



**Section 504 of the  
Rehabilitation Act of 1973  
and the Americans with  
Disabilities Act  
Amendments of 2008**

***Coordinators' Handbook***

**2022-23**

# Table of Contents

<b>INTRODUCTION</b>	<b>Page 3</b>
<b>SECTION 504 OF THE REHABILITATION ACT OF 1973 IMPLICATIONS OF SECTION 504 AND IDEA DETERMINING ELIGIBILITY UNDER SECTION 504 DEFINITION OF TERMS</b>	
<b>504 ACCOMMODATION PLAN PROCEDURES</b>	<b>Page 8</b>
<b>PARTICIPANTS</b>	
<b>REFERRAL PROCESS</b>	
<b>EVALUATION</b>	
<b>DISABILITY DETERMINATION</b>	
<b>ACCOMMODATION PLAN</b>	
<b>DISMISSAL</b>	
<b>TRANSFER STUDENTS</b>	<b>Page 13</b>
<b>ARTICULATION FROM SCHOOL TO SCHOOL</b>	<b>Page 13</b>
<b>DISCIPLINE</b>	<b>Page 14</b>
<b>TESTING ACCOMMODATIONS</b>	<b>Page 14</b>
<b>TRANSFER OF RIGHTS/AGE OF MAJORITY</b>	<b>Page 15</b>
<b>SECTION 504 AND THE FLORIDA STATUTES</b>	<b>Page 15</b>
<b>FORMS:</b>	
<i>Parent/Guardian Permission for Intervention Services</i>	<b>Page 17</b>
<i>Notice of Parent Rights Under Section 504</i>	<b>Page 18</b>
<i>Intervention Assistance Team Summary</i>	<b>Page 19</b>
<i>Section 504 Disability Determination and Need for Services</i>	<b>Page 23</b>
<i>Section 504 Disability Determination</i>	<b>Page 26</b>
<i>Parent Notice of 504 Plan Meeting</i>	<b>Page 29</b>
<i>Parent Participation Form</i>	<b>Page 30</b>
<i>Accommodation Plan</i>	<b>Page 32</b>
<i>Parent Notice and Consent for Student to Receive Instructional     Modifications Not Permitted as Accommodations on Statewide     Assessments</i>	<b>Page 34</b>
<i>Age of Majority, Transfer of Rights under Section 504</i>	<b>Page 36</b>
<i>Manifestation Determination Checklist for Section 504     Eligible Students</i>	<b>Page 37</b>
<b>APPENDICES</b>	
<b>FAQ: A Parent and Teacher Guide to Section 504</b>	<b>Page 39</b>
<b>Procedures for Responding to Student Service Animal Requests</b>	<b>Page 42</b>
<b>Forms:</b>	
<i>Student Request to Bring Service Animal to School</i>	<b>Page 45</b>
<i>Service Animal Registration/Agreement</i>	<b>Page 46</b>
<b>Guidance for IEP/504 Team Service Animal Decision</b>	<b>Page 47</b>

# **SECTION 504 OF THE REHABILITATION ACT OF 1973 COORDINATORS' HANDBOOK**

## **INTRODUCTION**

This handbook is designed to provide information concerning referral, evaluation, staffing, and 504 accommodation plans, and reevaluation procedures to school administrators, 504 contacts, referral coordinators, guidance counselors, school psychologists, social workers, and teachers.

For information regarding a student or parent alleging discrimination as it relates to Section 504 of the Rehabilitation Act contact Gulf County School District Administrative Office at 150 Middle School Road, Port St. Joe, FL 32456

For information regarding an employee, student, parent or applicant alleging discrimination with respect to employment, or any educational program or activity contact Equity Officer at Gulf County School District Administrative Office at 150 Middle School Road, Port St. Joe, FL 32456.

Credits:

This Manual has been authored by Exceptional Consulting Services, (ECS, Inc.) with the assistance of the Panhandle Educational Area Consortium (PAEC), and Leon County Schools, Florida. ECS wishes to give credit to Julie Weatherly of Resolutions in Special Education (RISE) for her input into the Manual, and especially for the forms and procedures for service animals and the Section 504 Evaluation Review Meeting and Eligibility Determination form.

## **SECTION 504 OF THE REHABILITATION ACT OF 1973**

In 1973, the Vocational Rehabilitation Act was signed into law. As part of the Act, Congress enacted Section 504. This Section states that disabled persons cannot be discriminated against based solely on their disability. This law became the first federal civil rights law to protect the rights of disabled persons. The official name of the Act is “Nondiscrimination on the Basis of Handicap in Program and Activities Receiving or Benefiting from Federal Financial Assistance.”

The ADA Amendments Act (ADAAA) of 2008, which is effective January 1, 2009, have been incorporated into this Manual so that staff may comply with the provisions in protecting the rights of both IDEA and Section 504 students with disabilities (SWDs). While there is not clear guidance from USDOE, OCR or Florida DOE/BEESS, this manual and the OCR Questions and Answers Document revised March and posted on the OCR website, March 27, 2009 may be consulted. The ADAAA clearly apply to Section 504, although the impetus for the amendments were applicable to the area of employment of persons with disabilities.

### **IMPLICATIONS OF SECTION 504 AND IDEA**

The federal government views these two requirements as different but compatible, Section 504 is a basic civil rights statement on behalf of disabled persons. IDEA 2004 (Individuals with Disabilities Education Improvement Act of 2004) is a support program to assist states and districts with the provision of a free appropriate public education to disabled students. Any recipient of federal education funds is bound by the requirements of Section 504.

Both programs require:

- Child identification, location, and evaluation
- Free appropriate public education
- Nondiscriminatory testing
- Procedural safeguards
- A continuum of alternative placements

### **DETERMINING ELIGIBILITY UNDER SECTION 504 and ADAAA**

A student may be considered a student with a disability if the student has a mental or physical impairment that substantially limits a major life function. Students with disabilities who are not eligible under the Individuals with Disabilities Education Act (IDEA) may be eligible for services and protection including educational accommodations under Section 504 of the Rehabilitation Act of 1973. However, any student identified as a student with disability under IDEA is afforded all the protections described under Section 504.

To be eligible as a student with disabilities under 504 for services and protection against discrimination, a student must be determined, as a result of an evaluation to have a “physical or mental impairment.” That impairment must “substantially [limit] one or more major life activities,” (Section 104.3(j) (1) & (2) of Title 34). The federal regulations define physical or mental impairment as

“any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic lymphatic, skin, endocrine or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

Major life activities include but not limited to:

- Caring for one's self
- Seeing
- Breathing
- Working
- Walking
- Performing manual tasks
- Learning
- Hearing
- Speaking

ADAAA expanded the list of major life activities to now include major bodily functions (such as the immune system and normal cell growth), sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating. Interacting with others is also considered a major life activity.

The ADAAA also declared that an impairment which is episodic or in remission is a disability if it would substantially limit a major life activity when active. So conditions such as seasonal allergies, asthma, migraine headaches, or cystic fibrosis, may be considered impairments.

While neither ADAAA or Section 504 requires an evaluation on demand, students whose conditions are in full remission may not have a current need for services, but may need evaluation to determine eligibility if the conditions substantially limit a major life activity. There may be cases when a student is in remission and a parent requests an evaluation. Then the district has the option of determining the student Section 504 eligible, but not in need of services. This should be clearly documented on appropriate forms in the Manual.

ADAAA found at 42 USC Section 12102(4)(E) states (sic) 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 medication, medicinal supplies, equipment or appliances, low vision aids (excluding contact lenses or glasses), prosthetics including limbs and devices, hearing aids and cochlear implants, mobility devices, or oxygen therapy equipment and supplies. Further included are use of assistive technology, reasonable accommodations or auxiliary aids or services, and learned behavioral or neurological modifications. Health care plans may be considered mitigating measures.

Therefore, it is imperative that school districts use extreme caution in the use of the mitigating measure principle to deny disability determination for Section 504.

Services and protections under Section 504 include program accessibility, prohibition of discrimination and provision of reasonable accommodations in employment practices, and non-discriminatory practices in the area of education.

The provision of a non-discriminatory education ensures that the student receives a free appropriate public education in a non-segregated educational setting and has been appropriately placed through the administration of a variety of assessments. Procedural safeguards are afforded the student and the parent. The student identified as qualified under Section 504 is also afforded an equal opportunity to participate in nonacademic and extra curricular services and activities in the same manner as nondisabled peers.

Most commonly in the area of education, schools will determine if learning, as a major life activity, is impacted by the student's disability. The Office for Civil Rights (OCR) provided some guidance and stated, "By definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn." Saginaw City (MI) Sch. Dist., EHLR 352:413 (OCR 1987).

Non-academic services may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the schools, and employment of students including employment by the school and assistance in making employment outside the school.

A 504 Accommodation Plan may be necessary for a student determined to be a student with a disability as described in Section 504 to ensure this student has equal access to academic and non-academic educational activities.

Students identified as disabled and who have been determined eligible for exceptional student education services under IDEA are also afforded the protections under Section 504. The student with disabilities under IDEA is provided accommodations through the individual education plan (IEP) process and is not in need of a 504 Accommodation Plan.

## DEFINITION OF TERMS

**Qualified student:** One who is of age during which non-disabled individuals are provided education services of any age during which it is mandatory under state law to provide such service to individual with disability or one who is entitled to FAPE under IDEA. For example if FAPE is provided to students ages 3-22, then a student within that age range is qualified with a disability under Section 504.

**Disability:** May include but is not limited to any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic lymphatic, skin, endocrine or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Major life activity (MLA):** Include functions such as “care for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working...” This list is not exhaustive. ADAAA expanded the list of MLA’s.

**Substantial limitation:** The standard for substantial limitation of a student’s ability to learn is -- “by definition, a person who is succeeding in regular education does not have a disability which substantially limits the ability to learn. (Saginaw City (MI) Sch. Dist. 352 EHLR 413 (OCR 1987).)” Future ADA amendments may change the substantial limitation definition.

A substantial limitation is determined by comparing how the student functions in the affected major life activity to how the average non-disabled student functions in the same major life activity (average person in the general population). If the student suspected of a disability is functioning commensurate to the average non-disabled student, the student is likely not in need of a Section 504 plan.

**Functioning below level:** Students, who pass each grade while functioning further below the norm for their age, are not succeeding in general education and should be evaluated to determine eligibility for services. RTI may be considered as an evaluation process.

**Temporary disability:** Eligibility decisions must be made on a case-by-case basis taking into consideration the severity of the temporary impairment and how long it could potentially limit a major life activity. ADAAA expanded the definition of temporary impairment, in Question 34 of its Q + A document.

**Accommodation Plan:** A plan developed by a team of school personnel that addresses the effects the student’s disability has on his or her access to educational opportunities. The accommodations indicated on the plan should be such as to provide the child with equal access without providing the child with an undue advantage. The plan has been said to “level the playing field” for the child. The plan must address: the nature of the student’s disability and the major life activity it limits; the basis for determining the disability; the educational impact of the disability; the necessary accommodations; and placement in the least restrictive environment.

**Discrimination:** The discrimination aspect of the Rehabilitation Act of 1973 applies to all students with disabilities. Students with disabilities cannot be otherwise denied access to a facility or a service solely due to their disability.

## 504 ACCOMMODATION PLAN PROCEDURES

Students determined to have a disability that affects a major life function may be in need of a 504 Accommodation Plan to provide the student access to the same educational opportunities as non-disabled students. A team of school personnel makes that determination if a student is a student with a disability, the disability affects a major life activity, and a 504 Accommodation Plan is needed to provide the student with a disability access to educational opportunities.

### PARTICIPANTS

**504 Contact/Designee:** The principal designates a school-based person as the 504 contact/designee. This contact/designee facilitates parent and school communication, manages the organization of the written documentation, coordinates the evaluation activities, schedules 504 meetings regarding referral, evaluations, eligibility and plan reviews, and monitors the Accommodation Plan.

**Intervention Team:** The team should be comprised of persons knowledgeable about the student. The team may be the same persons who participate as members of the School Intervention Team. The team must include the 504 contact/designee, and the student's teacher. In addition, as appropriate, the team may also include the guidance counselor, the school nurse, a social worker, a psychologist, and/or a behavior specialist. Other school and district personnel as appropriate may also participate. The parents may also be a part of the team.

### REFERRAL PROCESS

A student may be identified by a teacher, parent, administrator or other person with a legitimate interest and knowledge of the student. To begin the consideration process a student must be brought before the Intervention Assistance Team. Based on the discussion of the team, the intervention team form must be completed:

#### *Intervention Assistance Team Summary (FORM revised 1/2019)*

The Intervention Team reviews the request for consideration of 504 eligibility. Information reviewed by the team may include but is not limited to the student's cumulative educational record, district and statewide assessment scores, classroom student work sample and tests, anecdotal records, medical information, input from classroom teachers and parents.

During the intervention team meeting, the team needs to address the following questions:

- What area of the student's classroom performance is of most concern?
- What interventions, methods, strategies or services have been tried in an effort to deal with the concerns? What have been the results?
- Does the student use any special accommodation or modification in the class?
- How might eligibility for 504 help the student in his educational performance?

The Intervention team must complete the *Intervention Assistance Team Summary form* as the Team would for any child brought forward for discussion.

Parents may refer their child for consideration of 504 eligibility. Parents may provide a private evaluation, including but not limited a medical report, a psycho-educational evaluation, neuropsychological evaluation, or a psychiatric evaluation. These reports can be considered in determining if a referral for consideration of 504 eligibility is moved forward. Regarding parent referrals, the team should ask the following questions:

- What type of disabling tendencies do you feel your child may have or exhibit?
- What are your areas of concerns regarding your child’s educational performance?
- How do you believe your child’s disabling tendencies affect his school performance?

Medical reports provided by the parent should include the medical diagnosis with a description of the disabling condition and the medical implication if any for instruction.

Following consideration of all available and relevant information on the student, and the completion of the ***Intervention Assistance Team Summary form***, the Intervention Team determines whether a referral for possible 504 eligibility should move forward. This information is documented on the ***Intervention Assistance Team Form***.

## **EVALUATION**

All available records and student data should be reviewed by the school intervention team. Data sources may include cumulative records, attendance records, student observations, documented interventions, standardized aptitude and achievement tests, teacher recommendations, student’s physical condition, and/or medical physician’s report. The team determines if any further evaluation is needed.

The team can consider a private evaluation as part of the evaluation data. If a parent provides a private evaluation, the team determines if the evaluator is a “trained clinician” with the skills necessary to make a determination as described in the DSM IV. If the team has difficulty making that determination, the district office staff can determine if the evaluator is a bona fide examiner.

If the team determines that sufficient evaluation data is present to make a disability determination regarding Section 504, or that no additional evaluation data is required, the team goes forward with the disability determination process for Section 504.

If the team determines that additional assessment information is necessary, the team will designate the team members to be involved in assessment process (psychologist, counselor, social worker, teacher, etc.). Additional assessment information may include behavior ratings forms, standard academic achievement assessments; screening for sensory or physical concerns; or medical information. The ***Parent/Guardian Permission for Intervention Services*** is provided to the parent for permission to move forward with the assessment.

If the team determines that a formal evaluation is necessary that must be conducted through the evaluation process described in the Special Programs and Procedures Document.

At the conclusion of the evaluation process, an evaluation report is prepared by the School Intervention Team. The report should include the date of the report, the student’s name, school, grade, areas of concern, areas evaluated, evaluation methods, evaluator, and findings. A team meeting is scheduled to discuss evaluation findings and disability determination.

## **DISABILITY DETERMINATION**

The 504 contact/designee is responsible for scheduling the meeting and notifying the participants of the meeting date and time. The team making the determination can be the same persons as those required for the Intervention Assistance Team. These participants may include parent(s) or guardian(s), a school guidance counselor, school social worker, the student's teachers, and other appropriate personnel. However, the team must include the 504 contact/designee, persons knowledgeable about student including classroom teachers, and individuals with the authority to commit the necessary resources to implement the plan, if developed.

The Team reviews the evaluation report, cumulative records and any other pertinent data to determine if student meets the requirements as a qualified student with a disability under Section 504 of the Rehabilitation Act of 1973 and the ADA.

## **NEED FOR SECTION 504 PLAN**

If the student is determined disabled under 504, the team determines if a 504 plan is needed.

- Is the disability affecting a major life activity of the student?
- Is the child learning?
- Is the child progressing adequately through the general curriculum?
- Does the student's disability prevent him or her from learning?
- Does the disability limit the student's equal access to educational opportunities?
- Based on the medical report if provided by the parent, what is the medical implication for instruction?

Based on the answers to these questions, the team determines if the student needs a 504 plan, or not and if so develops the Accommodation Plan and has invited the parent by sending home the

*“Parent Participation and Attendance and Participation in the Accommodation Plan Meeting”.*

**The disability determination and the completion of the accommodation plan, if determined appropriate, may be scheduled for the same meeting.**

## **ACCOMMODATION PLAN**

The parents are invited to develop the plan. The intervention team develops the plan based on the student's disability and the effect of the disability on the major life activity. The student's regular teacher is a key part of developing the plan and making the recommendations for the appropriate interventions. Specific accommodations that are currently provided in the classroom for the student may be included on the plan. The 504 Accommodation Plan is signed by those in attendance. The signature of participants is located on the parent participation form. Parents are encouraged to actively participate. Parents receive copies of the 504 Accommodation Plan and are notified of their due process rights.

### ***Section 504 Accommodation Plan***

### ***Gulf County Schools Notice to Parent/Student Rights afforded by Section 504 of the Rehabilitation Act of 1973 and ADA.***

At the conclusion of the meeting, the 504 Accommodation Plan along with all the other documentation, including the medical statement with diagnosis; evaluation data, and notification of 504 conference form, is placed in a folder marked "504" and filed in the student's educational cumulative record. The 504 contact/designee will monitor the implementation of the plan.

### ***What Does a Plan Look Like?***

The plan assists the student with a disability in receiving equal access to educational opportunities and provides the student with the same opportunity to benefit from educational programs, services, and activities as the non-disabled peer.

The plan may address classroom accommodations in regard to

- Physical arrangements
- Assignments
- Organization
- Lesson Presentation
- Test Taking
- Behavior

The plan may address physical accommodations such as:

- Transportation
- Controlled environments
- Traveling distances
- Frequent hydration

The plan may address medical issues such as:

- Regularly scheduled time to receive insulin
- Opportunities to use inhaler
- Accommodations to address physical limitation due to disease

### ***Implementation of the Plan***

When completed, the Accommodation Plan for a specific student is provided to all relevant school personnel who are responsible for the implementation of the plan. Copies of the plan are provided to all classroom teachers of the student, and to any other person who may be responsible for the implementation of the plan such as the health-care workers, social workers, or guidance counselors. Accommodations, as appropriate are to be provided throughout the school year for the student.

### ***Review of the Plan***

On an annual basis the disability determination occurs. This process should proceed through the intervention team process. The School Intervention Team reviews current evaluation information at the time of the annual review. The reviewed information can include but is not limited to academic progress in the classroom, standardized test scores, behavior plans, medical needs, classroom observations, work samples, etc. If the team determines that additional evaluation data is necessary the team provides the parents with the ***Parent/Guardian Permission for Intervention Services form***. The 504 Accommodation Plan must be reviewed to determine if the student continues to have a need for accommodations and if the accommodations in place are still effective in assisting the student access to educational opportunities. The effectiveness of the 504 Accommodation Plan is evaluated by the 504 contact/designee and appropriate members of the team. Annually, the 504 contact meets with the student's previous year's and upcoming year's teachers to determine if accommodations provided are/were effective.

If the consensus of the student's teachers is that the plan is effective, the initials of the 504 contact, date the reviewed occurred is documented at the bottom of the form. If the plan needs to be modified or redesigned, the student is referred to the Intervention Team for the review of, revision of, or further action on his or her Accommodation Plan.

(The federal regulations require a periodic re-evaluation of students identified as 504 students to determine a continued need for an Accommodation Plan. In our County the annual review serves as the periodic reevaluation process.

If the team reviews the accommodation plan and the available evaluation data, and determines the accommodations have been ineffective, the team is to revise the Accommodation Plan. A revision of the plan may occur by considering different strategies, more effective accommodations based on the evaluation data or other placement options.

If the team reviews the accommodation plan and the available evaluation data, and determines the student is no longer disabled under Section 504, refer to the Dismissal section.

To document these activities in any of these scenarios, the team is to complete the Accommodation Plan and Disability Determination and Need for Services.

## **DISMISSAL**

At any time that the team determines a formal review is necessary, the student can be considered for dismissal from 504 eligibility, if the student is determined not eligible for Section 504. The 504 contact/designee will schedule and notify the parents and school personnel of the conference using the Parental Notice. These participants may include parent(s) or guardian(s), a school administrator, classroom teacher(s), school psychologist, school social worker, guidance counselor, and other appropriate personnel. Each case is individualized. As in the initial intervention team, the participants of the team must be knowledgeable about the student.

Based on the evaluation data, the team can determine that the student is no longer disabled under Section 504 and then dismiss the student. The meeting is documented on the

### ***Disability Determination and Need for Services***

Appropriate signatures and the dismissal determination should be documented on the appropriate area of the form. Parent(s) are provided with the

***Notice of Parent/Student Rights as afforded by Section 504 of the Rehabilitation Act of 1973 and ADAAA.***

## **TRANSFER STUDENTS**

When a student enrolls in Gulf Schools either from another Florida school district or from an out-of-state school district, the school asks, "Has your child received any special help or services at his/her former school?" The parent may also provide information about previous services on the Student Registration form that is completed upon entry into Gulf County Schools. If the answer is yes, the school should attempt to determine what type of help or services was provided and contact the previous school to verify 504 eligibility.

Upon receipt of documentation of or verification of 504 eligibility, the 504 contact/designee is directed to convene an Intervention Team meeting as outlined in these procedures to determine if accommodations are still necessary in Gulf County Schools.

## **ARTICULATION FROM SCHOOL TO SCHOOL**

As students articulate from elementary to middle school or from middle school to high school, the 504 contact/designee of the sending school shall contact the 504 contact/designee at the receiving school and provide the receiving school a list of eligible Section 504 students with a current accommodation plan. The plan and all other documentation regarding 504 should be filed in a blue folder stamped 504 and located with the students' educational records. The district office will maintain a data base of eligible Section 504 students as well. It is necessary however for schools to notify the district office of students transferring from one school to another as it becomes known to the 504 contact/designee in order for the data base to remain as current as possible.

## DISCIPLINE

A student considered a student with a disability under Section 504 cannot be removed for a long-term period (more than 10 days) if the team determines that the behavior was a manifestation of the student's disability. The long-term removal constitutes a change in placement and the school must review the 504 plan, re-evaluate the student and hold a manifestation determination hearing.

If however, through the manifestation determination hearing, the team determines the student's behavior was not a manifestation of the student's disability, the school can impose the same disciplinary action as it would for a non-disabled student.

A suspension or expulsion of a student with disabilities for more than 10 consecutive school days is considered a significant change of placement by the Office for Civil Rights, US Department of Education. In addition, in some instances, a series of short-term suspensions may also be considered a significant change of placement if the series of short-term suspensions creates a pattern of exclusion. Section 504 specifically states that a re-evaluation must be conducted for a student before the school district can make "any significant change of placement." A long term removal or a series of short term removals is considered a change of placement.

To conduct a manifestation determination meeting, the team (same team members that participate in the eligibility and plan development) must meet and complete the

### ***Manifestation Determination Checklist for Section 504 Eligible Students***

The process is similar to the completion of the form for IDEA students with disabilities. The parent receives a copy of the completed form and a copy of

### ***Notice of Parent/Student Rights as afforded by Section 504 of the Rehabilitation Act of 1973 and ADA.***

## TESTING ACCOMMODATIONS

Florida Statutes allow for testing accommodations for students identified as students with disabilities under Section 504. The accommodations must be described in the 504 Accommodation Plan in order to be allowable on the statewide assessments. The accommodations must be provided to the student throughout the school year in the classroom setting. If the student receives accommodations throughout the school year that are not allowable for FCAT testing or other statewide or district wide testing, the parent must receive a notice and the school must seek consent as described in the

### **Parent Notice and Consent for Student to Receive Instructional Modifications Not Permitted as Accommodations on Statewide Assessments**

Additional information regarding statewide assessments and accommodations for students with disabilities can be located at <http://www.firn.edu/doe/commhome/fcatasd.htm> by viewing the following brochures:

- [Descriptions of FCAT Accommodations \(PDF\)](#)
- [FCAT Accommodations for Students with Disabilities-Information for Parents \(PDF\)](#)
- [Planning FCAT Accommodations for Students with Disabilities - Information for Parents and Teachers \(PDF\)](#)
- [The Sunshine State Standards and Students with Disabilities-\(poster\) \(side 2\) \(PDF\)](#)

## **TRANSFER OF RIGHTS/AGE OF MAJORITY**

Students in the State of Florida reach the age of majority at the age of 18. Sections 393.12, 743.07 and 744, Florida Statutes, state that the students 18 years of age or older are afforded all rights as an adult as described in the State Constitution. In addition the federal law, the Family Education Rights and Privacy Act (FERPA) transfer rights to student at the age of 18. Given these requirements, when a student with a disability, eligible under Section 504 of the Rehabilitation Act of 1973, reaches the age of majority under State law, both the parent and the student must be notified of the transfer of educational rights to the student at least one year prior to the student's eighteenth birthday. When a student with a disability reaches the age of 18 the school district will:

- provide all notices required by Section 504, including invitations to 504 Accommodation Plan meetings, to both the parent and the student; and
- transfer all other rights including the opportunity to examine all records, the opportunity to participate in meetings, rights of consent, and the right to an impartial hearing to the student.

If a student with a disability eligible under Section 504 is determined incompetent under State law, all rights will be afforded to the individual or agency as directed by the court.

For students who have attained age eighteen (18) and are incarcerated in a juvenile justice facility or local correctional facility, all rights accorded to parents under this rule transfer to the student, including the right to notice.

Before the student reaches his or her 18th birthday, the student and parent must be informed that the rights afforded under Section 504 are transferred from the parent to the student. This activity can take place during a Section 504 Plan review meeting or separate meeting. The parent and the student are provided:

### **Parent and Student Notice of Transfer of Rights Age of Majority under Section 504.**

## **SECTION 504 AND THE FLORIDA STATUTES**

Section 504 of the Rehabilitation Act of 1973 is currently referenced in one Florida Statute that relates to promotion and retention of students.

### **Good Cause Promotion**

Students with disabilities who are eligible for Section 504 accommodation plans can be considered for a Good Cause promotion as described in Section 1008.25 (6), Florida Statutes. Students with a disability with 504 accommodation plan and who participate in the state assessment can be provided a good cause exemption. The Section 504 accommodation plan must reflect that the student has received intensive remediation in reading for more than 2 years, but the student still demonstrates a deficiency in reading, and the student was previously retained in Kindergarten, grade 1 grade 2, or grade 3.

## **Section 504 FORMS**

<b>Parent/Guardian Permission for Intervention Services</b>	<b>Page 17</b>
<b>Notice of Parent Rights Under Section 504</b>	<b>Page 18</b>
<b>Intervention Assistance Team Summary</b>	<b>Page 19</b>
<b>Section 504 Disability Determination and Need for Services</b>	<b>Page 23</b>
<b>Section 504 Disability Determination</b>	<b>Page 26</b>
<b>Parent Notice of 504 Plan Meeting</b>	<b>Page 29</b>
<b>Parent Participation Form</b>	<b>Page 30</b>
<b>Accommodation Plan</b>	<b>Page 32</b>
<b>Parent Notice and Consent for Student to Receive Instructional Modifications Not Permitted as Accommodations on Statewide Assessments</b>	<b>Page 34</b>
<b>Age of Majority, Transfer of Rights under Section 504</b>	<b>Page 36</b>
<b>Manifestation Determination Checklist for Section 504 Eligible Students</b>	<b>Page 37</b>

**Gulf District Schools**  
**Parent/Guardian Permission for Intervention Services** *Rev. 1/2019*

Name:	School:	Teacher:
Birthdate:	Grade:	Date Sent to Parent:

In order to obtain information or provide services that may assist your child, we are asking that you give your permission for the following:

- Vision Screening
- Hearing Screening
- Speech Screening
- Language Screening
- Classroom Observations\*
- Classroom Interventions\*
- Informal Testing\*
- Behavior Checklists\*
- Individual Counseling
- Group Counseling
- Other:

*\* Consent is not required for interventions and testing completed by the classroom teacher as a normal part of the educational process.*

The information gathered will be used to assist the school in planning for your child's general education programming.

- YES, I give my consent for the services selected.
- NO, I do not give my consent for the services selected.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Parent/Guardian

-----  
Please return this form to:

If you have any questions, please call: \_\_\_\_\_ at \_\_\_\_\_

Copy to: Health Services (for vision screening only)  
 Speech/Language Pathologist (for hearing, speech, and/or language screening only)  
 Student Services (for School Psychological and/or School Social Work Services; attach Request for Services Form)

**Gulf District Schools**  
**Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973 and ADA**

If it is determined that your child has a physical or mental condition that substantially limits a major life activity and, as a result, requires instructional or other accommodations within the school environment, your child is disabled under Section 504 of the Rehabilitation Act of 1973. In addition, if your child does not have a disability but has a record of a disability or is considered disabled by school personnel, your child is protected from discrimination under Section 504. 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 the right to:**

1. Have your child participate in all school activities without discrimination solely on the basis of disability
2. Have your child educated in facilities and receive services that are comparable to those provided to non-disabled students
3. Have your child receive a free appropriate public education (FAPE) which consists of regular or special education and related services designed to meet the educational needs of your child. If it is determined that your child is eligible for special education, those services will be provided pursuant to the individuals with disabilities education act (IDEA) through an individualized education plan (IEP)
4. With respect to the provision of special education, related services or FAPE, you are entitled to notice with respect to the identification/eligibility, evaluation, or educational placement to your child

Access to all records relevant to decisions concerning identification/eligibility, evaluation, or educational placement of your child.

The right to challenge any decision made concerning the identification/eligibility, evaluation, or educational placement of your child by requesting mediation or an impartial hearing or, in the alternative, filing an informal grievance with the school district's Section 504 coordinator

The right to attend any hearing requested.

The right to be represented by counsel, if a hearing is requested.

The right to have any decision made at a hearing reviewed.

Any request for a hearing should be made to the school district's Section 504 coordinator for a determination as to whether it is an appropriate request for a due process hearing or whether it is merely a claim alleging discrimination on the basis of disability.

An aggrieved party may request a due process hearing from the Division of Administrative Hearings (DOAH). The decision of the hearing officer (administrative law judge (ALJ)) is final unless an aggrieved party files an appeal within thirty (30) days of the decision of the ALJ. The appeal of the hearing order may be filed with the First District Court of Appeals in Tallahassee, Florida or in a civil court of jurisdiction.

5. With respect to complaints of discrimination on the basis of disability that do not relate to the provision of FAPE and/or identification/eligibility, evaluation, or educational placement of your child, you have the right to file a local grievance with the school district in accordance with its grievance policy and procedures.
6. With respect to complaints of discrimination based on a record of a disability or that school personnel have taken adverse action against your child because they regard your child as disabled, you have the right to file a local grievance with the school district in accordance with its grievance procedures.
7. If your child has been issued a 504 Accommodation Plan which is valid for more than 6 months, your child **may** be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, commonly known as the McKay Scholarship Program. By participating in the McKay Scholarship Program, your child may be able to attend a different public school in the district, attend a public school in an adjacent district, or receive a scholarship to attend a participating private school. To find out if your student is eligible, you may apply for the McKay Scholarship on the School Choice Web site at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org) or call the DOE toll free information hotline (1-800-447-1636).

The Section 504 coordinator for the School District of Gulf County is Martha Weimorts. If you have any questions or concerns, she may be contacted at 150 Middle School Road, Port St. Joe, FL 32456.

# Gulf District Schools Intervention Assistance Team Summary

Rev. 1/2019

## Part I: Student History and Background Information Review

Part 1 of 4

Student: \_\_\_\_\_ Birthdate: \_\_\_\_\_ Date Completed: \_\_\_\_\_  
 School: \_\_\_\_\_ Grade: \_\_\_\_\_ Teacher: \_\_\_\_\_

Background Information	
How many schools has student attended during his/her K-12 school career?	Comments:
Has student been retained and/or promoted for good cause? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give grade(s) and year(s):
Does student have attendance problems? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give history:
Has student had discipline referrals and/or suspensions? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give reason(s):
Does student have medical concerns/diagnoses? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give nature of concern(s) and impact:
Does the student take prescription medication? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give name of medication:
Has the student had recent vision and/or hearing screenings? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s) and results:
Does the student have eyeglasses? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give details concerning instructions for wear (reading, distance, etc):
Has student been referred to IAT previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s), reason(s), decision(s):
Has student been referred for school psychological evaluation previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give date(s), reason(s), outcome(s):
Is the student receiving ESE services? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, give program(s) and date(s) of initial placement:
Other relevant background information:	

<b>Assessment Information</b> (Provide most recent results when multiple test dates apply)			
<b>Test</b>	<b>Date</b>	<b>Scores</b> (Provide percentile ranks or standard scores if available)	
Norm-Referenced Test <i>Test Name:</i>			
FCAT			
Writes Upon Request			
Alternative Assessment <i>Test Name:</i>			
Benchmark Testing			
Kaufman Brief Intelligence Test-2 <sup>nd</sup> Edition		<i>Verbal:</i>	<i>Nonverbal:</i> <i>Composite:</i>
Individual Achievement Test <i>Test Name:</i>			
Previous Psychological Evaluation <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i>			
Other Assessments: <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i> <i>Test Name:</i>			

## Gulf District Schools Intervention Assistance Team Summary

Rev. 1/2019

### Part II: Intervention Design

Part 2 of 4

Reproduce this page as needed to document each area of concern and/or each intervention.

Student: \_\_\_\_\_ Birthdate: \_\_\_\_\_ School Year: \_\_\_\_\_

**Target the Concern:** Describe the academic and/or behavioral area of concern. Be specific.

**Provide Pre-intervention/Baseline Measures:** Summarize measures that reflect the student's level of performance in the area of concern prior to implementation of the intervention. Include dates of test administration/data collection.

**Document Observations:** Summarize two observations reflecting the area of concern.

_____	<i>Classroom teacher</i>	_____	_____
Observer 1	Title/Position	Setting 1	Date(s) of Observation(s)
Observation information reflecting area of concern:			
-----			
_____	_____	_____	_____
Observer 2	Title/Position	Setting 2	Date(s) of Observation(s)
Observation information reflecting area of concern:			

**Develop the Intervention:** Describe the intervention to be implemented to address the area of concern. Be specific.

Intervention implementation dates: \_\_\_\_\_ From \_\_\_\_\_ to \_\_\_\_\_

Person(s) responsible for implementation of interventions: \_\_\_\_\_

Measure(s) to be used to assess the effectiveness of the intervention (must include pre-intervention/baseline measures described above): \_\_\_\_\_

Projected dates of assessment(s)/measure(s): \_\_\_\_\_

**Document Parent Conference to Discuss Intervention Plan:** Summarize the parent conference held to discuss area of concern, the intervention to be implemented, and the student's anticipated response to the intervention.

Date of conference: \_\_\_\_\_

Conference participants (must include parent and teacher): \_\_\_\_\_

Comments: \_\_\_\_\_

**Gulf District Schools Intervention Assistance Team Summary**

*Rev. 1/2019*

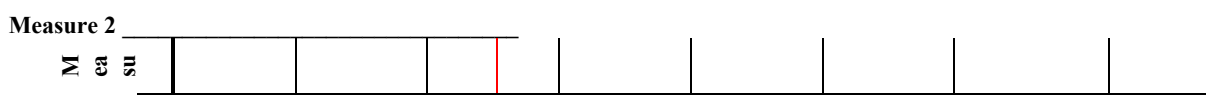
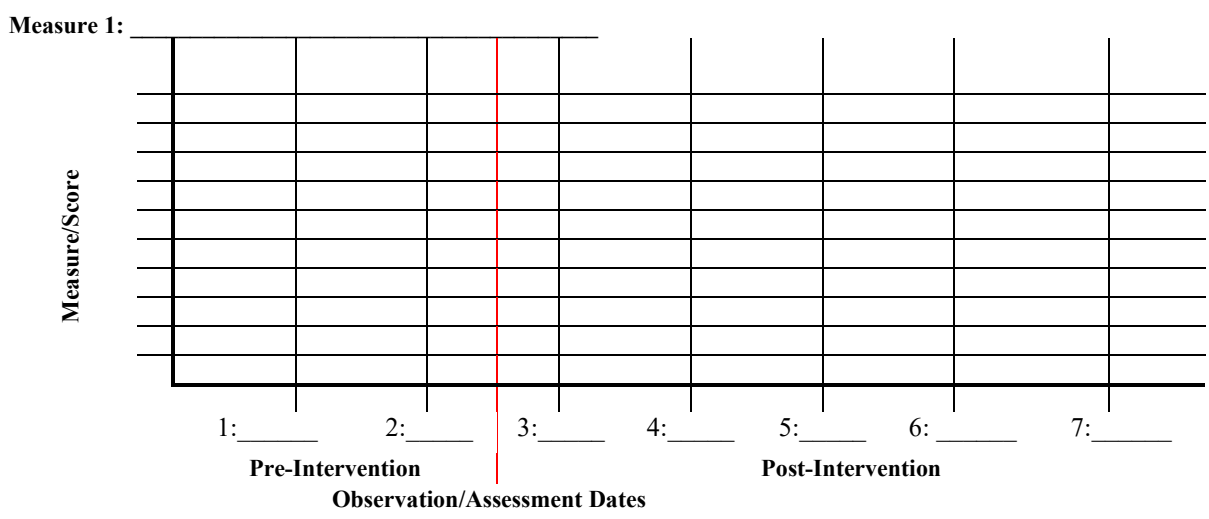
**Part III: Intervention Monitoring**

*Part 3 of 4*

*Reproduce this page as needed to document each area of concern and/or each intervention.*

**Student:** \_\_\_\_\_ **Birthdate:** \_\_\_\_\_ **School Year:** \_\_\_\_\_

**Document the Student's Response to Intervention:** Summarize the student's response to the intervention described in terms of the measure(s) described.






<b>Document the Team Members Participation</b>			
<b>Signature</b>	<b>Printed Name</b>	<b>Title</b>	<b>Date</b>
		*Referral Coordinator	
		*School Psychologist	
		*ESE Program Specialist	
		*Regular Ed. Teacher	
		Speech/Language Therapist	
		ESE Teacher	
		School Social Worker	
		Curriculum Specialist	
		School Administrator	
		Parent	

\*Signatures Required for Evaluation Referral



**This student's achievement test scores:**

- have been higher each year
- have stayed about the same each year
- have become worse each year
- have suddenly dropped
- data not available

**Current Grades**

Subject	Grade

**This student's grades:**

- have improved each year
- have stayed about the same each year
- have become worse each year
- have suddenly dropped
- data not available

**Compared with most of the other students in this student's class, this student's grades:**

- are better
- are about the same
- are worse
- data not available

**Has this student been retained?**

	If yes, at which grade level(s):
--	----------------------------------

**DISCIPLINE DATA**

**Does this student have behaviors that disrupt the education of the student or others? If so, describe behaviors and any disciplinary action that has been taken within the past year (or attach relevant documentation):**

**HOME LANGUAGE SURVEY**

Student's language is:		Home language is:	
------------------------	--	-------------------	--

**English Language Learner:** Yes  No

If yes, is this student's language contributing to the student's lack of achievement in school?	Yes <input type="checkbox"/>
No <input type="checkbox"/>	

**VISION/HEARING INFORMATION**

	<b>Vision</b>	<b>Hearing</b>
Screening Date		
Screening Results		

**EVIDENCE OF A PHYSICAL OR MENTAL CONDITION**

YES  NO  Does the student have a documented physical or mental impairment or health condition? If YES, describe and attach supporting medical documentation, health plan or other information:

--

**SCHOOL ATTENDANCE INFORMATION**

YES  NO  Does the student have school attendance problems, e.g., truancy or excessive Tardiness? If YES, explain and attach relevant documentation:

--

**OTHER RELEVANT EVALUATIVE INFORMATION CONSIDERED**

--

**SECTION 504 DISABILITY DETERMINATION**

Based on evaluation data drawn from a variety of sources, the Section 504 Team answers the following questions to determine whether the student is a student with a disability under Section 504:

1. Does the student have a physical or mental impairment?

- YES       NO

If YES, describe the impairment:

2. Does the physical or mental impairment substantially limit a major life activity? (In making this determination, the Team should determine whether, as a result of the physical or mental impairment, the student can perform a particular major life activity in a manner comparable to the average student of the same age/grade level. When making this determination, the Team must make its decision without considering the positive effects of mitigating measures currently in use by the student and must make its decision as if the student were not using mitigating measures (such as medication; equipment, prosthetics or appliances; low-vision devices (not including ordinary eyeglasses or contact lenses); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications). In addition, the fact that the impairment is episodic or currently in remission does not preclude a finding of disability if the impairment would substantially limit a major life activity when active).

- YES      Major life activity substantially limited: \_\_\_\_\_       NO

If YES, describe documentation or other information that supports the finding of a substantial limitation:

The Section 504 Team reviewed and carefully considered the following data drawn from a variety of sources:

(Please check any that apply from the following list):

- |   |  |
|---|--|
| <input type="checkbox"/> Grade reports                    | <input type="checkbox"/> Teacher/Administrator Observation |
| <input type="checkbox"/> Disciplinary records/referrals   | <input type="checkbox"/> Student work portfolio            |
| <input type="checkbox"/> Standardized tests/other tests   | <input type="checkbox"/> RTI Data                          |
| <input type="checkbox"/> School health information        | <input type="checkbox"/> Attendance                        |
| <input type="checkbox"/> Medical information, evaluations | <input type="checkbox"/> Other _____                       |
| <input type="checkbox"/> Parent input                     | <input type="checkbox"/> Other _____                       |

**Based upon all evaluative information reviewed and answers to the above questions, it is the determination of the Section 504 Team that:**

**PLEASE CHECK ONE**

- The student is not disabled because there is no physical or mental impairment that substantially limits a major life activity. No further action is needed.
- The student is disabled because there is a physical or mental impairment that substantially limits a major life activity and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers. A Section 504 Plan will be developed with clear beginning/ending date noted.
- The student is disabled because there is an episodic physical or mental impairment that, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers. A Section 504 Plan will be developed that will be valid when the impairment is active. When the impairment is inactive, the 504 Plan will not be implemented, but it is understood that the student will still be protected by Section 504's antidiscrimination provisions and the school cannot discriminate against the student on the basis of disability.
- The student is disabled because there is a physical or mental impairment that is in remission but, when active, substantially limits a major life activity, and services are needed in order that the student's educational needs are met as adequately as those of nondisabled peers. The need for a Section 504 Plan will be addressed if/when the impairment comes out of remission. When the impairment is inactive, it is understood that the student is protected by Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of disability.
- The student is disabled but is not in need of a Section 504 Plan because the student's educational needs are met as adequately as those of nondisabled peers because of the positive effect(s) of mitigating measures currently in use, including any health services the child is receiving. The need for a Section 504 Plan will be addressed again should the positive effect(s) of mitigating measures currently in use no longer exist. While the student currently is not in need of services, it is understood that the student is protected by Section 504's antidiscrimination provisions and that the school cannot discriminate against the student on the basis of the disability.
- Based upon re-evaluation data and MTSS data, the student continues to be disabled under Section 504 because there is a physical or mental impairment that substantially limits a major life activity. The Section 504 Plan will be dismissed and an IEP will be written.
- Based upon re-evaluation data, the student no longer is disabled under Section 504 because there is not a physical or mental impairment that substantially limits a major life activity. A Section 504 Plan is no longer needed.

The following Section 504 Team members acknowledge by signature their participation in this evaluation review meeting and eligibility determination.

<u>NAME (Please print)</u>	<u>SIGNATURE</u>	<u>POSITION</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Original: To 504 Folder**  
**Copies: To Parent**  
**To District 504 Coordinator**

**Procedural Safeguards Attached**





**Please attach the  
Notice of Procedural Safeguards  
for Parents of  
Students with Disabilities  
to this form.**



SECTION 504 STUDENT ACCOMMODATION PLAN

NAME: \_\_\_\_\_ DATE OF MEETING: \_\_\_\_\_

STUDENT #: \_\_\_\_\_ DOB: \_\_\_\_\_ AGE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_ TEACHER: \_\_\_\_\_ GRADE: \_\_\_\_\_

TYPE OF MEETING GENERATING INITIAL PLAN OR CHANGES TO 504 PLAN:

- INITIAL EVALUATION ANNUAL REVIEW DISCIPLINE REVIEW
REVISION OF PLAN 3-YEAR REEVALUATION REVISION OF PLAN

BASED ON THE STUDENT'S NEED, THE FOLLOWING ACCOMMODATIONS WILL BE IMPLEMENTED:

Physical Arrangement of the Room:

- avoiding distracting stimuli (A/C, high traffic areas, etc.)
preferential seating:

Lesson Presentation:

- writing key points on the board
assistance with notes
making sure directions are understood

Test Taking:

- allowing open book/notes exams
reading non-reading test items to student
giving additional time
reformatting test

Assignments/Worksheets:

- giving extra time to complete tasks
simplifying complex directions
shortening/reformatting assignments
providing study skills training/learning strategies

Organization:

- allowing the student to have an extra set of books at home
sending daily/weekly progress reports home
providing the student with a homework assignment notebook

Special Considerations:

Behaviors:

- praising specific behaviors
giving specific and clear directions
cueing student to stay on task (nonverbal)
implementing safe space procedures
contracting with student
increasing the immediacy of rewards

State and District-Wide Testing Accommodations:

Flexible Setting:

- individual
small group

Flexible Responding:

- test directions may be signed or read to student
responses transcribed by a test administrator
responses on large-print answer format
oral responses

Flexible Presentation:

- test directions may be read to student
directions read may be simplified or summarized
student may restate directions in his/her own
writing topic may be read to the student
non-reading test items may be read to the student
magnifying device
straightedge
colored transparencies/overlays
large print version
computer-based accommodated forms (if available):
screen reader
large print font
color contrast
zoom

Person(s) responsible for providing accommodations: \_\_\_\_\_

The student is in need of a Functional Behavior Assessment (FBA) and a Positive Behavior Plan (PBIP) [ ] Yes [ ] No

**Please attach the  
Notice of Procedural Safeguards  
for Parents of  
Students with Disabilities  
to this form.**

**Gulf District Schools**  
**Parent Notice and Consent for Student to Receive Instructional**  
**Modifications Not Permitted as Accommodations on Statewide Assessments**

Student: \_\_\_\_\_ Student ID#: \_\_\_\_\_ Date: \_\_\_\_\_

Dear \_\_\_\_\_

Section 1008.22(3)(c)6 of the Florida Statutes requires school districts to notify parents, and to obtain your written consent when your child will receive instructional modifications in the class room that are not permitted on the statewide assessment test. Remember that modifications **change** the expectations of what a student is to learn. The implications of this decision are that your child may receive an instructional modification, such as using a calculator for completing basic math computation exercises that is not an allowable accommodation on the statewide assessment test (FCAT).

Approved accommodations for students with disabilities allowable on the statewide assessment test (FCAT) are identified as a part of your child's individual educational plan (IEP). These accommodations are generally identified in five broad categories: **Presentation, Responding, Scheduling, Setting, and Assistive Devices**. A complete description of all allowable accommodations is available from your child's teacher or the school's test coordinator.

The following instructional modification(s) used by your child in the classroom **are not** permitted on the statewide assessment test (FCAT).

---

---

---

---

---

We must have your consent for your child to receive any instructional modifications identified above that are not allowable on the statewide assessment (FCAT). Please indicate your choice by checking (✓) one of the boxes and then sign and date below.

- |  |
|--|
| <input type="checkbox"/> Yes, I give my written consent for my child to receive instructional modifications not allowed on the statewide assessment test. My signature means that I fully understand the implications of such modifications. |
| <input type="checkbox"/> No, I do not give my consent.   |
| <input type="checkbox"/> I request a conference before granting consent.   |

\_\_\_\_\_  
Parent/Guardian/Adult Student Signature

\_\_\_\_\_  
Date

**Please attach the  
Notice of Procedural Safeguards  
for Parents of  
Students with Disabilities  
to this form.**

**Gulf District Schools**  
**Section 504 of the Rehabilitation Act of 1973 and ADA**  
**PARENT AND STUDENT NOTICE OF TRANSFER OF RIGHTS**  
**AGE OF MAJORITY**

\_\_\_\_\_  
Date Sent to Parent(s) and Student

Student Name	DOB	School
--------------	-----	--------

Students in the State of Florida reach the age of majority at the age of 18 years old. Sections 393.12, 743.07 and 744, Florida Statutes, state that the students 18 years of age or older are afforded all rights as an adult as described in the State Constitution. In addition the federal law, the Family Education Rights and Privacy Act (FERPA) transfer rights to student at the age of 18. Given these requirements, when a student with a disability, eligible under Section 504 of the Rehabilitation Act of 1973, reaches the age of majority under State law, both the parent and the student must be notified of the transfer of educational rights to the student at least one year prior to the student’s eighteenth birthday. When a student with disabilities reaches the age of 18:

- the school district will provide all notices required by Section 504, including invitations to 504 Accommodation Plan meetings, to both the parent and the student; and
- other rights including the opportunity to examine all records, the opportunity to participate in meetings, rights of consent, and the right to an impartial hearing transfer to the student.

If a student with a disability eligible under Section 504 is determined incompetent under State law, all rights will be afforded to the individual or agency as directed by the court.

\_\_\_\_\_, is a student with a disability, eligible under Section 504, who will reach the age of majority on \_\_\_\_\_. At that time, all rights pertaining to the educational program will transfer from the parent to the student unless the school district is notified of any existing court order that prevents this transfer.

If you have any questions regarding this notice, or wish to obtain an additional copy of your Procedural Safeguards, you may contact the ESE District Office at 150 Middle School Road, Port St Joe, FL

-Cumulative Folder    -ESE Office    -Parent    -Student



**Please attach the  
Notice of Procedural Safeguards  
for Parents of  
Students with Disabilities  
to this form.**

## **A Parent and Teacher Guide to Section 504: Frequently Asked Questions**

Section 504 is part of a federal civil rights law known as the Rehabilitation Act of 1973. This law specifically prohibits discrimination against students with disabilities and guarantees them a free and appropriate public education (FAPE). Discrimination, as defined in Section 504, is the failure to provide students with disabilities the same opportunity to benefit from education programs, services, or activities as is provided to their nondisabled peers. Therefore, schools cannot exclude students with disabilities from facilities, programs, benefits, activities, or services that are provided to students without disabilities. Schools must make sure that all students receive equal access to educational opportunities. Students with disabilities receiving exceptional student education (ESE) services, as defined by the Individuals with Disabilities Education Act (IDEA), are protected under Section 504, but not all Section 504 students are eligible for ESE.

### **Questions and Answers**

#### ***1. How does the Rehabilitation Act of 1973 define a “person with disabilities”?***

The Rehabilitation Act of 1973 defines a person with disabilities as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having an impairment. Major life activities as defined in the Rehabilitation Act of 1973 include caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Learning does not have to be the major life activity affected in order for an individual to be eligible for protections and services under Section 504.

#### ***2. How are students identified as having a disability?***

A parent, teacher, or other member of the school staff may raise a concern about a student’s unique need for special help. Parents, teachers, and other staff members will meet to discuss all relevant information about the student. The parents’ participation in this meeting is critical and helps to establish an accurate picture of the student’s needs. At the meeting, the team will consider whether the student has a disability, and if the student is need of services (see definitions in question #1). If the team needs more information, they will request the parent’s consent to evaluate the student. If the team determines that the student does have a disability, they will then identify what types of support, or accommodations, are appropriate to meet the student’s needs. If the student is determined disabled under 504, the accommodations will be described in a document referred to as the Section 504 Accommodation plan.

#### ***3. What is included in a Section 504 accommodation plan?***

A Section 504 plan describes the accommodations that the school will provide to support the student’s education. The team that determined the student’s eligibility for Section 504 and identified the needed accommodations will write the accommodation plan. While Section 504 does not require a written plan, it does require documentation of evaluations and accommodations. It is very useful to have a written plan to provide clarity and direction to the individuals delivering services or making accommodations. While there is no time limit specified for an accommodation plan, a yearly review is recommended. Section 504 accommodation plans may be updated at any time to reflect changes and recommendations by the team.

**4. *What is the role of parents?***

Parents are their child's first and most important teachers, as well as their advocates. If a parent believes his or her child has a disability or is having problems in school, the child's teacher should be contacted to discuss these concerns. Building a strong parent/school relationship begins with effective communication. Parents play a key role by providing important information to schools about their child's needs, particularly for students with disabilities. As an added benefit, this involvement demonstrates the importance the parent places on education.

**5. *What is the role of teachers?***

Classroom teachers need to be flexible in their teaching techniques and expectations for students with disabilities. In order for students with disabilities to be successful in school, teachers may need to modify the classroom environment, adjust their teaching strategies, or make other accommodations. In addition to making classroom modifications, other tasks include assessment of student progress and effective communication with parents. Teachers are required under Section 504 to make necessary accommodations as specified in the Section 504 accommodation plan.

**6. *What should parents or teachers do if they become dissatisfied with the plan?***

Ongoing communication between parents and teachers will help avoid disagreements related to the student's accommodation plan. When parents' or teachers' concerns are not addressed to their satisfaction, they should contact the school principal or the designated staff member responsible for Section 504. If the plan is not appropriate, it should be revised following the same procedures used to develop the original plan. Because situations change and students' needs change, flexibility in this process will help everyone meet the student's needs.

**7. *What procedural safeguards are provided by Section 504?***

Procedural safeguards are rules that tell what procedures schools (and parents) must use in making decisions about services for students with disabilities. School principals should have the procedural safeguards information available for parents upon request. Under Section 504, parents have the right:

- to receive notice regarding the identification, evaluation, and placement of their child
- to receive prior notice when the school is changing or discontinuing services for their child
- to review their child's records
- to participate in an impartial hearing and review process with or without representation by counsel.

In addition, school districts must provide public notification of the following:

- policies of nondiscrimination
- grievance procedures
- the contact information for the district coordinator of Section 504 compliance.

**8. *Are students with disabilities disciplined differently than are their non-disabled peers?***

While all students are expected to follow classroom and school rules, a student with a disability may need a specialized behavior plan or accommodations to support his or her appropriate behavior during all school activities. Students with disabilities are not exempt from consequences for violations of the code of student conduct. In cases of severe violations of the district's code of student conduct, disciplinary interventions are frequently based on approved school board policies and require specific consequences. However, if it is determined that the behavior was a manifestation of the student's disability, the consequence outlined in the student code of conduct may be deemed inappropriate and consideration should be given to revising the student's individual behavior plan. Revisions may include strategies and supports that will reduce the likelihood that inappropriate behavior occurs in the future and encourage more socially acceptable behaviors within the school setting. Students who are eligible under the Individuals with Disabilities Education Act (IDEA) cannot be denied a free and appropriate public education (FAPE) as a result of discipline. Although Section 504 does not specifically address discipline, best practice would suggest that districts use the policies and procedures outlined in the IDEA when making decisions about disciplinary consequences for a student eligible for a Section 504 accommodation plan.

**9. *What are the major differences between IDEA and Section 504?***

Both IDEA and Section 504 guarantee students with disabilities access to a free and appropriate public education. However, there are major differences between them, specifically in the criteria used to determine eligibility and the definition of a free and appropriate public education. IDEA provides more specific categories of disabilities, including mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, and specific learning disabilities. For a student to receive exceptional student education services under IDEA, the student's educational performance must be adversely affected by the disability and he or she must be in need of special education services (i.e., specialized instruction). Students with a disability who meet specific IDEA requirements are also protected under Section 504. Finally, IDEA applies only to individuals from birth through age 21.

Section 504 is not limited to specific disability categories and does not require evidence that the disability adversely affects the student's educational performance, however the definition states that in order to be eligible for an accommodation plan, the student must "have a physical or mental impairment which substantially limits one or more major life activities." Major life activities under Section 504, includes caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Students ineligible for services provided under IDEA may be eligible for accommodations under Section 504. Finally, Section 504 covers individuals of all ages.

**10. *Whom do I contact for information on Section 504?***

Parents and teachers may contact the school principal; the school district's Section 504 coordinator; the Florida Department of Education's Student Support Services office at (850) 922-3727; the Florida Department of Education's Office of Equity and Access at (850) 245-0511; or the U.S. Department of Education's Office for Civil Rights at (404) 562-6350 or email [OCR\\_Atlanta@ed.gov](mailto:OCR_Atlanta@ed.gov).

Florida Department of Education  
Commissioner

**Gulf District Schools**  
**PROCEDURES FOR RESPONDING**  
**TO STUDENT SERVICE ANIMAL REQUESTS**

**PURPOSE**

The purpose of these procedures is to provide a system for responding to a request for a student with a disability to bring his/her service animal to school or to a school function or event.

**GENERAL STATEMENT OF PROCEDURES**

Gulf District Schools will comply with all state and federal laws, regulations and rules regarding the use of service animals by students with disabilities under appropriate circumstances.

**DEFINITION OF “STUDENT WITH A DISABILITY”**

A student with a disability is defined as one who has been determined to be disabled by an appropriate team pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504).

**DEFINITION OF “SERVICE ANIMAL”**

As defined by federal regulations implemented under Title II of the Americans with Disabilities Act (ADA), a service animal includes any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, a physical, sensory, psychiatric, intellectual, other mental disability or autism. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. (Note: The ADA regulations also include the allowance of a “miniature horse” that is a service animal in appropriate circumstances).

**DEFINITION OF “WORK OR TASKS” PERFORMED BY THE SERVICE ANIMAL**

The work or tasks performed by a service animal must be directly related to the student’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of these procedures.

**PROCEDURES/REQUIREMENTS**

A request to bring a service animal to school or to a school function by or on behalf of a student with a disability is subject to the following procedures and requirements:

1. Parents/adult students must submit a written request to bring the service animal to school or to a school function to the office of the Assistant Superintendent for Special Services, using the system’s form for such request. Unless it is readily apparent (i.e., it can be easily observed) that the animal is trained to do work or perform tasks for the student, the request must identify and

describe the service animal and what work or task(s) the service animal is trained to perform that is/are directly related to the student's disability. In addition, the individual requesting that the service animal attend school with a student must provide documentation that the animal is properly immunized as required under state and local law and registered and licensed in accordance with all state and local animal licensing and registration requirements.

2. Requests to bring a service animal on Gulf District Schools' property must, whenever possible, be made a reasonable time before bringing the animal to school to afford the school system adequate time to properly address the request and make any necessary adjustments to the educational environment to appropriately accommodate the service animal's presence. A service animal may not be on school property without prior approval by the Assistant Superintendent for Special Services.
3. As part of the consideration of a request to bring a service animal to school, Gulf District Schools can require proof of immunization and all animal licensing and registration requirements under applicable state and local law. In addition, individuals who have service animals are not exempt from local animal control or public health requirements.

If the parent/student refuses to provide proof of immunization or proper licensing or registration of the animal as required by state or local law, Gulf District Schools may refuse to allow the student to bring the service animal to school or to a school function/event.

4. Once Gulf District Schools has received a proper formal request for a student to bring a service animal to school, a meeting of the student's IEP or 504 Team (as applicable) will be scheduled and convened. The Team will conduct a case-specific inquiry as to whether the animal meets the definition of a service animal that performs work or tasks directly related to the student's disability.
5. If it is decided that the service animal will be allowed to accompany the student to school and/or to school functions/events, the IEP or 504 Team will also discuss a plan for introducing the service animal to the school environment, any appropriate training needed for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the Team, including procedures for attending school functions/events (such as field trips, bus rides, etc.).
6. The issue of allowing the service animal to accompany the student to school or to a school function/event is subject to periodic review, revision or revocation by the student's IEP or 504 Team at least annually and typically will be conducted when the student's IEP or 504 Plan are reviewed.
7. Service animals must wear proper identification and always have a harness, leash, tether or other form of proper restraint mechanism, unless the handler is unable because of a disability, to use a harness or other form of restraint mechanism or the use of a harness or other restraint would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
8. Gulf District Schools is not responsible for the care or supervision of a service animal. Arrangements for the care/supervision of the service animal must be made by the parent/adult student and any costs incurred to handle the service animal will be the responsibility of the parent/adult student.

9. Gulf District Schools retains the discretion to exclude or remove a service animal from its property if:
  - a. the animal is out of control and/or the animal's handler does not effectively control the animal's behavior;
  - b. the animal is not housebroken;
  - c. the animal poses a direct threat to the health or safety of others that cannot be eliminated by making reasonable modifications; or
  - d. the animal's presence would constitute a fundamental alteration in the School System's programs/activities.
10. The parent/ student, depending upon the circumstances and applicable law, may be deemed liable for any damage to school property and any injury to individuals caused by the service animal. Federal law provides that if Gulf District Schools normally charges students for damages caused, then that student may be charged by damages caused by the service animal.
11. If it is determined that the student will not be allowed to bring his/her service animal to school or to a school function/event, that determination will be considered a grievable discrimination issue and subject to Gulf District Schools' internal grievance procedures. Parents also may be entitled to initiate a due process hearing under the IDEA or Section 504 if they claim that the refusal constitutes a "denial of FAPE" to the student under the IDEA or Section 504. Parents may also file a Complaint with the Office for Civil Rights (OCR).

# Gulf District Schools

## STUDENT REQUEST TO BRING A SERVICE ANIMAL TO SCHOOL OR A SCHOOL FUNCTION

Date: \_\_\_\_\_ (request made a reasonable period of time prior to the animal's presence at school or at a school function/event)

Student name: \_\_\_\_\_

Parent name(s): \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Unless it is readily apparent or has already been observed by school system personnel, describe the work or task(s) that the service animal performs that is/are directly related to the student's disability:

---

---

---

---

Type of service animal:  Dog  Other: \_\_\_\_\_

Name of service animal: \_\_\_\_\_

Name of service animal's handler: \_\_\_\_\_

Documentation attached that the Service Animal is:

- Properly and currently immunized, licensed and registered as required by state and local law

Other relevant information Gulf District Schools should know:

---

---

---

---

Please submit completed Request to the Assistant Superintendent for Special Services. A meeting of the student's IEP or 504 Team will be scheduled to address the request.

**Gulf District Schools**

**SERVICE ANIMAL REGISTRATION/AGREEMENT**

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Student (if applicable)

Type of Service Animal:

Dog       Other: \_\_\_\_\_

\_\_\_\_\_  
Name of Animal

Request Form is attached

Documentation attached that the Service Animal is:

Properly and currently vaccinated and in good health

Under the control of a properly trained handler.

Name of handler: \_\_\_\_\_

I have read and understand the Gulf District Schools' Service Animal Procedures and will abide by those procedures.

I understand that if my Service Animal is out of control and/or the animal's handler does not effectively control the animal's behavior, the animal is not housebroken or the animal's presence or behavior fundamentally interferes with or in a function of the School System or poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications, the School System has the discretion to exclude or remove the service animal from its property.

I agree to be responsible for any and all damage to school property, personal property, and any injuries to individuals caused by the service animal. Further, I agree to indemnify, defend and hold harmless Gulf District Schools from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by the service animal.

OWNER NAME (please print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or when a different service animal will be used.*

## Guidance for IEP/504 Team Service Animal Decisions

This guidance is provided to assist IEP/504 Teams in addressing whether or not a student's request to bring his/her service animal to school or to a school function/event will be honored or whether a student will be asked to remove a service animal that is already at school with the student. The following questions and factors should be considered when making this case-by-case (and interactive) consideration:

1. Is the animal a "service animal" that meets certain qualifications?
  - Does the animal meet the definition of "service animal" under state law and the ADA Title II regulations and as defined in the School System's procedures?
  - Does the service animal perform work or a task for the student that is directly related to the student's recognized disability?
  - Is the animal under the handler's control (if the student is the handler, can the student handle the animal with some assistance from the school)?
  - Is the service animal housebroken?
  - Has the parent/adult student provided all required and current paperwork regarding immunizations, registration and licensing as required by state and local law?
  
2. The potential risk or threat to health or safety of others
  - Does the animal pose an unacceptable risk or threat to the health or safety of others based upon the best available objective evidence? Factors in answering include:
    - the nature, duration and severity of the risk;
    - the probability that the potential injury will actually occur; and
    - whether reasonable modifications of policies, practices or procedures will mitigate the risk to an acceptable level.
  
3. Fundamental alteration/undue burden to the nature of the School System's program/activity
  - Will the presence of the animal fundamentally alter the nature of the School System's program or activity or impose an undue burden on the School System?
  
4. Documenting the Decision on the IEP/504 Plan

In general, the animal itself **IS NOT** part of the IEP/504 Plan as a related service or accommodation for FAPE, unless there is the rare instance where the Team determines that a service animal is *necessary for the student to benefit from special education services or to receive a free appropriate public education*. Rather, the Team is to decide, using the questions above and all relevant information, whether it is appropriate to allow the student to bring his/her service animal to school or to a school function, and it should be documented that **the**

**accommodation being provided is *allowing the student to bring his/her service animal to school NOT the provision of the actual service animal itself.*** It is suggested that the IEP or 504 Plan include a statement such as the following: “Based upon the School System’s procedures, the team has determined that it is appropriate to allow \_\_\_\_\_ to bring his/her service animal to school.”

Other accommodations should be documented on the IEP or 504 Plan by the team, as appropriate, including things such as when and where the student’s animal will be allowed (including the school bus); where and when the animal will need water, bathroom breaks, snacks, etc.; whether a school nurse or other school personnel need to be involved regarding health issues, staff/student sensitivity training, preparation and planning for the animal’s presence, etc.; and when/where the dog will remain on a leash/tether.

5. Decision that Student will not be Allowed to Bring his/her Service Animal to School

Any determination that a student will *not* be allowed to bring his/her service animal to school is a grievable issue and subject to the School System’s internal grievance procedures regarding claims of disability discrimination. Parents also may be entitled to initiate a due process hearing under the IDEA or Section 504 if they claim that the refusal of the request is a “denial of FAPE” to the student. Parents may also file a Complaint with the Office for Civil Rights (OCR).