

# Sumner County Schools



## of the Rehabilitation Act

District Coordinator---Selena Elmore

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### What is Section 504?

Section 504 is the part of the Rehabilitation Act of 1973 which applies to persons with disabilities. Section 504 is a civil rights act protecting civil and constitutional rights of persons with disabilities.

her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to any discrimination under any program or activity receiving Federal financial assistance.

Sumner County Schools receives federal financial assistance; thus, individuals with disabilities may not be excluded from participating in District programs or denied the benefits of District programs. If a student is disabled under Section 504, the District must provide reasonable accommodations to ensure that the student receives a commensurate education, that is, the student must be served as adequately as non-disabled students. Unless the student also qualifies for special education, the accommodations may not include special education services.

### To Whom and How Does Section 504 Apply?

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1. Does the student have a disability?
2. If
3. If yes to (1) and (2), can the disability be factored out of the educational equation so the student may receive a commensurate education?

To answer these questions, the following information must be considered:

**1. Does the student have a disability?**

**Disability-**Section 504 protects persons with disability status. A person is disabled if he



## Sumner County Board of Education

### Procedural Safeguards available to Parents and Students under Section 504/ADA

The Rehabilitation Act of 1973, commonly referred to as Section 504, is a federal nondiscrimination statute. The purpose of the Act is to prohibit discrimination and to assure that disabled students have educational opportunities and benefits equal to those provided to nondisabled students. The purpose of this notice is to outline and inform you of the rights assured by Section 504. The enabling regulations for Section 504 at 34 CFR Part 104, entitle students to the following rights:

- 1.

## School Responsibilities under Section 504

Section 504 is managed by the general education program which also is referred to as the regular school program. To comply with Section 504, schools must:

4. Provide written assurance of nondiscrimination.
  5. Provide notice of nondiscrimination in admission or access to programs or activities.
  6. Designate a school 504 coordinator.
  7. Provide complaint procedures (District Compliance Policy).
  8. Identify qualified students with disabilities.
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**The Role of the School 504 Coordinator:** In each school, a school 504 coordinator is assigned to provide resources and help other educators in the school fulfill their responsibilities under Section 504. The 504 coordinator will facilitate Section 504 meetings and provide families with a development and implementation of appropriate 504 EEOP/Accommodation Plans as well.

<b>Differences between Section 504 and Special Education</b>	<b>Section 504</b>	<b>Special Education</b>
<b>Type of Act</b>	Civil Rights Act	Education Act
<b>Funding</b>	Local Funding	State, Federal, Local Funding

## Section 504 Due Process Hearing Procedures

Section 504 of the Rehabilitation Act of 1973 provides the right to an impartial due process hearing evaluation, and placement under Section 504. If a parent/guardian requests a Section 504 hearing, the parent/guardian has the right to personally participate and to be represented at the hearing. If the issues that are appropriate for a Section 504 hearing should involve identification, evaluation, or placement issues involving a child who has or is believed to have a disability.

### *Oral/Written Request for Hearing*

A parent/guardian who wishes to challenge an action or omission with regard to the identification, evaluation, or placement of a student who has or is believed to have a disability as defined by Section 504 shall make an oral or written request for a due process hearing to the Section 504 District Coordinator. There is a written request form provided through the Central Office. It is included at the end of this guide.

### *Impartial Hearing Officer*

The director of schools or his/her designee shall appoint an impartial hearing officer to preside over the hearing and issue a decision. Such appointment will be made within fifteen (15) days of the date of receipt of a request for a due process hearing. The hearing officer will be hired as an independent contractor at no expense to the parent. The hearing officer that is appointed shall not be a current employee of the school system and shall not be related to any member of the Sumner County Board of Education. The hearing officer need not be an attorney but shall be familiar with the requirements of Section 504 and the hearing procedures under Section 504. The choice of an impartial hearing officer is final and may not be presented as an issue at the due process hearing since such an issue would not relate to the identification, evaluation, or placement of a disabled child under Section 504. If a parent/guardian disputes the impartiality of the hearing officer, the parent/guardian may seek a court opinion by a court of competent jurisdiction or in a complaint to the Office for Civil Rights.

Office for Civil Rights  
US Department of Education  
61 Forsyth St. S.W., Suite 19T10  
Atlanta, GA 30303-8927  
Telephone: 404-974-9406; TDD: 877-521-2172  
Email: [OCR.Atlanta@ed.gov](mailto:OCR.Atlanta@ed.gov)

### *Scheduling of Hearing*

The appointed hearing officer shall set a date for the hearing within fifteen (15) days of his/her appointment and provide this information in writing to the parent/guardian and the Section 504 Coordinator. The hearing shall take place at a mutually agreeable time and place.

### *Continuances*

Upon a showing of good cause, the hearing officer, at his/her discretion, may grant a continuance of the hearing date and set a new hearing date.

### *Legal Representation at Hearing*

If a parent/guardian is represented by a licensed attorney at the due process hearing, he/she must inform the Section 504 District Coordinator and the appointed hearing officer of that fact, in writing, at least seven (7) calendar days prior to the hearing date or the hearing can be continued hearing unless the parent provides notice that he/she will have legal representation.

### *Pre-Hearing Conference*

The hearing officer may order a Pre-Hearing Conference during which the parent/guardian or his/her representative will state and clarify the issues to be addressed at the hearing. The Pre-Hearing Conference will also serve to resolve preliminary matters, clarify jurisdictional issues, and answer the parties -Hearing Conference can

### *Submission of Exhibits*

As part of their presentations and at the discretion of the hearing officer, the parties may submit any reports, evaluations, correspondence, notes, or any other documents that may support their positions. Exhibits submitted to the hearing officer by either party must be marked. In the exercise of his/her discretion, the hearing officer may limit within reason the number of documents to be submitted for his/her review as well as the number of witnesses and the length and/or scope of their presentations or statements.

### *Closing Arguments*

The hearing officer may allow or request written closing arguments summarizing and characterizing the information presented at the hearing.

### *Decision*

The hearing officer may make an oral ruling at the conclusion of the hearing or take the case under advisement and issue a written opinion. Such decision shall address all of the issues raised by the parent/guardian as well as any corrective actions, if any, the school system must take. Any issue or claim raised by the parent/guardian that is left unaddressed by the hearing officer in his/her decision will be deemed to be denied. The decision must be issued within forty-five (45)

**Sumner County Board of Education  
504 Due Process Request Form**

Information is to be completed by parent/guardian & returned to the 504 District Coordinator for processing.

Name of Child: \_\_\_\_\_

Name of Parent/Guardian: \_\_\_\_\_

Child/Parent/Guardian Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Do you plan to hire an attorney? \_\_\_\_\_ No \_\_\_\_\_ Yes

If yes, Attorney for Child/Parent/Guardian \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Hearings are typically closed. Do you prefer the hearing to be: \_\_\_\_\_ Open \_\_\_\_\_ Closed?

Complete description of the nature of the problem of the child relating to identification, evaluation, placement or the provision of a free appropriate public education (FAPE).

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

Please provide a proposed resolution of the problem to the extent known and available to the parents.

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

**To be completed by SCBOE 504 District Coordinator**

LEA: \_\_\_\_\_ 504 District Coordinator: \_\_\_\_\_

School attended: \_\_\_\_\_ Disability: \_\_\_\_\_

If parent has an attorney attorney for LEA: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date Request Received by LEA: \_\_\_\_\_ Place Hearing to be held: \_\_\_\_\_

Hearing Officer Assigned to case: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Time: \_\_\_\_\_