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 ensure that disabled students have educational opportunities and benefits equal to those provided to non-disabled students. For more information regarding Section 504, or if you have questions or need additional assistance, please contact your local system's Section 504 Coordinator at the following address:

Taryn Smith
345 Storey Lane
Jefferson GA 30549
706-367-2880
taryn.smith@jeffcityschools.org

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

1. Your child has the right to an appropriate education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students. 34 CFR 104.33.

2. Your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties who provide services not operated by or provided by the recipient are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. 34 CFR 104.33.

3. Your child has a right to participate in an educational setting (academic and nonacademic) with non-disabled students to the maximum extent appropriate to his or her needs. 34 CFR 104.34.

4. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. 34 CFR 104.34.

5. Your child has a right to an evaluation prior to a Section 504 determination of eligibility. 34 CFR 104.35.

6. You have the right not to consent to the school system's request to evaluate your child. 34 CFR 104.35.

7. You have the right to ensure that evaluation procedures, which may include testing, conform to the requirements of 34 CFR 104.35.

8. 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.
9. 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 the least restrictive environment and comparable facilities. 34 CFR 104.35.

10. If your child is eligible under Section 504, your child has a right to periodic reevaluations, including before any subsequent significant change of placement. 34 CFR 104.35.

11. You have the right to notice before any actions by the school system regarding the identification, evaluation, or placement of your child. 34 CFR 104.36.

12. You have the right to examine your child's educational records. 34 CFR 104.36.

13. You have the right to an impartial hearing concerning 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.

14. 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.

15. 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.

16. You have the right to, at any time, file a complaint with the United States Department of Education's Office for Civil Rights.

Section 504
Answers to Frequently Asked Questions

What is Section 504? Section 504, as it is often called, is a civil rights law that covers the rights of all individuals with disabilities, not just school-aged children. It prohibits disability discrimination by any program or activity that receives federal funds. For example, it applies to public schools, colleges, and vocational programs. State and local government agencies and programs, as well as public services, are also covered. Section 504 has significant differences from regular special education services.

Who is covered by Section 504? Schools are required to provide appropriate, reasonable adaptations and modifications for individuals who have disabilities, have a record of disabilities, or are regarded as having disabilities that substantially affect a major life function, such as physical or mental functioning. Consequently, this law covers a very broad range of potential disabilities. This typically includes most diagnosed medical conditions, and frequent disabilities covered in schools include ADHD, Diabetes, severe allergies, and other impactful medical disorders.

It is essential to note that while Section 504 broadly covers eligibility in terms of the conditions it encompasses, it is narrower in terms of the impact it has. Being diagnosed with a disability or medical condition alone does not automatically qualify the student under Section 504. Evidence must also be gathered that the condition negatively impacts a major life activity in the school environment to such a degree that a 504 plan is required to enable the student to access the school fully. A brief (but not exhaustive) list of major life activities includes breathing, eating, walking, learning, hearing, speaking, and caring for oneself.

How does 504 differ from Special Education? A student receiving special education services is typically disabled to such a degree that the only way they can be successful in the school environment is through supplementary services that often, though not always, require the student to be placed in a specialized setting for some or all of the school day. Section 504 always focuses on providing accommodations to help the student access the regular educational environment. If a student's disability is so severe that they require services beyond the regular classroom, then eligibility under Special Education is likely the more appropriate option for them.

Are there limitations on what schools are required to provide? To a degree, yes. Schools are only required to implement reasonable accommodations and adaptations. If a requested accommodation is too costly for the program, it may seek a less expensive alternative. For example, schools are not required to pay for personal use items such as

a student's glasses. They would, however, be required to provide adaptive materials or technology that may be needed by a student with a visual impairment in the classroom. It is also important to note that while reasonable adaptations are all that are legally required, the costs of these accommodations cannot be a barrier to implementing them. If an accommodation is truly necessary to allow a 504 student to access the classroom/school (and no reasonable alternative exists) but is extremely expensive, then the school would be required to provide it regardless of cost. The issue is providing "reasonable" accommodations that help the student access the environment. This does not mean providing the "optimum" or "best possible" environment.

How is 504 implemented? It is implemented through the creation of a Section 504 plan. This is a committee of individuals with an interest and knowledge of the student, including teachers, parents, administrators, and others. They typically meet yearly and write accommodations for the student, ensuring that teachers are aware of them and are equipped to provide them. If a student is being evaluated for the first time, the committee must consider evidence from medical evaluations, psychological evaluations, grades, teacher reports, parent reports, and other relevant areas to determine if the student meets the criteria and is eligible under Section 504.

Who implements Section 504? Section 504 is administered and monitored by the United States Office of Civil Rights. Typically, the Georgia DOE has little to do with the Section 504 process. If disagreements or complaints about 504 occur, then they will be investigated by the Office of Civil Rights.

Where can I find more information?
https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504 or contact Jefferson City School System's 504 Coordinator, Taryn Smith.