

Procedural Safeguards Notice Section 504 of the Rehabilitation Act of 1974 (v1)

Section 504

Section 504 covers qualified students with disabilities who attend schools receiving Federal financial assistance. To be protected under Section 504, a student must be determined to (1) have a physical or mental impairment that substantially limits one or more major life activities, (2) have a record of such an impairment, or (3) be regarded as having such an impairment. Section 504 requires that school districts provide free appropriate public education (FAPE) to qualified students in their jurisdictions with a physical or mental impairment substantially limiting one or more major life activities.

It is important that you understand that a parent or person in a parental relationship has the following legal rights according to Section 504 of the Rehabilitation Act of 1973.

Referral and Evaluation Process

Any student who needs or is believed to need special accommodations, related services, or programs under Section 504 of the Rehabilitation Act of 1973 may be referred to the Section 504 Committee for evaluation. All school districts are mandated to have a Section 504 Committee.

The Section 504 Committee shall be composed of persons knowledgeable about the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options.

The student's parent or person in a parental relationship shall be notified of the Section 504 Committee meeting at least 5 calendar days before the meeting and shall be invited to participate in the meeting.

The Section 504 Committee shall consider all relevant information on the student to determine whether he or she is disabled under Section 504. Information may include reports from physicians, observations from parents, teachers, and school personnel, results from standardized tests, etc.

The Section 504 Committee has the responsibility to refer a student to the Committee on Special Education if it is felt that the student may have an educational disability, which may be more appropriately addressed by the Committee on Special Education.

Accommodation Plan

The Section 504 Committee shall determine whether the student is disabled under Section 504 and, if so, develop a written educational plan describing what accommodations, services, or programs will be provided to meet the student's needs. The student's parent or person in a parental relationship shall be notified in writing of the Section 504 Committee's determination and recommendations.

Review of the Student's Evaluation and Plan

The Section 504 Committee shall periodically review the student's evaluation and plan. In addition, prior to any significant change in the plan, a review or reassessment of the student's needs shall be conducted.

Procedural Safeguards

The parent or person in a parental relationship shall be notified in writing of any district decision concerning a student's identification, evaluation, and placement.

The parent or person in a parental relationship shall have the right to examine the student's records.

Parents or persons in parental relationships who disagree with the identification, evaluation, or placement of a student with disabilities shall have the right to request an impartial due process hearing. The request for a hearing shall be made in writing within thirty days of receipt of the Section 504 Committee's determination. The request shall state the reasons the hearing is being requested and be sent to the chairperson of the Section 504 Committee.

The parent or person in the parental relationship shall be allowed to participate and be represented by counsel at the due process hearing.

If an impartial due process hearing is to be held under the Individuals with Disabilities Education Act (IDEA)

concerning issues relevant to the Section 504 proceeding, a hearing officer qualified to conduct IDEA proceedings may consider Section 504 issues at the impartial hearing. The issues under IDEA and Section 504 shall be separately addressed in the hearing decision.

The parent or person in the parental relationship shall be notified in writing of the hearing officer's decision. The school district or parent or person in the parental relationship may seek review of the decision of the Section 504 hearing officer by the Commissioner of Education or the State Review Officer, as appropriate, and by a federal court of competent jurisdiction.

Procedures to Follow at the Hearing

A Section 504 due process hearing may be called at the request of the school district or a parent or person in the parental relationship. The proceedings shall be presided over and decided by an impartial hearing officer. Requests for a due process hearing must be submitted in writing to the district. Parents or persons in a parental relationship shall be notified of the hearing at least 7 days before the hearing date. The notice shall contain:

- A statement of time, place, and nature of the hearing;
- A statement of the legal authority and jurisdiction under which the hearing is being held;
- A statement of the matters asserted;
- A statement of the right to be represented by counsel; and
- A Statement of the right to examine relevant records. All communication to the parent or person in a parental relationship shall be in English or the native language or mode of communication of the parent or person in a parental relationship. At the hearing, each party shall have an opportunity to present relevant information and outside expert testimony. A copy of the hearing officer's decision shall be delivered to the school district and the parent or person in parental relationship within 45 days following completion of the hearing. The hearing officer's decision is binding on all parties involved; it is subject to review by the Commission of Education or the State Review Officer, as appropriate, and by a federal court of competent jurisdiction.