

Notice of Parent and Student Rights under Section 504

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

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

1. You have a right to be informed by the school Section 504 Committee of your rights under Section 504. The purpose of this notice is to advise you of those rights.
2. Your child has the right to an education designed to meet his or her individual educational needs as adequately as the needs of non-disabled students are met, and to free educational services except for those fees that are imposed on non-disabled students or their parents.
3. Your child has a right to an educational program in the least restrictive appropriate environment, and to facilities, services and activities that are comparable to those provided for non-disabled students. Your child also has a right to participate in any extracurricular or afterschool activity sponsored by the school.
4. Your child has a right to a Section 504 evaluation prior to an initial Section 504 eligibility determination; if eligible under Section 504, your child has a right to periodic re-evaluations.
5. The School Section 504 Committee should consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. Testing and other procedures completed as part of the Section 504 evaluation must have been validated for the specific purpose for which they are used and be administered by trained personnel in conformance with the instructions provided by their producer.
6. Eligibility decisions must be made by a group of persons (the School Section 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the educational options, and the requirements for least restrictive environment and comparable facilities.
7. You have the right to notice prior to any action by the School Section 504 Committee in regard to your child and Section 504.
8. You have the right to inspect and review educational records relating to your child that are collected, maintained, or used by the district for Section 504. School personnel must comply with this request within 30 calendar days.
9. If you disagree with the actions of the School’s Section 504 Committee in regard to your child’s educational program, you may pursue a grievance (see *Dispute Resolution and Grievance Procedures for Section 504 Students*, page 2).
10. You have the right to an impartial hearing if you believe that your child, solely by reason of her or his disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the district’s educational programs or activities. You may participate in the hearing and be represented by an attorney. If you disagree with the decision from the hearing, you have a right to review by a court of competent jurisdiction.

The following person has been designated to handle compliance inquiries regarding Section 504:

Assistant Director
Compliance and Staffing
1202 E. Palm Avenue
Tampa, FL 33605
(813) 273-7060

Dispute Resolution and Grievance Procedures for Section 504 Students

The district does not discriminate on the basis of a disability in admission or access to its programs and activities during and after school. In the event a parent/guardian feels their child with a disability has not been treated fairly in connection with a disabling condition, they should be provided with a copy of *Dispute Resolution and Grievance Procedures for Section 504*.

Under Section 504 of the Rehabilitation Act of 1973, the parent/guardian/age of majority student is afforded several options to resolve a disagreement or a dispute related to the determination of eligibility, development and/or the implementation of a Section 504 plan. It is recommended that the parent/guardian/age of majority student address disputes at the school level, whenever possible. An individual with a complaint is encouraged to discuss it with the Teacher, Section 504 School Contact/Counselor, or Principal/Designee with the objective of resolving the matter promptly and informally. However, any of the options below may be exercised at the parent/guardian/age of majority student discretion.

Resolution and Grievance Procedures at the School Level

Parents/guardians/age of majority students are encouraged to try to resolve problems promptly through informal dispute resolution. They may call or meet informally with the Principal, Region Superintendent, or Section 504 Team to resolve their concerns. They may also contact the District 504 Coordinator (273-7035) or Assistant Director of Compliance and Staffing (273-2060) for assistance with resolving their complaint.

Resolution and Grievance Procedures at the District Level

If the concern continues, parents/guardians/age of majority students may file a written grievance with the Assistant Director of Compliance and Staffing (1202 E. Palm Avenue, Tampa, FL 33605). The written complaint should identify the issue(s) of concern and suggest possible resolutions.

The Assistant Director of Compliance and Staffing will work in collaboration with the District's Office for Civil Rights Compliance to coordinate the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the American with Disabilities Act ("ADA"). The District shall make available to all persons initiating a complaint an opportunity to offer further explanation of the complaint by telephone or in person. The Assistant Director in collaboration with the Office for Civil Rights Compliance will review the complaint and related information and provide a written response to the complainant within 30 days of receipt of the complaint. The written response will briefly describe the information that was considered and set forth the actions that will be taken or explain that no action will be taken to address the complaint.

State Sponsored Mediation

Parents/guardians/age of majority students may submit a written request to the Assistant Director for Compliance and Staffing petitioning the school district to provide a qualified and impartial mediator (not a school district employee) as a method of resolving a grievance. Mediation is voluntary and mediation agreements are confidential.

Federal Level Grievance Resolution

At any time, the person who has a grievance alleging any action prohibited under Section 504 of the Rehabilitation Act of 1973, may also file a complaint with the district or the United States Department of Education Office for Civil Rights (OCR). Although it is recommended, the parent is not required by law to exhaust the school district's grievance procedures before filing a complaint with the OCR Office. Office for Civil Rights, U.S. Department of Health and Human Services, Atlanta Federal Center, Suite 3870, 61 Forsyth Street S.W., Atlanta, GA 30303-8909.

It is unlawful for any person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 504 of the Rehabilitation Act of 1973, or because s/he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing in connection with Section 504.

Section 504 Impartial Hearing Procedures

A parent or guardian of a child may request an impartial hearing on a complaint that the child, solely by reason of her or his disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the district's educational programs or activities.

1. The hearing will be conducted by an Administrative Law Judge of the Division of Administrative Hearings under Chapter 120, Florida Statutes, and the Uniform Rules of Procedure at chapter 28-106 of the Florida Administrative Code. The district will provide, upon request, a copy of the Administrative Procedure Act and the Uniform Rules of Procedure to the parent or guardian. In circumstances where the parent or guardian believes the child needs special education or related services, he or she may elect a standard IDEA due process hearing or a Section 504 hearing.
2. The parent or guardian of the child will have the timely opportunity to inspect and obtain a copy of all education records of the child.
3. In addition to the discovery provisions in the Administrative Procedure Act and the Uniform Rules of Procedure, at least five (5) business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party who fails to comply with this advance disclosure requirement from introducing the relevant evaluation or recommendation at the hearing.
4. Any party to the hearing has the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing.
5. The parent or guardian will be given the right to (a) have the child who is the subject of the hearing present and (b) open the hearing to the public.
6. The record of the hearing and the findings of fact and decisions will be provided at no cost to parents. Any mediation proceeding conducted pursuant to section 120.573, Florida Statutes, will also be at no cost to parents.
7. The district will not reject or modify the findings of fact made in the recommended order of the Administrative Law Judge unless it determines, pursuant to law, that the findings have no basis in fact or that the proceedings on which the findings were based did not comply with essential requirements of law. Any party aggrieved by the findings and decision in the hearing may obtain review by bringing a civil action in any State court of competent jurisdiction or in a District Court of the United States.

Continuous Notification of Nondiscrimination

Pursuant to Title VI, Title IX, Section 504/Title II and other civil rights regulations, the School District of Hillsborough County does not discriminate nor tolerate harassment on the basis of race, color, ethnicity, national origin, religion, gender, gender identity, sexual orientation, age, disability, marital status, genetic information or pregnancy in its educational programs, services or activities, or in its hiring or employment practices; and it will take immediate action to eliminate such harassment, prevent its recurrence, and address its effects. The District also provides equal access to its facilities to the Boy Scouts and other patriotic youth groups, as required by the Boy Scouts of America Equal Access Act.

The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Dr. Pansy Houghton, Executive Officer, Compliance
901 East Kennedy Boulevard
Tampa, FL 33602
(813) 272-4000
pansy.houghton@sdhc.k12.fl.us