

Section 504 Resolution Agreement

Adopting 504 Safeguards Frequently Asked Questions

Under the Section 504 Resolution Agreement, each LEA must adopt and implement policies regarding student rights and procedural safeguards under Section 504 that are consistent with GaDOE's model rights and safeguards, provide written evidence to OCR that the LEA has adopted and implemented Section 504 rights and safeguards, and notify parents and students of the rights and safeguards. **These actions must be taken by each LEA before June 15, 2012.**

The following frequently asked questions are designed to help guide LEAs as they adopt and implement student rights and procedural safeguards under Section 504.

1. Where can I find GaDOE's model student rights and procedural safeguards under Section 504?

You may find GaDOE's model student rights and procedural safeguards under Section 504, as well as other information relevant to complying with the Section 504 Resolution Agreement on GaDOE's website at the following link: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Student-Support-Teams/Pages/default.aspx>

2. Does my LEA need to adopt the exact same student rights and procedural safeguards as GaDOE?

No. 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.

3. Can my LEA adopt documents, such as eligibility forms or student placement guidance, in addition to the procedural safeguards?

Yes. Procedural safeguards and student rights must be in place under Section 504 and Title II of the ADA. GaDOE encourages LEAs and schools to fulfill all obligations under Section 504 and Title II of the ADA in the manner it deems most appropriate, which may include adopting additional guidance or forms to assist decision-makers.

4. Is GaDOE going to adopt documents, such as eligibility forms or student placement guidance, in addition to the procedural safeguards?

GaDOE will not adopt additional guidance or forms as a result of the Section 504 Resolution Agreement. Though GaDOE does not have any current plans to adopt additional guidance or forms for implementing Section 504 or Title II of the ADA, any future guidance will be posted on the GaDOE website.

5. What process does my LEA need to follow to adopt the student rights and procedural safeguards?

To adopt the student rights and procedural safeguards, the LEA should utilize the same process as it would for any internal policy or procedure.

6. How does my LEA notify OCR that it has adopted and implemented the student rights and procedural safeguards?

By June 15, 2012, each must notify OCR in writing that the LEA has adopted and implemented its student rights and procedural safeguards. This can be done as a letter or email to OCR that includes the student rights and procedural safeguards adopted by the LEA, a link to where the student rights and procedural safeguards may be found on the LEA's webpage, 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.

7. To whom should my LEA send the notification to OCR that we have implemented the student rights and procedural safeguards?

Written notification that the LEA has adopted and implemented its student rights and procedural safeguards should be sent via email or U.S. mail to:

U.S. Department of Education
Office for Civil Rights
ATTN: Vicki Lewis
61 Forsyth Street S.W. Suite 19T10
Atlanta, GA 30303
vicki.lewis@ed.gov

You may also want to copy GaDOE at:

Georgia Department of Education
Office of Legal Services
2052 Twin Towers East
205 Jesse Hill Jr. Drive
Atlanta, GA 30334
legal.services@doe.k12.ga.us

8. What needs to be included in my LEA's notification to OCR that we have implemented the student rights and procedural safeguards?

The notification must that include the student rights and procedural safeguards adopted by the LEA, a written description of the notice it provides to parents and guardians, a link to where the student rights and procedural safeguards may be found on the LEA's webpage, 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.

9. How does an LEA obtain a hearing officer for Section 504?

An LEA may utilize any process for obtaining a hearing officer for Section 504 that is consistent with its internal policies and procedures for obtaining professional services. This may include soliciting requests for proposals from qualified individuals, which in the context of hearing officers, typically includes law firms or other subject-area experts. GaDOE does not provide hearing officers for LEA hearings under Section 504.

10. How does an LEA notify parents and students that it has implemented the student rights and procedural safeguards?

At a minimum, the LEA must notify parents and students that it has implemented the student rights and procedural safeguards by including the student rights and procedural safeguards in its student handbooks and LEA website. The LEA must also furnish the student rights and procedural safeguards to those who request them.

11. In what written materials do the student rights and procedural safeguards need to appear?

At a minimum, the LEA must include the student rights and procedural safeguards in its student handbooks. LEAs are also encouraged to include the student rights and procedural safeguards in other materials it deems appropriate, such as a Section 504 Handbook or Student Services Manual.

12. Do I need to print the entire student rights and procedural safeguards in our student handbooks?

Yes.

13. Do I need to post the entire student rights and procedural safeguards on our LEA's website?

Yes.

14. Will adopting these student rights and procedural safeguards, and notifying OCR and parents satisfy my LEA's obligations under the Section 504 Resolution Agreement?

No. As part of the Section 504 Resolution Agreement, all LEA key administrators and critical staff must complete training from OCR by June 1, 2012 and the LEA must notify OCR of that training by June 20, 2012. LEA key administrators and critical staff that must attend training are those that are involved in the oversight for or identification, evaluation and placement of students under Section 504 and Title II of the Americans with Disabilities Act. You may find more information regarding this training requirement GaDOE's website in a document entitled "Section 504 Training Details" at the following link: <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Student-Support-Teams/Pages/default.aspx>