

ST. JOHNS COUNTY SCHOOL DISTRICT
Section 504 of the Rehabilitation Act of 1973

I. Policy

It is the policy of the St. Johns County School District to provide a free and appropriate public education (FAPE) to each student who is disabled within the definition of Section 504 of the Rehabilitation Act of 1973 regardless of the nature or severity of the disability.

II. Eligibility Criteria

Students eligible for 504 assistance are those who:

- A. have a physical or mental impairment, or
- B. have a record of such impairment, or
- C. are regarded as having such impairment, except if the impairment is minor and transitory (expected duration of 6 months or less), and, such impairment substantially limits one or more major life activities.
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - a. Mitigating measures include, but are not limited to:
 - i. 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;
 - ii. use of assistive technology;
 - iii. reasonable accommodations or auxiliary aids or services; or
 - iv. learned behavioral or adaptive neurological modifications.

II. Procedures for Section 504 Eligibility Determination

The District must evaluate students suspected of having a disability. However, Section 504 does not require a full, comprehensive evaluation as required under IDEA.

- A. The school will designate a School Section 504 Coordinator. The School Section 504 Coordinator will chair the School Section 504 Committee and monitor evaluation, eligibility, plan development, and student reevaluation under section 504.

- B. The School Section 504 Committee must be a multi-disciplinary team. A minimum of three (3) members must be present including at least one of the student’s teachers, one of the school administrators (or designee) and the Section 504 Coordinator.
- C. Requests for Section 504 eligibility evaluation can be made by the parent, the student or a teacher and should be directed to the School Section 504 Coordinator.
- D. The School Section 504 Committee will meet to consider whether to evaluate for Section 504 eligibility:
 - 1. The School Section 504 Committee must consider whether to evaluate when:
 - a. a parent requests a Section 504 eligibility evaluation, or Section 504 accommodation plan.
 - b. a parent provides medical or psychological documentation of a condition that may constitute a disability.
 - c. a student is dismissed from ESE with continuing need for accommodations.
 - 2. The School Section 504 Committee may consider whether to evaluate when:
 - a. a disability of any kind is suspected, unless the disability is minor and/or transitory (expected duration of six months or less).
 - b. a student has a chronic health condition.
 - c. the Multi-tiered System of Support/Response to Intervention (MTSS/RtI) team has determined that an evaluation under IDEA is inappropriate for a student who has been on an RtI plan.
 - d. a student’s discipline history is characterized by a pattern of multiple suspensions or reassignments.
 - e. Substance abuse has been documented, treatment has been received and the student is not currently using drugs or alcohol. Students who are currently using drugs or alcohol are not Section 504 eligible.
 - 3. If the School Section 504 Committee determines an evaluation is necessary,
 - a. the Section 504 Committee determines what evaluations are necessary and who will conduct them. Evaluation may include interviews, structured classroom observations, behavior rating scales, academic performance assessments, etc.
 - b. the *Meeting Notice and Notice and Consent for Initial Section 504 Evaluation* and *Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973* are provided to the parent.
 - c. the Section 504 evaluations are conducted.
- E. The School Section 504 Committee will meet to review evaluations and determine Section 504 eligibility.
 - 1. The parent will be invited to the eligibility determination meeting via the *Notice of Meeting* form.
 - 2. At the meeting, the *Initial Evaluation & Periodic Re-Evaluation* will be completed.
 - 3. If the student is determined eligible for Section 504 protections, an *Accommodation Plan* may be developed.

4. The parent will be provided copies of the *Initial Evaluation & Periodic Re-Evaluation* form, the *Accommodation Plan* if developed, and the *Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973*.
5. The *Accommodation Plan* will be reviewed at least annually and Section 504 eligibility reviewed at least every three years.

III. **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
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