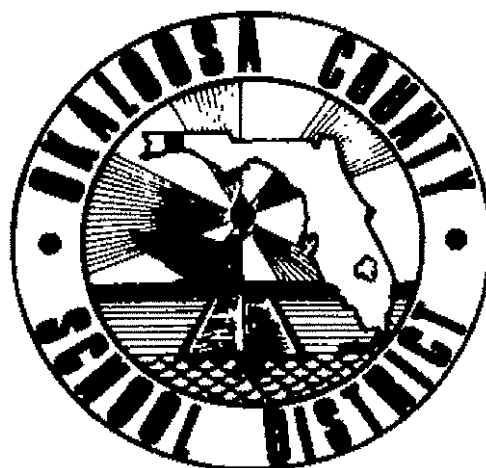


THE SCHOOL DISTRICT OF  
OKALOOSA COUNTY, FLORIDA



SECTION 504 MANUAL

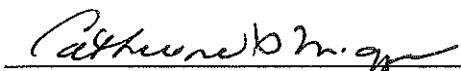
PROCEDURES FOR DETERMINING DISABILITY AND PROVIDING  
504 SERVICES TO STUDENTS WITH DISABILITIES

Revised 2015  
Reviewed 2018

**SECTION 504 MANUAL**

**PROCEDURES FOR DETERMINING DISABILITY AND PROVIDING  
504 SERVICES TO STUDENTS WITH DISABILITIES**

The School Board of Okaloosa County, Florida



November 9, 2015  
Date

The School Board of Okaloosa County, Florida

  
Mary Beth Jackson, Superintendent

November 9, 2015  
Date

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## **PURPOSE OF MANUAL AND BRIEF OVERVIEW OF SECTION 504**

### **I. SECTION 504: WHAT IS IT AND WHAT DOES IT REQUIRE?**

"Section 504" is short for Section 504 of the Rehabilitation Act of 1973. It is an anti-discrimination law that was enacted in 1973. In essence, Section 504 provides that:

No otherwise qualified individual with a disability in the United States...shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

29 U.S.C. § 794.

In general, the intent of Section 504 is to prohibit discrimination solely on the basis of disability and to afford equal access for individuals with disabilities to all programs, activities and benefits offered by federal fund recipients, such as school systems. With respect to educational services, the 504 regulations require a "free appropriate public education" to be provided that is defined as the provision of regular or special education and related aids and services that are designed to meet the educational needs of a student with a disability as adequately as the educational needs of nondisabled students are met. 34 C.F.R. § 104.33.

In 1977, the U.S. Department of Education issued regulations in order to clarify obligations under Section 504. These regulations can be found at 34 C.F.R § 104 and their requirements have been incorporated into the procedures contained in this Manual.

### **II. WHAT "PROGRAMS OR ACTIVITIES" ARE COVERED BY SECTION 504?**

All of the programs or activities operated by the School Board of Okaloosa County are subject to the antidiscrimination provisions of Section 504. Students with disabilities, therefore, cannot be discriminated against within the school environment or with respect to any school activities. As part of ensuring that equal access is afforded to students with disabilities, school personnel may be required to provide some of them with educational accommodations in accordance with the procedures herein that are necessary to ensure that the student's educational needs are met as adequately as those of nondisabled students.

### **III. WHO IS A STUDENT WITH A DISABILITY UNDER SECTION 504?**

504 regulations provide definitions relevant to whether a student is disabled under Section 504.

#### **A. Who is protected under Section 504?**

An individual with a disability under Section 504 is defined as any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities.
2. Has a record or history of such impairment.
3. Is regarded as having impairment.

For purposes of making 504 determinations, the pertinent questions are:

1. Whether the student is disabled because he/she has a physical or mental impairment that substantially limits a major life activity; and
2. If so, whether the student needs 504 services in order that his/her educational needs are met as adequately as those of nondisabled students.

It could be that a student is found to have a disability, but is not in need of services because his/her educational needs are being met as adequately as those of nondisabled students. In other cases, a student may be disabled and in need of 504 educational services that will be determined and reflected in a 504 Plan.

In making the determination as to whether a student has a disability (question 1. above), it is important to note that the positive effects of any medications or other measures that are being used by the student are not considered. For instance, a student with ADHD who is on medication may not exhibit any symptoms but still may be disabled when the medication's effects are not considered. However, the positive effects of such measures can be considered when determining whether the student needs educational services and a 504 Plan (question 2. above).

B. What about persons with a "record of" or those "regarded as" having an impairment?

Students cannot be discriminated against because of a record of or history of having a disability or because the School System regards a student as disabled. For example, a student who has a history of cancer that has been successfully treated could not be excluded from extracurricular activities based solely upon his "record of" cancer, if the student is otherwise qualified to participate in a certain activity. Similarly, a student who tests positive with the HIV virus could not be excluded from school because he is "regarded as" disabled by school personnel, even though he presently has no condition that is substantially limiting a major life activity.

C. What is a "physical or mental impairment"?

A physical or mental impairment is:

1. 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; genitourinary; hemic and lymphatic; skin; and endocrine; or
2. any mental or psychological disorder.

D. What are "major life activities"?

"Major life activities" include, but are not limited to, activities such as caring for self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking and communicating, and the operation of major bodily functions. The major life activity affected and how it manifests itself in a school environment is particularly important in determining what accommodations a student may need in order to equally access a program or activity.

E. What is a "substantial limitation"?

Several courts have found that a student does not have a disability simply because an impairment prevents a person from performing a particular activity in a better or in the best way. Rather, a student's ability to perform a major life activity is to be compared to the ability of the average student to perform the same activity or skill. Thus, if the major life activity of "learning" is at issue, the fact that a student is making passing or even below average grades is a factor to consider in determining whether the student truly has a disability. Of course, any student who could perform better in the area of learning than he/she actually is, for whatever reason, should be provided extra assistance by school personnel, including the provision of an AIP or other appropriate instructional assistance. However, a student does not need to be considered "disabled" to receive such assistance. Only where a student truly meets the definition of an "individual with a disability" does Section 504 come into play.

F. Are students who are receiving ESE/special education services covered by Section 504?

Obviously, students with disabilities that are found to substantially limit a major life activity such as learning, reading, concentrating or thinking are generally evaluated and found eligible for and are educated through the special education/ESE process contemplated by the Individuals with Disabilities Education Act (IDEA) and are provided ESE services through an IEP. As students with disabilities, ESE students, therefore, are protected against disability discrimination under Section 504, but their learning needs require more than regular education accommodations under Section 504.

Where a student is suspected of having a condition that substantially limits a major life activity like learning, school personnel should first follow the process of referring and evaluating the student for ESE consideration to determine whether a disability exists and whether the student more than accommodations are required. After the referral process is complete and evaluations are conducted, if the student is found not eligible for ESE services, then a referral needs to be made to consider whether there is a physical or mental impairment that constitutes a disability under Section 504 and, if so, whether the student may need some services set out in a Section 504 Plan.

G. What are some examples of students who may be covered under Section 504 but are not covered by the IDEA?

Students who may need accommodations or other services under Section 504 (to ensure that their educational needs are met as adequately as the needs of nondisabled students) but who are not in need of ESE services under IDEA may include the following:

1. Alcoholics or drug addicted students, if they are not currently engaging in the illegal use of drugs;
2. Students with diseases, such as AIDS, tuberculosis or Hepatitis-B;
3. Students with medical conditions, such as juvenile rheumatoid arthritis, asthma, severe allergies, diabetes, heart disease, epilepsy or Attention Deficit Hyperactivity Disorder (ADHD);

4. Students who are physically disabled but not in need of ESE services, such as a student with cerebral palsy who needs a special desk or a student who needs only catheterization or some other school health service; or
5. Students with temporary disabilities, such as students with broken limbs or students otherwise injured in accidents.

H. Is every student dismissed from an ESE program automatically covered under Section 504?

Every student dismissed from ESE is not automatically a student with a disability covered under Section 504. However, when a student is dismissed from ESE, the staffing specialist or ESE designee must notify the school-based Section 504 Coordinator in order to ensure a smooth transition and to ensure that the student's once-recognized disability does not begin again to adversely affect educational performance such that a 504 disability is recognized, 504 accommodations or services are needed, or a referral for ESE services is indicated.

I. Is every student referred for an ESE evaluation and found ineligible automatically ~~covered~~ under Section 504?

When a student is evaluated and found ineligible for ESE services, this does not mean that he or she is automatically disabled under Section 504. However, the staffing specialist or ESE designee must notify the school-based Section 504 Coordinator of the determination of ineligibility so that the school-based committee can meet and ensure that the student is not a student with a disability under Section 504 and/or in need of accommodations or other services under Section 504.

#### **IV. SCHOOL DISTRICT'S GENERAL COMPLIANCE PROCEDURES**

A. District Assurance

The Okaloosa County School District must provide to the U.S. Department of Education written assurance of nondiscrimination as a condition of the receipt of federal funds. Such an assurance is signed annually by the Superintendent.

B. Appointment of District Section 504 Coordinator

The District must appoint a Section 504 Coordinator. The Okaloosa County School District's 504 Coordinator is:

Program Director, Student Intervention Services  
504 Compliance Officer  
120 Lowery Place, S.E.  
Fort Walton Beach, Florida 32548  
Phone: 850-833-5861  
Fax: 850-301-3055

C. Appointment of School-based Section 504 Coordinator

Each school principal shall appoint a school-based Section 504 Coordinator who will be charged with following the procedures contained in this Manual.

D. Informal Grievance Procedures

The District maintains informal grievance procedures to resolve complaints of discrimination under Section 504. These grievance procedures are contained in Appendix C of this Manual.

E. Impartial Hearing Procedures

The district maintains formal impartial hearing procedures with respect to complaints concerning any action regarding the identification, evaluation or educational placement of a student under Section 504. Applicable procedures are contained in Appendix D of this Manual.

F. Notice of Nondiscrimination

The District must provide notice to students and parents of its nondiscrimination policy. The notice contains the name of the compliance officer and is posted in each school. The Director of Student Services is responsible for ensuring that this requirement is met. In addition, students and their parents must be notified annually of the district's responsibilities under Section 504. This requirement will be met by incorporating this notice in the Code of Student Conduct and/or the Student Handbook for each school.

G. Notice of Parent Rights under Section 504

Parents of students with disabilities are to be provided with notice of any action taken regarding the identification, evaluation or educational placement of their child and are to receive Notice of their rights under Section 504. This is accomplished through the use of and provision of appropriate forms, including the Notice of Parent Rights under Section 504, as well as the publication of the Rights in the Code of Student Conduct and/or the Student Handbook for each school.



## APPENDIX A

# PROCEDURES AND FORMS FOR DETERMINING DISABILITY AND PROVIDING 504 SERVICES TO STUDENTS WITH DISABILITIES

OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
504 PROCEDURES CHECKLIST FOR DETERMINING DISABILITY AND PROVIDING 504 SERVICES

Student Name: \_\_\_\_\_ Date: \_\_\_\_\_

- D Referral - Referral should be made when there is reason to believe or reason to suspect that a student may be a student with a disability in need of special services under Section 504. A referral may be initiated by parents, school personnel or the student. The referral form must be completed and forwarded to the local school's 504 Coordinator (MIS 6310). If the student has already been referred and evaluated for ESE but was found ineligible, proceed with 504 consideration of a disability and need for 504 services.
  - o Where a student's disability is clearly observable and a physical accommodation is clearly needed, no formal meeting or review of information is necessary. Provide immediate accommodations needed and notify the student's parents by letter from the school principal/designee. (MIS 6311). For such students, the process is complete once the letter has been sent to the parents, along with a copy of the Notice of Parent Rights under Section 504. Where the student's condition requires a Health Plan, the process for developing and providing a Health Plan should be followed, and the process is complete once the parents are provided with a copy of the Notice of Parent Rights under Section 504.\*
- D Authorization for Release of Information - If information from an outside provider or other person/agency is needed to determine existence of physical or mental condition, ask parents to sign Authorization for Release. (MIS 1103)
- D Physician's Statement - If medical information is needed to determine existence of condition or how it impacts major life activities, Physician's Statement is completed by the student's physician. (MIS 3371)
- D Notice of 504 Meeting - Once sufficient data has been collected to indicate a possible disability or need for 504 services, the Notice of 504 Meeting (MIS 6312) shall be sent to the parents of the student and school invitees should be notified of the meeting. Enclose Notice of Parent Rights along with Notice of Meeting.
- D Disability and 504 Services Determinations - School 504 Committee will meet to determine existence of disability and whether 504 services are needed. Disability and 504 Plan Determination Form (MIS 3373) will be completed and a copy provided to parents or mailed if they choose not to attend meeting.
- D Parental Input and Meeting Form (MIS 6349)
- D Notice of Parent Rights under Section 504 must always be provided to parents or mailed if they do not attend the meeting.

NOTE: If it is found that student does not have a disability, procedure is complete when copies of documentation and Notice of Parent Rights are provided to the parents.

- D 504 Plan - Where student is found disabled and in need of 504 services, a Plan will be developed (MIS 4190). Copies of all documentation shall be provided to the parents and originals will be kept in the school folder.
- D 504 Plan Implementation - All staff responsible for providing accommodations or other 504 services must be notified of their responsibilities for immediate implementation. At any time appropriate, the Plan or a student's continuing need for 504 services should be reviewed. It is best practice to review the disability determination and Plan at least annually. Use the Notice of Meeting (MIS 6312) to notify parents, and if changes are made to the disability determination or the 504 Plan, provide the parents with a copy of all relevant documentation and a copy of the Notice of Parent Rights under Section 504.

\*It is important to note that a Health Plan is an Accommodation Plan for purposes of Section 504. Thus, it is assumed that these students are students with disabilities and, therefore, are protected against disability discrimination. For this reason, their parents must be provided with Notice of Parent Rights under 504 at least annually.

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
SECTION 504 REFERRAL**

Student's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

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

Your relationship to the student: \_\_\_\_\_

Describe the student's physical or mental condition about which you are concerned:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe how the physical or mental condition affects a major life activity of the student:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Date form received by the school-based 504 Coordinator: \_\_\_\_\_

Signature of school-based 504 Coordinator: \_\_\_\_\_

The school-based 504 Coordinator will consider this referral and gather additional information where appropriate, including any medical information that is needed. Where medical or other information is needed, parent(s) will be asked to authorize release of information. Once sufficient information is gathered, it will be evaluated and reviewed by the 504 Committee.

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES**  
**Form Letter for use in Making  
Simple/Obvious Physical Accommodations**  
(on school letterhead)

Dear Parents

This is to inform you that we have observed that your child, (Name of Student), has difficulty (describe life activity, such as walking, sitting, etc.) and that this affects his/her ability to equally access school activities. For that reason, we are providing him/her with flist physical accommodation, such as "a special desk" "use of peer buddy as escort " use of \$pecial pencil, etc.). "

Since your child has a condition that may be protected under Section 504 of the Rehabilitation Act of 1973, I have enclosed a copy of a Notice of Parent Rights under Section 504 for your information. If you have any questions or concerns about this letter, or if you would like to meet with me to discuss this, please do not hesitate to contact me.

Sincerely,

Principal/Designee

Cc: System Section 504 Coordinator  
School-based 504 Coordinator  
Teachers(s)

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
AUTHORIZATION FOR RELEASE OF INFORMATION**

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_

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

I, the parent/legal guardian of the above referenced student, hereby authorize the designated agent below to communicate with, receive records from and release any and all pertinent information to the School District of Okaloosa County and, **specifically**, \_\_\_\_\_

Copies of psychological or other evaluations, medical records or other information and other pertinent information released will be used by school personnel and maintained in a fashion to protect its confidentiality. Please include in information forwarded to the School District any information concerning any medical or psychiatric diagnoses and any other information that could be relevant to educational planning or participation in school activities.

Designated Agent and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Date

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
PHYSICIAN'S STATEMENT**

To: \_\_\_\_\_

Student's Name: \_\_\_\_\_ Sex: \_\_\_\_ \_ Date of Birth: \_\_\_\_\_

Parent(s): \_\_\_\_\_ School: \_\_\_\_\_

The School District of Okaloosa County seeks information from you for the purpose of educational planning for the above-referenced student. Please complete the form below, sign and return it to the designated school agent listed below.

Nature and extent of any physical/health/medical condition about which school personnel should be aware:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of onset of condition(s): \_\_\_\_\_ Prognosis: \_\_\_\_ Dosage: \_\_\_\_\_

Medications prescribed (if any): \_\_\_\_\_

How do/does the above-referenced condition(s) impact upon the student's major life activities, if at **all**?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Physician's Signature

\_\_\_\_\_  
Date

Please return form to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
NOTICE OF 504 MEETING**

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

Parent(s) Name: \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

Dear Parent(s):

This is to advise you that a meeting has been scheduled in order that school personnel may review and evaluate all available data and other relevant information pertaining to your child, \_\_\_\_\_ . We encourage you to attend the meeting, where it will be determined whether your child is (or, as appropriate, continues to be) a child with a disability under Section 504 of the Rehabilitation Act of 1973 and, if so, whether any accommodations or other services need to be provided in order to adequately meet your child's educational needs. The meeting has been scheduled to occur on (date) at (time) at (location), \_\_\_\_\_

If you wish to attend the meeting but cannot attend on the date and time indicated, please contact me as soon as possible so that we may attempt to re-schedule the meeting. I look forward to working with you.

Sincerely,

\_\_\_\_\_  
Signature

Phone: \_\_\_\_\_

Suggested Form for Consideration  
 OKALOOSA COUNTY SCHOOL DISTRICT  
 STUDENT INTERVENTION SERVICES

MIS 3373  
 Rev. 10/2015

DISABILITY AND 504 PLAN DETERMINATION  
 Ec: -r16 sb4 E\ALUA'fl(ij)ltEEYALJAtl() R.V1\lt•MfETlci

Student School	Date of Birth Grade
-------------------	------------------------

**SECTION 504 EVALUATION/REEVALUATION REVIEW MEETING**

This 504 Meeting is being held on:		at:
	(Day/Date)	(Time)

The following have been provided to the parent/guardian:

	Date Sent	Sent By
Notice of 504 Meeting		
Notice of Parent Rights under Section 504 of the Rehabilitation Act of 1973		

Parent/guardian responded to Section 504 Meeting notice as follows:  Will attend  Will not attend  No Response

Reason for Section 504 Meeting:

Initial Section 504 Evaluation Review Meeting  Re-evaluation Review Meeting

**EVALUATION DATA COLLECTED AND REVIEWED**

(complete as applicable to the student)

OBSERVATION DATA (attach observation form(s), if applicable)

**ACHIEVEMENT DATA**

List Most Recent Achievement Test Scores (if available)

Subject	Grade Tested	Current Grade	Percentiles
Reading Vocabulary			
Reading Comprehension			
Mathematics			
Language Arts			
Other			
Other			

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

- |  |   |
|--|---|
| <input type="checkbox"/> have been higher each year<br><input type="checkbox"/> have stayed about the same each year<br><input type="checkbox"/> have become worse each year | <input type="checkbox"/> have suddenly dropped<br><input type="checkbox"/> data not available |
|--|---|



Current Grades

Subject	Grade

This student's grades:

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

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

- D** are better
- D** are about the same
- D** are worse
- O** data not available

Has this student been retained?

If yes, at which grade level(s):

**BEHAVIORAL DATA**

Does this student have behaviors that disrupt or adversely affect the education of the student or others? If so, describe those behaviors. If behaviors resulted in disciplinary action within the past year, please describe (or attach relevant documentation):

**HOME LANGUAGE SURVEY**

Student's language is: | Home language is:

English Language Learner: Yes **D** No **D**

If yes, is this student's language contributing to the student's lack of achievement in school? Yes **D** No **D**

**VISION/HEARING INFORMATION**

	Vision	Hearing
Screening Date		
Screening Results		

EVIDENCE OF A PHYSICAL OR MENTAL CONDITION

YES  
**D**

NO  
**D**

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  
**D**

NO  
**D**

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 AND 504 PLAN DETERMINATION

A. Disability Determination

Based on evaluation data drawn from a variety of sources as documented above, the Section 504 Committee 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?

**D** YES      **D** NO

If NO, the student is not a student with a disability under 504. Move to Section Band check box #1. If YES, describe/identify the impairment:

2. Does the physical or mental impairment substantially limit a major life activity? (In making this determination, the Committee 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 most students of the same age/grade level. When making this determination, the Committee 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).**

**D** YES Major life activity substantially limited: \_\_\_\_\_

**D** NO

If NO, the student is not a student with a disability under 504. Move to Section B and check box #1. If YES, describe documentation or other information that supports the finding of a substantial limitation:

**D** For Initial Evaluation check section B

**D** For reevaluation/annual review check section C

B. Determination of Need for 504 Plan

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

**CHECK ONE:**

- i. **D** The student is not disabled because there is no physical or mental impairment that substantially limits a major life activity and a 504 Plan is not required.
- 2. **D** 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 504 Plan will be developed.
- 3. **D** The student is disabled because there is a physical or mental impairment that substantially limits a major life activity, but the student does not need a 504 Plan because the student's educational needs are met as adequately as those of nondisabled peers and no services are needed. While the student currently is not in need of a 504 Plan, 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.
- 4. **D** **For disabilities that are episodic:** 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 504 Plan will be developed that will be implemented 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.

5. **D** For disabilities that are in remission: 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 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.

**C. Determination upon Reevaluation/Periodic Review:**

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

**CHECK ONE:**

1. **D** Based upon re-evaluation 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 504 Plan will be reviewed/revised.
2. **D** 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 504 Plan is no longer needed.

The following Section 504 Committee members acknowledge by signature their participation in this meeting.

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

Original: To 504 Folder (Yellow Folder)  
 Copies: To Parent (along with Notice of Parent Rights under 504)  
 To System and School-based 504 Coordinator

## **NOTICE OF PARENT RIGHTS UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973**

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 nondisabled 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 as adequately as the educational needs of nondisabled children are met. If it is determined that your child is eligible for special education services, those services will be provided under the Individuals with Disabilities Education Act (IDEA) through an Individualized Education Plan (IEP);
4. With respect to the provision of educational services:
  - a. Notice with respect to actions regarding the identification, evaluation or educational placement to your child;
  - b. Access to all records relevant to decisions concerning identification, evaluation or educational placement of your child;
  - c. The right to challenge any action regarding the identification, 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 System's Section 504 Coordinator listed below;
  - d. The right to attend any hearing requested;
  - e. The right to be represented by counsel if a hearing is requested; and
  - f. The right to have any decision made at a hearing reviewed.

The procedures and forms for the initiation of an impartial hearing regarding the identification, evaluation or educational placement of your child are generally the same as those for students with disabilities under the Individuals with Disabilities Education Act (IDEA) and may be obtained from the School District's Section 504 Coordinator listed below.

5. With respect to complaints of discrimination that do not relate to the identification/eligibility, evaluation or educational placement of your child, you have the right to file a local grievance with the school system in accordance with its grievance policy and procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.
6. With respect to complaints of discrimination based upon 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 system in accordance with its grievance procedures. Procedures and forms for the initiation of an informal grievance may be obtained from the School District's Section 504 Coordinator listed below.

The Section 504 Coordinator for the School District of Okaloosa County is the Program Director, Student Intervention Services. If you have any questions or concerns, he/she may be contacted at:

120 Lowery Place, S.E.  
Fort Walton Beach, FL 32548  
Phone: 850-833-5861  
Fax: 850-301-3055

**OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
504 PLAN**

Name \_\_\_\_\_ DOB \_\_\_\_\_  
\_\_\_\_\_ School \_\_\_\_\_ Grade \_\_\_\_\_

Type of Meeting:       Initial Evaluation       Annual Review       Interim Review

Indicate the duration of this Plan if the impairment is temporary (less than 6 months):

Beginning date \_\_\_\_\_ Ending Date \_\_\_\_\_

Describe the Temporary Disability:

Physical/mental condition that has been found to be a **disability**: -----

The school-based Section 504 Committee has reviewed and evaluated all relevant information regarding the student and determined that the student is a student with a disability in need of educational services and a 504 Plan. The following services will be provided to ensure that the student's educational needs are met as adequately as the educational needs of nondisabled students (list educational accommodations and services and other relevant considerations, such as specific activity/environment where needed, etc.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This Plan will be reviewed periodically (typically, on an annual basis and as necessary).

The following were present at the meeting (as reflected by signature):

_____	_____
Section 504 Coordinator/Designee	Parent
_____	_____
School Administrator	Teacher
_____	_____
Other	Other
_____	_____
Other	Other

OKALOOSA COUNTY SCHOOL DISTRICT  
STUDENT INTERVENTION SERVICES  
504 MANIFESTATION DETERMINATION/COURSE OF ACTION

Name: \_\_\_\_\_ DOB: \_\_\_\_\_

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

504 Disability: — — — — —

Number of days suspended already in school year: \_\_\_\_\_

Offense committed and date: — — — — —

Answer the following questions, taking into consideration all relevant information, including any evaluations, teacher observations or other relevant documentation, including any information supplied by the parents.

Check One:

Yes No

1. Was the conduct in question caused by or did it have a direct and substantial relationship to the child's disability?
2. Was the conduct in question a direct result of the school district's failure to implement the Accommodation Plan?

NOTE: If the 504 Plan is NOT being implemented appropriately, further suspension is not appropriate and the 504 Committee MUST develop a plan to implement it. Stop Manifestation Meeting, sign form and develop a plan to ensure implementation of the 504 Plan.

If the 504 Committee answered "yes" to either 1 or 2 above, further disciplinary sanctions are not appropriate because the student's behavior is considered to be a manifestation of disability. If the answer to both 1 and 2 is "no," then further disciplinary sanctions/consequences are appropriate and should be documented below.

Recommended Disciplinary Consequence where no manifestation found: \_\_\_\_\_

The following were present at the meeting (as reflected by signature):

\_\_\_\_\_  
Section 504 Coordinator/Designee

\_\_\_\_\_  
Parent

\_\_\_\_\_  
School Administrator

\_\_\_\_\_  
Teacher

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

\_\_\_\_\_  
Other

**Okaloosa County School District  
Student Intervention Services Department  
PARENTAL INPUT AND MEETINGS FORM**

**Student's Name:** \_\_\_\_\_

**Student ID#:** - - - - -

**Meeting Date:** \_\_\_\_\_

**Type of Meeting:** - - - - -

Dear Parent, Surrogate Parent, Guardian or Adult Student:

Today, a - - - - - meeting was held regarding your child, or on your behalf if you are an adult student.

Section 1002.20, Florida Statutes, K-12 student and parent rights, has been changed to state that school district personnel may not, through any actions taken or statements made, object, discourage or attempt to discourage the attendance of an adult of the parent's choice at meetings with school district personnel. Actions that are prohibited include attempted or actual coercion or harassment, or retaliation or threats of consequence.

**Parents, surrogate parents, guardians or adult student attending today's meeting:**

School personnel **have not** prohibited, discouraged or attempted to discourage me from inviting a person of my choice to today's meeting.

School personnel **have** prohibited, discouraged or attempted to discourage me from inviting a person of my choice to today's meeting.

Signature of parent: \_\_\_\_\_

**School district personnel attending today's meeting:**

School personnel **have not** prohibited, discouraged or attempted to discourage the parent, surrogate parent, guardian or adult student from inviting a person of choice to today's meeting.

School personnel **have** prohibited, discouraged or attempted to discourage the parent, surrogate parent, guardian or adult student from inviting a person of choice to today's meeting.

Signature(s) of all district personnel:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



APPENDIX B

DISCIPLINE

## **Disciplining Students with Disabilities**

As part of the antidiscrimination provisions of Section 504, students with disabilities cannot be excluded from school solely on the basis of disability. To exclude a student from school for behaviors that are caused by or based upon a disability could be discriminatory.

Because the majority of students who are disabled in the School System are eligible for and receive ESE services, the procedures to be followed when disciplining them are generally those that are utilized by the ESE Department in accordance with the Individuals with Disabilities Education Act (IDEA) . However, there may be some students who are not covered under the IDEA who are entitled to the protections of Section 504 and cannot be discriminated against when disciplined for violations of school rules. Therefore, it is important that the school-based 504 Committee ensure that no discrimination has occurred by conducting a proper manifestation determination where it is contemplated that a student with a disability under Section 504 (with or without a 504 Plan) is going to be excluded from school for more than (10) school days consecutively or for more than (10) days cumulatively in the same school year for disciplinary purposes. (MIS 6313).

## **APPENDIX C**

### Grievance Policy and Procedure

## SECTION 504 OF THE REHABILITATION ACT OF 1973

### Grievance Policy and Procedure

#### Policy

It is the policy of the School District of Okaloosa County, Florida to provide a learning and working environment free from discrimination. To that end, the District requests students, parents and staff to assist the Superintendent and the School Board in identifying barriers to a discrimination-free learning environment in our school(s). The following Grievance Procedure is provided as an avenue for the expeditious processing of complaints. The following Grievance Procedure is provided as an **informal and non-litigious avenue for the expeditious processing and resolution of complaints alleging discrimination on the basis of disability.**

#### Definitions

1. Grievance: a complaint alleging a violation of any policy, procedure, or practice that would be prohibited by Section 504 and other federal and state civil rights laws, rules and regulations.
2. Grievant(s): a student or parent/guardian of the School District of Okaloosa County who submits a grievance.
3. School District: 120 Lowery Place S.E.  
Ft. Walton Beach, FL 32548
4. Section 504 Coordinator: the employee designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints (hereafter Coordinator): Program Director, Student Intervention Services, 504 Compliance Officer.
5. Day: a school day/working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays and school holidays.

**Basic Procedural Rights:** applicable to all levels of the grievance process.

The Section 504 Coordinator shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints. The Coordinator may be utilized as a resource by any party at any level of this procedure.

Intimidation, harassment or retaliation against any person filing a grievance or any person participating in the investigation or resolution of a grievance is a violation of law and constitutes the basis for filing a separate grievance.

All records pursuant to the grievance shall be maintained by the District separate and apart from student records for a period of not less than five (5) years.

It is the policy of this District to process all grievances in a fair, expeditious and confidential manner.

## **Process**

### **Level 1: Principal**

Many problems can be solved by an informal meeting with the parties and the principal or Coordinator. An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator with the objective of resolving the matter promptly and informally.

### **Level 2: Section 504 Coordinator**

If the complaint or issue is not resolved at Level 1, the grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. The grievance must be signed and dated and must be filed with the Coordinator. The Level 2 written grievance must be filed with the Coordinator within fifteen (15) days of any action or lack thereof from Level 1, or from the date the grievant could reasonably become aware of such occurrence.

The Coordinator has authority to investigate all written grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator will prepare a written report of the investigation which shall include the following:

A clear statement of the allegations of the grievances and remedy sought by the grievant.

A statement of the facts as contended by each of the parties.

A statement of the facts as found by the Coordinator and identification of evidence to support each fact.

A narrative describing attempts to resolve the grievance.

The Coordinator's conclusion as to whether the allegations in the grievance are meritorious.

If the Coordinator believes the grievance is valid, the Coordinator will recommend appropriate action to the Superintendent.

The Coordinator will complete the investigation and file the report with the Superintendent within fifteen (15) days after receipt of the written grievance. The Coordinator will send a copy of the report to the grievant.

If the Superintendent agrees with the recommendation of the Coordinator, the recommendations will be implemented.

### **Level 3: School Board**

**If** the Superintendent rejects the recommendations of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within ten (10) days of receiving the report of the Coordinator to the School Board for a full contested case hearing. On receipt of the written appeal, the matter shall be placed on the agenda of the School Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the School Board will be final.

### Section 504 Grievance Filing Form

Date \_\_\_\_\_

Your name \_\_\_\_\_

Your school and grade \_\_\_\_\_

Place where you may be reached \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Nature of your grievance. (Please describe the policy or action you believe is discriminating on the basis of disability).

\_\_\_\_\_  
\_\_\_\_\_

If others are affected by the possible violation, please give their names and grades:

\_\_\_\_\_  
\_\_\_\_\_

Please describe any corrective action you wish to see taken with regard to the possible violation. You may also provide other information relevant to this grievance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Grievant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Person Receiving Grievance \_\_\_\_\_

Signature of Parent(s) \_\_\_\_\_ Date \_\_\_\_\_

Date \_\_\_\_\_ Location \_\_\_\_\_

**APPENDIX D**

**IMPARTIAL HEARING PROCEDURES**

# OKALOOSA COUNTY SCHOOLS

## Section 504 of the Rehabilitation Act of 1973

### Impartial Hearing Procedures

#### 1. GENERAL

Parents may file a request for an impartial hearing on any action regarding the identification, evaluation, or educational placement of their child under Section 504. The hearing request must allege a violation that happened not more than two years before the parents knew or should have known about the alleged action that forms the basis of the request. The above timeline does not apply if the parents could not file a hearing request within the timeline because:

a. The School District specifically misrepresented that it had resolved the issues identified in the complaint; or

b. The School District withheld information from the parents that it was required to provide the parents under Section 504.

#### 2. LEGAL SERVICES

The School District must inform the parents of any free or low-cost legal and other relevant services available in the area if the parents request the information or file a request for an impartial hearing under Section 504.

#### 3. IMPARTIAL HEARING REQUESTS

In order to request an impartial hearing under Section 504, the parents (or their attorney) must submit an impartial hearing request to the School District. The request must contain all of the content listed below and must be kept confidential. The parents must also provide the Florida Department of Education with a copy of the request for an impartial hearing.

#### **Content of a request for impartial hearing under Section 504**

The impartial hearing request must include:

1. The name of the student;
2. The address of the student's residence;
3. The name of the student's school;
4. If the student is a homeless child or youth, the student's contact information and the name of the student's school;
5. A description of the nature of the problem of the student relating to the challenged action regarding identification, evaluation, or placement under 504, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the parents at the time.



### **Notice required before a hearing on an impartial hearing request**

Parents may not have an impartial hearing until they (or their attorney) file a request for impartial hearing under Section 504 that includes the information listed above.

### **Sufficiency of impartial hearing request**

In order for an impartial hearing request to go forward, it must be considered sufficient. The hearing request will be considered sufficient unless the School District notifies the hearing officer and the parents in writing, within 15 calendar days of receiving the hearing request, that the School District believes that the impartial hearing request does not meet the requirements listed above. Within five calendar days of receiving the notification of insufficiency, the hearing officer must decide if the hearing request meets the requirements listed above and notify the parents and the School District in writing immediately.

### **Impartial hearing request amendment**

The parents may make changes to the impartial hearing request only if:

1. The School District approves of the changes in writing and is given the chance to resolve the hearing request through a resolution meeting, described below; or
2. By no later than five days before the impartial hearing begins, the hearing officer grants permission for the changes.

If the parents make changes to the impartial hearing request, the timelines for the resolution meeting (within 15 calendar days of the School District's receipt of the hearing request) and the time period for resolution (within 30 calendar days of receiving the impartial hearing request) start again on the date the amended hearing request is filed.

### **School District response to an impartial hearing request**

The School District must, within 10 calendar days of receiving the impartial hearing request, send the parents a response that specifically addresses the issues in the hearing request.

### **FORMS**

The School District has developed a form to help the parents file an impartial 504 hearing request. The parents are not required, however, to use this form and the parents can use another appropriate form, as long as it contains the required information for filing a sufficient impartial hearing request.

### **EARLY RESOLUTION PROCESS**

Within 15 calendar days of receiving notice of the parents' impartial hearing request, and before the hearing begins, the School District must convene a meeting with the parents and the relevant member or members of the 504 Team who have specific knowledge of the facts identified in the parents' hearing request. The meeting:

1. Must include a representative of the School District who has decision-making authority on behalf of the School District; and

2. May not include an attorney of the School District unless the parents are accompanied by an attorney.

The parents and the School District will determine the relevant members of the Team to attend the meeting. The purpose of the meeting is for the parents to discuss the hearing request, and the facts that form the basis of the hearing request, so that the School District has the opportunity to resolve the dispute. The resolution meeting is not necessary if the parents and the School District agree in writing to waive the meeting.

### **Resolution period**

If the School District has not resolved the impartial hearing request to the parents' satisfaction within 30 calendar days of the receipt of hearing request (during the time period for the resolution process), the impartial hearing may occur. The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below. Except where the parents and the School District have both agreed to waive the resolution process, the parents' failure to participate in the resolution meeting will delay the timelines for the resolution process and the impartial hearing until the parents agree to participate in a meeting. If after making reasonable efforts, and documenting such efforts, the School District is not able to obtain the parents' participation in the resolution meeting, the School District may, at the end of the 30-calendar-day resolution period, request that the hearing officer dismiss the parents' hearing request. Documentation of such efforts must include a record of the School District's attempts to arrange a mutually agreed upon time and place for the resolution meeting.

If the School District fails to hold the resolution meeting within 15 calendar days of receiving notice of the parents' impartial hearing request or fails to participate in the resolution meeting, the parents may ask the hearing officer to order that the 45-calendar-day hearing timeline begin.

### **Adjustments to the 30-calendar-day resolution period**

If the parents and the School District agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the impartial hearing starts the next day. After the start of the resolution meeting and before the end of the 30-calendar-day resolution period, if the parents and the School District agree in writing that no agreement is possible, then the 45-calendar-day timeline for the impartial hearing starts the next day.

### **Written settlement agreement**

If a resolution to the dispute is reached at the resolution meeting, the parents and the School District must enter into a legally binding agreement that is:

1. Signed by the parents and a representative of the School District who has the authority to bind the School District; and
2. Enforceable in any State court of competent jurisdiction.

### **Agreement review period**

If the parents and the School District enter into an agreement as a result of a resolution meeting, either the parents or the School District may void the agreement within three business days of the time that both the parents and the School District signed the agreement.

## **IMPARTIAL HEARING UNDER SECTION 504**

### **General**

As set forth above, when a request for impartial hearing is filed by the parents under Section 504, the parents must be provided an opportunity for an impartial hearing. Should a impartial hearing be required, the hearing will be conducted by the Florida Department of Education through an impartial hearing officer (Administrative Law Judge (ALJ)) with Florida's Division of Administrative Hearings (DOAH) in accordance with applicable Florida Statutes and State Board of Education Rules. Florida has a one-tiered impartial hearing system wherein the Florida Department of Education or another State-level agency or entity (other than the School District) is responsible for convening impartial hearings. An appeal from an impartial hearing decision goes directly to a federal district or State circuit court.

### **Impartial hearing officer (i.e., Administrative Law Judge (ALJ))**

At a minimum, a hearing officer:

1. Must not be an employee of the School District that is involved in the education or care of the student. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be generally knowledgeable about the provisions of Section 504 and federal and State regulations pertaining to Section 504; and
4. Must have the knowledge and ability to conduct impartial hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

### **Subject matter of impartial hearings**

The parents may not raise issues at the impartial hearing that were not addressed in the hearing request, unless the School District agrees.

## **HEARING RIGHTS**

### **General**

Any party to an impartial hearing under 504 has the right to:

1. Be represented by counsel or to be represented by a qualified representative under the qualifications and standards set forth in Rules 28-106.106 and 28-106.107, F.A.C., or to be accompanied and advised by individuals with special knowledge or training with respect to the problems of students with disabilities, or any combination of the above;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

4. Obtain a written, or, at the parents' option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at the parents' option, electronic findings of fact and decisions.

### **Parental rights at hearings**

The parents must be given the right to:

1. Attend any hearing requested;
2. Be represented by counsel at a hearing; and
3. Have the decision made at the hearing reviewed.

## **APPEALS**

### **FINALITY OF DECISION; APPEAL; IMPARTIAL REVIEW**

#### **Finality of impartial hearing decision**

A decision made in an impartial hearing is final, except that either party involved in the hearing may appeal the decision by bringing a civil action, as described below.

### **TIMELINES AND CONVENIENCE OF HEARINGS AND REVIEWS**

The hearing officer will ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described above under the sub-heading **Adjustments to the 30-calendar-day resolution period**, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and the child.

### **CIVIL ACTIONS, INCLUDING THE TIME PERIOD IN WHICH TO FILE THOSE ACTIONS**

#### **General**

If the parents or the School District does not agree with the findings and decision in the impartial hearing, the parents or the School District has the right to bring a civil action for review of the hearing officer's decision. The civil action may be brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

#### **Time limitation**

The party bringing the action for review shall have 90 calendar days from the date of the decision of the hearing officer to file a civil action for review of the decision.

**Additional procedures**

In any civil action, the court:

1. Receives the records of the impartial hearing proceedings;
2. Hears additional evidence at the parents' or the School district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.