

7. Have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the district) at no greater cost to the parent or adult student than would be incurred if the student were placed in a program operated by the district.
8. Have the student be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district.
9. Examine all relevant records relating to decisions regarding the student's identification, evaluation, educational program and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny the parent or adult student access to the records.
11. 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. If the school district refuses this request for amendment, it shall notify the parent or adult student within a reasonable time and advise them of the right to a hearing.
12. File a local grievance.
13. Request an impartial hearing related to decisions or actions regarding the student's identification, evaluation, educational program, or placement. The parent, the adult student and the minor child may take part in the hearing and be represented by counsel. Hearing requests must be made to the District Section 504/ADA Coordinator.
14. Appeal the impartial hearing officer's decision to a court of competent jurisdiction.

The person in your district responsible for assuring compliance is Dr. Patricia Fontan, District Section 504/ADA Coordinator, who can be reached at (321) 633-1000, extension 505.

WHAT CAN I DO IF I HAVE A SECTION 504/ADA GRIEVANCE?

The Compliance Officer for schools is the principal. The principal may designate other persons to act in this capacity on his/her behalf. All written grievances should properly be directed to the principal of the school where the alleged violation has taken place. All written complaints, as well as the written response/resolution regarding the complaint, must be copied to the district's 504/ADA Coordinator.

Brevard Public School (BPS) Board Policy 2260.01 provides that discrimination against a student with a disability will not knowingly be permitted in any programs or activities of BPS.

At any time during the grievance process, a grievant may file a complaint directly with the Office for Civil Rights. If you require further information, you may contact Dr. Patricia Fontan, District Coordinator for Section 504/ADA at (321) 633-1000, extension 505.



NONDISCRIMINATION NOTICE

It is the policy of the School Board of Brevard County to offer the opportunity to all students to participate in appropriate programs and activities without regard to race, color, gender, religion, national origin, disability, marital status, or age, except as otherwise provided by Federal law or by Florida state law.

A student having a grievance concerning discrimination may contact:

<p>Dr. Desmond K. Blackburn Superintendent Brevard Public Schools</p>	<p>Ms. Cyndi Van Meter Associate Superintendent, Division of Curriculum and Instruction, Equity Coordinator</p>
<p>Mr. Robin Novelli, Director Office of Secondary Programs</p>	<p>Dr. Patricia Fontan Director, Exceptional Student Education ADA/Section 504 Coordinator</p>

School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, Florida 32940-6601
(321) 633-1000

It is the policy of the School Board of Brevard County not to discriminate against employees or applicants for employment on the basis of race, color, religion, sex, national origin, participation and membership in professional or political organizations, marital status, age, or disability. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship, and is prohibited. This policy shall apply to recruitment, employment, transfers, compensation, and other terms and conditions of employment.

An employee or applicant having a grievance concerning employment may contact:

<p>Mr. Mark Langdorf, Director Office of Benefits and Risk Management</p>	<p>Mr. Jim Hickey, Director Human Resources Services and Labor Relations</p>
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633-1000

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 request should include your name, address, and telephone number. Requests should be made to April Shaw, Student Services, 633-1000, ext. 386, at least two (2) weeks prior to the time you need the publication.

08/28/2015

Section 504/ADA

A Guide to Section 504 of

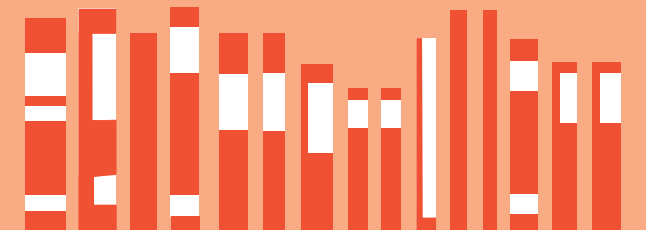
the Rehabilitation Act of 1973

and the

Americans with Disabilities Act

Brevard Public Schools, Florida

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.

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.

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.

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.

WHAT PROCEDURAL SAFEGUARDS DO PARENTS HAVE?

PARENT/STUDENT RIGHTS AFFORDED BY SECTION 504/ADA OF THE REHABILITATION ACT OF 1973
(Procedural Safeguards Under Section 504/ADA)

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep the parent(s) of a child with a disability, or the adult student, fully informed concerning decisions about the student's education and to inform the parent or adult student of their rights in cases of disagreement with any of these decisions.

Parents of a child with a disability, or the adult student, have the right to:

1. Have the student take part in, and receive benefits from public education programs without discrimination because of the disabling condition.
2. Receive notice with respect to identification, evaluation, or placement of the student.
3. Have the student receive a free appropriate public education in the least restrictive environment.
4. Have the student receive services and be educated in facilities which are comparable to those provided to non-disabled students.
5. 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.
6. Have evaluation, educational and placement decisions made based on a variety of information sources using valid tests and other evaluation materials designed to assess areas of need by evaluators and who are knowledgeable about the evaluation data and placement options.