

# The School Board of Broward County, Florida

## Section 504/ADA Procedural Manual

### **Notice of Rights for Disabled Students and their Parents and Guardians Under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act**

The purpose of this Notice is to inform parents and students of the rights granted them under §504. The federal regulations that implement §504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle eligible student and their parents, to the following rights:

1. You have a right to be informed about your rights under §504. [34 CFR 104.32] The School District must provide you with written notice of your rights under §504 (this document represents written notice of rights as required under §504). If you need further explanation or clarification of any of the rights described in this Notice, contact the school's Section 504 Liaison to assist you in understanding your rights.
2. Under §504, your child has the right to an appropriate education designed to meet his or her educational needs as adequately as the needs of non-disabled students are met. [34 CFR 104.33].
3. Your child has the right to free educational services, with the exception of certain costs normally also paid by the parents of non-disabled students. Insurance companies and other similar third parties are not relieved of any existing obligation to provide or pay for services to a student that becomes eligible for services under §504. [34 CFR 104.33].
4. To the maximum extent appropriate, your child has the right to be educated with children who are not disabled. Your child will be placed and educated in regular classes, unless the District demonstrates that his or her educational needs cannot be adequately met in the regular classroom, even with the use of supplementary aids and services. [34 CFR 104.34].
5. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34].
6. Have transportation provided to and from an alternative placement setting (if the setting is a program not operated by the District) at no greater cost to you than if the student was placed in a District-run program. [34 CFR §104.33(c)3(2)]
7. The School District must undertake an evaluation of your child prior to determining his or her appropriate educational placement or program of services under §504, and also before every subsequent significant change in placement. [34 CFR 104.35].
8. The District will appropriately consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, and scores on TAKS tests, and mitigating measures, among others. [34 CFR 104.35].
9. Placement decisions regarding your child must be made by a group of persons (a Section 504 Team) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, disabled children should be educated with non-disabled children. [34 CFR 104.35].
10. If your child is eligible for services under §504, he or she has a right to periodic evaluations to determine if there has been a change in educational need. Generally, an evaluation will take place at least every three years. [34 CFR 104.35].

# The School Board of Broward County, Florida

## Section 504/ADA Procedural Manual

11. You have the right to be notified by the District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
12. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child under §504). [34 CFR 104.36].
13. You also have a right to present a grievance or complaint to the district's Director of Equal Educational Opportunities/ADA Compliance (see item 15 for contact information) who will investigate the situation, take into account the nature of the complaint and all necessary factors, and respond appropriately to you within a reasonable time.
14. You have the right to an impartial hearing if you wish to contest any action of the District with regard to your child's identification, evaluation, or placement under §504. [34 CFR 104.36]. You have the right to participate personally at the hearing, and to be represented by an attorney, if you wish to hire one.
15. If you wish to contest an action taken by the Section 504 Team by means of an impartial due process hearing, you must submit a Notice of Appeal or a Request for Hearing to:  
Director, Equal Educational Opportunities/ADA Compliance Department  
600 SE Third Avenue, 14th Floor  
Ft. Lauderdale, FL 33301  
(754) 321-2150  
Teletype Machine -TTY: (754) 321-2158  
E-Mail: EEO@browadschools.com
16. If you disagree with the decision of the hearing officer, you have a right to seek a review of that decision before a court of competent jurisdiction (normally, your closest federal district court).
17. The aggrieved person is not required by law to exhaust the District's grievance procedures before filing a complaint with the office of Civil Rights.
18. You also have a right to file a complaint with the Office for Civil Rights (OCR) of the Department of Education. The address of the OCR Regional Office that covers this school district is:

Director, Equal Educational Opportunities/ADA Compliance Department  
600 SE Third Avenue, 14th Floor  
Ft. Lauderdale, FL 33301  
(754) 321-2150  
Teletype Machine -TTY: (754) 321-2158  
E-Mail: EEO@browadschools.com

A date will be set for the hearing and an impartial hearing officer will be appointed. You will then be notified in writing of the hearing date, time, and place.

Director, Office for Civil Rights  
US Dept. of Education  
61 Forsyth St. S.W., Suite 19T10  
Atlanta, GA 30303-8927

Given to the Parent/Guardian of: \_\_\_\_\_  
Date: \_\_\_\_\_ Student ID: \_\_\_\_\_  
School: \_\_\_\_\_  
Charter School MSID#: \_\_\_\_\_