

Instruction

Exhibit - Notice to Parents/Guardians Regarding Section 504 Rights

On District letterhead.

Date:

Dear Parent/Guardian:

Re: Section 504 Rights

Section 504 of the Rehabilitation Act of 1973, commonly referred to as *Section 504*, is a nondiscrimination statute enacted by the U.S. Congress. The Act's purpose is to: (1) protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Dept. of Education (ED), and (2) ensure 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 record of having, or is regarded as having, a *physical or mental impairment* which substantially limits a *major life activity* as defined by 34 C.F.R. §104.3.

This notice describes the rights ensured by Section 504 to those disabled students who do not qualify for special education and related services under the Individuals With Disabilities Education Act (IDEA). The intent of this notice is to keep you fully informed concerning decisions about your student and to inform you of your rights if you disagree with any decisions in reference to Section 504.

Please keep this explanation for future reference.

Parents/Guardians and/or students have the right to:

1. Be informed by the School District of your rights and procedural safeguards under Section 504 in an understandable language. 34 C.F.R. Part 104. The purpose of this notice is to advise parents/guardians and/or students of these rights.
2. A free appropriate public education designed to meet a student's individual educational needs as adequately as the needs of non-disabled students are met. 34 C.F.R. §104.33.
3. Free educational services except for those fees that are imposed on non-disabled students or their parents/guardians. 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.
4. A placement in the least restrictive environment. 34 C.F.R. §104.34.
5. Facilities, services, and activities comparable to those provided for non-disabled students. 34 C.F.R. §104.34.
6. An evaluation prior to an initial Section 504 placement and any subsequent significant change in placement. 34 C.F.R. §104.35.
7. Testing and other evaluation procedures conforming to the requirements of 34 C.F.R. §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 conditions, social and cultural background, adaptive behavior,

physical or medical reports, student grades, progress reports, parent/guardian observations, anecdotal reports and standardized test scores. 34 C.F.R. §104.35.

8. Placement decisions made by a group of persons, i.e., a Section 504 committee, including the parent(s)/guardian(s) and persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements for the least restrictive environment and comparable facilities. 34 C.F.R. §104.35(c).
9. Periodic reevaluation of students who have been provided special education and related services. 34 C.F.R. §104.35(d).
10. A notice prior to any action by the District in regard to the identification, evaluation, or placement of the student. 34 C.F.R. §104.36.
11. Examine relevant records. 34 C.F.R. §104.36.
12. An impartial hearing regarding the student's identification, evaluation, or educational placement including an opportunity for parental participation in the hearing and representation by an attorney, and a review procedure. 34 C.F.R. §104.36.

[Insert details regarding the district's hearing and review procedures.]

13. File a grievance under Board policy 2:260, *Uniform Grievance Procedure*, regarding any complaints that allege action prohibited by Section 504.
14. File a complaint with the District's Section 504 coordinator or designee concerning Section 504 matters other than your student's identification, evaluation and/or placement. The Section 504 coordinator or designee will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. File a complaint with the Office of Civil Rights. The Illinois regional Office of Civil Rights is located in Chicago at:

Chicago Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 West Madison Street, Suite 1475
Chicago, IL 60661
Phone: 312/730-1560
Fax: 312/730-1567
TDD: 877/521-2172
Email: OCR.Chicago@ed.gov

If you would like more information about the differences between Section 504 and IDEA, see *Protecting Students with Disabilities FAQ about Section 504 and the Education of Children with Disabilities*, available at: www2.ed.gov/about/offices/list/ocr/504faq.html.

Sincerely,

Superintendent

ADOPTED: August 2018