

ST. JOHNS COUNTY SCHOOL DISTRICT
Notice of Parent Rights Under Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 is designed to eliminate discrimination on the basis of disability in any program or activity receiving federal financial assistance. Students eligible for 504 assistance are those who:

1. have a physical or mental impairment, or
2. have a record of such impairment, or
3. are regarded as having such impairment, except if the impairment is minor and transitory (expected duration of six months or less), and, such impairment substantially limits one or more major life activities.

Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, speaking, walking, standing, lifting, bending, breathing, learning, reading, concentrating, thinking, communicating, working or operation of a major bodily function. Major bodily functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

- a. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- b. use of assistive technology;
- c. reasonable accommodations or auxiliary aids or services; or
- d. learned behavioral or adaptive neurological modifications.

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 a right to:

1. have the school district advise you of your rights under federal law.
2. have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability.
3. have your child receive a free appropriate public education (FAPE). This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
4. have your child educated in facilities and receive services comparable to those provided non-disabled students.
5. have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.
6. have evaluation, educational and placement decisions made based upon a variety of information sources and by persons who know your child and who are knowledgeable about the evaluation data and placement options.
7. receive notice in your native language with respect to identification, evaluation, or placement of your child.
8. examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.

9. obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
10. explanation and interpretation of your child's records by District personnel who are knowledgeable about the evaluation data and educational program.
11. request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy right of your child. If the District refuses this request for amendment, it shall notify you within a reasonable time and advise you of the grievance procedure.
12. periodic evaluation or reevaluation to determine if there has been a change in educational need before any significant change is made in your child's program or services.

Section 504 Grievance Procedure

If a parent disagrees with the actions of the School's Section 504 Committee in regard to the child's educational program, the parent may pursue a grievance using the procedure described below. The purpose of this procedure is to secure, at the level closest to the student, fair solutions to complaints that may arise from time to time.

1. Informal problem-solving discussions:
 - a. The parent should speak with the teacher (outside of regular class time) to try to resolve the complaint.
 - b. If speaking with the teacher does not resolve the complaint, the parent should speak with the principal (or designee) to attempt to resolve the complaint.
2. Level 1 grievance: the parent may describe the problem in writing, along with a proposed solution, and give it to the Principal within three (3) school days after the informal discussion. The student's parent must sign the grievance. The Principal will investigate and decide how he or she will resolve the problem. The Principal will provide his or her decision in writing to the parent within five (5) school days after receiving the grievance.
3. Level 2 grievance: the parent may request in writing that the ESE Director review the decision. The parent must request review within five (5) school days after receiving the Principal's decision. The ESE Director (or designee) will review the Principal's decision and will decide whether to uphold the Principal's decision or to change it. The ESE Director will provide his or her decision in writing to the parent within five (5) school days after receiving the request for review.
4. Impartial Hearing: the parent or guardian of a child may request and be represented by legal counsel at an impartial hearing on a complaint that the child, solely by reason of his or her disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the district's educational programs or activities. The hearing will be conducted by an Administrative Law Judge (ALJ) of the Division of Administrative Hearings under chapter 120, Florida Statutes. The recommended order of the ALJ will be treated as a final determination by the District and the parties will have the same appeal rights as afforded to parties participating in due process hearings brought under the Individuals with Disabilities Education Act (IDEA).

The person responsible for assuring district compliance with the requirements of Section 504 of the Rehabilitation Act of 1973:

Asst. Director for Exceptional Student Education
St. Johns County School District
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