

SECTION 504 Prior Written Notice



NAME:

DATE OF BIRTH:

SCHOOL:

AGE:

DATE:

GRADE:

This is to notify you of the District's action regarding your student's educational program.

1. Description of the action:

- ☐ Refusal to Consent to 504 Evaluation
- ☐ Initial 504 Evaluation
- ☐ Ineligible for 504 Plan
- ☐ Development of 504 Plan
- ☐ 504 Review
- ☐ 504 Reevaluation
- ☐ Change of 504 Services
- ☐ 504 Issues/meetings where the parent(s) disagree with the District
- ☐ Other:

2. An explanation of why the School District is taking the action described above:

3. A description of any other options the School District considered and the reasons/data why those options were rejected:

4. A description of each evaluation procedure, test, record or report the School District used as a basis for the proposed or refused action:

5. Other factors that are relevant:

6. Provision of procedural safeguards:

As a parent of a child with a suspected or identified disability, you have procedural safeguard protections. Please contact me if you have any questions about the action(s) described above, your rights, as described in the **Notice of Section 504/ADA Procedural Information and Rights**, or other related concerns.

Name : _____

Signature: _____

Title: _____

School District: _____

Telephone: _____

Enclosure: Notice of Section 504/ADA Procedural Information and Rights

NOTICE OF SECTION 504/ADA PROCEDURAL INFORMATION and RIGHTS



What is Section 504?

Section 504 of the Rehabilitation Act of 1973, 29 USC 794, as amended by the ADA Amendments Act of 2008 (hereinafter "Section 504"), is Congress' directive to schools receiving any Federal funding to eliminate discrimination based on disability from all aspects of their school operations. It states: "No otherwise qualified individual with a disability shall solely by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Since the School District is a recipient of Federal dollars, its administrators and staff are required to provide eligible disabled students with equal access (both physical and academic) to services, programs, and activities offered by its schools. Section 504 is a civil rights statute and not a special education statute.

How can I refer my child to determine 504 Eligibility?

If you suspect that your child is "disabled" under Section 504/ADA, contact your child's teacher, school counselor, or building principal. School personnel will contact you to document your concerns. After the evaluation is complete, a meeting will be scheduled to determine if your child has a "disability." You have the right to meaningfully participate in the process and provide input, even if you cannot attend the meeting in person.

Does Section 504 differ from the ADA?

Section 504 protects students from discrimination on the basis of disability to the same extent as the Americans with Disabilities Act (ADA). This manual uses only the term "Section 504," but the School acknowledges that qualified students with disabilities have the same rights under the ADA as under Section 504.

What criteria are used to determine 504 eligibility?

A student qualifies for Section 504 protection if s/he is determined to be an individual with a disability as defined by the statute. Specifically, the student must have a physical or mental impairment that substantially limits one or more major life activities, or have a record of such an impairment, or be regarded as having such an impairment. Only those students with an actual impairment, however, are entitled to accommodations/modifications/interventions pursuant to Section 504. Those students with a record of an impairment or who are regarded as having an impairment are entitled to protection from discrimination based upon disability.

Major life activities include, but are not limited to, functions such as (a) caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, learning, and (b) the operation of major bodily functions including the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

How does Section 504 differ from IDEA?

A student who qualifies for special education services under the Individuals with Disabilities Education Act (IDEA), 20 USC 1400, is a qualified disabled student under Section 504. The converse, however, is not true: a qualified disabled student under Section 504 is not necessarily eligible for services under the IDEA. In other words, some disabled students may qualify for accommodations under Section 504 that do not qualify for special education services under IDEA. If a student is determined eligible under Section 504, they are entitled to receive a free appropriate public education (FAPE), which typically is provided by a 504 accommodation plan. Any necessary accommodations/modifications/interventions must be delineated in a Section 504 Plan. Any questions regarding IDEA should be directed to the Special Education Department.

SECTION 504 PROCEDURAL INFORMATION and RIGHTS (continued)

Below is a description of the rights granted by Federal law to individuals with disabilities. It is the intent of the District, pursuant to Section 504 as set out in 34 C.F.R. Part 104, to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of those decisions.

- A. Have your child take part in, and receive benefits from public education programs without discrimination because of his/her disability;
- B. Have the School District advise you of your rights under Federal law; (1) when evaluations are conducted, (2) when consent for an evaluation is withheld, (3) when eligibility is determined, (4) when a Section 504 Plan is developed, and (5) before there is significant change in the Plan. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32)
- C. Receive written notice of any decision regarding the identification, evaluation, or educational placement of your child;
- D. Your child has the right to a free appropriate public education (FAPE), including provision of regular or special education and related aids and services that are designed to meet his/her individual needs as adequately as the needs of non-disabled students are met. (34 C.F.R. 104.33)
- E. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 C.F.R. 104.34)
- F. 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 C.F.R. 104.33)
- G. Your child has a right to an evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. (34 C.F.R. 104.35)
- H. Testing and other evaluation procedures must conform to the requirements (34 C.F.R. 104.35) as to validation, administration, areas of evaluation, etc. The school 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 C.F.R. 104.35)
- I. 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 C.F.R. 104.35)
- J. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36)
- K. Obtain, at your own expense, an independent educational evaluation of your child;
- L. Place your child in a private school or alternative educational program; However, if the District makes a FAPE available to your child and nevertheless you choose to place your child elsewhere, the District is not required to pay for your child's education at the private school or alternative educational program, including any costs associated with related transportation.
- M. Have your child transported in a non-discriminatory manner;
- N. Examine all relevant education records, including, but not limited to, those documents related to decisions regarding your child's identification, evaluation, educational program, and placement; (34 C.F.R. 104.36)
- O. Request amendment of your child's education records if there is reasonable cause to believe that information contained in the record(s) is inaccurate, misleading or otherwise in violation of the privacy rights of your child; If the School District refuses to amend the record(s), you have the right to request a hearing and/or to attach to the record(s) a statement of why you disagree with the information it contains.
- P. Request mediation or an impartial due-process hearing related to decisions or actions concerning your child's identification, evaluation, and/or educational program or placement, with opportunity for parental participation in the hearing and representation by an attorney. (34 C.F.R. 104.36) Hearing requests must be made to the District 504 Compliance Officer.
- Q. File an internal complaint;
- R. File a complaint with the U.S. Department of Education's Office for Civil Rights;
- S. Complaints, including complaints of disability-based harassment and requests for due process hearings, must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or requests for a hearing, and offer possible solutions to the dispute. Complaints must be filed with the District Section 504/ADA Compliance Officer.