

HAMILTON COUNTY SCHOOL BOARD

SECTION 504 PROCEDURES

APPROVED BY HAMILTON SCHOOL BOARD

ON

4/9/12

Maxine Butts

SUPERINTENDENT

Introductory note:

Section 504. General Procedures for All Disabilities.

- 1 (1a) There is not a form included for the initial referral for review by the Child Study Team (CST). Schools are to use their existing CST form for this step.
- The Notice to Parent, Rights Afforded by Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act is provided to parents at a minimum, on the following occasions:
 - Notification to Parent, Consent for Evaluation
 - Parent Conference Notice
 - Upon determination of Ineligibility/Eligibility.
 - Section 504 Plan Review
 - Published on the School District's website at www.hamiltonfl.com
 - Published annually in Code of Student Conduct
 - Distributed in beginning-of-school-year parent packets
- The form, Referral to Child Study Team and Summary Determination Regarding Disability HCS 7142 (Revised 11/2011), is used to refer a student from the Child Study Team process for consideration of Section 504 disability and need for a 504 Plan. There are two pages required (1) Referral to Child Study Team and Summary Determination Regarding Disability, HCS, 7142 (Revised 11/2011), Page 1 of 3, and (2) Disability Determination and Need for a Section 504 Plan, HCS 7142 (Revised 11/2011), Page 2 of 3 and 3 of 3.

HAMILTON COUNTY SCHOOL BOARD
Section 504
General Procedures

The intent of the District's Section 504 Process is to guarantee that all qualified individuals with disabilities are free from discrimination and that a free and appropriate public education is provided, when necessary, which consists of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the individual educational needs of other students are met.

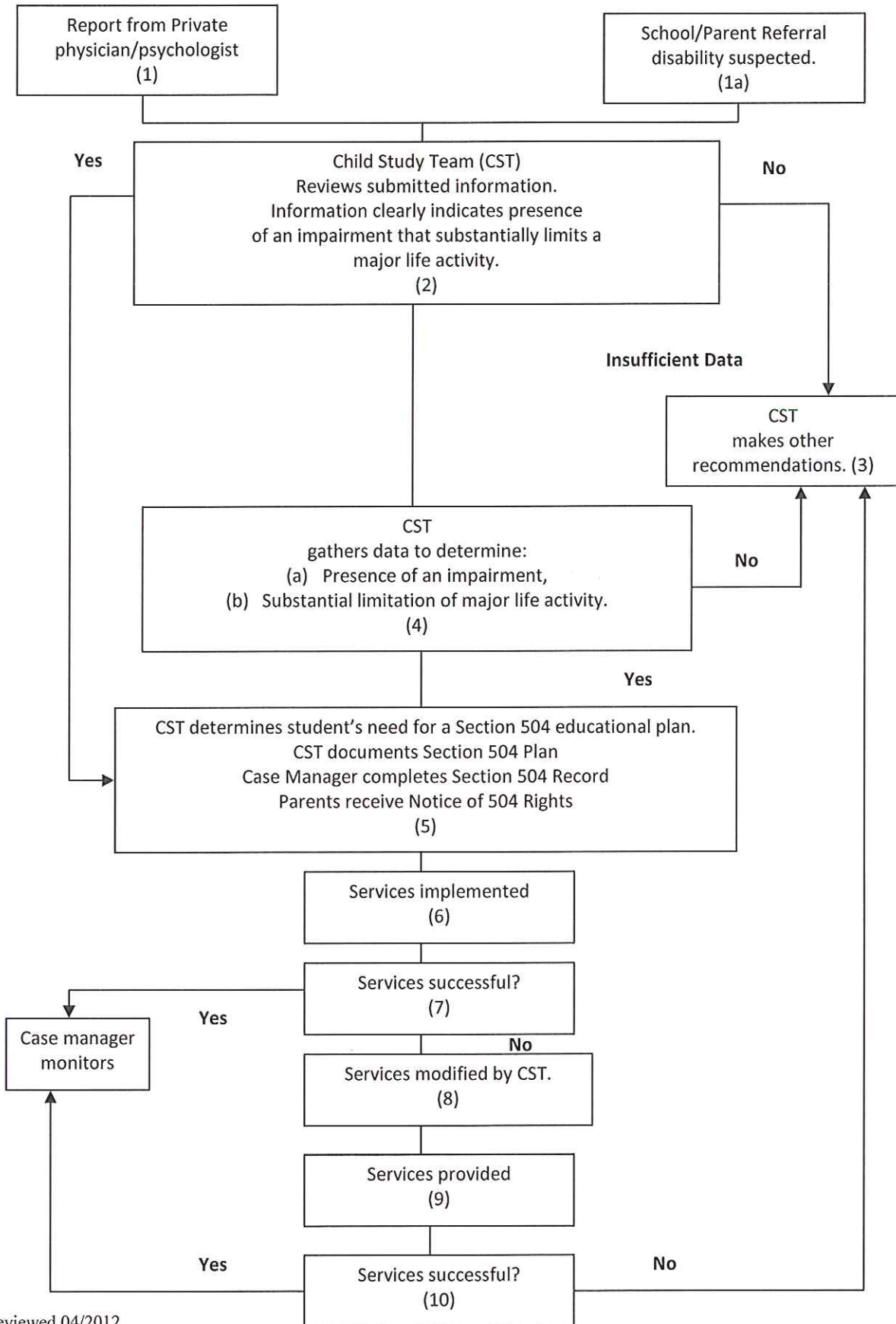
- (1)(1a)** Parents, teachers and private practitioners may submit their reports and/or referrals for review to the Child Study Team (CST).
- (2)** All referrals and private evaluations are reviewed by the CST on a case-by-case basis. The CST may elect to consider the following options:
 - (a)** consider whether a disability exists based solely on a private evaluation and/or other supportive data (e.g. review of records, etc.);
 - (b)** make other recommendations if the information does not support the existence of an impairment which substantially limits a major life activity;
 - (c)** collects additional data to confirm the existence of a disability and/or the need for accommodations.
- (3)** CST makes other recommendations, i.e., remediation, schedule change(s), evaluation, alternative education.
- (4)** The CST collects information utilizing a multidisciplinary team approach. This information is used to determine the presence of an impairment as well as the adverse effect the impairment has on a student's academic, social and behavioral functioning. The CST determines what screening instruments will be utilized and then shares the responsibility for collecting this information. If data do not support the existence of a disability or the need for services under Section 504, other recommendations may be forthcoming.
- (5)** The CST multidisciplinary team concurs that the student's assessment data reveal that an impairment exists that substantially limits a major life activity and determines that the student is disabled. The Team then determines whether the student needs services or accommodations under Section 504 in order that the student's educational needs are met as adequately as those of nondisabled students.

If the student is determined to be in need of a Section 504 Plan, the teacher(s), parents, and support professionals collaborate in planning educational accommodation strategies. These accommodations are documented on a Section 504 Accommodation Plan. Finally, a case manager is assigned from the school staff (e.g., Section 504 school liaison, counselor, administration, team leader, etc.) to monitor the student's progress. The Section 504 school liaison is responsible for completing the Section 504 Accommodation Record form and setting timelines for implementing and monitoring the provision of accommodations.

Parents receive copies of the Section 504 Accommodation Plan and the Section 504 Accommodation Record forms, along with a formal Notice of the Rights afforded to them by Section 504 of the Rehabilitation Act of 1973.

- (6)** Teacher(s), parents, and/or appropriate support professionals, will participate directly in implementing the accommodations. Support professionals will remain accessible to the teacher/parent and offer additional suggestions as necessary.
- (7)** The effectiveness of the accommodations is evaluated by the assigned case manager from the school staff (e.g., Section 504 school liaison, counselor, administrator, team leader, etc). If the accommodations need to be modified or redesigned, the case is resubmitted to the CST.
- (8)(9)(10)** If accommodations have proven ineffective, the CST will make other recommendations (i.e., remedial education, Drop Out Prevention classes, schedule changes, alternative education, psychoeducational screening/evaluation). (3)

HAMILTON COUNTY SCHOOL BOARD
Section 504
General Procedures
Flow Chart



504 MYTHS AND REALITIES

MYTH #1: Section 504 provides more than IDEA in terms of coverage and protection in the educational environment.

REALITY: Section 504 is an anti-discrimination law that does not require affirmative action to be taken, as does the IDEA. Rather, Section 504 prevents discrimination solely on the basis of disability in the provision of services, activities and programs. It requires the provision of "appropriate education" or other related accommodations to afford a student the equal opportunity to participate in education and school activities.

MYTH #2: Every student who has ever been in special education is automatically covered by Section 504 because the student has a "record of" a disability.

REALITY: Section 504's FAPE requirement only comes into play when the school's Section 504 Team can identify that the student **presently has a disability** that is causing identified learning and/or behavior problems of the student that are substantially interfering with school. When a student is staffed out of special education, however, best practices would include a referral back to the Section 504 Team so that it is aware that monitoring or other appropriate service might be required. It is also important to remember that someone with a record of a disability can not be discriminated against solely on the basis of the record of a disability.

- a. OCR Senior Staff Memorandum, 19 IDELR 894 (1992). Unless a person actually has a disabling condition, the mere fact that he/she has a "record of" or is "regarded as" disabled is insufficient, by itself, to trigger 504's protections that require FAPE or reasonable accommodation.

MYTH #3: A student whose doctor has diagnosed ADHD is automatically entitled to FAPE under Section 504 because the parents now "regard" the child as disabled.

REALITY: See Reality to Myth #2. The "record of" and "regarded as" portions of the definition are not relevant to 504 determinations regarding instructional modifications and school accommodations. In addition, a medical diagnosis, in or of itself, does not mean a student is disabled under Section 504. Rather, the school is entitled to propose and conduct its own evaluations when presented with a diagnosis by a private physician, particularly where the student is doing fine in school. The school must have clear documentation/evidence of an existing **disability** in order for Section 504 to apply. Where there are questions, the Section 504 Team should request additional evaluations by school staff or other professionals or, where appropriate, an outside independent professional or physician. Medical documentation **may be** required by the Section 504 Team if needed to determine appropriate reasonable accommodations or modifications, but is not necessary under Section 504.

- a. OCR Senior Staff Memorandum, 19 IDELR 894 (1992). The proper inquiry by the school district is whether there is "reason to believe" that the child, **because of an actual disability**, may need special education or related aids and services and, therefore, would need to be evaluated. The opinion of the doctor or parent need only be considered in the decision.

MYTH #4: When a student is referred for an ESE/special education evaluation and is deemed ineligible for ESE/special education services, the student is automatically covered by Section 504.

REALITY: Because the student was referred for an evaluation for an IDEA eligibility determination, a team must have **suspected** a disability. However, a finding that a student does not qualify for special education services does not automatically mean that the student is **disabled** under Section 504. A formal referral, however, should be made back to the Section 504 Team for **consideration** of whether the student's difficulties are caused by a disability under Section 504. Clearly, the evaluative information collected as part of the special education evaluation can and should be used by the Team considering 504 eligibility, in addition to other relevant information.

- a. Letter to Veir, 1 ECLPR ¶ 363 (OCR 1993). Students who do not meet IDEA's eligibility criteria **may or may not fit** within the definition of Section 504 eligibility. 504 eligibility is not automatically bestowed upon a student who has been referred for an IDEA evaluation.

MYTH #5: A student diagnosed with ADHD who is making B's and C's but could do better "but for" the ADHD should be on a Section 504 Plan.

REALITY: A physical or mental impairment that **substantially limits** a student's ability to learn in **comparison to the average student population** is a disability under Section 504. The argument that a student who is passing but "could do better" is not sufficient to establish the need for a Section 504 Plan. The CST must determine whether there is an impairment that substantially limits a major life activity that constitutes a disability and then whether the student needs educational accommodations in order to have his/her educational needs met as adequately as the educational needs of nondisabled students. It is important to remember that a student *could* be considered disabled but not in need of a Section 504 Plan. For instance, a student with ADHD who is taking medication that successfully mitigates his/her ADHD symptoms could be disabled under Section 504 but not in need of a Section 504 Plan because he/she does not need anything to equally access educational services and activities.

- a. T.J.W. v. Dothan City Bd. Of Educ., 26 IDELR 999 (M.D. Ala. 1997). The student's learning ability must be compared to the average student. The fact that the student made passing grades is a factor to consider and while receiving "D"s in spelling and deficiency reports regarding failure to do work may indicate that the student's ability to perform academically was affected, it does not indicate that his ability to learn was limited so that he was not able to learn as well as the average student. Thus, student cannot recover on the basis of his condition substantially limiting the major life activity of learning.

MYTH #6: All students who display characteristics of ADD/ADHD must be evaluated by the school district to determine whether the student is disabled under Section 504.

REALITY: The duty to conduct an evaluation under Section 504 arises when the school district has reason to believe that the student is a student with a disability. An evaluation could include a medical evaluation for ADHD if the information is needed by the school to determine the existence of a disability. The school would not want to wait for a parent to obtain the information if school staff suspects the child is disabled.

- a. Letter to Veir, 1 ECLPR ¶ 363 (OCR 1993). A school district is obligated to conduct a medical assessment, if necessary, at no cost to the parent if Section 504 eligibility is suspected and the parent does not provide the medical information.

MYTH #7: Section 504 requires extensive, formal evaluation, even for a student who is temporarily disabled.

REALITY: Although a 504 evaluation may include formal assessment, it is not required. Only an "evaluation" sufficient to gather and consider data or other appropriate information to determine the existence of a disability under Section 504 needs to be conducted.

MYTH #8: A reevaluation under Section 504 must be conducted every three (3) years, just like under IDEA.

REALITY: A reevaluation need only be conducted "periodically" under Section 504. In addition, formal testing may not be required as part of an "evaluation" under Section 504. It is best practice for the Section 504 Team to **review** the success of a 504 Plan at least annually and to suggest any formal assessments as appropriate.

MYTH #9: Every student on medication needs a Section 504 Plan.

REALITY: It depends upon whether the student is determined disabled *and* in need of a 504 Plan. Merely because a student is taking medication, however, is not conclusive. In some instances, an individualized health care plan may be sufficient to accommodate the student's disability and 504 Rights should be provided to parents.

MYTH #10: Modifications and accommodations needed so that a student can play football must be included on a Section 504 Plan. In fact, actual participation in extracurricular and nonacademic activities must be included on the Plan.

REALITY: Under Section 504 “free appropriate public education” is defined as “the provision of **regular** or special education and **related services** that are designed to meet the individual educational needs” of a disabled student as adequately as the needs of non-disabled students are met. Typically a Section 504 Plan addresses **instructional** and **educational** accommodations, not extracurricular and nonacademic activities, unless those activities are **necessary** for a student to benefit from his/her educational program. Although not typically addressed in Section 504 instructional plans, a school system cannot discriminate against an “otherwise qualified” student with respect to participation in extracurricular and other nonacademic activities and reasonable supports and accommodations must be provided to students who are otherwise qualified to participate in the activity. In such cases, a Team may decide to place supports/accommodations in a Section 504 Plan necessary for the student to equally access a nonacademic or extracurricular activity, but participation in the activity itself is not a service that is listed. For example, “participation on the football team” is not the accommodation to be listed. Rather, “accommodations during practice, such as _____,” would be appropriate.

MYTH #11: Since 504 Plans are required to be so extensive, we might as well use our IEP form as our 504 Plan form.

REALITY: Although Section 504 regulations provide that the development of an IEP under IDEA is **one way** of meeting 504’s requirement to provide “appropriate education,” an IEP is not required. Rather, most school systems have developed forms that are fairly simple in nature as their 504 Plans.

MYTH #12: Since Parental Rights under Section 504 are so extensive; we may as well just use our IDEA rights as our 504 Rights.

REALITY: The Parent Rights/Procedural Safeguards under Section 504 are **much less extensive** than those provided under the IDEA. A separate 504 Parental Rights form should be developed.

MYTH #13: If a parent does not attend a Section 504 meeting, we cannot proceed.

REALITY: Section 504 itself does not require that parents be a part of the knowledgeable team. However, as a matter of best practice, most school systems have incorporated into their procedures the requirement to include parents. In addition, it is within the school system’s discretion as to how parents are to be invited, how many attempts should be made to ensure their attendance, etc.

MYTH #14: Every member of the Section 504 Team must agree that a student is disabled under Section 504 before the student may be deemed disabled.

REALITY: Unanimity among Team members is not required to determine the existence of a disability. Each school system must determine a procedure to use to resolve disagreements between school staff Team members as to 504 determinations.

MYTH #15: Once a student is on a 504 Plan, there is no way to get them off of one.

REALITY: Clearly, if the 504 Team no longer sees evidence of a disability in the educational environment, the Team can reconvene, review relevant data and/or other relevant information and suggest the discontinuation of services. Because this is considered a “change of placement,” parents must be provided notice of the proposed change and a copy of their Parent Rights.

MYTH # 16: Whenever we want special accommodations in testing for a student, we need only make the student “504-eligible” and include testing modifications.

REALITY: Section 504 Plans should not be written for the sole purpose of providing for accommodations on standardized testing. Practice is clear that if the student does not need educational accommodations during the school day **to address a disabling condition**, then a Section 504 Plan is not appropriate.

MYTH #17: A student covered by Section 504 is **not** entitled to any special rules of discipline.

REALITY: Once a student is deemed disabled, special rules of discipline will apply to the student and must be followed. This includes a determination of manifestation prior to removing the student for more than ten (10) days to ensure that such a “change in placement” is not discriminatory.

MYTH #18: When we have offered a Section 504 Plan to the student but the parent decides to place the student in a private school, we must provide accommodations in the private school.

REALITY: Under Section 504, only a free appropriate public education is required. Once we have afforded access to a public educational program, the school district does not need to go further. In July 2011, however, the Florida legislature did make McKay Scholarships available to students who have been issued a 504 Plan.

- a. Letter to Veir, 20 IDELR 864 (OCR 1993). Although 504 has a child-find notice requirement, it does not obligate a school district to provide services in private school to students with disabilities or to those being home-schooled.

MYTH #19: There are special records provisions applicable to Section 504 students.

REALITY: The same records provisions that apply to all students under the Family Educational Rights and Privacy Act (FERPA) are applicable to Section 504 students. School systems should develop records transfer and retention policies that ensure confidentiality and comply with any state rules regarding records retention.

MYTH #20: There can be no special "coding" of report cards or cumulative cards to indicate Section 504 eligibility.

REALITY: The Office for Civil Rights disfavors obvious "coding" or "coloring" of records that indicate disability and are significantly different from the coding or coloring of all student records. However, if there is an educationally relevant reason for maintaining a special symbol that is not identifiable by the general public on the file of a particular child, OCR may approve of such a procedure as non-discriminatory.

504 Myths and Realities

were developed by Julie Weatherly of Resolutions in Special Education, Inc.,
6420 Tokeneak Trail, Mobile, Alabama 36695

(251) 607-7377

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HAMILTON COUNTY SCHOOL BOARD
Section 504

Documentation Packet Checklist

Student's Name: _____ School: _____ Date: _____

Section 504 Liaison: _____ Phone: _____

Please complete this form and attach it to the front of the referral packet. Attach the required forms in the order presented below and submit to: **Exceptional Student Education Coordinator**

Note: It is the responsibility of the school to determine whether the student is or is not disabled, that all documentation is available, and that interventions and strategies are appropriate. Review of this packet is intended only to verify the presence of required documentation.

Prior to referral to Child Study Team (CST), teacher(s) must have documented parent/guardian contacts regarding learning difficulties. Teacher(s) and parent/guardian should have agreed on strategies and interventions for implementation. Implementation results must be documented. If relevant data indicate that strategies and interventions were ineffective, and a disability is suspected, then a referral is made to CST.

Date Required Forms

- _____ 1. Referral to CST form (school form)
- _____ 2. Notification Letter to Parent/Guardian and Consent for Evaluation
(Note: Must receive parent/guardian consent prior to screening/evaluation)
- _____ 3. Referral to CST and Summary Determination Regarding Disability (page 1 of 3) and Disability Determination and Need for a Section 504 Plan (page 2 of 3)/Parent/Student Rights Enclosed *(Note: Whether the student is determined disabled or not, all pages must be completed for all students. If it is determined that the student is disabled but not in need of a Section 504 Plan, the process is complete.)*
- _____ 4. Parent Conference Notice and Parent/Student Rights Enclosed
(Note: If ADHD is suspected, then include the ADHD Rating Scale – Teacher and Parent Form. It is the responsibility of the parent/guardian to complete the parent conference school form and return it to the school.)
- _____ 5. Academic/Social/Behavioral Information *(completed by student's teacher(s), as needed)*
(Note: If ADHD is suspected, then include the ADHD Rating Scale – Teacher and Parent Form.)
- _____ 6. Section 504 Accommodation Plan and Parent/Student Rights Enclosed

- The student's Section 504 Accommodation Plan should be reviewed at least annually or when changes are believed to be needed. Parents may request a review.
- Parent/Guardian has the right to file a grievance at any time it is believed that discrimination on the basis of disability has occurred. The District's Grievance procedures must be followed. In addition, if the parent/guardian wishes to challenge action regarding the identification, evaluation or placement under Section 504, the parent has the right to request an impartial hearing in accordance with the District's procedures.

HAMILTON COUNTY SCHOOL BOARD
Section 504

Authorization for Release of Information

Student Name: _____ **DOB:** _____

School: _____

I, the parent/legal guardian of the above referenced student, hereby authorize the designated agent below to communicate with, receive records from and release any and all pertinent information to the School District of _____ County and, specifically, _____.

Copies of psychological or other evaluations, medical records, or other information and other pertinent information released will be used by school personnel and maintained in a fashion to protect its confidentiality. Please include in information forwarded to the school district any information concerning any medical or psychiatric diagnoses and any other information that could be relevant to educational planning or participation in school activities.

Designated Agent and Address:

Parent/Guardian Signature

Date

HAMILTON COUNTY SCHOOL BOARD
Section 504

PHYSICIAN'S STATEMENT

Date: _____ School: _____
Student: _____ DOB: _____
Parent: _____ Phone: _____
Address: _____

The School District of Hamilton County seeks information from you for the purpose of educational planning for the above-referenced student. Please complete the form below, sign, and return it to the designated school agent listed below:

Nature and extent of any physical/health/medical condition about which school personnel should be aware: _____

Date of onset of condition(s): _____

Prognosis: _____

Medication(s) prescribed (if any): _____ Dosage: _____

How do/does the above-referenced condition(s) impact the student's major life activities, if at all? _____

Physician (Please Type or Print)	Physician's Signature	Date
Address	Telephone	
City/State	Zip Code	Fax

Return complete form to:
School or Department Name: _____
Contact Person's Name: _____
Address: _____
City, State Zip _____
Phone: _____ Fax: _____

**HAMILTON COUNTY SCHOOL BOARD
Section 504**

Academic/Social/Behavioral Information - Elementary

Student's Name: _____ Date: _____

School: _____ Grade: _____ Date of Birth: _____

Please complete this form and return to: _____ by: _____
(Section 504 Liaison) (Date)

Please rate this student compared to others in your class of similar ability and cultural background.

ACADEMIC PERFORMANCE

Overall Rating: _____ Excellent _____ Satisfactory _____ Unsatisfactory _____ Failing

PRODUCTIVITY: Rate only if they apply to your grade/subject.

1=Hardly Ever 2=Sometimes 3=Frequently 4=Almost Always

	1	2	3	4
contributes to large group discussion				
contributes to small group discussion				
follows directions without prompting				
keeps place in book/materials during directed lesson				
keeps track of supplies needed for task				
finishes directed work done as a group				
finishes independent work within assigned time				
completes work carefully				
turns in classwork he/she finishes				
turns in legible work				
completes assigned homework				
takes tests carefully				
compares favorably in overall productivity with average students in class				

Scoring: Majority of ratings in columns 1 & 2 may suggest significant productivity problems.

SOCIAL/BEHAVIORAL FUNCTIONING

Overall Rating: _____ Excellent _____ Satisfactory _____ Unsatisfactory

	1	2	3	4
Demonstrates disruptive behavior in classroom				
Repeatedly involved in disciplinary infractions in the school setting				
Rejected or ignored by peers				
Demonstrates poor peer relationships due to difficulty reading and responding to social cues				
Repeatedly receives poor grades for citizenship				

Scoring: Majority of ratings in columns 3 or 4 may suggest significant social/behavioral problems.

Check the following area(s) that are affected by this student's difficulties:

_____ Grades _____ Social/Behavioral Functioning _____ Productivity _____ None

HAMILTON COUNTY SCHOOL BOARD
Section 504
Academic/Social/Behavioral Information – Middle/High

Date: _____

_____ please complete this form on: _____

(Teacher)

(Student's Name)

and return it to: _____ by: _____

(Section 504 Liaison)

(Date)

Subject (Circle One): Math; Reading; Language Arts; Science; Social Studies; Other: _____

ACADEMIC PERFORMANCE

Overall Rating: _____ Excellent _____ Satisfactory _____ Unsatisfactory _____ Failing

WEAK	AVERAGE	STRONG	ACADEMIC FUNCTIONS
			Written language
			Handwriting
			Vocabulary and expression
			Math concepts
			Reading comprehension
			Spelling
			Memory
			Other:

Comments: _____

Current Interventions: _____

PRODUCTIVITY & BEHAVIORAL FUNCTIONING

Overall Rating: _____ Excellent _____ Satisfactory _____ Unsatisfactory

WEAK	AVERAGE	STRONG	BEHAVIOR
			Concentration on tasks
			Organization
			Completes tests on time
			Is careful and checks work
			Relationship to peers
			Follows class rules
			Follows directions
			Test-taking skills
			Perseveres on task
			Other:

Comments: _____

Current Interventions: _____

EXCUSED ABSENCES: _____ Rarely _____ Less than once/month _____ More than once/month _____ More than once/week
 TRUANCY OR SKIPPING CLASS: _____ In past _____ Never _____ Less than once/month _____ More than once/month _____ Once a week or more

HAMILTON COUNTY SCHOOL BOARD
Section 504

ADHD Rating Scale – Teacher and Parent Form

Date: _____

Student: _____ Date of Birth: _____ School: _____

Completed by Teacher: _____ Completed by Parent: _____

Section I: Attention	Seldom	Sometimes	Often	Very Often
1. Does not attend to details, or makes careless mistakes				
2. Does not sustain attention to tasks.				
3. Does not seem to listen when spoken to directly.				
4. Does not follow through on instructions; fails to finish school work or chores. <i>(Not due to oppositional behavior, or failure to understand instructions.)</i>				
5. Seems disorganized.				
6. Avoids or dislikes tasks requiring sustained mental effort.				
7. Loses things necessary for tasks or activities, e.g., toys, pencils, or books, etc.				
8. Is easily distracted by extraneous stimuli.				
9. Is often forgetful in daily activities.				
Section II: Behavior				
1. Fidgets with hands or feet or squirms in seat.				
2. Leaves seat in situations where remaining seated is expected.				
3. Runs about or climbs in inappropriate situations. <i>(If verbally restrained, acts "restless.")</i>				
4. Has difficulty playing or engaging in leisure activities in a quiet manner.				
5. Is "on the go," acts as if "driven by a motor."				
6. Talks excessively.				
7. Blurts out answers before questions are complete.				
8. Has difficulty awaiting turn.				
9. Interrupts or intrudes on others, e.g., "butts in."				

Please return this rating scale to _____, Guidance Counselor

HAMILTON COUNTY SCHOOL BOARD
Section 504
Notification Letter to Parent Consent for Evaluation

Date: _____

To The Parent/Guardian of: _____

As part of our efforts to help improve your child's classroom performance, I have asked members of our Child Study Team (CST) to collect and review further information on your child's learning and behavior. The teacher(s), guidance counselor, school psychologist, and other staff members may be involved in observations, interviews, administration of behavior checklist, and other data collection activities. Once the information has been reviewed, we will be meeting with you to discuss intervention strategies, as appropriate. If you have any questions, please contact:

Section 504/ADA Liaison	School	Phone Number
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RIGHTS AFFORDED BY SECTION 504 OF THE REHABILITATION ACT OF 1973

If it is determined that your child has a physical or mental impairment that substantially limits a major life activity, your child is considered disabled under Section 504 of the Rehabilitation Act of 1973. When making this determination, the ameliorative effects of mitigating measures (such as medication, assistive technology, etc.) will not be considered and the fact that an impairment is episodic or in remission will not preclude the existence of a disability if the impairment would substantially limit a major life activity when active. However, the ameliorative effects of mitigating measures or remission of a condition may be considered in determining whether your child needs instructional or other appropriate accommodations within the school environment in order that your child's educational needs are met as adequately as those of nondisabled children. 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 but may not be considered currently disabled or in need of accommodations. 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 under the Individuals with Disabilities Education Act (IDEA) through an Individualized Education Plan (IEP);
4. With respect to the provision of educational services:
 - a. Notice with respect to actions regarding the identification/eligibility, evaluation or educational placement to your child;
 - b. Access to all records relevant to decisions concerning identification/eligibility, evaluation or educational placement of your child;
 - c. The right to challenge any action regarding the identification/eligibility, evaluation or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing a grievance with the School District's Section 504 Coordinator listed below;
 - d. The right to attend any hearing requested;
 - e. The right to be represented by counsel if a hearing is requested; and
 - f. The right to have any decision made at a hearing reviewed.

The procedures and forms for the initiation of an impartial hearing regarding the identification, evaluation or educational placement of your child are generally the same as those for students with disabilities under the Individuals with Disabilities Education Act (IDEA) and may be obtained from the School District's Section 504 Coordinator listed below.

5. With respect to complaints of discrimination that do not relate to the identification/eligibility, evaluation or educational placement of your child, you have the right to file a local grievance with the school system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.
6. With respect to complaints of discrimination based upon a record of a disability or the fact that school personnel are treating your child as disabled, you have the right to file a local grievance with the school system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.

Parental Notification of McKay Scholarship: Effective July 1, 2011, new Florida statutes provide that by April 1 of each year and within ten (10) days after a 504 Accommodation Plan meeting, our district must notify you of all available options regarding the availability of a McKay Scholarship. This includes informing you of the availability of the Florida Department of Education's toll-free hotline (1-800-447-1636) and internet website at www.floridaschoolchoice.org and offering you the opportunity to enroll your child in another public school within the district during the required time limit if the school is not closed or otherwise at capacity. These procedural safeguards are one of several ways that our district meets the Florida statutory requirement.

The Section 504 Coordinator for the Hamilton County School District is Regina Jordan. If you have any questions or concerns, she may be contacted at (386) 792-6515.

Parent Consent

Please provide your consent for us to conduct this screening/evaluation by indicating your decision, providing your signature (below) and returning this form to your Section 504 School Liaison.

Student: _____

- Yes, I consent to the proposed screening/evaluation, if determined necessary
 No, I do not consent to the proposed screening/evaluation

Comments _____

Parent Signature	Date
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HAMILTON COUNTY SCHOOL BOARD
Section 504

Parent Conference Notice

Date: _____

Dear _____:
Name of Parent

You are invited to attend a conference for your son/daughter _____
Name of Student

_____ *Date* _____ *Time* _____ *Place*

The purpose of this meeting is to:

_____ Review your child's records and all other relevant data and determine whether he/she is a student with a disability and if so, whether he/she is in need of a Section 504 Plan or any other assistance. If it is determined that your child needs educational services under Section 504, a Section 504 Plan will be developed at this time.

_____ Review and update your child's eligibility as a student with a disability or the need for a Section 504 Plan or to review/update your child's current Section 504 Plan.

_____ Other: _____

The following persons are invited to this conference:

_____ 504 School Liaison _____ Teacher(s) _____ Parent(s)
_____ School Psychologist _____ Guidance Counselor _____ School Nurse
_____ ESE Coordinator/Designee _____ LEA _____ Other

We look forward to having you participate in this meeting. If you have any questions, please call me at:

_____.
Phone

Sincerely,

Section 504 Liaison

<input type="checkbox"/>	Yes, I will attend at the scheduled time.
<input type="checkbox"/>	No, I cannot attend at this time. Please contact me at <i>(Phone Number)</i> _____ to reschedule meeting.
<input type="checkbox"/>	No, I cannot attend at any time. Please hold the meeting without me.
<input type="checkbox"/>	Other _____

Signature of Parent, Guardian, or Surrogate Parent

Date

NOTICE OF PARENT/STUDENT EDUCATIONAL RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973

If it is determined that your child has a physical or mental impairment that substantially limits a major life activity, your child is considered disabled under Section 504 of the Rehabilitation Act of 1973. When making this determination, the ameliorative effects of mitigating measures (such as medication, assistive technology, etc.) will not be considered and the fact that an impairment is episodic or in remission will not preclude the existence of a disability if the impairment would substantially limit a major life activity when active. However, the ameliorative effects of mitigating measures or remission of a condition may be considered in determining whether your child needs instructional or other appropriate accommodations within the school environment in order that your child's educational needs are met as adequately as those of nondisabled children. 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 but may not be considered currently disabled or in need of accommodations. 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 under the Individuals with Disabilities Education Act (IDEA) through an Individualized Education Plan (IEP);
4. With respect to the provision of educational services:
 - a. Notice with respect to actions regarding the identification/eligibility, evaluation or educational placement to your child;
 - b. Access to all records relevant to decisions concerning identification/eligibility, evaluation or educational placement of your child;
 - c. The right to challenge any action regarding the identification/eligibility, evaluation or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing a grievance with the School District's Section 504 Coordinator listed below;
 - d. The right to attend any hearing requested;
 - e. The right to be represented by counsel if a hearing is requested; and
 - f. The right to have any decision made at a hearing reviewed.

The procedures and forms for the initiation of an impartial hearing regarding the identification, evaluation or educational placement of your child are generally the same as those for students with disabilities under the Individuals with Disabilities Education Act (IDEA) and may be obtained from the School District's Section 504 Coordinator listed below.

5. With respect to complaints of discrimination that do not relate to the identification/eligibility, evaluation or educational placement of your child, you have the right to file a local grievance with the school system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.
6. With respect to complaints of discrimination based upon a record of a disability or the fact that school personnel are treating your child as disabled, you have the right to file a local grievance with the school system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.

Parental Notification of McKay Scholarship: Effective July 1, 2011, new Florida statutes provide that by April 1 of each year and within ten (10) days after a 504 Accommodation Plan meeting, our district must notify you of all available options regarding the availability of a McKay Scholarship. This includes informing you of the availability of the Florida Department of Education's toll-free hotline (1-800-447-1636) and internet website at www.floridaschoolchoice.org and offering you the opportunity to enroll your child in another public school within the district during the required time limit if the school is not closed or otherwise at capacity. These procedural safeguards are one of several ways that our district meets the Florida statutory requirement.

The Section 504 Coordinator for the Hamilton County School District is Regina Jordan.

If you have any questions or concerns, she may be contacted at:

Hamilton County School Board
4280 SW CR 152, Jasper, Florida 32052
Phone: (386) 792-6515 - Fax: (386) 792-6600

HAMILTON COUNTY SCHOOL BOARD

Section 504

Referral to Child Study Team and Summary Determination Regarding Disability

Student's Name: _____ Date: _____

School: _____ Grade, Team or Subject: _____ Date of Birth: _____

Sex: _____ C.A.: _____ Teacher(s): _____

Parents: _____ Phone: (Home) _____ (Work) _____

1. State reason for referral: _____

2. State suspected/known physical or mental impairment: _____

3. How does the impairment substantially limit a major life activity or educational performance? _____

4. Additional information including any interventions implemented and outcomes to date: _____

Persons to be contacted for CST meeting:

_____ Section 504 Liaison _____ Teacher _____ Parent _____ ESE Coordinator/Designee _____ Other

_____ School Psychologist _____ LEA _____ Guidance _____ School Nurse _____ Other

The CST will meet on: _____ at _____ to consider the
existence of a disability and the need for a Section 504 Plan.
Date *Time*

SUMMARY DETERMINATION OF EXISTENCE OF DISABILITY

Not Disabled Under Section 504

Current information indicates that this student is **not** a student with a disability because:

_____ The student does not exhibit a physical or mental impairment, **OR**

_____ The student's physical or mental impairment does not substantially limit a major life activity.*

*When making this determination, the team did not consider the ameliorative effects of mitigating measures (such as medication, assistive technology, etc.). In addition, the fact that an impairment is episodic or in remission does not preclude the existence of a disability if the impairment would substantially limit a major life activity when active.

Alternative Actions: _____

Is Disabled Under Section 504

_____ Relevant data support that this student has a physical or mental impairment, **AND**

_____ The student's physical or mental impairment substantially limits a major life activity.

HAMILTON COUNTY SCHOOL BOARD
Section 504
Disability Determination and Need for a Section 504 Plan

Student's Name: _____

Date: _____

School: _____

Grade: _____

Date of Birth: _____

Directions: *Check all that apply in Sections A, B, and C.*

A. This determination is based on:

___ Medical Information

___ Behavioral Checklist(s)

___ Behavioral Observation(s)

___ Behavior Management Records

___ Change in Instructional Methods

___ Tests, Records, Reports

Specify type, date _____

___ Change in Instructional Level

___ Parent Conference

___ Academic Tests (S.A.T., etc.)

___ Current Grade Reports

___ Response to Intervention Data

___ Other Factors _____

B. Based upon consideration of the above evaluation data, the Team answers 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?

YES NO

If YES, describe the impairment:

2. Does the physical or mental impairment substantially limit a major life activity? (In making this determination, the Team should determine whether, as a result of the physical or mental impairment, the student can perform a particular major life activity (including and not limited to caring for oneself, walking, seeing, hearing, speaking, breathing, learning, working, performing manual tasks, eating, standing, lifting, bending, reading, concentrating, thinking, sleeping. A major life activity also includes the operation of major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions; these lists are not meant to be exclusive) in a manner comparable to most students of the same age/grade level. When making this determination, the Team must make its decision without considering the positive effects of mitigating measures currently in use by the student and must make its decision as if the student were not using mitigating measures (such as medication; equipment, prosthetics or appliances; low-vision devices (not including ordinary eyeglasses or contact lenses); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications). In addition, the fact that the impairment is episodic or currently in remission does not preclude a finding of disability if the impairment would substantially limit a major life activity when active).

YES Major life activity substantially limited: _____

NO

HAMILTON COUNTY SCHOOL BOARD
Section 504
Disability Determination and Need for a Section 504 Plan

Student's Name: _____

Date: _____

School: _____

Grade: _____

Date of Birth: _____

Directions: *Check the one that applies.*

C. Based upon all evaluative information reviewed and answers to the above questions, it is the determination of the Section 504 Team that:

CHECK ONE:

- 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 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.
- 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.
- The student is disabled but is not in need of a Section 504 Plan because the student's educational needs are met as adequately as those of nondisabled peers based upon the positive effect(s) of mitigating measures currently in use. The need for a Section 504 Plan will be addressed again should the positive effect(s) of mitigating measures currently in use no longer exist. While the student currently is not in need of educational services, 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.

Signatures of Participants:

504 School Liaison

Parent

School Psychologist

School Nurse

Teacher

Other

Guidance Counselor

Parent

LEA Representative

ESE Coordinator/Designee

Teacher

Other

HAMILTON COUNTY SCHOOL BOARD
Section 504 Accommodation Plan

Student's Name: _____ Age: _____ Grade: _____ School: _____ Date: _____

Section 504 Liaison: _____ Phone: _____

Review Date: _____ (Review should be at least annually)

Duration of Plan: If impairment is temporary (less than 6 months): Beginning Date: _____ Ending Date: _____

1. Specify the Section 504 disability: _____

2. Describe how the disability specifically affects a major life activity and the student's educational needs: _____

The Team has reviewed all relevant data related to the above named student and has concluded that he/she is a student with a disability in need of educational accommodations under Section 504. The intent of the Section 504 Plan is to make available to the disabled student a free and appropriate public education, which consists of regular or special education and related aids and services that are designed to meet the individual educational needs of the student as adequately as the individual educational needs of other, non-disabled students are met.

Area(s) of Student's Difficulty	Educational Subjects/Classes	Educational Accommodations (include checklist)	Starting Date	Person(s) Responsible for Accommodations	Outcome(s)

Other Relevant Information: (medical, special behavioral/discipline, transportation, other) _____

504 School Liaison	_____	Guidance Counselor	_____	School Psychologist	_____
LEA Representative	_____	Parent	_____	Parent	_____
School Nurse	_____	ESE Coordinator/Designee	_____	Teacher	_____
Teacher	_____	Other	_____	Other	_____

HCS 7145 (Reviewed 04/2012)
Copies to: Parent, School, and District
Enclosure: Parent/Student Rights

HAMILTON COUNTY SCHOOL BOARD

Section 504

Section 504 Accommodation Plan Review Form

Student's Name: _____ Date of Birth: _____ Date: _____

School: _____ Teacher: _____ Grade: _____

Reason(s) for Review: _____

Outcomes of Provision of Existing Accommodations: _____

- _____ Team reviewed records including Section 504 Accommodation Plan.
- _____ Team recommends change in services and will revise Section 504 Accommodation Plan.
- _____ Team recommends accommodations on existing Section 504 Accommodation Plan be continued.
- _____ Student meets IDEA (P.L. 94-142) referral criteria at this time and will be considered for an IEP.
- _____ Student is no longer disabled or does not continue to need a Section 504 Accommodation Plan at this time.

Comments: _____

Signatures:

504 School Liaison

Parent

School Psychologist

School Nurse

Teacher

Other

Guidance Counselor

Parent

LEA Representative

ESE Coordinator/Designee

Teacher

Other

HAMILTON COUNTY SCHOOL BOARD

Section 504 of the Rehabilitation Act of 1973

Impartial Hearing Procedures

1. GENERAL

Parents may file a request for an impartial hearing on any action regarding the identification, evaluation, or educational placement of your child under Section 504. The due process hearing request must allege a violation that happened not more than two years before you knew or should have known about the alleged action that forms the basis of the complaint. The above timeline does not apply to you if you could not file a due process hearing request within the timeline because:

- a. The School District specifically misrepresented that it had resolved the issues identified in the complaint; or
- b. The School District withheld information from you that it was required to provide you under Section 504.

2. LEGAL SERVICES

The School District must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you file a request for an impartial hearing under Section 504.

3. DUE PROCESS HEARING REQUESTS

In order to request an impartial hearing under Section 504, you (or your attorney) must submit a due process hearing request to the School District. That impartial hearing request must contain all of the content listed below and must be kept confidential. You must also provide the Florida Department of Education with a copy of request for an impartial hearing.

Content of a request for impartial hearing under Section 504

The due process hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the challenged action regarding identification, evaluation, or placement under 504, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to you at the time.

Notice required before a hearing on a due process hearing request

You may not have a due process hearing until you (or your attorney) files a request for impartial hearing under Section 504 that includes the information listed above.

Sufficiency of due process hearing request

In order for an impartial hearing request to go forward, it must be considered sufficient. The hearing request will be considered sufficient unless the School District notifies the hearing officer and you in writing, within 15 calendar days of receiving the hearing request, that the School District believes that the due process hearing request does not meet the requirements listed above. Within five calendar days of receiving the notification of insufficiency, the hearing officer must decide if the hearing request meets the requirements listed above and notify you and the School District in writing immediately.

Due process hearing request amendment

You may make changes to the impartial hearing request only if:

1. The School District approves of the changes in writing and is given the chance to resolve the hearing request through a resolution meeting, described below; or
2. By no later than five days before the impartial hearing begins, the hearing officer grants permission for the changes.

If you make changes to the impartial hearing request, the timelines for the resolution meeting (within 15 calendar days of the School District's receipt of the hearing request) and the time period for resolution (within 30 calendar days of receiving the due process hearing request) start again on the date the amended due process hearing request is filed.

School District response to an impartial hearing due request

The School District must, within 10 calendar days of receiving the impartial hearing request, send you a response that specifically addresses the issues in your hearing request.

FORMS

The School District has developed a form to help you file an impartial 504 hearing request. You are not required, however, to use this form and you can use another appropriate form, as long as it contains the required information for filing a sufficient impartial hearing request.

EARLY RESOLUTION PROCESS

Within 15 calendar days of receiving notice of your impartial hearing request, and before the hearing begins, the School District must convene a meeting with you and the relevant member or members of the CST/504 Team who have specific knowledge of the facts identified in your hearing request. The meeting:

1. Must include a representative of the School District who has decision-making authority on behalf of the School District; and
2. May not include an attorney of the School District unless you are accompanied by an attorney.

You and the School District will determine the relevant members of the Team to attend the meeting. The purpose of the meeting is for you to discuss your hearing request, and the facts that form the basis of the hearing request, so that the School District has the opportunity to resolve the dispute. The resolution meeting is not necessary if you and the School District agree in writing to waive the meeting.

Resolution period

If the School District has not resolved the impartial hearing request to your satisfaction within 30 calendar days of the receipt of hearing request (during the time period for the resolution process), the impartial hearing may occur. The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below. Except where you and the School District have both agreed to waive the resolution process, your failure to participate in the resolution meeting will delay the timelines for the resolution process and the impartial hearing until you agree to participate in a meeting. If after making reasonable efforts, and documenting such efforts, the School District is not able to obtain your participation in the resolution meeting, the School District may, at the end of the 30-calendar-day resolution period, request that the hearing officer dismiss your hearing request. Documentation of such efforts must include a record of the School District's attempts to arrange a mutually agreed upon time and place for the resolution meeting.

If the School District fails to hold the resolution meeting within 15 calendar days of receiving notice of your impartial hearing request or fails to participate in the resolution meeting, you may ask the hearing officer to order that the 45-calendar-day hearing timeline begin.

Adjustments to the 30-calendar-day resolution period

If you and the School District agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the impartial hearing starts the next day. After the start of the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the School District agree in writing that no agreement is possible, then the 45-calendar-day timeline for the impartial hearing starts the next day.

Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and the School District must enter into a legally binding agreement that is:

1. Signed by you and a representative of the School District who has the authority to bind the School District; and
2. Enforceable in any State court of competent jurisdiction.

Agreement review period

If you and the School District enter into an agreement as a result of a resolution meeting, either you or the School District may void the agreement within three business days of the time that both you and the School District signed the agreement.

IMPARTIAL HEARING UNDER SECTION 504

General

As set forth above, when a request for impartial hearing is filed by you under Section 504, you must be provided an opportunity for an impartial hearing. Should a due process hearing be required, the hearing will be conducted by the Florida Department of Education through an impartial hearing officer (Administrative Law Judge (ALJ)) with Florida's Division of Administrative Hearings (DOAH) in accordance with applicable Florida Statutes and State Board of Education Rules. Florida has a one-tiered impartial hearing system wherein the Florida Department of Education or another State-level agency or entity (other than the School District) is responsible for convening impartial hearings. An appeal from an impartial hearing decision goes directly to a federal district or State circuit court.

Impartial hearing officer (i.e., Administrative Law Judge (ALJ))

At a minimum, a hearing officer:

1. Must not be an employee of the School District that is involved in the education or care of the student. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be generally knowledgeable about the provisions of Section 504 and federal and State regulations pertaining to Section 504; and
4. Must have the knowledge and ability to conduct impartial hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Subject matter of impartial hearings

You may not raise issues at the impartial hearing that were not addressed in your hearing request, unless the School District agrees.

HEARING RIGHTS

General

Any party to an impartial due process hearing under 504 has the right to:

1. Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Parental rights at hearings

You must be given the right to:

1. Attend any hearing requested;
2. Be represented by counsel at a hearing; and
3. Have the decision made at the hearing reviewed.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

Finality of impartial hearing decision

A decision made in an impartial hearing is final, except that either party involved in the hearing may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

The Florida Department of Education will ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described above under the sub-heading **Adjustments to the 30-calendar-day resolution period**, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS

General

If you or the School District does not agree with the findings and decision in the due process hearing, you or the School District has the right to bring a civil action for review of the hearing officer's decision. The civil action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Time limitation

The party bringing the action for review shall have 90 calendar days from the date of the decision of the hearing officer to file a civil action for review of the decision.

Additional procedures

In any civil action, the court:

1. Receives the records of the impartial hearing proceedings;
2. Hears additional evidence at your or the School district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

HAMILTON COUNTY SCHOOL BOARD
Section 504

Informal Grievance Filing Form – Part 1

Grievant: _____ Date: _____
(Name of Student)

School: _____ Parent/Guardian: _____

Address: _____

City: _____, State: _____ Zip: _____

Telephone: Home: _____ Work: _____

Nature of your grievance. Please describe the policy or action you believe may be discriminatory and in violation of Section 504. (Use an additional sheet of paper, if necessary.)

Completed form should be submitted within FIFTEEN (15) school days of the occurrence.

HAMILTON COUNTY SCHOOL BOARD
Section 504

Informal Grievance Filing Form – Part 2

Please describe any corrective action you wish to see taken with regard to the alleged discrimination. You may also provide other information relevant to this grievance. *(Use a separate sheet of paper, if necessary.)*

Signature of Parent, Guardian, Student (18 or over)

Date

Signature of Person Accepting Grievance

Date Received

The School Board of Hamilton County, Florida, prohibits any policy or procedure which results in discrimination solely on the basis of age, color, disability, gender, national origin, marital status, race, religion, or sexual orientation.

Copies to: *Grievant, Principal and Exceptional Student Education Office*

HAMILTON COUNTY SCHOOL BOARD

Section 504 of the Rehabilitation Act of 1973

Informal Grievance Procedures and Impartial Hearing Procedures

1. DISAGREEMENT BETWEEN PARENT AND SCHOOL

- a. Initial concerns regarding a student are handled between the Parent(s) and Teacher(s).
- b. Next, the Section 504 School Liaison designee will consult in regard to screening/evaluation procedures and specific requirements under Section 504.
- c. The next step involves a meeting with the Child Study Team, a School Administrator and the Section 504 School Liaison designee. The School Principal will provide a written response to the Parent's request.
- d. If the Parent(s) and School exhaust all negotiating options, then Section 2(a) is completed.

2. DISTRICT SECTION 504 FACILITATOR

- a. The District Section 504 Facilitator/Coordinator of Exceptional Student Education assists the School and Parent(s) in defining the Section 504 rules and regulations as they apply to the case. At the school level, the District Section 504 Facilitator acts as a mediator and helps the school and Parent(s) consider and/or develop alternatives to the issue. A written response will be provided to the Parent(s).
- b. If the District Section 504/Facilitator, Parent(s), and School exhaust all negotiating options, then Section 3 (a) is completed.

3. DISTRICT SECTION 504 REVIEW COMMITTEE

- a. If an impasse continues, a District Level Team including the Assistant Superintendent, Coordinator of Exceptional Student Education, and School Psychologist may convene to review the case and direct its recommendation to the Superintendent and School Board Attorney. The parent must make a written request for review by the District Level Team. The team will provide a written response to the parent request.

4. IMPARTIAL HEARING PROCEDURES

a. GENERAL

Parents may file a request for an impartial hearing on any action regarding the identification, evaluation, or educational placement of your child under Section 504. The due process hearing request must allege a violation that happened not more than two years before you knew or should have known about the alleged action that forms the basis of the complaint. The above timeline does not apply to you if you could not file a due process hearing request within the timeline because:

- a. The School District specifically misrepresented that it had resolved the issues identified in the complaint; or
- b. The School District withheld information from you that it was required to provide you under Section 504.

b. LEGAL SERVICES

The School District must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you file a request for an impartial hearing under Section 504.

c. DUE PROCESS HEARING REQUESTS

In order to request an impartial hearing under Section 504, you (or your attorney) must submit a due process hearing request to the School District. That impartial hearing request must contain all of the content listed below and must be kept confidential. You must also provide the Florida Department of Education with a copy of request for an impartial hearing.

Content of a request for impartial hearing under Section 504

The due process hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the challenged action regarding identification, evaluation, or placement under 504, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to you at the time.

Notice required before a hearing on a due process hearing request

You may not have a due process hearing until you (or your attorney) files a request for impartial hearing under Section 504 that includes the information listed above.

Sufficiency of due process hearing request

In order for an impartial hearing request to go forward, it must be considered sufficient. The hearing request will be considered sufficient unless the School District notifies the hearing officer and you in writing, within 15 calendar days of receiving the hearing request, that the School District believes that the due process hearing request does not meet the requirements listed above. Within five calendar days of receiving the notification of insufficiency, the hearing officer must decide if the hearing request meets the requirements listed above and notify you and the School District in writing immediately.

Due process hearing request amendment

You may make changes to the impartial hearing request only if:

1. The School District approves of the changes in writing and is given the chance to resolve the hearing request through a resolution meeting, described below; or
2. By no later than five days before the impartial hearing begins, the hearing officer grants permission for the changes.

If you make changes to the impartial hearing request, the timelines for the resolution meeting (within 15 calendar days of the School District's receipt of the hearing request) and the time period for resolution (within 30 calendar days of receiving the due process hearing request) start again on the date the amended due process hearing request is filed.

School District response to an impartial hearing due request

The School District must, within 10 calendar days of receiving the impartial hearing request, send you a response that specifically addresses the issues in your hearing request.

FORMS

The School District has developed a form to help you file an impartial 504 hearing request. You are not required, however, to use this form and you can use another appropriate form, as long as it contains the required information for filing a sufficient impartial hearing request.

EARLY RESOLUTION PROCESS

Within 15 calendar days of receiving notice of your impartial hearing request, and before the hearing begins, the School District must convene a meeting with you and the relevant member or members of the CST/504 Team who have specific knowledge of the facts identified in your hearing request. The meeting:

1. Must include a representative of the School District who has decision-making authority on behalf of the School District; and
2. May not include an attorney of the School District unless you are accompanied by an attorney.

You and the School District will determine the relevant members of the Team to attend the meeting. The purpose of the meeting is for you to discuss your hearing request, and the facts that form the basis of the hearing request, so that the School District has the opportunity to resolve the dispute. The resolution meeting is not necessary if you and the School District agree in writing to waive the meeting.

Resolution period

If the School District has not resolved the impartial hearing request to your satisfaction within 30 calendar days of the receipt of hearing request (during the time period for the resolution process), the impartial hearing may occur. The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below. Except where you and the School District have both agreed to waive the resolution process, your failure to participate in the resolution meeting will delay the timelines for the resolution process and the impartial hearing until you agree to participate in a meeting. If after making reasonable efforts, and documenting such efforts, the School District is not able to obtain your participation in the resolution meeting, the School District may, at the end of the 30-calendar-day resolution period, request that the hearing officer dismiss your hearing request. Documentation of such efforts must include a record of the School District's attempts to arrange a mutually agreed upon time and place for the resolution meeting.

If the School District fails to hold the resolution meeting within 15 calendar days of receiving notice of your impartial hearing request or fails to participate in the resolution meeting, you may ask the hearing officer to order that the 45-calendar-day hearing timeline begin.

Adjustments to the 30-calendar-day resolution period

If you and the School District agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the impartial hearing starts the next day. After the start of the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the School District agree in writing that no agreement is possible, then the 45-calendar-day timeline for the impartial hearing starts the next day.

Written settlement agreement

If a resolution to the dispute is reached at the resolution meeting, you and the School District must enter into a legally binding agreement that is:

1. Signed by you and a representative of the School District who has the authority to bind the School District; and
2. Enforceable in any State court of competent jurisdiction.

Agreement review period

If you and the School District enter into an agreement as a result of a resolution meeting, either you or the School District may void the agreement within three business days of the time that both you and the School District signed the agreement.

IMPARTIAL HEARING UNDER SECTION 504**General**

As set forth above, when a request for impartial hearing is filed by you under Section 504, you must be provided an opportunity for an impartial hearing. Should a due process hearing be required, the hearing will be conducted by the Florida Department of Education through an impartial hearing officer (Administrative Law Judge (ALJ)) with Florida's Division of Administrative Hearings (DOAH) in accordance with applicable Florida Statutes and State Board of Education Rules. Florida has a one-tiered impartial hearing system wherein the Florida Department of Education or another State-level agency or entity (other than the School District) is responsible for convening impartial hearings. An appeal from an impartial hearing decision goes directly to a federal district or State circuit court.

Impartial hearing officer (i.e., Administrative Law Judge (ALJ))

At a minimum, a hearing officer:

1. Must not be an employee of the School District that is involved in the education or care of the student. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be generally knowledgeable about the provisions of Section 504 and federal and State regulations pertaining to Section 504; and
4. Must have the knowledge and ability to conduct impartial hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Subject matter of impartial hearings

You may not raise issues at the impartial hearing that were not addressed in your hearing request, unless the School District agrees.

HEARING RIGHTS

General

Any party to an impartial due process hearing under 504 has the right to:

1. Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Parental rights at hearings

You must be given the right to:

1. Attend any hearing requested;
2. Be represented by counsel at a hearing; and
3. Have the decision made at the hearing reviewed.

APPEALS

FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW

Finality of impartial hearing decision

A decision made in an impartial hearing is final, except that either party involved in the hearing may appeal the decision by bringing a civil action, as described below.

TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS

The Florida Department of Education will ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described above under the sub-heading **Adjustments to the 30-calendar-day resolution period**, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS

General

If you or the School District does not agree with the findings and decision in the due process hearing, you or the School District has the right to bring a civil action for review of the hearing officer's decision. The civil action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Time limitation

The party bringing the action for review shall have 90 calendar days from the date of the decision of the hearing officer to file a civil action for review of the decision.

Additional procedures

In any civil action, the court:

1. Receives the records of the impartial hearing proceedings;
2. Hears additional evidence at your or the School district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

HAMILTON COUNTY SCHOOL BOARD
Section 504

Informal Grievance Resolution Notice

IMPORTANT NOTICE

This Grievance Resolution Notice is due back to the grievant within fifteen (15) days of receipt of the **Informal Grievance Filing Form**. Prior to sending the **Informal Grievance Resolution Notice** to the grievant the Principal **must** submit this document for review to:

Coordinator of Exceptional Student Education

Signature of Person Receiving Grievance Resolution Notice

Date Received

If you are not in agreement with the decision, or want further clarification, contact:

Principal

at _____

School Telephone

Copies to: Principal, Grievant, and Exceptional Student Education Office

The School Board of Hamilton County, Florida, prohibits any policy or procedure which results in discrimination solely on the basis of age, color, disability, gender, national origin, marital status, race, religion, or sexual orientation.

HAMILTON COUNTY SCHOOL BOARD
Section 504

Impartial Hearing Request Form

Directions: This form should be completed by the individuals who wish to request an impartial hearing under Section 504. Please complete, sign and submit one copy of this form to the School District's Section 504 Coordinator and submit one copy to the Florida Department of Education. Please retain a copy for your records.

Requesting Party:

- Parent/Guardian
- Parent Representative

Statement of Issues and Proposed Resolution

I, _____, the undersigned, do hereby file this request for an impartial hearing under Section 504 against the Hamilton County School District.

Please use the space below to write a description of the issue(s) of your complaint, including the related facts and the action you are challenging regarding the identification/eligibility, evaluation or placement of your child under Section 504. You may attach an additional sheet for paper if more space if needed.

Please use the space below to write a specific proposed resolution of the problem or issues. You may attach an additional sheet of paper if more space if needed.

Submitted by: _____
Signature Date

Student Information:

Student's Name:

Last: _____ First: _____ Middle Initial: _____

Date of Birth: Month: _____ Day: _____ Year: _____

Student's 504 Disability or Alleged 504 Disability: _____

Student's Grade: _____

Student's Address: _____

Name of School the Student is Attending: _____

Additional Contact Information for Homeless Student: _____

Parent/Student Representative Information:

Name: _____

Address: _____

Telephone: Home: _____ Cell: _____ Work: _____

Relationship to Student: _____

Please submit your complaint to:

Regina Jordan
Hamilton County School Board
4280 SW CR 152, Jasper, Florida 32052
Phone: (386) 792-6515 Fax: (386) 792-6600

and to the Florida Department of Education at:

Bureau of Exceptional Education and Student Services
ESE Program Administration and Quality Assurance
Dispute Resolution
325 W. Gaines Street, Suite 614
Tallahassee, Florida 32399-0400
Phone: (850) 245-0475 Fax: (850) 245-0953