

From: Jennifer Hackemeyer
Sent: Monday, February 27, 2012 2:00 PM
To: superintendent
Subject: FW: Section 504 Update - Action Required!
Attachments: Model Procedural Safeguards under Section 504.docx; Model Section 504 Student Rights .docx; 504 Resolution Agreement.pdf

Superintendents,

As you will recall, as part of a resolution agreement in response to a statewide complaint regarding Section 504 of the Rehabilitation Act, the Georgia Department of Education (GaDOE) has been negotiating with the United States Department of Education's Office for Civil Rights (OCR) to develop model procedural rights and procedures under Section 504. Each LEA in Georgia agreed to participate in the resolution agreement, which I have attached below for your reference.

GaDOE received final approval for the enclosed Model Notice of Student Rights under Section 504 and Model Procedural Safeguards under Section 504 from OCR on February 16, 2012.

Under the resolution agreement, each LEA is required to complete the following by June 15, 2012 (within 120 days of OCR's final approval):

1. **Adopt and implement policies regarding student rights and procedural safeguards under Section 504 that are consistent with GaDOE's model rights and safeguards.** Your LEA may adopt the model rights and safeguards as written, or it may modify the model rights and safeguards in a manner that is consistent with Section 504 law and regulations. If you wish to modify the model rights and safeguards, we encourage you to seek advice of your legal counsel regarding your proposed modifications.
2. **Provide written evidence to OCR that it has adopted and implemented Section 504 rights and safeguards,** including a written description of the notice it provides to parents and guardians, a description of the hearing process, and the identity of the entity or hearing officer that the LEA will contract with to provide impartial hearings, or the procedure by which a hearing officer will be obtained.
3. Make the procedural rights and procedural safeguards available on its website, where available, and in printed materials (including student handbooks.) **Once these materials are posted on your website, please send the weblink to legal.services@doe.k12.ga.us .**

Please be aware that the resolution agreement also requires GaDOE's and each LEA's key administrators and critical staff involved in the oversight or identification, evaluation and placement of students under Section 504 and Title II be available for training from OCR by June 1. This training will be coordinated by OCR or GaDOE in a separate communication.

Sincerely,

Jennifer Hackemeyer, General Counsel