

504 Notice of Parent Rights

Notice of Parent and Student Rights Under Section 504

The Rehabilitation Act of 1973

The Rehabilitation Act of 1973, which includes "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 non-disabled students.

An eligible student under Section 504 is a student who has a physical or mental impairment that substantially limits a major life activity such as learning.

Dual Eligibility: Some students may be eligible for educational services under both Section 504 and the Individuals with Disabilities Education Act ("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. Parents' Rights. You have a right to be informed by the District of your rights under Section 504.
2. **(The purpose of this Notice form is to advise you of those rights.) 34 CFR 104.32.**
3. FAPE. Your child has the right to a free appropriate public education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. **34 CFR 104.33.**
4. Free Education. 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 of an otherwise valid obligation to provide or pay for services provided to a disabled student. **34 CFR 104.33.**
5. LRE. Your child has right to placement in the least restrictive environment. **34 CFR 104.34.**
6. Comparable Facilities. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. **34 CFR 104.34.**

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7. Evaluations. 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.**

8. Testing. Testing and other evaluation procedures must conform to 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 condition, social and cultural background, adaptive behavior, physical or medical reports, student grades, progress reports, parent observations, and anecdotal reports. **34 CFR 104.35.**

9. Section 504 Student Success Team. Placement decisions must be made by a group of persons, 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.**

10. Re-Evaluations. If eligible under Section 504, your child has a right to re-evaluations periodically and prior to any significant change in placement. **34 CFR 104.35.**

11. Prior Notice. 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. Records. You have the right to examine relevant records of your student. **34 CFR 104.36.**

13. Due Process Procedures. You have the right to an impartial hearing with respect to the District's action regarding your child's identification, evaluation, or educational placement, with opportunity for parental participation in the hearing and representation by an attorney.

If you disagree with the identification, evaluation, or placement of a student with disabilities under Section 504, you may initiate the following procedures. We encourage parents to use Levels One and Two in an effort to resolve issues informally, but you may go directly to Level Three.

LEVEL ONE: In writing, request a meeting with your child's Section 504 Student Study Team in an attempt to resolve the disagreement. This meeting shall be held within a reasonable period of time after receiving the parents' request.

LEVEL TWO: If disagreement continues, request in writing a meeting with the District Section 504

Coordinator: Name , Address , Phone

LEVEL THREE: If disagreement continues, or upon initial request, a parent/guardian may request in writing an impartial hearing. The steps involved in initiating and implementing a Section 504 impartial hearing follow:

- a. A request in writing for a Section 504 impartial hearing must be filed in the office of the District Section 504 Coordinator. The District must generally receive this request within thirty (30) calendar days from the parents' or guardians' receipt of written notice of the decision leading to the request for the impartial hearing. This time frame may be extended for good cause or by mutual agreement. This time frame will also be renewed upon the parents' request for and participation in a scheduled Section 504 Student Study Team meeting.
- b. The written request shall contain the following:
 - i. The specific nature of the decisions(s) made by the District with which the person disagrees.
 - ii. The specific relief the person seeks.
 - iii. Any other information the person believes will assist in understanding the request.
- c. Within a reasonable period of time following receipt of a written request for hearing, the District Section 504 Coordinator will select an impartial hearing officer.
- d. A hearing officer selected by the District must satisfy the following requirements:
 - i. Be qualified to review District decisions relating to Section 504.
 - ii. Not be an employee, or, under contract with, the District or the SELPA of which the District is a member in any capacity other than that of a hearing officer.
 - iii. Not have any professional or personal involvement that would affect his or her impartiality or objectivity in the matter.
- e. Within sixty (60) days after receipt of parent's request, the hearing shall be conducted, and a written decision mailed to all parties.
- f. Any party to the hearing shall be afforded the following rights:
 - i. The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified disabled individuals within the meaning of Section 504.
 - ii. The right to present evidence, written and oral.
 - iii. The right to written findings of fact, conclusions of law, and a decision prepared by the hearing officer.
 - iv. The right to a written or electronic verbatim record of the hearing prepared at the expense of the individual requesting such record.
 - v. The right to prohibit the introduction of evidence at the hearing that has not been disclosed to the other party or parties at least five (5) calendar days prior to the hearing, except for good cause shown.
 - vi. Receipt of notice from the other party or parties at least ten (10) calendar days prior to the hearing that they will use the services of an attorney, except for good cause shown.

- g. The hearing officer shall render a decision pursuant to the legal standards set forth in 34 C.F.R., Part 104.
 - h. Either party may seek review of the hearing officer's decision by timely filing with a court of competent jurisdiction.
 - i. Reimbursement of attorneys' fees, expert witnesses' fees, and other costs is available only as authorized by law.
14. District Level Complaints. On Section 504 matters other than your child's identification, evaluation, and placement, you may file a complaint with the District's Section 504 Coordinator who will investigate the allegations in an effort to reach a prompt and equitable resolution.
15. OCR Complaints. You also have a right to file a complaint with the Office for Civil Rights. The address of the Regional Office that covers California is:

Office of Civil Rights, U.S. Department of Education

50 United Nations Plaza

San Francisco, California 94102

(415) 486-5555

16. Suspension/Expulsion Discipline Issues.
- a. No Section 504 student may be expelled for misconduct which is caused by reason of his/her disability, or was a result of inappropriate accommodations and/or modifications.
 - b. When suspension results in a period of more than 10 consecutive school days, or a series of suspensions that creates a pattern each of which is 10 or fewer days in duration, totaling more than 10 school days, the Section 504 Student Success Team will convene to determine whether the misconduct was caused by the student's disability.
 - c. When expulsion is being considered, the Section 504 Student Success Team will convene. The parent/guardian will be given at least 48 hours notice of the meeting. The Section 504 Student Success Team will determine whether the misconduct was caused by the student's disability.
 - d. If the parent/guardian disagrees with the Team's determination, he/she may appeal that determination under the procedures outlined in Step 12, above.

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- e. A parent or guardian's disagreement with the Team's determination or their request for an impartial hearing shall not preclude the District from proceeding with an expulsion or suspension of more than 10 days, if the Team has determined that the student's misconduct was not caused by the student's disability or by inappropriate accommodations and/or modifications.

REMINDER: The procedural safeguards outlined in this Notice apply only to students or their parents/guardians making claims under Section 504. Students or their parents/guardians making claims under the IDEA must follow IDEA procedures.

Parent/Guardian rights have been explained and a copy received.

Parent/Guardian Signature:

Date: