

Brevard Public Schools, Florida

Notice of Parent and Student Rights Afforded by Section 504/Americans with Disabilities Act (ADA) of the Rehabilitation Act of 1973 Procedural Safeguards under Section 504/ADA: s.s. 504

The Rehabilitation Act of 1973, commonly known as “Section 504/ADA”, is a federal law passed by the United States Congress for the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In Brevard Public Schools (BPS), the law is implemented to ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to non-disabled students. 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 the adult student of their rights in cases of disagreement with any of these decisions.

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 for Exceptional Student Education (ESE) who is also the Section 504 Coordinator. The address and phone number for the BPS Director for ESE 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 also 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.
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 grievance procedure [BPS Bylaws and Policy 2260.01]. The right to seek resolution through the BPS grievance procedure is not a prerequisite to requesting and obtaining an impartial due process hearing (see below #18). The parent or adult student has the right to request an appropriate informal discussion with the individual(s) alleged to have committed the violation or with other appropriate school personnel. If the informal discussion does not satisfactorily resolve the issue, the aggrieved student, or parent on behalf of the student, may submit a written statement of the grievance to the school principal that describes the alleged discriminatory action taken against the student. The school principal, or his/her designee, shall investigate the alleged discriminatory action and render a written response to the student and parent. The written response shall uphold, modify or deny the resolution sought. If the student or parent is not satisfied with the response issued by the school principal, or his/her designee, the student may resubmit the grievance in writing to the BPS Equity Coordinator. The BPS Equity Coordinator shall issue a written response to the aggrieved student and parent. The decision of the BPS Equity Coordinator shall be final except as provided by law or School Board Policy including the right of the student or parent to request an impartial due process hearing in regard to the student's identification, evaluation or placement under s.s. 504.
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 of ESE. 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 extension 505

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