



NOTICE OF PARENT/STUDENT RIGHTS AND PROCEDURAL SAFEGUARDS UNDER SECTION 504

The Rehabilitation Act of 1973, 29 USC 794, commonly referred to as "Section 504," is a non-discrimination statute enacted by the United States Congress. The purpose of the Act is to prohibit discrimination and to assure that students with a disability have educational opportunities and benefits equal to those provided to non-disabled students.¹

An eligible student under Section 504 is a student who has, or has a record of having, or is regarded as having, a physical or mental impairment which substantially limits one or more major life activities, including but not limited to such activities as learning, concentrating, thinking, eating, self-care, walking, standing, lifting, bending, seeing, hearing, speaking, communicating, breathing, working, and performing manual tasks. A major life activity also includes the operation of a major bodily function, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. If a student has a physical or mental impairment which substantially limits one or more major life activity, such student is entitled to receive a free appropriate public education.

Dual Eligibility: Some students will be eligible for education 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 to set out the rights assured by Section 504 to those students with a disability who do not qualify under the IDEA.

The enabling regulations for Section 504 as set out in 34 C.F.R. Part 104 provides parents and/or eligible students with the following rights:

1. You have the right to be informed by the School of your rights under Section 504. (The purpose of this Notice form is to advise you of those rights.) (34 C.F.R. 104.32)
2. Your child has the right to a free appropriate public education, 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)
3. 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 student with a disability. (34 C.F.R. 104.33)
4. 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)
5. Your child has a right to placement in the least restrictive environment. (34 C.F.R. 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 C.F.R. 104.35)

¹ Equal educational benefits and opportunities does not necessarily mean the "same" benefits and/or opportunities. Section 504 prohibits provision of different aid, benefits or services to persons with disabilities unless such action is necessary to provide qualified persons with disabilities with aid, benefits or services that are as effective as those provided to others. See 34 C.F.R. § 104.4(b)(1)(iii).

7. Testing and other evaluation procedures must conform to the requirements of {34 C.F.R. 104.35} as to validation, administration, areas of evaluation, etc. The School 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)
8. 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)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 C.F.R. 104.36)
10. You have the right to examine relevant records. (34 C.F.R. 104.36)
11. You have a right to notice of any action by the School in regard to the identification, evaluation, or placement of your child. (34 C.F.R. 104.36)
12. You have a right to an impartial hearing with respect to the School'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 C.F.R. 104.36)
13. If you wish to challenge the actions of the School's 504 Committee in regard to your child's identification, evaluation, and education placement, you should file a written request for a hearing with the NHA Director of Special Education. A hearing will be scheduled before an impartial hearing officer and you will be notified in writing of the date, time, and place for the hearing.
14. If you disagree with the decision of the impartial hearing officer, you have a right to review of that decision by a court of competent jurisdiction. (34 C.F.R. 104.36)
15. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a discrimination complaint with the School's Section 504 Coordinator or other appropriately identified investigator, who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
16. You have the right to file a complaint at any time with the Office for Civil Rights, U.S. Department of Education, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO 80204. Telephone # (303) 844-5695; Facsimile # (303) 844-4303; Email Address: OCR.Denver@ed.gov.

*Include Section 504 Frequently Asked Questions with this notice [**Form P**]