

# Section 504

## Eligibility

## Determination

Section 504 of the Rehabilitation Act of 1973 protects students with disabilities from discrimination based on their disabilities. The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability.

Your child may be eligible for services under Section 504 of the Rehabilitation Act of 1973. You have the right to request a Section 504 eligibility determination meeting by contacting your School's designated Section 504 Chairperson or the District's Section 504 Coordinator. Parents of children diagnosed with or suspected of having any type of anxiety disorder, Attention Deficit Disorder, i.e. impulsive, attentive or hyperactive, or other disabilities, who, in the past, were determined to be ineligible under Section 504 or the Individuals with Disabilities Act (IDEA), are not precluded from requesting a Section 504 meeting or individualized education program (IEP) meeting to discuss current eligibility.

Parents and/or Students have the following rights and procedural safeguards under Section 504:

1. **Application.** Section 504 protections apply to preschool, elementary, secondary and adult school programs or activities that receive federal financial assistance and to the recipients of said federal financial assistance for the operation of such programs and activities.
2. **Parents' Rights.** You have a right to be informed by the District of your rights under Section 504, including notification of the applicable procedure when a parent or guardian disagrees with a decision regarding the identification, evaluation, or placement or wishes to submit a complaint alleging discrimination or harassment of a student based on his or her actual or perceived disability.
3. **FAPE.** If eligible under Section 504, 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.
4. **Free Education.** If eligible under Section 504, your child has the right to free educational services except for those fees that are imposed on non-disabled students or their parents. If the District refers your child for aide, benefits or services by an entity not operated by the District it may be required to incur the cost of said aide, benefit or service, including the cost of transportation. Insurers and similar third parties are not relieved of an otherwise valid obligation to provide or pay for services provided to a disabled student.
5. **Academic Setting.** Your child has a right to be educated with non-disabled students and have an opportunity to participate in school and school-related activities to the maximum extent appropriate. 34 C.F.R. Section 104.34

6. Comparable Facilities. If eligible under Section 504, your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students.
7. Evaluations. Your child has a right to an evaluation prior to an initial Section 504 placement and prior to any subsequent significant change in placement.
8. Evaluation Procedures. Testing and other evaluation procedures must conform to the requirements of 34 C.F.R. Section 104.35 as to validation and administration, to ensure that they assess specific areas of educational need and are administered by trained and knowledgeable personnel.
9. Placement. Placement decisions must be made by a group of persons, including persons knowledgeable about your child, drawing upon evaluation data from a variety of sources, which is documented and reviewed to consider the placement options and the legal requirements in conformity with the FAPE, least restrictive environment and comparable facilities requirements.
10. Re-evaluations. If eligible under Section 504, your child has a right to periodic re-evaluations prior to any significant change in placement.
11. Notice. You have the right to receive notice as to yours and your child's rights as they pertain to the right to examine records, the right to an impartial hearing, the right to be represented by counsel, and the right to a review procedure concerning any decisions made on behalf of your child.
12. Nonacademic Services. Your child has the right to an equal opportunity to participate in extracurricular activities such as, counseling, athletics, recreation, and special interest groups or clubs. 34 C.F.R. Section 104.39.
13. Records. You have the right to examine relevant educational records of your child.
14. Due Process Procedures. You have the right to request an impartial due process 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.
15. Periodic Review. If eligible under Section 504, your child has a right to a periodic review of his or her Section 504 plan. Such meetings generally occur one time per year. However, if you, a teacher, or the Section 504 team believes that changes may be necessary to effectuate your child's educational program, you or these persons may request a Section 504 Plan meeting. The meeting shall be held within a reasonable period of time after receiving the request.
16. Pre-disciplinary Considerations. If eligible under Section 504, your child has the right to a pre-disciplinary determination as to whether any misconduct was a manifestation of his or her disability.