

**ANTI-HARASSMENT AND NON-DISCRIMINATION NOTICE
SCHOOL BOARD OF BREVARD COUNTY**

Educational Services Facility
2700 Judge Fran Jamieson Way
Melbourne, FL 32940-6601

SUPERINTENDENT
Dr. Mark Mullins, Ed.D.

SCHOOL BOARD MEMBERS

Tina Descovich, Chairman
Matt Susin, Vice Chairman
Misty Belford
Katy Campbell
Cheryl McDougall



The School Board of Brevard County, Florida does not discriminate on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information or any other factor protected under applicable federal, state, or local law. The district also provides equal access to its facilities to youth groups, as required by the Boy Scouts of America Equal Access Act. The School Board of Brevard County is in compliance with the Americans with Disabilities Act of 1990 (ADA) and the Amendment Act of 2008 (ADAA), the Florida Education Equity Act of 1984, Age Discrimination Act of 1967 and Section 504 of the Rehabilitation Act of 1973, Civil Rights Act of 1964 including: Title II, Title VI, and Title VII, United States Education Amendments of 1972 - Title IX, Age Discrimination in Employment Act (ADEA), and Individuals with Disabilities Act (IDEA). Questions, complaints, or concerns with any of the above should be reported to either of the Anti-Harassment Compliance Officers listed below for proper assistance and handling. For concerns involving:

Students, Exceptional Education/504, Title IX, or the Public contact:

Assistant Superintendent of Equity, Innovation, Choice
2700 Judge Fran Jamieson Way Viera, FL 32940-6601
(321) 633-1000 Ext. 11500

Employees or Job Applicants contact:

Director of Professional Standards and Labor Relations
2700 Judge Fran Jamieson Way Viera, FL 32940-6601
(321) 633-1000 Ext. 11265

Reasonable accommodations are available for persons with disabilities to complete the application and/or interview process. Applicants and/or individuals with disabilities requesting accommodations under the Americans with Disabilities Act (ADA) may contact the Director of Human Resources & Labor Relations for assistance. Inquiries concerning Title IX may be referred to the Assistant Superintendent of Equity, Innovation, Choice as listed above for assistance or the Office of Civil Rights. This publication or portions of this publication can be made available to persons with disabilities in a variety of formats, including large print, braille or audiotape. Telephone or written requests should include your name, address, and telephone number. Requests should be made to the Office of Exceptional Education Projects, (321) 633-1000, ext. 11535, at least two (2) weeks prior to the time you need the publication.

MISSION STATEMENT

Our Mission is to serve every student with excellence as the standard

12. The right to examine all relevant records regarding the student relating to decisions regarding the student's identification, evaluation and placement.

13. The right to obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parent or adult student access to the records. If the fee would deny the parent or adult student access to the records, the records would be provided at no cost to the parent or adult student.

14. The right to request amendment of the student's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of the student. The request to amend a school record is made to the school principal. If the school principal denies the request for the record to be amended, the school principal shall notify the parent or adult student within a reasonable time and advise them of the right to a formal hearing.

15. The right to seek a resolution regarding alleged violation(s) concerning the identification, evaluation or placement of the student in compliance with provisions of Section 504 of the Americans with Disabilities Act through the BPS anti-harassment and non-discrimination appeal procedures. These procedures are found in the BPS Bylaws and Policies, Policy 2260.01- Anti-Harassment and Non-Discrimination Appeal Procedure.

16. The right to pursue a complaint with the Florida Department of Education (DOE). The right to file a complaint with the Florida DOE is not a prerequisite to requesting and obtaining an impartial due process hearing (see below #18).

17. The right to file a complaint with the Office of Civil Rights (OCR).

18. The right to request an impartial due process hearing to contest an action of BPS in regard to the student's identification, evaluation or placement under s.s. 504 [34 CFR 104.36]. The parent, the adult student, and the minor child may take part in the hearing and be represented by an attorney provided at their own expense. BPS shall have no financial obligation with respect to any attorney's fees incurred by the parent or adult student, including if the parent or adult student prevail at the hearing. BPS may also be represented by an attorney provided at their own expense. Neither the parent nor adult student shall have a financial obligation with respect to the any attorney's fee incurred by BPS, including if BPS prevails at the hearing.

Requests for impartial due process hearings are made to the BPS Section 504/ADA Coordinator who is also the Director Administrative Support. The request will include a description of the issue of the request and a proposed remedy. BPS will submit the request for an impartial due process hearing to an independent hearing officer for action. The BPS Section 504/ADA Coordinator can be contacted at:

Brevard Public Schools
Office of Exceptional Student Education Programs
2700 Judge Fran Jamieson Way
Viera, FL 32940
321-633-1000 Ext. 11505

19. The right to appeal the impartial due process hearing officer's decision to a court of competent jurisdiction.

Section 504/ADA

A guide to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act

How it Applies to Students

WHAT IS SECTION 504?

Section 504 is the section of the Rehabilitation Act of 1973 which applies to persons with disabilities. It is a civil rights act which protects the civil and constitutional rights of persons with disabilities. Section 504 prohibits organizations which receive federal funds from discriminating against otherwise qualified individuals solely on the basis of disability. Section 504 is monitored by the U. S. Department of Education, Office for Civil Rights (OCR).

WHAT IS ADA?

The Americans with Disabilities Act (ADA) extends the Section 504 civil rights protections prohibiting discrimination against individuals with disabilities to most of the private sector and to sections of state and local government. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services and telecommunications.

HOW DOES SECTION 504/ADA DEFINE "DISABLED"?

A person is considered "disabled" if he/she

1. has a physical or mental impairment which substantially limits one or more major life activities;
2. has a record of such an impairment, or
3. is regarded as having such an impairment.

WHAT IS A "MAJOR LIFE ACTIVITY"?

Major life activities include such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and operation of a major bodily functions such as: immune system, bowel, bladder, neurological, endocrine, etc. This list is not exhaustive.

DOES SECTION 504/ADA REQUIRE EVALUATIONS?

Section 504 Regulation, 34 CFR Section 104.35(a) requires that a school district evaluate "any person who, because of handicap, needs or is believed to need special education or related services." An evaluation is also required prior to any significant change in placement. Section 504/ADA does not require that a district conduct a full evaluation of a student simply because a parent requests it. The district must provide the parent with procedural safeguards.

WHAT DOES ADAPTING FOR SPECIAL NEEDS MEAN?

If a student is determined to be disabled under Section 504/ADA and eligible for an Accommodation Plan, the district must make an individualized determination of the child's educational needs for regular or special education or related aids and services. A Section 504/ADA Accommodation Plan is one way to provide free appropriate public education requirements of Section 504/ADA.

Should it be determined that the student is disabled for the purposes of Section 504/ADA and needs only adjustments in the regular classroom, those adjustments are required by Section 504/ADA. A range of strategies is available to meet the educational needs of children with disabilities. The school's Individual Problem Solving Team (IPST) can assist with identifying the appropriate educational adaptations and interventions for many children with and without disabilities.

HOW DOES SECTION 504/ADA DEFINE "APPROPRIATE EDUCATION"?

A free appropriate education is one provided by the public elementary or secondary school which includes regular or special education and related aids and services that are designed to meet the individual educational needs of persons with disabilities as adequately as the needs of non-handicapped persons are met, and are based upon procedures that satisfy the requirements of Procedural Safeguards.

DO SECTION 504 STUDENTS RECEIVE A PLAN?

Eligible Section 504/ADA students in need of accommodations are provided with an appropriate 504 accommodation plan. Placement decisions must be based upon information drawn from a variety of sources and all information must be documented and considered. The placement decision must be made by a group of persons knowledgeable about the student, about the meaning of the evaluation data and about placement options.

PROCEDURAL SAFEGUARDS UNDER SECTION 504/ADA

The purpose of this Procedural Safeguards' Notice is to inform parents and students of the rights granted to them under federal law. Federal regulations for the law are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following:

1. The right to be informed about procedural safeguards rights under s.s. 504 [34 CFR 104.32] by receiving a written copy of these procedural safeguards. Persons needing further explanation or clarification of any of these rights, as described in this Notice, may contact the BPS Director of Administrative Support who is also the Section 504 Coordinator. The address and phone number for the BPS Director of Administrative Support is provided later in this Notice.
2. The right to have the student take part in and receive benefits from an appropriate public education program without discrimination because of his/her disabling condition.
3. The right to receive notice with respect to identification, evaluation, or placement of the student.
4. The right of the student to be given an equal opportunity to participate in non-academic and extracurricular activities offered by BPS and to receive a free appropriate public education in the least restrictive environment as adequately as the needs of non-disabled students are provided
5. The right to be educated in facilities which are comparable to those provided to non-disabled students.
6. The right to be educated with students who are not disabled to the maximum extent appropriate for the student's needs.
7. The right to have the student receive special education and related services if the student is found to be eligible under the Individual with Disabilities Education Act or a Free Appropriate Public Education (FAPE) if eligible under Section 504/ADA of the Rehabilitation Act.
8. The right to have evaluation, educational and placement decisions made based on a variety of information sources using valid tests and other assessment materials designed to assess specific areas of need and by persons who know the student and who are knowledgeable about the evaluation data and placement options.
9. The right to an evaluation of the student prior to determining appropriate educational placement or program of services under s.s. 504 and before every subsequent change in placement [34 CFR 104.35].
10. The right to a periodic re-evaluation to determine if there has been a change in educational need.
11. The right to notification by BPS prior to any action regarding the identification, evaluation or placement of the student.