

Notice of Parent and Student Rights under Section 504

Section 504 of the Rehabilitation Act of 1973 is a nondiscrimination statute enacted by the United States

Congress. Title II of the Americans with Disabilities Act is interconnected with Section 504. The purpose

of both of these laws is to prohibit discrimination and to assure that qualified, disabled students and

parents/guardians have educational opportunities and benefits, as well as participation in educational/school-sponsored

programs and access to facilities/programs equal to those provided to nondisabled students and

parents/guardians.

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 disability which is defined as a physical or mental impairment/disease/cosmetic disfigurement

which substantially limits a major life activity such as learning, self-care, walking, seeing, hearing,

speaking, breathing, working and performing manual tasks. In addition, a disability may also be physical or

mental impairment/disease/cosmetic disfigurement which limits one of the major systems of the body,

including, but not limited to the respiratory, circulatory, endocrine, and digestive systems.

Dual Eligibility: Many students will be eligible for educational services under both Section 504 and the

Individuals with Disabilities Education 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/or 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 disabled child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of nondisabled 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 nondisabled 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 nondisabled 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 with the requirements of 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 conditions, 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., the Section 504 Team), 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 104.35
10. 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
11. You have the right to examine relevant records. 34 CFR 104.36
12. You have the 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 disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. 34 CFR 104.36.
14. You also have a right to file a complaint with the Office for Civil Rights.