hearing in writing and will schedule a time and place for a hearing.

If the written Request for Hearing does not contain the necessary information noted above, the System Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

Mediation

The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time. If the mediation is terminated without an agreement or resolution, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

Hearing Procedures

a. The System Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant' s Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
b. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
c. The grievant will have an opportunity to examine the child's educational records prior to the hearing.
d. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at

the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the System Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the System Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.

e. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the recipient to defend its position/decision regarding the claims (i.e. A recipient shall place a disabled student in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R.§104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.

f. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue prehearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.

g. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.

h. The hearing shall be closed to the public.

i. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.

j. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.

k. Testimony shall be recorded by court reporting or audio recording at the expense of the recipient. All documentation related to the hearing shall be retained by the recipient.

l. Unless otherwise required by law, the impartial review official shall uphold the action of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.

m. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

Decision

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

Review/Appeal

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

References

The information and materials included in this resource manual were collected from various Section 504 System Manuals from school systems in Georgia and in other States. In addition, resources provided by the Georgia Department of Education were used. The primary resources used in this manual are listed below:

National Association of School Psychologists (NASP) 2010. Skalski, Anastasia K, and John Stanek. "Section 504: A Guide for Parents and Educators." *Helping Children at Home and School III*, 2010.

Richmond County School System. Augusta, Georgia, Psychological Services Department, *Section 504 Manual* (2013).

U.S. Department of Education, Office of Civil Rights, *Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools* (December 2016).

Weatherly, Julie. Information and handouts. *1st Annual Georgia Section 504 Conference: The Basics and Beyond!* Resolutions in Special Education (2018).

Georgia Department of Education

Educating Georgia's Future

Notice of Rights of Students and Parents Under Section 504

Section 504 of the Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. The purpose of Section 504 is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students.

For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following

Mrs. Kelli Johnson
Chattooga County Education Center
206 East Penn Street
Summerville, GA 30747
Phone: 706-822-9902
Email: kjohnson@chattooga.k12.ga.us

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

a. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.
b. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.
c. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.
d. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.

e. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.
f. You have the right to not consent to the school system's request to evaluate your child. 34 CFR 104.35.
g. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.
h. You have the right to ensure that the school system will consider information from a variety of sources as appropriate, which may include aptitude and achievement tests, grades, teacher recommendations and observations, physical conditions, social or cultural background, medical records, and parental recommendations. 34 CFR 104.35.
i. You have the right to ensure that placement decisions are made by a group of persons, including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. 34 CFR 104.35.
j. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including prior to any subsequent significant change of placement. 34 CFR 104.35.
k. You have the right to notice prior to any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.
l. You have the right to examine your child's educational records. 34 CFR 104.36.
m. You have the right to an impartial hearing with respect to the school system's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. 34 CFR 104.36.
n. You have the right to receive a copy of this notice and a copy of the school system's impartial hearing procedure upon request. 34 CFR 104.36.
o. If you disagree with the decision of the impartial hearing officer (school board members and other district employees are not considered impartial hearing officers), you have a right to a review of that decision according to the school system's impartial hearing procedure. 34 CFR 104.36.
p. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.