

Parent and Student Guide to Special Educational Services

South Carolina Governor's School for Science and Mathematics

This guide is designed to assist students with disabilities and their parents who may be eligible for assistance under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA) OR the Individuals with Disabilities Act (IDEA) of 1975. These pages include information about how to access services, request evaluation if a disability is suspected, and what to do if there is a disagreement about the services provided. You will also find links to helpful information from the United States and South Carolina Departments of Education websites. In addition to the information in this guide, the Vice-President for Academic Affairs and the Academic Success Coordinator are happy to provide guidance about special needs services at the Governor's School for Science and Mathematics (GSSM).

There are many resources available to assist students in their transition to the unique learning and living environment of GSSM. These resources include:

- Faculty office hours for additional assistance
- Peer tutoring available through faculty assigned tutors
- Peer tutoring available during academic help center hours
- The services of the school's Academic Success Coordinator
- Supports through the school's Wellness Services

All students are strongly encouraged to take advantage of these resources to ensure their success at GSSM.

In addition to these resources, some students who have identified disabilities may benefit from a plan to offer special accommodations that are particular to his/her disability. Depending upon the nature of the disability, a student may benefit from a Section 504 Plan or an Individualized Education Plan (IEP). The nature of the disability typically determines which type of plan is best for a particular student. (See "Understanding the Differences between IDEA and Section 504" later in this document.)

Identification of Students with Special Needs

Prior to the start of each school year, parents of newly accepted and returning students receive a request for information related to special needs services, since disabilities are most often identified before a student reaches high school. Typically, similar accommodations from a previous school setting form the basis for accommodation recommendations at GSSM. For students coming from a home school or private school setting, it may be necessary to develop a new plan. It is also possible for a student, parent, or teacher to note a pattern of concern or a new condition. A parent or school official may request evaluation at school expense at any point during a student's enrollment. Such requests should be made to the Vice-President for Academic Affairs, who may convene a team to determine if the evaluation request seems appropriate. The school cannot conduct an initial evaluation of a student to

determine eligibility for special education services without prior notice of the proposed action and obtaining parent consent. If a parent fails to respond to requests for consent, the school has the legal right to pursue permission through mediation or a due process procedure to override refusal or non-response. The Vice-President for Academic Affairs can provide additional information and resources about the evaluation process.

If evaluation seems appropriate, GSSM arranges for evaluation with a licensed school psychologist. The results of the evaluation are shared with parent(s)/guardians, the student, and a team of GSSM staff that may include the Vice-President for Academic Affairs, classroom teacher(s), Wellness Services staff, and/or residential life staff. This group will determine whether accommodations are necessary and develop an appropriate plan based on the information presented.

If accommodations are required and GSSM does not have the staff to meet them, then appropriate special education staff will be secured.

Section 504 Parent/Student Rights

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 (ADA) prohibit discrimination against persons, including public school students, with a disability, in any program receiving federal financial assistance or funding directly from the State. Section 504 and the ADA define a person with a disability as anyone who:

- has a mental or physical impairment which substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;
- has a record of such impairment; or
- is regarded as having such an impairment.

GSSM acknowledges its responsibility under Section 504/ADA to avoid discrimination in policies and practices regarding its students and to provide Section 504/ADA-eligible students with an appropriate education. No discrimination against any person with a disability shall knowingly be permitted in any program or practices of the school.

Under Section 504/ADA, the school has the responsibility to identify, evaluate, and if the student is determined to be eligible under Section 504/ADA, to afford access to appropriate educational services.

If the parent or guardian disagrees with any determination regarding identification, evaluation, or services made by the professional staff of the school, he/she has a right to file a grievance with the school's 504/ADA Coordinator. The school's 504/ADA Coordinator is the Vice-President for Academic Affairs. A parent has the right to file a complaint with the Office for Civil Rights, U.S. Department of Education, or request a hearing by an impartial hearing officer. Additional information about legal rights and responsibilities under IDEA and Section 504 can be found via the links provided at the end of this document.

Understanding the Differences between IDEA and Section 504

One of the most common questions for parents regarding their student with disabilities is how to determine whether IDEA or Section 504 laws are applicable to a given situation. The following information is excerpted from the Council for Exceptional Children (<http://www.idonline.org>).

An Overview of IDEA and Section 504

Since 1975, every child with a disability has been entitled to a free and appropriate public education (FAPE) designed to meet his individual needs under the rules and regulations of the Individuals with Disabilities Education Act (IDEA). This federal law governs all special education services and provides some funding to state and local education agencies to guarantee special education and related services for those students who meet the criteria for eligibility in a number of distinct categories of disability, each of which has its own criteria.

According to the U.S. Department of Education, approximately 5.5 million children with disabilities receive special education and related services and are protected by IDEA. However, some students with special needs do not receive services under IDEA, but are served under Section 504 of the Rehabilitation Act of 1973. Section 504, a civil rights law, prohibits discrimination on the basis of disabling conditions by programs and activities receiving or benefiting from federal financial assistance. Schools must provide these children with reasonable accommodations comparable to those provided to their peers under the rulings of Section 504.

An Overview of the Differences

The major differences between IDEA and Section 504 are in the flexibility of the procedures. For a child to be identified as eligible for services under Section 504, there are less specific procedural criteria that govern the requirements of the school personnel. Schools may offer a student less assistance and monitoring with Section 504 because there are fewer regulations by the federal government to instruct them, especially in terms of compliance.

In contrast, a child identified for services under IDEA must meet specific criteria. The degree of regulation is more specific in terms of time frames, parental participation, and formal paperwork requirements. IDEA also addresses the special education of students with disabilities from preschool to graduation only (from ages 3 to 21). Section 504 covers the lifespan and safeguards the rights of persons with disabilities in many areas of their lives, including employment, public access to buildings, transportation, and education. The criteria for identification, eligibility, appropriate education, and due process procedures under IDEA and Section 504 vary.

Identification and Eligibility

In order for children with disabilities to receive services, they must be identified and then determined to be eligible for these services. Under IDEA guidelines, school districts are required to identify and evaluate all children suspected of having a disability whose families reside within the district. Section 504 does not have this requirement.

IDEA covers all school-aged children who fall within one or more specific categories of qualifying conditions: autism, deaf and hard of hearing, deaf/blindness, developmental delay, emotional disability,

intellectual disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, visual impairment. IDEA also requires that a child's disability adversely affects his/her educational performance.

Section 504 covers individuals who meet the definition of qualified "disabled" person -- for example, a child who has or has had a physical or mental impairment that substantially limits a major life activity or is regarded as handicapped by others. Major life activities include: walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. Section 504 legislation does not require that a child need special education to qualify. In some cases, students who are ineligible for services or are no longer entitled to services under IDEA may be entitled to accommodations under Section 504.

Evaluation

A child with a disability is assessed to determine what services, if any, are needed.

IDEA requires that the child be fully evaluated by a multidisciplinary team, and it requires informed and written parental consent. The child must be re-evaluated at least once every three years, or if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation. It provides for an independent evaluation at the district's expense if parents disagree with the first evaluation. It does not require re-evaluation before a significant change in placement.

Section 504 evaluations require documentation that may draw on information from a variety of sources. Decisions about the student, evaluation data, and placement options are made by knowledgeable individuals. Such decisions do not require written consent of the parents, though the parents should be notified. Section 504 regulations requires "periodic" re-evaluation. Parents are not entitled to an independent evaluation at the school's expense if they disagree with the school's findings. The school has a responsibility to provide a free and appropriate education (FAPE). A re-evaluation is required before a significant change in placement.

Support

Under IDEA, the school must develop an individualized education program (IEP) for eligible students. "Appropriate" education means a program designed to provide "educational benefit" for a person with disabilities. Placement may be any combination of special education and general education classrooms. The school must provide related services, such as speech therapy, physical therapy, or counseling services, if required.

Under Section 504, students do not qualify for an IEP, but they are required to have a 504 plan. "Appropriate" means an education comparable to the education provided to those students who are not disabled. Placement is usually in a general education classroom. Children can receive specialized instruction, related services, or accommodations within the general education classroom. The school may provide related services, if needed.

Due Process Procedures

Sometimes parents and school districts disagree about how a child with disabilities should be educated. When this happens, there are procedures in place to handle these disagreements.

IDEA regulations require that the school provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student. There are specific procedures which must be followed. An impartial appointee selects a hearing officer. There is a "stay-put" provision (the student's current IEP and placement continues to be implemented) until all proceedings are resolved. Parents must receive ten days' notice prior to any change in placement. IDEA is enforced by the U.S. Department of Education, Office of Special Education.

Section 504 requires that the school provide impartial hearings for parents who disagree with the identification, evaluation, or placement of the student, and it requires that parents have an opportunity to participate and be represented by legal counsel -- other details are left to the discretion of the school. A hearing officer is usually appointed by the school. There is no "stay-put" provision regarding change of placement. Regulations do not require that parents are notified prior to the student's change of placement, but they must be notified. Section 504 is enforced by the U.S. Department of Education, Office of Civil Rights.

Standardized Testing

Students who have an IEP or 504 Plan may be eligible for special accommodations on standardized tests such as the PSAT, SAT or ACT. However, it is not guaranteed. Documentation must be sent to the appropriate testing office for review, so it is important to request accommodations well in advance of scheduled tests. The Vice-President for Academic Affairs can offer assistance with this process.

Additional Information and Resources

For additional information, please contact:

Danny Dorsel, Vice-President for Academic Affairs

dorsel@gssm.k12.sc.us

(843) 857-4675

Chad Gunnells, Academic Success Coordinator

gunnells@gssm.k12.sc.us

(843) 383-3900 ext. 1127

There are many resources available to assist parents and students with disabilities:

Parent resources for Special Education Services posted on the SC Department of Education Website:

<https://ed.sc.gov/agency/programs-services/173/ParentResourcesonSpecialEducation.cfm>

Resources from the U.S. Department of Education, Office of Civil Rights regarding ADA/Section 504:

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

A guide to assist students with 504 plans in the transition to post-secondary education:

<http://www2.ed.gov/about/offices/list/ocr/transitionguide.html>

Resources for students with disabilities:

<https://ed.sc.gov/agency/programs-services/173/DisabilityResources.cfm>

Information from ACT about testing for students with disabilities:

<http://www.actstudent.org/regist/disab/>

Information from the College Board about testing for students with disabilities:

<https://sat.collegeboard.org/register/for-students-with-disabilities>