

When is 504 not appropriate?

- When a student has a disability but is functioning well and making academic progress without accommodations, the student does not meet 504 eligibility criteria. This might include a student a parent feels could be making A's rather than B's or a student who only experiences difficulty in one subject area.
- When a plan is created solely to support a request for extended time on standardized tests such as CRCT, EOCT, GHSWT, or college board exams such as SAT's or ACT's. A student must also need the accommodation in their regular classroom work.
- When a student is eligible for services under IDEA but the parents prefer Section 504 services.

Parent's Rights under Section 504

You have the right to:

- have your child take part in, and receive benefit from, public education programs or activities without discrimination based on his/her disability;
- to have the school district advise you of your rights under Federal law;
- to receive notice with respect to the identification and evaluation of your child and the determination if your child is a qualified individual requiring accommodations necessary to provide access to educational programs and activities;
- to have your child receive a free appropriate public education in the least restrictive environment;
- to have your child receive services and be educated in facilities comparable to those provided to nondisabled students;
- to have evaluation, educational, and placement decisions made based on a variety of information sources, and by persons who know your child and who are knowledgeable about the evaluation data and placement options;
- to have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
- to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA); and
- to request a hearing before an impartial hearing officer by notifying the school principal should you disagree with the decisions reached by school/district personnel for accommodations for access to educational programming and/or facilities.

Hearing Request:

A parent/guardian or emancipated minor may request mediation or an impartial hearing due to the school system's actions or inactions regarding your child's identification, evaluation, or educational placement under Section 504. You and the student may take part in the hearing and have an attorney represent you. Written Request for Hearing should be made in compliance with the Decatur County Section 504 Procedural Safeguards to the District 504 Coordinator, Mrs. Kathy Varner at 507 Martin Street; Bainbridge, GA 39817 or by phone at 229-248-2836.

Contacts

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Section 504 Coordinator
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Decatur County Schools



Parent's Guide to Section 504 Of the Rehabilitation Act of 1973

For additional information
contact:

Decatur County Schools
Section 504 Coordinator
Mrs. Catherine Gossett
229-248-2828

What is Section 504?

(Section 504 of the Rehab. Act 1973, 45 CFR Part 84.) Section 504 is a civil rights act prohibiting discrimination based on disability. It was enacted to eliminate barriers that exclude persons with disabilities. Section 504 applies to all agencies that receive federal funds, including public schools. In the Decatur County School System, all staff and administrators have the responsibility of ensuring that all students with disabilities are identified, evaluated and provided with needed accommodations and services, resulting in a free appropriate public education (FAPE). Section 504 is enforced by the U.S. Department of Education, Office of Civil Rights. Public school districts have the duty to provide FAPE to all qualified disabled students. FAPE must include an education designed to provide educational benefit despite the child's disability. It must be at no cost to the parent and it must be provided in an environment that affords the greatest exposure to nondisabled peers.

What is a EEOP/504 Plan?

An Equal Education Opportunity Plan/504 plan is an individualized plan created by a committee in which the student's disability and needs are identified. In addition, the reasonable accommodations that will be set forth by the school to meet the student's needs are specifically outlined in the 504 plan. The procedures for Section 504 are part of the Student Handbook at each school.

How does Section 504 differ from IDEA/Special Ed?

Section 504 is a civil rights act, mandating equal access, whereas the Individuals with Disabilities Education Act (IDEA), commonly referred to as special education, is an education law which provides individualized educational programs and additional services beyond what is provided to persons without disabilities.



Who is eligible under Section 504?

Section 504 protects an individual who has a mental or physical impairment which substantially limits one or more major life activities (MLA), has a record of such an impairment, or is regarded as having a physical or mental impairment. An MLA might include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, or learning. It protects students when their disabilities limit their ability to attend, participate in, or receive benefit from their education. These provisions protect individuals with disabilities who are and those who are not eligible under IDEA.

What if I suspect my child is eligible under Section 504?

If you believe your child has a disability that has not been identified for protection under Section 504, contact the school level 504 coordinator to discuss your concerns. The Section 504 coordinator can discuss parent rights and the procedures for conducting an evaluation 504 disability determination. The determination of eligibility and accommodations is the responsibility of the 504 team and parents shall be given notice before their child is evaluated/placed under Section 504. If you still have questions after meeting with the school level 504 coordinator, please call the District Coordinator, Mrs. Kathy Varner at 229-248-2836.

What is a Section 504 Evaluation?

For Section 504, evaluation means reviewing information from a variety of sources. This typically includes teacher reports, grades, standardized test scores, attendance and discipline reports, information from parents and medical providers, etc. The 504 team shall include individuals who are knowledgeable about the child, the type of suspected disability, the data being reviewed, and accommodations which might be considered. Parents can play an important role in this process. It is not uncommon for a school to receive a doctor's letter stating that a student has a disability and may need certain accommodations. While the school always considers the recommendation, it remains the school's responsibility to determine 504 eligibility and to implement any necessary accommodations for the student. Simply having an impairment does not automatically qualify a student under section 504.

How are services and accommodations determined?

If a student is found to have a disability (under Section 504), which substantially impacts a major life activity, the 504 team will make an individualized determination of the student's educational needs and an accommodation plan (EEOP) will be developed. Section 504 mandates services and placement in the least restrictive environment and most accommodations are provided in the regular education classroom. 504 plans are required to be reviewed annually by district policy. Eligibility shall be reviewed every three years by the anniversary date of eligibility determination.



What should I bring to a 504 team meeting?

As the parent, it is important that you bring any documentation that will help the 504 eligibility team understand the impact your child's disability has on a major life activity. Major life activities include walking, seeing, hearing, speaking, breathing, learning, caring for oneself, performing manual tasks, etc. Your child's medical records and/or a letter from your child's physician describing the disability and impact of the disability will also be helpful. If your child has been evaluated by a psychiatrist or licensed psychologist, the information provided by these professionals can be considered at the meeting. Grades, work samples, attendance records, and benchmark test scores, state testing scores, etc. from the current or previous school years can be presented as well. Your observations of your child's health, behavior, organizational skills, interpersonal skills, adaptive skills, etc. will also be beneficial to the team in the determination process.