

## **Notice of Procedural Safeguards for Disabled Students and their Parents Under Section 504 of the Rehabilitation Act of 1973**

Section 504 of the Rehabilitation Act of 1973 is federal law written with the purpose of prohibiting discrimination against disabled persons who may participate in, or receive benefits from programs receiving federal financial assistance. In the public schools, Section 504 ensures that eligible disabled students are provided with educational benefits and opportunities comparable to those provided to non-disabled students.

Parents/guardians are provided notice of Section 504 rights on several occasions. Specifically, rights are provided to parents upon:

- request for consent to evaluate,
- termination of a Section 504 referral,
- notice of re-evaluation,
- refusal to evaluate or re-evaluate,
- refusal to review a Section 504 plan,
- notice of Section 504 planning committee meetings.

The purpose of this document is to inform parents and students of the rights granted to them under Section 504. The federal regulations that implement Section 504 are found at Title 34, Part 104 of the Code of Federal Regulations (CFR) and entitle parents of eligible students, and the students themselves, to the following rights:

- To have your child participate in, and receive benefits from public education programs without discrimination because of a disabling condition.
- To be informed about your rights under Section 504. The school district must provide you with written notice of your rights under federal law.
- To receive all information in your native language and primary mode of communication.
- To receive notice prior to the school district:
  - initiating an evaluation for your child,
  - refusing to evaluate your child,
  - making a decision as to whether your child is disabled,
  - making a decision as to what accommodations are appropriate to meet your child's educational needs.
- To agree or disagree to proposed district recommendations for evaluating your child, identifying your child as disabled, and determining accommodations.
- To have your child with a disability receive a free appropriate public education with the exception of certain costs normally also paid by the parents of non-disabled students.
- To have your child educated with students without disabilities to the maximum extent appropriate in the least restrictive environment.
- To have the school district make reasonable accommodations to allow your child with a disability an equal opportunity to participate in school and school-related activities.
- To have your child educated in facilities and receive services comparable to those provided students without disabilities.

## Notice of Procedural Safeguards under Section 504, continued

- To have evaluation, educational and service decisions regarding your child made by a group of persons knowledgeable about: your child, the meaning of the evaluation data, and possible service options.
- To have your child periodically re-evaluated:
  - to determine if there has been a change in educational need.
  - before any significant change in program/service modifications.
- To have transportation provided for your child to and from a program not operated by the school district if the district places your child in the program.
- To have your child given an equal opportunity to participate in nonacademic and extracurricular activities offered by the school district.
- To examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and services.
- To obtain copies of educational records at a reasonable cost, unless the fee would deny you access to the records.
- To receive a response from the school district to reasonable requests for explanations and interpretations of your child's records.
- To request an amendment of your child's educational records if there is a reasonable cause to believe the records are inaccurate, misleading or otherwise in violation of your child's privacy rights. If the school district refuses this request for amendment, it shall notify you within a reasonable time and advise you of your right to a hearing.
- To file a grievance over an alleged violation of Section 504 or the school district's Section 504 policy with the school district, the state board of education and/or the OCR (Office of Civil Rights).
- To request mediation or an impartial due process hearing if you wish to contest any action of the school district with regard to your child's identification, evaluation, instruction and/or services under Section 504.
- To participate personally in the impartial due process hearing, and to be represented by an attorney, if you wish to hire one. Hearing or mediation requests must be made to the District 504 Coordinator.
- To receive a record of the impartial due process hearing; to obtain written findings of fact and a written decision.
- To appeal the impartial hearing officer's decision to a court of appropriate jurisdiction.
- To ask for payment of reasonable attorney's fees if you are successful in your claim.