

501.01R1 Notice of Parent/Student Rights Under Section 504

Friday, August 11, 2023

NOTICE OF PARENT / STUDENT RIGHTS UNDER SECTION 504

The Rehabilitation Act of 1973, commonly referred to as "Section 504," is a nondiscrimination statute enacted by the United States Congress. 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.ⁱ An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having, a physical or mental impairment which substantially limits one or more major life activities such as learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Some students will be eligible for education services under both Section 504 and the Individuals with Disabilities Act (IDEA). Students who are eligible under the IDEA have many specific rights that are not available to students who are eligible solely under Section 504. It is the purpose of this Notice form to set out the rights assured by Section 504 to those disabled students who do not qualify under the IDEA.

The enabling regulations for Section 504, as set out in 34 CFR Part 104, provide parents and students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 CFR 104.32.)
2. Your child has the right to an appropriate education designed to meet his/her individual 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 except for those fees that are imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or pay for services provided to a disabled student. (34 CFR 104.33.)
4. Your child has a right to placement in the least restrictive environment. (34 CFR 104.34.)
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR 104.34.)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 CFR 104.35.)
7. Testing and other evaluation procedures must conform to the requirements (34 CFR 104.35) as to validation, administration, areas of evaluation, etc. The District shall consider information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR 104.35.)
8. Placement decisions must be made by a group of persons (i.e., Student Intervention Team and/or Central Office 504 Committee), including persons knowledgeable about your child, the meaning of the evaluation data, the placement options, and the legal requirements for least restrictive environment and comparable facilities. (34 CFR 104.35.)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR 104.36.)
10. You have the right to examine relevant records. (34 CFR 104.36.)
11. You have the right to notice prior to any action by the District in regard to the identification, evaluation, or placement of your child. (34 CFR 104.36.)
12. You have a right to an impartial hearing with respect to the District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 CFR 104.36.)

13. If you wish to challenge the actions of the District's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with your state department of education's Section 504 compliance office. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.

14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 CFR 104.36.)

15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the District's Equity and Compliance Office, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.

16. You have the right to file a complaint with the Office for Civil Rights. i

“Equal educational benefits and opportunities” does not mean the "same" benefits and/or opportunities.